

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 P.M. on Wednesday, November 16<sup>th</sup>, 2016

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 |
| Deputy Clerk Stevens           | PRESENT |
| Town Engineer – Mary Jo Miller | PRESENT |
| Town Attorney – Ashley Lehocky | PRESENT |

II. Public Hearing(s) and/or Public Information Meeting(s): NONE

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 2<sup>nd</sup>, 2016.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 2<sup>nd</sup>, 2016.

IV. Open Forum – Town-related Matters not on the Agenda: NONE

V. Correspondence:

A. Winnebago County Solid Waste Management Monthly Report

- Supervisor Lettau stated the Town of Clayton is in 3<sup>rd</sup> place for most recycling tonnage YTD

B. Winnebago County Planning and Zoning 2017 Calendar

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 Fire Rescue Department
  - 1. Chair Geise reported on behalf of Chief Rieckmann stating
    - 227 calls YTD
    - Meeting is scheduled with Chief Meyer of Oshkosh to evaluate the Clayton Fire Rescue department
- D. Larsen-Winchester Sanitary District
  - 1. No Report
- E. Administration Comments
  - 1. Engineer Miller Report
    - Working on final pay requests for Hickory and Clayton Avenues
  - 2. Administrator Johnston Report
    - Working on development projects in the I-10 corridor
    - Completing the DOT Pacer Report due 12/15/16
  - 3. Treasurer Straw Report
    - Since Board approval to switch financial institutions, FNB has been bought out by Nicolet Bank. Treasurer Straw received confirmation that the two-year contract signed will remain as is and she intends to have all the accounts switched to FNB by month's end.
    - Received an Unemployment Notice from WI DWD for Michael Cotter. His unemployment compensation falls on Clayton Fire Rescue as the department took most of the unemployment rating from the Joint Fire Department split.
    - Working to complete the Levy worksheet complete by end-of-week, and Statement of Taxes and Special Assessments shortly thereafter.
  - 4. Chair Geise Report
    - Meeting with potential business development on the north side of I-10 corridor
    - Meeting with WPS to develop electrical services for the I-10 corridor
    - Meeting with Developer to discuss a possible border agreement
    - All discussions were preliminary resulting in no reportable information
    - Chair Geise requested permission from the Board to continue discussions

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. None
- B. Renewal:
  - i. None

VIII. Business referred by the Plan Commission:

- A. Plan Commission recommendation to the Town Board on a 4-Lot Certified Survey Map (CSM) application submitted by Breaker Girls LLC, 36 Corvette Circle, Fond du Lac, WI 54935 for property located at 2603 Larsen Road, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0638, being part of Lot 2, CSM No. 4917,

being a part of the Northeast ¼ of the Northeast ¼ of the Northwest ¼, of the Northeast ¼ of the Southwest ¼ of the Northeast ¼, and all of the Southeast ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Administrator Johnston reviewed the Plan Commission discussion and recommendations.

**Staff Recommendations on the CSM Application:**

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Subject to showing the Right to Farm Language required by the Town.
2. The removal of the existing shed on Lot-1 of the proposed CSM.
3. The elimination of the 33-foot flag extension to Larsen Road on Lot-2 of the proposed CSM.
4. Showing the 66-foot reservation for a future road right-of-way for the eastern extension of Breaker Trail.
5. That the Plan Commission recommend that the Board authorize the use of the existing temporary cul-de-sac on Breaker Trail as access to Lot-2 until Breaker Trail is extended east on Lot-2.
6. Subject to payment of all fees due the Town.
7. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

**MOTION:**

Motion made by unanimous consent to approve the CSM with staff recommendations and conditions.

- B. Plan Commission recommendation to the Town Board on a 1-Lot Certified Survey Map (CSM) application submitted by Michael A. Haase Revocable Trust and Sandra J. Haase Revocable Trust, 7669 Boom Bay Heights Road, Larsen, WI 54947 for property located on the southwest corner of Shady Lane and Clayton Avenue in the Town of Clayton, specifically described as Tax ID # 006-0327, being part of Lot 1 of Certified Survey Map No. 3651, being a part of the Northwest ¼ of the Northeast ¼ and part of the Northeast ¼, of the Northeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Administrator Johnston reviewed the Plan Commission discussion and recommendations.

**Staff Recommendations on the Re-zoning Application:**

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Subject to showing the Right to Farm Language required by the Town.
2. Subject to payment of all fees due the Town.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

**MOTION:**

Motion made by unanimous consent to approve the CSM with staff recommendations and conditions.

- C. Plan Commission recommendation to the Town Board of a 2-Lot Certified Survey Map (CSM) submitted by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0246, and Tax ID# 006-0270 being part of the southeast ¼ of the northeast ¼ and all of the northeast ¼ of the southeast ¼ all being in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Administrator Johnston reviewed the Plan Commission discussion and recommendations.

**Staff Recommendations on the CSM Application:**

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Subject to the dedication of the western half of the Right-Of-Way of Center Road if it is not already dedicated to the Public.
2. Subject to payment of all fees due the Town.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

**MOTION:**

Motion made by unanimous consent to approve the CSM with staff recommendations and conditions.

- D. Plan Commission recommendation to the Town Board on Agricultural Enterprise Areas and the AEA Petition Process.

Administrator Johnston explained the AEA program is directly related to the next item of business, the Working Lands Section of the Town’s Comprehensive Plan and the Plan Commission is recommending inclusion of the AEA Petition Process in the development of that section of the Comp Plan.

**NO ACTION TAKEN**

- E. Plan Commission recommendation to the Town Board on a proposal from the Town’s Planning Consultant for creating administrative language relative to the Working Lands Section of the Town’s Comprehensive Plan.

Administrator Johnston stated the Plan Commission is recommending approval of the proposal. Cost of the proposal is \$1900, but Administrator Johnston recommended approving with a Not-to-exceed limit of \$2500 which will allow for other modifications which are likely to arise during the development process.

**MOTION:**

Motion made by unanimous consent to approve the proposal by Ken Jaworski of Martenson & Eisele, Inc. to develop and incorporate the administrative language for the Working Lands section of the CY 2015/16 Town of Clayton Comprehensive Plan for a cost not to exceed \$2,500.

IX. Business referred by the Green Space Committee: NONE

X. Business:

- A. Discussion/Action: Town Board review and consideration of accepting Whispering Meadows Road, the Town Road constructed as part of the development of the Plat of Whispering Meadows subject to the installation of the second lift of asphalt in CY 2017/18.

Administrator Johnston presented Resolution 2016-011 with the recommendation that the Town Board accept approximately 1,700 feet +/- of new Town Road, known as Whispering Meadow Drive, along with other material relating to the project. At this time, the Town Board has approved the pay request submitted by R & R Wash and the Town’s Engineer for the work completed in CY 2016. Any additional work on the project is scheduled for CY 2017/18. The work that needs to be completed includes fixing any soft spots in the based course of the road and the second lift of asphalt pavement. These items are scheduled to be completed in CY 2017/18 as part of the Specially Assessed Capital Project. Approval of the Resolution allows the Town to assume the responsibility for maintaining the new town road and requires that staff include the new town road in the Town’s CY 2016 PACER report to the State Department of Transportation.

**MOTION:**

Motion by: Supervisor Schmidt

Second by: Supervisor Grundman

Motion to approve Resolution 2016-011 accepting approximately 1,700 feet +/- of new Town Road, known as Whispering Meadows Drive, and to direct staff to include the new town road in the Town’s CY 2016 Wisconsin Department of Transportation PACER Report.

**ROLL CALL VOTE:**

|                     |     |
|---------------------|-----|
| Supervisor Lettau   | Aye |
| Supervisor Reif     | Aye |
| Chair Geise         | Aye |
| Supervisor Grundman | Aye |
| Supervisor Schmidt  | Aye |

Motion carried with a 5-0 vote

- B. Discussion/Action: Town Board review and consideration of a Contract for providing First Responder Services to the Town of Winchester with the fee for service based on the Town’s CY 2017 First Responder Budget and the CY 2016 relative share of the aggregate equalized value of each Town.

Administrator Johnston presented an Intergovernmental Agreement between the Town of Clayton and the Town of Winchester for providing First Responder Services (Agreement). Under this Agreement the Town of Clayton would provide First Responder Services to the Town of Winchester for a total annual fee of \$9,978.13 to be paid on a quarterly basis.

The fee is calculated on a proportionate share of equalized value for 2016. The term of the Agreement is one calendar year starting at 12:01 A.M. on January 1<sup>st</sup>, 2017 through 12:00 A.M. on January 1<sup>st</sup>, 2018. This Agreement will need to be approved by both communities to become valid

**MOTION:**

Motion made by unanimous consent to approve the Intergovernmental Agreement between the Town of Clayton and the Town of Winchester for providing First Responder Services and to direct staff to forward the Agreement to the Town of Winchester Board for its approval.

- C. Discussion/Action: Town Board review and consideration of a 4-year Amended Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc. at an annual cost of \$19,000.00.

Administrator Johnston presented a 4-year Amended Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc. at an annual cost of \$19,000.00. The Town's last community wide re-assessment was conducted in CY 2007. Associated Appraisal Consultants, Inc. was hired following that assessment to conduct Annual Full Value Maintenance Assessments. Over the course of the following years the Town's equalized value ranged between 104% and 99%. The Town's CY 2016 Assessment Ratio was set by the State Department of Revenue at 100.14%. The variance in the Town's Assessment Ratios as set by the State Department of Revenue demonstrates that the Town has been managing its assessment process well and will not need to conduct a community wide re-assessment anytime in the near future. The Annual Full Value Maintenance Assessment process costs slightly more than routine maintenance; however, the nominal increase in the annual cost has mitigated the need for an expensive community wide re-assessment process. The proposed \$19,000.00 annual cost represents a \$1,300.00 +/- increase over the previous 4-year Contract. Based on the Town's long term savings with the Full Value Maintenance process and its experience with the Open Book/Board of Review process, the Administration is recommending that the Town Board approve the 4-year Amended Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc. at an annual cost of \$19,000.00.

**MOTION:**

Motion made by unanimous consent to approve a 4-year Amended Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc. at an annual cost of \$19,000.00.

- D. Discussion/Action: Town Board review and consideration of a CY 2017 Independent Contractor Agreement with MWK, LLC for accounting and audit control services in the Town's Treasurer's Office at an estimated cost of \$15,000.00 for CY 2017.

Administrator Johnston presented an Independent Contractor Agreement with MWK, LLC for accounting services for the Town Treasurer's Office. MWK, LLC is the name of the firm Michael W. Konecny (Mike) has created since he retired from Schenck, SC, the Town's Auditing firm. The Administration has asked Mike to submit the proposal to help

Town staff with completing some of the background documentation needed by the Town. The Administration would like to finish integrating the Town's Fund Accounting Software with the Town's Office operations. As the Town starts to grow in size it will need to be efficient in its operations in order to minimize staffing levels and it will need to have proper records and proper controls on its assets. Simply put, the Town's need for process and policy is growing faster than staff can keep up and it is more cost effective to contract for the expertise rather than to hire staff. The Administration has budgeted for the needed accounting services in the CY2017 Budget and is recommending that the Town Board approve the Contract at a cost not to exceed \$15,000.00.

**MOTION:**

Motion made by unanimous consent to approve the Independent Contractor Agreement with MWK, LLC for accounting and audit control services in the Town Treasurer's Office at a cost not to exceed \$15,000.00.

- E. Discussion/Action: Town Board review and consideration of updated Town of Clayton Fire Department Automatic Aid Agreements with the following Communities:
- i. Town of Greenville
  - ii. Village of Fox Crossing
  - iii. Town of Neenah
  - iv. Town of Vinland

Administrator Johnston presented Automatic Aid Agreements with the listed communities. With the creation of the Clayton Fire Rescue Department the Chief wanted to update the participating community names on the Town's Automatic Aid Agreements. The Chief is also taking this opportunity to make minor adjustments to the service areas in the agreements. Please be advised that the costs to the Town for the proposed Automatic Aid Agreements will not change with the proposed updates. The Chief is asking the Town Board to approve the Automatic Aid Agreements as submitted and the Administration is making the same recommendation.

**MOTION:**

Motion made by unanimous consent to approve the updated Automatic Aid Agreements with the listed municipalities and to direct staff to submit them to the respective communities for their approval.

- F. Discussion/Action: Town Board review and consideration of certain amendments to the following Town of Clayton Fire Department Standard Operating Guidelines (SOGs):
- i. Carbon Monoxide Alarms
  - ii. Long Driveway Hose Lay Procedure
  - iii. Vehicle Extrication
  - iv. Tornado/Storm Operations
  - v. Vehicle Fires
  - vi. Highway Operations
  - vii. Employment Requirements (Amended)
  - viii. Length of Service Award (New)

Administrator Johnston presented new and amended Town of Clayton Fire Department Standard Operating Guidelines (SOGs). Items i through vi are new SOGs. Item vii. Employment Requirements has been amended to better define item 1.09.06 **Active Status**, B. EMR's. This amendment serves to better define who is an active member of the Town's EMR Unit. Item viii. Length of Service Award is a SOG and defines how the proposed Length of Service Program works and who is eligible to participate. The only other item the Board needs relative to the Length of Service Award Program is the funding level. All of the draft SOGs have been reviewed by the Department's Command staff. Both the Chief and the Administration are recommending that the Town Board approve the draft SOG's and direct the Chief to place them in effect.

**MOTION:**

Motion made by unanimous consent to approve the listed SOG's as presented.

- G. Discussion/Action: Town Board review and consideration of the participation rules and funding level for a State approved, Fire Department Length of Service Program for the Town of Clayton Fire Department and First Responder Unit.

Administrator Johnston presented the following documents:

1. A copy of Resolution 2016-008 approving participation in the Wisconsin Length of Service Award Program.
2. A draft copy of the proposed amendments to the Department's Employment Requirements SOG.
3. A draft copy of the Department Length of Service Award participation SOG.
4. Copies of a short Power Point presentation on the Length of Service Award program.

If approved as presented, these documents will establish the Department's participation criteria for the Town's Length of Service Award Program. The only item yet to be established by the Board is the Town's participation rate. Funding for the program (at \$10,000.00) was included in the Department's CY 2016 Budget and the same \$10,000.00 was included in the Board's CY 2017 Budget. Please be advised that only Firefighters and Fire Responders who are qualified as Active Members of the Department are eligible to participate in the Length of Service Award Program. The minimum program contribution is \$100.00 per qualified participant, the maximum State match to the Town's contribution is \$343.77. Both the Department Chief and the Administration would recommend contributing at the maximum State match level (\$343.77).

**MOTION:**

Motion made by unanimous consent to approve participation in the State Length of Service Award Program at a contribution rate of \$ 343.77 starting with CY 2016.

- H. Discussion/Action: Town Board review and consideration of a proposed wage Contract for CY 2017 from the General Teamsters Union Local 662 for the Town's Unionized Public Works Department.

Administrator Johnston presented a copy of the Teamsters General Union Local 662 CY 2017 Contract Extension as well as the Union's request for a CY 2017 Consumer Price Index wage increase of 0.68%. The Union is also asking for an additional 2.32% increase

outside of the restrictions of ACT 10 (please see ARTICLE 4. WAGES – B). The Administration will not recommend the 2.32% wage increase because it violates the terms of ACT 10. Relative to the Union's Labor Agreement and wage increase, the Administration is comfortable with language as it exists and is recommending that the Town Board approve a 1-year Labor Agreement extension with the Teamsters Union Local 662 represented employees including a cost of living wage increase of 0.68%.

**MOTION:**

Motion made by unanimous consent to approve a 1-year extension of the Town's Labor Agreement with the Teamsters Union Local 662 Employees with a 0.68% cost of living wage increase as presented.

- I. Discussion/Action: Distribution of Administration's Annual Staff Performance Evaluation Forms for the Board's review and consideration at its Wednesday, December 7<sup>th</sup>, 2016 Town Board Meeting.

Administrator Johnston presented copies of Staff's self evaluation forms as well as the Administration's evaluations of the Town's fulltime administrative employees. The only represented Town Employee to be evaluated is the Public Works Foreman and that evaluation is for management purposes only. Additionally, the Administration has reviewed the Deputy Clerk in an attempt to better understand the changing nature of the position; this individual will not be eligible for a wage increase until the Town's Contract with CADRE is terminated and the individual becomes a full-time Town employee. The Administration is distributing these documents to the Town Board in anticipation of making its annual wage adjustment recommendations for non-represented staff to the Board. The Administration is expecting to have those recommendations as an agenda item on the Board's Wednesday, December 7<sup>th</sup>, 2016 Town Board Agenda.

**NO ACTION TAKEN**

- J. Discussion/Action: Distribution to the Board of the Administrator's Annual Performance Evaluation Form for the Board's review and consideration at its Wednesday, December 7<sup>th</sup>, 2016 Town Board Meeting.

Administrator Johnston presented his self evaluation form. The Administration expects that the Town Chair will compile the Board's Annual Performance Evaluation of the Town Administrator. This information is expected to be presented to the Board at its December 7<sup>th</sup>, 2016 meeting. At that time, the Town Chair will make his recommendations relative to the Administrator's CY 2017 wages. At that time, the Board will need to consider the Administrator's Performance Evaluation and any recommendations relative to the Administrator's Contract and wages.

- Chair Geise requested the evaluation and related business be moved to the December 21<sup>st</sup>, 2016 Town Board Meeting.

**NO ACTION TAKEN**

- K. Discussion/Action: Town Board review and consideration of making a portion of Shady Lane between Oakwood Avenue and Deer Trail Lane a snowmobile route.

The Drifters Snowmobile Club is asking the Board for permission to extend a trail for approximately 2,000 feet +/- in the Right-Of-Way of Shady Lane west of Oakwood Avenue. Several homes have been constructed in the Plat of Deer Trail Estates causing the need to move the trail from its extant location. The Administration has no real concerns about the trail as long as it is established and maintained as required by the State. Additionally, given the development in the area, the Board may wish to make the authorization for the trail in this area permanent but subject to review.

**MOTION:**

Motion made by unanimous consent to authorize the Drifters Snowmobile Club to establish and maintain a snowmobile trail in the Right-Of-Way of Shady Lane for approximately 2,000 feet +/- west of Oakwood Avenue on an ongoing basis until the authorization is rescinded.

- L. Discussion/Action: Town Board review and consideration of an update on the Town's Banking services provider.

The Board has authorized the Administration to move the Town's banking needs from Wells Fargo Bank to FNB Fox Valley. Based on the pending sale of FNB Fox Valley to Nicolet National Bank staff temporarily placed this process on hold until the situation was clarified and the banking services of the new institution understood. Since most of the Town's financial dealings with the State and its payroll are conducted through the ACH process these changes are time consuming and critical. Rather than multiple changes and multiple chances for a mistake, staff would like to be comfortable before it makes the first change.

- Treasurer Straw received confirmation that the two-year contract signed will remain as is and she intends to have all the accounts switched to FNB by month's end.

**NO ACTION TAKEN**

- XI. Review of Disbursements:

Treasurer Straw explained two separate summary reports were provided to the Board due to the fact that the funding for the work being done at the rental property on Clayton Avenue is being pulled from the Rentals Account and it is easier to track the expenditures and funding accounts on separate reports.

- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):  
Treasurer Straw stated due to the election and other required meeting attendance, she is slightly behind and does not currently have a report ready for the Board.

- XIII. Upcoming Meeting Attendance: NONE

- XIV. Board Member Requests for Future Agenda Items:

Chair Geise requested to Finalize the purchase of the Kozakowski property at the January 4<sup>th</sup>, 2017 Town Board Meeting

XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to Adjourn at 8:07 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk