

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 p.m. on Wednesday, April 18, 2018

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
2. Pledge of Allegiance.
3. Verification of Notice
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/Asst Admin Straw     | PRESENT |
| Town Engineer – Mary Jo Miller | PRESENT |
| Town Attorney – Ashley Lehocky | ABSENT  |

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

III. Approval of Minutes:

A. Approval of the Wednesday, April 4, 2018 Town Board Meeting Minutes.

**MOTION:**

Motion by unanimous consent to approve the April 4, 2018 minutes as presented.

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

The Winneconne Community Foundation addressed the Board

- Purpose to fill gaps in school funding through
  - Private funding Legacy Gifts, individual gifts, endowments
- Target \$10 million

V. Correspondence:

A. A copy of the Minutes of the Oshkosh Public Library February 23<sup>rd</sup>, 2018 Meeting

- B. A copy of the Winnebago County Solid Waste Management Board CY 2018 Recycling Tonnage Report.
- C. The Wisconsin Taxpayer, Vol. 86, Number 3, March 2018

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 Department (First Meeting of the Month)
  - Chief Rieckmann written report
    - 47 calls year-to-date (27 EMR, 14 Fire, 6 Both)
    - State 2% Dues Audit Passed with No deficiencies
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administration Comments
  - Engineer Mary Jo Miller
    - Dredging project update forthcoming at a future meeting
  - Administrator Johnston
    - Preparing Reorganizational Meeting
  - Town Board Chair Russ Geise
    - No new updates

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Amy M Redeker
  - ii. Margaret C. Schildgen
  - iii. Sara A. Musekamp
- 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 recommendation to the Town Board on a Site Plan Approval Application for Envisionink, a printing firm building to be located on property on the north side of the east end of West American Drive in the Town of Clayton specifically known as Tax ID# 006-0335-03 and owned by Jeff Day and John Garrow LLC, 1991 West Wisconsin Avenue, Appleton, WI 54913.
  - Plan Commission Chair Knapinski reported the Commission is recommending of the site plan as submitted with staff recommendations as follows:
    - 1. That the Applicant install mountable curb returns on the proposed driveway apron accessing West American Drive.
    - 2. That the building roof have an overhang on the office and entrance areas to

- enhance the esthetic appeal of the structure.
- 3. That a Knox Box security system be installed to give the Fire Department restricted access to the building.
- 4. That the Applicant provide a size and species inventory of the proposed plantings

**MOTION:**

Motion by unanimous consent to approve the Site Plan as submitted by Envisionink, with Staff recommendations.

- B. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Robert and Janece Schommer, 2728 Oakridge Road, for a Hobby Kennel. The property is located at 8051 Rosemary Lane, Neenah, WI 54956; specifically described as Tax ID #006-0664, being located in Section 26, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
  - Chair Knapinski stated the required public hearing for the CUP Application was held on April 11, 2018
  - Chair Knapinski reported the Plan Commission is recommending approval of the CUP with staff and Commission recommendations as follows:
    1. That the Applicant comply with the Town’s Zoning Code of Ordinances.
    2. That dogs be allowed outside an enclosed kennel facility during the hours from 8:00 a.m. to 8:00 p.m.
    3. That the total number of dogs that may be kept on-site be limited to seven (7) dogs not including up to four (4) family pets.
    4. That the Commission consider recommending that the kennel facility be kept in a workman like manner, that any waste product be properly disposed of on a daily basis; and that any complaints received shall be investigated by the Town’s Animal Control Contractor.
    5. That the Commission recommend that if the animal husbandry activities cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
    6. That the Commission consider recommending that should the Conditional Use terminate, any outdoor structures specifically related to the animal husbandry activities and with no alternate use shall be removed.
    7. Documentation of the approval of the proposed Conditional Use Permit by any overlying unit of government having jurisdiction.
    8. That the Conditional Use Permit does not allow commercial functions from the facility.

**MOTION:**

Motion by unanimous consent to approve the Conditional Use Permit for Robert and Janece Schomer for a Hobby Kennel to be located at 8051 Rosemary Lane, Neenah.

- C. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Levi and Kaylin Van Stappen, to raise Backyard Chickens. The property is located at 2741 E Shady Lane, Neenah, WI 54956; specifically described as Tax ID #006-0331-01, being located in Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski stated the required public hearing for the CUP Application was held on April 11, 2018
- Chair Knapinski reported the Plan Commission is recommending approval of the CUP with staff and Commission recommendations as follows:
  1. That the Plan Commission set a maximum number of chickens.
  2. There shall be no roosters on site at any time.
  3. The chickens shall be contained in the coop or in a confined area of the backyard of the property.
  4. The chickens shall not be allowed to free range on the property.
  5. Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
  6. Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.
  7. That the flock be registered with the State Department of Trade and Consumer Protection (DATCP).
  8. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.

**MOTION:**

Motion by unanimous consent to approve the Conditional Use Permit for Levi and Kaylen Van Stappen to raise Backyard Chickens at property located at 2741 E Shady Lane, Neenah.

- D. Plan Commission recommendation to the Town Board on a proposal from the Town’s Planning Firm to update the Conditional Use function of the Zoning Code of Ordinances to comply with Wisconsin Act 67 and the new requirements for Conditional Use Permits created by Act 67.
  - Chair Knapinski reported that the Plan Commission recommends that the Town Board approve the Agreement for Professional Services as presented with the funding for the project coming from the CY 2018, General Fund, Planning Line Item

**MOTION:**

Motion by unanimous consent to approve the proposal to update the Conditional Use function of the Zoning Code of Ordinances to comply with Wisconsin Act 67 and the new requirements for Conditional Use Permits created by Act 67.

**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. Green Space Committee report on replacing the damaged and deteriorated monuments at Royer Cemetery and planning for replacing the damaged and deteriorated monuments at Clayton Cemetery.
  - The Green Space Committee recommended the Town Board assign funding in the CY 2019 and sequential years’ budgets to replace at least two deteriorated

headstones in Clayton Cemetery annually in order to maintain and preserve the historic record.

- B. Green Space Committee recommendation to the Town Board on replacing the overhead lighting on the Trailhead Park parking lot.
  - The Green Space Committee recommended to the Town Board to allocate funding in the CY 2019 Budget to replace the lighting in the Trailhead Park parking lot.
- C. Green Space Committee recommendation to the Town Board on rebuilding the gravel parking loop at Trailhead Park.
  - The Green Space Committee recommended to the Town Board that the Public Works Department to rebuild the parking loop at Trailhead Park

X. Business:

- A. Discussion/Action: Town Board review and consideration of awarding a Contract to Radke Contractors, Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Phase 2 of the Plat of Highland Wood in the Town of Clayton.

The Board reviewed the Bid tabulation for the project to develop Phase II of the Plat of Highland Wood. The Engineer for the Developer (McMahon Associates, Inc.) and staff received the bids for the project: the first from Radtke Contractors, Inc. of Winneconne, Wisconsin 54986, the second from Michels Corporation, 817 Main Street, Brownsville, Wisconsin 53006, the third from Gene Frederickson Trucking, Fieldcrest Drive, Kaukauna, Wisconsin 54130, and the fourth from Carl Bowers & Sons Construction, N1844 Maloney Road, Kaukauna, Wisconsin 54130. The low bidder for the project is Radtke Contractors, Inc. at a cost of \$349,566.70. The Administrator advised the Board that the project is Developer funded with the Developer paying for the full burden cost of construction of the project. The Administration recommended that the Board award the contract to Radtke Contractors, Inc. of Winneconne at a cost of \$349,566.70 with the funding to come from a Developer.

**MOTION:**

Motion by unanimous consent to award the contract to Radtke Contractors, Inc. of Winneconne, Wisconsin at a not-to-exceed amount of \$349,566.70 subject to receiving a Developer’s Agreement outlining the funding option for the project that is to be signed by the Town Chair.

- B. Discussion/Action: Town Board review and consideration of Resolution 2018-002 A Resolution Transferring Funds from the Cemetery Reserve Account to the CY 2018 General Fund Royer Cemetery Account to complete the damage repair and maintenance of the headstones in Royer Cemetery.

The Board reviewed a copy of Resolution 2018-002 A Resolution Transferring Funds from the Cemetery Reserve Account to the CY 2018 General Fund Royer Cemetery Account to complete the damage repair and maintenance of the headstones in Royer Cemetery. The

Town Board has considered the project and recommended that the Administration prepare the formal Resolution transferring the funds.

**MOTION:**

Motion by Supervisor Reif

Second by Supervisor Lettau

Motion to approve Resolution 2018-002 A Resolution Transferring Funds from the Cemetery Reserve Account to the CY 2018 General Fund Royer Cemetery Account to complete the damage repair and maintenance of the headstones in Royer Cemetery for a cost of \$8,000.00.

**ROLL CALL VOTE:**

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

Motion carried by a vote of 5-0

C. Discussion/Action: Town Board review and consideration of allocating the Town’s Unassigned CY 2017 Fund Balance to the following as individual projects:

- i. The funding needed to complete the purchase and equipment for the Fire Department’s First Response Truck.

In CY 2017 the Town Board authorized the Fire Department to purchase a new First Response Truck to replace the aging grass rig. The Board authorized the expenditure of \$150,000.00 with funding to come from the Town’s Fire Department Capital Reserve Account (\$100,000.00) and \$50,000.00 to come from the Town’s CY 2017 Budget Fund Balance Carryover. The proposed allocation of \$50,000.00 completes the funding of the First Response Truck as approved by the Town Board.

- ii. Partially funding the CY 2019 scheduled replacement of the Fire Department’s Self Contained Breathing Apparatus (SCBA).

The Fire Department’s current SCBA equipment has been re-certified for the final 5-year period. That 5-year certification will expire at the end of CY 2019. In CY 2017/18 the Department unsuccessfully applied for a \$200,000.00 Federal Grant to replace its SCBA equipment. The Administration’s used the cost estimates generated for the Grant Application as the basis for the dollar value needed to replace the Department’s SCBA equipment. In order to fund the replacement of the Fire Department’s SCBA equipment the Administration is proposing that the Board allocate \$100,000.00 from the Town’s CY 2017 Audited Fund Balance Carryover and an additional \$100,000.00 from the Town’s projected CY 2018 Fund Balance Carry Over.

- iii. The Purchase of salt brine making and distribution equipment for the Public Works Department.

Over the course of the past 10 years, the Town has replaced most of its snow plowing equipment with new units. The process the Town has used for plowing has been to use smaller units (F550s with plows and wings) on subdivision roads to facilitate access and minimize damage to the Town’s Roads and heavier units (tandem axel trucks, plows and wings) to plow the mile or section line roads. This process has worked well for the past years, however, plowing technology has changed with the introduction of the application of salt brine to the roads before, during, and after the snow plowing events. When the Town replaces its 2004 single axel truck in the next few years it will own approximately \$750,000.00 in plowing equipment without any brining capacity. The Administration’s proposed expenditure of approximately \$65,000.00 plus routine staff training will bring the Town’s equipment to the state-of-the-art level in plowing. Brine is customarily applied to the road in anticipation of a snow event to keep the early snow from binding to the road and street intersections free of ice. Brine is also applied with the plowing and salting process to start the melting action of the salt and to minimize the dispersion of the salt. Brine is also used after the snow plowing event to clear residual snow and ice from the road. The Administration is proposing to purchase the following equipment:

|                                       |                    |
|---------------------------------------|--------------------|
| 1. Brine making and storage:          | \$27,851.90        |
| 2. Brine distribution for F550:       | \$10,801.86        |
| 3. Brine equipment for F550 salters:  | \$14,844.00        |
| 4. Brine equipment for tandem salter: | <u>\$ 7,057.00</u> |
| Total cost of proposal:               | \$60,554.76        |

- iv. The installation of a closed-circuit surveillance camera system at the Town Hall, Trailhead Park, and Clayton Park.

The Administration respectfully asks the Board to allocate the funding (\$15,070.62) pending staff obtaining two additional proposals for the project. As a result of preparing for the Annual Meeting, the Plan Commission Meeting, and the Town Board Meeting staff was unable to solicit proposals and obtain cost estimates in a timely manner. Staff intends to get more quotes and bring the information back to the Board.

- v. The installation of sidewalk on the north side of the Municipal Building.

The installation of the proposed sidewalk between the two doors on the northside of the Municipal Building will complete the access to the fire bays as it was intended when the Town Hall/Fire Hall was renovated several years ago. The cost of the proposed sidewalk is \$1,200.00 with Town staff doing the excavation and prep work for the project.

**MOTION:**

Motion by unanimous consent to approve the allocation of the CY 2017 Audited Unassigned Fund Balance as presented.

D. Discussion/Action: Town Board review and consideration of Resolution 2018-003 A Resolution Allocating the Town’s Unassigned CY 2017 Fund Balance to the following projects:

- i. The funding needed to complete the purchase and equipment for the Fire Department’s First Response Truck.
- ii. Partially funding the CY 2019 scheduled replacement of the Fire Department’s Self Contained Breathing Apparatus (SCBA).
- iii. The Purchase of salt brine making and distribution equipment for the Public Works Department.
- iv. The installation of a closed-circuit surveillance camera system at the Town Hall, Trailhead Park, and Clayton Park.
- v. The installation of sidewalk on the north side of the Municipal Building.

The Board reviewed a draft copy of Resolution 2018-003 A Resolution Allocating the Town’s Unassigned CY 2017 Fund Balance for specific projects. The draft Resolution identified specific projects the Board has considered earlier in the Agenda.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to approve Resolution 2018-003 A Resolution Allocating the Town’s Unassigned CY 2017 Fund Balance to specific projects as noted on the agenda.

**ROLL CALL VOTE:**

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

Motion carried by a vote of 5-0

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance:
  - Reorganizational Meeting, May 2, 2018
  - Board of Review, June 7, 2018

- XIV. Board Member Requests for Future Agenda Items:
- July 4, 2018 Meeting date change

XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to adjourn at 7:38 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk