

**TOWN OF CLAYTON**  
Board of Supervisors  
Meeting Minutes  
7:00 p.m. on Wednesday, July 17th, 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 EXCUSED
- b. Staff
  - Administrator Johnston PRESENT
  - Asst Admin Straw PRESENT
  - Clerk Stevens EXCUSED
  - 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, July 3<sup>rd</sup>, 2019 Town Board Meeting

**MOTION:**

Motion by unanimous consent to approve the minutes from the Wednesday, July 3<sup>rd</sup>, 2019 Town Board Meeting.

- IV. Open Forum: NONE

- V. Correspondence:

- A. Winnebago County Solid Waste Management Board June of CY 2019 Recycling Tonnage Report.
  - B. Distribution of the Draft Minutes of the Town of Clayton, Joint Review Board Meeting of Thursday, June 27<sup>th</sup>, 2019.
  - C. Distribution of Plan Commission Resolution 2019-001 A Resolution Designating the Boundaries and Approving a Project Plan for Tax Incremental District #1, Town of Clayton, County of Winnebago, State of Wisconsin.

- 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 Combined Protective Services Department (First Meeting of the Month)
  - a. Clayton Fire Rescue Department
    - 78 calls year-to-date, 50 EMR, 21 Fire, 7 which were both
    - Chief Rieckmann will be attending the state MABAS conference September 12<sup>th</sup> through 14<sup>th</sup> in Stevens Point
    - Staff will be working with Fox Crossing Fire and the Town of Neenah Fire to jointly test all of our ladders on July 16<sup>th</sup>. Annual ladder testing helps our ISO fire rating.
    - On July 9<sup>th</sup> we received word back from the FBI denying our request for access to the CIIS (Criminal Justice Information System). Staff is working with the Town's Attorney to remedy the situation.
  - b. Clayton Fire Rescue First Responder
    - NO REPORT
  - c. Clayton Police Officer
    - Officer Zeinert will be in Omro for training July 11<sup>th</sup> and 12<sup>th</sup>
    - The Conducted Electrical Weapon (or taser) has been delivered
    - Officer Zeinert and Kaylin Van Stappen are working on organizing a touch-a-truck event at Clayton Park on September 14<sup>th</sup> from 11am to 3pm. They are inviting local fire departments along with local businesses to bring their trucks. This event will be featuring MDA (Muscular Dystrophy Association).
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administrative Comments
  - Engineer Miller
    - Finalizing the bid documents for the Cul de Sac ball at the eastern end of Westfield Ridge
    - Finalizing the bid documents for the CY 2020 Larsen Road and Winncrest Road projects to go out this fall for next spring start date
    - Working with staff to prepare legal descriptions for TID #1 boundary
  - Administrator Johnston
    - Working on Request for Proposals for the CY 2019 paving projects for Lind Lane, Park Lane Dr, and Country Woods Ct
    - Working on Request for Proposals for the 2<sup>nd</sup> lift of asphalt on the extension of Rose Moon Way and Rosemary Lane
    - Continuing to work on the development of the TID #1 documents
    - Working with the Chief to achieve access to the CIIS for Officer Zeinert
  - Assistant Administrator Straw
    - Continue working on Incorporation Submission Documents
    - Working with the Town's Treasurer, and financial advisors to secure financing for the Sanitary District projects
    - Continuing training of the Town's Treasurer
  - Chairman Geise
    - Continuing negotiations with neighboring municipalities
    - Draft agreement expected by the end of this week/early next week
    - Spoke with Mayor Hanna regarding the current negotiations

- Administrator Johnston added he had a conversation with Paula Vandehey regarding the City of Appleton’s sewer project and the upsizing of the city’s pipes.

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. Plan Commission recommendation to the Town Board on a Project Plan and Boundary for Town of Clayton Tax Increment District No. 1.

- Will be placed on the August 7<sup>th</sup> Town Board Meeting Agenda

NO ACTION WAS TAKEN

B. Plan Commission recommendation to the Town Board on Resolution 2019-001 Resolution Designating the Proposed Boundaries and Approving a Project Plan for Tax Incremental District #1, Town of Clayton, County of Winnebago, State of Wisconsin.

- Will be placed on the August 7<sup>th</sup> Town Board Meeting Agenda

NO ACTION WAS TAKEN

C. Plan Commission recommendation to the Town Board on a Winnebago County Sanitary Ordinance Amendment to Chapter 16.05 Holding Tanks: “Chapter 16.05 (f) property or structures served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district”.

- Administrator Johnston reviewed the procedure that is in place for new commercial construction regarding required permits for holding tanks when sewer is not immediately available
- Discussed the ordinance amendment and the impact the amendment would have on commercial development within the Town

NO ACTION WAS TAKEN

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. The Green Space Committee was cancelled due to a lack of a quorum.

X. Business:

A. 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 Administration would like to advise the Board that as a result of a notification oversight by the Administrator, the Board will need to re-approve Resolution 2019-008. Attached please find 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 has been working on the Cooperative Agreements with the listed Municipalities. Since these agreements will need to be approved 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. Should the Board wish to proceed with participation in the development of cooperative plans with the Town of Winchester, Town of Neenah, Town of Winneconne and Town of Vinland, a Motion with a Roll Call Vote would be in order to approve Resolution 2019-008 and to direct staff to bring the finalized agreements with the respective Towns to the Town Board as a common approval process.

**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:**

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

Motion carries 4-0, Supervisor Reif absent

B. Discussion/Action: Town Board review and consideration of the following Town of Clayton, Protective Services Department, Standard Operating Guidelines (SOG).

- a. Transportation of Prisoners
- b. Transportation of Civilians
- c. Juveniles
- d. Tornado Watch and Warning
- e. Execution of Warrants
- f. Firearms
- g. Off-Duty Firearms
- h. Racial Profiling
- i. Aerosol Defensive Tools
- j. Employee Computer Security

**MOTION:**

Motion made to approve the listed documents and to place them on file with the Department by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of Resolution 2019-009 A Resolution in support of a Winnebago County Sanitary Ordinance Amendment to Chapter 16.05 Holding Tanks: “Chapter 16.05 (f) property or structures served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district”.

The proposed Amendment to the County’s Code would allow the use of holding tanks in an area of an active Town Sanitary District or Incorporated Municipality’s Utility District that does not have pipes in the ground to serve the property. This Ordinance Amendment will allow for orderly development in anticipation of the extension of the sanitary sewer utility to the site. The Administration would strongly encourage the Board to support the proposed amendment to the County Sanitary Ordinance Amendment to Chapter 16.05 Holding Tanks: “Chapter 16.05 (f)”.

- Attorney LaFrombois asked for clarification on how the County Sanitary Ordinance Amendment would affect the development in the Town of Clayton
- Administrator Johnston described how the amendment would help the process using an example. The new business, Envision Ink, was required to apply for a variance for a holding tank and get State, County and Town approval because the Town does not have services extended to the area yet. Since the County issues sanitary permits, the amendment will allow for the County to issue a temporary holding tank permit until the sewer service is in place.

**MOTION:**

Motion by: Supervisor Lettau

Second by: Supervisor Schmidt

Motion to approve Resolution 2019-009 A Resolution in support of a Winnebago County Sanitary Ordinance Amendment to Chapter 16.05 Holding Tanks: “Chapter 16.05 (f) property or structures served is located within a mapped active Sanitary District or Incorporated Municipality where sewer has been installed but is not available to specific properties or structures located within the district.”

**ROLL CALL:**

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

Motion carries 4-0, Supervisor Reif absent

D. Discussion/Action: Town Board review, consideration, and direction to staff on a proposed Fire Department mailing to the Town’s residents. Attached please find a copy of a Memorandum from the Town’s Fire Chief relative to recruitment of volunteers for blood donations and the Fire Department. As the Chief has presented the problem with staffing volunteer Departments is not unique to the Town, the County, or the State. The Administration strongly supports the Chief’s request and would recommend that the Board allow the use of funds as specified in the Chief’s Memorandum.

- The Board directed staff to use the EDDM (every door, direct mail) and to allocate funds from the mileage line item in an amount not to exceed \$785.00. (\$260.00 to print the mailers and \$525.00 for the postage of the mailers)

E. Discussion/Action: Town Board review and direction to staff relative to a Legal Memorandum on Discontinuance of Medina Junction Road. Attached please find a copy of a Confidential Legal Memorandum from the Town’s Attorney. The Memorandum covers the legal requirements for vacating a public right-of-way by the governing body. Specifically, the Town Board was considering the possibility of vacating Medina Junction from its intersection with Pioneer Road to its intersection with North Loop Road. The section of road in question has been closed since the early spring rain events. The combination of the rain events and the location of the section of right-of-way in question (the road was built in a marsh) have destroyed the subgrade and running surface of the road. Staff has provided the Board with estimates for the cost of rebuilding the road base and running surface (see attached documentation). The Administration is respectfully asking the Board for direction relative to the repair or abandonment of the listed section of Medina Junction.

- Chair Geise discussed that prior Town Boards had tried to close this section of Medina Junction years ago and the Clayton Winchester Joint Fire Department Chief Mathison had convinced the Board at that time that the firefighters used that road for easy access to the Town of Clayton. There is no longer a Joint Fire Department and the reasoning is no longer valid.
- Town Board directed staff to create the resolution required to start the process of abandoning the road and place it on the August 7<sup>th</sup> Board Agenda.

F. Discussion/Action: Town Board review and consideration of a snow plowing route rationalization effort between the Town of Clayton and the Winnebago County Highway Commissioner.

The Administration has had a number of discussions with the Public Works Foreman (Mike) relative to how the Town plows its roads during the winter months. There are a number of areas in the Town where both Town and County plows cross paths outside of their respective jurisdictions. Mike has had a number of conversations with the John Growth at the Winnebago County Highway Commissioner’s Office relative to these issues. Attached please find a map that identifies a number of roads where it would be more efficient to have the Town or the County plow the other’s roads. The areas in question are Breezewood Lane west of STH “76”, Breezewood Lane between CTR “JJ” and Woodenshoe Road, and Clayton Avenue from Michaels Drive to Larsen Road, and Michaels Drive. The Administration is asking the Board for direction relative to creating an Intermunicipal Agreement between the Town of Clayton and the County of Winnebago for the proposed plowing changes.

- Town Board directed staff to create an Intermunicipal Agreement between the Town of Clayton and the County of Winnebago for the proposed plowing changes

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

XIV. Board Member Requests for Future Agenda Items

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 7:34 p.m.

Respectfully submitted,  
Tori Straw, Assistant Administrator