

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

6:00 p.m. on Wednesday, December 18, 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 Wisnefske 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):

a. No Public Hearings and/or Public Informational Meetings are scheduled.

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, December 4th, 2019 Town Board Meeting.

Supervisor Wisnefske noted her name was incorrectly spelled in the Meeting Roll.

MOTION:

Motion by unanimous consent to approve the minutes from the Wednesday, December 4th, 2019 Town Board Meeting as corrected.

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

V. Correspondence:

a. Distribution of a Notice of a Public Hearing being held by the Town of Greenville on a proposed Amendment to the Town's Comprehensive Plan.

b. Distribution of an excerpt of the Tuesday, November 19th, 2019, County Board Meeting relating to County approval of zoning changes in the Town of Clayton.

c. Winnebago County Solid Waste and Recycling November Tonnage 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 (First Meeting of the Month)
 - a. Clayton Fire Rescue Department
 - b. Clayton Fire Rescue EMR
 - 160 Calls year-to-date, 106 EMR, 42 Fire, 11 both EMR and Fire
 - Chief Rieckmann and Emergency Manager Van Stappen completed a Public Information Officer Class
 - Firefighter Parish and Chief Rieckmann attended 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.
 - Rescue 43 is back and in service
 - c. 2019 Emergency Management Activity Report—Emergency Manager Kaylin Van Stappen
 - Spring 2019 Flooding Event resulted in 97 recorded actions
 - Developing Damage Assessment Kits for Public Works Crew
 - Met with Clayton School Principal to review the District's Emergency Action Plans. Conducted a school lockdown drill in November
 - Reviewed Tornado Emergency Operations Kits and Forms
 - Continuing to work toward WI Certified Emergency Manager Certificate
- D. Clayton Police Department (First Meeting of the Month)
 - Officer Zeinert attended an NWTC sponsored Nuisance Abatement class—very informational.
 - 69 tires dumped on Oakwood by STH 10.
- E. Larsen/Winchester Sanitary District—No Report
- F. Administration Comments
 - Mary Jo Miller, Town Engineer
 - Conducted Bid Opening for Winncrest and Towne Court work. Award will be on the January 15th meeting
 - Assistant Administrator Straw
 - Tax Collection has begun
 - Willie Beamons was shut down for operating with an invalid Liquor License—working with owner to remedy the situation
 - Conducting Rustic Road Research as it relates to Medina Junction Road
 - Supervisor Lettau
 - suggested the Plan Commission consider requiring Energy Efficient practices for the new development which will be occurring in the Town, especially along the STH 10 and STH 76 corridors
 - Plan Commission Chair Knapinski noted that the Plan Commission had considered it some years ago and made a suggestion to the Town Board at that time, which rejected the requirements. He said he would like Town Board direction prior to Staff performing the research and development of the requirements

- Chair Geise said he would not want the requirements to hinder development, but would be willing to review the neighboring community policies and possibly mirror what those communities are requiring.
- Attorney Lafrombois noted that as a business item later in the meeting, the Board would be considering an Ordinance adopting the State Building Codes including any future amendments which already contain certain Energy Efficiency requirements.
- Chair Geise directed staff to add the Energy Efficiency Development Discussion to a future agenda
- Chair Geise
 - Due to the first Wednesday in January falling on the holiday, he requested a special Closed Session Meeting be scheduled to discuss the Village of Fox Crossing Agreements as a Board.
 - Assistant Administrator Straw suggested they schedule the meeting for January 8, 2020 at 5:30 p.m.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Lissa Renee Moore

B. Renewal:

- i. No Renewal Licenses Issued

VIII. Business referred by the Plan Commission:

A. Plan Commission recommendation to the Town Board on a Re-zoning application submitted by Tim Wrase, 411 Kittiver Ct, Neenah, for property located the Highland Wood Subdivision at the northeast corner of Shady Lane and Center Road and specifically described as all of Tax ID# 006-0535-06-04, and part of Tax ID# 006-1337-02, Tax ID# 006-1337-03, Tax ID# 006-1340-01, Tax ID# 006-1340-02, Tax ID# 006-1340-03, Tax ID# 006-1343, Tax ID# 006-1344, Tax ID# 006-1345, Tax ID# 006-1346-01, Tax ID# 006-1346-02, Tax ID# 006-1346-03, Tax ID# 006-1346-04; all being a part Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the properties from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

- Plan Commission Chair Knapinski explained the parcels created by the Plat, when originally developed, did not go through the rezoning.
- Staff discovered the discrepancy between the lot sizes and zoning classification when performing other work and had suggested the rezoning to correct the matter before the subdivision completely develops.
- Plan Commission is recommending to the Town Board approval of the rezoning for the Plat of Highland Woods Phase II as presented and with Staff recommendations.

TOWN BOARD CONSIDERATION LATER IN THE MEETING

B. Plan Commission recommendation to the Town Board on direction to staff on preparing the documentation for the moratorium approved by the Town Board on 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.

- Plan Commission Chair Knapinski reported that Planner Jaworski had provided some good suggestions relating to this and other amendments to the zoning code.
- Plan Commission would like the Board to direct Staff to get an estimate for services from Planner Jaworski for their consideration at the January 15, 2020 meeting
- Chair Knapinski requested the Board also authorize Staff to begin working on the project for the Plan Commission to review at its January 8, 2020 meeting. He explained the time restraints of the moratorium provide a very limited period to complete the work making it necessary to get started as soon as possible.

DIRECTION TO STAFF

The Board directed staff to get the estimate for services and to begin working on the project.

C. Plan Commission recommendation to the Town Board on direction to staff relative to a concept plan for the Plat of Royer Cemetery specifically identified as Tax ID # 006-0482, being part of the Northwest 1/4 of the Northwest 1/4 of Section 18, Town 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chair Knapinski reported the Commission received a great deal of information about Royer Cemetery and directed Staff to continue to develop the Platting and when completed to present it to the Commission

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):

A. Green Space Committee continued review and report to the Board on the following park improvement programs:

1. Review of material relating to the cost of replacing the picnic tables at Clayton Park and Trail Head Park.
2. Update to the Committee on the playground areas in Clayton Park
3. Planning for the park on the former Noffke property on CTR “JJ” in the Town of Clayton.
4. Report regarding the surveillance equipment in Trailhead Park and Clayton Park.

The Green Space Committee reviewed the current inventory of picnic tables and determined the most fiscally responsible action would be for the Board to approve the purchase of materials to construct 4 ADA compliant tables for Clayton Park and to “test”

the new materials before transitioning the old tables out of service. Additionally, this process would allow the old tables which still have some life left to be used until they are no longer usable.

The Town Board agreed with the action plan.

- B. Green Space Committee recommendation to the Town Board to adopt a resolution to transfer the CY 2019 budget monies from the Friendship Trail Maintenance line item to the Clayton Park Maintenance line item to be used to replace the picnic tables at Clayton and Trail Head Parks.

With the new plan for picnic tables, this action was determined to be unnecessary.

- C. Green Space Committee discussion and recommendation to Town Board to approve the Larsen – Winchester Lions Club Legacy Project in Trailhead Park.

The Committee reviewed the project as presented and recommended the Board approve and move forward with the Larsen-Winchester Lions Club Legacy Project to build a basketball court at Trailhead Park.

The Town Board agreed with the Committee recommendation.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2019-015 A Resolution Allocating Funds from the Town’s General Fund Un-Assigned Reserve Account to the Town’s CY 2019 General Fund Expense Budget.

The Board reviewed a copy of Resolution 2019-015 a Resolution Transferring Funds from the Town’s Unassigned Reserve to the CY 2019 General Fund Expense Budget. They also reviewed copies of the material for the three items the Board will need to transfer funds from the Town’s Un-Assigned Reserve Account to fund in the Budget. The total transfer required to fund the budgetary shortfall is \$42,905.94. The items were previously approved by the Town Board with the understanding the transfer would be necessary.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Resolution 2019-015 a Resolution Transferring Funds (\$42,905.94) from the Town’s CY 2019 Unassigned Reserve Account to the Town’s CY 2019 General Fund Budget.

ROLL CALL VOTE:

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

Supervisor Grundman

Aye

Motion carried unanimously

- B. Discussion/Action: Town Board review and consideration of a Maintenance Agreement with Bassett Mechanical for the Town Municipal Building Environmental Systems.

The Board reviewed a copy of a Maintenance Agreement for Building Environmental Systems (HVAC) provided by Bassett Mechanical, Inc. Staff contacted several service providers for proposals, Bassett Mechanical was the only supplier that could service all of the HVAC systems in the building. The Town Hall was re-modeled in CY 2012/13 with occupancy early in CY 2013. The mechanical systems are to the point where they need regular attention to operate at peak performance. The type of attention required by the mechanical systems is specialized and above the expertise of Town staff. The Administration recommended that the Town have a maintenance and service contract in order to avoid the potential down time involved in a failure of any of the systems. Specifically, the cost to staff of down time as a result of maintenance would be extremely disruptive to the operations of the Office and would likely be more expensive to repair. The Town's CY 2020 General Fund Budget includes funding for the maintenance agreement as proposed by Bassett Mechanical, Inc.

MOTION:

Motion by unanimous consent to approve the Maintenance Agreement with Bassett Mechanical with a signing date of January 2nd, 2020.

- C. Discussion/Action: Town Board review and consideration of an Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Winchester.

The Board reviewed a draft copy of an Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Winchester. The proposed 1-year Agreement mirrors the Agreements the Town of Clayton has with the Town of Vinland and the Town of Winneconne. The Town of Winchester's Building Inspector has submitted his resignation effective December 31, 2019. Based on earlier conversations with the Town Chair staff has negotiated a proposed Agreement with the Town of Winchester, the Town of Winchester Chair signed the draft Agreement on December 2nd, 2019. The Administration is of the belief that the Town's Building Inspector can cover the additional area with little or no impact on the quality of the work being done. The Administration advised that the additional work should come with additional compensation. The Administration recommended that the Town Board approve the Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Winchester and will present any recommendations for a compensation increase to the Town Board at its Wednesday, January 15th, Town Board meeting.

MOTION:

Motion by unanimous consent to approve the Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Winchester as presented

- D. Discussion/Action: Town Board review and consideration of an Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Dale.

The Board reviewed a draft copy of an Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Dale. The proposed 1-year Agreement mirrors the Agreements the Town of Clayton has with the Town of Vinland and the Town of Winneconne. The Town of Dale’s Building Inspector has submitted his resignation effective December 31, 2019. Based on earlier conversations with the Town Chair staff has negotiated a proposed Agreement with the Town of Dale, the Town of Dale Chair signed the draft Agreement on December 9th, 2019. The Administration is of the belief that the Town’s Building Inspector can cover the additional area with little or no impact on the quality of the work being done. The Administration advised that the additional work should come with additional compensation. The Administration recommended that the Town Board approve the Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Dale and will present any recommendations for a compensation increase to the Town Board at its Wednesday, January 15th, Town Board meeting.

MOTION:

Motion by unanimous consent to approve the Intergovernmental Agreement for Building Inspection Services between the Town of Clayton and the Town of Dale as presented

- E. Discussion/Action: Town Board review and consideration of an Intermunicipal Agreement for winter plowing with the Town of Neenah and the Town of Vinland.

The Administration has had a number of discussions with the Public Works Foreman relative to how the Town plows its roads during the winter months. There are a number of areas in the Town where both Town and County plows cross paths outside of their respective jurisdictions. The Foreman has had several conversations with the Jon Groth at the Winnebago County Highway Commissioner’s Office relative to these issues. The Board reviewed a map that identifies a number of roads where it would be more efficient to have the Town or the County plow the other’s roads. The areas in question are Breezewood Lane west of STH “76”, Breezewood Lane between CTR “JJ” and Woodenshoe Road, and Clayton Avenue from Michaels Drive to Larsen Road, and Michaels Drive. The County Highway Commissioner has required that the Town have Intermunicipal Agreements with the individual Town’s before the County will approve the proposed plowing changes. The Board reviewed copies of the Intermunicipal Agreements with the Town of Vinland and the Town of Neenah approving the proposed plowing changes. The Administration recommended the Board approve the Intermunicipal Agreement between the Town of Clayton, the Town of Neenah, and the Town of Vinland allowing the County to implement the proposed plowing changes.

MOTION:

Motion by unanimous consent to approve the Intermunicipal Agreements for Winter Plowing with the Town of Neenah and the Town of Vinland.

- F. Discussion/Action: Town Board second reading, review, and consideration 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 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 keep in compliance with the State regulations.

MOTION:

Motion by Supervisor Grundman
Second by Supervisor Wisnefske
Motion to approve Ordinance 2019-017 as presented and to direct staff to post the Ordinance as required.

ROLL CALL VOTE:

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

Motion carried unanimously

- G. Discussion/Action: Town Board review and consideration of Ordinance 2019-018 an Ordinance acting on a Re-zoning application submitted by Tim Wrase, 411 Kittiver Ct, Neenah, for property located in the Highland Wood Subdivision at the northeast corner of Shady Lane and Center Road and specifically described as all of Tax ID# 006-0535-06-04, and part of Tax ID# 006-1337-02, Tax ID# 006-1337-03, Tax ID# 006-1340-01, Tax ID# 006-1340-02, Tax ID# 006-1340-03, Tax ID# 006-1343, Tax ID# 006-1344, Tax ID# 006-1345, Tax ID# 006-1346-01, Tax ID# 006-1346-02, Tax ID# 006-1346-03, Tax ID# 006-1346-04; all being a part Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the properties from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

The Board reviewed a copy of Ordinance 2019-018 an Ordinance acting on a Re-zoning Application from A-2 (general Agricultural District) to R-2 (Suburban Residential District).

submitted by Tim Wrase, 411 Kittiver Ct, Neenah, for property located in the Highland Wood Subdivision at the northeast corner of Shady Lane and Center Road and specifically described as all of Tax ID# 006-0535-06-04, and part of Tax ID# 006-1337-02, Tax ID# 006-1337-03, Tax ID# 006-1340-01, Tax ID# 006-1340-02, Tax ID# 006-1340-03, Tax ID# 006-1343, Tax ID# 006-1344, Tax ID# 006-1345, Tax ID# 006-1346-01, Tax ID# 006-1346-02, Tax ID# 006-1346-03, Tax ID# 006-1346-04; all being a part Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to approve Ordinance 2019-018 as presented

ROLL CALL VOTE:

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

Motion carried unanimously

- H. Discussion/Action: Town Board review and consideration of a Town of Clayton, New Housing Fee Report, 2018 and the New Housing Affordability Report, 2018 prepared for the Town by the East Central Wisconsin Regional Planning Commission.

Earlier this year the Town Board authorized participation in the East Central Wisconsin Regional Planning Commission (ECWRPC), CY 2018 New Housing Fee Report, and the CY 2018 New Housing Affordability Report. The Board was provided draft copies of the documents developed by the ECWRPC in compliance with the new State reporting requirements. The State’s reporting requirements required communities of 10,000 in population or greater to generate and publish these reports. Despite the fact that the Town is not required to generate the reports, it was offered the opportunity to participate in the process at very reasonable cost. The Administration recommended participation so that the Town could have the comparable data for the Board to review and to offer potential developers and builders.

MOTION:

Motion by unanimous consent to approve the draft reports and to direct staff to publish the finalized reports on the Town’s website.

- I. Discussion/Action: Town Board review and consideration of Benefit Advantage, Cafeteria Plan Premium Only Benefit Plan.

The Board reviewed an application and summary of services from Benefit Advantage in DePere. The Administration would like to have a Health Insurance Cafeteria Plan adopted for CY 2020 in order to reduce payroll liability payments for the Town and to

reduce the employees’ tax liability. Currently the health insurance premium payments for the Town’s employees are deducted after taxes (Federal/State income tax and Social Security/Medicare Tax) are calculated. The Town’s current Health Insurance (Central States) does qualify as an IRS Section 125 Cafeteria Plan. In order to have the health insurance payments deducted before taxes, the Town has to have a written Health Insurance Cafeteria Plan. The cost to prepare the Plan documents through Benefit Advantage is \$300. The Town will save approximately \$2,500 per year and each employee will save approximately \$800 per year.

MOTION:

Motion by unanimous consent to approve creating the Health Insurance Cafeteria Plan through Benefit Advantage for a cost not to exceed \$300.00 and to authorize the Town Chair to sign the completed document.

J. Discussion/Action: Town Board review and consideration of approving the following CY 2020 farm leases for the Town owned properties:

- a. Leslie Ory:
 - i. Tax ID # 006-0391-05 7.11 acres
 - Total Acres: 7.11 acres

- b. Seelow Farms LLC (Daniel P. Seelow):
 - i. Tax ID # 121-0210-07 44.59 acres **Partial**
 - ii. Tax ID # 006-0328 40.00 acres
 - iii. Tax ID # 006-0329 17.55 acres
 - Total Acres: 102.14 acres

- c. Mall View Farms LLC (Paul Schroth)
 - i. Tax ID # 006-0339-06 2.45 acres
 - ii. Tax ID # 006-0345 8.53 acres
 - iii. Tax ID # 006-0344 8.58 acres
 - Total Acres: 19.56 acres

The list of farm leases includes all of the Town owned lands including the property on the south frontage of US “10” between Clayton Avenue and STH “76.” The Administration had talked to Dan Seelow (Seelow Farms LLC) about the area of Town owned property in the Village of also contacted the Village relative to honoring the Town’s Lease. The Village has indicated that it will honor the Lease for CY 2020. The Administration recommended the Board approve the renewal of the leases at a price per acre to be set by the Board.

MOTION:

Motion by unanimous consent to approve the renewal of the leases with Leslie Ory, Seelow Farms LLC, and Mall View Farms LLC (Paul Schroth) as presented at a lease price of \$90.00 per acre.

K. Discussion/Action: Town Board review and consideration of a Town Administrator Employment Agreement for CY 2020.

The Board reviewed a copy of the Administrator’s Employment Agreement for a 1-year period from January 1st, 2020 through December 31st, 2020 for Tori Straw.

MOTION:

Motion by unanimous consent to approve the Administrator’s Contract for Tori Straw for a 1-year term.

- L. Discussion/Action: Town Board review and consideration of the Administration’s Annual Staff Performance Evaluations as listed below and the associated recommended cost of living wage increases.

- i. Town Assistant Administrator
- ii. Town Clerk
- iii. Town Treasurer
- iv. Town Building Inspector
- v. Town Public Safety Director
- vi. Town Police Officer
- vii. Town Public Works Department Foreman (Union negotiated CY 2020 cost of living pay increase).

The Board reviewed copies of Staff’s self-evaluations and 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 the documents to the Town Board as a basis for recommending its annual wage adjustment recommendations for non-represented staff to the Board.

MOTION:

Motion by unanimous consent to approve an annual wage adjustment of 3% for non-represented Town Staff.

- M. Discussion/Action: Town Board review and consideration of an offer to purchase Town owned property located at 8879 Clayton Avenue.

The Board reviewed a copy of an Offer to Purchase from the Dennis Jochman and/or assigns for the Town owned property located at 8879 Clayton Avenue. The Offer to Purchase is for \$240,000 with no brokerage fees and is conditioned on the provision of Municipal Sanitary Sewer and Municipal Water to the site. Based on conversations with Village of Fox Crossing’s Engineers, the utilities are available on the corner of Clayton Avenue and Jacobsen Road. The Town paid \$225,000 in CY 2016 for the 5-acre +/- property. With the intent of generating development tax base, the 5-acre +/- property was divided into three lots, one with the existing residential unit and two more that are undeveloped land. The two undeveloped sites could be further subdivided when the municipal utilities become available. In order to keep the Town’s CY 2019 Revenue Budget fully funded, the Administration recommended that the Board accept the Offer to Purchase as presented.

MOTION:

Motion by unanimous consent to accept the Offer to Purchase the Town owned property as presented and to authorize the Town Chair to sign and requisite documents.

XI. Review of Disbursements

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

XIII. Upcoming Meeting Attendance:

- Town Board has cancelled the January 1, 2020 scheduled meeting
- Town Board Special Closed Session Meeting scheduled for January 8, 2020 at 5:30 p.m.

XIV. Board Member Requests for Future Agenda Items:

Supervisor Reif requested the following items for future Town Board agendas:

- Tablets for Town Board Meeting Preparation
- Job Description for the new Economic Development Director
- Consideration of purchasing the old bank building

XV. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 8:11 p.m.

Respectfully submitted,
Holly Stevens, Clerk