

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, September 18th, 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 EXCUSED
      - 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, September 4th, 2019 Town Board Meeting.

- Supervisor Grundman noted a correction on page 1 stating it should indicate the Vice Chair called the meeting to order rather than the Chairman who had been absent from that meeting.

**MOTION:**

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve the Minutes of the Wednesday, September 4<sup>th</sup>, 2019 Town Board Meeting with the correction as noted.

Motion approved with a vote of 4-0 with Chair Geise abstaining

IV. Open Forum: No Requests

V. Correspondence:

- A. Information on road weight limits provided by Lang Enterprises, Inc., one of the Town's sign providers.
- B. Distribution of the Minutes of the July 25<sup>th</sup>, 2019 Oshkosh Public Library Board Meeting.
- C. Winnebago County CY 2019 August Recycling Tonnage Report.

- D. Report on the Winnebago County Solid Waste Surplus Commodity Revenue Ballot Results and CY 2020 Solid Waste and Recycling Tipping Fees.
- 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
      - 110 Calls year-to-date, 67 EMR, 34 Fire, 8 both EMR and Fire
      - Chief attended MABAS Conference
      - Chief Rieckmann is requesting approval to purchase the breathing apparatus (SCBAs) needed by the Department. If a purchase is made prior to October 9<sup>th</sup>, the equipment will be delivered yet this calendar year. The Department is working with the Town of Neenah and the Seymour Fire Department to purchase together in order to get quantity discounts
      - The Community Blood Drive held September 3<sup>rd</sup> showed poor turn-out. One more drive is scheduled for November 5<sup>th</sup> and if turn-out does not improve, they will not schedule local drives for next year.
    - b. Clayton Fire Rescue First Responder
    - c. Clayton Police Officer
      - Received FBI approval to access to their system
      - Officer Zeinert is reviewing and testing Radar versus Lidar systems
      - Staff placed traffic counters for one week on north Loop Road east of the Winchester Town line and on Pioneer Road near the intersection with Median Junction Road. On North Loop, there was a recorded average of 93 cars per day; on Pioneer, there was a recorded average of 184 per day; and earlier this year, when placed on Larsen Road near Cavendish, there was a recorded average of 1,588 cars per day.
  - D. Larsen-Winchester Sanitary District
    - NO REPORT
  - E. Administrative Comments
    - Engineer Miller
      - Nothing new at this time
    - Assistant Administrator Straw
      - Continuing development of 2020 Budgets
      - Continuing to work on the submission documents for the Incorporation
      - Working on final TID forms for submission to WI DOR
    - Clerk Stevens
      - Recruiting Election Workers for the 2020-2021 election cycle.
      - With 2020 being a Presidential Election year, more workers will be needed.
      - Requested the Board actively recruit workers as well if possible
    - Supervisor Schmidt
      - Received notification that the intersection of Larsen Road and County Road CB would be opening yet this week
    - Chair Geise
      - Noted the Greenville incorporation petition failed but they have the opportunity to resubmit with a new boundary for the proposed village.

- Reported that he and Vice Chair Reif met with the Village of Fox Crossing regarding the negotiations for utility services and the related matters
- Both sides have made concessions but it appears an agreement is close and will be presented to the full Board soon

VII. Operator Licenses Issued by the Town Clerk:

- A. New: No Licenses Issued
- B. Renewal: No 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 Re-zoning Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317-01 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-2 (Suburban Residential District) and A-2 (General Agricultural District) to I-2 (Heavy Industrial District).

- Plan Commission Chair Knapinski reported the business had been brought forward from August in order to correct minor issues
- The Plan Commission held the required Public Hearing—no objections or comments were presented
- Plan Commission unanimously recommend approval of the rezoning to the Town Board
- Business on the Board's agenda later in the meeting for consideration and action

**NO ACTION TAKEN**

B. Plan Commission recommendation to the Town Board on a CSM for Craig J. & Lisa L. Lang Riegel 3692 Forrest Heights Lane, Neenah WI, 54956, for properties located at 3692 and 3680 Forest Heights Lane, Neenah, WI 54956, specifically identified as (Tax ID# 006-1350-00 and 006-1351-00), Lots 14 and 15 of the Plat of Highland Wood, being a part Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski noted the CSM had received Plan Commission and Town Board approval in 2010 but neither the property owner nor the surveyor recorded the document with the County
- Due to the age of the document, Winnebago County is requiring a new review in order to confirm compliance with all Town regulations
- Document is compliant and the Plan Commission unanimously recommends approval contingent upon the signatories being updated to reflect current staffing

**MOTION:**

Motion by unanimous consent to approve the CSM submitted by Craig & Lisa Lang Riegel 3692 Forrest Heights Lane, Neenah WI, 54956, for properties located at 3692 and 3680 Forest Heights Lane, Neenah, WI 54956, specifically identified as (Tax ID# 006-1350-00 and 006-1351-00), Lots 14 and 15 of the Plat of Highland Wood

## 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—the Wednesday, September 11, 2019 Green Space Committee was cancelled due to lack of a quorum.

## X. Business:

- A. Discussion/Action: Town Board review and consideration of a request by the Drifters Snowmobile Club for sanitary sewer (Larsen-Winchester Sanitary District) and water services (Town of Clayton Municipal Well) to their facility located on Municipal property with the following address, 8348 CTR “T”, Larsen WI 54947.

The Drifters asked Town staff for permission to install a holding tank and a well on Town property to serve their equipment storage and maintenance facility. The Larsen-Winchester Sanitary District (District) has denied the Drifters request for a sanitary holding tank. This action requires that the Drifters access the District’s facilities by connecting to the Town’s sanitary sewer lateral. The Administration has indicated that it will not recommend that the Drifter’s be allowed to sink a new well on municipal property. Approving a new well on Municipal property to serve the Drifters facility will make the Town liable for the maintenance of the well and any possible failure of the well over time. Since the Town’s facility already has two wells, it would make more sense for the Drifters to be allowed to connect to an existing well. The Board reviewed an aerial view of the Town’s Municipal Facility with the proposed locations for the sanitary sewer and the water lines. The identified locations would be used to service the Drifters facility located at the east end of the municipal facility, 8348 CTR “T”, Larsen, WI. Relative to the sanitary sewer facilities, the most direct connection is to the lateral adjacent to the Trail Head rest rooms. The district requires metering and billing for the use of their facilities. Specifically, the water use is metered and the sanitary sewer billing is based on the amount of water used. The quarterly billing for the utility service would go directly to the Drifters Snowmobile Club. The installation of the sanitary sewer lateral would destroy the old pavement surface of the parking lot. The disturbed area would be graveled until the parking lot is repaved. The Drifters will replace the disturbed area of the newer parking lot with concrete pads that would serve the Fire Department storage facility and the Town’s sign shop. The Town would cost-share the concrete pad that is used to store the trailer which is owned jointly by several of the area Fire Departments. Relative to the water service the most direct connection would be to the well on the south side of the Municipal Building. The water line would be installed (buried) along the Town’s south property line and then north along the east side of the Lions and Drifters facilities, the cost of the water line extension would be paid for by the Drifters. The existing well pump

is powered by the Town’s facility as would be the Drifters pump. The cost of powering the pump would be billed to the Town.

**MOTION:**

Motion by unanimous consent to authorize the proposed project requested by the Drifters Snowmobile Club for sanitary sewer (Larsen-Winchester Sanitary District) and water services (Town of Clayton Municipal Well) to their facility located on Municipal property as presented.

- B. Discussion/Action: Town Board review and consideration of an Intermunicipal Agreement for Fire Department Automatic Aid between the Town of Clayton and the Town of Winchester.

The Board reviewed a draft copy of an Intermunicipal Agreement for Fire Department Automatic Aid between the Town of Clayton and the Town of Winchester. The Town’s Fire Chief, Scott Rieckmann and the Town of Winchester Fire Chief, Tom Forbes (Tom) have developed and agree on the scope of services outlined in the proposed Intermunicipal Agreement. Additionally, the proposed Intermunicipal Agreement mirrors the Intermunicipal Agreements the Town of Clayton has with the other Departments that are located adjacent to the Town’s boundaries. The Administration supported Scott’s efforts to obtain these Intermunicipal Agreements and recommended that the Town Board approve the Intermunicipal Agreement for Fire Department Automatic Aid between the Town of Clayton and the Town of Winchester as presented subject to the Winchester Town Board approving the same Intermunicipal Agreement.

- Chair Geise noted the new Town Board for Winchester is much more receptive to intergovernmental cooperative agreements, and automatic aid agreements are particularly important to providing the best possible protections for residents.
- Assistant Administrator Straw noted that Chief Rieckmann spoke with Chief Forbes and the Winchester Tender is currently out of service and as a result, the automatic aid will include immediate dispatch of a Clayton Tender to calls requiring the equipment.

**MOTION:**

Motion by Supervisor Reif

Second by Supervisor Schmidt

Motion to approve the Intermunicipal Agreement for Fire Department Automatic Aid between the Town of Clayton and the Town of Winchester as presented subject to the Winchester Town Board approving the same Intermunicipal Agreement.

**ROLL CALL VOTE:**

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

Motion carries with a 5-0 vote

- C. Discussion/Action: Town Board review and consideration of authorizing the Town’s Fire Chief to purchase the budgeted replacements for the Department’s Self-Contained Breathing Apparatus in cooperation with various other Municipal Fire Departments.

The Board reviewed a copy of a memorandum relative to replacing the Fire Department’s SCBA equipment from the Town’s Fire Chief, Scott Rieckmann (Scott). Replacing the Department’s SCBA equipment was budgeted for in the CY 2019 General Fund, Capital Equipment Budget. Scott has been working with area Fire Department’s to reduce the cost of the purchase by consolidating the equipment purchases of several Departments. The Administration recommended that the Board authorize the proposed purchase of replacement SCBA equipment at a cost not-to-exceed the budgeted \$200,000.00.

**MOTION:**

Motion by unanimous consent to authorize the purchase of replacement SCBA equipment for the Town’s Fire Department at a cost not to exceed \$200,000.00.

- D. Discussion/Action: Town Board review and consideration of Ordinance 2019-012 An Ordinance Approving a Re-zoning Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317-01-01 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-2 (Suburban Residential District) and A-2 (General Agricultural District) to I-2 (Heavy Industrial District).

The Board reviewed a copy of Ordinance 2019-012 An Ordinance Approving a Re-zoning Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317-01 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-2 (Suburban Residential District) and A-2 (General Agricultural District) to I-2 (Heavy Industrial District).

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to approve Ordinance 2019-012 An Ordinance Approving a Re-zoning submitted by Jack Borchert for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317-01 and Tax ID# 006-0318-02, from R-2 (Suburban Residential District) and A-2 (General Agricultural District) to I-2 (Heavy Industrial District).

**ROLL CALL VOTE:**

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

Motion carried with a 5-0 vote

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- Town Board Budget Workshops:
  - Tuesday, September 24, 2019 from Noon to 2:00 p.m.
  - Tuesday, October 1, 2019 from Noon to 2:00 p.m.
  - Tuesday, October 8, 2019 from Noon to 2:00 p.m.
- Additional Budget Workshop Date (if needed):
  - Tuesday, October 15, 2019 from Noon to 2:00 p.m.
- Joint Public Hearing for Boundary Agreements with the Towns of Neenah, Vinland, Winneconne, and Winchester—tentative date of Wednesday, October 23, 2019
- Public Hearing regarding the vacating of Medina Junction Road—tentative date of Wednesday, November 13, 2019

XIV. Board Member Requests for Future Agenda Items:

- Supervisor Reif requested information regarding the intended structure/plan for staff moving forward taking into consideration the changes that are occurring
- Mitch Beatty, 9495 Pioneer Road, informed the Board that some residents would like to circulate a petition regarding the closure of Medina Junction Road. He asked what information is required on the petition.
- Attorney Lafrombois explained that a public hearing will occur and is tentatively scheduled for November 13, 2019. He explained that property owners in the statutorily defined area of the road will receive personal noticing of the hearing. Attorney Lafrombois also explained that there is no statutory requirement for a petition, but the purpose of the public hearing is to receive public comment and input.
- Mr. Beatty asked what the cost to put the road back into service is.
- Chair Geise explained that to chip seal, the cost is approximately \$70,000, however, he noted that the same work was done 4 years ago and has already failed. He said to properly repair the road, the approximate cost is \$900,000. He also noted that the traffic counts show the average daily use of North Loop is 93 cars/day while the average daily use for Larsen Road is over 1,500/day. He explained that the Town Board has limited tax dollars and the Board must determine the best use of those funds. Chair Geise said this information would be provided at the public hearing and he requested the discussion be saved for that time.

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 7:36 p.m.

Respectfully submitted, Holly Stevens, Clerk