

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

6:00 p.m. on Wednesday, March 4, 2020

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

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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 Wisnefske PRESENT

Supervisor Reif PRESENT

b. Staff

Administrator Straw PRESENT

Clerk Stevens PRESENT

Treasurer Schiessl EXCUSED

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 Informational Meetings are scheduled.

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, February 19, 2020 Town Board Meeting.

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, February 19, 2020 Town Board Meeting

IV. Open Forum – Town-related Matters not on the Agenda: NONE

V. Correspondence:

A. Disbursement of a copy of the signed Fox West Sewerage Commission Joinder Agreement.

B. Disbursement of a copy of the Town of Greenville 2040 Comprehensive Plan Amendment #1.

C. Disbursement of the February 2020 Building Inspection Report.

D. Disbursement of a copy of the Town of Neenah's Resolution 2020-05 A Resolution of the Town of Neenah, Winnebago County Wisconsin Authorizing participation in the Preparation of a Cooperative Plan with the Town of Clayton.

E. Farewell Letter from Eric Fowle, Director ECWRPC

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

- A. County Supervisor Report—No Report
- B. Winnebago County Sheriff's Department: – Public Concerns and Issues—No Report
- C. Clayton Fire Rescue (First Meeting of the Month)
  - a. Clayton Fire Rescue Department
  - b. Clayton Fire Rescue EMR
    - 37 Calls year-to-date, 22 EMR, 8 Fire, 7 both EMR and Fire
    - Recruiting new members
  - c. 2019 Emergency Management Activity Report—Emergency Manager Kaylin Van Stappen
- D. Clayton Police Department (First Meeting of the Month)
  - Continuing to work with various agencies to get software set up to allow for citation issuance and reporting
  - Amended Joint Municipal Court Ordinances will be presented to the Board at the next meeting
- E. Larsen/Winchester Sanitary District—No Report
- F. Administration Comments
  - Mary Jo Miller, Town Engineer
    - Westfield Ridge cul de sac will start up again soon
    - Highland Park will start up again soon
    - Preconstruction meeting for Winncrest is scheduled for March 24, 2020
    - Continuing work on W. American Drive Storm Water Management Pond
  - Administrator Straw
    - Working on budget revisions
    - Met with Ray Palonen, Winnebago County Highway Commissioner regarding jurisdictional transfer of Pioneer Road and County Road T (design work is to include knocking down the hill on County Road II east of Pioneer)
    - Requested estimate to straighten intersection of County Road T and Grandview
  - Clerk Stevens
    - Preparing for Spring Election (April 7)—receiving many absentee requests
  - Chair Geise
    - March 3, 2020 PSC Meeting cancelled—not ready
    - ECWRPC Meeting scheduled for March 11<sup>th</sup>
    - McMahan and Cedar Corp working to transition projects
    - Confirmed VFC payment timeline—payments due May 26, 2020
  - Supervisor Reif
    - Requested reporting from Economic Development Director

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. No New Licenses Issued
- B. Renewal:
  - 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 the request from the Village of Hortonville’s Administrator, David DeTroye to address the Board regarding the termination of the Agreement between the Town of Clayton Sanitary District #1 and the Village of Hortonville.

The Board reviewed the Agreement for treating hauled domestic wastewater from the Town of Clayton Sanitary District No. 1 to the Village of Hortonville Wastewater Treatment Facility and a copy of the termination letter delivered to the Village Administrator on Monday, February 24, 2020. Administrator DeTroye requested to address the Town Board. Staff reminded the Board that Diane Wessel was the Administrator at the time the agreement was signed and the Village President was Alvin Habeck. Neither Ms. Wessel nor Mr. Habeck are with the Village of Hortonville at this time.

- Administrator DeTroye requested clarification of the circumstances
  - Noted that last year, they received a check for services with no letter of explanation.
  - Since 2017, Hortonville has been using the money as a defined source of revenue for their budget
  - Read article in Post Crescent on February 4, 2020—reached out to Administrator Straw on February 5, 2020
  - Administrator Straw informed him she would have to get direction from the Town Board
  - Received letter for cancellation of services on February 24, 2020
- Chair Geise explained that Clayton has lived up to the agreement
  - The Town paid as agreed to purchase capacity
  - Hortonville did not have to provide any services
  - Cannot recommend to pay anymore
- Administrator DeTroye noted they had no say in the cancellation of the agreement
  - Hortonville Attorney Sorenson noted 2020 billing is due March 15

- Understands termination but it should have been done before budgeting was completed
- Attorney Lafrombois explained that budgetary items are not legally binding and does not create a legal obligation
  - Agreement was terminated prior to the obligation being due
- Chair Geise said he can appreciate the position Administrator DeTroye is in, but cannot justify another payment to the Board or the taxpayers
- Administrator DeTroye said he would relay the information to the Village Board

**NO ACTION TAKEN**

B. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2019-014 A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers for the CY 2020/21 election cycle to add the following to the list of approved poll workers:

- i. Kerri Jacob, 8271 County Road T, Larsen, WI 54947
- ii. Gay Lynn Wolf, 3021 Windfield Drive, Neenah, WI 54956
- iii. Gregory Wolf, 3021 Windfield Drive, Neenah, WI 54956
- iv. Vicki Schmidt, 7382 Jensen Rd, Oshkosh, WI 54904

The Board reviewed a copy of Resolution 2019-014, as approved by the Board. Resolution 2019-014 is the Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. The Board also reviewed a copy of the amended Exhibit A to Resolution 2019-014 which included the names of the additional poll workers. The list of Poll Workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

**MOTION:**

**Motion by** Supervisor Grundman

**Second by** Supervisor Lettau

**Motion to** approve the addition of the listed names to Exhibit A of Resolution 2019-014 A Resolution Creating an Election Poll Worker List for CY 2020/21 election cycle as presented.

**ROLL CALL VOTE:**

Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Wisnefske	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye

**Motion carried unanimously**

C. Discussion/Action: Town Board review and consideration of transitioning Public Works Employee Richard (Rick) Christianson to a full-time regular Public Works Employee.

Public Works Employee Richard Christianson has completed his 6-month probationary employment period as of February 26, 2020. The Administration had reviewed Rick's performance to date with the Public Works Director and Public Works Foreman. Staff recommended that the Board transition Rick from a probationary employee to a regular full-time represented Public Works Employee as of March 5<sup>th</sup>, 2020.

**MOTION:**

**Motion by** unanimous consent to transition Richard Christianson to a full-time represented Public Works Employee as of Thursday, March 5<sup>th</sup>, 2020.

- D. Discussion/Action: Town Board review and consideration to deem the 6' Tiger Flail Mower surplus equipment and permit the Public Works Department to sell the Tiger Flail Mower.

The Board reviewed a photo of the DPW 6' Tiger Flail Mower which was removed from the John Deere Tractor approximately 3 years ago and has been in storage and not used. The flail mower is designed to be pulled directly behind the tractor to mow the ditches. The mower has never been effective in the Town of Clayton due to the design of the ditches throughout the Town. The Public Works Department does have a potential buyer for the equipment and is in need of the storage space which it is currently occupying.

- Public Works Foreman Pfankuch reported he is currently researching the value but would estimate it at a value range of \$1,000-\$5,000
- Chair Geise felt Public Works Foreman Pfankuch could use his best judgement when negotiating a price

**MOTION:**

Motion by unanimous consent to deem the 6' Tiger Flail Mower surplus equipment and direct staff to sell the surplus equipment.

- E. Discussion/Action: Town Board review and consideration of the quote from LF George, Inc. for the purchase of the Remote Control 52" Rotary Mower for the Public Works Department.

As part of the CY 2020 Budgeting process the Town Board approved the purchase of a remote-control mower for the Storm Water Utility Department. The Mower is intended to be used in storm water management ponds and ditches where the ground is wet and the Town's existing mowing equipment will not work, specifically the Town's existing equipment is too heavy for the conditions and would cause significant damage to the pond and ditch areas. As a point of reference, the proposed mower has a contact pressure that is less than that of the average person.

DPW staff has conducted additional research on remote control mowers and found a quality device that is produced locally. The Board reviewed the proposal for an LF George Inc. remote control mower at a cost of \$50,000.00. DPW staff is respectfully asking the Board to approve the proposed purchase at a cost not to exceed \$50,000.00 with the funding to come from the Storm Water Management Utility Budget.

**MOTION:**

Motion by unanimous consent to approve the budgeted purchase of a 52-inch tracked remote control mower at a cost not to exceed \$50,000.00 with the funding to come from the Town’s CY 2020 Storm Water Management Utility Budget.

- F. Discussion/Action: Town Board review and consideration of Ordinance No. 2020-001 An Ordinance Amending Ordinance No. 2019-015 An Ordinance Creating Chapter 3.6 of the Town of Clayton Code of Ordinances Establishing Winter Parking Restrictions.

The Board reviewed Ordinance No. 2020-001 An Ordinance Amending Ordinance No. 2019-015 An Ordinance Creating Chapter 3.6 of the Town of Clayton Code of Ordinances Establishing Winter Parking Restrictions. Officer Zeinert discovered a discrepancy between the times noted in the Ordinance and the times noticed on the Town’s signage. The winter parking restriction signs all have the hours posted as 1:00 a.m. to 7:00 a.m. and the ordinance has stated hours between 2:00 a.m. and 7:00 a.m. Staff recommended amending the ordinance to match the signs because it would not incur any costs and the current signs can then remain as posted.

**MOTION:**

**Motion by** Supervisor Lettau

**Second by** Supervisor Grundman

**Motion to** approve the amendment to Ordinance No. 2020-001 An Ordinance Amending Ordinance No. 2019-015 An Ordinance Creating Chapter 3.6 of the Town of Clayton Code of Ordinances Establishing Winter Parking Restrictions.

**ROLL CALL VOTE:**

Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Wisnefske	Aye

**Motion carried unanimously**

- G. Discussion/Action: Town Board review and consideration of the proposed amendments to the Town’s Comprehensive Debt Management Policy.

For the past several years with the purchasing of the property along the Hwy 10 corridor, the Town has exceeded the self-imposed debt limitation of 20% of its statutorily allowed debt capacity within the Town’s Comprehensive Debt Management Policy.

The Town’s Auditors have had to disclose this information in the Town’s Annual Audits. As the Town moves forward with the construction of sewer and water within the Sanitary District and the need to borrow the money, it is of the opinion of the Town’s Financial Counsel and Auditors that the Comprehensive Debt Management Policy should be amended to remove the self-imposed debt limitation.

The Town’s Attorney provided a copy of the proposed amendments removing the self-imposed debt limitation and leaving the statutory requirement of 5% of the equalized value of taxable property within the Town’s jurisdiction. The Administration has reviewed the proposed policy amendments and is comfortable with the changes due to the Town’s current needs to borrow money.

**MOTION:**

Motion by unanimous consent to approve the proposed amendments to the Town’s Comprehensive Debt Management Policy and to place the Policy on record in the Town’s files.

- H. Discussion/Action: Town Board review and consideration of Clayton Fire Rescue Department’s request to apply for an Assistance to Firefighters Grant (AFG) to replace hose nozzles and thermal imaging cameras.

The Board reviewed a memo from the Director of Public Safety, Scott Rieckmann to the Administration. Because the AFG grants pay 80% of the total cost and the remaining 20% would come from the Town budget, Mr. Rieckmann is requesting the Board’s permission to apply for an Assistance to Firefighters Grant (AFG). The grant would help to replace 6 fire hose nozzles (4 – 1 ¾” at \$1,572 each; 2 – 2 1/2” at \$1,789 each) and 2 thermal imaging cameras at \$6,500 each for a grand total of \$22,866 for CY 2020. The grants are awarded in stages and it is unknown if the grant would be awarded to the Town in CY 2020 or CY 2021. A 3% inflation rate is included in the total in case the grant is awarded in CY 2021. If the grant is awarded in CY 2020, the 20% the Town is responsible for would come from the Unassigned Fund Carry Over from the CY 2019 Audit. If the grant was to be awarded in CY 2021, the Town’s Budget will reflect the cost in the Fire Department Budget Equipment Purchase line item.

**MOTION:**

Motion by unanimous consent to direct the Director of Public Safety to apply for the Assistance to Firefighters Grant for the equipment as noted above

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance

- April 21, 2020 Annual Meeting
- May 19, 2020 Board of Review

XIV. Board Member Requests for Future Agenda Items—None

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn 7:45 p.m.

Respectfully submitted, Holly Stevens, Clerk