

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, February 20th, 2019

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

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I. Call to Order: Town Board Chairman Geise called the meeting to order.

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

a. Board of Supervisors

Chair Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Admin/Treasurer Straw	EXCUSED
Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ben Lafrombois	EXCUSED

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

- A. Public Hearing before the Town Board on proposed amendments to the Town's Ordinance No. 5.2, Intoxicating Liquor and Fermented Beverages Ordinance, Section 4. Operator's (Bartender's) Licenses.

- No Public Comments

The Public Hearing was closed at 7:03 p.m.

III. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, February 6<sup>th</sup>, 2019 Town Board Meeting

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, February 6<sup>th</sup>, 2019 Town Board Meeting.

IV. Open Forum:

- A. Please complete the "Request to Speak at Meeting" form located on the agenda/sign-in table and submit 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.

- NONE

V. Correspondence:

- A. Copy of correspondence with Circuit Court Judge Daniel J. Bisset on the Town's Incorporation Petition.
- B. Notice of scheduling a Telephonic Conference with Circuit Court Judge Daniel J. Bisset on the Town Incorporation Petition.
- C. Winnebago County Solid Waste Management Board, January of CY 2019 Recycling Tonnage Report.
- D. Winnebago County Solid Waste Management Board CY 2018 Commodity Percentages Report.
- E. Copy of correspondence from the State Department of Natural Resources.
- F. Copy of the Minutes of the Oshkosh Public Library Board December 20<sup>th</sup>, 2018 Meeting.

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

- A. County Supervisor Report
  - NO REPORT
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
  - NO REPORT
- C. Clayton Combined Protective Services Department (First Meeting of the Month)
  - a. Clayton Fire Rescue Department
    - Chief Rieckmann provided a written report:
      - 17 calls year-to-date of which 13 were EMR and 3 were Fire and 1 that was both
      - March 9, 2019 doing a vacant house burn through FVTC. Inviting surrounding departments
      - Blood Mobile coming Tuesday, March 5, 2019
  - b. Clayton Fire Rescue First Responder
    - 2 members of CFR completed EMR training and are now on the First Responder Roster: Lisa Mathison and Ben Andrews
  - c. Clayton Police Officer
    - Sent application documents to the State; waiting to be recognized as a Police Department
    - Completed first ride-alongs with Omro
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administrative Comments
  - Engineer Miller
    - Discussion regarding the Regional Stormwater Pond will be on the next agenda
    - Discussion regarding the Larsen Road Reconstruction Project is scheduled for later in the meeting.
  - Administrator Johnston
    - Informational letters sent out to residents regarding snowplowing into the rights of way
    - Spring Primary Election held on February 19, 2019—69 voters

- Public Works continuing to improve upon the plowing process
- New Truck should be delivered soon—waiting on a computer module
- Chair Geise
  - Continue to communicate with Mayor Kaufert of the City of Neenah and Jeff Youngquist of the Village of Fox Crossing

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Joshua J. Bevers

B. Renewal Licenses:

- i. No Renewal Licenses Issued

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. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Wisconsin Public Service (WPS) for a Temporary Construction Site for property owned by Bucklin’s Bus Barn, LLC located at 8616 State Road 76, Neenah, WI 54956; specifically described as Tax ID# 006-0359, being located in Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski reported that the Plan Commission recommended approval of the CUP to the Town Board.

**MOTION:**

Motion by unanimous consent to Approve the Conditional Use Application submitted by WPS for a Temporary Construction Site with the Plan Commission recommendations as follows:

1. That all vehicular access come from two existing access points on Winncrest Road.
2. In lieu of a financial surety document, WPS guarantee the owner that all of the gravel parking and storage areas will be maintained and/or restored to the extant condition as it is on the date of the approval of the Conditional Use Application.
3. The CUP will expire 365 days after issuance/acceptance.
4. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.

B. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Brian and Victoria Phillips for Backyard Chickens for property located at 2750 Fairview Road, Neenah, WI 54956; specifically described as Tax ID# 006-0339-04, being located in Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski reported that the Plan Commission recommended approval of the CUP to the Town Board.

**MOTION:**

Motion by unanimous consent to Approve the Conditional Use Application submitted by Brian and Victoria Phillips for Backyard Chickens with the Plan Commission recommendations as follows:

1. The number of chickens is limited to a maximum of 6.
2. There shall be no roosters on site at any time.
3. The chickens shall be contained in the coop or in a confined area of the backyard of the property.
4. The chickens shall not be allowed to free range on the property.
5. Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
6. Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.
7. That the flock be registered with the State Department of Trade and Consumer Protection (DATCP).
8. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.

C. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Duane E. Bann, 9618 Lind Lane, Neenah, WI 54956 for property located at 9618 Lind Lane and specifically described as Tax ID # 006-0006, and Tax ID# 006-0008-01, located in Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski reported that the Plan Commission found the CSM to be in compliance with all Town requirements and recommended approval to the Board.

**MOTION:**

Motion by unanimous consent to approve the CSM as submitted.

D. Plan Commission recommendation to the Town Board on a Site Plan Approval Application for Envision Ink, a printing firm building to be located on property on the north side of the east end of West American Drive in the Town of Clayton specifically known as Tax ID# 006-0335-03 and owned by Jeff Day and John Garrow LLC, 1991 West Wisconsin Avenue, Appleton, WI 54913.

- Plan Commission Chairman Knapinski reported that the Plan Commission recommended approval of the Site Plan to the Town Board with all Staff and Plan Commission recommendations being made and submitted to the Town Board prior to approval. The recommendations were as follows:
  1. That the Applicant provide an updated Site Plan that meets the Commission's requirements before the Site Plan is submitted to the Town Board for approval.
  2. The Applicant agree to install mountable curb returns on the proposed driveway apron accessing West American Drive.
  3. The Commission require the office portion of the building roof have 2-foot

- roof overhangs.
4. The Commission require the additional stone veneer elements as described to enhance the esthetic appeal of the structure.
  5. The Commission require that the parking facilities include the parking islands and island landscaping required meet the Town Site Plan Ordinance requirements.
  6. That a Knox Box security system be installed to give the Fire Department controlled access to the building.
  7. That the Applicant provide a Site Plan Ordinance compliant Landscaping Plan including size and species inventory of the proposed plantings or in the alternative, approve the use of the earlier Landscaping Plan submitted for the same project.
- Sam Winterfeldt, Keller Inc., was in attendance to speak with the Board regarding the project. He noted
    - Curb returns were added
    - Sidewalk on the front of the building moved out and landscaping added
  - Mr. Winterfeldt explained that the Town's Ordinance encourages the roof overhangs, but does not require them. He stated that the owner is trying to save money and requests the Board remove the requirement.
  - Mr. Winterfeldt also asked the Board to remove the requirement for the additional stone veneer work on the front of the building as another cost saving measure
  - Chairman Geise stated the Plan Commission unanimously asked for all of the requirements listed and he was not willing to disregard the Commission's recommendation.
  - The Board Members agreed.

**MOTION:**

Motion to approve the Site Plan for EnvisionInk with the Plan Commission recommendations as follows:

1. That the Applicant provide an updated Site Plan that meets the Commission's requirements before the Site Plan is submitted to the Town Board for approval.
2. The Applicant agree to install mountable curb returns on the proposed driveway apron accessing West American Drive.
3. The Commission require the office portion of the building roof have 2-foot roof overhangs.
4. The Commission require the additional stone veneer elements as described to enhance the esthetic appeal of the structure.
5. The Commission require that the parking facilities include the parking islands and island landscaping required meet the Town Site Plan Ordinance requirements.
6. That a Knox Box security system be installed to give the Fire Department controlled access to the building.
7. That the Applicant provide a Site Plan Ordinance compliant Landscaping Plan including size and species inventory of the proposed plantings or in the alternative, approve the use of the earlier Landscaping Plan submitted for the same project.

- E. Plan Commission report on direction to staff relative to proposed Amendments to the Town's Zoning Code of Ordinances relating to Short Term Lodging Rentals.
  - Chairman Knapinski explained that Staff is developing the amendments for Public Hearing and Plan Commission consideration in March.
- F. Plan Commission report on direction to staff relative to proposed Amendments to the Town's Zoning Code of Ordinances relating to Signs.
  - Chairman Knapinski explained that Staff is developing the amendments for Public Hearing and Plan Commission consideration in March.
- G. Plan Commission report on direction to staff relative to the Board's direction to the Plan Commission to create Tax Incremental District #1 in the Town of Clayton.
  - Chairman Knapinski explained that the Commission directed Staff to begin the process and present the first step at the Commission's March meeting.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (second Town Board meeting of the month):

- A. The Green Space Committee Meeting was cancelled due to lack of a Quorum.

X. Business:

- A. Discussion/Action: Town Board review and consideration of the First Reading of the proposed amendments to the Town's Ordinance No. 5.2, Intoxicating Liquor and Fermented Beverages Ordinance, Section 4. Operator's (Bartender's) Licenses.

The Board reviewed a Draft copy of Town of Clayton Ordinance 2019-002, an Ordinance to rescind in its entirety Town of Clayton Ordinance 5.2, creating an Intoxicating Liquor and Fermented Malt Beverages Ordinance and adopting in its entirety an amended Town of Clayton Ordinance 5.2, creating an Intoxicating Liquor and Fermented Malt Beverages Ordinance. The purpose for the process was to create a two-tiered Operator's License System. The A-Operator's would only be valid in a convenience store for sale of products for off-premise consumption. The B-Operator's License would be valid for both sales for off-premise consumption and sales for on-premise consumption. The Town Attorney had reviewed the Draft Intoxicating Liquor and Fermented Beverages Ordinance and had advised staff that the Draft Ordinance meets State Law and could be approved by the Town Board. The Board waived the reading, noting that copies of the draft Ordinance were available in the Town Office.

**MOTION:**

Motion by unanimous consent to refer the the Ordinance to a second reading and consideration for approval.

- B. Discussion/Action: Town Board review and consideration of Clayton Fire Rescue Department's Draft 1- and 2-Family Dwellings Standard Operating Guidelines.

The Board reviewed a draft copy of a proposed Town of Clayton Fire Rescue Department, Standard Operating Guideline (SOG) for 1- and 2-Family Dwellings. The draft SOG has been reviewed and approved by the Department's Command staff. Both the Chief and the Administration recommended that the Town Board approve the draft SOG and direct the Chief to place it into effect.

**MOTION:**

Motion by unanimous consent to approve the Clayton Fire Rescue Department's 1- and 2-Family Dwellings Standard Operating Guidelines.

- C. Discussion/Action: Town Board review and consideration of a proposal to replace the windows in the Town Hall, Board Room submitted by Omni Glass & Paint Inc.

The Board reviewed a proposal provided by Omni Glass & Paint, Inc. for replacing the exterior windows in the Board Room. This proposal was provided as part of the maintenance of the Town Hall building. The maintenance project included cleaning and resurfacing the exterior wood beams on the south side of the building and replacing the Board Room windows. Because of the project cost staff recommended that the Board split the project into two years (CY 2018 and CY 2019). The cost of the proposal for replacing the exterior windows is \$8,220.00. The proposal also included some additional work (\$1,625.00) in the Town Hall building that staff believed should not be approved at this time. The replacement aluminum windows will resemble the new windows installed in the rest of the building when it was updated in CY 2014. The interior trim of the Board Room windows will not change from its existing look. The Administration recommended that the Board approve the window replacement project as presented at a cost of \$8,220.00 with the funding to come from the Town's CY 2019 General Fund Budget, Municipal Building, Repair and Maintenance Line Item.

**MOTION:**

Motion by unanimous consent to approve the proposal submitted by Omni Glass & Paint Inc. at a cost of \$8,220.00 with the funding to come from the Town's CY 2019 General Fund Budget, Municipal Building, Repair and Maintenance Line Item.

- D. Discussion/Action: Town Board review, consideration and direction to staff relative to the reconstruction of Larsen Road from STH "76" through the intersection of Oakwood Avenue, the pulverizing and repaving of Larsen Road from the intersection of Oakwood Avenue to CTR "T" and the construction of the related pedestrian trail.

The Board reviewed a memorandum from the Town's Engineer (Mary Jo Miller) outlining the estimated cost for the reconstruction of Larsen Road from STH "76" through the intersection of Larsen Road and Oakwood Avenue, as well as the estimated costs of the proposed trail on the south side of the Larsen Road right-of-way. Also included were the estimated costs of pulverizing and paving Larsen Road from the

intersection of Oakwood Avenue to CTR “T” and the related trail construction. The estimated cost for the Larsen Road reconstruction is \$800,000 to \$850,000 or approximately \$150.00 per linear foot. The cost of pulverizing and paving Larsen Road from Oakwood Avenue to CTR “T” is \$425,000 to \$475,000 or approximately \$40.00 per linear foot. The estimated cost of the 3-mile section of 6-foot wide paved trail from STH “76” to CTR” T” is \$1,450,000. A significant portion of the Trail cost is caused by the need to enclose the south storm water management ditch of Larsen Road so that the trail can be constructed over the enclosed ditch. The Town’s experience with the trail on the south side of Larsen Road between STH “76” and Clayton Avenue demonstrates the need to enclosed the storm water management ditch in order to create a quality trail system. This need becomes clear when the different legs of the existing trail are studied, i.e. the enclosed trail in front of EarthScapes vs the open ditch of the rest of the trail. The Administration recommended that the Board postpone this project another year based upon the undefined financial costs of the Municipal Sanitary Sewer and Municipal Water projects in the Town’s Sanitary District.

**MOTION:**

Motion by unanimous consent to postpone the project to 2020 but to continue the development of and complete the design work for the project.

**XI. CLOSED SESSION OF THE TOWN BOARD:**

- a. Discussion/Action: Town Board Review and Consideration of moving into a Closed Session Pursuant to WI Statute 19.85(1)(e) and 19.85 (1)(g).
  - i. **19.85 (1)(g)** – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
    - 1. Consideration of Border Agreement with the Village of Fox Crossing.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to move to Closed Session pursuant to WI Statutes 19.85(1)(e) and 19.85 (1)(g).

**ROLL CALL VOTE:**

Chair Geise	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Supervisor Reif	Aye
Supervisor Grundman	Aye

Motion carried by a vote of 5-0

- b. Discussion/Action: Pursuant to WI Stat. 19.85 (2), the Town Board will reconvene into open session.

- i. **19.85 (2)** - No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

- 1. Review and consideration of Border Agreement with the Village of Fox Crossing.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to reconvene into open session pursuant to WI Stat. 19.85 (2).

**ROLL CALL VOTE:**

Supervisor Grundman            Aye

Supervisor Schmidt            Aye

Supervisor Reif            Aye

Chair Geise            Aye

Supervisor Lettau            Aye

Motion carried by a vote of 5-0

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to authorize the Town Board Chairman to continue negotiations a Border Agreement with the Village of Fox Crossing

Motion carried by unanimous voice vote.

XII. Review of Disbursements

XIII. Review of General Fund Budget Update (Second Town Board Meeting of the month)

XIV. Upcoming Meeting Attendance: NONE

XV. Board Member Requests for Future Agenda Items:

- Supervisor Lettau suggested the Board consider reviewing the Town’s Code of Ordinances to include LEED standards as well as other requirements for new development.

XVI. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 8:37 p.m.

Respectfully submitted, Holly Stevens, Clerk