

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, September 2, 2020

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

I. Call to Order: Town Board Vice Chairman Reif called the meeting to order.

A. Pledge of Allegiance

B. Verification of Notice

C. Meeting Roll

a. Board of Supervisors

Chair Geise EXCUSED

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): NONE

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, August 19, 2020 Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, August 19, 2020 Town Board Meeting.

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

Lana Prusik, 9207 Pioneer Road, requested to speak in regard to Medina Junction Road

- Section of Medina Jct which is closed is no worse than sections of Shady Lane
- Requested the Board consider moving forward with the Rustic Road option which could include Pioneer Road from County Road II to Medina Junction Road to North Loop Road to County Road M
- Rustic Roads are defined as
 - Lightly traveled
 - Recreational enjoyment
 - Natural Landscapes and vistas
 - Not scheduled for major repairs or maintenance
 - Dirt, gravel, or paved surface
- Rustic Road requires a petition to start the process—there is enough interest to complete the petition requirement

V. Correspondence:

- A. Distribution of photos of the Open Bottom Culvert to be installed under Larsen Road.

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
 - 145 Calls year-to-date—74 EMR; 48 Fire; 20 which were both
 - EMRs trained to use epinephrine—had to administer recently potentially saving the victim's life.
 - Annual maintenance for trucks scheduled
 - b) Clayton Police Department —Written Report
 - Squad Computer out for update—call report unavailable
 - Lots of illegal garbage dumping recently
 - Patrolling Medina Junction more heavily due to recent vandalism
 - c) Emergency Management Report—No Report
- D. Larsen/Winchester Sanitary District Report—No Report
 - Chair Pfankuch thanked the Board for the recommendation of Scott Reif for the District Board—Town of Winchester will be considering the appointment September 8, 2020
 - If approved, transition will be effective October 1, 2020
- E. Administration Comments
 - Engineer's Report—Mary Jo Miller, M & E
 - Larsen Road construction starting Tuesday, September 8, 2020
 - 3 culverts first, then curb returns, pulverize and repaving
 - Administrator Straw
 - Sewer construction was tentatively scheduled to start next week. Will need to schedule a special meeting to discuss and approve the IPR agreement
 - Sale of remaining land is close
 - Working with engineers on pump house design
 - Budget season with first budget workshop scheduled for Tuesday, September 8, 2020
 - Clerk Stevens
 - Received final edits from consultant, Forrest and Associates.
 - Slated to submit after Labor Day—Mr. Forrest will confirm date with the DOA

VII. Operator Licenses Issued by the Town Clerk:

- A. New: Dylan Kuglin
- B. Renewals: NONE

VIII. Business referred by the Plan Commission:

- A. No referrals

IX. Business referred by the Green Space Committee:

A. No referrals

X. Business:

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

- Attorney Lafrombois requested the Board postpone the business discussion and consideration until next week. He noted he has been reviewing the document and is continuing communications with IPR's attorney. He said there are minor concerns which should be worked through before the Board addresses the business.
- Vice Chair Reif noted the Board would have to schedule a special meeting to review the agreement.
- Supervisor Grundman requested, if possible, to schedule the meeting immediately following the budget workshop
- Administrator Straw said she would do what she could within the confines of the posting requirements
- Attorney Lafrombois noted the special meeting should include a Closed Session to confer with the Attorney regarding the proposal

POSTPONED

B. Discussion/Action: Town Board review and consideration of the REVISED Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Vinland.

The Board reviewed a copy of email correspondence from Attorney Parmentier and the Revised Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Vinland. The Wisconsin Department of Administration reviewed the cooperative plan and found several review standards were not met but provided the Towns the opportunity to revise and resubmit. Attorney Parmentier has revised the cooperative plan and has provided both Town Boards copies for approval. It should be noted the substance of the agreement has not changed. The bulk of the changes were clarifications relating to the Comprehensive Plans.

- Supervisor Grundman expressed concern regarding the language in Section 8 which referred to Vinland hooking up to Town of Clayton utilities. She said she was unclear about the language which stated the Town of Clayton would not claim any of the tax revenue from the properties hooking up.
- Attorney Lafrombois explained that tax revenue is separate from the utility fees. The agreement is to not take tax revenue. The utility fees will be paid to Clayton according to hook-ups and use.

MOTION:

Motion by Vice Chair Reif

Second by Supervisor Wisnefske

Motion to approve the revised Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Vinland as presented

ROLL CALL VOTE:

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

Motion carried by a vote of 4-0 with Chair Geise being excused.

- C. Discussion/Action: Town Board review and consideration of the Town of Neenah Auto-Aid Agreement renewal for CY 2021.

The Board reviewed a copy of a memo from the Director of Public Safety requesting the Town Board give notice of intent to cancel the Auto Aid Agreement between the Town of Clayton and the Town of Neenah and a copy of the current Auto Aid Agreement.

As Budget Season is upon us once again, the Staff has been working to find ways to continue to balance the Town’s Budget without increasing the taxes. The Town of Clayton, over the past three years, has paid the Town of Neenah \$22,500 to help subsidize the Town of Neenah Fire Department as part of the Auto Aid Agreement. The Town of Clayton does not receive payment from the Town of Neenah for responding by Mutual Aid.

Administrator Straw explained Clayton Fire Rescue has responded almost equally to calls in the Town of Neenah—4 CFR calls to Neenah, 5 TNFD Auto Aid calls to Clayton which when broken down per call over the past three years, the Town of Clayton has paid \$1,500.00 per call to the Town of Neenah.

Administrator Straw noted she and the Chief would like to continue to work with the Town of Neenah to negotiate the Auto Aid Agreement. However, if the Town of Neenah will not negotiate a reduced fee for Auto Aid, the Administration and Staff would respectfully recommend the Agreement be cancelled knowing the Village of Fox Crossing will cover the area with a response time equal or better than the Town of Neenah. She also noted that CFR has Auto Aid Agreements with the other surrounding municipalities with no costs charged.

MOTION:

Motion by unanimous consent to send the Town of Neenah a notice of intent to cancel the Auto Aid Agreement at the end of CY 2020 unless a modified agreement can be negotiated and agreed upon.

- D. Discussion/Action: Town Board review and consideration of Town Board Resolution 2020-011 A Resolution Authorizing a Public Contract of more than \$25,000.00 for Public Works Building Remodel.

The Board reviewed a copy of Town Board Resolution 2020-011 A Resolution Authorizing a Public Contract of more than \$25,000.00 for Public Works Building Remodel.

In May, 2020 when Richard Johnston presented the Administration with his plan to retire as of June 30, 2020, it was discussed that his remaining salary could be used to finance the remodel of the Public Works Building. Because the Public Works Building was designed and constructed by Cleary Buildings, the Public Works Director contacted Cleary Buildings and received a quote which came in over \$25,000 and was accepted. However, Wis. State Statute §60.47(2)(b) states “No town may enter into a public contract with a value of more than \$25,000.00 unless the town board, or a town official or employee designated by the town board, advertises for proposals to perform the terms of the public contract by publishing a class 2 notice under ch. 985. The town board may provide for additional means of advertising for bids.” The Public Works Director stated that no other contractor would bid on a remodel of a Cleary Building. The Administration, Staff, and the Town Attorney agreed that regardless of whether another contractor would bid on a remodel of a Cleary Building, the Town is still required to publish a class 2 notice.

MOTION:

Motion by Supervisor Wisnefske

Second by Supervisor Grundman

Motion to approve Town Board Resolution 2020-011 A Resolution Authorizing a Public Contract of more than \$25,000.00 for Public Works Building Remodel and direct staff to publish the class 2 notice as required by law.

ROLL CALL VOTE:

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

Motion carried by a 4-0 vote with Chair Geise being excused.

- E. Discussion/Action: Town Board review and consideration of the vandalism at Medina Junction Road and the WIOUWASH Trail.

The Board reviewed copies of photos taken on August 21, 2020 and August 27, 2020 of the road barriers on Medina Junction Road next to the WIOUWASH Trail. Administrator Straw reported in less than a week, there had been two incidents with the road barriers which takes the Public Works Department at least two people, the wheeled excavator, and time to replace barriers back. This results in lost time from the drain tile projects that need to be completed this year.

The administration and staff have discussed several options which would more permanently solve this issue as follows:

- The Public Works Department does have 4-5 bollards that could be installed in front of the barriers.

- It has also been suggested that the culvert could be removed with a permanent barrier placed just to the east of the culvert.
- Another solution would be to proceed with the road abandonment.

Administrator Straw requested the Board provide direction to staff as to how to proceed.

- Supervisor Wisnefske stated
 - Not on the Board when the road was originally addressed
 - Walked the road and it is in the same condition as much of Shady Lane
 - We need to open the road if there is a way
 - Suggested lowering the speed to 25 mph or even lower
 - Should minimally maintain it—just what is required
 - Close in spring if flooded
 - We have an obligation to listen to the people
- Administrator Straw noted it is already posted at 45 mph so the lowest we can post would be 35 mph
- Supervisor Lettau agreed with Supervisor Wisnefske
 - Rustic Road classification would be a good fit.
 - Bicyclists are still using it
 - Scenic and natural setting
 - It is important to the local people and the farming community
- Mike Pfankuch, Public Works Foreman
 - In his opinion the road was wrecked when the barricades were ignored and trucks drove on the flooded road—the substructure was damaged
 - The recent vandalism dragged a concrete barricade across the railroad tracks. Canadian National had to inspect the tracks for damage. What if the tracks are damaged causing a derailment? Is the Town liable?
- Attorney Lafrombois explained the Town has very limited liability for the illegal actions of someone else.
- Supervisor Wisnefske noted she understood Mr. Pfankuch's concerns—she shares the same, but the road has been open for many, many years. Nothing has significantly changed—it has always been this way.
- Supervisor Grundman said she has concerns about people using the road when it is not safe
- Vice Chair Reif said
 - Concerned about plowing—can it be done without further damaging the road
 - He does not want to take funding from busier roads
 - He likes the idea of a Rustic Road
 - Suggested looking at a route from County Road II through to County Road M
- Mitch Beattie, 9495 Pioneer Road
 - Rustic Roads are not meant to be updated
 - Drivers expect rough conditions
 - He is willing to do the Rustic Road application work, with Town Staff assistance
- Vice Chair Reif clarified he wants everyone to be aware the road, if reopened will be maintained to the minimum requirement—it will be rough
- Lana Prusik stated she would collect the petition signatures but requested the Town's Attorney review the document to confirm all is in order prior to her doing so

- Attorney Lafrombois recommended the road remain closed until the status of the road officially changes

DIRECTION TO STAFF

To work with volunteers to start the process for Rustic Road application with the State

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- Supervisor Wisnefske requested changing the time for the budget meetings scheduled in September from 2:00 to 4:00 p.m.
- The Board members agreed and requested Administrator Straw change the time as noted.
- Special meeting with Closed Session tentatively scheduled for Tuesday, September 8, 2020 at 4:15 p.m. to discuss the IPR proposal.

XIV. Board Member Requests for Future Agenda Items: NONE

XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn 8:05 p.m.

Respectfully submitted,
Holly Stevens, Clerk