

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

6:00 p.m. on Wednesday, December 4, 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	ARRIVED at 6:51 p.m.
Supervisor Grundman	PRESENT
Supervisor Wisnefske	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Admin Straw	PRESENT
Clerk Stevens	PRESENT
Treasurer Schiessl	EXCUSED
Town Engineer – Mary Jo Miller	EXCUSED
Town Attorney – Ben Lafrombois	PRESENT

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

A. Town Board, Public Hearing on Resolution 2019-011 a Resolution to discontinue a portion of the right-of-way known as Medina Junction Road as described in the Resolution and notices provided pursuant to statute for the vacating of public right of way.

Chair Geise opened the public hearing explaining the purpose was for the Town Board to gather information relating to a decision before them. He explained that due to the number of people in attendance, comments will be limited to 3 minutes per person.

1. Kevin Hillgas, 3602 Jadetree Terrace

- What happens to the Road once it is closed?
 - Chair Geise explained the land reverts to the abutting property owners.
- Could it remain public land for recreational use only—closed to vehicles?
 - Administrator Johnston explained that even barricaded, vehicles have been driving on it.

2. Les Ory, 9517 Pioneer Road

- Mr. Ory farms and owns land on both ends of Medina Junction
- It's a safer route than the main highways
- Medina Junction is a main artery for the area
 - Chair Geise stated it is not a main artery, but rather a shortcut for local residents

- New House being constructed on the section proposed for abandonment—how can the road be closed?
 - Locals were expecting the road to reopen—it has not been opened since last spring
 - Chair Geise explained it was damaged and without repair it is not safe
3. Mike Nikodem, 4085 Winnegamie Drive
- Medina Junction serves as a break wall for marsh fires—it protects the farms and the residences
 - Mark as “drive at your own risk” and let those who choose to drive it be responsible for their choice
4. Mike Radtke, 9681 Anderson Lane
- The damage occurred due to an event of nature—isn’t there federal money to pay for the repair
 - Chair Geise said the only money currently available is through State Grants which the Town is applying for to use on Breezewood Lane and Larsen Road which get more than 1,800 to 2,000 on each per day
5. James Wismer, 9012 Pioneer Road
- Will the DNR take any responsibility for the road?
 - Lived in Clayton 32 years—the road is an important route.
 - To close the road will block a short cut to Appleton which the residents need
6. Arden Schroeder, 9458 State Road 76
- Served as Chairman and Supervisor for over 26 years and understands the difficulties the Board faces
 - Medina Junction Road has been here for more than 150 years
 - Has the DNR been notified and asked to help
 - Water levels continue to rise—DNR should help
 - Chair Geise explained the road was repaired 4 years ago at a cost of \$75,000. Now it needs it again—the Town cannot afford the maintenance of it
 - Mr. Schroeder said it should be constructed as a gravel road
 - Attorney Lafrombois stated the DNR was noticed regarding the matter
 - Town Road specs require a cul de sac at the end of a dead-end road—will the Town be constructing a cul de sac at the trail access?
 - More than 200 people per day use it—what if there is a train accident—how will you get to it?
 - Years ago, a pedestrian was killed on the tracks—how will you get to it?
 - Accidents will come—how will you get to it?
7. Mitchel Beatty, 9495 Pioneer Road
- Provided a brief history of the road
 - A man named Mr. Young started the road for Medina Junction
 - At that time mostly wooded—eventually logged off and farmed
 - Paper companies built dams and water began backing up creating wetlands and swamp

- Mr. Young brought in tons and tons of coal ash to build up the base of the road
 - Will the Town be cleaning up the coal ash before giving the lands back to the abutting property owners?
 - Mr. Beatty noted the Public Works parking lot is in worse condition than Medina Junction
8. Rob Way, Winnebago County Parks Department
- Expressed concern about the access to the WIOWASH Trail and the wear and tear on the parking lot—would the Town be providing funding to maintain the parking lot if it is used as a turn-around?
 - He would like to see the Parks Department compensated by the Town
9. Hank Mitchell, 8893 Royer Road
- Formerly worked for Winnebago County
 - Graded the road in 2012 in preparation for a double chip seal
 - Recommended to the Public Works Foreman that more gravel should be added to the gravel base
 - Administrator Johnston noted that the gravel was added to the base in 2012 prior to the double chip seal being completed.
 - Where did traffic counts come from
 - Assistant Administrator Straw noted the counts were taken on North Loop and Pioneer Road earlier this year
 - The Town boasts of being “linked to the community”—huge mistake to close the road.
 - The road does not need to be rebuilt—Cost to convert to gravel and maintain would be minimal
 - 6”-8” of gravel added at \$18/ton and then grade it for \$1,000 to \$1,500 per year
10. Chad Ory, 9517 Pioneer Road
- Asked the Board to explain their reasons for closing the road.
 - Attorney Lafrombois explained that the point of the public hearing was to gather information. It was not a platform for discussion. He said the Board will discuss the matter later in their regular meeting.
11. Tom Eckstein, 2878 Fairview Road
- Requested explanation of the numbers the Board was referencing for repairing or rebuilding the road
 - Chair Geise said the numbers were estimates developed by the Town’s engineering firm, Martenson and Eisele.
 - He said to send it to bid and it will be cheaper.
12. Skeeter Abrahamson, 9111 Pioneer Road
- Regularly walks on Pioneer—most walkers and bikers turn down Medina Junction—many cars would like to but cannot because it is blocked—they want it opened.
13. Roger Cavanaugh, 8910 Fairview Road

- The history of the area needs to be maintained—the historic marker at the tracks describes the Town which used to be there.
 - Will there still be access to the historic marker?
 - The train wreck which occurred is another historic event—we need to preserve the history.
14. Richard Fischer, 8685 Oakwood Avenue
- Would like the Board to present cost comparisons for different options such as rebuild, repair, gravel, etc.
15. Mitchel Beatty, 9495 Pioneer Road
- Spoke with State regarding Rustic Roads program
 - Medina Junction doesn't meet the 2-mile requirement, but the representative said that doesn't matter
 - Rustic Roads do not require any maintenance
 - Rustic Roads do not have to be plowed
 - Could be turned into a trail—Heritage Trail
 - There are other options other than closing the road—once it is gone, you will never get it back
16. Rita Radtke, 9681 Anderson Lane
- Asked if the Board is getting any bids for the work?
 - Administrator Johnston explained that the bid process requires engineering specifications, noticing requirements, etc. The numbers being used are estimates developed by the Town's engineering firm.
17. Jeff Posselt, 8962 Medina Junction Road
- Easily see 30 cars an hour on the road while working the adjacent land
 - How will it be barricaded?
 - Attorney Lafrombois explained that ½ of the right-of-way will be returned to Mr. Posselt
 - Mr. Posselt said he doesn't want it if it is full of coal ash.
18. Chris Opinker, 8718 Hickory Avenue
- Requested the Board look into the cost to convert it to a gravel road—is there a chance the Board will consider looking at that?
 - Chair Geise said the Board will be discussing the matter later—they are not required to take action
19. Patricia Fischer, 8685 Oakwood Avenue
- She feels the Board underestimated the use of the road
 - She asked the Board to consider other options
 - She noted in the Dakotas, they have “minimum maintenance roads” which are posted as such—would the Board consider converting to gravel with no maintenance?
20. Arden Schroeder, 9458 State Road 76

- Stated the Medina Junction closure is a precursor to closing other roads—which is next?
 - Noted Hilltop Road is a dirt road in the Town
 - He said he would like to see a hand vote of those in attendance to determine those that are for and those that are against it.
21. Hank Mitchell, 8893 Royer Road
- Stated he appreciates what the Board has to do but he would like a better presentation—provide facts, give a presentation regarding the matter.
 - He would like to see the facts in writing
22. Mike Nikodem, 4085 Winnegamie Drive
- Stated something seems malicious—facts would be nice to have
23. Mitchel Beatty, 9495 Pioneer Road
- Stated he knows the Board visited the road because he caught them on his wildlife cameras
 - Said no one got out a tape measure—explained there are only 5 sections totaling approximately 2,100 square feet which needs repair. The rest is fine.
24. Skeeter Abrahamson, 9111 Pioneer Road
- Asked if the decision was already made—do their comments mean anything?
25. Arden Schroeder, 9458 State Road 76
- Requested a hand vote again
 - Attorney Lafrombois explained that the Public Hearing is not the forum for a vote
26. Les Ory, 9517 Pioneer Road
- Asked if Medina Junction is closed, which road will be next?

The Public Hearing was closed at 6:54 p.m. The Board went into recess until 7:00 p.m. at which time the regular Town Board Meeting was called to order.

II. Approval of Minutes:

- A. Approval of the Minutes of the Wednesday, November 20th, 2019 Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, November 20th, 2019 Town Board Meeting as presented.

III. Open Forum – Town-related Matters not on the Agenda: NONE

IV. Correspondence:

- A. Distribution of the November CY 2019 Building Inspection Report.

- B. Distribution of the Minutes of the October 31st, 2019 Oshkosh Public Library Board Meeting.

V. 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 (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - b. Clayton Fire Rescue EMR
 - 150 Calls year-to-date, 99 EMR, 40 Fire, 11 both EMR and Fire
 - Chief Rieckmann and Emergency Manager Van Stappen taking a Public Information Officer Class
 - Firefighter Parish and Chief Rieckmann attending training on Ultra High-pressure pumps
 - Neenah/Menasha Boys and Girls Brigade have asked Clayton Fire Rescue to escort Mrs. Claus to deliver gifts to local families on December 20th.
 - Received request from Interim Chief Mathison from the Town of Winchester Fire Department for assistance with MABAS card updates
- D. Clayton Police Department (First Meeting of the Month)
 - Officer Zeinert and Fire Chief Rieckmann met with Captain Vendola of the Winnebago County Sheriff’s Department. Officer Zeinert will now be dispatched to assist with major incidents like last winter’s pile-up on STH 41.
- E. Larsen/Winchester Sanitary District
 - 15-day Fall Draw Down completed
 - 9,720,000 gallons discharged
 - Preliminary numbers look good—waiting on final numbers from Badger Labs
- F. Administration Comments
 - Assistant Administrator Straw
 - Special Assessments and associated paperwork completed for tax billing
 - Continued work on negotiations information
 - MLS Grant Application for multijurisdictional Breezewood Lane project submitted
 - Clerk Stevens
 - Board will be considering approval of election inspectors. The Town is still in need of additional inspectors. Applications are available in the office and online.
 - Chair Geise
 - Met with Supervisor Reif, Staff, and Village of Fox Crossing representatives regarding negotiations

VI. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. No New Licenses Issued
- B. Renewal:
 - i. No Renewal Licenses Issued

VII. Business referred by the Plan Commission:

- A. No Referrals

VIII. Business referred by the Green Space Committee:

- A. No Referrals

IX. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2019-011 a Resolution to discontinue a portion of the right-of-way known as Medina Junction Road.

The Board reviewed copies of the following documents:

1. A copy of the State Statues relating to the vacation of a road initiated by the Town Board.
2. A copy of Resolution 2019-011 A Resolution to Discontinue Right-Of-Way Located in the Town of Clayton, County of Winnebago, State of Wisconsin.
3. A copy of the Public Notice of the Board’s intent to discontinue a portion of the right-of-way of Medina Junction.
4. A copy of a map and legal description of the right-of-way proposed to be discontinued.
5. A copy of the list of the individuals noticed of the Board’s intent to discontinue a portion of the right-of-way of Medina Junction.

The Board held a Public Hearing on the discontinuance of a portion of the right-of-way of Medina Junction damaged by the heavy rain events and traffic on the water covered road during the spring of CY 2019. Following the Public Hearing the Board was scheduled to act on Resolution 2019-011.

Chair Geise summarized the issues with the road which resulted in the Board consideration of vacating it.

- Badly damaged when driven on during flooding event
- Added gravel and double chip sealed about 4 years ago
- Engineer’s estimated cost to repair is \$75,000
- Engineer’s estimated cost to rebuild is \$900,000
- Traffic on Medina Junction is minimal compared to the main roads like Larsen Road and Breezewood Lane
- 4,200 residents to serve—decisions have to consider what is in the best interest of all

Chair Geise explained the purpose of the Public Hearing was to receive input from the residents. He noted that the Board does not have all the answers and input can be very insightful and helpful.

Chair Geise said he would like to further explore the possibility of changing Medina Junction into a Rustic Road which was an idea he had not considered before.

Supervisor Reif stated that he would like to explore the “Minimum Maintenance” roads to find out if that is a legitimate classification which would minimize liability.

Administrator Johnston stated that if directed by the Board, Staff would certainly explore the idea of a Rustic Road. He noted that when he had gone through the process in the past, the state was very firm about the 2-mile minimum length requirement. He said if the state is willing to accept shorter lengths of roads as Rustic Roads, it would mitigate some of the liability matters and would allow for minimum maintenance.

TABLED AND DIRECTION TO STAFF

The Board tabled the matter and directed staff to investigate the Rustic Roads program and the Minimum Maintenance Road classification.

- B. Discussion/Action: Town Board review, consideration, and first reading of Ordinance 2019-017 an Ordinance amending the Town of Clayton Dwelling Code Ordinance originally adopted March 2002. The amended ordinance is proposed to create Chapter 7 of the Town Code of Ordinances.

The Board reviewed a draft copy Town of Clayton Ordinance 2019-017, An Ordinance amending the Town’s original adoption of the Dwelling Code Ordinance in March 2002. The Ordinance is being amended to show the current updates to the Uniform Dwelling Code including administrative and enforcement mechanisms. This was a routine update to stay in compliance with the State regulations.

MOTION:

Motion by unanimous consent to refer Ordinance 2019-017 an Ordinance amending the Town of Clayton Dwelling Code Ordinance to a second reading and consideration at the December 18, 2019 meeting.

- C. Discussion/Action: Town Board review, consideration, and direction to staff relative to the Town’s membership in the Wisconsin Towns Association, 2020 Town Advocacy Council.

The Board reviewed a copy of the Town’s membership application to the Wisconsin Towns Association, 2020 Town Advocacy Council (formerly Urban Towns). Staff has funded, and the Town Board has approved the funding for the Town’s membership to the 2020 Town Advocacy Council in its CY 2020 General Fund Budget.

MOTION:

Motion by unanimous consent to approve the Town’s application to the 2020 Town Advocacy Council.

- D. Discussion/Action: Town Board review and consideration of Resolution 2019-014 A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers Submitted for Approval by the Town Board.

The Board reviewed a Draft copy of Resolution 2019-014, A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers and a copy of the names proposed for approval as poll workers for the Town of Clayton. 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 is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Grundman

Motion to approve Resolution 2019-014 a Resolution Creating an Election Poll Worker List for CY 2020 and CY 2021 election cycle and the listed names on Exhibit A of Resolution 2019-014 as presented.

ROLL CALL VOTE:

Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Wisnefske	Aye
Chair Geise	Aye
Supervisor Grundman	Aye

Motion carried unanimously

- II. Review of Disbursements
- III. Review of General Fund Budget Update (Second Town Board meeting of the month)
- IV. Upcoming Meeting Attendance:
 - Town Board has cancelled the January 1, 2020 scheduled meeting
- V. Board Member Requests for Future Agenda Items: NO REQUESTS
- VI. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 7:17 p.m.

Respectfully submitted,
Holly Stevens, Clerk