

**Town of Clayton CY 2015/16  
MS4 Planning Grant Application**



**COPY**

Due postmarked by

**April 15**



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**Notice:** This application form template was created by the Wisconsin Department of Natural Resources. Application is hereby made to the Wisconsin Department of Natural Resources, Bureau of Watershed Management, for grant assistance consistent with s. 281.66, Wis. Stats., and Chapters NR 151, 154, and 155, Wis. Adm. Code. Collection of this information is authorized under the authority of s. 281.66, Wis. Stats. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.]. Unless otherwise noted, all citations refer to Wisconsin Administrative Code

Please read the [instructions](#) prior to completion of this form. Complete all sections as applicable. Tab to each section or click in answer spaces.

**Applicant Information**

Calendar Year of Grant Start **2016**

Project Name

**Town of Clayton CY 2015/16 MS4 Planning Grant**

Applicant (governmental unit applying; name and type, e.g. Wausau, City; Randall, Town; Waunakee, Village)

**Clayton, Town**

Name of Government Official - Authorized Signatory (First Last)

**Richard Johnston**

Title

**Town Administrator/Clerk**

Area Code + Phone Number

**(920) 836-2007**

E-Mail Address

**TOCAAdmin@NEW.RR.COM**

Mailing Address - Street or PO Box

**8348 CTR "T"**

City

**Larsen**

State

**WI**

ZIP Code

**54947**

Name of Government Official - Grant Contact Person (First Last)

**Richard Johnston**

Title

**Town Administrator/Clerk**

Area Code + Phone Number

**(920) 836-2007**

E-Mail Address

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Mailing Address - Street or PO Box

**8348 CTR "T"**

City

**Larsen**

State

**WI**

ZIP Code

**54947**

**Project Information**

**A. Location of Project**

County

**Winnebago**

[State Senate District number:](#)

**19**

[State Assembly District number:](#)

**55**

Minor Civil Division (city, town, village, e.g., Wrightstown, Village of)	Township (N)	Range	E or W	Section	Quarter	Quarter- Quarter	Latitude (North, 4 to 7 decimal places)	Longitude (West, 4 to 7 decimal places)
Clayton Town of	20 N	16	E	12	SE	SE	44.2144	-88.5303
Clayton Town of	20 N	16	E	13	SE	NE	44.2067	-88.5241
Clayton Town of	20 N	16	E	35	SE	NW	44.1626	-88.5608
Clayton Town of	20 N	16	E	36	SE	SE	44.1573	-88.524



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Method for Determining Latitude & Longitude (check one)

- ☐ GPS    ☒ DNR Surface Water Data Viewer (<http://dnrmapping.wi.gov/SL/?Viewer=SWDV>)  
☐ Other (specify):

**B. Project Summary and Description.** Use this space for the project summary and description, not an attachment. Mention every activity being proposed in Part II; Question 1.

The Town Board has directed staff to develop a Planning Grant Application that has four elements. The first consists of the Town's Plan Commission review and recommendations to the Board on creating new and/or updating the Town's Ordinances relating to: new development and redevelopment of storm water management control, conservation by design development, pre- and post-development erosion control, construction site erosion control, non-point source storm water pollution control, control of the illicit discharge of grey water, well head protection, and residential and commercial yard waste and fertilizer application etc. The product of this element is intended to mitigate the impact of any future non-point source pollution in the Town on the waterways of the State and will therefore be made applicable to the Municipality as a whole.

The second element relates to the Town's identified MS4 areas. The second element relates specifically to the area in Sections 35 and 36 in the southeast corner of the Town including the MS4 identified area of the Plat of Oak Crest Manor. Town staff is aware of the problems with the quality and volume of storm water in the area; however, staff believes that both of these problems are caused by the lack of storm water management devices and the age of the development in that area (1950s & 1960s). Given the development in the area, Town staff is concerned with controlling the volume and flow of water and believes that controlling that volume and flow of water coming out of the area will improve the quality of the water flowing into the Neenah Slough, an impaired waterway of the State. Town staff has been working on controlling the volume and flow of water in the area by upgrading the roadside and storm water management ditches in the area on an ad hoc basis for the past few years. The Town's Grant Application is intended to create an area-wide storm water management plan that will formalize the process of improving the storm water and roadside ditches in the area and will allow staff to locate suitable areas for a series of storm water management ponds before any new and/or infill development is approved. With a plan in place for the area, the Town will be able to incorporate improved roadside and storm water ditches with storm water management ponds into any proposed development in the area. These improvements will control both the volume and quality of the water entering the waterways of the State by creating a series of sedimentation ponds along the course of the waterway.

The third element is in the same southeast corner of the Town of Clayton where the Town has essentially the same issues within a separate older developed area east of STH "76". The owners of undeveloped property (currently being used as farmland) in this area have conceptual development plans that funnel existing and future storm water management flows through an existing storm water management pond with no functioning outfall. The waters that spill out of the pond eventually find their way into a series of unnamed tributary streams that flow into Daggets Creek, another impaired waterway of the State. Town Staff would like to look at the existing development and the way the existing storm water management flows find their way into Daggets Creek. There appear to be several possible flow patterns. Rather than try to correct storm water flow problems as development has occurs, Town Staff would like to use this study to determine the most efficient methodology and plan for its implementation as part of the area's future development.

The fourth element looks at the other identified MS4 area in the Town that is located in Sections 12 and 13 in the northeast corner of the Town. This area is sparsely developed as light industrial and commercial and is shown on the Town's Comprehensive Plan, Future Land Use Map as intended primarily for light industrial, commercial development, and some fringe residential development. Town staff is aware of several waterways in the area that flow into an adjoining community but has little information on their flow and capacity. The Town's Grant Application is intended to create an area-wide storm water management plan that will allow for the improvement of the existing storm water and roadside ditches in the area and will enable planning for locations suitable for a series of storm water management ponds



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before any new and/or infill development is approved. With a plan in place for the area, the Town will be able to incorporate improved roadside and storm water ditches with storm water management ponds into any proposed development in the area that will control both the volume and the quality of the water entering the waterways of the State.

**C. Watershed, Waterbody and Pollutants** (see [Attachment A](#) and <http://dnrmaps.wi.gov/SL/?Viewer=SWDV>).  
*Note: Planning areas may encompass several square miles and may affect multiple watersheds.*

Watershed Name	Watershed Code	12-digit Hydrologic Unit Code (HUC)	% of Project Area	Nearest Waterbody Name
Lower Fox	LF06	040302040201	40	Little Lake Butte Des Morts
Lower Fox	LF06	040302040201	40	Neenah Slough
Wolf River	WR01	040302011202	20	Daggets Creek

Nonpoint Source Pollutant(s) Controlled by the Project

☒ Nutrients ☒ Sediment ☐ Other, specify:

**Part I. Screening Requirements**

**A. Maps and Photographs**

Yes

- ☒ An 8.5" x 11" map from the DNR data/map viewers, showing the project area, is attached (link to <http://dnrmaps.wi.gov/SL/?Viewer=SWDV>).
- ☒ Aerial photo maps and project area photos are also included.

**B. Filters** *Note: The applicant must be able to check "Yes" to questions 1 through 8 below to be eligible for a grant. Check "Yes" to question 9, if applicable.*

Yes

- ☒ 1. Project is in an area that is urban or will be urban within 20 years (see [Attachment B](#)).
- ☒ 2. Project will be completed within 24 months of the start of the grant period.
- ☒ 3. Staff and consultants designated to work on this project have adequate training, knowledge, and experience to implement the proposed project.
- ☒ 4. Staff or contractual services, in addition to those funded by this grant, will be provided if needed.
- ☒ 5. Planning products prepared under this grant will not work at cross-purposes to (are consistent with) the non-agricultural performance standards under ch. NR 151 (see [Attachment D](#)).
- ☒ 6. The local DNR District Nonpoint Source Coordinator has been contacted and the project was discussed.  
See contacts at: <http://dnr.wi.gov/topic/nonpoint/NPScontacts.html>.

Name of the District Nonpoint Source Coordinator Contacted	Date Contacted	Subject of Contact
Erin Hanson	03/24/2015	Town of Clayton UNS&SW Planning Grant Application

- ☒ 7. The applicant can declare that one of the two statements below is TRUE.
- ☒ a. Statement A: The grant application is for a local governmental unit that has jurisdiction over the project area. (Jurisdiction over the project area means that the governmental unit has control over whether the planning recommendations are carried out.)
- ☐ b. Statement B: The applicant does not have jurisdiction over the project area; however conditions "i" and "ii" or "i" and "iii" are met
- ☐ i. The applicant is required to obtain a permit under subchapter I. of ch. NR 216; and
- ☐ ii. In addition, Inter-Governmental Agreements (IGAs) are in place,
- ☐ iii. or, will be put in place prior to the commencement of the grant period, to assure urban best management practices included on the grant are installed and maintained (see [Attachment G](#)).
- ☒ 8. The applicant can declare that one of the two statements below is TRUE.



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- ☒ a. Statement A: The applicant is not the University of Wisconsin Board of Regents.
- ☐ b. Statement B: The applicant is the University of Wisconsin Board of Regents and the project will develop recommendations for a UW Campus area located in a municipality that meets both of the following criteria:
- ☐ i. The municipality is required to obtain a municipal storm water permit under ch. NR 216 and
  - ☐ ii. The municipality is located either in a priority watershed or lake area identified under s. 281.65, Wis. Stats., or in an area of concern as identified by the International Joint Commission under the Great Lakes Water Quality Agreement.
- ☐ 9. This application is a joint application among local units of government, and
- ☐ If yes, the required Inter-Governmental Agreement (maybe a DRAFT) is attached (see [Attachment G](#)).

If the applicant answered "No" to any of the items in 1-8, above, stop here. This project is ineligible.

**Part II. Competitive Elements**

**Question 1. Project Activities and Extent of Pollutant Control**

A project can consist of one or more of the following planning activity categories (A through F). For each category below, check the boxes that describe the work products which will be produced under this grant. Do not check boxes based on prior work.

**A. Ordinance Preparation**

Develop Update The project is to develop or update one or more of the following ordinances (must be the applying Governmental New Existing Unit's ordinances), including associated information, education and public participation activities. Check all that apply.

- ☒ ☐ 1. Construction erosion control ordinance including all the requirements of s. NR 151.11.
- ☐ ☒ 2. Storm water ordinance for new development and re-development including all the requirements of ss. NR 151.12, NR 151.121-128, and NR 151.241-249.  
(See NR 151 at: [http://docs.legis.wi.gov/code/admin\\_code/nr/100/151.pdf#page=1](http://docs.legis.wi.gov/code/admin_code/nr/100/151.pdf#page=1).)
- ☐ ☒ 3. Low impact development/conservation subdivision ordinances.
- ☒ ☒ 4. Other ordinances such as an illicit discharge ordinance, storm water ordinances affecting runoff from developed urban areas (e.g., pet waste management ordinances, nutrient management ordinances), or ordinances that regulate the application of fertilizers to non-municipal properties in accordance with s. NR 151.14.

**B. Financing Mechanisms**

Develop Update The project will evaluate financing mechanisms for storm water management, including associated information, New Existing education and public participation activities. Recommendations will be presented to the governing board for approval and DNR will be notified of the governing board's action. Check one of the following:

- ☐ ☒ 1. The project develops a dedicated revenue source, such as a storm water utility, to implement a storm water program focusing on implementation of performance standards in Subchapter III of ch. NR 151.
- OR
- ☐ ☐ 2. The project is a general feasibility analysis of alternative funding mechanisms

**C. Storm Water Plan for Developed Urban Areas (includes redevelopment)**

Develop Update The project is to develop or update a storm water management plan for developed urban areas, including New Existing redevelopment, which addresses all applicable performance standards under NR 151 including associated information, education and public participation activities. Check one of the following

- ☐ ☐ 1: This project will cover the entire geographic area of the governmental unit.
- OR
- ☒ ☐ 2. This project will cover only part of the geographic area of the governmental unit.

**D. Storm Water Plan for New Development**

Develop Update The project will develop or update a storm water management plan for new development that addresses all of the New Existing performance standards under ss. NR 151.12, NR 151.121-128, and NR 151.241-249, including associated information, education and public participation activities. Check one of the following:

- ☒ ☐ 1. This project will cover the entire geographic area of the governmental unit.
- OR



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- ☐ ☐ 2. This project will cover only part of the geographic area of the governmental unit.

**E. Comprehensive Storm Water Information and Education Program**

- ☐ Check this box if the project will develop and/or implement a comprehensive storm water information and education program.  
*Note: This category may not be checked if any boxes in categories A through D, above, have been checked. Information and education activities are expected to be included as necessary components of projects under categories A through D.*

**F. Inter-Municipal and Watershed-based Cooperation (bonus)**

- ☐ Check this box if this project is being conducted as part of an inter-governmental storm water management strategy for a common water resource. This also includes entering into a Watershed-based Storm Water Management Permit with other municipalities.  
*Note: If more than one local unit of government is joining in this project application (a "joint application"), then an Inter-Governmental Agreement (IGA) meeting the requirements of Attachment G must be submitted with this application.*

Provide a description of the inter-governmental effort that will be used to complete the project.

**Question 2. Fiscal Accountability**

**A. Timeline and Source of Staff**

For each applicable milestone listed below, fill in the appropriate data.

Milestone	Target Completion Date (month/year)	Source(s) of Staff
<b>Basic Milestones</b>		
Prepare preliminary scope of services and discuss with DNR NPS Coordinator	07/2015	Municipal staff and DNR
Prepare Request for Proposal	09/2015	Municipal staff
Select Consultant	11/2015	Municipal staff recommendation to the Town Board
Finalize Scope of Service and Professional Services Contract	11/2015	Municipal staff and Consultant
Get DNR approval of Professional Services Contract	12/2015	Municipal staff and DNR
Hold "kick-off" meeting	01/2016	Town Board, Municipal staff, and Consultant



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Interim meeting with DNR	05/2016	Municipal staff, Consultant and DNR
Presentation to Municipal Council	09/2016	Municipal staff and Consultant
Submit project and final report to DNR	12/2016	Municipal staff and Consultant
<b>Additional Milestones (list below)</b>		
Public Hearing to "kick off" the project	01/2016	Town Board, Municipal staff, and Consultant
Public Hearing Presentation	09/2016	Town Board, Municipal staff, and Consultant
Review Project and Final Report for the DNR with the Town Board	10/2016	Town staff and Consultant
Complete the update of the Town's existing non-point pollution Ordinances	10/2016	Town staff and Planning Consultant
Complete the consideration and approval of new Town Ordinances relating to non-point source pollution in the Town	12/2016	Town staff and Planning Consultant
Annual Report to the DNR	12/2016	Town staff and Consultant
Complete the codification of the Town's Ordinances	06/2017	Town staff and Codification Consultant
Final Report to the DNR	12/2017	Town Staff and Consultant

**B. Adequate Financial Budget**

Provide detailed budget information for every proposed project activity in Question 1. and supporting activities for which DNR funding is requested. Please note: the state share may not exceed 70% of eligible costs. The grant amount is capped at \$85,000 for the eligible planning activities.

**B.1. Financial Budget Table - Planning Activities**

A	B	C
Project Activity for Which DNR Funding is Requested Use this space, not an attachment.	Estimated Total Cost (\$)	Amount from Column B Eligible for DNR Cost Sharing (\$)
Review and recommendations for updating the Town's existing storm water management control and non-point source pollution mitigation Ordinances and Policies.	4,000	4,000
Review and recommendation on new Storm Water Management Ordinances and Policies to mitigate non-point source pollution in the Town.	8,000	8,000
Review and recommendation on related Ordinances and Policies that will facilitate mitigating non-point source pollution in the Town.	5,000	5,000
Review and recommendation on existing literature relating to creating a public education program on the merits of mitigating non-point source pollution in the Town.	3,000	3,000
Review and recommendation on the existing storm water management and non-point source pollution conditions in the study area of the	4,000	4,000



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southeast quadrant of the Town that drains to the Neenah Slough.		
Recommendations on the design and location of new and possible improvements to the existing storm water management and non-point source pollution mitigation devices in the study area of the southeast quadrant of the Town that drains to the Neenah Slough.	8,000	8,000
Review and recommendation on the existing storm water management and non-point source pollution conditions in the study area of the southeast quadrant of the Town that drains to Daggets Creek.	4,000	4,000
Recommendations on the design and location of new and possible improvements to the existing storm water management and non-point source pollution mitigation devices in the study area of the southeast quadrant of the Town that drains to Daggets Creek.	8,000	8,000
Review and recommendations on the existing storm water management and non-point source pollution conditions in the study area of the northeast quadrant of the Town that drains to Little Lake Butte Des Morts.	7,000	7,000
Recommendations on the design and location of new and possible improvements to the existing storm water management and non-point source pollution mitigation devices in the study area of the northeast quadrant of the Town that drains to Little Lake Butte Des Morts.	8,000	8,000
Municipal Attorney legal review and recommendations on updating the Town's existing storm water management and non-point source pollution Ordinances.	2,000	
Municipal Attorney legal review and recommendations on new Town Ordinances relating to storm water management and non-point source pollution.	4,000	
Municipal staff scheduling, notices, and facilitation for citizen participation hearings on the adoption of the proposed storm water management and non-point source pollution study, and new and/or updated storm water management and non-point source pollution Ordinances.	1,500	
Municipal staff development, publication and implementation of a storm water management and non-point source pollution citizen educational program for the Town.	1,500	
Preparation of a final report, to be provided to the DNR, on the impact of the project on the waters of the State of Wisconsin.	2,000	2,000
<b>1. Total</b>	<b>70,000</b>	<b>61,000</b>

**B.1. (continued) Cost Sharing Worksheet****Eligible Costs:**

2. 70% of Column C Total Row 1 above	\$	42,700
Cap Test:		
3. Maximum State Share Row 2 or \$85,000, whichever is less	\$	42,700
State and Local Share:		



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4. Requested State Share Amount (Enter Requested Grant Amount)	38,000
5. Local Share Amount (Total of Row 1 Column B less Row 4)	\$ 32,000

**B.2. Use of Additional Funding**

☒ Check this box if both of the following conditions are met.

- The requested state share amount in row 4 is less than the \$85,000 grant cap.
- The requested state share amount in row 4 is below the maximum state-share in row 3. (The resulting cost-share rate is less than 70%.)

**B.3. Cost Estimate Quality** Describe the quality of cost estimates including whether the cost estimate is based on a competitive bid, scope of services, similar projects conducted locally, similar projects conducted elsewhere in the state or region, or other more generalized data. Provide documentation.

Town staff arrived at the cost estimates used in the Town's Grant Application by consulting with the Town's Engineer on a draft scope of services for the project and a cost estimate based on the draft scope of services. Additionally, staff consulted with the Town's Attorney on those costs related to the legal review of the Town's existing and proposed new storm water management and non-point source pollution mitigation Ordinances. Town staff, the Town's Engineer and the Town's Attorney based their input on the scope of services and engineering costs on recent storm water management and non-point source pollution work done in the community, and on the costs for legal consulting and legal review services on other ordinances updated by the community in the past few years. Town staff is confident that the cost estimates provided in the Town's Grant Application are robust and will prove to be reasonably accurate when the Town solicits proposals for the work from the Town's Engineering Firm and from the Town's Attorney for the actual project costs and Grant Documentation. Both the Town's Engineer and the Town's Attorney have provided written documentation of the process for the Town's Grant Application (see attached).

Identify the source of the local share:

The Town's share of the project costs (\$32,000.00) will come from the Town's CY 2015 Storm Water Management Utility Budget (Utility). The Town Board has appropriated (by budgetary amendment resolution) the required matching funds for the project (\$32,000.00) from the Utility's CY 2015 Budget with the understanding that the appropriation will need to be carried over to the Utility's CY 2016 Budget in order to complete the Grant Planning Project. By Resolution 2015-004 (see attached copy) the Town Board has directed staff to appropriate the required matching funds for the Town's CY 2015 Wisconsin Department of Natural Resources, Non-point Source Pollution Grant Application. Additionally, Town staff has been directed to carry over the required Grant matching funds to the Utility's CY 2016 Budget.

**Question 3. Project Evaluation Strategy**

Information that will be developed and presented to DNR to evaluate the environmental benefits of completing this project. Check all that apply.

- ☒ A. Information that quantifies how project implementation is projected to decrease storm water impacts on state waters will be provided to the DNR. The information may be provided as part of the planning product (e.g., storm water plan, I&E plan) or in the Final Report.
- ☒ B. Information that tracks progress in carrying out recommendations of this project will be provided to the Department for one or two years after the project is completed. Specify if it is going to be one or two years that tracking information will be provided and describe how this annual post-project tracking process will work:

The Town will provide the DNR with information that tracks the progress of implementing the recommendations of this project for two years after the December 2015 submission of the Project Final Report. Specifically, Town staff and the Town's Planning Consultant will update the Project Final Report and provide additional information that will help quantify the impact of the Planning Project on the waters of the State, the ways the Planning Project is being implemented as part of the development of the Town, and the ways that the new and revised Town storm water management and non-point source pollution Ordinances are impacting the quality of the storm water in the Town. As part of the continued project reporting Town staff will conduct site visits to storm water management devices in the Town, report to the Board on any deficiencies encountered during those visits, make recommendations on any needed remediation and/or repairs required and, if authorized, make the needed repairs. Additionally, Town staff will report on any development that occurs in the project areas.



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**Question 4. Water Quality Needs**

The project must be consistent with at least one of the following seven watershed priorities. For each watershed in the project area, identify the category that best identifies the project goals. If more than one category is checked (because the project area contains more than one watershed), estimate the portion of the project area to be assigned to each category.

*Note: For border waters where a State of the Basin Report does not exist, another governmental document acceptable to the District NPS Coordinator may be used to identify the water quality need.*

Percent of Project Area (Total should equal 100%)	Surface Water Considerations
<input checked="" type="checkbox"/>	<p><b>A. Clean Water Act section 303(d) List of Impaired Waters</b>            Project with water quality goals directly dealing with a water body (lake or stream) on the latest Clean Water Act (CWA) s. 303(d) List of Impaired Waters, where the cause of the impairment is nonpoint source pollution and this project will reduce the type of nonpoint pollutants for which the water is listed (see <a href="#">Attachment A</a> and <a href="http://dnrm.wi.gov/SL/Viewer=SWDV">http://dnrm.wi.gov/SL/Viewer=SWDV</a>).</p> <p><b>Name of Applicable Impaired Water:</b>            Unnamed Streams: WBIC 5023163 (30%); WBIC 5023092 (20%); WBIC 130110 (13%); WBIC 5022471 (14%); WBIC 5022381 (13%)</p> <p><b>Name of Pollutant Causing Impairment:</b>            All streams are identified as Non-Point Source Dominated</p>
<input type="checkbox"/>	<p><b>B. Outstanding or Exceptional Resource Waters or Other Areas of Special Natural Resource Interest</b>            Prevention of degradation due to nonpoint sources of outstanding resource waters (ORW) (per s. NR 102.10) or exceptional resource waters (ERW) (per s. NR 102.11) or other areas of special natural resource interest (ASNRI).            To locate ORW/ERW and other ASNRI's see <a href="#">Attachment A</a> and go to DNR's Surface Water Data Viewer Designated Waters Theme at <a href="http://dnrm.wi.gov/SL/Viewer.html?Viewer=SWDV&amp;runWorkflow=DesignatedWaters">http://dnrm.wi.gov/SL/Viewer.html?Viewer=SWDV&amp;runWorkflow=DesignatedWaters</a>.</p> <p><b>Name of Applicable ORW/ERW or ASNRI:</b></p>
<input type="checkbox"/>	<p><b>C. Not Fully Supporting Uses or NPS Ranking of High or Medium</b>            A water body (lake or stream) identified in a DNR-approved Basin/Watershed Plan as not supporting designated uses due to nonpoint sources, but is not on the section 303(d) List. In newer plans, these waters are categorized as "supporting" (as opposed to "fully supporting") designated uses; in plans prior to 2010 they were labeled as "partially meeting" designated uses. Or, the project is located in watershed, lake watershed, or other area ranked high or medium on the NPS Rankings List, where the goals of the project are directly associated with the reason for the ranking on the NPS Rankings List.</p>
<input type="checkbox"/>	<p><b>D. Surface Water Quality</b>            Prevention of degradation of surface water quality due to nonpoint sources</p>
<p><b>Groundwater Considerations</b> For assistance with this section, please consult the DNR District Drinking Water and Groundwater Specialist at: <a href="http://dnr.wi.gov/topic/drinkingWater/documents/CountyContacts.pdf">http://dnr.wi.gov/topic/drinkingWater/documents/CountyContacts.pdf</a> or the County Extension office.</p>	
<input type="checkbox"/>	<p><b>E. Exceeds Groundwater Enforcement Standard</b>            Groundwater within the project area where representative information indicates that stormwater pollutants in groundwater exceed the Enforcement Standard (ES).</p>
<input type="checkbox"/>	<p><b>F. Exceeds Groundwater Preventive Action Limit</b>            Groundwater within the project area where representative information indicates that storm water pollutants in groundwater exceed the Preventive Action Limit (PAL).</p>
<input checked="" type="checkbox"/>	<p><b>G. Groundwater Quality (see <a href="#">Attachment F</a>)</b>            The project area is within a geological area defined in Attachment F as susceptible to groundwater contamination.</p>



Total:
100

**Drinking Water Bonus Points** (see [Attachment E](#))

- Yes** ☐ Check this box if the project water quality goals identified above relate to the reduction of nonpoint source contaminants in community or non-community public drinking water supplies. This includes any of the following: Municipal supplies governed by chs. NR 809 and 811; Other-Than-Municipal (OTM) water supplies governed by chs. NR 809 and 811; Non-Transient water supplies governed by chs. NR 809 and 811; Transient water supplies governed by chs. NR 809 and 812.
1. If "Yes," and you checked boxes E, F, or G, above, then mark a, b, or c, below and move on to question 6. (You will need assistance from your DNR District NPS Coordinator at <http://dnr.wi.gov/topic/nonpoint/NPSContacts.html> or Water Supply Specialist at <http://dnr.wi.gov/topic/drinkingWater/documents/CountyContacts.pdf> to answer.)
- ☐ a. Check this box if the project is located: within the wellhead protection area of a municipal well; or within 1,200 feet of a municipal well for which a wellhead protection area is not delineated; or within 1,200 feet of an Other-Than-Municipal (OTM) water supply well; or within 1,200 feet of a Non-Transient water supply well.
- ☐ b. Check this box if the project is located within 200 feet of a Transient water supply well.
- ☐ c. Check this box if neither a nor b applies
2. If "Yes," and you checked box A, B, or C or D above, then place a check mark next to the appropriate drainage area where the project is located. If the project is in more than one drainage area, enter the appropriate percentages in the boxes provided. (See [Attachment E](#).)

Source Water Drainage Area	Portion of Project in Assessment Area (%)
<input type="checkbox"/> Pike River and Creek	<input type="text"/>
<input type="checkbox"/> Root River	<input type="text"/>
<input type="checkbox"/> Oak Creek	<input type="text"/>
<input type="checkbox"/> Milwaukee River	<input type="text"/>
<input type="checkbox"/> Sauk Creek	<input type="text"/>
<input type="checkbox"/> Sheboygan and Onion Rivers	<input type="text"/>
<input type="checkbox"/> Manitowoc River	<input type="text"/>
<input type="checkbox"/> Twin Rivers	<input type="text"/>
<input type="checkbox"/> Kewaunee and Ahnapee Rivers	<input type="text"/>
<input type="checkbox"/> Menominee River	<input type="text"/>
<input type="checkbox"/> Fish Creek	<input type="text"/>
<input type="checkbox"/> St. Louis and Nemadji Rivers	<input type="text"/>
<input type="checkbox"/> Lake Winnebago	<input type="text"/>

**Question 5. Evidence of Local Support**

For A. and B., check the applicable situation that exists at the time of application. Submit supporting information and documentation with the application.

**A. Government**

- ☒ 1. The local-share funds for this project's expenses are already included specifically in an **adopted** budget.
- ☒ Evidence of the adopted budget is included with the application submittal.  
Describe the document and list date of adoption:  
By action of the Town Board approving Resolution 2015-004 A Resolution Authorizing the allocation of funds into the Town Storm Water Utility Budget to be used as matching funds for a Wisconsin Department of Natural Resources Non-point Source Pollution Planning Grant. (See attached copy).
- ☐ 2. The local-share funds for the project expenses are or will be included in a **proposed** budget.



Project Name:

Town of Clayton CY 2015/16 MS4 Planning Grant

**UNPS&SW Program - Planning Grant  
Application**

Form 8700-299A (R 1/15)

Page 11 of 14

- ☐ Evidence of the proposed budget is included with the application submittal.  
Describe the document and list date for adoption;

**B. Community Supporting information must be submitted with the application.**

- ☒ 1. There is local community support from community stakeholders specifically for the project.
- ☒ a. There is local support from citizen groups.
- ☒ b. There is local support from municipal committees or councils representing the applicant.
- ☐ 2. There is community support for addressing general water resource needs in the community, even though there may not be evidence of support for this specific project.
- ☐ a. There is general support from citizen groups.
- ☐ b. There is general support from municipal committees or councils representing the applicant.

**Question 6. Plans and Regulations**

**A. Consistency With Resource Management Plans**

- ☒ Check this box if the proposed project focuses on plans to implement a water quality recommendation from a locally-approved resource management plan. Examples include Smart Growth plans, Legacy Community plans, Water Star plans, local Storm Water Management plans, wellhead protection, lake management, regional water quality plans, Remedial Action plans and other watershed-based nonpoint source control plans.
- (This question does not include a TMDL report, TMDL implementation plan, or County Land and Water Resource Management Plan.)*

If Yes, summarize the water quality recommendation and describe how it relates to the goals of this proposed project. Cite the title, author and date(s) of publication of the resource management plan. Attach pertinent page(s) or provide URL and page numbers.

The items identified in the proposed project are listed in the Town's Comprehensive Plan (pages 3, 4, 18, 19, 54, 70 and 71) the Town's Comprehensive Plan can be viewed on the Town's Home Page at [townofclayton.net](http://townofclayton.net).

**B. Supporting Regulations**

Check the box for the statement(s) that applies to this project. The project is located within an area which has:

- ☒ 1. The applicant (applying governmental unit) has regulations in place to administer and enforce construction erosion controls in the governmental unit that are consistent with the non-agricultural performance standards in s. NR 151.11. Include the web site where the regulation can be found (most direct web page URL) and page number(s). At this time the Town does its construction site erosion control through the Winnebago County, Planning and Zoning Department. The County's Erosion control ordinance can be viewed at [winnebago.wis.us](http://winnebago.wis.us).
- ☐ Or check the box if a copy of the regulation is attached to this application.
- ☒ 2. The applicant (applying governmental unit) has regulations in place to administer and enforce post-construction runoff for areas of new development and redevelopment in the governmental unit consistent with the non-agricultural performance standards in s. NR 151.12. Include the web site where the regulation can be found (most direct web page URL) and page number(s). The Town regulates post-construction runoff for areas of new development and redevelopment in the Town with its Public Works Department using the Town's Subdivision Ordinance and Plat approval process to allow



Project Name:  
Town of Clayton CY 2015/16 MS4 Planning Grant

**UNPS&SW Program - Planning Grant Application**

Form 8700-299A (R 1/15)

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staff to enforce the runoff requirements. Only the Town's Subdivision Ordinance is available on the Town's Home Page at [townofclayton.net](http://townofclayton.net).

☐ Or check the box if a copy of the regulation is attached to this application.

**Question 7. City of Racine**

☐ Check this box if this is an application from the City of Racine for a project that is necessary for the city to comply with state storm water permitting requirements.

**Part III. Eligibility for Multipliers**

Completion of this part of the application is optional. However, an applicant can increase the final project score by qualifying for a project multiplier.

**Local Implementation Program** (select all that are in place as of the application submittal date)

- ☐ A. The governmental unit is implementing a pollution prevention information and education program targeted for property owners and other residents.
- ☒ B. The governmental unit is tracking storm water permitting activity (construction and post-construction) in the governmental unit and can make summary information available to the DNR upon request.
- N/A
- ☒ ☐ C. The governmental unit is implementing a nutrient management plan for municipally-owned properties of pervious area where nutrients are applied.

**Optional Additional Information**

Carefully review the answers to all of the questions above. Is there additional information that will add to the understanding of this project? If so, describe here.

The Town of Clayton is a rapidly developing suburban-ex-urban community located on the western edge of a crescent made up of the cities of Appleton, Neenah, Menasha, and the Town of Menasha. The Town of Clayton has three essential drainage patterns. Properties on the east side of town (east of STHW "76") drain to Little Lake Butte des Morts and eventually to Lake Winnebago. Properties on the southwest quadrant of the town drain to lake Butte des Morts and through the Arrowhead System into Lake Winneconne. Properties in the northwest quadrant drain through the Rat River Preserve to the Rat River System. Over the past number of years development in the town has significantly slowed. The Town has taken this opportunity to opt out of county zoning and to develop its own zoning code, to update its minimum road standards ordinance, to update its subdivision ordinance, and to (twice) update its Comprehensive Plan (in CY 2009, and in CY 2015). The Town has determined that through lax development standards and lax enforcement of those development standards it has developed significant storm water management issues. In order to correct those problems the Town created a Storm Water Management Utility and ordinance in CY 2012 allowing the Town to correct some of the earlier problems and to fund future maintenance of storm water devices. The current grant application is intended to facilitate the creation of drainage studies in specific areas of the Town, the development of a general non-point source pollution public education program, along with storm water management and non-point pollution ordinances. The culmination of this project is to be the creation of a consolidated Municipal Code of Ordinances that places all of the Town's ordinances in a single document which can and will be placed on the Town's Home Page and be made available to everyone.

**Applicant Certification**

A Responsible Governmental Official (authorized signatory) must sign and date the application form prior to submittal to the DNR. The governmental official with signatory authority must be the person authorized by the Governmental Responsibility Resolution. I certify that, to the best of my knowledge, the information contained in this application and attachments is correct and true.

Signature of Government Official - Authorized Signatory

Date Signed

Name (Please Print)

Title

Richard Johnston

Town Administrator/Clerk

☒ Check this box if the required, completed Governmental Responsibility Resolution (GRR) (see [Attachment H](#)) is attached. Authorized signatory must be approved in the GRR.

**Submittal Directions**

To be considered for funding, provide the following for each application submitted:

- One hard copy of the completed application form [DNR Form 8700-299A (R 1/15) with **original signature in blue ink** and all attachments.
- Three additional hard copies of the completed, signed application form and all attachments.
- One electronic copy of the completed application form (this saved application form) in PDF format only plus all attachments on CD.



Project Name:

Town of Clayton CY 2015/16 MS4 Planning Grant

**UNPS&SW Program - Planning Grant  
Application**

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All application materials must be postmarked by midnight **April 15 of the same calendar year.**

Mail to: State of Wisconsin  
Runoff Management Section-WT/3  
Department of Natural Resources  
101 South Webster Street  
Madison, WI 53703

PO Box 7921  
or Madison WI 53707-7921



Project Name:

Town of Clayton CY 2015/16 MS4 Planning Grant

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**UNPS&SW Program - Planning Grant  
Application**

Form 8700-299A (R 1/15)

Page 14 of 14

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**Please use this page to write any constructive comment(s) you might have to improve this application.**

Thank you.



## Attachment A



TOWN OF CLAYTON

REVISED RESOLUTION 2015-003

**A Resolution Authorizing an Application for a Department of Natural Resources  
Urban Nonpoint Source & Storm Water Management Program Planning Grant  
Application**

WHEREAS, Town of Clayton, County of Winnebago is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155); and

WHEREAS, a cost-sharing grant is required to carry out the project:

THEREFORE, BE IT RESOLVED, that the Town of Clayton, County of Winnebago

HEREBY AUTHORIZES the Town Administrator, Town Administration to act on behalf of the Town of Clayton, County of Winnebago to:

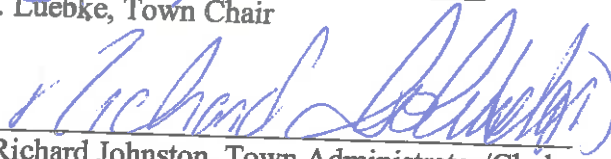
- a. Submit and sign an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- b. Sign a grant agreement between the Town of Clayton and the Department of Natural Resources;
- c. Submit reimbursement claims along with necessary supporting documentation;
- d. Submit signed documents; and
- e. Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that Town of Clayton, County of Winnebago shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Adopted this 18<sup>th</sup>, day of March, 2015

Vote: Yes: 5, No: 0, Absent: 0

  
Mark E. Luebke, Town Chair

Attest:   
Richard Johnston, Town Administrator/Clerk

I hereby certify that the foregoing resolution was duly adopted by the Town Board of the Town of Clayton, County of Winnebago at a legal meeting on this 18<sup>th</sup>, day of March, 2015.

Authorized Signature:  Title: Town Administrator/Clerk



## Attachment B



## Attachment B-1





# Surface Water Data Viewer Map



## Legend

### Cities, Towns & Villages

City

Village

Civil Town

### Rivers and Streams

Open Water

2010 Air Photos (WROC)

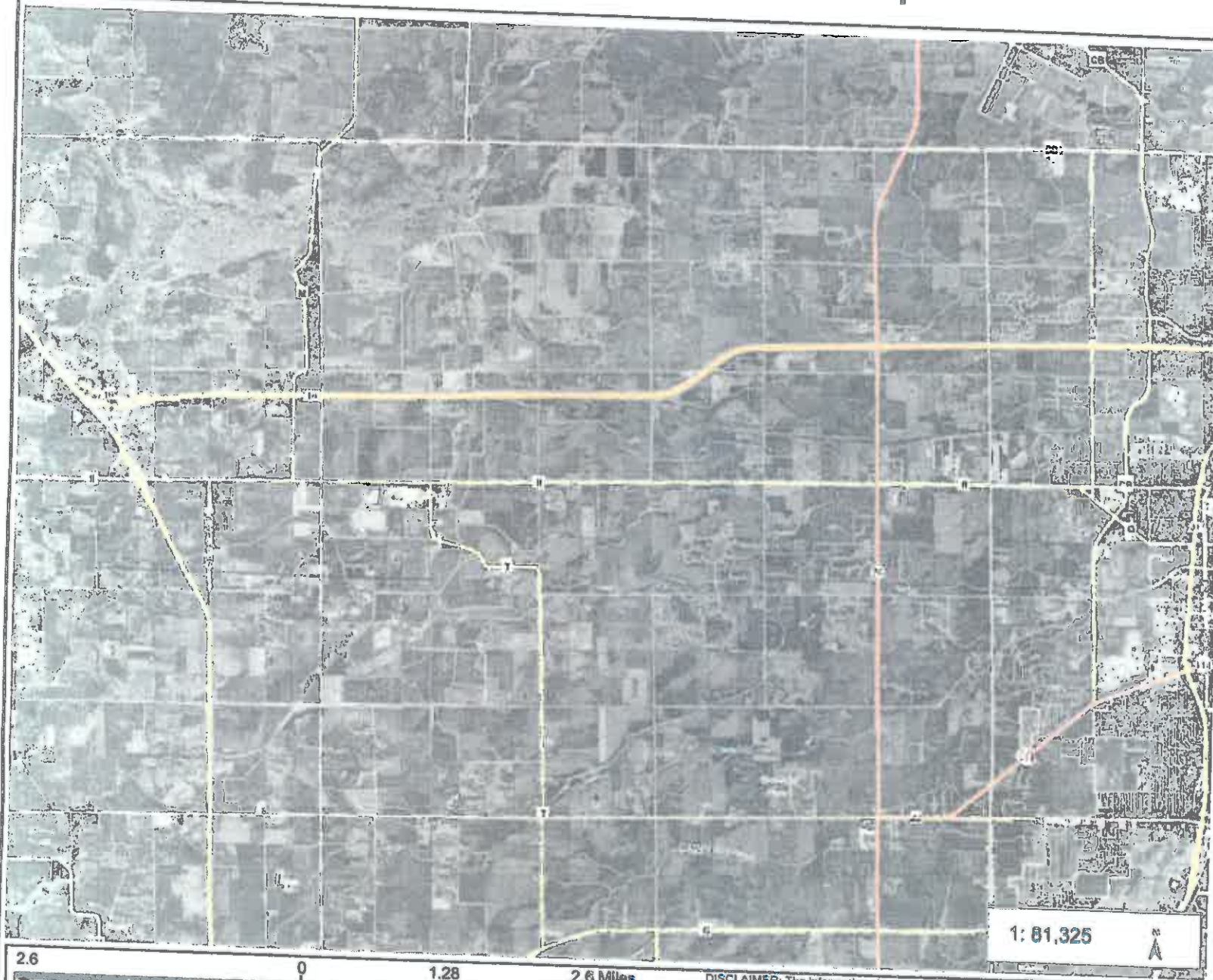
Town of Clayton

CY 2015/16

MS4 Planning Grant

Map B-1

Town Corporate  
Boundaries



2.6 0 1.28 2.6 Miles

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## Notes

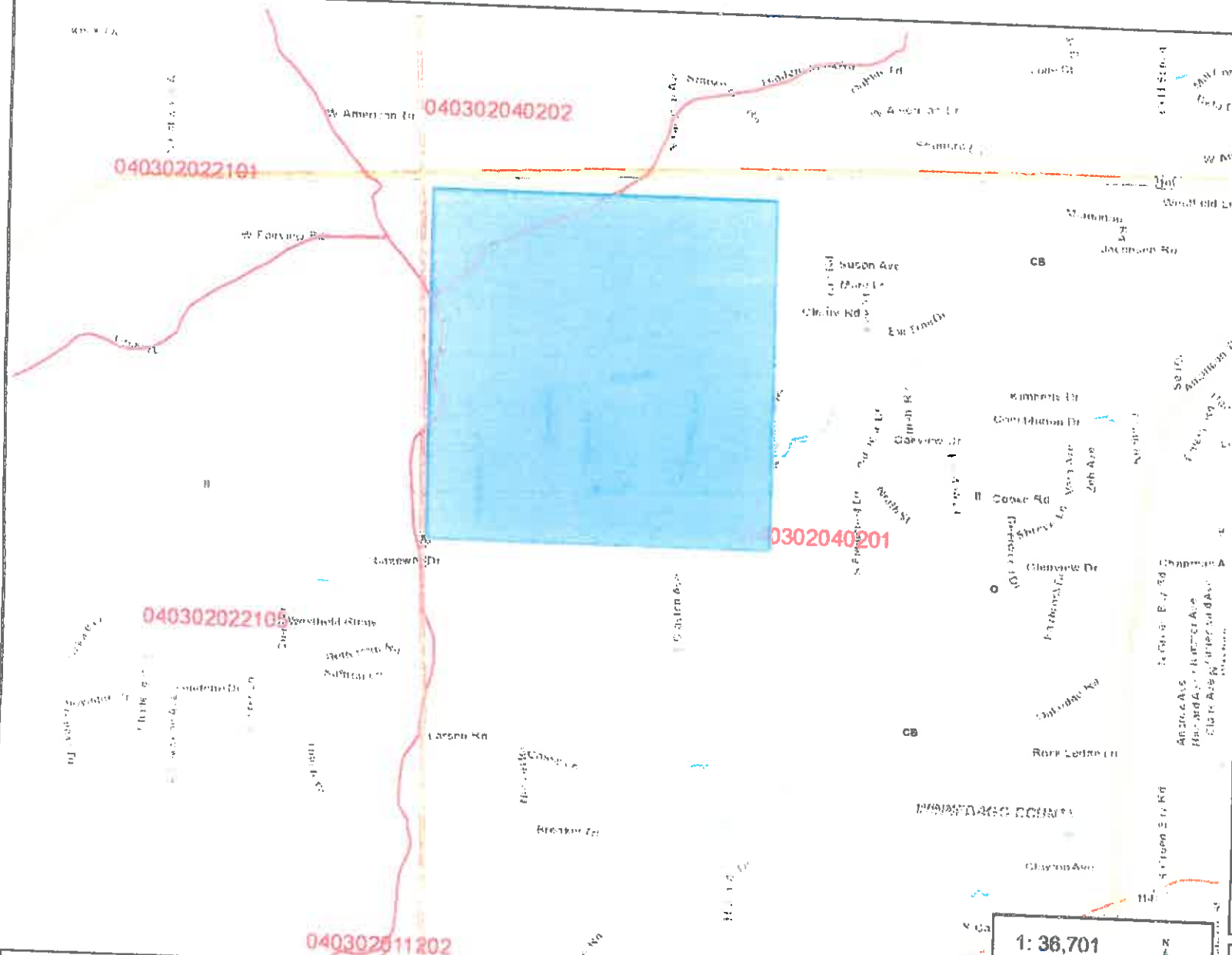


## Attachment B-2





# Surface Water Data Viewer Map



## Legend

- 12-digit HUCs (Subwatersheds)
- Rivers and Streams
- Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-2  
Little Lake Butte Des  
Morts Drainage Area

1: 36,701



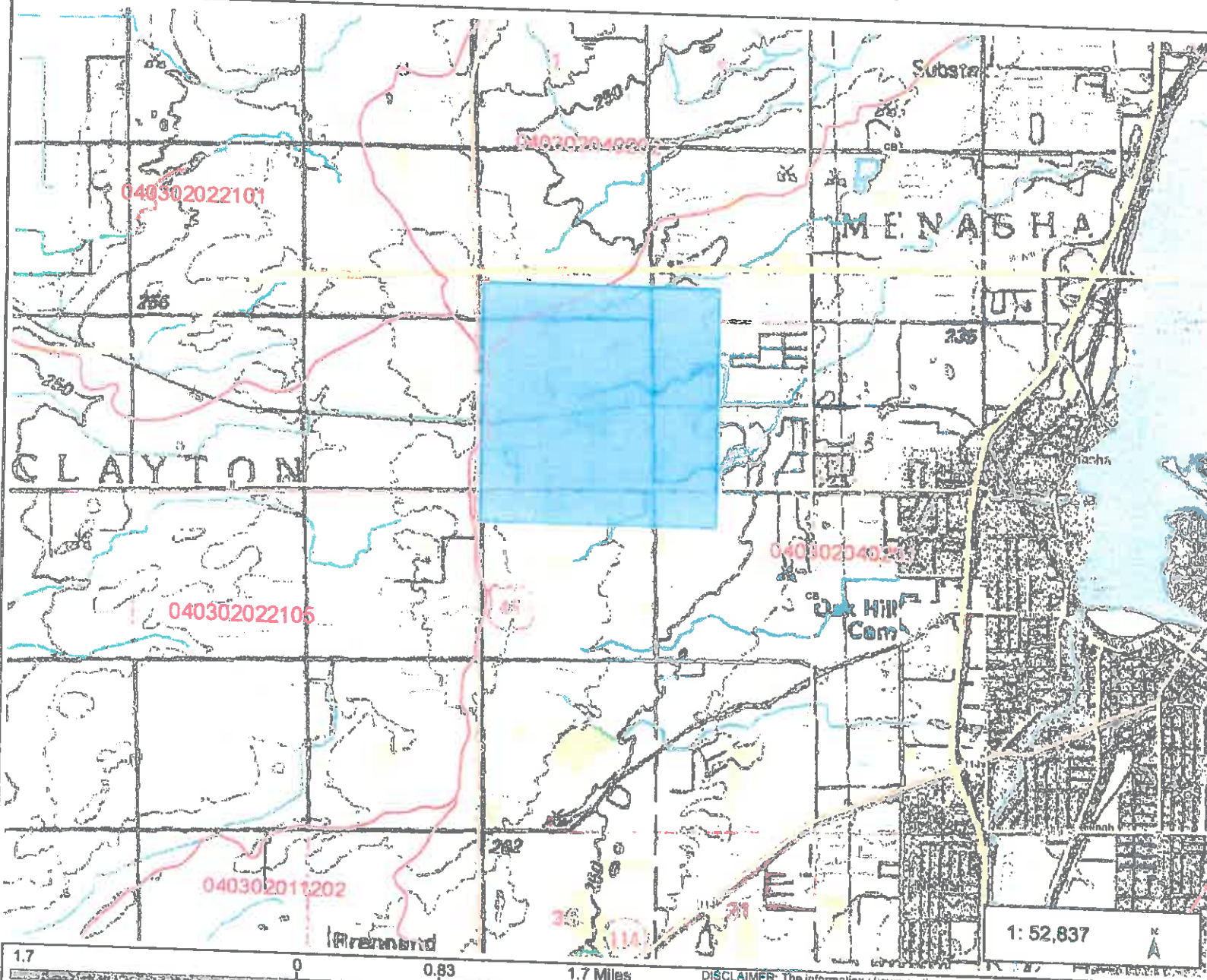
1.2 0 0.58 1.2 Miles

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Notes





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☐ 12-digit HUCs (Subwatersheds)  
Rivers and Streams  
Open Water

**Town of Clayton  
CY 2015/16  
MS4 Planning Grant**

**Map B-2**  
**Little Lake Butte Des**  
**Morts Drainage Area**

## Notes





# Surface Water Data Viewer Map



## Legend

Rivers and Streams  
Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-2  
Little Lake Butte Des  
Morts Drainage Area

1: 36,366



Notes

1.1 0 0.57 1.1 Miles

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**Rivers and Streams**  
**Open Water**

**Map B-2**  
**Little Lake Butte Des**  
**Morts Drainage Area**

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# Surface Water Data Viewer Map

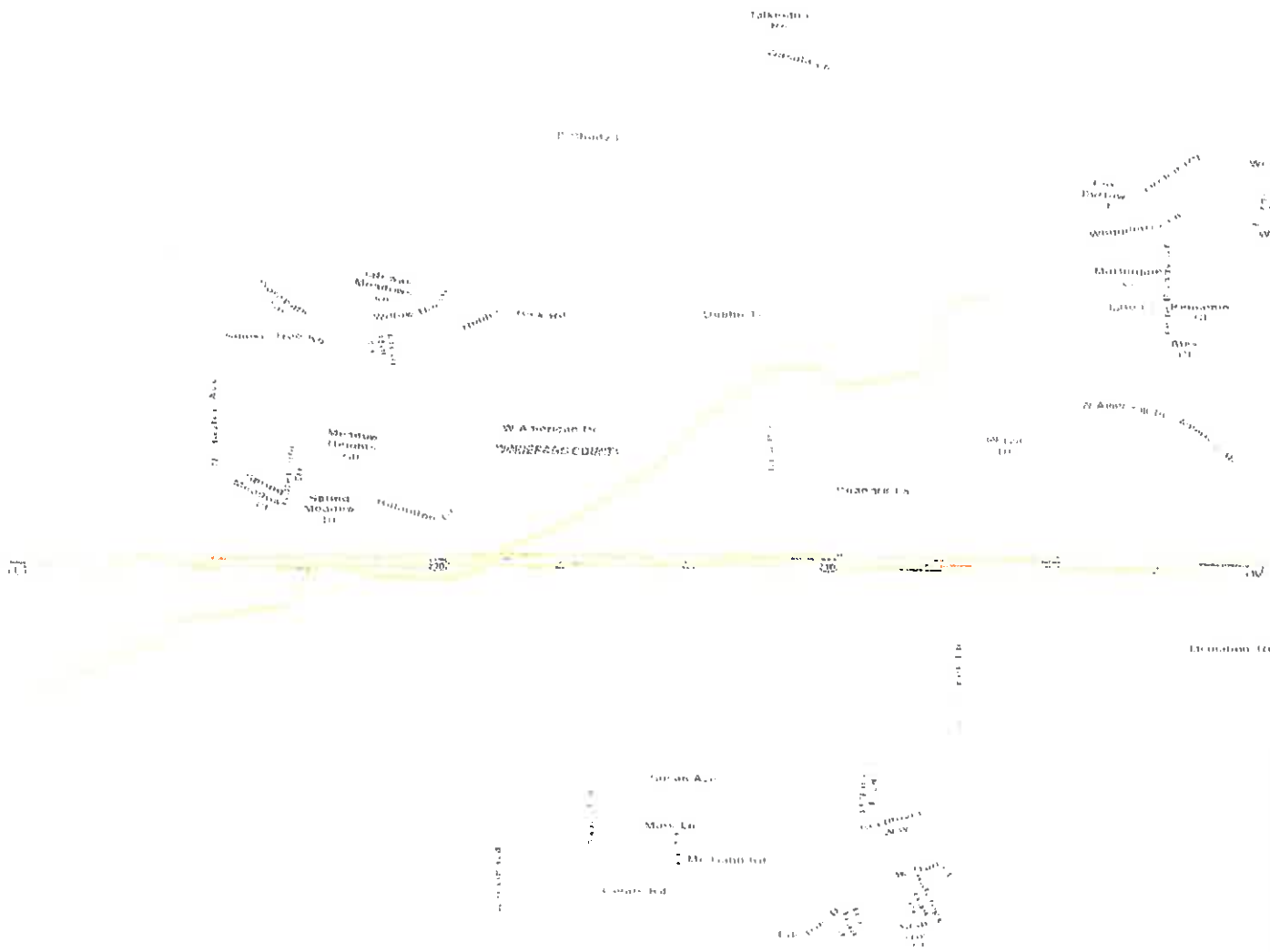


## Legend

Rivers and Streams  
Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-2  
Little Lake Butte Des  
Morts Drainage Area



1: 18,183



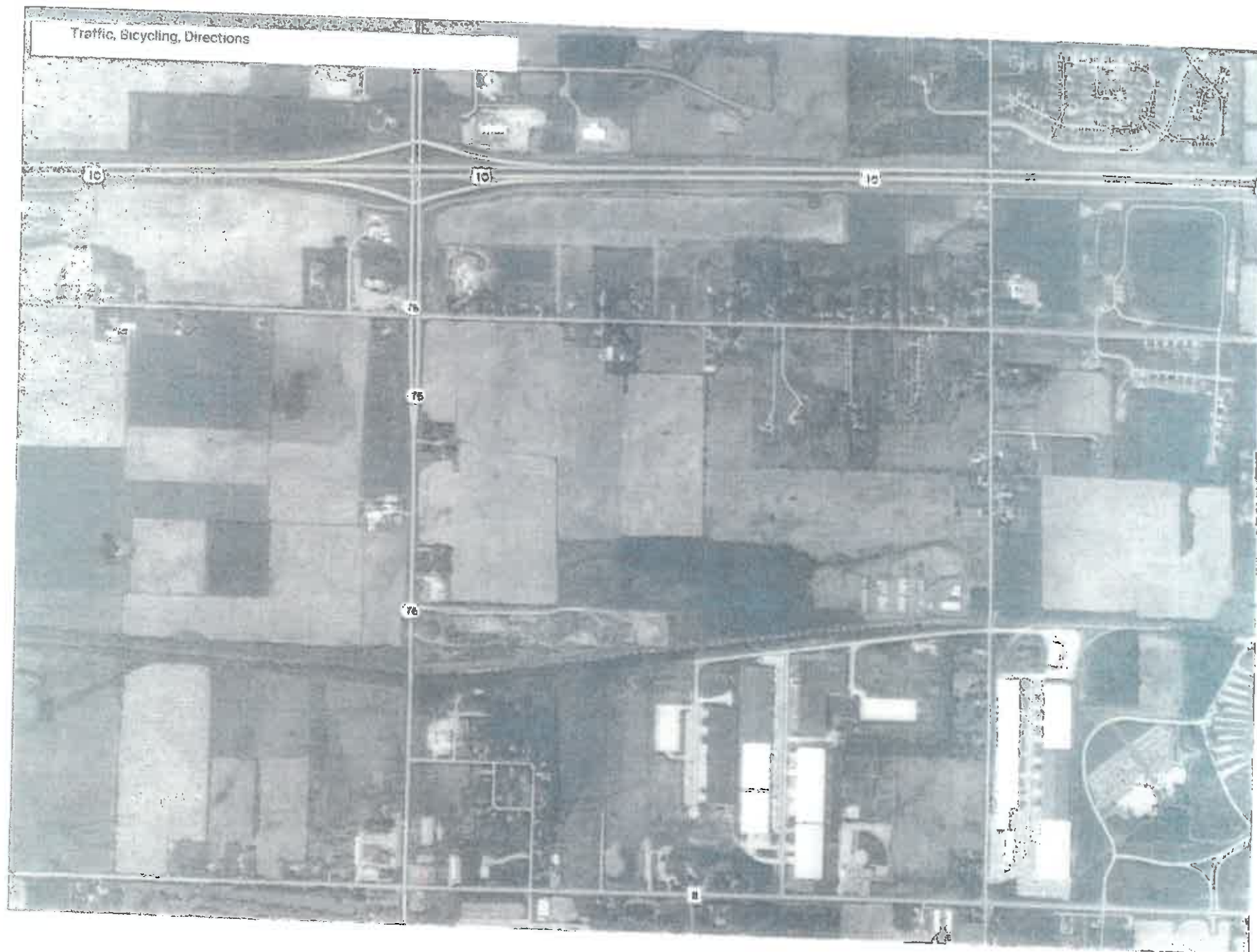
0.6 0 0.29 0.6 Miles

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## Notes





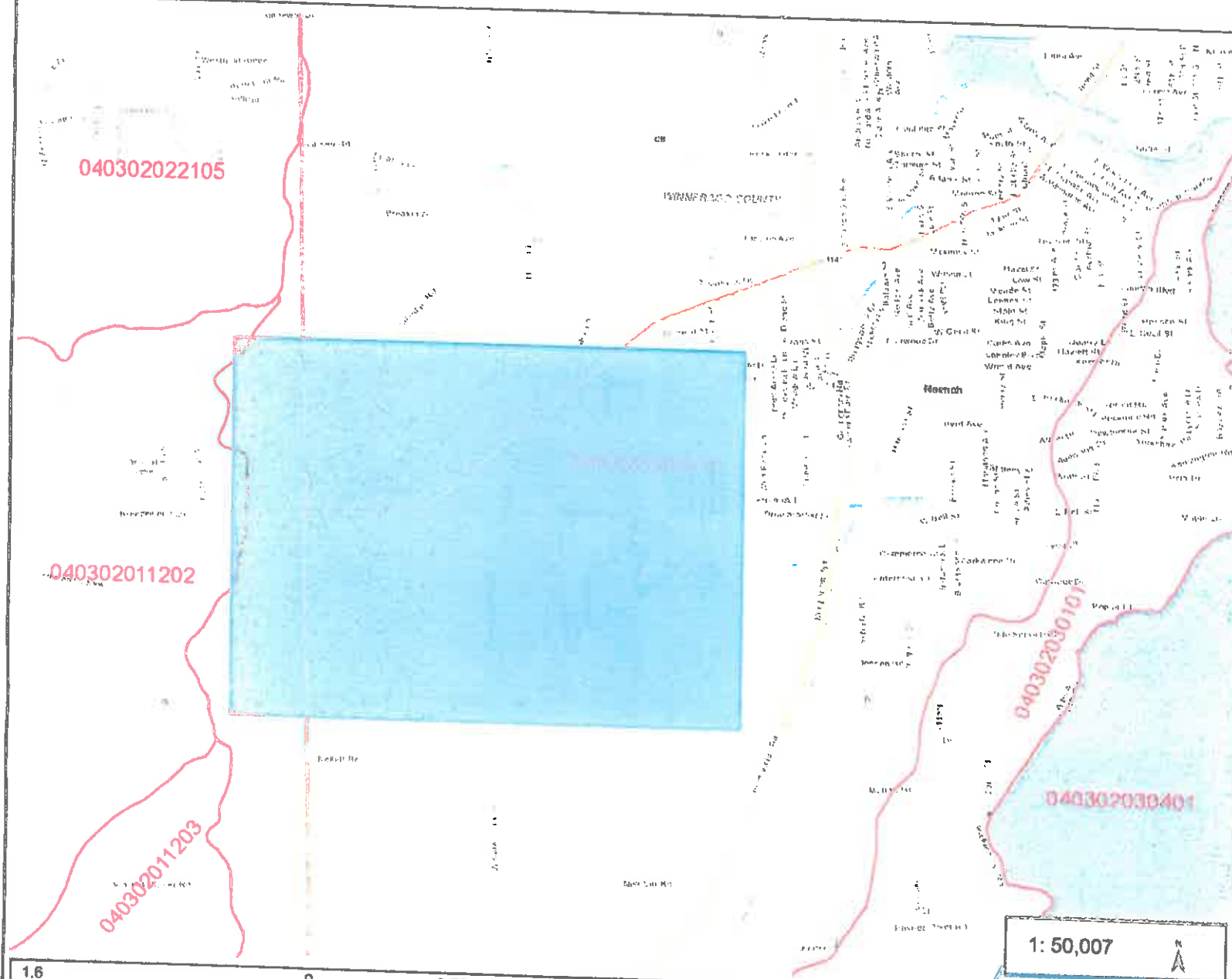


## Attachment B-3





# Surface Water Data Viewer Map



## Legend

- 12-digit HUCs (Subwatersheds)
- Rivers and Streams
- Open Water

**Town of Clayton  
CY 2015/16  
MS4 Planning Grant**

**Map B-3  
Neenah Slough  
Drainage Area**

## Notes

1.6 0 0.79 1.6 Miles

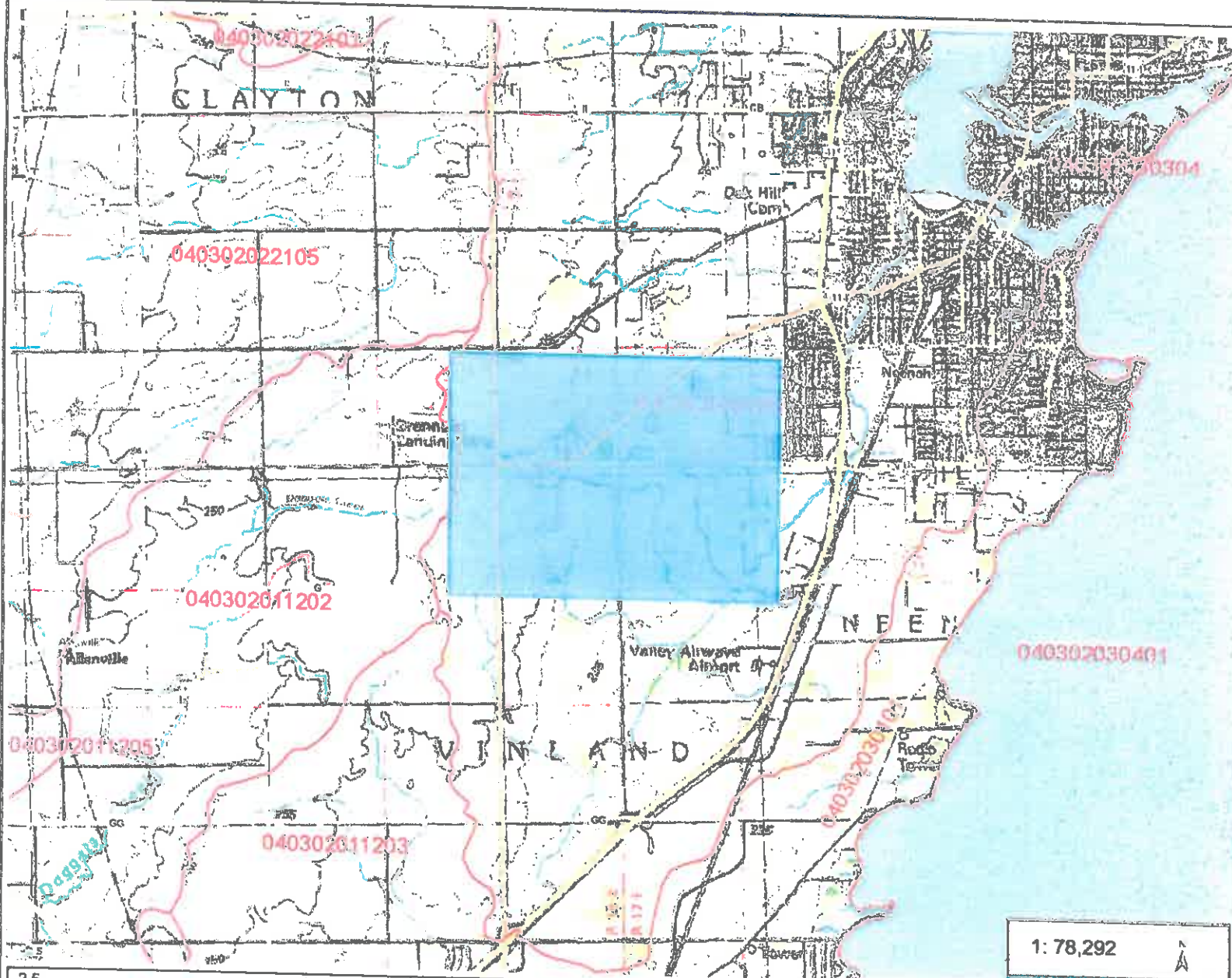
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# Surface Water Data Viewer Map



## Legend

- 12-digit HUCs (Subwatersheds)
- Rivers and Streams
- Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-3  
Neenah Slough  
Drainage Area

1: 78,292

## Notes

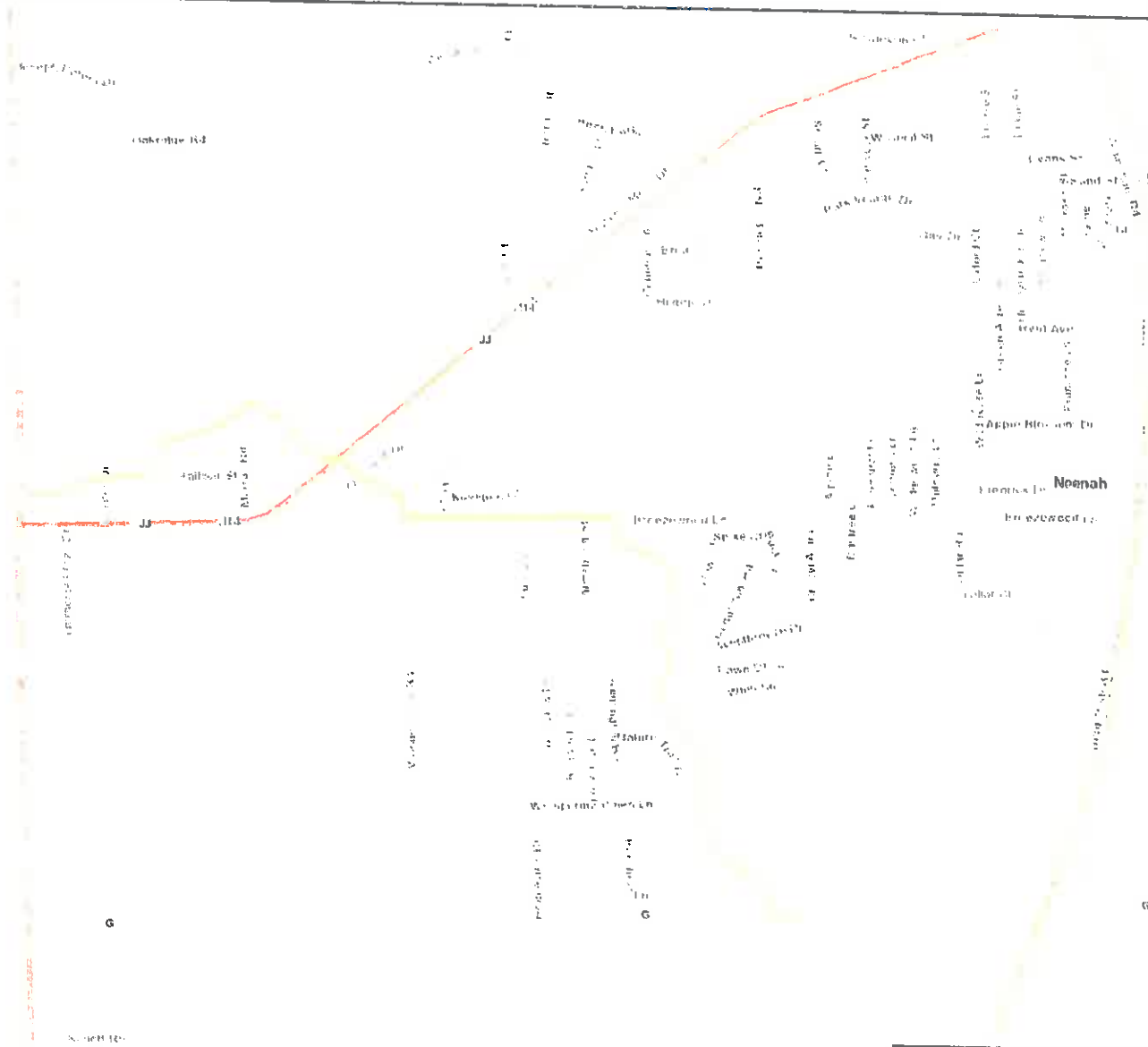
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# Surface Water Data Viewer Map



## Legend

- Rivers and Streams
- Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-3  
Neenah Slough  
Drainage Area

1: 27,800



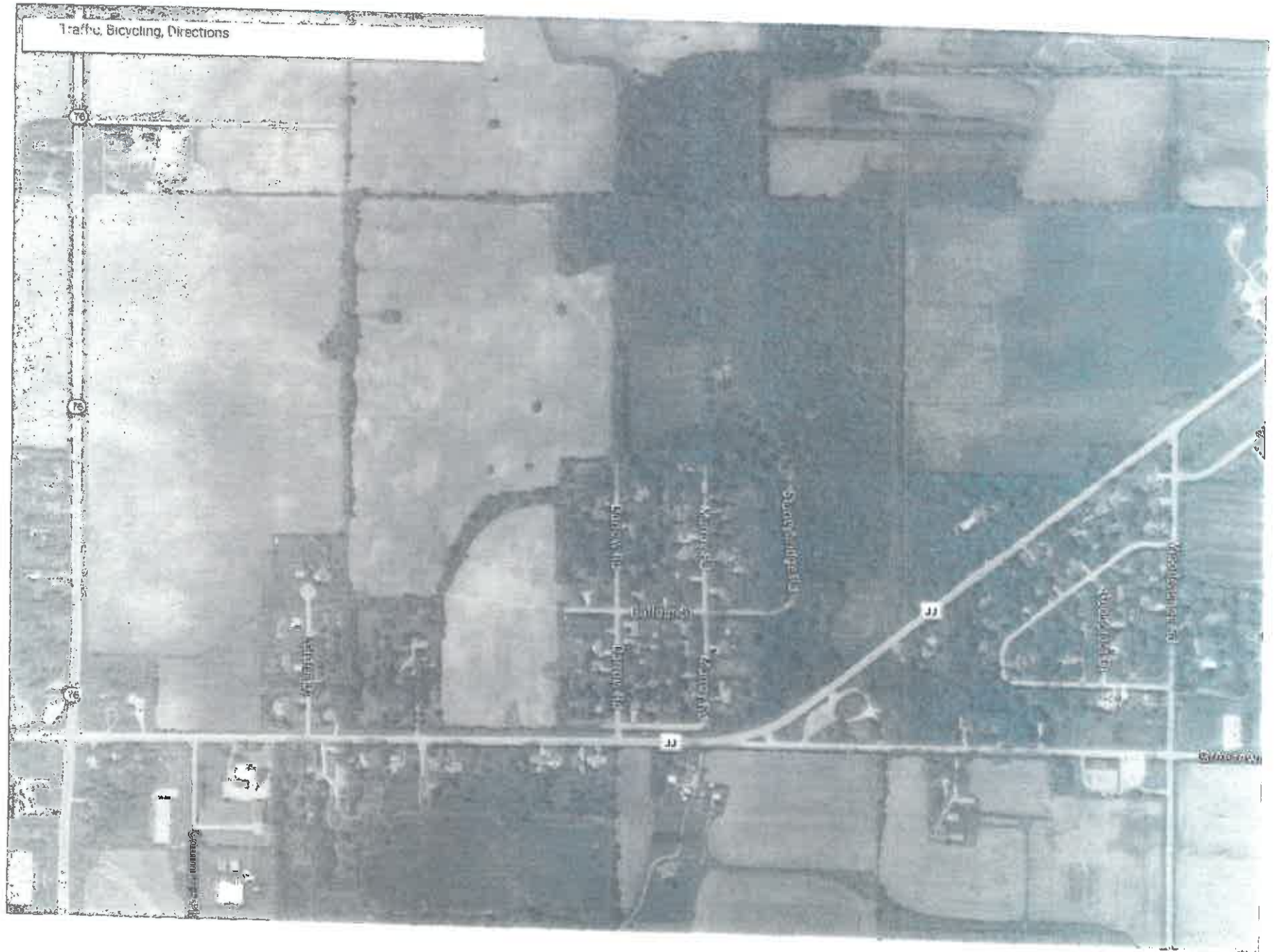
0.9 0 0.44 0.9 Miles

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## Notes







## Attachment B-4





# Surface Water Data Viewer Map

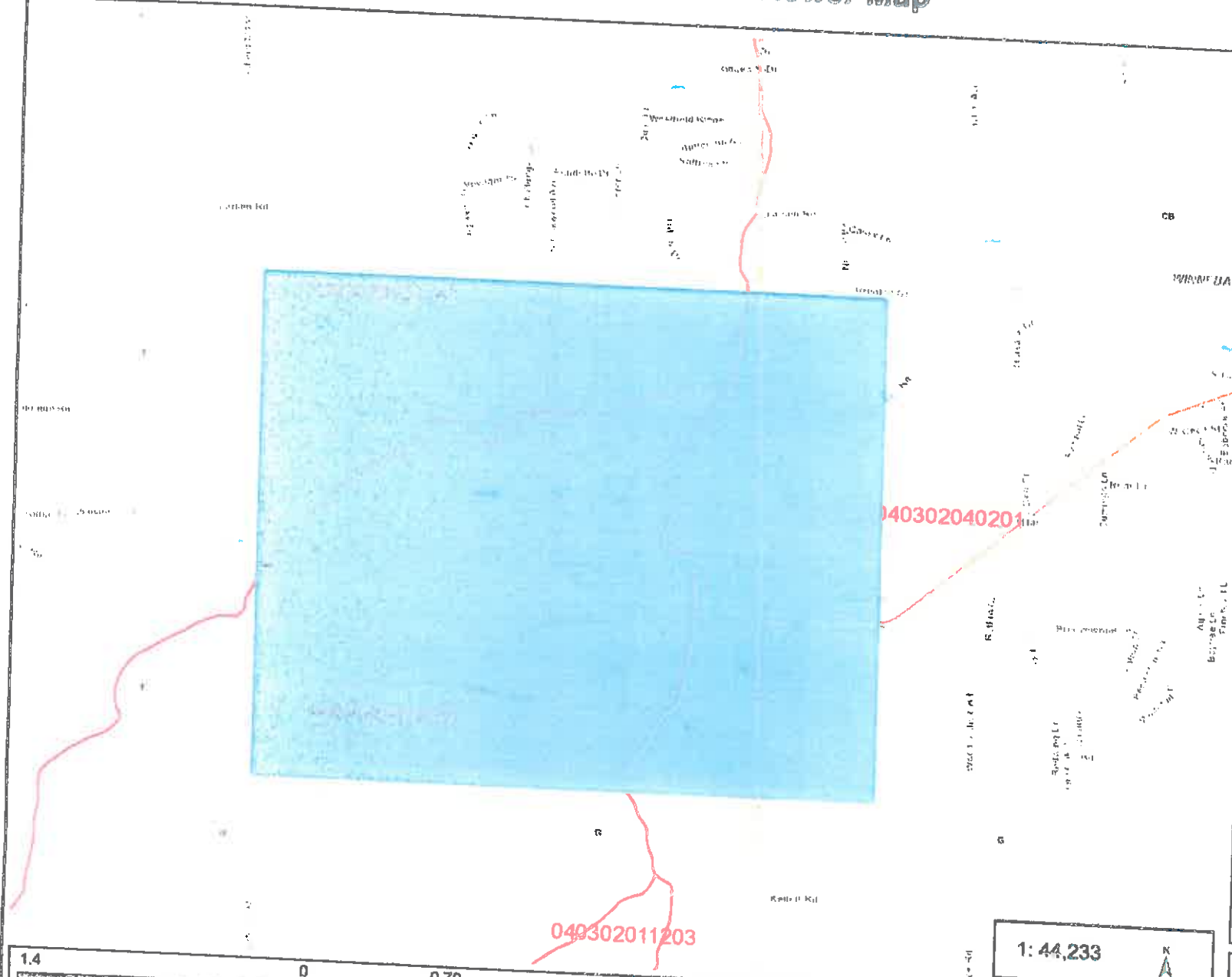


## Legend

- 12-digit HUCs (Subwatersheds)
- Rivers and Streams
- Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-4  
Daggets Creek  
Drainage Area



040302040201

040302011203

1.4 0 0.70 1.4 Miles

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1: 44,233



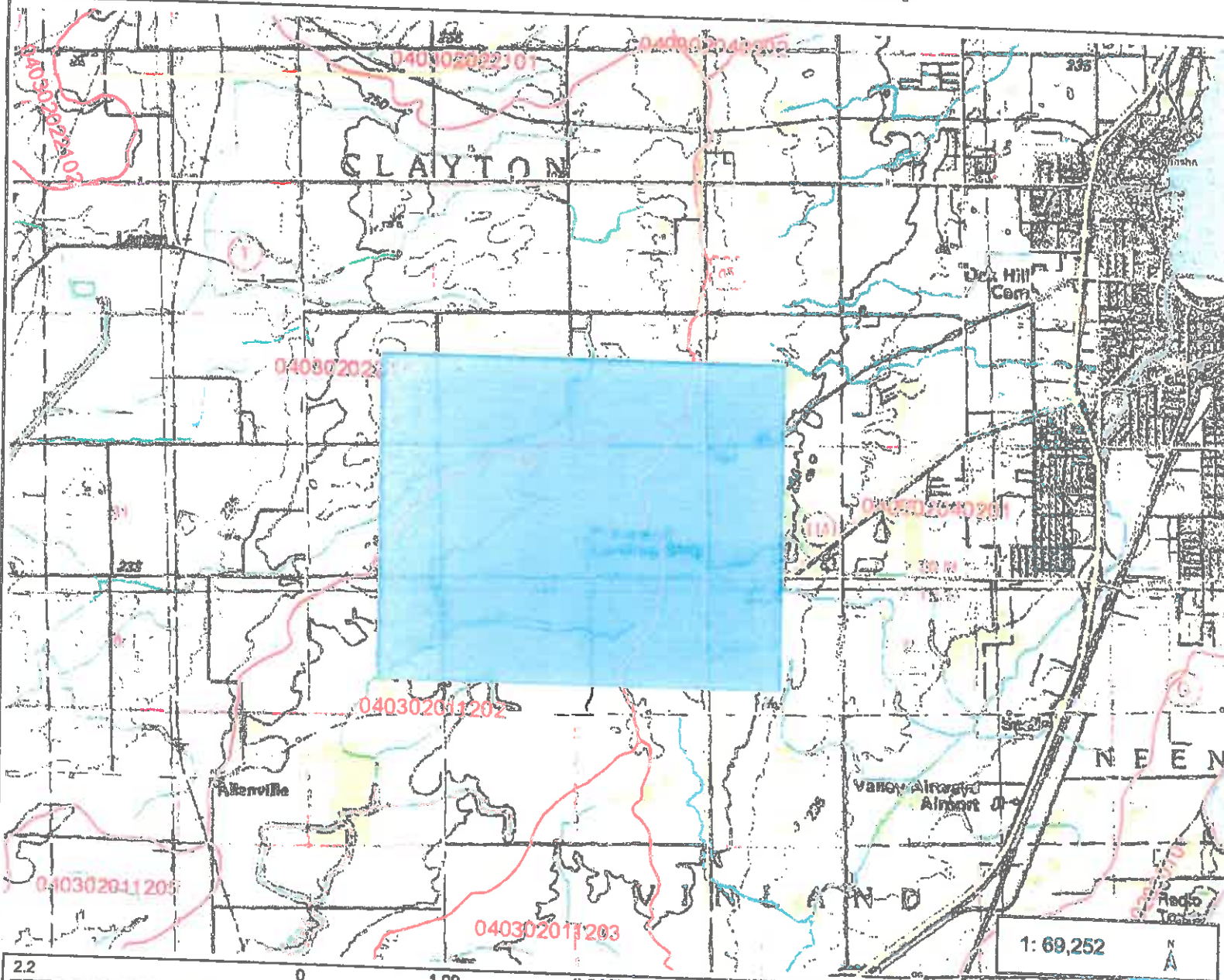
DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or liability of the information depicted on this map. For more information, see the DNR Legal Notice web page: <http://dnr.wi.gov/org/legal/>

Notes





# Surface Water Data Viewer Map



## Legend

- 12-digit HUCs (Subwatersheds)
- Rivers and Streams
- Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-4  
Daggets Creek  
Drainage Area

## Notes

2.2  
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# Surface Water Data Viewer Map



## Legend

Rivers and Streams  
Open Water

Town of Clayton  
CY 2015/16  
MS4 Planning Grant

Map B-4  
Daggets Creek  
Drainage Area

0.9 0 0.44 0.9 Miles

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1: 27,800



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Notes





Imagery ©2015 DigitalGlobe, USDA Farm Service Agency, Map data ©2015 Google 1000 ft

<https://www.google.com/maps/@44.1623972,-88.5701238,3095m/data=!3m1!1e3>

4/13/2015



## Attachment C



April 8, 2015

VIA E-MAIL

A  
Wisconsin  
Service  
Corporation

Town of Clayton  
8348 County Road T  
Larsen, WI 54947

ATTORNEYS  
AT LAW

RE: Grant Application Estimate

Dear Richard,

You requested an estimate for the purposes of a grant application of the cost of legal services; specifically, the cost of review of all of your current ordinances relating to storm water management and creation of new ordinances. I believe a tentative approximation for review of the existing ordinances would be \$2,000.00 and \$4,000.00 for creation of new ordinances. The ultimate cost to the Town depends on how many hours our office spends on this project. The Town will be billed for however many hours it takes and the numbers represent an approximation and not a guaranty.

I hope this letter fulfills your request for documentation of this estimation. If you have any additional questions, please feel free to contact me.

Sincerely,

SILTON SEIFERT CARLSON, S.C.

*Rose I. Simon*

Rose I. Simon  
Attorney at Law  
Rose.Simon@sscgllaw.com

RIS/ams

Lawrence C. Sifton

Richard J. Carlson

William L. Stroik

Adam N. Skaric

Brian A. Madison

Rose I. Simon

Stephen A. Seifert  
Of Counsel



## **Town of Clayton Executive Administrator**

---

**From:** Mary Jo Miller [maryjom@martenson-eisele.com]  
**Sent:** Tuesday, April 07, 2015 2:59 PM  
**To:** Richard Johnston  
**Subject:** UNPS&SW Program Planning Grant Application

I am writing in regard to the estimates that I provided to you for the UNPS&SW Planning Grant Application that you are preparing for the Wisconsin Department of Natural Resources. Please note that the estimates that I provided for the review and recommendations for Town ordinances, for public education literature, and for storm water studies in the southeast and northeast areas of the Town of Clayton are estimates based on our discussion of the scope of work and our experience with similar studies prepared for the Town of Clayton and other municipalities. If you have additional questions or comments, please call or e-mail. Thank you.

Mary Jo Miller, P.E., CPESC  
Project Engineer  
Martenson & Eisele, Inc.  
1377 Midway Road  
P.O. Box 449  
Menasha, WI 54952-0449  
(920) 731-0381  
(920) 733-8578 (fax)  
[maryjom@martenson-eisele.com](mailto:maryjom@martenson-eisele.com)  
[www.martenson-eisele.com](http://www.martenson-eisele.com)

The information contained in this email is for the person or entity to which it is addressed and may be privileged or confidential. If you receive this transmission in error, please notify the sender immediately and delete the message and any attachments. Thank you for your cooperation.



## Attachment D



E 354	ACCOUNT	STORM WATER MANAGEMENT UTILITY	CY2015 STAFF RECOMMENDATION	CY2015 ADMINISTRATOR'S RECOMMENDATION	CY2015 TOWN BOARD RECOMMENDATION	CY2015 TOWN BOARD APPROVED	NOTES
E 355							
E 356							
E 357							
E 358		WAGES	\$ 51,500.00	\$ 51,500.00	\$ 51,500.00	\$ 52,308.55	Public Works Department Wages Assigned to the Utility based on force account labor project costs.
E 359		FICA	3,939.75	3,939.75	3,939.75	4,001.60	Associated employment taxes
E 360		RETIREMENT	\$ 3,502.00	\$ 3,502.00	\$ 3,502.00	\$ 3,556.98	Estimated cost based on the required 136% contribution to the State Retirement System divided by 2
E 361		HEALTH INSURANCE	\$ 13,582.40	\$ 13,582.40	\$ 13,582.40	\$ 13,582.40	Estimated cost based on Health Insurance rates established by the Provider
E 362		UTILITY RECONSTRUCTION PROJECT COSTS	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 15,000.00	Costs of projects that are bid for third party construction
E 363		UTILITY EQUIPMENT RENTAL					Equipment rental costs for projects completed with Force Account Labor.
E 364		UTILITY MAINTENANCE					Costs of supplies for projects completed with Force Account Labor.
E 365		UTILITY ENGINEERING COSTS	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	Costs of Engineering for Utility projects.
E 366		PRORATED CAPITAL EQUIPMENT REPLACEMENT	\$ 37,967.57	\$ 37,967.57	\$ 37,967.57	\$ 37,967.57	Utility Prorated Capital Replacement Fund Contribution for the Backhoe (30% of replacement Costs) and a Utility Truck (30% of Replacement Costs).
E 367		DIESEL FUEL	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	Diesel fuel for machinery and equipment.
E 368		UTILITY AUDIT FEES	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	Fees to Audit the Utility Budget and expenditures.
E 369		GRANT MATCHING FUNDS				\$ 40,000.00	Grant matching funds authorized by the Town Board on March 4th, 2015 with Resolution 2015-014
E 370		TOTAL UTILITY COSTS	\$ 177,691.72	\$ 177,691.72	\$ 177,691.72	\$ 178,617.11	

I hereby certify that this is a true and exact copy of the Town's CY2015 Storm Water Management Utility budget as amended by Resolution 2015-004 passed by a unanimous vote of the Town Board on March 4<sup>th</sup>, 2015.

Authorized Signature:

Title: Town Administrator/Clerk



TOWN OF CLAYTON

RESOLUTION 2015-004

**A Resolution Authorizing the allocation of funds into the Town Storm Water Utility Budget to be used as matching funds for a Wisconsin Department of Natural Resources Nonpoint Source Pollution Planning Grant.**

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin recognizes that urban non-point source pollution has the potential to degrade surface water quality and impact designated uses for the water of the State of Wisconsin; and

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin recognizes that the Town has been designated as an MS4 community by the DNR; and

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin recognizes that for the purposes of implementing measures to meet the State's non-point source water pollution abatement needs requires an area-wide water quality management plan with one or more of the components specified in the State Statutes and DNR regulation; and

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin has been advised by staff that the DNR has a grant program that provides matching funds for up to 70% (not to exceed \$85,000.00) of the costs of preparing a plan for the implementation measures to meet the State's non-point source water pollution abatement requirements; and

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin has directed staff to prepare a grant application for the DNR's urban non-point source & storm water management planning grant program; and

Whereas, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin does need to fund the Town's 30% (not to exceed \$40,000.00) share of the matching grant program from the Town's Storm Water Management Utility CY 2015 Budget; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin does hereby direct staff to fund the Town's 30% (not to exceed \$40,000.00) share of the matching grant program from the Town's Storm Water Management Utility CY 2015 Budget.

Adopted this 4<sup>th</sup>, day of March, 2015

Vote: Yes: 5 No: 0 Absent: 0



Mark E. Luebke, Town Chair

Attest:



Richard Johnston, Town Administrator/Clerk



## Attachment E



## TOWN OF CLAYTON

Annual Town Meeting  
Meeting MinutesApril 10, 2012  
7:01 p.m. – 9:30 p.m.

8348 County Road T Larsen, WI 54947

**I. Call to Order**

Called to order at 7:01 p.m. by Chairperson Luebke.

**Roll: Town Board Members Present at the Electors Meeting**

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

**Roll: Town Staff Present at the Electors Meeting**

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Public Works Foreman Pamentner	PRESENT
Animal Control Officer Huebner	ABSENT

**Roll: Others Town Officials Present at the Electors Meeting**

Plan Commission Chair, Dick Knapinski	PRESENT
Green Space Committee Chair, Patti Stanek	PRESENT
Building Inspector, Tom Spierowski	ABSENT
Assessor, Mark Brown (Associated Appraisal Consultants, Inc.)	ABSENT
Auditor, Mike Konecny (Schenck SC)	PRESENT
Fire Chief, Glen Mathison	PRESENT
First Responder Cindy Pfankuch	ABSENT
Town Engineer, Mary Jo Miller (Martenson & Eisele)	PRESENT
Interpreters: Virginia Gutierrez	PRESENT

Pledge of Allegiance recited.

Meeting properly noticed.

**II. Introduction and Recognition of Eagle Scout Achievement**

Town Board Chairperson, Mark Luebke, presented flags for achieving Eagle Scout to:

- Hans Christianson
- Jonathan Holden

**III. Introductions by the Town Chair of the Elected Officials**

Town Board Chairperson, Mark Luebke, introduced elected officials, staff and support staff.

Town Board:

- Supervisor 1 – Kay Lettau
- Supervisor 2 – Linda Grundman-Erdman
- Supervisor 3 – Ann Schmidt
- Supervisor 4 – Russ Geise



**Staff and Support Staff:**

- Town Administrator – Richard Johnston
- Treasurer – Tori Bowen
- Public Works Foreman – Scott Pamerter
- Animal Control Officer – David Huebner
- Plan Commission Chair – Richard (Dick) Knapinski
- Green Space Committee Chair – Patti Stanek
- Fire Chief – Glen Mathison
- Town Engineer – Mary Jo Miller
- Town Assessor – Mark Brown (Associated Appraisal Consultants, Inc.)
- Town Auditor – Mike Konecny (Schenck, SC)
- Interpreter - Virginia Gutierrez

**IV. Approval of Minutes**

- Regular Town Board Meeting – April 12, 2011  
**MOTION BY:** Richard Fischer, (8685 N. Oakwood Ave)  
**SECOND BY:** Russell Geise, (8014 County Rd T)  
**MOTION TO:** Approve Annual Meeting Minutes from April 12, 2011, as written.  
**MOTION:** Carried by unanimous voice vote.

**V. Reports**

- A. Building Inspector's Report (Chair Luebke reported)
  - Reviewed 2011 Building Inspection totals
  - No resident questions.
- B. Assessor – Mark Brown of Associated Appraisal Consultants, Inc.
  - No Report given
- C. 2011 Audited Financials – Mike Konecny of Schenck SC
  - Reviewed the 2011 Annual Financial Report
  - Reviewed the Management Letter
  - Management Letter contained a recommendation: Town needs to develop a capital asset record
  - Overviewed Balance Sheet – General Fund (Assigned Funds, Unassigned Funds), Capital Improvement Fund
  - Page 7 – General Fund / Revenues (received more than budgeted) and Expenditures compared to Budget (spent less than budgeted), did not borrow money allocated in budget (\$340,000) for capital projects
  - Page 13 – Long-term debt: Town currently paying on \$500,000 loan with two years left to pay
    - Debt limit and the Town's ability to borrow against Town's valuation
    - Town is in sound/stable financial position.
    - No incomplete information. Nothing unusual.
    - No resident questions.
  - Town Board Chairperson Luebke recognized Virginia Gutierrez and excused her from the meeting.
  - Town Board Chairperson Luebke recognized the Winnebago County Sheriff's Department representative present thanking the officer for continuing to patrol the Town parks and Shady Lane.



- Town Board Chairperson Luebke recognized the new District Representative to the area – Representative Kraufert.
- D. Plan Commission – Chair Dick Knapinski (introduced Plan Commission members)
  - Thanked Commission members for their service.
  - Highlight Issues: Updating the Town's Subdivision Ordinance, the approval of the Outagamie County Airport Overlay, Farmland Preservation Map approval – Winnebago county will continue to work on and improve, the Town's Storm Water Management Utility, the wind turbine siting rules, the approval of the Winnebago County Zoning code within the next few months and the opportunity of the Town to stay within the Counting Zoning code or to create a zoning code for the Town.
  - No resident questions.
- E. Green Space Committee – Chair Patti Stanek (introduced Green Space Committee members)
  - Thanked Committee Members for their service
  - Reviewed 2011 highlights – the focus was in maintenance of the parks and trails, trying to be conservative within the 2011 budget allowances.
  - Announced that Chair Stanek will be stepping down from the position of Green Space Committee Chair.
- Town Board Chairperson asked the electors if anyone would be interested in serving on the Green Space Committee.
- Town Board Chairperson Luebke asked the electors if anyone would be interested in volunteering for ClaytonFest.
- F. CWFD First Responders – (Chief Mathison reported and introduced Cindy Pfankuch)
  - Overviewed the following:
    - Total calls in 2011 (Clayton, Winchester, and Mutual Aid) = 183; Town of Clayton = 119, Town of Winchester = 61; 102 medical, 26 vehicle, 51 trauma, and 4 training, tornado, standby; 3 not recorded Township
    - Reviewed average call response time (7 minutes), average number of First Responders per call (3.28), average time on scene (48 minutes), and average number of patients per call (1.16)
  - Question: Ben Hamblin, 2986 Shady Lane – How many responses required mutual aid? (Answer: The Fire Department report will answer that question)
- G. CW Fire Department – Chief Glen Mathison
  - Overviewed the following:
    - Fire Department officers, Training Officer, number of active members on squad = 35, 4 open positions and 1 applicant
    - Total calls in 2011 = 102 (Clayton = 58, Winchester = 36, and Mutual Aid = 8)
    - To date calls in 2012 = 30
    - 2 Federal Grants (replacing turnout gear and replacing the E43 with a Quint) were applied for and denied
    - Mutual Aid Box Alarm System (MABAS) is up and running
    - Winnebago County is purchasing new portable and mobile radios for police and fire agencies in the county to become compliant by January 1, 2012; Clayton-Winchester will be receiving 40 portable and 12 mobile radios
    - Purchased a new rescue engine (pumper truck) from Pierce replacing the current equipment van and the E44 in Winchester; the department's first multi-person cab able to carry 6 fire fighters; and will be featured in the 2013 Pierce calendar
    - Working on the remodel and construction of the Larsen fire station
    - Control Burn – contact before start and after finish.



- Thanks to the Clayton Town Board and residents for the purchase and installation of the new address signs throughout the Town of Clayton and encourage the Winchester Board and residents to purchase and install the new flag style address signs as well
  - No resident questions.
  - Town Board Chairperson Luebke commended the Clayton-Winchester Fire Department with a job well done, and the team work with the surrounding area Fire Departments that participate in the Mutual Aid agreements.
  - Town Board Chairperson Luebke also discussed the new fire engine being displayed at the Indianapolis, Indiana show – Mr. Rickman will be videotaping the event and will have the video available at the next Joint Fire Board meeting.
- H. Town Administrator – Richard Johnston
- Thanked Board, Plan Commission, Green Space Committee, Town Staff
  - Staff continues to work behind the scenes researching and preparing all meeting material, working with the engineers on various projects throughout the Town, planning and preparing for upcoming elections, continuing to work on routine operations of the Town (i.e. bill paying, payroll, budget analysis)
  - Budget process to start late August/early September
  - No questions

## VI. Topics of Consideration

- A. Set the Town Board of Supervisors salaries (\$8,300 per year for the Chair, \$5,100 per year for Supervisor), Plan Commissioner salaries (\$44 per meeting), and the per diem for out-of-town meetings (\$44 per half day/\$66 per full day) to take effect for the 2013 term.

**MOTION 1 BY:** Terry Klingenger, (3637 Larsen Road)

**SECOND BY:** Arden Eckstein, (3960 Larsen Road)

**MOTION:** To keep the salaries for the Town Board Supervisors at \$8,300 per year for the Chair and \$5,100 per year for the Supervisors for the 2013 term.

**VOTE ON MOTION 1:** Carried by unanimous voice vote.

**MOTION 2 BY:** Terry Klingenger, (3637 Larsen Road)

**SECOND BY:** Arden Schroeder, (9458 State Road 76)

**MOTION:** To keep the salaries for the Plan Commission at \$44 per meeting and keep the out-of-town meeting per diem at \$44 per half day and \$66 per full day for Town Board Members for the 2013 Calendar Year.

**VOTE ON MOTION 2:** Carried by unanimous voice vote.

- B. Set the date of the CY2012 Annual Meeting for the 3<sup>rd</sup> Tuesday in April (April 16, 2013) or within 10 days following that date (per Wisconsin Statutes Act 115).

**MOTION:** To set the 2013 Annual Meeting for Tuesday, April 16, 2013 at 7:00 p.m. at the Town Meeting room

**VOTE ON MOTION:** Carried by unanimous voice vote.

- C. Update the Electors on the Town/Fire Hall remodeling project.

- Closing date for the construction bid will be the end of April with a pre-bid meeting to be held on April 11, 2012 at 9:00 a.m.
- The meeting room will be kept open until after the recall election June 5, 2012.
- There were some minor modifications done to the approved plans to adjust the offices and access to the power panel for the cistern.



- The expected start date for the construction will be the end of May 2012 or the beginning of June 2012
- The grant has been sent to the State and they are in the process of reviewing it. There is no guarantee that the grant will be awarded.
- Question: Scott Valitchka, 9251 Bomar Ave – Where will the Fire Department equipment be stored during construction?  
(Answer: The Public Works garage will house the fire engines and the Public Works vehicles will be housed in the cold storage shed)
- 2<sup>nd</sup> Question: Scott Valitchka, 9251 Bomar Ave – When is the expected completion date for the project?  
(Answer: December 31, 2012; Town Administrator Johnston added that the Town Offices/Town Hall is expected to be complete by the November Presidential Election and Town Board Chair Luebke added that the construction will be in 3 phases starting with the two bays that will be converted to offices.)
- Question: Ben Hamblin, 2986 Shady Lane – What happened with the other grants, such as the renewable energy grant?  
(Answer: After checking into grants such as the categorical grant and renewable energy grant, it was determined that these grants require applications to be submitted “after the fact”. The FEMA grant (Block Grant) is one that the Town of Clayton will not qualify for due to the fact the Town does not have enough debt.)
- D. Update the Electors on the authorized negotiations to purchase the Reif property located at 8366 County Road T, Tax ID #006-0535-02.
  - Mr. Scott Reif has decided to sell the property as an ongoing business.
  - It is not in the Town’s best interest to purchase the property as an ongoing business because of the Town’s intentions for the property use.
  - The access to the Town Municipal facility will be moved to the south of the initial plan so as to not impair access to Mr. Reif’s business.
- E. Update the Electors on the authorized negotiations to purchase the Wiedenbeck property located at 8322 County Road T, Tax ID #006-0535-06.
  - Presented the map of the properties to the south of the Town Municipal property
  - Discussed the proposed purchases and exchange of land.
- F. Request by the Board for the Electors to authorize the purchase of the Marshall property located at 8328 County Road T, Tax ID #006-0535-08.
  - Town Board Chair Luebke explained the current situation with the Yard Waste Site facility and the potential of Northeast Asphalt wanting use of the property in the near future.
  - Acquiring the proposed property would allow the Public Works employees to better monitor the Yard Waste Site and would save maintenance costs on the equipment by having the site closer to the Public Works garage.
  - Town Board Chair Luebke discussed the Town’s liability of the Clauson property due to the fill that was added to that property in years past.  
Comment: Arden Schroeder, 9458 State Road 76 – Mr. Salm should know what was in the fill that was added to the Clauson property.
  - Town Administrator Johnston discussed the cost of the property highlighted in yellow on the map (Wiedenbeck property) at being approximately 49 cents per foot.
  - The Marshall property value is assessed at \$22,000 for the land and \$56,000 for the buildings leaving a total property assessed value at \$78,000.



- Comment: Arden Schroeder, 9458 State Road 76 – The proposed property has drainage problems and would require significant amounts of fill.  
Town Administrator Johnston explained that Northeast Asphalt wants to clean the settling ponds on their property and would be a potential provider for the fill that is needed.
- Question: Scott Valitchka, 9251 Bomar Ave – How does it affect the use of the Town's facility?  
(Answer: The remodeling of the facility will not affect the Town, but will affect Mr. Clauson's property and business. Mr. Clauson is currently using the Town's property for parking. When the remodeling is complete, the Town will be reclaiming the property currently used by Mr. Clauson's customers leaving only a few parking stalls in the front of Mr. Clauson's business.)  
2<sup>nd</sup> Question: Scott Valitchka, 9251 Bomar Ave – What is the Town's potential investment for the proposed property?  
(Answer: The Town Board and staff are asking for the authority from the Electors to purchase and negotiate with the property owners at a cost not to exceed a set dollar amount i.e. the assessed value of the Marshall property.)
- Question: Patty Stanek, 8395 County Road T – Both the proposed properties have buildings on them. Who would be responsible for the removal of the buildings and what would the cost of removing the buildings be?  
(Answer: The Town would be responsible for the removal of the buildings and staff has not looked into what the cost would be.)
- Question: Jeremy Jesse, 8310 County Road T – Is the proposed property considered wetland?  
(Answer: Because the proposed property is under an acre, the property is not considered wetland.)
- Comment: Terry Klingingberger, 3637 Larsen Road – Expressed his concern for the proposed property purchases and exchanges.
- Comment: Arden Schroeder, 9458 State Road 76 – Expressed his concern for the proposed property purchases and exchanges and suggested purchasing the property next to the Town Municipal property only.
- Comment: Arden Eckstein, 3960 Larsen Road – The Town Board should approach this proposal and see what can be done, and stated that the opportunity is now.

**MOTION BY:** Arden Eckstein, (3960 Larsen Road)

**SECOND BY:** Teri Adler, 4305 Rocky Road)

**MOTION TO:** To direct the Town Board and staff to purchase the 3 proposed properties and to barter with the other property owners as proposed by the map and to negotiate the price of the properties so as to not exceed the assessed value of the proposed properties.

- Question: Wendy Zeinert, 8558 Hickory Lane – Why purchase the two Marshall properties and the Wiedenbeck property?  
(Answer: The Marshall family is not willing to sell just the one property.)
- Question: Patty Stanek, 8395 County Road T – What is the benefit of owning both Marshall properties?  
(Answer: By purchasing both Marshall properties, the town has the potential to sell or trade the southern piece of the Marshall property that abuts the front piece of the Wiedenbeck property for part of the Wiedenbeck property.)

**VOTE ON MOTION:** Motion carries with majority vote.



G. Request by the Board for the Electors to authorize accepting a dedication of park and open space land by Jean and Peter Noffke for property located at 2632 County Road JJ, Tax ID #006-0906.

- Town Administrator Johnston explained the accepting of the dedication of the park and open space land will come with a cost to the Town. The Town will accept responsibility for rebuilding the cul-de-sac at the end of Balfour Street when repairing/rebuilding the road. The Noffke family offered to share the Storm Water Management pond.
- Comment: Patty Stanek, 8395 County Road T – The park is part of Wisconsin history because a wagon train trail ran through the park.
- Question: Arden Schroeder, 9458 State Road 76 – Does the property include the pistol range?

(Answer: Yes, the Town's attorney and the Noffke attorney are currently in negotiations the detail of the removal of the lead that is present in the area of the pistol range.)

Question: Ben Hamblin, 2986 Shady Lane – Are there wet lands on the property? Is the park part of a larger plan? Are there uplands that are still in use?

(Answer: Yes there are both wetlands and upland on the property and the site is included in the Town's Park and Open Space Plan).

**MOTION BY:** Scott Valitchka, (9251 Bomar Ave)

**SECOND BY:** Arden Schroeder, (9458 State Road 76)

**MOTION TO:** Authorize the Town to accept the dedication of the park and open space land by Jean and Peter Noffke located at 2632 County Road JJ, Tax ID #006-0906 subject to the removal of all lead present in the area of the pistol range.

**VOTE ON MOTION:** Motion carried by unanimous consent.

H. Request by the Town Board for the Electors to authorize the creation of a Town Constable Position.

- Discussed the Town's need for a constable for ClaytonFest and also to give the Town a position of authority for holding potential offenders until the Sheriff's department arrives.
- Question: Ben Hamblin, 2986 Shady Lane – Would a Constable be allowed to carry a fire arm?  
(Answer: Under current State Law a properly permitted individual could carry a concealed weapon, what a Town Constable is allowed to do would be subject to Boars approval).

I. Town Electors review of the proposed creation of a Town Wide Storm Water Management Utility District.

- Town Administrator Johnston discussed the Power Point presentation that was prepared by the Town of Menasha's Town Administrator.
- The proposal is a proactive approach to the Storm Water Management systems.
- Discussed the budget of the Utility and cost transfers from the Town's budget to the Utility budget.
- Discussed the need for the Utility to address the problems of Storm Water Management throughout the Town.
- Question: Scott Valitchka, 9251 Bomar Ave – Are the lack of Storm Water Management fixes in the Town due to the lack of funding?  
(Answer: The lack of resources.)  
Comment: Scott Valitchka, 9251 Bomar Ave – This is an important issue to the Town and by having such a utility would have a positive impact on the residents of the Town.  
Question: Ben Hamblin, 2986 Shady Lane – Is this a new trend? What is stopping the Town from having a referendum?



(Answer: A referendum would be a continuing thing. By creating a Storm Water Management Utility, the fees would clearly be identified as to how the money is being used.)

Question: Arden Schroeder, 9458 State Road 76 – What happens with the farm property and the cost of a Storm Water Management Utility to the farmer? Would the fees be tax deductible?

(Answer: The Storm Water Utility Fees for farmland would be levies in a manner consistent with a State approved Drainage District, unfortunately, fees are not deductible under either Federal or State Laws).

Question: Patty Stanek, 8395 County Road T – How would the quarry be charged fees?

(Answer: The same as residents – the fees would be payable to the utility. The quarry is currently paying fees to the drainage district.)

Question: Patty Stanek, 8395 County Road T – What about the residents that are already in the Sanitary District and paying those fees?

(Answer: The residents that reside in both Utility areas would continue to pay both fees just as they are currently paying to both the drainage district and the sanitary district.)

**MOTION:** Scott Valitchka, (9251 Bomar Ave)

**SECOND BY:** Patty Stanek, (8395 County Road T)

**MOTION TO:** Grant authority to the Town to establish a Storm Water Management Utility and to report back the Electors at the 2012 Annual Town Meeting.

**VOTE ON MOTION:** Motion carried by unanimous consent.

#### **VII. Electors' Discussion/Action on Any Subject**

- Arden Schroeder, 9458 State Road 76 – Concerned with a rumor that the Town of Clayton is broke, the Town eliminating the position of the Town Clerk and one of the Public Works employees and the Town will not be able to provide the same level of services. The biggest asset of the Town is the town roads. The town roads are in need of maintenance and repair.

Response: Town Board Chair Luebke explained the Town's debt service plan for offsetting the cost of the Town's capital improvement plan. The services that the Town provides will be kept at the same level as they have been in the past. The Town Board's decision to cut staff was not an easy decision to make.

- Kay Lettau, 3795 County Road II – "On behalf of the Town Board, I would like to take this opportunity to thank both Glen and Susan for their years of service to the Town."

#### **XIII. Adjourn Sine Die – 9:30 p.m.**

**MOTION BY:** Susan Nester-Huebner, (3416 Larsen Road)

**SECOND BY:** Patty Stanek, (8395 County Road T)

**MOTION TO:** To Adjourn Sine Die

**VOTE ON MOTION:** Motion carried by unanimous consent

Respectfully Submitted  
Tori Bowen, Treasurer



TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:25 P.M. on Wednesday, October 3<sup>rd</sup>, 2012

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman-Erdmann	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	ABSENT (Excused)
Town Engineer Miller	PRESENT

II. Public Hearing:

- A. Town Board Public Hearing on Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to generate the funds needed to repair and maintain the Town's Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds).

Roger Herman, 2663 Woodcrest Drive, Neenah, WI 54956

- Discussed the Storm Water Management issues in his neighborhood
- Discussed when the Oak Openings project would be started
- Discussed that the Oak Openings project would be completed in two phases
- Discussed the procedure for posting Town Resolutions

**MOTION:**

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Schmidt

Motion made to closed the Public Hearing on Resolution #2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to generate the funds needed to repair and maintain the Town's Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds).

Motion carried by unanimous vote.



- III. Approval of Minutes:
  - A. Regular Town Board Meeting – Wednesday, September 19<sup>th</sup>, 2012

**MOTION:**

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Wednesday, September 19<sup>th</sup>, 2012 with no corrections.
- IV. Open Forum – Non-Agendized Town-related Matters:
  - A. Roger Cavanaugh, 3910 Fairview Road, Neenah, WI 54956
    - Discussed the letter of reassessment he received from the assessor
    - Discussed the new assessment for Parcel 006-0273-02 (12 Acre parcel)
    - Discussed the procedure for challenging the assessment
- V. Correspondence:
  - A. Letter to the Town from the Office of the Commissioner of Insurance.
- 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. Chairman Luebke stated he will be calling the Fire Chief to request a report for the first meeting of every month.
  - D. Larsen Winchester Sanitary District
    - 1. No Report
  - E. Administration Comments
    - 1. Administrator/Clerk
      - a. Coordinating with the utility company on the Oak Openings project
      - b. Continuing to work with the contractors on the Town Hall/Fire Station project
    - 2. Public Works Foreman:
      - a. No Report
    - 3. Treasurer/Deputy Clerk:
      - a. No Report
    - 4. Engineer:
      - a. Town Engineer Miller presented the Board with an Engineering Status Report.
      - b. Public Works department continuing the work on the Sunburst project
      - c. Coordinating the Fondotto project with the utility relocation
    - 5. Town Board:
      - a. Supervisor Geise asked about the Pioneer Road/County T swap with the County
      - b. No news on the Pioneer Road/County T swap
      - c. County is working on County Road T – a mile per year
- VII. Licenses and Permits:
  - A. Change of Agent:
    - a. Boe, LLC (DBA The Spot Lounge, LLC), 8386 State Road 76, Suite B & Suite C, Neenah, WI 54956/Agent change from: Jeffrey A. Boe to Stephanie Soto.
      - Discussed the documentation from the Town's Attorney regarding the background check of Ms. Soto
      - The recommendation from the Town's Attorney and from the Town Staff is to not approve the change of agent for Boe, LLC



Jeff Boe, 8315 State Road 76, Neenah, WI 54956

- Discussed keeping himself as agent
- Discussed the concern of the Town regarding Ms. Soto as agent
- Discussed the “DBA” on the liquor license

Stephanie Soto, 632 9<sup>th</sup> Street, Menasha, WI

- Discussed the difference between having the agent status on a liquor license and having an operator’s license
- Discussed the background check relative to then and now
  - Chairman Luebke discussed revisiting Ms. Soto’s application for an agent status in the future
  - Discussed this as a probationary process for Ms. Soto
  - Discussed the Attorney’s recommendation regarding the Board’s decision

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to deny the agent change for Boe, LLC (DBA The Spot Lounge, LLC), 8386 State Road 76, Suite B & Suite C, Neenah, WI 54956.

**ROLL CALL VOTE:**

Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Supervisor Geise	AYE
Supervisor Grundman-Erdmann	AYE
Chairman Luebke	AYE

Motion carried by unanimous roll call vote.

**B. Operator Licenses Issued by the Town Clerk:**

New:

1. Stephanie Soto referred to the Town Board for approval by the Town Administrator/Clerk.
  - Discussed the Town Attorney’s recommendation
  - Discussed the fact that the City of Oshkosh did issue an operator’s license to Ms. Soto
  - Discussed setting precedents for operator’s licenses

Jeff Boe, 8315 State Road 76, Neenah, WI 54956

- Discussed his observations of the establishment regarding the serving of alcohol
- Discussed his opinion regarding issuing Ms. Soto an operator’s license

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve the operator’s license application for Stephanie Soto based on Ms. Soto’s statements to the Town Board.

**ROLL CALL VOTE:**

Supervisor Geise	AYE
Supervisor Grundman-Erdmann	AYE
Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Chairman Luebke	NO

Motion carried by 4-1 roll call vote with Chairman Luebke voting no.

2. Jason S. Kuse



## 3. Laure Groene

## Renewal:

## 1. No Renewal Licenses Issued.

## VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

## A. No Referrals

## IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

## A. No Referrals.

## X. Business:

A. Discussion/Action: Town Board review and consideration of Resolution #2012-015 A Resolution re-allocating funds in the CY 2012 Town Budget for the purchase of a Fund Accounting Software Package for the Town with the program to be implemented with CY 2013.

At its Wednesday, September 19<sup>th</sup>, 2012 meeting the Board authorized the purchase of a Fund Accounting Software package from Banyon Data Systems, Inc. at a cost not to exceed \$29,000.00; the final contract cost is \$27,695.00. Attached, please find a copy of Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be Implemented in CY 2013. The bulk of the funding for the Fund Accounting Software is coming from the Town's CY 2012 Office Capital Expense for Codification Line Item. Specifically, the funds are being appropriated from the following CY 2012 Budget Line Items:

1. Legislative Support:	
a. Subscriptions, Publications, and Dues:	\$ 1,000.00
b. Legal Notices:	\$ 1,000.00
2. Administrator:	
a. Travel and Mileage:	\$ 1,000.00
b. Seminars and Training:	\$ 1,000.00
3. Town Clerk:	
a. Travel and Mileage:	\$ 250.00
b. Seminars and Training:	\$ 750.00
4. Solid Waste and Recycling:	
a. Contingency:	\$ 3,000.00
5. Capital Expense:	
a. Codification:	<u>\$20,000.00</u>
TOTAL:	\$28,000.00

A motion to approve Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be implemented in CY 2013 would be in order. Please be advised that the vote on the motion should be by roll call and in order to be approved the motion it must pass with an absolute majority of the Board (4 of 5 members).

- Discussed the allocation of funds per Resolution 2012-015

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise



Motion made to approve Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be implemented in CY 2013.

**ROLL CALL VOTE:**

Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Supervisor Geise	AYE
Chairman Luebke	AYE
Supervisor Grundman-Erdmann	AYE

Motion carried by unanimous roll call vote.

**B. Discussion/Action:** Town Board review and first reading of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton.

Please refer to the Public Hearing material for a copy of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton. The purpose of the Ordinance and related Utility is to generate the funds needed to repair and maintain the Town's Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds). Staff will be available to answer any questions the Board or the public may have relative to this Resolution and/or the draft Storm Water Management Utility Ordinance. Following the Public Hearing and the first reading of the Draft Ordinance, staff will be forwarding the document to the Town's Attorney for his final review and comments. A motion would be in order to refer Resolution # 2012-016 Creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to a second reading and final consideration at the Board's Wednesday, October 17<sup>th</sup>, 2012 meeting.

- Chairman Luebke read Resolution 2012-016 in its entirety

**MOTION:**

Motion made by unanimous consent to refer Resolution # 2012-016 Creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to a second reading and final consideration at the Board's Wednesday, October 17<sup>th</sup>, 2012 meeting.

**C. Discussion/Action:** Town Board review and consideration of a 1-year extension to the Town's Engineering Services Contract with Martenson and Eisele, Inc.

The Town's Engineering Services Contract with Martenson and Eisele, Inc (M&E) will terminate on December 31<sup>st</sup>, 2012. The Administration has some concern relative to issuing a Request for Proposals (RFP) for Engineering Services at this point in time. The concerns are based on the status of several of the larger projects that are underway in the Town. Specifically, several of the larger engineering projects that are now underway will carry over into CY 2013. The possible change in engineering firms based on issuing an RFP for Engineering Services will likely stress staff's ability to keep track of who is doing the engineering work for a specific project, the process for each project and/or the projects themselves. The Administration has discussed this issue with the Chair and received authorization to place the issue on the Board's Agenda for consideration. Attached please find a copy of a proposal from M&E for a 1-year extension of the Town's Engineering Services Contract with the firm. This extension will allow the Administration to start the RFP process for Engineering Services in March of CY 2013 giving the Town the option of awarding multiyear engineering contracts to the firm selected as a result of the RFP process. The only significant change in the Contract extension proposal is the fee for



ongoing staff support. If approved, the fee will go from \$600.00 per month to \$1,000.00 per month. The Town's Draft CY 2013 Budget allows for the proposed increase in the fees. The Administration believes that if the costs of the services provided by M&E under this element of the Contract were specifically tracked they would significantly exceed even the higher fee of \$1,000.00 per month on a regular basis. For the listed reason the Administration is recommending that the Board approve a 1-year Engineering Services Proposal with the Town's Engineering firm. Should the Board agree with the Administration's recommendation to extend the Town's Contract with M&E for 1-year (January 1<sup>st</sup>, 2013 through December 31<sup>st</sup>, 2013, a motion would be in order to approve the Agreement for Professional Services as presented. Additionally, the motion should direct staff to prepare and present an RFP for Engineering Services to the Board for consideration in March of CY 2013.

- Discussed the need to continue with M&E due to open projects that the Town has with the engineering firm

Jon Bartz, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54952-0449

- Expressed his thoughts on the working relationship between M&E and the Town of Clayton
- Discussed the increase in the monthly fee
- Discussed the possible consequences of not having the Zoning Code completed

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve the agreement for professional services as presented and to direct staff to prepare and present an RFP for Engineering Services to the Board for consideration in March of CY 2013.

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of two options/proposals for the design and finish on the dais for the Town Hall Meeting Room.

In order to continue the appearance of continuity between the existing Town Board Meeting Room and the Board Room in the renovated Town/Fire Hall staff has, with the approval of the Chair, elected to reconstruct the Board's dais rather than replace the unit with new desks. In order for the dais to work in the new meeting room it needs to be modified to work as both a dais and a table for the election workers. Attached please find 2-proposals from Tuttle Lake Woodworking, Inc. to modify the existing dais unit. The difference in costs between the proposals is driven by the edge treatment. Staff will have samples of the different edge treatments for the Board to see at the Wednesday, October 3<sup>rd</sup>, 2012 meeting. In order to save money the Administration has elected to make all of the updates to the dais unit at one time; all of those changes are included in both proposals where the only variable is the edge treatment. The edge treatment becomes an issue when chairs are stored under the dais and the arms rub on the edge of the dais. This rubbing will often prematurely destroy the arms of the chair and in many cases the edge to the dais. Staff believes that both of the options presented will solve the issue, however, we would still like the Board's direction on the choice. Funding for the reconstruction of the dais will come from the Town's CY 2012 Budget Capital Expense, and Office Equipment Line Item. A motion would be in order to approve one of the two options presented so that the unit will be ready when the building becomes operational.

- Administrator Johnston presented the two samples from Tuttle Lake Woodworking, Inc.



- Discussed the price difference between the two samples

**MOTION:**

Motion made by unanimous consent to approve the hard rubber edge treatment (the less expensive) for the design and finish of the dais for the Town Hall Meeting Room.

- E. Discussion/Action: Town Board review and consideration for the following Change Orders for the Town/Fire Hall construction project:
- a. Plumbing Contractor – on demand water heater for the break room.
  - b. Plumbing Contractor – upgrade the feed line to the building cistern to a 2” pipe with a float system.
  - c. Plumbing Contractor – change from a gas water heater to an indirect water heater.
  - d. HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.

Attached, please find the details for the listed Change Orders to the Town/Fire Hall renovation project. These Change Orders are prompted by options that become apparent as work is progressing on the project.

- a) Plumbing Contractor – on demand water heater for the break room.
  - a. This \$366.25 Change Order is based on the long term impact of the relative locations of the water heater and the break room. The water heater is located in the attic of the southeast corner of the building, the break room is in the middle of the building. The distance between the two locations will make it difficult to keep hot water readily available to the break room. What normally happens in situations like this is that the water is allowed to run in the break room until it heats. When a building is served by municipal sanitary sewer, this process generates a significant cost over time. Municipal sanitary sewer is charged based on the number of gallons used, treating water that is run for the purposes of getting hot is not efficient for either the customer or the treatment system. The \$366.25 cost of the Change Order will be recovered in a relatively short time, however; it will be difficult to quantify the savings over time since we will not have a relative comparison between the two conditions.
    - Discussed the purpose of having an on-demand water heater in the break room
    - Discussed using the water heater that presently sits in the Town Office building
    - Discussed using a re-circulating pump

**MOTION:**

Motion made by unanimous consent to approve the \$366.25 Change Order for the on-demand hot water heater.

- b) Plumbing Contractor – upgrade the feed line to the building cistern to a 2” pipe with a float system.
  - a. This Change Order is prompted by the desire to minimize the time it takes to fill the cistern under the building. At this time it takes days to fill the cistern if it is drained completely. The proposed Change Order is intended to start the process of reducing that process to 24 hours. The \$2,173.17 Change Order will install a 2-inch line from the well on the north side of the building to the cistern. This is the first step that needs to be taken before a high volume pump can be installed in the well. The reason for the desire to make this change now is the ease of access to the



well head during the construction project. The Administration expects to fund the pump replacement in the Town's CY 2014 Budget.

- Discussed the need for the high volume pump to be purchased next year
- Discussed the well for the Town Office Building to be used as a 2<sup>nd</sup> well for the purpose of filling the cistern should the cistern be pumped down to a low level
- Discussed the need for a larger return line to fill the cistern
- Discussed the alternative sources for water

**MOTION:**

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Schmidt

Motion made to approve the \$2,173.17 Change Order to install a 2-inch line from the well on the north side of the building to the cistern in preparation for a high volume pump to be installed at a later date.

Motion carried by unanimous voice vote.

- c) Plumbing Contractor – change from a gas water heater to an indirect water heater.
  - a. The \$1,284.80 Change Order for the indirect water heating system will allow the Town to use a single heat source for heating the building and the hot water for the building. The building is heated by means of a hot water pressure vessel; the indirect water heater will use the same hot water as the heating system to heat the domestic hot water. The savings to the Town is in the long term costs of heating the “household” water with a separate gas hot water heater.
    - Discussed the option of an on-demand system vs. the indirect water heating system for the showers
    - Discussed how the system will heat the building and stabilize the cooling system

**MOTION:**

Motion made by unanimous consent to approve the \$1,284.80 Change Order for the indirect water heating system will allow the Town to use a single heat source for heating the building and the hot water for the building.

- d) HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.
  - a. Staff has not received the details of this Change Order as of the writing of the Memorandum. The original plans for the project called for the re-use of the existing baseboard heat exchangers and covers. The HVAC contractor has advised the Administration that at a minimum the covers should be replaced in order to not detract from the appearance of the renovated facility. Additionally, the contractor has advised the Administration that the old heat exchangers are not in the best condition and should be replaced. Staff hopes to have the Change Order in time for the Board's meeting. If the Change Order is not available and/or the Board is not comfortable with making a decision on short order, the item should be referred to the Board's Wednesday, October 17<sup>th</sup>, 2012 meeting for consideration.

The Administration would like to advise the Board that it understands the possible frustration with the Change Order process, however, the frustration is better than a project that could have been done better.

This change order was referred to the next meeting due to the cost of this change order was not available.



- F. Discussion/Recommendation: Town Board review and consideration of the sale/donation of salvaged HVAC components from the Town/Fire Hall project to staff and not- for-profit agencies.

The Administration has discussed the purchase and sale of salvage equipment from the Town/Fire Hall renovation project. Several individuals have purchased and removed the garage doors from the building resulting in a savings to the Town on the labor to remove the doors and revenue to the contractor that will be credited to the Town. The Administration asked the Town Chair if it could purchase one of the salvage air conditioners from the building to use in a friend's home. This question has prompted the Administration to place the issue on the Board's agenda for consideration. The original intent was to have the Habitat ReStore remove all of the salvageable items from the building before it is demolished. The Administration would like the Board's direction relative to the process and an answer as to whether individuals can purchase items before the building is turned over to the ReStore Organization. The only concern the Administration has is advertising the process; given the work load and the pending election staff does not have the time to process offers and contingencies. The Administration would like to recommend that staff be allowed to maximize the sale price of the materials that are being removed and stop at the individual offer. Please be advised that the Administration is offering to buy the salvage air conditioning unit for \$100.00. Others would like to buy the water heater and heating unit in the Town Office building. Ultimately, the Administration would like the Board's direction relative to contacting the ReStore organization and scheduling the removal of any salvageable material from the building prior to the demolition of the structure. If the Board agrees with the Administration's recommendations a motion would be in order to authorize the sale of salvageable material from the Town Office building and the Community/Fire Hall building prior to the demolition of the Town Office Building. Any funds generated by the sale of salvageable materials should be placed in the proper revenue line item in the Town's CY 2012 Budget.

- Discussed the sale of usable salvage material to individuals prior to contacting the Habitat for Humanity Restore Organization.
- Discussed donating an air conditioner to the Neenah Animal Shelter
- Discussed possibility of disgruntled residents relative to the sale of salvage material to individuals
- Staff recommends donating the salvage material to the Restore Organization

**MOTION:**

Motion made by unanimous consent to donate an air conditioning unit to the Neenah Animal Shelter, allow staff to maximize the sale price of the materials that are being removed and stop at the individual offer, and to contact the ReStore Organization to schedule the removal of any other salvageable material from the Town Office building prior to the demolition.

- G. Discussion/Recommendation: Town Board review and consideration of setting the Town's Halloween Trick or Treat Hours for CY 2012.

Staff has received several inquiries relative to Halloween Trick or Treat hours in the Town of Clayton. In the past the Administration has recommended following the same Trick or Treat hours as the City of Neenah and the Board has approved the Administration's recommendation. The City of Neenah has always scheduled its Halloween Trick or Treat activities on Halloween day (October 31) from 4 p.m. to 7 p.m. If the Board agrees, a motion



would be in order to schedule the Town's Halloween Trick or Treat hours between 4:00 P.M. and 7:00 P.M. on Halloween Day, Wednesday, October 31<sup>st</sup>, 2012.

- Discussed last year's Trick or Treat hours

**MOTION:**

Motion made by unanimous consent to approve the Town's Halloween Trick or Treat hours to be between 4:00 P.M. and 7:00 P.M. on Halloween Day, Wednesday, October 31<sup>st</sup>, 2012.

- H. Discussion/Recommendation: Review and consideration of a 5-Year Capital Plan and related project costs for the Town's Draft Storm Water Management Ordinance

Attached please find several documents relative to the Town's Storm Water Management Utility Study including a revised and updated summary of the Study, estimated revenue collections, estimated rebate calculations, and estimated ERU calculations for the commercial properties in the Town. The materials, along with this agenda item and the material from the other Agenda items relating to the Storm Water Management Utility should provide the Board with significant information and materials relating to the topic. Staff will be available to answer any questions the Board may have relative to the material at the meeting. The Board will need to finalize the Town's Policies and process relative to the implementation of the Storm Water Management utility prior to the Town Elector's Meeting to approve the Town's CY 2013 Transportation Budget and Municipal Levy.

- Discussed the revised and updated summary of the Storm Water Management Utility Study
- Discussed the rebate formula
- Discussed the estimated ERU calculations for the commercial properties
- 

**NO MOTION**

- XI. Upcoming Meeting Attendance
  - A. Wisconsin Town's Association Meeting October 4<sup>th</sup>
  - B. Wisconsin Town's Association Annual Meeting in Appleton
- XII. Board Member Requests for Future Agenda Items
  - A.
- XIII. Review of Disbursements
  - A. Disbursements
- XIV. Adjournment – 8:25 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
Tori Bowen, Treasurer/Deputy Clerk



TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:20 P.M. on Wednesday, October 17<sup>th</sup>, 2012

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	ABSENT (Excused)
Town Engineer Miller	PRESENT

II. Public Hearing:

A. No Public Hearings Scheduled.

III. Approval of Minutes:

A. Town Board Budget Meeting – Tuesday, September 4<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, September 4<sup>th</sup>, 2012 as presented.

B. Town Board Budget Meeting – Tuesday, September 18<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, September 18<sup>th</sup>, 2012 as presented.

C. Town Board Budget Meeting – Tuesday, October 9<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, October 9<sup>th</sup>, 2012 as presented.

D. Regular Town Board Meeting – Wednesday, October 3<sup>rd</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Meeting for Wednesday, October 3<sup>rd</sup>, 2012 as presented.



## IV. Open Forum – Non-Agendized Town-related Matters:

- A. Peggy Larson, 221 N. 10<sup>th</sup> Ave, Winneconne, WI 54986
  - Discussed the Winneconne School District Referendum to repair the Elementary School
  - Total cost of the project are asking to borrow is \$4.7 million dollars
  - Cost to the Taxpayers until 2016 will be \$0.16 per thousand and after 2016 the taxpayers will see a drop in their taxes by approximately \$0.63 per thousand.
  - Presented the Town Board with the Winneconne Community News Letter

## V. Correspondence:

- A. Final CY 2012 Population Estimate for the Town of Clayton.
  - Population estimation is 3,974 with 2,940 being of voting age
- B. CY 2013 General Transportation Aids Calculation Form.
  - The CY 2013 General Transportation Aids will \$155,832.00
- C. Larsen/Winchester Joint Fire Board CY 2013 Budget distribution.
  - Total budget is \$161,014.00 with Town of Clayton's percentage of the Fire Board budget being 76.51%. The amount the Town of Clayton will be responsible for is \$122,503.22 (the calculated number is slightly off – the Town of Clayton's portion calculates at \$123,191.82 using the numbers provided)
- D. Winnebago County Solid Waste 2012 Recycling Tonnage Report
  - Town of Vinland is in first place relative to the recycling pounds per person
  - Town of Clayton is in fourth place

## 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. Chief Mathison present
  - 2. Since the last attended meeting there has been 1 grass fire, 1 structure fire, 1 automatic aid called to the Town of Vinland, 1 natural gas leak, 1 farm machinery fire, 1 vehicle accident, 1 vehicle fire, and a call to Rosendale Dairy for a mabas (mutual aid box alarm system) call for a tender.
  - 3. Total of 80 calls this year to date
  - 4. Discussed meeting attendance
- D. Larsen Winchester Sanitary District
  - 1. Administrator Johnston updated the Board on the Larsen Winchester Sanitary District
  - 2. The Sanitary District Board met and rescinded their earlier motion to move the billing function to the Town of Clayton
- E. Administration Comments
  - 1. Administrator/Clerk
    - a. Discussed the Hidden Park project relative to the rainy weather the past week
    - b. Currently finishing the Sunburst project
    - c. Authorized weekend overtime for the Public Works Department to relay the pipe in Hidden Park
    - d. Workman's compensation rating is currently .96
    - e. High Point Estates notice of claim as a result of the paving assessment
    - f. New garbage/recycling pick-up procedure as described to the Town Staff by Veolia



2. Public Works Foreman:
  - a. No Report
3. Treasurer/Deputy Clerk:
  - a. No Report
4. Engineer:
  - a. Engineer Miller provided the Town Board with an Engineering Report
  - b. Assisting Mr. Pamenter with the Sunburst project and the Hidden Park project
  - c. Those projects to be finished in the next week or so
  - d. Oak Openings and Oakcrest projects: working with the Utilities to provide information for utility relocations for next year
5. Town Board:
  - a. No Report

VII. Licenses and Permits:

A. Discussion/Action: Consideration and approval of Operator Licenses:

1. New:
  - a. Nathaniel C. Flauger
  - b. Dionne M. Maggio
  - c. Cory A. Wedemeier
2. Renewal:
  - a. No Renewal Licenses Issued.

VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

- A. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) for Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3905 CTR II Unit 21, Larsen, WI 54947 for property located at 3919 CTR II, Larsen, WI 54947 and 3911 CTR II, Larsen WI 54947, specifically described as Tax ID # 006-0566, and 006-0561 being All of Lots 1 and 2 of Certified Survey Map No. 3996, located in the northeast ¼ of the northwest ¼ and the southeast ¼ of the northwest ¼ of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion by: Commissioner Adler

Second by: Commissioner Hamblin

Motion: The Commission recommended approval of the proposed CSM subject to the following conditions:

- Re-zoning Lot 1 of the proposed CSM from A-2 (GENERAL FARMING DISTRICT) to R-1(RURAL RESIDENTIAL DISTRICT).
- Including a statement on the face of the CSM that indicates that Lot 4 is not buildable until it has the requisite frontage on a Public Road.
- Consolidation of the access points of the site as identified on the proposed CSM and as required by the County Highway Commissioner.
- No additional subdivision of the site will be approved until such time as a Town Road is constructed on the site.
- Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Vote: Unanimously approved.

- Chairman Luebke recuses from the discussion
- Plan Commission Chairman Knapinski reviewed the Plan Commission recommendations.
- Discussed the changes to the land use map



**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made to approve the recommendation of the Certified Survey Map (CSM) for Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3905 CTR II Unit 21, Larsen, WI 54947 for property located at 3919 CTR II, Larsen, WI 54947 and 3911 CTR II, Larsen WI 54947, specifically described as Tax ID # 006-0566, and 006-0561 being All of Lots 1 and 2 of Certified Survey Map No. 3996, located in the northeast ¼ of the northwest ¼ and the southeast ¼ of the northwest ¼ of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**ROLL CALL VOTE:**

Supervisor Lettau AYE

Supervisor Grundman AYE

Supervisor Schmidt AYE

Supervisor Geise AYE

Motion carries by unanimous voice vote.

B. Plan Commission recommendation to the Board on an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton.

At the Administration's request the Commission tabled the item so that the Board could clarify its Plan Commission enabling Ordinance and refer the issue back to the Plan Commission

**NO MOTION**

C. Plan Commission recommendation to the Board on the proposed revisions to the Town's Access Ordinance.

Following a brief review of the Draft Ordinance, the Administration requested and the Chair agreed to refer the Item to the Commission's January Meeting.

**NO MOTION**

D. Plan Commission review and consideration of a Draft Town of Clayton Zoning Code of Ordinances.

The Commission reviewed Sections 7, 9, 12, and parts of Section 13 of the Draft Ordinance and made recommendations to staff on what should be incorporated into the Town Draft Zoning Ordinance. Town Planner, Jon Bartz (Jon) will be making the requested changes to the Draft Ordinance and providing a revised document to the Commission at a later date. The Commission also scheduled a Special Meeting for 7:00 P.M. on Wednesday, October 24<sup>th</sup>, 2012. At that meeting the Commission will be reviewing and comparing Division 15 of Article 7, and Articles 9 and 12 with the Town's existing Ordinance in order to create a blended article that contains the best of both documents.

Jon also provided the Commission members with material that will be used in later meetings (see attached).

**NO MOTION**

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

A. No Referrals.

X. Business:

A. Discussion/Action: Town Board review and consideration of any recommended revisions or adjustments to the Town's Draft CY 2013 Operating Budget including setting the Fee for the Town's Storm Water Management Utility.



Attached please find a copy of a revised but still balanced Draft CY 2013 Town Budget. The significant changes that still need to be made from the previous drafts are highlighted in yellow on the document. Additionally, the Administration made the changes that were approved at the Board's Tuesday, October 9<sup>th</sup>, 2012 Budget Hearing.

The Administration is recommending the following changes to the highlighted sections of the Draft CY 2013 Budget:

1. The Board will need to set the Fee for the Town's Storm Water Management Utility. The Administration is recommending that the fee not exceed \$60.00 per ERU or a total of \$171,258.00 in revenue prior to potential Commercial/Industrial Credits.
  - Discussed the handouts given to the Town Board
  - Discussed the total revenue relative to the potential Commercial/Industrial Credits being set
  - Discussed the total revenue for the first year relating to the Town's residents in the Larsen Drainage District
  - Discussed the Town's residents opting out of the Larsen Drainage District

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to approve setting the Storm Water Management Utility Fee at \$60.00 per ERU and allow the residents in the Larsen Drainage District to be exempt from the Storm Water Management Utility fee for the first year.

Motion carried by unanimous voice vote.

2. The other significant item the Board will need to deal with is the Town's CY 2013 Capital Construction Budget. The Town has routinely placed \$250,000.00 in its Capital Road Reconstruction Budget. The Engineer's estimate for the Town's CY 2013 Capital Construction projects is \$885,000.00. Funding for the shortfall will need to come from the Town's CY 2012 General Fund Borrowing activities. The Board will be able to use this funding source for the next year or two and then it will have fully utilized the funds it borrowed in CY 2012.

A motion would be in order to set the Storm Water Management Utility Fee at \$XXXXX and to direct the Administration to fund the shortfall in the Town's CY 2013 Capital Construction projects from the proceeds of the Town's CY 2012 General Fund Borrowing activities.

- Discussed the transfer of funds for the CY 2013 Capital projects – Ridgeway and Braun Court
- Discussed the funding relative to the borrowing and the Capital Road Reconstruction Budget
- Discussed the Capital Construction plan for the next 5 years

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to direct the Administration to fund the shortfall in the Town's CY 2013 Capital Construction projects from the proceeds of the Town's CY 2012 General Fund Borrowing activities.

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board referral to the Plan Commission of an Official Map Amendment Application for the east/west connection of Sections 35 and 36 in the Town of Clayton.



Attached please find copies of the material related to a proposed Official Map Amendment Application. This Official Map Amendment Application was originally referred to the Plan Commission by the Administration. However, as a result of a discussion with Town Planner, Jonathan Bartz (Jon), a procedural question has arisen. Our discussion involved the Statutory requirement that the Board refer the item to the Plan Commission, I believe that the Town's Plan Commission Ordinance (see attached copy) refers the item to the Plan Commission by inference. Specifically, Section 17 of the Town's Plan Commission Ordinance reads as follows:

"Section 17 (1) Required referrals under sec 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:"

"(g) the amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats, including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats, and a Town official map."

The Administration interprets this to mean that, based on the Board's approval of the Ordinance, any of the listed actions should be taken directly to the Plan Commission for its referral. In order to maintain consistency in the process the Administration is respectfully asking the Board for its interpretation of Section 17 of the Ordinance. If the Board agrees with the Administration's interpretation, staff will proceed with direct referrals to the Plan Commission; if the Board does not agree, the Administration will bring each item to the Board for its referral to the Plan Commission. Please be advised that neither interpretation is right nor wrong; the difference is simply an issue of expediency for staff. In this case a motion to refer the Official Map Amendment Application to the Plan Commission would be in order. Additionally, the Administration respectfully asks the Board for clarification on its interpretation of the Ordinance.

- Discussed the interpretation of the Ordinance

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion made to refer the Official Map Amendment Application to the Plan Commission.

Motion carried by unanimous voice vote.

- The Administrator asked for clarification by the Town Board

C. Discussion/Action: Town Board review and consideration of a County E911 Users Joint Powers Agreement with Winnebago County.

Attached please find a copy of correspondence from Winnebago County Sheriff, John F. Matz. Also attached is a copy of the renewal Resolution for the Town's participation in the Winnebago County 911 Emergency System. The Joint Powers Agreement required under Wisconsin Statutes 146.70 essentially sets system protocols and requires that an emergency vehicle dispatched by the County 911 System render service even if it is outside its jurisdiction. A motion to authorize the Town Chair and the Town Clerk to sign the Winnebago County 911 Emergency System, Joint Powers Agreement would be in order.

**MOTION:**

Motion made by unanimous consent to authorize the Town Chair and the Town Clerk to sign the Winnebago County 911 Emergency System, Joint Powers Agreement.



- D. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town's Engineer for 4-Lot Certified Survey Map of the Town Office Complex and the parcels south of the Town Office Complex.

Attached please find a copy of an Agreement for Professional Services from the Town's Engineer for completing a Certified Survey Map (CSM) of the Elmer and associated properties at a cost of \$4,800.00. Staff has finalized the property layouts and now needs to proceed with creating the lots so that they can be transferred to their respective owners. The Administration is recommending that the funding for the project come from the Solid Waste and Recycling Utility. If the Board approves the project, staff will confirm that there are agreements in principal with the property owners before authorizing the Surveyor to proceed with the survey and CSM approval process. Once the CSM is approved by the Town and the County, the property transfers can be completed. During the CSM approval period the Board will need to decide on how the Elmer house is to be disposed of and to approve the demolition of the old bar. If the Board agrees with moving forward with the project as recommended, a motion would be in order to approve the Agreement for Professional Services for a 4-Lot Certified Survey Map at a cost not to exceed \$4,800.00 with funding for the project to come from the Town's CY 2012 Solid Waste and Recycling Utility Budget, Roadside Pickup, Contingency Line Item.

- Discussed the procedure for completing a Certified Survey Map (CSM)

**MOTION:**

Motion made by unanimous consent to approve the Agreement for Professional Services for a 4-Lot Certified Survey Map at a cost not to exceed \$4,800.00 with funding for the project to come from the Town's CY 2012 Solid Waste and Recycling Utility Budget, Roadside Pickup, Contingency Line Item.

- E. Discussion/Recommendation: Town Board review and consideration for the following Change Orders for the Town/Fire Hall construction project:

- a. Town Staff – change from asphalt aprons to concrete aprons in front of the four Fire Department Bays

Attached please find a copy of the proposed Change Order. The Administration is of the opinion that, in the long run, the Town would be better served by having concrete approaches to the fire bays. Concrete will provide a more stable and durable approach surface and a better place for the Volunteers to work on the equipment. The cost of the change order is \$7,326.00 with a credit of \$2,255.00 for a total cost of \$5,071.00. Staff has reduced the cost of the change order by using Town equipment to saw cut, remove the existing pavement, and bring the sub grade to within 1' +/- . Should the Board agree with the Administration's recommendation, a motion would be in order to approve the proposed Change Order at a cost not to exceed \$5,071.00.

- Discussed the need for the concrete aprons
- Discussed the Public Works department preparing the apron

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to approve the proposed Change Order consisting of changing the material of the apron from asphalt to concrete in front of the four (4) Fire Department bays at a cost not to exceed \$5,071.00.



Motion carried by unanimous voice vote.

- b. Town Staff – change from laminated lockers for Department turnout gear to ventilated fabricated metal lockers.

Attached please find a Change Order for the lockers for the Department's turnout gear. The Administration is recommending replacing the laminate lockers with suspended fabricated metal lockers. The proposed lockers offer better ventilation for storage of equipment that is likely to be wet when it is put away. Additionally, the proposed Change Order should result in little or no cost to the Town since, on a per unit basis, the cost the metal lockers is less than the laminated units. The proposed Change Order is being processed; therefore, the Administration is recommending that the Board authorize the Chair to sign the Change Order as long as it is cost neutral to the Town.

- Discussed the cost of the laminate vs. the metal lockers

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion made to approve to change from the laminated lockers for the Fire Department's turnout gear to the ventilated fabricated metal lockers as long as it is cost neutral to the Town.

Motion carried by unanimous voice vote.

- c. HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.

The Administration has still not received the Change Order documents, should they be available by Wednesday, October 17<sup>th</sup>, 2012 they will be given to the Board at its meeting. If the documents are still not available the Board should table the item until the Change Order documents are given to staff. Please be advised that the Administration has cautioned the HVAC Contractor that time is of the essence.

**TABLED UNTIL NEXT TOWN BOARD MEETING**

- F. Discussion/Recommendation: Town Board review and consideration of setting a date and Draft Agenda for the Town's CY 2013 Budget Public Hearing and the Town's Special Electors Meeting to approve the CY 2013 Levy and the CY 2013 Town Transportation Budget.

In order to proceed with setting the Town's CY 2013 Budget, Levy and Taxes the Town's Electors need to approve the CY 2013 Levy, and Transportation Budget. The Administration is recommending that the Board schedule the required Public Hearing and Special Town Elector's Meeting for Wednesday, November 7<sup>th</sup>, 2012, this is the same date as the Board's regular meeting which will follow the Public Hearing and Special Meeting of the Town's Electors. Attached please find a draft Agenda for the required Public Hearing and Special Meeting of the Town's Electors. The Agenda is subject to change until it is posted and the Class 2 Notice of the Public Hearing is published in the paper of record (Post Crescent). In addition to the required Elector approval items the Draft Agenda also includes several housekeeping issues related to the approval Town's Zoning Code of Ordinances, the Storm Water Management Utility Ordinance and the application for an Official Map Amendment in the southeast corner of the Town. . If the Board would like to add items to the Draft Agenda at its meeting staff will make those changes, if there



are any additions after the meeting they can be added by the Chair as long as it is before the meeting notice has been published and posted.

- Discussed the time and date for the Public Hearing and Special Meeting of the Town's Electors
- Discussed the CY 2013 Budget Summary and the numbers that will change based on the actions taken by the Town Board earlier this evening.
- Discussed the procedure for posting the Public Hearing and Special Meeting of the Town's Electors
- Discussed the Drifter's Snowmobile Club's desire to build a building on the Town's property similar to the Lion's Club building with a 99-year lease
- Discussed the Staff's desire to place the proposal of the Drifter's on the agenda for the Special Meeting of the Town's Electors

**No Motion** – Town Board agreed to the time and the date of the Public Hearing to be at 7:00 p.m. on Wednesday, November 7<sup>th</sup>, 2012.

- XI. Upcoming Meeting Attendance
  - A.
- XII. Board Member Requests for Future Agenda Items
  - A.
- XIII. Review of Disbursements
  - A. No Disbursements
- XIV. Adjournment – 8:20 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,

Tori Bowen, Treasurer/Deputy Clerk



TOWN OF CLAYTON  
RESOLUTION 2012-016

A RESOLUTION CREATING A TOWN WIDE STORM WATER MANAGEMENT UTILITY  
ORDINANCE FOR THE TOWN OF CLAYTON TO GENERATE THE FUNDS NEEDED TO  
REPAIR AND MAINTAIN THE TOWN'S STORM WATER MANAGEMENT UTILITY  
FACILITIES (ROADSIDE DITCHES, FIELD DRAINAGE DITCHES, DRAINAGE SWALES,  
AND PONDS.

- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that the management of stormwater and other surface water discharges within and beyond its borders is a matter that affects the public health, safety and welfare of the Town, its residents and businesses and others in the surrounding area; and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that the failure to effectively manage stormwater adversely affects the operations and maintenance of the Town Roads, and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that surface water runoff may cause the erosion of lands, threaten businesses and residences with water damage and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the Town; and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that a system for the collection and disposal of stormwater provides service and benefits to all properties within the Town and surrounding areas, including those properties not presently served by the system; and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin has determined that the cost of operating and maintaining the Town's stormwater management system, ensuring regulatory compliance, and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the services provided by, and benefits received from, the system; and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that the present system of financing stormwater management functions and facilities through general tax levies allocates the costs based on the value and taxability of property without any direct relationship to the impact such properties have on the cost of stormwater management; and
- WHEREAS, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin believes that financing federal and state mandates, construction and operation of stormwater management facilities and other functions connected therewith through a stormwater utility will allow for more equitable allocation of such costs and correlation of the charges to the demands placed on the stormwater management system by each property;
- NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, does ordain as follows:



CHAPTER 6, PUBLIC WORKS, SECTION 6.7, STORM WATER MANAGEMENT UTILITY  
is hereby created as part of the Town of Clayton Municipal Code of Ordinances to read as  
follows:

**PUBLIC WORKS  
CHAPTER 6  
STORM WATER MANAGEMENT UTILITY  
SECTION 6.7**

A full copy of the Ordinance is available on the Town's Home Page or by calling the Town  
Office.

Adopted this 7<sup>th</sup>, day of November, 2012

  
\_\_\_\_\_  
Mark E. Luebke, Town Chair

Attest:   
\_\_\_\_\_  
Richard Johnston, Town Administrator/Clerk



Affidavit of publication or posting of meeting agendas

TOWN OF CLAYTON  
COUNTY OF WINNEBAGO  
STATE OF WISCONSIN

I, Richard Johnston, Administrator/Clerk of the Town of Clayton, County of Winnebago, State of Wisconsin, do hereby attest and affirm all of the following:

That the following meeting and/or event was properly posted pursuant to s. 19.84, Wisconsin Statutes.

EVENT/MEETING:

RESOLUTION 2012-016

A RESOLUTION CREATING A TOWN WIDE STORM WATER MANAGEMENT UTILITY ORDINANCE FOR THE TOWN OF CLAYTON TO GENERATE THE FUNDS NEEDED TO REPAIR AND MAINTAIN THE TOWN'S STORM WATER MANAGEMENT UTILITY FACILITIES (ROADSIDE DITCHES, FIELD DRAINAGE DITCHES, DRAINAGE SWALES, AND PONDS.

That the above-noted action was posted as required in the following 3 places in the Town of Clayton, County of Winnebago, and State of Wisconsin:

- 1) The Town Office
- 2) The Clayton School
- 3) The Corner of Breezewood & CTH JJ

That the posting of this action occurred at the following time and date:

1. 5:00 p.m. on Friday, November 16<sup>th</sup>, 2012
2. That I filed this affidavit in the records of the Town Clerk for the Town of Clayton on Friday, November 16<sup>th</sup>, 2012

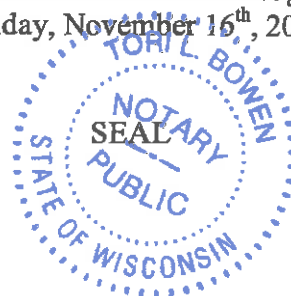
  
(Signature of Town Administrator/Clerk)

ATTESTATION:

2. The above named individual, known to me as the person who executed and acknowledged the foregoing instrument personally came before me on this: Friday, November 16<sup>th</sup>, 2012 the Town Treasurer of the Town of Clayton, Winnebago County.



Tori Bowen, Treasurer for the Town of Clayton





# TOWN OF CLAYTON

## STORM WATER UTILITY ORDINANCE

### CHAPTER 6 PUBLIC WORKS

#### SECTION 6.7 STORM WATER MANAGEMENT UTILITY

##### 6.7.1 PURPOSE:

###### 1) Findings and Necessity:

- a) The Town of Clayton finds that the management of storm water and other surface water discharged within the Town is a matter that affects the health, safety and welfare of the Town's residents, businesses and others in the surrounding area. Failure to effectively manage storm water affects surface water runoff and may create erosion of lands, threaten businesses and residences with water damage, and create sedimentation and other environmental damage in the Town's drainage systems. Those elements of the system which provide for the collection and disposal of storm water are of benefit and provide services to all properties within the Town of Clayton. The cost of operating and maintaining the Town's Storm Water Management System and the costs of financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received. In order to protect the health, safety and welfare of the public, the Town Board is exercising its authority, under Chapters 60 and 66 of the Wisconsin Statutes, to establish a Storm Water Utility and set the rates for Storm Water Management Services.

###### 2) Creation:

- a) The Town Board for the Town of Clayton does hereby establish a Storm Water Utility. The operation of the Storm Water Utility shall be under the supervision of the Town Board. Control of the day-to-day operations of the Storm Water Utility shall be assigned to the Town Administrator and the Public Works Department.

##### 6.7.2 AUTHORITY:

This ordinance is adopted under the authority granted by § 60.77(5), 66.0821 and 66.0827 of the Wisconsin Statutes and shall be known as the Town of Clayton Storm Water Utility Ordinance.

- 1) The Town of Clayton Board of Supervisors shall serve as the Storm Water Utility Commission and exercise due authority pursuant to § 60.74 through 60.79 of the Wisconsin Statutes. This includes the authority to fix and collect charges, to levy special assessments, to lease or acquire any real and personal property that may be needed for the purposes of storm



water management, and to enact and enforce ordinances to implement this authority. The Town Chairman shall serve as the President of the Storm Water Utility Commission, and the Town Supervisors shall serve as Commissioners.

- 2) The Storm Water Utility may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Storm Water Utility Commission to be proper and reasonably necessary for a system of storm and surface water drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities for purposes of supporting a storm water management system.
- 3) The Board of Supervisors hereby designates the Town Administrator to administer and enforce the provisions of this ordinance.

#### 6.7.3 INTERPRETATION:

In their interpretation and application, the provisions of this ordinance shall be interpreted liberally to secure the ends sought hereby and shall not be deemed a limitation or repeal of any other power granted to the Town by the Wisconsin Statutes.

#### 6.7.4 DEFINITIONS:

For the purposes of this Ordinance, the following definitions shall apply: words used in the singular shall include the plural, and words used in the plural shall include the singular; words used in the present tense shall include the past and future tense; the word 'shall' is mandatory and not discretionary; the word 'may' is permissive and discretionary. Words not defined herein shall be construed to have the meaning given by common and ordinary usage.

- 1) Agricultural Property:  
Lands used for the planting, growing, cultivating, and harvesting of crops and/or trees; or for the grazing of livestock.
- 2) Impervious Area or Impervious Surface:  
A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or gravel, streets, roofs, sidewalks, parking lots and other similar surfaces.
- 3) Duplex Unit:  
Any residential space identified for habitation by two separate family units and or classified by the Town Building and County Zoning Codes as a Duplex.
- 4) Dwelling Unit:  
A residential building, or portion thereof, intended for occupancy by a single family, or as classified by the Town Building Code and Zoning Code of Ordinances in effect. A dwelling



unit includes, but is not limited to, single family homes, manufactured homes, duplexes, multi-family apartments, residential condominiums and townhouse living units.

5) Equivalent Runoff Unit (ERU):

The statistical average horizontal impervious area of “single family homes” within the Town of Clayton on the date of adoption of this ordinance. The horizontal impervious areas include, but are not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. A copy of the Engineering Study generation of the ERU area is kept on file in the Clerk’s Office of the Town of Clayton.

6) Multifamily Unit:

Any structure comprised of five or more dwelling units.

7) Non-residential Property:

Any developed lot or parcel not exclusively residential as defined herein, including, but not limited to, transient rentals (such as hotels and motels), commercial, industrial, institutional, governmental properties and parking lots.

8) Residential Property:

Any lot or parcel developed exclusively for residential purposes including, but not limited to, single family homes, manufactured homes, duplexes, multi-family apartments, residential condominiums and townhouses.

9) Undeveloped Property:

That which has not been altered from its natural state by the addition of any improvements such as a building, structure, impervious surface, change of grade, or landscaping. For new construction, a property shall be considered developed pursuant to this Ordinance under the following conditions:

- a) Upon issuance of a Certificate of Occupancy.
- b) Upon completion of construction or final inspection if no such certificate is issued.
- c) Where construction is at least fifty (50%) percent complete and construction is halted for a period of three (3) months.

6.7.5 RATES AND CHARGES:

1) Rate Charges:

- a) By this Ordinance, the Town Board is establishing the rate Classification and basis for computation of charges for storm water services for each lot and parcel within the Town of Clayton for services and facilities provided by the Storm Water Utility. The actual charges to be imposed, the establishment of formulas for calculations of the charges, the establishment of specific customer classifications and any future changes in those rates, formulas, and customer classifications, may be made by Resolution. All rates established pursuant to this Ordinance will be fair and reasonable. The current rates will be on file with the Town Clerk.



b) Rate charges shall be issued to share the costs of the Storm Water Utility. These rate charges may include:

i) Equivalent Runoff Unit Charge (ERU Charge):

This charge may be imposed on all properties in the Town. The ERU Charge will be determined on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ERU based on the impervious area contributing to surface water runoff.

**6.7.6 ADMINISTRATION:**

- 1) The Town of Clayton and Winnebago County Offices are hereby appointed as the collection agencies for the Storm Water Utility. A schedule of charges shall be sent on an annual basis by the Storm Water Utility to the Town of Clayton. The Town Board shall allocate the actual costs of billing and collecting.
- 2) The bills from Storm Water Utility charges shall be applied annually to real estate property tax bills and shall be paid in accordance with terms stated thereon.

**6.7.7 CUSTOMER CLASSIFICATION:**

The Town Board may make such other classifications as will be likely to provide reasonable and fair distribution of the costs of the Storm Water Utility. In so doing, the Town Board may provide credits against certain of the charges set forth above for facilities installed and maintained by the property owner for the purpose of lessening the Storm Water flow from a given property.

- 1) Residential, Single-Family (all single family residential units based on property use not zoning).
- 2) Residential, Two- to-Four-Family (including duplexes, condominiums, and manufactured housing parks).
- 3) Residential, Multi-Family (apartment complexes greater than four units).
- 4) Non-Residential (industrial commercial and institutional properties).
- 5) Undeveloped Land.

**6.7.8 STORM WATER MANAGEMENT UTILITY FEE FORMULAS:**

Storm Water Management Utility Fees are calculated by dividing the costs of the projects as approved by the Board for the CY Budget by the number of ERU's in the Town. The ERU Fee would be applied in the following manner:

- |  |   |
|--|---|
| 1) Residential; Single-Family:   | 1.00 ERU Fee  |
| 2) Residential; Two to Four Family Units,<br>Condominiums, and Manufactured Housing Parks: | 0.66 ERU Fee per unit   |
| 3) Residential; Multi-Family:  | 0.50 ERU Fee per unit   |
| 4) Non-Residential:  | 1.00 ERU Fee per (impervious area / ERU) with a<br>minimum charge of 1.00 ERU |



5) Undeveloped and Agricultural Land:

.25 ERU Fee per Tax ID Parcel

#### 6.7.9 STORM WATER UTILITY CREDITS AND APPEALS:

Non-residential property owners are eligible for credits against their Storm Water Management Utility Fees based on certain criteria. These credits are customarily based on engineered on-site storm water management devices and limited by a cap on the fee credit. Specifically, the credits are based on peak flow controls and water clarity measures. Given the nature of the units of measure used to calculate the credits, they will only be available to individuals with engineered on-site storm water management devices. Listed below are examples of a Storm Water Management Utility Fee credit calculation:

##### 6.7.9 (1) Flow Reduction Credit Policy:

Eligibility for flow reduction credits shall be based on a 24-hour, 10-year storm event. Only one of the following credits will be granted per customer.

- a) A 10% credit will be given if the peak discharge of the developed parcel is less than the peak discharge before the development.
- b) A 20% credit will be given if discharge is equal to or less than 0.40 cubic feet per second (CFS) per acre.
- c) A 30% credit will be given if discharge is equal to or less than 0.30 CFS/acre.
- d) A 40% credit will be given if discharge is equal to or less than 0.15 CFS/acre.

##### 6.7.9 (2) Water Quality Credit Policy:

The credit for improving water quality will be capped at 25% and should be given for achieving the following water quality standards:

- a) A 12.5% reduction in the fee for removing between 40% and 79% of the total suspended solids (TSS) from the storm water.
- b) An additional 12.5% reduction in the fee for removing 80% or more of the total suspended Solids (TSS) from the storm water.

##### 6.7.9 (3) Method of Appeal:

The Storm Water Utility charge may be appealed as follows:

- a) Within thirty (30) days of payment due date, a written challenge to the Storm Water charge must be filed with the Town Clerk specifying the basis for the challenge and the amount of the Storm Water charge the customer asserts is appropriate. Failure to file a challenge within thirty (30) days of payment due date waives all rights to later challenge of the charge.
- b) The Town Board will determine whether the Storm Water charge is fair and reasonable, or whether a refund is due the customer. The Town Board may act with or without a Public Hearing, and will inform the customer in writing of its decision.
- c) If the Town Board determines that a refund is due the customer, the refund will be applied as a credit toward the customer's Storm Water billing if the refund will not



exceed the customer's next Storm Water billing, or will be refunded at the discretion of the Town Board.

6.7.11 SPECIAL CHARGE AUTHORITY:

In addition to any other method for collection of the charges established pursuant to this ordinance for Storm Water Utility costs, the Town Board finds that these charges may be levied on property as a special charge pursuant to Wisconsin Statutes 66.0627. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges. The mailing of the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in the owner being charged principal, interest and penalties pursuant to the authority of Wisconsin Statutes 66.0627.

6.7.12 FINANCE:

The Storm Water Utility finances shall be accounted for in a separate Storm Water Utility Account by the Town. The Town Board shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Storm Water Utility. The budget is subject to approval by the Town Board. The costs shall be spread over the rate classifications as determined by the Town Board. Any excess of revenues over expenditures in a year will be retained in the Storm Water Utility Account for subsequent years' needs.

6.7.13 SEVERABILITY:

In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Town Board that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Adopted this 7<sup>th</sup>, day of November, 2012



Mark E. Luebke, Town Chair

Attest: 

Richard Johnston, Town Administrator/Clerk