

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, June 4th, 2014

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Board of Supervisors

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

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Engineer – Mike Schultz	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, May 21st, 2014.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, May 21st, 2014.

IV. Open Forum – Non-Agendized Town-related Matters:

Faith Quick, 7441 Sunburst Lane, Neenah

- Discussed the black top being bad on Sunburst Lane and she would like it repaired
- The vacant lot across from the Marhefke residence is not being mowed for the lawn and the ditch. Owner is Terrence Jack who lives at 450 Maple Lane in Neenah. Concerned about the lot not being maintained this season
- The Town of Clayton has the policy that we do not mow subdivisions. Richard will have Scott check into the ditch in that area and also the road condition on Sunburst Lane. These two issues will be added to the June 18th, 2014 agenda

Richard Matowitz, 1372 Pinehurst Lane, Neenah

- Discussed issues driving on Clayton Avenue on Friday, May 30, 2014 regarding tar and oil that was on his truck and he wants the Town of Clayton to pay for repairs on his truck with the oil on it.

V. Correspondence:

- A. Copies of correspondence from the Town's Attorney
- B. Copy of correspondence from the Department of Natural Resources relating to the Oakcrest Manor storm water management project.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Kressin
 - Concerns about motorcycle speeding complaints on County Road II
- C. Clayton-Winchester Fire Department
 - Chief Rieckmann reports that so far in 2014 there have been 35 calls. Marsh fires on Saturday, May 31st, 2014 that involved 250 to 300 acres off County Road MM7 departments were called, 77 firefighters and and DNR plan assisted from starting at 3:00 p.m. and everyone left the scene at 9:30 p.m.
 - New computer software is working well. First payroll has been completed.
 - June 23rd, 2014 Joint Fire Board meeting in Winchester
- D. Larsen-Winchester Sanitary District
 - Disposable wipes in ponds are not really disposable
- E. Administration Comments
 - Jeff Schultz (Town engineer) handed out status reports
 - Tori Bowen discussed the establishment liquor licenses being renewed. Some are being heard at the Town Board meeting on June 18th, 2014
 - Administrator Johnston commented on preparation for Claytonfest
 - Supervisor Geise checking on the status of the pond issue on Coleman Ridge for adding a fence around pond. This pond was originally designed to be a retention pond and the second owner does not want to add a fence around it

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Maria Hopfensperger
- ii. Lisa Brucks
- iii. Brian Wilcox
- iv. Morgan Rusch

B. Renewal:

- i. Janiece Zastrow
- ii. Rebecca Hilgers
- iii. Robert Hilgers Jr. (Neenah license expires 6/30/14)
- iv. Gina Combs
- v. Alexandra Griffith
- vi. Crista Johnson-Schmidli
- vii. Diana Miller

C. Discussion/Action: Consideration and approval of Cigarette Licenses:

- a. 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, 2014 to June 30, 2015, subject to compliance with State Statutes and Municipal Ordinances.
 - i. Larsen Cooperative Company (d.b.a. Larsen Hardware Country Store), 8290 County Road T, Larsen, WI 54947.
 - ii. Remington Oil Co. Inc. (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
 - iii. SB Food & Beverage, Inc. (d.b.a. Sandy Shot Grill), 3501 Winnegamie Drive, Neenah, WI 54956.
 - iv. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.

D. Discussion/Action: Consideration and approval of Alcohol Licenses:

- a. The following parties have a renewal application for a “Class A” license to sell fermented malt beverages, and a “Class A” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2014 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:
 - i. Remington Oil Co Inc., (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
Agent: Sarah J. Borneman

E. Discussion/Action: Consideration and approval of Alcohol Licenses:

- a. The following parties have a renewal application for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2014 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:
 - i. Pubs and More, LLC (dba Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.
Agent: Kenneth R. Zastrow
 - ii. SB Food & Beverage Inc.(dba Sandy Shot Grill), 3501 Winnegamie Drive, Neenah, WI 54956.
Agent: Sandy Beltz
 - iii. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.
Agent: Leo John Roth Jr.
 - iv. Willie Beamons, LLC (dba Willie Beamons), 2590 County Road II, Neenah, WI 54956.
Agent: Frances Pfeffer
 - v. The Woodshed Inc., 2895 County Road II, Neenah, WI 54956.
Agent: Dino O. Valeri
 - vi. Kenneth R. Loehrke (dba Century Elm Supper Club), 8300 County Road T, Larsen, WI 54947
Agent: Kenneth R. Loehrke

MOTION:

Motion made by unanimous consent to approve the alcohol establishment licenses for Pubs and More, LLC (dba Headliners Bar and Grill), SB Food & Beverage Inc.(dba Sandy Shot Grill), Ridgeway Country Club, Inc., Willie Beamons, LLC (dba Willie Beamons) and The Woodshed Inc.

The Administration is providing the Board with copies of the applications for the listed establishments and the background checks for the applicants and agents. There has been some discussion relative to the process that staff has used for the Application process. Please be advised that staff has been uniform and consistent with its review of all of the applications and applicants. Staff has not given special consideration to any individual. Additionally, the Administration would like to advise the Board that it has issues with the following Applications:

- A. Westridge Golf Club LLC, (dba Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.
 - i. Agent: Jason Kunstman

- B. Boe, LLC (dba The Re-Mixx Entertainment Venue), 8386 State Road 76 Suite B, Neenah, WI 54956.
 - i. Agent: Michelle Baumann

- C. S.O.L. Restaurants LLC (dba Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956.
 - i. Agent: Lynn Ann Miller

The Administration’s concerns relate to the Town’s revised Ordinance # 5.2 Regulating the Licensing and Permitting the Sale and Service of Intoxicating Liquor and Fermented Malt Beverages. Specifically, the three listed applications have delinquent taxes due on the properties. In the case of S.O.L. Restaurants LLC (dba Oinks Restaurant) the taxes are due by the landlord. Boe, LLC (dba The Re-Mixx Entertainment Venue) also has a hold on the License by two product providers. Additionally, staff has not received an Application from Mr. Clauson for the Larsen Tavern. Based on the Administration’s issues with the Applications staff has elected to place these Applications on the Board’s Wednesday, June 18th, 2014 meeting agenda. The additional time may allow for the resolution of the Administration’s issues with the Applications.

Relative to the Applications on the Board’s Wednesday, June 4th, 2014 agenda, the Administration is recommending approval of the Applications as presented. If the Board agrees with the Administration’s recommendation a motion would be in order for each category of License Application to include a reading of the Applicant and the Agent and a statement that the approval is conditioned on meeting all State and Municipal Ordinances.

- VIII. Business referred by the Plan Commission:
 - Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):
 - A. No Referrals.

- IX. Business referred by the Green Space Committee:
 - Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):
 - A. No Referrals.

X. Business:**A. Discussion/Action:** Town Board review and consideration of approving a Debt Service Policy for the Town of Clayton.

Attached, please find a Draft copy of a Debt Service Policy for the Town of Clayton. The document was prepared by the Administration based on Debt Service Policies used in other communities, and a review of other municipal debt service policies. The draft document is being reviewed by the Town's Financial Advisor and the recommended will be incorporated into the final document prior to consideration by the Board. The Draft Policy limits the Town Board's capacity to incur General Obligation debt at 20% of the Town's Statutory Debt Capacity. The Draft Policy also goes into detail on other types of debt products that the Town may use in the future. The Administration has included these items so that the Board can create one Policy that covers current and future debt service products. Staff will be available to answer any questions the Board may have relative to the Draft Policy, additionally, the Town's Financial Advisor will be available to advise the Board relative to the Draft Policy and other debt service related issues. If the Board agrees with the Draft Debt Service Policy a motion would be in order to approve the Debt Service Policy as considered and to direct staff to place the Policy on file.

- Administrator Johnston reviewed the draft of the Debt Service Policy.

MOTION:

Motion made by unanimous consent to approve the Debt Service Policy for the Town of Clayton.

B. Discussion/Action: Town Board review and consideration of authorizing the Town Administrator to complete a Declaration of Official Intent to reimburse an expenditure with proceeds of a borrowing or borrowings authorized by the Issuer.

Attached, please find a copy of a Declaration of Official Intent (Declaration). Approval of the document allows the option of using Reserve Account funds with the intent to reimburse the Reserve Accounts from the proceeds of the proposed borrowing. The document does not commit the Town Board to borrow funds, it simply allows the Town the option of refunding its accounts with the proceeds of a borrowing if it chooses to do so. Absent the Declaration, the Board would not have the legal authority to refund its Reserve Accounts from the proceeds of a borrowing. The Administration is asking the Board for approval to sign the Declaration as a step in the bonding process. The Administration has estimated costs of the Town's Capital Reconstruction projects for the next 3-year period and estimates the Reserve Account refund amount at \$500,000.00. The Town's Financial Advisor will be in attendance at the Board's meeting to answer any questions the Board may have relative to the process and the requirements for municipal borrowing. If the Board opts to not move forward with a debt service plan for the Town's Capital Reconstruction Projects, the Declaration will simply be filed in the dollar value listed.

MOTION:

Motion made by unanimous consent to approve the Declaration of Official Intent.

C. Discussion/Action: Town Board review and consideration of Issuing Municipal General Obligation Promissory Notes to fund the Town's CY 2014 through CY 2016 Capital Re-construction Projects as identified in the Town's 5-Year Capital Reconstruction Plan.

The Town's Financial Advisor, Michael Hallmann of Lantern Associates, LLC (Mike) will be in attendance at the Town Board Meeting to review and advise the Board on the proposed borrowing. Several Board members asked what the debt service would be on the proposed \$2,000,000.00 borrowing. The debt service on a \$2,000,000.00 borrowing would be approximately \$230,000.00. For every additional \$100,000.00 the debt service payment would increase by approximately \$11,000.00. The Administration would like to advise the Board that directing staff to move forward with the borrowing process does not commit the Board to issuing the proposed debt. The Board will not be committed until it takes action to approve the Debt Resolution and the Resolution authorizing the sale of the notes. Additionally, please be advised that the proposed borrowing fits within the Draft Debt Service Policy that the Board is going to consider.

- Mike Hallman reviewed Report on financing Capital Projects

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion that we direct staff to move forward with the borrowing process and bonding the way it was presented

Vote: Motion made by unanimous consent to approve the borrowing process and bonding as presented.

- D. Discussion/Action: Town Board review and consideration of a proposal for construction related services for the Town's CY 2014 Capital Re-construction projects submitted by the Town's Engineering firm.

Attached please find a copy of a proposal from the Town's Engineer to provide construction related services to the Town for the CY 2014 Capital Reconstruction projects at a cost of \$28,593.00. The Administration has started to recommend that the Town's engineering firm do this type of work based on failures in past projects; specifically, the large rock found in Bomar Avenue, the apparent failure in the subgrade of Shenandoah Trail, and the Town's experience in Breaker Ridge. The Administration has successfully used Town staff to do construction supervision work; however, given the volume of stormwater management work that staff will be doing this year it is not likely that they will have time to do both jobs. The construction related services for the CY 2014 project is relatively minimal because the bulk of the road work is pulverizing and repaving the existing road base. The bulk of the construction supervision on a road project is related to constructing the road base and providing compaction testing on the final product before it is paved. The Administration is recommending that the Board approve the Construction Related Services proposal provided by the Town's Engineer for the Town's CY 2014 Capital Reconstruction projects at a cost not to exceed \$28,593.00 with the funding for the project to come from the Town's CY 2014 Budget, Engineering Line Item.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the construction related services as put in the proposal at a cost not to exceed \$28,593.00 upon the funds for the project coming from the Town's CY 2014 Budget, Engineering Line Item.

Vote: Motion made by unanimous consent to approve the construction related services as stated in the motion.

- E. Discussion/Action: Town Board review and consideration of a proposal submitted by River Valley Testing Corp. (RVT) for compaction testing on the Town's CY 2014 Capital Re-construction projects.

As of the writing of this memorandum the Administration has not received the proposal from River Valley Testing. The Administration has solicited this proposal to provide staff with a measure of comfort with the compaction testing on the project. Should staff not be comfortable with the proof roll of the road base prior to paving, it would be able to test the compaction of the road base by an alternate method. The Administration will provide a copy of the proposal to the Board at its Wednesday, June 4th, 2014 Meeting. Should staff not receive the proposal by Wednesday, June 4th, 2014 the item should be forwarded to the June 18th, 2014 Board meeting. Subject to costs, the Administration is recommending that the Board approve the River Valley Testing compaction testing proposal for the Town's CY 2014 Capital Reconstruction projects with the funding for the project to come from the Town's CY 2014 Budget, Engineering Line Item.

MOTION:

Motion made by unanimous consent to approve the proposal submitted by River Valley Testing Corp. (RVT)

- F. Discussion/Action: Town Board review and consideration of an Easement Agreement between the Ridgeway Country Club, Inc. and the Town Of Clayton for a stormwater management pond.

Attached please find a copy of the proposed Easement Agreement and a copy of a map identifying the location of the easement. The Administration has worked with the Town Engineer to fit the stormwater management project onto the site and into the Town's CY 2014 Capital Reconstruction projects. The only item not satisfied in the existing contracts is the installation of the vegetative barrier adjacent to the new driveway. The Administration expects to complete the installation of the vegetative barrier with Town staff. The other costs related to the construction of the stormwater management pond are included in the costs of the Town's CY 2014 Capital Reconstruction projects or will be included in the Town's CY 2014 Chip Sealing projects. The Administration is recommending approval of the draft easement because of the need for the stormwater management pond. If the Board agrees, a motion would be in order to approve an Easement Agreement between the Ridgeway Country Club, Inc. and the Town Of Clayton for a stormwater management pond on the specified Lot.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve the Easement Agreement between the Ridgeway Country Club, Inc. and the Town of Clayton for a storm water management pond on the specified lot as presented.

Vote: Motion made by unanimous consent to approve the Easement Agreement.

- G. Discussion/Action: Town Board review and consideration of a minor amendment to the Conditional Use Permit granted to Keith Salm for the construction of a self storage facility on property located south of Larsen Road, on the east side of STH “76” in the Town of Clayton, specifically identifies as Tax Id# 006-0645.

Keith Salm (Keith) is requesting that the Board approve moving his self-storage facility approximately 30 +/- feet to the north of the location approved on the Conditional Use Site Plan. The request is based on the type of soils found when the topsoil was being removed from the site. It appears that there is a large area with significant topsoil depth. Keith was advised to not build on the filled area until it had time to compact naturally. In order for Keith to proceed with the project, Jason Ehrmentraut (Jason) has agreed to modify his project to allow Keith to proceed with building now. This will require that Jason apply for an amendment to his Conditional Use Permit in the future; since Jason’s project is several years away any proposed amendment will not be time sensitive. The Administration is recommending that the Board approve the amendment to the Salm Conditional Use Approved Site Plan, to include moving the project 30+/- feet to the north of the approved site. If the Board agrees, a motion would be in order to approve the proposed amendment to the Salm Conditional Use Site Plan for property specifically identified as Tax ID# 006-0645 to allow the northern most building to be moved 30 +/- feet to the north, additionally the Board should direct staff to not sign the recently approved CSM of the property until it confirms that the change to the Site Plan does not violate the Town Zoning Code of Ordinances.

- Keith Salm, 2830 Larsen Rd, Neenah. Found drain tile during construction and needed to move the buildings 30 feet to the North.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to approve the proposed amendment to the Salm Conditional Use Permit specifically identified as Tax Id# 006-0645 to allow the northernmost building to the north and additionally to direct staff not to sign the recently approved CSM of the property until it conforms to the site plan.

Vote: Motion made by unanimous consent to approve the proposed amendment to the Salm Conditional Use Permit.

- H. Discussion/Recommendation: Town Board review and authorization to schedule meetings with residents in the area for the Town’s CY 2014 Capital Re-construction projects and CY 2014 Stormwater Management Projects.

With the onset of the construction season and the Board’s recent approval of a number of Capital Reconstruction and stormwater management projects the Administration would like to schedule informational meeting with the residents in the following areas:

1. Ridgeway Drive Subdivision (Phase II)
2. Ridgeway Drive Stormwater Pond
3. Braun Court
4. Oak Openings stormwater management and potential municipal utility work
5. Oakcrest Manor stormwater management and potential utility work

Given the type of work being done in the Oak Openings and Oakcrest Manor subdivisions the Administration would like to take the opportunity to discuss the provision of municipal

water and sanitary sewer to the area. This discussion should be had in anticipation of pulverizing and repaving the roads in both subdivisions. If the intention is to provide municipal utilities to the area they should be installed prior to the pulverizing and repaving of the roads. The schedule would require a temporary resurfacing of the roads in anticipation of the utility project. The Administration would respectfully ask that one Board member attend each of the Public Information Meetings to represent the Board. Staff will consult with the respective Board member prior to scheduling the Public Information meetings. If the Board agrees with the process and the subject matter, direction to staff to proceed with scheduling the Public Information Meeting would be in order.

XI. Upcoming Meeting Attendance:

- Joint Fire Board meeting on June 23rd, 2014 (Winchester)
- Board of Review June 5, 2014 from 10:00 am to 12:00pm

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:40 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant