

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

6:00 P.M. on Wednesday, September 20, 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 6:00 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, September 6th, 2017.

MOTION:

Motion by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, September 6th, 2017.

- B. Approval of the Minutes of the First Budget Workshop held at 12:00 p.m. on Wednesday, September 5th, 2017.

MOTION:

Motion by unanimous consent to approve the Minutes of the First Budget Workshop held on Wednesday, September 5th, 2017.

- C. Approval of the Minutes of the Second Budget Workshop held at 12:00 p.m. on Wednesday, September 12th, 2017.

MOTION:

Motion by unanimous consent to approve the Minutes of the Second Budget Workshop held on Wednesday, September 12th, 2017.

- IV. Open Forum – Town-related Matters not on the Agenda: NONE
- V. Correspondence:
 - A. Commissioners of Public Land Approval Correspondence (2)
 - B. Winnebago County Solid Waste and Recycling Recycling Tonnage Report
- VI. Discussion Items (No action will be taken):
 - A. County Supervisor Report
 - i. No Report
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - i. Officer Scott Rollo present—No Report
 - C. Clayton Fire Rescue Department (First Meeting of the Month)
 - i. Chief Rieckmann written report
 - o Reviewed the submitted report
 - o 165 calls year-to-date (14% decrease from previous year-to-date total)
 - o Winnebago County Investigative Unit disbanded. Individual Departments will conduct all investigations with MABAS assistance if needed
 - D. Larsen-Winchester Sanitary District
 - i. No Report
 - E. Administration Comments
 - i. Engineer Mary Jo Miller
 - o The application for dredging the navigable waterway is being reviewed by the DNR for approval
 - o Rosemoon Way project on the agenda—will address later in the meeting
 - o Rosemary Lane (Schommer) project is in development
 - ii. Administrator Johnston
 - o The Staff is continuing to work with the Board on the CY 2018 Budget
 - o Cistern issues have been determined and repairs on underway
 - iii. Town Board
 - o Chair Geise held meeting with the Women’s Clinic, who expressed interested in purchasing additional acreage
 - o Boundary Agreement negotiations continue
- VII. Operator Licenses Issued by the Town Clerk:
 - A. New:
 - i. Michael A. Luebke
 - ii. Ronni J. Blohm
 - 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 Site Plan Application submitted by the petitioner(s): Jeff Howts, owner of Cruisin Safely Motorcycle & Driving Instruction, LLC, 2211 Oregon Street, Oshkosh, WI 54901 for a Home Occupation Major on property located at the north end of Black Top Way, Neenah, WI 54956 and specifically described as Lot 2 of the recently approved CSM 7052 and Tax ID # 006-0895-07, being part of the Northwest ¼ of the Northwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski reported the Plan Commission recommends approval of the Site Plan with Staff recommendations.

MOTION:

Motion by unanimous consent to approve the Site Plan submitted by Cruisin' Safely Motorcycle & Driving Instruction, LLC for tax parcel #006-0895-07

B. Plan Commission recommendation to the Town Board on a Site Plan Application for a Mini Storage Center submitted by 76 & Shady LLC, P.O. Box 626, Appleton, WI 54912 for property located on the southwest corner of the intersection of Shady Lane and STH "76" and specifically described as Tax ID# 006-0306-07 being described as Lot-1 of CSM 6989 in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski reported the Plan Commission recommends approval of the Site Plan with Staff recommendations.
- Administrator Johnston noted the signage will be addressed at a staff level according to B-3 Zoning Regulations

MOTION:

Motion by unanimous consent to approve the Site Plan submitted for a Mini Storage Center submitted by 76 & Shady LLC for tax parcel #006-0306-07

C. Plan Commission recommendation to the Town Board on a Preliminary Site Plan submitted by Marty Nikodem for consolidated 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 Chairman Knapinski reported the Plan Commission tabled the Site Plan due to incompleteness

ACTION:

Directed Staff to have the Plan Commission continue to address the Site Plan until it meets their satisfaction

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. Green Space Committee Recommendation on a staff update on the improvements to the Olson’s Rest area of the Friendship trail.

NO ACTION TAKEN

- B. Green Space Committee Recommendation on review of the recommendations for the park and trail improvements for the Town’s CY 2018 Budget.

NO ACTION TAKEN

- C. Green Space Committee recommendation on the installation of rollup shutters at the Clayton Park Pavilion.

NO ACTION TAKEN

X. Business:

- A. Discussion/Action: Town Board review and consideration of awarding a Developer fund bid project for the construction of the extension of Rose Moon Way.

The Board reviewed the Bid tabulation for the project to extend Rose Moon Way. Staff received two bids for the project: the first from Radtke Contractors, Inc. of Winneconne, Wisconsin and the second from L7H Gyr Excavating, Inc. of Fond du Lac, Wisconsin. The low bidder for the project is Radtke Contractors, Inc. at a cost of \$72,715.99. Please be advised that this is a Developer funded project with the Developer paying for the entire cost of construction and the Town Special Assessing 50% of those costs with the intent of refunding the Developer when the owner of the south frontage of the extension of Rose Moon Way makes use of the extension of the road. The details of the Special Assessment will need to be endorsed with a Developer’s Agreement drafted by the Town’s Attorney. The Administration is recommending that the Board award the contract to Radtke Contractors, Inc. of Winneconne for a cost of \$72,715.99 with the funding to come from a Developer’s Escrow.

MOTION:

Motion by unanimous consent to award the contract to Radtke Contractors, Inc. of Winneconne for a not-to-exceed amount of \$72,715.99 subject to receiving a Developer’s escrow check in the amount of \$72,715.99 plus a 10% contingency or an agreement between the Town and the Developer that it can Special Assess any cost overruns to the property.

- B. Discussion/Action: Town Board review and consideration of authorizing the disposal of additional surplus Public Works Department and Fire Department Equipment.

- 1. An 8-foot Rhino Scraper with hydraulic controls

2. A Fire Department 1997 Ford brush truck flat bed
3. A high-pressure pump purchased from Pierce
4. A post hole digger attachment for the John Deere tractor
5. An electric plasma cutting device

Staff is respectfully asking the Board for authorization to dispose of this equipment. Since staff does not have values for the equipment the Administration is asking the Board to authorize the Town Chair to approve the sale price of any of these items before disposal.

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.

- C. Discussion/Action: Town Board review and consideration of a Removal Order for a concrete driveway apron installed in violation of the Town’s Minimum Road Standards Ordinance at 3320 Knox Lane, specifically identified as Tax ID# 006-1283 and owned by Stacey Hennessey and Edward Van Hoof.

The Board reviewed copies of staff’s documentation relative to the enforcement on this issue including a sample removal order issued by the Board. Based on the Town Board action on this issue the Town’s Attorney has prepared a “TOWN OF CLAYTON ORDER TO REMOVE OBSTRUCTION IN THE TOWN RIGHT-OF-WAY.”

- Chairman Geise noted the importance of consistent enforcement

MOTION:

Motion by unanimous consent to direct Town’s staff to issue the Removal Order with a date certain for completion of the work.

- D. Discussion/Action: Town Board review and consideration of a report relative to the Town’s additional authorized Reserve Alcohol Licenses.

At the July 5, 2017 Town Board meeting, the Board authorized the additional alcohol licenses for the Town and directed staff to proceed with the project. Staff has researched the State Statute regulating reserve licenses, has performed the calculations based on population growth, and has determined that the Town’s License Quota is 10 Licenses plus 3 Reserve Licenses. Attorney Lehocky also reviewed the same data and she has confirmed the calculations. Currently, the Town has issued 10 Licenses and 1 Reserve License, which leaves 2 Reserve Licenses available for issuance.

NO ACTION TAKEN

- E. Discussion/Action: Town Board review and consideration of authorizing a 3-year Contract extension with the Town’s Auditor Schenck S.C.

The Town’s CY 2016 Audit was the final year for its Contract with Schenck S.C. The Board reviewed a 3-year Contract extension proposal submitted by Virginia Hinz, CPA

with Schenck S.C. The proposed Contract extension sets not-to-exceed values for CY 2017 of \$13,700, for CY 2018 of \$13,950, and for CY 2019 of \$14,200. The Administration distributes these costs to the General Fund, the Solid Waste and Recycling Special Revenue Fund, and the Storm Water Management Utility Fund. The Administration believes that the Town’s accounting process is at a critical point in its development and would benefit from the consistency of keeping the same auditing firm for the next 3-year cycle. Based on that belief the Administration is recommending that the Town Board approve the Contract extension presented by Schenck S.C. at the proposed costs.

MOTION:

Motion by unanimous consent to approve the 3-year Contract extension for providing the Town’s annual auditing report with Schenck S.C.

- F. Discussion/Action: Town Board review and consideration of authorizing utility easements on Municipally owned land to Wisconsin Public Service for the extension of 3-Phase power from the Clayton School area to the eastern terminus of West American Drive.

The Board reviewed copies of the easement needed by the Wisconsin Public Service Corporation to extend 3-phase electric power to the Town’s property on the south frontage of USH “10” and the eastern area of West American Drive on the north frontage of USH “10”. The easements are where the 3-phase power would be extended; the 3-phase power line would be bored under USH “10” in the area of Campers Boulevard. There are several businesses in the area that have asked for 3-phase power so that they can expand their operations.

MOTION:

Motion by unanimous consent to approve the easements as requested and to direct the Town Chair and staff to sign and return the documents to the Wisconsin Public Service Office.

- G. Discussion/Action: Town Board review and consideration of approving a contract with Wisconsin Public Service to extend 3-phase power from the Clayton School Area to the eastern terminus of West American Drive.

The Board has been asked to approve the easement for the Wisconsin Public Service Corporation to extend 3-phase power from the area of Clayton School to the Town owned property on the south frontage of USH”10” between Clayton Avenue and STH “76” and to the east end of West American Drive on the north frontage of USH”10”. The next step in the process will be to approve a Contract for the utility extension work. In order to expedite the process, the Administration is respectfully asking the Board if it would approve a Utility Extension Contract at an estimated cost of not-to-exceed \$250,000.00 and give the Town Chair the authority to sign the Contract at the not-to-exceed cost.

- Discussed initial cost to be covered by the Town but as customers hook-up, the Town will receive rebates back
- Discussed the need for funding appropriation by the Town Board from reserves to cover costs

- Discussed the necessity to the growth and development of the Town

MOTION:

Motion by unanimous consent to authorize the Town Chair to sign a Utility Extension Contract at a cost not-to-exceed \$250,000.00.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance:
 - Final Budget Workshop—Tuesday, September 26th from Noon to 2 p.m.
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 7:38 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk