

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, February 6th, 2019

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

- I. Call to Order: Town Board Chairman 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 Schmidt PRESENT
 - Supervisor Reif PRESENT
- b. Staff
 - Administrator Johnston PRESENT
 - Asst Admin/Treasurer Straw PRESENT
 - Clerk Stevens PRESENT
 - Town Engineer – Mary Jo Miller PRESENT
 - Town Attorney – Ben Lafrombois PRESENT

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

- A. No Public Hearings and/or Public Information Meetings.

- III. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, January 16th, 2019 Town Board Meeting

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, January 16th, 2019 Town Board Meeting.

- IV. Open Forum:

- A. Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit the form to the Town Clerk. Pursuant to Wisconsin Statutes 19.32 (2) and 19.84(2), Town Related matters not on the Agenda may be presented; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given.

- V. Correspondence:

- A. Photographic evidence of garbage placed in the Town’s Right-Of-Way.
- B. A copy of the Winnebago County Solid Waste Management Board CY 2018 Recycling Tonnage Report.
- C. January CY 2019 Building Inspection 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
 - Officers Schuh and Roth were in attendance
 - Advised of a rash of recent trailer burglaries in the area
- C. Clayton Combined Protective Services Department (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - Chief Rieckmann provided a written report:
 - 13 calls year to date of which 10 were EMR and 3 were Fire
 - CFR hosted about 45 National Guard on Saturday, February 3rd
 - Blood Mobile coming Tuesday, March 5, 2019
 - SOGs for 1 and 2 Family Dwellings complete for Board review at its next meeting
 - b. Clayton Fire Rescue First Responder
 - 2 members of CFR completing EMR Certification and will be added to the EMR roster
 - c. Clayton Police Officer
 - Sarah's uniforms coming in. Once fitted, she will be fit for body armor
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administrative Comments
 - Engineer Miller
 - Working to finalize the report on Regional Stormwater Pond
 - Working on the design of the Larsen Road Reconstruction Project including determination of the feasibility of a trail as part of the project for Board consideration at its next meeting
 - Highland Wood Development is ongoing
 - Administrator Johnston
 - Provided an Affidavit to Attorney Riffle regarding the Annexation Case
 - Clerk Stevens
 - Informed the Board of planned work to remove trees from the Right of Way at the corner of Oakridge and Oakwood Roads because they are obstructing drivers' view
 - Received permit from Army Corps of Engineers to install utilities in the wetlands along STH 10
 - Assistant Admin/Treasurer Straw
 - Spoke with Village of Winneconne Administrator Foster regarding sharing Municipal Court. Mr. Foster is reviewing the current agreements they have with other municipalities and will then reach out to us with a proposal
 - Received tax payment via credit card payment for Clayton, NY resident. Worked with Municipal Treasurer to correct the situation
 - Reaching out to UW Oshkosh and Lakeland College for potential accounting graduates as candidates for the position of treasurer
 - Working with insurance company regarding computer issues

- Provided February Tax Settlement Report
- Chair Geise
 - Met with Mayor Kaufert of the City of Neenah

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Sue Ann Bossell
 - ii. Justin D. Schwartz
- B. Renewal Licenses:
 - i. No Renewal Licenses Issued

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 (Second Town Board Meeting of the Month):

- A. No Referrals

X. Business:

- A. Discussion/Action: Town Board review and consideration of an update from staff on the Town Office computer systems.

The Administration advised the Board on the process of restoring the Town's corrupted computer files. Staff with the help of Proven Data, Tony from Home and Business Computers, and Sean Powell have managed to restore the Town's computer files. Staff turned the process over to the Town's Insurance Company for coverage. Glatfelter Claims Management (insurance carrier) recommended that the Town use Proven Data to pay any ransom and decrypt the Town's files. The Administration used Proven Data to facilitate the process, Tony from Home and Business Computers and Sean Powell managed the process at the Town Office level. As of Wednesday, January 30th, 2019 the Town's files have been restored with virtually no new data lost. The next steps are to replace the file server and scrub the Town's existing computers. Staff needed three additional new computers, these computers will be used to keep the Office staff working while the existing computers are scrubbed three at a time. Ultimately the three new computers will go to the Police Officer, to replace the Fire Department's obsolete Members computer and the Public Works Department obsolete office computer.

- B. Discussion/Action: Town Board review and consideration of Payment #3 submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Subdivision, Phase-2.

The Board reviewed a copy of Pay Request #3 in the amount of \$25,673.25, submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Phase 2. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will submit the payment for the Developer funded construction of Highland Wood Phase 2 to the Title Company for payment to the Contractor.

MOTION:

Motion by unanimous consent to approve the pay request submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Phase 2 in the amount of \$25,673.25 with the funding to come from the Developer Escrow for the project.

- C. Discussion/Action: Town Board review and consideration of a request by the Best Friends of Neenah/Menasha to hold the Clayton Park rental fee at \$60.00 for their 33rd Annual Best Friends Gourmet Bike Tour, scheduled to be held on Sunday, July 28th, 2019.

Best Friends of Neenah/Menasha requested that the Board reduce the rental fee for Clayton Park to \$60.00 for the organization's Annual Best Friends Gourmet Bike Tour. The Town's current fee for renting Clayton Park is \$100.00. Over the past few years the organization has made this request and the Board has routinely denied the request; however, an individual has always made a donation to cover the rental fee for the Organization. The Administration recommended that the Board reject the request for consideration by Best Friends of Neenah/Menasha. The recommendation was based on the uncertainty of what criteria the Board would use to agree to the consideration. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff recommends not reducing the fee for anyone. Staff was comfortable that a donation will be made to cover the cost of renting Clayton Park by Best Friends of Neenah/Menasha.

MOTION:

Motion by unanimous consent to deny the request to reduce the Clayton Park rental fee from Best Friends of Neenah/Menasha

- D. Discussion/Action: Town Board review and consideration of Resolution 2019-002 A Resolution Authorizing the Use of The American Deposit Management CO. as a Designated Depository for Town Funds.

The Board reviewed a copy of Resolution 2019-002 A Resolution Authorizing the use of The American Deposit Management Company as a Designated Depository for Town Funds. The single biggest problem the Town has with its banking operations is protecting funds in excess of the Federal Depository Insurance Corporation (FDIC)

insured limits (\$250,000.00). The American Depository Management Company provides a service that will allow the Town to transfer any surplus funds to the firm by means of an ACH and they will split the deposits so that all of the Town's deposits fall under the \$250,000.00 FDIC limits. This process allows the American Deposit Management Company to maximize the interest rates paid on the Town's surplus funds, and be compensated by diverting a small portion of the interest paid on the Town's funds. At this time the Town is routinely earning less than 1% interest on its surplus funds and protecting those funds by asking the Financial Institution to pledge third party held collateral for deposits in excess of the \$250,000.00 FDIC deposit limits. If the Town were to use the American Deposit Management Company to hold its surplus funds it could minimize its banking costs by looking for a financial institution that would provide the best service without charging any fees and/or having to pledge third party held collateral for the Town's surplus funds. In addition to protecting the Town's surplus funds the American Deposit Management Company provides many additional financial services the Town could use. These services include contract escrow payments, and trust accounts that can be used to hold funds designated by the Town Board for specific purposes. An additional feature of the American Deposit Management Company is that firm has a fiduciary responsibility to the Town. Mike Hallman from American Deposit Management Company was in attendance to answer questions the Board had about the Company and/or the depository process.

- Supervisor Reif requested clarification of fees the American Deposit Management Company charges.
- Mr. Hallman explained that there are no fees charged. Rather, because of how his company distributes the funds, they are getting larger returns. As a result, his company is able to keep a small percentage of those returns and still provide the Town with interest dividends significantly higher than those currently being received.

MOTION:

Motion by Supervisor Reif

Second by Supervisor Lettau

Motion to approve of Resolution 2019-002 A Resolution Authorizing the use of The American Deposit Management Company as a Designated Depository for Town Funds.

ROLL CALL VOTE:

Chair Geise	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Supervisor Reif	Aye

Motion carried by a vote of 5-0

- E. Discussion/Action: Town Board review and consideration of the following Wisconsin Law Enforcement Agency Mandatory Policies:
- a. Use of Force Policy
 - b. Officer-involved Death Policy

- c. Citizen Complaint Policy
- d. High Speed Pursuit Policy
- e. Open Records Policy
- f. Domestic Abuse Policy
- g. Expander of Jurisdiction Policy
- h. Reporting Abuse Policy
- i. Eyewitness Identification Policy
- j. Strip Searches Policy
- k. Trespassing Policy

The Board reviewed a copy of the Wisconsin Department of Justice (DOJ) list of required Policies for creating an active Law Enforcement Agency. They also reviewed copies of the State required policies. Staff had compiled the policies by reviewing those of area Law Enforcement Agencies and adapting them to the Town's needs. The policies have been reviewed and approved by the Town's Legal Counsel. The Town's Law Enforcement Agency will not be in place until the required documentation and the Policies have been reviewed by the DOJ. Once the State approves the documentation and the policies needed to create the Law Enforcement Agency, Sarah Zeinert can be sworn in and start training in anticipation of starting active enforcement in June of CY 2019. Staff advised the Board that they will have additional Polices for the Board's consideration as they become available.

- Attorney Lafrombois stated he had minor modifications to the policies mostly relating to the titles used within the documents.

MOTION:

Motion by unanimous consent to approve the DOJ required Law Enforcement Agency Policies subject to the modifications recommended by Attorney Lafrombois.

- F. Discussion/Action: Town Board review and consideration of the following appointments to the Town's Protective Services Department with the appointments to become effective with the filing of the proper documentation with the State Department of Justice, Law Enforcement Standards Board:
- a. Director of the Town's Protective Services Department.
 - b. Police Officer for the Town's Protective Services Department.

The Board reviewed CONFIDENTIAL background information for Sarah Zeinert. The Board has appointed both Scott Rieckmann as the Director of the Town's Protective Services Department and Sarah Zeinert as an Officer in the Town's Protective Services Department. The Administration recommended that the Board re-appoint both positions effective with the creation of the Department by the State DOJ.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to appoint Scott Rieckmann as the Director of the Town's Protective Services Department and Sarah Zeinert as an Officer in the Town's Protective Services Department with the appointment to take effect with the DOJ approving the Department.

ROLL CALL VOTE

Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye

Motion carried by a vote of 5-0

- G. Discussion/Action: Town Board direction to staff relative to amending the Town Liquor License Ordinance to include an Operators' License specifically for "Class A" and Class "A" licensed convenience stores.

The Board reviewed a copy of the Town Attorney's memorandum regarding the Town's Liquor License Ordinance. The Administration asked the Board for direction to proceed with amending the Town's Liquor License Ordinance to include an option for an Operators' License specifically for "Class A" and Class "A" licensed convenience stores. The significant difference in the proposed License is the nature of the sales environment. Specifically, sales in a convenience store do not allow for supervision of the consumption of the product. The changes proposed by staff relate to the criteria used to approve the License Application.

DIRECTION TO STAFF

The Board directed staff to proceed with the Ordinance Amendment process which includes a Public Hearing and two readings of the Ordinance prior to its approval.

II. CLOSED SESSION OF THE TOWN BOARD:

- A. Discussion/Action: Town Board Review and Consideration of moving into a Closed Session Pursuant to WI Statute 19.85(1)(e) and 19.85 (1)(g).
- i. **19.85 (1)(e)** – Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
 1. Sale of Town owned properties.
 - ii. **19.85 (1)(g)** – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
 1. Consideration of Border Agreement with the Village of Fox Crossing.
 2. Review of pending annexation litigation with the Village of Fox Crossing.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to move to Closed Session pursuant to WI Statute 19.85(1)(e) and 19.85 (1)(g).

ROLL CALL VOTE:

Supervisor Grundman Aye

Supervisor Schmidt Aye

Chair Geise Aye

Supervisor Reif Aye

Supervisor Lettau Aye

Motion carried by a vote of 5-0

B. Discussion/Action: Pursuant to WI Stat. 19.85 (2), the Town Board will reconvene into open session.

i. **19.85 (2)** - No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

1. Review and consideration of the sale of Town owned properties.
2. Review and consideration of Border Agreement with the Village of Fox Crossing.
3. Review and consideration of pending annexation litigation with the Village of Fox Crossing.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to reconvene into open session pursuant to WI Stat. 19.85 (2).

ROLL CALL VOTE:

Supervisor Reif Aye

Supervisor Lettau Aye

Supervisor Grundman Aye

Supervisor Schmidt Aye

Chair Geise Aye

Motion carried by a vote of 5-0

- Chair Geise stated that the Board would be tabling any action until more information is ascertained

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance: Open Book – May 3, 2019, 2:00 p.m. to 4:00 p.m
Board of Review – May 21, 2019, 10:00 a.m. to Noon

XIV. Board Member Requests for Future Agenda Items: NONE

XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 8:30 p.m.

Respectfully submitted,
Holly Stevens, Clerk