

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, July 19th, 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	ABSENT

b. Staff

Administrator Johnston	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rod Streicker	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, July 5, 2017.

MOTION:

Motion carried by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, July 5, 2017.

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

V. Correspondence:

- A. Photographic confirmation of the removal of a concrete driveway apron on DeKald Lane.
- B. Copy of a Wisconsin Taxpayer Journal on Property Assessment. Understanding Property Valuation and Shifting Tax Burdens.
- C. Notice of a Public Hearing on a County Land Use Amendment to include a Farmland Preservation Plan as mandated by Wisconsin Statutes.
- D. Winnebago County Recycling Tonnage Report
- E. Community Foundation Endowment Fund Spending Policy Update

- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - i. None
 - B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - i. None
 - C. Clayton Fire Rescue Department (First Meeting of the Month)
 - i. Chief Rieckmann written report
 - o 122 calls, year-to-date—13% decrease from same time period last year
 - o July 13, 2017—Chief and Van Stappen MABAS called to City of Burlington as part of Swiftwater Task Force due to flooding
 - o Blood Drive—August 1, 2017
 - D. Larsen-Winchester Sanitary District
 - i. Mike Pfankuch present with no report
 - E. Administration Comments
 - i. Engineer Mary Jo Miller reporting
 - o Working on WI DNR Chapter 30 Permitting for drainage ditch work between Oakwood and Pioneer Roads
 - o Working on engineering for the extension of Rose Moon Way
 - ii. Administrator Johnston
 - o Public Works Department working to clear-up drainage issues on Jewel Drive
 - o Breezewood Lane east of intersection at CTR JJ has been paved and is open. The County will be engineering the striping.
 - o Drainage method used in substructure of Breezewood is working very well
 - iii. Chair Geise
 - o Met with Dennis Jochman, Bechard Group. Town has an offer on 10 acres of the property on the northeast corner of STH 10 and Clayton Avenue which was purchased in June. The Town will be presenting a counter-offer.
 - o Town of Clayton featured in two Post Crescent articles this week.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Michelle L Grohoski
 - B. Renewal:
 - i. No Renewals
- 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 Re-zoning Application submitted by Jeffrey and Joan Gosz, 4721 Grandview Road, Larsen, WI 54947 for property located at 4721 Grandview Road, Larsen, WI 54947 in the Town of Clayton and specifically described as Tax ID # 006-0520-02 being part of the Northwest ¼ of the Southeast ¼ of Section 16, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (CSM 3411). The Application is to re-zone the property from R-3 (Two Family Residential District) to A-2 (General Agriculture District).

- Plan Commission recommends approval of the Re-Zoning from R-3 (Two Family Residential District) to A-2 (General Agricultural District) with Staff Recommendations.
 - Item addressed by Town Board in section X.B.
- B. Plan Commission recommendation to the Town Board on a Re-zoning Application submitted by Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947 for property located on the east side of Hickory Avenue, north of CTR “II” and south of State Highway 10 in the Town of Clayton and specifically described as Tax ID # 006-0464-02 located in Section 17, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (CSM 8477). The Application is to re-zone the property from A-1 (Agribusiness District) to A-2 (General Agriculture District).
- Plan Commission recommends approval of the Re-Zoning from A-1 (Agribusiness District) to A-2 (General Agriculture District) with Staff Recommendations.
 - Item addressed by Town Board in section X.C.
- C. Plan Commission recommendation to the Town Board on a 2-Lot Certified Survey Map (CSM) Application submitted by Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947 for property located on the east side of Hickory Avenue, north of CTR “II” and south of State Highway 10 in the Town of Clayton and specifically described as Tax ID # 006-0464-02 located in Section 17, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (CSM 8477).
- Plan Commission recommends approval of 2-Lot Certified Survey Map (CSM) Application submitted by Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947

MOTION:

Motion by unanimous consent to approve the 2-Lot Certified Survey Map Application submitted by Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947

- D. Plan Commission recommendation to the Town Board on a 1-Lot Certified Survey Map (CSM) Application submitted by Marty Nikodem, 4085 Winnegamie Drive, Neenah, WI 54956 for property located at the eastern terminus of Towne Court and specifically described as Tax ID# 006-1777 and Tax ID# 006-1778 being all of Lots 2 and 3, Winncrest Commercial Subdivision, Located in the Northwest ¼ of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Plan Commission recommend approval of a 1-Lot Certified Survey Map (CSM) Application submitted by Marty Nikodem, 4085 Winnegamie Drive, Neenah, WI 54956 subject to staff recommendations.

MOTION:

Motion by unanimous consent to approve 1-Lot Certified Survey Map Application submitted by Marty Nikodem, 4085 Winnegamie Drive, Neenah, WI 54956 subject to staff recommendations as follows:

1. The Surveyor providing the Town with a recorded copy of the CSM.

2. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

E. Plan Commission recommendation to the Town Board on a Preliminary Site Plan submitted by Marty Nikodem for Lot-2 and Lot-3 of the Winncrest Commercial Subdivision, specifically identified as Tax ID# 006-1777 and Tax ID# 006-1778, both located in the Northwest ¼ of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission recommends approval for the Preliminary Site Plan submitted by Marty Nikodem with the following stipulations:
 1. The Occupancy Permit will not be issued until the Town Site Plan Ordinance provisions are fully met.
 2. Formal Site Plan and CSM shall be submitted for review at the August 9th, 2017 Plan Commission Meeting.

MOTION:

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

1. The Occupancy Permit will not be issued until the Town Site Plan Ordinance provisions are fully met.
2. Formal Site Plan and CSM shall be submitted for review at the August 9th, 2017 Plan Commission Meeting.

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):

- Administrator Johnston reported the Green Space Committee reviewed current and future projects and the needed funding in anticipation of the 2018 Budget

X. Business:

A. Discussion/Action: Town Board review and consideration of Resolution 2017-006 A Resolution Levying a Final Special Assessment for Public Infrastructure constructed in the Plat of Whispering Meadows.

The Board reviewed copies of: a notice from the Developer waiving his rights to the Notice requirements of Wisconsin Statutes pursuant to 66.07 (b), a copy of Resolution 2017-006 A Final Resolution Assessing Public Improvement in the Whispering Meadows Development, a copy of the Record Drawings for the Development, and a copy of the Amortization Schedule for the Special Assessment Payments. The approval of the Final Resolution is the last step in levying the Special Assessments for the project; the first payment will be due with the CY 2017 Taxes payable in CY 2017/18. The Interest Rate on the Special Assessment is 3.10% or 50 basis points over the 2.60% the Town is paying on its CY 2014 Bond Issue; interest on the Special Assessments starts on January 1st, 2017. The payments are set at 1/10th, of the principal plus interest on the declining balance for the Calendar Year. The minimum payment shall be 1/10th of the principal plus interest for the Calendar Year. The Administration provided a copy of the documentation to the Developer with notice that the Final Resolution levying the Special Assessments on the referenced

property will be considered at the Board’s Wednesday, July 19th, 2017 Meeting. Please be advised that the Town will have to levy a separate Special Assessment Resolution for the final lift of asphalt for the project in CY 2018.

- Attorney Lehocky requested the Administration acquire formal documentation from the developer waiving his rights to the Notice requirements.
- Attorney Lehocky also requested the Board postpone any action to its August 2, 2017 meeting, allowing her more time to review the agreements.
- The Board postponed its action to the August 2, 2017 Town Board Meeting

NO ACTION TAKEN

- B. Discussion/Action: Town Board review and consideration of Ordinance 2017-006 an Ordinance acting on a Re-zoning Application submitted by Jeffrey and Joan Gosz, 4721 Grandview Road, Larsen, WI 54947 for property located at 4721 Grandview Road, Larsen, WI 54947 in the Town of Clayton and specifically described as Tax ID # 006-0520-02 being part of the Northwest ¼ of the Southeast ¼ of Section 16, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (CSM 3411). The Application is to re-zone the property from R-3 (Two Family Residential District) to A-2 (General Agriculture District).

The Board reviewed a copy of Ordinance 2017-006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The applicant(s) Jeffrey and Joan Gosz of 4721 Grandview Road, Larsen, WI 54947 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 Schmidt

Second by Supervisor Grundman

Motion to approve Ordinance 2017-006 and to direct staff to file the appropriate documentation with the County

ROLL CALL VOTE:

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

MOTION CARRIED with a vote of 4-0-0

- C. Discussion/Action: Town Board review and consideration of Ordinance 2017-007 an Ordinance acting on a Re-zoning Application submitted by Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947 for property located on the east side of Hickory Avenue, north of CTR “II” and

south of State Highway 10 in the Town of Clayton and specifically described as Tax ID # 006-0464-02 located in Section 17, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (CSM 8477). The Application is to re-zone the property from A-1 (Agribusiness District) to A-2 (General Agriculture District).

The Board reviewed a copy of Ordinance 2017-007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The applicant(s) Delores A. Rubbert, 8665 Pioneer Road, Larsen, WI 54947 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. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2017-007 and to direct staff to file the appropriate documentation with the County.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Ordinance 2017-007 and to direct staff to file the appropriate documentation with the County

ROLL CALL VOTE:

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

MOTION CARRIED with a vote of 4-0-0

- D. Discussion/Action: Town Board review and consideration of awarding an asphalt paving contract for road repairs on Sunburst Lane.

Staff has noticed and residents have voiced their concerns relative to the condition of the pavement on certain parts of Sunburst Lane. Based on the Town’s 5-year Capital Reconstruction Plan the areas in question are scheduled to be repaved in CY 2020. Staff has solicited proposals for repairing the failed asphalt surfaces from two area contractors. The Board reviewed copies of the two proposals, the first from Fox Valley Asphalt & Maintenance, LLC is for a total of \$12,395.00 and the second is from Absolute Asphalt LTD for a total of \$13,591.00. The Administration is recommending that the Board award the contract to Fox Valley Asphalt & Maintenance, LLC is for a total of \$12,395.00 with the funding to come from the Public Works, CY 2017, Street Maintenance Line Item.

MOTION:

Motion by unanimous consent to award the contract to Fox Valley Asphalt & Maintenance, LLC is for a total not-to-exceed \$12,395.00 with the funding to come from the Public Works, CY 2017, Street Maintenance Line Item.

- E. Discussion/Action: Town Board review and consideration of an additional tree removal proposal for the Royer Cemetery.

The Board reviewed a proposal from Treeo's for \$5,000.00 for removing additional fallen trees and root balls from the Royer Cemetery area. Under the earlier Contract approved by the Board, Treeo's removed the bulk of the fallen trees and brush from the cemetery area. Once the original work was completed, staff was able to identify the additional work. Once the restoration of the grassy areas takes hold staff will contract with a local monument company to repair and replace any monuments that may have been damaged. Staff is also working with the Moderson family to identify the burial sites and the names of the deceased, along with various civic organizations to find funding to offset the costs of repairing the damaged monuments. The Town's Insurance Companies have indicated that they will cover the cost of removing the damaged trees, however, the coverage does not include the costs of disposal of the material removed. The Administration is recommending that the Board authorize the additional funding for the project from the Town's Cemetery Maintenance Reserve Account.

- Supervisor Lettau questioned why staff presented only one bid for the work
- Administrator Johnston explained the work needed to be completed quickly in order to prevent further damage. This additional work was not realized until after the initial work was completed. With time being of the essence, due to the fragility of the cemetery, the additional bid from TreeO's is to complete the tree removal in its entirety.

MOTION:

Motion by unanimous consent to award the Contract to Treeo's at a cost not-to-exceed \$5,000.00 and to direct staff to prepare the Resolution transferring the funds from the Cemetery Maintenance Reserve Account to the General Fund Cemetery Account.

- F. Discussion/Action: Town Board review and consideration of awarding a contract to enclose the fenced area where the Town's Solid Waste and Recycling containers are stored.

The Board reviewed photographs of the dumpster area on the municipal grounds and a proposal from Security Fence to install a gate in front of the dumpsters at a cost of \$2,595.00. Both Supervisor Reif and staff have noticed that random individuals are routinely using the Town's dumpsters as a way of disposing of garbage and recycling material. Staff advised the Board that the Larsen/Winchester Lions Club also uses the Town's dumpsters to dispose of their garbage and recycling. Since the Town pays for disposing of these materials, it is the Staff's recommendation for the Town to fence off these dumpster units to minimize disposal costs. The proposal for installing a gate to secure the area from Security totals \$2,595.00.

- The Board directed staff to work with the Lions Club to make accommodation for minor waste disposal for them if needed

MOTION:

Motion by unanimous consent to approve the Security Fence proposal at a cost not to exceed \$2,595.00.

- G. Discussion/Action: Town Board review and consideration of a staff recommendation to dispose of certain surplus Town-owned equipment.

The Board reviewed several pictures of what staff is describing as surplus equipment, the surplus items include the following:

1. A 1.09 yard, 4-tooth Cat bucket
2. A Cat CVP 75 Hydraulic Compactor
3. A 10-foot wide Load Leveler hydraulically operated box scraper

Staff respectfully asked the Board for authorization to dispose of this equipment. Since staff does not have values for the equipment, the Administration asked the Board to authorize the Town Chair to approve the sale price of any of these items before they are disposed of.

MOTION:

Motion by unanimous consent to authorize the sale of the specified surplus equipment subject to the Town Chair approving the sale price and providing a report to the Board on any of the surplus items sold.

- H. Discussion/Action: Town Board review and consideration of a change in the scheduled activities and priorities of the Town’s Public Works Department.

The Administration advised the Board that it is changing the priorities for the work being assigned to the Public Works crew (crew). Specifically, there are approximately 6 to 8 large culverts in the Town’s roads that are failing. Rather than trying to fit both ditching and culvert replacement into the summer months, the Administration is directing the crew to concentrate on the culvert replacement during the summer months. There were several reasons for giving the crew this direction, the most significant is to minimize the impact of detours on the school bus system. During the summer months, detours are not as great an issue. The most important is to replace the failing culverts before they become the cause of an accident and injury. Once the culverts are replaced the crew will concentrate on ditching into the fall months and next spring and summer. The issue staff is dealing with is the impact of changing from one type of work to the other and the time involved in making the changes. Additionally, what usually happens during the changeover, is that projects are not completed and cause residents to complain about the lack of or the quality of the restoration done by the crew.

DIRECTION TO STAFF:

The Board directed staff to schedule the work as they deem appropriate

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)

XIII. Upcoming Meeting Attendance: NONE

XIV. Board Member Requests for Future Agenda Items: NONE

XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:03 p.m.

Respectfully submitted,

Holly Stevens, Deputy Clerk