

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

6:00 p.m. on Wednesday, February 19, 2020

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

- I. Call to Order: Town Board Chairman Geise called the meeting to order.
- A. Pledge of Allegiance
 - B. Verification of Notice
 - C. Meeting Roll
 - a. Board of Supervisors
 - Chair Geise PRESENT
 - Supervisor Lettau PRESENT
 - Supervisor Grundman PRESENT
 - Supervisor Wisnefske PRESENT
 - Supervisor Reif PRESENT
 - b. Staff
 - Administrator Straw PRESENT
 - Clerk Stevens PRESENT
 - Treasurer Schiessl PRESENT
 - Town Engineer – Mary Jo Miller PRESENT
 - Town Attorney – Ben Lafrombois EXCUSED
- II. Public Hearing(s) and/or Public Information Meeting(s):
- a. No Public Hearings and/or Public Informational Meetings are scheduled.
- III. Approval of Minutes:
- A. Approval of the Minutes of the Wednesday, February 5, 2020 Town Board Meeting.
- MOTION:**
Motion by unanimous consent to approve the minutes from the Wednesday, February 5, 2020 Town Board Meeting
- IV. Open Forum – Town-related Matters not on the Agenda: NONE
- V. Correspondence:
- A. December 19th, 2019 Minutes of the Oshkosh Public Library Board
 - B. Email correspondence from Abby Maslanka, Martenson & Eisele, Inc. regarding Hwy 10 permitting of Wetland Area 7.
 - C. Correspondence relating to the Eagle Scout Court of Honor recognizing Jack Krautkramer
 - D. Winnebago County Solid Waste Department January 2020 Recycling Tonnage Report
 - E. Neenah Joint School District Referendum Flyer
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report—No Report

- B. Winnebago County Sheriff's Department: – Public Concerns and Issues—No Report
- C. Clayton Fire Rescue (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - b. Clayton Fire Rescue EMR
 - 29 Calls year-to-date, 16 EMR, 7 Fire, 6 both EMR and Fire
 - First Responders attending Recertification Training
 - c. 2019 Emergency Management Activity Report—Emergency Manager Kaylin Van Stappen
 - Provided Elected Official's Guide to Emergency Management
 - Provided Winnebago County Cell Phone Notification System Information
 - Completed Hazard Mitigation Survey
 - Hazard Mitigation Work Group Session scheduled for February 18, 2020
- D. Clayton Police Department (First Meeting of the Month)
 - Camera System in Squad is operational
 - Continuing to work with various agencies to get software set up to allow for citation issuance and reporting
- E. Larsen/Winchester Sanitary District—No Report
- F. Administration Comments
 - Mary Jo Miller, Town Engineer
 - Working with Staff on Storm Water Management projects
 - Will have construction projects in Spring
 - Administrator Straw
 - PW Department taking Inventory of Equipment and Tools
 - Attorney Kobza submitted a Sanitary Sewer Service Area Amendment request
 - Staff has been working with the Village of Fox Crossing regarding the PSC presentation
 - Staff has met with Jeff Belongia regarding financing the agreements
 - RFPs for codification have been sent—deadline for submission is June 4, 2020
 - Winnebago County IDB grants reduced due to number of applications
 - Open Book—May 1, 2020; Board of Review—May 19, 2020
 - Clerk Stevens
 - Spring Primary Election was held on February 18, 2020—Clayton had 390 votes cast
 - Chair Geise
 - Town of Winneconne signed Border agreement as presented in October
 - Town of Neenah is the only outstanding Border agreement
 - Working with McMahon regarding PSC Presentation to provide municipal water
 - Developing plan for Integrated Public Resources to build system for the Town to lease—would minimize the financial impact on the Town and the taxpayers

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Jill Brauer
- ii. Richard Davis
- iii. Jena Murphy

B. Renewal:

- i. No Renewal Licenses Issued

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 CSM Application submitted by Claymann Creek LLC, 8120 South Frontage Road, Sheboygan, WI 53081, for property located at 2651 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0341 and Tax ID # 006-0335-02, described as All of Lots 2 and 3 of Certified Survey Map No. 6306, being part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, and part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- CSM is being completed as a condition of sale of the property, mapping what was previously a metes and bounds description.

MOTION:

Motion by unanimous consent to approve the CSM Application submitted by Claymann Creek, LLC, 8120 South Frontage Road, Sheboygan, WI 53081, for property located at 2651 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0341 and Tax ID # 006-0335-02 as presented and with staff recommendations as follows:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
 2. The Applicant provide a copy of the recorded document to the Town.
- B. Plan Commission recommendation to the Town Board on a CSM Application submitted by Guy Grenfell and Elizabeth Fedie, 4367 Stoney Ridge Trail, Oshkosh, WI 54904, for property located on the south side of Rocky Road between Stoney Ridge Trail and Jensen Road, specifically identified as Tax ID # 006-0808-04, described as part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- CSM is a requirement to clear up Deed issues with the property.
 - CSM traces the original lines of the property changing none of the boundaries
 - Lot 1 is Zoned A-2 but is only 2.67 acres
 - Rezoning is not required because it is a nonconforming lot of record as it was conforming to County Zoning when created. No changes are being made to the lot and therefore the zoning may remain as a nonconforming lot of record.

MOTION:

Motion by unanimous consent to approve the CSM Application submitted by Guy Grenfell and Elizabeth Fedie, 4367 Stoney Ridge Trail, Oshkosh, WI 54904, for property located on the south side of Rocky Road between Stoney Ridge Trail and Jensen Road, specifically identified as Tax ID # 006-0808-04 as presented and with staff recommendations as follows:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
 2. The Applicant provide a copy of the recorded document to the Town.
- C. Plan Commission direction to staff on Town Board Resolution 2020-001 recommending a 60-day extension on the Town Board approved moratorium on the construction of any new self-storage facilities as defined in Chapter 9 – Town of Clayton Zoning Code of Ordinances, Article 3 – Definitions, Section 14.0 GENERAL STORAGE, 14.02 Personal Storage Facilities in the Town of Clayton Code of Ordinances.
- Plan Commission is recommending to the Town Board approval of Resolution 2020-001 A Resolution to Extend a Temporary Moratorium on Storage Facilities
 - The 60-day extension will allow staff the necessary time to schedule the requisite public hearing for the Zoning Code amendments and mapped boundary relating to the Personal Storage Unit Restriction Overlay District for the March Plan Commission meeting; and to also continue researching the option to strategically extend the Overlay District to other areas of the Town as well as consideration of expanding the use into B-1 and B-2 districts and to provide the information to the Commission for its review and discussion at the April 2020 Plan Commission meeting.

NO ACTION TAKEN—business addressed as Business Item X.A.

- D. Plan Commission direction to staff on preparing the documentation for the proposed amendments to the Town’s Zoning Code of Ordinances.
- Plan Commission will be holding a public hearing on March 11, 2020 regarding Amendments to the Town of Clayton Zoning Code of Ordinances specifically relating to the creation of a Personal Storage Unit Restrictive Overlay District and the related boundary map.
 - Staff will continue researching the option to strategically extend the Overlay District to other areas of the Town as well as consideration of expanding the use into B-1 and B-2 districts and to provide the information to the Commission for its review and discussion at the April 2020 Plan Commission meeting.

NO ACTION TAKEN

IX. Business referred by the Green Space Committee:

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

- A. No Referrals—the Green Space Committee meeting for February 12th, 2020 was cancelled at the request of the Committee Chair.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Town Board Resolution 2020-001 recommending a 60-day extension on the Town Board approved moratorium on the construction of any new self-storage facilities as defined in Chapter 9 – Town of Clayton Zoning Code of Ordinances, Article 3 – Definitions, Section 14.0 GENERAL STORAGE, 14.02 Personal Storage Facilities in the Town of Clayton Code of Ordinances.

In November 2019, at the Plan Commission’s recommendation, the Town Board passed a temporary moratorium on the approval and construction of new Personal Storage Units in the Town of Clayton. The intent of the moratorium is to allow the Plan Commission and the Town Board to consider propriety of these units in the areas of the Town where the extension of municipal water and municipal sanitary sewer utilities are likely in the foreseeable future. Specifically, do these units provide sufficient tax base to support the cost of providing municipal utilities in a newly created tax incremental district. Based on the listed points and a recommendation by staff, the Plan Commission is recommending that the Town Board approve Resolution 2020-001 extending the moratorium on the application for and construction of Personal Storage Facilities in the Town of Clayton Code of Ordinances until Wednesday, April 15th, 2020. This extension will allow for the Plan Commission to hold the requisite public hearing on March 11, 2020 regarding Amendments to the Town of Clayton Zoning Code of Ordinances specifically relating to the creation of a Personal Storage Unit Restrictive Overlay District and the related boundary map.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to Approve Resolution 2020-001 A Resolution recommending a 60-day extension on the Town Board approved moratorium on the construction of any new self-storage facilities as presented.

ROLL CALL VOTE:

Supervisor Wisnefske	Aye
Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye

Motion carried by a vote of 5-0

- B. Discussion/Action: Town Board review and consideration of Payment #1 submitted by Radtke Contractors, Inc., P.O. Box 6000, 6408 Cross Road,

Winneconne, WI 54986 for the Developer funded construction of the Westfield Ridge Cul-de-Sac Project.

The Board reviewed a copy of Pay Request #1 in the amount of \$38,460.41, submitted by Radtke Contractors, Inc., P.O. Box 6000, 6408 Cross Road, Winneconne, WI 54986 for the Westfield Ridge Cul-de-Sac Project. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the first pay request for the Westfield Ridge Cul-de-Sac Project from the escrow funds provided by the Developer and held by the Town of Clayton.

MOTION:

Motion by unanimous consent to approve the pay request submitted by Radtke Contractors, Inc., P.O. Box 6000, 6408 Cross Road, Winneconne, WI 54986 in the amount of \$38,460.41 with the funding to come from the Developer's Escrow Account.

- C. Discussion/Action: Town Board review and consideration of the Agreement for Professional Services provided by the Town's Engineer for the Construction Related Services of the Winncrest Road Improvements from County Rd II to Towne Court.

The Board reviewed the Agreement for Professional Services provided by the Town's Engineer for the Construction Related Services for the Winncrest Road Improvements from County Rd II to Towne Court. The Administration has reviewed the agreement and is comfortable with the cost of the Construction Related Services as proposed. The total estimated cost of the construction related services is \$9,200.

MOTION:

Motion by unanimous consent to approve the proposal for engineering services for the Winncrest Road Improvements from County Rd II to Towne Court for a cost of \$9,200.

- D. Discussion/Action: Town Board review and consideration of a request by Big Brothers Big Sisters of East Central Wisconsin (formerly known as Best Friends of Neenah Menasha) to hold the Clayton Park rental fee at \$60.00 for their 34th Annual Bike Tour, scheduled to be held on Sunday, July 26th, 2020.

Big Brothers Big Sisters of East Central Wisconsin (formerly known as Best Friends of Neenah Menasha) requested the Board reduce the rental fee for Clayton Park to \$60.00 for the organization's Annual Bike Tour. The Town's current fee for renting Clayton Park is \$100.00. Over the past several years the organization has made this request and the Board has routinely denied the request; however, an individual has always made a donation to cover the rental fee for the Organization. The Administration recommended that the Board reject the request for consideration by Big Brothers Big Sisters of East Central Wisconsin. The recommendation is based on the uncertainty of what criteria the Board would use to agree to the consideration. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff recommends not reducing the fee for anyone. Staff is comfortable that a donation will be made to

cover the cost of renting Clayton Park by Big Brothers Big Sisters of East Central Wisconsin.

MOTION:

Motion by unanimous consent to deny the request of Big Brothers Big Sisters of East Central Wisconsin for the reduction of the Clayton Park rental fee.

- E. Discussion/Action: Town Board review and consideration of the Annual Payment of \$25,000 to the Village of Hortonville per the April 19, 2017 Agreement for treating hauled wastewater from the Town of Clayton Sanitary District #1 and amend the CY 2020 Budget transferring money from the Unassigned Fund Balance Reserve Account to the appropriate Budget Revenue and Expense Accounts.

The Board reviewed the Agreement for treating hauled domestic wastewater from the Town of Clayton Sanitary District No. 1 to the Village of Hortonville's Wastewater Treatment Facility which was approved by the Board in April 2017. The Administration's understanding was that it was necessary for the Town to enter into this agreement in order to comply with the settlement agreement with the DNR. The agreement with Hortonville is to continue until such time that the Sanitary District has secured a contract for a physical connection to a neighboring treatment facility.

The funding for this payment was not included in the CY 2020 budget, however, there is funding available in the Unassigned Fund Balance Reserve Account. A CY 2020 Budget Amendment will be required to transfer the money from the Unassigned Fund Balance Reserve Account to the Revenue Account and the Expense Account. The Administration recommended the payment of \$25,000 to the Village of Hortonville.

- Administrator Straw noted that cancellation of the agreement was overlooked—it should have ended when the agreement for Sewer Service was made with the City of Appleton.
- Administrator Straw informed the Board that the Town's attorney has indicated that the Town is obligated to pay.
- Administrator Straw informed the Board that the Town's attorney is developing the needed documents which will cancel the agreement moving forward
- Chair Geise said he was in the meeting with Hortonville and the agreement was a three-year agreement.
- Administrator Straw explained that the agreement was written without a term or an expiration.
- Supervisor Reif suggested the Town negotiate a ½ year with Hortonville in order to benefit both municipalities
- Administrator Straw explained that the new Administrator for Hortonville is holding to the contract and requesting full payment for 2020.
- Supervisor Reif said the agreement also does not include any cancellation requirements so a 30-day notice should be enough to cancel it.
- Chair Geise said he would like to see the Attorney's legal opinion as it relates to the obligation to pay.

- Chair Geise suggested the Board postpone the business in order to discuss the matter with the Town's attorney and to allow for the negotiation of a better deal

NO ACTION TAKEN—business postponed to the March 4, 2020 Town Board Meeting

- F. Discussion/Action: Town Board review and consideration of the following Wisconsin Law Enforcement Agency Policies:

Chapter 25 – BLOOD-BORNE PATHOGEN POLICY

Chapter 26 – HARASSMENT POLICY

Chapter 27 – CONFLICT OF INTEREST POLICY

Chapter 28 – RESPONDING TO MISSING/ABDUCTED CHILDREN INCIDENTS POLICY

Chapter 29 – ELECTRONIC RECORDING OF CUSTODIAL INTERVIEWS POLICY

Chapter 30 – MISSING/AT-RISK ADULTS POLICY

Chapter 31 – INVENTORY POLICY

Chapter 34 – CHAIN OF COMMAND POLICY

Chapter 36 – TIME SYSTEM POLICY

Chapter 36 – HIGH-VISIBILITY SAFETY APPAREL POLICY

The Board reviewed additional policies needed for an active Law Enforcement Agency. Staff had compiled the policies by reviewing those of area Law Enforcement Agencies and adapting them to the Town's needs. The policies have been reviewed and approved by the Town's Legal Counsel. The Administration is recommending that the Board approve the policies as presented.

MOTION:

Motion by unanimous consent to approve the policies as presented.

- G. Discussion/Action: Town Board review of the February Settlement Report for CY 2019 Taxes Payable in 2019/20.

The Board reviewed a copy of the Town Treasurer's February Tax Settlement of 2019 Taxes payable in 2019/2020. The Town collected \$2,570,324.16 in January 2020. The Town's portion is \$651,830.82 with the balance being distributed to the overlying jurisdictional districts.

NO ACTION TAKEN

- H. Discussion/Action: Town Board review of the February 2020 Tax Payment Refund Report for CY 2019 Taxes Payable in 2019/20.

The Board reviewed a copy of the February 2020 Tax payment Refund Report. The total amount of refunds for January 2020 tax collections are \$2,746.69. There was a check issued in the January 2020 refunds in error that was corrected and issued with the February refunds.

NO ACTION TAKEN

- I. Discussion/Action: Town Board review and consideration of the Lappen Security Products Quote for the two additional security cameras for the Municipal Building and the two additional security cameras for Trail Head Park to be paid for by the Larsen-Winchester Lion’s Club as part of their Legacy Project for CY 2020.

The Board reviewed a copy of the Lappen Security Products Quote for additional security cameras for the Municipal Building and Trailhead Park. When the Town purchased and installed the security cameras last year, staff was aware of the need for additional cameras for the West and North sides of the municipal building. The CY 2020 Budget has funds available to purchase the two additional cameras for \$2,215.58.

As part of the Larsen-Winchester Lion’s Club Legacy Project for Trail Head Park, the Lion’s Club will be funding the purchase of two additional cameras for the Park. The cameras will be placed near the proposed Legacy Project Basketball Court. The cost of the cameras is \$2,127.10 with additional costs being incurred due to the installation process.

The Administration is recommending the purchase of the additional cameras for the municipal building at a cost of \$2,215.58 with the monies to come from the CY 2020 Capital Equipment Budget line item and ordering the cameras for Trail Head Park for \$2,127.10 with the monies to come from the Larsen-Winchester Lion’s Club.

MOTION:

Motion by unanimous consent to purchase two additional security cameras for the municipal building at a cost of \$2,215.58 and to order the cameras for Trail Head Park to be funded by the Larsen-Winchester Lion’s Club at a cost of \$2,127.10.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance—None
- XIV. Board Member Requests for Future Agenda Items—None
- XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn 7:55 p.m.

Respectfully submitted,
Holly Stevens, Clerk