



Board of Commissioners Special Meeting Minutes Park Place - October 25, 2018

MISSION STATEMENT: To enhance the lives of our residents by providing programs, services, facilities and open spaces that safely promote health, recreation and community in an environmentally and fiscally responsible manner.

Call to Order:

Commissioner Hartwig called the meeting to order at 7:00 PM.

Roll Call:

Commissioners Present:

Thomas Aquilina, Caroline Bachour-Chemaly, Debbie Gallagher, Shawn Zimmerman, Cathy Cagle, Larry Wheeler, Michele Hartwig

Legal Counsel: Scott Puma, Ancel, Glink, Diamond, Bush, DiCianni and Krafthefer, P.C.

Staff:

Jason Herbster, Executive Director, Kurt Reckamp, Superintendent of Recreation Programs and Facility Services, Erik Jakubowski, Superintendent of Park Services, Katrina Hanna, Superintendent of Business Services, Ann Viger, Director of Planning and Development, Anne Sandor, Recording Secretary

Citizens: Eric Anderson, Fred Fitzpatrick, Debbie O'Brien, Johanna O'Neill, Kyle and Linda Franzen, Rebecca Heisler, Cathy Ferguson, Valeria Phillips, Judy Zeman, Kevin Sullivan, Deb Worley, Al Mueller, Joe LaMonica, Matt DellaMaria, Bill Carvell, Brian Wheeland, Candy Reedy, Frank Haslwanter, Jucy Tiesenga, Heather Buelow, Martin Moister, Jim Heisler, Matthew Clarke, Gregg Kobelinski, Stan Pasieka, Catalina Rios-Meyer, Julie Fuhler, Keith DuShane, Karl Steiner, Ron Rogers, Linda Draxler, Alice Barnett, Jeff McInerney, Mark Lyczak, Ardythe Tiesenga, Jerry Fortier, Barbara Kaufhold, Susan Whitefield, Helfert, Peter Skelly, Rich Lindner, Carolyn DuShane, Paul Smith, Bruno Bellinaso, Kevin Lydon, Rich Puchner, Kathy Norris, Donna Clarke, Ned Zeman, Craig Rueckert, Robin Reed, Tom Kopp, Maureen Thinnis, Jill Rocheford, Eric Beier, Lisa Gates, Scott Nelson, Scott McClain, Charlie Willis, Pete Mateljan, , Tim O'Neill, Fred Tiesenga, John Worley, Ellen Frenk, Ron Orist, Marilyn & Dick Vogelman, John Bogelman, James Phillips, Marv Tiesenga, Ben & Laura Chelini, Bob & Nancy Wagner, John Fuhler, John Streit, Cliff Hunn, Don Peters, Sue Warner, Ryan Washburn, Ginny Stephen Tom Hirshberg, Brian Vogelman, Brian Augustine, Jason Heisler, Monica Fiedler, Carol Ernst, William Waldron, Scott Landick

Approval of Agenda:

Commissioner Bachour-Chemaly moved to approve the agenda, as presented. Seconded by Commissioner Aquilina. All were in favor

Board Introductions:

President Hartwig and the Park Board of Commissioners introduced themselves and welcomed the public to the meeting. Hartwig noted the proposed ordinance would be the only discussion of the meeting.

Overview of Why a Draft Pier and Mooring Ordinance was Developed

Park District Attorney Scott Puma discussed the history of the Park District's ownership of Crystal Lake. He stated that the Park District received a deed for the lake in 1971 which was the basis of the quiet title lawsuit. The trial court determined that the Park District owned all of the lake except the channel area on the north side of the lake, west of Prospect Point; the area around Prospect Point according to the plat of subdivision; the area between the original government platted lot along the north shore between the lot line, north to the shoreline along Clow's Addition which appears to be a maximum of 75 feet; and property near Leonard Parkway and Woodland Drive. The appellate court affirmed the trial court's findings.

He noted that since the quiet title lawsuit was completed, issues have cropped up from time to time that have been referred to the Park District. These issues are varied such as people have dumped rock piles into the lake, people have blocked boat access, someone wanted to put an aerator in the lake to prevent freezing in the winter, and neighbors have had pier disputes. In addition, the Park District has received a variety of questions about the types of piers that are allowed, whether permanent piers are allowed, whether boat houses are allowed, and where piers, boat lifts and moorings can be located.

The Park District has a general ordinance about depositing things on Park District property as people living adjacent to parks have located gardens, swing sets, fences and stored other items on Park District property. The Park District has traditionally viewed the lake as no different than any other park relative to the placement of objects and the proposed ordinance attempts to be representative of what is actually happening on the lake, while taking into consideration the Park District's policies.

In addition, he stated that in 2008, the Park District approved an anti-funneling ordinance which was an attempt to limit the number of boats moored on the lake. This ordinance was also presented to the City of Crystal Lake and the Village of Lakewood which both declined to approve a similar ordinance for different reasons. The Park District has not enforced the anti-funneling ordinance. The proposed ordinance seeks to address the concerns which brought about the anti-funneling ordinance relative to current conditions.

He then went through the ordinance and summarized the provisions relative to piers, moorings and swim rafts. He discussed the proposed location requirements as well as the proposed safety standards. He also noted that the proposed ordinance addresses the actual number of boats currently moored on piers, moorings and boat lifts at the various private homeowners association beaches.

He also discussed that existing piers, moorings and swim rafts would be continued to be allowed under the proposed ordinance. Further, he discussed the permitting process under the proposed ordinance for new installations. Finally, he talked about the enforcement mechanisms under the proposed ordinance relative to penalties and removal of property which violates the ordinance.

Public Concerns and Comments regarding the Lake Pier and Mooring Proposed Ordinance

- Lakefront property owners have property rights
- Aggressive move for the Park District
- This should be an issue for the City or Village of Lakewood
- Shoreline Homeowner Associations were not contacted
- Concerns over who owns lake
- More ordinances could lead to higher taxes
- Why pass something that may not be applied?
- Needed more conversations with home owners associations
- Issue should go to the City of Crystal Lake or the Village of Lakewood- what does it cost?
- Costs so far for legal work done on preparing ordinance?
- How much allocated in the budget to enforce this ordinance?
- What is the budget for litigation fees?
- Did not receive a copy of the letter from the Village Lakewood
- Can't enforce rules on land you don't own
- Enforcement issues
- Lawsuits are expensive
- Don't feel this can be enforced by current Park District staff
- Felt ordinance is too aggressive
- Problems with Intergovernmental relationships
- Need more cooperation IGA'S
- Park District is not playing fair

- The Park District should be part of the Lake Safety Agreement
- What is the factual basis of ordinance
- Park District is an equal owner of the lake
- There are no safety issues with piers in no wake areas
- District needs to limit access to lake if worried about too many boats
- Wisconsin Lakes are not private lakes; their ordinances do not apply
- Concerned with the future of the Park District
- The Village of Lakewood has an ordinance.
- Why is the Park District not part of the Lake Safety Agreement
- Remove the junk on the bottom of the lake
- How does this ordinance benefit the tax payers
- Looking for simplicity; agree with guidelines
- Ordinance initiated due to complaints; number of callers do not warrant an ordinance
- Encouraged Board to vote no on the ordinance
- Concerns of Grandfathering in and decisions made by future Board members
- Ordinance prevents Cove property owners the placing of piers at 3ft depth
- End result is okay, but process is flawed
- Solution in search of a problem
- Park District is property owner just like everyone else here
- Park District should examine how many boats it allows on water
- Wisconsin lakes are public, Crystal Lake is private
- Is there really a need for this?
- Ordinance is overkill – Kicking sleeping dog
- Not seeing the problem that is being addressed
- Don't solve problem by creating a bigger problem
- What are benefits to CL tax payers
- Reflector and tag portion of document is not needed
- Bolts and wood specifications need clarification
- Stay off my pier
- Ordinance should address safety not piers
- How many calls did the district received on pier regulations? -6 calls doesn't mean we should address
- Lake home owners should have more input, especially due to high tax
- Concerns about being Grandfathered in
- Property values
- Should we review dredging the lake?

Commissioner Hartwig thanked everyone for their input. She noted the Board will process all of the feedback and will have an open discussion at the next Park Board meeting. She encouraged the public to email the Board with any concerns. The Board will do it's best to keep the public informed.

Adjourn:

Commissioner Bachour-Chemaly moved to adjourn the meeting at 9:15PM. Seconded by Commissioner Cagle. All were in favor.

Approve: _____
President

Attest: _____
Secretary