

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes  
7:00 p.m. on Wednesday, December 5th, 2018  
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Notice, Verification, Roll

1. Town Board Chairman Geise called the meeting to order.
2. Pledge of Allegiance.
3. Verification of Notice
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
Asst Admin/Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ben Lafrombois	PRESENT

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

A. No Public Hearings

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, November 21st, 2018 Town Board Meeting.

**MOTION:**

Motion by unanimous consent to approve the Minutes of the Wednesday, November 21<sup>st</sup>, 2018 Town Board Meeting

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

- Todd Blobe, 3493 Shenandoah Trail, asked to address the Board regarding reflective stakes he had placed along the road by his property
  - Has lived here approximately 15 years
  - Last few years there has been a lot of gravel in the ditch from snowplowing
  - He places fiberglass stakes to prevent the gravel from being plowed into the ditch
  - Last plowing event the stakes were plowed over
  - Spoke with Public Works Foreman who indicated he should not put the stakes out because they have to plow the snow into the ditch

- Said he places the markers to help the drivers and doesn't understand why he can't place the stakes
- Chairman Geise stated he appreciated Mr. Blobe coming to talk with the Board
- Explained the ditches are there for three reasons, to collect water, to convey water, and to hold plowed snow
- Affirmed that the Public Works Department must put the snow in the ditches when plowing and that stakes placed in the right of way will not be honored.
- Mr. Blobe expressed concern about the Town using the right of way when they need it, but that the Town does not repair damages to the end of his driveway which is in the right of way and they do not come out to clean the gravel in the spring.
- Chairman Geise explained that those things are the responsibility of the property owner.
- Chair Geise lives on a County Road and he too has the same things in his right of way so he understands but the snow must go in the ditches
- Mr. Blobe asked if it is illegal for him to place the stakes along his property. He said he does it in an effort to help the plow drivers and he is trying to avoid a mess in the spring
- Chair Geise stated that residents are not supposed to put anything in the Right-of-way and that the stakes actually hinder the plow drivers. He said the ditches are meant for storage of snow. Chair Geise said he will support our drivers and he thinks they do a great job for the Town.

V. Correspondence:

- A. A copy of a revised Winnebago County Towns Association CY 2019 Unit Meeting schedule.
- B. November CY 2018 Building Inspection Report.
- C. Annual Yard Waste Site Activity Report.

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 Fire Rescue Department (First Meeting of the Month)  
Chief Rieckmann
  - 155 calls as of 11/30/18 of which 97 were EMR, 42 were Fire, and 16 were both.
  - Working on radio updates the week of the 17<sup>th</sup> including the addition of Outagamie County channels which is a big step in development.
  - Chief Rieckmann also noted that he had used his personal drone to take some photos of the salt shed for the Town. He asked the Board and Staff to consider the possible uses and benefits for the Town to have its own drone. He said he was of the opinion that it would be very useful
- D. Larsen-Winchester Sanitary District  
Mike Pfankuch
  - The District finished its fall draw down, discharging 8 million gallons
  - Testing was ok with PH levels being high near the end of the draw down.
  - District spent \$50,000.00 on improvements this year.
  - Continuing repairs of man holes and small leaks

- Still working to complete the DNR mandated water softener checks in an effort to reduce Chlorides
- Supervisor Lettau asked what the District is actually looking for
- Mr. Pfankuch explained they are currently taking inventory of the types of softeners but ideally, the older timed units would be eliminated and replaced with on-demand softeners.

E. Administration Comments

Mary Jo Miller, Engineer

- Working to get property owner permission to get on land to gather topographical info for the Regional Storm Water Management Pond near STH 76 and Breezewood Lane
- Larsen Road Construction project fieldwork completed, working on proposal
- Highland Wood—no updates
  - Chief Rieckmann noted the dry hydrant is almost done

Administrator Johnston

- Filed Incorporation Petition with Winnebago County Circuit Court—assigned Judge Daniel Bissett
- Working on documents relating to the petition
- Tax Prep completed and submitted to the County for printing of tax bills

Chairman Geise

- Working on sale of approximately 25 acres of land near STH 76 and USH 10
- Sale will be on the next Town Board Agenda

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. No New Licenses Issued

B. Renewal:

- i. No Renewal 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 defining “failure” as it relates to the onsite water and sanitary sewer systems and the Town’s Special Assessment Policy.

The Town Board’s Municipal Water and Municipal Sanitary Sewer Utilities, Special Assessment Policy allows residents to defer connection to the Utilities until one or both of the resident’s on-site systems fails. During the Public Informational Sessions for the Town’s Incorporation process several individuals asked staff what constitutes an on-site water or sanitary system failure. The Administration and staff have a relatively clear definition for system failures, however, these definitions have never been considered or approved by the Town Board. Specifically, staff would recommend the following definitions:

1. Personal on-site waste water treatment systems (POWTS): A failure of a POWTS system occurs when the mound or the drain field need to be replaced or repaired.
2. On-site potable water well: A failure of an on-site potable water well occurs when the well shaft or the well casing need to be repaired or replaced.

The Administration asked the Board to consider adopting these definitions to be used in the operational application of the Town’s Special Assessment Policy as it relates to the provision of Municipal Water and Municipal Waste Water Utilities in the Town Sanitary Districts.

**MOTION:**

Motion by unanimous consent to direct staff to add these definitions to be used in the operational application of the Town’s Special Assessment Policy as it relates to the provision of Municipal Water and Municipal Waste Water Utilities in the Town Sanitary Districts.

- B. Discussion/Action: Town Board review and consideration of authorizing the purchase of property adjacent to the Town Hall specifically identified as Tax ID# 006-0535-06-04 in the Town of Clayton for the purposes of relocating the Town’s Yard Waste Site.

The Board reviewed material related to the proposed purchase of property adjacent to the Town’s Municipal Complex, specifically identified as Tax ID# 006-0535-06-04. They also reviewed copies of the Minutes of the April 12<sup>th</sup>, 2012 Town Elector Meeting authorizing the Town Board to proceed with the consolidation of the properties for the purposes of moving the Town’s Yard Waste Site to the area adjacent to the Municipal Facility. The Board had authorized the Town Chair to negotiate a price for the purchase of the identified property for use as part of the Town’s new Yard Waste Site. The Chair directed the Administration to place this item on the Board’s Agenda for consideration with an agreed upon purchase price of \$31,000. The Administration recommended the Board appropriate the funds for the purchase from the Town’s Solid Waste and Recycling Special Revenue Fund CY 2018 Budget fund balance carryover and the Solid Waste and Recycling Special Revenue Fund CY 2019 Budget.

**MOTION:**

Motion by Chair Geise

Second by Supervisor Schmidt

Motion to authorize the purchase of the property as described on the agenda, and appropriate the funds for the purchase from the Town's Solid Waste and Recycling Special Revenue Fund CY 2018 Budget fund balance carryover and the Solid Waste and Recycling Special Revenue Fund CY 2019 Budget with a closing on the purchase to be held in February of CY 2019.

Motion carried by a vote of 4-0 with Supervisor Reif abstaining

- C. Discussion/Action: Town Board review and consideration of the Administration's Annual Staff Performance Evaluations, recommended cost of living pay increases and Appointments for the following positions:
- a. Town Treasurer/Assistant Administrator
  - b. Town Deputy Clerk, (Appointment to Town Clerk)
  - c. Town Building Inspector
  - d. Town Fire/Rescue Department Chief
  - e. Town Public Works Department Foreman (Union negotiated CY 2019 cost of living pay increase).

The Board reviewed copies of Staff's self evaluation forms as well as the Administration's evaluations of the Town's fulltime administrative employees. The only represented Town Employee to be evaluated is the Public Works Foreman and that evaluation is for management purposes only. The Administration distributed these documents to the Town Board as a basis for recommending its annual wage adjustment recommendations for non-represented staff to the Board. Given the restrictions in the Town's CY 2019 Budget the Administration recommended a 3% increase for the following positions:

- a. Town Treasurer/Assistant Administrator
- b. Town Building Inspector
- c. Town Fire/Rescue Department Chief

In anticipation of the Administrator's retirement at the end of CY 2020. The Administration recommended that the Town's Deputy Clerk (Holly Stevens) be converted from an hourly employee to a salaried employee with an annual salary of \$43,680.00 plus benefits. The Administration noted that the Town's Approved CY 2019 General Fund Budget for the Clerk's Position was funded at the proposed new wage and benefit rates.

The net impact of the proposed wage increases on the Town's CY 2019 Budget is \$5,870.87 including benefits, the funding for the wage increases comes from the Town's CY 2019 General Fund Contingency Budget, Undistributed Wage Increases Line Item. Should the Board agree with the Administration's recommendations, a motion would be in order to convert the Deputy Clerk to the Clerk with an annual salary of \$43,680.00 plus benefits and to grant the wage increase as recommended (3%) to the following positions:

- a. Town Treasurer/Assistant Administrator
- b. Town Building Inspector

## c. Town Fire/Rescue Department Chief

**MOTION:**

Motion by unanimous consent to approve a 3% wage increase for the Treasurer, Building Inspector, and the Fire Chief

**MOTION:**

Motion by unanimous consent to convert the Town's Deputy Clerk to the position of Clerk and to change her from an hourly employee to a salaried employee with an annual salary of \$43,680.00 with benefits.

- D. Discussion/Action: Town Board review and consideration of the Administrator's Annual Performance Evaluation and compensation.

The Board reviewed a copy of the Administrator's Annual Performance Evaluation. The Board has reviewed and provided their Evaluations to the Town Chair and the Chair will review the compiled documents with the Administrator. The Administration advised the Board that with the approval of the Administration's recommended changes to the Town's Administrative staffing and the new position for the Town's law enforcement position there will be no money available in the Town's CY 2019 Budget or Undistributed Funds for Wage Increases Line Item to provide any additional increases to staff. The Administrator respectfully requested instead of an increase that the Board payout his unused vacation time.

- Chair Geise noted that the Administrator performance has been exemplary and outstanding

**MOTION:**

Motion by unanimous consent to provide no wage increase to the Administrator, but to payout his unused vacation days from 2018.

- E. Discussion/Action: Town Board review and consideration of Resolution 2018-009 a Resolution Accepting Approximately 600.00 feet +/- of the Developer funded extension of Rosemary Lane.

The Board reviewed a copy of Resolution 2018-009 A Resolution accepting approximately 600.00-feet +/- of the Developer funded construction of Rosemary Lane. The Developer asked the Town Board to accept Rosemary Lane so that any homes constructed on the lots created by the extension will qualify for a final inspection and a Home Occupancy Permit. The Administration respectfully recommended that the Board accept the road with the understanding that the Developer will be liable for the final lift of asphalt in CY 2019.

**MOTION:**

Motion by Supervisor Reif

Second by Supervisor Schmidt

Motion to approve Resolution 2018-009 A Resolution accepting approximately 600.00-feet +/- of the Developer funded construction of Rosemary Lane.

**ROLL CALL VOTE:**

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

Motion carried with a vote of 5-0

- F. Discussion/Action: Town Board review and consideration of Resolution 2018-010, A Resolution transferring funds from the Town's Unassigned Reserve Fund to the Town's CY 2018 General Fund, Capital Equipment Account for the purchase of a Town of Clayton Squad Car.

The Board reviewed a copy of Resolution 2017-010 A Resolution Transferring Funds from the Town's Unassigned Reserve to the CY 2018 General Fund Budget, Capital Equipment Purchase Account. The Town Board has approved the creation of a Town law enforcement unit in CY 2019. The Administration had originally intended to use the retired Clayton Fire Rescue Department Command vehicle for the first 2-years of the law enforcement unit's operations, however, it has been determined that the retired command vehicle was not in proper condition for the proposed use. Because of the timing of the process the Administration asked for and received approval from the Town Board for the purchase of a new law enforcement vehicle on the State bid at a cost of \$29,394.00. The Administration is respectfully requesting that the Town Board approve the transfer of \$40,000.00 from the Town's CY 2018 Unassigned Reserve to the CY 2018 Capital Equipment Line Item to fund the purchase of the vehicle and installation of the required accessory equipment. The Board reviewed a proposal for the accessory equipment. The action was simply a procedural issue for staff so that the auditors understand the sources and uses of the funds when they conduct the Town's CY 2018 Audit.

**MOTION:**

Motion by Supervisor Schmidt

Second by Supervisor Lettau

Motion to approve Resolution 2017-010 A Resolution Transferring Funds from the Town's CY 2018 Unassigned Reserve Account to the Town's CY 2018 General Fund, Capital Equipment Budget, Law Enforcement Line Item Budget.

**ROLL CALL VOTE:**

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

Motion carried with a vote of 5-0

- G. Discussion/Action: Town Board review and consideration of the Administration's recommendation for staffing and scheduling the operations of the Town's Police Department effective January 1<sup>st</sup>, 2019.

The Town Board had authorized the creation of a Town law enforcement function. To that end the Town has purchased and taken delivery of a vehicle to be used by its Officer. There are several additional functions the Town will need to add before it has a fully functional law enforcement process. These include a Municipal Court and staffing for the Court. The Town can take a number of paths to creating a law enforcement function. The first is to contract for the appointment of a County Sheriff's Officer to serve exclusively in the Town. The second is to hire a Constable or Police Officer. The Administration is working with the Town's Attorney to prepare the documents needed and the Board approval process to complete this activity. The Town's CY 2019 General Fund Budget includes the funding needed to hire a full-time salaried position at 40-hours per week. Over the course of the past year the Administration has been considering the Town's options for this activity and its recommendations to the Board. The Administration is recommending that the Town approach this process with caution and consideration of the activity. To date the Town has no enforcement capacity as it relates to its Ordinances. Rather than approaching the project with the intent of full enforcement powers, the Administration is recommending that the Town hire an individual with Educational Credentials to start the project and bring it online over the course of CY 2019. Specifically, the Administration has researched available staff and how those individuals may be able to participate in the activity. Sarah Zeinert, 8558 Hickory Avenue, Larsen, WI 54947 has the needed technical training from Fox Valley Technical College programs. She is also a Clayton Fire Rescue Firefighter and First Responder with a commitment to the Town and its residents. The Administration would like to hire Ms. Zeinert on a 1-year probationary basis to develop the Town's law enforcement program, the needed policies and procedures, and to start with a passive enforcement policy. By passive enforcement the Administration intends to make the program's presence known and enforcing the Town's existing Code of Ordinances. Staff has also made contact with neighboring Departments to solicit assistance with this process. The Omro Police Department, and its Chief (Joseph R. Schuster) have indicated that they will allow the Town's Officer to routinely train with and seek advice from the Department. The Administration believes that this methodology for creating a law enforcement function will allow the Town to ease into the process and provide an individual with a demonstrated commitment to the Town with an opportunity to have a long and fruitful career with a single agency. The benefit to the Town is a 1-year probationary period that will allow the Board to review the progress of its law enforcement function and give it the option of changing methodology if they are not comfortable with the process and the progress of the law enforcement function.

- Administrator Johnston noted that the Town of Greenville contracts with the Outagamie County Sheriff's Department and pays about \$90,000.00 for 20 hours/week of part-time service annually.
- Chair Geise noted that Sheriff Matz expressed dismay about the Town's proposed plan, but in his opinion, this was mostly self-serving because he would like the Town to contract with Winnebago County.
- Chair Geise also noted that the Omro Department is excited to provide support and guidance and that the intent is to ease into the program.
- Supervisor Reif stated he had many questions and concerns and would like more information because he doesn't think the idea is fully developed yet.

- Attorney Lafrombois stated there are Statutory requirements to follow which the Board will have to go through. He noted that the idea is not outside of what others have already done, and the process is not hard.

**DIRECTION TO STAFF:**

Direction to staff to gather information and develop the necessary documents for the Board to review and consider for approval.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance: NONE
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to adjourn at 7:53 p.m.

Respectfully submitted,  
Holly Stevens, Deputy Clerk