



# The Ripon Commonwealth

# Press

Ripon, WI 54971 143rd Year

## City, Developer Clash on Annexation's Legality

April 10, 2008

A housing developer and the Green Lake Conference Center are stepping up efforts to have the city of Green Lake release the annexation request, calling their own petition defective. But the city engineer and city attorney say it's not defective, and Green Lake Mayor Joe Parise says "the cards are in the city's hands" as the Common Council prepares for the long-awaited annexation vote.

A vote could come as early as Monday — the regular council meeting, which will be Parise's last as mayor. Built-up frustrations from both the developer and city peaked Tuesday, as the council sat down with Lindenwood attorney Robert Duimstra. The Conference Center and Lindenwood Development had wanted to annex into the city — until the town of Brooklyn approved a housing plat it had previously denied. The plat calls for nearly 100 new homes on approximately half-acre lots on the east side of the Conference Center. Duimstra, representing Lindenwood, recently wrote to the city, saying the annexation petition is defective because it does not include all electors in the proposed annexation area. A certain couple has lived at the Conference Center since October 2007 but was not included in the petition. "I no longer believe a factual basis for a unanimous-approval annexation exists, on the facts that I now know," it reads. But Tuesday at the special Green Lake Common Council meeting, City Engineer Craig Kunkel used a map to show where the couple lives. Their land is not within the area proposed for annexation, and thus never needed to be included in the petition, he said. The couple's residence is near several other private homeowners who live at the Conference Center and whose houses also are not included in the proposed annexation. The annexation lines were drawn around their properties. This means the annexation petition remains valid, even if Lindenwood and the Conference Center don't want to be annexed anymore, Kunkel said.

Upon seeing the map, Duimstra appeared caught off guard, replying he had received the housing information from Conference Center President Ken Giacoletto. Green Lake Common Council members have not yet voted on the 900-plus-acre petition for annexation of the Conference Center, golf courses and lands slated for housing. Since the city still can annex the property, a vote could come Monday at the regular Common Council meeting.

Duimstra and the Common Council each accused the other of mishandling the proposed annexation and delaying the process Tuesday. Duimstra scolded the council verbally — and also through his letter — for the city's handling of the matter. The city got bogged down in a "quagmire," Duimstra said, adding this provided the town an opportunity to re-approach Lindenwood. "We did not go to the town; the town came [back] to us," he said. Duimstra's letter echoed his comments. "To say the least, my clients are very disappointed with the lack of meaningful progress in getting its project plans approved through the city," it reads.

"Consequently, when the town of Brooklyn approached us about the possibility of bringing the project back to the town if the underlying issues could be promptly resolved, we agreed to meet with its representatives."

Duimstra indicated Parise had "assured" Lindenwood that construction could start this spring in the city. Parise flared. "I want to know what I assured anyone," he said. "... I never told [Lindenwood partner Doug Crusan] I would assure him the right time of day." "I never promised them a damn thing — other than I would go by the letter of the law in the city of Green Lake," he said. Parise maintained the "cards are in the city's hands," emphasizing the city can still annex the 900-plus-acre property — adding the city could demand repayment of its outstanding expenses through a developer's agreement.

Ald. Robin Wallenfang said the city rightly took its time with the proposal, holding several meetings to allow the issue to be explored. "Compared to the town of Brooklyn, I think we're going pretty fast," she said to Duimstra. "And you can't build in March anyway." The city's remaining annexation-related expenses now total more than \$65,000, City Clerk Barb Dugenske said. These include legal and engineering fees. Although Lindenwood has reimbursed the city nearly \$87,000 "in good faith," the firm does not plan to reimburse the city's remaining fees unless the city drops the annexation. Parise said Lindenwood broke a verbal commitment by never signing the city's annexation reimbursement plan. "[Crusan] sat right there and said he would sign it," Parise said. Duimstra told the council Lindenwood would reimburse the city's remaining "reasonable" expenses if the annexation proposal is dropped. Parise emphasized the reimbursement would be a requirement on a developer's agreement if the city chooses to annex the property — to which Duimstra remained silent. "I don't believe in going behind people's backs," Parise said. Ald. Donna Moore emphasized the city needs more than \$1 million in infrastructure improvements over the next several years, asking where the money would come from. She urged the council to view the annexation as a "one-time opportunity for future [tax] revenue."