

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 P.M. – 7:50 P.M. on Wednesday, September 21, 2011

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chair Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted, three locations in the Town.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	ABSENT (Excused)
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamentner	PRESENT
Town Engineer Madsen	PRESENT

II. Public Hearing:

A. Public Hearing before the Town Board on Resolution #2011-024: A Resolution Creating an Ordinance Prohibiting the Carrying of Concealed Weapons in buildings owned and/or leased by the Town of Clayton.

1. Chair Luebke called the Public Hearing to order at 7:01 P.M.
2. No comments from those in attendance.
3. Chair Luebke asked three times if there were any additional comments – there were no additional comments.
4. Chair Luebke closed the Public Hearing at 7:02 P.M.

III. Approval of Minutes:

A. Special Town Board Meeting (Budget Workshop #2) – Tuesday, September 6<sup>th</sup>, 2011

**MOTION:**

Motion by: Unanimous consent

Approve the Special Town Board Meeting (Budget Workshop #2) minutes of Tuesday, September 6<sup>th</sup>, 2011, with the following corrections:

Header: Change End time of meeting from 8:58 P.M. to 8:42 P.M., Change Date from August 30, 2011, to September 6, 2011

CARRIED.

B. Regular Town Board Meeting – Wednesday, September 7<sup>th</sup>, 2011**MOTION:**

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, September 7<sup>th</sup>, 2011, as written.

CARRIED.

## IV. Open Forum – Non-Agendized Town-related Matters:

A. No open forum items.

## V. Correspondence:

A. Alliance for Regulatory Coordination – Certificate of Commendation for the Town of Clayton

B. Winnebago County Solid Waste Management Board – August 2011 Tonnage Report &amp; Intergovernmental Agreement information

## VI. Discussion Items (No action will be taken.):

A. County Supervisor Report

1. County Supervisor Joanne Sievert present, no report

B. Winnebago County Sheriff's Department – Public Concerns and Issues

1. No Sheriff Deputy present

C. Clayton-Winchester Fire Department

1. No CWFD member present

2. Update: 72 calls year-to-date

D. Administration Comments

1. Administrator: Working on the drainage design in Sunburst and Oak Manor Estates to alleviate some of the drainage issues in these areas, some trees in the drainage easement that will need to be removed; we must design both sides now so they work together in the future

2. Clerk: Quarter 3 Newsletter mailed out and posted on website on September 20<sup>th</sup>, 2011

3. Public Works Foreman: Received the new Ford F550 on Monday afternoon

4. Engineer: Larsen Road Project – Northeast Asphalt plans to pave this week, they milling butt joints this afternoon, paving is all weather-dependent; Strawberry Fields &amp; Hidden Park design done

5. Chair Luebke: no report

6. Supervisor Lettau: Reported information from Larsen Winchester Sanitary District from Town Representative Mike Pfankuch

7. Supervisor Grundman Erdmann: no report

8. Supervisor Schmidt: no report

9. Supervisor Geise: Oakwood Avenue, the section we chipsealed, has excess gravel; Town Engineer responded that it's a double chipseal so you see a lot of gravel and there is not a lot of travel on that stretch of the road

## VII. Licenses and Permits:

A. Discussion/Action – Consideration and approval of Operator Licenses:

1. New – Alyssa J. Hawkins (Not present)

2. New – Alisha L. Clements (Present)

The Board unanimously agreed to review and consider the application for an Operator License for Alyssa J. Hawkins first because she was present.

**MOTION:**

Motion by: Unanimous consent  
Approve the Operator License for Alisha L. Clements.  
CARRIED

**MOTION:**

Motion by: Unanimous consent  
Approve the Operator License for Alyssa J. Hawkins.  
CARRIED

VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

Plan Commission Chair, Dick Knapinski, reviewed the three items from the Plan Commission.

A. Plan Commission review and recommendation on the update provided by Supervisor Lettau relative to the County’s developing Farmland Preservation Ordinance

1. Supervisor Lettau reviewed the County’s proposed Farmland Preservation Map as well as the basic Farmland Preservation Categories.
2. Additionally, Supervisor Lettau advised the Commission that the Lands on CTH “II” that are zoned for Manufactured Housing will be taken out of the Farmland Preservation Category.
3. The Commission asked for clarification on several procedural issues and the County’s timeline for approval of the revised Farmland Preservation Ordinance.
4. The Statutes require that the County have a revised Ordinance approved by December 31<sup>st</sup>, 2011.
5. Barring unforeseen issues, the County expects to meet the State’s deadline.
6. The County will eventually ask the Town for approval and adoption of the plan.

**MOTION:**

Motion by: Unanimous consent  
Place the plan on file until the County asks for the Town’s input.  
CARRIED

B. Plan Commission review of proposed changes to the Town’s Sub-division Ordinances and Policies (TOWN OF FREEDOM GROWTH MANAGEMENT PLAN).

1. The Commission reviewed the Town of Freedom’s Growth Management Plan and directed staff to draft a similar document based upon the Town of Clayton’s Comprehensive Plan.
2. The model Growth Management Plan requires that an individual submitting an application for Commission review of a land division or development project complete a document showing how the proposed project complies with the Town’s Comprehensive Plan.
3. Staff will draft a document for the Board’s October Plan Commission Meeting.

No motion on this item.

C. Plan Commission review with staff, Winnebago County Zoning Code update process

1. The Commission was updated on the County’s progress with the project and that the timeline for final approval of the revised County Zoning Code has been pushed back to the end of the first quarter of CY 2012.
2. Additionally, the Commission was given directions on how to get to the link on the County Home Page that publishes the updated Code Sections as they are finalized.

No motion on this item.

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

A. Site visit of the Larsen Road Trail project from “STH 76” to Clayton Avenue.

1. The Committee and staff walked portions of the Larsen Road Trail.
2. Several Committee members indicated that they liked the concept of the Trail but had reservations relative to the changes in direction of the Trail, the size of the material used to stabilize the flow line of the ditches, the potential for injuries because of the size of the material used to stabilize the flow line of the ditches, and the surface treatment of the Trail.

No motion on this item.

B. Green Space Committee review of ClaytonFest2011 and discussion regarding the Green Space Committee’s role in ClaytonFest 2012.

1. The Committee approved a motion indicating that the Committee is willing to act as the organizing body for the ClaytonFest project.
2. The only change to the organizational process would be the timing of the organizational meeting which would be changed to coincide with the Green Space Committee meeting.
3. Functionally, the ClaytonFest organizational meeting would become agenda items for the Green Space Committee Meetings.
4. Board direction: Cancel the ClaytonFest 2012 Kick-off meeting scheduled for October 24<sup>th</sup>, 2011, and reschedule it as part of the Green Space Committee’s regular meeting.

**MOTION:**

Motion by: Unanimous consent

Authorize the Green Space Committee to act as the organizing body for the ClaytonFest project and schedule all ClaytonFest planning meetings to be a part of the regularly-scheduled Green Space Committee meetings as regular agenda items.

CARRIED

C. Green Space Committee discussion and recommendation regarding a Drifters Snowmobile Club request to name the bridge built by the Club on the Friendship Trail after Arden Schroeder, the Drifters Snowmobile Club Founding President and one of the Charter Members.

1. The Green Space Committee members reviewed the Drifters' Request to name the bridge built by the Club on the Friendship Trail after Arden Schroeder and approved a motion to recommend the Board allow the naming project to proceed.
2. Sign has to be located on the bridge, not free-standing.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Authorize the naming of the bridge on the Friendship Trail that was built by the Drifters Snowmobile Club, after Arden Schroeder, the Drifters Snowmobile Club Founding President and one of the Charter Members.

CARRIED unanimous voice vote.

X. Business:

A. Discussion/Action: First reading of Resolution #2011-024: A Resolution Creating an Ordinance Prohibiting the Carrying of Concealed Weapons in buildings owned and/or leased by the Town of Clayton.

1. Each Town Board member received a copy of Resolution #2011-024: A Resolution Creating an Ordinance Prohibiting the Carrying of Concealed Weapons in Buildings Owned and/or Leased by the Town of Clayton.
2. The Resolution was created to implement the Board's directive relative to the concealed carry of weapons in Town Buildings.
3. The Ordinance language was transferred verbatim from the document the Board approved at its September 7<sup>th</sup>, 2011, meeting.
4. The Board will hold a Public Hearing on the proposed Ordinance at its Wednesday, September 21<sup>st</sup>, 2011, meeting.
5. At that same meeting, the Board is scheduled to have the first reading and referral to a second reading for potential approval of the document.
6. Following the Public Hearing, if the Board is comfortable with the draft Ordinance, a motion to refer the document to a second reading at the Board's Wednesday, October 5<sup>th</sup>, 2011, meeting would be in order.
7. Unanimous consent of waiving of the reading.
8. Will post the Draft on the Posting Boards and on the Town website.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman Erdmann

Refer the second reading and potential approval of Resolution #2011-024: A Resolution Creating an Ordinance Prohibiting the Carrying of Concealed Weapons in buildings owned and/or leased by the Town of Clayton, to the Wednesday, October 5<sup>th</sup>, 2011, Town Board meeting.

CARRIED by unanimous voice vote.

B. Discussion/Action: Town Board review and consideration of a Quit Claim Deed prepared by the Town’s Attorney to remove the Town’s name from property purchased from the Town of Clayton by Scott Reif, specifically known as Tax ID# 006-0535-02, located at 8366 County Road “T”, in the Town of Clayton.

1. Each Town Board member received a copy of a Quit Claim Deed prepared by the Town’s Attorney.
2. The Quit Claim Deed will finalize the process of selling the specified property to Scott Reif.
3. It appears that when the property was sold to Scott, the Town never removed its name from the County documents identifying who owned the property.
4. The Town did add Scott as an owner but never removed itself from the Deed.
5. The County has been asking the Town to clarify this issue for several years.
6. The attached Quit Claim will remove the Town’s name from the County’s ownership documents for the property.
7. The Administration has not been able to find specific Town Elector approval for the sale of the property to Scott.
8. However, the Administration is comfortable with the Board taking this action without identified Town Elector approval because it is common knowledge that Scott owns the property.
9. Additionally, the Town Board action will simply remove the Town’s name from the County’s ownership documents and not add Scott’s because it is already on the documentation.
10. If the Board is comfortable with the proposed action, a motion would be in order to authorize the signing and recording of the Quit Claim Deed; this motion should be approved by roll call vote.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Authorize the signing and recording of the Quit Claim Deed prepared by the Town’s Attorney to remove the Town’s name from property purchased from the Town of Clayton by Scott Reif, specifically known as Tax ID# 006-0535-02, located at 8366 County Road “T”, in the Town of Clayton.

Roll Call Vote:

Supervisor Grundman Erdmann = yes

Supervisor Lettau = yes

Supervisor Geise = yes

Chair Luebke = yes

CARRIED by 4-0 roll call vote.

- C. Discussion/Action: Town Board review and consideration of a Town Grievance Policy and Procedure document, a Grievance Appeal Procedure (Attachment A) and a Grievance Appeal Meeting Procedure (Attachment B).
1. The State's recent legislative activity has resulted in a mandate that the Town create a Civil Service Grievance Policy and Procedure.
  2. Each Town Board member received a Draft copy of a Town of Clayton Grievance Policy and Procedure document.
  3. The document was generated by staff following the review of a number of model Grievance Policies.
  4. The Policy includes the following attachments:
    - a. Attachment A: a Grievance Appeal Procedure
    - b. Attachment B: a Grievance Appeal Meeting Procedure
  5. The Draft Policy identifies the following two positions the Board will need to consider and appoint to hear and decide these specific types of grievances:
    - a. The Grievance Administrator
    - b. The Impartial Hearing Officer ("IHO")
  6. The Administration recommends that the Town's current Plan Commission Chair be asked if he would be willing to serve as the Policy Administrator for a 7-month term starting on October 1<sup>st</sup>, 2011.
    - a. The position would be subject to an annual appointment at the Board's reorganizational meeting.
  7. The Administration recommends that the Town use its Labor Counsel as the IHO.
    - a. The Town's Counsel is a sworn agent of the Court and should be satisfactory to any employee wishing to appeal a grievance ruling.
  8. The Draft Policy language makes the Town Board the final appeal to a grievance filed by a Town employee.
    - a. As such, neither the Town Board nor any of the Board members should be appointed to a position where their decisions would be subject to appeal to the Town Board.
  9. If the Board is comfortable with the Draft Policy, a Motion to approve the Town Grievance Policy and Procedure document, the Grievance Appeal Procedure (Attachment A), and the Grievance Appeal Meeting Procedure (Attachment B) would be in order.
  10. Additionally, the Board should direct staff to work with the Town's Labor Counsel to incorporate the Policy document into the Town Employee Manual.
  11. Rename Grievance Administrator to the Grievance Officer.

**MOTION:**

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Approve the Town Grievance Policy and Procedure document, the Grievance Appeal Procedure (Attachment A), and the Grievance Appeal Meeting Procedure (Attachment B), along with changing the name Grievance Administrator to Grievance Officer, and direct staff to work with the Town's Labor Counsel to incorporate the Policy document into the Town Employee Manual.

CARRIED by unanimous voice vote.

XI. Upcoming Meeting Attendance

- A. October 6<sup>th</sup>, 2011 – Winnebago Towns Association Unit Meeting (Town of Neenah – Town Hall, 1600 Breezewood Lane, Neenah)
- B. October 23<sup>rd</sup>, 2011, through October 26, 2011 – WTA Annual Convention (Green Bay, WI)

XII. Board Member Requests for Future Agenda Items

- A. No items.

XIII. Approval of Disbursements

**MOTION:**

Motion by: Unanimous consent

Approve disbursements as presented.

CARRIED.

XIV. Adjournment – 7:50 P.M.

**MOTION:**

Motion by: Unanimous consent

Adjourn.

CARRIED.

Respectfully submitted,  
Susan Nester-Huebner, Town Clerk