

**TOWN OF LODI  
TOWN BOARD MEETING MINUTES  
SEPTEMBER 26, 2017**

1. **Call to order & roll call: Meeting called to order at 6 pm by Chairman Marx.** Board members present: Tom Marx, James Brooks, James Bechen, Robert Benson, Jon Plumer. Also present: Town Atty. Lawrence Bechler, Kristine Millard (Co-Director - Lodi Library), Rose Holerud (President - Lodi Library Board), Ann Groves-Lloyd (VP - Lodi Library Board), Mark Prouty, Janet Juckem, Audrey Attoe, Larry Regula, Jerome Williams, Joan Zavoral, Tamar Myers (Lodi Enterprise).

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

3. **Citizen Input:** Audrey Attoe (W11653 Demyneck Road)- how many years has it been since you (Tom Marx) came out and looked at the water issue at our property. Now that I've cut down my hostas for the season the runoff is getting worse. Marx – I've had our building inspector and engineer have both looked at this and have stated this is not a matter that the town can handle, it's a civil matter between the 2 property owners affected. Attoe – they did all this work without any permits, when he (Hickory Woods Development Co., Inc./Kim Sopha @ W11649 Demyneck Rd.) put in the retaining wall he claimed the water would run across the road, not down our property. But it IS running down our property to the lake. Goeske – a previous owner was denied a permit to blacktop the entire driveway/parking surface, but when I brought that up to Kim Sopha, and the town building inspector and engineer, they state it's not anything the town can enforce. Marx – I will talk to the engineer again who made the site visit.

Larry Regula (W11641 Demyneck Rd.) – on CTH V (Okee) coming across the bridge I've noticed there's more parking going on where there are signs that state no parking. Marx – that has to be enforced by the Columbia County Sheriff Dept. because it is a County Highway.

4. **Resolution 2017-02 re: Volunteers:** Marx – this issue came up because a resident had ideas for Wildenberg Park and wanted to volunteer to do the work. The issue tonight is not volunteers for a specific project, the issue is whether the town allows volunteers for any project(s) in the town. Our insurance carrier has stated (email 09/11/17) that on pages 34 #2A of the Town's business insurance policy it says "volunteer workers are not excluded from medical expense coverage" and on page 39 #2A says "volunteer workers are also an insured so they act on your behalf and would be covered by your liability".

Bechen - #2 in Resolution 2017-02 is incorrect in that it says "Volunteers are not employees of the Town of Lodi and are not covered by any of the Town of Lodi benefit plans, including its Worker's Compensation plan."

Atty. Bechler – Workers Comp law states that if a volunteer is injured such as to be temporarily disabled they are not covered under Workers Comp because WC is based on how much they were earning an hour – and a volunteer isn't earning anything per hour. But permanent disability and WC is based on another formula. The information from your insurance agent Curt Walters comes to the same conclusion. Another issue is if a volunteer injures someone else the Town would cover that person as if they were an employee.

Plumer – in a perfect world using volunteers is a great idea. On the other hand I'm not comfortable with the answers we're getting, I'm not comfortable exposing the people of the town to the liability issues. Benson – I have done volunteer work for the town, and I feel that is a noble thing. And reading the materials given to us I

feel confident that we're covered and am in favor of allowing volunteers. Brooks – I feel volunteering is good also. But I am confused when it comes to whether or not volunteers are covered by Worker's Comp. Bechler – Worker's Comp coverage would only be for the “scheduled” injuries. And if a volunteer were killed volunteering for the town, then there is a lump sum that would have to be paid to that person's family. Brooks – I am confident we are covered. Marx – most communities use volunteers in one way or another, and the use is good. If we use volunteers for Parks, Transfer Site, Town Hall, etc... then the decision as to what volunteers to use or not should be up to them.

Bechen – at our meeting last week the Park Commission is unanimously not in favor of having volunteers to do the construction portion of any park work. Are we going to allow volunteers to use heavy equipment, chain saws, etc...? Bechler – you should have a policy in place as to what volunteers are and are not allowed to use. Bechen – so if we're going to allow volunteers to use power equipment. In 2012 the CDC reported that there were 31,000 accidents due to chain saws. The average injury was lacerations and required 110 sutures. The medical costs for those injuries came to over \$350 million. Brush hogs had 7,500 ER visits. This is the type of equipment we've been asked to allow volunteers to use. So I am totally 100% against allowing volunteers to handle equipment. Any waiver form will not hold up in a court of law and keep the town from being sued. I'm not against all volunteers. We just had 2 volunteers stain the Okee Conservancy Park gazebo. Benson – I own 5 chain saws and have been in the ER for an serious injury. I also own a bush hog and several tractors. All dangerous equipment. We need to come up with a list of equipment we would and would not allow a volunteer to handle. We should encourage volunteerism, with the list I just stated. Marx (to Bechler) – anyone can file a lawsuit against anyone for anything, but in your experience what has happened when a volunteer has been injured? Bechler – anybody who trips in a hole, trips over a stump, etc... cannot sue a town because town's have recreational immunity. When someone is working in a park (employees) are not under recreational immunity because they are being compensated. Volunteers are somewhere in between those 2, because they're not employees but they're doing something for the town at the instruction of the town. Releases of Liability encourage people not to file lawsuits, but no, they don't prevent people from doing so. Marx – Volunteer work is good, but if we're going to try to create a policy then we'll have problems with what is or is not allowed, and what we may have left out in the policy. We've had Eagle Scouts, Boy Scouts, Girl Scouts, etc... doing wonderful volunteer projects in the Town. Bechen – so we need to refine the resolution before us tonight before we take any action. If we had written exclusions in our resolution... Brooks – would it be in the resolution, or would it be in our Volunteer Policy? Bechler – it can be done either way. Marx (to Bechler) – of the other municipalities you have or do now work with, how many have had a Volunteer Policy? Bechler – none. Bechen – why would we put the town at risk by allowing volunteers to work with dangerous equipment? When we hire contractors we have no liability because we make sure they have their own insurance.

Joan Zavoral (to Bechen) – do your statistics state how many of the injuries were to volunteers? Bechen – no. Zavoral – it's hard to use those statistics when it doesn't break it down between volunteers, homeowners, employees, etc.

*Bechen/Plumer motion to table this to a future date to develop a better policy/resolution that would protect the town; MC 4-0-1 (Benson abstained).*

Atthy. Bechler – who do you want to draft this better policy/resolution? Bechen – since it affects Parks the most I think it should start with the Park Commission. Marx – it could start with the Park Commission and then see how it relates to other departments. Bechen – could everyone provide me with a list of volunteer work that has been or is being done?

4. **Possible vacating of unnumbered Town-owned Parcel that lies between Parcel 11022-1159 @ W10716 E. Harmony owned by Todd A. Anderson and Parcel 11022-1211 @ W10708 E. Harmony Drive owned by Richard S. & Alice F. Ketelboeter:** (INSERT HISTORY). Bechler – the town can only vacate roads or alleys that have been dedicated to the town. But if it's property the town got through any other way then it can only be sold. I believe this is the latter, and thus the people have to approve disposing of this property and how that is to be done it at an annual or special town meeting. This will be put on the next Special Town Meeting agenda, or the Annual Town Meeting in April 2018.

**NOTE: James Brooks excused at 7:00 pm.**

6. **Lodi Public Library Board:** Rose Holerud (President of the Library Board) – I thank the Town for its donation of \$6,000 each year, and am asking that amount be increased to \$10,000 in 2018. The Library is a part of the community partnership. There are many local meetings held there, and 165 events for the public at the Library this year. The Library is a real treasurer. The County Board is cutting back on what they are paying to the Library.

Ann Groves Lloyd (VP of the Library Board, member of the City of Lodi Council) – Libraries level the playing field, they are one way that people living on the fringes can have access to books, computers, magazines, newspapers; it's a safe place for kids after school. It's a resource that touches everyone, but even more for those who don't have access to things that others do.

Benson – of the 200 people who visit the library each day, how many are from the Town of Lodi? Groves – 1,879 items checked out by Town of Lodi residents in the month of April 2017; 1,909 in the month of May 2017.

Benson – would you say 75%+ of residents have internet in their homes, have you seen people using your computers less in recent years? Millard - a lot of people come in to use our computers because they don't have wireless service in their homes, or they can't print from their home computers. The County decided not to increase what they give to libraries 2018, to keep it the same as 2017. So busy libraries whose costs are increasing won't get additional funds. That comes to about \$5,000 less in 2018.

7. **Resolution 2016-06 “2016 Budget Amendment” minutes from 05/31/16 Town Board meeting:** Bechen – the motion that is in the minutes from that meeting that states "*Bechen/Plumer motion to approve Resolution 2016-06 as follows, with the addition of \$50,000 towards the town's current Town Hall loan; and any monies spent on park equipment at the Town Hall will be transferred to the Park Improvement budget line item; Roll call vote: Marx - yes, Brooks - yes, Bechen - yes, Benson - yes, Plumer - yes; MC 5-0*" is not the entire motion I made that evening. The motion should have said that any of the \$30,000 transferred to the Town Hall Fund that are not used will be given to be used at any Parks. Goeske – the motion in the minutes were approved by the Town Board at their next meeting in June 2016 with no changes made. Marx – we can't rewrite history, the motion was approved by the board as recorded. When we approved moving \$30,000 to the Town Hall Fund there was just \$3,743 in that fund, and we were anticipating a cost of \$8,000-\$12,000 for a sign plus lights, plus the possibly of a small playground to make the town hall more desirable for renting. Other ideas for the Town Hall property have been a trees, landscaping, community garden, a soccer field, a dog park, etc.

Benson – it comes down to what do we envision the Town Hall property's use. Do we want to add things to make it more desirable to rent, or do we take left over money to go towards parks. I'm not convinced we need to make this property more desirable for families to rent. We need to think about that before we decide what to leave in the Town Hall Fund and what could better be used elsewhere.

Plumer – I think we should have a simple swing set, slide, etc... would be okay here, but we don't need to build Disneyland here. Bechen – a “simple swing set” comes to around \$5,000. Marx – I suggest we let the Annual Meeting next April 2018 to discuss and decide this. Bechen – at the last Park Commission meeting we decided we want to focus on Byrns Park (equipment is in bad shape and outdated) and Madeline Summers Park in 2018. We're also looking into long-range projects and creating designated funds for each (Webster Park – observation deck and picnic table; Arbor Valley Park – clear out woods, leaving a buffer area, build a shelter in that area; Wildenberg Park – extension of the current walking trail).

*Plumer/Benson motion that we take 1/3 of the remaining balance of the Town Hall Fund stay in that fund, and take the other 2/3 to Parks; MC 4-0.*

Marx – possibly we should consider making the Town Hall property a park. *Benson/Plumer motion to designate the Town Hall property as a park (excluding the area within the building footprint); MC 4-0.*

**8. 2017-2018 Operator Licenses:** Logan Steele, Carlee Domstrich, Jennifer Haas, Blake Johnson, Michael Hewitt, Cohl Routson – *Bechen/Plumer motion to approve; MC 4-0.*

**9. Roads: CCHD documentation of culverts project:** Marx – this would be done in 2018 at a cost of approximately \$2,000. Bechen – we'll include this in the 2018 budget.

**10. Initial discussion of Town Hall dog park:** Bechen – we already have a problem with people walking their dogs, not on a leash as required by ordinance, and who do not pick up their dog's waste also as required by law. I don't know how we can police this, especially here at the Town Hall property which doesn't have nearby neighbors. The problem is worst at Byrns Park. If we put a dog park here at the Town Hall and ban dogs at some or all other parks then maybe it would solve the problems at the other parks. Then if the police see a dog in any other park they could cite them.

**11. Town Chairman:** (a) we had a 2<sup>nd</sup> food distribution here last Saturday through GLO/Second Harvest/Feed America, with even more than last time. Lots more meats, fresh vegetables, fruits, milk, etc... (b) I approved \$40,000 of crackfilling instead of the usual \$50,000 considering that we're already over in snowplowing costs for this year.

Grothman is doing a survey of his property vs the new school property in the City, so he will do the survey of our portion of Reynolds Road for approximately \$500 and provide the legal description to our attorney.

City of Lodi Mayor Ness informed me that the EMS sold a truck last year and put that money into their budget to cover wages. Plumer – that was approved by the EMS Commission.

**12. Clerk-Treasurer:**

**(a) Fire Call rebilling:** *Bechen/Benson motion that structure fires and vehicle accidents be billed at \$10/minute or minimum of \$500; MC 4-0. Bechen/Benson motion that we charge a straight \$50 fee for all EMS assist, fire alarms and CO2 alarms, and no charge for wires down and natural gas leaks (Alliant, Charter, Frontier & MG&E); MC 4-0.*

**(b) 2018 Budget worksheet:** Special Town Board meeting on Tuesday, October 17<sup>th</sup> @ 6:00 pm for budget discussions.

(c) **Town Board meeting minutes of August 29, 2017:** Bechen – correction to “why would be pay anything for a school in the City of Lodi...” should be “why would we pay anything for a ROAD in the City of Lodi...” *Benson/Bechen motion to approve with that correction; MC 4-0.*

(d) **Revenues vs. Expenditures as of September 22, 2017:** no questions at this time

(e) **Payment of Bills: Mortgage ACH + Checks:** Benson – payment to Jim Moeller? Goeske – painted the Okee School and the Conservancy Park signs. *Benson/Plumer motion to approve checks #21852 through 21879 totaling \$30,430.99; MC 4-0.*

**(f) Building Permits Report:**

<u>DATE</u>	<u>#</u>	<u>ISSUED TO</u>	<u>ADDRESS</u>	<u>EST. AMT.</u>	<u>FOR</u>
09/05/17	56	ROBERT/JENNIFER ZUMM	W11055 Bayview	510,000	NEW HOME +1
09/05/17	57	ROBERT/JENNIFER ZUMM	W11055 Bayview	(91,900)	RAZE HOME -1
09/12/17	58	RODNEY RIPLEY	W11498 CTH V	10,000	Remodel
09/12/17	59	MARTIN / KAY WETZEL	W11511 CTH V	50,000	Accessory building remodel
09/20/17	60	KEVIN STEINMETZ	W10706 Airport	2,500	shed
09/21/17	61	JAMES WAGNER	N1755 Ryan	20,000	basement remodel
<b>Month Total:</b>				<b>500,600</b>	
<b>YEAR TOTAL:</b>				<b>2,503,652.00</b>	

(g) **Animal Control Officer Log - September:** 09/11/17: Paepke picked up 1 stray adult cat & 5 stray kittens @ David Mair farm @ W10348 CTH K. David has installed trail cameras to try to find out who is dropping off litters of cats at his farm.

(h) **Communications:** none

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

(a) **Plan Commission (Marx/Bechen):** no meeting in September

(b) **Park Commission (Bechen):** Met September 20th. The 2018 budget request is as follows:

<b>EXPENDITURES: 126-PARKS</b>		<b>2017</b>	<b>2018</b>
<b>Acct #</b>	<b>Description</b>	<b>BUDGET</b>	<b>REQUEST</b>
126-55200-01	PARKS WAGES	2,000	<b>2,500</b>
126-55200-02	PARKS FICA	150	<b>200</b>
126-55200-03	PARKS UTILITIES & PORTA-POTTIES	2,500	<b>3,400</b>
126-55200-04	PARKS REPAIRS & MAINTENANCE	15,000	<b>18,000</b>
126-55200-05	PARKS MOWING	11,000	<b>14,000</b>
126-55200-06	PARK IMPROVEMENTS	29,851	<b>53,000</b>
NEW	DESIGNATED FUND FOR WILDENBERG	0	<b>5,000</b>
NEW	DESIGNATED FOR ARBOR VALLEY	0	<b>5,000</b>
NEW	DESIGNATED FOR WEBSTER	0	<b>5,000</b>
<b>Total: Parks Expenditures</b>		<b>60,501</b>	<b>106,100</b>

**(c) Any other commission/committee/district/department reports:** none

**14. Upcoming meeting date(s):** *Marx/Plumer motion to change regular meeting date of Tuesday, October 31<sup>st</sup> to Monday, October 30<sup>th</sup>; MC 4-0.*

**15. Future agenda item(s):** revised volunteer resolution,

**16. Adjourn:** *Bechen/Benson motion to adjourn at 8:35 pm; MC 4-0.*

*April D. Goeske  
Clerk-Treasurer*