



TOWN OF CLAYTON

Annual Town Meeting Meeting Minutes

April 13, 2010
7:00 p.m. – 10:47 p.m.

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke

Pledge of Allegiance

Present: Town Chairperson Luebke, Supervisors Geise, Klingenberger, Lettau, and Schmidt

Staff Present: Town Administrator Johnston, Clerk/Treasurer Nester-Huebner, Deputy Clerk/Treasurer Weichart, Public Works Foreman Pamerter

Others Present: Retired Town Supervisor Patricia Kiesow, Building Inspector Tom Spierowski, Town Attorney Patrick Gill of Gill & Gill SC, Assessor Mark Brown of Associated Appraisal Consultants, Auditor Representative Nicole Scherer of Schenck, Town Engineer Jonathon Bartz of Martenson & Eisele, Town Engineer Jeff Schultz of Martenson & Eisele, CWFD Fire Chief Glen Mathison, CWFD First Responder President Cindy Pfankuch, Plan Commission Chair Dick Knapinski, Plan Commission members – Ben Hamblin and Becky Haskell, Green Space Committee Chair Warren Griffith, Green Space Committee members – Cathy Clark, David Dorow, Carol Ihde, Teresa Johnson, and Patty Stanek.

Interpreters: Virginia Gutierrez, Robin Ackerman

Meeting properly posted.

II. Introductions

Town Board Chairperson, Mark Luebke, introduced the following people.

Town Board:

- Supervisor 1 – Kay Lettau
- Supervisor 2 – Terry Klingenberger
- Supervisor 3 – Ann Schmidt
- Supervisor 4 – Russ Geise

Staff:

- Town Administrator – Richard Johnston
- Clerk/Treasurer – Susan Nester-Huebner
- Deputy Clerk/Treasurer – Kimberly Weichart
- Public Works Foreman – Scott Pamerter
- Public Works Laborer – Glen Mathison
- Public Works Laborer – David Borchert
- Animal Control Officer – David Huebner

III. Approval of Annual Meeting Minutes – April 14, 2009

- Cathy Clark stated that her address should be 3102 Fairview Road, not 5102.

MOTION: (Marge Reinders/7511 County Road T, Richard Erdmann/7490 S. Center Road) Approve the Annual Meeting Minutes of April 14, 2009, with the correction of Cathy Clark's address to 3102.

CARRIED by voice vote.

IV. Reports

A. Building Inspector – Tom Spierowski

- Reviewed the 2009 Building Inspection totals
- No resident questions.

B. Assessor – Mark Brown of Associated Appraisal Consultants, Inc.

- Reviewed the 2009 assessment totals
- Stated there were resident-initiated requests for an interior review
- Stated they are wrapping up field work
- Open Book is April 27, 2010, from 3:00pm-7:00pm in Municipal Building/Fire Station, call 920-749-1995 or 800-721-4157 for an appointment
- Assessment information available at www.apraz.com
- Question: Rich Agnes, 9121 N Center Rd – asked about actual square footage versus that which the assessor has on file (Answer: contact Assessor or view assessment information online)

- C. 2009 Audited Financials – Representative Nicole Scherer (also a town resident) of Schenck
- Reviewed the 2009 Annual Financial Report
 - Reviewed the Management Letter
 - Management Letter contained two recommendations: (1) Town needs to develop a capital asset record and (2) the joint venture of the Clayton-Winchester Fire Department needs to provide complete budget and financial information for full disclosure for use in the Town's financial audit, as it is an asset of the Town of Clayton.
 - No resident questions.
- D. Plan Commission – Chair Dick Knapinski (introduced Plan Commission members)
- Thanked Commission members for their service
 - Completion of 2009 Updates of Comprehensive Plan, Park & Open Space Plan, and Official Map
 - Airport Overlay – Outagamie County has jurisdiction into TOC that extends to Clayton School
 - Winnebago County updating its zoning ordinance; TOC may have opportunity to opt out of County zoning and control its own zoning
 - No resident questions.
- E. Green Space Committee – Chair Warren Griffith (introduced Green Space Committee members)
- Thanked Committee Members for their service
 - 15 other people have served on the committee since its inception
 - Member Patty Stanek overviewed the following:
 - Committee's work during 2009
 - Mission Statement
 - Projects – Soccer goals in Clayton and Trailhead Parks
 - Usage for park
 - Clayton Park parking lot paving
 - Walking Trails
 - Olson's Rest makeover
 - Consideration of Larsen Road Trail in conjunction with Larsen Road rebuild project
 - Bench on WIOUWASH Trail – joint venture with Winnebago County to commemorate filming of Public Enemies
 - Projects – looking for sites and associated costs of potential park areas in the Town
 - Future linear parks and walking trails
 - Chairperson Warren Griffith overviewed the following:
 - Approved Park & Open Space plan for three (3) parks:
 - South side of Shady Lane, between State Road 76 and Oakwood Avenue – primary use as nature center (would need small parking lot and possibly restroom facilities)
 - Fairview Road – either directly behind Clayton School or across from Clayton School – primary use baseball diamonds (dependent upon working out an agreement with an athletic group, such as Suburban Athletics)
 - Southeast Nature Park, roughly at intersection of County Road JJ & Breezewood Lane
 - Northern nature park and park near Clayton School – most likely in next 1-4 years, based upon property availability and interest by Suburban Athletics
 - Cost structures and information regarding parks to be gathered and presented to Town Board
 - Change in role of Green Space Committee since its inception – from exclusively advocate for parks and trails to addition of location and service provided by parks and trails (Committee now makes recommendations to Town Board as to what should be done and additions to what the Town should offer)
 - No resident questions.
- F. CWFD First Responders – President Cindy Pfankuch
- Overviewed the following:
 - First Responders officers, number of members on squad
 - Total calls in 2009 – Clayton, Winchester, and Mutual Aid
 - Average call response time, average number of responders, types of calls
 - Implementation of new call tracking system
 - Purchase of extrication gear and uniforms for entire squad
 - Cooperative effort with Sheriff's Department for File of Life packets for residents
 - ClaytonFest activities (Gold Cross ambulance, blood pressures, etc.)
 - Question: resident asked about the average 6.93 min response time (Answer: contributing factors of responder availability and responder location affect response time)

- G. CW Fire Department – Chief Glen Mathison
- Overviewed the following:
 - Fire Department officers, number of members on squad
 - Total calls in 2009 – Clayton, Winchester, and Mutual Aid
 - Automatic Aid Agreements in place – Town of Greenville, Town of Neenah, Town of Vinland
 - Automatic Aid Agreement to be completed soon – Town of Menasha
 - Automatic Aid Agreements currently working on: Town of Dale, Town of Boom Bay, Town of Winneconne
 - CWFD's Facebook page
 - CWFD Auxiliary – 10 members, fund-raising events completed and planned
 - Control Burn Number – requirement of residents watching the burn at all times
 - Annual Fire Fighters' fundraiser
 - Future purchase of additional equipment
 - Question: Ronald Hentz, 8037 Cavendish Road – Asked about reciprocal agreements and if anything is in agreement that requires them to become trained and familiar with our areas that they cover (Answer: They periodically train with our fire department, review SOPs and response procedures for each other's department, and become familiar with each other's response areas)
- H. Town Administrator – Richard Johnston
- Working on long-range plans/forecasts to finance projects over next 5-10 years to improve quality of infrastructure without severely impacting monies required
 - No resident questions.
- I. Town Chairperson – Mark Luebke
- Overviewed the following:
 - 9th Annual ClaytonFest on June 12, 2010 – looking for volunteers; Groups involved – Larsen Enhancement, Drifters Snowmobile Club, CWFD – Fire Fighters and First Responders, CWFD Auxiliary, Rieckmanns, and other volunteers
 - Election workers – thanked them for working elections
 - Airport Overlay – airport has jurisdiction but is willing to work with TOC and has been working with us to be cooperative
 - Negotiated Public Works union contract with Teamsters effective 1/1/2010
 - Office Staff Positions:
 - Joint positions since 1997 – Clerk/Treasurer and Deputy Clerk/Treasurer
 - Special Electors Meeting of September, 2006 – did not separate positions in office (Clerk/Treasurer, Deputy Clerk/Treasurer, Town Administrator)
 - Workload has changed significantly – auditors have stated in reports
 - Discussion of consideration of splitting the positions as follows: Clerk/Treasurer to Clerk, Deputy Clerk/Treasurer to Treasurer, and Deputy Clerk responsibility added to Town Administrator
 - Official Split of position must be done at Town Meeting
 - **MOTION 1:** (Rick Erdmann; Chris Schmidt/8155 County Road T) Authorize the Board to change the current Clerk/Treasurer position to a Clerk position, the Deputy Clerk/Treasurer position to a Treasurer position, and appoint the Administrator as the Deputy Clerk.
 - Discussion:
 - Salary remains same, nothing changes except titles
 - Question: Patty Stanek, 8395 County Road T – Asked who would be responsible for collecting taxes if position is split (Answer: Ultimately the Treasurer position; both positions are still able to collect taxes)
 - Question: Carol Ihde, 7834 State Road 76 – Asked if the wages handout was just the wages or if figures included benefits (Answer: Wages only; benefits are approximately 25% of the wages, and include Social Security, FICA, Retirement, and Health Care if benefit is used)
 - Compensation Committee completed salary study/survey and provided recommendations including a retirement package and health/dental insurance program be put into place to remain competitive for employees
 - Question: Gerry Mich, 9636 Lois Lane – Asked Mark Luebke why he initially opposed the position split and what has changed since (Answer: Mark indicated he did not understand the nuances and responsibilities of the positions at that time)

- Chairperson Luebke stated that every vote at tonight's meeting will be a raised-hand vote from this point forward

VOTE on MOTION 1: Authorize the Board to change the current Clerk/Treasurer position to a Clerk position, the Deputy Clerk/Treasurer position to a Treasurer position, and appoint the Administrator as the Deputy Clerk.

- YES: 61 + 68 = 129
- NO: 2

MOTION 1 CARRIED by 129-2 raised-hand vote.

- Overviewed the following:
 - Fire Protection Services
 - Activities to-date
 - Automatic aid agreements
- CWFD Fire Chief, Glen Mathison, overviewed the following:
 - Map of locations/distances from current fire station
 - Question: Carol Ihde – asked for definition of linear miles (Answer: distance straight from fire station into our town)
 - Response areas and response vehicles from Towns of Vinland, Greenville, and Neenah
 - Proposed automatic aid response area and response vehicles from Town of Menasha
 - Question: Terry Murphy, 7948 Ashwood Court – asked about the arcs on the map of response areas and if the other departments will respond to areas beyond the arcs indicated on the map (Answer: Chief Mathison explained how the departments will respond, depending upon what type of call it is)
 - Question: Eileen Connelly-Keesler, 2657 Megan Way – asked about response times for the Town of Neenah (Answer: Town of Neenah dispatch protocol = fire fighters arrive at station, then go in fire truck to fire, whereas CWFD protocol = one person drives fire truck and other fire fighters meet at fire)
 - Question: Mick Batton, 2718 Cassy Lane – asked if there are any “dead” areas where nobody takes care of a fire (Answer: there are no areas without coverage; when address is given to 911 it automatically pulls up which departments are to be dispatched)
 - Question: Arden Schroeder, 9458 State Road 76 – commented on linear versus road miles
 - Question: Gerry Mich – commented on linear versus road miles
 - Question: Arden Schroeder – commented about previous map with road miles on it
 - Chairperson Luebke – commented about the following:
 - Town is looking at all options to augment providing fire protection services to the town
 - Municipal Building – brainstorming options available for the building; brainstorming and nothing else has been done except brainstorming
 - The need to look at what to do with this building so it meets NFPA and COMM standard guidelines
 - No matter what is done, we would look for funding to offset the cost of what we would do
 - If the direction residents want to go is extensive remodeling, we would seek resident approval
 - Question: Arden Schroeder – commented about quality of soils on this property
 - Question: Patty Purcell, 7980 Nicole Heights – commented on planned spending, recommendations from RW Management study, update of Municipal Building, and response times
- **MOTION 2:** (Patty Purcell, Bill Rubick/7853 County Road T) Town Board cap the renovation costs and budget for renovating the old fire station building here to \$110,000.00 for the generator, improve the restroom facilities, and air exchanger.
 - Discussion:
 - Patty Stanek – asked about who protects her home if we would move location of fire station; asked about response time with fire station stays in this location; asked about response time and how it's figured; asked about what would be done with fire fighting during remodel (Answers: it would also be covered by Town of Winneconne; CWFD gets a truck out of the station at night within approximately 3 minutes and during the day within approximately 2 minutes; various times are measured once call is made to 911 – this includes time from time page is put out, in-route time, on-scene time, etc.; there is a requirement of 4 fire fighters before fire fighters can enter a structure to begin fighting fire; coordinated effort and detailed plans if remodel; this is very preliminary at this point as nothing has been decided or planned at this point)

- Pat Keesler, 2657 Megan Way – asked about response times; commented about paying for fire service
- Don Shaw, 9670 Oakwood Avenue – asked if Town still owned the property on County Road II; commented about building versus remodeling (Answer: yes, Town still owns the property)
- Terry Murphy – commented about improving deficiencies, about refurbishing versus building new, and wanting tankers available to get to whole town
- Cathy Clark, 3102 Fairview Road – commented about the 5-mile radius
- Arden Schroeder – commented on Town Hall versus Town meeting room
- Patty Purcell – asked for clarification about funding (Answer: town electors must authorize money spent on building a new structure but we must have a complete plan and costs in order to apply for funding)
- Phil Beaver, 2986 Fairwinds Drive – commented on the town having blueprints and proceeding
- Call for Motion – Arden Schroeder
- Arden Schroeder allowed Phil Beaver to finish speaking
- Phil Beaver – commented about applying for stimulus money
- Chairperson Luebke – stated 5 Board members (Breaker, Kiesow, Klingenberger, Lettau, Luebke) unanimously voted to stop building and proceed to defend ourselves in court

VOTE on MOTION 2: Town Board cap the renovation costs and budget for renovating the old fire station building here to \$110,000.00 for the generator, improve the restroom facilities, and air exchanger.

- YES: 25 + 31 = 56
- NO: 28 + 36 = 64

MOTION 2 FAILED by 56-64 raised-hand vote.

- **MOTION 3:** (Arden Eckstein/3960 Larsen Road, Rick Erdmann) Remodel this building and add a new bay on, remodel bathrooms, add air exchanger, generator, and restrooms.
 - Discussion:
 - Arden Eckstein – commented on footings under this building
 - Susan Rubick, 7853 County Road T – wanted to know if this motion has unlimited funding to remodel
 - Arden Eckstein – Friendly amendment: we bring figures to town residents once we get figures and plans
 - Rick Erdmann – As Motion Second, agreed with friendly amendment to motion
 - Susan Rubick – commented on first motion and looking for additional funding to do more
 - Patty Purcell – questioned foundation, commented about her interest in response times and asked why we were throwing money into a building when that won't improve response times, commented she wants progress toward long-term growth plans for future building
 - Mick Batton – asked for clarification on motion
 - Clarification of motion – look at structure, come up with options, come back to residents with information
 - Town Administrator, Richard Johnston – expenditures would entail soil borings, planning costs; then come back with information
 - Carol Ihde – requested comparison of renovation cost versus new station
 - Steve Rose, 2694 Cassy Lane – commented on need for comparatives to know we're spending our money wisely
 - William Bowman, 2649 Megan Way – commented investigating whole picture before making any decision

AMENDMENT TO MOTION: (Gerry Mich, Steve Rose) Bring back numbers for remodeling and also bring back numbers suitable for a new station being built so the electorate can distinguish between the two.

- Dave Keberlein, 3237 Fondotto Drive – asked for clarification of motion; asked where location of new structure would be
- Gerry Mich – commented about irrelevancy of how the building is built
- Town Administrator, Richard Johnston – clarified an NFPA- and COMM-compliant building; clarified that amendment is to add to initial motion; clarified that amendment is to instruct Board to look at cost of comparable NFPA- and COMM-compliant new facility so residents can compare to remodel of this facility
- Charles Duffeck, 2671 Cassy Lane – asked for clarification of the motion

- Town Administrator, Richard Johnston – clarified motion
- Phil Beaver – commented on study
- Chairperson Luebke – clarified motion
- Jonathon Bartz – clarified motion and amendment, and clarified process

VOTE on AMENDMENT to MOTION 3: Bring back numbers for remodeling and also bring back numbers suitable for a new station being built so the electorate can distinguish between the two

- YES: 54 + 51 = 105
- NO: 5

AMENDMENT to MOTION 3 CARRIED by 105-5 raised-hand vote.

VOTE on AMENDED MOTION 3: Remodel this building and add a new bay on, remodel bathrooms, add air exchanger, generator, and restrooms, and we bring figures to town residents once we get figures and plans, and bring back numbers for remodeling and also bring back numbers suitable for a new station being built so the electorate can distinguish between the two.

- YES: 63 + 60 = 123
- NO: 3

AMENDED MOTION 3 CARRIED by 123-3 raised-hand vote.

V. Topics of Consideration

A. Adopt Chairperson and Supervisor Salary for 2011/2012

MOTION 4: (Eileen Connelly-Keesler, Dick Knapinski/8605 Clayton Avenue) Salaries remain the same.

VOTE on MOTION 4: Salaries remain the same

- YES = 58 + 58 = 116
- NO = 0

MOTION 4 CARRIED by 116-0 raise-of-hand vote.

B. Date for CY 2010 Annual Meeting in 2011 – Tuesday, April 12, 2011

MOTION 5: (Unanimous consent) Set CY 2010 Annual Meeting in 2011 as Tuesday, April 12, 2011.
MOTION 5 CARRIED.

VI. Electors’ Discussion/Action on Any Subject

- ❖ Scott Rieckmann, 8484 Pioneer Rd. – Saturday, May 15, 2010, large-scale tornado drill/exercise, 10:00am-2:00pm, with mutual aid departments
- ❖ Ken Fisher, 3415 Fairview Rd – commented that Fairview Road does not have a speed limit posted, asked if Town can look at it and asked if Sheriff’s Department could be asked to enforce the speed limit, at least from school to Highway 10 overpass
- ❖ Patty Purcell – commented on stimulus funding, pursuing grant money, and resistance to building; volunteered to work with administration to pursue grant money
- ❖ **MOTION 6:** (Patty Purcell, Steve Rose) (1) The Town allow these individuals to work with Town Administrator on seeking grant or stimulus funding that might be available for fire service related projects,(2) if such funding is identified and located that the Town apply for such funding immediately, and (3) if awarded such funding let the Town call a special meeting within 30 days of any final funding award notices to vote on the construction of a new fire station to be built on the town land currently owned at II and 76.
 - Discussion:
 - Becky Haskell, 9080 Oakwood Ave – commented residents’ split views and to look at other options including existing structures within the town
 - Patty Purcell – asked to seek funding
 - Steve Rose – commented about stimulus money
 - Mick Batton, 2718 Cassy Lane – commented about volunteers willing to help
 - Arden Schroeder – commented about volunteers and stimulus money
 - Gerry Mich – commented about looking for stimulus money
 - Glen Mathison – commented on his ideas of possible new station locations around 76/II or Pioneer/II
 - Rich Agness, 9121 N. Center Road – asked for motion to be repeated
 - Patty Purcell – repeated her original motion

- Patty Purcell – Friendly amendment: Remove County Road II from motion.
- Steve Rose – Agreed with friendly amendment to motion
- Richard Johnston – commented we must be through the planning stage to apply for funding; stated that the Fire Board directs Fire Chief to apply for grants, the Town Board does not
- Phil Beaver – commented about looking for funding
- Kay Lettau, 3795 CTY Rd II – asked for clarification of motion regarding within 30 days clarification and asked if the group of volunteers were only volunteering if it is only for the new station and not for any renovations
- Patty Purcell – responded about volunteering for a new station, not a remodel
- Rich Agnus – commented about the Board already being instructed to gather info and do a cost comparison between renovation and new structure
- Chairperson Luebke – commented he was concerned with the 30-day notice
- Arden Schroeder – commented about the 30-day notice as he was asked about time-frame and valuation of property
- Patty Purcell – clarified motion regarding funding, costs, time-frame, and project comparison
- Chairperson Luebke – clarified that motions are advisory
- Susan Rubick – asked for clarification that motions at this meeting are advisory

VOTE ON MOTION 6: (1) The Town allow these individuals to work with Town Administrator on seeking grant or stimulus funding that might be available for fire service related projects,(2) if such funding is identified and located that the Town apply for such funding immediately, and (3) if awarded such funding let the Town call a special meeting within 30 days of any final funding award notices to vote on the construction of a new fire station

YES = 24 + 18 = 42

NO = 25 + 17 = 42

MOTION 6 FAILED by 42-42 raise-of-hand vote.

- ❖ Mick Batton – commented on volunteer offer to help; asked Chairperson Luebke why he voted against the last motion
- ❖ Chairperson Luebke – responded about his concern with the 30-day time-frame constraint
- ❖ **MOTION 7:** (Patty Purcell, Mick Batton) (1) The Town allow these individuals to work with Town Administrator on seeking grant or stimulus funding that might be available for fire service related projects,(2) if funding is identified and located that the Town apply for such funding immediately.

VOTE ON MOTION 7: (1) The Town allow these individuals to work with Town Administrator on seeking grant or stimulus funding that might be available for fire service related projects,(2) if such funding is identified and located that the Town apply for such funding immediately.

YES = 26 + 31 = 57

NO = 13 + 14 = 27

MOTION 7 CARRIED by 57-27 raise-of-hand vote.

VII. Adjournment – 10:47p

MOTION: (Arden Schroeder, Rick Erdmann) Adjourn.

CARRIED unanimously.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*