

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes
7:00 p.m. on Wednesday, December 19th, 2018
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

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, December 5th, 2018 Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the Minutes of the Wednesday, December 5th, 2018 Town Board Meeting

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

V. Correspondence:

- A. A copy of the Winnebago County Solid Waste Management Board, CY 2018 November Recycling Tonnage Report.
- B. A copy of the minutes of the October 25th, CY 2018 Oshkosh Public Library Board Meeting.
- C. A copy of the Commissioners of Public Lands Preliminary Approval Notice.
- D. A copy of the Commissioners of Public Lands Final Approval Notice.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report
 - NO REPORT
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Willis was in attendance—No concerns or issues
- C. Clayton Fire Rescue Department (First Meeting of the Month)
Chief Rieckmann provided a written report
 - 161 calls as of 12/14/18 of which 102 were EMR, 42 were Fire, and 17 were both.
 - Radio updates completed
 - Chief Rieckmann attended a FEMA Debris Management Class. Information included proper procedure in case of a disaster to insure FEMA reimbursement.
- D. Larsen-Winchester Sanitary District
 - NO REPORT
- E. Administration Comments
Mary Jo Miller, Engineer
 - Working on a couple CSMs for the Town
 - Highland Wood—Radtke Contractors working on ponds
 - Spoke with Radtke regarding traffic/mud on road complaintAdministrator Johnston
 - Tax Collections have begun
 - Staff is working on mapping for the Incorporation
 - Developing CSMs for Town owned landChairman Geise
 - Noted the Town receives only 14 cents of each tax dollar collected

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. Plan Commission recommendation to the Town Board on a Re-zoning application submitted By Daniel Schutte, 2691 Marathon Ave, Neenah, WI 54956 for property located 7320 Jensen Road, Oshkosh, WI 54904 and specifically described as part of Tax ID# 006-0817-06, being a part Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential).

- Plan Commission Chairman Knapinski noted that the Re-Zoning was a requirement resulting from the parcel split approved by CSM approved in November.
- The lot is less than 5 acres and requires rezoning to R-1
- Plan Commission recommends approval of the Rezoning

B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Donald E. Breaker and Phyllis A. Breaker, 2665 Larsen Road, Neenah, WI 54956 for property located at 2665 Larsen Road, Neenah, WI 54956, and identified as Tax ID # 006-0639-01 and specifically described as All of Lot-1 of Certified Survey Map 4904 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission Chair Knapinski explained that this CSM has been submitted to clean-up a CSM which came before the Town Board in 2001.
- Research could not ascertain why the restrictive language to remove the accessory structure was added to the 2001 CSM as the structure was compliant with the codes in place at the time.
- Approval of this CSM will remove the restrictive language and allow the owners to sell the property with the structure onsite.

MOTION:

Motion by unanimous consent to approve the CSM as presented and with Staff recommendations

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—The December 12th, 2018 Green Space Committee Meeting was cancelled

X. **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)(e).

- i. **19.85 (1)(e)** - Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The Town Board of the Town of Clayton will consider a Motion to Adjourn to a Closed Session to deliberate, sale price, terms of sale, and to confer with Legal Counsel regarding the sale of Town owned property.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to Adjourn to Closed Session for Town Board to deliberate, sale price, terms of sale, and to confer with Legal Counsel regarding the sale of Town owned property.

ROLL CALL VOTE:

Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Chairman Geise	Aye

Motion carried with a vote of 5-0

The Town Board, Attorney LaFrombois, Administrator Johnston, Assistant Administrator/Treasurer Straw, and Deputy Clerk Stevens entered into a closed session discussion to deliberate, sale price, terms of sale, and to confer with Legal Counsel regarding the sale of Town owned property.

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Schmidt

Motion to reconvene into Open Session

ROLL CALL VOTE:

Chairman Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Schmidt	Aye

Motion carried with a vote of 5-0

XI. Business:

- A. Discussion/Action: Town Board review and consideration of action on the Closed Session material related to the possible sale of Town owned land.

The Board is being asked to authorize the sale of 26.5 +/- acres of the Town owned land on the south frontage of USH “10” between Clayton Avenue and STH “76”.

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to authorize the Town Chair to sign the Offer to Purchase and the requisite documents to complete the transaction for the sale of 26.5 +/- acres of the Town owned land on the south frontage of USH “10” between Clayton Avenue and STH “76”.

ROLL CALL VOTE:

Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Chairman Geise	Aye

Motion carried with a vote of 5-0

- B. Discussion/Action: Town Board review and consideration of Ordinance 2018-007 approving a Re-zoning application submitted by Daniel Schutte, 2691 Marathon Ave, Neenah, WI 54956 for property located 7320 Jensen Road, Oshkosh, WI 54904, specifically described as part of Tax ID# 006-0817-06, being a part Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential).

The Board reviewed a copy of Ordinance 2018-007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The application submitted by Daniel Schutte, 2691 Marathon Ave, Neenah, WI 54956 for property located 7320 Jensen Road, Oshkosh, WI 54904, specifically described as part of Tax ID# 006-0817-06, being a part Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential).

MOTION:

Motion by Supervisor Reif
 Second by Supervisor Schmidt
 Motion to approve Ordinance 2018-007 and direct staff to submit the documentation regarding the Rezoning to the County.

ROLL CALL VOTE:

Supervisor Lettau	Aye
Supervisor Reif	Aye
Chairman Geise	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye

Motion carried with a vote of 5-0

- C. Discussion/Action: Town Board review and consideration of approving the following CY 2019 farm leases for the Town owned properties:

- a. Schroth Mall View Farms:
 - i. Tax ID # 006-0339-01 9.31 acres **Partial**
 - ii. Tax ID # 006-0345 8.53 acres
 - iii. Tax ID # 006-0344 8.58 acres
 - iv. Tax ID # 006-0347-01 11.53 acres

Total Acres:	37.95 acres
b. Leslie Ory:	
i. Tax ID # 006-0391-05	<u>7.11 acres</u>
Total Acres:	7.11 acres
c. Seelow Farms LLC (Daniel P. Seelow):	
i. Tax ID # 121-0210-07	44.59 acres <u>Partial</u>
ii. Tax ID # 006-0328	40.00 acres
iii. Tax ID # 006-0329	17.55 acres
iv. Tax ID # 006-0342	<u>9.26 acres</u>
Total Acres:	111.40 acres

Staff noted that the list of farm leases as presented includes the Town owned property on the south frontage of USH “10” between Clayton Avenue and STH “76”. The Board authorized the sale of 26.5 acres +/- of that land and is likely to be constructing sanitary sewer and water main through all of the property in CY 2019. Based on those activities the Administration is recommended that the Board not renew the lease with Schroth Mall View Farms. Additionally, the Administration stated they have spoken with Dan Seelow (Seelow Farms LLC) about the area the Town will be working on at the corner of Clayton Avenue and Shady Lane. Specifically, the Town will be installing sanitary sewer and water facilities on approximately 5 acres on the corner. Mr. Seelow has asked and staff has agreed to identify the area the Town will be working on so that he does not cultivate the property. The Administration recommended that the Board approve the renewal of the leases at a price per acre to be set by the Board.

- Chair Geise noted that the current lease rate is \$90.00 per acre

MOTION:

Motion by unanimous consent to approve the renewal of the leases with Leslie Ory and Seelow Farms LLC as presented at a lease price of \$90.00 per acre to be set by the Board.

- D. Discussion/Action: Town Board review and consideration of approving an aggregated Town Employee wage and benefit spreadsheet for CY 2019.

The town’s auditors had requested that the Board approve a CY 2019 wage summary for all Town elected officials, appointed officials, full-time employees, and part-time employees. The Board reviewed the document summarizing the approved wages. The purpose of the document is to centralize the Board’s wage and benefit approval process. This document is then to be approved on an annual basis following the Town’s Budgeting process, Union Contract approval and staff performance evaluations.

MOTION:

Motion by unanimous consent to approve the CY 2019 Wage Summary and place the document on file in the Town Offices.

- E. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services submitted by the Town’s Engineer for the design and bidding services needed to reconstruct Larsen Road from

its intersection with STH “76” through its intersection with Oakwood Avenue.

The Board reviewed a copy of the Agreement for professional services submitted by the Town’s Engineer for the design and bidding services needed to reconstruct Larsen Road from its intersection with STH “76” through its intersection with Oakwood Avenue. The Town has delayed this project for the past 3 years. The Administration is unsure of the Board’s direction relative to completing the project in CY 2019, however, completing the engineering for the project would facilitate completing the field work at any point within the next few years. Staff advised the Board that the reconstruction project includes pulverizing and repaving Larsen Road from its intersection with Oakwood Avenue to its intersection with CTR “T”. The Administration has broken the engineering and bidding for the project into two parts. The first is the reconstruction of Larsen Road from its intersection with STH “76” through its intersection with Oakwood Avenue. The second is the pulverizing and repaving of Larsen Road from its intersection with Oakwood Avenue to its intersection with CTR “T”. The Administration has taken this action to simplify the engineering and bidding process.

MOTION:

Motion to approve an Agreement for Professional Services submitted by the Town’s Engineer for the design and bidding services needed to reconstruct Larsen Road from its intersection with STH “76” through its intersection with Oakwood Avenue at a cost of \$24,900.00 with the funding to come from the Town’s CY 2019 General Budget, Engineering Line Item.

- F. Discussion/Action: Town Board review and consideration of Payment #2 submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Subdivision, Phase-2.

The Board reviewed a copy of Pay Request #2 in the amount of \$96,247.16, submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Phase-2. Both the Town Engineer and the Town Administrator had reviewed the pay request and agreed that it is correct and should be paid. Once the Board approves the Pay Request, staff will submit the first payment for the Developer funded construction of Highland Wood Phase-2 to the Title Company for payment to the Contractor.

MOTION:

Motion by unanimous consent to approve the pay request submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded construction of Highland Wood Phase-2 in the amount of \$96,247.16 with the funding to come from the Developer Escrow for the project.

- G. Discussion/Action: Town Board review and consideration of Ordinance 2018-008 An Ordinance Creating the Town of Clayton Combined Protective Services Department.

The Board reviewed a draft copy of Ordinance 2018-008 An Ordinance Creating the Town of Clayton Combined Protective Services Department.

- Attorney LaFrombois explained the Ordinance and the Statutory requirement for the adoption as part of the development of the Department
- Discussion was held regarding the establishment of a Combined Protective Services Committee to act in place of a board of police and fire commissioners under the provisions of Wis. Stat. § 62.13(5).
- Purpose of the Committee is to deal with employment related issues, rather the management of the Department which would remain with the Board and the Administration
- Attorney LaFrombois discussed the option of using a “Special Master” as defined by Act 10 noting that the Department could operate with a “Special Master” and revisit the option of a Committee in the future.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to Adopt Ordinance 2018-008 An Ordinance Creating the Town of Clayton Combined Protective Services Department without Subsection 3.10 (3) Establishment of a Combined Protective Services Committee

ROLL CALL VOTE:

Supervisor Grundman	Aye
Supervisor Reif	Aye
Chairman Geise	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye

Motion carried with a vote of 5-0

- H. Discussion/Action: Town Board review and consideration to appoint Sarah Zeinert as a member of the Town of Clayton Combined Protective Services Department to perform police protection duties in accordance with Wis. Stat. 60.56.

The Town Board reviewed a copy of the Town’s CY 2019 Police Department Budget. The Administration advised the Board that as a result of the creation of a Town of Clayton Combined Protective Services Department to perform police protection duties in accordance with Wis. Stat. 60.56 in CY 2020 the Police department Budget will be consolidated with the Fire and EMR Budgets. The Town’s Attorney recommended the appointment of a law enforcement officer to the Protective Services Department. The Administration recommended the appointment of Sarah Zeinert to the position with a 1-year probationary wage of \$35,750.00 plus the health insurance and State retirement benefits provided by the Town.

MOTION:

Motion by unanimous consent to appoint Sarah Zeinert to the position as specified with a 1-year probationary wage of \$35,750.00 plus benefits, with the appointment effective January 1st, 2019.

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

MOTION:

Motion made by unanimous consent to adjourn at 8:14 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk