

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 p.m. on Wednesday, October 17, 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 – Mary Jo Miller	PRESENT
Town Attorney – Ben Lafrombois	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

A. No Public Hearings

III. Approval of Minutes:

- A. Approval of the Minutes of the Tuesday, October 2nd, 2018 Town Board Budget Workshop.
- B. Approval of the Minutes of the Wednesday, October 3rd, 2018 Town Board Meeting.
- C. Approval of the Minutes of the Wednesday, October 10th, 2018 Town Board Budget Workshop.

MOTION:

Motion by unanimous consent to approve the Minutes of the Tuesday, Tuesday, October 2nd, 2018 Town Board Budget Workshop, the Wednesday, October 3rd, 2018 Town Board Meeting and the Wednesday, October 10th, 2018 Town Board Budget Workshop.

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

- Art Rathjen, Greater Oshkosh Economic Development Corp.

- Received \$36,000 Grant for Coporate Uber—Rides to work
- Implementation will be in the near future

V. Correspondence:

- A. Winnebago County CY 2018 Recycling Tonnage Report
 - Supervisor Lettau noted Recycleables should not be bagged—place loose comingles into bins for processing.
- B. Oshkosh Public Library Minutes
- C. Wisconsin Towns Association New Website Launch Notice

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)
 - Chief Rieckmann provided a report to the Town Board. 139 calls as of 10/12/18 of which 84 were EMR, 38 were Fire, and 16 were both.
 - Awarded a 50% matching grant from WI DNR to purchase pants, jackets, and helmets, as well as small diameter fire hose and fittings for fighting wildland fires. The Town’s share of the grant is \$3,858.55.
- D. Larsen-Winchester Sanitary District
 - Mike Pfankuch, Chairman provided a report to the Town Board.
 - Last two draw downs, May 2018 and November 2017, showed deficiencies
 - Suspended Solids (Duck weed), High PH Level, High Phopherous
 - Dredging and Chemical Applications performed to address issues
 - Water Softener Checks and Tune ups are in process
- E. Administration Comments
 - Mary Jo Miller, Engineer
 - Due to the wet weather work in Highland Wood subdivision has been slow.
 - Geotech on Larsen Road completed, Topographic will be completed soon
 - Administrator Johnston
 - Budget has been completed
 - PACER Road survey will be completed soon
 - Staff attended UW Wisconsin Extension Managing Snow and Ice Controls Class
 - Implementing brining treatments this season
 - Deputy Clerk Stevens
 - Reported 2062+ loads have been dumped at the Yard Waste Site, from April through September
 - Prepping for Election, In-person Absentee Voting in process
 - Chairman Geise
 - Met with the Chairmen from the Towns of Vinland, Winneconne, Neenah, and Winchester regarding the possible Incorporation of the Town of Clayton
 - Each is looking for border agreements
 - All are supportive of the Incorporation and will not object to it

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Alyssa M. Muchowski
- B. Renewal:
 - i. Janet G. Cavanaugh

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 Chris Lichtenberg, 3461 DeKalb Lane, Neenah, WI 54956 for property located on East Shady Lane (west of the Town Line), and specifically identified as Tax ID # 006-0331-04 and Tax ID# 006-0331-06 and described as All of Lot 2 of Certified Survey Map 475 and all of Lot 2 of CSM 5918, located in the northeast ¼ of the northwest ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chairman Knapinski stated the Plan Commission recommended approval to the Town Board with Staff recommendations and the additional delivery limitations as recommended by the Plan Commission

MOTION:

Motion by unanimous consent to approve the CSM application as submitted by Chris Lichtenberg

- B. Plan Commission recommendation to the Town Board on a Re-zoning application submitted by Chris Lichtenberg, 3461 Dekalb Lane, Neenah for property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, 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) to A-2 (General Agricultural District).
 - Plan Commission Chairman Knapinski stated the Plan Commission recommended approval of the Re-zoning Application as submitted.
 - Business to be addressed later in the meeting
- C. Plan Commission recommendation to the Town Board on a Re-zoning application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville, WI 54942 for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 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 I-1 (Light Industrial District).

- Plan Commission Chairman Knapinski stated the Plan Commission recommended approval of the Re-zoning Application as submitted.
 - Business to be addressed later in the meeting
- D. Plan Commission recommendation to the Town Board on a Site Plan Approval Application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Plan Commission Chairman Knapinski stated the Plan Commission tabled the review because the Site Plan as submitted was incomplete
- E. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Jeff and Dana Burkhart to raise Backyard Chickens. The property is located at 8331 State Road 76, Neenah, WI 54956; specifically described as Tax ID #006-0598-10, being located in Section 23, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Plan Commission Chairman Knapinski stated the Plan Commission is recommending approval with the following conditions:
 1. That the Plan Commission set a maximum number of chickens.
 2. There shall be no roosters on site at any time.
 3. The chickens shall be contained in the coop or in a confined area of the backyard of the property.
 4. The chickens shall not be allowed to free range on the property.
 5. Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
 6. Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.
 7. That the flock be registered with the State Department of Trade and Consumer Protection (DATCP).
 8. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.

MOTION:

Motion by unanimous consent to approve the Conditional Use Permit Application as submitted with the Staff and Commission recommendations as noted

- F. Plan Commission recommendation to the Town Board on minor changes to the Town’s Zoning Code of Ordinances, Chapter 9 – Town of Clayton Zoning Ordinances, Article 7 – Specific Review Procedures, Division 4 – Conditional Use to bring the Code’s Conditional Use function of the Zoning Code into compliance with 2017 Wisconsin Act 67.
- Plan Commission Chairman Knapinski stated the Plan Commission recommended approval of the minor changes to the Town’s Zoning Code of Ordinances as presented

- Business to be addressed later in the meeting

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. Update from the Green Space Committee on work to be done in the Town’s parks and trails in CY 2019.
- B. Update from the Green Space Committee on placing woodchips in the playground area of Clayton Park.
- C. Update from the Green Space Committee on scheduling the November of CY 18, December of CY 18 and January of CY 19 Committee Meetings.

X. Business:

A. Discussion/Action: Town Board review and consideration of Resolution 2018-007 A Resolution Adopting the CY 2018 Tax Levy payable in CY 2018/19 as set by the Wednesday, October 17th, 2018 Special Meeting of the Town Electors; and Adopting the following Town CY 2019 Budgets as presented:

- i. CY 2019 General Fund Revenue Budget
- ii. CY 2019 General Fund Expense Budget
- iii. CY 2019 General Fund Capital Expense Budget
- iv. CY 2019 Solid Waste and Recycling Special Revenue, Revenue Budget.
- v. CY 2019 Solid Waste and Recycling Special Revenue Expense Budget.
- vi. CY 2019 Solid Waste and Recycling Special Revenue Capital Budget.
- vii. CY 2019 Storm Water Management Utility Revenue Budget.
- viii. CY 2019 Storm Water Management Utility Expense Budget.
- ix. CY 2019 Storm Water Management Utility Capital Budget.

MOTION:

Motion by Supervisor Reif

Second by Supervisor Schmidt

Motion to approve Resolution 2018-007 A Resolution Adopting the CY 2018 Tax Levy payable in CY 2018/19 as set by the Wednesday, October 17th, 2018 Special Meeting of the Town Electors; and Adopting the CY 2019 Budgets as presented.

ROLL CALL VOTE:

Supervisor Reif	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Aye
Chairman Geise	Aye

Motion carried by a vote of 5-0

- B. Discussion/Action: Town Board review and consideration of Ordinance 2018-004 approving a Re-zoning application submitted by Chris Lichtenberg, 3461 Dekalb Lane, Neenah for property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, 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) to A-2 (General Agricultural District).

MOTION:

Motion by Supervisor Grundman
Second by Supervisor Reif

Motion to approve Ordinance 2018-004 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map re-zoning the property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin from R-1 (Rural Residential) to A-2 (General Agricultural District).

ROLL CALL VOTE:

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Chairman Geise	Aye
Supervisor Schmidt	Aye
Supervisor Reif	Aye

Motion carried by a vote of 5-0

- C. Discussion/Action: Town Board review and consideration of Ordinance 2018-005 approving a Re-zoning application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville, WI 54942 for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 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 I-1 (Light Industrial District).

MOTION:

Motion by Supervisor Reif
Second by Supervisor Schmidt

Motion to approve Ordinance 2018-005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map re-zoning the property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin from A-2 (General Agricultural District) to I-1 (Light Industrial District).

ROLL CALL VOTE:

Chairman Geise	Aye
Supervisor Reif	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye

Motion carried by a vote of 5-0

- D. Discussion/Action: Town Board review and consideration of Ordinance 2018-006 approving minor changes to the Town’s Zoning Code of Ordinances, Chapter 9 – Town of Clayton Zoning Ordinances, Article 7 – Specific Review Procedures, Division 4 – Conditional Use to bring the Code’s Conditional Use function of the Zoning Code into compliance with 2017 Wisconsin Act 67.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to approve Ordinance 2018-006 An Ordinance to amend the Text of the Official Town of Clayton Zoning Ordinance as submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947 to amend Chapter 9 – Town of Clayton Zoning Ordinances, Article 7 – Specific Review Procedures, Division 4 – Conditional Use to bring the Code’s Conditional Use function of the Zoning Code into compliance with 2017 Wisconsin Act 67.

ROLL CALL VOTE:

Supervisor Reif	Aye
Chairman Geise	Aye
Supervisor Schmidt	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye

Motion carried by a vote of 5-0

- E. Discussion/Action: Town Board review and consideration of direction to staff relative to enforcing the Town’s drainage easement rights in the Plat of Windfield Place.

The Board reviewed a copy of a segment of the Plat of Windfield Place as well as a copy of an aerial picture of the property on the west side of the south end of Memory Lane. The Plat clearly shows a 30-foot drainage easement on the south side of the Lot. Based on complaints from the residents to the west of the property in question and a site visit by

staff, it has become apparent that the property owner has filled the drainage course, an action which is impeding the flow of water coming from the west. The Administration respectfully asked the Board to authorize the Town Attorney take the appropriate action to cause the removal any impediments to drainage. The Administration asked the Board for this authorization based on previous contacts with the property owner.

MOTION:

Motion by unanimous consent to authorize the Town Attorney to take the needed action to cause the clearing of the drainage easement so that the water from the west can flow without any restrictions, and to place the burden for any corrective actions on the offending property owner.

- F. Discussion/Action: Town Board review and consideration of a proposal for Professional Services from GWB Professional Services (Gary W. Becker, CEcD) for the drafting of the documents needed and the process required to create Tax Increment Finance District (TIF) #1 in the Town of Clayton.

The Board reviewed a copy of a proposal for Professional Services from GWB Professional Services (Gary W. Becker, CEcD) in the amount of \$19,889.30 for the drafting of the documents needed and the process required to create Tax Increment Finance District #1 in the Town of Clayton. Now that the Town has reached the \$500,000,000.00+ in Assessed Value, the Town can create a TIF District. The TIF District mirrors the eastern boundary of the Town's Sanitary District #1 and is wholly contained within the boundaries of the Town's Sanitary District #1. The proposed TIF is intended to offset the cost of extending municipal sanitary sewer and municipal water to the east side of the Town to support economic development as outlined in the State Statutes. Funding for the project will come from the Town's CY 2019 General Fund, Planning and Engineering Budget Line Items.

MOTION:

Motion by unanimous consent to approve the Contract with GWB Professional Services in the amount of \$19,889.30 and to refer the TIF Project to the Town's Plan Commission for completion.

- G. Discussion/Action: Town Board review and consideration of authorizing the Town Chair to negotiate the purchase of property adjacent to the Town Hall specifically identified as Tax ID# 006-0535-06-04 in the Town of Clayton.

The Board reviewed material related to the possible purchase of property adjacent to the Town's Municipal Complex and specifically identified as Tax ID# 006-0535-06-04. The Board also reviewed a copy of the Minutes of the April 12th, 2012 Town Elector Meeting authorizing the Town Board to proceed with the consolidation of the properties for the purposes of moving the Town's Yard Waste Site. The property in question was part of the division of the former Elmer property and transferred to Scott Reif as part of the land division process. Mr. Reif was an investor in one of the properties that were reconfigured with the Certified Survey Map of the Elmer property and was given title to the property by the partnership as compensation for his investment. The Administration is respectfully

asking the Board to authorize the Town Chair to negotiate the purchase price for the property subject to approval by the Town Board.

MOTION:

Motion by unanimous consent to authorize the Town Chair to negotiate the purchase price for the listed property subject to final approval by the Town Board

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance: Public Information Meetings regarding Incorporation Process October 30th and October 31st.
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:27 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk