



TOWN OF LODI
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TOWN BOARD
James Brooks, Chairman
Chad Wolter, Supervisor 1
Marc Hamilton, Supervisor 3
Karla Faust, Supervisor 4

TOWN BOARD MEETING MINUTES JUNE 8, 2021

1. CALL TO ORDER: Meeting called to order by Supervisor 2 Tom Marx.

a. Roll Call:

Town Board – Tom Marx, Marc Hamilton, Kalra Faust, James Brooks (arrived @ 6:45 PM), Chad Wolter (arrived @ 7:05 PM). Absent – none.

Administrative Staff: April Goeske, Town Clerk-Treasurer; Brian Ecklor, Public Works Director

Audience: Allison Seaton, Jim Seaton, Gene Fleming, Ingrid Fleming, Kauhane Ray, Fred Braslawsky, Kurt Kniess, Andre Kliczak, Harold Nelson, Jim Matras, Taylor McGee, Jennifer Zumm, Yvonne “Bunny” Orr, Jeremy Ross, Jack Perron. Via Zoom: Amy Gallagher.

b. Declaration a Quorum Is Present: Supervisor Tom Marx declared a Quorum present.

c. Pledge of Allegiance: Pledge led by Supervisor Tom Marx.

2. MINUTES OF PREVIOUS MEETING

a. May 25, 2021, Town Board Minutes: Hamilton/Faust motion to approve the minutes as prepared; MC 3-0.

3. AUDIENCE COMMENTS:

Spoke on Okee Schoolhouse foundation failure: Allison Seaton, W11435 Bay Dr., Lodi

Spoke in opposition of current outdoor decibel limit allowed for outdoor music at Lucky’s: Allison Seaton, W11435 Bay Dr., Lodi - Would like to see decibel limit lowered to 50 decibels. She has been dealing with this for four years.

Spoke otherwise on Lucky’s outdoor music: Kauhane Ray (Burhop’s Lakeside Lodge), W11610 CTH V, Lodi. Outdoor bands have increasingly become louder and louder, guests at Burhop’s have commented on the noise, no peace in the area on weekends from 1PM to unknown time. There is not a single summer weekend where there is not outdoor music going on at Lucky’s.

Spoke in opposition of ATV’s, UTV’s & Golf Carts on Town roads: Ingrid Fleming, W10593 E. Harmony Dr., Lodi; Gene Fleming, W10593 E. Harmony Dr., Lodi

Spoke in support of Town Constable: Gene Fleming, W10593 E. Harmony Dr., Lodi

Written complaint (email) of speeding vehicles and golf carts on Okee area roads received from Mike Attoe, N2541 Rapp Rd., Lodi: *“June 8, 2021 2:46 PM; Subject: Okee: “My name is Mike Attoe, I’ve been a resident for in Lodi/Okee for my entire life (55 years)for the first 25 years I spent on Demynck Rd., 5 year on Summerville park Rd. in Okee, 15 years on Reynolds Road just past the high school and since then been a*

resident 5 years on Rapp road, in the amount of time that I've been gone living on the edge Lodi to building a house near where I grew up I cannot believe more so how embarrassing it is of what Okee is turned into more of a party spot. Wisconsin dells tourist area than a home residence, between the golf carts that are driven by kids that are not old enough to drive the hot rodding trucks that drive at uncontrollable speeds on a 25 mile an hour speed limit area is absolutely insane the only time I see patrolling from the county sheriffs is during the week when there's nobody around. I have currently seven within the next two weeks eight grandchildren that visit my house often and I can safely say that I won't let them go anywhere near the road for the way patrolling is handled out there for fear they might be hit, I sure hope That the town board takes serious consideration and how poorly things are run in Okee lately, the "campground" left this area when the Okee lodge area got developed let's start treating the home owners/taxpayers in the area with some respect !! Thanks for your time. Mike Attoe"

4. 2021-2022 OPERATOR LICENSES; *Faust/Hamilton motion to approve licenses for Demirae Bergmann, Amanda Blackwood, Sarah Carns, Peyton Fulkerson, Mackenzie Fulkerson, Scott Hellestad, Debra Kahl, Claire Kerr, Josephine Langowski, Sinead McNett, Tekla Nimmow, Hailey Roessler, Deborah Scherer, Talia Shields, Lauren Skibba, Rachel Smith except for Mitchell W. Kleunder; MC 3-0*

5. TOWNS ROADS (Including but not limited to)

a. Rodney Drive Cul de Sac: Brian Ecklor stated a new resident on the cul-de-sac has given town approval for drainage easement.

Hamilton/Faust motion to table; MC 3-0.

6. OKEE SCHOOLHOUSE FOUNDATION FAILURE

Discussion ensued of the current condition of, and repairs needed on the foundation of the Okee Schoolhouse. Public Works Director Brian Ecklor spoke that last year quotes were obtained to completely rebuild the basement, the "foundation" is old boulders with sand floor. Quotes from Gruber Masonry of \$1,800 to patch the foundation to stop the water running under the building. But this is not a long-term solution. Supervisor Thomas Marx asked if the board should go ahead with this \$1,800 patch. Brian Ecklor responded it will stop water running into the basement and animals from getting in. Jim Seaton, a resident, spoke, the "foundation" was standard practice at the time the building was built in the 1800's. Supervisor Marc Hamilton proposed placing the building on a concrete slab instead of fixing the foundation which would cost \$50,000+. Brian Ecklor thought concrete slab would be a good solution. Thomas Marx thought a plan should be worked on by town staff and presented to the Town Board.

Hamilton/Marx motion to approve \$1,800 to patch Okee Schoolhouse foundation; MC 3-0.

7. CREATION OF CONSTABLE FOR THE TOWN OF LODI:

Marx – about 4-5 years ago the then Town of Lodi Constable Marty Schmidt came and spoke to the Town Board about his duties, etc. We cannot take any action at the meeting tonight as to creating this position, there is an entire legal process for that. What the Constable does is determined by the Town Board. Things such as dogs not licensed, dogs barking, driveways, etc.

Hamilton – I am very much against a Constable; we do not need one. I have not seen any complaints that have not been handled without a Constable. We have the Columbia County Sheriff Dept. to do enforcement. Maybe we will need one sometime in the future, but not now.

Faust – I feel pretty much the same. If we had a flood of complaints that were coming in and not being handled that would make a difference. But I do not see the need. I would like more input from the community. If the community comes to us and says they think we need a Constable I am not ready to say we do.

Gene Fleming – since we have not been able to come to an agreement with the City of Lodi or Columbia County to enforce our ordinances ... Harmony Grove is beginning to look like a dump with junk cars parked everywhere (violating town ordinance) and nothing is being done about it. This affects property values. On East Harmony there is a junk truck that is not moved in 7-8 years.

Ingrid Fleming – my main concern is that the biggest thing the Town Board is supposed to do is enforce the Town's ordinances. Former Chairman Bob Collins did enforce ordinances, but it has not been done since. Those of us who care about what our properties look like do not like having to live near those who do not care what their properties look like.

Deb Nelson – it is not only junk vehicles, but lately it seems to be trashy looking fences.

Jim Seaton – the County Sheriff is responsible to enforce our town ordinances but does not have the manpower to do so. What does the town do when ordinances are being violated? The Town has grown so much over the last 10-20 years. The board needs to determine whether the County Sheriff is or can do what we need.

Hamilton – this is the first that I have heard about junk vehicles. I completely disagree that Harmony Grove is looking like a dump. I think we are not being told by residents of many violations.

Kauhane Rae – I am curious that the Town Board is not hearing complaints from citizens. What would it take to have issues addressed?

Hamilton – we need to hear about the issues; we are not being given a chance to address the issues.

Marx – most of the complaints come into the office and are forwarded to the Town Chair to handle.

Allison Seaton – if we have no enforcement of CUP's then we must rely on CCP&Z to do it, and their current employees are so new they do not know what to do.

Gene Fleming – I have tried to get people in the neighborhood to come to meetings and/or to contact the Town Board about concerns, but they tell me that they do not want to bother because nothing ever gets done about anything.

Ecklor – you can also call or email me regarding concerns regarding parks, town-owned property, and ordinance violations I observe or check on after a complaint comes in.

Brooks – as the Town Chair I am frustrated with our lack of ability to enforce ordinance violations. I, as a police officer, do not want to see heavy-handed enforcement. But we need some way to enforce. The standard system used across the State of Wisconsin is Badger Tracks for citations and keeping records of and forwarding to the Eastern CCJMC that we are a member of. To do our own issuing of citations we have to come up with our own paper citation form if we do not have a Constable or Police Officer to issue citations through Badger Tracks. If we had a Constable that would be the person who would have the authority to issue citations. As it is now, there is not much I or the Town Board can do to enforce our ordinances.

Marx – when I was Town Chairman, we did develop a contract with the City of Lodi Police Dept. to do enforcement for us. But when the City decided to more than double the cost to us, we had to bow out. Marx – we are an unusual town with our large population and 2 huge “subdivisions” of Harmony Grove and Okee.

Hamilton – I hear you (Brooks) saying you are frustrated, but I am frustrated that the rest of us Town Board members are not hearing about complaints that come in.

Bunny Orr – who do I call when I have issues? Brooks – for police needs you call the Columbia County Sheriff Dept.

Jim Seaton – when people see no action being taken to their concerns, then they quit reporting their concerns.

Marx – possibly, since it is a year before the next Annual Town Meeting when action can be taken on a Constable position, maybe we need to get the word out and have a special town meeting.

Kauhane Rae – you cannot compare the Town of Lodi to other towns. How would someone know what is required of a Constable? Brooks – we would put out a job description.

Marx/Hamilton motion to table to a future meeting; MC 5-0.

8. CONDITIONAL USE PERMIT ORDINANCE re Short-Term Rentals (Air BNB's): Brooks – because of the recent CUP application for an Air BNB I had the Town Attorney prepare this draft ordinance giving the Town some enforcement of CUP's.

Marx – under Section (e)1 it should be reduced from 10 to 5 nights each year...; under Section (f) the Special Events License should be required; a fee schedule needs to be added. I would like to see a provision added as to what could happen to the owner of the property if damage is done by their renters or disorderly conduct.

Hamilton – I do not understand why we are even having this brought up. Our Plan Commission and Town Board only 2 weeks ago recommended the first CUP to the County approval of the CUP. We do not even know if we need this ordinance yet. The County is the enforcement authority over CUP's it gives final approval to.

Brooks – we found out that we have no enforcement authority over CUP's issued by the County, I thought this might be something to protect our citizens.

Allison Seaton – I think we should invite our County Board Supervisors to come to a Town Board meeting to explain what the county is doing about these issues. Brooks – we can invite them.

Kauhane Rae – I feel there is something missing between the people speaking their concerns and getting answers from the County.

Brooks – I hate that we do not have enforcement authority and we must “pass the buck” on to the County to vote on things that effect the town.

Marx – these are discussion items, and it is important we discuss and have citizen input so we can act as the citizens wish.

Faust – but I do think we as board members do need to help citizens when they have concerns that are not being addressed by the County as they are supposed to be.

Marx/Hamilton motion to table this to future meeting; MC 5-0.

9. ATV, UTV & GOLF CART USE ON TOWN OF LODI ROADS: Brooks – I have been receiving both complaints and good words about ATV's, UTV's and Golf Carts on Town roads. The Sheriff recently stopped a town resident and gave them a warning for driving one of these along a town road. The sheriff recently spoke to me about this and suggested we move ahead with an ordinance allowing them on certain town roads, as is popular in many municipalities lately.

Wolter – I think these are good ideas, but my concern is those, mostly young kids, driving these recklessly on our roads and in our parks. I saw one person “off roading” in the lime pile at the Byrns Ball Diamond, another spraying the woodchips under the playground equipment with their ATV’s.

Faust – I see a lot of golf carts going back and forth in my area and there is usually no problem. I have not seen a lot of ATV and UTV use.

Hamilton – I see a lot of golf carts in Harmony Grove and the adults are fine. But when I see very young children driving them that is wrong.

Marx – the town attorney does state in his 6/4/21 Memorandum “Additionally.....”. I think we should include something state an age limit and/or parental supervision. If you have something that says you can operate these on specific town roads, we also need the ability to enforce the rules and who is to do that.

Ingrid Fleming – I want to say that I am not in favor of allowing these on town roads. They are not geared or designed for the roads. They are supposed to be a trail. How would this be enforced? And these vehicles are not paying the licensing fees to use roads like we do for our vehicles.

Gene Fleming – I understand the issue with golf carts. Your boat slips are a distance from your condos, so golf carts are often used for residents to get there. UTV’s and ATV’s – we do not have a trail system and we do not need them on our roads. In my neighborhood they do not seem to think that speed limits, stop signs, etc. apply to them.

Jim Matras – I was reading statutes from Adams County on this issue earlier today, where they allow ATV’s, etc. on roads, which limits age of driver, insurance requirement, etc.

Curt Kniess – I am the one the sheriff stopped recently. I was heading towards the boat slips. We were told that we can drive the carts across our private property and only go across a town road for the brief time it takes to get to the next property. I would never allow my grandchildren to drive my golf cart if they are not 16 with a driver’s license, they are not driving it. One thing the town could do is require permits or licensing of these and require that the person have a driver’s license and insurance.

Wolter – I agree with Kniess 100%. But who is going to enforce it?

Andre Kliczak – I took some time to search the internet to find how other municipalities handle this issue. I brought in samples for Goeske to make copies of today. Some municipalities required owners to pay an annual fee to register their ATV/UTV/Golf Cart and/or to be allowed to drive theirs on town roads, and list specifically which town roads they are allowed on.

Brooks – once again, we do not have an enforcement arm for this. People have called me and say they have been told by the Sheriff when they have called them that there is nothing they can do. That is incorrect, there are State and Federal Laws that they can enforce.

Goeske – does the ordinance have to allow all 3 (ATV’s, UTV’s and Golf Carts) or could it just allow golf carts? Brooks – that is a good question. The ordinance does not have to allow all 3, it could just allow golf carts.

Jim Seaton – I would ask the board to look at what other municipalities allow and their ordinances.

Gene Fleming – I agree that ATV’s/UTV’s are one subject and Golf Carts are another. I want to focus on the ATV’s/UTV’s that are currently illegal and should stay that way.

Hamilton/Marx to table to future board meeting; MC 5-0.

10. ROAD SHOULDER ORDINANCE REWORDING: Hamilton – I asked to have this put on the agenda. Our ordinance currently says that ALL town roads should have 2’ of gravel shoulder. But that does not always work well on every road, and on some roads, it is okay on certain portions but not other portions. I think we should reword our ordinance so that the Town Engineer and/or Public Works Director can make the decision to have less than 2’ or no gravel shoulder in some cases.

Brooks – we’re only going with 1’ gravel shoulders on Clar-Mar because our Town Engineer states that’s all that’s needed there.

Goeske – why do not we just add something to that ordinance that allows the Engineer and/or Public Works Director can approve variance(s) to that ordinance if they feel it is in the best interest.

Hamilton/Marx motion to do amend our 2’ gravel shoulder ordinance to allow variance(s) to that at the discretion of the Town; MC 5-0.

Marx/Faust motion to do Agenda Item #11 to after #13; MC 5-0.

12. FINANCIALS & REPORTS

a. Revenues vs. Expenditures:

Revenues =	\$642,849.49
<u>Expenses =</u>	<u>\$323,684.80</u>
Balance =	\$319,164.70

b. Payment of Bills: Checks/Liability Checks/Direct Deposits/Paychecks totaling \$35,059.67.

Marx/Hamilton motion to approve payment of bills as presented; MC 5-0.

13. CHAIRMAN/COMMISSION/COMMITTEE/DEPARTMENT REPORTS

a. Chairman Report (James Brooks): 1 - As you can see from tonight’s meeting, I have taken a lot of calls from residents regarding ATV’s/UTV’s/Golf Carts on town roads. 2 - working on the dogs issue at N2778 Cross Street owned by Karen Lawry & Douglas Strittmatter d/b/a KD’s Golden’s. The County does not seem to be progressing with this matter, so I have been talking to the Town Attorney as to our options. 3 - working on a new Access/Driveway Permit application with updated diagrams including the possibility of charging a deposit of \$2,000 per application fee that the owner can have returned to them once their driveway has final approval and constructed per ordinance. 4 - spoke with our assessor and we are currently out of compliance with DOR as to our assessment level.

b. Public Works (Brian Ecklor): Mowing, mowing and more mowing! South County Line Road work starts next week, will be gravel until they pave in August. There may be a little additional cost due to an area that is sinking. Took down 2 trees in Bay Drive Park today. Ryan Road shoulder work will be done. August will be chip sealing. I fixed the Park Street boat launch. Swim buoys at the Lake Park were put in before Memorial Day. Looking for a gravel vendor for shoulder work on Cross Street. Also need some along portions of Summerville Park. And will be working on culverts that need cleaning. Worked on Bay Drive Park (Faust – it is looking nice).

c. Plan Commission (James Brooks/Marc Hamilton): no meeting since last board meeting due to change in meeting dates.

d. Park Commission (Chad Wolter): Bay Drive Park looks great. We have heard from neighbors who agree. Is on our agenda for tomorrow night, planning on probably doing nothing more with it this year. Byrns Ball Diamond we opted that Ecklor will get dirt to work on the safety issue; looking into other things that need to be done. Going ahead with advertising banners on the fence at that park. Possible Park properties that could be sold. Brooks – signs for the parks need to be installed.

e. LAFD Commission (Karla Faust): nothing to report, have not met since last board meeting.

f. LAEMS Commission (Tom Marx): nothing to report, have not met since last board meeting.

11. CLOSED SESSION PER WSS 19.85(1)(c): “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” Re: Public Works Director insurance.

Marx/Hamilton motion to table closed session (due to agenda error); MC 5-0.

Brooks - I will be calling a special town board meeting Monday, June 14th @ 6:00 PM.

14. ADJOURN: *Marx/Faust motion to adjourn @ 9:10 PM MC 5-0.*

April D. Goeske

Clerk-Treasurer

NOTES:

FUTURE AGENDA ITEMS: Access/Driveway Ordinance, Park properties to sell, tonight’s closed session, missing closed session?