

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, June 20, 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
Asst Admin/Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Jack Richeson	PRESENT
Town Attorney – Ashley Lehocky	ABSENT

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

III. Approval of Minutes:

A. Approval of the Wednesday, June 6th, 2018 Town Board Meeting Minutes.

MOTION:

Motion by unanimous consent to approve the June 6th, 2018 minutes of the Town Board Meeting as presented.

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

V. Correspondence:

- A. Meeting Notice for the Wisconsin Town’s Association, Winnebago County Unit.
- B. Wisconsin Policy Forum Publication.
- C. Letter from the Winneconne Giles-Luce American Legion Post 364.
- D. Winnebago County Solid Waste Management Board CY 2018 Recycling Tonnage Report.

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 Fire Rescue Department (First Meeting of the Month)
 - Chair Geise reviewed the report provided by Chief Rieckmann.
 - 82 calls year to date—45 EMR, 29 Fire, and 8 that were both
 - Spring Inspections almost complete—most businesses are in compliance
 - Upcoming Blood Drive—August 7th, 2018
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administration Comments
 - Engineer Jack Richeson reviewed the written report provided by Mary Jo Miller
 - Rosemoon Way nearing completion
 - Rosemary Lane substantially complete
 - M&E has provided proposals for Highland Woods Phase II Construction and for Wetland Delineation Services for Town Property north of STH 10
 - Administrator Johnston
 - Beginning prep work for August 14th, 2018 primary
 - Presented email from Carol Gehrt, 7379 Carden Way, requesting information regarding Town Board action relative to nuisance rules specifically related to how property owners maintain the exteriors of their properties
 - Chair Geise noted the Notice of Intent to Circulate a Petition to Incorporate a portion of the Town was published in the *Appleton Post Crescent* on June 16, 2018.
 - Paster Paul Meier, Immanuel Lutheran Church, 8886 Center Road, asked if there will be public meetings and open forums to provide information regarding the Incorporation of a portion of the Town
 - Chair Geise confirmed that public meetings will be held

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Cheryl L. Klotz
- B. Renewal:
 - i. Leah E. Weiske
 - ii. Kevin L. Buss
 - iii. Julaine A. Schroeder
 - iv. Therese A. Rathsack
 - v. Victoria M. Gaweda
 - vi. David M. Chesluck
 - vii. Tori M. Bloechl
 - viii. Mark A. Bombinski

ITEMS “C” AND “D” WERE ADDRESSED SIMULTANIOUSLY BY THE BOARD

- C. 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, 2018 through June 30, 2019, 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
- D. 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 on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2018 through June 30, 2019, 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

The Board reviewed copies of the liquor license applications received by the Town for SOL Restaurants LLC (d.b.a. Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956 and Micki D’s, LLC, (d.b.a. The ReMixx), 8386 State Road 76 Suite B, Neenah, WI 54956 which had been postponed from the June 6, 2018 Town Board meeting. The building housing the two facilities continues to be under State Department of Safety and Public Services (DSPS) orders to correct violations of the Commercial Building Codes. The Town’s Building Inspector, Tom Spierowski was in attendance to review the progress made by the building owner regarding the correction of the issues with the facility.

- Tom Spierowski, Town Building Inspector, reported he has spoken with the contractors working with Mr. Boe to correct the outstanding violations to confirm that progress is being made in regard to the work
- Jeff Boe, property owner of 8386 State Road 76, presented copies of receipts for payments he has made to the contractors, initializing the work
- Mr. Boe also provided the violations list he received from the DSPS indicating that all of the violations have been corrected with the exception of the two outstanding issues which are being addressed in conjunction with the contractors
- Staff indicated their recommendation to approve and issue the licenses with a condition that the violations be completed by a date certain

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to approve and issue the liquor licenses for S.O.L. Restaurants, LLC d.b.a. Oinks, and Micki’s D’s LLC d.b.a. The ReMixx with the condition that property owner Jeff Boe, correct the remaining violations within 120 days from June 20, 2018 (October 18, 2018) and the business owners’ complying with all State and local Ordinances.

Motion carried by a unanimous voice vote

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 Certified Survey Map (CSM) Application submitted by Dino Valeri for DSV LLC, 3440 DeKalb Lane, Neenah, WI 54956 for the Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956 and 8472 STH “76” specifically identified as Tax ID # 006-0621-01 and Tax ID # 006-0621-02 both located in part of the northwest ¼ of the northwest ¼ of Section 24, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chair Knapinski noted the CSM had already been approved in 2014, but not recorded
- Chair Knapinski provided the Commission recommendation for approval

MOTION:

Motion by unanimous consent to approve the CSM submitted by Dino Valeri for DSV LLC with staff recommendations

B. Plan Commission recommendation to the Town Board on a 2-Lot Certified Survey Map submitted By Mike and Joni Heinz, 8427 Pioneer Road and James Sturgis, 1740 Oakridge Road #A, for property located at 8427 Pioneer Road, Larsen, WI 54947 and specifically described as Tax ID# 006-0526-01 and part of Tax ID# 006-0531-03, being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski noted the CSM essentially is a border clean-up and the Commission recommends approval

MOTION:

Motion by unanimous consent to approve the CSM submitted by Mike and Joni Heinz and James Sturgis with Staff recommendations

C. Plan Commission recommendation to the Town Board on a Re-zoning application submitted By Mike and Joni Heinz, 8427 Pioneer Road and James Sturgis, 1740 Oakridge Road #A, for property located at 8427 Pioneer Road, Larsen, WI 54947 and specifically described as Tax ID# 006-0526-01 and part of Tax ID# 006-0531-03, being a part Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

- Chair Knapinski noted the re-zoning is a necessary action resulting from the changes made by the CSM approved in the previous item and unifies the land consolidated by the CSM into a single zoning code.
- Chair Knapinski noted the Plan Commission recommends approval of the zoning change with Staff recommendations

- The Re-zoning is addressed by the Town Board under BUSINESS ITEM “A” later in the meeting
- D. Plan Commission recommendation to the Town Board on a Conditional Use Application (CUP) Submitted by Ted Dominowski for a Home Occupation Major. The property is located at 2596 Oakridge Road, Neenah, WI 54956; specifically described as Tax ID #006-0653-04-01, being located in Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski provided the Commission’s recommendation for approval of the CUP with Staff and Commission recommendations

MOTION:

Motion by unanimous consent to approve the CUP submitted by Ted Dominowski for a Home Occupation Major with the following conditions:

1. That for operational safety purposes the food truck should be maintained in good working order, and properly licensed by both the Wisconsin Department of Transportation, and the County Health Department.
 2. That for neighborhood esthetic purposes, when not in use, the food truck should be stored in the detached accessory building at all times.
 3. That for health and safety purposes, the proposed commercial kitchen that is to be located in the detached accessory building should meet any and all applicable State, County, and Local construction codes and health code requirements.
 4. That the proposed outdoor meat smoker be located on a 6 x 6 concrete pad to be constructed on the rear (north side) of the detached accessory building adjacent to an existing garage door.
 5. That to minimize the impact on the neighborhood of any odor from the relatively small device, the device be operated to the manufacturer’s specifications
 6. That to minimize the nuisance attraction of the device to wildlife the outdoor meat smoker device be stored indoors when not in use.
 7. That the Applicant agree that the Conditional Use Major Permit allows for one non-related employee to work at the facility.
 8. That the use of the outdoor meat smoker be limited to use between 7:00 a.m. to 7:00 p.m.
 9. That there are no wholesale food deliveries or catering/product pick-ups at the property
- E. Plan Commission recommendation to the Town Board on a study completed by the Town’s Planning Firm on an update the Conditional Use function of the Town’s Zoning Code of Ordinances to bring it into compliance with Wisconsin Act 67 and the new requirements for Conditional Use Permits created by Act 67.
- Chair Knapinski stated the Commission is recommending the Town Board direct staff to incorporate necessary language into the Town’s Zoning Code in order to be compliant with 2017 Wisconsin Act 67.

DIRECTION:

The Board directed staff to incorporate the necessary language and to provide draft copies to the Plan Commission for further review.

- F. Plan Commission update to the Town Board research into developing a Farmland Preservation Program for the Town.
 - Chair Knapinski reviewed the following:
 - Winnebago County is no longer continuing work for a Farmland Preservation program
 - Individual Towns may submit Farmland Preservation programs, but must submit to the State through the County
 - DATCP has confirmed they would likely approve the Town of Clayton Working Lands program as it exists as a Farmland Preservation program
 - The County is likely to add additional requirements for the Town to complete before they will submit to the State
 - DATCP is allowing up to a 1-year extension for the application process
 - The Commission is recommending the Board submit the Working Lands program to the County in an attempt to determine what, if any, additional requirements the County will place on the Town’s program
 - Supervisor Lettau suggested the Board request the submission extension prior to any submission of plans

DIRECTION:

The Board directed staff to ask the County to request the 1-year extension for submission of the Farmland Preservation Plan

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. Green Space Committee recommendation to the Town Board on replacing the damaged and deteriorated soccer goal nets in both Clayton Park and Trailhead Park.
 - Committee recommendation is to replace the volleyball net and soccer netting at Clayton Park
- B. Green Space Committee recommendation to the Town Board on a discussion with staff on creating a Social Media program and related policies for the Town of Clayton.
 - Committee recommendation is to not proceed with any social media platforms at this time

X. Business:

- A. Discussion/Action: Town Board review and consideration of Ordinance 2018-003 approving a Re-zoning request submitted by Mike and Joni Heinz,

8427 Pioneer Road and James Sturgis, 1740 Oakridge Road #A, for property located at 8427 Pioneer Road, Larsen, WI 54947 and specifically described as Tax ID# 006-0526-01 and part of Tax ID# 006-0531-03, being a part Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

- Re-zoning was discussed during the Plan Commission portion earlier in the meeting

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Ordinance 2018-003 An Ordinance Re-Zoning property located at 8427 Pioneer Road, Larsen from A-2 (General Agricultural District) to R-1 (Rural Residential District).

ROLL CALL VOTE:

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

Motion carried with a vote of 5-0.

- B. Discussion/Action: Town Board review and consideration of transitioning Public Works Employee Matthew Bluhm to a full-time regular Public Works Employee following the end of his probationary period.

Administrator Johnston reported that Public Works Employee Matthew Bluhm (Matt) will be completing his 6-month probationary employment period at the end of June of CY 2018. Staff has reviewed Matt’s performance to date with the Public Works Foreman and both recommend that the Board transition Matt for a probationary employee to a regular full-time represented Public Works Employee as of July 1st, 2018.

MOTION:

Motion by unanimous consent to transition Matthew Bluhm to a full-time represented Public Works Employee as of Saturday, July 1st, 2018.

- C. Discussion/Action: Town Board review and consideration of the demolition of the Town owned residential structure and detached garage located at 8989 Clayton Avenue and specifically identified as Tax Id# 006-0347-01.

The Board reviewed two proposals for the demolition of the residential and garage structures at the above referenced property. The Town purchased the property in question from Mr. Koziczkowski at 8989 Clayton Avenue. Staff had discussed the possibility of

moving the garage structure from the property and placing it on a new foundation at the Town Hall site. During staff’s discussion relative to the relocation project, it became apparent that the costs involved were similar to constructing a new purpose-built structure with the same amenities. Staff has come to the conclusion that the project is not cost efficient and that the end product would not serve the Public Works Department’s needs. Based on that conclusion staff is recommending that both the residential structure and the detached garage be demolished. The Administration would like to advise the Board that the proposed demolition includes the removal of the structure including the basement and any other foundations, the collapsing of the holding tank, and the abandonment of the well on the site. Staff is recommending this process on the assumption that the Town is going to sell the property for development purposes and will need to disclose the removal of the structures.

MOTION:

Motion by unanimous consent to award the project to Egbert Excavating, Inc. at a cost not to exceed \$19,800.00 with the funding to come from the Town’s property rental proceeds.

- D. Discussion/Action: Town Board review and consideration of approving a Scope of Service Agreement with the Town’s Engineering Firm for a Wetland Delineation and Stream Navigability for Town owned property located on Clayton Avenue north of STH “10” and specifically identified as Tax ID# 006-0328, Tax ID# 006-0329, and Tax ID# 006-0342.

Town staff has started to receive a significant amount of interest in the referenced Town owned property. In order to sell the property there are a number of steps the Town will need to take relative to developing the site. Specifically, the Town will need to complete a wetland delineation of the property including a Letter of Concurrence from the Department of Natural Resources (DNR) and a navigability determination of the waterways on the property from the DNR. In order to facilitate the sale of the property, these activities should be completed before the end of the CY 2018 growing season. To expedite the sale process, the Administration has asked the Town’s Engineer to complete the work on the entire site with the expectation that any buyer will require the work as part of an Offer-to-Purchase and prior to closing a sale. The costs for completing the work is \$7,050.00.

MOTION:

Motion by unanimous consent to approve the Proposal submitted by the Town’s Engineer at a cost of \$7,050.00 with the funding for the project to come from the Town’s Rental Proceeds Account.

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)(e)** - Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The Town Board of the Town of Clayton will consider a Motion to Adjourn to a Closed Session to review the Town’s options for providing Municipal Sanitary Sewer and Municipal Water Utilities relating to negotiations with adjoining municipalities.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to Adjourn to a Closed Session of the Town Board at 7:40 p.m.

ROLL CALL VOTE:

Chair Geise Aye

Supervisor Reif Aye

Supervisor Schmidt Aye

Supervisor Lettau Aye

Supervisor Grundman Aye

Motion carried by a vote of 5-0

Pursuant to WI Stat. 19.85 (2), the Town Board will reconvene into open session.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to reconvene to open session at 8:20 p.m.

ROLL CALL VOTE:

Supervisor Schmidt Aye

Supervisor Reif Aye

Chair Geise Aye

Supervisor Lettau Aye

Supervisor Grundman Aye

Motion carried by a vote of 5-0

XII. Review of Disbursements

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

XIV. Upcoming Meeting Attendance:

A. Town Board action on rescheduling of the Wednesday, July 4th, 2018 Town Board Meeting.

DIRECTION TO STAFF:

To cancel the Town Board meeting scheduled for Wednesday, July 4th, 2018

XV. Board Member Requests for Future Agenda Items:

- Update to the dredging project between Oakwood and Pioneer

XVI. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:21 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk