

On Tuesday, August 21, 2018 at 7:30 p.m. Town Board Chair Greg Anderson called the regular monthly Town Board meeting to order. Other Supervisors present were Eugene Stoeckel, Jim Kusler, and Mark Riverblood. Supervisor Thomas Duden was absent.

Approve Minutes

A motion was made by Mark Riverblood and seconded by Eugene Stoeckel to approve the minutes of the July 17, 2018 regular monthly meeting as printed. Motion Carried.

Approve Financial Report

A motion was made by Eugene Stoeckel and seconded by Mark Riverblood to approve the Financial Report for July 2018 as submitted. Beginning Balance of Township funds was \$636,473.42; total receipts of \$186,698.28; total disbursements of \$31,941.93; leaving a balance of \$791,229.77. Motion Carried Unanimously.

Old Business

There was no old business on the agenda.

New Business

The only item listed under new business was to discuss the Public Hearing for the road petition.

Eugene Stoeckel stated that a comment was made about the Engineer stating that the roads were built up to township specs but he does not believe the Engineer ever made that statement. He also stated that the petition talked about 2 inches of blacktop but the ordinance calls for 4 inches.

Mark Riverblood stated that he is concerned with some of the information regarding inconsistencies or assumptions made, which is why he made the suggestion at the public hearing, to possibly proceed by not approving the district and bring back better numbers so the petitioners understood better what they are getting into, but the feedback was that they didn't want to proceed that way, so unless new information is presented he will be supporting the petition for a district.

Greg Anderson stated that he would like to see the real numbers as to who is in favor of the district. Township Attorney Adam Ripple stated that if the Board chooses to adopt the Resolution to establish the District, there is a timeline for publishing the resolution, and that starts the clock of 60 days. If the Township then receives a petition from 25% of the property owners within that 60 days, then there is a referendum and a special election needs to be held for the property owners in that district.

Chairman Anderson stated that the costs are definitely going to exceed \$150,000 that was quoted. Mr. Barthel stated the petition was put together based on a recommendation from the Board on how to proceed and he is not sure it is being given due consideration. He stated that the petition was put together in a way to move the issue forward and he thinks the Board should come forward and offer solutions to township issues and concerns. He is concerned it has not been respected properly. Mark Riverblood stated that he offered an option for the residents to consider at the last meeting. He suggested that they not pass the resolution, because action needs to happen at this meeting, and then come back with better numbers. He explained that was due consideration.

Dan Whitcomb stated that the neighborhood has been trying to get the area tarred for a while and he feels the Township should have to pay for part of the costs and he knows the percentage in favor is more than 50.9%.

Eldon Johnson stated that the petition asked for the Township to bring the roads up to specs and the residents would pay for the blacktopping but now they are talking about the residents paying from the

very beginning. Greg Anderson stated that the Board originally agreed to put down some gravel. Marcia Anderson stated that this would cost the petitioners the road drill and the Engineers fees. Greg Anderson agreed because that is part of the blacktopping. Mr. Whitcomb stated that the figure of \$350,000 does not shock him but it will not get any cheaper.

Chairman Anderson stated that although Supervisor Duden is absent tonight, they are bound to make a decision about the petition.

Dan Whitcomb asked if more figures would be available if the petition is approved. Greg Anderson stated that they would proceed with estimates once the District is created. Mark Riverblood stated that he indicated that he would support the District, but that is predicated on the understanding that the Township will not move forward with any spending, including attorney's fees, bond counsel, investigations or Engineering until the 60 days is past. Chairman Anderson stated that Supervisor Duden should have been there to be part of the decision. James Kusler stated that it does not make any sense to spend anything until after the 60 days and the District is actually created. Attorney Adam Ripple stated that the costs will not be charged to the residents until the District is established.

Dan Whitcomb stated that there may be things in the petition that may or may not be correct but they were listed as examples and they had community meetings and talked about the costs.

Marcia Anderson asked where the due diligence was from the Board when they have used property values abutting and they've excluded the School from part of the payment process. Greg Anderson stated that they could negotiate with the school district but not force them to do anything.

Dan Whitcomb stated that if the City annexes the properties after the blacktopping, they will have to pay the entire assessment because it is an established district. Attorney Adam Ripple stated that the payment of the assessments in under the 429 process and it is not clear, that upon annexation, those are costs that have to be paid by the City. Dan Whitcomb stated that under the 365A process, that district is created and cannot be changed with changes in jurisdiction boundaries, and whatever government unit has that, has to assume it. Attorney Adam Ripple disagreed and stated that may happen, but only if the two jurisdictions have a joint powers agreement in place. Dan Whitcomb stated that the governments have to accept the cost. Adam Ripple stated that he still disagrees. Mr. Whitcomb stated that he has attorneys looking at it also and he also stated that the community people out here have not felt like they have had a fair shake on this. Mr. Whitcomb stated that there is a \$25,000 fund to sue every one of you people, but they have held back, just from the Riverblood appointment and other things that have happened with this Board. He stated that these people have been pretty tolerant and haven't pulled the trigger and costing the Township and them a lot of money in a lawsuit. Chairman Anderson asked what \$25,000 fund he was talking about. Mr. Whitcomb stated that he is not getting into the legal details of this thing. Mr. Anderson asked what fund he was referring to. Mr. Whitcomb stated it was a private community action fund to get our supervisors to do the right thing.

Marcia Anderson asked who paid for the gun club road. Greg Anderson stated that was a joint agreement between Greenbush and Princeton Township. Marcia Anderson asked who paid for the Township portion. Greg Anderson stated that the taxpayers did. Marcia Anderson stated that now the taxpayers have to pay for the whole amount to have a road tarred to township specs, not the way they requested. Greg Anderson stated that road was done 15 years ago. Dan Whitcomb stated that there have been other roads paved but no one has been assessed for them. Greg Anderson stated that there have been assessments on roads where the taxpayers pay for it and besides these roads were done 15-20 years ago. Mr. Anderson also stated that he does not like threats about being sued.

Chairman Anderson stated that they want the Township to spend \$400,000 of the taxpayers' money to service a small group when that is the same as 4 years' worth of the budget for all the roads in the whole Township. Dan Whitcomb stated that all he is asking is that the community signed the 365A process and have agreed to be assessed for it but also have the general taxpayers be a part of it, he does expect the township to pay some it, like the graveling part. Greg Anderson stated that the Township was going to pay for some of the gravel and that the Board is following through with the residents' requests.

Marcia Anderson asked Eldon Johnson if when he put in a development in the Township and had to blacktop the development, that the Board said they would pave the township roads when there was a sufficient number of homes in the area. Eldon Johnson said there was nothing in writing but the general idea was when there was 60% or better done, they would get some consideration. Greg Anderson stated that when anyone builds a development, part of doing business is building up the roads and making them correctly.

Eugene Stoeckel motioned to approve Resolution 2018-4, Establishing a Subordinate Service District. Greg Anderson seconded the motion. Eugene Stoeckel questioned the deadline. The Clerk explained that she has 20 days to publish the Resolution and then 60 days later is when the District is established. Motion Carries with Mark Riverblood abstaining.

Open Forum

There were no residents that spoke during open forum.

Supervisors Report

Eugene Stoeckel gave an update on the Airport Advisory Committee and the City Planning Commission.

Greg Anderson gave an update on the Fire Advisory Board.

Clerks Business

The Clerk corrected the deadline for the Reverse Referendum. She stated that if she publishes the resolution on August 29th, the deadline will be 60 days from that date.

Approve Payment of the Bills

A motion was made by Eugene Stoeckel and seconded by Mark Riverblood to approve payment of the bills, Check numbers 12091-12132. Motion Carried.

Adjourn

A motion was made by Eugene Stoeckel and seconded by Jim Kusler to adjourn the meeting at 8:07 p.m. Motion Carried.

Respectfully submitted,

Connie Wubben
Clerk/Treasurer

Attendees: Steve & Nancy Moan, Eldon Johnson, Marcia Anderson, Jerry Sands, Jason Wolfsteller, Deputy Tony Erholtz, John Roxbury, Dan Whitcomb, Ken Beiringer, Jesse Barthel, Matt Barlage, Debi Talley, Jesse Ruud