

**CITY OF GREENDALE
Council Work Session
April 10, 2017**

Mayor Weiss called the work session to order.

PRESENT: MAYOR ALAN WEISS
 TY BOWELL
 JERRY ABBOTT
 VINCE KARSTETER
 WALT WILSON
 SCOTT LIBBERT
 MATT McCOOL
 KURT MOLLAUN
 CITY MANAGER STEVE LAMPERT
 CITY ATTORNEY ANTHONY SMART
 CLERK TREASURER MARY JO LYNCH

Council was present in a public work session to discuss the **Water Tank Property issue and the road leading up to the property.**

Mayor Weiss explained the issue to Council and stated that this should have been resolved back in 1955 when the water tower was built on the property. The issue was put back on the plate in 2006 for Greendale to fix the problem, the City had intentions on purchasing the property from Mr. Perfect, but things fell through and Mr. Perfect sold the property to Brandon Willis. The City (new administration) just found out recently by City Atty. Smart that the Agreement that should have been signed and recorded by Mr. Willis back in 2008 had not been done and administration just found this out at year-end 2016. The City has no easements that were agreed to years ago and Council is now faced with dealing with the same old issue that was discussed in 2006 and should have been taken care of in 1955.

Mayor Weis indicated that he, City Atty. Smart and Mr. Willis met a couple weeks ago to discuss the options on this issue. Mr. Willis did not discuss why he did not sign and record paperwork in 2006. Mayor Weiss offered Mr. Willis the following options:

Option 1: If the City fixed the situation at the bottom of the hill where Mr. Willis would have access, he would agree to the terms of the 2008 Agreement. Mr. Willis indicated that he was concerned about the issue at the bottom of the hill and there was a little disagreement with the language in the Agreement as to what his easement meant at

the bottom of the hill to what the City thought. All parties thought that this could be worked out to where they could come to some resolution.

Option 2: This option was for the City to purchase the property. Mr. Willis first asked for \$145,000 for the property, the City countered with \$131,000 (which was the average of 2 appraisals) and Mr. Willis offered \$131,000 to which he would donate \$10,000 back to the Park Department so the land would actually be purchased for \$121,000. After talking to Mr. Willis he made his final offer to sell the property for \$100,000 (which is a couple thousand more than what he paid for the property).

City Mgr. Lampert passed out a copy of the survey from 2008 to which he added some graphics of the road that goes up to the property to the water tank. He stated that 120 x 120 ft. square is the 1955 deeded ownership of the tank. He explained that it was not easy to get on top of the hill that basically it was an island on top of the hill with 3 water lines coming down. He said that the road is off to the left and goes up the hill and swings around and goes back to the tank. He stated that the 1.183 acres was the property that Mr. Willis was to deed to the City because this is the side of the hills that failed during the 2003 hillside slip behind the Schornick's and the Nutleys and the property where the road is. All the City owns up on the hill currently is the 120 ft. square. He referenced the tank and the fence and commented that when they built the tank it was only 4 ft. off the line; they didn't even put the tank in the center of the lot. He said that fence is on Mr. Willis's property. Councilman Howell asked if the area outlined in yellow, other than the square in the middle, was the 1.183 acres. City Mgr. Lampert stated yes that was the property that Mr. Willis agreed to deed to the City back in 2006. Councilman Howell asked if that was part of Option 1. City Mgr. Lampert replied, yes. He added that as you see in Option 1, which is the access easement which is critical.

Mayor Weiss added that in communication with Mr. Willis he conveyed that the reason he purchased the property to begin with is that he owns a piece of property at the top right and the access of that property is either at the end of Dorman Avenue (where Hillside and Dorman come together) or access up the tank road. The Mayor commented that there are 1-2 good spots up on the hill to build a home (he pointed to the spots) and Mr. Willis needed access to the lot if he were to build a home. Mayor Weiss feels that over time, Mr. Willis most likely does not want to build a home.

Councilman Karsteter asked if they could offer less than \$100,000. Councilman Powell commented that there is not a great answer to this situation. Should the City purchase the property probably no or probably yes. Either way this is a tough call. Councilman Wilson said if we didn't have the easement since 1955 why do we need the easement now? Councilman Powell asked if we purchase the property does this still leave Mr. Willis a lot on the hill and is he going to ask for an easement to get up the hill on our road. Councilman McCool stated that if the City purchases the property than we stipulate that there is no easement for him to go up the hill. Councilman Powell stated that he would vote to purchase the property if we do not give an easement. A majority stated that they would purchase the property with the condition that Mr. Willis does not get an easement. Councilman Wilson asked what Mr. Willis wanted to do with the road. Mayor Weiss stated that Mr. Willis had commented that when he wanted to go up the road there were cars parked at the bottom of the road and he couldn't get up the road.

After lengthy discussion, Mayor Weiss reiterated that this is Council's decision. John Commons from the audience asked questions to City Mgr. Lampert regarding emergency situations and the addition of another water tank if required.

Councilman Powell asked how long it took to build the new water tank. City Mgr. Lampert replied around 6 months. There was discussion about using the Valley Woods water station as a pressure regulator and fire protection at South Schenley.

Councilman Libbert asked what would happen if the City didn't purchase the property and in the next 2-3 months would Mr. Willis become motivated to sell. Councilman Wilson asked how many times the work crew went up to the tank. City Mgr. Lampert replied, every Friday. City Mgr. Lampert indicated that his concern is that if the City doesn't do anything, someone could potentially put up a fence and say that the City is trespassing on their property and the City couldn't go up to their anymore.

City Mgr. Lampert commented that at a minimum Option 1 has to happen as the City has to have access to the property. He discussed the hill slippage in 2003. He feels that it's important to own the property to protect the hillside as well. Mayor Weiss asked Mr. Willis if he would consider selling half of the property and Mr. Willis indicated that it's either all of the property or none.

Councilman Karsteter proposed that the City go back to him and offer \$100,000 and no easement or state that Mr. Willis do what he should have done in 2006. Mayor Weiss asked City

Mgr. Lampert what were his thoughts. City Mgr. Lampert replied that the City should have purchased a large chunk of the property, but since they didn't and we were so close in 2006 to buying the property and if we could get the property at a decent price, then I feel we should buy it. He again expressed his concerns about the hill slippage in 2003.

In conclusion, Councilman Karsteter stated that security of the City's drinking water (water tank) is a priority. Councilman Mollaun asked CT Lynch where the money would come from if they choose to purchase the property. CT Lynch replied that the Water Dept just paid off an old water bond in January 2017 and in paying this bond, she had to deposit enough money monthly into a "water bond account or sinking account" to cover principal and interest. At the end of the term, because they had deposited more than enough money into the water bond account, there were remaining funds in this account to the tune of \$166,000+. She indicated that she had contacted the State Board of Accounts (SBA) to find out what she could do with the remaining funds and the SBA advised her to prepare a resolution declaring the water bond account dormant and deposit the remaining funds into the Water Fund. Councilman Mollaun asked if this was basically "found" money. Councilman Bowell asked if this money could be used anywhere else or strictly water. CT Lynch replied, strictly water.

Mayor Weiss indicated that he has talked with City Mgr. and Councilmen regarding this property several times and most of us have walked the property. And all of Council agrees that that if the town board would have taken care of his in 1955 we wouldn't be dealing with this. John Commons, from the audience, asked why can't we just have Mr. Willis file the documents that should have been filed in 2006 and then talk about purchasing the property. There was discussion.

Mayor Weiss stated that at the Wednesday, April 12th Council meeting if Mr. Willis is at the meeting and asks for a decision, Council will need to be prepared to make a decision and vote. Mayor Weiss passed out a second drawing showing Council a house at the entrance of the road to the water tank (off of Parkside). He stated that Mr. Willis had said to him and City Mgr. Lampert that from time to time cars from the house at the entrance block half of the entrance and he cannot go up the road. Mayor Weiss stated that the resident who bought this house back in the 80's and after she bought the house years later she found out that part of her home is on City property (Lot 9). In 1994, the resident did request an encroachment easement from the City of Greendale which basically states that her house is on the City's property, but it's ok. Where the

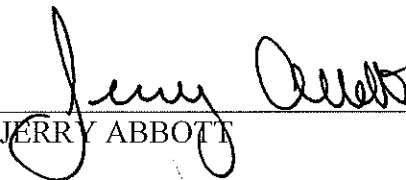
family parks their cars is on part of Lot 9 and Mr. Willis thinks that through the access easement that he received from the City that he has access to all of Lot 9. So when Mr. Willis saw cars parked on Lot 9 he felt that it was his duty to tell her that she was parking on his property (Lot 9). Mr. Willis does not have an easement for the parking. Subsequently, Mr. Willis has asked the City to knock on the resident's door and tell her that they are parking on his easement. Mayor Weiss suggested that the City raise a curb and make a separator for parking for the residential area which will resolve the issue of blocking the road on the hillside. Mr. Willis stated that the reason that he didn't do his part of the Agreement in 2008 (recording it) was because the City didn't abide by its part of the deal by allowing the resident to park her cars in the roadway.

Mayor Weiss said the City still has the problem of the resident's house being on the City's lot. He pointed out to Council on the drawing of how they could move the property line and turn it on an angle so the parking would be part of the resident's property and the encroachment easement would not be required by the City anymore. Council agrees with this decision and asked Mayor Weiss to find out if the resident can pay for any or all of the recording fees for the parking.

There being no further business to come before the board, Councilman Libbert made a motion to adjourn. With a second by Councilman Mollaun, the motion carried by voice 7-0.



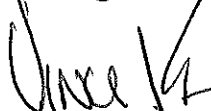
MAYOR ALAN WEISS



JERRY ABBOTT



TY BOWELL



VINCE KARSTETER

Matt McCool

MATT McCOOL

Kurt Mollaun

KURT MOLLAUN

Walt Wilson

WALT "DOC" WILSON

SCOTT LIBBERT

ATTESTED:

Mary Jo Lynch

Clerk Treasurer Mary Jo Lynch