

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, September 21st, 2016

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 recited.
3. Meeting properly posted on Town Website and the posting board at the Town Office.
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
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

- A. No Public Hearings and/or Public Information Meetings

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, September 7th, 2016.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, September 7th, 2016.

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

- A. No requests were made.

V. Correspondence:

- A. A copy of News Release relative to transportation funding from the Governor's Office
- B. Winnebago Co FL Preservation Meetings
- C. Commission Loan Approved
- D. Towns Association Scholarship Info
- E. GC MW Sewage Commission

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

- A. County Supervisor Report
 1. No Report.
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 1. No Report.
- C. Clayton Fire Rescue
 1. Chief Rieckman reporting
 - 188 calls as of 09/2016
 - Dry Hydrant
 - 09/10 – 09/11 Stair Climb
 - 10/04/2016 Blood Mobile
- D. Larsen-Winchester Sanitary District
 1. M Pfankuch reporting
 - Capacity, Management, Operations and Maintenance (CMOM) Report Review)
 - CMOM to be posted on website
 - Betty Nelson, LWSD Secretary, submitted resignation after 30 years of service. Replacement proving difficult. Position is payed, candidates do not need to live in the district
 - Town of Clayton offered a proposal to provide a secretary for the committee, collect and deposit monies
 - Fall draw down will occur mid to late November
- E. Administration Comments
 1. Town Engineer, Mary Jo Miller reporting
 - Whispering Meadows paved on 09/20/2016
 - Ditches were worked on
 2. Administrator Johnston
 - Treasurer Straw had a personal issue, the office is working through the work load
 3. Chair Geise reporting
 - Reviewed a meeting in Madison on 09/19/2016
 - DNR and PSC Meeting for proposed water service
 - The Chairman is concerned with cost and the structure of the debt

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Tori M. Francart
 - ii. Kayla Lamers
- 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 1-Lot Certified Survey Map (CSM) application submitted by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the

Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Plan Commission Action:

Plan Commission recommendation to the Town Board on a 1-Lot Certified Survey Map (CSM) application submitted by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of the property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Wisnefski

Motion: To approve the CSM with the following changes: to set the north property line at 3 feet from the outbuilding shown on the document and to change the description of the principal structure from shed to home.

Vote: Motion carried.

- Chair Knapinski reported on the comments made by the Plan Commission

VOTE: Town Board approved by unanimous consent.

- B. Plan Commission recommendation to the Town Board on a re-zoning application submitted by the petitioner(s), Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone a portion of the property from A-2 (General Farming District) to R-1 (Rural Residential District).

Plan Commission Action:

Plan Commission recommendation to the Town Board on a re-zoning application submitted by the petitioner(s), Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of the property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone a portion of the property from A-2 (General Farming District) to R-1 (Rural Residential District).

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion: To recommend approval of the re-zoning as presented with staff's recommendations.

Vote: Motion carried.

- Chair Knapinski reported on the comments made by the Plan Commission

NO ACTION TAKEN.

- C. Plan Commission recommendation to the Town Board on a 4-Lot Certified Survey Map (CSM) application submitted by Nick Schmidt, 3189 Winnegamie Drive, Neenah, WI 54956 for a property owned by David and Daniel Struensee et. al., located at 3023 Winnegamie Drive, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0020, being all of the Northwest ¼ and the Fractional Northeast ¼ and all of the Out Lot 1, Certified Survey Map 4392 being part of the Northeast ¼ of the Fractional Northwest ¼, all being part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Plan Commission Action:

Plan Commission recommendation to the Town Board on a 4-Lot Certified Survey Map (CSM) application submitted by Nick Schmidt, 3189 Winnegamie Drive, Neenah, WI 54956 for a property owned by David and Daniel Struensee et. al., located at 3023 Winnegamie Drive, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0020, being all of the Northwest ¼ and the fractional Northeast ¼ and all of the Out Lot 1, Certified Survey Map 4392, being part of the Northeast ¼ of the fractional Northwest ¼ all being part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Linsmeier
 Seconded by: Commissioner Wisnefski
 Motion: To approve the CSM with staff’s conditions.
 Vote: Motion carried.

- Chair Knapinski reported on the comments made by the Plan Commission

VOTE: Town Board approved by unanimous consent.

- D. Plan Commission recommendation to the Town Board and direction to staff on a parking lot site plan for the Kimberly Clark facility located at 8556 Martin Drive and specifically identified as Tax ID # 006-0368-04-01.

Plan Commission Action:

Plan Commission recommendation to the Town Board and direction to staff on a parking lot site plan for the Kimberly Clark facility located at 8556 Martin Drive and specifically identified as Tax ID # 006-0368-04-01.

ACTION:

To direct staff to implement the Town’s Zoning Ordinances as approved and when presented with questionable issues they are to be forwarded to the Plan Commission and the Town Board for approval.

- Chair Knapinski reported the staff would be contacted regarding temporary parking lot and to submit a site plan

NO ACTION TAKEN.

- E. Plan Commission report on a planning article on the concept and development of Agrihoods.

Plan Commission Action:

Plan Commission report on a planning article on the concept and development of Agrihoods.

ACTION:

Town Planner Jaworski presented the article to the Commission with the intent to use Agrihoods as another option when bringing forward development options in the Town.

- Chair Knapinski reported on the comments made by the Plan Commission
- Very new idea / concept

NO ACTION TAKEN.

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 proposed signage for the Friendship Trail and related Trail Parking areas.

- Discussed sufficient funding
- **NO ACTION TAKEN**

- B. Green Space Committee recommendation to the Town Board on Park and Trail projects to be included in the Town's CY 2017 Budget.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Ordinance 2016-006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Breaker re-zoning Application.

Ordinance 2016-006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map was presented to the Board. The listed applicant applied for the rezoning and the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion made to approve Ordinance 2016-006 and to direct staff to file the appropriate documentation with the County.

ROLL CALL VOTE:

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

Motion carried with a 5-0 vote

- B. Discussion/Action: Town Board review and consideration of Resolution 2016-008 A Resolution to participate in the Wisconsin Length of Service Award Program as an incentive for continued service in the Clayton Fire Rescue Department.

Resolution 2016-008 A Resolution to participate in the Wisconsin Length of Service Award Program as an incentive for continued service in the Clayton Fire Rescue Department was presented to the Board. The Joint Fire Board provided the Department's volunteers with a payment based on hours worked and length of service with the payment being placed in an investment account managed by a third party. That type of system is outside of the Town's options. Attached, please find a copy of Resolution 2016-008 and a copy of a Power Point presentation on the length of service program that is being proposed by staff. Please be advised that approving the Resolution is the first step in creating the program. Should the Board approve the Resolution staff will prepare a document outlining the details and thresholds for participation in the plan and present them to the Board for approval. Funding for the program at \$10,000.00 was included in the Department's CY 2016 Budget and the same \$10,000.00 is proposed to be included in the Administration's CY 2017 Budget.

- Discussed State sponsored program
- M. Pfankuch asked about a provision to buy years
- Vested quicker
- Benefit of years of service

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion made to approve Resolution 2016-008 and to direct staff to prepare and present the details of the program to the Board for its approval.

ROLL CALL VOTE:

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

Motion carried with a 5-0 vote

- C. Discussion/Action: Town Board review and consideration of the financing structure for the purchase of a new International Plow Truck to replace the Town’s existing 2009 International tandem axle plow truck.

The Board has authorized the replacement of the Town’s existing 2009 International tandem axle plow truck. The Board has approved purchasing a new 2016 plow truck from Packer City International Trucks, Inc., 2940 North Victory Lane, Appleton, WI 54913. The cost of the new plow truck net of the trade-in of the Town’s existing 2009 International plow truck is \$151,379.50. Attached are the loan payment schedules for both Navistar Capital and Tax-Exempt Leasing Corporation. The debt service payments are based on annual payments. Staff has calculated that there would be some savings by making monthly payments (approximately \$500.00 to \$1,000.00); however, over the course of the loan period the Town would be paying \$17,000.00 +/- in interest with either financing option. One option staff has reviewed to lower the costs of replacing the plow truck is a monthly payment, the other option staff has considered is paying for the plow truck from the Town’s unassigned reserves. Specifically, the Town has a funded account for the replacement of its capital rolling stock and staff is considering recommending to the Board that we use those funds to pay for the plow truck. This option will allow the Town to pay the costs of the plow truck (\$151,279.50) with no accrued interest. The capital replacement account would be refunded over the seven year period by placing 1/7 of the \$151,279.50 (\$21,611.36) into the account each year for seven years. If for some reason the Town’s Annual Budget were not able to fund the payment the Board would have the option to postpone the payment for a year. The downside to this process is that the Board’s commitment to make the payment needs to be absolute.

- Discussion to pay for truck out right

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion made direct staff to make the payment from the unassigned reserves and to create a dedicated line item in the Public Works Department Budget to fund the replacement of the funds in the unassigned reserve account.

ROLL CALL VOTE:

Supervisor Lettau Aye

Supervisor Reif Nay

Chair Geise Aye

Supervisor Grundman Aye

Supervisor Schmidt Aye

Motion carried with a 4-1 vote

- D. Discussion/Action: Town Board review and consideration of an updated financing program for the Town purchase of land located on the south frontage of USH “10” between Clayton Avenue and STH “76” in the Town of Clayton and specifically identified as Tax ID # 006-0338-05, 006-0339, 006-0339-01, 006-0345, 006-0344 all in Section 12, Township

20 North, Range 16 East, Town of Clayton, County of Winnebago,
State of Wisconsin.

Based on the Board’s intent to purchase the listed properties and the fixed closing date on the Offer to Purchase of October 10th, 2016 staff has been working on securing the financing for this purchase and the balance of the other financing needed by the Town. The Town Board has approved two financing options for the purchase. The first is a 10-year, \$3,500,000.00 loan from the State of Wisconsin Board of Commissioners of Public Lands, State Trust Fund Loan Program. The second is the sale of not-to-exceed \$3,500,000.00 Taxable Notes in the public market. The time needed to complete either option would take the Town past the October 10th, 2016 closing date for the purchase of the land and the sellers have indicated that they are not willing to postpone the closing date.

Staff has received a notice of preliminary approval of the loan from the State Trust Fund and is working on the documentation needed to complete the sale of the Notes in the public market. The Town’s ability to procure the needed funding is not an issue, the time needed to receive the funds by the Closing Date are the issue. In order to avoid the risk of losing control of the land the Administration is looking for a short term, bridge loan from a local financial institution. At this time there are several banks that are interested in providing the financing at a reasonable cost (0.25 to 0.5 of a percent).

It is the Administration’s preference to move directly from the bridge loan to the sale of the 5-year interest only taxable notes. Specifically, the Administration is reticent to take the loan from the State Trust Fund with the intent of refinancing it within a short period of time (3 to 6 months). The State Trust Fund is a valuable resource of funding for the Town and the Administration is concerned with using the program with the intent to refinance too often.

- Discussed options approved
- Staff level prefer note
- Discussed timing issue
- Discussed Bank loan (Bridge Loan)
- Discussed concern w/State agency use of short term (60 day) note

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made authorizing the Chair to sign the needed documentation for a short term bridge loan with a local financial institution. In order to give the Chair the authority, a motion would be in order to authorize the Town Chair and staff to sign any documentation needed to secure the needed 60 to 90 day bridge loan for the listed properties.

ROLL CALL VOTE:

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

Motion carried with a 5-0 vote

- E. Discussion/Action: Town Board review and consideration of a Cell Phone Use Policy for Town Employees while at work or when traveling for business using Town owned vehicles.

Given the recent issues with the use of cell phones when driving and/or operating equipment as well as pending legislation on the use of cell phones and inattentive driving, the Administration is asking the Board to consider the attached Draft Cell Phone Use Policy. Based on direction from the Board the Administration has asked the Town's Attorney to review the Draft Policy. The changes proposed by the Town's Attorney have been included in the final draft of the Cell Phone Use Policy.

MOTION:

Motion made by unanimous consent to approve the Cell Phone Use Policy, to direct the Administration to distribute the Policy to staff, and to place the signed copies of the notice of distribution to staff in their respective personnel files.

- F. Discussion/Action: Town Board review and consideration of authorizing the disposal of radios taken out of service as part of the County's update of the emergency services communication system.

As a result of the County's recent radio update the Town's Fire/Rescue Department has 20 +/- obsolete wide band radios that the Chief would like to dispose of. Before authorizing the disposal of the obsolete radios the Administration thought the Board should be advised of the proposed action and give staff its approval. Please be advised that the wide band radios are of no further use to either the private or public entities.

- Replaced the old radios when county updated the emergency services system
- Board directed staff to dispose of obsolete radios

- G. Discussion/Action: Town Board review and consideration of direction to the Town's Attorney relative to proceeding with municipal billing for damage to a Town ditch as the result of an accident.

A copy of an Invoice sent to John J. Russell, 3192 Fairview Road, Neenah, WI 54956. The Invoice was generated because of an accident Mr. Russell's son had on Larsen Road. Town staff has tried on several occasions to contact the individual, the Town's Attorney has sent certified mail to the individual who has refused service. If the Board is intent on collecting for the Invoice it should place the item on the property tax bill as prescribed by law. This is the individual that threatened staff, was reported to the County Sheriff, and was given a deferred prosecution by the District Attorney. It is the Administration's position that when staff receives a credible threat the Governing Body should reasonably use all of authority to support staff's actions and credibility. However, the Administration has always advised the Governing Body to follow the advice of its legal counsel. Attorney Lehocky will be in attendance to advise the Board.

- Attorney Lehocky directed staff to collect for the damage

H. Discussion/Action: Town Board review and consideration of an update to the Town Board on the Town’s MS4 Grant from the Department of Natural Resources.

An original Agreement for Professional Services, a revised Agreement for Professional Services with Cedar Corporation for the Town’s partially DNR funded MS4 Grant work, and a copy of the letter from the DNR approving the Scope of Services for the Cedar Corporation MS4 Grant work were presented. In CY 2015 the Town Applied for a Wisconsin Department of Natural Resources (DNR) Urban Nonpoint Source Pollution & Storm Water Management Grant (MS4 Planning Grant). In February of CY 2016 the Administration was notified that the Town was awarded a matching MS4 Planning Grant in the amount of \$26,840.00. The Board recently approved an Addendum to the Agreement for Professional Services with Cedar Corporation to do the partially Grant Funded MS4 work for the Town. As part of the sanitary sewer work in the northeast quadrant Cedar Corporation is conducting aerial survey work. They are doing this work by using aerial orthophotography to create the required 1-foot contour maps. With the proposal the same maps are going to be used for both the sanitary sewer planning and engineering and the MS4 Grant planning work. Cedar Corporation is going to use the County’s 2-foot contour maps for the storm water management study area in the southeast quadrant of the Town. The Board authorized the Addendum to award the work outlined in the proposal at a cost not to exceed \$41,000.00 (subject to the DNR’s approval of the Scope of Services) with the matching funding to come from the Town’s Storm Water Management Utility. Because of the changes to the language in the Cedar Corporation Scope of Services the Administration is asking the Board to approve the revised documentation. The attached documentation does not change the costs for the Addendum to the Cedar Corporation Agreement for Professional Services.

- DNR requests specific format and letter
- Discussed cost sharing

MOTION:

Motion made by unanimous consent to approve the revised Addendum to the Cedar Corporation Agreement for Professional Services would be in order.

I. Discussion/Action: Town Board review and consideration of an update by the Town Chair on properties for sale on Clayton Avenue between USH “10” and Shady Lane.

Copies of the sales material for the 84 +/- acres for sale on the southwest corner Clayton Avenue and Shady Lane. The Town Chair and staff met with the realtor marketing the property on Wednesday, September 14th, 2016. The Chair has asked that this item be placed on the Board Agenda so that he can update the Board on the property that is for sale in the area and the issues that this represents for the Town. Additionally, the item is on the Agenda in a manner that would allow the Board to take some limited action if it sees fit.

Chairman Geise reporting:

- Wants the Town to buy the property
- Owners want to sell

- Flyers have been distributed indicating annexation to Village of Fox Crossing
- Need fire hydrant and must bag them
- Need to get developers on board with plans
- PSC concerned with limited customers
- Concern with proposed Highway 10 sale price
- Discussed meeting with Pfefferle Group and Turners

NO ACTION TAKEN.

- XI. Review of Disbursements:
- No discussion
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- No discussion
- XIII. Upcoming Meeting Attendance:
- Winnebago County Planning and Zoning Farmland Preservation Plan Steering Committee Regional Meeting, Town of Vinland Town Hall, September 22, 2016, 4:00 p.m.
 - Winnebago County Planning and Zoning Farmland Preservation Plan Steering Committee Regional Meeting, Town of Clayton Town Hall, September 22, 2016, 7:00 p.m.
- XIV. Board Member Requests for Future Agenda Items:
- Electors Meeting to approve the 2017 Budget
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:04 p.m.

Respectfully submitted,
Richard Johnston, Administrator/Clerk