

**TOWN OF CLAYTON**  
Board of Supervisors  
Meeting Minutes  
7:00 p.m. on Wednesday, June 19th, 2019  
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 Schmidt PRESENT
  - Supervisor Reif PRESENT
- b. Staff
  - Administrator Johnston PRESENT
  - Asst Admin Straw PRESENT
  - Clerk Stevens PRESENT
  - Treasurer Schiessl PRESENT
  - Town Engineer – Mary Jo Miller PRESENT
  - Town Attorney – Ben Lafrombois PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, June 6th, 2019 Town Board Meeting

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, June 6th, 2019 Town Board Meeting.

IV. Open Forum: NONE

V. Correspondence:

- A. Distribution of correspondence from the Town of Grand Chute relative Wastewater Facilities in the Town of Clayton.
- B. Winnebago County Solid Waste Management Board, May of CY 2019 Recycling Tonnage Report.
- C. Distribution of correspondence from the Town’s Engineer relative to the Town’s Applications to fill certain wetlands on Town owned property on the south frontage of USH “10” between Clayton Avenue and STH “76”.
- D. Distribution of a Public Hearing Notice from the Fox Valley Technical College.
- E. Oshkosh Public Library Board Minutes

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 OFFICER'S REPORT
    - Supervisor Reif expressed concern about a transient “living” on the Wiowash Trail and wandering throughout Larsen and Winchester
  - C. Clayton Combined Protective Services Department (First Meeting of the Month)
    - a. Clayton Fire Rescue Department
      - 67 calls year-to-date, 42 EMR, 18 Fire, 7 which were both
      - Researching bulk mailing feasibility to encourage blood donations
      - Blood Mobile back on July 2, 2019
    - b. Clayton Fire Rescue First Responder
      - NO REPORT
    - c. Clayton Police Officer
      - Posting Speed sign to gather data
        - Southbound traffic on CTR T in front of Town Office from May 24-June 1, 2019
        - 5,140 vehicles of which 2,371 were speed violations
        - Northbound traffic on CTR T in front of Town Office from June 4-June 12, 2019
        - 3899 vehicles of which 250 were speed violations
  - D. Larsen-Winchester Sanitary District
    - NO REPORT
  - E. Administrative Comments
    - Engineer Miller
      - Continuing work on two regional storm water management ponds for the Town—one on West American Drive, one near Oak Openings
      - Working on pavement repair at the intersection of Winncrest and Towne Court—completed boring samples
    - Administrator Johnston
      - Continuing the development of TID #1
      - Continued Technology Development—looking into Tablets for Board Members and Plan Commissioners
    - Clerk Stevens
      - Working on Incorporation Submission Documents
    - Chairman Geise
      - Working on Border Agreements with neighboring Towns
      - Continuing development of Sanitary District Services
      - Working to get TID approval in place prior to incurring any construction expenses
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
    - i. Sherry L. Fleming
    - ii. Stephanie M Desens
  - B. Renewal:
    - i. No Renewal Licenses Issued

C. Discussion/Action: Town Board review and consideration of the following Alcohol License Applications:

The following renewal application for a Class “B” license to sell fermented malt beverages is on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2019 through June 30, 2020, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. SOL Restaurants LLC (d.b.a. Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956.  
Agent: Lynn Ann Miller

The following parties have a renewal application for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2019 through June 30, 2020, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Micki D’s, LLC, (d.b.a. The ReMixx), 8386 State Road 76 Suite B, Neenah, WI 54956.  
Agent: Michelle Baumann
- Administrator Johnston reported the Town has received correspondence from the State on June 12, 2019 indicating that the code violations have been corrected.

**MOTION:**

Motion by unanimous consent to approve the application by SOL Restaurants LLC for a Class “B” license to sell fermented malt beverages for the licensing period of July 1, 2019 through June 30, 2020; and the application by Micki D’s LLC for a Class “B” license to sell fermented malt beverages and a “Class B” license to sell intoxicating liquors for the licensing period of July 1, 2019 through June 30, 2020, both subject to compliance with State Statutes and Municipal Ordinances

I. 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 Certified Survey Map (CSM) Application submitted by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956 for property located at 9366 Memory Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-1219 and Tax ID # 006-1237 located in Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
  - Plan Commission Chair Knapinski reported all was in order with the CSM as submitted and the Plan Commission recommends approval with staff recommendations

**MOTION:**

Motion by unanimous consent to approve the Certified Survey Map (CSM) Application submitted by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956 for property located at 9366 Memory Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-1219 and Tax ID # 006-1237 with Staff recommendations

- B. Plan Commission recommendation to the Town Board on a Concept Plan for the proposed Plat of Pine Haven including the following: Tax ID # 006-0306-08, Tax ID # 006-0306-09, Tax ID # 006-0307-06-01, Tax ID # 006-0307-06-03, Tax ID # 006-0307-06-04, Tax ID # 006-0308, and Tax ID # 006-0309 all located in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski reported the concept plan is for the first roadway into the subdivision and the first few lots associated with it.
  - Staff also recommended development of Trails and Sidewalks according to the Town's Comprehensive Plan
  - Plan Commission added storm water management be included in the plat development
  - Chad Shea, Managing Member of Clayton Preserve LLC addressed the Board indicating he was not comfortable with some of the recommendations made by the Plan Commission relating to the development because of the added costs related to the requirements
  - Mr. Shea said the drain tile required in the bottoms of ditches have already added approximately \$80,000 to the project costs. He said that is very restrictive to developers.
  - Chair Geise indicated that the requirements have developed over time because of the issues the Town has had to deal with prior to the implementation of the requirements. He said the storm water issues the Town is now trying to correct are due to the lack of planning and implementation of proper requirements in the past. He also said the cost for the developer to fund the requirements is much less than the cost the taxpayers will have to carry if the work is not done as required.
  - Chair Knapinski agreed with Chair Geise, explaining the Town is trying to correct the mistakes of the past.

**DIRECTION TO STAFF**

The Board accepted the concept plan and directed staff and the Plan Commission to move forward with the next step in the process when the developer is ready to submit

- C. Plan Commission recommendation to the Town Board on the results of a Survey of Interest in Development of a Farmland Preservation Program sent to the property owners within the Working Lands initiative of the Town's Comprehensive Plan.
- Chair Knapinski reported that Staff had performed a survey of all of the property owners within the Working Lands Initiative.
  - Survey responses were low, with 17% indicating interest, 15% indicating no interest, 5% not qualifying for participation, and 63% not responding.
  - In light of the responses, the Commission determined the Town has two options

1. To move forward by sending the County the Working Lands Initiative as it stands even though the requirements for the number of participants has not been met in an attempt to get the County's input
  2. To abandon the process due to lack of interest
- Chair Knapinski reported that the Plan Commission is forwarding the decision as to how to proceed to the Town Board
  - Chair Geise inquired about the cost associated with sending the documentation to the County. He indicated that if the cost is limited, he would be willing to entertain the submission. He also indicated that if the process would be costly and take an extended effort for Staff to complete, that he is not in favor of the submission.
  - Administrator Johnston indicated that the survey did not provide an indication of the interest and participation needed to qualify for the program
  - He also emphasized that the survey was not biased in any way and the results clearly speak by not speaking, with over 63% not responding
  - Chair Knapinski noted that the Comprehensive Plan was developed to protect property owners' rights
  - Supervisor Lettau clarified that the submission to the County would be the Working Lands Initiative.
  - Supervisor Reif asked who would be impacted if no submission is made on behalf of the Town
  - Administrator Johnston explained that the 18 people (17%) who responded with interest would not receive the tax credits if they qualified for the program
  - Chair Knapinski noted that the County has already spoken and they do not want the program. He also noted that if the Town of Clayton submits to the County, the Town is standing alone as the surrounding Towns are not proceeding with any related programs.
  - Supervisor Lettau noted that Winnebago County is standing alone as the only County without a Farmland Preservation Program.
  - Chair Geise stated he is willing to move forward by submitting the Working Lands map and Initiative documents as long as the effort by staff is kept to a minimum. He noted that Staff is overloaded with many other business items which will have a greater impact for the Town moving forward.

#### **DIRECTION TO STAFF**

To submit the Working Lands Initiative and Map to the County for consideration as a Farmland Preservation Program keeping the time and cost commitments to a minimum.

- D. Plan Commission recommendation to the Town Board on direction to staff relative to the creation of the project plan for Tax Incremental District #1 (TID #1) in the Town of Clayton.
- Chair Knapinski reported that the first meeting of the Joint Review Board is scheduled for June 27, 2019 and the Public Hearing regarding the Draft Project Plan for Town of Clayton TID #1 will be held by the Plan Commission at 7:00 p.m. on July 10, 2019.

#### **NO ACTION TAKEN**

## II. 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 to the Board on the following park improvement programs started by staff in CY 2018 with the intent of finishing them in CY 2019:
  - a. Completing the drainage improvements in Trailhead Park.
  - b. Planning for the park on the former Noffke property on CTR “JJ” in the Town of Clayton.
  - c. Completing the installation of the surveillance equipment in Trailhead Park and Clayton Park.
- Chair Geise read the Green Space Meeting notes regarding the current activities:
  - The first phase of drainage improvements in Trail Head Park have been completed
  - Larsen-Winchester Lions Club has approached the Town offering a Legacy Project to build a basketball court in Trail Head Park.
  - The Storm Water Management pond is being developed on the former Noffke property. Park / Preserve developments will follow
  - The surveillance equipment is installed and operational at the municipal building and Trail Head Park. Clayton Park will be completed on Friday, June 14, 2019.
  - The Committee directed staff to continue to work on the listed projects and to update the Committee on a monthly basis.

## III. Business:

- A. Discussion/Action: Town Board review and consideration of Ordinance 2019-008 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton Pursuant to Wis. Stats. §66.0301 and Chapter 755 of the Wisconsin Statutes.

In order to have an Intermunicipal Agreement with the Village of Winneconne for Municipal Court services, the Town must first create an Ordinance creating a Town of Clayton Municipal Court. Ordinance 2019-008 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton Pursuant to Wis. Stats. §66.0301 and Chapter 755 of the Wisconsin Statutes creates the Town’s Municipal Court. The Ordinance was provided to staff by the Town’s Attorney following his research and review. Having a Municipal Court will allow the Town’s Police Officer to write citations in the Municipal Court rather than Circuit Court. One of the advantages to this process is reduced fines, reduced court costs, and a more expedient process.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Ordinance 2019-008 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton and to direct staff to follow the appropriate publishing process.

**ROLL CALL VOTE:**

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

Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of a Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton

Since the Town Board had created Ordinance 2019-009 An Ordinance to Create Chapter 3, Public Safety, Section 3.0 Municipal Court of the Municipal Code of Town of Clayton Pursuant to Wis. Stats. §66.0301 and Chapter 755 of the Wisconsin Statutes it could then enter into a Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton. The process allows the Town of Clayton to use the Village of Winneconne’s Municipal Court for citations issued by the Town of Clayton Protective Services Department. Staff advised the Board that over time it would not be unreasonable for the Town of Clayton to create its own Municipal Court, however, the Joint Municipal Court would allow the Town of Clayton to grow into the process and the expense.

**MOTION:**

Motion by Supervisor Schmidt  
Second by Supervisor Lettau

Motion to approve the Joint Municipal Court Intergovernmental Cooperation Agreement with the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton and to direct staff to follow the appropriate publishing process.

**ROLL CALL VOTE:**

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

Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of Town of Clayton Resolution 2019-009 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton Appointing the Municipal Judge for

the Municipal Court for the Village of Winneconne, the Town of Winneconne, the Town of Vinland and the Town of Clayton.

The final step to create and authorize a shared Municipal Court is to appoint a shared Municipal Judge. Resolution 2019-009 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, the Town of Vinland and the Town of Clayton appoints a shared Judge for the participating communities. As a point of reference, the current Judge is appointed by the Village Board of the Village of Winneconne, however, with Spring Election of CY 2020 the participating Municipalities will jointly elect a Judge for the Joint Municipal Court.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to approve Town of Clayton Resolution 2019-009 A Joint Resolution of the Village of Winneconne, the Town of Winneconne, the Town of Vinland, and the Town of Clayton Appointing the Municipal Judge for the Municipal Court for the Village of Winneconne, the Town of Winneconne, the Town of Vinland and the Town of Clayton and to direct staff to follow the appropriate publishing process.

**ROLL CALL VOTE:**

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

Motion carried unanimously.

- D. Discussion/Action: Town Board review and consideration of Resolution 2019-008 A Resolution of the Town of Clayton, Winnebago County, Wisconsin Authorizing Participation in the Preparation of Cooperative Plans with the Town of Winchester, Town of Neenah, Town of Winneconne and Town of Vinland.

The Board reviewed a draft copy of Resolution 2019-008 A Resolution of the Town of Clayton, Winnebago County, Wisconsin Authorizing Participation in the Preparation of Cooperative Plans with the Town of Winchester, Town of Neenah, Town of Winneconne and Town of Vinland. Staff had been working on the Cooperative Agreements with the listed Municipalities. Since these agreements will need approval by the State Department of Administration (DOA) the Town’s Attorney has asked that the Board approve Resolution 2019-008 authorizing participation in the preparation of cooperative plans with the referenced Towns so that the document can be included with the material sent to the DOA for its approval. The Administration has asked the Town Attorney to complete the negotiations on the Agreements so that the finalized documents can be approved by the Board as a unit. This process will simplify the Board’s approval process and staff’s recordkeeping.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Resolution 2019-008 A Resolution of the Town of Clayton, Winnebago County, Wisconsin Authorizing Participation in the Preparation of Cooperative Plans with the Town of Winchester, Town of Neenah, Town of Winneconne and Town of Vinland.

