

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, January 6th, 2016

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):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 2nd, 2015.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 2nd, 2015 with corrections to show Dave Dekeyser (not Gary) on Page 2 in Section VI(E) and VI(C) to show that Chief Rieckmann has 19 certified firefighters.

- B. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 16th, 2015.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 16th, 2016.

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

V. Correspondence:

- A. December CY 2015 Building Inspection Report.
- B. Correspondence from the Winnebago County Planning and Zoning Department
- C. Correspondence from Associated Appraisal Consultants, Inc.
 - Newsletter from Clayton Fire Rescue.
 - Notice from the Plan Commission to residents regarding the meeting on January 13, 2016 regarding the Comprehensive Plan. Residents have been contacting the Town and Supervisor Schmidt regarding how to use the website to locate this information.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Nikla appeared.
 - Chief Rieckmann asked about the semi accident on December 28, 2015 during snowstorm relative to not having oil dry clean up (Loren's Towing). Also discussed changing the entrance door codes.
- C. Clayton Fire Rescue
 - Chief Rieckmann stated that there were 130 calls were done in 2015. Channel 5 requested an interview which he did on Sunday, January 3rd, 2016 which made the national circuit. Met with the blood mobile which will be conducted this month.
 - Fire Rescue did base line vitals on Fire Department personnel for files.
 - Two requests have been received from Winchester for equipment which was all documented.
 - Chair Geise mentioned the Winneconne News article and the TV news airing.
 - Supervisor Grundman asked how far along they are on splitting up the assets.
 - Chair Geise has a meeting with Ben Joas tomorrow to plan. Have a target date of end of February 2016 to be complete.
 - Chief Rieckmann discussed that the firefighters, Lisa Mathison were cleaning the fire department bay all day one day this week.
 - Cindy Pfankuch reported that there were 163 calls in 2015. 88 were for the Town of Clayton, not sure how many for Winchester. Some of the first responders had training on the ability to take blood sugar levels. Average response time of 8.33 minutes. Approximately 28:45 on the scene. Have 12 people on the squad and two are on leave of absence. 1 prospective new first responder.
- D. Larsen-Winchester Sanitary District
 - Mike Pfankuch reported that Jim Emmons and himself were in Fond du Lac today to report (CMOM). Wisconsin Statutes required a report.
 - He will be meeting with Chief Rieckmann regarding emergency response with District Discussion of legal issues regarding ownership of the laterals. Illegal items being flushed down the toilet which goes into the laterals.
 - In follow-up to today's meeting (January 6, 2016) one member mentioned getting rid of the Town of Clayton. Betty Nelson complimented the work of Tori Straw and Laurie Goffard stating they are doing a great job.
- E. Administration Comments
 - Engineer Miller reported on the Clayton Avenue design roadway project from County Road II to north of Larsen Road and getting ready for bids.
 - Administrator Johnston discussed tax collection and getting Chief Rieckmann organized to start doing his job duties.

- Treasurer Straw had a report from J Mauel tax collection on a daily basis. So far we have collected over \$4.4 million dollars. She is working later hours after 4:30 p.m. to keep caught up on her work. Discussed checks which were NSF. Approximately \$20,000 of tax collection have been paid by credit card. It takes 3 to 4 days to get the transaction details from the bank. Desktop deposit has been very convenient but when we have payments in cash those have to go to Wells Fargo Bank in Neenah.
- Chair Geise discussed the Town of Menasha closed session meeting which is on Monday, January 11th, 2016. Joint Fire Board meeting to be scheduled for distribution of assets.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Justin Schwerin
- ii. Alasun Hoffmann
- iii. Tammy Winton

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. No Referrals.

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):

- A. No Referrals.

X. Business:

- A. Discussion/Action: Town Board review and consideration of changing the number of Ordinance # 2015-004 Rezoning Property from A-2 (GENERAL FARMING DISTRICT) to B-2 (COMMUNITY BUSINESS DISTRICT) to Ordinance # 2015-007 to correct a duplication in the Ordinance numbering sequence.

Attached please find a copy of Ordinance 2015-004 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The 2015-004 number duplicates the number previously used to identify the Ordinance creating the Town's Fire Rescue Department. Given the importance of the creation of the Fire Rescue Department the Administration is respectfully asking the Board to acknowledge the error in the Ordinance numbering sequence and to approve changing the Ordinance number for the property rezoning to 2015-007. It is the Administration's belief that the Board can change the Ordinance number without having to approve the Ordinance a second time, however, if the Town's Attorney is not comfortable with the process the Administration can re-submit the rezoning Ordinance with the correct number for approval at the Board's next meeting. If the Board agrees with changing the Rezoning Ordinance number from 2015-004 to 2015-007, a motion would be in order to approve the proposed change and to direct staff to attach the appropriate documentation to the renumbered Ordinance in the Town's files.

Vote: Approved by unanimous consent.

- B. 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, Standard Operating Guidelines, and Standard Operating Procedures.

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 Fire Lieutenant

All of the listed positions in the Department have been approved by the Board; following a review of the documents with Supervisor Reif the Administration continues to work on establishing 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.

Attached please find copies of the following documents:

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

Following a review of the documents with Supervisor Reif the Administration continues to be comfortable with 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.

Attached please find a copy of the following document:

1. An Employment Requirement Standard Operating Guideline (SOG)

Following a review of the documents with Supervisor Reif the Administration continues to have 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.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve the job descriptions and to place them on file with the Treasurer's office.

Vote: Carried by unanimous consent.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: To approve the policies and place them on file with the Treasurer's office.

Vote: Carried by unanimous consent.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve the Standard Operating Guidelines commonly known as SOG and place them on file with the Treasurer's office.

Vote: Carried by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of a proposal from Building Service Inc. (BSI) to provide office furniture for the Fire Department and the First Responder Service.

Attached please find a quote from BSI for the office furniture for the Fire Department. The Administration is recommending that the Town use the same firm that provided the office furniture for the Town Hall and Board Meeting Room remodeling. This recommendation is based on the quality of service, the quality of the product, and the consistency of design offered by BSI. The quote is for two fully equipped cubes similar to the ones in the Town Office at a cost of \$7,241.86. Funding for the units was included in the Town's CY 2016 Budget under the Capital Equipment Line Item. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the Fire Department office equipment purchase from BSI at a cost not to exceed \$7,241.86 with the funding to come from the Town's CY 2016 Budget, Capital Equipment Line Item.

- Administrator Johnston had a discussion regarding two office cubicles for the Fire Department. The money would come out of the Town's Capital Office Equipment line item.
- Discussed having the Clayton Fire Rescue having meetings in the Town Board meeting room due to attendance.
- Discussed Tom Spierowski being the master electrician and doing the wiring.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Reif

Motion: To approve the Fire Department office equipment purchase from BSI at a cost not to exceed \$7,241.86 with the funding to come from the Town's CY 2016 Budget, Capital Equipment Line Item.

Vote: Carried by unanimous consent.

- D. Discussion/Action: Town Board review and direction to staff relative to statutory requirements relative to cleaning and assessing the costs of cleaning farm ditches on private property.

Attached please find a copy of Chapter 88 (Drainage of Lands) of the Wisconsin Statutes. This Chapter of the Statutes would be the one the Town would use to create a Drainage District for the purposes of draining land in the Town. The Administration believes that the Town could use the existing Storm Water Management Utility to accomplish the same goal of cleaning the farm ditch in question. The complaint that generated the question relates to cleaning a farm ditch in order to

improve the drainage of the surrounding property. The Administration has asked the Town's Attorney to review the following position and understanding of the State Statutes. It is the Administration's opinion that the question that needs to be answered is: How does the Town pay for cleaning the farm ditch in question and/or any other farm ditch in the Town? It is the Administration's belief that roadside ditches and/or storm water management ponds are assets of the Town; however, working farm ditches are assets of a business and therefore the maintenance liability belongs to the business. It could be argued that the Town should accept some liability for the roadside ditches that drain through the farm ditches; however, that liability should be mitigated by many items including the farm drain tiles that flow into the Town's roadside ditches. Specifically, storm water will flow as nature intended it to: if it flows through a farm ditch it is because that is the path of least resistance, if the farm ditch flows into a river that, too, is the natural course and the State does not charge the farmer for the added flow. In the Administration's view, the Town's liability for cleaning farm ditches should be no greater than the farmers' liability for using the public roads to conduct their business: roads are built to serve the public and the farming industry is a part of the public, to ask for a toll for farming traffic is neither more nor less unreasonable than to ask for a toll for water in a ditch. If we go back to the original question, who pays to clean the farm ditch? Since the farm ditch is an asset of the business, then the business should pay to clean the ditch. If the ditch were part of a drainage system belonging to a manufacturing site then cleaning that ditch would rightly be the responsibility of the owner of the site. If that ditch included stormwater from a roadside ditch the Town would not likely pay for any of the cost of cleaning the ditch. Chapter 88 of the State Statutes allows for assessing the cost of the cleaning work to the benefited properties as does the Town's Storm Water Management Utility Ordinance, thus the Board needs to direct staff on how it would like to proceed with the issue. Once the funding issue has been resolved cleaning the ditch is a relatively simple process. The Board's options include the following:

- A. Pay for cleaning the ditch in question by using the Town's Storm Water Management Utility Ordinance.
- B. Raise the Town's CY 2017 Storm Water Management Utility ERU Fee to cover the costs of cleaning the farm ditch in question.
- C. Special Assess the costs of cleaning the ditch in question to the benefitted property owners using the Town's Storm Water Management Utility Ordinance.
 - Discussed paying/funding for cleaning the ditches.
 - Discussed farm ditches as assets of business.
 - Discussed private property and special assessing.
 - Discussed owner's cleaning their own ditch.
 - Mike Pfankuch discussed the legal issues relative to working on private property. We could get temporary easements to complete the work.
 - Janice Drews, 3113 County Rd II, Neenah, WI. Ms. Drews discussed the Arrowhead River relative to their property and cleaning from their property west to Larsen Road. Directed to work a proposal up and present at the February 3rd meeting. Encourage residents to clean their own ditches out like general maintenance on a home.
- E. Discussion/Action: Town Board review and direction to staff relative to a Draft Special Assessment Policy for the Town of Clayton and its related Municipal Sanitary Sewer and Municipal Water Utilities.

Attached please find a draft copy of a Special Assessment Policy for the Town of Clayton. The Administration has prepared the draft policy by reviewing the Special Assessment Policies of area communities and past policies drafted by the Administrator. This item is being distributed so that

the Board has time to review and digest the document before its January 20th, 2016 meeting. The Administration expects to go through several edits of the document before it presents the Board with a Special Assessment Ordinance and the related Policy for consideration.

- Propose a Universal policy that can be used for everything.

F. Discussion/Action: Town Board review and direction to staff relative to creating a minimum garage floor and/or lowest opening elevation Ordinance for new construction in the Town of Clayton.

Based on a conversation about drainage and flooding issues with the Town Chair and a young couple who recently built a new home in the Town, the Administration would respectfully ask the Board for direction on creating a minimum garage floor and/or lowest opening elevation Ordinance for new construction in the Town of Clayton. Specifically, the proposed Ordinance would require that the lowest opening or the garage floor of any new home constructed in the Town have a minimum garage floor and/or lowest opening elevation that is 18 inches above the crown of the closest Town Road. Such Ordinances customarily have an opt-out clause requiring that the builder provide a site specific drainage plan signed by a registered engineer at the time of applying for a building permit. Should the Board wish to see a draft Ordinance the Administration and the Town's Building Inspector will present a draft Ordinance to the Board at its January 20th, 2016 meeting.

- The Town does not have standard elevations that are set. The ditch needs to be a foot deeper than the culvert.
- Burt Drews, 3113 County Rd II, Neenah, WI. Mr. Drews asked about other communities and their elevation ordinance relative to the crown of the road.
- Directed to draft an ordinance for the Town of Clayton.

G. Discussion/Action: Town Board review and direction to staff on controlling the speed of traffic on Lind Lane between Winnegamie Drive and STH "76" in the Town of Clayton.

Several residents from Lind Lane and Braun Court in the Town of Clayton have asked that the speed limit on Lind Lane be reduced to a more manageable and safer speed. It appears that at certain times of the day traffic coming from and going to Winnegamie Drive is using Lind Lane to avoid the traffic light on the corner of STH "76" and Winnegamie Drive. Attached please find the Statutes related to the Town's ability to post reduced speed limits on Town Roads. Based on a review of the Statutes, staff believes that the most the speed limit on Lind Lane could be reduced to would be 35 MPH. After some observation it is the Administration's belief that any reduction in the speed limit on Lind Lane would be useless unless there is active and continuous enforcement of the new speed limit. Since the Town does not have a police force, active and continuous enforcement is out of the question. However, the Administration has had some experience with radar and photographic enforcement. Specifically, the Town could place a radar and camera unit on the side of the road and mail citations to offenders based on the radar detected speed readout and a photograph of the license plate on the offending vehicle. The only question that staff has relates to County enforcement and costs. The Administration is asking the Board for direction relative to this process before it contacts the County Sheriff and County Court system to establish an enforcement protocol.

- Discussed traffic camera and issue citation.
- Discussed use of court for prosecution. Need to do more research with prosecution in the court system.

- Attorney Lehocky said it very expensive to enforce the citations. Many times the tickets go unpaid.
- Discussed reducing speed to 35 mph.
- Burt Drews, 3113 County Rd II, Neenah, WI discussed Winneconne using flashing speed limit/speed signs.
- Supervisor Grundman discussing having a flashing sign with the speed you are driving.
- Mike Pfankuch, 4556 Grandview Rd, Larsen, WI discussed moving the camera around.
- Cindy Pfankuch, 4556 Grandview Rd, Larsen, WI discussed making the road a dead-end.
- The Town Board directed staff to research the court system and costs involvement in enforcement.

H. Discussion/Action: Town Board review and direction to staff relative to scheduling a Personnel Panel Meeting to review a request by the Teamsters General Union Local 662 representing the Town's Public Works Department Employees.

Several months ago the Teamsters General Union Local 662 representing the Town's Public Works Department Employees approached the Administration about an On Call Premium and a Mechanics Premium. The Administration has received the Union's proposals and would like to schedule a personnel panel meeting to review the Union's proposals and make a recommendation to the Board. The Administration would like to have a recommendation for the Board at its January 20th, 2016 meeting.

- Meeting set for Tuesday, January 12th at 1:00 p.m. with Chair Geise and Supervisor Schmidt.

- XI. Review of Disbursements:
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- XIII. Upcoming Meeting Attendance:
- No Joint Fire Board meetings since it has dissolved. Clayton Fire Rescue meetings will be at the Town Board meetings.
- XIV. Board Member Requests for Future Agenda Items:
- XV. Adjournment:
MOTION: Motion made by unanimous consent to Adjourn at 8:33 p.m.

Respectfully submitted,

Laurie Goffard, Deputy Clerk