

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. on Wednesday, August 16th, 2017

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

I. Call to Order:

A. Notice, Verification, Roll

1. Town Board Chairman Geise called the meeting to order at 7:00 p.m.
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
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 p.m. on Wednesday, August 2nd, 2017.

MOTION:

Motion carried by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, August 2nd, 2017.

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

V. Correspondence:

- A. Winnebago County Solid Waste Management Board July 2017 Recycling Tonnage Report.

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

- A. County Supervisor Report
 - i. None
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - i. None

- C. Clayton Fire Rescue Department (First Meeting of the Month)
 - i. Chief Rieckmann written report
 - o 149 calls, year-to-date—14% decrease from same time period last year
- D. Larsen-Winchester Sanitary District
 - i. None
- E. Administration Comments
 - i. Engineer Mary Jo Miller
 - o WI DNR Permit Application for drainage ditch work between Oakwood Avenue and Pioneer Road is on the Agenda for discussion later in the meeting.
 - o The Bidding schedule for the Steckling project (Extension of Rose Moon Way) is on the Agenda for discussion later in the meeting.
 - ii. Administrator Johnston
 - o Public Works Department completed Jewel Drive Project
 - o Public Works started culvert replacements on Fairview Road by Olson’s Rest. The work will result in the closure of Fairview Road for 2-3 days.
 - o Public Works next project will be the culvert work on Breezewood west of County Road T.
 - iii. Chair Geise
 - o Chair Geise reported he, Administrator Johnston, and Plan Commission Chair Knapinski attended a meeting with the Village of Fox Crossing to discuss a border agreement. It is too preliminary to discuss details, but the meeting was encouraging.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. No New Applications
- B. Renewal:
 - i. No Renewals

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 4-Lot Certified Survey Map (CSM) Application submitted by Robert C. and Janece F. Schommer of 2728 Oakridge Road, Neenah, WI 54956 for property located on Larsen Road between STH “76” and Oakwood Avenue and specifically described as Tax ID# 006-0664 and Tax ID# 006-0669 being part of the West ½ of the East ½ of the Northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - Plan Commission Chair Knapinski reviewed the Plan Commission recommendation for approval of the 4-Lot Certified Survey Map with staff recommendations
 - Chair Knapinski noted the access to the lots is created by the developer building a road which aligns directly south of Lehrer Lane which will minimize the number of intersections along Larsen Road

MOTION:

Motion by unanimous consent to approve the 4-Lot Certified Survey Map submitted by Robert C. and Janece F. Schommer for Tax ID# 006-0664 and Tax ID# 006-0669 subject to staff recommendations as follows:

1. Subject to a Plan Commission recommendation to the Board on the access to Larsen Road.
2. The Surveyor providing the Town with a recorded copy of the CSM.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

B. Plan Commission recommendation to the Town Board on a 1-Lot Certified Survey Map (CSM) Application submitted by Robert C. and Janece F. Schommer of 2728 Oakridge Road, Neenah, WI 54956 for property located on Larsen Road between STH “76” and Oakwood Avenue and specifically described as Tax ID# 006-0664 being Part of the West ½ of the East ½ of the Northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski reviewed the Plan Commission recommendation for approval of the 1-Lot Certified Survey Map with staff recommendations.
- Chair Knapinski noted the access to the lots is created by the developer building a road which aligns directly south of Lehrer Lane which will minimize the number of intersections along Larsen Road

MOTION:

Motion by unanimous consent to approve the 1-Lot Certified Survey Map submitted by Robert C. and Janece F. Schommer for Tax ID# 006-0664 subject to staff recommendations as follows:

1. Subject to a Plan Commission recommendation to the Board on the access to Larsen Road.
2. The Surveyor providing the Town with a recorded copy of the CSM.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

C. Plan Commission recommendation to the Town Board on a 1-Lot Certified Survey Map (CSM) Application submitted by the Town of Clayton, 8348 CTR “T”, Neenah, WI 54947 for property owned by Petronila and Michael Van Nuland of 3093 Rose Moon Way, Neenah, WI 54956 and located on the western terminus of Rose Moon Way, and specifically described as Tax ID# 006-0670-02 being all of Lot 2 of Certified Survey Map 6930 being part of the Southeast, ¼ of the Northwest ¼, of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski reviewed the Plan Commission’s recommendation to approve the 1-Lot Certified Survey Map (CSM) Application submitted by the Town of Clayton, 8348 CTR “T”, Neenah, WI 54947 for property owned by Petronila and Michael Van Nuland.

MOTION:

Motion by unanimous consent to approve the 1-Lot Certified Survey Map submitted by the

Town of Clayton for property owned by Petronila and Michael Van Nuland subject to staff recommendations as follows:

1. That the Developer of the proposed extension of Rose Moon Way and the Town enter into a Developer’s Agreement for the construction and financing of the proposed extension of Rose Moon Way.
2. The Surveyor providing the Town with a recorded copy of the CSM.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):

A. Green Space Committee recommendation to the Town Board on Staff’s recommendations for the Town’s CY 2018 Budgetary items relating to the following:

- i. Clayton Park:
 - a. Enclose storm water management ditch between ball diamonds:\$ 3,500.00
 - b. Replace impact absorbing material in the playground area: \$41,000.00
 - ii. Trail Head Park:
 - a. Install drainage lines in the parking lot: \$ 5,000.00
 - b. Replace impact absorbing material in the playground area: \$32,000.00
 - c. Rebuild access loop around the park pavilion: \$ 3,000.00
 - iii. Friendship Trail:
 - a. Install screenings for the mile between the WIOWASH Trail and Pioneer Road. \$ 5,000.00
 - iv. Clayton Cemetery:
 - a. Rebuild the roads in the cemetery with_Screenings. \$10,000.00
 - v. Royer Cemetery:
 - a. Plat the unused portion of the Cemetery: \$ 5,000.00
 - b. Complete the additional repair work from the CY 2017 storm.
- Administrator Johnston reviewed the Green Space Committee’s discussion and recommendation to the Town Board for consideration in the CY 2018 budget, the projects as noted, with the modification of the Clayton Park impact absorbing material project reduced by minimizing the coverage area as much as possible while maintaining all safety standards and requirements; and with the elimination of the Trailhead Park impact absorbing material project until the performance of the material can be evaluated after installation and use at Clayton Park.

DIRECTION TO STAFF:

The Town Board directed staff to include the projects as recommended by the Green Space Committee in the CY 2018 preliminary budget planning for consideration.

X. Business:

- A. Discussion/Action: Town Board review and consideration of approving an Offer to Purchase 44.59 Acres +/- of land on the southwest corner of Shady Lane and Clayton Avenue specifically identified as Tax ID # 006-

0327-03 in the Town of Clayton, County of Winnebago, State of Wisconsin.

The Town's Electors have given the Town Board ongoing authorization to purchase property on the Clayton Avenue boundary with the Village of Fox Crossing. This authorization is subject to Town Board approval of the individual purchase(s). The Town Chair has directed staff to place the purchase of approximately 44.59 Acres +/- of land on the southwest corner of Shady Lane and Clayton Avenue specifically identified as Tax ID # 006-0327-03 in the Town of Clayton, County of Winnebago, State of Wisconsin. The purchase of this specific property is premised on trying to avoid the pending annexation of the site to the Village of Fox Crossing. The Board reviewed a copy of the Offer to Purchase for \$1,114,759.00, a copy of the Vacant Land Disclosure Report, and a copy of the Certified Survey Map identifying the property proposed to be purchased. The sellers have offered to sell the property with two equal payments, the first at Closing and the second 12-months from the date of the Closing at a 4% rate of interest. The Administration recommended that the Town accept the 2-payment option and borrow the funding for the purchase from the Board of Commissioners of Public Lands. In order for staff to take any action to fund the project, the Board needed to authorize the land purchase.

- Chair Geise noted the property is subject to annexation by the Village of Fox Crossing and that the purchase will help to protect our borders.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Reif

Motion to approve the purchase at cost of \$1,114,759.00 with the 2-payment option with the funding to come from a 10-year loan from Board of Commissioners of Public Lands.

Motion carried by unanimous voice vote

- B. Discussion/Action: Town Board review and consideration of Resolution 2017-006 A Resolution Levying a Final Special Assessment for Public Infrastructure constructed in the Plat of Whispering Meadows.

The Board reviewed copies of: a notice from the Developer waiving his rights to the Notice requirements of Wisconsin Statutes pursuant to 66.07 (b), a copy of Resolution 2017-006 A Final Resolution Assessing Public Improvement in the Whispering Meadows Development, a copy of the Record Drawings for the Development, and a copy of the Amortization Schedule for the Special Assessment Payments. The Administrator advised the Board that the Developer has asked for an interest only payment for the first year of the assessment schedule. The interest only payment does not change the 10-year timeline of the Assessment process, it simply increases the principal payments for the last 9 years of the process. By approving the Final Resolution, the Board makes the last step in levying the Special Assessments for the project. The first payment would be due with the CY 2017 Taxes payable in CY 2017/18. The Interest Rate on the Special Assessment is 3.10% or 50 basis points over the 2.60% the Town is paying on its CY 2014 Bond Issue; interest on the Special Assessments starts on January 1st, 2017. The payments are set at 1/10th of the principal plus interest on the declining balance for the Calendar Year. The Administration has provided a copy of the documentation to the Developer with notice that the Final

Resolution levying the Special Assessments on the referenced property will be considered at the Board’s Wednesday, August 16th, 2017 Meeting. The Administrator advised the Board that the Town will have to levy a separate Special Assessment Resolution for the final lift of asphalt for the project in CY 2018/19.

- Administrator Johnston explained the Board has two options for approval. The first being a 10-year special assessment with equal payments due each year; the second being an interest-only first year payment with nine equal payments in the consecutive years.
- Supervisor Reif expressed concern about setting a precedent by allowing the interest-only first year payment. He noted there are other current development projects in the Town and he does not want to open the door for special provisions.
- Chair Geise stated that other developers will be asking for a lot more in the future, such as TIF districts and similar provisions. He noted that the Board demonstrating flexibility will encourage development.
- Mark Luebke, Whispering Meadows, LLC, noted that the reason for the interest-only first year payment would potentially allow for the LLC to pay for the second lift of asphalt rather than having to special assess it.
- Attorney Lehocky explained to the Board that the decision they were making is a business decision, not a legal decision, and therefore, they are able to treat each situation on a case by case basis.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Resolution 2017-006 with a payment-in-full due date of November 1, 2017, and to direct staff to record the Assessment with the County and to place the Assessment on the Property Tax Bills as needed, with the first-year being an interest-only payment.

ROLL CALL VOTE:

Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Chair Geise	Aye
Supervisor Reif	No
Supervisor Lettau	No

Motion carried with a vote of 3-0.

- C. Discussion/Action: Town Board review and consideration of authorizing the replacement of the Clayton Fire Rescue Department Brush Rig with a multipurpose Quick-Response Vehicle.

The Board reviewed a proposal prepared by staff to purchase and equip a Quick-Response Vehicle for the Clayton Fire Rescue Department and a copy of the Town Attorney’s opinion on the proposed vehicle as it relates to the NFPA Standards. Staff explained that in addition to being a Quick-Response Vehicle the unit would replace the Command Vehicle and the Flatbed that transports the Department’s six-wheeler. Both of these

vehicles have reached the end of their useful lives and are starting to generate significant maintenance costs. Staff is proposed to replace the Command vehicle with a CY 2017 Ford F550 Crew Cab that will be outfitted with an Ultra High-Pressure Pump and related firefighting water delivery system. Additionally, the unit will have the equipment needed to provide emergency rescue and First Responder services. Staff proposed replacing the Flatbed with a trailer that would be towed by the Quick-Response vehicle. The Board reviewed a list of equipment and related costs. The \$148,478.56 cost of the vehicle and related equipment is divided into a 2-year purchase program, the CY 2017 allocation is \$116,048.56 and the CY 2018 allocation is \$32,430.00 for a total cost of \$148,478.56. Staff noted that earlier in CY 2017, the Town Board allocated \$100,000.00 of the Town's CY 2016 Fund Balance Carryover to the purchase of a quick-response vehicle for the Department. In order to fully fund the vehicle, the Board would need to allocate an additional \$50,000.00 to the project in CY 2018. If the project is authorized as presented, the Administration will fund the additional \$50,000.00 in the Town's CY 2018 Capital Replacement Budget. Chief Scott Rieckmann (Chief) was at the Board's meeting to review and explain the details of the proposed Quick-Response Vehicle and the related equipment. The Administration advised the Board that the Chief has been asked to look into the future and make the Department as efficient as possible with equipment that is capable of providing the best services to the Town and its residents at the most reasonable costs. In order to accomplish this goal, the Chief may take some risks with new technology that is not yet mainstream in the Fire Fighting Community. This is one of the risks of being at the leading edge of technology and not in the safe mainstream.

MOTION:

Motion by unanimous consent to approve the purchase of a Quick-Response Vehicle as presented at a cost not-to-exceed \$148,478.56 with the funding to come from the Town's CY 2017 and CY 2018 Fire Department Capital Replacement Account.

- D. Discussion/Action: Town Board review and consideration of authorizing the Town Chair and the Town Administrator to negotiate a CY 2018 Contract renewal with the General Teamsters Union Local 662 for the Town's Public Works Department.

The Board reviewed a copy of the Teamsters General Union Local 662 CY 2018 Contract Extension Proposal, as well as the Union's request for a CY 2018 Wage Increase that include the allowable CPI increase and a reclassification of the Town Public Works Positions. Since the Union has chosen to negotiate changes to the Town's existing Contract, the Administration is recommending that the Board authorize the Town Chair and the Town Administrator to negotiate a Contract proposal with the Union that is subject to the approval of the Town Board.

- Supervisor Lettau inquired as to the Union employees having received pay increases over the past few years. Administrator Johnston confirmed they have according to the current Union contract.

MOTION:

Motion by Supervisor Grundman
Second by Supervisor Schmidt

Motion to authorize the Town Chair and the Town Administrator to negotiate a Contract Agreement with the Teamsters Union Local 662 Employees that is subject to approval by the Town Board prior to ratification.

Motion approved by unanimous voice vote

- E. Discussion/Action: Town Board review and consideration of a County recommendation to correct the address numbering for Hickory Hill Road located off of the south side of Shady Lane east of Center Road.

Administration advised that as a private road, the housing units on Hickory Hill Road are numbered sequentially as if they were on the south frontage of Shady Lane. The Administration informed the Board that it is aware of at least two occasions when this condition has delayed emergency response because the first responders were not familiar with the condition and could not easily identify the housing unit with the emergency. Staff explained that correcting this condition will be inconvenient for the residents on Hickory Hill Road, however, the County is asking the Town to correct this condition. The Board reviewed a copy of E-mail correspondence from Dave Levine, Winnebago County GIS Specialist, providing a map of Hickory Hill Road and the corrected addresses for the residential units in question. In Mr. Levine's e-mail he proposed to give the residents approximately 2-months to change their addresses. Because of the delay in the Town acting on this process the Administration proposes that the Town Board allow the residents until January 15th, 2018 to change their addresses. The reason for the longer timeline is because of the coming holiday season. Additionally, staff requested the Board direct staff on how the project should be paid for; specifically, who will pay for the new address signs?

- Chair Geise noted that the address changes needed were not the result of any action by the property owners, and since they have already paid for the signs which were originally assigned to them, he was inclined to have the Town carry the burden of the correction which would be approximately \$250.00.

MOTION:

Motion by unanimous consent to approve the proposed address changes with the Town of Clayton carrying the burden of the cost and to have staff work with the residents to complete the project with a deadline of January 15, 2018.

- F. Discussion/Action: Town Board review and consideration of updating the Town's Copier/Printer Lease with Modern Business Machines.

The Town's 48-month Copier/Printer Lease with Modern Business Machines (MBM) will be ending in approximately 10 months. Staff has been presented with an option by MBM to replace the existing copier/printer unit with a new unit at a cost savings to the Town. The greatest savings, approximately \$78.00 per month, would come from a 60-month lease. The Administration considers the copier/printer an ongoing expense and any opportunity to generate a savings on comparable devices should be taken advantage of. The Board reviewed the proposal from MBM identifying the related cost savings. The Administration recommended that the Board stay with MBM because of the quality of service received during past leases.

MOTION:

Motion by unanimous consent to approve a 60-month Copier/Printer with MBM as presented.

- G. Discussion/Action: Town Board review and consideration of Credit Card Use Policy for Town Employees using Town issued credit cards.

The Board reviewed a Draft copy of a Credit Card Use Policy for Town Employees using Town issued credit cards. The Town has always purchased fuel from a number of local providers using the firm’s credit system. The Administration has used this system because of the limited use of the credit system (the Public Works Department). As the Town has increased the use of credit cards by creating additional departments, and as the Town has started doing significant on-line purchasing to reduce costs, it has become apparent that a Credit Card Policy is needed. Evidence of these changes can be seen in the Town’s use of staff using their personal credit to make a purchase and refunding those costs to the individual. Staff advised the Board that in order to fully implement the cost savings process the Town will need to open a credit card account with its banking services provider.

MOTION:

Motion by unanimous consent to approve the draft Credit Card Use Policy and to direct staff to have the Town’s Employees sign a copy of the Policy prior to issuing a credit card to the employee, and to establish a credit card account through its banking service provider.

- H. Discussion/Action: Town Board review of an update on the schedule for the bidding of the Steckling Development on the western terminus of Rose Moon Way in the Plat of Strawberry Estates.

The Administration updated the Board on the progress on the Developer Funded extension of the western extension of Rose Moon Way. The Board reviewed a copy of an e-mail from the Town’s Engineer outlining the process and the timeline for engineering and bidding the project. Staff noted that the next point where the Board will have to take any action is the awarding of the project to the low bidder subject to the Developer’s Agreement with the Town. Funding for the project will come from a Developer’s escrow account covering the costs of construction plus a 10% contingency.

NO ACTION WAS TAKEN

- I. Discussion/Action: Town Board review of an update on the schedule for the Town’s Permit Application to the State Department of Natural Resources for Dredging the Navigable Waterway between Oakwood Avenue and Pioneer Road north of CTH “II” and south of the Canadian National Railroad Tracks in the Town of Clayton.

The Board reviewed a copy of the Town’s Department of Natural Resources (DNR) General Permit Application. The Administration informed the Board that it is comfortable with the Application text; however, it requested that the Board should review the text prior to submittal to the DNR. The Town’s Engineer briefly reviewed the application and

explained that it included a description of the work the Town would like to have done in the drainage course, but, she explained, that the DNR will review the project and if a permit is approved, it will specifically define for the Town, what can and cannot be done.

- Patricia Fischer, 8685 Oakwood Avenue, asked to address the Board regarding the project. Her comments reviewed her understanding of the impetus of this project, as well as, her belief that the proposed work will not improve the drainage, but will instead adversely affect the area’s natural wetlands. She requested the Board reconsider the proposed work.
- Rich Fischer, 8685 Oakwood Avenue, also addressed the Board and reiterated his wife’s comments. He added that he has physically walked the drainage course and feels there are no significant issues which the proposed work would remedy. He challenged the Board, the Town Engineer, and the Administrator to revisit the issue.
- Chair Geise thanked the Fischer’s for their comments. He explained the action which the Board is considering at this point is to simply submit the application to the DNR in an effort to clarify exactly what work they determine is necessary and allowable.

DIRECTION TO STAFF

The Board directed Staff to submit the application to the DNR as presented.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance:

Scheduling of the Town’s CY 2018 Budget Workshop Meetings.

The Board discussed availability and decided to hold budget workshops from Noon to 2:00 p.m. on the four Tuesdays in September (Sept. 5th, 12th, 19th, and 26th); and if necessary, a fifth workshop will be scheduled in October.

- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:33 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk