

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 p.m. on Wednesday, September 5, 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 Vice Chairman Reif 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
Asst Admin/Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney –	ABSENT

II. Public Hearing(s) and/or Public Information Meeting(s):

A. No Public Hearings

III. Approval of Minutes:

A. Approval of the Wednesday, August 15, 2018 Town Board Meeting Minutes.

**MOTION:**

Motion by Supervisor Lettau

Second by Supervisor Grundman

Motion to approve the August 15, 2018 minutes of the Town Board Meeting as presented.

Motion carried by a 4-0 vote with Chairman Geise Abstainng.

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

Dallas Cross, 8657 Clayton Avenue

- Shouldering on Clayton has washed away or eroded causing edges to break away
- Requested gravel shouldering work be done

Administrator Johnston

- Water and Sewer Utilities may affect when and what will get done
- Maintenance work will not get done anymore this year

Aaron Klockzein, 2757 County Road II

- Drainage Course has not been properly maintained by property owners creating water back-up on his property
- Requested the Town clean the drainage course

Chairman Geise

- Explained the Town is not able to work on private property

Administrator Johnston

- Suggested contacting WI DNR regarding navigable waterway
- Suggested filing a Weed Complaint

V. Correspondence:

- A. Copy of a letter from the General Teamsters Union Local 662 requesting a CY 2019 Contract renewal meeting.
- B. Copy of correspondence from the Winnebago County Solid Waste Management Board.
- C. Copy of correspondence from the East Central Wisconsin Regional Planning Commission on the update of the Winnebago County 2019 – 2023 Comprehensive Outdoor Recreational Plan.
- D. Copy of an E-mail from the Winnebago County Treasurer on DOT properties in the Town.
- E. Copy of the July 2018 Winnebago County Solid Waste Management Board Recycling Tonnage Report.

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
  - 116 calls year-to-date, 66 EMR, 34 Fire, 14 that were both
  - Chief was deployed for swift-water rescues in southwestern Wisconsin
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administration Comments  
Mary Jo Miller, Engineer
  - Highland Woods is too wet—suspended work until site dries
  - Navigable waterway between Oakwood and Pioneer is in process of requesting estimates from contractors—will be on a future agenda

Administrator Johnston

  - Developing 2019 budget proposal
  - Dealing with many, many water issue calls

Deputy Clerk Stevens

  - Received call from resident whose contractor would not pour a concrete driveway apron—the word is getting out regarding ordinance enforcement

Chairman Geise

- Many water issue calls also
- The Town is doing what they are able to minimize the problems

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Haylle J. Hurley
  - ii. Emily R Mangin
- 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 second reading and consideration of a Draft Construction Site Erosion and Sediment Control Ordinance (CHAPTER 7, Section 7.10) for the Town of Clayton.

The Board reviewed a draft copy of the Construction Site Erosion Control Ordinance which will allow the Town to control the erosion control function locally. The Building Inspector would be assigned the responsibility for permitting and enforcement with the fee retained by the Town. The Towns of Vinland and Winneconne will have the same option should they approve the same type of Ordinance. The benefit to the Town is more active enforcement and the benefit to the public is lower fees than those charged by the County.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Schmidt

Motion to waive the reading of the Ordinance and approve the Ordinances as presented.

**ROLL CALL VOTE:**

Supervisor Grundman	Aye
Supervisor Schmidt	Aye
Supervisor Lettau	Aye

Chairman Geise	Aye
Supervisor Reif	Aye

Motion carried with a 5-0 vote.

- B. Discussion/Action: Town Board second reading and consideration of a Draft Post Construction Site Erosion and Sediment Control Ordinance (CHAPTER 7, Section 7.11) for the Town of Clayton.

The Board reviewed a draft copy of the Post Construction Site Erosion Control Ordinance which will allow the Town to control the erosion control function locally. The Building Inspector would be assigned the responsibility for permitting and enforcement with the fee retained by the Town. The Towns of Vinland and Winneconne will have the same option should they approve the same type of Ordinance. The benefit to the Town is more active enforcement and the benefit to the public is lower fees than those charged by the County.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to waive the reading of the Ordinance and approve the Ordinances as presented.

**ROLL CALL VOTE:**

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

Motion carried with a 5-0 vote.

- C. Discussion/Action: Town Board second reading and consideration of the rescission in its entirety and recreation of the Town’s Weed Ordinance (CHAPTER 4, Section 4.10) for the Town of Clayton.

The rescission and recreation of the Town’s Weed Ordinance was prompted by staff not being able to find a signed copy of the original Ordinance. In order to correct this issue, the Administration has elected to go through the process of rescission and recreation so that the Town has a clear and accurate paper trail to support the enforcement of the Ordinance.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to waive the reading of the Ordinance and approve the Ordinances as presented.

**ROLL CALL VOTE:**

Supervisor Reif	Aye
Supervisor Lettau	Aye

Chairman Geise	Aye
Supervisor Grundman	Aye
Supervisor Schmidt	Aye

Motion carried with a vote of 5-0.

- D. Discussion/Action: Town Board review and consideration of a proposal from the Teamsters Local 662, Central States Health Plan to provide Health Insurance to the Town’s Employees under the Welfare M9 benefits plan for CY 2019.

The Board reviewed a copy of the Teamsters Local 662, Central States Health Plan Contract renewal information. The CY 2018 weekly premium is \$322.30 per regular full-time employee, the CY 2019 weekly premium will be \$335.20 per regular full-time employee representing an increase of \$12.90 per regular full-time employee per week. The Town has an 80/20 Health Insurance Payment Policy. Staff is using this Policy to calculate the Town’s Health Insurance Costs during the CY 2019 budgeting process.

**MOTION:**

Motion by unanimous consent to approve the Teamsters Local 662, Central States Health Plan to provide Health Insurance to the Town’s Employees at a weekly cost of \$335.20 per regular full-time employee and to affirm the 80/20 Health Insurance Payment Policy.

- E. Discussion/Action: Town Board review, consideration, and direction to staff on an update to the proposed jurisdictional transfer of CTR “T” from its intersection with Pioneer Road to its intersection with CTR “II” from the County to the Town and the jurisdictional transfer of Pioneer Road from its intersection with CTR “T” to its intersection with CTR “II” from the Town to the County.

The Board reviewed a Draft copy of the agreement provided by the Winnebago County Highway Commissioner, Ray Palonen, for the jurisdictional transfer of CTR “T” from its intersection with Pioneer Road to its intersection with CTR “II” from the County to the Town and the jurisdictional transfer of Pioneer Road from its intersection with CTR “T” to its intersection with CTR “II” from the Town to the County. Ultimately, the Town would become responsible for the referenced segment CTR “T” and the County would be come responsible for the referenced section of Pioneer Road. Prior to the jurisdictional transfer the County would pulverize and pave CTR ”T” and provide a guarantee on the bridge and culvert with the unincorporated hamlet of Larsen. An additional benefit to the Town would be not having to reconstruct Pioneer Road from CTR “T” to CTR “II” at an estimated cost for a full reconstruction of approximately \$1,000,000.00.

The Administration was directed by the Board to obtain project cost estimates from the County. The County is willing to do any additional work as part of the project, however, the costs of the additional work would be borne by the Town. The Board reviewed copies of maps outlining the minimum and maximum options for improvements the Town Board requested estimates for

1. The estimated cost to rationalize the intersection of CTR “T” and Grandview Road, and pulverize and pave Grandview from its intersection with CTR “T” to Moeser Lane are \$450,000.00 including engineering.
2. The estimated cost to replace the existing sidewalk and urbanize (curb, gutter, storm sewer and sidewalk) the area of CTR “T” from the large culvert south of the asphalt plant to the existing bridge and Grandview Road from CTR “T” to Moeser Lane are 2.45 million including engineering.

Please be advised that these costs are estimated on the high side and should be used only for planning purposes, the actual costs would be available when the engineering is complete and the work scheduled.

- Administrator Johnston noted that the bids were extremely high and he would recommend the Board have the County complete the pulverizing and paving on County Road T and guarantee the culvert and bridge, and then once completed, the Town could do the additional work using private contractors.
- Supervisor Reif noted that he has never seen the County perform any type of ditching maintenance along County Road T and that he would like to see the ditching done by the County as well.
- Administrator Johnston also noted that the County’s agreement with Northeast Asphalt to maintain the section of road which they use to cross between their properties should be confirmed as transferring to the Town.

**DIRECTION TO STAFF:**

The Board directed staff to request the ditching work along County Road T be included with the County’s repaving project prior to the jurisdictional transfer; to find out the number of years the bridge and culvert will be guaranteed for; and to confirm that the Northeast Asphalt agreement will in fact transfer to the Town.

- F. Discussion/Action: Town Board review and consideration of approving a Scope of Service Agreement with the Town’s Engineering Firm for a Wetland Delineation and Stream Navigability Determination for Town owned property located on the southwest corner of Clayton Avenue and Shady Lane and specifically identified as Tax ID# 006-0327-03, and Tax ID# 121-0210-079 (in the Village of Fox Crossing).

Town staff is working on the Town’s Sanitary District #1 development project which includes the referenced Town owned property. In order to develop the property, there are a number of steps the Town will need to take relative to the site. Specifically, the Town will need to complete a wetland delineation of the property including a Letter of Concurrence from the Department of Natural Resources (DNR) and a navigability determination of the waterways on the property from the DNR. In order to facilitate the development of the property these activities should be completed by fall of CY 2018. The Administration has asked the Town’s Engineer to complete the work on the site with the expectation that development on the site will start early in CY 2019. The costs for completing the work is \$10,550.00. Please be advised that the cost of this project is driven by the need to complete site work while the corn crop is still in the ground.

**MOTION:**

Motion by unanimous consent to approve the Proposal submitted by the Town's Engineer at a cost of \$10,550.00 with the funding for the project to come from the Town's Rental Proceeds Account.

- G. Discussion/Action: Town Board review and consideration of approving a Scope of Service Agreement with the Town's Engineering Firm for conceptual design, construction cost estimates, permitting, bid documents and bidding for a Regional Stormwater Pond in the area of STH "76" and Breezewood Lane.

The Board reviewed a copy of the Town Engineer's proposal and a map showing a possible location for the proposed storm water management pond. The proposal has two prices, the first is \$17,400 plus reimbursables for a conceptual design and construction cost estimates, the second is \$8,500.00 for permitting, the preparation of bid documents, and bidding. As part of the Town's MS4 Grant from the State Department of Natural Resources (DNR) and previous research on the drainage issues in Oakcrest Manor, staff has proposed a regional storm water management pond in the area of STH "76" and CTR "JJ." Specifically, the pond would likely go on the northeast corner of the Gehrt property. The purpose of the proposed regional storm water management pond is twofold. First it will provide storm water management to the development on the northeast corner of STH "76" and CTR "JJ" rather than using many small ponds on each development site. Second, the pond will control the flow of water as it goes downstream toward the Oakcrest Manor neighborhood. In order to recover the land, engineering, and construction costs of the storm water management device the Town would charge a connection fee to each development that benefits from the use of the device. Once the Board has an understanding of the design and cost estimates staff can negotiate the easements and prepare a use assessment process for the Board to approve.

**MOTION:**

Motion by unanimous consent to approve the Proposal submitted by the Town's Engineer at a cost of \$17,400.00 plus reimbursables for phase 1 and \$8,500 plus reimbursables for phase 2 with the funding for the project to come from the Town's Storm Water Management Utility Budget.

- H. Discussion/Action: Town Board review and consideration of approving a Scope of Service Agreement with the Town's Engineering Firm for Surveying Services and Geotechnical Investigation for the Town's planned CY 2019 reconstruction and repaving of Larsen Road from STH "76" to CTR "T".

The Board reviewed a copy of the Town Engineer's proposal Surveying and Geotechnical Investigation of the CY 2019 Larsen Road Reconstruction Project. The proposal has a price of \$10,300.00 and will provide the basis for the engineering needed to complete the Larsen Road project in CY 2019. For financial reasons the Town has postponed this project for the past 2 years. Should the Town Board opt to postpone the project for a third year the proposed work would still be viable for engineering the project at a later date. However, Staff advised the Board that the Town will need to start working on its 5-Year

Capital Reconstruction Plan fairly soon or it runs the risk of having the Town’s roads deteriorate to the point where it will need to borrow a significant amount of money in order to fund a number of road projects at the same time.

**MOTION:**

Motion by unanimous consent to approve the Proposal submitted by the Town’s Engineer at a cost of \$10,300.00 plus reimbursables with the funding for the project to come from the Town’s General Fund Budget, Public Works, Engineering Line Item.

- I. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2017-009 A Resolution Creating a Statutorily required list of Appointed Election Poll Workers for the CY 2018/19 election cycle to add the following to the list of approved poll workers:
  - i. Gregory J. Wolf, 3021 Windfield Drive, Neenah, WI, 54956.
  - ii. Elizabeth A. Gumtow, 3544 Golden Harvest Drive, Neenah, WI, 54956.
  - iii. Wanda M. Graham, 3217 Fondotto Drive, Neenah, WI, 54956.
  - iv. Gay Lynn Wolf, 3021 Windfield Drive, Neenah, WI 54956.

The Board reviewed a copy of Resolution 2017-009, as approved by the Board: Resolution 2017-009 is the Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. The Board also reviewed a copy of the added. The additional Poll Workers on the list are recommended for addition by staff. As in the past, both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve the addition of the listed names to Exhibit A of Resolution 2017-009 a Resolution Creating an Election Poll Worker List for CY 2018 and CY 2019 election cycle as presented.

**ROLL CALL VOTE:**

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

Motion carried by a vote of 5-0

- J. Discussion/Action: Town Board review and consideration of a Town of Clayton Incorporation, Preliminary Schedule of Town Incorporation Activities.

The Board reviewed a copy of a schedule of activities relating to the Town’s Incorporation Petition prepared by the Bill Forrest (Bill) of Forrest and Associates, the Town’s Incorporation Consultant. The proposed schedule has two Public Informational Meetings. Staff has been asked on many occasions if the Town intended to have such informational meetings. The Administration is recommending that the Board authorize a mass mailing advising residents of the location of the meetings, and the times of the meetings. These mailings would go to both residents of the proposed village and the residents of remnant Town. Bill and staff would be in attendance at the Public Informational Meetings. Additionally, the Town Board, the Town’s legal counsel, and appointed officials should be in attendance for information gathering purposes. The other scheduled items are for the most part procedural and fixed by State Incorporation Statutes.

**MOTION:**

Motion by unanimous consent to approve the schedule and direct staff to select a venue and to schedule the Public Informational Meetings; and for staff to complete and submit the required incorporation documentation as scheduled.

- XI. Town Board Reorganizational Business:

- A. Board Appointments

- a. Town Attorney:
  - i. Attorney Ben Lefrombois

**MOTION:**

Motion by unanimous consent to approve Attorney Ben Lafrombois as Town’s Counsel

- XII. Review of Disbursements

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

- XIV. Upcoming Meeting Attendance: NONE

- XV. Board Member Requests for Future Agenda Items

- Staff requested the Board members bring their calendars/schedules to the next meeting in order to schedule Budget Workshops
- Budget Workshops were scheduled from 10:00 a.m. to Noon on the following dates:

Tuesday, September 18, 2018

Tuesday, September 25, 2018

Tuesday, October 2, 2018

Tuesday, October 9, 2018

The Special Electors Meeting to approve the Levy being tentatively scheduled for Wednesday, October 17, 2018.

XVI. Adjournment:

**MOTION:**

Motion made by unanimous consent to adjourn at 8:13 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk