

TOWN OF CLAYTON  
Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, February 15<sup>th</sup>, 2017

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
Deputy Clerk Stevens	PRESENT
Town Engineer Mary Jo Miller	PRESENT
Town Attorney Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, February 1<sup>st</sup>, 2017.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, February 1<sup>st</sup>, 2017.

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

- Doug Griffin, 8811 N Oakwood Ave, addressed the Board regarding the security lighting located on the property directly north of his owned and operated by TreeOs. He explained that the angle at which the fixtures are installed direct the light into the roadway causing visibility issues during inclement weather such as fog or snow. He also noted the business has been operating large equipment late at night and requested the noise issue be addressed as well.

- Administrator Johnston informed Mr. Griffin he would discuss the issue with Mark Caswell, owner of TreeOs, to try to resolve the issues and if unable to resolve, it would be taken to the Town Board at a future meeting.

V. Correspondence: NONE

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

A. County Supervisor Report

1. County Board Supervisor Chuck Farrey

- No major issues pertaining to the Town
- Recent meetings have been focused on the airport terminal. The decision regarding the razing of the existing and building a new facility has been postponed as the possibility of state funding assistance was recently brought to light and is being explored.

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

1. NO REPORT

C. Clayton Fire Rescue Department

1. Chief Rieckmann written report

- 9 calls since last report, 23 calls year-to-date
- Still accepting applications for Firefighters and EMRs
- Parking cars for the Lions Club Pancake Breakfast on April 2, 2017

D. Larsen-Winchester Sanitary District

1. NO REPORT

E. Administration Comments

1. Town Engineer—Mary Jo Miller

- No Report

2. Administrator Johnson

- Office staff is finishing tax season work
- Staff is preparing for the Tuesday, February 21, 2017 Primary Election
- Started clearing the lot south of the municipal grounds (formerly the Elmer property) in preparation of relocating the yard waste site
- Public Works department will soon begin rebuilding the section of Breezewood from CTH JJ east to the Town Maintenance line

3. Chair Geise

- Met with Bechard Group regarding Town owned properties
- Met with Staff from Hortonville regarding sanitary sludge processing

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. None

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. Plan Commission Chair Knapinski report to the Town Board on a preliminary review and consideration of draft administrative language relative to the Working Lands Section of the Town's Comprehensive Plan.
- Planner Ken Jaworski presented and reviewed a draft copy of the proposed administrative language for the Working Lands Section of the Town's Comprehensive Plan at the Plan Commission meeting held February 8, 2017
  - The Commission directed staff to make minor modifications, additions and omissions.
  - Staff will present the modified document to the Commission at its meeting to be held March 8, 2017 for review and recommendation to the Town Board.

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 REPORT as a quorum was not present and no meeting was held on February 8, 2017

X. Business:

- A. Discussion/Action: Town Board review and consideration of hiring Dustin Pagel as a probationary volunteer member of the Clayton Fire Rescue Department.

Chief Rieckmann provided a brief bio for Dustin Pagel (Dustin) in his Report to the Board. Staff has reviewed Dustin's application as a probationary member of the Clayton Fire Rescue Department, pending completion of his Fire Fighter 1 Certification. Please keep in mind that the new wage rate for both firefighters and first responders is \$12.00 per hour. The Administration is recommending that the Board hire Dustin as a probationary member of the Clayton Fire Rescue Department.

**MOTION:**

Motion made by unanimous consent to hire Dustin Pagel as a probationary member of the Clayton Fire Rescue Department, pending completion of his Fire Fighter 1 Certification at a wage rate of \$12.00 per hour with the funding for the position to come from the Town's CY 2017 General Fund Operating Budget, Fire Department Wage Line Item.

- B. Discussion/Action: Town Board review and consideration of Contracting with Benjamin D. LaFrombois, Esq. of von Briesen & Roper, s.c. as special counsel for the Town of Clayton Sanitary District #1.

The Town Board has authorized staff to use attorney Lawrie J. Kobza (Lawrie) of Boardman & Clark in Madison as special counsel for Sanitary District #1 in the Town of Clayton. Based on approved and pending Town Board actions, the Administration is preparing to undertake several projects that will require legal advice, direction, and opinion. Specifically, staff is preparing to develop several Department of Public Safety and Professional Services (DSPS) approved onsite sanitary sewer and water projects, contracting with local developers to make the required DSPS applications for the onsite systems, platting of the Town owned property on the south frontage of USH "10" between STH "76" and Clayton Avenue, creation of a Community Development Authority to

develop the Town owned land in the Sanitary District and several other potentially significant projects. To that end, the Town Chair and the Administration have been looking for a local special counsel who would be more readily available to the Board and to staff to assist and provide legal advice on these projects. Both the Town Chair and the Town Administrator have met with Benjamin D. LaFrombois, Esq., of von Briesen & Roper, s.c., as a potential local special counsel for the Town's Sanitary District #1. The Chair has asked that this item be placed on the Board's Agenda so it can authorize the contracting with special counsel for advice and counsel on the Town's projects and on any related legal matters up to and including the litigation process. The Chair respectfully requests the authority to contract with von Briesen & Roper, s.c. as local special counsel for the Town's Sanitary District #1.

**MOTION:**

Motion by Supervisor Rief

Second by Supervisor Grundman

Motion to authorize the Chair to Contract with von Briesen & Roper, s.c. to serve as local special counsel for the Town's Sanitary District #1.

**ROLL CALL VOTE:**

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

Motion carried with a 5-0 vote.

- C. Discussion/Action: Town Board review and consideration of refunding the Solid Waste and Recycling Fee and adjusting the Storm Water Management Utility Fee for property owned by Thomas Herrmann, specifically identified as Tax ID# 006-0819 and located at 3715 Oakridge Road.

The Board reviewed documentation relative to staff's request to adjust and refund the specified fees. The Herrmann's did take out a razing permit for the residential structures located at 3715 Oakridge Road in CY 2015. As a result of miscommunication between Town staff and the Town's Assessor, the fees were not removed from the list of fees applied to the Town's CY 2016 taxes payable in CY 2016/17. The Herrmann's have paid their taxes and related fees and have requested that the Town refund the fees charged in error (\$264.20). The Administration has reviewed the Town's process to correct the chances of this error occurring in the future.

**MOTION:**

Motion by unanimous consent to authorize the Town Treasurer to refund \$264.20 to Thomas Herrmann with the funding to come from the Solid Waste and Recycling Special Revenue Fund and the Storm Water Management Utility Fund.

- D. Discussion/Action: Town Board review and consideration of the purchase of ¾” Dense Base granular material from Mark E. Luebke at a cost of \$5.00 per ton.

Mr. Luebke crushed granular material on his property for use in the construction of Whispering Meadows Drive. Mr. Luebke’s Non-Metallic Mining Permit requires that the product from his quarry be used on his property or on a municipal project. Staff would normally purchase needed material as a routine activity, however, in this case the Administration wanted to advise the Board of the activity because of Mr. Luebke’s relationship with the Town. Purchase price for the material would be \$5.00 per ton. Staff provided the Board with a CY 2016 price sheet from Michels Materials which included their cost for the same type of material from Michels Materials. The price sheet identified the discounted costs of the material the Town would purchase from Mr. Luebke.

**MOTION:**

Motion by unanimous consent to approve the purchase of ¾” Dense Base granular material from Mark E. Luebke at a cost of \$5.00 per ton.

- E. Discussion/Action: Town Board review, consideration and direction to staff relative to adopting an Erosion Control Ordinance for the Town of Clayton.

The Board reviewed a copy of the Village of Fox Crossing Construction Site Erosion Control Ordinance. Staff is using this Ordinance as a model since both communities share many of the same developers and builders. At this time, the County is responsible for the erosion control function in the Town. The Administration has discussed the idea of the Town assuming the responsibility for this process with the Board. The Building Inspector has enrolled in the training class so that he can legally enforce the Town’s Ordinance if approved.

**MOTION:**

Motion by unanimous consent to direct staff to prepare a Draft Construction Site Erosion Control Ordinance and to schedule the required Public Hearing before the Town Board considers enacting the Draft Ordinance.

- F. Discussion/Action: Town Board review, consideration and direction to staff relative to adopting a Wellhead Protection Ordinance.

The Board reviewed a copy of the Wisconsin Department of Natural Resources (DNR) model Wellhead Protection Ordinance. Staff is using the DNR Model Ordinance since it is drafted as a generic document that can be edited to apply to a specific community. Please be advised that consideration of this Ordinance along with consideration of the Draft Construction Site Erosion Control Ordinance are part of the Town’s DNR MS4 grant obligations. A Wellhead Protection Ordinance is intended to protect a Town’s Municipal wells and water distribution system. At this time the Town has no such facilities, however, there is consideration of installing a municipal water distribution system in the Town’s Sanitary District #1. A Wellhead Protection Ordinance will set the standards for the Town’s Engineers when sighting such facilities.

**MOTION:**

Motion by unanimous consent to direct staff to consult with the Sanitary District Engineer and Legal Counsel to prepare a Draft Wellhead Protection Ordinance to present to the Town Board prior to any further action on the Draft Document.

- G. Discussion/Action: Town Board review, consideration and direction to staff relative to creating a Town of Clayton Community Development Authority.

Staff provided a copy of the State Statutes relating to the creation of a Municipal Community Development Authority (CDA). The Administration is asking the Board for permission to investigate the use of a CDA for developing the property owned by the Town in Sanitary District #1. Specifically, the Administration would like to transfer the Town owned property to a CDA and then use the CDA to develop the property using a long term build/lease process. This would allow the Town to generate revenue while keeping ownership of the property. The Administration would like a legal opinion on a CDA owning and developing land within a different community. For example, could a Town of Clayton CDA own the USH “10” frontage between STR ‘76” and Clayton Avenue, allow the Village of Fox Crossing to annex the land and extend utilities to the property as part of a larger TIF District and then develop the property on a build/lease basis so that it can generate revenue for the Town of Clayton?

**MOTION:**

Motion by unanimous consent for staff to proceed with the project it by investigating the process and reporting their findings to the Board.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance:
  - February 28, 2017 Holiday Social for Town Staff (Pay-your-own-way Gathering for Town Staff)
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to Adjourn at 7:40 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk