

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. on Wednesday, February 21st, 2018

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

I. Call to Order:

A. Notice, Verification, Roll

1. Town Board Chairman Geise called the meeting to order
2. Pledge of Allegiance.
3. Verification of Notice
4. 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
Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): NONE

III. Approval of Minutes:

- A. Approval of the Wednesday, February 7th, 2018 Town Board Meeting Minutes.

MOTION:

Motion by unanimous consent to approve the February 7th, 2018 minutes as presented

IV. Open Forum – Town-related Matters not on the Agenda: NONE

V. Correspondence:

- A. Winnebago County Solid Waste Management Board 2018 Recycling Tonnage Report for January of CY 2018.
- B. McMahan Engineers Notice of Highland Woods Subdivision Phase 2 Bidding and Construction Coordination

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

- A. County Supervisor Report

- NO REPORT
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Officer Pedersen present—no issues or concerns
 - Mike Pfankuch, Public Works Foreman, discussed recent vandalism to Trailhead Park Restrooms
- C. Clayton Fire Rescue Department (First Meeting of the Month)
 - Chief Rieckmann written report
 - 21 calls year-to-date (11 EMR, 7 Fire, 3 Both)
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administration Comments
 - Engineer Mary Jo Miller—NO REPORT
 - Administrator Johnston
 - Highland Woods Development Phase 2 moving forward
 - Replaced Trailhead Park Restroom Toilets. New have locking tanks
 - Primary Election went well
 - Public Works developing a proposal for a summer schedule to be presented to Town Board in March. Recommending four 9-hour days and one 4-hour day per week
 - Deputy Clerk Stevens
 - Primary Election had 325 voters—approximately 12.5% turn-out. State anticipated 7% turn-out.
 - Becky Haskell, newly appointed Chief Inspector, managed the events of the day very well
 - Town Board Chair Russ Geise
 - Continuing talks with the Village regarding Border Agreement
 - Meeting with interested parties regarding Town owned land

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Kasey Jo Kuhn
- B. Renewal:
 - i. NONE

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 Richard J. Hageman, 3067 Buttercup Road, Neenah, WI 54956, to operate a Home Occupation Minor for a licensed retail product. The property is located at 3067 Buttercup Road, Neenah, WI 54956; specifically described as Tax ID #006-1429, being located on Lot 37 of the Plat of the Ridges in Section 23, Town 20 North, Range 16 East, The Ridges Plat Lot 37, Town of Clayton, County of Winnebago, State of Wisconsin.
 - Chair Knapinski reported the required Public Hearing was held prior to the regular Plan Commission Meeting

- Two residents presented concerns—applicant responded to and addressed the concerns
 - Plan Commission recommends approval of the Conditional Use Application with the conditions / staff recommendations as noted by the Plan Commission
- B. Plan Commission recommendation to the Town Board on a Preliminary Site Plan submitted by Marty Nikodem for consolidated Lot-2 and Lot-3 of the Winncrest Commercial Subdivision, specifically identified as Tax ID# 006-1777, and Tax ID# 006-1778, both located in the Northwest ¼ of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted this project has been under review for several months.
 - Project is still in development, but the current Site Plan satisfies the Commission’s request to this point
 - Plan Commission recommends approval of the Site Plan with Staff comments and the requirement for the continued Site Plan review and approval as the future phases of the development continue and the Site Plan is modified accordingly.

MOTION:

Motion by unanimous consent to approve the Site Plan with Staff comments and the requirement for the continued Site Plan modifications, review, and approval as the future phases of the development continue.

- C. Plan Commission recommendation to the Town Board on a 2-Lot Certified Survey Map (CSM) application submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947, for property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID# 006-0340, being part of the northeast ¼ of the southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski reported the mechanics of the CSM are correct
 - Chair Knapinski stated the Plan Commission recommends approval of the 2-Lot CSM to the Town Board with Staff recommendations as noted, and to include a Right of First Refusal as a condition of the sale of the property.
- D. Plan Commission recommendation to the Town Board on proposed amendments to the Town’s Zoning Code of Ordinances based on Wisconsin Act 67 and the new requirements for Conditional Use Permits created by Act 67.
- Chair Knapinski reported that Act 67 gives the Town very little latitude when issuing CUPs.
 - Plan Commission recommends having the Town’s Planner find a way to adjust the Town’s Zoning Code to be compliant with the Act 67 requirements while reflecting what the governing body and residents want for the Town

DIRECTION:

The Board directed Staff to solicit the cost proposal from the Planner for the proposed work.

- 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. Discussion/Recommendation: Introduction of new Committee Members.

Newly Appointed Committee Member Dustin Kraft, 8071 Golden Primrose Circle, Neenah, provided background information to the Committee.

B. Discussion/Recommendation: Committee review of the CY 2018 Funding for projects in the Town's Parks and Cemeteries and the proposed projects.

- Continuing work on Friendship Trail including grading and addition of screenings
- Continuing upgrade projects at Clayton Park
- Platting Royer Cemetery
- Monumenting Royer and Clayton Cemeteries

C. Discussion/Recommendation: Committee request for information on possible projects in the Town's Parks and Cemeteries

- Staff to research options for installation of rolling doors at Clayton Park Pavilion
- Continuing research on rubberized playground matting

X. Business:

A. Discussion/Action: Town Board review and consideration of a Conditional Use Application submitted by Richard J. Hageman, 3067 Buttercup Road, Neenah, WI 54956, to operate a Home Occupation Minor for a licensed retail product. The property is located at 3067 Buttercup Road, Neenah, WI 54956; specifically described as Tax ID #006-1429, being located on Lot 37 of the Plat of the Ridges in Section 23, Town 20 North, Range 16 East, The Ridges Plat Lot 37, Town of Clayton, County of Winnebago, State of Wisconsin.

The Plan Commission recommended approval of the Conditional Use Application for a Home Occupation Minor. However, they did have concerns about the delivery of firearms and/or ammunition to the home without the need for the signature of an adult to confirm delivery. Mr. Hageman provided staff with a copy of Code of Federal Regulations (CFR) 478.31 "Delivery by Common or Contract Carrier". CFR 478.31 (d) does require that any carrier receive a signed receipt for a package containing a firearm from an adult prior to delivery. This requirement should eliminate the possibility of a carrier leaving a package containing a firearm on a porch or door step.

- The Board discussed the concerns expressed and the Federal, State, and Local requirements which address the concerns

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to approve the Conditional Use Application submitted by Richard J. Hageman, 3067 Buttercup Road, Neenah, WI 54956, to operate a Home Occupation Minor for a licensed retail product as presented by the Plan Commission.

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of the sale of a portion of the property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID# 006-0340, being part of the northeast ¼ of the southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board reviewed a copy of a Certified Survey Map (CSM) of the property that has been recommended for approval by the Town's Plan Commission. The Board also reviewed a copy of a future CSM of the same property that is to be submitted for approval when the Town extends West American Drive from its eastern terminus to Clayton Avenue. The Town Chair has directed the Administration to have the CSM submitted for action by the Plan Commission and approval by the Town Board. The intent is to sell the five-acre Lot-1 of the CSM to KC Mauer (KC) for use as a residential home. When the Town extends West American Drive, KC will exchange Lot-1 of the CSM for the 4-acre Lot identified on the second draft CSM. In order to protect the Town, the attached draft of an agreement between the Town and KC will be reviewed and edited by the Town's Attorney. As part of the CSM approval process the Plan Commission did recommend that the Board include a right-of-first-refusal in the agreement with KC.

MOTION:

Motion by unanimous consent to approve the sale of the property subject to the related documents meeting the Town Attorney's recommendation and the Town Chair's approval.

- C. Discussion/Action: Town Board review and consideration of a 2-Lot Certified Survey Map (CSM) application submitted by the Town of Clayton, 8348 CTR "T", Larsen, WI 54956, for property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID# 006-0340, being part of the northeast ¼ of the southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Administration placed this item on the Board's Agenda so that the Board could consider the sale of the property identified as Lot-1 of the CSM prior to considering approving the CSM. With the Board's approval to sell Lot-1 of the proposed CSM to Mr. KC Mauer (KC) in the previous business item, the CSM is before the Board for its approval.

MOTION:

Motion by unanimous consent to approve the CSM as presented with Plan Commission and Staff recommendations.

- D. Discussion/Action: Town board review and consideration of authorizing the Administration to negotiate an agreement for placing fill from the

State's USH "41" construction project on the Town owned property located on the south side of the USH "41" right-of-way between STH "76" and Clayton Avenue.

Staff has been approached by Mashuda Contractors, Inc. (Mashuda) relative to disposing of fill from work on the USH "41" construction project. Mashuda is a general contractor bidding on work to be done on the highway project in CY 2018/19. If they are awarded the bid by the State, the fill would be available in CY 2019. The Administration has advised Mashuda that it would ask the Town Board for authorization to negotiate a contract for placing the fill on the Town owned property located on the south side of the STH "10" frontage between STH "76" and Clayton Avenue. Rather than asking for compensation for placing the fill on the site, the Administration is inclined to negotiate removing the vacant residential structure at the east end of the site, grading the removal area, and filling the small pocket of wetlands at the base of the hill. The benefit to the Town would result in the savings from removing the residential structure and grading the site (approximately \$15,000 to \$20,000), and the value of the small wetland area as developable property. Staff advised that the Town would have to obtain the wetland fill permit from the State Department of Natural Resources (DNR) in order for Mashuda to be able to fill the site.

MOTION:

Motion by unanimous consent to authorize the Administration to negotiate the fill agreement with Mashuda Contractors, Inc. subject to final approval by the Town Chair.

- E. Discussion/Action: Town Board review and consideration of approving corrections to the Town's CY 2017 Assessment Roll based on palpable errors in the Town's Real and Personal Tax Roll for the following:
- a. Real Property:
 - i. 3668 Forest Heights Lane, Neenah, WI 54956.
 - ii. 8043 Coleman Ridge, Neenah, WI 54956
 - b. Personal Property:
 - i. 8889 Oakwood Avenue, Neenah, WI 54956

The Board reviewed the reasons for the corrections to the Town's Assessment Roll:

- a. Real Property:
 - i. 3668 Forest Heights Lane, Neenah, WI 54956:

The Assessor valued the property and the improvements as if they were 100% complete when the project was actually 50% completed. The Assessor will revalue the property on January 1 of CY 2018.

- ii. 8043 Coleman Ridge, Neenah, WI 54956

The Assessor valued the property and the improvements as if they were 100% complete when the project was actually 73% completed. The Assessor will revalue the property on January 1 of CY 2018.

b. Personal Property:

- i. 8889 Oakwood Avenue, Neenah, WI 54956

The Assessor valued the self-reported Personal Property as if it was at the site when property had been relocated when the business moved to a new location. The Assessor will remove the Business's Personal Property from the Town's Tax Rolls.

MOTION:

Motion by unanimous consent to approve the corrections to the Town's CY 2017 Assessment Roll based on palpable errors in the Town's Real and Personal Tax Roll as noted.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance: NONE
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:03 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk