

MINUTES  
CARLOS TOWN BOARD  
February 25, 2010

The regular meeting of the Carlos Town Board was held at the Carlos Elementary School with Dwayne Waldorf, Ted Steidl, Rod Meyers, and Rebecca Anderson along with township engineer Jeff Stabnow. Chairman Waldorf called the meeting to order with all reciting the pledge of allegiance. Guest attending were Michelle Clark, Jeff Nelson and Lowell Lenz.

Ted Steidl moved to accept the minutes of February 11<sup>th</sup> as printed. Rod Meyers seconded the motion and it carried.

Rod Meyers moved to accept the minutes of February 22<sup>nd</sup> - Board of Audit. Ted Steidl seconded the motion and it carried.

Sandhill Lane: Michelle Clark had spoken with Robert Russell, attorney for Jeff Nelson. She felt the counter offer of \$8,100 was fair. She discussed the issue of Sandhill Lane having platted and non-platted lots along the road way, and felt it is imperative that a legal description be entered into the resolution mapping the 66 feet of ROW. She had also spoken with Mark Jahner, the surveyor and had expressed the centerline of the road be recorded correctly. He had given her and Jeff Stabnow an estimate of \$1,200 to complete this process.

She would not want to move forward with negotiations until this is completed. Once this is finalized, the recording is rather quick. This is a much faster way of recording a road than going through eminent domain proceedings. She expects to hear back from Robert Russell next week.

Jeff Nelson still had concerns about the elevation of his driveway. Jeff Stabnow stated the driveway can be left where it is and tapered into the new road grade. He still is not happy with the drawings of the proposed road. He doesn't want the power box moved as he has a hard line to sheds on his property. Chairman Waldorf stated the township would pay to have the box moved up or down to match in with the new road. Jeff Nelson made a comment that by moving the power box, the township is looking to grab more of his property. The township has never expressed in any way they are looking to use any more of his property than what would be required for a reasonable back slope.

Jeff Nelson stated he was at the county recorders office and on the mapping there is 33 feet recorded all along Sandhill Lane and was wondering what all this "mapping" was about. Michelle Clark stated there had been an earlier court ruling that gave all townships this legal right of way and all the maps were changed. However, a short time after that, the Supreme Court ruled this unconstitutional and the statute was revoked. Therefore, all townships need to go through the process of mapping the individual roads. This is usually done when there is a road construction update.

Rod Meyers moved to proceed with the survey work to get the legal description for the centerline completed.

Ted Steidl is sick of the whole matter. This issue is costing the township thousands of dollars and there seems to be no end to the cost. Jeff Nelson is upset with Chairman Waldorf in that at an earlier meeting Chairman Waldorf stated the township could take his property at will. This is what seemed to set him off on this whole legal issue. Chairman Waldorf stated the township has never used property without the consent of the landowners for temporary easement. This is the first time the township has ever considered paying more than the customary \$1.00 for temporary easement

use. Chairman stated he never said the township would take his property. He and the board were confused in Mr. Nelson's statement in that he felt the township would go to any lengths to take his property without him being properly compensated.

Ted Steidl seconded the motion to proceed with the survey work to get the legal description.

Michelle Clark stated the board could wait until she had come to a resolution with Mr. Russell regarding Jeff Nelson's claim. She wanted to go out to the property with Jeff Stabnow, Jeff Nelson and Robert Russell.

Both Rod and Ted withdrew their motions.

Chairman Waldorf restated the township's policy that whenever the township has needed a temporary easement, it has never had to pay more than the customary \$1.00 for the rights for that easement. The township has never gone ahead with a project without permission from landowners. This is the largest hill in the township and even on the hill toward the west on Sandhill Lane, the board had not had to go through these hoops to reconstruct the road.

At a previous meeting Curt Nelson has asked about paying taxes on the damages award. Michelle Clark stated that if the wording on the release is for damages, there should be any taxes due. Again this is for temporary easement as the township is not buying any of their property.

Stardust Lane: The map was reviewed to see how much property it would need to obtain to straighten out the intersection onto CR 11. This will be up for future discussion.

Public Works Striping: Jeff Parkin had called Rebecca last week, asking if the township was interested in participating in striping some of its townships roads, as the county was in the process of obtaining a bid. After discussion to possibly stripe Mt. Carmel and Prairie Road, she is to let Jeff know the township is interested in 2-3 miles of striping.

Zoning: Nothing at this time.

Lobby day has been rescheduled to March 3<sup>rd</sup> due to the winter storm back in February.

Committee Reports: The Service Region will be having a mediation meeting with DBI on March 10<sup>th</sup>.

It appears ALASD will be going in and putting in deeper line for that area in which the line was too shallow.

Chairman Waldorf contacted Jerome Blommel back on January 31<sup>st</sup> regarding a car that was parked out by the road packed with debris and that the shed was not completed. He had many excuses as to what and why. He told him he could have the car removed within 10 days. That deadline came and went and the car was finally removed February 25<sup>th</sup>. He also made a comment that a neighbor's dog had come onto his property and injured his cat. If it turns out the cat needs a vet, he would dispose of the cat himself.

The township reviewed the documents for the annual meeting for March 9, 2010.

The Annual 2009 Bridge Inspection was completed by the county and reviewed by the township supervisors. These corrections to the bridges will be reviewed at the upcoming road tour this spring.

Rebecca will hold the Public Accuracy Test for the township election at her home at 1:00 PM on Sunday, February 28<sup>th</sup>.

No further business, Ted Steidl moved to adjourn. Rod Meyers seconded the motion and it carried.

  
DWAYNE WALDORF, CHAIRMAN

  
REBECCA ANDERSON, CLERK