



TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

www.townofclayton.net
Town Office Building
8358 County Road T
Larsen, WI 54947

July 21, 2010
7:00 p.m. – 8:47 p.m.

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke

Present: Town Chairperson Luebke, Supervisors Geise, Klingenberger, Lettau, and Schmidt

Staff Present: Town Administrator Johnston, Clerk Nester-Huebner, Public Works Foreman Pamerter, Town Engineer Brueggeman

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – July 7, 2010

MOTION: (Unanimous consent) Approve July 7, 2010, Town Board meeting minutes as written.
CARRIED by voice vote.

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

- Tim Kesler, 9480 N. Oakwood Avenue – Topic: Flooding of home property, culvert rework on Oakwood Avenue & Golfwood Drive
- Bob Breaker, 3664 W. Larsen Road – Topics: Ditching on west side of Medina Junction Road, Water retention on Winnegamie Drive

IV. Correspondence

- Winnebago County Solid Waste Management Board Report – Town of Clayton ranked #1 per person in Recycling Year-To-Date
- Winnebago County Planning and Zoning Department, Farmland Preservation Plan Information – Supervisor Lettau on Steering Committee for Farmland Preservation Steering Committee for the Winnebago County Farmland Preservation Plan

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

- County Supervisor Report – No supervisor present
- Winnebago County Sheriff's Dept. – Deputy Briester present: Larsen Road's "Road Work" signs' stands stolen
- Clayton-Winchester Fire Chief Report – Fire Chief not present, Fire Fighter Robert Breaker reported 49 calls Year-To-Date
- Administration Comments –

Town Administrator: Interviewed yesterday regarding tree to be cut down on Larsen Road, three voice mails by an individual that were offensive regarding the tree to be cut down, working with stormwater issues, working with Rob Way of Winnebago County Parks Department regarding pieces of bog sitting on trestle;

Town Engineer: Larsen Road Project update that contractor to start on the east end on Monday due to weather and gas utility work;

Chair Luebke: Channel 26 reporter interviewed Town Administrator and Chair Luebke and ran television spot on July 20th, one phone call from a constituent asking to save tree, Dan Frederick of City of Menasha called and didn't agree with cutting down the tree, the 3rd phone call was unrepeatable, Mr. Hahn asked what purpose of nature trail is, Paula Hella not in favor of cutting down tree, Sarah Rimmel not in favor of cutting down tree;

Clerk: Surplus Commodity Revenue Ballot Results – 2008 surplus had 93.60% of Signing Municipalities voted to have surplus refunded, 2009 surplus had 67.24% of Signing Municipalities voted to have surplus held for tipping fee stabilization, however, based on the Agreement requiring 70% of the total Signing Municipalities required to amend the Agreement, the 2009 surplus will also

be refunded to the Signing Municipalities, calculations of refund are based on the Municipality's actual tonnage delivered in each year and will be reviewed and finalized with checks to be issued by the end of July.

VI. Zoning – Receipt of Information from Plan Commission

Plan Commission Chair, Dick Knapinski, presented Plan Commission recommendations on the following:

- A. Discussion on growth in the Town of Clayton
- B. Outagamie County's Airport Zoning Overlay process
- C. Site Plan for developing a secure storage area for the Town's Public Works Department
- D. CSM for Al D. Cummings and Marie E. Cummings, C/O Neal Walter, 4030 Oakridge Road, Larsen, WI 54947, for property located at 4030 Oakridge Road, in the Town of Clayton (Tax ID#006-0712)
- E. Site Plan submitted by Dino O. Valeri for a deck at the Woodshed, Inc., located at 2895 County Road II, in the Town of Clayton (Tax ID#006-062101)
- F. Preliminary work completed by the Town's Engineering Consultant on the engineering required for the Plan Commission report to the Town Board on the Town's Fire Department Structures
- G. Special Plan Commission Meeting regarding the Town's Fire Department Structures

Chuck Keely, 9407 Memory Lane – Topic: Airport overlay affect on Town of Clayton

VII. Business

- A. **Discussion / Action** – Operator Licenses
 - Appeal – Sue A. Bossell – Applicant requested to delay appeal to Aug.18
 - Renewal – Cassandra Lynn Faulks (Present)
 - Renewal – Raymond J. Peterson
 - Renewal – Vickie Lynn Chappell

MOTION: (Geise, Schmidt) Approve renewal operator license for Cassandra Lynn Faulks. CARRIED by unanimous voice vote.

MOTION: (Geise, Schmidt) Approve renewal operator license for Raymond J. Peterson. CARRIED by unanimous voice vote.

MOTION: (Geise, Klingenberger) Approve renewal operator license for Vickie Lynn Chappell. CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on a Plan Commission recommendation on a CSM for Al D. Cummings and Marie E. Cummings, C/O Neal Walter 4030 Oakridge Road, Larsen, WI 54947 for property located at 4030 Oakridge Road in the Town of Clayton (Tax ID# 006-0712).

The Plan Commission has recommended approval of the CSM for Al D. Cummings and Marie E. Cummings, C/O Neal Walter 4030 Oakridge Road, Larsen, WI 54947 for property located at 4030 Oakridge Road in the Town of Clayton (Tax ID# 006-0712).

The Commission's recommendation is based on the following information from Town staff:

1. The proposed CSM creates 2 lots from the parent parcel consisting of approximately 39 acres. Lot 1 is approximately 32.60 acres and consists of the farm field and the outbuildings associated with the residential structure on the property. Access to the lot is from an existing farm access and an ingress and egress easement on Lot 2 of the proposed CSM. Lot 2 is approximately 5.3 acres and consists of the residential structure that takes access from an existing access point on Oakridge Road. Both lots have sufficient frontage and lot acreage to meet the County's Zoning Code requirements. The proposed CSM dedicates the 33-foot northern half of the Oakridge Road Right-Of-Way to the Town.
2. Staff has some concerns about the structures on Lot 1 of the proposed CSM. It is customary for a Zoning Code to not allow accessory buildings without a principal structure. A cursory review of eh County's Zoning Code, A-2 GENERAL FARMING DISTRICT, seems to indicate that a Conditional Use Permit will be needed for the outbuildings on Lot 1 of the proposed CSM.

The Commission’s recommendation is based on the following recommendations made by Town staff:

1. Dedication of the northern half (33.00 feet) of the Oakridge Road Right-Of-Way to the Town of Clayton.
2. Recommendation by the Plan Commission and approval by the Town Board for the grandfathering of the farm access on Oakridge Road as part of the ingress and egress easement for Lot 1 of the proposed CSM.
3. Documentation of the approval for the proposed CSM by any overlying unit of government with jurisdiction.

MOTION: (Lettau, Schmidt) Approve Plan Commission recommendations on CSM Al D. Cummings and Marie E. Cummings, C/O Neal Walter 4030 Oakridge Road, Larsen, WI 54947, for property located at 4030 Oakridge Road in the Town of Clayton (Tax ID# 006-0712) with the staff recommendations.

CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board action on a Plan Commission recommendation on a Site Plan submitted by Dino O. Valeri for a deck at The Woodshed, Inc. located at 2895 CTR “II” in the Town of Clayton (Tax ID # 006-062101)

The Plan Commission has recommended approval of a Site Plan submitted by Dino O. Valeri for a deck at The Woodshed, Inc., located at 2895 CTR “II”, in the Town of Clayton (Tax ID # 006-062101).

The Commission’s recommendation is based on the following information from Town staff:

The petitioner has applied for approval of an 8-foot by 40-foot fenced deck on the east side of the existing structure. The improvements will be used to comply with the State’s new laws relating to smoking restrictions in public buildings. Other than the addition of the fenced deck the fenced deck the project, as proposed, does not modify the existing structures, access points, or parking surfaces. The proposed deck consists of a hard surface with a 4-foot high wood fence on its perimeter. Staff has some concern relative to the proximity of the proposed improvements to the site’s east property line. This concern is shared by the adjoining property owner. The deck, its location, and the construction materials comply with the Town’s Site Plan Ordinance.

The Administration recommends approval of the proposed fenced deck enclosure with the following conditions:

1. The petitioner demonstrates, to the Administration’s satisfaction, that the project does not encroach on the site’s east property line or on the County’s required Zoning Code setback. The simplest way to accomplish this requirement is to have a Licensed Surveyor locate the site’s east property line.
2. The petitioner agrees to pay all municipal Fees related to the project.
3. The petitioner has all the County permits in place prior to the start of construction.

MOTION: (Lettau, Geise) Accept Plan Commission recommendation on a Site Plan submitted by Dino O. Valeri for a deck at The Woodshed, Inc., located at 2895 CTR “II”, in the Town of Clayton (Tax ID # 006-062101), with the staff recommendations and the confirmation of the property lines. CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board review and approval of an engineering proposal for the Town’s 2011 Capital Construction Projects.

Listed below are the Town’s CY 2011 Capital Plan projects:

1. Paving the following Plats/Subdivisions
 - a. Berry Bramble Estates
 - b. Strawberry Estates
 - c. Emerald Valley
 - d. Emerald Valley II
 - e. High Point Estates II
2. Double chipseal the following roads
 - a. Center road from Larsen to Breezewood Lane
 - b. Oakwood Road from Larsen Road to Oakridge Road

- 3. Reconstruction of the road in the following two Plats/Subdivisions
 - a. Oak Openings
 - b. Woodenshoe

The engineering proposal for the Town’s CY 2011 Capital Construction Projects is based on the proposed paving, double chipsealing, and road reconstruction work. The asphalt paving is based on a 3 ¼ - inch surface placed in two (2) lifts. This is what the Administration is proposing as part of the Town’s new Road Construction Standards. It is also the asphalt surface standard placed on the proposed extension of Darrow Road by Ms. Galassi.

Staff is looking for direction on the process that should be used to prioritize the proposed CY 2011 work. The Board will be authorizing only the engineering and bid preparation documents for the projects at its August 4, 2010, meeting. The project cost estimates will be used in the preparation of the Town’s CY 2011 Budget document. The projects will be bid in January of CY 2011 and awarded by the Board based on the budgeted funds. Funding for the project will come from the Town’s CY 2010 Public Works, Engineering Budget line item.

Town Board reviewed the engineering proposal for the Town’s CY 2011 Capital Construction Projects.

Board direction: bring back a more complete financial analysis for the cost of the projects

- E. **Discussion/Recommendation:** - Town Board recommendation on the scheduled replacement of all Fire Numbers in the Town of Clayton.

Board Direction: Begin process in CY 2011 and Special Assess on CY 2011 Taxes Payable in 2012, place notice in Town Newsletters (Fall 2010, Winter 2010, and Spring 2011)

- F. **Discussion/Recommendation:** - Update to the Board on the residents’ request to design and construct a passing lane at the intersection of CTH “76” and Windfield Drive.

Town of Clayton received the Wisconsin Department of Transportation (DOT) response to correspondence and supporting documentation sent by the Town Administrator to Dave Nielson Regional Access Management Engineer at the Northeast Regional Office of the DOT as well as an engineering proposal and cost estimate for the project from the Town’s Engineer.

The DOT’s correspondence is in response to the Town’s request for authorization to pave an approximately 250-foot by 7-foot section of the northbound shoulder of STH “76” at its intersection with Windfield Drive. As indicated, the Administration did not believe a Grant would be awarded as there is simply no real quantifiable justification for the project. In his correspondence, Mr. Nielsen appears to indicate that he would approve a permit for the Town to construct the project at the Town’s expense. The Town has a cost estimate for the engineering and the construction of the passing lane to DOT standards. The Board will still need to resolve the problem of who pays for the project.

Bryce Adie, 3040 Windfield Drive – Topic: Passing lane discussion

Board Direction: Refer back to staff

VII. Upcoming Meeting Attendance

- July 22, 2010 – 6:30pm, Special Plan Commission Meeting
- August 18, 2010 – 9:00am, Outagamie County Airport Overlay Ad Hoc Committee Meeting
- August 24, 2010 – 7:00pm, Farmland Preservation Regional Meeting, (Location: Town of Clayton)
- October 11, 2010 – 7:00pm, Joint Fire Board (Location: Town of Clayton)

IX. Board Member Requests for Future Agenda Items – none

X. Approval of Disbursements

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

XI. Adjournment – 8:47p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*