

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. on Wednesday, January 18th, 2017

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
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 21st, 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 21st, 2016.

- B. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, January 4th, 2017.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, January 4th, 2017.

IV. Open Forum – Non-Agendized Town-related Matters: NONE

- V. Correspondence:
- A. Ratings information from S&P Global Ratings affirming the Town’s “AA-“Long Term Rating.
 - B. Winnebago County Solid Waste Management Board CY 2016 Recycling Tonnage Report
- 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 Department
 - 1. NO REPORT (1st Meeting of each month)
 - Chair Geise noted there have been 8 calls since the 1st of the year
 - D. Larsen-Winchester Sanitary District
 - 1. NO REPORT
 - E. Administration Comments
 - 1. Town Engineer—Mary Jo Miller
 - NO REPORT
 - 2. Administrator Johnston
 - Will be working with Town Engineer to determine the special assessments for Whispering Meadows
 - Budgeting and Investment Developments will be brought to the Board at future meetings as they need to be addressed.
 - 3. Chair Geise
 - Green Space Committee Chair Cathy Clark’s husband, Gene, passed away. Chair Geise wanted to express condolences on behalf of the Town Board
 - The Boardman and Clark letters were sent to the WI DNR and the ECWRPC
 - Chair Geise and Administrator Johnston had a meeting with the Town Attorney—there will be a slight delay on the closing for the Koziczkowski property
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Blake S. Kalwitz
 - ii. Kristen E. Kozlowski
 - 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 Revised 2-Lot Certified Survey Map (CSM) application submitted by Pattison Revocable Living Trust, Denise L. Pattison Trustee , 3033 Windfield Drive, Neenah, WI 54956 and Gay Lynn and Gregory J. Wolf, 3021 Windfield Drive, Neenah, WI 54956 for property located at 3021, 3030 and 3033 Windfield Drive in the Town of Clayton, specifically described as Tax ID # 006-

1211, Tax ID # 006-1212-01, and TAX ID # 006-1213 being all of Lot 1 of Certified Survey Map No. 6997, being all of Lot 17 and Outlot 3, Windfield Place, and all of Lots 16 and 18, Windfield Place, located in the Southwest ¼ of the Southeast ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Staff Recommendations:

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

1. Payment of all fees owed to the Town.
 2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
- Administrator Johnston reviewed the Plan Commission recommendation for approval explaining the Plan Commission's discussion in regard to the history of the lots and their respective CSMs, noting, the currently proposed is the most logical way to map the area and it should have been done this way originally.

MOTION:

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

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):

A. Green Space Committee recommendation to the Town Board on a staff proposal to enclose the roadside ditch on the south side of Fairview Road in the area of Olson's Rest and the Friendship Trail.

- Administrator Johnston reviewed the Green Space Committee recommendation to approve the work in the area of Olson's Rest and the Friendship Trail. He explained there are two culverts which will require replacement due to deterioration which, while completing that work, it would be advantageous to complete the additional work to clean up the area, minimize the maintenance and create additional parking for the trail users.

ACTION:

The Town Board accepted the Green Space Committee's recommendation to complete the work by unanimous consent

X. Business:

A. Discussion/Action: Town Board review consideration of Resolution 2017-001 A Resolution in support of a Constitutional Amendment to limit the corrupting influence of unregulated political contributions and spending on the political process.

At Ms. Schierl's request the Town Board reviewed Resolution 2017-001. The Resolution, as drafted, asks the Federal Legislature to call for a Constitutional Amendment to remove the right of personhood from corporate entities as it relates to the First Amendment to the US Constitution, the Right to Free Speech.

MOTION:

Motion by Supervisor Schmidt

Second by Supervisor Grundman

Motion to approve Resolution 2017-001, as drafted, and to direct staff to publish the Resolution as required by law.

ROLL CALL VOTE:

Motion approved by a 5-0 vote

- B. Discussion/Action: Town Board review consideration, of an Administrative and Operational Audit of the Clayton Fire Rescue Department prepared by Timothy R. Franz, Fire Chief, City of Oshkosh.

The Board reviewed the Administrative and Operational Audit of the Clayton Fire Rescue Department prepared by Timothy R. Franz, Fire Chief, City of Oshkosh. In many ways this report is similar to the RW Management Study completed for the Joint Fire Board a number of years ago. Specifically, these reports go to why the Joint Fire Board was dissolved, as the Clayton Fire Rescue Department now exists. The Joint Fire Board generated the RW Management Study but had little interest in implementing the recommendations of the study. By creating the Clayton Fire Rescue Department, the Town Board now has the ability to control the items discussed in Chief Franz's review. The Administration reminded the Board that these reports are not a commentary of the Department's Volunteers, only the administrative rules, operational guidelines, and how the firefighting equipment of the Department is used. The Administration is comfortable with the Audit, its findings and the ability of Chief Rieckmann to make progress with the Department's Standard Operating Guidelines (SOGs), Standard Operating Procedures (SOPs), and general operations.

MOTION:

Motion made by unanimous consent to direct Chief Rieckmann to prioritize the list of SOGs and SOPs listed by Chief Franz and to provide that list to the Board, and then to create the needed documents and report to the Board on the Department's progress in January of CY 2018.

- C. Discussion/Action: Town Board review and consideration of a request by the Best Friends of Neenah/Menasha to hold the Clayton Park rental fee at \$60.00 for their 31st, Annual Best Friends Gourmet Bike Tour, scheduled to be held on Sunday, July 23rd, 2017.

The Board reviewed the current fee for renting Clayton Park which is \$80.00. Over the past few years the organization has made this request and the Board has routinely denied the request; however, an individual has always made a donation to cover the rental fee for the Organization. The Administration recommends that the Board reject the request for consideration by Best Friends of Neenah/Menasha. The recommendation is based on the uncertainty of what criteria the Board would use to agree to the consideration. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff recommends not reducing the fee for anyone. Staff is comfortable that a donation will be made to cover the cost of renting Clayton Park by Best Friends of Neenah/Menasha.

MOTION:

Motion by unanimous consent to deny the request of Best Friends of Neenah/Menasha to reduce the Clayton Park Rental fee of \$80.00.

- D. Discussion/Action: Town Board review and consideration of Staff’s interpretation of the Town’s Cemetery and Burial Site Ordinance #4.9, Section 7 “Ownership Rights of Burial or Internment”, D “Resale”.

In order to standardize the activities in the Town’s two Cemeteries, the Town has created the Town’s Cemetery and Burial Site Ordinance #4.9. Section 7 D of that Ordinance deals with the resale of Cemetery Plots by private owners. Specifically, Section 7 D reads as follows:

Lot owners may not resell or transfer their lots or parts of lots in any Town Cemetery except as outlined below:

1. The Town Clerk shall enter in the record kept for that purpose all deeds of transfer and re-conveyance of cemetery lots. No such re-conveyance shall be received and recorded by the Town Clerk until a fee, as established by the Town Board has been paid therefore.
2. Said fee shall go into the general Town Cemetery Fund.
3. Re-conveyance of lots or parts of lots may be made only by written application therefore upon blanks furnished by the Town Clerk, the same to be approved by the Town Board. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

The fee established by the Board for a transfer of Deed is as follows:

TRANSFER OF DEED:	Resident	Non-Resident
Single Grave Site:	\$25.00	\$50.00
1/2 Plot (2 Sites):	\$30.00	\$60.00
Plot (4 Sites):	\$40.00	\$80.00

The Administration explained it has always interpreted this language to mean that the Town wanted to avoid making a market in cemetery plots by accidental speculation. It is the Administration’s belief that the only way to avoid making a private market in burial plots is for the Town to repurchase burial plots from the owner at their original purchase price. Additionally, in order to minimize the need to repurchase burial plots, the Administration has encouraged the owners of burial plots to provide the Town with a list of individuals, related or not related, who can be buried in their plots. This interpretation is intended to make the Town the only entity selling burial plots in its cemeteries, to minimize the paperwork involved in re-selling burial plots, to eliminate the private market for burial plots in the Town’s Cemeteries, and to avoid charging unnecessary fees.

MOTION:

Motion by unanimous consent to approve the Administration’s interpretation of the Town’s Ordinance as noted.

- E. Discussion/Action: Town Board review and consideration of a presentation on private sanitary sewer and water system by Dean Zanon, of Cedar Corporation, Engineer for Town's Sanitary District #1.

Private on-site, communal, waste water and water systems were permitted by the State Department of Commerce (DCOM) and are now permitted by the State Department of Safety & Professional Services (DSPS). These systems serve limited areas with communal waste water and water systems that are funded, installed, and maintained by the developer. However, there are many communities that have taken title to, and operational control of, such systems from the developer. Midwest Development, the former owner of the Town property fronting on the south side of STH "10" had intended to use such a system back in CY 2008. The Town is considering installing this type of system on the north and south frontage of STH "10" between Clayton Avenue and STH '76". George Thompson, P.E. of Cedar Corp, presented design materials related to these types of systems to the Board for its consideration. Should the Board wish to proceed with installing these systems on the described STH "10" frontage it will need to work with a Developer to install these systems with the intent of turning title and operational control of the systems to the Town.

- Administrator Johnston noted the main reason for considering this type of system is because the larger systems, like that submitted to the WI DNR for approval, are very costly to install.
- Chair Geise noted this type of system is easier and quicker to install and would help to create a stop-gap from possible annexation.

MOTION:

Motion made by unanimous consent to allow the Town Chair to continue investigating the Town's options for partnering with a developer to fund and install the DSPS approved waste water and water systems.

- F. Discussion/Action: Town Board review and consideration of dedicating a donation made to the Clayton Fire Rescue Department to the Department's CY 2017 Operating Budget.

The Clayton Fire Rescue Department (Department) recently received an anonymous donation of \$300.00. The Administration was asked where to record the donation, the Administration's response was in the General Fund Donations, Line Item. The response was based on the convention that the donor cannot encumber funds as part of a donation, the only entity that can encumber funds donated to the Municipality is the Governing Body. The Administration is comfortable that the funds were intended to be donated to the Department and is respectfully asking the Board for direction to place the donated funds in one of the Department's General Fund, Operations Line Item. The Chief can decide which Operations Line Item he would like to place the donated fund in. The only condition on encumbering the donated fund would be that they will not be included when developing the Department's CY 2018 Operating Budget.

MOTION:

Motion by unanimous consent to direct the Town's Treasurer to allocate the donation to the Department's CY 2017 Budget as directed by the Chief.

- G. Discussion/Action: Town Board review and consideration of a staff report on the funding available for the Town’s CY 2017 Capital Reconstruction of Larsen Road from STH “76” through the intersection of Oakwood Avenue.

The Administration advised the Board that staff has not completed the internal auditing process and therefore is not able to report on the funding available for the Town’s CY 2017 Capital Reconstruction Project (reconstruction of Larsen Road from STH “76” through the intersection of Oakwood Avenue. At this time staff intends to report to the Board at its Wednesday, February 1st, 2017 Town Board Meeting.

NO ACTION TAKEN

- H. Discussion/Action: Town Board review and consideration of accepting the resignation of Cathy Clark as the Chair and member of the Town’s Green Space Committee.

The Administration advised the Board that Cathy Clark, Chair of the Town’s Green Space Committee has, for personal reasons, submitted her resignation from the Town’s Green Space Committee (Committee). Additionally, the Administration advised the Board that the Committee has placed the nomination and election of a new Chair for the Committee on the Agenda for its Wednesday, February 8th, 2017 Meeting.

MOTION:

Motion by unanimous consent to accept the resignation of Cathy Clark.

- 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: NO REQUESTS
- XV. Adjournment:

MOTION: Motion made by unanimous consent to Adjourn at 7:40 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk