

DATE: 02/28/23

R E S O L U T I O N

No. 005

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02-005-23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of KEVIN & JANNA FISCHER and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Agriculture District)** of said ordinance, which it now and heretofore had, to the zoned district of **R-1 (Rural Residential District)**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0279-01**; FROM **A-2** TO **R-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **36 - Miller**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

The town zoning change for Paul & Jolene Moran is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-2 (Suburban Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SZ 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

The town zoning change for Bret Blickhahn is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MB, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MB, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

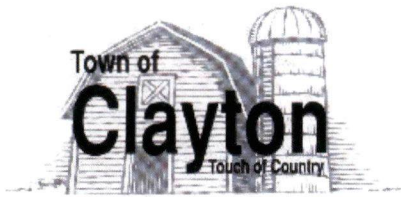
RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MB, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

The town zoning change for Cody Robel is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

006-0279-01
A-2 to R-1, FLV: Res



Monday, March 21, 2022

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

A Re-zoning application submitted by Robert & Angela Antilia, 605 Van Buren St., Little Chute, WI 54140 for property owned by Kevin & Janna Fischer, 2830 E John St., Appleton, WI 54915 located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, 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 Agriculture District) to R-1 (Rural Residential District).

Should you have any questions relative to this request please feel free to call or e-mail me.

Sincerely,

Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON

ORDINANCE 2022-Z003

**AN ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP**

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

Property Owner(s):

Kevin & Janna Fischer, 5505 W Greenville Dr, Appleton, WI 54913

Legal description of property:

For property located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast ¼ of the Northwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.


The above-described property is hereby rezoned from:

The application is to re-zone the property from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.


Adopted this 16th day of March, 2022

Vote: Yes: 4 No: 0 Abstain: 0 Absent: 0



Russell D. Geise, Chair

ATTEST:



Kelsey Faust-Kubale, Town Clerk

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
Wednesday, March 16, 2022
7:00 P.M.

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Town Board Chair Geise called the meeting to order at 7:00 p.m.

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 Reif PRESENT

b. Staff

Administrator Straw PRESENT

Clerk Faust-Kubale PRESENT

Treasurer Wisnefske PERSENT

Town Engineer – Ben Hamblin PRESENT

Town Attorney – Ben LaFrombois PRESENT arrived at 7:03 p.m.

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

A. No public hearing.

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, March 2, 2022 Town Board Meeting.

MOTION:

Motion made by unanimous consent to approve the March 2, 2022 Meeting Minutes as presented.

Motion carried.

IV. Open Forum – Town-related matters not on the agenda: NONE

V. Correspondence:

A. Distribution of a Memorandum from the Wisconsin Counties Association regarding Absentee Ballot Drop Boxes.

- Chair Geise reviewed the correspondence and commented that the multi-use drop box located at the Municipal Building has been removed until after the April 5, 2022 election.

B. Distribution of a copy of the January 27, 2022 Minutes of the Oshkosh Public Library Board.

- Chair Geise reviewed the correspondence and noted nothing to report from these minutes, however masking in the Library is not required as of March 1, 2022.

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

- A. County Supervisor Report--NONE
- B. Winnebago County Sheriff's Department: – Public Concerns and Issues--NONE
- C. Department of Public Safety (First Meeting of the Month)
 - a. Clayton Fire Rescue Department--NONE
 - b. Clayton Police Department (First Meeting of the Month) --NONE
 - c. Emergency Management Report--NONE
- D. Larsen/Winchester Sanitary District--NONE
- E. Administration Comments
 - Chair Geise stated that he, Administrator Straw, TJ Lamers, and Barry Gill met regarding sale of Town property, and to negotiate a new sale price, which is addressed in a later agenda item.
 - Chair Geise reviewed communication from Winnebago County regarding a county wide initiative to re-zone parcels zoned A-1 (Agribusiness District) to A-2 in Towns with no Farmland Preservation Plan (FPP). Town of Clayton does not have any FPP areas. Chair Geise also noted that the A-1 zoning can be kept on parcels, but they would no longer be eligible for the tax credit.
 - Chair Geise reviewed communication from Edge Consulting Engineers, Inc regarding a proposed monopole telecommunications tower at 7577 Blacktop Way. Chair Geise noted that the communication cites the paper of record being the Neenah News-Record, which is a free paper circulated in that community.

VII. The Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. None
- B. Renewal:
 - i. None

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning application submitted by Robert & Angela Antilia, 605 Van Buren St., Little Chute, WI 54140 for property owned by Kevin & Janna Fischer, 2830 E John St., Appleton, WI 54915 located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast ¼ of the Northwest ¼ of Section 10, 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 Agriculture District) to R-1 (Rural Residential District).
 - Plan Commission Chair Knapinski noted this re-zoning was submitted because the acreage is less than the 5-acre requirement to be zoned A-2.
 - Chair Knapinski noted that the only public comment read into record was an email received regarding the private road adjacent to the parcel.
 - Chair Knapinski reviewed that the Commission recommended approval of the re-zoning application.

- B. Plan Commission review and recommendation on a Site Plan Application submitted by JJJ2, LLC, Fox Valley Man Caves, 7577 Blacktop Way, Neenah, WI 54956 for property located at 7577 Blacktop Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 being part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski remarked there was a lot of discussion on this item at the Commission meeting.
 - Chair Knapinski reminded the Board that Chair Geise, members of Administration and Staff, representatives of JJJ2, LLC, and himself met prior to the Commission meeting to try and work through some of the issues surrounding this development project.
 - Chair Knapinski noted in his view the Site Plan submitted was similar to plans submitted for Phase I, but overall, the Commissioners were looking to see detailed landscape and lighting plans, as well as ensuring that the conditions of Phase I were met before proceeding on.
 - Chair Knapinski remarked he advised the developers to have a single point of contact with the Town moving forward, as 3 developer representatives contacted 3 separate Town representatives.
 - Chair Geise also noted that he didn't see follow through on items discussed during the additional February meeting with himself and members of Administration and Staff.
 - Chair Knapinski noted that the Commission motion was to recommend denial of the Site Plan Application to the Town Board, and that motion passed in a 4-3 vote.
- C. Plan Commission review and recommendation on a Site Plan Application submitted by Ben Hamblin, McMahan Associates, 1445 McMahan Drive, Neenah, WI 54956 for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted there was not much discussion between the Commissioners on this Site Plan Application as everything was in order.
 - Chair Knapinski noted that the Commission recommends approval on this Site Plan Application.
- D. Plan Commission review and approval of Plan Commission Resolution 2022-001 A Recommendation of the Plan Commission to the Town Board on the Comprehensive Plan Public Participation Plan.
- Chair Knapinski remarked that this item is required by State Statute and is part of the Comprehensive Plan process.
 - Both Chair Knapinski and Chair Geise agreed that this is an initiative to maximize public participation and input into revising the Comprehensive Plan.
 - Chair Knapinski noted that the Commission Roll Call vote was unanimous to approve and recommend approval to the Town Board.
- E. Plan Commission review and discussion on the Updates on the CY 2022 Planning Initiatives: Comprehensive Plan Update, Marketing of Hwy 10.76 Corridor (Gold Shovel), and the investigation of Solar Farm Opportunities.
- Chair Knapinski reviewed the parcels south of Highway 10 being considered for the Gold Shovel Ready program.

- Chair Knapinski reiterated that New North can market these properties up to 3 years depending on interest and success of the program, and that, if the Town proceeds, it will be evaluated after Year 1.
- Chair Knapinski reviewed the Commission is still exploring solar farm opportunities for parcels in the airport overlay and the Commission is still seeking more information as this is a rapidly growing and changing industry.
- Chair Knapinski was optimistic that there are available options that would allow for a mix of agriculture and solar on the identified parcels, and that the solar opportunities could generate some revenue for the Town.
- Chair Knapinski reiterated that this is an ongoing process and more information is being sought so that the Commission is more informed and no action is needed from the Board at this time.

IX. Business referred by the Green Space Committee:

- A. Green Space review and recommendation of appointing Nancy Harranty-Irvine Committee Chair.
 - Chair Geise noted this is great for the Committee and glad that there is a candidate that is being put forward for the Chair position.
- B. Green Space review and discussion of fundraising for trees/benches along Friendship Trail from Hwy 76 to Clayton Ave.
 - Chair Geise noted this is an ongoing discussion that the Committee will be having.
- C. Green Space review and update of continuing projects for Trailhead Park, Clayton Park, Olson's Rest, and Friendship Trail.
 - Chair Geise noted this is an ongoing discussion that the Committee will be having. Some items discussed at the most recent meeting were expanding the disc golf course to 18 holes and moving forward with the sign recognizing the Lions Club and their contributions to Trailhead Park.

X. Business:

- A. Discussion/Action: Town Board review and consideration Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board reviewed a copy of the proposed Ordinance 2022-Z003.

The re-zoning of the property is in conformance with the Town's Future Land Use Plan. This rezone is to conform with the current Zoning Code. The property is 3.58 acres which is below the required acreage for A-2 (General Agriculture District) zoning.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Lettau

Motion made to approve Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

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|---------------------|-----|
| Chair Geise | Aye |
| Supervisor Reif | Aye |
| Supervisor Lettau | Aye |
| Supervisor Grundman | Aye |

Motion carried 4-0.

B. Discussion/Action: Town Board review and consideration of a Site Plan Application submitted by JJJ2, LLC, Fox Valley Man Caves, 7577 Blacktop Way, Neenah, WI 54956 for property located at 7577 Blacktop Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 being part of the Northwest ¼ of the Northwest ¼ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets the review material and the minutes from the Plan Commission Meeting. There was a lot of discussion and as Plan Commission Chair has reported, the Plan Commission recommended denial of this Site Plan Application based on an incomplete and inadequate site plan including the lack of a landscaping plan and a lighting plan.

- Chair Geise shared his preference that this agenda item be tabled until the Site Plan Application is approved by the Plan Commission.
- No Supervisors objected to tabling this agenda item until the Site Plan is approved by the Plan Commission.

THIS ITEM TABLED UNTIL APPROVED BY THE PLAN COMMISSION.

C. Discussion/Action: Town Board review and consideration of a Site Plan Application submitted by Ben Hamblin, McMahan Associates, 1445 McMahan Drive, Neenah, WI 54956 for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast ¼ of the Southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. Attached, please find Site Plan Approval 2022-001 for Trident Holdings, LLC.

Jeff Kussow, Code Administrator, Cedar Corp also added in his comments to the Plan Commission “If the Town determines that the driveway widths at the juncture with street pavement, exterior wall materials, and the alternative compliance landscape plan are acceptable, staff recommends conditional approve of the Site Plan Application.”

Plan Commission recommended approval of this Site plan.

- Supervisor Reif asked for clarification on the notes of Code Administrator Kussow regarding the driveway widths, and alternative compliance landscape plan.
- Barry Gill, representing Trident Holdings, LLC confirmed that these items were all addressed with the Plan Commission. Specific to the landscape plan, the grown trees along Clayton Ave. will be left.
- Administrator Straw further clarified that after consulting with Chief Rieckmann the driveway width now accommodates the Fire Department equipment versus the old plans that were wide enough to accommodate semi-trucks but possibly not the fire equipment.

MOTION:

Motion made by unanimous consent to approve the Site Plan Application submitted by Ben Hamblin, McMahon Associates, 1445 McMahon Drive, Neenah, WI 54956 as consultant for Trident Holdings, LLC for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast ¼ of the Southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all staff and Plan Commission recommendations.

Motion carried.

D. Discussion/Action: Town Board review and consideration of Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town's Comprehensive Plan Update.

The Board reviewed a copy find a copy of Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town's Comprehensive Plan Update along with a copy of the Public Participation Plan.

Last week the Plan Commission approved Plan Commission Resolution 2022-001 recommending to the Town Board to approve by Ordinance the Public Participation Plan as part of the Town's Comprehensive Plan.

The addition or amendment of the Comprehensive Plan requires Town Board approval through an Ordinance.

- Chair Geise expressed hope that this will foster better public participation on future maps and comprehensive plans for the Town.
- Chair Geise reiterated that the more resident input the better when it comes to making decisions for all in the Town, not just the few who are elected or appointed to serve.

MOTION:

Motion by: Supervisor Reif

Second by: Supervisor Grundman

Motion made to approve Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town’s Comprehensive Plan and direct staff to publish the Ordinance as required by law.

ROLL CALL:

| | | |
|---------------------|-----|-----|
| Supervisor Grundman | Aye | |
| Supervisor Lettau | Aye | |
| Supervisor Reif | Aye | |
| Chair Geise | | Aye |

Motion carried 4-0.

E. Discussion/Action: Town Board review and consideration of appointing Nancy Harrity-Irvine Committee Chair with a start date of April 13, 2022.

On December 01, 2021, the Administration received an email from Angela Coenen resigning as Green Space Chair. In order to hold the Green Space Committee meetings, the Administrator has been chairing the committee. At the January 12, 2022 meeting, the Administrator asked the Committee Members to consider taking the Chair position for the Committee. Nancy Harrity-Irvine was the only member that came forward with interest.

The Green Space Committee did recommend to the Town Board to appoint Nancy as Green Space Chair.

- Chair Geise again thanked Ms. Harrity-Irvine for stepping forward and serving.

MOTION:

Motion made by unanimous consent to appoint Nancy Harrity-Irvine Green Space Committee Chair with a start date of April 13, 2022.

Motion carried.

F. Discussion/Action: Town Board review and consideration of the Amendment to Offer to Purchase Lot 3 of Certified Survey Map 7862 amending the purchase price from \$54,281 per acre to \$47,250 per acre.

The Board reviewed a copy of the Amendment to Offer to Purchase. On Friday, March 11, 2022, the Town Chair and the Administrator met with Barry Gill and TJ Lamers regarding the cost of the proposed development. The Town will be assessing the property for the construction of W American Drive. The cost of the assessment is approximately \$100.00 per linear foot per property, which in turn is an additional \$42,980.00 for the development.

The Town paid \$36,828.00 per acre when the property was purchased. With the reduction of the price, the Town is still making \$10,422 per acre.

The additional development of \$2,100,000.00 will increase the value of the Town and produce approximately \$11,000 in tax revenue for the Town each year (\$5.24/thousand mill rate for Town and Sanitary District).

- Chair Geise noted that there will still be a special assessment on the road, and the developers will be billed for hookup on sewer and water.
- Supervisor Reif questioned why the Town is offering this new lower price.
- Barry Gill representing Trident Holdings, LLC responded the original offer to purchase didn't include the special assessment for the road. It is now agreed that as the developer, they will take on that special assessment and 10% TIF so the project makes financial sense for all parties.
- Supervisor Reif requested clarification that the TIF would be paid out over 10 years, and Mr. Gill replied in the affirmative.
- Chair Geise noted that in order to be consistent across developments, sale price of the land that the Town owns is the only variable that can be negotiated. The other developments were offered the same TIF incentives, special assessments if required, and charges for sewer and water hookup.

MOTION:

Motion made by unanimous consent approve the Amendment to the Offer to Purchase Lot 3 of Certified Survey Map 7862 amending the purchase price from \$54,281 per acre to \$47,250 per acre for a total sale price of \$275,940.00.

Motion carried.

G. Discussion/Action: Town Board review and consideration of Resolution 2022-004 A Resolution Authorizing the Sale of Property.

The Board reviewed a copy of Resolution 2022-004 A Resolution Authorizing the Sale of Property. The Town Attorney requested this to be added to the Town Board to formally authorize the Town Chair to sign closing documents on behalf of the Town. The Board has never "formally" authorized the Chair to sign documents – the Board has always mutually agreed.

State Statutes allow for the Clerk to sign such documents; however, the statutes are vague as to the Town Chair's authority to sign on behalf of the Town.

- Chair Geise requested clarification regarding if this type of authorization needs to be completed every time a sale of property is made.
- Town Attorney LaFrombois noted that yes it would need to be done each time as statutorily the conveyance of real property lies with the Town Clerk, but the Board Chair can if given authorization.

MOTION:

Motion by: Supervisor Reif

Second by: Supervisor Grundman

Motion made to approve Resolution 2022-004 A Resolution Authorizing the Sale of Property on the Northwest corner of West American Drive and Clayton Ave.

ROLL CALL:

| | | |
|---------------------|-----|-----|
| Supervisor Reif | Aye | |
| Supervisor Grundman | Aye | |
| Chair Geise | | Aye |
| Supervisor Lettau | Aye | |

Motion carried 4-0.

H. Discussion/Action: Town Board review and consideration of Developer’s Agreement for Trident Holdings, LLC.

The Board reviewed a copy of the Draft Developer’s Agreement for Trident Holdings, LLC. This agreement is the same agreement that was used for Premier Clayton, LLC. The Administration has reviewed the agreement and is confident that the agreement is complete with all aspects of the sewer and water and TID information.

- Chair Geise noted this agreement is the same as previous Developer’s Agreements that the Board has approved, and details what Trident Holdings, LLC will be responsible for.
- Town Attorney LaFrombois made note of some clerical errors found in his review of the agreement and will submit them to the Administration for revision.

MOTION:

Motion made by unanimous consent to approve the Developer’s Agreement for Trident Holdings, LLC with the changes presented to the Administration.

Motion carried.

I. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2021-018 A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers for the CY 2022/23 Election Cycle:

- i. Dean Ackman, 4477 Fairview Rd., Larsen, WI 54947
- ii. Laura Ackman, 4477 Fairview Rd., Larsen, WI 54947
- iii. David Beck, 3009 Windfield Dr., Neenah, WI 54956
- iv. Linda Beckwith, 8225 Golf Course Dr., Neenah, WI 54956
- v. Frances (Fran) Caruana, 2756 Holiday Ct., Neenah, WI 54956
- vi. Cynthia Deeg, 8241 County Rd. T, Larsen, WI 54947
- vii. Wanda Graham, 3217 Fondotto Dr., Neenah, WI 54956
- viii. Vicki Schmidt, 7382 Jensen Rd., Oshkosh, WI 54904
- ix. Jeff Track, 2942 Ridgeway Dr., Neenah, WI 54956

The Board reviewed a copy of Resolution 2021-018, as approved by the Board: Resolution 2021-018 is the Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. Also attached is a copy of the amended Exhibit A to Resolution 2021-018 with the names of the additional poll workers highlighted in yellow. The additional Poll Workers on the list are recommended for addition by staff. As in the past, both the Democratic Party and

the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll Workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

MOTION:

Motion by: Supervisor Lettau

Second by: Supervisor Grundman

Motion made to approve the addition of the listed names to Exhibit A of Resolution 2021-018 A Resolution Creating an Election Poll Worker List for CY 2022/23 Election Cycle as presented.

ROLL CALL:

| | | |
|---------------------|-----|-----|
| Supervisor Grundman | Aye | |
| Supervisor Lettau | Aye | |
| Supervisor Reif | Aye | |
| Chair Geise | | Aye |

Motion carried 4-0.

J. Discussion/Action: Town Board review and consideration of hiring Ted Eckstein for Cemetery Burials for the Town of Clayton.

The Board reviewed copies of the pricing sheets for Ted Eckstein and Tony’s Cemetery Service. Also attached are photos of some of the more recent cemetery burials. Dorothy Eckstein was buried on July 12, 2021 and her grave has not been restored as of yet. Richard Christianson, Sr. was buried January 24, 2022 and in the opinion of the staff, the grave site looks a mess. Bonnie Salm was buried February 19, 2022 and her grave site looks complete other than top soil and grass seed.

The graves of Mrs. Eckstein and Mr. Christianson, Sr. were dug by Tony’s Cemetery Service, and the grave of Mrs. Salm was dug by Ted Eckstein. It is very clear to see which service does a better job. Also, Ted is local and Tony’s Cemetery Service is out of New London. The Town does not have a contract with Tony’s Cemetery Service.

The price sheets that are included are very similar in the cost. The difference is the Town supplies fill and top soil for Tony’s Cemetery Service and Ted Eckstein uses his own fill, top soil, and seed.

The Town Board has not revisited the fee schedule for CY2022 and can adjust the price of opening/closing graves to allow for the increase if the Board choses to hire Ted Eckstein.

- Chair Geise noted that while it may cost the Town a bit more, the work looked more professional and would be factored into the revised fee schedule.
- Administrator Straw inquired if Mr. Eckstein would be open to fixing the gravesites that have not been restored and Public Works Foreman Christianson advised yes, but for a small cost.
- Administrator Straw asked Foreman Christianson to get those costs from Mr. Eckstein to be submitted at the next Board meeting.

MOTION:

Motion made by unanimous consent to approve using Ted Eckstein for grave openings/closings effective immediately.

Motion carried.

K. Discussion/Action: Town Board review and consideration of creating a Member/Employee Assistance Referral Program as required by Wisconsin Department of Safety and Professional Services.

The Board reviewed copies of information regarding the Member/Employee Assistance Referral Program and a proposal sheet for the cost of therapy. Treasurer Wisnefske will be available to answer any questions the Board may have regarding this program.

Clayton Fire Rescue has been informed that the department will be having a state audit shortly. The Department of Safety and Professional Services does require that the Town have such a program not only for our Firefighters and Emergency Medical Responders, but also for Town Staff as well.

The Department has been adding a lot of Standard Operating Guidelines and Procedures of late and this program is another requirement of those steps the department has been taking to become a better equipped department.

- Chair Geise noted that Treasurer Wisnefske has prior experience in setting up these programs.
- Supervisor Reif asked for clarification that there would be no charge or fee unless the service is used.
- Treasurer Wisnefske described the proposed program to be contracting with a clinician for 3-5 tele-visits. There will be a phone number set up for use tracking purposes, but all calls will be anonymous. Treasurer Wisnefske noted there is no EAP rider offering under the Town health insurance. Treasurer Wisnefske also noted the possibility of future alternative funding sources, such as grants, once the program has been established.

MOTION:

Motion made by unanimous consent to create a Member/Employee Assistance Referral Program as required by Wisconsin Department of Safety and Professional Services.

Motion carried.

L. Discussion/Action: Town Board review and consideration of purchasing Lawn Mowing Equipment for the Public Works Department for a total cost of \$45,100.00.

The Board reviewed copies of the cost of purchasing new lawn equipment and photos of the equipment being purchased.

Please note we will be trading in the older equipment with a trade-in value of \$19,000.00 bringing the purchase price of a new tractor and gang mower to \$37,522.52. Since getting the quote on the Toro Z-turn Mower, the cost of the mower has gone up \$460.63 with a new cost of \$7,537.22. We are adding the recycler kit for the purpose of maintaining the Cemeteries. By adding the recycler kit, the PW Department will not have to go back after mowing to remove grass clippings from the headstones.

The Public Works Foreman has also gained new information regarding the purchase of a 2022 Jacobsen HR 600 in place of the tractor and gang mower that may change the Board's view on approving the purchase of Lawn Mowing Equipment at this time.

- Chair Geise invited Public Works Foreman Christianson to speak to this agenda item.
- Administrator Straw noted that the new information, received after posting the agenda, regarding purchase of a 2022 Jacobsen HR 600 would be substantially more than the \$45,100.00 described and recommended tabling this agenda item until the next Board meeting.
- Foreman Christianson noted that would prolong the ordering process and receipt of any lawn mowing equipment authorized for purchase.
- Chair Geise advised with the discrepancy on cost the Board would need more time to review the information as presented with no objections from the other Supervisors.

AGENDA ITEM TABLED UNTIL APRIL 6, 2022 TOWN BOARD MEETING.

M. Discussion/Action: Town Board review and consideration of hiring Renee Luebke for the Janitorial Position at a wage of \$17.00 per hour with a start date to be no later than March 31, 2022.

At the March 2, 2022 Board Meeting, the Board approved hiring an individual for the janitorial position. At that time, the Administration and Staff had two people in mind and had reached out to both of them.

On March 3, 2022, Ms. Luebke returned the phone call first and accepted the position with Ms. Seelow agreeing to "fill in" for Ms. Luebke if for any reason, Ms. Luebke was unable to clean. Both people came highly recommended by Staff.

Ms. Luebke is willing to start immediately; however, the Town's vacuum cleaner needed to be replaced and a new one is on order. The Staff is hoping to have the new vacuum before the end of March. Ms. Luebke did take an application and the employee forms to complete and will be returning them on her start date.

- Supervisor Reif noted that this was also discussed at the March 2, 2022 meeting.

MOTION:

Motion made by unanimous consent to approve hiring Renee Luebke for the Janitorial Position at a wage of \$17.00 per hour with a start date to be no later than March 31, 2022.

Motion carried.

N. Discussion/Action: Town Board review and consideration of contracting with the Winnebago County Sheriff's Department to fill the vacancy in the Town's Police Department.

This agenda item was brought forward from the March 02, 2022 meeting. The Board directed the Staff to prepare a spreadsheet with Budget Numbers so as to get a better handle on the impact to the Town's Budget.

The Board reviewed a copy of a spreadsheet with the Budget numbers. The top set of numbers are what the Town has budgeted for wages and benefits for a Police Officer. The Administration is assuming all of these expenses would be included in the cost of the County Officer with one exception – the equipment maintenance. If the County Officer were to bring in his own equipment, this expense could possibly be paid for by the County. However, this expense could be billed back to the Town also.

The bottom set of numbers would be expenses the Town would incur whether the Town employed their own officer or the Town contracted with the County. Depending on gas prices and how much actual patrolling was done during the shift, the fuel line item might be a little light this year. The \$100.00 budgeted for mileage was intended to reimburse the officer if their personal vehicle was used for seminars and training travel.

The Deputy Wages for CY 2022 are as follows: \$37.50 per hour with a fringe rate of 37.09% for a total of \$51.41 per hour. At 2080 hours, the total wage would be \$106,933.00 which is \$38,613.70 more than the Town budgeted for wages and benefits. If the position started April 1st, 2022, the annual wage would drop to \$80,200.00 which is \$11,880.70 more than the Town budgeted for wages and benefits. Please keep in mind, the \$13,700.00 that is in the budget is fixed costs that will add to the contract with the County.

The new F550 cost \$120,000 and the Town had budgeted \$140,000, so there is \$20,000 available there. Although the Town Budget could support an officer for this year, next year the deputy contract allows for a 2.25% raise which would bring the wage up to \$109,339 for CY 2023.

This would be a five-year contract with the Sheriff's Department and the cost quoted above does not include when the assigned officer takes vacation and the County needs to fill the vacancy with another officer. If the County can fill the vacancy with another officer using straight time, the cost would not increase; however, if the County has to fill the vacancy with an officer using overtime wages, the cost could run as much as \$117,000 annually or more depending on the overtime wage.

As stated in the Attorney's memo from the March 2, 2022 meeting, the Town has authority to enforce ordinances, such as building and zoning codes, through its zoning officer; a law enforcement officer is not required.

The Town has the following projects scheduled for this year:

West American Drive (approximately 2,300 feet) at a cost of \$440,000.00
Eagle Ridge Road (W Am Dr North to parcel 006-0327-03 includes sewer and water) at a cost of \$660,000.00

Friendship Trail (1-mile) – bid opening is March 21, 2022
Engineering for Oakridge Road – cost at \$109,000.00
A new Fire Engine with an annual cost of \$158,760.84 starting in CY2023

Some of these costs will be offset by the selling of Town property, but some will have to be covered within the Town's CY2022 Budget. The Town took out debt two years in a row and it cost the Town a reduction in the Bond Rating. The Administration and Staff do not recommend bonding for these projects this year.

- Chair Geise remarked when he reviewed the numbers presented, he was not confident that the Town would be able to afford contracting an Officer at this time.
- Supervisor Reif concurred noting that to do so would be taking piecemeal parts from multiple budget items to make the funding work.
- Chair Geise noted there was input from both Treasurer Wisnefske and Chief Rieckmann that the existing car could be rebranded as "Public Safety" and be used by the Chief to free up more Fire Department resources.
- Chief Rieckmann suggested that by rebranding the existing squad car with new "Public Safety" vinyl it could be used for inspections, but also as his response vehicle. Doing so would free up the Rescue that Chief Rieckmann currently uses to be moved to the east side station. Doing so would equate to a second engine crew being able to respond out of the east side station.
- Chief Rieckmann noted that the approximate cost to convert the existing squad car would be \$2,100.00 for the new red lights, radio, and lettering. The CAD system is already in place so any ordinance citations issued can be viewed directly by the County.
- Town Attorney LaFrombois remarked he would need to look further into what ordinances the Fire Chief could enforce.

MOTION:

Motion made by unanimous consent to decline to fill the vacancy in the Town's Police Department at this time.

Motion carried.

- O. Discussion/Action: Town Board review and consideration of the following satisfactions and authorization for executing by the Town Clerk pursuant to Wis. Stat. 60.33(5):
1. Satisfaction of Site Improvement Agreement between the Town and M&I Investment Group, LLC recorded 07-23-2008.
 2. Satisfaction and Termination of Public Improvement Agreement between the Town of Clayton and Marty Nikodem recorded 07-02-2002.
 3. Satisfaction and Termination of Road Construction and Real Estate Security Agreement between the Town of Clayton and Wilbur Harder and Myrna Harder recorded 05-05-2000.

The Town Attorney requested this item to be put on the agenda due to the sale of Matrix Machine. It appears there were the above listed agreements recorded as a lien on the titles.

The Town Attorney will be available to answer any questions the Board might have.

- Chair Geise noted that this is cleaning up old items that were not done many years ago and are just being brought attention now with the sale of this property.
- Supervisor Reif questioned if the items in question were, in fact, completed.
- Administrator Straw replied that it is believe they all are, but due to the length of time lapsed between when they were recorded and now, as well as several Administration changes, it was advised to record them as satisfied.
- Town Attorney LaFrombois noted that this is a title cleanup issue and needs to be more than a simple recording with the County.

MOTION:

Motion made by unanimous consent to approve the Satisfaction of Site Improvement Agreement, the Satisfaction and Termination of Public Improvement Agreement and the Satisfaction and Termination of Road Construction and Real Estate Security Agreement and direct staff to obtain the appropriate signatures and record the documents with Winnebago County.

Motion carried.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance
 - Town Board Annual Meeting scheduled for April 19,2022 which is 2 weeks after the Spring Election
- XIV. Board Member Requests for Future Agenda Items--NONE
- XV. Adjournment: 8:23 p.m.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk