

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 10:20 P.M. on Wednesday, June 1, 2011

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chair Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting and public hearings properly posted and published.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamenter	PRESENT
Town Engineer Madsen	PRESENT

II. Public Hearing:

A. Town Board Public Hearing on a proposed Amendment to the Town's Comprehensive Plan, Future Land Use Map, to change property owned by Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, from Commercial to Agricultural, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID# 006-0339-02-01).

1. Chair Luebke called the Public Hearing to order at 7:01 P.M.
2. Chair Luebke read the Public Hearing description as indicated in Item A above.
3. The following people provided comments:
 - a. Bret Luzenski, 2722 Fairview Road, Neenah, WI 54956
 - b. Chair Luebke asked for any further comments three times: No further comments.
 - c. Chair Luebke closed the Public Hearing at 7:02 P.M.

B. Town Board Public Hearing on the Plan Commission's recommendations for amendments to the Town's Minimum Road Design Standards Policy.

1. Chair Luebke called the Public Hearing to order 7:02 P.M.
2. Chair Luebke read the Public Hearing description as indicated in Item B above.
3. The following people provided comments:
 - a. Melanie Blechl, 3006 CTH II, Neenah, WI 54956
 - b. Chair Luebke asked for any further comments three times: No further comments.

- c. Chair Luebke closed the Public Hearing at 7:06 P.M.
 - C. Town Board Public Hearing on the proposed revisions to the Town’s Ordinance Prohibiting Dogs from Running At Large.
 1. Chair Luebke called the Public Hearing to order at 7:06 P.M.
 2. Chair Luebke read the Public Hearing description as indicated in Item C above.
 3. The following people provided comments:
 - a. Paul Kellberg, 8033 Cavendish Rd., Neenah, WI 54956
 - b. Chair Luebke asked for any further comments three times: No further comments.
 - c. Chair Luebke closed the Public Hearing at 7:09 P.M.
- III. Approval of Minutes:
 - A. Regular Town Board Meeting – May 18, 2011

MOTION: (Unanimous consent) Approve the Regular Town Board Meeting minutes of May 18, 2011, as written.
CARRIED.
- IV. Open Forum – Non-Agendized Town-related Matters:

Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit to the Town Clerk. Non-Agendized Town-Related Matters: Pursuant to Wis. Stats. 19.32(2) and 19.84(2), the public may present matters; however, limited discussion may occur but no action may be taken until specific notice of the subject matter of the proposed action can be given.

 - A. No open forum items
- V. Correspondence:
 - A. Winnebago County
 1. Zoning Department – June Public Hearing: No items for Town of Clayton to review
- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 1. No County Supervisor present
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 1. No Deputy present
 - C. Clayton-Winchester Fire Department
 1. No CWFD member present
 2. Topics: 37 calls year-to-date
 - D. Administration Comments
 1. Administrator: Copy of letter from Secretary of Department of Transportation, Denial of Resolution for next meeting, Ridgeway Heights road condition of temporary repair, lawn mowing complaints from last Wednesday through today, have begun to receive complaints about lawns that are not in subdivisions
 2. Clerk: Voter I.D. bill update, redistricting voting wards, Board of Review
 3. Public Works Foreman: Stormwater management drain system on Larsen Road, ditching project on Larsen Road to begin approximately mid-June
 4. Engineer: Asphalt paving program moving along, final grading in Emerald Valley, scheduled to pave on Monday, met with Peters Concrete regarding follow-up work on Larsen Road project to start approximately mid-June

5. Chair Luebke: Upcoming WTA Training session on June 9, 2011
6. Supervisor Lettau: Lawn mowing a combination of foreclosed homes, empty lots
7. Supervisor Grundman Erdmann: Emerald Valley curb returns (sub-contractor of MCC not properly flagged for traffic control while parked on Center Road)
8. Supervisor Geise: Fox Cities Chamber business meeting with Governor Walker that focused on new business development and job creation

VII. Licenses and Permits:

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

1. New – Heather M. Ledbury (Postponed from May 18, 2011, Town Board Meeting) (Present)

MOTION: (Geise, Schmidt) Approve the Operator License for Heather M. Ledbury.

CARRIED by unanimous voice vote.

2. Renewal – Lynn A. Miller (Not present)

MOTION: (Unanimous consent) Approve the Operator License for Lynn A. Miller.

CARRIED.

B. Discussion/Action – Consideration and approval of Cigarette Licenses:

1. The following parties have applied for a Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:

- a. Larsen Cooperative Company (Trade Name: Larsen Country Hardware Store), 8290 County Road T, Larsen, WI 54947.
- b. Pubs and More, LLC (Trade Name: Headliners Bar & Grill), 2788 Towne Court, Neenah, WI 54956. Agent: Kenneth R. Zastrow
- c. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956. Agent: William Verbrick

MOTION: (Unanimous consent) Approve the Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances for:

- a. Larsen Cooperative Company (Trade Name: Larsen Country Hardware Store),
- b. Pubs and More, LLC (Trade Name: Headliners Bar & Grill), 2788 Towne Court,
- c. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956. Agent: William Verbrick

CARRIED.

C. Discussion/Action – Consideration and approval of Alcohol Licenses:

1. The following parties have applied for a Renewal Class B Beer/Class B Liquor License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:

- a. Pubs and More, LLC (Trade Name: Headliners Bar & Grill), 2788 Towne Court, Neenah, WI 54956. Agent: Kenneth R. Zastrow
- b. Winagamie, Inc. (Trade Name: Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956. Agent Mary Beth Nienhaus

- c. Ridgeway Country Club, Inc., (Trade Name: Ridgeway Country Club, 2913 County Road II, Neenah, WI 54956. Agent: William Verbrick
- d. Willie Beamons, LLC (Trade Name: Willie Beamons), 2590 County Road II, Neenah, WI 54956. Agent: Sue Bossell
- e. The Woodshed, Inc. (Trade Name: The Woodshed Bar & Grill), 2895 County Road II, Neenah, WI 54956. Agent: Dino O. Valeri
- f. Louis A. GADini (Trade Name: Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.

MOTION: (Unanimous consent) Approve the Renewal Class B Beer/Class B Liquor License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances for:

- a. Pubs and More, LLC (Trade Name: Headliners Bar & Grill), 2788 Towne Court, Neenah, WI 54956. Agent: Kenneth R. Zastrow
- b. Winagamie, Inc. (Trade Name: Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956. Agent Mary Beth Nienhaus
- c. Ridgeway Country Club, Inc., (Trade Name: Ridgeway Country Club, 2913 County Road II, Neenah, WI 54956. Agent: William Verbrick
- d. Willie Beamons, LLC (Trade Name: Willie Beamons), 2590 County Road II, Neenah, WI 54956. Agent: Sue Bossell
- e. The Woodshed, Inc. (Trade Name: The Woodshed Bar & Grill), 2895 County Road II, Neenah, WI 54956. Agent: Dino O. Valeri
- f. Louis A. GADini (Trade Name: Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.

CARRIED.

- 2. The following party has applied for a Renewal Class B Beer License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:
 - a. SOL Restaurants, LLC (Trade Name: Oink’s Restaurant), 8386 State Road 76, Suite A, Neenah, WI 54956. Agent: Lynn A. Miller

MOTION: (Unanimous consent) Approve the Renewal Class B Beer License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:

SOL Restaurants, LLC (Trade Name: Oink’s Restaurant), 8386 State Road 76, Suite A, Neenah, WI 54956. Agent: Lynn A. Miller

CARRIED.

- 3. The following party has applied for a Renewal Class C Wine License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:
 - a. SOL Restaurants, LLC (Trade Name: Oink’s Restaurant), 8386 State Road 76, Suite A, Neenah, WI 54956. Agent: Lynn A. Miller

MOTION: (Unanimous consent) Approve the Renewal Class C Wine License, in and for the Town of Clayton, for the period of July 1, 2011, to June 30, 2012, subject to compliance with State Statutes and Municipal Ordinances:

SOL Restaurants, LLC (Trade Name: Oink’s Restaurant), 8386 State Road 76, Suite A, Neenah, WI 54956. Agent: Lynn A. Miller
CARRIED.

- VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:
A. No Plan Commission Referrals

IX. Business:

A. Discussion/Action: Town Board review and consideration of Resolution 2011-009 A Resolution Approving an Amendment to the Town’s Comprehensive Plan, Future Land Use Map to change property owned by Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, from Commercial to Agricultural, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID# 006-0339-02-01).

1. The Plan Commission has recommended approval of the proposed Future Land Use Map amendment subject to the following staff recommended conditions:
 - a. Approval of the required Town and County Rezoning needed to allow the project to be completed.
 - b. Approval of the Town and County Conditional Use Application needed to allow the project to be completed.
 - c. Approval of the required Future Land Use Map Amendment by all units of government having jurisdiction.
 - d. Payment of the Town’s \$240.00 Comprehensive Plan Amendment Fee.
2. The Administration routinely recommends that the Board wait to take action on material that is presented at a Public Hearing. However, both the Plan Commission and the Board have had this item on their agendas for several weeks. If there is no significant public input, the Board may wish to take action following the Public Hearing.
3. The agenda has been posted to allow the Board the flexibility to act at its Wednesday, June 1st, 2011 meeting.
4. Present: Bret and Virginia Luzenski
5. Approval of change in Comprehensive Plan Map is conditioned on all steps Luzenskis need to take to complete the process.

MOTION: (Geise, Grundman Erdmann) Approve Resolution 2011-009: A Resolution Approving an Amendment to the Town’s Comprehensive Plan, Future Land Use Map to change property owned by Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, from Commercial to Agricultural, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID# 006-0339-02-01).

CARRIED by unanimous voice vote.

B. Discussion/Action: First reading of Resolution 2011-010: A Resolution Approving Amendments to the Town’s Minimum Road Design Standards Policy.

1. Both the Town Board and the Town Plan Commission have reviewed and recommended the new Minimum Road Standards Policy.
2. Following the Public Hearing, the Town Board will hold the first reading of the proposed Policy. The second reading will be held prior to the Board taking action at its June 15th, 2011, meeting.
3. Chair Luebke read aloud the First Reading of Resolution 2011-010: A Resolution Approving Amendments to the Town’s Minimum Road Design Standards Policy.
4. Correction: Page 2 of 14, under Land Usage chart, Commercial or Industrial Development section, left column should be “With” so right column should be “Without”

MOTION: (Grundman Erdmann, Lettau) Refer Resolution 2011-010: A Resolution Approving Amendments to the Town’s Minimum Road Design Standards Policy to the June 15th, 2011, meeting.
CARRIED by unanimous voice vote.

- C. Discussion/Action: First reading of Resolution 2011-011: A Resolution Approving Revisions to the Town’s Ordinance Prohibiting Dogs from Running At Large.

1. Staff has made the adjustments to make the fees and fines uniform throughout the document.
2. Following the Public Hearing, the Town Board will hold the first reading of the proposed Policy. The second reading will be held prior to the Board taking action at its June 15th, 2011, meeting.
3. Chair Luebke read aloud the First Reading of Resolution 2011-011: A Resolution Approving Revisions to the Town’s Ordinance Prohibiting Dogs from Running At Large.
4. Correction: Section 5, Penalties, add 1st time offense information, change 5.5.1 to \$25.00 across the board

MOTION: (Schmidt, Lettau) Refer Resolution 2011-011: A Resolution Approving Revisions to the Town’s Ordinance Prohibiting Dogs from Running At Large, 2nd Reading, to the June 15th, 2011, meeting.
CARRIED by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of a response to a letter from the Secretary of the State of Wisconsin, Department of Transportation, relating to the lighted stop signs at the intersection of Larsen Road and STH “76”.

1. The Town Board received a copy of a letter from the Secretary of the State Department of Transportation (DOT) relative to the Town’s request for the DOT to approve the lighted stop signs at the intersection of Larsen Road and STH “76”. The Secretary affirmed that the DOT’s warrant system and recommends that the Town take alternate measures to improve the safety at the intersection in question.
2. The Administration has no issues with the DOT’s position as it relates to the DOT installing the lighted stop signs. However, the Town has indicated that it is willing to install and maintain the lighted stop signs at the intersection.

3. The DOT's position is inconsistent: when the Town asked if it could construct a passing lane at Windfield Drive and STH "76", the DOT was willing to allow the construction if the Town agreed to pay for and maintain the passing lane. That position was diametrically opposed to the position that is currently being taken relative to the lighted stop signs.
4. The Administration would like to ask the DOT to explain the inconsistency in responses in the hope that the DOT would reconsider its position and allow the Town to install and maintain the lighted stop signs at its expense. If the Board is comfortable with the Administration's recommendation, a Motion to direct staff to draft and mail such a letter to the Director of the Northeast Region of the DOT would be in order.
5. Chair Luebke read aloud the letter from the Secretary of the State Department of Transportation (DOT) relative to the Town's request for the DOT to approve the lighted stop signs at the intersection of Larsen Road and STH "76".
6. Commented on item: Paul Kellberg, Terry Klingenberger (3637 Larsen Road, Neenah), Bret Luzenski

MOTION: (Geise, Grundman Erdmann) Direct staff to draft and mail a letter to the DOT to ask the DOT to explain the inconsistency in responses regarding the STH "76" turn lane and the lighted stop signs at the intersection of STH "76" and Larsen Road, and ask that the DOT reconsider its position to allow the Town to install and maintain the lighted stop signs at the Town's expense.

CARRIED by unanimous voice vote.

E. Discussion/Action: Town Board review and consideration of Strawberry Fields Drainage Issues between Guardian Lane and Cavendish Road.

