

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
7:00 p.m. on Wednesday, October 2, 2019
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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 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 Tuesday, September 17th, Town Board Budget Review Meeting.

B. Approval of the Minutes of the Wednesday, September 18th, 2019 Town Board Meeting.

C. Approval of the Minutes of the Tuesday, September 24th, Town Board Budget Review Meeting

MOTION:

Motion by unanimous consent to approve Minutes of the Tuesday, September 17th, Town Board Budget Review Meeting, of the Wednesday, September 18th, 2019 Town Board Meeting, of the Tuesday, September 24th, Town Board Budget Review Meeting as presented

IV. Open Forum: No Requests

V. Correspondence:

A. Request for assistance by the Winnebago County, Land and Water Conversation Department with revisions to the County's Land and Water Resource Management Plan.

- The Board directed Staff to complete and submit the document

- 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
 - 119 Calls year-to-date, 67 EMR, 36 Fire, 8 both EMR and Fire
 - Chief attended MABAS Conference—great conference with lots of valuable networking with other Fire Chiefs
 - Chief Rieckmann has will be ordering the breathing apparatus (SCBAs) needed by the Department. Equipment should arrive before the end of the year
 - Rescue 43 will be going to HMA for completion. Should be done by the end of November
 - Chief and Emergency Manager Van Stappen attended a two-day class on evacuation and re-entry hosted by Winnebago County Emergency Manager’s Office
 - Received DNR matching grant for \$1,500
 - b. Clayton Fire Rescue First Responder
 - c. Clayton Police Officer
 - Completed firearms training and qualifying course for handguns as well as Omro’s rifle course
 - Met with Fox Crossing Police Chief Seaver and Captain DeBoer to introduce our department to them and vice versa
 - CFR’s Touch-a-Truck event was a HUGE success. Already planning next year’s event.
 - D. Larsen-Winchester Sanitary District
 - NO REPORT
 - E. Administrative Comments
 - Engineer Miller
 - Westfield Ridge cul de sac is moving forward
 - Contracts were sent to Ratke
 - Assistant Administrator Straw
 - Continuing development of 2020 Budgets
 - Continuing work on Storm Water Management Impervious Surface Fee Calculations
 - The final TID forms were submitted to WI DOR—they will review and consider for approval
 - Clerk Stevens
 - Continuing to work on the submission documents for the Incorporation
 - Chair Geise
 - Met with Winchester regarding snow plowing. An Intergovernmental Agreement will be coming to the Board for approval
 - Continued negotiations with Fox Crossing
- 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. 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 review and consideration of a proposed wage and benefits Contract for CY 2020 from the General Teamsters Union Local 662 for the Town’s Unionized Public Works Department Employees.

The Board reviewed copies of the Teamsters General Union Local 662 CY 2020 Contract Extension, as well as the Union’s request for a CY 2020 wage increase of 3.0%. The Union’s CY 2020 proposal for a one-year contract extension and wage increase request would have the following impact on Department of Public Works (DPW) wages (plus benefits):

Class	Current Hourly Wage	Proposed Wage Increase	Proposed New Hourly Wage	Annual* Impact
Foreman:	\$20.37	3.00% (\$0.61)	\$20.98	\$1,268.80*
Laborer:	\$19.29	3.00% (\$0.58)	\$19.87	\$1,206.40**

Relative to the Union’s Labor Agreement and wage increase, the Administration was comfortable with language as it exists and recommended that the Town Board approve a 1-year Labor Agreement extension with the Teamsters Union Local 662 represented employees including a cost-of-living wage increase of 3.00% with a total wage impact of \$4,888.00. The total budgetary impact including benefits is \$5,591.87. In addition to the Union Contract Wage Increase, the Administration recommended that the Public Works Foreman continue to receive a Certificate Premium of \$2,080.00 per year for having a State Waste Water Operators Certificate. The Administration made the recommendation based on the Town’s plan to provide municipal sanitary sewer and municipal water to the east side of the Town. The Administration was comfortable that the provision of municipal utilities by the Town will come to fruition and finds that preparing for the process is preferable rather than reacting to the need for trained staff. The dollar value was based on \$1.00 per hour on a 2080-hour year, the premium is **not paid** on overtime, however, it will be subject to benefits of \$298.48 for a total of \$2,379.52. Additionally, the bargaining unit had asked the Board to consider moving to 9-hour days Monday

through Thursday with 4-hours days on Fridays. Given the proposed changes in the work load and staffing for the Public Works Department, the Administration did not recommend any changes to the 8-hour work day Monday through Friday.

MOTION:

Motion by unanimous consent to approve a 1-year extension of the Town’s Labor Agreement with the Teamsters Union Local 662 Employees with a 3.00% cost-of-living wage increase as presented; and to pay a \$2,080.00 premium plus benefits paid to the to the Foreman for carrying a State Waste Water Operators Certificate.

- B. Discussion/Action: Town Board first reading, review, consideration, and referral of Town of Clayton Ordinance 2019-013, An Ordinance Creating Section 3.11 of the Town of Clayton Code of Ordinances Adopting the Wisconsin State Statutes Regulating Traffic.

The Board reviewed a draft copy of Town of Clayton Ordinance 2019-013, An Ordinance Creating Section 3.11 of the Town of Clayton Code of Ordinances Adopting the Wisconsin State Statutes Regulating Traffic. As part of the Town’s law enforcement project the Town needs to adopt an Ordinance to incorporate the State’s Statutes Regulating Traffic. The Ordinance was drafted by the Town’s Legal Counsel, staff has reviewed the document and has no questions relative to its content.

MOTION:

Motion by unanimous consent to refer Ordinance 2019-013, An Ordinance Creating Section 3.11 of the Town of Clayton Code of Ordinances Adopting the Wisconsin State Statutes Regulating Traffic to a second reading and consideration at the next regular Town Board meeting.

- C. Discussion/Action: Town Board first reading, review, consideration, and referral of Town of Clayton Ordinance 2019-014, An Ordinance Creating Section 3.12 of the Town of Clayton Code of Ordinances Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances.

The Board reviewed a draft copy of Town of Clayton Ordinance 2019-014, An Ordinance Creating Section 3.12 of the Town of Clayton Code of Ordinances Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances. As part of the Town’s law enforcement project the Town needs to adopt an Ordinance setting forfeitures for violating the Town’s Ordinances. The Ordinance was drafted by the Town’s Legal Counsel, staff has reviewed the document and has no questions relative to its content.

MOTION:

Motion by unanimous consent to refer Ordinance 2019-014, An Ordinance Creating Section 3.12 of the Town of Clayton Code of Ordinances Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances to a second reading at the next regular Town Board meeting.

- D. Discussion/Action: Town Board review, and consideration of adopting a Fee Schedule, for Town of Clayton Ordinance 2019-014, An Ordinance Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances.

The Board reviewed a copy of a Fee Schedule, for Town of Clayton Ordinance 2019-014, An Ordinance Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances. As part of the Town’s law enforcement project the Town needs to adopt a fee schedule setting forfeiture for violating the Town’s Ordinances. The Fee Schedule was provided by the Village of Winneconne Clerk of Courts. The Administration recommended the adoption of the fee schedule in order to maintain a level of consistency with the Municipal Court the Town will be using to enforce its citations.

MOTION:

Motion by unanimous consent to approve the Fee Schedule as presented with the Fee Schedule becoming effective with the adoption Town of Clayton Ordinance 2019-014, An Ordinance Establishing Penalties for Violating Provisions of the Town of Clayton Code of Ordinances.

- E. Discussion/Action: Town Board review and consideration of a 5-year Maintenance Proposal provided by Cummins for the Town’s standby generator.

The Board reviewed a copy of Planned Maintenance Proposal for the Town’s standby generator provided by Cummins. The Town’s standby generator is a sophisticated unit that is capable of running periodic self-diagnostic functions and tests, however, the unit does require maintenance that is beyond the skills of Town staff. Given the emergency use of the generator, it is important that it be operational at all times. The Administration has assigned the maintenance function of the generator unit to the Town’s Fire Chief who has asked for the proposal from Cummins in order to improve the reliability of the generator unit. The Fire Chief routinely confirms that the generator runs the self-diagnostic test on Monday mornings, however, there are maintenance and diagnostic functions that are best done by the provider of the generator.

MOTION:

Motion by unanimous consent to approve the 5-year Maintenance Proposal provided by Cummins for the Town’s standby generator as presented and to assign the maintenance responsibilities for the Town’s standby generator to the Chief of the Town Fire Department or his designee.

- F. Discussion/Action: Town Board review, consideration, and direction to the Town staff and the Town Attorney relative to the proposed land exchange between the Town of Clayton, 8348 CTR “T”, Larsen WI 54947 and Christopher R. Clausen, 8338 CTR “T”, Larsen, WI 54947.

Attorney Lafrombois reviewed the work his office has been conducting relating to the land swap. He noted that all the liens on the property have been cleared or released with the exception of one, the lien holder of which has passed away with no estate. Attorney Lafrombois also explained that the lien has a statutory limitation of 10 years and will be

dropped in 2020. Because of this and because the lien is only for \$1,600, it is his recommendation to close on the land swap with the outstanding lien on the property. He explained that if anyone would try to collect on the lien, they would have to open an estate for the lien holder which would likely cost more in legal fees than the total of the lien (\$1,600). Attorney Lafrombois also noted that some of the property involved with the swap has outstanding real estate taxes which will have to be satisfied in order to finalize the deal.

- Chair Geise noted that they have been working on the land swap for more than 5 years and he would like it done.

DIRECTION:

The Board directed the Attorney to move forward and close the land swap deal.

G. Discussion/Action: Town Board review and consideration of the following minor amendments to the Town of Clayton, Police Department Policy Manual:

- a. Chapter 2 - Departmental Duty Uniform Policy
- b. Chapter 18 – Firearms Policy
- c. Chapter 19 – Off-Duty Firearms

Officer Zeinert (Sarah) has been working on refining the Police Department’s Policy Manual. As part of that process Sarah is recommending that the Board approve several minor changes to the Department’s Policies. The Board reviewed copies of the specific Policy Manual Chapters as well as the specific changes being recommended to the Policies. Both the Department Head and the Administration have reviewed and recommend the proposed changes to the Policy Manual.

MOTION:

Motion by unanimous consent to approve the proposed changes to the Town of Clayton, Police Department Policy Manual.

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 Workshop: Tuesday, October 8, 2019 from Noon to 2:00 p.m.
- Town Board Site Review of Medina Junction Road, Tuesday, October 8, 2019 immediately after the Budget Workshop
- 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

XV. CLOSED SESSION OF THE TOWN BOARD:

A. Discussion/Action: Town Board Review and Consideration of moving into a Closed Session Pursuant to WI Statute 19.85(1)(g).

- i. **19.85 (1)(g)** - Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

The Town Board of the Town of Clayton will consider a Motion to Adjourn to a Closed Session to deliberate negotiation of terms, and confer with legal counsel regarding a potential provision of Municipal Sanitary Sewer Treatment by the Fox West Sanitary District Commission, the purchase of sanitary sewer interceptor capacity from the Village of Fox Crossing Sanitary Sewer Utility, the purchase of Municipal Water from the Village of Fox Crossing Water Utility, a Border Agreement with the Village of Fox Crossing and the potential sale of Town owned land.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to Adjourn to a Closed Session to deliberate negotiation of terms, and confer with legal counsel regarding a potential provision of Municipal Sanitary Sewer Treatment by the Fox West Sanitary District Commission, the purchase of sanitary sewer interceptor capacity from the Village of Fox Crossing Sanitary Sewer Utility, the purchase of Municipal Water from the Village of Fox Crossing Water Utility, a Border Agreement with the Village of Fox Crossing and the potential sale of Town owned land.

ROLL CALL VOTE:

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

Motion carried by a 5-0 vote

Pursuant to WI Stat. 19.85 (2), the Town Board will reconvene into open session.

- i. **19.85 (2)** - No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

