

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, September 16, 2020

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

I. Call to Order: Town Board Chair 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 PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): NONE

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, September 2, 2020 Town Board Meeting.

B. Approval of the Minutes of the Tuesday, September 9, 2020 Town Board First CY 2020 Budget Workshop Meeting.

C. Approval of the Minutes of the Tuesday, September 9, 2020 Special Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the minutes from the September 2, 2020 Town Board Meeting; September 9, 2020 First CY 2020 Budget Workshop; and the September 9, 2020 Special Town Board Meeting.

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

Carol Hollar-Zwick, NJSD Board of Education Vice President

- Presented a Resolution passed by the Board of Education which relates to COVID-19 and the 2020-21 academic year and the importance of a Community-wide effort to reduce the transmission of the virus in order to keep the students, teachers, and staff safe

Janice Drews, 3113 County Road II

- Requested more attention be given to the monuments at Clayton Cemetery—grass clippings are covering many of the monuments which should be revered and given better care

- Ms. Drews provided the Board with a bag of clippings she removed from her family's monuments to illustrate the issue
- Administrator Straw said she would take care of it first thing in the morning.
- Chair Geise noted that the crew has been working very hard, but even now, the affects of the pandemic are still proving difficult and causing issues
- Chair Geise assured Ms. Drews the matter would be addressed

Kay Lettau, 3795 County Road II

- Noted the Advanced Disposal Trucks seem to be losing a lot of recyclables from their trucks and the debris is landing in the ditch
- Administrator Straw said she would call Advanced Disposal and make them aware of the issue
- Supervisor Grundman noted she too had a problem a while back and when she called, she was advised to call immediately on the day of the occurrence and they will have a driver return to clean up.

V. Correspondence:

- A. Distribution of the August 2020 Building Inspectors Report.
- B. Distribution of the July 30, 2020 Minutes of the Oshkosh Public Library Board
- C. Distribution of the Winnebago County Land & Water Resource Management Plan.
- D. Distribution of the Fox West Regional Sewerage Commission August 5, 2020 Meeting Minutes.
- E. Memorandum from Administrator to Town Board
- F. Winnebago County Tonnage Reports
- G. WDNR Public Hearing Notice
- H. Municipal Court 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
 - b) Clayton Police Department
 - c) Emergency Management Report
- D. Larsen/Winchester Sanitary District Report—No Report
- E. Administration Comments
 - Engineer's Report—Mary Jo Miller, M & E
 - Larsen Road construction underway
 - 3 culverts and curb returns completed, pulverize this week, then fine grade and pave
 - Administrator Straw
 - Continuing Budget work
 - Large Culvert on Pioneer Road has completely corroded bottom—requires replacement; size is 52" x 40'; budgeting for next year
 - SWM work started in Windfield Estates
 - Black Top Way culvert install completed

- Meeting Friday to discuss Land Sale
- No response from IPR regarding the revised contract
- Clerk Stevens
 - Incorporation Submittal was sent to WI DOA on Tuesday, September 15, 2020
 - Incorporation Documents available on website
 - Over 940 absentee ballots were mailed on 09/16/2020
- Chair Geise
 - Attorney revised IPR contract—looks good
 - Presented to IPR—awaiting response
 - Attorney Lafrombois noted that the IPR attorney has requested the WORD version of the document which indicates they may want to propose some edits to the contract

VII. Operator Licenses Issued by the Town Clerk:

- A. New: Jeana K. Dieringer
- B. Renewals: NONE

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning application submitted by Carl Rasmussen, for property located at Center Road, Neenah, WI 54956, specifically described as Tax ID# 006-0243, being a part of Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).
 - Plan Commission Chair Knapinski reported the requisite Public Hearing was held and after review, the Commission recommends to the Town Board approval of the Re-zoning application submitted by Carl Rasmussen, for property located at Center Road, Neenah, WI 54956, specifically described as Tax ID# 006-0243 as presented and with Staff recommendations
- B. Plan Commission review and recommendation on a Re-zoning application submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).
 - Plan Commission Chair Knapinski reported the requisite Public Hearing was held and after review, the Commission recommends to the Town Board approval of the Re-zoning application submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01 as presented and with Staff recommendations.

- C. Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Plan Commission Chair Knapinski reported the Commission reviewed the CSM and recommends to the Town Board approval of the Certified Survey Map (CSM) submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01 with technical corrections as noted and with all Staff recommendations; and recognizing the “spot” zoning the land division creates is allowable in this case because it aligns with the Comprehensive Plan Future Land Use.
 - Supervisor Reif said the Commission had requested some technical updates to the map which was supposed to be provided to the Town Board prior to this meeting.
 - Administrator Straw explained she had received the revised map and provided it to the Chairman and PC Chair Knapinski. She said the changes were minor technical corrections and the substance of the map remains unchanged.
 - Chair Knapinski noted he was satisfied with the revised map

MOTION:

Motion by unanimous consent to approve the Certified Survey Map (CSM) submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road contingent upon the approval of the Rezoning application as submitted.

- D. Plan Commission review and recommendation on an Application Review Schedule establishing deadlines for submitting the various types of applications.
- PC Chair Knapinski explained that with the logistics of getting information to the Town’s Planner for review require more time. The proposed schedule addresses the time issues and provides ample time for the needed review(s).

DIRECTION

The Town Board accepted the schedule

- E. Plan Commission review and approval to request a presentation by Outagamie County Zoning Department on the Airport Overlay District and Code.
- PC Chair Knapinski explained in addition to the mapped airport overlay zones, there are 5,000-foot and 10,000-foot radii centered on the airport which affect how land within those areas may be developed. He said the Commission is interested in developing their understanding of the restrictions and requirements for development.

DIRECTION

The Board agreed it would be a beneficial presentation

- F. Plan Commission review and direction to staff regarding the amending of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance.

PC Chair Knapinski reported the work continues with the development of the Road Class Map and review of some language in the Ordinance.

NO ACTION TAKEN

II. Business referred by the Green Space Committee:

- A. Green Space Committee review of the Public Works Department Summer projects in the Town's parks and on the Town's Trails.

- 1. Update to how many dugout benches and benches around the pavilion/picnic tables to purchase in CY 2020 at the negotiated prices.
- 2. Updates to what remains in Park and Trail budgets after the recommended purchases.
- 3. Address the current benches by the ball diamond at Clayton Park.
 - a. Specifically, the anchor bolts are coming up about 6 inches above ground causing a tripping hazard.
- 4. Repair to the Clayton Park Pavilion. Need to fill cracks in the cement blocks.

- The Board reviewed the meeting minutes
- Administrator Straw noted that Committee Member Kraft who also lives in Emerald Valley Subdivision, asked if the Board would be willing to take over the out lots within the subdivision as planted prairies
- Chair Geise noted that about 2 years ago, the Board had made an offer to take on the out lots if the property owners would pay, as a special fee on their tax bills, the annual fee they now pay as HOA dues (\$35). He said at the time, the homeowners rejected the offer stating it was not reasonable. He said the Town will not work on private property unless there is some sort of agreement to cover the costs incurred by the Town.

NO ACTION TAKEN

III. Business:

- A. Discussion/Action: Town Board review and consideration of Town of Clayton Ordinance 2020-Z013 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Carl Rasmussen Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board reviewed a copy of Ordinance 2020-Z013 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Carl Rasmussen Rezoning tax parcel 006-0243 from A-2 (General Agriculture District) to R-1 (Rural Residential District). The property is being sold and the new owners have expressed their desire to build a home on the property. Because the property is 3.39 acres, it is a non-compliant as currently zoned. The rezoning to R-1 rectifies the compliance issues for the property.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Ordinance 2020-Z013 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Carl Rasmussen Rezoning tax parcel 006-0243 from A-2 (General Agriculture District) to R-1 (Rural Residential District) and direct staff to submit to Winnebago County and publish the Ordinance as required.

ROLL CALL VOTE:

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

Motion carried unanimously

- B. Discussion/Action: Town Board review and consideration of Town of Clayton Ordinance 2020-Z014 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Robert and Janece Schommer on Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board reviewed a copy of Ordinance 2020-Z014 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Robert and Janece Schommer Rezoning part of tax parcel 006-0664-01 from A-2 (General Agriculture District) to R-1 (Rural Residential District). The rezoning of this property is related to the Certified Survey Map (CSM) that is on the agenda for approval which creates a new lot which is less than 5 acres and therefore requires rezoning.

MOTION:

Motion by Supervisor Wisnefske

Second by Supervisor Grundman

Motion to approve Ordinance 2020-Z014 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Robert and Janece Schommer Rezoning part of tax parcel 006-0664-01 from A-2 (General Agriculture District) to R-1 (Rural Residential District) and direct staff to submit to Winnebago County and publish the Ordinance as required.

ROLL CALL VOTE:

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

Motion carried unanimously

- C. Discussion/Action: Town Board review and consideration of Joint Powers Agreement for the Winnebago County 911 Emergency System.

The Board reviewed a copy of the renewal information for the Winnebago County Joint Powers Agreement; the proposed renewal continues a system in process today. The agreement requires that any agency dispatched by the Winnebago County Emergency 911 System render service even if that service is out of its legal jurisdiction. The second part of the agreement sets up a Winnebago County Communications and Information System Advisory Committee to establish a protocol for emergency service communications and public safety records. Both functions are systems that need the proper protocol and records systems.

MOTION:

Motion by unanimous consent to approve the Winnebago County 911 System Joint Powers Agreement and authorize the Town Board Chair to sign the document.

- D. Discussion/Action: Town Board review and consideration of rescinding and recreating Ordinance 2019-008 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton Pursuant to Wis. Stats. §66.0301 and Chapter 755 of the Wisconsin Statutes.

The Board reviewed copies of email correspondence from the Village of Winneconne’s Attorney Dunham, and the revised Ordinance rescinding and recreating the Town of Clayton’s Ordinance 2010-008. To have an Intermunicipal Agreement with the Village of Winneconne for Municipal Court services, the Town must first create an Ordinance creating a Town of Clayton Municipal Court. Ordinance 2019-008 creates the Town’s Municipal Court; however, the Towns of Neenah and Winchester petitioned the Municipal Court to be added. The two Towns have received all approvals necessary to become part of the Municipal Court. The addition of the Towns are the only changes to the Town of Clayton’s Ordinance 2019-008. As before, this process is a formality that is required to update the Winneconne Municipal Court joint documents.

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Grundman

Motion to rescind and recreate Ordinance 2019-008 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton and to direct staff to follow the appropriate publishing process.

ROLL CALL VOTE:

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

Motion carried unanimously

- E. Discussion/Action: Town Board review and consideration of rescinding the Revised Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton approved by the Town of Clayton Town Board on Wednesday, March 18, 2020.

The Board reviewed a copy of the Joint Municipal Court Intergovernmental Cooperation Agreement that was approved by the Town of Clayton Town Board on Wednesday, March 18, 2020. As explained with the previous business item, the Towns of Neenah and Winchester have been approved to join the Municipal Court. This step is necessary to allow the Town Board to approve the Amended Intergovernmental Cooperation Agreement which is the next item before the Board.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Wisniefske

Motion to rescind the Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton approved March 18, 2020.

ROLL CALL VOTE:

Supervisor Wisniefske	Aye
Chair Geise	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Supervisor Grundman	Aye

Motion carried unanimously

- F. Discussion/Action: Town Board review and consideration of the Revised Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Neenah, the Town of Winchester, and the Town of Clayton.

The Board reviewed a Revised Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Neenah, the Town of Winchester, and the Town of Clayton.

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Wisniefske

Motion to approve the Revised Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Neenah, the Town of Winchester, and the Town of Clayton.

ROLL CALL VOTE:

Chair Geise	Aye
Supervisor Reif	Aye

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Wisnefske	Aye

Motion carried unanimously

- G. Discussion/Action: Town Board review and consideration of rescinding the Town of Clayton 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.

The Board reviewed a copy of the Town of Clayton 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.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to rescind the Town of Clayton 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

- H. Discussion/Action: Town Board review and consideration of the Town of Clayton Resolution 2020-012 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester.

The Board reviewed the Town of Clayton Resolution 2020-012 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne,

the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester.

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Grundman

Motion to approve the Town of Clayton Resolution 2020-012 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, the Town of Vinland, the Town of Clayton, the Town of Neenah, and the Town of Winchester and to direct staff to follow the appropriate publishing process.

ROLL CALL VOTE:

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

Motion carried unanimously

- I. Discussion/Action: Town Board review and consideration of Otransitioning Public Works Employee Russell (Russ) Stertz to a full-time regular Public Works Employee as of October 6, 2020.

Administrator Straw reported Public Works Employee Russell (Russ) Stertz has completed his 6-month probationary employment period as of October 6, 2020. She said she has reviewed Russ’ performance to date with the Public Works Foreman. Although Russ will be leaving for Basic Training on October 19, 2020, staff recommends that the Board transition Russ from a probationary employee to a regular full-time represented Public Works Employee as of October 6, 2020.

- Administrator Straw also noted Russ will be taking his road test for his CDL later in the week which, if passed, will fulfill the requirement

MOTION:

Motion by unanimous consent to transition Russell Stertz to a full-time represented Public Works Employee as of Tuesday, October 6, 2020.

IX. Review of Disbursements

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

XI. Upcoming Meeting Attendance:

- Upcoming Budget workshops scheduled for Tuesdays from 2:00-4:00 p.m.
 - Supervisor Reif noted he would be out of Town for the October 6 workshop
 - Administrator Straw noted the budget may be completed before then.

XII. Board Member Requests for Future Agenda Items: NONE

XIII. Adjournment

MOTION:

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

Respectfully submitted,
Holly Stevens, Clerk