

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, June 7th, 2017

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 at 7:00 P.M.
- 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
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 Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, May 17th, 2017.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, May 17<sup>th</sup>, 2017.

- B. Approval of the Minutes of the Board of Review Meeting held 10:00 a.m. to 12:00 p.m. on Tuesday, May 23<sup>rd</sup>, 2017.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Board of Review Meeting held on Tuesday, May 23<sup>rd</sup>, 2017.

## IV. Open Forum – Town-related Matters not on the Agenda:

- Candy Krautkramer, 9240 Bomar Ave, asked the Town Board to review and take action regarding the drainage in their subdivision, Deer Trail Estates. She expressed concern because many of their culverts have heaved, the road seems to be impacted, and she feels it is only a matter of time before the basements of the homes are damaged due to the lack of drainage.
- Ron Jankowski, 3471 Knox Lane, also expressed concern regarding the water issues in Deer Trail Estates. He stated the road is in subpar condition and asked when it is scheduled for repairs.
- Chair Geise explained the Town has 75 road miles to maintain with limited funds. He explained the schedule for road repairs is complicated, but is in part predicated by the travel frequency of any given road, making the main thoroughfares a higher priority. He also explained that the incorporation of the Village of Fox Crossing has taken priority in recent months, as the Board has been making every effort possible to prevent annexation and to preserve the Town of Clayton.
- Administrator Johnston stated the subdivision road work is slated for 2020 as part of the 5-year plan. He also noted the Public Works department is already looking at and formulating a plan to deal with the ditching issues in the subdivision in order to have that work completed before the road work is started in 2020.

## V. Correspondence:

- A. May 2017 Building Inspection Report.
- B. State DNR Announcement of CY 2017 Recycling Grants to Responsible Parties.
- C. Financial Statements from Pfefferle Management for April 2017.
- D. Distribution of a copy of a Draft Resolution submitted to the County Board by Chuck Farrey, representing District 30.

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

- A. County Supervisor Report
  1. Chuck Farrey, District 30 representative Report
    - Mr. Farrey explained the Resolution, which now has passed at the County level, stating it is contesting the DATCP rejection of the County's Farmland Preservation plan stating they do not have the jurisdictional power to do so.
- B. Winnebago County Sheriff's Department: – Public Concerns and Issues
  1. NO REPORT
- C. Clayton Fire Rescue Department (First Meeting of the Month)
  - a.) Clayton Fire Rescue First Responder (First Meeting of the Month)
    1. Chief Rieckmann written Report
      - 22 calls since last report, 16 EMR, 4 Fire, and 2 that were both.
      - 100 calls year-to-date, about a 12% decrease from the same time last year
      - Controlled house burn scheduled for June 24<sup>th</sup>
      - FF Pagel and FF Callaway have passed their Fire Fighter I State Certifications
- D. Larsen-Winchester Sanitary District
  1. Mike Pfankuch Report
    - Jim Emmons provided a Spring Draw-down Report—8.7 million gallons released.
    - District is planning a special meeting in June to discuss ordinances and how to enforce those ordinances.

- Developing a Plan to extend service to the west of Winchester along CTR II to Kwik Trip and other potential customers

E. Administration Comments

1. Engineer Miller

- Clayton Avenue is completed and just needs a final “walk-through”
- Will be meeting with Mark Luebke and Administrator Johnston regarding Whispering Meadows

2. Administrator Johnston

- Will be meeting with the Stecklings who have expressed interest in pursuing the extension of Rosemoon
- Public Works Department (PW) is working on ditching on Larsen Road east of STH 76.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Hayley J. Harding
- ii. Alexis N. De Zee

B. Renewal Operators Licenses:

- i. Sarah Fletcher
- ii. Gail E. Schwerin
- iii. Linda A. Vegoe
- iv. Debora M. Resop
- v. Dakota D. Wilz

C. Discussion/Action: Town Board review and consideration of the following Cigarette License Applications:

The following parties have applied for a Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of July 1, 2017 to June 30, 2018, subject to compliance with State Statutes and Municipal Ordinances.

- a. Remington Oil Co. Inc. (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
- b. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.

D. Discussion/Action: Town Board review and consideration of the following Alcohol License Applications:

The following parties have a renewal application for a “Class A” license to sell fermented malt beverages, and a “Class A” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2017 through June 30, 2018, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Remington Oil Co Inc., (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.  
Agent: Sarah J. Borneman

E. The following renewal application for a Class “B” license to sell fermented malt beverages is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2017 through June 30, 2018, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. SOL Restaurants LLC (d.b.a. Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956.  
Agent: Lynn Ann Miller
  
- F. The following parties have a renewal application for a Reserve Class “B” license to sell fermented malt beverages, and a Reserve “Class B” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2017 through June 30, 2018, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:
  - a. Leisure Golf #1, LLC, (d.b.a. Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.  
Agent: Rory James Burton
  
- G. The following parties have 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 of July 1, 2017 through June 30, 2018, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:
  - a. Micki D’s, LLC, (d.b.a. The ReMixx), 8386 State Road 76 Suite B, Neenah, WI 54956.  
Agent: Michelle Baumann
  
  - b. Stephanie Jean Clauson (d.b.a. The Larsen Tavern), 8338 County Road T, Larsen, WI 54947.  
Agent: Stephanie Jean Clauson
  
  - c. Pubs and More, LLC (d.b.a. Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.  
Agent: Tom Welhouse
  
  - d. Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.  
Agent: Matt Burry
  
  - e. Ridgeway Country Club Inc., 2913 County Road II, Neenah, WI 54956.  
Agent: Scott Stielow
  
  - f. PCF Holdings Inc. (d.b.a. Willie Beamons), 2590 County Road II, Neenah, WI 54956.  
Agent: Katherine Wolf
  
  - g. The Woodshed Inc. (d.b.a. The Woodshed Bar and Grill), 2895 County Road II, Neenah, WI 54956.  
Agent: Dino Orlando Valeri
  
  - h. Kenneth Roger Loehrke (d.b.a. Century Elm Supper Club), 8300 County Road T, Larsen, WI 54947  
Agent: Kenneth Roger Loehrke

- Supervisor Reif noted that the application submitted by The Larsen Tavern is not fully completed. He requested that if approved, the Liquor License be withheld until the application is fully completed.

**MOTION:**

Motion by unanimous consent to approve the Cigarette and Liquor Licenses as presented with the requirement that The Larsen Tavern provide the missing items for their application.

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month): NONE

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): NONE

X. Business:

A. Discussion/Action: Town Board review and consideration of the purchase of property, approved by the Town Electors and located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID# 006-0340 in the Town of Clayton, County of Winnebago, State of Wisconsin.

At the Town’s CY 2017 Annual Meeting the Town Electors approved, subject to Town Board approval, the purchase of property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID# 006-0340 in the Town of Clayton, County of Winnebago, State of Wisconsin. The Board reviewed a copy of the Offer to Purchase for \$1,075,000.00 and a copy of the proposed closing schedule for the referenced property. The Administration is recommending that the Town borrow the funding for the purchase from the Board of Commissioners of Public Lands. Before staff can take any action to fund the project the Board needs to authorize the land purchase.

**MOTION:**

Motion by unanimous consent to approve the purchase of the referenced property for \$1,075,000.00 with the funding to come from a 10-year loan from Board of Commissioners of Public Lands.

B. Discussion/Action: Town Board review and consideration of an agreement with Wisconsin Public Finance Professionals, LLC to act as the Town’s Financial Advisor for a Board of Commissioners of Public Lands loan to purchase property.

With the Town Board approval to purchase of property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID# 006-0340 in the Town of Clayton, County of Winnebago, State of Wisconsin; the Administration’s intent is to fund the purchase with a 10-year loan from the Board of Commissioners of Public Lands.

As a result of some timing difficulties with the Town's most recent borrowing activities staff inadvertently failed to communicate properly with the Board of Commissioners of Public Lands. In order to correct this unfortunate incident, the Administration is recommending that the Board authorize staff to enter into a \$3,700.00 Financial Advisory Agreement with Wisconsin Public Finance Professionals, LLC. The Administration is using Wisconsin Public Finance Professionals, LLC because the Town's financial advisor Mike Hallman has, for personal reasons, closed Lantern Associates, LLC. The proposed agreement would allow Carol Wirth, President of Wisconsin Public Finance Professionals, LLC to guide staff through the application process and to facilitate any remaining issues between the Town's staff and the Commission's staff. The Administration is comfortable with the application process but concerned with the timeline for having the money available in time for the scheduled closing of the sale

**MOTION:**

Motion by unanimous consent to approve the Financial Advisory Agreement with Wisconsin Public Finance Professionals, LLC at a cost of \$3,700.00 with the funding for the agreement to come from the proceeds of the borrowing.

- C. Discussion/Action: Town Board review and consideration of an agreement for continuing financial reporting with Wisconsin Public Finance Professionals, LLC.

The Administration is recommending that the Board authorize staff to enter into a \$650.00 annual continuing disclosure agreement with Wisconsin Public Finance Professionals, LLC. The Administration is using Wisconsin Public Finance Professionals, LLC because the Town's financial advisor Mike Hallman has, for personal reasons, closed Lantern Associates, LLC. The proposed agreement would allow Wisconsin Public Finance Professionals, LLC to track and advise Town staff on the continuing disclosure requirements of the Town's financial and borrowing activities. Specifically, as part of the Town's rating and borrowing activities it is required to disclose on an annual basis any material changes in the Town's financial condition to several regulatory agencies of the State and Federal Government. Failure to meet these reporting requirements will have long term impacts on the Town's Rating and the interest rates it will pay on future borrowing activities.

**MOTION:**

Motion by unanimous consent to approve using Wisconsin Public Finance Professionals, LLC as its continuing disclosure advisor at a cost of \$650.00 with the funding for the agreement to come from the Town's General Fund Budget.

- D. Discussion/Action: Town Board review and consideration of authorizing a \$1,100,000.00 Loan from the Board of Commissioners of Public Lands for the purchase of property located at 9045 Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID# 006-0340 in the Town of Clayton, County of Winnebago, State of Wisconsin.

The Board reviewed a draft copy of Resolution 2017-003 A Resolution Authorizing the Borrowing of up to \$1,100,000.00 from the Board of Commissioners of Public Lands (Commissioners) for the purchase of the above referenced property in the Town of

Clayton. The Resolution follows the Commissioners format and was read aloud by Chair Geise. The loan is scheduled with a ten-year amortization with an interest-only payment in CY 2018.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Resolution 2017-003, to direct staff to file the appropriate paperwork with the Board of Commissioners of Public Lands as needed, and to include funding for the debt service payment in the Town’s CY 2018 General Fund Budget.

**ROLL CALL VOTE:**

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

Motion carried with a 5-0-0 vote.

- E. Discussion/Action: Town Board review and consideration of a Developer’s Agreement between David Winkel, Developer and the Town of Clayton for a development proposed for 2603 Larsen Road (east of the Plat of Breaker Ridge) and specifically identified as Tax ID# 006-0638 in the Town of Clayton, County of Winnebago, State of Wisconsin.

The Board reviewed a draft copy of a Developers Agreement between the Town of Clayton (Town) and David Winkel (Developer) for the proposed development of property located at 2603 Larsen Road (east of the Plat of Breaker Ridge) and specifically identified as Tax ID# 006-0638 in the Town of Clayton, County of Winnebago, State of Wisconsin. This Developers Agreement is specific to the design, engineering, and bidding of the proposed private on-site water and sanitary sewer systems. The Developers Agreement identifies who pays for what engineering and who is responsible for what part of the system, in simple terms, the Town is responsible for the engineering for the operating portions of the water and sanitary sewer systems and the Developer is responsible for the engineering for the pipes in the ground. The unique feature of this agreement is the lack of an approved plat that identifies where the roads are going to be. Absent an approved plat the Developers Agreement cannot reasonably include engineering for roads, sanitary sewer pipe and water mains that are not located on the site. The Board has approved the attached engineering agreement with Cedar Corp at an earlier meeting, this Developers Agreement simply formalizes the approval with the Developer.

- Attorney Lehocky stated she would like to review the agreement in more detail and advised the Board, if approving, to add to the motion the ability to add language deemed necessary and appropriate by her to be added in order to protect the Board and the Town.

**MOTION:**

Motion by Chair Geise

Second by Supervisor Reif

Motion to approve the Developers Agreement with the addition of any language deemed necessary and appropriate by Attorney Lehocky to protect the Town and the Town Board from liability, and subject to the approval of a Final Plat for the property and a Developers Agreement for the Public Infrastructure needed to serve the Plat.

Motion carried unanimously.

- F. Discussion/Action: Town Board review, consideration, and direction to staff on the cleaning of the farm ditch between Oakwood Avenue and Pioneer Road following a review of the aerial photography of the ditch area.

The Board reviewed a video of the aerial photography of the ditch area that was conducted by David Bayer Photography in preparation for the meeting. Staff also had reviewed the video and is of the general opinion that the farm portion of the ditch is in good shape with few obstructions; the issues appear to be at either end of the waterway. Should the Board wish to proceed with cleaning both ends of the ditch the Town will need to apply for a Department of Natural Resources (DNR) Chapter 30 permit before any ditch cleaning work can be started. Staff continues to believe that the best time to do any ditch cleaning work would be during the winter months. This timeline will allow staff to apply for the required Chapter 30 permit, bid the work, or schedule the work if the Board would like staff to clean the ditch. The Administration is respectfully asking the Board for direction on the project and the source of funding for the work.

**DIRECTION:**

The Board directed staff to move forward with the application for the DNR Chapter 30 permit.

- G. Discussion/Action: Town Board review and consideration of a Wisconsin Department of Natural Resources, Recycling Consolidation Grant 2018 Cooperative Agreements.

The Board reviewed a draft copy of the Winnebago County, Solid Waste Management Board, WDNR Recycling Consolidation Grant 2018 Cooperative Agreement. The Agreement is used to satisfy the DNR requirement for additional Grant funding

**MOTION:**

Motion by unanimous consent to approve the Intergovernmental Agreement and to direct the Administrator to sign the document and return it to the appropriate Solid Waste Management Board staff member.

- H. Discussion/Action: Town Board review and consideration of a staff recommendation for the Town's CY 2018 County Bridge Aids Project.

The Board reviewed a copy of the Winnebago County Highway Commissioner's CY 2018 County Bridge Aids Application. The Town is now scheduled to repave Larsen Road from STH "76" through the intersection of Oakwood Avenue in CY 2018. This project includes the CY 2017 replacement of the large culvert east of Oakwood Avenue with an open bottom culvert that the Town has in inventory. The Town's CY 2017 County Bridge Aids

Project is going to consist of replacing the culverts on Pioneer Road north of Medina Junction Road. The Administration is recommending that the Board consider replacing the large corrugated metal culvert in Oakridge Road east of Kiely Way.

**MOTION:**

Motion by unanimous consent to direct staff to make the application to the County and to fund the Town's portion of the project costs in the Town's CY 2018 Budget.

- I. Discussion/Action: Town Board review and consideration of granting the Town Chair the authority to negotiate, subject to Town Board approval, a jurisdictional transfer between the Town and the County for Pioneer Road from East Grandview Road to CTH "II" and CTR "T" from East Grandview Road to CTH "II".

The Board reviewed a copy of an e-mail from County Highway Commissioner, Ray Palonen (Ray). The County is going to re-surface CTR "T" up to East Grandview Road in CY 2017; they are stopping at East Grandview Road to allow the Town and the County to negotiate a possible jurisdictional transfer which would give Pioneer Road from East Grandview Road to CTR "II" to the County, and CTR "T" from East Grandview Road to CTR "II" to the Town. The County is aware of the Town's request that CTR "T" be repaved prior to any jurisdictional transfer. The County would like to negotiate some of the details of the jurisdictional transfer and possible cost sharing for repairs and improvements the Town would like to see to Grandview Road at its intersection with CTR "T". Some of the improvements include curb, gutter and storm sewer at the intersection of Grandview Road and CTR "T", possible sidewalk in the area of the intersection of East Grandview Road and CTR "T", and the re-paving of East Grandview Road from CTR "T" to Moeser Lane. The Administration is recommending that the Board authorize the Town Chair to negotiate a draft agreement with the County that is subject to Town Board approval. The Administration is also recommending that the Board include conversations with the residents on Pioneer Road as part of its negotiation process.

**MOTION:**

Motion by unanimous consent to authorize the Town Chair to negotiate a draft jurisdictional transfer that is subject to Town Board approval.

- XI. Town Board Reorganizational Business:  
Additional Appointments
- A. Zoning Board of Review: (2 positions serving 3-year term each with all terms effective May 1<sup>st</sup>, of the calendar year).
    - i. Name to be presented by the Town Chair
    - ii. Name to be presented by the Town Chair
  - B. Town Constable: (1 position: 1-year term; term effective May 1<sup>st</sup> of the calendar year)
- Item postponed to a future meeting.
- XII. Upcoming Meeting Attendance: NONE
- XIII. Board Member Requests for Future Agenda Items: NONE

XIV. Review of Disbursements

XV. Adjournment:

**MOTION:**

Motion by unanimous consent to Adjourn at 8:35 p.m.

Respectfully submitted,  
Holly Stevens, Clerk