

**TOWN OF CLAYTON**  
Board of Supervisors  
Meeting Minutes  
7:00 p.m. on Wednesday, March 6<sup>th</sup>, 2019  
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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- I. Call to Order: Town Board Vice Chairman Reif called the meeting to order.
  - A. Pledge of Allegiance
  - B. Verification of Notice
  - C. Meeting Roll

- a. Board of Supervisors
  - Chair Geise EXCUSED
  - Supervisor Lettau PRESENT
  - Supervisor Grundman PRESENT
  - Supervisor Schmidt PRESENT
  - Supervisor Reif PRESENT
- b. Staff
  - Administrator Johnston PRESENT
  - Asst Admin/Treasurer Straw PRESENT
  - Clerk Stevens PRESENT
  - Town Engineer – Mary Jo Miller PRESENT
  - Town Attorney – Ben Lafrombois PRESENT

- II. Public Hearing(s) and/or Public Information Meeting(s):
  - A. No Public Hearing

- III. Approval of Minutes:
  - A. Approval of the Minutes of the Wednesday, February 20<sup>th</sup>, 2019 Town Board Meeting

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, February 20<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. Distribution of a copy of correspondence with Circuit Court Judge Daniel J. Bisset on the scheduling of hearings on the Town's Incorporation Petition.
- B. Distribution of a Public Notice of a Closed Session of the Village of Fox Crossing Board of Trustees relating to challenging the Department of Natural Resources Settlement Agreement with the Town of Clayton.
- C. Distribution of the February CY 2019 Building Inspection Report.
- D. Distribution of a Wisconsin Policy Forum study on the use of Tax Incremental Financing in the State.
- E. Distribution of an ECWRPC Memorandum relating to Resolution 43-18 to restrict the Use of High-PAH Pavement Sealants.
- F. Distribution of Fox Valley Technical College, Board Appointment Communication.
- G. Distribution of a Charter Communications letter notifying the Town of an internal corporate reorganization.
- H. Distribution of a fundraising notice for Strikes for Kids program.

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 Schuh was presented and advised all vehicles be locked when parked outside because there have been a rash of car burglaries lately.
- C. Clayton Combined Protective Services Department (First Meeting of the Month)
  - a. Clayton Fire Rescue Department
    - Chief Rieckmann provided a written report:
      - 21 calls year-to-date of which 13 were EMR and 7 were Fire and 1 that was both
      - March 9, 2019 vacant house burn through FVTC postponed
      - Blood Mobile coming Tuesday, March 5, 2019
  - b. Clayton Fire Rescue First Responder
  - c. Clayton Police Officer
    - Received notification that the State approved and recognizes the Town of Clayton Police Department
    - Continuing to participate in ride-alongs with Omro PD
    - Meeting with Winnebago County Sheriff to discuss department progress
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administrative Comments
  - Engineer Miller
    - Asked the Board to continue discussion regarding the Larsen Road Reconstruction Project in order to complete the design phase of the project
  - Administrator Johnston
    - Working on intergovernmental agreement to share municipal court with the Village of Winneconne
    - New Truck arrived and put into use
  - Clerk Stevens
    - Preparing for upcoming election

- Preparing for upcoming Wisconsin Towns Association Meeting to be held at Clayton on April, 4, 2019
- Treasurer Straw
  - Auditors are finalizing report for presentation at the next meeting
  - Developing financing plan for upcoming projects

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Heather P. Maves
- ii. Blaine Montanye
- iii. Christopher Ashauer

B. Renewal:

- 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. No Referrals

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. No Referrals

X. Business:

- A. Discussion/Action: Town Board second reading, review and consideration of Town of Clayton Ordinance 2019-002 An Ordinance Rescinding and Recreating Ordinance 5.2 Regulating the Licensing and Permitting the Sale and Service of Intoxicating Liquor and Fermented Malt Beverages.

The Board reviewed a Draft copy of Town of Clayton Ordinance 2019-002, An Ordinance Rescinding 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 of this process was to create a two-tiered Operator's License System, the A-Operator's would only be valid in a convenience store for off-premise consumption, the B-Operator's License would be valid for sales for off-premise consumption and sales for on-premise consumption. The Town Attorney reviewed the Draft Intoxicating Liquor and Fermented Beverages Ordinance and has advised staff that the Draft Ordinance meets State Law and could be approved by the Town Board.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to approve Ordinance 2019-002 An Ordinance Rescinding and Recreating Ordinance 5.2 Regulating the Licensing and Permitting the Sale and Service of Intoxicating Liquor and Fermented Malt Beverages with staff completing the required publication of the Ordinance.

**ROLL CALL VOTE:**

Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Supervisor Schmidt	Aye
Chairman Geise	Absent

Motion carried with a 4-0 vote.

- B. Discussion/Action: Town Board review and consideration of the CY 2019 update (Amendment #16), to Resolution 2009-010, a Resolution setting and providing for updating the Town of Clayton Fee Schedule.

The Board reviewed a draft copy of the Administration’s recommended changes to the Town’s CY 2019 Fee Schedule. The Administration recommended the addition of a \$55.00 per hour Administrative Fee with a minimum of one hour per event. The fee will formalize the clarification of the Town’s Fees and identify the fee assigned to the costs of administrative work.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve CY 2019 update (Amendment #16) to Resolution 2009-010, a Resolution setting and providing for updating the Town of Clayton Fee Schedule with an effective date of March 7<sup>th</sup>, 2019.

**ROLL CALL VOTE:**

Supervisor Schmidt	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Chairman Geise	Absent

Motion carried with a 4-0 vote

- C. Discussion/Action: Town Board review and direction to staff relative to Storm Water Management Utility project to construct a regional storm water management pond in the area of the northeast corner of STH “76” and CTR “JJ” in the Town of Clayton.

The Board reviewed a Concept for a Regional Storm Water Management Pond on Breezewood Lane and STH "76" in the Town of Clayton. The also reviewed a copy of CY 2000, Chapter 1: Project Background and Setting, a study prepared for the Neenah Slough Watershed Ad Hoc Group Study completed by Earth Tech Inc. The area of the proposed Regional Storm Water Management Pond in the Town of Clayton was included in the Earth Tech study. The proposed pond would act as a regional pond owned and maintained by the Town. This methodology will eliminate a plethora of small, privately owned ponds for each development in the area. The benefit of this process to the Town is one large pond that can be used as a development asset and control of the long-term maintenance of the storm water management device. The benefit to the developers in the area is density of land use and minimized maintenance of smaller storm water management devices. The estimated cost of the project (\$1.4 to 1.7 million dollars) would be funded by the Town's Storm Water Utility and refunded by the developers on a pro-rata share as the development occurs. The Administration has directed the Town's Engineer to oversize the proposed pond by 25% to allow for additional storage before the water is released to the downstream waterways. The oversizing of the storm water management device would be charged to the Town's Storm Water Management Utility. The Administration's intends to apply for a Department of Natural Resources (DNR) MS4 construction grant in CY 2020 for construction in CY 2021. Subject to Board approval, the Administration's Grant Application would include another regional storm water management pond on the land deeded to the Town by the Noffke family as a park area (the former Neenah Police Department shooting range). The proposed storm water management pond on the former Noffke property would be used as an amenity for the park development. The Administration asked the Board for authorization to proceed with the development concept t which will include engineering and design for the proposed pond on the former Noffke property. The Administration reported that they have had contact with both of the large property owners in the area the, the Keller Organization and the Gehrt Family. As the project proceeds the Administration intends to keep the Board and the property owners advised of the details of the project, the costs of the project, and how the project is proposed to be funded.

**MOTION:**

Motion by unanimous consent to direct staff to continue the planning and to keep the Board apprised of the process.

- D. Discussion/Action: Town Board review and consideration of Resolution 2019-003 A Resolution Seeking Judicial Relief from a Sewer Service Area Amendment Application by the Village of Fox Crossing to the East Central Wisconsin Regional Planning Commission (ECWRPC)

The Board reviewed copies of the ECWRPC agenda for Tuesday, March 12, 2019 along with the related materials. The Board also reviewed a draft copy of Resolution 2019-003, a Resolution Seeking Judicial Relief from the Sewer Service Area Amendment Application by the Village of Fox Crossing to the East Central Wisconsin Regional Planning Commission.

**MOTION:**

Motion by Supervisor Schmidt  
Second by Supervisor Lettau

Motion to approve Resolution 2019-003 A Resolution Seeking Judicial Relief from a Sewer Service Area Amendment Application by the Village of Fox Crossing to the East Central Wisconsin Regional Planning Commission.

**ROLL CALL VOTE:**

Supervisor Reif	Aye
Supervisor Schmidt	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Chairman Geise	Absent

Motion carried by a 4-0 vote.

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- Wisconsin Towns Association Winnebago County Unit Meeting at the Town of Clayton, April 4, 2019 at 6:30 p.m.

XIV. Board Member Requests for Future Agenda Items:

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 7:39 p.m.

Respectfully submitted, Holly Stevens, Clerk