

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
7:00 p.m. on Wednesday, July 3rd, 2019
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

- I. Call to Order: Town Board Chairman Geise called the meeting to order.
- A. Pledge of Allegiance
 - B. Verification of Notice
 - C. Meeting 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 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): NONE

- III. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, June 19th, 2019 Town Board Meeting

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, June 19th, 2019 Town Board Meeting.

- IV. Open Forum:

- Les Ory, 9517 Pioneer Road
 - inquired about the status of Medina Junction Road
 - expressed concern over road closing
 - uses the road for farm equipment to access farmland on the opposite end
- Chair Geise
 - Explained the Board has made no decision regarding the road closure
 - Statutory process must be followed if that is the direction the Board chooses
 - Road was driven on when flooded, compromising the substructure—not safe
 - Last year put \$25,000.00 into the road
 - Cannot continue to put money into a road with minimal use
 - State PASER program focusses on volume of traffic as a major consideration
 - Town has 75 road miles to manage and maintain
- Mr. Ory stated the road is an important shortcut for him with his equipment

- Town Attorney Lafrombois briefly explained the process for road abandonment
 - Process has specific noticing requirements
 - Process requires a public hearing
 - Public Hearing will be the best avenue for providing input to the Town Board
 - The Town Board must then decide the best way to use the public assets
- Administrator Johnston
 - Cost for short term repair is ~\$75,000.00
 - Cost to rebuild properly is ~\$900,000.00
 - Even when barricaded, people are driving on road resulting in extensive damage
- Mark Abrahamson, 9111 Pioneer Road,
 - Presented concerns to the Board stating he does not feel the condition of Town Roads is being treated as a priority
 - Wife hit pothole on Winnegamie and blew 3 tires
 - Called in the morning regarding pothole but nothing has been done as of this meeting
 - Preventative Maintenance and proper construction would eliminate many issues
 - Provided photographs of road conditions of concern
 - Would like to see roads treated as priority
 - Would like to see Medina Junction remain open also—walked it today, and doesn't seem bad
 - Willing to work with the Town for the betterment of services
- Chair Geise assured Mr. Abrahamson that road maintenance is a priority
 - Town has a four-person crew and 75 road miles
 - Storm water management issues of major concern to many residents as well
 - Town receives only \$0.14 of each \$1.00 paid by residents in taxes
 - Limited resources have to be directed where they will have the biggest impact

V. Correspondence:

- A. Distribution of the June CY 2019 Building Inspection Report.
- B. Clayton Park Well Test Report—Safe
- C. Oshkosh Public Library Board Minutes

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 Combined Protective Services Department (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - 73 calls year-to-date, 47 EMR, 19 Fire, 7 which were both
 - Sheriff Matz advised that departments should start planning to replace their radios. No definitive time has been given by Motorola. Estimates 7 to 10 years. Replacement cost estimate is approximately \$160,000.00
 - Comm Center is working on an “All Call” tone—will allow all departments to be paged at one time
 - b. Clayton Fire Rescue First Responder

- NO REPORT
- c. Clayton Police Officer
 - Received Lidar Unit from Laser Technology. Scheduled for webinar to use
 - Working with WI DOJ and FBI to gain access to computer systems
 - Gave YMCA group a station tour
 - Working with resident to minimize wandering peafowl
- D. Larsen-Winchester Sanitary District—Mike Pfankuch Report
 - 10 Million Gallons released in Spring Draw down
 - Highest draw down on record
 - Water Softener Inventory almost completed
 - Treated Ponds for Duck Weed—working well
 - Met with DNR Specialist who is encouraging mechanical processing versus ponds
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- E. Administrative Comments
 - Engineer Miller
 - Continuing work on two regional storm water management ponds for the Town—one on West American Drive, one near Oak Openings
 - Working on pavement repair at the intersection of Winncrest and Towne Court—completed boring samples
 - Working on Cul de Sac specifications for West Field Ridge
 - Administrator Johnston
 - Continuing the development of TID #1—scheduled Public Hearing for July 9, 2019 Plan Commission Meeting
 - Clerk Stevens
 - Continue working on Incorporation Submission Documents
 - Working with Engineer to develop special assessment for the Extension of Rose Moon Way
 - Chairman Geise
 - Continuing negotiations with neighboring municipalities
 - Continuing development of Sanitary District Services

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Terence J. Nugent
- ii. Taylor R. Kuehl
- iii. Cailin C. Inman
- iv. Summer L. Schwartz
- v. Alicia L Del Marcelle

B. Renewal:

- i. Brittany M. Sack
- ii. Paul A Rasmussen
- iii. Gail E Schwerin

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 review and consideration of a report on and update to the drainage plan for the Plat of Deer Trail Estates in the Town of Clayton.

The Board reviewed copies of the work completed by Town staff and the Town's Engineer on the stormwater drainage issue in the Plat of Deer Trail Estates. The documentation on the face of the Plat (exhibit #1) assigns the responsibility for the maintenance of the drainage easements to the property owners in the Plat. As was stated during the conversation with the residents of the Plat, the drainage system worked when the Plat was originally developed. The issue with the drainage system has developed over time due to a lack of proper maintenance of the drainage easements provided for in the Plat. Exhibit #2 of the documents shows the bulk of the drainage system for the western side of the Plat being funneled through a drainage easement that runs west between Lots 12 and 13 and then north along the western boundary of the plat to the navigable waterway on the south side of Shady Lane. Since the bulk of the stormwater from Knox Lane and the area south and west of Bomar Avenue runs through the drainage easement in noted, the key to the proper operation of the drainage system is proper maintenance of that drainage easement. Based on the condition of the easement as it exists today any maintenance of the drainage easement has been ignored for the better part of the past 20-years. The Board reviewed photographs showing the condition of the easement taken by staff recently.

In CY 2012 Town staff and the engineer looked at the drainage issues on the western side of the Plat of Deer Trail Estates. The Board reviewed documents relating to this. Staff was able to arrive at two options for correcting the drainage issues on the western side of the Plat. The first option was to enclose a stormwater drain between Lots 13 and 14 that would outfall into the navigable waterway on the south side of Shady Lane. This solution would require drainage easements from the owners of Lots 13 and 14 and a significant re-design of the roadside ditches in the Plat. The second option would use the existing drainage easements and run a storm sewer pipe across the properties to the west of the Plat and outfall into the same navigable water way as the existing system only further west. This option would require that the Town obtain easements for the storm sewer pipe

from the property owners and permits from the Department of Natural Resources (DNR) for installing the storm sewer pipe through several identified wetlands.

Over the course of the past two years, staff has researched the possibility of installing drain tile in the roadside ditches and taking the storm water directly to Shady Lane without the use of any drainage easements on private property. The Administration is of the opinion that staff could make this option work, however, the engineer has concerns with staff's ability to deal with the grade of the roadside ditches, the water flow in the roadside ditches, and the lack of grade in the area between Knox Lane and Shady Lane.

The Board reviewed several options relative to resolving the drainage issue in the Plat. These options were:

1. Allow staff to work on the projects as they are listed as priorities, the proposed work would include reconfiguring the roadside ditches in the Plat, replacing the driveway and cross culvert in the Plat, and installing drain tile in the flowline of the roadside ditches. Staff advised the Board that completing the proposed work will have little impact on the drainage issue in the Plat if the drainage easement that runs west and then north on the western boundary of the Plat is not improved at the same time. This option will also result in Town staff getting to the Plat of Deer Trail Estates in late CY 2020 and working on the project for several years.
 2. Change staff's work schedule priorities and move the work in the Plat of Deer Trail Estates (as described in option 1) to the top of the list. This option will result in complaints from residents in the Plats where staff is currently working when they move out of the area.
 3. Complete the engineering, wetland permitting, and obtaining the easements for discharging the stormwater into the waterway west of the Plat. The Board would have the option of Special Assessing the cost of the engineering work to the owners in the Plat.
 4. Using the engineering generated by the engineer to prepare bid documents for the proposed work and issuing those bid documents in order to have accurate costs for the proposed improvements. Should the Board wish and the residents accept the process the Board could approve the low bid for the work at a future meeting and Special Assess the cost of the construction work to the property owners in the Plat on a per Lot basis.
- Steve Jamroz, 9267 Bomar Avenue stated he appreciated the options being brought forward. He said he was in favor of Option 1.
 - Scott Valitchka, 9251 Bomar Avenue, said he too was in favor of Option 1. He requested explanation of the drainage courses.
 - Administrator Johnston explained that the drainage courses are on private property and would require easements for the Town to maintain them. He said Option 1 results in "pushing" water due to lack of grade as well as the lack of maintenance of those drainage courses. He also noted that as property owners, the mowing of the ditches will remain their responsibilities.
 - Mr. Valitchka inquired as to the estimated timeframe for the work

- Administrator Johnston said the Department of Public Works (DPW) is more than 6 weeks behind due to the weather conditions so far this season. He said if the Board directs them to move forward with Option 1, the earliest the DPW could begin will be late fall, 2019.
- Troy Tipton, 3462 Knox Lane, asked if cleaning the ditches will mitigate the problem if the drainage course is not addressed.
- Administrator Johnston explained that the project they are looking at will reroute the water to some extent. He noted that the engineer has concerns about that not working due to lack of grade and the “pushing” of water.
- David Peel, 9298 Bomar Avenue, noted that the property west of the plat on Shady Lane creates a bottle neck causing water to back up. He asked if that would be addressed.
- Administrator Johnston explained that the water course along Shady Lane is classified by the WI DNR as a navigable waterway and therefore requires permitting from the County and the State prior to working there.
- Paul Coenen, 3501 W Shady Lane, stated that since the culverts were changed on Shady and Oakwood, his driveway has been flooding.
- Administrator Johnston explained that the DNR specified the culverts which were to be installed at those locations. He also noted that the water from the Oakwood culvert runs north rather than toward Mr. Coenen’s property.

Chair Geise noted that Option 2 is off-the-table. He also noted that Options 3 and 4 would both require special assessing the property owners. He stated that in his opinion, Option 1 is the only option to move forward with. The Board Members agreed.

DIRECTION TO STAFF

The Board directed staff to move forward with Option 1 as the DPW schedule allows.

- B. Discussion/Action: Town Board review and consideration of staff proposed updates to the Town’s 5/10-Year Capital Reconstruction Plan.

The Board reviewed a draft copy of the Town’s 5/10-Year Capital Reconstruction Plan. At the Board’s direction the Administration has postponed the Capital Reconstruction Plan for one additional year, and requested the Board formalize that postponement by taking a formal action to approve the additional one-year delay.

MOTION:

Motion by unanimous consent to approve the amended 5/10-Year Capital Reconstruction Plan which implements an additional one-year delay.

- C. Discussion/Action: Town Board review, consideration and direction to staff relative to the proposed improvements to Winncrest Road south of CTR “II”.

The Board reviewed a copy of the engineering documentation for the improvements of the intersection of Winncrest Road and Towne Court. The project as approved by the Town Board includes removing the existing asphalt, and undercutting the existing base course of the road to allow for the installation of an 8-inch reinforced concrete road surface. The Town’s engineer has indicated that completing this project as proposed in

CY 2019 might not be possible. She has had some difficulties with the timely scheduling of concrete work in CY 2019. Based on the difficulties with scheduling concrete work and the Town's recent maintenance experience with the intersection of Winncrest Road and CTH "II", the Administration asked the Board to consider postponing the proposed work until CY 2020 and expanding the project to include the intersection of Winncrest Road and CTH "II". Over the course of the past few years the Town has had to resurface the intersection of Winncrest Road and CTH "II" because of the heavy truck use and the tight turning radius of the intersection. Rather than repairing one intersection and then having to come back and repair the second intersection at a later date the Board may wish to repair both intersections at the same time. The Administration recommended that the Board authorize the CY 2020 reconstruction of Winncrest Road from CTR "II" through its intersection with Towne Court with an 8-inch concrete road surface.

MOTION:

Motion by unanimous consent to authorize the completion of the engineering and bidding for Winncrest Road from its intersection with County Road II through its intersection with Towne Court with the Town Board awarding the project late in CY 2019 or early in CY 2020.

- D. Discussion/Action: Town Board review, consideration, and direction to staff relative to the disposition of the Town owned residential properties located at 8879 Clayton Avenue, Neenah, WI 54956.

Supervisor Schmidt Recused herself from this business.

The Board reviewed material related to the proposed sale of the Town owned residential properties located at 8879 Clayton Avenue, Neenah, WI 54956. The Administration asked the Board for permission to establish a sale price and solicit offers for the existing home and the two related lots. The Administration recommended that the Town sell the properties as a unit. The Administration advised the Board that the two vacant lots could be divided into four lots when municipal sanitary sewer and municipal water become available.

Chairman Geise stated that Supervisor Schmidt has been renting the home through the Town's rental agent for several years. He said he would like to see staff secure market value pricing for the property and then provide Ms. Schmidt with the first right of refusal because it is her home and because the Board did the same for the renters of the Town's other rental properties in the past. The Board agreed that was reasonable.

MOTION:

Motion by unanimous consent to direct staff to establish fair market value pricing for the properties located at 8879 Clayton Avenue, Neenah, WI 54956 and to solicit offers for the properties with the sale to be approved by the Town Board.

- E. Discussion/Action: Town Board review, consideration, and direction to staff relative to issuing a Request For Proposals for the Town's Annual re-paving and/or chip sealing projects as listed:
- i. Lind Lane
 - ii. Country Woods Court

iii. Park Lane Drive

The Administration asked the Board for direction relative to soliciting bids for installing curb returns and repaving the listed streets. This work was included in the Town’s CY 2019 Public Works, General Fund Budget. The bids for the work will be presented to the Board for approval at the Wednesday, August 7th, 2019 Town Board meeting.

DIRECTION TO STAFF:

The Board directed staff to proceed with the solicitation of bids for presentation to the Town Board.

- F. Discussion/Action: Town Board review and direction to staff relative to a follow up to East Central Regional Planning Commission’s request for interest in preparing the required Housing Affordability and Housing Fee reports.

The Administration reviewed that the Board recently approved town participation in the East Central Regional Planning Commission, State Housing Report Study. The Board reviewed a copy of an e-mail from Eric Fowle, Executive Director of the East Central Regional Planning Commission (ECWRPC) relative to changes in the cost of participation in the project. Because of reduced participation, the East Central Regional Planning Commission cost to generate a report for the non-required communities has increased from \$575.00 to \$985.00. The Administration acknowledges that the Town is not required to participate in the proposed study, however, the information that will be generated by the proposed study would likely serve the Town well for planning and development purposes. This is particularly true even given the increased cost of participation.

MOTION:

Motion by unanimous consent to participate with the proposed East Central Regional Planning Commission project to complete a State Housing Report at a revised cost of \$985.00 with funding for the project to come from the Town’s CY 2019 Planning Budget; and to direct staff to sign and submit the appropriate documentation.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- XIII. Upcoming Meeting Attendance: TID #1 Public Hearing July 9, 2019 at 7:00 p.m.
- XIV. Board Member Requests for Future Agenda Items
- XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 8:07 p.m.

Respectfully submitted,
Holly Stevens, Clerk