

**TOWN OF LODI
TOWN BOARD MEETING MINUTES
TUESDAY, NOVEMBER 29, 2016**

1. Call to order & roll call: Meeting called to order at 6:00 p.m. by Chairman Marx. Board members present: Tom Marx, James Brooks, James Bechen, Robert Benson. Absent: Jon Plumer. Also present: Town Attorney Lawrence Bechler, Curt Walters of Rural Insurance, Gary Epping (Guppy Getaway LLC), Ron Chandler, Roberta Arnold

2. Pledge of Allegiance: lead by Chairman Marx.

3. Citizen Input: Trevor Joachim, Troop 113 – I would like to put together a plan for playground equipment at the Town Hall as my Eagle Scout project; who should I speak to? Marx – the Park Commission.

4. Curt Walters, Rural Insurance: I just want to review the coverage the Town has. You have a blanket coverage on ALL of the town-owned buildings totaling \$850,000; personal property coverage at \$10,000 (office equipment, chairs, tables, etc...), this is definitely too low now. Benson – I think we should increase that to at least \$30,000 for personal property.

Benson/Bechen motion to increase personal property coverage to \$30,000; MC 4-0.

Currently you have a \$500 deductible, you could offset the increase in premium for the increase in pp coverage by going up to a \$1,000 deductible.

Bechen/Benson motion to increase deductible to \$1,000; MC 4-0.

Coverage on Bobcat/Skid Steer is at \$38,500 costing \$450/year premium. Benson – we can check what the value currently is. Walters – you need replacement cost. Benson – we also have attachments added on. Walters – I can add the word “attachments” to the description of what is covered.

Liability is \$2 million, aggregate \$4 million; uninsured motorist \$300,000; cyber liability, public officials liability @ \$2 million.

Bechler – the coverage seems to be sufficient. When it comes to your parks you pretty much have immunity. Brooks – is the town covered if the t-site operator drops the bucket of the Bobcat onto someone’s vehicle. Walters – yes.

Walters - Worker’s Comp is set by the State based on wages, payments, does cover all elected officials, employees and volunteers.

5. Certified Survey Map creating a 1.5-acre RR-1 parcel from the 78.2-acre Parcel 11022-657, with 33.75 acres restricted by an A-4 Agriculture Overlay District, located @ W11210 STH 60 in Section 33, owned by Kathleen C. Oyen: Present – Sheila Kurt (Oyen’s granddaughter)

(a) Public Input: none

(b) Board action: Plan Commission on 11/14/16 recommended approval of the revised CSM contingent upon submittal of the joint driveway agreement (which was submitted). Bechler – I have recommended a restrictive covenant be recorded on the CSM document itself relating to the restriction of the A-4 Ag Overlay District, but the County feels that just rezoning it to A-4 Ag Overlay District.

(1) Benson/Bechen motion to approve the CSM as presented with the submitted driveway agreement; Roll call vote: Marx – yes, Brooks – no, Bechen – yes, Benson – yes; MC 3-1.

(2) Benson/Bechen motion to have Atty. Bechler draw up a restrictive covenant form relating to the A-4 Ag Overlay District to be filed with CSM/Rezoning containing such district;

Marx – is that something we should take back to the Plan Commission for their input first, or make a decision this evening without their input. Bechler – the Plan Commission has discussed this. Bechen – I don't think the Plan Commission would be surprised to have that wording added to the Oyen CSM/Rezone.

(3) Benson/Bechen motion to revise previous motion (b)(1) above adding the A-4 Ag Overlay District restrictive covenant to the Oyen rezoning and CSM; MC 4-0.

6. Certified Survey Map creating 2 lots (Lot 1 @ .86 acres, Lot 2 @ .56 acres) from 1.42-acre Parcel 11022-232.E located between Summerville Park Road and Rapp Road in Section 8, owned by Guppy Getaway LLC c/o Gary Epping:

(a) Public Input: See Attachments A & B at end of these minutes; faxes from Roberta Arnold.

Ron Chandler – I understand they want to build a large steel building on one of these lots and my question is why they want to build such a big building. Epping – I plan on making the front of this building facing the road similar in appearance to my home that is directly across the road. Epping – my home on the other side of the road has no storage, that's why I'm wanting to build this steel building. But when the zoning was changed by the County years ago from Recreational to R-1 these kinds of buildings weren't allowed; the only way I can have a storage shed is by having a residence there. Arnold – the important thing to remember is that the Town will not have the ability to review other such "toybox" homes in the future on lots that aren't being newly-created by a CSM. Bechler – correct. Bechen – whether the board does or does not approve this it doesn't stop anyone else from building the same on another parcel, without having to come before the Plan Commission or Town Board. Ron Chandler – I have a similar property just down the road from this, and if this is approved then if I come back and ask to do the same will it be approved?

(b) Board action: Marx – on 11/14/16 the Plan Commission recommended approval contingent upon submission of a landscape plan (which has been submitted). There was a lot of discussion as to whether this would fit in with neighboring homes.

Bechler – under Ord. 10.03(e)(1) the Town can make a decision based on various factors of Land Suitability such as "flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community".

Marx – if we approve this are we setting any kind of precedent? Bechler – no, the board can make their decision based on any number of factors relating to this particular.

Bechen motion to approve the amended CSM as presented; motion failed due to lack of 2nd.

Bechler – if the town doesn't approve the CSM the county can go ahead and approve or disapprove the CSM.

Arnold – I suggest the Town look at its building code ordinances relating to these pole barns/metal buildings.

7. Certified Survey Map combining 2 lots from 2 different plats (Lot 76 in the First addition to Summerville and Lot 1 in the 3rd Addition to Summerville) currently contained in Parcel 11022-244 located @ N2501 Rapp Road in Section 8, owned by Guppy Getaway LLC c/o Gary Epping:

(a) Public Input: none

(b) Board action: on 11/14/16 the Plan Commission recommended approval of the CSM as presented.

Bechler – the policy of connecting the 2 lots into 1 parcel is per County ordinances.

Bechen/Brooks motion to approve CSM as presented; Roll Call Vote: Marx – yes, Brooks – yes, Bechen – yes, Benson – yes; MC 4-0.

8. Variance to road setbacks for construction of addition on Parcel 11022-1128 located @ W10971 Bayview Drive in Section 4, owned by Stephen & Jane Petrakis:

(a) Public Input: Emails in support/approval of this variance received from the following 5 neighboring property owners:

Steve & JoAnn Stormer	W10962 Bayview Dr.
Jeff Eveland	W10963 Bayview Dr.
Ronald & Sandra Hiller	W10970 Bayview Dr.
Gary Schoemaker	W10979 Bayview Dr.
James & Cathy Mender	W10985 Bayview Dr.

(b) Board action: on 11/14/16 the Plan Commission recommended approval of the variance.

Bechen/Benson motion to approve variance to road setback as requested; Roll call vote: Marx – yes, Brooks – yes, Bechen – yes, Benson – yes; MC 4-0.

9. 2017 Budget: Levy of \$701,065 approved at Special Town Meeting held on 11/10/16.

Bechen/Benson motion to approve 2017 budget as prepared; MC 4-0.

10. Fee revisions: *Bechen/Benson motion to table to 12/27 meeting for complete information; MC 4-0.*

11. Completion of Rodney Drive: Marx – the board approved doing Rodney Drive but not the cul-de-sac because the Town couldn't get the easements needed approved by the property owners in the cul-de-sac. During construction the 1' gravel shoulders were determined to be not what adjacent property owners wanted. Tri-County was instead requested to go and fill in the shoulders and seed them. When they came to do the work a resident stopped Tri-County from doing that on their property, and so Tri-County left and didn't do the work.

So Tri-County deducted that cost from their invoice. But Tri-County did have to come in and do some corrective work for water runoff problems caused in some driveways due to the road surface being raised 3” with the paving.

Katie MacDonald sent an email to Tim Lanzendorf on 11/23/16 asking for a break down of pricing between shoulder work and swale work. To-date we haven’t received any figures.

Bechen – I don’t think we should have to be paying \$3,200 for 8 manhole adjustments; you’d think bidders would have seen manhole covers when they bid the project out. Bechler – you’ll have to look at the specs that were sent out with bid docs. Goeske to look at contract to see if manholes were mentioned/included in the bid specs.

Bechen/Benson motion to approve the First adjustment amount of \$92,425.85 + \$2,840 for additional concrete driveway aprons + \$1,800 for additional asphaltic pavement tonnage, totaling \$97,065.85; MC 4-0.

Benson/Brooks motion to approve up to \$11,000 for Lanzendorf to finish restoration work; MC 4-0.

12. Transfer Site - Skid Steer blade attachment: Benson – the idea is to get the compost to do exactly that – compost. An attachment that could be used to get under the compost and turn it over comes to \$900. Goeske – Transfer Site budget is over budget by \$11,931.25 to-date. Marx – what are the ramifications if we don’t purchase this? Benson – just means it doesn’t get done now.

Bechen/Brooks motion to table consideration of this purchase until 2017 budget; MC 4-0.

Also, Christmas and New Year’s Day are both on Sundays. So I’d suggest we close at Noon on Saturday, December 24th. Bechen – I suggest 2 p.m.

13. Chairman Reports: Marx – it is my intention to put a newsletter in with the mailing of tax bills this year. So if you have anything added into that newsletter please get it to Goeske or myself by this Friday morning.

Marx – issues raised by Peg Vaughan in recent Letter to the Editor: I don’t remember Ms. Vaughan ever bring up cleaning up the building permit process to the board. Bechen – Goeske checked minutes and found nothing. Marx – the no parking on town roads during winter storms signs have been up for years. Our ordinance states no parking on town roads in the Okee and Harmony Grove Sanitary Districts from November 15 – March 15. This is an ordinance that needs to be clarified. Marx – regarding all access points needing to be maintained, improved and signs posted, and public informed they’re not for sale. The town does not and does not need to improve and sign all access points, and we’re not looking to sell any. Regarding Lodi PD costs – it’s public record, it’s in our budget, details can be obtained by just requesting it from the town office.

Bechen – in the 2016 Town of Lodi Prosecutions report there seems to be a lot of “dismiss”, “no charge to amended charge”, “motion to dismiss OWI”, “court dismissed” ... why? Brooks – need more details to determine.

14. Clerk-Treasurer Reports:

(a) Town Board meeting minutes: *Bechen/Brooks motion to table to 12/27/16 meeting; MC 4-0.*

(b) **Revenues vs. Expenditures:** Various items reviewed. Send 2015 Election Expenses report to Bechen.

(c) **Payment of Bills - Mortgage ACH + Checks:** *Bechen/Brooks motion to approve ACH 27 Mortgage payment + checks 21315 through 21381 totaling \$47,477.99, and voiding check #21382 in the amount of \$101,836.49 to Tri-County and printing check #21383 to same in the amount approved in agenda item #11 above of \$97,065.85; MC 4-0.*

(d) **Building Permits:** November

Issue Date	# 16-	Owner or Contractor	Site Address	Est. Cost	Project Description	GEC Fee	TOL Share	Total Fee Paid
11/01/16	82	JOSEPH GOODWIN	W10730 CTH V	80,000	storage shed	187.00	37.40	224.40
11/03/16	83	FRED CROMER	W11337 CTH V	0	raze	55.00	11.00	66.00
11/03/16	84	DENNIS WHITE	W11558 Island View Ct.	5,000	bath remodel	110.00	22.00	132.00
11/03/16	85	MARK ZEMAN	STH 60/Lovering	1,000	ag access	80.00	20.00	100.00
11/04/16	86	LUCAS JOHNSON	W10963 Arbor Valley	40,000	basement remodel	187.45	40.75	228.20
11/04/16	87	PETER BONERT	W10924 W. Harmony	5,000	shed	88.00	17.60	105.60
11/04/16	88	FRED CROMER	W11337 CTH V	500,000	NEW HOME	1,532.57	389.39	1,921.96
11/10/16	89	DONALD BUSCH	N2614 Summerville Park	0	raze mobile home	55.00	11.00	66.00

(e) **Animal Control Officer Log:** nothing to report

(f) **Communications:** See Attachment C at end of these minutes

15. **Commissions/Committees/Districts/Departments:**

(a) **Plan Commission (Marx/Bechen):** Met on November 14th for Oyen, Epping and Petrakis items earlier on this agenda, plus Zeman CSM, Strander rezones, and Heron Springs preliminary plat.

(b) **Park Commission (Bechen):** Met on November 16th; discussed park improvements completed in 2016 Budget 2016, Budget 2017, and future park improvement plans. Won't be meeting again until March 2017.

(c) **Any other commission/committee/district/department reports: EMS:** received minutes from their October and November meetings. **Fire Department:** Marx – it's obvious that the Fire Chief is not happy with the fact that the town rebills for fire calls, but he should not be making comments regarding it during Fire Commission meetings.

16. **Upcoming meeting date(s):** Plan Commission 12/15, Town Board 12/27

17. **Future agenda item(s):**

18. **Adjourn:** *Benson/Brooks motion to adjourn at 8:30 p.m.; MC 4-0.*

April D. Goeske

Clerk-Treasurer

ATTACHMENT A

11/15/2016 10:46

608--829-2680

FEDEX OFFICE

0449

PAGE 01

FACSIMILE

TO: Town of Lodi Board Members
FROM: Roberta Arnold
DATE: November 15, 2016
COPY: Town Attorney Larry Bechler

I strongly oppose the town board's approval of the proposed "pole building/garage/ apartment" on Rapp Road in Okee.

The plan commission and town board have an obligation to consider, honor, and consistently apply our subdivision ordinances and comprehensive plan provisions when reviewing development proposals. Our town attorney read the relevant ordinance provision into the commission record which would easily allow the town to deny the proposal based upon its incompatibility with the surrounding neighborhood.

Rapp Road is known for its million-dollar views of the lake, and several million-dollar houses have been built there.

- Do you think those houses will retain their value if this proposal is approved?
- Do you think more high-priced houses will be built there if it is approved?
- Do you think that any other lots in the same undeveloped, off-lake wooded area will be sold for traditional houses if it is approved?
- If this large pole barn-type structure is approved, it will set a precedent for the building of only more such incompatible structures there and elsewhere within the town's sanitary districts, and no amount of landscaping can hide them or make them more attractive.
- The unfortunate planned Grothman "toy house" West Point subdivision would likely be replicated in the area.
- Can you imagine local property owners' anger when they return in the spring and learn of the town board's holiday approval of this proposal, especially since they fought hard and were successful in preventing the construction of a similar proposed structure nearby at the corner of Bay Drive and Summerville Park Road? (That property owner went on to build a multimillion-dollar house and metal buildings on a 40-acre, appropriate rural parcel on Ryan Road.)

The town board should deny the proposal consistent with its subdivision ordinance, comprehensive plan (99% of which was authored by contract county staff, John Lichtenheld, and Larry Bechler at the town's request and approved by unanimous elector vote), and prior denial and avoid setting a new truly horrible precedent which would adversely affect existing and future development within both sanitary districts. Should one property owner's wish for a large storage facility really trump the long-time and strongly held community values reflected in the ordinance and plan?

Please forward a copy of this facsimile to plan commission members. Thank you.

ATTACHMENT B

11/29/2016 11:39

608--829-2680

FEDEX OFFICE

0449

PAGE 01

FACSIMILE

TO: Town of Lodi Board Members

FROM: Roberta Arnold

DATE: November 29, 2016

COPY: Town Attorney Larry Bechler

I have these additional comments concerning the minor subdivision proposed on Rapp Road and the construction of a pole building/garage/apartment or "toy house" there:

- There are currently no "toy houses" in the Okee and Harmony Grove sanitary districts.
- There are no houses in either district which resemble pole buildings.
- There is one new, small garage in the districts which resembles a pole building; it is an eyesore in the Harmony Drive neighborhood.
- There are two old pole building garages in the Harmony Grove district which pre-existed any town ordinances.
- There no other residential pole buildings in the Harmony Grove district.
- There are three old residential pole buildings in the Okee district (between Summerville Park and Demyck Roads, across Rapp Road from Nelson's condominiums, and behind Hellestad's in Cactus Acres); all pre-existed any town ordinances.
- The only other pole buildings in the districts are within the area zoned commercial on Highway V in Harmony Grove.
- The proposed "toy house" resembles those commercial structures, and almost all of the Plan Commission-required landscaping has been removed from the area.
- Almost all of the trees and brush have been removed from both proposed minor subdivision lots, and there is now a very clear view of all of the property from both Rapp and Summerville Park Roads.
- No landscaping will shield the "toy house" from view.
- The proposed pole structure is commercial in appearance and use and incompatible with the districts' single-family residential zoning and present character of the town, two factors for consideration under the town's comprehensive plan.
- The proposed minor subdivision should be denied based upon the plan and section 10.03 of the code of ordinances.

Please forward a copy of this facsimile to plan commission members. Thank you.

ATTACHMENT C

Dear member of Lodi Board of Supervisors:

This past summer and fall, I asked you clean up building permits in the township. Lo and behold, one is posted at a site on Highway V for a builder who lives in Lodi, California, showing their zip code which is about 2,000 miles away from the building! What does this mean?

Other problems I listed in the summer still have not been corrected. I try to understand where we are allowed to park during Winter months. Are you preparing to enforce your own ordinance about wintertime parking? According **to town ordinance 5.11 section M3**...a legal ordinance needing to be enforced. one sees that as soon as last week's date of November 15 came and went, 5:11 says that no motorized vehicles may park on town roads AT ANY TIME, until March 15, 2017. That language is very clear, but **town signs are not**.

I conclude that with the first accident or blocking of emergency vehicles where someone is seriously hurt, your Board members will be entirely responsible.

As noted in summer and fall, four more duties of the Board have not been fulfilled:

- (1) our Okee and Harmony Grove access points for water safety are NOT FOR SALE;
- (2) speed limits on town roads are not clearly posted;
- (3) we need to know the records of costs for policing the township by City officers;
- (4) we need to know where the money went, that was set aside for a Town Hall sign.

No, I'm not leaving these things alone. We residents are left wondering why you remain inactive ... I am asking once more for you to become active on behalf of your taxpayers.

Margaret Vaughan, Okee resident
November 22, 2016

RECEIVED
NOV 23 2016
TOWN OF LODI