

## Regular Meeting of the Parks and Recreation Commission

*Proposed Minutes*

**Date:** September 5, 2007

**Time:** 4:00 p.m.

**Place:** Fillmore Complex, Conference Room D

**Present:** Mark Oppenhuizen, Betty Gajewski, Phil Kuyers, Ted Bosgraaf, Crystal Unema, Bobbi Jones Sabine, Roger Jonas and Paul Geerlings.

**Absent:** Russ Brown and Joyce Kortman

**Staff:** John Scholtz, Director; Curt TerHaar, Coordinator of Park Planning and Development; Sherry Costello, Administrative Clerk; and Dave Mazurek, Park Operations Superintendent

**Guests:** Doug Van Essen, Brett Flipse, Terry "Skip" Nagelvoort, David Lind, Jasiu Milanowski, Steve Cook, Vince Skutnik, William Kishkorn, Jeremy Smith, David Kiekintveld, Joseph and Madelyn Beel, Kathleen Knight, Fred Vaas, Sam and Janet Bacon.

### **Subject: Approval of Minutes**

PR 07-65    Motion:        To approve the minutes of the Commission's August 1, 2007 regular meeting.

Moved by:    Unema            Supported by: Bosgraaf        Unanimous

### **Subject: Go Into Closed Session**

PR 07-66    Motion:        To go into closed session to discuss legal opinions as permitted under Section 8(H) of the Freedom of Information Act.

Moved by:    Geerlings       Supported by: Sabine        Unanimous

Yeas:         Gajewski, Kuyers, Geerlings, Bosgraaf, Unema, Sabine, Jonas, Oppenhuizen.

Nays:         None             Motion passed 8 to 0.

**Subject: To Rise From Closed Session**

PR 07-67 Motion: To rise from closed session.  
Moved by: Kuyers Supported by: Geerlings Unanimous

**Subject: Park 12 Category 3 Encroachment Agreement**

PR 07-68 Motion: To rescind the request that Encroachment Category #3 property owners sign the Tolling Agreement presented to them in August and to communicate this change to all who are affected.  
Moved by: Bosgraaf Supported by: Unema Unanimous

**Subject: Declaration of Restriction**

PR 07-69 Motion: To approve the Declaration of Restriction on Land Use agreement required for receipt of \$10,000 in grant funds for wetland and grassland habitat improvements at Hemlock Crossing and forward to the Board of Commissioners.  
Moved by: Bosgraaf Supported by: Jonas Unanimous

**Subject: U.S. Fish and Wildlife Service Agreement**

PR 07-70 Motion: To approve the agreement with the U.S. Fish and Wildlife Service regarding grant assistance for the Hager Park grasslands.  
Moved by: Geerlings Supported by: Kuyers Unanimous

**Subject: Riverside Park Improvements**

PR 07-71 Motion: To receive bids for the Riverside Park Improvements project and recommend Rivertown Contractors at a cost of \$239,800 and forward to the Board of Commissioners.  
Moved by: Kuyers Supported by: Geerlings Unanimous

**Subject: Kirk Park Dune Trail**

PR 07-72 Motion: To receive bids for the Kirk Park Dune Trail project and recommend Rivertown Contractors at a cost of \$55,715 and forward to the Board of Commissioners.

Moved by: Geerlings Supported by: Jonas Unanimous  
**Subject: Go Into Closed Session**

PR 07-73 Motion: To go into Closed Session to discuss property matters.  
Moved by: Kuyers Supported by: Unema  
Yeas: Gajewski, Kuyers, Geerlings, Bosgraaf, Unema, Sabine,  
Jonas, Oppenhuizen.  
Nays: None Motion passed 8 to 0.

**Subject: To Rise From Closed Session**

PR 07-74 Motion: To rise from Closed Session.  
Moved by: Bosgraaf Supported by: Sabine Unanimous

**Other Items Discussed:**

Commission members received the July 31, 2007 letter from Mrs. Arlene Van Essen regarding removal of trees at the Black Lake boardwalk. Unema expressed her passion for cottage life and supported Van Essen's letter requesting re-consideration of tree removal. Scholtz stated that the previous view before the improvements was not favorable and recommended the trees remain. Scholtz also added that the improvements have added value to the park area.

Commission members received the August 10, 2007 letter from Randall S. Schipper, attorney representing the Kronemeyers, regarding Park 12 parking issues. Bosgraaf questioned what is expected from the Commission and Scholtz stated that the Kronemeyers do not agree with the recommendation to relocate their parking. The Kronemeyers would like to either widen walkway to provide access to park their vehicles adjacent to their cottage or to continue currently park. Scholtz stated that Parks is currently recommending that the Kronemeyer's parking be relocated to Park 5. Bosgraaf inquired as to what the next step would be in the decision making process regarding the Kronemeyers. Scholtz responded that the current proposal did not contain anything new in regards to their parking request. Bosgraaf and Unema both agreed that all view points should be considered. Scholtz stated that the Planning Committee can review the request at its next meeting.

Oppenhuizen called for discussion in response to the comment cards received since the previous meeting. Scholtz continued with a brief discussion of additions to the agenda and Commission members took a minute to read the items. Bosgraaf questioned a letter received from Mr. Herb Pollock regarding the safety of the bike path slope at Park 12. Bosgraaf suggested we have the engineer re-evaluate. TerHaar responded that he is working with Prein and Newhof to resolve the slope issue.

Oppenhuizen called for public comment and Mr. Brett Flipse, a cottage owner at Park 12, expressed his concern that the Parks Commission is unaware and unconcerned as to how its actions regarding the encroachments are affecting the neighborhood. Unema responded empathically in telling Mr. Flipse that a lot of heart and thought has gone into the process. She continued by commending Scholtz for all his work on the project. Mr. Flipse's hope is to have the encroachment decisions reversed.

Mr. Terry "Skip" Nagelvoort of 2323 Pavilion Street, complimented the Parks Commission on their work and continued with two concerns. One being that County ownership of the right-of-ways has never been fully established and he doesn't feel that the encroachment language should include them. Second, Mr. Nagelvoort felt the process of the categorization of encroachments, specifically Category 3, was too broad. He felt that homes and birdhouses should not be treated the same. He also commented that fair treatment should be given to all cottagers. He concluded by commending Scholtz for all his work and time given to this large task.

Mr. Dave Lind, President of WMPA and cottage owner, spoke and expressed his concern regarding the differences in the Category 3 encroachment letter and Paragraph 30 of the court stipulation. He also requested clarification of the right-of-ways. Mr. Lind continued on a personal note and expressed his hope to resolve the issues at hand quickly and commented on the positive working relationship he has had with Scholtz and Parks staff.

Mr. Jasiu Milanowski, who resides at 2273 Ottawa Beach Road, expressed his concern for the Park 12 neighborhood and feels that the Commission "has not been a good neighbor". He continued in supporting Mr. Vince Skutnik and how he has taken care of the property located in Park 10 for years. He compelled the Commission to re-examine the decisions they are making.

Mr. Steve Cook, a resident of Terrace Avenue stood and discussed his Category 3 encroachment. He asked the Commission to give more certainty to the Category 3 property owners due to the "cloud" he felt is being placed over each owner's property title.

Oppenhuizen asked if there were any more citizens that would like to speak and Mr. Fred Vaas spoke on historical aspects of Park 12 and a recent news article regarding his opinion of this issue.

Mr. Vince Skutnik spoke with emotion in saying that he "is trying to be as good as he can in the process" but he has the right to defend himself in court and noted that this process has greatly affected the Park 12 cottagers. He also stated that in the Category 3 agreement no measurements or details were included in regards to the plan shown for his property.

Mr. Milanowski inquired as to why Parks has decided to move the existing sidewalk. TerHaar responded that it would provide the most direct access to get cottagers to their

parking and also provides a clear line between the land to be maintained by the cottagers and park managed land.

Geerlings thanked Park 12 cottagers for attending the meeting and giving input to the process.

The Parks Commission went into closed session to discuss Park 12 encroachments.

The Parks Commission rose from closed session.

Bosgraaf suggested a motion to consider withdrawing the proposed Category 3 encroachment agreements sent out in August. Mr. Doug Van Essen, legal counsel for the County, was introduced to clarify Paragraph 30, which would be used in the place of the Category 3 agreement. Scholtz then asked Mr. Van Essen to explain the ROW opinion to the Commission's audience. Mr. Lind requested a copy of the ROW opinion and Van Essen then offered to send it out to Lind. A motion was passed to rescind the requested and Category 3 encroachment property agreements sent out in August. Cottagers affected by this change will be notified by letter.

Scholtz moved on to discuss the proposed Declaration of Restriction on Land Use agreement that is needed in order to receive \$10,000 in grant funds for wetland and grassland habitat improvements at Hemlock Crossing. Commission members expressed their support by motion.

Commission members supported by motion grant assistance for the Hager Park grassland from the U.S. Fish and Wildlife Service.

Scholtz continued with the Riverside Park bids announcing the low bidder for the project being Rivertown Contractors. TerHaar explained a small bid irregularity involving Rivertown's bid. Commission members approved a motion awarding the bid to Rivertown Contractors.

Next discussed were the bids for the Kirk Park dune trails. Scholtz stated that Rivertown Contractors also won this bid. The Commission supported winning bid by motion.

The Parks Commission went into Closed Session to discuss property matters.

Meeting adjourned at 7:15 p.m.