

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
7:00 p.m. on Wednesday, July 1, 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 EXCUSED

Town Engineer – Mary Jo Miller PRESENT

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, June 17, 2020 Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, June 17, 2020 Town Board Meeting.

IV. Open Forum – Town-related Matters not on the Agenda:

Gail Haag, 9203 County Road M—Member of the Knight Riders ATV/UTV Club

- Presented the Board with a check to cover the cost of all of the ATV/UTV Route signs in the Town of Clayton
- Total of 40 signs are now posted and approved routes are open
- The next project is to develop and produce route maps for distribution which highlight local businesses and attractions
- Fundraiser planned for July 18, 2020 at The Winchester Bar and Grill

The Board thanked the Club for the work they did for the Town.

Candy Krautkramer, 9240 Bomar Ave—Deer Trail Estates Drainage Issues

- Noted her driveway culvert is heaved 4-5 inches due to water issues

- Many other driveway culverts heaved as well
- Attended July 3, 2019 Town Board Meeting and had the understanding that their subdivision was the next storm water project on the schedule—nothing has been done last year. Expected to see progress in the spring—nothing has been started
- Ditches are wet and full of algae and cattails to the point of being unmanageable.
- Requested information about what is planned.

Chair Geise noted that Scott Valitchka, 9251 Bomar Ave, had sent an email regarding the same issues Ms. Krautkramer had noted and was also requesting information regarding their project.

Chair Geise explained that winter started early last year and all the trucks were pulled for snowplowing in October. The Covid-19 pandemic sent the public works crew home for almost 3 months this spring, then when they returned, they have been limited to 1 person per truck and projects had to provide for “social distancing.” He noted that as the situation slowly returns to normal, the crew has been working diligently on the back log of projects.

Chair Geise also noted the drainage plan for Deer Trail Estates was recently reviewed again and it was discovered there is a drainage easement which the Town now intends to clean out because it is completely overgrown with Willows and Cattails. He noted the property owners adjacent to the easement are likely going to be very unhappy, but the cleaning is necessary to make the storm water drainage work.

Ms. Krautkramer noted that the property owners adjacent to the easement were opposed to cleaning it out, but have now changed their minds and understand the need.

Chair Geise continued explaining the Town is diligently working to deal with all the water issues. He noted there have been two additional employees hired to deal with storm water management projects. He said the Town is moving as quickly as possible. He also explained that every time there is a significant rain, it sets the crew back 3-4 days, and there has been a lot of rain lately. Chair Geise said the Board is not trying to make excuses, but simply explain the circumstances with which we are dealing.

Administrator Straw explained the public works department has approximately 1,700 feet of tile to lay in Sunburst Estates; approximately 600 feet of tile in Phase 2 of Windfield Estates; and some finishing work on Green Meadow Road. She said they are working as quickly as they can and will try to juggle the projects to at least get the easement cleared. She noted that she would be discussing the plan with the Town’s engineer to determine the best way forward.

Ms. Krautkramer requested better communication with the residents so they would know what to expect. Administrator Straw requested a single point of contact to minimize the need to repeatedly answer the same questions from multiple residents.

Greg Vandenlangenberg, 3457 Knox Lane, volunteered to be the contact person for the subdivision. He also requested the engineering be expedited and the drainage easement work to be completed as part of phase 1 of the project.

It was also noted that there was some confusion with the meeting agenda as it listed a 5-year Capital Reconstruction Plan approval and the Deer Trail Estates residents thought it included storm water projects. Administrator Straw explained the Plan on the agenda is for road

reconstruction. She explained the storm water work is completed through the Storm Water Management Utility and is a separate planning document.

V. Correspondence:

- A. Distribution of the June 2020 Building Inspection Report
- B. Distribution of the April 2020 Minutes of the Oshkosh Public Library Board
- C. Distribution of the May 2020 Winnebago County Recycling Tonnage Report
- D. Distribution of an article from the Appleton Post Crescent regarding the development of an apartment complex in downtown Neenah.

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—written report
 - 104 calls to date—50 EMR calls, 34 Fire calls, and 15 which were both
 - 3 calls were not responded to because of Covid-19 protocols
 - b. Emergency Management Activity Report—No Report
 - c. Clayton Police Department
 - Completed 4 hours of required biannual pursuit training
 - Scheduling varied work hours including some nights and weekends
 - Touch-a-Truck Event scheduled for September 12, 2020 at Clayton Park
 - d. Larsen/Winchester Sanitary District—No Report
- D. Larsen/Winchester Sanitary District Report—No Report
- E. PW Director/Economic Development Director (First Meeting of Month)
 - Administrator Straw reported
 - 1,700 feet of tiling left to lay
 - Finalizing Green Meadow project
 - Finished work on Winncrest
- F. Administration Comments
 - Engineer's Report—Mary Jo Miller, M & E
 - Preparing Bid Documents to pulverize and pave 1 mile of Larsen Road
 - Intend to collect bids for presentation to the Board at its August 5th meeting
 - Administrator Straw
 - Continue to work with the Village and McMahon on the PSC submission
 - Submission should not have to go to the full Commission so the review time may be shortened
 - Wastewater System is in final phase and should be able to go out for bid soon
 - Pipes were previously thought to be allowed staggered in the same trench—this was not accurate. Must be separated by 8 feet and in separate trenches unless installing on rock

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Caleb W.A. Dykena

- ii. Malia L. Pattison
- iii. Taylor E, Johnson

B. Renewal:

- i. Andrew R. Stanczak
- ii. Blaine A. Montanye
- iii. Janet G. Cavanaugh

VIII. Business referred by the Plan Commission:

No Referrals

IX. Business referred by the Green Space Committee:

No Referrals

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2020-009 A Resolution authorizing the submittal of the Town’s Incorporation Document to the Wisconsin Department of Administration.

The Board reviewed a copy of the Incorporation Submittal Document and the Resolution authorizing its submission to the Department of Administration (DOA). A tentative submission is planned for July 2020. The DOA has 180 days to review the document and render a decision. Submission within the next few weeks sets up a timeframe which allows for the referendum for incorporation to appear on the April 2021 Ballot if approved by the DOA.

The Town’s Consultant, Bill Forrest did speak with his contact at the DOA on June 19, 2020. He has indicated that DOA staff is still working from home and they currently have several incorporations and border agreements under review. The suggestion was for the Town to wait until later in July or perhaps August to submit.

- The Board noted there were a few questions they had regarding the document, as well as some minor revisions they would like to see made
- Administrator Straw noted that was anticipated and with the submission being pushed out several weeks allows for modifications to be implemented
- Supervisor Reif said he would like more time to review the document because of its size and its importance. He also asked if Mr. Forrest would be available to address the Board and provide insight into his approach to certain aspects of the document
- Chair Geise noted that Mr. Forrest has been instrumental in 8 of the last 9 successful incorporations in the State and he is very comfortable with his work. He also noted that Mr. Forrest will be presenting to the DOA when the required public hearing is held.
- Supervisors Grundman and Lettau asked from where the data was pulled

- Attorney Lafrombois explained there are third party services which compile and provide business data, which was likely the source
- The Board clarified that approving the proposed Resolution was not an approval of the document itself.
- Administrator Straw confirmed that edits may continue to be made until submission. She said staff is only requesting authorization to submit when finalized and ready.
- Supervisor Reif requested to review a revised copy at the next Board meeting

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to authorize the Town Staff to submit the Incorporation Documents to the Wisconsin Department of Administration for review on a date as recommended by Bill Forrest of Forrest and Associates along with the required \$25,000 Fee.

ROLL CALL VOTE:

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

Motion carried unanimously

- B. Discussion/Action: Town Board review and consideration of awarding the contract for the concrete floor replacement and an additional catch basin for the Public Works Building.

The Board reviewed copies of three proposals from Concrete Companies for replacing the concrete floor with one additional catch basin to the Public Works Shop in Bay 1.

The Town Board had previously approved the addition of a second overhead door for the Public Works Shop Bay 1 which currently has one single drain and catch basin installed, however, in order for the floor to properly drain rain and snow from the vehicles, the first bay needs to have a second drain and catch basin installed.

The PW Foreman and the Administration had reviewed the three proposals recommended JS Concrete, LLC as their proposal was the lowest. They also recommend that the option for 6” of concrete be approved, which makes the total for the work \$16,000.

MOTION:

Motion by unanimous consent to award the contract to JS Concrete, LLC with a cost not to exceed \$16,000.

- C. Discussion/Action: Town Board review and consideration of the proposal from Pave Black Asphalt for repairing the Town’s parking lot south of the Public Works Garage.

The Board reviewed a proposal from Pave Black Asphalt for repairing the parking lot on the south side of the Public Works Garage. The Public Works Department repaired one of the two large potholes in the parking lot earlier this Spring. They did a great job with the first pothole, however, as they were preparing the second pothole for asphalt, they realized the job was too large for them to handle. The area to be repaired is about half of the parking lot in front of two of the bay doors. The department does not have the appropriate tools needed to handle a pothole that large.

The agreement does not include the asphalt mix because the Town can purchase the mix for about ½ the cost that Pave Black Asphalt can. The estimated cost of the mix would be approximately \$2,500. The Public Works Building Maintenance Budget line item has the money to have this work done. Administrator Straw recommended approval of the proposal to complete the project.

MOTION:

Motion by unanimous consent approve the proposal of \$5,000 from Pave Black Asphalt to repair the parking lot on the south side of the Public Works Garage.

- D. Discussion/Action: Town Board review and consideration of awarding the Asphalt Paving Projects Contract for Whispering Meadow Drive, Broad Meadow Road, and the Cul-de-sac ball at the eastern terminus of Westfield Ridge.

The Board reviewed the Bid tabulation for the Asphalt Paving Projects for Whispering Meadow Drive, Broad Meadow Road, and the Cul-de-sac ball at the eastern terminus of Westfield Ridge. The Town Staff received the bids for the projects with the low bidder being Northeast Asphalt, Inc, Greenville, WI for a total cost of \$78,615.

Administrator Straw noted that these are Developer funded projects with the Developers paying for the full burden cost of the paving for their respective projects. Administrator Straw recommended that the Board award the contract to Northeast Asphalt, Inc. of Greenville at a cost of \$78,615 with the funding to come from each Developer for their project.

MOTION:

Motion by unanimous consent to award the contract to Northeast Asphalt, Inc. of Greenville, Wisconsin at a not-to-exceed amount of \$78,615.00 subject to receiving Developers' Agreements outlining the funding option for the project that is to be signed by the Town Chair.

- E. Discussion/Action: Town Board review and consideration of a lease contract for replacing the John Deere Tractor and Boom Mower.

The Board reviewed two quotes and the lease information from Archie Serwe of Serwe Implement, LLC. It had come to the attention of the Administration and the Public Works Foreman that the John Deere Tractor the Town had been using to mow the road ditches was not the right tractor to operate the boom mower because it did not have enough hydraulic power to use the boom mower correctly.

In the past year the Town has spent \$13,118.15 on tractor repairs including welding the draw bar clevis hitch and axle repairs. The Town has spent an additional \$11,461.52 on boom mower repairs including roller bearings, relief valves, welding the frame, and new roller head. The Administration was informed recently the tractor was excessively using oil and hydraulic fluid, however there were no leaks visible. It was been determined that both pieces of equipment were past their useful lives.

The first quote (\$136,500) was for a new 2019 John Deere 6110M Tractor and Tiger Boom mower with a 63" flail head and a 24' arm reach. The second quote (\$95,000) was for a used 2018 John Deere 6145M Tractor and Tiger Boom mower with a 63" flail head and a 24' arm reach. The used John Deere and boom mower are rental units with low hours. The 2018 John Deere 6145M model is also slightly larger than the 6110M model. Both quotes include warranties and a municipal discount.

After reviewing the lease terms for both Tractors, Administrator Straw recommended the rental tractor with a 5-year lease at 3.39% interest with no money down. The first payment of \$20,814.77 is due 1-year from the contract date. After the first payment, the Town can exercise a payoff option without penalty. The Public Works Department would be trading in the current equipment and would be able to have the new equipment available immediately upon approval of the Town Board.

MOTION:

Motion by unanimous consent to approve the lease/purchase of the 2018 John Deere 6145M Tractor and Tiger Boom mower with a 63" flail head and a 24' arm reach and to direct staff to include the annual lease payment of \$20,814.77 in the CY 2021 Budget.

- F. Discussion/Action: Town Board review and consideration of the Request for Payment from Sommers Construction Company, Inc. for the road reconstruction of Winncrest Road south of County Road II.

The Board reviewed a copy of Pay Request #1 (Final Payment) in the amount of \$107,173.90, submitted by Sommers Construction Company, Inc. W7841 Smith Street, Shiocton, WI 54170 for the road reconstruction of Winncrest Road south of County Road II. The Town Engineer and the Town Administrator completed the final walk through with Sommers Construction on June 9, 2020 and found the project to be complete. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid.

MOTION:

Motion by unanimous consent to approve the pay request submitted by Sommers Construction Company, Inc. W7841 Smith Street, Shiocton, WI 54170 for the road reconstruction of Winncrest Road south of County Road II in the amount of \$107,173.90 with the funding to come from the Public Works Chip Seal budget line item.

- G. Discussion/Action: Town Board review and consideration of the following Police Department Policies:
- i. Committals Policy
 - ii. Traffic Crash Policy
 - iii. Traffic Safety Policy

- iv. Body Armor/Ballistic Vest Policy
- v. Nasal Naloxone Policy
- vi. Employment Policy
- vii. Animal Control Policy

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

MOTION:

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

- H. Discussion/Action: Town Board review and consideration of staff proposed updates to the Town's 5-Year Capital Reconstruction Plan.

The Board reviewed a draft copy of the Town's 5-Year Capital Road Reconstruction Plan. At the Board's direction in CY 2019 the Administration postponed the Capital Reconstruction Plan an additional year. In order to get back into a schedule for repairing Town Roads, the Administration proposed an alternative plan. Instead of financing the total reconstruction (including the substructure) of the first mile of Larsen Road (estimated cost of \$1,200,000), the Administration proposed to pulverize and pave the first mile of Larsen Road (estimated cost of \$327,360). The estimated cost to pulverize and pave includes curb returns at Oakwood Ave, Tribute Drive, and Cavendish Road, along with replacement of the large cross culvert east of Oakwood Ave. The Town's Engineer is developing the bid documents and is quite certain that the first mile of Larsen Road can still be done this year. The funding would come from the Town's Fund Balance Reserve account until the sale of the 16 +/- acres on Clayton Ave is completed.

- Chair Geise noted that he receives as many calls regarding the condition of Larsen Road as he does regarding drainage issues in the Town.
- Chair Geise said the Board has to live up to their commitment and get some of this work completed.
- Supervisor Reif questioned why the Board was previously told the first mile of Larsen Road west of STH 76 needed full reconstruction.
- Chair Geise noted that the former Administrator had pushed for the reconstruction, however, with all the Town is dealing with that was an unrealistic goal. Pulverizing and repaving will improve the surface and buy 10 to 15 years at a much lower cost.

MOTION:

Motion by unanimous consent to approve the Town's 5-year Capital Reconstruction Plan and direct Staff to implement the plan with the funds to come from the Town's Fund Balance Reserve account.

- I. Discussion/Action: Town Board review and consideration of Resolution 2020-008 A Resolution Approving an Intergovernmental Agreement to Satisfy

Eligibility for a Recycling Consolidation Grant for Calendar Year 2021.

The Board reviewed a draft copy of Resolution 2020-008 A Resolution Approving an Intergovernmental Agreement to Satisfy Eligibility for a Recycling Consolidation Grant for Calendar Year 2021. The Board needed to approve the Resolution to participate in the Recycling Consolidation Grant Program. The approval is a routine step in the DNR’s Recycling Grant Application process.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Resolution 2020-008 A Resolution Approving an Intergovernmental Agreement to Satisfy Eligibility for a Recycling Consolidation Grant for Calendar Year 2021, a motion and a roll call vote would be in order.

ROLL CALL VOTE:

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

Motion carried unanimously

- J. Discussion/Action: Town Board review and consideration of Resolution 2020-010 Joint Resolution of the Village of Winneconne, The Town of Winneconne, The Town of Vinland, and the Town of Clayton Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, The Town of Vinland and the Town of Clayton.

The Board reviewed a draft copy of Resolution 2020-010 Joint Resolution of the Village of Winneconne, The Town of Winneconne, The Town of Vinland, and the Town of Clayton Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, The Town of Vinland and the Town of Clayton. The Board also reviewed copies of Judge Baker’s resignation and Mr. Stelzner’s qualifications.

The resolution was drafted by Attorney Emily Dunham. Judge Baker had tendered his resignation effective June 30, 2020. The Village of Winneconne Village Board nominated Jon Stelzner to serve as interim judge until a special election can be held in the Spring. Mr. Stelzner had confirmed that he meets the eligibility requirements to serve as interim judge.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Wisnefske

Motion to approve Resolution 2020-010 A Joint Resolution of the Village of Winneconne, The Town of Winneconne, The Town of Vinland, and the Town of Clayton

Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, The Town of Vinland and the Town of Clayton.

ROLL CALL VOTE:

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

Motion carried unanimously

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- July 13, 2020 at 6:00 p.m. Joint Public Hearing with the Town of Neenah (at Neenah) regarding Border Agreement

XIV. Board Member Requests for Future Agenda Items

XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn 8:10 p.m.

Respectfully submitted,
Holly Stevens, Clerk