

TOWN OF LODI
PUBLIC HEARING NOTES
OCTOBER 27, 2015

Public Hearing called to order by Town Chairman Marx at 6:00 PM.

Town Residents and/or Property Owners Present: Mindy Skinner, George Skinner, Shirley Schommer, Monica Brereton, Roberta Arnold, John Zeimet, Reid Wilson, Rose Holerud, Jack Pfister, Roberta Satterfield, Martha Alberti, Ron Smith, Audrey Attoe, Larry Regula, Jan Price, Pete Price, Jim Seaton, Denise Patterson, Vince Ryan, Lisbeth Sokol, John H. Pickle, Jr., Joe Fobes, Vickie Nichols, Robert Benson, James Schommer, James Brooks, James Bechen, Tom Marx, Margaret Vaughan, Rose Holerud.

Non-residents: Joe Ballard (Lodi Enterprise), Kristine Millard (Co-Director, Lodi Library), April Goeske (Clerk-Treasurer).

Jack Pfister – why the larger number budgeted for Ordinance Fines & Forfeitures of \$10,000? Marx – this is a guestimate due to the town recently joining the ECCJMC (Eastern Columbia County Joint Municipal Court) and this revenue may come in upon beginning to issue ordinance violation citations. Pfister – and who would be issuing those citations? Brooks – we're currently talking with the Columbia County Sheriff Dept. and the Lodi Police Dept. We're not looking to immediately begin issuing citations, we plan on starting with warnings. But for years we've had almost no ability to enforce our ordinances and carry them through a process. Vickie Nichols – say your neighbor has a huge pile of garbage they keep adding to, is that something this would cover? Marx – yes, we have public nuisance ordinances. Vickie Nichols – so right now there's no one I can call to enforce a town ordinance? Brooks - call the town office and we will handle it as best we can.

Mindy Skinner – a sizable increase in the Park Improvements budget (\$5,000 - \$25,000), is there a reason for that? Marx – the Park Commission has basically been inactive for nearly 2 years. The commission was reorganized this year and has been very active working on catching up on park needs.

Martha Alberti – the fire protection fees seem to have dropped, why? Goeske – the number of fire calls has reduced in the town.

Martha Alberti – are we reducing the Deputy C/T hours? Marx – there hasn't been a Deputy C/T since October 1st of 2014. But we've included funds for a part-time Deputy C/T to fill in for those times when Goeske isn't here.

Marx – the state gives us a levy limit, and this year we were allowed to increase our levy by around \$6,000. The proposed levy would come to about a \$2 increase in the town's part of the taxes on a \$200,000 home.

Martha – the law enforcement budget, what's happening there? Marx – we've calculated 10 hours/week average x \$52/hour to come at this budget amount. That doesn't mean its set at 10 per week, there will be weeks with more hours, weeks with less. Joe Zeimet – if my home was burglarized when I'm away, does that expense fall on the town or the Columbia County Sheriff department? Marx – that's what we're discussing with the Sheriff Department and Lodi PD at this time, who covers what kinds of violations.

Mindy Skinner – why are agendas and minutes not published in the Lodi Enterprise? Goeske – towns are not required to publish, and that costs \$3,000-\$4,000/year. It was decided by the Town Board over 5 years ago that we would discontinue publishing these in the newspaper and see if anyone complained. No one did. The minutes are put on the town website, and emailed out to everyone on the Public Information email list. If anyone would want me to mail them the minutes each month I can do that, it'd be a lot less expensive than publishing.

Public Hearing adjourned at 6:21 PM.

April D. Goeske
Clerk-Treasurer

**TOWN OF LODI
SPECIAL TOWN MEETING MINUTES
OCTOBER 27, 2015**

Special Town Meeting called to order by Chairman Marx at 6:22 PM.

Town Residents and/or Property Owners Present: Mindy Skinner, George Skinner, Shirley Schommer, Monica Brereton, Roberta Arnold, John Zeimet, Reid Wilson, Rose Holerud, Jack Pfister, Roberta Satterfield, Martha Alberti, Ron Smith, Audrey Attoe, Larry Regula, Jan Price, Pete Price, Jim Seaton, Denise Patterson, Vince Ryan, Lisbeth Sokol, John H. Pickle, Jr., Joe Fobes, Vickie Nichols, Robert Benson, James Schommer, James Brooks, James Bechen, Tom Marx, Margaret Vaughan, Rose Holerud.

Non-residents: Joe Ballard (Lodi Enterprise), Kristine Millard (Co-Director, Lodi Library), April Goeske (Clerk-Treasurer).

1. **Resolution 2015-09 to approve the total 2016 highway expenditures pursuant to WSS 81.01(3):** *James Bechen/Jack Pfister motion that the highway levy for the Town of Lodi for the year 2015 be set at \$307,590.00; MC unanimously.*
2. **Resolution 2015-10 to adopt the 2015 town tax levy to be paid in 2016 pursuant to WSS 60.10(1)(a):** *Jack Pfister/Joe Zeimet motion that the tax levy for the Town of Lodi for the year 2015 be set at \$690,554.00; MC unanimously.*

Special Town meeting adjourned at 6:26 PM.

April D. Goeske
Clerk-Treasurer

**TOWN OF LODI
TOWN BOARD MEETING MINUTES
OCTOBER 27, 2015**

1. **Pledge of Allegiance:** lead by Chairman Marx.

2. **Call to order & roll call:** Town Board members present: Tom Marx, James Brooks, James Bechen, Robert Benson, and James Schommer. Audience: Mindy Skinner, George Skinner, Shirley Schommer, Monica Breton, Roberta Arnold, John Zeimet, Reid Wilson, Rose Holerud, Jack Pfister, Roberta Satterfield, Martha Alberti, Ron Smith, Audrey Attoe, Larry Regula, Jan Price, Pete Price, Jim Seaton, Denise Patterson, Vince Ryan, Lisbeth Sokol, John H. Pickle, Jr., Joe Fobes, Vickie Nichols, Margaret Vaughan, Rose Holerud, Joe Ballard (Lodi Enterprise), Kristine Millard (Co-Director, Lodi Library).

3. **Citizen Input:** Jim Seaton – what was the cost of the paving of the Transfer Site, and where did the money come from? Goeske – around \$40,000 and taken from the Streets budget. Benson – we did this work because the site is well used and money hadn't been spent on making it user friendly for over 15 years. We put concrete pads under all the containers and paved the driving surface, plus created a safer brush burning area. We felt this was a good use of unused Street funds. Seaton – I have a problem with taking money from one part of the budget and using it for something else. People don't know when you're spending money on one thing when it was budgeted for something else. That's a dangerous thing to do. We tried for years to get money to improve the Transfer Site with no luck, but to get the money this way is a bad situation.

Mindy Skinner – *"I would like to bring up the issue of the proposed sale of the public access park lot on Bay Dr. I understand that the sale of that park was on the Special Town Meeting agenda and then removed; however, I would like to address the board with my feelings and concerns pertaining to that park. I would like to start with stating how surprised I was to see it listed on the agenda as Proposed sale of town-owned [land] located on Bay Drive. Not "call for public input", or "discussion of all town owned park land", but PROPOSED SALE of Bay Dr. land. I went through a range of emotions from immediate anger, to imminent loss. I, as every property owner in that subdivision, was told that when the plat was originally created, the park land on Bay drive was dedicated to the public for lake access. And yes, in fact that is what the plat states. As a Grandma of 2 small children, I looked forward to taking them across the street to learn to fish and rolling our pant legs up to wade and explore in the water. Our Bay Drive community has regular gatherings which this park lot could be used for. I and others would LOVE to have use of the land that was dedicated to us. Just because I haven't caused a raucous, should I be penalized and loose what was dedicated to me, to the public, to all of us? So how then can the town think of selling it? And why did I learn about this by reading it on a Special Town Meeting agenda? With a goal of open communication and transparency, it seems that the proposed sale of this park has been anything but. Mr. Marx, when you chaired your first town meeting back on April 21, you stated that one thing we all have in common is what is in the best interest of the Town. How can robbing our community of this resource be in the best interest of the town? I am by no means an attorney, but I have read and done a tremendous amount of research since learning of the town's intent. I have read the letter from the town attorney outlining the process necessary to sell the park. I don't see how this preemptive request was in the best interest of the town. I believe there are many other issues not addressed in the attorney's letter and am convinced that further action on the part of the town to try and vacate this park will be met with great opposition. Is the town prepared to pursue this: vacating park land; land that was expressly dedicated to the public, robbing our community of this resource and spending even more tax payer dollars on attorneys? How is this in the best interest of the town?"* Marx – I will be honest, I didn't know that anyone cared about that parcel, it's my fault for having it originally put on the agenda, and we will step back and have meetings and discussion on sale of any town land.

Martha Dodge Alberti – I also am interested in town-owned properties that are being used. I would like to have the list of all unused town-owned land. I'd hate to see any lake-access lots sold.

Monica Brereton – has any of the land been donated to the town in memory of someone, or some other reason? Goeske – the town attorney, when John Pickle was town chairman, did do title searches on every parcel the town owned. Roberta Arnold – the Okee Conservation Park is donated land.

Ron Smith – I'm hoping that instead of spending thousands of dollars on selling town-owned lake access the town would spend that money on improving these lots.

4. Resolution 2015-09 Highway Levy 2015 (to be collected in 2016): *Benson/Schommer motion to approve Resolution 2015-09; MC 5-0.*

5. Resolution 2015-10 Levy 2015 (to be collected in 2016): *Schommer/Brooks motion to approve Resolution 2015-10; MC 5-0.*

6. Beverly A. Baerwolf Revocable Trust: Invoice #2013-38 dated 09/11/2013 for \$287.50 engineering cost rebill, \$1,180.00 Existing Conditions Exhibit Survey, and \$22.01 late fee; paid-in-full October 2013 relating to easement across her Parcel 11022-88.02 @ N2771 N. Lake Point Dr.:
Marx – I've talked to our Town Engineer John Lichtenheld, Town Attorney Lawrence Bechler and Surveyor Jim Grothman to try to get as much information on this subject. Grothman says the reason for the survey was to determine where the underground pipe is in this easement. He also stated that only 1 stake was missing, the one closest to the lake and affecting the drainage issue none at all. Ms. Baerwolf was not informed in advance that she would be billed for the town's engineering & surveying costs. Ms. Baerwolf did request to appeal the invoice she paid, but the previous Town Chairman refused to put it on an agenda for board action.

Schommer – *“The amount involved is not large and a very minor percent of the Town budget. As Mr. Pickle is a past Town Chair, there might be a tendency to just approve the refund. Statements have been made to the Tomczyks that this will go through because of friends on the Board. Do some Board members need to recuse themselves? However, the Town has consistently taken the position that “Ignorance of the Law is no Excuse”. The most recent statement of this position was at the June meeting regarding a claim by Mr. Fobes and the position was restated by Supervisor Benson. I am concerned that approving this refund would open the door to other claims; we have Lovik, Fobes, and others including, I recall, a fine paid by Mr. Attoe. There have likely been others over the years. Are these people entitled to refunds also? I have re-read the letters of Pickle-Baerwolf, Tomczyk, talked to our engineer Mr. Lichtenheld, Mr. Collins, Mrs. Tomzyk, and others including Mr. Hellenbrand who was also present at the time of the meeting. I have also read the Oct. 1 Tomczyk letter to the Town Chair. I believe the Board should have had the opportunity to read this letter. The Town Engineer expressed to me his opinion the re-survey was required in the circumstances to clearly identify the easement and replace missing stakes. As I understand it, from 1996 to 2013 there was no problem with water drainage until there were some barriers placed on the easement property in violation of the law. This necessitated that actions be taken by the Town. A law was broken, the Town suffered expenses. To approve this refund, while denying others while denying others who break a law does not seem appropriate to me. I am opposed to issuing the refund.”*

Bechen/Benson motion to give Ms. Baerwolf a full refund (\$1,489.51); Roll call vote: Marx – no, Brooks – no, Bechen – yes, Benson - yes, Schommer – no; MF 2-3.

Discussion (of above motion, before vote): Schommer – I would point out that according to the Baerwolf neighbor Judy Tomczak there was a violation by Baerwolf by putting a rock and a berm on the drainage easement, and that’s what caused these costs to be incurred by the town. I’m concerned that approving this refund will open us to others asking for their money back. I talked to Town Engineer John Lichtenheld, who stated he felt that the survey was necessary. I also talked to former Town Chairman Bob Collins. Brooks – the town attorney in his 10/1/15, after reviewing all related documents, states “So why was the town billing Ms. Baerwolf?” Vaughan – so did Baerwolf actually violate anything? Marx – nothing in any of the documentation in the town (and attorney’s) files on this matter. The public easement was meant for drainage via an underground pipe on an easement the town has along Ms. Baerwolf’s property. I feel that the engineering fees incurred by the town are reasonable and necessary for resolution of the problem, but not the survey. Satterfield – the source of the change in drainage should be borne by the person responsible for the change in drainage. Marx – I can’t figure out why a survey was needed. Bechen – there already was a survey on file with Columbia County. Zeimet – the survey seems to have been done without informing her (Baerwolf) first; I think she should have been informed prior to the survey being done. Vaughan – we were told at a previous meeting that a berm was built on the easement. Marx – there was mulch placed, but not an actual berm.

Joe Fobes – I was made to pay for a fire call because I burned and didn’t know I wasn’t supposed to. I understand and I was accountable to that. It sounds like Baerwolf did something that caused something to happen, and so she should be held accountable.

Marx/Brooks motion to refund Beverly Baerwolf the \$1,180 survey cost she paid for in Invoice #2013-38; Roll call vote: Marx – yes, Brooks – yes, Bechen – yes, Benson – yes, Schommer – no; MC 4-1.

7. Reid Wilson request for driveway variance to allow 2nd driveway on corner-lot Parcel 11022-1327 located at W10575 Airport Road: 10/19/15 Email from Town Building Inspector Mark Jankowski - "I have viewed the proposed location of Reid Wilson's second driveway and I have no issue with the request. There is a culvert already installed so if the width meets our ordinance it should be ok. I will wait on the Town Board approval and then issue a permit."

Brooks/Schommer motion to allow the 2nd driveway as long as it meets our codes; MC 5-0.

8. Lodi Library funding: 10/21/15 Email from Trish Frankland, Co-Director, Lodi Public Library

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Thanks for touching base this afternoon, and here is some basic information for your meeting. I am unable to attend the Town of Lodi meeting on Tuesday, but my co-director Kristine Millard will be in attendance to answer quick questions.

We would love to give a full presentation about the library to your board at a later date if desired. Additionally, those with questions are welcome to attend library board meetings - they're held the 3rd Monday of each month at 6 pm.

As shown in the annual report we file Wisconsin Department of Public Instruction, in 2014 the library's total expenditures from all sources was \$267,733, and our circulation was 77,409 items. This means our cost per circulation was \$3.46 (which is right in the middle for all of the county's libraries - the average is \$3.73).

You know tax money paid to the Town gets divided up a lot of ways - to the county, to the schools, etc. and then some also stays with the town! From the money that goes to Columbia County, all libraries are paid for service to county citizens (and that excludes citizens of cities and villages, which pay separately through their taxes). State law requires all counties to reimburse libraries at 70% of their cost per circulation for residents not living in a city or village. We've been lucky because Columbia County actually gives us a bit more - about 80% reimbursement. But still, that means the library has to find funding to bridge the gap (that 20-30% difference) each and every year. We do this with fundraising, gifts and memorials, by pursuing grant money, and more.

In direct TOWN OF LODI numbers: In 2014 the Lodi Public Library circulated 24,157 items to people living in the Town of Lodi (31% of our circulation). Multiply that by the \$3.73 cost per circulation = \$90,106 we spent on Town of Lodi residents. For that service, Columbia County will give us approximately \$70,000 and we need to find other funds of about \$20,000. The \$6,000 from the Town's own budget helps toward bridging that \$20,000 gap, but does not fill it - we still have to find more money elsewhere to cover the basic cost of doing business and serving your residents. Please note: in this specific example I am NOT talking about total funds or total circulation - ONLY numbers that apply to the Town of Lodi residents and reimbursement.

Beyond this example, we're often asked about numbers for City vs. Town in circulation and funding. I could draw you a bunch of fancy charts and graphs, but it all boils down to this truth: in my experience (12 years now) the numbers stay even - the percentage of use ratios hold steady, and the reimbursement rates remain flat.

We've always specifically earmarked the Town of Lodi donation toward our technology expenditures, and you can imagine how much of what we do relies on maintaining up-to-date equipment and reliable access.

Again, the Town's \$6,000 helps but does not cover everything - so far in 2015 we've spent:

- \$19,353 contract with South Central Library Service for all licensing, help desk, development, and maintenance for every computer, router, etc. in the building, wireless access, plus our library record-keeping hardware and software system*
- \$2,300 for databases and digital collections*
- \$2,200 on new computers*
- \$1,800 contract for maintenance and consumables on the public use scanner/copier*

Thanks for the opportunity to provide the facts - information is the library's business, you know!

Marx – the library takes a look at the circulation and comes up with a cost per book and how many were checked out by Town of Lodi residents to come up with a total they spend on Town of Lodi residents (\$90,106). The County reimburses the library \$70,000 of that. So the \$6,000 the Town gives goes towards the \$20,000 shortage. Bechen – is there any way you could provide the board with a copy of your budget? Millard – I can get that to you. Bechen – what about current financial statement? Millard – I can get you that also. Bechen – approximately how much of your budget goes towards wages? Millard - \$163,000 (of the \$267,733 expenditures). Bechen – so you're able to track every item that is circulated in/out of your library, who it goes to, where that person lives, what municipality they come from. Millard - yes. Bechen – do you have undesignated funds? Do you spend every penny you have? Millard – we do have donations that are used as requested, but we do spend every dollar of tax money. Bechen –

I called a county board member today and asked what's in the county budget for the library and I was told it's >\$70,000. Millard – that's because that figure is for all municipalities that use the library. Bechen – so every taxpayer in the town already pays for the library through their taxes – correct? Millard - yes, but that doesn't cover all of the costs. Bechen – the \$6,000 the town gives the library should be used equally among all residents, not everyone in the town uses the library. Marx – I don't have children using the school system but I pay a lot of taxes to the school. Pfister – the same goes for anything else the town spends money on, roads, parks, etc. - not everyone uses each equally. Bechen – we're trying to update our antiquated computers here at the office before we give the library money to update theirs. Vaughan – the purpose of filling that \$20,000 gap is civic health. Children in our schools use the library, plus adult patrons who regularly use the library. The library is also a big attraction for people to locate in this area. People of all ages use the library for job searches and career improvement. There are various data bases at the library that people access. Brooks – do the schools bring students down to the library? Millard – yes; we recently had high school students do a day of service for the library. Jan Price – I think it would be an embarrassment for the town not to budget funds for the library. Zeimet – the town's levy limit is restricted by the state, so what restricts the library's levy? Millard – we report to the State of WI every year and they set the benchmark for our budget. Zeimet – is the library's budget increase limited? Millard – we're limited by what we get from the municipalities.

9. ECCJMC 2016 Proposed Budget: *Schommer/Benson motion to approve budget as presented; MC 5-0.*

10. Roads:

(a) Water retention issues at Real Short Road/Red Cedar Drive (Marx): Marx – the reason I put this on the agenda was a request by Tom Cooke (N2085 Real Short Rd.) mentioning to me a problem with the cattails at the corner of these 2 roads. I went and looked at this and feel that they are not blocking the view of traffic. Goeske – the town did do what it could do a couple of years ago, but is limited by the DNR due to designated wetland.

11. Tree cutting: Marx – the Park Commission is working on a plan that would require cutting more trees in Wildenberg. We also have a dead tree in the road right-of-way on Island View Ct. that is scheduled to be cut down. I haven't had time to get an estimate in time for this meeting of other tree removals requested. Bechen – I have no problem cutting trees in parks as long as it comes out of the park budget.

Benson/Bechen motion to allow the Town Chairman reasonable discretion to have trees removed that are a safety issues; MC 5-0.

Pfister – if it's a hazard then it has to be handled ASAP. Nichols – are these trees in a right-of-way a danger or are these perfectly good trees. Marx – usually they are dead trees or damaged trees that we've been informed are hazardous.

12. Chairman Reports: Marx – want the board to be aware of a howling dog issue on Demyneck Road in Okee that a letter has been sent to the owner giving them 30 days to take care of the issue. Also,

Brooks and I have met with the City of Lodi regarding several issues. Brooks – can we find out how appointments are made to the Library Board? Goeske - I will check into that.

13. Clerk-Treasurer Reports:

(a) Town Board meeting minutes of September 29, 2015 & October 7, 2015: Schommer/Bechen to approve both minutes as prepared/presented; MC 5-0.

(b) Revenues vs. Expenditures as of October 22, 2015:

Revenues:	\$880,530.29
Expenditures:	\$811,790.10
Balance:	<u>\$ 68,740.19</u>

Bechen/Schommer motion to approve report as presented; MC 5-0.

(c) Payment of Bills: Mortgage ACH #14 + Checks #20774 through #20813 for a total of \$56,839.19.

Schommer/Bechen motion to approve payment of bills as presented; MC 5-0.

(d) Building Permits: Bechen – building permits have been issued this year for a total estimated cost of 3.86 million total, of which 2.15 million is for 6 new homes.

(e) Animal Control Officer Log: Calls/complaints received in October for dog issues at W10751 E. Harmony & N2810 Demyck.

(f) Communications: none

14. Commissions/Committees/Districts/Departments:

(a) Plan Commission (Marx/Bechen) - no meeting held in October

(b) Park Commission (Benson): Marx – I attended the October meeting for Benson. 10/21/15 minutes on file.

(c) Transfer Site (Benson): The comment was made earlier in this meeting regarding Street monies being used for the work done in the Transfer Site. This was not money transferred from some other fund, it was approved by the Town Board to use these funds for the Transfer Site. We've recently had theft of several items belonging to the town from the Transfer Site (lawn mower, ladder). I had Goeske get me some figures for what neighboring municipalities pay their seasonal park maintenance workers. The City of Lodi pays theirs \$14-\$18/hour, we pay \$10.55/hour. I suggest we pay Rick Waugh the same \$13/hour for park maintenance work, the same as he gets for Transfer Site. Goeske – the hourly wages for each hourly employee is usually set at the December regular Town Board meeting. The cost of removing snow at the Town Hall is \$1,231 for this past snow season, plus \$700 for the Okee Conservation Park path. So I've been looking for a dual-axle trailer to haul the skid steer from one location to another. Reid Wilson – what about lights at the Transfer Site? Benson – our light expert, Bechen, will be looking at the

Transfer lighting situation on Saturday morning. Brooks – there is garbage all along CTH V in the T-Site area that people are not bothering to pick up when it falls out of their vehicles coming to the T-Site. It's CTH V so it's the county's problem, but since they're coming to our T-Site we should think about this problem.

(d) Harmony Grove Sanitary District (Bechen): 09/08/15 minutes on file. Bechen – nothing to report.

(e) Okee Sanitary District (Benson): Benson – I suggest we take the 2 sanitary districts off of the monthly agenda and just leave a space to report on these if there is something that needs to be reported to the board.

(f) Harmony Grove Lake Protection District (Bechen): Nothing to report, no meeting.

(g) Columbia County Sheriff Dept. (Brooks): Nothing to report.

(h) Fire Commission (Brooks): One of their trucks is constantly needing maintenance, and the next repair bill will probably run \$10,000 - \$20,000 – and that's one of their best trucks. There also has been a request that the town consider not rebilling for Fire Calls.

(i) EMS: nothing to report, no minutes received.

15. November meeting date(s): 3rd - Harmony Grove Sanitary District Board; 11th - Fire Commission; 18th - Park Commission; 19th - EMS Commission; 24th - Town Board; 25th - Okee Sanitary District Board/Harmony Grove-Okee Joint Sanitary District Board:

16. Future agenda item(s): Fire call rebilling

17. Adjourn: Schommer/Benson motion at 8:37 PM; MC 5-0.

April D. Goeske
Clerk-Treasurer