1. The Town Board received a copy of the Geographic Information Systems (GIS) map of the area, a copy of the drainage course easement from the Plat of Strawberry Fields, and the property details for Mr. Paul Kellberg.
2. Mr. Kellberg has some significant drainage issues in his back yard that can be traced to poor drainage course maintenance and lax enforcement of the drainage easement function.
3. Mr. Kellberg has requested that the Town re-establish the flow line of the drainage easement before he has his property landscaped for the second time. The drainage easement takes the water from the east side of Mr. Kellberg's property to the drainage ditch on Tribute Drive.
4. As a point of reference, staff has been contacted by the property owner on the southwest corner of Guardian Lane and Tribute Drive relative to the drainage in the east road ditch. The Administration respectfully requests direction from the Board relative to correcting both of the drainage issues.
5. From a Public Works Department perspective, it would be more cost efficient to use a Gradall to re-establish the drainage course while the Town is fixing the road ditch on Tribute Drive, and before Mr. Kellberg's lawn is re-established and the adjoining properties are developed.
6. Present: Paul and Lynn Kellberg
7. Commented on item: Paul Kellberg, Patty Stanek (8395 CTH T, Larsen)

MOTION: (Geise, Luebke) Move ahead and take care of the drainage issues between Cavendish Road and Tribute Drive in Strawberry Fields.
CARRIED by 4-1 voice vote. (Grundman Erdmann = no)

F. Discussion/Action: Town Board review and consideration of a request by Town of Neenah resident Bill Ernst for the Town of Clayton to pay for the installation of a culvert on his Larsen Road driveway. The request is based on the significant flow of water in the north-side ditch on Larsen Road that originates from the Town of Clayton.

1. The Town Board received copies of several e-mails from Mr. Ernst to the Town Administrator relative to his request that the Town of Clayton pay for the installation of the replacement culvert on the driveway to his property on Larsen Road in the Town of Neenah.
2. The Administration has reviewed Mr. Ernst's request with the Town Chair; it is the Administration's position that the Town should never engage in construction projects outside of its Municipal boundaries. The Chair has indicated that he agrees with this position; however, the Board has the authority to direct staff to do the work. A motion from the Board would clarify the Town's position relative to Mr. Ernst's request.
3. Received a letter of claim from Mr. Ernst.
4. Commented on item: Terry Klingenberger

No motion on this item.

G. Discussion/Action: Town Board review and consideration of a Change Order to the Town's CY 2011 Capital Projects Engineering Contract to add curb staking to the contract.

1. The Town Board received a copy of a Change Order for Engineering services for the Town's CY 2011 Capital Projects.
2. The need for the Change Order is based on the acceptance of the project alternate for the curb in the subdivisions. The Town's Engineer would not have included the cost of staking in his original proposal because he would not have known if the Town was going to approve the alternate work. Additionally, the paving contractor asked the Town to stake the offset for the road centerline in a Plat that consists mainly of curvilinear roads where the chip seal surface was not centered in the right-of-way.
3. The Administration believes that the \$7, 485.00 for the Change Order is reasonable and customary. Funding for the Change Order would come from the Town's CY 2011 Budget, Engineering Line Item.
4. In order to approve the Change Orders, the Board would need to make a motion to accept the Change Order at a cost not to exceed \$7,485.00.

MOTION: (Unanimous consent) Approve the Change Order to the Town's CY 2011 Capital Projects Engineering Contract to add curb staking to the contract, at a cost not to exceed \$7,485.00.
CARRIED.

- H. Discussion/Action: Town Board review and consideration of proposed Change Orders to the Town CY 2011 Capital Construction Project Bid Award for the following items:
1. Change Order #1: Additional curb on Larsen Road, approximately 150 feet west of Coleman Ridge.
 2. Change Order #2: High Point Estates II road grade changes.
 3. Change Order #3: Larsen Road and Galaxy Drive curb returns.
 4. Change Order #4: Larsen Road and Galaxy Drive intersection paving.
 5. Change Order #5: Larsen Road and Center Road intersection paving.
 6. Change Order #6: Additional paving by agreement in the Plat of Strawberry Estates.
1. The Town Board received a copy of a spreadsheet that indicates the Designation of Paving Escrow funds, Contractor Bid, and Change Orders.
 2. Change Order #1: Additional curb on Larsen Road approximately 150 feet west of Coleman Ridge.
 - a. This Change Order corrects the drainage problem in front of Don Breaker's east property line.
 - b. The alternate correction would be to install a catch basin in the existing storm sewer line.
 - c. The curb is a preferable solution since it will eliminate any potential "ponding" on the trail that would continue to occur with the catch basin.
 3. Change Order #2: High Point Estates II road grade changes.
 - a. The grades in this Plat resulted in cross culverts with little cover. Paving the roads under these circumstances will result in early cracking as a result of winter heaving.
 - b. The solution to the problem is additional cover over the cross culverts.
 - c. In order to not create a ramp effect at the culverts, the additional gravel will need to be extended for approximately 100 feet. The end result of the project will be curb returns that are in place with the proper cover over the cross culverts.
 4. Change Order #3 and Change Order #4: Larsen Road and Galaxy Drive curb returns.
 - a. The intersection of Larsen Road and Galaxy Drive is failing at the paving seams.
 - b. The proposed Change Order replaces the pavement surface at both sides of the intersection. Staff will cut and remove the pavement and the contractor will compact and pave the surface.
 - c. In order to extend the life expectancy of the repairs, staff is recommending that curb returns be installed as part of the repair. The curb returns will bind the pavement and protect the shoulders of the road at the intersection.
 5. Change Order #5: Larsen Road and Center Road intersection paving.
 - a. The Town is scheduled to put down a double chip seal on Center Road from Larsen Road to Breezewood Lane in CY 2011.

- b. The intersection of Larsen Road and Center Road is in poor repair as a result of age and the heavy agricultural traffic.
 - c. Staff is concerned that the Town’s double chip seal will not stand up to the heavy traffic at the intersection of Larsen Road and Center Road. In order to extend the life of the chip seal project staff is recommending that the intersection be paved with asphaltic material.
6. Change Order #6: Additional paving by agreement in the Plat of Strawberry Estates.
- a. The Town Board received a copy of the signed Amendment to Offer to Purchase agreement, dated February 28, 2005, between the Town of Clayton and James and Margaret Harness.
 - b. When the Plat was created, the Town agreed to share the paving costs for the additional driveway surface for Margret Harness, 2926 Rose Moon Way, Neenah, WI 54956. Ms. Harness will be responsible for 50% of the costs of the project.
 - c. The Administration has not determined the cost of the work; however, the numbers will be available for the Board at its June 1st, 2011, meeting.

MOTION: (Unanimous consent) Approve Change Order #1 for additional curb on Larsen Road, approximately 150 feet west of Coleman Ridge, at a cost of \$ 3,600.00.
CARRIED.

MOTION: (Unanimous consent) Approve Change Order #2 for High Point Estates II road grade changes, at a cost of \$ 9,535.00.
CARRIED.

MOTION: (Unanimous consent) Approve Change Order #3 for Larsen Road and Galaxy Drive curb returns, at a cost of \$ 3,936.00, and Change Order #4 for Larsen Road and Galaxy Drive intersection paving, at a cost of \$ 5,850.00.
CARRIED.

MOTION: (Unanimous consent) Approve Change Order #5 for Larsen Road and Center Road intersection paving, at a cost of \$ 4,500.00.
CARRIED.

MOTION: (Geise, Grundman Erdmann) Approve Change Order #6 for Additional paving by agreement in the Plat of Strawberry Estates, at a cost not to exceed \$4,000.00.
CARRIED by unanimous voice vote.

- I. Discussion/Action: Town Board review and consideration of responses to a Request For Proposals (RFP) for Occasional Turf Mowing Services for the Town of Clayton.
- 1. The Town Board received a copy of the Request For Proposal (RFP) for Occasional Turf Mowing Services for the Town of Clayton.
 - 2. Staff has received a significant number of complaints of long grass in the residential developments in the Town. The significant difference with the

complaints this year is the number of complaints on lots with housing units. These complaints are usually on abandoned housing stock or housing stock that is in foreclosure.

3. The RFP differentiates between developed and undeveloped lots with two acreage numbers. The acreage numbers are lots less than 1½ acres and lots greater than 1½ acres.
4. The Administration has placed a response deadline on the RFP of Tuesday, May 31st, 2011, and will be able to report the bid tab to the Board at its June 1st, 2011, meeting.
5. Received the following bids for mowing and trimming:
 - a. Landscapes Unlimited
 - Developed Lots / 1.5 acres or less = \$95.00 per occurrence
 - Developed Lots / 1.5 acres or more = \$150.00 per occurrence
 - Undeveloped Lots / 1.5 acres or less = \$75.00 per occurrence
 - Undeveloped Lots / 1.5 acres or more = \$125.00 per occurrence
 - b. Bohm Lawn Care
 - Developed Lots / 1.5 acres or less = \$100.00 per occurrence
 - Developed Lots / 1.5 acres or more = \$200.00 per occurrence
 - Undeveloped Lots / 1.5 acres or less = \$100.00 per occurrence
 - Undeveloped Lots / 1.5 acres or more = \$200.00 per occurrence
6. Commented on item: Patty Stanek

MOTION: (Lettau, Schmidt) Approve Landscapes Unlimited for the Occasional Turf Mowing Services for the Town of Clayton for Developed Lots / 1.5 acres or less = \$95.00 per occurrence, Developed Lots / 1.5 acres or more = \$150.00 per occurrence, Undeveloped Lots / 1.5 acres or less = \$75.00 per occurrence, and Undeveloped Lots / 1.5 acres or more = \$125.00 per occurrence.
CARRIED by unanimous voice vote.

- J. Discussion/Action: Town Board review and consideration of a revised Fee Schedule for lots mowed by the Town for failure to comply with the Town's Code of Ordinances relating to grass length.

1. The Town Board received a copy of the Town's Fee Schedule.
2. The Administration has issued a Request For Proposals (RFP) for occasional lawn mowing services.
3. At this point the Administration is recommending that the fee be adjusted to the actual cost of the contracted lawn mowing plus a \$25.00 Administrative Fee.
4. Should the Board agree with the Administration's recommendation, a motion would be in order to set and approve a revised fee for Lot Mowing at actual costs plus \$25.00.
5. The Board would also need to direct staff on the frequency of the RFP for occasional lawn mowing services: annually, bi-annually or longer.

MOTION: (Unanimous consent) Approve the revised Fee Schedule for lots mowed by the Town for failure to comply with the Town's Code of Ordinances relating to grass length.
CARRIED.

K. Discussion/Action: Town Board review and consideration of a revised Fee Schedule and Standards Policy for Temporary Access points used to cross the Town's Rights-Of-Way.

1. The Administration would like to ask the Board to create a temporary access permit and related fee. The request is based on a number of applications for permits to work in the right-of-way that are applied for to gain temporary access to the associated property. Specifically, the applicant is using the permit to build a temporary access point to the property for the purposes of working on the property, not in the right-of-way. A more properly-named permit would be a Temporary Access Permit.
2. The Administration has reviewed the concept with the Town Engineer in an attempt to establish standards for a temporary access permit.
3. Staff has come to the conclusion that the standards should be the same as those used for a permanent access point, with three exceptions. First, the culvert should not need end walls; second, the culvert should be sufficiently long so that it provides the needed access; third, the culvert should be placed on geotextile fabric so as to not co-mingle the gravel with the soil in the ditch.
4. The Administration's concern is based the following issues. The Town is charging a significant fee with no clear permit requirement. Both the fee and the existing permit (working in the right-of-way) do not relate to the work that is actually planned. A permit to work in the right-of-way should be issued if the applicant is actually working in the right-of-way, not just crossing it to get to the work site.
5. The revised fee schedule provided with agenda Item J includes a new permit class and related fee. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the new permit category, permit fee, and permit standards.

MOTION: (Schmidt, Lettau) Approve the revised Fee Schedule and Standards Policy for Temporary Access points used to cross the Town's Rights-Of-Way.
CARRIED by unanimous voice vote.

L. Discussion/Action: Town Board review and consideration of a Winnebago County Municipal Recycling Surplus Revenue Ballot for CY 2010 Funds.

1. The Town Board received a copy of the Winnebago County, Signing Municipality Recycling Surplus Revenue Ballot for CY 2010 Funds.
2. The County is asking the participating Municipalities if they would like to see the CY 2010 surplus fund distributed to the participating Municipalities or held in reserve to offset potential program increases in the future. Specifically, the funds would be held to stabilize recycling tipping fee increases.
3. The Administration will always recommend that the Board create a stabilization account if the funds are available. However, the Board will need to express its position on the ballot.
4. As an alternative, the Board could vote to distribute the funds and place its share of the proceeds in a segregated account to offset future recycling costs at the Town level. A motion to direct staff would be in order.

MOTION: (Grundman Erdmann, Luebke) Take into consideration the Winnebago County Municipal Recycling Surplus Revenue Ballot for CY 2010 Funds to be distributed to the Town.

CARRIED by 3-2 voice vote. 3-2 (Geise = no, Schmidt = no)

M. Discussion/Action: Town Board review and consideration of a request by Northeast Asphalt, Inc., to operate the CTH “II” facility on a 24-hour schedule.

1. The Town Board received a copy of a request by NEA to haul from its Town of Clayton quarry 24 hours per day. To the extent possible, trucks hauling product should use CTH “II” to get to and from the quarry site; any other traffic would access CTH “II” by crossing CTH “T” from the quarry to the manufacturing site.
2. The Board should be advised that NEA’s request applies only to the quarry site located at CTH “T” and CTH “II”. The manufacturing site operates under a different Zoning Code Section M-2 (Heavy Industrial District).
3. Staff has no real problem with hauling from the site 24 hours per day for a limited period of time. However, in the event that crushing operations were to run 24 hours per day, the Administration would recommend approval of the request with the following conditions:
 - a. There shall be no work at the quarry site between midnight Saturday and midnight Sunday.
 - b. There shall be no blasting at the quarry site between the hours of 4:30 P.M. and 7:00 A.M.
 - c. Adjoining property owners shall be advised in writing of any planned and/or scheduled blasting activities at the quarry site.
 - d. Crushing shall be allowed 24 hours per day between 6:00 A.M. on Monday and 6:00 P.M. on Friday (there shall be no crushing on weekends).
 - e. The operator shall make all reasonable efforts to minimize the dust produced by the blasting and crushing activities at the quarry site.
 - f. To the extent possible, all trucks entering and/or exiting the quarry site shall use CTH “II”.
 - g. NEA shall provide the Town with a timeframe for the 24-hour quarry site operations; such operations shall not extend beyond November 1st, 2011.
4. Commented on item: Patty Stanek

MOTION: (Geise, Grundman Erdmann) Approve a request by Northeast Asphalt, Inc., to operate the CTH “II” facility on a 24-hour schedule with the following conditions:

- a. There shall be no work at the quarry site between midnight Saturday and midnight Sunday.
- b. There shall be no blasting at the quarry site between the hours of 4:30 P.M. and 7:00 A.M.
- c. Adjoining property owners shall be advised in writing of any planned and/or scheduled blasting activities at the quarry site.
- d. Crushing shall be allowed 24 hours per day between 6:00 A.M. on Monday and 6:00 P.M. on Friday (there shall be no crushing on weekends).
- e. The operator shall make all reasonable efforts to minimize the dust produced by the blasting and crushing activities at the quarry site.

- f. To the extent possible, all trucks entering and/or exiting the quarry site shall use CTH “II”.
 - g. NEA shall provide the Town with a timeframe for the 24-hour quarry site operations; such operations shall not extend beyond November 1st, 2011.
- CARRIED by unanimous voice vote.

N. Discussion/Action: Town Board review and consideration of the Town’s CY 2012 County Bridge Aids Funds Application.

1. The Town Board received a copy of the County Highway Commission’s Policy relative to the Bridge Aids program. The new Policy will take effect with the CY 2012 Town Bridge Aids Applications.
2. The Administration has recommended that the Town replace the culvert under Pioneer Road at Medina Junction Road in CY 2012. Based on the Commission’s new Policy, the Administration would recommend replacing the culvert as a part of the scheduled road repair project. The Administration has no objections to using the County to do work; however, it does have a concern about the blanket requirement that the County do the work. If they are the low bidder that is fine; if they are not the low bidder, the Town should do what is in its best interest.
3. Based on the Board’s previous actions, a motion to approve the Town’s CY 2012 replacement of the culvert under Pioneer Road at Medina Junction Road in CY 2012 would be in order. Additionally, the motion should include bidding the project with the road repair work with the County as a potential bidder for the work.

MOTION: (Unanimous consent) Approve the Town’s CY 2012 replacement of the culvert under Pioneer Road at Medina Junction Road in CY 2012 for the County’s bridge aid application, and include bidding the project with the road repair work with the County as a potential bidder for the work.

CARRIED.

O. Discussion/Action: Town Board review and consideration of a draft Records Retention Policy for the Town.

1. The Town Board received a copy of the State Statues relating to records retention, a copy of the Destruction of Materials Policy from the Government Accountability Office, and a Draft copy of a Records Retention Policy for the Town of Clayton.
2. The Administration has developed the attached draft policy from past experience and documents in other communities.
3. The Records Retention will incorporate the State’s Destruction of Materials Policy as part of the Clerk’s Election Material Documentation.
4. During the next few months staff will be working on the Town’s file system. As part of that work, the Records Retention Policy will probably be administratively revised. When the file system is complete, the Administration will bring the finalized Records Retention Policy back to the Board for approval of the final document.
5. If the Board is comfortable with the process, a motion to approve the Record Retention Policy for the Town would be in order.

MOTION: (Unanimous consent) Approve the Records Retention Policy for the Town with the addition of the Election Material Destruction Documentation.
CARRIED.

P. Discussion/Action: Town Board review and consideration of a 3-year Town Audit Contract extension with Schenck, SC.

1. The Town Board received a copy of the proposal to renew the Town's 3-year Contract with Schenck, SC, for audit services for the Town.
2. The Town's Auditors, Schenck, SC, provide the Town with audited Financial Statements that meet the requirements of the State's Statute.
3. The fees for the proposed contract extension are as follows:
 - a. Audit Year 2011: \$6,600.00
 - b. Audit Year 2012: \$6,700.00
 - c. Audit Year 2013: \$6,800.00
4. For comparison, the Town budget for the Audit Contract for the 2011 Audit Year was \$6,500.00.
5. The Administration recommends extending the Town's Contract with Schenck SC for a second 3-year term.
6. Based on the Board's concurrence with the Administration's recommendation, a motion to approve a 3-year contract extension with Schenck, SC, for the following fees would be in order:
 - a. Audit Year 2011: \$6,600.00
 - b. Audit Year 2012: \$6,700.00
 - c. Audit Year 2013: \$6,800.00

MOTION: (Unanimous consent) Approve a 3-year Town Audit Contract extension with Schenck, SC.
CARRIED.

Q. Discussion/Recommendation: Town Board review of the Town's Agreement for the construction of an access road on the Westphal/Town property on CTH "II" west of STH "76".

1. The Town Board received a copy of the documentation relative to the Westphal Certified Survey Map (CSM) and the road dedication for access to Lot 1 of the CSM.
2. The Administration is finishing the research on the issue and will present its findings to the Board its June 1st, 2011, meeting.
3. However, as a point of reference, the Board has taken the position that Developers should pay for the Public Infrastructure when they develop their properties. In this case, the Town would be the Developer.
4. Present: Mark Westphal, Melanie Blechl
5. Commented on item: Mark Westphal (945 Hunt Avenue, Neenah)
No motion on this item.

R. 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.

1. The Town Board received a copy of the Stormwater Management Utility Ordinances for the Town of Neenah and the Town of Menasha.
2. The Board indicated that it would like to review the concept of a Stormwater Management Utility for the Town.
3. The Administration is aware of that the Town's Engineer has some experience with the City of Menasha's Storm Water Management Utility.
4. The Administration recommends that the Board's discussion be limited to the concept of a Storm Water Management Utility and not delve into the details or the funding mechanism of a Utility District.
5. Should the Board wish to generate a report and recommendation relative to the Storm Water Management Utility District, it should refer the issue to the Town's Plan Commission for its report and recommendation.
6. In concept, Storm Water Management Utilities are intended to assign the cost of constructing and maintaining storm water management facilities in the Town on a more equitable basis than a tax mill rate.
7. A Storm Water Management Utility will routinely generate a fee on the basis of a Equivalent Residential Unit (ERU). The ERU is based upon impervious surface on a residential unit. Multiples of the ERU are assigned to commercial and industrial facilities in the Town.
8. These funds are then placed in a restricted account to be used for storm water management facility planning, storm water management facility construction, and reconstruction.
9. The intent of the process is to remove the cost of the Town's storm water management systems from the tax levy and assign them more accurately to structures in the Town based on their impervious surfaces.
10. The main question that will arise from the discussion is equity.
11. Present: Jonathon Bartz (Town Engineer)
12. Commented on item: Terry Klingenberger
13. Board direction: Place this item as an action item on the next Town Board agenda.

No motion on this item.

S. 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.

1. The Town Board received a copy of the Town's Solid Waste and Recycling Contract with Veolia Environmental Services Solid Waste Midwest, LLC (Veolia), as well as a draft copy of the Town's Request For Bids (RFB) for solid waste and recycling services.
2. The RFB document makes several adjustments to the Town's current contract with Veolia. The proposed changes are intended to rationalize the Town's implementation of its solid waste and recycling program. The proposed changes are

highlighted in yellow in the RFB document and will be reviewed with the Board at its Wednesday, June 1st, 2011, meeting.

3. Once the Board has approved the RFB the Administration will forward the document to the Town’s Attorney for review. Following the Attorney’s review, the RFB will be distributed to the waste haulers in the area with the intent of having the Board award a contract prior to September 1st, 2011.
4. Commented on item: NAMEADDRESS

MOTION: (Geise, Grundman Erdmann) Geise Direct staff to bid the Town’s Solid Waste and Recycling Contract for January 1st, of CY 2012, through December 31st, of CY 2014

CARRIED by unanimous voice vote.

T. Discussion/Recommendation: Town Board direction to staff relative to the Town-wide mailing for the 2nd quarter Town Newsletter and the informational material relative to the replacing and Special Assessing the costs of the Town’s Rural Addressing plaques.

1. The Town Board received a copy of the postcard mailer that staff would like to send to residents as notice that the Town’s quarterly Newsletter will be available on the Town’s Home Page by the close of business on Monday, June 20th, 2011.
2. Additionally, the mailer will advise residents of the Town’s project to update all of the Town’s rural addressing plaques.
3. The informational postcard will be mailed on Thursday, June 2nd, 2011.
4. The Town’s contractor expects to start replacing the Town’s rural addressing plaques on or about Wednesday, June 15th, 2011.
5. The Town Board reviewed the attached mailer for accuracy and content.

No motion on this item.

X. Upcoming Meeting Attendance

- A. Thursday, June 9, 2011 (8:00 A.M.) – Local Comprehensive Planning and Ordinance development Seminar (The Marq, 3177 French Rd., DePere, WI 54155)

XI. Board Member Requests for Future Agenda Items

- A. No requests.

XII. Approval of Disbursements

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

XIII. Adjournment – 10:20 P.M.

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully submitted,
Susan Nester-Huebner, Town Clerk