

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, August 20th, 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 – Jeff 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, August 6th, 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, August 6th, 2014.

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

V. Correspondence:

- A. Copy of correspondence from Town Attorney Simon.
- B. Wisconsin Department of Administration Preliminary Estimate of the Town's January 1st, 2014 Population.
- C. Copy of correspondence from an area resident having received service from the Clayton/Winchester Joint Fire Department.
- D. Notice from the Town of Dale on amendments to the Town of Dale Comprehensive Plan.
- E. Copy of an e-mail from a resident requesting a "Hidden Driveway" sign on Fairview Road.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
 - Mike Pfankuch, 4566 Grandview Road. Reported Draw-down status of summer projects
 - Curtains are up
 - Reviewing District insurance policy at 2:00 p.m. on August 21, 2014 in Winchester
 - Authorize Richard/Tori to purchase new reader for Larsen-Winchester Sanitary District
- E. Administration Comments
 1. Mary Jo Miller reports that the Ridgeway Project has been going well. If no rain should go a bit faster.
 - Public Works doing work in Oak Openings.
 - Chip sealing work completed.
 - Sizing culvert for Larsen Road.
 2. Administrator Johnston reviewed projects and weather-related hold ups. With the rain the Public Works ditching projects are about four to five weeks behind.
 - Discussed ditch mowing. Check with Randy to see if he is interested in training more for ditch mowing.
 3. Treasurer Bowen discussed financial information reports for the Town of Clayton. Jeff Boe voluntarily surrendered his alcohol establishment reserve license for the ReMixx. Attorney Simon discussed the reserve liquor license issues.
 4. Attorney Rose Simon. Nothing to report.
 5. Supervisor Geise asked about fence time-line.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Rachel Jackson
 - ii. Thomas Eake
- B. Renewal:
 - i. Katherine Wolf (expired 6-30-14)
- C. The following party has 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 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. Christopher R.D. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947
Agent: Christopher Clauson

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to renew Mr. Clauson’s liquor license for the Larsen Tavern for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors.

Vote: Motion made by unanimous consent to approve renewal of Mr. Clauson’s liquor license.

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):

Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):

A. Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Rodger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah, WI 54956, for an amendment to an existing Conditional Use permit to operate a wedding and event facility on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at, 3910 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No action taken by the Plan Commission. Moved to the September agenda. Chair Luebke stepped down.

B. Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI for a Conditional Use Application for an Artificial Pond for property located at 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-03, being part of the northeast ¼ of the northwest ¼, and described as Lot 3, of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to accept the application submitted by Mark and Laura Luebke for a conditional use application for an artificial pond for property located at 3929 CTR II with all staff and commissioner recommendations.

Vote: Motion made by unanimous consent to approve the conditional use application.

Chair Luebke returns to the chair.

C. Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Alan W. and Jennifer L. Larsen, 837 East Apple Tree Lane, Appleton, WI 54911 for the following property located on Pioneer Road south of CTR II in the Town of Clayton, specifically described as Tax ID # 006-0531-01, Lot 4 of CSM 4094 being part of the southeast ¼ of the northeast ¼, of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

- Discussed placement of home relative to Pioneer Road
- Discussed re-zoning from A-2 to R-1
- **NO ACTION TAKEN**
- Chair Luebke stepped down.

D. Plan Commission recommendation to the Town Board on a request to modify the Landscaping Plan for the Rolling Meadows Self Storage LLC rental storage building located at 3849 CTR II, Larsen, WI 54947 in the Town of Clayton and specifically described as Tax ID # 006-0558-03, Lot 1 of CSM 5823 of Section 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission recommended approval.
- Explained why modification of landscaping is necessary.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to modify the landscaping plan for Rolling Meadows Self Storage LLC at 3849 CTR II in Larsen with all staff and Planning Commission recommendations.

Vote: Motion made by unanimous consent to approve 4 to 0.

E. Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand alone Sign Ordinance #7.6.

- Chair Luebke returned to the chair.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion to accept the rescission of the Town's stand alone Sign Ordinance #7.6 and have the Town Administrator draft an appropriate resolution.

Vote: Motion made by unanimous consent to approve.

F. Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand alone Site Plan Ordinance.

- Issue tabled to the September meeting.

G. Plan Commission recommendation to the Town Board on proposed amendments to the Town's Access Control Ordinances including, but not limited to, the driveway separation requirements of the Ordinance.

- Issue tabled to the September meeting.

Agenda Item VIII – A through G

Date: Thursday, August 14th, 2014

From: Administrator

To: Town Board

Re: Business referred by the Plan Commission

Town Board receipt, review, and consideration of Plan Commission Referrals

Attached, please find a copy of the Draft Minutes from the Wednesday, August 13th, 2014 Plan Commission Meeting. The Board will find the details of the Commission's actions listed in the Draft copy of the Meeting Minutes. The Commission's motions are summarized in the following list of agenda items:

Business

Plan Commission Action:

Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Rodger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah, WI 54956, for an amendment to an existing Conditional Use permit to operate a wedding and event facility on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3910 Fairview Road, Neenah, WI 54956 and is specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Based on the input from the Public Hearing on the agenda item and on the need for additional clarification on the issues the Commission has referred the issue to its Wednesday, September 10th, 2014 meeting and directed staff to do additional research on the Application and to solicit a legal opinion on the issue from the Town's Attorney.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Haskell

Motion: To refer the Agenda Item to the Commission's Wednesday, September 10th, 2014 meeting and to notify area residents of the meeting when this item would be on the Agenda.

Vote: Unanimous

Plan Commission Action:

Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI for a Conditional Use Application for an Artificial Pond for property located at 3929 CTR II, Larsen, WI and specifically described as Tax ID # 006-0566-03, being part of the northeast ¼ of the northwest ¼, and described as Lot 3, of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: To approve the Conditional Use Permit Application for a pond made by Laura C. and Mark E. Luebke, 3929 CTR II, Larsen, WI 54947 on property zoned R-2 (SUBURBAN RESIDENTIAL DISTRICT) and located at 3929 CTR II, Larsen, WI 54947 subject to the following conditions:

1. That the County Planning and Zoning Department review and approve the design of the Pond as part of the Stormwater Management System for the Plat of Whispering Meadows.
2. That the Applicants build the pond and related stormwater management system as designed and approved by the County.
3. That the Applicants have a long term maintenance agreement for the pond in place with the County as part of the County's review and approval of the pond design and all the required Town Building Permits in place prior to the start of construction.

Vote: Unanimous in favor of the motion.

Plan Commission Action:

Plan Commission recommendation to the Town Board on an application submitted by the petitioners, Alan W. and Jennifer L. Larsen, 837 East Apple Tree Lane, Appleton, WI 54911 for the following property located on Pioneer Road south of CTR II in the Town of Clayton and specifically described as Tax ID # 006-0531-01, Lot 4 of CSM 4094 being part of the southeast ¼ of the northeast ¼, of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Dorow

Motion: To recommend approval of the proposed rezoning subject to the following conditions:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

Vote: Unanimous in favor of the motion.

Plan Commission Action:

Plan Commission recommendation to the Town Board on a request to modify the Landscaping Plan for the Rolling Meadows Self Storage LLC rental storage building located at 3849 CTR II, Larsen, WI 54947 in the Town of Clayton and specifically described as Tax ID # 006-0558-03, Lot 1 of CSM 5823 of Section 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Eckstein

Seconded by: Commissioner Schmidt

Motion: To recommend approval of the petitioner's request subject to the following conditions:

1. The removal of the six arborvitae plantings.
2. The removal of the single Blue Spruce.

Vote: Unanimous in favor of the motion.

Plan Commission Action:

Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand-alone Sign Ordinance #7.6.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: To recommend rescission of the Town's stand-alone Sign Ordinance #7.6. subject to the following conditions:

1. Confirmation that the Town's Zoning Code of Ordinances includes the concept that, unless specifically permitted, the item is prohibited.

Vote: Unanimous in favor of the motion.

Plan Commission Action:

Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand-alone Site Plan Ordinance.

also

Plan Commission recommendation to the Town Board on proposed amendments to the Town’s Access Control Ordinances including, but not limited to, the driveway separation requirements of the Ordinance.

The Plan Commission provided input to staff relative to the proposed amendments and directed staff to refer these items to the Commission’s Wednesday, September 10th, 2014 meeting for further consideration.

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. Green Space Committee recommendation to the Town Board relative to soliciting quotes to replace the roof on the Clayton Park Pavilion with a raised seam metal roof with eaves.

- Discussed solicitation of quotes to replace roof
- Mike Pfankuch discussed the pros/cons of having a dark colored roof vs. a light colored roof. Darker color the snow melts off faster.
- Discussed roof color in Site Plan ordinance.
- Direct staff to follow through with quotes.

X. Business:

A. Discussion/Action: Town Board review of a presentation by the Town’s Financial Advisor, Michael Hallmann of Lantern Associates, LLC, on the Town’s Financial Rating as provided by the Standard & Poor’s Rating Services.

Attached, please find a copy of the Standard and Poor’s rating documentation for the Town of Clayton. Please be advised that the Town’s rating has improved from an “A+” to a “AA+” over the course of the past three years, it is the Administration’s opinion that improvement is based on the Board’s willingness to invest in and improve the Town’s Policies, Procedures, and operating functions. The Town’s Financial Advisor, Michael Hallmann of Lantern Associates, LLC, will be available at the Board’s meeting to better explain the Town’s Financial Rating as provided by Standard & Poor’s Rating Services and to answer any question the Board may have relative to the process and the ratings of area communities.

- Discussed bond rating report.
- **NO ACTION TAKEN.**

B. Discussion/Action: Town Board review and consideration of Resolution 2014-014 A Resolution Authorizing the Issuance and Sale of \$2,300,000 General Obligation Promissory Notes by the Town of Clayton.

Attached please find a draft copy of Resolution 2014-014 A Resolution Authorizing the Issuance and Sale of \$2,300,000 General Obligation Promissory Notes by the Town of Clayton. Also attached are copies of the supporting documentation for the Resolution and note issue. The Administration will be completing the required documentation prior to the Board’s meeting. The Town’s Financial Advisor, Michael Hallmann of Lantern Associates, LLC, will be available at the Board’s meeting to better explain the Resolution and the required documentation and to answer any questions the Board may have relative to the Resolution and the borrowing process. Please be advised that the exact interest rate

and payment will not be available until the evening of the Board's meeting; however, the estimated average interest rate, including issuance costs, is expected to be below 2.5%.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve Resolution 2014-014 A Resolution Authorizing the Issuance and Sale of \$2,300,000 General Obligation Promissory Notes by the Town of Clayton.

Vote: Motion made by unanimous consent to approve Resolution 2014-014.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Supervisor Grundman: Aye

Chair Luebke: Aye

Vote: Motion carries with 5 ayes and 0 nays.

- C. Discussion/Action: Town Board review and consideration of Resolution 2014-006 A Resolution Adopting an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for property specifically described as Tax ID # 006-0531-01, Lot 4 of CSM 4094 being part of the southeast ¼ of the northeast ¼, of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

Attached please find a copy of Resolution 2014-006 A Resolution Adopting an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Resolution 2014-006 and to direct staff to file the appropriate documentation with the County.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve Resolution 2014-006 and direct staff to file the appropriate documentation with the county.

Vote: Motion made by unanimous consent to approve Resolution 2014-006.

- D. Discussion/Action: Town Board review and consideration of a proposal submitted by MBM for the routine lifecycle replacement of the Town's leased Printer/Copier/Fax machine.

Attached, please find a copy of a proposal to replace the Town's Printer/Fax/Copier machine. The current machine is leased from MBM and has reached the end of its regular life cycle. The cost of leasing the machine is funded as part of the Town's annual

operating budget, the lease cost of the existing machine adjusted for actual use is \$474.06 per month, the lease cost of the new machine adjusted to the Town's actual use would be \$474.76 per month resulting in a zero impact on the Town's Budget. Because of changing technology and improvements in the operation of the equipment the routine life cycle of electronic equipment is 4 to 5 years, this replacement falls well within that time frame. An additional benefit to replacing the machine now is the option of keeping the existing machine for the Fire Department's use at a nominal cost of \$17.83 per month. This option will allow the Fire Department to have control over its copying function without having to ask Town staff for permission and the Town will not have to cover the cost of the Fire Department's copy needs. Should the Board agree with the proposal, a motion would be in order to approve the new printer/copier/fax machine lease with MBM at a cost of \$474.76 per month and to keep the existing copier for the Fire Department's use at a cost of \$17.83 per month. Additionally, the Fire Department is to be billed for the \$17.83 monthly cost of the old machine. Please be advised that the Administration has reviewed this proposal with the Fire Chief including the need for the Fire Department to control the use of the machine's color copying function. Color copies are not included in the monthly cost for the old machine and cost an additional \$0.0107 per copy.

Vote: Motion made by unanimous consent to approve the lease of a new color copier machine.

- E. Discussion/Action: Town Board review and consideration of a presentation by Wells Fargo staff on financial services and financial options that the firm may be able to provide to the Town of Clayton.

In order to continue to improve the Town's financial operations and the services offered to Town residents, the Town Treasurer (Tori) has been working with representatives from Wells Fargo Bank to see what services are available. Some of the options Tori has looked at are on the operations and investment side and are intended to improve efficiency and the rate of return on the Town's surplus funds. Other options that Tori has looked at include services that could be offered to residents; the most likely one the Board may want to consider is accepting credit card payments. Making payments with credit or debit cards is the most often requested financial service by residents. Wells Fargo staff has asked for the opportunity to make a presentation to the Board on the services they offer; the timing of the presentation would allow staff to account for any cost in the Town's CY 2015 Budget and put some of these services in place prior to the tax collection activities at the end of year. Based on the presentation and the services offered, the Board may wish to give staff direction as part of the agenda item.

- Sarah Udem and Ross Johnson presentation regarding business banking services. Possibilities for residents to pay their property taxes online with an online fee payment applied.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we start to move forward in transferring all of our financial funds to Wells Fargo.

Vote: Motion made by unanimous consent to approve using Wells Fargo.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Supervisor Grundman: Aye

Chair Luebke: Aye

Vote: Motion carries with 5 ayes and 0 nays.

- F. Discussion/Action: Town Board review and consideration of the Town’s options for disposing of the Elmer property located at 8328 CTR “T”, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago.

The Town Chair and the Administration have been reviewing the Town’s options relative to disposing of the former Elmer property located at 8328 CTR “T”, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago. The Town’s original intent was to sell the property to an area resident who was going to renovate the property and place it on the market as an owner occupied, single family residence. Because of the time lag in the process this option may no longer be available to the Town. In order to expedite the process the Town Chair and staff would like to have the structure appraised and placed on the market. In order to accomplish this goal in an expedited manner the Administration is asking the Board to authorize the Town Chair to contract for an appraisal of the property at a cost not to exceed \$2,500.00 and then place the property on the market through an area realtor at the appraised price. Additionally, the Chair is requesting the authority to sell the property if an offer at the appraised value is received. This process would only be used if the area resident is no longer able or interested in purchasing the property. If the Board agrees with the process as presented, a motion would be in order to authorize the Town Chair to contract for an appraisal of the property at a cost not to exceed \$2,500.00 and then place the property on the market through an area realtor at the appraised price. Additionally, if the Chair receives an offer at the appraised value he is authorized to commit the Town to the sale without any additional Board action.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion: Motion that we postpone this to a later date after negotiations with Mr. Clauson’s property to see how we want to proceed with this property.

Vote: Motion made to approve postponement of this issue 4 to 1 vote. Chair Luebke voted no.

- G. Discussion/Recommendation: Town Board review and recommendation to staff on scheduling the Board’s CY 2015 Budget Meetings.

The Administration would like to schedule the Board's budget review hearings for the Town's CY 2015 Budget. In the past the Board has scheduled 4 budget sessions. As in the past, the Administration is recommending that each Budget Hearing cover specific sections of the Draft Budget and be limited to a maximum of two hours. At the end of the Budget review process the Board will need to schedule the Special Town Electors Meeting to approve the CY 2015 Levy and Transportation Budget. The Administration respectfully asks the Board to be ready to schedule the Town's CY 2015 Budget Review hearings.

- Four meetings.
- Start during the second week of September on Tuesdays through the end of September. Dates proposed are September 16, 23 and 30 and October 7, 2014 in the mornings.
- Meetings to be set as follows:
 - September 16th, 2014 1:00 p.m. to 3:00 p.m.
 - September 23rd, 2014 9:00 a.m. or 1:00 p.m. (to be discussed, possibly 9:00 a.m.)
 - September 30th, 2014 1:00 p.m.
 - October 7th, 2014 7:00 p.m.

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

- Clauson property sale
- Sign ordinance on Fairview Road

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 9:25 p.m.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant