

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
7:00 p.m. on Wednesday, May 1st, 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 Hearing

- III. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, April 17th, 2019 Town Board Meeting

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, April 17th, 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. April CY 2019 Building Inspection Report will be distributed at the Board Meeting.
 - B. Winnebago County Board Meeting Minutes from Tuesday, March 19, 2019

- 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—NO PUBLIC ISSUES
- C. Clayton Combined Protective Services Department (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - 51 calls year-to-date, 32 EMR, 13 Fire, 6 which were both (correction from last report)
 - Sheriff's Dept informed the Chief that the Motorola Radios will likely have support discontinued in the next 4 to 5 years
 - 5 Fire Fighters passed their State certification as driver/operators. 5 others will be taking their State Exam for Officer I
 - b. Clayton Fire Rescue First Responder
 - NO REPORT
 - c. Clayton Police Officer
 - NO REPORT
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administrative Comments
 - Engineer Miller
 - Larsen Road Reconstruction Design Continuing so the Town will be ready to send for Bids
 - Working on two regional storm water management ponds for the Town—one on West American Drive, one near Oak Openings
 - Administrator Johnston
 - Many developers have been contacting the Town
 - Continuing work with Gary Becker developing TID #1
 - Clerk Stevens
 - Window replacement in the meeting room is moving forward. Once completed, the exterior wood work will be completed
 - Security Cameras on order, tentatively scheduled for installation before the end of the month
 - Clayton Sanitary District #1 is scheduled to hold a public hearing regarding a facility plan at 6:30 p.m. on May 15, 2019
 - Clayton Sanitary District #1 Phase 1 Construction Bid Opening scheduled for 10:00 a.m. May 29, 2019
 - Local Census validating Incorporation density requirements has met the State standard with only ~70% participation. Staff is continuing to gather data from the outstanding property owners in an effort to clear any objections
 - Chairman Geise
 - Had a meeting with Bill Forrest and Stan Riffle regarding Incorporation
 - Several other meetings scheduled for the Sanitary District, the Incorporation, and with developers

- Attended the Town of Greenville Public Hearing for the Incorporation Review Board along with Assistant Administrator Straw. It was an impressive presentation

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Sara J Oleson
- ii. Jaymie L Peterson

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 first reading of Ordinance 2019-003 An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to Signs.

The Board reviewed a draft copy of Ordinance 2019-003 An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to Signs. As well as a copy of the line and strike edits to the Signs section of the existing Ordinance. The Town's Plan Commission had reviewed, deliberated, and held a Public Hearing, on the proposed amendments to the Sign Element of the Town's Zoning Code of Ordinances. Following the review, deliberation and Public Hearing, the Plan Commission recommended that the Board approve the proposed amendments to the Sign Element of the Town's Zoning Code of Ordinances.

The Board by unanimous consent waived the First Reading of the Ordinance and referred the Ordinance to a Second Reading at its Wednesday, May 15th, 2019 Town Board Meeting.

- B. Discussion/Action: Town Board review and consideration of the first reading of Ordinance 2019-004 An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to Short-Term Lodging Rentals.

The Board reviewed a draft copy of Ordinance 2019-004 An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to Short-Term Lodging Rentals. As well as a copy of the line and strike edits to the Short-Term Lodging Rentals section of the existing Ordinance. The Town’s Plan Commission had reviewed, deliberated, and held a Public Hearing on the proposed amendments to the Short-Term Lodging Rentals Element of the Town’s Zoning Code of Ordinances. Following the review, deliberation and Public Hearing, the Plan Commission recommended that the Board approve the proposed amendments to the Short-Term Lodging Rentals Element of the Town’s Zoning Code of Ordinances.

The Board by unanimous consent waived the First Reading of the Ordinance and referred the Ordinance to a Second Reading at its Wednesday, May 15th, 2019 Town Board Meeting.

- C. Discussion/Action: Town Board review and direction to staff relative to the repair of stormwater (flooding) damage to Medina Junction from the Canadian National Railroad tracks to its intersection with North Loop Road.

The Board reviewed photographs of the road surface of Medina Junction Road between the Canadian National Railroad tracks and North Loop Road. The road surface was pulverized and double chip sealed approximately 10 years ago, at which time the project costs were \$25,000.00+/- . Based on a visual inspection of the road surface, a significant amount of the major damage occurred when individuals drove on the road while the subgrade was saturated and the road was closed to traffic. This activity pushed the surface into the wet subgrade causing the pumping of mud through subgrade. The Administration continues to advocate for the abandonment of the road from the Canadian National Railroad tracks to its intersection with North Loop Road. However, this option would likely cause significant disruption in the traffic patterns of residents in the area. Staff has compiled costs for various types of repairs to Medina Junction. The Board’s options include the following:

- | | |
|---|--------------------------------|
| 1. Pulverize and single chip seal 3,500-feet
at \$20.30 per linear foot: | Estimated cost of \$71,050.00 |
| 2. Pulverize and double chip seal 3,500-feet
at \$40.60 per linear foot: | Estimated cost of \$142,100.00 |
| 3. Double chip seal with 1-foot of additional gravel
3,500-feet at \$60.20 per linear foot: | Estimated cost of \$210,700.00 |
| 4. Road re-construction using the Town’s Minimum
Road Standards Policy 3,500-feet at \$250.00/linear foot: | Estimated cost of \$875,000.00 |

The Administration advised that these cost estimates were produced by staff using costs for projects that are underway and/or projects that are in the planning stages. They further suggested that given the options, the Board may wish to select one or two of the alternatives and direct staff to solicit proposals and present the actual bid costs to the Board for its review and consideration. The Administration also noted that there is a Statutory process to vacate a road which includes a public hearing. The Administration suggested that if the Board would like to ascertain the public response to closure, it could direct staff

to work with the Town's attorney to start the vacating process in order to hold the public hearing to receive public input.

MOTION

Motion by unanimous consent to start the process to vacate the section of Medina Junction Road from the Canadian National Railroad tracks to the intersection with North Loop Road.

- D. Discussion/Action: Town Board review, consideration and direction to staff on repairs to the failed pavement at the intersection of Winncrest Road and Towne Court.

The Board reviewed a copy of an e-mail from USF Holland, several pictures of the road in front of the USF Holland driveway, and a site map for the intersection of Winncrest Road and Towne Court. The area consists of 200-feet +/- of Winncrest Road and 50-feet +/- of Town Court. Over the past 10 years the Town has spent significant amounts of money trying to maintain the asphalt surface at the intersection of these two roads. The issue with the asphalt surface is the heavy trucking and the turning radii of the heavy trucking coming from USF Holland and the other firms in the area using trucking as a routine part of their operating activities. Specifically, when tandem axels turn, they drag the inner tires which has the effect of tearing the asphalt surface. Over time, the surface will degrade and create large holes that cannot be repaired. In the case of USF Holland, this activity routinely occurs every time a truck goes in and out of the terminal yard. The most effective way to resolve the problem is to use a concrete travel surface road. The Town's Engineer has given staff an estimated cost \$190.00 per linear foot for replacing the asphalt surface in the area identified. The estimated cost includes the installation of curb returns in the area paved with concrete. Additionally, the Town would have to enclose the roadside ditches in the curbed area. Using the indicated area as the project limits, the estimated cost of the project would be \$47,500.00 +/- . The Administration advised that the estimate of \$190.00 per linear foot of concrete pavement does not include any subgrade work. This work would define the travel area for the traffic and provide a surface that transfers the wear and tear to the tires on the trucks. Staff requested the Board provide direction with this issue.

DIRECTION TO STAFF

The Board directed staff to design and bid the proposed work to determine an actual cost for the work and a source of funding for the project.

- E. Discussion/Action: Town Board review and consideration of Ordinance 2019-005 An Ordinance Amending Ordinance 2018-008 An Ordinance Creating § 3.10 of the Town of Clayton Code of Ordinances Creating a Combined Protective Services Department.

The Board reviewed a copy of Ordinance 2019-005, An Ordinance Amending Ordinance 2018-008 An Ordinance Creating § 3.10 of the Town of Clayton Code of Ordinances Creating a Combined Protective Services Department. The changes shown in Sec. 3.10 (1) B were made at the request of the State Department of Justice (DOJ). The Town's Attorney reviewed the request by the DOJ and drafted the Amending Ordinance.

MOTION

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to approve Ordinance 2019-005 An Ordinance Amending Ordinance 2018-008 An Ordinance Creating § 3.10 of the Town of Clayton Code of Ordinances Creating a Combined Protective Services Department.

ROLL CALL VOTE

Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Chairman Geise	Aye
Supervisor Grundman	Aye

Motion carried with a 5-0 vote

- F. Discussion/Action: Town Board review, consideration, and authorization to staff to start the process of interviewing for the position of Town Treasurer.

The Administration reviewed that the Town’s CY 2019 Budget included funding for hiring a Treasurer midyear in anticipation of the Administrator’s retirement and current Treasurer being appointed as Town Administrator effective January 1st, 2020. Staff requested authority to start the interview process for hiring a Town Treasurer with participation by the Town Board’s Personnel Panel. The Administration’s process would present the Board with a selected candidate to hire for the position of Town Treasurer at the Board’s June 5th, 2019 Town Board meeting.

DIRECTION TO STAFF

The Board directed Staff to begin the process and to present the selected candidate to the Board at a future meeting.

- G. Discussion/Action: Town Board review and consideration of hiring summer staff for the Storm Water Management Utility.

The Administration advised the Board that it would like to hire the summer staff for the for the Storm Water Management Utility (Ditch Mower). The Payroll Budget for the position is \$15.00 per hour. The Board reviewed the Employment Application for Patrick Brown. Staff recommended that the Board approve hiring Patrick Brown as a back-up ditch mower.

MOTION

Motion by unanimous consent to approve hiring the listed individual for the summer staff position at the hourly rate of \$15.00 per hour.

- H. Discussion/Action: Consideration for Compensation for individuals participating in census activities relating to the Incorporation of the Town of Clayton.

- Chair Geise expressed his appreciation for the work that was done, especially considering the short notice and limited timeframe during which it all had to be completed.
- The results were better than expected and the data is significant as it relates to the Incorporation process.
- Chairman Geise noted that he had received comments regarding the work performed by individuals completing the local census and while he agrees that compensation is warranted, the wages for elected and appointed officials is set by the electors and is something the Town Board does not have the authority to change.
- Chairman Geise also noted that the Town’s electors have granted authorities to the Town Board based on trust and he does not feel comfortable taking any action which may put that relationship at risk.

NO ACTION TAKEN

XI. Town Board Reorganizational Business:

A. Board Appointments

- a. Vice Chairperson: Supervisor Reif
- b. Personnel Panel: Chairman Geise, Supervisor Lettau, and Administrator Johnston
- c. Buildings, Grounds, and Roads Panel: Staff and Chairman Geise
- d. Cemetery Panel: Staff
- e. Town of Clayton Sanitary District #1 Commission: Elected Town Board Officials
- f. Storm Water Management Utility Commission: Elected Town Board Officials

B. Additional Appointments:

- a. Plan Commission Members: (2 positions for a 3-year term each with all terms effective May 1st of the calendar year).
 - i. Commissioner Wisnefske—Renewal for a 3-year term
 - ii. Commissioner Linsmeier—Renewal for a 3-year term
 - iii. Town Board Representative—Supervisor Schmidt
- b. Zoning Board of Review: (2 positions serving 3-year term each with all terms effective May 1st of the calendar year).
 - i. Arden Schroeder—Renewal for a 3-year term
 - ii. Pete Van Airsdale—Renewal for a 3-year term
 - iii. Susan Nester-Huebner—Renewal for a 3-year term
- c. Green Space Committee Member: (1 position to fulfill the unfulfilled term for Joan Brown).
 - i. Name to be presented by the Town Chair at future meeting
 - ii. Town Board Representative—Supervisor Grundman

- d. Town Attorney: Benjamin D. LaFrombois, Esq. von Briesen & Roper, S.C.
- e. Special Counsel for The Town of Clayton, H. Stanley Riffle Municipal Law & Litigation Group SC and Lawrie J. Kobza, Boardman & Clark LLP.
- f. Animal Control Officer: (1 position: 1-year term; term effective May 1st of the calendar year).
 - i. David Huebner—Renewal for a 1-year term
- g. Emergency Government: (1 position: 1-year term; term effective May 1st of the calendar year).
 - i. Kaylin Van Stappen—Renewal for a 1-year term
- h. Weed Commissioner: (1 position: 1-year term; term effective May 1st of the calendar year).
 - i. Administrator Johnston—Renewal for a 3-year term

C. Establish Meeting Days, Times, Rules:

- a. Town Board:
 - i. Meets the 1st & 3rd Wednesdays of each month
 - ii. Meeting time 7:00 p.m.
 - iii. The most current version of Robert’s Rules of Order
- b. Town of Clayton Sanitary District No.1 Commission:
 - i. Meets at the call of the Chair on the 1st and 3rd Wednesdays of each month
 - ii. Meeting Time 6:30 p.m.
 - iii. The most current version of Robert’s Rules of Order
- c. Town of Clayton Storm Water Management Utility Commission:
 - i. Meets at the call of the Chair on the 1st and 3rd Wednesdays of each month
 - ii. Meeting Time 6:30 p.m.
 - iii. The most current version of Robert’s Rules of Order
- d. Town of Clayton Zoning Board of Adjustments:
 - i. Meets at the call of the Chair
 - ii. Meeting Time and Date are at the call of the Chair
 - iii. The most current version of Roberts Rules of Order
- e. Town of Clayton Plan Commission:
 - i. Meets on the 2nd Wednesday of each month

- ii. Meeting Time 7:00 p.m.
- iii. The most current version of Robert's Rules of Order

f. Town of Clayton Green Space Committee:

- i. Meets on the 2nd Wednesday of each month
- ii. Meeting Time 5:30 p.m.
- iii. The most current version of Robert's Rules of Order

D. Town Office Hours & Organization Structure:

a. Office Hours:

- i. 8:00 a.m. to 4:30 p.m.
- ii. Monday through Friday

b. Organizational Structure:

- i. As approved in the Town's Personnel Manual

E. Organizational Support:

- a. Town Administrator: Richard Johnston
- b. Clerk: Holly Stevens
- c. Treasurer: Tori Straw
- d. Assistant Town Administrator: Tori Straw
- e. Protective Services Department:
 - i. Department Head: Scott Rieckmann
 - ii. Clayton Fire Rescue Chief: Scott Rieckmann
 - iii. Clayton Fire Rescue Division Chief of EMR: Cindy Pfankuch
 - iv. Clayton Police Officer: Sarah Zeinert
- f. Building Inspector: Tom Spierowski
- a. Benjamin D. LaFrombois, Esq. von Briesen & Roper, S.C.
- g. Special Counsel for the Town of Clayton, H. Stanley Riffle Municipal Law & Litigation Group SC and Lawrie J. Kobza, Boardman & Clark llp
- h. Town Assessor: Luke Mack (Associated Appraisal Consultants, Inc.)
- i. Town Engineer: Mary Jo Miller, Martenson & Eisele, Inc.
- j. Town Planner: Ken Jaworski.
- k. Banking Institutions: Nicolet Bank and American Depository Trust Co.
- l. Official Newspaper of Record: *Appleton Post-Crescent*

F. Additional Considerations:

- a. Town Board and Plan Commission Reimbursements – Meetings, Workshops, etc. as set by the Town electors

- i. Town Chair:

- 1. Wage per Year: \$8,700.00

- 2. Half-day meeting Per Diem: \$ 50.00
- 3. Full-day meeting Per Diem: \$ 75.00
- 4. Mileage reimbursement: Per the most current IRS Rules

ii. Town Supervisor:

- 1. Wage per year: \$5,500.00
- 2. Half-day meeting Per Diem: \$ 50.00
- 3. Full-day meeting Per Diem: \$ 75.00
- 4. Mileage reimbursement: Per the most current IRS Rules

iii. Plan Commission Member:

- 1. Stipend per meeting: \$ 50.00
- 2. Half-Day Meeting Per Diem: \$ 50.00
- 3. Full-Day Meeting Per Diem: \$ 75.00
- 4. Mileage reimbursement: Per the most current IRS Rules

iv. Green Space Committee Member:

- 1. Stipend per meeting: \$ 50.00
- 2. Half-Day Meeting Per Diem: \$ 50.00
- 3. Full-Day Meeting Per Diem: \$ 75.00
- 4. Mileage reimbursement: Per the most current IRS Rules

b. Town Fees:

- i. Review and approval of the Town’s Revised Fee Schedule

c. Posting and Notice Locations:

- i. The Town Hall Posting Board – 8348 CTR “T” Larsen WI 54947
- ii. The Town’s Web Page – www.claytonwi.govoffice3.com

XII. Review of Disbursements:

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

XIV. Upcoming Meeting Attendance: Open Book scheduled for May 3, 2019, 2:00-4:00 p.m.

XV. Board Member Requests for Future Agenda Items:

XVI. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 8:04 p.m.

Respectfully submitted,
Holly Stevens
Clerk