

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, December 21st, 2016

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 at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
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
Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): NONE

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 7th, 2016.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, December 7th, 2016.

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

V. Correspondence:

- A. Copy of excerpts of the minutes of the Tuesday, December 20th, 2016 Winnebago County Board of Supervisors Meeting.
- B. Copy of the County Board action on the repeal and recreation of Chapter 27 of the General Code of Winnebago Entitled “Shoreland Zoning Code”.
- C. Notice to the Town Board that the Tax Bills were mailed Wednesday, December 14, 2016.
- D. Winnebago County Solid Waste Management November Recycling Tonnage Report

- Kay Lettau noted the Town of Clayton is currently in fourth place for recycling tonnage

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

A. County Supervisor Report

1. NO REPORT

B. Winnebago County Sheriff's Department – Public Concerns and Issues

1. NO REPORT

C. Clayton Fire Rescue

1. Chair Geise reviewed Chief Rieckmann's written report

- Responded to 260 calls as of 12/16/2016
- Auto Aid Agreements in place with Neenah, Vinland, and Greenville. Still waiting for approval by the Village of Fox Crossing
- Chair Geise added that Clayton Fire Rescue has been fully operational for almost a full year and he commended the Chief on a job well done

D. Larsen-Winchester Sanitary District

1. Mike Pfankuch report

- The Town of Winchester appointed two new board members to the LWSD board. Rob Nelson was appointed to fulfill Dave McNamee's term due to Mr. McNamee's retirement. Scott Mathison was appointed to a six-year term, filling the seat formerly filled by Mike Kinney.
- An issue arose in regard to Q3 2016 billing. A receipt batch was missed, resulting in delinquent charges. The error affects approximately 40 households. Appropriate credits will be issued to those affected.
- Fall draw down was 8.5 million gallons which is above average, due in part to the wet autumn weather.
- Treated water reports came back with excellent results
- Received 5 new meters which were specifically designed for the LWSD to deal with the "dirty" water in the area. The Board will determine which houses to install and test the meters

E. Administration Comments

1. Town Engineer—Mary Jo Miller report

- No Report

2. Administrator Johnston report

- Working to get an accurate version of road costs for 2004-2016
- Building Inspector, Tom Spierowski is on vacation. Jim Emmons conducting inspections in his stead
- Treasurer Straw will no longer be attending Town meetings on a regular basis. Deputy Clerk Stevens will attend and record the minutes.

3. Chairman Geise report

- Held a meeting with Cedar Corp to formalize plans for main line sewer and water lines for submission to the WI DNR

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Ashley M Oleson

ii. Megan L Young

B. Renewal: No Renewals

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 Revised 2-Lot Certified Survey Map (CSM) application submitted by Michael A. Haase Revocable Trust and Sandra J. Haase Revocable Trust, 7669 Boom Bay Heights Road, Larsen, WI 54947 for property located on the southwest corner of Shady Lane and Clayton Avenue in the Town of Clayton, specifically described as Tax ID # 006-0327, being part of Lot 1 of Certified Survey Map No. 3651, being a part of the Northwest ¼ of the Northeast ¼ and part of the Northeast ¼, of the Northeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Staff Recommendations on the CSM Application:

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Showing the dedication of the 66-foot right-of-way on Lot-1 of the proposed CSM as identified by both the Town of Clayton and the Village of Fox Crossing as it is shown on the Town's Future Land Use Map.
2. Showing the dedication of the 66-foot right-of-way on Lot-2 of the proposed CSM as identified by both the Town of Clayton and the Village of Fox Crossing as it is shown on the Town's Future Land Use Map
3. Subject to payment of all fees due the Town.
4. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

Steve Rusch, 9207 Clayton Avenue, was in attendance and asked to speak with the Board in regard to the proposed CSM

- Mr. Rusch explained he owns an adjacent property and had not received any notice in regard to this action. He was inquiring as to the Town's intention regarding the property.

Administrator Johnston explained the following:

- The approval of a CSM does not require any type of notification
- The Town has no intentions in regard to the property. The CSM is a division of the existing parcel being submitted by the current property owners
- If the current owners had intention to develop the property, they would need to rezone, which would require notifications, but the Town has not received any such request to date.

MOTION:

Motion made by unanimous consent to approve the CSM with the staff recommendations.

B. Plan Commission report to the Town Board on a preliminary discussion on creating administrative language relative to the Working Lands Section of the Town's Comprehensive Plan.

- Chair Knapinski explained the Plan Commission has directed staff to proceed with developing the Working Lands Documentation for the Plan Commission to review.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month): NO REPORT

X. Business:

- A. Discussion/Action: Town Board review and consideration of moving the closing on the Town's purchase of the Thomas B Koziczowski property located at 8989 Clayton Avenue and specifically identified as Tax Id# 006-0347-01 from June of CY 2017 to January 16th, 2017 with a 60-day vacation deadline.

The Board was presented with a copy of the recorded Right of First Refusal for property owned by Thomas B Koziczowski, located at 8989 Clayton Avenue and specifically identified as Tax Id# 006-0347-01. The Town's Right of First Refusal expires on June 7th, 2017. It has been the Town's intent to purchase the property on or before that date. Since the Town has borrowed and has available the funds to purchase the property the closing date for the purchase will have no significant impact on the Town's CY 2017 finances. Mr. Koziczowski and the Town Chair have had several conversations about what are significant speculative land sale activities in the area. Based on those activities and the Town's ongoing intent to purchase the Koziczowski property to protect its boundaries from encroachment by the Village of Fox Crossing the Administration is recommending that the Board move the closing on the proposed purchase to January of CY 2017. The Chair and Mr. Koziczowski have agreed that a closing date of Monday, January 16th, 2017 with a 60-day vacation deadline would work well for everyone.

- Supervisor Grundman asked if this action would provide additional security from annexation by the Village of Fox Crossing
- Administrator Johnston explained it will not prevent it, but it will make it more difficult and more costly for the Village if they were to proceed with annexation
- Administrator Johnston also explained the property is located in the area where the Town has considered developing a business park

MOTION:

Motion made by unanimous consent to set the closing date for the Koziczowski property purchase to Monday, January 16th, 2017 with a 60-day vacation deadline.

- B. Discussion/Action: Town Board review and consideration of a 1-year extension to the Town's existing Contract with Martenson & Eisele, Inc. for Municipal Engineering, Municipal Planning, and Municipal Support services.

The Town Chair has asked the Administration to issue a Request for Proposals (RFP) for Engineering and Planning Services for the Town. The Administration apologized for not issuing the RFP; explaining, due to the given the work load and work schedule of the past few months the Administration has not been able to issue an RFP that would provide the

Board with quality responses. As an alternative the Administration has asked the Town's current Engineering Firm to provide the Board with the option of a 1-year Contract extension with a 90-day termination notice. A copy of the proposed Contract extension was provided to the Board with the terms and costs of the proposed Contract extension being unchanged from the Town's existing Contract. The Administration has asked for the 90-day termination notice so that the Town Board can issue an RFP early in CY 2017 with the option of terminating the Town's existing Contract in order to approve a new Contract with a different firm. Additionally, the Board may wish to consider the option of issuing two Contracts: one for engineering services and the second for planning services.

MOTION:

Motion made by unanimous consent to approve a 1-year extension to the Town's existing Contract with Martenson & Eisele, Inc. for Municipal Engineering, Municipal Planning, and Municipal Support services with the funding to come from the Town's CY 2017 General Fund Budget.

- C. Discussion/Action: Town Board review and consideration of Pay Request No. 2 from Northeast Asphalt, Inc., P.O. Box 1667, Appleton, WI 54912-1667 for the Hickory Avenue Improvement Project.

The Board reviewed a copy of Pay Request # 1 (total payment) in the amount of \$6,445.98, submitted by Northeast Asphalt, Inc., P.O. Box 1667, Appleton, WI 54912-1667. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the payment for the Hickory Avenue Improvement Project. Please be advised that staff will be making the payment out of the Public Works Department operating funds.

MOTION:

Motion made by unanimous consent to approve the pay request submitted by Northeast Asphalt, Inc., P.O. Box 1667, Appleton, WI 54912-1667 in the amount of \$6,445.98 with the funding to come from the Town's CY 2016 Public Works Department Chip Seal Line Item, the Road Maintenance Line Item, and the Pavement Marking Line Item.

- D. Discussion/Action: Town Board review and consideration of a Removal Order for a concrete driveway apron installed in violation of the Town's Minimum Road Standards Ordinance at 3505 Dekalb Lane, specifically identified as Tax ID# 006-1590 and owned by Joel M. and Emily A. Daniels.

The Board reviewed staff's documentation relative to the enforcement on this issue including a sample removal order issued by the Board. When this issue came to staff's attention, the Administration directed the Building Inspector to request that the property owner remove the concrete driveway apron by his own accord. The Board also reviewed a copy of an e-mail relative to this issue written by the property owners, Joel & Emily Daniels. Mr. Daniels makes a persuasive argument for keeping his concrete driveway apron; however, following a review of the issue, the Board approved enforcing the Town's prohibition on concrete driveway aprons effective January 1st, 2014. During the intervening period the Board has issued and enforced several removal orders for concrete driveway aprons. To Mr. Daniels point, none of the concrete driveway aprons on Dekalb

Lane installed after January 1st, 2014 have been allowed to remain in place. Relative to the existing grandfathered concrete aprons, if the Board allows this concrete apron to be considered grandfathered it should consider removing the prohibition from the Town's Ordinances. A new concrete driveway apron installed after the Board's active enforcement date should not be considered grandfathered simply because others installed before the Board's active enforcement date are considered grandfathered; this simply defies the definition of grandfathered.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Reif

Motion to direct the Town's Attorney to issue the Removal Order with a deadline of June 30, 2017 for completion of the work.

Motion carried with a 5-0 vote

- E. Discussion/Action: Town Board review and consideration of a report prepared by Chief Franz (City of Oshkosh Fire Chief) on the preparedness, policies and facilities of the Clayton Fire Rescue Department.

Chief Rieckmann reported receiving a call from Chief Franz delaying submission of his report. Chief Rieckmann stated he would present the report to the Board for review in January of CY 2017.

- F. Discussion/Action: Town Board review and consideration of accepting the following firefighting equipment to be purchased by the volunteers with donated funds:
- i. Four gas detectors for use on Engine 43.
 - ii. Thermal Imaging Camera for Engine 43.
 - iii. Cordless sawzall for use on Engine 143, with the unit on Engine 143 to be transferred to Engine 43.

The Town's Fire Department volunteers routinely conduct fund raising events to generate money to purchase equipment for the Department. These funds are usually used to purchase equipment that is not budgeted for but which the firefighters believe would aid in the Department's operations. The Town's volunteers have agreed to use their funds to purchase the equipment listed and the Chief is asking the Board to take title to the following equipment as part of the Department's inventory.

MOTION:

Motion was made by unanimous consent to authorize the Chief to accept the donated equipment and to include the equipment in the Department's inventory.

- G. Discussion/Action: Town Board review and consideration of an early pay-off (January 11th, 2017) of the Town's Loan with the Board of Commissioners of Public Lands.

The Board reviewed a copy of a final payment document requested by staff for the Town's loan with the Board of Commissioners of Public Lands. The final payment is for \$114,909.34 with the funds to come from the Town's recent borrowing activities.

NO ACTION REQUIRED BY THE BOARD

H. Discussion/Action: Town Board review and consideration of the Administrator's Annual Performance Evaluation as well as consideration of any Board recommendations relative to compensation increases.

- Chair Geise explained Administrator Johnston has exceeded expectations in regard to performance, noting in 8+ years of service, Mr. Johnston has not missed a single meeting. He also explained he had a conversation with Mr. Johnston during which, Mr. Johnston had requested his pay rate to stay the same and instead of a monetary increase, the Board approve the payout of his unutilized vacation time.
- The Board discussed Mr. Johnston's excellent performance and debated his proposal taking the following action.

MOTION:

Motion by Supervisor Reif

Second by Supervisor Grundman

Motion to increase Administrator Johnston's pay rate by 3% and payout his unused vacation.

Motion carried with a 5-0 vote.

XI. Review of Disbursements

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

- Treasurer Straw presented the Town of Clayton Capital Expenditure Report and the General Fund Budget Update

XIII. Upcoming Meeting Attendance: No Meeting to note

XIV. Board Member Requests for Future Agenda Items:

- Supervisor Grundman asked for an update regarding ditch cleaning by the Railroad tracks

XV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 7:55 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk