

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, November 21st, 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	EXCUSED
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 Wednesday, November 7th, 2018 Town Board Meeting.
- B. Approval of the Minutes of the Friday, November 9th, 2018 Special Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the Minutes of the Wednesday, November 7, 2018 and Friday, November 9, 2018 Town Board Meeting

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

- NONE

V. Correspondence:

- A. Distribution of a 2019 calendar of events for the Winnebago County Planning and Zoning Committee.
- B. Distribution of a 2019 calendar of events for the Winnebago County Board of Adjustments.
- C. Copy of the Winnebago County Solid Waste Management Board 2018 October Recycling Tonnage Report.
- D. Distribution of material provided by the Greater Oshkosh Development Corporation.
- E. Copy of the Minutes of the October 3, 2018 Oshkosh Public Library Board Meeting.

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 written report to the Town Board. 149 calls as of 11/21/18 of which 92 were EMR, 42 were Fire, and 15 were both.
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administration Comments
 - NO REPORTAdministrator Johnston
 - Staff continues to complete the election reporting to the state
 - Continued TIF development
 - Working on PASER reporting

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Emily T Calder
 - ii. Hailey A Krol
- B. Renewal:
 - i. No Renewal Licenses Issued

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 Scott Schutte, 7320 Jensen Road, Oshkosh, WI 54904 for property located at 7320 Jensen Road, and identified as Tax ID # 006-0817-06 and specifically described as Part of the southwest ¼ of the southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - Plan Commission Chairman Knapinski reported that the CSM was in good order and that the Plan Commission recommended approval to the Town Board

MOTION:

Motion by unanimous consent to approve the Certified Survey Map as submitted by Scott Schutte with all Staff and Plan Commission recommendations.

- B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Wayne Behnke, W7115 Firelane 2, Menasha, WI 54952 for property located on the southeast corner of STH “76” and Winnegamie Drive, and identified as Tax ID # 006-0005 and Tax ID # 006-0010, specifically described as Part of the northwest ¼ of fractional Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Plan Commission Chairman Knapinski reported that the CSM was also in good order however, the Commission requested the Town Board give consideration to who will be responsible for the navigable waterway which divides the two properties.
 - Carrie Stern, 1570 Deerwood Ave, was in attendance and noted that the waterway was on the “Stern” side of the property and they will be taking responsibility for it. She also noted that the family manages the farmland which drains through the watercourse and it is in their own best interest to keep the navigable water clear and flowing properly in order to utilize the farmland.
 - Chair Knapinski noted that the Plan Commission recommended approval to the Town Board

MOTION:

Motion by unanimous consent to approve the Certified Survey Map as submitted by Wayne Behnke with all Staff and Plan Commission recommendations.

- C. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Kyle A. Miller, 3102 Fairview Road, Neenah, WI 54956, Richard L. Gabert and Thomas N. Rusch, P.O. Box 3808, Oshkosh, WI 54903 for property located at 3102 Fairview Road, and specifically identified as Tax ID # 006-0323-01, Tax ID # 006-0323-02, Tax ID # 006-0323, and Tax ID # 006-0324, All of Lot-1 of Certified Survey Map 587, Part of the southwest ¼ of the southeast ¼ and part of the southeast ¼ of the southeast ¼, all in of Section 11, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chairman Knapinski reported that the CSM was primarily a boundary correction. He noted that because of the requirement to dedicate the Right-of-way to the public, LOT 3 of the CSM no longer meets the minimum lot size requirement but because it is not the result of action on the owners part, it becomes a non-conforming lot of record
 - Attorney Lafrombois suggested language be added to the CSM to clarify the circumstances of the smaller lot size to minimize any potential issues in the future.

MOTION:

Motion by unanimous consent to approve the CSM as submitted by Kyle A. Miller, Richard L. Gabert, and Thomas N. Rusch, with all Staff and Plan Commission

recommendations and with the addition of the language regarding LOT 3, the Lot of record, as provided by the Town's attorney.

- D. Plan Commission recommendation to the Board on a staff request to consider amending the square footage limitation in the Town's Sign Ordinance for properties fronting on STH 10.

DIRECTION TO STAFF:

To prepare documentation for proposed changes for the Plan Commission to consider as requested by the Commission

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. The Wednesday, November 14th, 2018 Green Space Committee Meeting was Cancelled.

X. Business:

- A. Discussion/Action: Town Board review and consideration of submitting an Application for the Winnebago County Industrial Development Board CY 2019 Winnebago County per Capita Funding Program.

The Board reviewed a copy of the County's Industrial Development Board (IDB) 2019 Winnebago County Per Capita Funding Program Application. The IDB funding available from the County for CY 2019 is \$4,685.00. Over the course of the past few years, the Town has dedicated its Per Capita Funds to the Fox Valley Chamber for area wide industrial/commercial recruiting. As a result of those Chamber activities, the Town has had and does have several opportunities for significant development projects. For CY 2019 both the Fox Cities Chamber and the Greater Oshkosh Development Corporation are expected to express an interest in the Town's IDB funds. Given the commercial and light industrial activities developing on the east side of the Town, the Board may wish to make an application to use the money in house. Specifically, a good argument can be made that with the purchase of the land on the USH "10" corridor the Town has created a part-time Economic Development Position that has been assigned to the Town Administrator and that the IDB funds could be used to offset the Administrator's wage while engaged in economic development.

DIRECTION TO STAFF:

The Board directed staff to split the IDB funding for 2019 between the Fox Cities Regional Partnership and the Greater Oshkosh Development Corporation.

- B. Discussion/Action: Town Board review and consideration of Resolution 2018-008 A Resolution Authorizing a Loan Application in an amount not to exceed \$1,500,000 to the State of Wisconsin, Board of Commissioners of Public Lands, State Trust Fund Loan Program for the purposes of oversizing the City of Appleton Utilities in order to serve the Town of Clayton.

The Board reviewed copies of the borrowing documents for a proposed \$1,500,000.00 loan from the State of Wisconsin, Board of Commissioners of Public Lands, State Trust Fund Loan Program for the purposes of funding the oversizing the City of Appleton Utilities in order to serve the Town of Clayton. The loan proceeds are to be used for the purposes of funding the oversizing of City of Appleton’s CY 2019 Capital Improvements Program reconstruction of Municipal Water and Municipal Sanitary Sewer in the Prospect Avenue area in order to facilitate serving the Town. Staff has set the borrowing at \$1,500,000.00 to allow for any unforeseen costs in the City’s project; the budgeted cost provided by the City is approximately \$950,000.00. The true cost will only be available when the City awards the bid for the project to a contractor. Once the bid is awarded, the City will identify the cost to the Town and payment will be due at that time. Staff expects that to be early spring, CY 2019.

- The Board noted the clerical error on the agenda noting that the proposed loan amount is not to exceed \$1,500,000.000.

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to approve Resolution 2018-008 A Resolution Authorizing a Loan Application in an amount not to exceed \$1,500,000 to the State of Wisconsin Board of Commissioners of Public Lands, State Trust Fund Loan Program for the purposes of oversizing the City of Appleton Utilities in order to serve the Town of Clayton.

ROLL CALL VOTE:

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

Motion carried by a vote of 5-0

- C. Discussion/Action: Town Board update on the approval of an Aerial Mapping Contract with Continental Mapping Contract for the purposes of design and engineering for the Town’s Municipal Sanitary Sewer and Municipal Water connections to the City of Appleton Sanitary Sewer and Water Utilities.

The Town Chair and the Administration advised the Board that the aerial mapping Contract with Continental Mapping was approved by the Administration with the Chair’s approval. The reason for the approval was based on the need to complete the aerial mapping and digitizing of a 1-foot contour map for the engineering and design of the Municipal Water and Municipal Sanitary Sewer connections to the City of Appleton’s Utilities. Specifically, the aerial flights needed to be completed prior to having significant snow cover on the mapping areas. Additionally, the costs of the Continental Mapping Contract are included in the Contract that the Board will be considering in the next Agenda Item.

NO ACTION TAKEN

- D. Discussion/Action: Town Board review and consideration of Addendum to an Agreement for Professional Services with Cedar Corporation for the purpose of design and engineering for the construction of a Municipal Sanitary Force Main Collection and Water Distribution Pipelines to the City of Appleton.

The Board reviewed a copy of an Addendum to an Agreement for Professional Services with Cedar Corporation for the purpose of design and engineering for the construction of a Municipal Sanitary Force Main Collection and Water Distribution Pipelines to the City of Appleton. The addendum cost is \$387,000.00 and covers the engineering, design, and permitting for the Municipal Water and Municipal Sanitary Sewer connection from the Town of Clayton to the City of Appleton's Utility connection point. Specifically, this Addendum covers the water and sewer line that would run from the corner of Shady Lane and Clayton Avenue north to CTR "BB" and then east to 1,600-foot west of the Buttes des Mort Golf Club. This is an integral part of the Town's plans for developing Sanitary District #1 on the east side of the Town.

MOTION:

Motion by unanimous consent to approve the Addendum for Professional Services with Cedar Corporation for the purpose of design and engineering for the construction of a Municipal Sanitary Force Main Collection and Water Distribution Pipelines to the City of Appleton.

- E. Discussion/Action: Town Board review and consideration of Addendum to an Agreement for Professional Services with Cedar Corporation for the purpose of design and engineering Waste Water Treatment Facilities to satisfy the Town's Department of Natural Resources Settlement Agreement.

The Board reviewed a copy of an Addendum to an Agreement for Professional Services with Cedar Corporation for the purpose of design and engineering Waste Water Treatment Facilities to satisfy the Town's Department of Natural Resources Settlement Agreement. The addendum cost is \$26,800.00 and covers the engineering, design, and permitting needed to complete the analysis needed to implement the requirements of the Town's connection project to the City of Appleton's Utilities. The project includes generating the documentation needed to allow the Department of Natural Resources (DNR) to approve the Sewer Service Area and Appleton Utilities as the approved Treatment Facility for the Town effluent.

MOTION:

Motion by unanimous consent to approve the Addendum for Professional Services with Cedar Corporation for the purpose of design and engineering Waste Water Treatment Facilities to satisfy the Town's Department of Natural Resources Settlement Agreement.

- F. Discussion/Action: Town Board review and consideration of Addendum to an Agreement for Professional Services with Cedar Corporation for the

purpose of design and engineering for the construction of a Phase 1 Municipal Water Distribution System within the boundary of the Town’s Sanitary District No. 1.

The Board reviewed a copy of an Addendum to an Agreement for Professional Services with Cedar Corporation for the purpose of design and engineering for the construction of Phase 1 Municipal Water Distribution System within the boundary of the Town’s Sanitary District No. 1. Phase 1 of the Municipal Water and Municipal Sanitary Sewer covers the north and south frontages of USH “10” and Clayton Avenue from Shady Lane to CTR “II”. The addendum cost is \$190,000.00 and covers the engineering, design, and permitting needed to extend Municipal Water to the Phase 1 area of the Town’s Sanitary District No. 1.

MOTION:

Motion by unanimous consent to approve the Addendum for Professional Services with Cedar Corporation for the purpose of design and engineering for the construction of a Phase 1 Municipal Water Distribution System within the boundary of the Town’s Sanitary District No. 1.

- 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 7:42 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk