

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, December 2<sup>nd</sup>, 2015

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

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I. Call to Order:

A. Notice Verification, Roll

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

a. Board of Supervisors

Chair Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	ABSENT
Deputy Clerk Goffard	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Carlson	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 18<sup>th</sup>, 2015.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 18<sup>th</sup>, 2015.

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

- Mark Caswell, 3380 County Rd II, Neenah, WI 54956. Mr. Caswell appeared to discuss the Town of Clayton cleaning out his ditch. There have been some DNR wetland issues and they are requiring Mr. Caswell to excavate property to remove the fill that he added previously. Administrator Johnston commented that this issue will be added to the January 20, 2016 Town Board agenda to be remedied by the Town Board.
- Mr. Caswell also mentioned that a younger man in a vehicle hit the Town of Clayton 8348 fire lane sign when backing up to move his vehicle to go to the Larsen Tavern since this is municipal parking. He will be in tomorrow to pay for the sign.

- V. Correspondence:  
A. Winnebago County Planning and Zoning CY 2016 Calendar of Events.
- VI. Discussion Items (No action will be taken):  
A. County Supervisor Report  
B. Winnebago County Sheriff's Department – Public Concerns and Issues  
C. Clayton-Winchester Fire Department
  - Chief Rieckmann mentioned that at the last Clayton-Winchester Fire Department meeting on December 1, 2015 he has 19 firefighter certifications in the last two years which is more than the Appleton and Oshkosh Fire Departments.
- D. Larsen-Winchester Sanitary District  
E. Administration Comments
  - Engineer Miller discussed the Clayton Avenue topographic survey and soil borings to do CY 2016 road work. She ran into two Town of Clayton residents at Kohl's who were very happy with the subdivision work done at Oak Openings.
  - Administrator Johnson discussed many re-zoning applications and one conditional use permit applications to be heard at the December 9, 2015 Plan Commission meeting. The PACER report to the State of Wisconsin is due December 15, 2015. The Gary Dekeyser case has now settled. Discussed having a meeting with the Town of Grand Chute on a way forward to get water to the Town of Clayton. On the Grand Chute meeting agenda for December 2, 2015.
- VII. Operator Licenses Issued by the Town Clerk:  
A. New:
  - i. Janet Cavanaugh
- B. Renewal:
  - i. None
- VIII. Business referred by the Plan Commission:  
Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):  
A. No Referrals.
- IX. Business referred by the Green Space Committee:  
Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):  
A. No Referrals.
- X. Business:  
A. Discussion/Action: Town Board review and consideration of Resolution 2015-015 A Resolution Creating a Statutorily required list of Appointed Election Poll Workers for the CY 2016/17 election cycle submitted for approval by the Town Chair.

Attached please find a copy of Resolution 2015-015: A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers submitted for Board approval. Also attached are copies of the Statutes relating to creating the Election Poll Worker List. The Poll Worker list was created by staff and the Chief Poll Worker, Judi Quadracci, using the attached recruiting document which was sent to existing Poll Workers in the Town. Both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk; however, as of Wednesday November 25<sup>th</sup>, 2015 neither party has provided any Poll Worker names to the Clerk. The list of

Poll workers is valid for 2 years and is used to select individuals who will work at the Town’s Elections. If the Board agrees with the proposed Poll Worker list, a Motion to approve Resolution 2015-015 a Resolution Creating an Election Poll Worker List for CY 2016 and CY 2017 election cycle as presented would be in order.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion: To approve Resolution 2015-015 A Resolution Creating a Statutorily required list of Appointed Election Poll Workers for the CY 2016/17 election cycle submitted for approval by the Town Chair.

Vote: Motion carried by a unanimous roll call vote.

- B. Discussion/Action: Town Board review and consideration of Resolution 2015-017 A Resolution changing, pursuant to the revised State Statutes, the Notice Posting locations for all Town Meetings to The Town Hall Posting Board and the Town’s Website Home Page.

Attached please find a copy of Act 79 and a draft copy of Resolution 2015-017 A Resolution changing the Notice Posting locations for all Town Meetings to The Town Hall Posting Board and the Town’s Website Home Page. This change to the Town’s posting location will save staff time and mileage charges for posting at the Clayton School and CTH “JJ” and Breezewood locations. Act 79 requires that the Town post meeting notices in one place in the Town and on the Town’s Home Page. The Administration is recommending that the Board post the notices of Town meetings and events at the Town Hall Office and on the Town’s Home Page. If the Board agrees with the recommendation, a motion would be in order to approve Resolution 2015-017 A Resolution Changing, Pursuant to the Revised State Statutes, the Notice Posting Locations for all Town Meetings to The Town Hall Posting Board and the Town’s Website Home Page.

- C. Discussion/Action: Town Board review and consideration of the Administration’s Performance Evaluations and merit increase recommendation for the following position:
  - ii. Town Treasurer /Assistant Administrator
  - iii. Town Deputy Clerk

The Board has recently tabled its review of the Administration’s Annual Performance Evaluations to January of CY 2016. The Administration has completed the Performance Evaluations of the Town’s non-represented staff. Based on the Performance Evaluations for the Town’s non-represented staff the Administration believes that both parties deserve merit raises. Please find the current compensation rates for both positions and the Administration’s recommendation for CY 2016 merit increases:

Position	CY 2015 Wage	CY 2016 Wage	Percent Wage Increase
Treasurer/Assistant Administrator	\$44,000.00	\$46,500.00	5.68%

## Administrative

Assistant	\$14.00 per hour	\$15.25 per hour	8.93%
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Both Tori and Laurie have exceeded the Administration's expectations. Additionally, they continue to demonstrate a desire to not only perform their job assignments to a high standard, but also to understand the "what and the why" of their jobs. Since both employees strive to understand the mechanics of their respective jobs the Administration is able to ask both individuals to do more knowing that the tasks will be performed with greater accuracy and less time. Specifically, when an employee understands the mechanics of the job they can take steps that make the work easier without impacting the process. Both individuals continue to do much more work than should be expected and that is allowing the Town to continue to improve its performance, its records, its files, and its organization.

If the Board agrees with the Administration's recommendation, a motion would be in order to approve the recommended merit wage increases with an effective date of the first full payroll in CY 2016 with the funding to come from the Town's CY 2016 Undistributed Wage Line Item.

- Administrator Johnston explained why he is proposing the wage increases that he did for the Treasurer/Assistant Administrator and Administrative Assistant positions. Tori will have the history of the Town of Clayton going forward. To bring in a new Administrator will take 12 to 18 months to train them. Raises were already planned for in the CY 2016 budget process.
- Supervisor Reif wanted to split up the proposed raises at 50% of the above amounts for 2016 and 2017.
- Supervisor Schmidt commented on how much training goes into getting a new employee to learn their job.
- Chair Geise stated that there are more job duties placed on Tori to replace Administrator Johnston when he retires. It will be approximately three and a half years until that time comes.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve merit salary increases for the Treasurer/Assistant Administrator as well as the Administrative Assistant as presented above effective for the first payroll in CY 2016.

Vote: Carried by a 4:1 vote with Supervisor Reif voting no.

- D. Discussion/Action: Town Board review and consideration of a one year (CY 2016) Contract extension with a cost of living wage increase for the Town's Teamsters Union Local 662 Employees.

Attached please find a copy of a recent wage survey for area Public Works Departments, a copy of the Teamsters General Union Local 662 CY 2016 Contract Extension as well as the Union's request for a CY 2016 Consumer Price Index wage increase of 0.73%. The Union is also asking for an additional 2.27% increase outside of the restrictions of ACT 10 (please see ARTICLE 4. WAGES – B). The Administration will not recommend the 2.27% wage increase because it violates the terms of ACT 10. However please be advised that the Board did agree to consider an "on call" wage for the Department. The Union has yet to submit such a proposal for

consideration. Last year the Administration negotiated with the Union and made a presentation to the Board for its approval. The Union’s CY 2016 proposal for a one year Contract extension and wage increase request would have the following impact on Department of Public Works (DPW) wages (plus benefits):

Class	Current Hourly Wage	Proposed Wage Increase	Proposed New Hourly Wage	Proposed New Annual Impact
Foreman:	\$19.30	0.73%	\$19.43	\$ 270.40
Laborer:	\$18.28	0.73%	\$18.40	\$ 249.60

Relative to the Union’s Labor Agreement and wage increase, the Administration is comfortable with language as it exists and is recommending that the Town Board approve a 1-year Labor Agreement extension with the Teamsters Union Local 662 represented employees including a cost of living wage increase of 0.73%. If the Board agrees, a motion would be in order to approve a 1-year extension of the Town’s Labor Agreement with the Teamsters Union Local 662 Employees with a 0.73% cost of living wage increase as presented.

- Administrator Johnston discussed giving a raise above 0.73% would be in violation of Wisconsin ACT 10.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve merit salary increases for the Public Works foreman and two laborers in the amount of 0.73% as presented above.

Vote: Carried by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of the renewal of the Town Administrator’s Employment Contract for CY 2016 and CY 2017.

Attached please find a copy of the Administration’s CY 2014 and CY 2015 Employment Contract as well as a Draft CY 2016 and CY 2017 Employment Contract. The Town Chair will need to compile the Board’s Annual Performance Evaluation of the Town Administrator. As set by the Board, this information will be presented to the Board at its January 2016 meeting. Additionally, the Town Chair will have his recommendations relative to the Administrator’s CY 2016 wages. If the Board is comfortable with reviewing the Administrator’s Performance Evaluation in January of CY 2016 and the Chair’s recommendations relative to the Administrator’s Contract, a motion would be in order to approve the CY 2016 and CY 2017 Administrator’s Contract and place the same in the Town’s Personnel Files.

- Administrator Johnston stated that the performance evaluation should be done before the contract renewal. He feels that it creates bad practice and policy and it was suggested to table the issue until the next meeting.
- Chair Geise requested that completed performance evaluations should be turned in by the Town Board members no later than December 7, 2015.

- F. Discussion/Action: Town Board review and direction to staff relative to the Town's Statement of Intent and CY 2016 Winnebago County, Industrial Development Board, Per Capita Funding Program Application.

Attached please find copies of the County's Industrial Development Board (IDB), Per Capita Funding Program, Statement of Intent and CY 2016 Winnebago County, IDB per Capita Funding Program Application. In the past the Administration has asked the Board for direction to make the application and made recommendations on possible uses for the funds. When the IDB Application was completed the Administration presented the document to the Board for its approval prior to sending the Application to the County. As it did last year, the Administration would like to take both steps at the same time; specifically, the Board would approve the Application concept and authorize the Administration to submit the Application at the same time. For the last three years the funds were used to support the Chamber's Fox Cities Regional Partnership Industrial Recruitment Program. The Town has met the Chamber's request for a three-year commitment from the Town at a rate of \$1.00 per resident; the County's IDB funds are awarded to the Town at the \$1.00 per resident rate. The Administration is again recommending that the Town forward its CY 2016 IDB funds to the Chamber's Fox Cities Regional Partnership Industrial Recruitment Program. If the Board agrees with the Administration's recommendation, a motion would be in order to direct staff to complete the County's IDB Intent to Apply and Application with the Chamber's Fox Cities Regional Partnership Industrial Recruitment Program as the ultimate recipient of the Town's IDB Funding. Please be advised that this is likely to be the last year the Administration makes a recommendation to donate the IDB Funds to the Fox Cities Regional Partnership, with the advent of Municipal Utilities on the east side of the Town the money would be better used to promote development within the east side commercial area.

- Administrator Johnston wants to donate the 2016 funds in the amount of \$4,053 to the Chamber of Commerce. The amount of \$4,053 cannot be used in the Town of Clayton pursuant to the requirements. We can use the funds in 2017 for water studies, etc.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve completion of the IDB Application for the \$4,053 to be donated to the Chamber of Commerce.

Vote: Carried by a 4:1 vote with Supervisor Lettau voting no.

- G. Discussion/Action: Town Board review and consideration of a lease contract for 7.11 acres of Town-owned land located at 2990 County Road "II" and specifically known as Tax ID # 006-0391-05.

Attached please find copies of the current lease and the proposed lease for the 7.11 acres of Town-owned land located at 2990 County Road "II" and specifically known as Tax ID # 006-0391-05. The price per acre and the language of the proposed lease will need to be approved by the Board. The language in the document, as presented, has not been changed and the current Lease price is \$75.00 per acre. If the Board agrees with the lease language and dollar value per acre, a motion to approve the Lease Agreement for CY 2015 with Leslie Ory at a cost of \$\_\_\_\_\_ per acre would be in order.

- Les Ory continues to lease the property. No one in the Town of Clayton will give an answer as to land lease prices. Chair Geise hears that it averages \$90 to \$100. Mr. Ory is paying \$75.00 per acre for 7.11 acres.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Reif

Motion: To approve renewal of the lease agreement at the cost to be increases from \$75.00 per acre to the \$90.00 per acre land lease fee.

Vote: Carried by unanimous consent.

H. Discussion/Action: Town Board review, consideration, and direction to staff on additional updates/adjustments to the Town's CY 2016 Fee Schedule. Attached please find a draft copy of the Town's CY 2016 Fee schedule, also attached is a copy of a survey of area cemetery fees. The Town Chair has asked staff to provide this information with the intent of comparing the Town's Cemetery Fees with those of area private and public cemeteries. Should the Board wish to recommend changes to the fee schedule staff will incorporate those changes in the finalized CY 2016 Fee Schedule. The Administration will be ready to explain any of the recommended changes to the Board as part of the review of this agenda item. Should the Board agree with the Administration's recommendations relative to the Town's CY 2016 Fee Schedule, a motion would be in order to approve the revised Fee Schedule with an effective date of January 1<sup>st</sup>, 2016.

- Administrator Johnston that in 2016 the Town of Clayton plans to plat Royer Cemetery. Increasing the cemetery fees would reduce the burden on the tax payer with higher fees starting in 2016. This issue is tabled to the next December 16, 2015 meeting with more specific recommendations.

I. Discussion/Action: Town Board review, consideration, and direction to Town staff on a residents' request to create an e-mail list for the Town's Quarterly Newsletter.

Attached please find a copy of an e-mail request by Corey Voigt a Town resident. Although Mr. Voigt's request appears to be simple it also masks several issues with the Town's Newsletter. First, the Town stopped mailing the newsletter to save the mailing costs, if we were to start a proper e-mail distribution system it would likely cost more to maintain and update that system than the costs of mailing the newsletter did. Specifically, the Town has no staff with the expertise to create and maintain an e-mail data base for the Town's residents. Second, the newsletter is on the drop menu on the left of the Home Page (staff changed the heading from Town News to Newsletter). Specifically, the newsletter is on the landing page for the Town's home page and is no more difficult to find where it is. Third, the difficulty when the Newsletter is published revolves around the lack of a hard deadline for submission; in order to resolve that issue the Administration has directed staff to publish a calendar with a set of hard deadlines for submissions to the newsletter. Failure to submit in a timely fashion will result in a blank space in place of an article. Mr. Voigt is correct that there are significant changes being contemplated by the Town Board and we should facilitate access for residents to understand those changes; however, that goal cannot be accomplished by placing one more artificial hurdle in front of staff. Additionally, one can (if one chooses) to place the Newsletter drop menu on a favorites list that will allow for direct access to the newsletter on the Town Home Page.

- Chair Geise discussed keeping the newsletter as it is. To follow the recommendations of Mr. Voigt would cause the Town of Clayton to incur additional expenses in distributing the quarterly Claytonite newsletter.
- J. Discussion/Action: Town Board review, consideration, and direction to staff relative to a request by a Town resident to make additional improvement to the ditch side slopes and other restoration concerns in the area of the Town's CY 2015 Capital Restoration projects.

Attached please find a copy of an e-mail request by Nick Arps, the son of the residents at 2547 Oakcrest Drive in the Plat of Oakcrest Manor. Mr. Arps is making several requests that need to be answered by the Board. As can be inferred by the Administration's correspondence with Mr. Arps, the issue is the nature of a rural cross section road and the associated ditches. The Administration has expressed its position in the attached e-mail and would respectfully ask the Board for direction relative to Mr. Arps' requests.

- Administrator Johnston discussed shifting ditches in older subdivisions to get the proper slope that is currently in effect by the Town of Clayton. Chair Geise and Administrator Johnston both agreed that at this time there is nothing more they can do.

- K. Discussion/Action: Town Board review and consideration of a logo for the Clayton Fire Rescue Department.

Attached please find a proposed Logo for the Clayton Fire Rescue Department. The Department Members have submitted the Logo for Board approval in anticipation of the changes that will occur with the elimination of the Clayton/Winchester Joint Fire Department and creation of a Town fire and rescue department. The proposed logo is both creative and elegant in its simplicity. The Administration is respectfully asking the Board to approve the proposed Clayton Fire Rescue Department Logo with the understanding that the Logo will be used on all of the Department's equipment including the vehicles that will ultimately become property of the Town.

- Town Board reviewed the new Clayton Fire Rescue Department logo and they agreed that it looks better than the previous Clayton-Winchester Fire Department logo.

- XI. Review of Disbursements:
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- XIII. Upcoming Meeting Attendance:
- The next Joint Fire Board meeting scheduled for December 14, 2015
- XIV. Board Member Requests for Future Agenda Items:
- Sewer and water access fees to be discussed at a January 2016 meeting.
- XV. Adjournment:  
**MOTION:** Motion made by unanimous consent to Adjourn at 8:18 p.m.

Respectfully submitted,  
Laurie Goffard, Deputy Clerk