

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 P.M. on Wednesday, October 19<sup>th</sup>, 2016

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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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 recited.
3. Meeting properly posted.
4. Roll

a. Board of Supervisors

Chair Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	ABSENT (excused)

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	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):

- A. No Public Hearings and/or Public Information Meetings.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, October 5<sup>th</sup>, 2016.

**MOTION:**

Motion by: Supervisor Schmidt

Second by: Supervisor Lettau

Motion to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, October 5<sup>th</sup>, 2016.

Vote: Motion carried 3-0. Chair Geise abstained.

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

- A. None

V. Correspondence:

- A. Winnebago County Board of Supervisors – Resolutions and Ordinances Report.
- B. Final Estimate of the Town’s January 1<sup>st</sup>, 2016 Population from the Department of Administration.
- C. Copies of the minutes from the Larsen/Winchester Sanitary District Meetings.

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. No Report
- C. Clayton-Winchester Fire Department
  - 1. No Report
- D. Larsen-Winchester Sanitary District
  - Mike Pfankuch reporting
    - Betty Nelson, Secretary, submitted letter of resignation after 30 years of service
    - Received lots of applications, interviewed, and hired Cory Thomas as Secretary
    - Monthly Meetings will change to Tuesdays due to Secretary Thomas’ schedule
    - Discussed Salary for new Secretary
    - Dave McNamee also submitted resignation
    - Rob Nelson is interested in the open seat
    - Have been working to correct meter reading issues. 2016 Q3 had 24 No-reads. Installing trial pre-meter filters at several locations
    - Implementing a 3 Strikes Rule—3 No-reads, requires meter check
- E. Administration Comments
  - Administrator Johnston reporting
    - Reviewing Insurance for CY 2017
    - Able to reduce cost from 2015 by approximately \$4,000. CY 2016 cost is skewed due to overlap of Fire Protection services and the resulting additional insurance requirements
    - Workers Comp received a .86 experiential modifier—good rating

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - 1. None

VIII. Renewal:

- 1. None

IX. 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 the petitioner(s), William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0242, Tax ID # 006-0246, and Tax ID# 006-0270 all in Section 9, 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-1 (Agribusiness District) to A-2 (General Farming District).

Commission Chair Knapinski reviewed Plan Commission discussion and recommendation for approval to the Town Board.

No action taken, item to be addressed during business portion of meeting.

- B. Plan Commission recommendation to the Town Board on a preliminary Site Plan for Chuck Krause, 835 Oneida Street, Menasha, WI 54952 for property located at 2896 CTH “JJ”, Neenah, WI 54956 and specifically identified as Tax ID# 006-0901-03-01 located in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Commission Chair Knapinski reviewed Plan Commission discussion of three main issues.

- 1. Future roundabout
- 2. Access location
- 3. Stormwater management

All questions/concerns satisfied. Plan Commission recommendation is for approval by the Town Board.

**VOTE: Approved by unanimous consent**

- C. Plan Commission recommendation to the Town Board on an application for an amendment submitted to the Winnebago County Planning and Zoning Department for an existing County Conditional Use Permit and a County Variance from the strict interpretation of the 75-foot Shoreland Zoning Setback submitted by Westin Land Holdings, LLC. 3461 Dekalb Lane, Neenah, WI 54956 for the Willie Beamons Complex located at 2590 CTH “II” Neenah, WI 54956 and specifically identified as Tax ID# 006-0370, Tax ID# 006-0370-03 and Tax ID# 006-0370-07 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Commission Chair Knapinski reviewed Plan Commission discussion on the various facets which have developed relating to the County variance and the CUP. Plan Commission recommendation to the Board is for endorsement of the County’s Plan.

**VOTE: Approved by unanimous consent**

- D. Plan Commission recommendation to the Town Board on a request by the Plan Commission that the Town Board solicit a proposal from the Town’s Planning Consultant for creating administrative language relative to the Working Lands Section of the Town’s Comprehensive Plan.

**ACTION:**

To direct staff to solicit a proposal from the Town’s Planning Consultant for creating administrative language relative to the Working Lands Section of the Town’s Comprehensive Plan.

- X. 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. Update to the Committee on the Town’s proposed CY 2017 Budget.

**NO ACTION TAKEN**

- B. Update to the Committee on the Friendship Trail access and parking signs project recommended by the Committee and approved by the Town Board.

**NO ACTION TAKEN**

- C. Update to the Committee on the grading of the Friendship Trail from the west town line to the trails intersection with the WLOWASH Trail.

**NO ACTION TAKEN**

- D. Committee direction to staff relative to the schedule for the November and December 2016 Green Space Committee meetings.

Green Space committee has suspended the November and December, 2016 meetings and will commence in January, 2017.

**XI. Business:**

- A. Discussion/Action: Town Board review and consideration of Ordinance 2016-007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Grotjan re-zoning Application.

The listed applicant applied for the rezoning and 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 2016-007 and to direct staff to file the appropriate documentation with the County.

- Statutorily required ordinance to make the change in Zoning
- Will also notify DATCP regarding the change before the March, 2017 deadline.

**MOTION:**

Motion by: Supervisor Schmidt

Second by: Supervisor Grundman

Motion to approve Ordinance 2016-007, An ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Grotjan re-zoning Application.

**ROLL CALL VOTE:**

Chair Geise	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Schmidt	Aye
Supervisor Reif	Absent (excused)

Motion carried with a 4-0 vote.

- B. Discussion/Action: Town Board review and consideration of a presentation by the Town's financial consultant, Michael Hallmann of Lantern Associates, LLC on the Town's pending borrowing activities.

Over the course of the past few months the Town Board has approved a number of documents relating to the Town's current finance activities. Last week the Town closed on the purchase of the Midwest Investments property using a short term (60 to 90 day) loan from the National Exchange Bank & Trust of Fond du Lac, 130 S Main Street, Fond du Lac, WI 54936. The short term loan was intended to be used as bridge financing until the Town completes its \$3,500,000.00 financing in the open market. Michael Hallmann (Mike) of Lantern Associates, LLC has asked to update the Town Board on the timing and steps required to complete the pending borrowing activities.

**ACTION:**

To direct staff to move forward to complete the pending borrowing activities.

- C. Discussion/Action: Town Board conceptual review and consideration of authorizing the Town to take title to the Storm Water Management Pond communally owned by Claymann Creek LLC and CCA Properties LLC and located on the north side of West American Drive east of STH "76", specifically identified as Tax ID# 006-0343-01 and located in Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin in Section.

It has been the Administration's recommendation to direct the storm water from the Horn RV development into this pond rather than construct a new pond to service the Horn RV development site. At this time the Site Developer and the Project Developer are willing and able to provide the needed land and storm water management pond modifications to accept the storm water from the Horn RV development. Because the site is in the Outagamie County Airport Overlay District, Tim Roach, the Outagamie County Zoning Administrator, is making certain recommendations relative to the storm water management pond. These recommendations are intended to mitigate the use of the pond by avian species. The Administration has no real concerns with the mitigation recommendations; however, there are some concerns with the Operations and Maintenance Plan (O&M) for the storm water management device. The Administration's concerns relate to the long term maintenance of the storm water management device; specifically, neither the Site Developer or the Project Developer are routinely equipped to monitor and maintain the storm water management devices. The reality is that the only long term entity that has an interest in maintaining these storm water management devices is the Town. This is particularly true when the community designates an MS4 community by the State Department of Natural Resources. The Administration would like to review the possibility of the Town taking title to the referenced storm water management device. Should the Board consider this activity favorably it will significantly simplify commercial development in the area.

**ACTION:**

The Board directed staff to proceed.

- D. Discussion/Action: Town Board review and consideration of Pay Request No. 5 from R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971 for the Whispering Meadows Capital Construction Project.

Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the fourth payment for the Whispering Meadows Drive project. Please be advised that staff will be making the payment out of operating funds with the intent of replacing the funds with a borrowing in November of CY 2016.

**MOTION:**

Motion by unanimous consent to approve the pay request submitted by R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971 in the amount of \$71,916.09 and for staff to add these costs to the Special Assessment process for the project with the intent of placing the debt on the CY 2016 taxes payable in CY 2016/17.

- E. Discussion/Action: Town Board review and consideration of billing Town of Neenah residents on Clayton Avenue for the private work done as part of the Town’s CY 2016 Capital Reconstruction of Clayton Avenue from CTH “II” to the Town’s maintenance line approximately 1,500 feet north of the intersection of Clayton Avenue and Larsen Road.

As part of the Town’s project the residents were offered the option of having the Town’s Contractor replace their culverts and/or pave their driveway aprons. The Administration is asking the Board for authorization to issue the billing for the work to the benefitted properties.

**ACTION:**

The Board directed staff to proceed with billing and collection of payments for the work done.

- F. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2015-015 A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers for the CY 2016/17 election cycle to add the following to the list of approved poll workers:
- i. Barbara Brown, 3009 Winfield Drive, Neenah, WI 54956
  - ii. Janice Suutala, 3215 Larsen Road, Neenah, WI 54956
  - iii. Rock Suutala, 3215 Larsen Road, Neenah, WI 54956
  - iv. Brooke E. Wesley, 7377 Murray Road, Neenah, WI 54956

The additional Poll Workers on the list are recommended for addition by staff and the Chief Poll Worker, Judi Quadracci. As in the past, both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

**MOTION:**

Motion by: Supervisor Grundman  
Second by: Supervisor Lettau

Motion by carried by voice vote to add Barbara Brown, Janice Suutala, Rock Suutala, and Brooke Wesley as appointed poll workers.

- G. Discussion/Action: Town Board review and consideration of a request by Chief Rieckmann to replace several of the Department's pagers by re-allocating funds within the Department's CY 2016 Budget, communications equipment line items.

The Administrator presented an email from Chief Rieckmann which discussed the failure rate of the Department's pagers and the possibility of replacing the units with funds allocated in the Budget for pagers repair and maintenance and radio updates. This is a request that the Administration would normally approve with a memorandum to the Board. However, because this is a new Department and a new process both Scott and I thought it would be better to ask the Board for authorization to make the Budget transfers prior to making the commitment to the vendor and/or service provider. Additionally, the Administration is directing the Chief to place the pagers on a 5-year life cycle and to budget to replace 20% of the pagers each year. If the Board agrees with this request, a motion would be in order to authorize the Administration to approve the Budget transfers and to direct the Chief to place the Departments pagers on a 5-year life cycle with a 20% annual unit replacement.

**VOTE: Approved by unanimous consent**

- XII. Review of Disbursements:
- No Discussion
- XIII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- No Discussion
- XIV. Upcoming Meeting Attendance:
- Public Hearing on the Proposed CY 2017 Budget and Special Town Meeting of the Electors to Approve the Levy, November 2, 2016 at 7:00 p.m.
- XV. Board Member Requests for Future Agenda Items:
- None
- XVI. Adjournment:

**MOTION:**

Motion made by unanimous consent to adjourn at 8:13 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk