

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, June 21st, 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, June 7th, 2017.

MOTION:

Motion carried by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, June 7th, 2017.

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

- Richard and Patricia Fischer, 8685 N. Oakwood Avenue inquired regarding the letter they had received advising them of the drone usage over theirs and neighboring properties. Their inquiry was regarding the purpose and what project was planned for the area and at what cost to the Town and/or the property owners.
- Administrator Johnston explained the video produced using the drone provided the Town a review process to evaluate the drainage course without having to physically walk the miles of the course. The Town has received several complaints regarding drainage in the surrounding areas which has prompted the research.

- Chair Geise explained that no decisions have been made in regard to the course of action. He stated the Board reviewed the video and determined which areas appear to be slowing or stopping the flow of water. As a result, the Board directed Staff to apply for the proper WI DNR Chapter 30 permitting and to request proposals for the work the WI DNR allows through the permit(s) if issued. Then the Town Board will address the issue again, to determine the next step(s) and how to pay for any resulting work.
- Administrator Johnston advised Mr. and Mrs. Fischer to follow the Town Board Meeting agendas to see when the issue will be discussed again.

V. Correspondence:

- A. Copy of a Notice of Entry of Judgement from Winnebago County.
- B. A copy of the Winnebago County Solid Waste Management Board 2017 Monthly Recycling Tonnage Report.
- C. Copy of correspondence from the Board of Commissioners of Public Lands.
- D. E-mail from the Sustain Rural Wisconsin Network.
- E. Winnebago County Circuit Court Branch 2 Notice of Entry of Judgement—Tax Lien Foreclosure

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

- A. County Supervisor Report
 - 1. NO REPORT
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. Officer Nathan Olig was present, but had No Report
 - 2. No citizen or Staff concerns were voiced
- C. Clayton-Winchester Fire Department
 - Clayton Fire Rescue First Responder (First Meeting of the Month)
 - 1. NO REPORT
- D. Larsen-Winchester Sanitary District
 - 1. NO REPORT
- E. Administration Comments
 - 1. Engineer Miller reported she is waiting for the lein waivers from the contractors for the Clayton Avenue Project
 - 2. Administrator Johnston reported that a resident of Center Road had called with a complaint regarding a deer carcass by her property. The previous week, the deer had been hit by a vehicle and seriously injured but not killed. The Sheriff was called to deal with the suffering animal and afterward told her someone would come to dispose of the carcass. The WI DNR discontinued this service many years ago. Because the Sheriff had advised her that it would be taken away, the Public Works Crew, as a courtesy removed the carcass.
 - 3. Chair Geise gave a brief synopsis of meetings held with the Administrator and other parties.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. NONE
- B. Renewal:
 - i. Ron W. Cosgrove.

- C. Update to the Town Board on the CY 2017/18 Cigarette and Liquor License Renewals.
1. Deputy Clerk Stevens reported that all issued license holders have been notified of application discrepancies, if any. Some have been resolved and released, some are in process and others are pending pick up.

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. Discussion/Action: Town Board review and consideration of a Plan Commission recommendation on a Re-zoning application submitted by Barbara J. Bombinski of 2595 Larsen Road, Neenah, WI 54956 for property located at 2595 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0637-01 and Tax ID# 006-0638 being part of Lot 1, CSM # 2571, Volume 1, Page 2571, and a part of Lot-2, CSM # 4917, Volume 1, Page 4917 and a Part of the Northeast ¼ of the Northeast ¼, and a Part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).
- Plan Commission Chair Knapinski reported to the Board the Plan Commission is recommending approval for the Re-zoning as applied for.
 - Chair Geise noted the item is up for consideration later in the meeting.
- B. Discussion/Action: Town Board review and consideration of a Re-zoning application submitted by Jeremy and Amanda Dassler of 2615 Larsen Road, Neenah, WI 54956 for property located at 2615 Larsen Road, Neenah WI 54956 and 2603 Larsen Road, Neenah, WI 54956 in the Town of Clayton and specifically described as Tax ID # 006-0638-01, and Tax ID# 006-0638 being part of Lot-1, CSM #4917, Volume 1, Page 4917, and a part of Lot-2, CSM #4917, Volume 1, Page 4971 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).
- Plan Commission Chair Knapinski reported to the Board the Plan Commission is recommending approval for the Re-zoning as applied for.
 - Chair Geise noted the item is up for consideration later in the meeting.
- C. Discussion/Action: Town Board review and consideration of a Plan Commission recommendation on several minor amendments to the Town's Outdoor Wood-Fired Furnaces, Open Burning, and Refuse Burning Ordinance.
- Plan Commission Chair Knapinski noted the substantive change is to add a 10' clearance from any structures when using free-standing, outdoor fireplaces and firepits. The other changes were minor grammatical corrections and the change from Clayton-Winchester Fire Department to Clayton Fire Rescue throughout the document.
 - Chair Geise noted the item is up for consideration later in the meeting.

D. Discussion/Action: Town Board review and consideration of a Plan Commission recommendation on a Preliminary Site Plan submitted by Marty Nikodem for Lot 2 of the Winncrest Commercial Subdivision, specifically identified as Tax ID# 006-1777, and located in Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chair Knapinski explained the the timeline with which Mr. Nikodem was working within in order to accommodate a tenant's needs has resulted in the request to change the standard sequence of events for the development process. He stated the Plan Commission is recommending approval for Mr. Nikodem with the addition of Staff recommendations and the additional requirements as set forth by the Plan Commission. He explained that while the Commission is recommending approval, they would like to keep very specific requirements and deadlines in place to ensure that the development process is completed entirely.

MOTION:

Motion carried by unanimous consent to approve the Preliminary Site Plan submitted by Marty Nikodem with the following stipulations:

1. A Certified Survey Map (CSM) joining the lots and a complete Site plan must be submitted before the Town is to release a building permit.
2. The Occupancy Permit will not be issued until the Town Site Plan Ordinance provisions are fully met.
3. Formal Site Plan and CSM shall be submitted for review at the July 11, 2017 Plan Commission Meeting.

E. Discussion/Action: Town Board review and consideration of a Plan Commission recommendation on a 3-Lot Certified Survey Map (CSM) Application submitted by Robert C. and Janece F. Schommer of 2728 Oakridge Road, Neenah, WI 54956 for property located on Larsen Road between STH "76" and Oakwood Avenue and specifically described as Tax ID# 006-0664 and Tax ID# 006-0669 being Part of the West ½ of the East ½ of the Northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chair Knapinski explained the Commission had reviewed the CSM as submitted which, while it provided for connectivity of roads as the Town prefers, the resulting intersection caused a safety concern along Larsen Road. The intersection as mapped was placed a few hundred feet east of the Lehrer Lane and Larsen Road intersection. Considering the amount of traffic which travels Larsen Road, the Commission felt it was more important for the CSM division to place the new road in alignment with Lehrer Lane. While this sacrificed the connectivity option for the 20 acre parcel located to the east, it was the better option in the Commissions opinion. Therefore, the Commission was recommending approval of Concept Plan 1A as presented.

MOTION:

Motion carried by unanimous consent to approve Concept 1A for the Robert C. and Janece F. Schommer property as described in order to align the access with Lehrer Lane, and including Staff recommendations.

F. Discussion/Action: Town Board review and consideration of a Plan Commission recommendation on a 2-Lot Certified Survey Map (CSM) Application submitted by Robert C. and Janece F. Schommer of 2728 Oakridge Road, Neenah, WI 54956 for property located on Larsen Road between STH “76” and Oakwood Avenue and specifically described as Tax ID# 006-0664 being Part of the West ½ of the East ½ of the Northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski explained the Plan Commission had addressed this item and the previous item in one discussion, so the same recommendation holds true for this item.

MOTION:

Motion carried by unanimous consent to approve Concept 1A for the Robert C. and Janece F. Schommer property as described in order to align the access with Lehrer Lane, and including Staff recommendations.

IX. Business referred by the Green Space Committee:

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

- A. No Referrals, the Wednesday, June 14th, 2017 Green Space Committee Meeting was cancelled due to lack of a quorum.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Ordinance #2017-003 An Ordinance approving a Rezoning Application submitted by Barbara J. Bombinski of 2595 Larsen Road, Neenah, WI 54956 for property located at 2595 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID #006-0637-01, and Tax ID#006-0638 being part of Lot 1, CSM #2571, Volume 1, Page 2571, and a part of Lot-2, CSM #4917, Volume 1, Page 4917 and a Part of the Northeast ¼ of the Northeast ¼, and a Part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).

The Board reviewed a copy of Ordinance 2017-003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The applicant(s) Barbara J. Bombinski of 2595 Larsen Road, Neenah, WI 54956 has applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Ordinance 2017-003 and to direct staff to file the appropriate documentation with the County.

Roll Call Vote:

Supervisor Schmidt

Aye

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

Motion carried with a 5-0-0 vote.

- B. Discussion/Action: Town Board review and consideration of Ordinance #2017-004 An Ordinance approving a Rezoning Application submitted by Jeremy and Amanda Dassler of 2615 Larsen Road, Neenah, WI 54956 for property located at 2615 Larsen Road, Neenah WI 54956 and 2603 Larsen Road, Neenah, WI 54956 in the Town of Clayton and specifically described as Tax ID #006-0638-01 and Tax ID #006-0638 being part of Lot-1, CSM #4917, Volume 1, Page 4917 and a part of Lot-2, CSM #4917, Volume 1, Page 4917 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).

The Board reviewed a copy of Ordinance 2017-004 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The applicant(s) Jeremy and Amanda Dassler of 2615 Larsen Road, Neenah, WI 54956 have applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Ordinance 2017-004 and to direct staff to file the appropriate documentation with the County.

Roll Call Vote:

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

Motion carried with a 5-0-0 vote.

- C. Discussion/Action: Town Board review and First Reading of Ordinance #2017-005 An Ordinance Rescinding, in its entirety, the Town’s Outdoor Wood-Fired Furnaces, Open Burning, and Refuse Burning Ordinance, and Re-establishing the Town’s revised Outdoor Wood-Fired Furnaces, Open Burning, and Refuse Burning Ordinance.

The Board waived the reading of the ordinance and discussed the changes. The revisions to the Ordinance consist of adding a 10-foot separation from a structure for the exempt commercially available fire pits and language changing the Clayton Winchester Fire Department to the Clayton Fire Rescue Department.

MOTION:

Motion carried by unanimous consent to refer the Draft Ordinance to a second reading and Board action at the Board’s July 5th, 2017 meeting.

- D. Discussion/Action: Town Board review and consideration of accepting a \$500.00 donation from the Larsen Winchester Lions Club for a high-pressure pump and high-pressure hose for the Clayton Fire Rescue Department.

The Clayton Fire Rescue Department (Department) recently received a \$500.00 donation from the Larsen/Winchester Lions Club; the funds were donated for the purchase of a high-pressure pump and a high-pressure hose. The Administration has placed the donation in the General Fund Donations, Line Item. The response was based on the convention that the donor cannot encumber funds as part of a donation as the only entity that can encumber funds donated to the Municipality is the Governing Body. The Administration is comfortable that the funds were intended to be donated to the Department and respectfully asked the Board for direction to place the donated funds in one of the Department’s General Fund Budget line items. The Chief can decide what Operations Line Item he would like to place the donated funds in and make the proposed purchases. The only condition on encumbering the donated funds would be that they will not be included when developing the Department’s CY 2018 Operating Budget.

MOTION:

Motion carried by unanimous consent to direct the Town’s Treasurer to allocate the donation to the Department’s CY 2017 Budget as directed by the Chief.

- E. Discussion/Action: Town Board review and consideration of the disposal of the portable bleachers used for ClaytonFest based on the lack of use, the age of the devices, and the lack of safety features on the devices.

During this year’s ClaytonFest event, the Administration had several opportunities to examine the bleachers the Town is using for the event. The first observation is that they are rarely used by the public; the second and more important observation is that the bleachers are in rough shape and have few safety devices on them. They have no backstop to avoid falling off the highest rung, they have no limitations on access from the sides of the units, and they have no steps to facilitate access built into the bleacher unit. In general, they have reached the end of their useful life and they present a liability to the Town. Given the liability, the limited use, and the space needed to store the devices the Administration is respectfully asked the Board for permission to dispose of the bleacher units as scrap metal.

MOTION:

Motion carried by unanimous consent to authorize the sale of the Town’s surplus bleacher units as scrap metal.

- F. Discussion/Action: Town Board review and consideration of awarding the Town’s CY 2017 road maintenance/paving contract for the following Town Roads:

- a. Breezewood Lane from its intersection with CTH “JJ” to the Town of Clayton’s East Maintenance Line.
- b. Alternate 1: Breezewood Lane from the Town of Clayton’s East Maintenance Line to Woodenshoe Road.
- c. Joseph Peters Drive from its intersection with STH “76” to its intersection with Oakridge Road.
- d. Forest Heights Lane from its intersection with Center Road to its eastern terminus.

The Board reviewed the costs as presented on the bid tab for the Town’s CY 2017 road maintenance/paving projects. Staff solicited paving proposals from Northeast Asphalt and MCC. In addition to the Town’s work, staff solicited paving proposals for paving Forest Heights Lane that is going to be paid for by the Developer and Breezewood Lane from the Town’s maintenance Line to Woodenshoe Road that would be paid for by the Town of Vinland. The low bidder for the work was Northeast Asphalt, W 6380 Design Drive, Greenville, WI 54942 at an aggregate cost of \$197,495.00. Town staff will need to confirm that the Town of Vinland has sufficient funding for their portion of the Breezewood Lane Project; additionally, Town staff will need to advise the Developer of his costs for Forest Heights Lane. The Board also reviewed a cost breakdown for the Breezewood Lane road base re-construction project; the total costs for the road base is approximately \$66,998.23. Funding for the re-construction project was included in the Town’s CY 2017 Public Works, Chip Sealing, Budget Line Item in the amount of \$104,994.00. Funding for the Joseph Peters Drive re-paving project was intended to come from the Town’s CY 2017 Capital Construction Account in the amount of \$90,000.00. Please be advised that the Joseph Peters Drive Project will require that the Town remove seven concrete driveway aprons at an estimated cost of \$10,000.00. This part of the project would require that Town staff remove the concrete aprons and the contractor grade and pave the aprons with asphaltic material. The Administration recommended to award the project to Northeast Asphalt at a cost of \$197,495.00 plus the estimated \$10,000.00 for the asphalt aprons on Joseph Peters Drive subject to the Town of Vinland and the Developer agreeing to pay for their portions of the project.

MOTION:

Motion carried by unanimous consent to award the project to Northeast Asphalt at a cost of \$197,495.00 plus the estimated \$10,000.00 for the asphalt aprons on Joseph Peters Drive, subject to the Town of Vinland and the Developer agreeing to pay for their portions of the project and with the funding to come from the Town of Vinland, the Developer of Forest Heights Lane, the Town’s CY 2017 Public Works, Chip Sealing Budget Line Item, and the Town’s Capital Reconstruction Budget Line Item.

- G. Discussion/Action: Town Board review and consideration of authorizing funding from the Town’s Cemetery Reserve Account for storm damage cleanup work at Royer Cemetery.

The Board reviewed copies of pictures taken at Royer Cemetery after the heavy weather event of Wednesday, June 14th, 2017. Staff provided a proposal from Treeo's for removing the fallen trees and root balls from the Cemetery area for Board review. Staff will restore the grassy areas and then contract with a local monument company to repair and replace any monuments that may have been damaged. Staff will also check with the Town's Insurance Companies to see if the Town has any coverage for this type of event. The Administration is recommending that the Board authorize funding for the projects from the Town's Cemetery Maintenance Reserve Account.

- Supervisor Lettau indicated Jane Moderson has offered to donate new trees to the cemetery.
- Administrator Johnston advised against replacing the lost trees because the Town would be facing the same situation in the future. The damage that occurred during this storm has all but exposed graves and the delicacy of the resulting work required will be a significant expense.

MOTION:

Motion carried by unanimous consent to authorize the work and to direct staff to prepare the Resolution transferring the funds from the Cemetery Maintenance Reserve Account to the General Fund Cemetery Account.

XI. Town Board Reorganizational Business:
Additional Appointments

- A. Zoning Board of Review: (1 position serving 3-year term each with all terms effective May 1st, of the calendar year.
 - i. Name to be presented by the Town Chair
 - Administrator Johnston informed the Board that Ben Hamblin, 2986 W Shady Lane, expressed a willingness to serve on the Zoning Board of Review.

MOTION:

Motion carried by unanimous consent to appoint Ben Hamblin to the Zoning Board of Review for a 3-year term being retroactively on May 1, 2017.

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: NONE

XVI. Adjournment:

MOTION:

Motion carried by unanimous consent to Adjourn at 8:12 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk