

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes  
7:00 P.M. on Wednesday, May 6<sup>th</sup>, 2015  
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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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	ABSENT
Town Attorney – Rich Carlson	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, April 15<sup>th</sup>, 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, April 15<sup>th</sup>, 2015 with corrections of Chair Luebke being present and on page 7 for the Motion on Agenda item F to change “replace” to “move” in line 3 of the motion.

IV. Open Forum – Town-related Matters not on the Agenda:  
No Open Forum requests were received.

V. Correspondence:

- A. April Building Inspectors Report.
- B. Correspondence from the State Office of the Commissioner of Insurance relative to the dissolution of the Local Government Insurance Fund.
- C. Copy of a County Board Resolution in support of the Recycling Grant Program, the SHWEC and the UW System Solid Waste Research Program Funding.
- D. Copy of the Winnebago County Solid Waste Management Board Annual Financial Statement.
- E. Copy of correspondence relative to Pioneer Road and CTH “T” to Plan Commission Chair Knapski from Alan W. Larson 8387 Pioneer Road Larsen, WI 54947

- 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
    - Reviewed business meeting and the celebration of 40 years of service for Bob Breaker.
    - There is a Joint Fire Board meeting on May 11<sup>th</sup> at 7:00 p.m. in Winchester.
  - D. Larsen-Winchester Sanitary District
  - E. Administration Comments
    - Administrator Johnston reviewed the upcoming capital projects and Oak Openings.
    - Nothing to report by Attorney Carlson. He did discuss the status of the Five Star lawsuit and motion for summary judgment.
    - Treasurer Straw discussed the updates on the audit and getting invoices paid.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
    - i. Micaela Harn
    - ii. Tiffany Castillo
    - iii. Sherrie Mayo
    - iv. Zachrey Phelps
  - 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, consideration of nominations, and an appointment to the Town Board for the position of Supervisor #4 to fill the unexpired term of Russell D. Giese.
- Attached, please find a copy of the Wis. Stats. related to the appointment of an individual to fill a vacancy on the Town Board. The Town's Attorney will be at the Board's meeting to answer any questions the Board may have relative to this issue prior to taking action on the proposed appointment. The Administration has placed this item as the first thing on the Agenda so that the Board has the option of appointing an individual prior to taking action on the rest of the Agenda. The appointment motion should include "the appointment to the unexpired term of the position of Supervisor #4 with a term to end on the third Tuesday of April 2016 (changed from 2015)". Procedurally the Chair should take nominations for the appointment from the Board and have a roll call vote on any motions made and seconded. Staff will be ready to give the Oath of Office to the Board's appointee and then proceed with the Board's meeting.
- As the Clerk of the Town of Clayton Administrator Johnston will be abstaining from voting.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to appoint Scott Reif to the Supervisor #4 position with the term to end on the third Tuesday of April 2016.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Chair Geise: Aye

Town Clerk Johnston: Abstain

Motion carried 4 ayes 0 nays and 1 abstention.

Motion carried.

The Town Board Meeting was recessed for 5-minutes so that the Oath of Office could be administered to Town Board Supervisor Scott Reif.

- B. Discussion/Action: Town Board review and consideration of Resolution 2015-006 A Resolution Authorizing the Borrowing of Funds from the State Board of Commissioners of Public Lands to purchase property, as authorized the Town's Electors, located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06.

Attached please find a sample of the proposed Resolution, staff will have a Draft copy of Resolution 2015-006 A Resolution Authorizing the Borrowing of Funds from the State Board of Commissioners of Public Lands ready for the Board's consideration at its May 20<sup>th</sup>, 2015 meeting. The only significant difference from the sample will be the borrowing amount of \$170,000.00 and the references to the Town of Clayton. Should the Board be comfortable with the Draft copy of the Resolution, a motion would be in order to approve Resolution 2015-006 and to direct staff to proceed with the loan application to the State Board of Commissioners of Public Lands. As an alternative, the Board may wish to refer the item to its Wednesday, May 20<sup>th</sup>, 2015 meeting.

- Resolution 2015-006 has been moved the meeting on May 20<sup>th</sup>, 2015.

- C. Discussion/Action: Town Board review and consideration of the following retail fireworks permit applications:

- i. Application submitted by Ted Bemis for T&G, 8386 STH "76", Suite D, Neenah, WI 54956.

Attached please find the application for the above referenced Fireworks sales permit. The applicant has had a sales site in the Town in prior years. The Application is complete and the fees have been paid. The Applicant will be keeping his sales site in the same location he used in CY 2014. The only significant change from CY 2014 is that Ted Bemis would like to open his establishment in May of CY 2015. Staff recommends approval of the Fireworks Sales Permit subject to the following conditions:

- 1) That the Applicant pay any and all Permit Fees.
- 2) That the Applicant provide the Town Treasurer with a copy of their respective Sellers Permits.

- 3) That the Applicant provide the Town Administrator with a site plan for their respective location.
- 4) That the Applicant request the required Fire Department Inspection of the sales facility and location.
- 5) That the Applicant abide by the Town's Sign Ordinance for any and all signage for his site.

Approved by unanimous consent.

D. Discussion/Action: Town Board review and consideration of a proposal solicited by Town staff for the construction of a concrete flume, curb, and gutter on the north side of Fairview Road east of STH "76" specifically identified as 2854 and 2878 Fairview Road and to install curb at the Town Hall site adjacent to the west side of the Public Works Building.

Attached please find a copy of a proposal for concrete work solicited by staff. The proposal submitted by Fischer-Ulman Construction, Inc is for a cost not to exceed \$7,356.00. Staff has asked several contractors for proposals and Fischer-Ulman Construction, Inc is the only firm that responded. Specifically, staff has had problems with the ditch on the west end of Fairview Road between Clayton Avenue and STH "76". It appears that the water coming off of STH "76" accelerates as it flows toward the ditch on the north side of Fairview Road. When the water flows into the ditch it undermines the shoulder of the road and the asphalt pavement. Staff has tried, with little success, to add a rock base to the flow line of the ditch. The proposed work will create a concrete flume with curb and gutter to trap the water in the ditch which should protect the road shoulder and the asphalt pavement in a more permanent manner. The proposed work includes a small modification to the green area behind the Town Hall which consists of placing curb and gutter along the sidewalk that connects the parking area to the restrooms. As is, the water from the grassy area flows to the sidewalk and accumulates by the restroom entrance. The curb and gutter is intended to keep the water on the grassy area and allow the water on the sidewalk to flow into the parking areas. The water in question is an irritant year round and becomes a hazard during the winter months when it freezes. Should the Board wish to proceed with the project as recommended, a motion would be in order to approve the proposal and the project at a cost not to exceed \$7,500.00 with the funding to come from the Town's CY 2015 Public Works Street Maintenance Line Item.

- Administrator Johnston discussed the requests to have the two areas fixed and verified the quote.
- Supervisor Schmidt discussed having the area painted yellow to draw more attention.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: Motion to approve the proposal with Fischer Ulman Construction Company for the project at a cost not to exceed \$7,500.00 with the funding to come from the Town's CY 2015 Public Works Street Maintenance Line Item.

Motion carried by unanimous consent.

E. Discussion/Action: Town Board review and consideration of a Draft Intermunicipal Agreement Between the Town of Clayton, the Town of Vinland, and the Town of Winneconne for Building Inspection Services to be provided by the Town of Clayton's Building Inspector.

Attached please find a draft copy of an Intermunicipal Agreement between the Town of Clayton, the Town of Vinland, and the Town of Winneconne for Building Inspection Services to be provided by the Town of Clayton’s Building Inspector. The draft was prepared by Town Attorney Rose Simon, as the Board knows Rose has taken a position with the City of Sheboygan. Attorney Carlson will be in attendance at the Board’s meeting to review the draft document. The Administration is comfortable with the draft document and subject to Board approval is recommending that it be forwarded to the Towns of Winneconne and Vinland for their review and approval. The Administration is working with the Town’s Building Inspector on the details and proposed wage for the position and should be ready to present a draft agreement to the Board at its Wednesday, May 20<sup>th</sup>, 2015 meeting. Should the Board agree with the Administration’s recommendation on the draft Intermunicipal Agreement a motion would be in order to approve the document and forwarded it to the Towns of Winneconne and Vinland for their review and approval.

- Staff will provide more information regarding the Building Inspector as far as salary and the agreement between the Towns of Winneconne and Vinland.

Approved by unanimous consent.

XI. Town Board Reorganizational Business:

A. Board Appointments

a. Vice Chairperson

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to appoint Supervisor Schmidt as the Vice Chairperson.

Motion carried by unanimous consent.

b. Town of Clayton Sanitary District #1

- Town Board

c. Stormwater Utility Commission

- Town Board

d. Joint Fire Board

**MOTION:**

Motion by: Chair Geise

Seconded by: Supervisor Grundman

Motion: Motion to appoint Town Chair Geise, Supervisor Lettau and Supervisor Schmidt as the Town’s representatives to the Clayton/Winchester Joint Fire Board.

Motion carried by unanimous consent.

e. Plan Commission

**MOTION:**

Motion by: Chair Geise

Seconded by: Supervisor Lettau

Motion: Motion to appoint Scott Reif to the Plan Commission.

Motion carried by unanimous consent.

f. Green Space Committee

**MOTION:**

Motion by: Chair Geise

Seconded by: Supervisor Schmidt

Motion: Motion to appoint Supervisor Grundman to the Green Space Committee.

Motion carried by unanimous consent.

g. Personnel

**MOTION:**

Motion by: Chair Geise

Seconded by: Supervisor Lettau

Motion: Motion to appoint Supervisor Schmidt to be in charge of personnel.

Motion carried by unanimous consent.

h. Buildings/Grounds/Roads

- No appointment

i. Cemetery

- No appointment

B. Establish Meeting Days, Times, Rules

a. Town Board:

i. Meets the 1<sup>st</sup> & 3<sup>rd</sup> Wednesdays of each month

ii. Meeting time 7:00 p.m.

iii. Robert's Rules of Order

- Stay the same

b. Storm Water Utility Commission

i. Meets at the call of the Chair on the 1<sup>st</sup>, & 3<sup>rd</sup>, Wednesdays of each month

ii. Meeting Time 6:00 P.M.

iii. Robert's Rules of Order

- Stay the same

c. Zoning Board of Adjustments:

i. Meets at the call of the Chair

ii. Meeting Time and Date are at the call of the Chair

iii. Roberts Rules of Order

- Stay the same

d. Plan Commission:

i. Meets on the 2<sup>nd</sup> Wednesday of each month

ii. Meeting Time 7:00 p.m.

iii. Robert's Rules of Order

- Stay the same

e. Green Space Committee

i. Meets on the 2<sup>nd</sup> Wednesday of each month

ii. Meeting Time 5:30 P.M.

iii. Robert's Rules of Order

- Stay the same

C. Town Office Hours & Organization Structure

a. Office Hours

i. 8:00 A.M. to 4:30 P.M.

ii. Monday through Friday

- Approved by unanimous consent

b. Organizational Structure

i. As approved in the Town's Personnel Manual

- Approved by unanimous consent

D. Organizational Support Consideration (Proposed)

- a. Town Administrator: Richard Johnston
- b. Clerk: Richard Johnston
- c. Treasurer: Tori Straw
- d. Assistant Town Administrator: Tori Straw
- e. Deputy Clerk: Laurie Goffard
- f. Town Attorney: Richard Carlson (Silton, Seifert, & Carlson S.C.)
- g. Labor Attorney: Pat Gill (Gill & Gill S.C.)
- h. Assessor: Luke Mack (Associated Appraisal Consultants, Inc.)
- i. Building Inspector: Tom Spierowski
- j. Engineer: Martenson & Eisele, Inc.
- k. Banking Institutions: Chase and Wells Fargo
- l. Official Newspaper of Record: Appleton Post-Crescent
  - Section D (a through l) are approved by unanimous consent

E. Additional Appointments

- a. Plan Commission Members: (2 positions for a 3-year term each with all terms effective May 1<sup>st</sup>, of the calendar year.
    - Dick Knapinski as Chair – Approved by unanimous consent
    - John Jesse as Commissioner – Approved by unanimous consent
  - b. Zoning Board of Review: (2 positions serving 3-year term each with all terms effective May 1<sup>st</sup>, of the calendar year.
    - i. Name to be presented by the Town Chair
    - ii. Name to be presented by the Town Chair
    - Tabled until the next Town Board meeting
  - c. Green Space Committee Member: (2 positions for a 3-year term each with all terms effective May 1<sup>st</sup>, of the calendar year.
    - i. Name to be presented by the Town Chair
    - ii. Name to be presented by the Town Chair
    - Tabled until the next Town Board meeting
  - d. Town Constable: (1 position: 1-year term; term effective May 1<sup>st</sup>, of the calendar year.
    - Tabled until the next Town Board meeting. Possibly Dennis Waddington, as he has shown some interest in the position as a volunteer. Position approved two years ago but has not been filled.
  - e. Animal Control Officer: (1 position: 1-year term; term effective May 1<sup>st</sup>, of the calendar year.
    - David Huebner – Approved by unanimous consent
  - f. Emergency Government: (1 position: 1-year term; term effective May 1<sup>st</sup>, 2015)
    - Bob Breaker – Approved by unanimous consent
  - g. Weed Commissioner: (1 position: 1-year term; term effective May 1<sup>st</sup>, of the calendar year.
    - Richard Johnston – Approved by unanimous consent
- F. Additional Considerations
- a. Town Board and Plan Commission Reimbursements – Meetings, Workshops, etc.
    - i. Town Chair

1. Wage: \$8,300.00 per year
2. Out of Town Half Day Meeting Per Diem: \$ 44.00
3. Out of Town Full Day Meeting Per Diem: \$ 66.00
4. Mileage reimbursement: Per IRS Rules
  - Set by Town residents
- ii. Town Supervisor
  - 1. Wage: \$5,100.00 per year
  - 2. Out of Town Half Day Meeting Per Diem: \$ 44.00
  - 3. Out of Town Full Day Meeting Per Diem: \$ 66.00
  - 4. Mileage reimbursement: Per IRS Rules
    - Set by Town residents
- iii. Plan Commissioner
  - 1. Stipend per meeting: \$ 44.00
  - 2. Out of Town Half Day Meeting Per Diem: \$ 44.00
  - 3. Out of Town Full Day Meeting Per Diem: \$ 66.00
  - 4. Mileage reimbursement: Per IRS Rules
    - Set by Town residents.
- b. Town Fees:
  - i. Review and approval of the Town’s Revised Fee Schedule
- c. Posting and Notice Locations:
  - i. Town Office, Corner of JJ& Breezewood Lane, Clayton School

XII. Upcoming Meeting Attendance:

XIII. Board Member Requests for Future Agenda Items:

- Discussed Dennis Brucks’ concrete apron for the June 3<sup>rd</sup>, 2015 meeting.

XIV. Review of Disbursements:

XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to Adjourn at 8:03 p.m.

Respectfully submitted,  
Laurie Goffard, Deputy Clerk