**ROLL CALL VOTE:**

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

Motion carried unanimously.

- E. Discussion/Action: Town Board review and direction to staff on renewing the Town Solid Waste and Recycling Contract with Advance Waste Disposal.

The Town’s Contract with Advanced Waste Disposal (Advanced) expires at the end of CY 2019. The Administration asked the Board for direction relative to negotiating a 3- to 5-year Contract extension with Advanced. Staff noted they have been approached by alternate providers that offer the same solid waste and recycling services to Municipalities. The Administration was also aware of other Municipalities that are in a position to negotiate their respective Contracts with Advanced. Staff suggested they could reasonably contact the other Municipalities to determine the interest level in negotiating joint Contract renewals with Advanced. The Administration indicated they would like to start the process as soon as possible so the Board has the option of looking at alternative providers. The Administration advised the Board that contracting with an alternative provider presents a number of hurdles in the transition process which would likely result in resident complaints and service issues for the first quarter of the transition process. These issues would not happen with a Contract renewal. Staff noted that it is imperative that all of the parties in the Contract negotiations benefit from the process and the term of the Contract. Should this negotiation process fail, the Board would have the alternative to issue a Request for Proposals (RFP) to solid waste and recycling providers in the area. The risk in this process is that bids may be more costly than a negotiated Contract extension. Staff requested direction from the Board.

**DIRECTION TO STAFF**

To begin the negotiation process as a joint effort if possible and to report back to the Board for consideration

- F. Discussion/Action: Town Board review and consideration of the removal of trees on burial sites owned by the Rubbert Family in the Clayton Cemetery.

The Board reviewed a request by Delores Rubbert to have the Town remove trees on the family burial sites in the Clayton Cemetery. Staff does not know who planted the trees and can find no history of the events leading up to the trees being planted. Ms. Rubbert

has asked that the trees be removed because they interfere with the maintenance and the esthetics of the burial sites. With removal authorization, Town staff will complete the removal and stump grinding project as time allows. The Administration expects that the project would be completed by Fall of CY 2019.

**MOTION:**

Motion by unanimous consent directing staff remove the trees and grind the stumps on the Rubbert burial site as requested.

- G. Discussion/Action: Town Board review and consideration of a violation notice sent to Richard and Cynthia Kemp, 8598 Winncrest Road, Neenah, WI 54956 for a concrete driveway apron in the Town’s right-of-way in violation to Town Ordinances.

The Board reviewed copies of staff’s documentation relative to the enforcement on this issue including a sample removal order issued by the Board. When this issue came to staff’s attention, the Administration directed the Building Inspector to request that the property owner remove the concrete driveway apron by his own accord (Notice dated May 31, 2019). Richard and Cynthia Kemp agreed that their concrete driveway apron was in violation of the Town’s Ordinances and agree it must be removed by a date certain. Since the advent of the Town enforcing its own Zoning Code of Ordinances the Board has issued and enforced several removal orders for concrete driveway aprons.

**MOTION:**

Motion by unanimous consent to direct the Staff to issue the Removal Order as approved by the Town’s former Attorney (Ashley Lehocky) with a date certain for completion of the work.

- H. Discussion/Action: Town Board review and consideration of the Chair’s recommended appointments to the Joint Review Board for the Town of Clayton Tax Increment District #1

Chair Geise reported that he has recommended Dick Knapinski to serve as the Member At-Large for the Joint Review Board (JRB). The JRB will consider approval of Mr. Knapinski at its first meeting to be held June 27, 2019. Chair Geise also reported that he would like to appoint Administrator Johnston as the Town’s Representative for the JRB. Approval of the appointments by the Town Board is not statutorily required, but Chair Geise and Staff wanted the Town Board to be apprised of the appointments.

The Board agreed with the Chair’s selections for the JRB.

- VIII. Review of Disbursements
- IX. Review of General Fund Budget Update (Second Town Board meeting of the month):
- IV. Upcoming Meeting Attendance:
- X. Board Member Requests for Future Agenda Items

XI. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 8:03 p.m.

Respectfully submitted,  
Holly Stevens, Clerk