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City Tells Annexation Petitioners to Pay Up

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The city of Green Lake wants to ensure its annexation-related expenses are reimbursed in full — before the city will vote on the annexation petition. After more than an hour of heated discussion Monday, the Common Council voted 4-2 to seek reimbursement of all the city's expenses, regardless of whether the city ever annexes the 900-plus-acre property.

"We want our money whether we annex you or not," Mayor Joe Parise said to Lindenwood Development's Doug Crusan and the firm's lawyer, Robert Duimstra, who were seated in the audience.

Alds. Robin Wallenfang and LuAnn Mirr-Frank voted against the motion. After making this decision, the city tabled the annexation petition. A special meeting is planned Monday (April 21) to act on the annexation petition itself. At Monday's council meeting, Crusan said his firm would pay all the city's outstanding expenses — more than \$66,000 — if the city would release or deny the annexation. The Nov. 12 petition calls for annexation of the Green Lake Conference Center, golf courses and lands intended for housing developments. But Lindenwood and the Conference Center no longer want annexation, because in March the town of Brooklyn approved plans for 97 new houses on approximately half-acre lots on the grounds' east side. Lindenwood officials said it will reimburse the city in full — even for some disputed administrative expenses — if the annexation petition is dropped.

"I just want it done," Crusan told the council. But at Monday's meeting, the council split 3-3 on whether to drop the annexation. Wallenfang had motioned to release the petition, contingent upon receiving full payment of the city's outstanding debts. The council voted 3-3, and Parise broke the tie to defeat the motion. Council members who voted to release the annexation included Wallenfang, Mirr-Frank and Larry McIntyre. Voting against releasing the annexation were Alds. Donna Moore, Michele Polzer and Dan Priske. Parise broke the split, allowing the annexation process to continue even though Lindenwood and the Conference Center no longer want it.

Then the council voted 4-2 to draft a full reimbursement agreement and tabled the annexation proposal. The council could vote on the actual annexation as early as this Monday (April 21) at a special meeting. Green Lake's new mayor, Chuck Mirr, will preside over that meeting, as he is now officially mayor. The mayor cannot vote on the actual annexation, however. A two-thirds vote will be necessary, meaning at least four aldermen must vote "yes" to annex. Lindenwood came to Monday's meeting with a check for \$55,910, prepared to hand it over if the city released or denied the annexation. But city records indicate the city has more than \$66,000 in outstanding expenses, including legal, engineering and administrative fees. This does not include legal bills for April. Parise and

some aldermen emphasized the city should be paid in full, resulting in several lively exchanges.

"So basically, you're holding our money hostage," Parise said, noting the discrepancy between the city's bills and what Lindenwood was ready to pay. "You have a check for one figure; we want it all. You used us as leverage." Crusan then said the firm would reimburse the city in full if the annexation is dropped. Lindenwood has already paid the city more than \$85,000 "in good faith" for reimbursement, even without signing the reimbursement agreement the city approved in March. A verbal agreement had been made for the petitioners to reimburse the city's legal and engineering fees. The discrepancy that arose Monday was due to Lindenwood not including administrative fees in its check. The city estimated City Clerk Barb Dugenske has spent about 10 percent of her working time on the annexation proposal in recent months.

Parise said the city could annex the property and then demand repayment of its outstanding bills through a developer's agreement, which would be required before construction could begin in the city. Lindenwood's attorney cautioned the annexation may not be legal. "You're assuming the annexation will hold up," Duimstra said. "You assumed that in our first meeting," Parise snapped, referencing Lindenwood's original desire and legal arguments to be annexed.

City resident Jerry Bartow addressed the council Monday, saying, "[Lindenwood is] not paying their bills ... As a city resident, I don't want to pay one nickel's worth of these bills." He urged the council to get back all costs. "If you don't collect your bills, you're a bunch of fools as council members," Bartow said. Some council members had tactful but pointed words for Lindenwood. Priske called the firm's actions "crappy," adding, "It appears to me, you're using one [municipality] against the other." Polzer said the firm's actions had made her uncomfortable. Moore took Lindenwood to task for saying the city had been dragging its feet with the annexation proposal. This particular proposal had not taken that much longer than smaller annexations the city has made in the past, she said. "For you to say we were dragging our feet doesn't make sense," Moore said. Parise said the city took its time to allow everyone to speak "over and over" at previous city meetings, adding the city even heard from private homeowners at the Conference Center who oppose the development. Parise accused Lindenwood of "truth-stretching," saying the firm had tried to have the city deny the petition by alleging it was defective. The alleged defect turned out to be untrue.

"You pay us everything ... Either that, or we annex you," Parise said. Moore urged the council to annex the property, saying the city needs long-term tax revenue. More than \$1 million in city infrastructure improvements are needed in the coming years, and she asked if the council would want to fund this by raising taxes. Moore added if the 97-lot development goes forward in the town, it would mean nearly 100 new wells would be drilled, calling it a "recipe for groundwater contamination." The city should not worry about being sued if the property is annexed, she said. "That's why we have insurance for these types of situations," Moore said. Parise emphasized the annexation would be good for the city if it's legal. "You have to generate revenue," he told the council. Wallenfang shared concern that the Conference Center is not within the city's comprehensive plan.