

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, August 05, 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 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, July 15, 2020 Town Board Meeting.

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, July 15, 2020 Town Board Meeting.

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

Mike Pfankuch, LWSD Chairman

- Plant Operator, Jim Emmons, announced planned retirement of October 1, 2020
- Mr. Pfankuch will be taking over as Plant Operator and as a result will be stepping down as Chair and Town of Clayton Representative
- Town of Clayton Board will need to recommend and approve an appointee as a replacement
- Requested Town Board action at its next meeting, August 19, 2020
- Town of Winchester Board will also have to approve at its September 8, 2020 meeting

V. Correspondence:

- A. Distribution of the Winnebago County Solid Waste Management Board 2019 Recycling Program Financial Report.
- B. Distribution of the June 2020 Winnebago County Solid Waste Management Board Recycling Tonnage Report.
- C. Distribution of email correspondence regarding the Wisconsin Town’s Association Meeting.
- D. Distribution of the Safety Assessment Findings from the Town’s Emergency Management Director.
- E. Distribution of the State of Wisconsin Department of Administration Notice of Approval of the Incorporation of Part of the Town of Greenville.
- F. Distribution of photos of the new John Deere Tractor and mower for ditch mowing.

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)
  - Clayton Fire Rescue Department
    - 125 calls year-to-date, 64 EMR; 43 Fire; 18 both
    - Looking into changing E343 from manual to automatic transmission so more firefighters will be able to drive it
  - Clayton Police Department (First Meeting of the Month)
    - 84 calls for service in July
  - Emergency Management Report—No Report
- D. Larsen/Winchester Sanitary District Report—No Report
- E. Administration Comments
  - Engineer’s Report—Mary Jo Miller, M & E
    - Larsen Road Bid results will be addressed later in the meeting.
  - Administrator Straw
    - PSC documents submitted on Tuesday
    - Working on easements for infrastructure
  - Clerk Stevens
    - Election prep for August 11, 2020
  - Chair Geise
    - Construction Costs for Phase I is estimated at 41 percent less than previous estimate
    - Working with IPR on a P3 Lease agreement—IPR would build infrastructure, Town would lease it until ready to take over.
  - Attorney Lafrombois
    - Noted the Lease agreement is very complex but it is a doable financing plan

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Tawny C Porter
  - ii. Lexus L Sommers
  - iii. Jordan L Rohloff

B. Renewals:

- i. Therese A Rathsack

C. Town Board review and consideration of the following Renewal Operator’s License:

A. Avery J. Portier, Renewing Operator’s License for the ReMixx.

The Board reviewed a copy of Mr. Portier’s Type “A” renewal application and supporting documentation regarding the renewal of the operator’s license. The Town Board had approved two types of Operator’s Licenses and rescinded and recreated the Town’s Alcohol Ordinance March 6, 2019. The Type “A” Operator’s license was created to distinguish the nature of the way the alcohol was being sold. The Type “A” Operator’s license is assigned to those persons working in an establishment that sells liquor that will be consumed off premise (i.e. convenience store, liquor store, grocery store, etc.).

Mr. Portier is the manager for the ReMixx; hence he does bartend on occasion. The Type “A” license was not intended for that type of sale. Administrator Straw reviewed Mr. Portier’s background check and found according to the Town’s Alcohol Ordinance, Mr. Portier does not meet the requirements for obtaining a Type “B” premise Operator’s License. Administrator Straw noted the Town Board has made exceptions in the past in regard to the Ordinance in order to not interfere with a person’s ability to obtain gainful employment. Administrator Straw requested direction from the Board in regard to Mr. Portier’s application.

- Mr. Portier addressed the Board, explaining the issues in his past occurred when he was younger and less responsible. He said he has not had any alcohol related offenses since then and better understands the importance of personal responsibility.
- Supervisor Reif expressed concern about “going against the rule”
- Chair Geise said he too has the concern, but does not want to deprive anyone of their livelihood.
- Attorney Lafrombois explained the ordinance is written in a way to capture people who have issues with alcohol, with each application being addressed on a case by case basis.
- Attorney Lafrombois noted the application before the Board fits within the ordinance exceptions.

**MOTION:**

**Motion by** Chair Geise

**Second by** Supervisor Reif

**Motion to** issue an Operator’s Permit to Mr. Avery Portier with the understanding that if any additional alcohol related violations occur, he will no longer be considered eligible to hold a license in the Town of Clayton

**Motion carried** by unanimous voice vote

VIII. Business referred by the Plan Commission:

No Referrals

II. Business referred by the Green Space Committee:

No Referrals

III. Business:

A. Discussion/Action: Town Board review and consideration of the selling of the .09 acres to White Feather Properties, LLC

The Board reviewed a copy of a purchase agreement between the Town of Clayton and White Feather Properties, LLC for the purchase of the .09 acre of property just south of 8322 County Road T, Larsen, WI 54947. The Town Board approved the rezoning application and the Certified Survey Map (CSM) for this property at the July 15, 2020 Town Board meeting. The Electors also approved the sale of this property at the Annual Meeting on May 28, 2020. The sale price approved was \$500.00 for the property with the owner of the apartment building (Steve Gehrt) also paying for the CSM (\$500.00), making the total cost \$1,000.00.

- Chair Geise noted the property is of no use to the Town and it only makes sense to attach it to the White Feather property.

**MOTION:**

Motion by unanimous consent to approve selling .09 acres of Town property south of 8322 County Road T, Larsen, WI 54947 to White Feather Properties, LLC for a total cost of \$1,000.00 and to authorize the Town Chair to sign the closing documents.

B. Discussion/Action: Town Board review and consideration of selling Truck #7 (2004 International) with wing, snow plow, tail gate spreader, and shouldering equipment.

The Board reviewed a copy of the offer to purchase Truck #7 along with attachments from Packer City International Trucks for \$7,000.00. The Truck is a 2004 International and the shouldering equipment (cross conveyor) was bought used 6-7 years ago. The equipment is taking up much need storage space.

The Public Works Foreman has stated that the equipment has been stored for the past 2 years without being used. Truck #7 was kept solely for the use of the shouldering equipment and as a back-up plow in case one of the two new plow trucks broke down. The Public Works Department has found that the shouldering equipment is very cumbersome for the small amount of shouldering work they have time for. Additionally, they have found a more efficient way to complete shouldering work with the use of an F550, the roller, and the small scraper they use for trail maintenance.

- Chair Geise commented that we have to stop buying equipment we don't use.

**MOTION:**

Motion by unanimous consent to approve selling Truck #7, a 2004 Internationals with wing, snow plow, tail gate salt spreader, and shouldering equipment to Packer City International Trucks for \$7,000.00.

- C. Discussion/Action: Town Board review and consideration of selling the Tub Grinder and the White Tractor used at the Yard Waste Site.

The Board reviewed a copy of the Special Precautions page of the Owner's Manual for the Roto Grind Tub Grinder and a copy of the estimate for services from Bucklin's LLC. In May 2016, the Town purchased the Tub Grinder for \$22,775.00. At the same time, the Town purchased a grappling claw for the Backhoe at a cost of \$6,150.00. This was done to improve the efficiency of grinding tree branches which were dumped by the Town residents at the Town's Yard Waste Site.

Over the course of the past four (4) years, the Town has had to replace the rear end of the John Deere tractor, purchase the White Tractor, replaced the grappling claw for the backhoe, and had numerous repairs to the Tub Grinder for an approximate cost of \$21,700.00. The Town also purchased a new grappling claw (\$1,500.00) for the Backhoe and found that an additional \$7,500.00 would be needed to modify the hydraulic system of the backhoe to make the new claw work.

The Town has hired Bucklin's in the past to grind the compost pile and also to grind branches when the staff has gotten behind. Bucklin's has the appropriate equipment and can get the job done for a reasonable fee. The Administration is recommending selling the Tub Grinder and the White Tractor and hiring Bucklin's when needed for grinding the brush pile and the compost pile.

- The Board confirmed that the cost to hire-out the job is less expensive than having the equipment and doing the work in-house.
- Administrator Straw confirmed hiring the work done is less expensive

**MOTION:**

Motion by unanimous consent to approve selling the Tub Grinder and the White Tractor and direct staff to place an advertisement on an appropriate selling platform/website.

- D. Discussion/Action: Town Board review and consideration of ordering a new F550 Truck with dump bed, plowing and salting equipment for the Public Works Department to be purchased in CY 2021.

The Board reviewed a copy of the Quotes from Ewald Automotive Group and Monroe Truck Equipment. With the hiring of two additional employees in the Public Works Department, they have found themselves short vehicles to drive and on several occasions the employees are driving personal vehicles to pull Town trailers with lawn mowing equipment.

As the Administration and Staff have done in the past, we will be ordering the Truck Chassis from Ewald for \$59,870.00 and the dump box, snow plow, wing and salting equipment from Monroe Truck for \$70,301.00. Although this is a CY 2021 capital

expenditure, the Staff has been in contact with the representatives of each company and have been informed that the building of this equipment is about a year out. In order for the Town to take possession of this vehicle prior to the CY 2021/CY 2022 plowing season, the equipment must be ordered now.

- Supervisor Wisnefske asked what the plan was for the interim—will there be enough trucks.
- Administrator Straw explained the Town may have to purchase a smaller pick-up for use when the dump capabilities are not needed. She noted that type of truck does not need to be ordered as far in advance.

**MOTION:**

Motion by unanimous consent to approve ordering the new F550 Truck with dump bed, plowing and salting equipment for the Public Works Department to be purchased in CY 2021.

- E. Discussion/Action: Town Board review and consideration of Clayton Fire Rescue Standard Operating Policy “Firefighter” Injury/Death”.

The Board reviewed copies of the proposed Clayton Fire Rescue Standard Operating Policy “Firefighter Injury/Death”. The draft policy has been reviewed by the Town Attorney and the Administration. The Director of Public Safety and the Administration are recommending 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 Clayton Fire Rescue Standard Operating Policy “Firefighter Injury/Death” as presented and direct the Director of Public Safety to place the policy into effect.

- F. Discussion/Action: Town Board review and consideration of the Director of Public Safety’s request to change the Town’s cellular provider from Verizon to AT & T.

The Town staff has experienced poor coverage with Verizon as well as the billing errors. The change to AT & T would also allow for the Town’s public safety departments to be placed on the newly created cellular network “First Net” which will allow the Fire Department and Public Works Department to communicate in case of a natural disaster. The Administration and Director of Public Safety are recommending the change from Verizon to AT & T.

**MOTION:**

Motion by unanimous consent to approve the Director of Public Safety’s request to change the Town’s cellular provider from Verizon to AT & T.

- G. Discussion/Action: Town Board review and consideration of awarding the Bid for pulverizing and paving one mile of Larsen Road from State Highway 76 West to Oakwood Ave.

The Board reviewed the Bid tabulation for pulverizing and paving one mile of Larsen Road from State Highway 76 west to Oakwood Ave. The Town Staff received the bids for the project and the low bidder for the project is Northeast Asphalt, Inc, Greenville, WI for a total cost of \$289,574.50. The bid also included the installation of the open bottom culvert on Larsen Road just East of Oakwood Ave and curb returns for the intersections of Larsen Road and Cavendish Road, Tribute Drive and Oakwood Ave.

- Chair Geise noted Larsen Road has been delayed too long already and the work needs to get started

**MOTION:**

Motion by unanimous consent to award the contract to Northeast Asphalt, Inc. of Greenville, Wisconsin at a not-to-exceed amount of \$289,574.50 would be in order.

- H. Discussion/Action: Town Board review and consideration of the potential of using a virtual meeting platform due to the resurgence of COVID-19.

The Board reviewed correspondence from Sean Powell, the Town’s IT person regarding different platforms for holding virtual meetings. Most platforms are not free and will cost a premium for participants and toll-free calling.

The Administration has also contacted Ellen Skerke, the Town of Neenah’s Clerk/Treasurer. Ms. Skerke has recommended that holding virtual meetings requires a dedicated staff member to manage the virtual meeting. The Administration did observe at the Town of Neenah meeting room for the Public Meeting regarding the border agreement, the Town Clerk and the Town Chair were very distracted with the management of the virtual meeting.

The Town of Neenah does pay a monthly premium (\$15.95) for up to 100 participants. The Town meeting room is open to residents attending the meeting as well, which is how the Town of Neenah avoids the “disenfranchising” of Town residents.

The Town of Clayton meeting room would have to be arranged in such a way that the overhead projector screen would be visible to the physically present participants. The Administration is aware that with the continuing presence of COVID-19, the virtual meetings are becoming more popular and more “routine.” The Town Staff would like to investigate the possibility of virtual meeting further with the intention of continuing the conversation during the CY 2021 Budget Workshops.

- Supervisor Lettau requested staff try to facilitate 6-foot distancing for the Board members while staff is investigating the options for virtual meetings

**DIRECTION TO STAFF**

The Board directed staff to continue to investigate the requirements of virtual meetings.

- I. Discussion/Action: Town Board review and consideration of the proposal from Integrated Public Resources (IPR) to form a P3 (Private/Public) Partnership for the construction of Clayton Sanitary District #1 Phase I Sewer Infrastructure.

The Administration had not received a copy of the proposal from IPR. The Town Administrator spoke with Denny Lamers, President of the McMahon Group, regarding the cost of the sewer infrastructure for Phase I. Mr. Lamers indicated the cost of laying the pipe will be considerably less than the \$4.3 million that was quoted to us in the past.

- Chair Geise noted the cost savings is approximately 40 percent—a significant amount of money. He said the Town needs to get pipes in the ground to jump start development.

**NO ACTION TAKEN**

The Board postponed the action until after an agreement is available for review.

- J. Discussion/Action: Town Board review and consideration of the Municipal Center Emergency Action Plan prepared by the Town’s Emergency Management Director.

The Board reviewed a draft copy of the Municipal Center Emergency Action Plan prepared by the Town’s Emergency Management Director. The plan was required as part of the Town’s Safety Assessment. Administrator Straw wanted to put this plan into place so that the Town Staff can be prepared in case of an emergency.

**MOTION**

Motion by unanimous consent to approve the Municipal Center Emergency Action Plan and direct staff to implement the plan.

IX. Review of Disbursements

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

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items

XIII. Adjournment

**MOTION:**

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

Respectfully submitted,  
Holly Stevens, Clerk