



# BOARD OF SUPERVISORS MEETING

Wednesday, August 21, 2024 at 6:30 PM

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## MINUTES

**CALL TO ORDER** – Chair Geise called the meeting to order at 6:31 pm

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PRESENT

Town Chair Geise  
Supervisor Lettau  
Supervisor Grundman  
Supervisor Christianson  
Supervisor Reif

### STAFF

Administrator Wisnefske  
Clerk Faust-Kubale  
Treasurer Fietzer

## APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, August 7, 2024 Town Board Closed Session Meeting

### MOTION

**Motion made** by unanimous consent to approve the Minutes of the Wednesday, August 7, 2024 Town Board Closed Session Meeting.

**Motion carried by unanimous voice vote.**

- B. Approval of the Minutes of the Wednesday, August 7, 2024 Town Board Meeting

### MOTION

**Motion made** by unanimous consent to approve the Minutes of the Wednesday, August 7, 2024 Town Board Meeting.

**Motion carried by unanimous voice vote.**

## OPEN FORUM – TOWN RELATED MATTERS NOT ON THE AGENDA

Chris Brotz, 4321 Stoney Ridge Trl, Oshkosh, WI 54904 spoke regarding a noise complaint from a farm near Oakridge Rd.

Rich Fischer, 8685 Oakwood Ave, Neenah, WI 54956 spoke regarding a road hazard on County Rd II.

**CORRESPONDENCE**

- A. Distribution of the July 2024 Winnebago County Tonnage Report
- B. Distribution of the July/August 2024 Municipal Law Newsletter from BoardmanClark.
- C. Distribution of the 2023 RUG Recycling Program Financial Report from Winnebago County Solid Waste Management Board with projected 2024 Recycling Revenues.

**DISCUSSION ITEMS (NO ACTION WILL BE TAKEN)**

- A. Winnebago County Sheriff’s Department – Public Concerns and Issues
- B. Larsen/Winchester Sanitary District Report
- C. Administrator's Report
- D. Chair & Supervisor Reports

**BUSINESS REFERRED BY THE PLAN COMMISSION**

- A. Plan Commission Recommendation: Town Board review & consideration of a Certified Survey Map (CSM) Review Application submitted by Davel Engineering & Environmental Inc. on behalf of Galen Drews for a proposed land division reconfiguring Tax ID #006-0599 (3113 County Rd II), Tax ID #006-0600, and Tax ID #006-0602, into two lots.

**MOTION**

**Motion made** by unanimous consent to approve the CSM Application submitted by Davel Engineering & Environmental on behalf of Galen Drews with the following conditions:

1. Subject to a determination by the Zoning Administrator that the current accessory buildings on Lot 2 meet the standards to be designated as Rural Accessory Buildings, pursuant to Article 7, Division 14 of the Zoning Ordinance.
2. The surveyor should provide a separate sheet or inset of Lot 2 on a larger scale.
3. Per Se.7.10.11(6)(a) the wetlands shown on the Winnebago County GIS, or field-delineated wetlands shall be identified on the CSM, including the source of the information.
4. All road dedications shall be identified as "dedicated to the public for roadway purposes".
5. Per Wis. Stat. §236.34(1m)(a) the surveyor's seal shall be signed, sealed, and dated on all pages.
6. The following note shall be placed on the CSM: "Any land below the Ordinary High-water Mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1, of the State Constitution."

7. Unless the Ordinary High-water Mark elevations of any navigable waterways are identified on the CSM, the following notes shall be added:

- The Ordinary High-water Mark is not based on an official determination and prior to any building, an official determination of the Ordinary High-water Mark must be made by the Winnebago County Zoning Department or other authorized person. Also, all building setbacks and other land use requirements should be verified by the Town of Clayton and Winnebago County Zoning office prior to any construction or land-altering activities.
- The location of the approximate Ordinary High-water Mark shall be the point on the bank of a navigable stream or the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognizable characteristics.

8. The following well casing note shall be added: "Lot created in the document area located in the Special Well Casing Pipe Depth Area. This area has been established due to naturally occurring arsenic contamination problems in this area affecting many wells. Individuals who plan on drilling a well should consult with the Wisconsin Department of Natural Resources, or a drilling professional, to determine how to comply with the provisions of S. NR 812.12(3) of the Wisconsin Administrative Code."

**Motion carried by unanimous voice vote.**

- B. Plan Commission Recommendation: Town Board review & consideration of a Certified Survey Map (CSM) Review Application submitted by Troy Ribble for a proposed land division reconfiguring Tax ID #006-0006-09 (9618 Lind Ln), and Tax ID #006-0006-10-02 into four lots.

**MOTION**

**Motion made** by unanimous consent to approve the CSM Review Application submitted by Troy Ribble with the following conditions:

1. Per Sec. 7.10.11(6)(b) any existing access, including farm access, shall be shown on the CSM.
2. Per WI Trans. 2., any WISDOT required access restrictions or setbacks shall be placed on the CSM.
3. All WISDOT comments shall be provided to the Town. Alternatively, documentation shall be provided which indicates the Department has waived review or has no jurisdiction to review the proposed land division.
4. Per Sec. 7.10.11(6)(a) the isolated wetland on proposed Lot 4 shall be identified on the CSM, including the source of the information.
5. Per Wis. Stat. §236.34(1m)(a) the surveyor's seal shall be signed, sealed, and dated on all pages.

6. Per Sec. 7.10.11(6)(d) of the Town Subdivision Ordinance, the name and address of the owner shall be placed on the CSM.

**Motion carried by unanimous voice vote.**

- C. Plan Commission Recommendation: Town Board review & consideration of a Site Plan Review Application submitted by Trident Holdings, LLC for a proposed addition to a commercial business development building located at 9057 Clayton Ave.

**MOTION**

**Motion made** by unanimous consent to approve the Site Plan Review Application submitted by Trident Holdings, LLC with the following conditions:

1. A revised exterior lighting plan shall be submitted which is IDA compliant.
  
2. To address the impacts of the eight trees being removed without replacement and to meet the additional landscaping requirements, an updated landscape plan shall be submitted to the Town Staff for review and approval within 90 days of plan approval from the Town Board of Supervisors and, prior to the issuance of a building permit. The plan shall include, at minimum, an additional nine (9) trees and six (6) shrubs. The trees should include, at minimum, three (3) evergreens and not more than four (4) ornamental species. The plan shall provide effective year-round screening of the buildings and parking/loading areas. The minimum planting sizes shall be as follows:
  - Shade tree, 2 1/2 inch caliper
  - Ornamental flowering tree, 1 1/2 inch caliper
  - Evergreen tree, six-foot (6') height
  - Upright evergreen shrub, four-foot (4') height
  - Shrub, 18-to-24-inch height or spread
  
3. The project shall comply with all applicable local, state, and federal codes/ordinances.
  
4. Motor vehicles shall not be serviced or repaired outside.
  
5. All outside overnight storage of vehicles is prohibited, unless specifically authorized by the Plan Commission and Town Board of Supervisors. If authorized, overnight vehicle storage areas must be identified on the Site Plan noted below and should be screened from public view to the greatest extent practicable. Any vehicles stored outside must be licensed and operable.
  
6. All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building. Outdoor storage of equipment and materials is prohibited.
  
7. Dumpsters and recycling bins shall be kept within an enclosure and screened from public view at all times. The screening must be installed within one (1) year after completion of construction of the building.

8. No special events are permitted unless explicitly approved by the Town Plan Commission and Town Board of Supervisors, and in accordance with all zoning regulations.

9. An up-to-date Site Plan must be on file, at all times, with the Town of Clayton. The Site Plan shall include all information required for a Site Plan in Appendix A of the Zoning Ordinance. This includes, but is not limited to, buildings, parking areas, walkways, trails, stormwater management areas, vegetation, utilities, driveways, loading areas, trash/recycling enclosures, fencing, berms, signage, lighting, outdoor storage areas, as well as any additional information required by the Town Plan Commission or Town Board of Supervisors.

10. All activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor, or any other similar factor.

11. Subject to the applicant allowing the subject property to be available for inspection by the Town of Clayton officials at any reasonable time and upon reasonable notice.

12. Any required Winnebago County permits/approvals for stormwater management and erosion control shall be obtained and copies of such permits/approvals shall be submitted to the Town prior to commencing construction of the building addition.

13. Documentation that the Solar Reflective Index (SRI) of the proposed roofing materials meet the minimum required SRI of 29 shall be provided prior to commencing construction of the proposed building addition.

14. Documentation shall be provided to verify all exterior lighting is IDA (International Dark-Sky Assoc.) certified prior to commencing construction of the proposed building addition.

15. All future businesses/uses established on the property shall be permitted or conditional uses per the applicable zoning district (currently B-2) and shall comply with all applicable requirements of the Town Zoning Ordinance. A conditional use permit shall be obtained prior to establishing any uses not designated as permitted.

16. All future signage shall comply with all applicable requirements of the Town Zoning Ordinance.

17. Any substantial changes and/or additions to the site plan and/or building plans shall be reviewed and approved by the Plan Commission and Town Board of Supervisors in accordance with the requirements of Article 8, Division 8, Special Site Design Principles and Architectural Standards, of the Town of Clayton Zoning

Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

**Motion carried by unanimous voice vote.**

- D. Plan Commission Recommendation: Town Board review & discussion of revisions to Section 7.10.08 Dedications and Reservations within Town of Clayton Subdivision Ordinance.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

- E. Plan Commission Recommendation: Town Board review & discussion of revisions to the Town of Clayton Zoning Ordinance Land Use Matrix specifically regarding Backyard Chickens and Short-Term Rental Units.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

**BUSINESS**

- A. Discussion/Action: Town Board review & discussion of updates provided by ANR Pipeline Company regarding their multi-year pipeline replacement project.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

- B. Review/Discussion: Town Board review & discussion of a resident request to consider the implementation of railroad quiet zones within the Town of Clayton.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

**UPCOMING MEETING ATTENDANCE**

- A. Town Board (6:30 pm start unless otherwise noted) - Sept 4 & 18; Oct 2 & 16; Nov 6 & 20
- B. Plan Commission (6:30 pm start unless otherwise noted) - Sept 11; Oct 9; Nov 13

**BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

**ADJOURNMENT**

**MOTION**

**Motion made** by unanimous consent to adjourn at 7:13 pm.

**Motion carried by unanimous voice vote.**

Respectfully submitted,

Kelsey Faust-Kubale  
Town Clerk