

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:40 P.M. on Wednesday, November 19th, 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 Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	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, November 19th, 2014.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, November 19th, 2014.

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

- A. Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit to the form to the Town Clerk. Pursuant to Wisconsin Statutes 19.32(2) and 19.84(2), Town related matters not on the Agenda may be presented; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given.

- V. Correspondence:
- A. Communications from the Winnebago County Clerk’s Office.
 - B. Communications from the Winnebago County Highway Commissioner on the IoH Meetings.
 - C. Winnebago County Solid Waste Management Board October 2014 Recycling Tonnage Report.
 - Discussion on the Town of Clayton being third highest on recycling numbers in Winnebago County. On December 1, 2014 more containers will be recyclable.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - Charles Farry (Winnebago County Supervisor). Winnebago County budget approved. Lowered Mill rate .01 cents.
 - IOH – Implements of Husbandry law. Must establish procedure for overweight farm machinery relative to permits.
 - Reviewed option approved by Winnebago County Committee
 - Burt Drews (3113 County Road II, Neenah) asked if there is a maximum width for farm equipment on the roads.
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - Deputy Nicla attended. No issues for him or residents.
 - C. Clayton-Winchester Fire Department
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Sold work truck #2.
 - Put in driveway for Drifter’s, filled in the ditch and placed pipe in the ground.
 - Distributed election papers.
 - Treasurer Bowen discussed the dog shots clinic on January 17, 2015. Auditors will be coming in December for a pre-audit. Trying to get the tax bills out as soon as possible. New system for Winnebago County just implemented.
 - Engineer Miller discussed the Ridgeway and Braun Court work being done for 2014. Ridgeway curb return to be filled in and shoulders to be cleaned up.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Daniel McGinn
 - ii. Bretney Luzenski
 - B. Renewal:
 - i. None
- VIII. Business referred by the Plan Commission:
- A. Plan Commission recommendation to the Town Board on a negotiated definition and limitations to the Conditional Use Permit held by petitioners, Roger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah, WI 54956, for property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3910 Fairview Road, Neenah, WI 54956 and specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, and State of Wisconsin.

- Administrator Johnston discussed the term etc. as far as the permit and to specify more of what would be covered under the conditional use permit.
- Chair Luebke discussed multiple meetings on this which have been held before the Plan Commission and Town Board since August of 2014.
- Trisha Zander (3855 Fairview Road, Neenah). Expressed concerns regarding public safety and violations of State statutes.
- Attorney Simon discussed admission fees, serving alcohol and other conditional use issues. Cannot serve alcohol when admission fees are charged such as sleigh or hay rides. In violation of State statutes if you bring in your flask of alcohol. A licensed bartender would need to be provided for alcohol at no charge.
- Review of the terms of the conditional use.
- Cody Cavanaugh discussed his motocross racing. He will most likely only be doing it for so many years as he gets older. Allowed one show per year with a limit of 400 people at any one time.
- Roger Cavanaugh stated that they have anywhere from 600 up to 1,000 people at previous events between indoor and outdoor capacity. Also have to consider fire protection for the amount of people that would be allowed on the grounds.
- Russ Thorson (3901 Fairview Road, Neenah). Concerned about the winter season and ice accumulating on the hilly driveway going to and leaving from the facility.
- Mary Gross (3868 W. Fairview Road, Neenah). Clarification as to the limit of years for motocross racing.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve the Cavanaugh conditional use permit. Description of the property 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, and State of Wisconsin with the amendments to the capacity limits to include the total attendance of any single event as limited to the indoor of the declared commercial buildings on the premises and that Item 8 the sale of alcoholic beverage on the properties and during the events is prohibited and in those cases where there is alcohol available that a licensed bartender be on the premises at all times. Those terms to be worked out by the attorney, the Cavanaugh's and Mr. Johnston.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Schmidt: Aye

Supervisor Grundman: Naye

Supervisor Lettau: Naye

Supervisor Geise: Aye

Motion carried 3 ayes and 2 nays.

- A. Plan Commission recommendation to the Town Board on developing an ordinance relating to local control of Telecommunication Towers by the Town of Clayton.
 - Discussed further in the agenda.
- B. Plan Commission recommendation to the Town Board on a report by the Plan Commission Chairman regarding October 29th, 2014 Winnebago County Plan Commission Network session on Comprehensive Plans.

- Tabled to the next meeting.

IX. Business referred by the Green Space Committee:

- A. Green Space Committee recommendation to the Town Board on the long term development of the Trail Head Park Grounds and Park Facility.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2014-016 A Resolution Adopting the CY 2014 payable in CY 2014/15 Town Tax Levy and CY 2015 Transportation Budget as set by the Wednesday, November 19th, 2014 Special Meeting of the Town Electors; and Adopting the Town's CY 2015 Budget as Presented by the Town Board.

Attached please find a copy of Resolution 2014-016. The numbers and the vote from the Special Town Electors Meeting will be filled in by the Clerk following the Electors Meeting. The Board will then approve the attached Resolution to comply with the Town Electors Vote and set the Town's CY 2014 Payable in CY 2014/15 Town Tax Levy and CY 2015 Transportation Budget as presented by the Town Board. This Resolution should be voted on by a Roll Call Vote.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion to approve Resolution 2014-16.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of Resolution 2014-017 A Resolution approving the transfer of up to \$75,000.00 from the Town's Unassigned Reserve Account to the Town's Budgeted Engineering Line Item for the purposes of completing an engineering study on the provision of Municipal Sanitary Sewer and Municipal Water Utilities to the northeast and southeast quadrants of the Town of Clayton.

Attached please find a copy of Resolution 2014-017. The Resolution is the next step in funding the recently approved study for providing Municipal Sanitary Sewer and Municipal Water Utilities to the northeast and southeast quadrants of the Town of Clayton. The Board approved the Contract with Cedar Corp for the project at its Wednesday, November 5th, 2014 meeting. As part of the project approval process the Board funded the work at a not to exceed cost of \$75,000.00 with the funding to come from the Town's Unassigned Reserve Account. The attached Resolution formally authorizes the transfer of the funds from the Town's Unassigned Reserve Account to the Town's Engineering Line Item in the CY 2014 General Fund Expense Budget. Should the Board still wish to proceed with the project and the specified funding sources, a motion would be in

order to approve Resolution 2014-017 A Resolution approving the transfer of up to \$75,000.00 from the Town's Unassigned Reserve Account to the Town's Budgeted Engineering Line Item for the purposes of completing an engineering study on the provision of Municipal Sanitary Sewer and Municipal Water Utilities to the northeast and southeast quadrants of the Town of Clayton. Please be advised that the motion needs to pass by a super majority (4 of 5 members) of the Board.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve Resolution 2014-17 A Resolution approving the transfer of up to \$75,000.00 from the Town's Unassigned Reserve Account to the Town's Budgeted Engineering Line Item for the purposes of completing an engineering study on the provision of Municipal Sanitary Sewer and Municipal Water Utilities to the northeast and southeast quadrants of the Town of Clayton.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Motion carried unanimously.

C. Discussion/Action: Town Board review and consideration of Ordinance 2014-010 An Ordinance rescinding the Town's stand-alone Site Plan Ordinance.

Based on the recent approval of a Town Zoning Code of Ordinances and the inclusion of Site Plan Element in that Zoning Code, the Plan Commission has recommended that the Board rescind the Town's stand-alone Site Plan Ordinance. Attached please find a copy of Ordinance 2014-010 An Ordinance rescinding the Town's stand-alone Site Plan Ordinance. If the Board wishes to proceed with the Plan Commission's recommendation, a motion would be in order to approve Ordinance 2014-010 and publish the document as required by the Statutes.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve Ordinance 2014-010 and publish the document as required by the statutes.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Motion carried unanimously.

- D. Discussion/Action: Town Board review and direction to staff relative to the process used when enforcing the recently issued orders to remove obstructions in the Town’s Right-Of-Way.

Attached please find copies of the Draft Orders issued by the Town Board to remove obstructions in the Town Right-Of-Way. With the Chair’s approval the Administration has placed this item on the Board’s Agenda with the intent of clarifying the mechanical process that staff would normally follow. Specifically, if staff has not received any correspondence from the parties to whom the Orders have been issued and the encroachments have not been removed, staff would use the following process. A survey crew would be hired to accurately identify and mark the Town’s right-of-way and then a contractor would be hired to remove the encroachment and return the area to road grade. The cost of these projects would then be referred to the Board with a recommendation to bill the property owner for the work. Staff will be in attendance at the Board meeting to explain and/or clarify any of this process to the Board. The Administration is forwarding this issue to the Board for direction since the Town has not done this type of activity in the past and has no process in place at this time.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion that we allow the Brucks’ to until June 1, 2015 to remove the concrete apron on their driveway in the right-of-way.

Motion carried by unanimous consent

- XI. Upcoming Meeting Attendance:
- XII. Board Member Requests for Future Agenda Items:
Agricultural Husbandry laws.
- XIII. Review of Disbursements:
- XIV. Adjournment:
MOTION:
Motion made by unanimous consent to Adjourn at 9:55 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant