

TOWN OF CLAYTON  
Board of Supervisors  
Meeting Minutes  
7:00 p.m. on Wednesday, October 16, 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, October 1<sup>st</sup>, 2019 Town Board Budget Review Meeting.
  - B. Approval of the Minutes of the Wednesday, October 2<sup>nd</sup>, 2019 Town Board Meeting.
  - C. Approval of the Minutes of the Tuesday, October 8<sup>th</sup>, 2019 Town Board Budget Review Meeting.
  - D. Approval of the Minutes of the Tuesday, October 8<sup>th</sup>, 2019 Special Town Board Meeting Medina Junction Road Site Visit Minutes.
- MOTION:**  
Motion by unanimous consent to approve the Minutes of the Tuesday, October 1<sup>st</sup>, 2019 Town Board Budget Review, of the Wednesday, Wednesday, October 2<sup>nd</sup>, 2019 Town Board Meeting, of the Tuesday, Tuesday, October 8<sup>th</sup>, 2019 Town Board Budget Review Meeting, and the Tuesday, October 8<sup>th</sup>, 2019 Special Town Board Meeting Medina Junction Road as presented.
- IV. Open Forum:
- Art Rathjen of the Greater Oshkosh Economic Development Corporation presented the 2019 Midyear Report.
    - Their Winnebago County Catch-a-Ride program is going well. Started slow, now taking off

- Developing a revolving loan program to offer bridge funding to businesses
- Working to bring people into the community—there a lots of job openings but very few workers

V. Correspondence:

- a. Distribution of an e-mail from the Winnebago County Highway Commission to the Town Administrator relative to a Multimodal Local Supplemental Program Grant Application.
- b. Distribution of the Minutes of the August 29<sup>th</sup>, 2019 Oshkosh Library Board Meeting,

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
  - b. Clayton Fire Rescue First Responder
    - 123 Calls year-to-date, 79 EMR, 36 Fire, 8 both EMR and Fire
    - SCBAs have been ordered. Expected delivery yet this year.
    - October 3, 2019—5 members provided Fire Safety presentations to the Kindergarten through 4<sup>th</sup> grades at Clayton School
    - Received request from Town of Winchester Chair regarding the possibility of providing traffic enforcement services in Winchester. Currently investigating the feasibility
  - c. Clayton Police Officer
    - Winneconne Municipal Court is in the process of recertification. Once recertified, the Department will be able to begin issuing citations
    - Traffic Counters placed on Breezewood just west of Woodenshoe—daily average 1,489 vehicles; then on Breezewood just east of CTR T—daily average 995
- D. Larsen-Winchester Sanitary District
  - NO REPORT
- E. Administrative Comments
  - Engineer Miller
    - Westfield Ridge cul de sac is moving forward; Contracts were sent to Radtke; Establishing timeline
    - Working on impervious surface updates for Storm Water Management Fee applications
  - Assistant Administrator Straw
    - Working on TID parcel clarifications
    - Preparing for Medina Junction Public Hearing
  - Clerk Stevens
    - Continuing to work on the submission documents for the Incorporation
    - Still recruiting Poll Workers
  - Chair Geise
    - Met with Winchester Chair regarding border agreement
    - Border agreement public hearing October 23, 2019

VII. Operator Licenses Issued by the Town Clerk:

- A. New Licenses Issued
  - i. Katrina A. Steinfeldt
  - ii. Kiirsti A. Jamison

- 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 CSM for Daniel F. and Jacquelin W. Curtis, N638 CTR “X”, Berlin WI 54923, for properties located at 8214 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0551-01, All of Lot 2 of CSM 6446, Located in the Northeast ¼ of the Southeast ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
  - Plan Commission Chair Knapinski reported the Commission reviewed the CSM and have recommended to the Town Board Approval of the CSM as presented.

**MOTION:**

Motion by unanimous consent to approve the CSM for Daniel F. and Jacquelin W. Curtis, N638 CTR “X”, Berlin WI 54923, for properties located at 8214 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0551-01, All of Lot 2 of CSM 6446 as presented

- B. Plan Commission recommendation to the Town Board on a preliminary Site Plan submitted for a Master Fleet Trailer Lot to be constructed on property located at 8527 Clayton Avenue, Neenah, WI 54956, specifically identified as Tax ID# 006-0370-02, Tax ID# 006-0370-03, Tax ID# 006-0370-04, and Tax ID# 006-0370-05, located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
  - Chair Knapinski reported that the business had been withdrawn from the agenda, but resulted in the recognition of some deficiencies and inconsistencies within the Town’s zoning code.
  - Plan Commission directed staff to review the code for potential issues and to present options for modifications to the code to minimize or eliminate potential issues and to maximize the review capabilities of the Commission.

**NO ACTION TAKEN**

- C. Plan Commission recommendation to the Town Board on direction to staff relative to preparing the documentation for imposing a moratorium on the construction of any new self-storage facilities as defined in Chapter 9 – Town of Clayton Zoning Code of Ordinances, Article 3 – Definitions, Section 14.0 GENERAL STORAGE, 14.02 Personal Storage Facilities in the Town of Clayton Code of Ordinances.

- Chair Knapinski reported that the Commission discussed a limited term moratorium for Personal Storage Facilities to allow for Staff and the Commission to review the Zoning Code and Comprehensive Plan and development of potential modifications which provide for planned and organized development with the Town.

**NO ACTION TAKEN**

D. Plan Commission referral to the Town Board on a presentation by the Town’s Planner on recent Court decisions relating to the planning process and planning activities.

- Chair Knapinski noted that the document provided by Planner Jaworski was primarily informational but it highlighted the fact that Staff and the Plan Commission have been proactive in addressing potential areas of concern in the Town’s Zoning Code by implementing changes which address items which have become the focus of litigation for other municipalities.

**NO ACTION TAKEN**

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):

1. Review of material relating to park maintenance provided by Committee Member Dustin Kraft.
  2. Clayton Park maintenance report
  3. Update to the Committee on the playground areas in Clayton Park and Trail Head Park
  4. Review of the Draft CY 2020 General Fund, Parks Budgets
- Assistant Administrator Straw reported that the Clayton Park Playground project had been completed. She provided photos to the Board
  - The Committee is developing a proposal for replacing the picnic tables in both parks
  - The Committee is considering recommending to the Town Board the transfer of unused funds from the Friendship Trail budget to the Clayton Park budget to pay for the new picnic tables.

**NO ACTION TAKEN**

X. Business:

A. Discussion/Action: Town Board review and consideration of a Second Amendment to the Solid waste and Recycling Contract Between the Town of Clayton and Advanced Disposal Services Solid Waste Midwest, LLC.

The Board reviewed a copy of the Second Amendment to the Solid Waste and Recycling Contract between the Town of Clayton and Advanced Disposal Services Solid Waste Midwest, LLC. The proposed 5-year extension holds the Town CY 2019 rates for the next 2-years and then caps the increase at 2.5% per year for the last three years. This Contract as presented allows the Town Board to operate the Solid Waste and Recycling Special Revenue Fund at its current rate of \$200.00 per residential structure per year for the next 2 to 3 years. The Administration feels that as the Town moves through this Contract it would be in the Board’s best interest to look at periodic increases in the Town’s Solid Waste and Recycling Fees. The proposed increases would allow the Special Revenue Fund to operate at a revenue neutral rate for the 5-year life of the Contract extension.

**MOTION:**

Motion by unanimous consent to approve the proposed Second Amendment to the Solid Waste and Recycling Contract Between the Town of Clayton and Advanced Disposal Services Solid Waste Midwest, LLC as presented.

- B. Discussion/Action: Town Board second reading, review, and consideration 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 attached Ordinance was drafted by the Town’s Legal Counsel, staff had reviewed the document and had no questions relative to its content.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to Approve 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; and to direct staff to publish and post the Ordinance.

**ROLL CALL VOTE:**

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

Motion carried by a vote of 5-0

- C. Discussion/Action: Town Board second reading, review, and consideration 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 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 attached Ordinance was drafted by the Town’s Legal Counsel, staff had reviewed the document and had no questions relative to its content.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to Approve 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; and to direct staff to publish and post the Ordinance.

**ROLL CALL VOTE:**

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

Motion carried by a vote of 5-0

- D. Discussion/Action: Town Board review and consideration of a request by the Clayton Fire Rescue Department to donate surplus Emergency Medical Responders (EMR) equipment bags to area Fire Departments.

The Town’s EMR staff has recently completed replacing their equipment bags. The Department had scheduled and funded the replacing of the equipment bags to create a uniform and consistent equipment bag and equipment products. The old equipment bags still have a useful life and the Department would like to respectfully ask the Town Board if it could offer those bags to area Departments.

**MOTION:**

Motion by unanimous consent to authorize the Fire Chief to dispose of the surplus equipment bags through a donation process.

- E. Discussion/Action: Town board review and consideration of an Intergovernmental Agreement for Winter Road Maintenance between the Town of Clayton and the Town of Winchester.

The Town Chair had been working with staff to develop an Intergovernmental Agreement for Winter Road Maintenance with the Town of Winchester. The Board reviewed copies of the draft Intergovernmental Agreement for Road Maintenance,

Exhibit A 2019-2020 Town of Winchester Snow Plowing Map, Exhibit B the Town of Clayton Mail Box Installation and Plowing Damage Replacement Policy, and a Road Plowing Cost Analysis prepared by the Town of Clayton Treasurer. The proposed Intermunicipal Agreement has a 1-year term that can be renewed by mutual agreement of both Town Boards. As identified on the plowing map, the Town's Department of Public Works (DPW) staff will be plowing the area of the Town of Winchester east of STH "45". The proposed per-mile rate for the service is based on the historic costs associated with the DPW plowing Town of Clayton roads. The Administration does not expect that the additional plowing will impact the operations of the DPW or the timeline for plowing the Town's Roads.

- Chair Geise noted that the intermunicipal cooperation which is occurring is essential to the continued success of all involved
- He also noted the agreement makes good operational sense for the Public Works snow plowing process

**MOTION:**

Motion by unanimous consent to approve the proposed Intergovernmental Agreement for Winter Road Maintenance between the Town of Clayton and the Town of Winchester as presented.

- F. Discussion/Action: Town Board review and consideration of an Intergovernmental Agreement for Road Maintenance between the Town of Clayton, the Town of Winchester, and the Town of Dale.

The Board reviewed a copy of an Intergovernmental Agreement for Road Maintenance between the Town of Clayton, the Town of Winchester, and the Town of Dale. There are several maintenance issues between the respective Town's that require maintenance staff to go out of their way to complete minor maintenance projects on border line roads. In order to minimize the maintenance issues the respective Town Chairs have arrived at the proposed Intergovernmental Agreement. The Agreement outlines the details of the maintenance issues and assigns maintenance work to the respective communities.

**MOTION:**

Motion by unanimous consent to approve the Intergovernmental Agreement for Road Maintenance between the Town of Clayton, the Town of Winchester, and the Town of Dale as presented.

- G. Discussion/Action: Town Board review and consideration of an Inter Municipal Agreement for Clerical Services Between the Town of Clayton and Larsen Drainage District.

The Board reviewed a copy of an Intermunicipal Agreement for Clerical Services Between the Town of Clayton and the Larsen Drainage District. The Larsen Drainage District (Drainage District) has a 3-member Board that routinely meets one time per year and has no clerical staff. In order to facilitate the orderly operations of the Drainage District, the Administration is proposing to provide clerical staffing to the Drainage District at a rate of \$500.00 per meeting. Staff will facilitate the Drainage District process by preparing the meeting agenda, hosting the meeting at the Town Hall, keeping the official records of the meetings, and preparing meeting minutes. Additionally, staff will

prepare the required annual newsletter from the material provided by the Drainage District Board.

**MOTION:**

Motion by unanimous consent to approve an Intermunicipal Agreement for Clerical Services Between the Town of Clayton and Larsen Drainage District.

- H. Discussion/Action: Town Board review, consideration, and direction to Town staff relative to the sale of Town owned property located at 8879 Clayton Avenue and specifically identified as Tax ID# 006-0348-01-03.

The Board reviewed the material related to the proposed sale of the Town owned residential property located at 8879 Clayton Avenue, Neenah, WI 54956. The Administration is respectfully asking the Board for permission to establish a sale price based on the appraisal of the property and to list the property with a realtor. The Administration advised that the Town will also need to sell the two vacant lots adjacent to the home located at 8879 Clayton Avenue. Additionally, the Board reviewed the fact that the two vacant lots could be divided into four lots when municipal sanitary sewer and municipal water become available.

- Assistant Administrator Straw informed that Board that the tenant gave notice that she would be vacating the property as of November 15, 2019

**MOTION:**

Motion by unanimous consent to proceed with the disposal of the town owned residential property located at 8879 Clayton Avenue, Neenah, WI 54956 and to direct staff to proceed with listing the properties and to present any offers for the properties to the Town Chair and with the sale to be approved by the Town Board.

- I. Discussion/Action: Town Board review and consideration of staff updates to the following Draft CY 2020 Budget Items:
- Draft CY 2020 General Fund Revenue Budget.
  - Draft CY 2020 General Fund Expense Budget.
  - Draft CY 2020 General Fund Capital Expense Budget.
  - Draft CY 2020 Storm Water Management Utility Revenue Budget.
  - Draft CY 2020 Storm Water Management Utility Expense Budget.
  - Draft CY 2020 Storm Water Management Utility Capital Budget.
  - Draft CY 2020 Solid Waste and Recycling Special Revenue Fund, Revenue Budget.
  - Draft CY 2020 Solid Waste and Recycling Special Revenue Fund, Expense Budget.
  - Draft CY 2020 Solid Waste and Recycling Special Revenue Fund, Capital Budget.

- j. Draft CY 2020 Town of Clayton Sanitary District #1 Revenue Budget.
- k. Draft CY 2020 Town of Clayton Sanitary District #1 Expense Budget.

The Board reviewed draft copies of the material relating to the review of the Town’s CY 2020 Budgets. The Administration is presenting the Draft CY 2020 Budgets as balanced; please keep in mind that the Mill Rate is a calculated number. The variables in the Mill Rate calculation are the Levy (which is fixed by the State), Debt Service (which is fixed by the Board), the Town’s Fees (which are fixed by the Board), and the Town’s Expenses (which are also fixed by the Board). The Administration continued to advise the Board that the Town’s Annual Budget should be viewed as a Policy Statement from the Town Board to the Town’s residents relative to its taxation policies, maintenance priorities, spending policies, development goals, and development expectations. The staff received the assessment for the Town and has prepared the Mill Rate calculation for CY2019 Taxes.

- Assistant Administrator Straw reviewed the changes which had been made after the Board’s last budget workshop in order to present the budget as balanced

**NO ACTION TAKEN**

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- Joint Public Hearing for Boundary Agreements with the Towns of Neenah, Vinland, Winneconne, and Winchester—tentative date of Wednesday, October 23, 2019
- Special Meeting of the Electors to Approve the Levy—Wednesday, November 6, 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: NO REQUESTS

XV. Adjournment

**MOTION:**

Motion made by unanimous consent to adjourn at 8:03 p.m.

Respectfully submitted, Holly Stevens, Clerk