

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, December 16th, 2015

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Geise called the meeting to order 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 Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

- A. Public Hearing before the Town Board on a re-zoning application submitted by the petitioner(s), James A. and Lavern L. Sturgis, 1740 Oakridge Road A, Neenah WI 54956 to request that a portion of the following property located on the west side of Pioneer Road south of CTR “IP” in the Town of Clayton and specifically described as a portion of Tax ID # 006-0531, being part of Lot 1 of Certified Survey Map Number 4094 as recorded in Volume 1 of Certified Survey Maps on page 4094 as Document Number 1030255, located in the southeast ¼ of the northeast ¼ all in Section 20, Township 20 North , Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

- No one appeared to speak on the public hearing. Closed at 7:04 p.m.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 18th, 2015. Tabled to the next meeting. The date was supposed to be December 2nd, 2015.

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

- V. Correspondence:
- A. Correspondence from Godfrey – Kahn S.C. on a drainage issue in the Town.
 - B. Correspondence from the Wisconsin Department of Administration on the pending Incorporation of the Town of Menasha.
 - C. Information from the Town’s Association and the League of Wisconsin Municipalities on proposed State Property Rights Legislation.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - C. Clayton-Winchester Fire Department
 - Chief Rieckmann reported that two firefighters had training to become a firefighter 2 which is the best they have ever seen. The Fire Department is ready to change in 2016. The amount of accidents in the Town of Clayton are down.
 - Chair Geise announced that the Clayton-Winchester Fire Department will be splitting up to become Clayton Fire Rescue in 2016. There will then be a full-time Fire Chief and certified first responders.
 - D. Larsen-Winchester Sanitary District
 - Mike Pfankuch reports that he has reviewed the Compliance Maintenance Annual Report (CMAR).
 - Reviewed fall draw-down of ponds.
 - Reviewed 2015 projects for the district.
 - CMOM class in 2 weeks.
 - Reviewed 2016 project televising pipes.
 - Immel was hired for tree trimming and yard clean-up.
 - On Tuesday, November 17th, 2015 the Ann Street lift station had a fire which burned the meter and the station was lost for about 30 hours.
 - Kuettels came out to pump the station.
 - E. Administration Comments
 - Engineer Miller reviewed engineering report. Reviewed soil boring for Clayton Avenue.
 - Administrator Johnston reviewed the December 14th, 2015 water issues with 4” of rain in 48 hours. Reviewed the project on Dekalb Lane. Seems to be that the ground water is leaking into homes. Public Works is working to resolve the drainage issues. When Behm Drive was built the pond was reconfigured on the east side of the road. More work to be done in the spring of 2016.
 - Treasurer Straw discussed getting out the 2015 property tax bills on December 15th, 2015. Discussed the tax collection hours, holidays, deposits, etc.
 - Chair Geise asked about the project as a future agenda item. Discussed meeting with the Town of Menasha concerning the sewer and water issues for the Town of Clayton.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Veronica Garbisch
 - ii. Chase Lieber
 - B. Renewal:
 - i. None

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):

A. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by the petitioner(s): Jeff Howts, owner of Cruisin Safely Motorcycle & Driving Instruction, LLC, 2211 Oregon Street, Oshkosh, WI 54901 for a Home Occupation Major on property located at the north end of Black Top Way, Neenah, WI 54956 and specifically described as Lot 2 of the recently approved CSM of Tax ID # 006-0896, being all of Lot 2 of CSM 5026 being part of the Northwest ¼ of the Northwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Tabled to the second Town Board meeting in January of 2016 due to lack of notice issues.
- Administrator Johnston wanted to table to the second meeting in January due to Chair Knapinski of the Plan Commission usually attending the second Town Board meeting every month.
- Michael Hopkins, 2842 Oakridge Rd, Neenah, WI. Inquired about the date of the second meeting which is January 20th, 2016.

B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by the petitioner(s), Dennis H. and Carol B. Gehrt, 7379 Carden Drive, Neenah, WI 54956 for the following properties located at 2884 CTR “JJ”, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0901-03 and a portion of the property located immediately east of 2884 CTR “JJ”, Neenah, WI 54956, in the Town of Clayton and specifically described Tax ID # 006-0901-04-07 all located in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski discussed the CSM and recommended approval.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: To approve the Certified Survey Map for Tax ID # 006-0901-03 and with staff recommendations. **Is Tax ID # 006-0901-04-07 supposed to be included as well? Reif started with the motion and Geise finished it with different parcel numbers.**

Vote: Motion carried by unanimous consent.

C. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by the petitioner(s) Guy K. and Brenda S. Gruett, 3152 Buttercup Road, Neenah, WI 54956 for the following properties located at 3152 Buttercup Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-1404 and 3118 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0607-01 being part of the southeast ¼ of the southwest ¼ all in Section 23, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Grundman

Motion: To approve the Certified Survey Map for Guy K. and Brenda S. Gruett for Tax ID #'s 006-1404 and 3118 Larsen Road, Neenah, WI and 006-0607-01 with all of the recommendations from the Plan Commission.

Vote: Motion carried by unanimous consent.

D. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by the petitioner(s), James A. and Lavern L. Sturgis, 1740 Oakridge Road A, Neenah WI 54956 for property located on the west side of Pioneer Road south of CTR "II" in the Town of Clayton and specifically described as a portion of Tax ID # 006-0531 being part of Lot 1 of Certified Survey Map Number 4094 as recorded in Volume 1 of Certified Survey Maps on page 4094 as Document Number 1030255, located in the southeast ¼ of the northeast ¼ all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski explained the concerns with having more driveway access points off of Larsen Road which could eventually become a county road. Having more access points every 200 or 300' feet could be a safety hazard.
- Administrator Johnston discussed the concerns. Review the Larsen Road and Shady Lane areas the issues are similar. Many residents have complaints about people driving too fast but there is nothing the Town of Clayton can do.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: To approve the Certified Survey Map (CSM) Application as presented by James and Lavern Sturgis, 1740 Oakridge Road A, Neenah, WI 54956 specifically described as Tax ID # 006-0531 with the staff recommendations and the recommendations from the Plan Commission.

Vote: Motion carried by a 4:1 to vote. Chair Geise voted no.

E. Plan Commission recommendation to the Town Board on changes to the Draft Comprehensive Plan Maps and Documents based on input from the Public Listening Session for the Town's CY 2016 Comprehensive Plan Update.

- Chair Knapinski reviewed Planner Jaworski's discussion with the Plan Commission. Discussed scheduling a public hearing for public input in January of 2016.
- Administrator Johnston reviewed the schedule for the Town Board.
- Supervisor Lettau is requesting that all of the Town of Clayton residents be sent cards regarding the comprehensive plan. Chair Geise stated that this is a substantial expense incurred for postage, etc.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):

Please be advised that the Wednesday, December 9th, 2015 Green Space Committee Meeting was cancelled by Committee Action.

A. The Wednesday, December 9th, 2015 Green Space Committee Meeting was cancelled.

X. Business:

A. Discussion/Action: Town Board review and consideration of Ordinance 2015-004 an Ordinance acting on a re-zoning application submitted by the petitioner(s), Dennis H. and Carol B. Gehrt, 7379 Carden Drive, Neenah, WI 54956 for a portion of the property located immediately east of 2884 CTR “JJ”, Neenah, WI 54956, in the Town of Clayton and specifically described as a portion of Tax ID # 006-0901-04-07 located in Section 36, Township 20 North , Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to B-2 (COMMUNITY BUSINESS DISTRICT).

Attached please find a copy of Ordinance 2015-004 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2015-004 and to direct staff to file the appropriate documentation with the County.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve ordinance 2015-004 and instruct staff to file the appropriate documentation with Winnebago County.

Vote: Motion carried unanimously.

Chair requested roll call vote:

Supervisor Lettau: Aye.

Chair Geise: Aye.

Supervisor Reif: Aye.

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Motion carried unanimously.

B. Discussion/Action: Town Board review and consideration of Ordinance 2015-005 an Ordinance acting on a re-zoning application submitted by the petitioner(s), Guy K. and Brenda S. Gruett, 3152 Buttercup Road, Neenah, WI 54956 request that the following property located at 3118 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0607-01 being part of the southeast ¼ of the southwest ¼ all in Section 23, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

Attached please find a copy of Ordinance 2015-005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2015-005 and to direct staff to file the appropriate documentation with the County.

- Administrator Johnston reviewed the application submitted relative to rezoning.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: To approve ordinance 2015-005 and to direct staff to file the appropriate documentation with Winnebago County.

Vote: Motion carried unanimously.

Chair requested roll call vote:

Supervisor Reif: Aye.

Supervisor Schmidt: Aye.

Chair Geise: Aye.

Supervisor Lettau: Aye.

Supervisor Grundman: Aye.

Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of Ordinance 2015-006 an Ordinance acting on a re-zoning application submitted by the petitioner(s), James A. and Lavern L. Sturgis, 1740 Oakridge Road A, Neenah WI 54956 to request that the following property located on the west side of Pioneer Road south of CTR "II" in the Town of Clayton and specifically described as a portion of Tax ID # 006-0531 being part of Lot 1 of Certified Survey Map Number 4094 as recorded in Volume 1 of Certified Survey Maps on page 4094 as Document Number 1030255, located in the southeast ¼ of the northeast ¼ all in Section 20, Township 20 North , Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

Attached please find a copy of Ordinance 2015-006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2015-006 and to direct staff to file the appropriate documentation with the County.

- Administrator Johnston reviewed the application submitted relative to rezoning.

- Discussed the Comprehensive Plan amendment relative to property such as this in the future.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve ordinance 2015-006 and instruct staff to file the appropriate documentation with Winnebago County.

Vote: Motion carried unanimously.

Chair requested roll call vote:

Supervisor Grundman: Aye.

Supervisor Reif: Aye.

Supervisor Schmidt: Aye.

Chair Geise: Aye.

Supervisor Lettau: Aye.

Motion carried unanimously.

- D. Discussion/Action: Town Board review and consideration of a Joint Fire Board Resolution authorizing the Town of Clayton to any and all fire fighting apparatus owned by the Joint Fire Board to provide Fire Protection Services to the Town until such time a the Joint Fire Board is dissolved and the assets of the Board distributed to the respective communities.

The Clayton/Winchester Joint Fire Board will be considering several Resolutions related to the use of the Joint Fire Board's apparatus during the dissolution of the Clayton/Winchester Joint Fire Board; the specific Resolutions the Town Board will be considering are not known at this time. However, attached please find draft copies of the Resolutions the Joint Fire Board will be considering at its meeting on Monday, December 14th, 2015. Those Town Board members that are assigned to represent the Town of Clayton on the Joint Fire Board will be able to forward the details of the Joint Fire Board's meeting and process. The Town Board will need to take some action on the items forwarded to the Town by the Joint Fire Board.

NO ACTION TAKEN.

- E. Discussion/Action: Town Board review and consideration of an Intermunicipal Agreement with the Town of Winchester to provide fire protection services to the Town of Winchester.

Attached please find copies of draft Intermunicipal agreement with the Town of Winchester to provide Fire protection to the Town of Winchester. Since the Town of Clayton has incorporated its First Responder unit into the Clayton Fire Rescue Department the Board could consider either or both of the Intermunicipal Agreements. The Administration is not sure what the Town of Winchester is going to do relative to these issues. Based on that uncertainty the Board could approve the draft agreements and authorize the Town Chair to make any adjustments to the draft agreements that may requested by the Town of Winchester. As an alternative the Board could authorize the

Town Chair to schedule a Special Town Board meeting to approve any substantive changes that may be proposed. In any case, the Board will need to take some action if it is asked to provide services under an Inter Municipal Agreement.

- This issue was tabled to the next meeting in January 2016.

F. Discussion/Action: Town Board review and consideration of an Intermunicipal Agreement to provide first responder services to the Town of Winchester.

Attached please find a copy of draft Intermunicipal agreement with the Town of Winchester to provide Fire Responder services to the Town of Winchester. Since the Town of Clayton has incorporated its First Responder unit into the Clayton Fire Rescue Department the Board could consider either or both the Intermunicipal Agreements. The Administration is not sure what the Town of Winchester is going to do relative to these issues. Based on that uncertainty the Board could approve the draft agreements and authorize the Town Chair to make any adjustments to the draft agreements that may requested by the Town of Winchester. As an alternative the Board could authorize the Town Chair to schedule a Special Town Board meeting to approve any substantive changes that may be proposed. In any case the Board will need to take some action if it is asked to provide services under an Inter Municipal Agreement.

- This issue was tabled to the next meeting in January 2016. This was not approved by the Joint Fire Board.

G. Discussion/Action: Town Board review and consideration of the following items for the Draft Clayton Fire Rescue Department:

- i. Departmental Officer Job Descriptions
- ii. Departmental Policies
- iii. Additional Hire for the Department

Attached please find copies of the following documents:

1. Job Description for the Position of Fire Chief.
2. Job Description for the Position of Assistant Chief
3. Job Description for the Position of Division Chief of EMS
4. Job Description for the Position of Division Chief of Operations and Training
5. Job Description for the Position of Fire Captain
6. Job Description for the Position of Lieutenant

All of the listed positions in the Department have been approved by the Board; the staff is simply trying to establish a proper process by having the Job Descriptions approved by the Board prior to the Department becoming active. If the Board agrees with the process and the documents, a motion would be in order to approve the Job Descriptions and to place them on file with the Treasurer's Office.

- This issue tabled until the January 6, 2016 meeting.

Attached please find copies of the following documents:

1. A Code of Ethics Policy
2. A progressive Discipline Policy
3. A Social Media Policy

The Administration has reviewed the attached documents and has no concerns about the adoption of the Policies. Please be advised that the Department's volunteers (employees) are at-will employees and thus subject to the Town's Employment Policies; however, there are certain issues that are unique to the Department and merit Departmental Policies that provide the Chief and the staff with processes and guidance when needed. If the Board agrees with the processes and the documents, a motion would be in order to approve the Policies and to place them on file in with the Treasurer's Office.

- This issue tabled until the January 6, 2016 meeting.

Attached please find a copy of the following document:

1. An Employment Requirement Standard Operating Guideline (SOG)

The Administration has reviewed the document and has no concerns about the adoption of the SOG. If the Board agrees with the process and the document, a motion would be in order to approve the SOG and to place it on file with the Treasurer's Office.

Attached please find a new hire recommendation that is being made by the Chief. The Chief will be available at the Board's meeting to review the proposed hire with the Board. The additional position is within the authorized roster number and the Administration is comfortable with the budgetary impact of the process. If the Board agrees with the process a motion would be in order to approve the hiring of Mike Anderson as a member of the Clayton Fire Rescue Department.

- Chief Rieckmann explained the situation with application and recommended hire to the Town Board.

Vote: Approved per unanimous consent.

- H. Discussion/Action: Town Board review and consideration of the Administrator's Performance Evaluation, possible wage increase and renewal of the Town Administrator's Employment Contract for CY 2016 and CY 2017.

The Administration has recently provided the Board with copies of the Administration's CY 2014 and CY 2015 Employment Contract as well as a Draft CY 2016 and CY 2017 Employment Contract. The Town Chair has compiled the Board's Annual Performance Evaluation of the Town Administrator. As set by the Board, this information will be presented to the Board at its December 16th, 2015 meeting. At that time the Town Chair will have his recommendations relative to the Administrator's CY 2016 wages. If the Board is comfortable with the Administrator's Performance Evaluation and the Chair's recommendations relative to the Administrator's Contract, a motion would be in order to approve the CY 2016 and CY 2017 Administrator's Contract and place the same in the Town's Personnel Files.

- Administrator Johnston requested to have no wage increase and to be paid out for his remaining vacation time from 2015.

MOTION:

Motion by: Chair Geise

Seconded by: Supervisor Reif

Motion: That based upon the Performance Evaluation and requests from the Administrator himself to approve and maintain Administrator Johnston's wages which they currently are for the CY 2016 and 2017 and pay out all of his unused vacation time.

Vote: Motion carried by unanimous vote.

- I. Discussion/Action: Town Board review and consideration of a 2-year Contract with the Oshkosh Area Humane Society, Inc. for the provision of Animal Acceptance and Maintenance services for the Town of Clayton.

Attached please find a draft copy of an Animal Acceptance and Maintenance Contract with the Oshkosh Area Humane Society (OSHA). At this time it is in the Town's best interest to continue to contract for animal control purposes and OSHA has provided a draft contract that serves the Town's needs. Specifically, the only individuals who can authorize the impoundment of an animal at the Town's expense are the Town Constable, the Town Animal Control Officer, and the Town Administrator; this should solve the problem of residents taking animals for impoundment without limiting their option to call the Town and ask it to authorize the service. The cost for the service in this contract is in the same range as the Town's previous contracts and is within the Town's Budget as long as the use is controlled. The only change to the attached document that the Administration would recommend to the Board relates to the list of who can approve a resident taking an animal to the shelter at the Town's expense (item A on page 2 of the attachment). The Administration will review that list with the Board at its Wednesday meeting. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the Contract for the provision of Animal Acceptance and Maintenance services for the Town of Clayton with the Oshkosh Area Humane Society for CY 2016 and CY 2017.

- Administrator Johnston discussed the changes in the contract.

Vote: Approved per unanimous consent.

- J. Discussion/Action: Town Board review, consideration, and direction to staff relative to proposed increases in the costs of cemetery burial sites in the Clayton and Royer Cemeteries.

Attached please find a copy of a survey of burial plot costs and the Town's Fee Schedule with the Administration's recommendation relative to the cost of burial plots in the Town's Cemeteries. The proposed new fees are highlighted in yellow and are based on the survey that is attached. Please be advised that the fees generated by the sale of burial plots is placed in a segregated account that the Town uses for purchasing the equipment used to maintain the Town's Cemeteries. If the Board is comfortable with the proposed fees, a motion would be in order to approve the revised Fee Schedule for CY 2016

Vote: Approved per unanimous consent.

- XI. Review of Disbursements:
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- Treasurer Straw apologized for the delay in getting this information to the Town Board due to a pre-audit, property tax bills and a death in the family.
 - Administrator Johnston discussing putting bigger postings on the posting boards notifying residents of the postings to be changed in 2016 to only the Municipal Building posting board and on the Town of Clayton website.
 - Supervisor Schmidt is working on planning the Christmas party.
- XIII. Upcoming Meeting Attendance:
- XIV. Board Member Requests for Future Agenda Items:
- XV. Adjournment:
MOTION:
Motion made by unanimous consent to Adjourn at 8:26 p.m.

Respectfully submitted,

Laurie Goffard, Deputy Clerk