

**TOWN OF LODI**  
**TOWN BOARD MEETING MINUTES**  
**TUESDAY, JANUARY 29, 2019**

**1. Call to order, roll call, and Pledge of Allegiance:** Meeting called to order at 6:03 p.m. by Chairman Marx. Present: Tom Marx, James Brooks, James Bechen, Brian Henry, John Plumer, Town Attorney Lawrence Bechler, Town Engineer Katie MacDonald, Deputy Clerk-Treasurer James Brooks, Surveyor Jim Grothman, Dick Groves, Atty. Rick Schmidt, Bob Collins, Rich Braun, Rick Stone.

**2. Citizen Input:** none

**3. Ordinance No. 2018-02** "An Ordinance to Update and Modernize the Town of Lodi Erosion Control Ordinance": *Bechen/Plumer motion to approve Ordinance No. 2018-02 "An Ordinance to Update and Modernize the Town of Lodi Erosion Control Ordinance"; Roll call vote: Marx – yes, Brooks – yes, Bechen – yes, Henry – yes, Plumer – yes; MC 5-0.*

Bechler – the Town of Lodi created it's first (combined) Erosion Control & Storm Water Ordinance in 1989 based on 1975 State Statutes and this is the first update.

**4. Ordinance No. 2018-03** "An Ordinance to Update and Modernize the Town of Lodi Storm Water Management Ordinance": *Plumer/Bechen motion to approve Ordinance No. 2018-03 "An Ordinance to Update and Modernize the Town of Lodi Storm Water Management Ordinance"; Roll call vote: Marx – yes, Brooks – yes, Bechen – yes, Henry – yes, Plumer – yes; MC 5-0.*

**5. Fern Glen Farms Preliminary Plat: Plat involving Parcels 11022-453; 11022-455; 11022-465 (W11381 CTH J); 11022-465.A (W11373 CTH J); 11022-466; 11022-476 & 11022-480 all located off CTH J. Owned by Francis W Groves Rev. Trust; c/o Jackie Groves:** Bechler – the Restrictive Covenants are still in draft form and are still being worked on, and there are items that are not in the latest version of them (today) that will be incorporated in the Restrictive Covenants for the Final Plat. Therefore, the board would be conditionally approving, as the Plan Commission did on 12/11/18, with the following 7 conditions: (1) revisions to the Declaration of Easements to the approval of the Town Attorney, (2) revision of the Covenants & Restrictions to the approval of the Town Attorney; (3) removal of the building envelope and mound system on Outlot 3; (4) revision of the Environmental Assessment to conform to the current lot designations; (5) preparation and of a Comprehensive Plan amendment; (6) rezoning Outlot 3 to an AO-1; (7) show an easement for the Ice Age Trail encroachment in Lot 1.

*Brooks/Henry motion to approve Preliminary Plat contingent upon the 12/11/18 Plan Commission covenants listed above are incorporated; Roll call vote: Marx – yes, Brooks – yes, Bechen – yes, Henry – yes, Plumer – yes; MC 5-0.*

**6. Resolution 2019-01 vacating Mack Road:** *Brooks/Bechen motion to approve Resolution 2019-01 "A Resolution Discontinuing Mack Road in the Town of Lodi, Columbia County, Wisconsin"; Roll call vote: Marx - yes, Brooks – yes, Bechen – yes, Henry – yes, Plumer – yes; MC 5-0.*

**7. Eastern Columbia County Joint Municipal Court** amended agreement, adding the Village of Wyocena in Columbia County, WI: Brooks – I don't see that the Town has an ordinance like this. Bechler –

because this is an intermunicipal group the Town could repeal its current ordinance and replace it with this one. You can approve the agreement, but not the ordinance.

*Brooks/Henry motion to approve agreement covered by "Eastern Columbia County Joint Municipal Court Ordinance No. 521-98"; MC 5-0.*

**8. Rick Stone, W10995 Lakeview Drive re: driveway issue:** Stone – I think this is a matter of miscommunication. The revised driveway ordinance was adopted in March 2017, I'm not sure if/when it was put on the town's website for builders/owners to be able to find. If you look at the website now it has the old code, but if you look at the driveway permit application on the website it has the new ordinance in it. Driveway/access permit #17-75 was approved 11/14/17. Construction didn't start until in 2018 due to issues with the County. I know of a lot of driveways in my area that have concrete all the way to the road. The county plow is not coming in with a wing and snowplow such that this concrete is going to be a problem. I don't think the town researched exactly why the county came to the town and asked us to update our ordinance to meet the county's ordinance regarding concrete in the road right-of-way portion of driveways. I can't find out how grandfathering works, but I'm hoping maybe my driveway could be grandfathered in. Marx – I think this is something that needs a variance request. Plumer – my driveway, built 10 years ago, has concrete all the way to the road. I think the problem is that the most current information isn't being communicated to all people. I personally don't care if his driveway comes to the street, but I don't think we should have to keep addressing this issue. Bechen – I see this issue being the same as the too steep driveway issue on Deer Run Drive ... the builders in both cases did not do due diligence to make sure they had all the town's ordinances. Henry – I agree with Plumer. Brooks – being on the County Board I know that the County was tired of our ordinance not being the same as the County's, especially when the County is the one who plows all our roads. So I agree with Bechen. Bechler – there is a trend in state law to electronic updating of ordinances, but it is not implemented to-date. Marx – I have compassion with builders/owners not having the most updated ordinances and with our Building Inspector not informing the builders/owners of ordinances. Bechler – if the Building Inspector issued an Occupancy Permit when this problem was known then the owner could have a cause of action against the Building Inspector for damages to correct into compliance. If this wasn't published in the Lodi Enterprise then you can't take enforcement action, but if it was posted then it still is effective.

Goeske – I do not see that it was published in the Lodi Enterprise back in 2017. Marx – therefore Stone is exempted from having to comply with the updated ordinance.

**9. General Engineering re: permits and inspections for any new or addition to existing commercial electrical work (including farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, wharves, and recreational vehicle parks):** Per 10/24/18 letter from General Engineering Company re: Wisconsin Administrative Code Change re: Commercial Electrical Inspections: "We would like to formally notify you of an upcoming change in State law that will affect commercial electrical work being performed in all Wisconsin municipalities. Starting January 1, 2020, any new or addition to existing commercial electrical work will be required to be permitted and inspected. Installations requiring inspection will include farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks or wharves and recreational vehicle parks. How is this going to affect our municipality? You will have two choices: Option #1: You can continue to allow GEC to service your municipality by performing these commercial electrical inspections for you., or Option #2: You can allow the State, through a bidding process, to determine the fees and assign an inspection agency to your municipality.

*Bechen/Brooks motion to approve Option #1; MC 5-0.*

**10. Harmony Mobile Manor application for 2019-2020 (02/01/2019-01/31/2020) Mobile Home Park License:** *Plumer/Henry motion to approve; MC 5-0.*

**11. Motion to go into closed session per WSS 19.85(1)(e)** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: *Brooks/Plumer motion to go into closed session per WSS 19.85(1)(e); MC 5-0.*

**12. Motion to return to open session:** *Plumer/Henry motion to return to open session; MC 5-0.*

**13. Any possible action on closed session matter:** none

**14. Chairman Reports:** (i) I was contacted again about the pier behind Michael Park that currently is not owned by anyone. I told him to go ahead and start the paperwork to take over ownership. (ii) We received all but \$103 back from WRB of the \$1,400 that they took out of our account for renewal of a Letter of Credit. (iii) The dilapidated home on Summerville Park Road is still an issue. We need to give our Building Inspector to begin condemnation process. (iv) I'm recommending we close the Town Hall office tomorrow due to the dangerous cold temperatures. (Note: Board gave nod of approval for this last item).

**15. Clerk-Treasurer Reports:**

(a) **Minutes** of December 18, 2018 Town Board: postponed until February meeting

(b) **2018 Revenues vs. Expenditures** thru 01-25-19: postponed until February meeting.

(c) **Payment of Bills:** *Bechen/Brooks motion to approve payment of the following; MC 5-0.*

<u>Count</u>	<u>Type</u>	<u>Begin #</u>	<u>End #</u>	<u>Amount</u>
4	Electronic Payments	EP0010	EP0013	\$ 2,732.19
8	Debit Card Transactions	DC0047	DC0054	\$ 955.76
11	Direct Deposit Paychecks	DD1041	DD1051	\$ 8,598.95
63	Checks - Wi River Bank	22487	22549	\$ 52,075.44
14	Checks - Settlers Bank	23501	23514	\$ 14,237.87
6	Cashiers Checks - Settlers Bank	100616	100621	\$ 4,294,724.73
<b><u>106</u></b>			<b>Disbursements Totaling:</b>	<b><u>\$ 4,374,324.94</u></b>

(d) **2019 Building Permit Log:**

ISSUE DATE	# 19-	OWNER(S) AND/OR CONTRACTOR	SITE ADDRESS	PROJECT COST	PROJECT DESCRIPTION
01/02/19	01	DONALD DENURE	W10958 W. Harmony	2,000	shed
01/03/19	02	STEVEN BEUTLER	W10546 CTH V	4,000	electric service
01/07/19	03	CRAIG & ANDREA GIESE	W10351 Dalton	12,000	shed
01/08/19	04	CHAD MILNE	W11428 Bay	500,000	single family residence
01/16/19	05	ROBERT & GINA BUETTNER	Parcel 418.03 (CTH V)	0	driveway
01/16/19	06	JAMES & SHARI RIPHON	N2705 Smith	35,824	storage building
				<b><u>553,824</u></b>	

(e) **Communications:** none

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

**(a) Plan Commission** (Marx/Bechen): no meeting in January. Joint meeting with City of Lodi Plan Commission at City Hall on Tuesday, February 12<sup>th</sup> @ 6 p.m.

**(b) Other** commission/committee/district/department reports:

**17. Upcoming meeting date(s):** 02/19/19 Primary Election; 02/12/19 Plan Commission; 02/26/19 Town Board

**18. Future agenda item(s):** *Ordinance repeal and replace stated in agenda item #7 above.*

**19. Adjourn:** *Plumer/Brooks motion to adjourn at 7:30 p.m.; MC 5-0*

*April D. Goeske*

Clerk-Treasurer