

TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

May 18, 2011
7:00 p.m. – 9:16 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Vice-Chairperson Geise.

Roll:	<u>Town Board</u>	
	Chairperson Luebke	ABSENT (Excused)
	Supervisor Lettau	PRESENT
	Supervisor Grundman Erdmann	PRESENT
	Supervisor Schmidt	PRESENT
	Supervisor Geise	PRESENT
Roll:	<u>Staff</u>	
	Administrator Johnston	PRESENT
	Clerk Nester-Huebner	PRESENT
	Treasurer Bowen	PRESENT
	Public Works Foreman Pamerter	PRESENT
	Town Engineer Bartz	PRESENT

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – May 4, 2011
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from May 4, 2011, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters

- A. No open forum items.

IV. Correspondence

- A. State of Wisconsin
 - 1. Department of Transportation – Public Hearing for Future Freeway Design of US 10, US 45
- B. Winnebago County
 - 1. County Clerk – Prosser Recount Letter to the Editor

V. Discussion Items (No action will be taken.)

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, present: no items to report
- B. Winnebago County Sheriff's Dept. – No Deputy present: Melanie Blechl (3006 CTH II, Neenah) motorcycles and many cars are not following the 45 MPH speed limit both directions, people are also not stopping for the school bus when it picks up children in this area
- C. Clayton-Winchester Fire Chief Report – Fire Chief Mathison present/not present: 34 calls year-to-date, Department Fund Raiser on May 21st, 2011.
- D. Administration Comments –

Vice-Chairperson Geise: Communication from U.S. Senator Mike Ellis regarding the lighted stop sign at the intersection Larsen Road and STH "76"

Town Administrator: Starting to work on a number of drainage issues throughout the Town, MCC has begun work in Emerald Valley I and II, High Point Estates delayed because we need to address some drainage issues

Clerk: Clarification of the WI Dept. of Transportation communication regarding the Open house public hearings – per D.O.T. clarification these open house public hearings are for freeway designations; received Winnebago County April recycling tonnage report

Public Works Foreman: Replacing some culvert endwalls, working on some ditching issues to get them to drain, working on timeline with Westridge for ditch work

The Town Board unanimously agreed to skip Section VI (Zoning) until Plan Commission Chair Knapinski arrives and Address Section VII (Licenses) next.

VII. Licenses

A. **Discussion / Action** – Consideration and approval of Operator Licenses:

- New – Lisa M. Clark
- New – Heather M. Ledbury

MOTION: (Schmidt, Grundman Erdmann) Approve Operator License for Lisa M. Clark.
CARRIED by 4-0 voice vote.

MOTION: (Schmidt) Approve Operator License for Heather M. Ledbury.
FAILED for lack of second.

B. **Discussion / Action** – Consideration and approval of Fireworks Permit:

- Fireworksfree.com (Contact: Chuck Krause); Location: 8616 State Road 76, Neenah, WI 54956

Present: Chuck Krause

MOTION: (unanimous consent) Approve Fireworks Permit for the sales of fireworks for Fireworksfree.com (Contact: Chuck Krause); Location: 8616 State Road 76, Neenah, WI 54956.
CARRIED.

The Town Board unanimously agreed to address Section VIII (Business) Item F next and continue forward in the agenda until Plan Commission Chair Knapinski arrives.

VIII. Business

F. **Discussion / Action** – Town Board review and consideration of the Town’s participation in a CY 2011/12 salt purchase with the State Department of Transportation.

The Town Board received a copy of correspondence from the State Department of Transportation relative to the issue. In an attempt to save money, the State is going to bid for CY 2011/2012 salt purchases in early May of CY 2011. The DOT has indicated that in order to participate in the bidding process, the Town would have to agree to participate and have the required quantities by late April of CY 2011.

Town staff has included the Town’s projected salt needs in the attached documents. The Board will need to retroactively approve the quantities and authorize participation in the process at that meeting. The Administration believes that purchasing salt on the State bid is the most efficient way to acquire the product. Funding for the purchase will come from the Town’s CY 2011 and CY 2012 General Fund, Operating Expenses, Salt Purchase Line Item.

MOTION: (Lettau, Grundman Erdmann) Proceed with the salt purchase with the State Department of Transportation for CY 2011/2012 for the following quantities:

- Guarantee delivery of 200 tons by November 11, 2011
- Guarantee delivery of 200 tons by April 30, 2012
- Reserve an optional 100 tons for delivery between November 11, 2011, and April 30, 2012.

CARRIED by 4-0 voice vote.

The Town Board unanimously agreed to address Section VI (Zoning) next as Plan Commission Chair Knapinski has arrived, and then continued to address the items for the remainder of the agenda in order.

VI. Zoning – Receipt of Information from Plan Commission

Plan Commission Chair Knapinski presented a brief overview of the meeting.

A. Certified Survey Map (CSM) for Milton Westphal, 1455 Baytree Lane, Neenah, WI 54956, and Alan & Melanie Blechl, 3006 County Road “II”, Neenah, WI 54956, for property located north of 2990 County Road “II”, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID #006-0391, and #006-0391-04, specifically known as: All of Lot 1 of Certified Survey Map 1997, and all of Lot 1 of Certified Survey Map 6147, Being Part of the Northeast ¼, Northwest ¼, Southwest ¼, and Southeast ¼ of the

Southeast ¼ of Section 14, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

- B. Certified Survey Map (CSM) for Mary Alice Eisch (Trustee), 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID#006-0696-03, a portion of 006-0695, and a portion of 006-0696, specifically known as Part of Lot 2 of Certified Survey Map 3514, All of Lot 1 of Certified Survey Map 6405 and Being Located in the Southeast ¼ of the Southeast ¼ of Section 27 and all of the Southwest ¼ of the Southeast ¼ of Section 27, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County.
- C. Conditional Use Application for a Variance from the strict interpretation of Section 17.04 (3)(b)(4) “Yards” of the County Zoning Ordinance, to be allowed to construct an attached garage having a substandard shore yard setback, for Robert and Linda Kinderman, 3497 West Shady Lane, Neenah WI 54956, in the Town of Clayton, Tax ID#006-0276-01, specifically known as Part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County.
- D. Review of Outagamie County’s Airport Zoning Overlay process and draft Matrix.
- E. A request by the Town of Greenville to have the Clayton Town Board consider approval of Draft Resolution 2011-008: A Resolution Requesting that the Purchase of Development Rights be included in the Outagamie County Airport Overly District Ordinance.
- F. Review of Winnebago County Zoning Code update process.
- G. A request by Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town.
- H. Direction to staff regarding update of the Town’s Sub-division Ordinances and Policies.

MOTION: (Schmidt, Lettau) Accept the Plan Commission report as presented.
CARRIED by 4-0 voice vote.

VIII. Business

- A. **Discussion / Action** – Town Board review and consideration of a Plan Commission recommendation of a Certified Survey Map (CSM) for Milton Westphal 1455 Baytree Lane, Neenah, WI 54956, and Alan & Melanie Blechl, 3006 County Road “II”, Neenah, WI 54956, for property located north of 2990 County Road “II”, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID # 006-0391, and 006-0391-04, specifically known as: All of Lot 1 of Certified Survey Map 1997, and all of Lot 1 of Certified Survey Map 6147, Being Part of the Northeast ¼. Northwest ¼, Southwest ¼, and Southeast ¼ of the Southeast ¼ of Section 14, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Present: Melanie Blechl

Application Information:

Applicant: Milton Westphal and Alan & Melanie Blechl

Property Owners: Milton Westphal, 1455 Baytree Lane, Neenah, WI 54956
Alan & Melanie Blechl, 3006 County Road “II”, Neenah, WI 54956

Consultant: Andrew J. Shie, Wisconsin Registered Land Surveyor
Fox Valley Land Surveying, 2909 West Tillman Street, Appleton, WI 54914

Prepared for: Milton Westphal, 1455 Baytree Lane, Neenah, WI 54956

Staff Comments on the CSM:

The proposed CSM creates three out of the two original parcels of land (Tax ID #006-0391, and Tax ID #006-0391-04). The purpose of the proposed CSM is to divide Tax ID #006-0391 and create two parcels of land that are presumably going to be gifted to family members. The reason for including Tax ID #006-0391-04 is to dedicate the additional right-of-way for CTH”II”. Access to Lots 1 and 2 of the proposed CSM is through a future road to be constructed between the subject properties and the Town-owned land to the east (see CSM).

Staff Comments on Lot Access:

Based upon the proposed CSM, the properties are to remain as individual parcels and Lots 1 and 2 would require the construction of the proposed road. Alternatively, Lot 1 and Lot 3 could be consolidated with access directly from CTH"II". The proposed CSM is in compliance with the County's Code of Zoning Ordinances and the Town's Comprehensive Plan.

Staff Comments on Zoning Issues:

Based upon the current and proposed uses, the existing zoning of the properties is consistent with the existing uses. Any change in use could potentially require that the properties be re-zoned to the appropriate zoning district.

The Plan Commission recommends approval of the proposed CSM subject to the following conditions:

1. Dedication of the property identified as (DEDICATED TO THE PUBLIC) on the survey to the County as part of a Right-Of-Way for CTH"II".
2. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

Commented on this item: Melanie Blechl (3006 CTH II, Neenah)

MOTION: (Grundman Erdmann, Schmidt) Recommend approval of the Certified Survey Map (CSM) for Milton Westphal 1455 Baytree Lane, Neenah, WI 54956, and Alan & Melanie Blechl, 3006 County Road "II", Neenah, WI 54956, for property located north of 2990 County Road "II", Neenah, WI 54956, in the Town of Clayton, and described as Tax ID # 006-0391, and 006-0391-04, specifically known as: All of Lot 1 of Certified Survey Map 1997, and all of Lot 1 of Certified Survey Map 6147, Being Part of the Northeast ¼. Northwest ¼, Southwest ¼, and Southeast ¼ of the Southeast ¼ of Section 14, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, subject to the following conditions:

1. Dedication of the property identified as (DEDICATED TO THE PUBLIC) on the survey to the County as part of a Right-Of-Way for CTH"II".
2. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

CARRIED by 4-0 voice vote.

- B. **Discussion / Action** – Town Board review and consideration of a Plan Commission recommendation of a Certified Survey Map (CSM) for Mary Alice Eisch (Trustee), 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID# 006-0696-03, a portion of 006-0695, and a portion of 006-0696, specifically known as Part of Lot 2 of Certified Survey Map 3514, All of Lot 1 of Certified Survey Map 6405 and Being Located in the Southeast ¼ of the Southeast ¼ of Section 27 and all of the Southwest ¼ of the Southeast ¼ of Section 27, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County.

Application Information:

Site Location: 3346 Oakridge Road, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID# 006-0696-03, a portion of 006-0695, and a portion of 006-0696, specifically known as Part of Lot 2 of Certified Survey Map 3514, All of Lot 1 of Certified Survey Map 6405 and Being Located in the Southeast ¼ of the Southeast ¼ of Section 27 and all of the Southwest ¼ of the Southeast ¼ of Section 27, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County

Applicant: Lawrence C. Kriescher

Property Owners: Mary Alice Eisch, 5345 Ann Street, Larsen, WI 54947

Consultant: L.C. Kriescher and Associates, LLC, 140 West Main Street, P.O. Box 14, Winneconne, WI 54986

Prepared for: Mary Alice Eisch, 5345 Ann Street, Larsen, WI 54947

Staff Comments on the CSM:

1. The proposed CSM attaches a portion of Tax ID # 006-0696 and a portion of # 006-0695 to Tax ID # 006-0696-03 to create a single Lot known as Lot 1 of the proposed CSM. Lot 1 of the

- proposed CSM contains the farm structures from the agricultural property on approximately 17.665 acres of land.
- 2. Lot 2 of the proposed CSM consists of approximately 32.95 acres and is the remnant parcel of Tax ID # 006-0695.
- 3. The reconfigured Lot 1 of the proposed CSM is being purchased by Beaming, Inc., a 501(c)(3) to be used as a rehabilitation facility for individuals with traumatic brain injuries using horses for part of the rehabilitation process.
- 4. The CSM dedicates approximately 1.179 acres (1554.90-feet X 33.00-feet) of land to the Public as the northern portion of the 66-foot right-of-way of Oakridge Road.

Lot Access:

Access to the property for the housing unit and the farm buildings will be from the principal access point to the property. One of the two field access points will remain for the purpose of accessing the farm structures with farming and other heavy equipment.

Plan Commission Recommendations:

The Plan Commission recommends approval of the proposed CSM subject to the following conditions:

- 1. Dedication of the property identified as (AREA DEDICATED TO THE PUBLIC) on the survey to the Town as part of a 33-foot road Right-Of-Way on Oakridge Road.
- 2. Documentation of the approval of the proposed CSM by any overlying unit of government with jurisdiction.
- 3. Payment of any CSM approval fees owed to the Town.

MOTION: (Schmidt, Grundman Erdmann) Recommend approval of the Certified Survey Map (CSM) for Mary Alice Eisch (Trustee), 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road, Neenah, WI 54956, in the Town of Clayton, and described as Tax ID# 006-0696-03, a portion of 006-0695, and a portion of 006-0696, specifically known as Part of Lot 2 of Certified Survey Map 3514, All of Lot 1 of Certified Survey Map 6405 and Being Located in the Southeast ¼ of the Southeast ¼ of Section 27 and all of the Southwest ¼ of the Southeast ¼ of Section 27, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County, subject to the following conditions:

- 1. Dedication of the property identified as (AREA DEDICATED TO THE PUBLIC) on the survey to the Town as part of a 33-foot road Right-Of-Way on Oakridge Road.
- 2. Documentation of the approval of the proposed CSM by any overlying unit of government with jurisdiction.
- 3. Payment of any CSM approval fees owed to the Town.

CARRIED by 4-0 voice vote.

- C. **Discussion / Action** – Town Board review and consideration of a Plan Commission recommendation of a Conditional Use Application for a Variance from the strict interpretation of Section 17.04 (3)(b)(4) “Yards” of the County Zoning Ordinance, to be allowed to construct an attached garage having a standard shore yard setback, for Robert and Linda Kinderman, 3497 West Shady Lane, Neenah WI 54956 in the Town of Clayton Tax ID# 006-0276-01, specifically known as Part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County.

Present: Robert Kinderman

Application Information:

Site Location: The property is located at 3497 West Shady Lane, Neenah WI 54956, in the Town of Clayton Tax ID# 006-0276-01, specifically known as Part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County.

Applicant: Robert and Linda Kinderman

Property Owner: Robert and Linda Kinderman, 3497 West Shady Lane, Neenah, WI 54956

Prepared for: Robert and Linda Kinderman, 3497 West Shady Lane, Neenah, WI 54956

Application Details:

The petitioner has applied for a Variance from the strict interpretation of Section 17.04 (3)(b)(4) “Yards” of the County’s Zoning Code of Ordinances (see attached). The variance is for the construction of an attached garage having a substandard setback from an intermittent stream in the property’s back yard. The property is located at 3497 West Shady Lane, Neenah WI 54956 in the Town of Clayton.

Specifically, the applicants would like to remove an existing garage and build a new 22-foot by 36-foot garage, attached to the existing home. The existing detached garage on the property is set back approximately 14 feet from the south property line and approximately 36 feet from the intermittent stream. The proposed new garage will be set back approximately 26 feet from the property line and approximately 50 feet from the intermittent stream. The end result of the project will be an approximately 53-foot setback from the intermittent stream.

Property (Site) Details:

The property is located at 3497 West Shady Lane, Neenah WI 54956, in the Town of Clayton. The property is owned by Robert and Linda Kinderman. The property consists of approximately .93 acres of land with an intermittent stream adjacent to the back yard (see site plans and aerial view).

Exceptional or Extraordinary Circumstances:

The hardship claimed is the presence of the intermittent stream at the rear of the property. The stream runs the distance of the south property line leaving the property owner with few choices of where to build a garage, whether attached or detached (see aerial photo).

Hardship Claimed:

The detached garage is in poor condition with a slab that is in a state of disrepair. Without the proposed variance the garage will eventually need to be removed. This action will leave the property owners with little choice but to use outdoor storage for their yard equipment and motor vehicles.

Adverse Effects of Granting a Variance:

The net impact of granting the proposed variance would be a new garage structure that is attached to the housing unit and closer to being in compliance with the County Zoning Code of Ordinances than the existing structure. The building setback will be identical to that of the principal structure (approximately 53 feet). Additionally, the proposed attached garage will improve the physical access to the house during inclement weather and allow the residents to age in place with fewer obstacles. The only true negative is the non-conformity with the strict interpretation of the code (22 feet).

Plan Commission Recommendation:

The Plan Commission recommends approval of a Variance from the strict interpretation of Section 17.04 (3)(b)(4) “Yards” of the County’s Zoning Code of Ordinances for the construction of an attached garage having a substandard shore yard setback, for Robert and Linda Kinderman, 3497 West Shady Lane, Neenah WI 54956, in the Town of Clayton Tax ID# 006-0276-01, specifically known as Part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County, with the following conditions:

1. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
2. That the owners comply with any and all conditions of a permit approval by any unit of government having jurisdiction.
3. That the owners pay any outstanding application fees to the Town of Clayton.

MOTION: (Schmidt, Lettau) Recommend approval the Conditional Use Application for a Variance from the strict interpretation of Section 17.04 (3)(b)(4) “Yards” of the County Zoning Ordinance, to be allowed to construct an attached garage having a substandard shore yard setback, for Robert and Linda Kinderman, 3497 West Shady Lane, Neenah WI 54956 in the Town of Clayton Tax ID# 006-0276-01, specifically known as Part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 20 North, Range 16 East in the Town of Clayton, Winnebago County, subject to the following conditions:

1. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
2. That the owners comply with any and all conditions of a permit approval by any unit of government having jurisdiction.
3. That the owners pay any outstanding application fees to the Town of Clayton.

CARRIED by 4-0 voice vote.

- D. **Discussion / Action** – Town Board review and consideration of a Plan Commission recommendation on a request by the Town of Greenville to have the Clayton Town Board consider approval of Draft Resolution 2011-008: A Resolution Requesting that the Purchase of Development Rights be included in the Outagamie County Airport Overlay District Ordinance.

The Town Board received a draft copy of Resolution 2011-008: A Resolution Requesting that the Purchase of Development Rights be included in the Outagamie County Airport Overlay District Ordinance. The Town of Greenville has requested that the Clayton Town Board consider approval of Draft Resolution 2011-008. The governing body of the Town of Greenville would like to have the ability to purchase development rights rather than an outright purchase of the land by the airport authority. This option would allow the airport to control development without taking the property off the community's tax roll.

The Administration's concern with the process is technical: who would own the development rights, who would purchase the development rights, who would pay for the development rights, and who would control what development could occur under the purchase process?

The Plan Commission has recommended that the Town Board approve Resolution 2011-008 and forward the document to the Outagamie County Airport Overlay Zoning ADHOC Committee.

Commented on item: Joanne Sievert (7383 Murray Road, Neenah)

MOTION: (Lettau, Grundman Erdmann) Approve the Plan Commission recommendation on a request by the Town of Greenville to have the Clayton Town Board consider approval of Draft Resolution 2011-008: A Resolution Requesting that the Purchase of Development Rights be included in the Outagamie County Airport Overlay District Ordinance.
 CARRIED by 4-0 voice vote.

- E. **Discussion / Action** – Town Board review and consideration of Plan Commission direction to staff relative to a request by Dennis Lehrer and Travis J. Lehrer improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town.

Based on a Town Board action the Plan Commission received the following Memorandum as part of the Wednesday, May 11th, 2011, Plan Commission Agenda:

Attached please find a copy of a letter from Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town. The request has been forwarded to the Town's Plan Commission for its review and recommendation to the Board. The Administration has advised the Lehrers of the Town's pending revision to its Minimum Road Standards and that the project would have to meet the new Town standards. Based on the Board's referral, the Plan Commission should request that staff enter into an engineering design and bidding agreement that would authorize the Town Engineer to design and prepare bid documents and construction estimates at the petitioner's cost. Once the design is complete and the project bid, the Plan Commission should make a recommendation to the Board and the Board will then need to award the bid and proceed with the work.

The Plan Commission passed, on a 4 to 2 vote, a motion indicating that it would not take any action relative to the petition submitted by Travis J. Lehrer. The Town Board received a copy of the Town Plan Commission-enabling Ordinance. Based on Section 17 (1)(c) of that Ordinance, the Plan Commission cannot take the action it did. The Administration recommends that the Board move to refer the issue back to the Plan Commission with the directive that the Commission fulfill its obligation as set forth in the Commission's enabling Ordinance.

Commented on item: Becky Haskell (9080 N. Oakwood Ave., Neenah)

MOTION: (Lettau, Grundman Erdmann) Redirect the request by Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town back to the Plan Commission and have staff complete the due diligence.
 CARRIED by 4-0 voice vote.

- G. **Discussion/Recommendation** – Town Board review and consideration of placing the Town Treasurer on the Town’s payroll as a regular employee, with the associated pay increase, following a probationary period ending May 31st, 2011.

The Town Treasurer, Ms Tori Bowen (Tori), will have served her required 6-month probationary period ending on or about Tuesday, May 31st, 2011. During Tori’s probationary period, the Administration has periodically reviewed her progress with both the Town Chair and Tori herself. As Tori became more familiar with the job and the job responsibilities her performance noticeably improved.

The Administration is recommending that the Board transition Ms. Bowen from a probationary to a regular employee on June 1st, 2011, with the associated pay increase starting with the first full payroll period in June of CY 2011 (Monday, June 13th, 2011). The pay increase associated with the transition to a regular employee will come with a budgeted salary increase from \$31,200.00 to \$33,500.00, plus the associated benefits increase. Based on Board approval, a motion from the Board to approve the transition of Ms. Bowen from a probationary to a regular employee with the associated pay and benefit increase would be in order.

MOTION: (Schmidt, Lettau) Approve the transition of Ms. Bowen from a probationary to a regular employee with the associated pay and benefit increase starting with the first full payroll period in June of CY 2011.

CARRIED by 4-0 voice vote.

- H. **Discussion / Action** – Town Board review and consideration of a negotiated farming lease agreement with a local farmer for the seven (7) acres owned by the Town on CTH “II” west of CTH “76”, Tax ID # 006-0391-05.

The Town Chair has directed staff to seek approval from the Board for a lease extension for the Town owned property on CTH “II” west of STH “76” (Tax ID # 006-0391-05) to a local farmer. The lease would be identical to the existing document with the option to terminate the lease on a thirty day notice. This would provide the greatest flexibility to the Board should it decide to use the property for other purposes. The Administration is not sure what the adjoining property owners’ intentions are; however, the local farmer (Les Ory) has indicated that he would like an extension of his lease for the Town-owned land. The revenue the Town would receive for the seven (7) acres would be the same as the previous year, \$60.00 per acre. The additional savings the Town would realize are in staff mowing time.

Area farmers are leasing land for \$70.00-\$75.00 per acre.

Commented on item: Burt Drews (3113 CTH “II”, Neenah)

MOTION: (Lettau, Schmidt) Approve the farming lease agreement with Mr. Les Ory for the seven (7) acres owned by the Town on CTH “II” west of STH “76”, Tax ID #006-0391-05, for \$70.00 per acre and adding another point in the lease of an option to terminate as Item #14.

CARRIED by 4-0 voice vote.

- I. **Discussion / Action** – Town Board review and consideration of the purchase of a program license for QuickBooks to be used by the Town Treasurer for bookkeeping and payroll purposes.

The Treasurer has indicated that the Town should renew the site license for QuickBooks before the end of May of CY 2011. Apparently the site license expires on December 31st, 2011, but site support ends on May 31st, 2011. The Treasurer would like to renew the site license in order to continue to receive the payroll function support.

The Administration has indicated that staff would like to use a different software program for the Town’s Fund Accounting. Please be advised that the proposed change in software would not obsolete the payroll function of Quick Books. Specifically, the Town would have two separate pieces of software, one for Fund Accounting and the other for the Payroll function. In order to minimize the expense to the Town, staff is purchasing a single site license for the Treasurer’s computer; staff will need to access that computer if they need to work on the QuickBooks program. The cost of a single site license is \$185.00 with funding for the license purchase to come from the Town’s CY 2011 Operating Budget, Office Operations, QB Software License, Line Item.

MOTION: (Grundman Erdmann, Schmidt) Approve the purchase of a program license for QuickBooks to be used by the Town Treasurer for bookkeeping and payroll purposes, at a single site license cost of \$185.00, with funding for the license purchase to come from the Town's CY 2011 Operating Budget, Office Operations, QB Software License, Line Item.
CARRIED by 4-0 voice vote.

- J. **Discussion / Action** – Town Board direction to staff relative to a funding source for the purchase of the two (2) outlots, for sale by the County for Tax Deed, in the Plat of Hidden Park. The purchase was authorized by the Town's Electors at their CY 2011 Annual Meeting.

At the CY 2011 Annual Meeting, the Town's Electors authorized the Board to purchase two (2) outlots in the Plat of Hidden Park that are being sold by the County for Tax Deed. Specifically, the Town's Electors authorized the purchase of Outlot 3 (Tax ID # 006-1480) for \$373.10 and Outlot 4 (Tax ID # 006-1481) for \$438.92 (see attached map). Additionally, the Town will need to pay \$30.00 to record the transfer of the property for a total transaction cost of \$842.02.

The Administration recommends that the Board fund the purchase price from the Town's CY 2011, General Fund Operating Budget, General Government Contingency Line Item. Since the action would allocate contingency funds, the motion should pass with a super majority vote.

MOTION: (Geise, Schmidt) Authorize \$872.02 to fund the purchase of the two (2) outlots, for sale by the County for Tax Deed, in the Plat of Hidden Park, as approved by the Town electors, to come from the Town's CY 2011, General Fund Operating Budget, General Government Contingency, Line Item.
CARRIED by 4-0 voice vote.

- K. **Discussion / Action** – Town Board review and consideration of the purchase of a folding crane with AC motor for the Town's utility vehicle.

The Town Board received the material researched by the Town's Public Works Foreman relative to the issue. Staff would like to purchase a folding crane unit for the Town's Utility vehicle. The unit would be used to lift heavy equipment on and off the truck. The motivating force for looking at the purchase today is a sign replacement project in the northwest quadrant of Town. The best way to remove the existing signs is to pull them from the ground vertically. The cost of the unit recommended by staff is \$1,839.00 (see data sheet). Additionally, the unit can be transferred from the truck when it is replaced.

The Administration's question for the Board is the source of funding for the proposed purchase. Is the Board willing to authorize the distribution of the purchase cost to the Capital Replacement Account for Signs in the northwest quadrant of Town and the Equipment Purchase Line Item of the Public Works Operating Budget? Funding is available in the Equipment Purchase Line Item of the Public Works Operating Budget; however, the cost can legitimately be assigned to the Capital Sign Replacement Line Item. If the Board is comfortable with staff's recommendation, a motion to approve the purchase at a cost not to exceed \$2,000.00 (including freight), with direction for the funding source would be in order.

MOTION: (Schmidt, Grundman Erdmann) Authorize the purchase of a steel folding crane with AC motor for the Town's utility vehicle, at a cost not to exceed \$2,000.00 (including freight), with the funding to come from the Capital Sign Replacement Line Item and the Equipment Purchase Line Item of the Public Works Operating Budget.
CARRIED by 4-0 voice vote.

- L. **Discussion/Recommendation** – Town Board direction to staff relative to re-bidding the Town's Solid Waste and Recycling Contract for January 1st, of CY 2012, through December 31st, of CY 2014.

The Town Board received a copy of the Town's Solid Waste and Recycling Contract with Veolia Environmental Services Solid Waste Midwest, LLC. The Administration is looking for direction from the Board relative to re-bidding the service for CY 2012 through CY 2014. Does the Board wish to negotiate a contract extension with Veolia or reopen the entire bid process to all recycling and waste management service providers? Are there any specific changes to the service provided by Veolia that the Board would like to make? Staff will incorporate any changes to the document the Board may make and present the revised document to the Board prior to starting the bidding process.

Town Board direction to staff: Consult the Town's Attorney and bring back an RFP.

No motion on this item.

- M. **Discussion/Recommendation** – Town Board direction to staff relative to a contract extension with the Town’s Auditors, Schenck SC.

The Town Board received a copy of the State Statutes relating to Town Financial Statements and Audits. The Administration is looking for direction from the Town Board relative to renewing the Town’s 3-year agreement with Schenck, SC, for audit and accounting support for the Town.

The Town Chair was advised by the Wisconsin Town’s Association that a Town with separated Clerk and Treasurer positions does not need to have a yearly financial audit. Although technically correct, a Town must prepare a Financial Statement on a yearly basis. The Town’s Auditors, Schenck, SC, provide the Town with audited Financial Statements that meet the requirements of the Statute. If the Board were to not engage Schenck, SC, staff would be required to prepare the Town’s Financial Statement. The Administration has the following issues with the recommendation from the Town’s Association:

1. Staff can prepare an annual Financial Statement; however, it would have no third party corroboration relative to accuracy or content.
2. Audits completed on a bi-annual basis would not generate any savings because auditors will routinely go back to the last audited numbers and work forward. This would mean that the auditors would complete two (2) single year audits for every bi-annual audit.
3. The Town’s Treasurer and Clerk are separate jobs; however, the separation is not sufficient to meet the Statutory qualifications for not overlapping responsibilities.

Based upon the stated concerns, the Administration recommends extending the Town’s Contract with Schenck, SC, for a second 3-year term. As an alternative, the Board can extend the Contract with Schenck, SC, for a fourth year and direct staff to bid the project in CY 2012 or bid the contract in CY 2011.

Town Board direction to staff: Negotiate with Schenck, SC, regarding extension of the Town’s contract for a second 3-year term.

No motion on this item.

- N. **Discussion/Recommendation** – Town Board direction to staff relative to creating a Storm Water Utility for storm water management construction, re-construction, and maintenance projects in the Town of Clayton.

At the Board’s request, staff has attached copies of Storm Water Utility Ordinances from several area communities. Should the Board wish to proceed with creating a Storm Water Utility Ordinance for the Town, a motion to refer the issue to the Plan Commission for a recommendation would be in order. Should the Board wish to review the concept of a Storm Water Utility Ordinance, a directive to staff to place the item on the Board next agenda would be in order.

MS-4 requirements dictate Storm Water management

Drainage Basins: the Town of Clayton contains several basins

Town Board direction: Bring this item back to a future Town Board meeting prior to sending it to the Plan Commission.

No motion on this item.

- O. **Discussion/Recommendation** – Town Board direction to staff relative to a draft Records Retention Policy for the Town.

The Town Board received a copy of the State Statues relating to records retention and a Draft copy of a Records Retention Policy for the Town of Clayton. Staff has been working on the Town’s filing system and has come to the conclusion that in order to file things correctly, and to retain items for the proper amount of time, it needs a Records Retention Policy to define the filing process. The Administration has developed the attached draft policy from past experience and documents in other communities. If the Board would review the attached draft policy and make any recommended changes, the final document could be prepared for Board consideration and action. Once the Records Retention Policy is in place, staff will have a guide for creating a filing system for the Town.

Town Board direction: Direct staff to place a final Records Retention Policy for the Town on a future Town Board meeting.

No motion on this item.

X. Upcoming Meeting Attendance

- 5:00 p.m., Tuesday, May 24, 2011 – Wisconsin Department of Transportation open house public hearings (Clayton Elementary School)
- 7:00 p.m., Tuesday, May 24, 2011 – Town Hall meeting with Michelle Litjens (Winchester Town Hall)
- 5:00 p.m., Thursday, May 26, 2011 – Wisconsin Department of Transportation open house public hearings regarding US 10 and US 45 Freeway designations (Winneconne Elementary School)

XI. Board Member Requests for Future Agenda Items

- Geise – Options for the lighted stop sign at the intersection of Larsen Road and STH 76

XII. Approval of Disbursements

MOTION: (Unanimous consent) Approve disbursements as presented.
CARRIED.

XIII. Adjournment – 9:16p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*