

**LODI TOWN BOARD MEETING MINUTES
TUESDAY, MARCH 29, 2016**

1. **Call to order & roll call:** Meeting called to order by Chairman Marx at 6 PM. Board members present: Tom Marx, James Brooks, James Bechen, Robert Benson, Mark Vander Waal. Audience: Rich & Doris Braun, Martha Alberti, Joe Fobes, Jon Plumer, Allison Seaton, Mike Keller, Roberta Arnold
2. **Pledge of Allegiance:** lead by Chairman Marx
3. **Citizen Input:** Allison Seaton – the Okee Association had a very successful Easter Egg Hunt at the Okee Schoolhouse last Saturday, despite the mud and mess from the construction next door. There is still all sorts of their construction debris piled behind the Okee School. They planted grass in a little section of their yard, but they still have not fully taken care of repairing the damage done by the construction vehicles. They haven't replaced the portion of the town's fence that they damaged. They also haven't moved the town's sheds back that they moved. Marx – I will contact them again, as they promised they'd get it all done this Spring.
4. **2015 Audit Report:** Andrea Janssen of Baker, Tilly, Virchow, Krause LLP – distributed a summary of the audit she prepared. Financial Report – the adverse opinion is only because you haven't (and aren't required to) adopt GASB. Financial Report – there's a balance of \$61,347 that was not expended in 2015. Your Undesignated Fund balance is more than healthy. Your debt level is nowhere near the capacity (.84%). Revenues compared to Expenditures pretty much the same level as 2014. Everything is in line with expectations. Communications – really no changes here. Benson – we're not in compliance with GASB – correct? Janssen – yes. Benson – any advantages or disadvantages to this? Andrea – about the only reason for the town to adopt GASB would be if the town was going to issue GEO? Debt. But you'd need another full time staff person to keep track of GASB, and annual audit cost would increase.
5. **Public right-of-way land between Summerville Park & Paradise roads (abutting Mitchell, Chandler/Fobes, Jager, Aiken, and Paradise Island Condominiums properties) – update only:** Marx – snapshot of what has occurred to-date: this all started last year after Fobes/Nickels/Chandler combined their parcels into one, which eliminated the need for access to their parcel from this public access. Over that time I have talked to Fobes/Nickels about plans for the public access area. Input from the PICA was that they didn't want anything changed with this access area. On 1/14/16 PICA stated they'd have no problem with Fobes... Building a garden shed only 10' from the public access, rather than vacating the access. Prior to this we'd sent out a letter to all adjacent property owners asking for their input as to what to do with the access. I received a phone call (and 3/21/16 follow-up letter) from Atty. O'Connor for the Jagers stating they in no form, shape or manner wanted anything done with the access.

Recently the shed was built 10' from that access, in violation of the zoning permit issued by CCP&Z which showed 32'. After Fobes received a violation notice from CCP&Z, he came in and applied for a variance to allow the shed to stay at 10'. But an application has not been filed with the county to-date, and no action has been taken on the variance to-date as the town has not received anything stating to go ahead with the variance process. In talking to Town Atty. Bechler today after he emailed a detailed letter explaining the town's options - he explained more to me. For the town to vacate the property it would require a 2/3rds vote of the board (4 out of 5). There's another option to make the public access into a shared driveway with conditions, restrictions, and agreement as to maintenance and upkeep. There's also an option of partial vacating of portions. There has been a total of 52 emails regarding this entire matter over the past 6 months. I understand the Aiken's predicament of their home being only about 2' from the access; the Jager's not wanting possible future access to their parcel from this public access to be affected.

Fobes – we'd like to thank you for having us this evening. You can see and hear what a unique matter this is. A lot of things haven't gone smoothly with this matter, but we'd like to start with a clean slate and only relating to

the section behind our parcel being considered for vacating. PICA has stated to me they are ok with that. This would be a win-win for the parties involved.

Roger Cardoni – I live 3 doors from Fobes/Nickels home and I think they're doing a great job with what they're doing with the property and see no problem with the shed recently built.

Bruno Kalan - I agree with Cardoni, Fobes/Nickels have improved that property greatly and they are always outside working on it even more. A lot of us have needed variances in this area over the years. I agree with letting the shed stay where it is.

Barb Knox, on behalf of my husband Ray – we've lived here for 30 years and we look on at Fobes/Nickels property. For years that property has been neglected with overgrowth and junk trees. But with what Fobes/Nickels have done is a 100% improvement. I've talked to other neighbors around us and they all state they give Fobes/Nickels their full support.

Kathy Delaney – we live kitty-corner from the Fobes/Nickels property. I understand the complexities the board faces in making decisions. I see no problem with vacating part or all of that public access. I can see where the Jager's have concerns, but vacating just the portion behind Fobes/Nickels would not affect Jagers. The Fobes/Nickels are working hard to improve this property.

Martha Alberti – I grew up in this area and am familiar with this property. My daughter and her husband purchased this property and are now selling it to Fobes/Nickels. The lot is small, and where the garden shed is current built is really the best location for it as it relates to the Fobes/Nickels home and the view of the new homes that are being built on the next 2 parcels.

David Jager – the garden shed and improvements to the Fobes/Nickels property are great and we have no objections to what has been done. Any time you talk about vacating any or all of the public access we, the Jagers, feel injured. A partial vacating that doesn't affect the portion adjacent to us would be ok. We just want our access via this public access from our shed to Summerville Park Road to still be available to us. Without that access our shed would become worthless. Whatever the solution is that is chosen by the board we ask that you consider our position and situation.

Mary Linak (PICA) – I appreciate what Fobes/Nickels have and are doing to their property. If the 100' x 30' portion behind that property would result in PICA gaining 100' x 15' and Fobes/Nickels gaining 100' x 15'. Marx – yes. Linak – PICA does have concerns as to whether Fobes/Nickels will communicate with us, considering that they just built a shed in violation without talking to anyone.

Kathy Delaney – didn't you (PICA) say previously that the 10' setback would be ok? Marx – what was said is that the 10' setback would be ok, if nothing is done with vacating the public access.

Marx – it's a lengthy process.

Roberta Arnold – the last time anything was done in this area was the Mitchell vacating. But hearing the option of just vacating the portion between PICA and Fobes/Mitchell sound like a reasonable compromise. There's been several pieces of town land vacated with no related costs in the past.

Barb Kalan – the fact that you have already vacated part of this public access to Mitchell seems to make doing the same for Fobes/Nickels is only reasonable.

Joe Fobes – the reason we went ahead with the shed before we got a variance was because I have such a full schedule coming up, and since I thought the vacating was going to go ahead I didn't think it was worth

spending money on a variance. I admit I put the cart before the horse. I'm hoping discussions of vacating will continue to go forward.

Mike Linak – I'm not speaking as a condo owner. We have no problem sharing borders with people. But there should be agreement between adjacent property owners. I'm sure no one would like it if the condo assoc decided to place a large dumpster on their part of the property that could be vacated.

Tom Marx – Fobes did pay the \$125 for the variance application. If the variance ends up not being needed, then Fobes will be refunded.

Goeske – with the Cross St. vacation the property owners gaining land paid all costs the town incurred in preparing the vacating orders, as well as for the CSM showing their new lot lines.

Benson – I'm against vacating only a portion of this public access. If we could make it into a shared private driveway we need to look into that, and we need an agreement approved by all parties involved.

Vander Waal – obviously Fobes/Nickels have done a lot of good work on their property, and that helps a neighborhood and the town. Matters like this sometimes run into all sorts of angles and problems, and thus can take months and months to resolve. I would see no problem with vacating just the 100' x 30' between Fobes/Nickels and Pica, with some of the costs incurred by the town reimbursed.

James Brooks – Vander Waal said it perfectly.

James Bechen – vacating the 100' x 30' portion between Fobes/Nickels & PICA now still keeps the subject of vacating more of this public access in the future. I'm also on the Plan Commission, and I'm in favor of solving the matter that exists now by vacating just the portion stated.

Joe Fobes – I meant no disrespect by putting the shed up before I should have. My 60-hours-per-week job starts soon; I was just trying to get it built in the time slot I had.

Mary Linak – I agree the town should get reimbursed for its expenses. But the property Fobes/Nickels would be gaining is more valuable to them than the same-sized portion PICA would be gaining, which we would be doing nothing with.

Joe Fobes – another alternative would be PICA allowing us to gain the entire 100' x 30' vacated portion. Mary Linak – I can't say if that would be approved.

Marx – if there was no cost making this a private drive or vacating this ... what would you prefer. David Jager – the private drive issue gives no clear ownership of the land, and maintenance, etc.... could be very messy to get all parties to comply with. Joe Fobes – in my conversation with Renee @ CCP&Z if there isn't a vacation of the property behind us there is still a building setback, and we'd still need a variance to keep the shed where it is. Marx – I am going to talk to the Aikens about the junk pile that's on this public access and vehicles parked on the public access. I'm going to talk to Atty. Bechler and see about what needs to be done to just vacate the 100' x 30' section between Fobes/Nickels and PICA and bring it all back to the next Town Board meeting.

Jeff Duppler – our biggest concern is the unknown. We need to see everything down in writing.

Martha Alberti – neighbors don't have the power to determine what neighbors do with their yards. So why does PICA have the power to determine what Fobes/Nickels do with their property that could be abutting theirs? Marx – I've talked to all parties involved. Everyone has the right to express their opinion, and I hope everyone tonight feels that they've gotten their change to speak tonight.

Kathy Delaney – I believe all of us have purchased our properties for the view. And when there are unpleasant views we haven't been able to say anything about it. But I'm here tonight to support what Fobes/Nickels are doing.

6. **Ordinance 2016-02 An Ordinance to Create Elections Regulations:** *Benson/Brooks motion to approve; MC 5-0.*

7. **Roads:**

a. Roadwork to be done 2016: Marx – last Tuesday I went on a road tour with Don Nichols of CC Hwy and we literally travel EVERY road in the town. We looked at roads compared to their Paser ratings and whether they've been recommended for paving, sealcoating, etc. I talked to Atty. Bechler today and got a better understanding of how we do this. If we want to take money from the Undesignated Fund, we have to do a budget amendment. My recommendation at this point is to do the work down to what we have in the budget, and then next month I'll come in with a proposal of more work to do and a budget amendment.

At the Annual Meeting on April 19th we could get input from the people as to ideas of what to do with a portion of the Undesignated Fund, which sits at \$392,000 currently. Marx – the board approved up to \$400,000 of roadwork this year, using money from the Undesignated Fund at the February 23rd meeting. Vander Waal – so you're saying that we have to do a budget amendment to take money from the Undesignated Fund, and that we should ask for input from the people? Marx – what I'm saying is that due to the lower price of oil we could do more work that originally planned. Arnold – this coming Annual Meeting I believe will be a very lively one, and I suggest the board wait until after that meeting before they decide what to do with any of the Undesignated Fund.

Marx – Lange Road needs work, and the gun club has told me that a major international event will be held here this year, and this road is one of the only 2 accesses to the shooting ranges. Also, there is Mack Road, which is essentially a private driveway to 1 farm that was made into a town road in anticipation of a planned housing development, which never happened. One idea would be to pave Mack Road and then give it back to that one property owner. I've talked to that property owner and he will be getting back to me.

Bechen – my concern is getting too far into the road construction season and having problems getting on to contractor's schedules. Marx – the board has already approved doing roadwork up to the amount in the budget, and that work can be started asap. The only work that couldn't start would be the additional work, with funding coming from the Undesignated Fund. Goeske - A budget amendment could be done at the Special Town Board meeting that is held right after the Annual Town meeting (April 19th).

Bechen – if you look at our audit you'll see that our loan debt increases in 2021+, so we might want to look at paying down the loan in addition. Marx – another thing Atty. Bechler suggested was that at the end of the year look at what hasn't been spent and roll it over into the next year for particular area(s).

b. Undesignated Funding for roadwork: see 7.a.

c. Deer Carcass Contract with Columbia County Highway Dept.: *Benson/Brooks motion to approve; MC 5-0.*

d. Additional signage @ Richards/Kohn Road intersection: Brooks – several months ago we had a resident who lives on the Arlington side of Kohn Road just across from the Kohn/Richards Road intersection. They report several accidents where people who have run through the stop sign and hit the power box in front of their house and garage. We received a proposal for \$730.55 from Bill Statz for INSERT. *Bechen/Benson motion*

to approve proposal; MC 5-0.

e. **Lindsay Road/STH 60 Streetlight:** City of Lodi Utilities will install for an estimated cost of \$1,658.84. *Benson/Vander Waal to approve; MC 5-0.*

8. **2015-2016 Operator License: Jordan Kaltenberg & Randy Rybaczyk @ KD's:** *Bechen/Brooks motion to approve; MC 5-0*

9. **Chairman Reports, including, but not limited to:**

a. **Lodi Police Dept.:** Marx – everything seems to be going fine. They’ve cited 1 OWI already, which will be doing to the Joint Municipal Court (insert full name). We haven’t been billed yet because Donna Newman at the City of Lodi needs to make sure they bill us for the accurate hours from officer timesheets. Bechen – why 20.75 hours for one week; why would it take 7 hours for a domestic dispute? Brooks – that’s one thing I bring to the town’s attention is that certain things, like this, can take a good chunk of hours. Something like a heroin overdose death could take 100 hours because it’s a homicide. Marx – things also seem to be going well between the County Sheriff Dept. and Lodi Police Dept. after a few hiccups.

I’ve also created a complaint data base, which a copy of is in your packet tonight, for calls that come in with complaints, what was done, when it was done, and conclusion.

b. **Lodi Library:** Bechen had previously requested financial information from the library, which I obtained and is included in your packet tonight.

c. **Other:** (1) We had the “triangle” meeting and discussed bringing Dane into the meeting. We discussed the charter schools. (2) The tv approved last month isn’t here because we found that the one we had approved is no longer available, looking into a slightly smaller and less expensive one.

10. **Clerk-Treasurer Reports:**

a. **Town Board meeting minutes - February 23, 2016:** *Benson/Bechen motion to approve; MC 5-0.*

b. **Revenues vs. Expenditures – 01/01/16 – 03/25/16:**

Revenues:	\$548,943.69
Expenditures:	\$287,642.34
Balance:	\$261,301.35

c. **Payment of Bills - Mortgage ACH + Checks #21000-21041 totaling \$72,093.40:** *Bechen/Vander Waal motion to approve; MC 5-0.*

d. **Building Permits:**

Lodi Issue Date	Lodi Perm #16	TOWN OF LODI 2016 BUILDING PERMIT LOG						
		Owner or Contractor	Site Address	Estimated Cost	Project Description	GEC Fee	TOL Share	Total Fee Paid
01/04/16	01	ERNEST TUCK	W10867 W. Harmony Dr.	900.00	shed	24.00	6.00	30.00
01/11/16	02	TOM HANLEY	N2752 Summerville Park Rd.	150.00	electrical & alteration	55.00	11.00	66.00
01/11/16	03	PAMELA STIEREN	N2632 CTH V	9,500.00	plumbing upgrades	88.00	17.60	105.60
01/14/16	04	FRANK QUINN	W10948 Lake Point Dr.	1,600.00	electrical upgrade	99.00	19.80	118.80

01/20/16	05	DAVE MITCHELL	Demynck Rd.	0.00	access/driveway	160.00	40.00	200.00
01/29/16	06	ALAN LONG	W11114 Pollock Rd.	20,000.00	shed	275.00	55.00	330.00
				32,150.00	JANUARY:	701.00	149.40	850.40
02/01/16	07	DAVE MITCHELL	W11522 Demynck Rd.	160,000.00	NEW HOME	773.67	147.63	921.30
02/01/16	08	JOHN WOPAT	N1597 Kohn Rd.	1,000.00	new elec service	99.00	19.00	118.00
02/04/16	09	ERWIN LUCKMANN	W10929 Arbor Valley Rd.	5,000.00	remodel	35.00	8.75	43.75
02/12/16	10	ANDREW KOPMEYER	W11102 Pollock Rd.	20,000.00	basement remodel	299.00	74.75	373.75
02/12/16	11	CASEY CHANTHAPHONE	W11597 Demynck	5,000.00	enclosing carport	220.00	55.00	275.00
02/19/16	12	CHUCK VERRI	N2190 Okee Bay Ct.	45,000.00	kitchen/bath remodel	110.00	22.00	132.00
				236,000.00	FEBRUARY:	1,536.67	327.13	1,863.80
03/01/16	13	US CELLULAR	Smith Rd.	0.00	temp access/drive	120.00	30.00	150.00
03/08/16	14	TOM WALZER	N2112 Back Forty Rd.	96,000.00	remodel	106.60	26.40	132.00
03/16/16	15	PAT GATLING	W11626 CTH V	n/a	demo garage	20.00	5.00	25.00
03/24/16	16	JON PLUMER	W11404 High Point Rd.	14,000.00	enclose deck	158.40	39.60	198.00
				110,000.00	MARCH:	404.00	101.00	505.00
						2,641.67	577.53	3,219.20

e. **Animal Control Officer Log: 03/16/16** – (evening) Paepke picked up stray Black Lab in Martin/Wildenberg/Michael area of Harmony Grove. **03/17/16** – Owner, Doug Meyers of N2582 Martin Lane (Harmony Grove, of above stray Black Lab, River, came into Town Hall and licensed the dog (\$10) plus paid the \$20 pickup fee, \$20 kennel fee, then went to Paepke’s to claim their dog.

f. **Communications:** none

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

a. **Plan Commission (Marx/Bechen):** no meeting held in March

b. **Park Commission (Benson/Marx):** March meeting cancelled

c. **Any other commission/committee/district/department reports:** Benson – we need to be making sure that residents have the new Transfer Site 2016-2017 cards and turn away those who don’t have cards or nothing proving they’re town residents.

Benson – we might want to consider a cardboard compactor at the T-Site due to the huge amount of cardboard coming into the site.

Benson – regarding the lights, how should we convert to LED? Bechen – there’s 2 ways to do that, the least expensive would be to just take the “guts” out of our current fixture and replace it with LED; more expensive would be to replace the entire fixture with a LED fixture (much more cost). Benson – I will get a list of what we need from Mike at Bayview. Bechen – need to make sure there’s at least 13,000 lumens in each fixture. Benson – with lighting we could keep the site open Wednesday all year and possibly discontinue the 3 hours on Sunday.

Brooks re: Fire Commission – Engine 10 was down for almost 6 months. It was taken to Polk Diesel, who couldn’t repair it, and then found out Polk isn’t certified to work on this vehicle. See Fire Commission meeting minutes for more information.

Marx – as you may know, the City decided not to include the portion of the Fire Dept. budget for Vehicle Replacement. West Point may do the same. Benson – I'd like to see some sort of legal document showing that those municipalities legally have to pay their 2/5 and 1/5 share of the cost of a vehicle replacement.

12. **Upcoming meeting date(s):** Annual Town Meeting - Tuesday, April 19, 2016 @ 6 PM, followed by the Special Town Board meeting to swear in board members.

13. **Future agenda item(s):** Building permit fees – town's share; cardboard compactor for t-site; lighting for t-site; committee/commission appointments;

14. **Adjourn:** *Bechen/Benson motion to adjourn at 8:40 PM; MC 5-0.*

April D. Goeske
Clerk-Treasurer