

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, May 20<sup>th</sup>, 2020

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

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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 EXCUSED

Town Attorney – Ben Lafrombois PRESENT

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, May 6th, 2020 Town Board Meeting.

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, May 6th, 2020 Town Board Meeting.

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

V. Correspondence:

A. Distribution of the notice and email regarding the Winneconne Court being official as of Monday, May 18<sup>th</sup>, 2020.

B. Distribution of February, 27<sup>th</sup>, 2020 Minutes of the Oshkosh Library Board.

C. Distribution of the correspondence from the Fox Cities Convention & Visitor's Bureau.

D. Distribution of the April 2020 Winnebago County Recycling Tonnage Report.

E. WI DNR Notice of Recycling Grant Award

F. Winnebago County Health Department Clayton Park Water Test Report

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— No Report
  - b. Emergency Management Activity Report—No Report
  - c. Clayton Police Department— No Report
- D. Larsen/Winchester Sanitary District—No Report
- E. PW Director/Economic Development Director— No Report
- F. Administration Comments
  - Engineer's Report—Mary Jo Miller, M & E
    - Written Report Received—No comments
  - Administrator Straw
    - Sale of Town owned land
      - Owner of property at 8322 CTR T is interested in purchasing 0.9 acres of land owned by Town and located immediately south of his property
      - Offered to pay \$500 plus the cost of survey
      - Determined elector authorization is needed for sale of land—current authorization is only for properties purchased to protect Town borders
    - Working with JJJ2 LLC regarding the “man-cave condo” development and the issues with the site development
    - PSC meeting scheduled for June 10, 2020
    - Finalizing Incorporation Submission for tentative July 1, 2020 submittal
  - Clerk Stevens
    - WEC has received funding from the Federal CARES act and is considering reimbursing \$1.10 per absentee ballot for the August and November elections—approval and logistics are pending
  - Chair Geise
    - Completed documentation needed to complete the sale of annexed property to the Village of Fox Crossing
    - Clarified that all employees of the Town have the authorization to speak with any and all Board Members without limitation

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Jill A. Gibson
  - ii. Patty Marie Wollerman
  - iii. Lisa J. Hunter
  - iv. Ashley A. Sturm
- 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 review and recommendation on a Certified Survey Map (CSM)  
Application submitted by the Estate of Mary L. Kronberg, 3022 W Shady Lane, Neenah,

WI 54956, for property located on the north side of Shady Ln, specifically identified as Tax ID #006-0038, specifically described as all of Lot 3, CSM 3107 being part of the Southwest ¼ of the Southeast ¼ of Section 02, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- The Board reviewed the CSM and found all to be in order.
- Plan Commission is recommending approval as presented and with Staff recommendations.

**MOTION:**

Motion by unanimous consent to approve the Certified Survey Map (CSM) Application submitted by the Estate of Mary L. Kronberg, 3022 W Shady Lane, Neenah, WI 54956, for property located on the north side of Shady Ln, specifically identified as Tax ID #006-0038 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 review and recommendation on a Certified Survey Map (CSM) Application submitted by the JBL Real Estate Investments, LLC, C/O Bechard Investments, Inc., 517 N. Westhill Blvd., Appleton, WI 54914 for property located at the Southwest Corner of Fairview Road and Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02, specifically described as all of Lots 1 and 2 of Certified Survey Map No. 7520, being part of the Northeast ¼ of the Northeast ¼, Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- The Board discussed the access points/driveway locations indicated on the CSM per Plan Commission and Staff recommendation.
- It was determined that the likely increase in higher density development is going to necessitate the evaluation and amendment to the Town’s Access Ordinance.
- The Plan Commission is recommending approval as presented and with Staff recommendations and the mapping of the access point/driveway locations

**MOTION:**

Motion by unanimous consent to approve of the Certified Survey Map (CSM) Application submitted by the JBL Real Estate Investments, LLC, C/O Bechard Investments, Inc., 517 N. Westhill Blvd., Appleton, WI 54914 for property located at the Southwest Corner of Fairview Road and Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02 with the required access point locations as added to the CSM and with the following staff recommendations:

1. That the Plan Commission recommend and the Board restrict the building of all 4 Lots until the area is served by sewer and water.
2. That the Plan Commission recommend and the Board require the driveway location of Lot-1, Lot-2, and Lot-3 be located in such a way as to prevent a traffic stacking problem.

3. That the Plan Commission recommend and the Board require the driveway location of Lot-4 front on Clayton Avenue to the South end of the property to prevent traffic stacking at the intersection of Fairview Road and Clayton Ave.
4. That the Plan Commission recommend and the Board require that the specific driveway locations be shown on the face of the CSM.
5. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
6. The Applicant provide a copy of the recorded document to the Town.

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):

1. Picnic Tables at Clayton Park and Trailhead Park – issues with the new materials being addressed.
  - Material not rigid enough
  - Possible remedies discussed including bracing
  - Remedies will add to overall cost
  - Administrator Straw is to contact the vendor regarding deficiency of product prior to any further action.
2. Larsen-Winchester Lions Club Legacy Project at Trailhead Park update.
  - Drifter’s Dirt removed from facility grounds restoring Public Works access to perform drainage work
  - Construction will resume as time permits
3. Planning for the park on the former Noffke Property
  - Estimated cost for storm water management pond around which the park is to be designed has exceeded \$600,000
  - WI DNR grant award is limited to a maximum of \$150,000 toward the construction of the pond
  - Due to border agreement with the Village of Fox Crossing and the development of water and sewer, the Town does not have the ability to fund the remaining cost of the project at this time

X. Business:

- A. Discussion/Action: Town Board review and consideration of the Public Works Director, Richard Johnston’s retirement effective June 30, 2020.

The Board reviewed Richard Johnston’s resignation letter effective June 30, 2020 and a worksheet showing the impact of Richard’s retirement on the budget. Mr. Johnston has been a tremendous asset to the Town of Clayton and although his retirement has been well earned, his wisdom and experience will be sorely missed.

The worksheet provided to the Board showed three options as to how the sick pay liability could be paid out. The Administration recommended that the Board approve Option 1, funding the sick time payout from the Town’s reserve fund savings.

Administrator Straw noted that this option has less of an impact on the Public Works Budget and it allows for the remaining balance to be used to update the first bay of the Public Works Garage.

- Chair Geise noted that Mr. Johnston has been invaluable to the Town and helped to steer the fight with the Village of Fox Crossing which got the Town the recent border agreements; his work is greatly appreciated
- Chair Geise noted that he would like to accept Mr. Johnston's resignation as of June 30, 2020 but he would like to postpone the discussion regarding his continued role in a volunteer capacity until more information is provided as to the parameters of the service
- Chair Geise also noted the potential issues with insurance coverage relating to volunteer service—there is some liability coverage but no workman's comp coverage
- Supervisor Reif noted that Mr. Johnston was looking forward to retiring 6 months ago, and the Town asked that he stay on to tie-up some loose ends. He said the Town has already asked too much of Mr. Johnston and he feels the Town should accept his resignation and allow him to retire.
- Supervisor Reif noted that Public Works Foreman Mike Pfankuch has been training to serve as Public Works Director
- Chair Geise agreed and noted that Mr. Pfankuch is very capable of handling the role
- Supervisor Wisnefske agreed with the Chair. She said in her experience it is necessary to implement specific restrictions to what a volunteer has access to and the role of the volunteer should be encapsulated and well defined.
- Administrator Straw noted that Mr. Johnston had made a promise to her to not leave until the Town owned land along the STH 10 corridor is sold and funds are in place for the upcoming debt service, and she feels his offer to stay on as a volunteer is to fulfill that promise
- Chair Geise said he would like more information defining the work which Mr. Johnston would be performing as a volunteer and the potential liabilities relating to insurance. He asked the discussion be forwarded to the June 3, 2020 meeting.
- Chair Geise said he would like to accept Mr. Johnston's retirement as Public Works Director

**MOTION:**

Motion by unanimous consent approve the Public Works Director, Richard Johnston's retirement effective June 30, 2020 and direct staff to pay the sick time liability from the sick time reserve fund

B. Discussion/Action: Town Board review and consideration of the following Police Department Policies:

- i. High-Risk Incidents
- ii. Active Shooter Response
- iii. OWI Enforcement
- iv. Underage Alcohol Violations
- v. Criminal Investigations

The Board reviewed copies of the proposed Town of Clayton Police Department Policies. The draft policies have been reviewed by the Town Attorney and the Administration. The Director of Public Safety and the Administration recommended that the Town Board approve the draft policies and direct the Director of Public Safety to place the policies into effect.

**MOTION:**

Motion by unanimous consent to approve the listed Police Department policies as presented and direct the Director of Public Safety to place the policies into effect

C. Discussion/Action: Town Board review and consideration of the following Fire Department Policies and Guidelines:

- i. Minimum Fuel Levels of Equipment
- ii. Vehicle Exhaust System Usage
- iii. Hose Testing
- iv. Protective Clothing
- v. Safety Glasses
- vi. Hearing Protection

The Board reviewed copies of the proposed Town of Clayton Fire Rescue Department, Standard Operating Policies (SOPs) and Standard Operating Guidelines (SOGs). The draft SOPs and SOGs have been reviewed and approved by the Department’s Command staff. Both the Chief and the Administration are recommending that the Town Board approve the draft SOPs and SOGs and direct the Fire Chief to place them into effect.

**MOTION:**

Motion by unanimous consent to approve the listed Fire Rescue Department Policies and Guidelines as presented and direct the Fire Chief to place them into effect

D. Discussion/Action: Town Board review and consideration of the following retail fireworks permit application(s):

- a. Application submitted by Charles Krause for Fireworks Mart, 8386 STH “76”, Neenah, WI 54956.
- b. Application submitted by Charles Krause for Fireworks Mart, 2896 Breezewood Lane, Neenah, WI 54956.

The Board reviewed the applications for the above referenced Fireworks Sales Permits. The applicant has had sales sites in the Town in prior years. The Applications are complete and the application fees have been paid. The seller will be keeping the sales sites in the same locations used in CY 2019. Since there are no significant changes from the CY 2019 applications staff recommends approval of the Fireworks Sales Permits subject to the following conditions:

- 1) That the Applicants provide the Town with a copy of their respective proof of insurance documents.
- 2) That the Applicants provide the Town with a copy of their respective Sellers Permits-Completed

- 3) That the Applicants provide the Town with a site plan for their respective locations-- Completed
- 4) That the Applicants request the required Fire Department Inspection of the sales facilities and locations
- 5) That the Applicant(s) provide the Fire Chief with a list of their inventory as required by Section 5 of the Town's Application.
- 6) That the Applicants abide by the Town's Sign Ordinance for any and all signage for their sites.

**MOTION:**

Motion by unanimous consent to approve the applications submitted by Charles Krause for Fireworks Mart, located at 8386 STH "76", Neenah, WI 54956 and 2896 Breezewood Lane, Neenah, WI 54956 with the conditions as presented

- E. Discussion/Action: Town Board review and consideration of the request from the Knightriders ATV/UTV Club to open ATV/UTV trails on the following roads:
- i. North Loop Road from Winchester Town Line to Medina Junction.
  - ii. Medina Junction from North Loop Road to Fairview Road.
  - iii. Fairview Road from Winchester Town Line to Hickory
  - iv. Hickory from Fairview to County Road II
  - v. County Road T from County Road II to the Larsen Coop
  - vi. Grandview Road from County Road T to Winchester Town Line.

The Board reviewed a letter and route map request from the Knightriders ATV/UTV Club Committee, the ATV Route Guideline and Suggestions Handbook from the Wisconsin Department of Natural Resources website, and a speed zone modification guideline from the Wisconsin Department of Transportation.

The request from the Knightriders ATV/UTV Club Committee to open the above-mentioned roads to ATVs and UTVs is the result of the Town of Winchester passing an ATV/UTV Ordinance to open routes within their community. The Committee would like to have a "loop" into the Town of Clayton in order to access the Larsen Coop for gas.

Although the routes that the Committee has chosen are scenic in nature and would allow the access to the Larsen Coop, there are some concerns the administration feels should be addressed prior to the Board's approval of routes.

Administrator Straw stated that North Loop Road, Medina Junction, and Fairview Road are all rural roads with no posted speed limits within the proposed routes. Wisconsin State Statute §346.57(4)(h) states, "In the absence of any other fixed limits or the posting of limits as required or authorized by law, 55 miles per hour." If the Town posts a speed limit for an ATV/UTV route of 35 miles per hour on those roads, the difference in motor vehicle traffic speed becomes 20 miles per hour and could potentially become a hazard.

Administrator Straw noted that the proposed route of North Loop Road and Medina Junction do not have the amount of traffic that Fairview Road from Winchester Town Line to Hickory has, and therefore does not create as high a hazard risk as Fairview Road. Recent traffic counts and speed reports on Fairview Road in the proposed route area indicate a daily average use per day per lane of 182 vehicles, however, there is an average of 23 vehicles per day that speed through that area.

Administrator Straw noted that Hickory, County Road T, and Grandview Road all have reduced speed limits that range from 25 mph to 45 mph. and she has very few concerns with those proposed routes.

Administrator Straw suggested the following alternatives to using Fairview Road:

- A. Limit the use of Fairview Road to the ¼ mile section between Medina Junction and Hickory so that the ATV/UTV traffic is allowed to travel from the North side of the Town over Hwy 10 to access County Road T.
- B. Add to the route request the Northern leg of Umland Road and limit the use of Fairview Road to the ½ mile section between Umland Road and Hickory to allow ATV/UTV enthusiasts to trailer their machines to a dedicated route.
- C. Remove North Loop, Medina Junction and Fairview Road and allow access to the Friendship Trail from the Town line to Hickory which would keep the ATV/UTV traffic off of Fairview Road and still allow residents to trailer the machines to a route access point.
- D. Potentially reduce the speed on the section of Fairview Road from the Town line to Hickory to 45 miles per hour.

Administrator Straw also noted that once the Town allows ATV/UTV Routes to exist within the Town, the desire for additional routes will likely follow.

Administrator Straw noted she is not opposed to having ATV/UTV Routes within the Town of Clayton; however, she has concerns relating to safety hazards which must be looked into and addressed so that all of the Town residents and visitors have an enjoyable experience.

- Chair Geise stated he is supportive of the ATV/UTV routes but he does not want any ATV/UTV use on any of the Town's trails.
- Chair Geise said he likes the route as proposed by the Knightriders Club
- Gail Haag, 9203 CTR M, and member of the Knightriders Club, noted that ATVs/UTVs are limited to a maximum speed of 35 mph. She noted that if automobile traffic speed limits are lower than 35 mph, the ATVs/UTVs must follow those speed limitations. She also noted that if an ATV/UTV approaches a pedestrian, an equestrian rider, or a bicyclist, the ATV/UTV is required to slow to 10 mph
- Matt Olson, Town of Winchester Chairman noted that the Knightriders have spearheaded the entire process for Winchester. He said a committee was formed, they developed the ordinance, they raised funds to pay for all the signs and their installation. The Town of Winchester has had no costs associated with the establishments of routes.

- Chair Olson also noted that the Winnebago County Sheriff's Department stated that the Town's ordinance was the most clear and best written ordinance of those passed within the County.
- Steve Wulgaert, 7702 CTR MM, noted that the transparency displayed by the Clayton Board was nice to see.
- Mr. Wulgaert explained he is a retired Police Chief (Combined Locks), retired from the WI DNR enforcement, and member of the Boomerang ATV Club
- Mr. Wulgaert said he agreed with the Sheriff's comments and in his opinion, as retired law enforcement, the Winchester Ordinance is the best he has ever seen.
- Mr. Wulgaert also noted that the number of ATVs/UTVs now registered far exceeds the number of snowmobiles. He said this is indicative of the fact that the recreational activity is not going away anytime soon and providing well thought out routes benefits residents, visitors, and business owners.
- Supervisor Wisnefske inquired regarding the necessity to trailer equipment to the proposed routes. It was confirmed that unless a property owner abuts an approved and posted route, they will have to trailer their equipment to access a route.
- It was suggested to add North Umland to the list of Clayton routes so that trailers could be parked at the cul de sac and then access to the routes would be direct.
- Mike Pfankuch, 4556 Grandview, said he is willing to volunteer to work with the club to post route signs if approved
- Bob and Gail Haag, 7702 CTR M, offered to perform fund raising efforts to pay for the cost of signs and their installation, as well as to volunteer to assist the Town in posting signs if the routes are approved by the Board

**DIRECTION to STAFF:**

The Board directed staff to develop the necessary ordinance and routes map, provide it to the Attorney for review and then present it to the Board at the next meeting for consideration.

XI. Review of Disbursements

XII. Review of General Fund Budget Update (Second Town Board meeting of the month)

XIII. Upcoming Meeting Attendance

Annual Meeting, Thursday, May 28<sup>th</sup>, 2020 at 7:00 p.m.

XIV. Board Member Requests for Future Agenda Items

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn 8:00 p.m.

Respectfully submitted,  
Holly Stevens, Clerk