

To the Town Of Bass Lake Chairman and Supervisors:

I am writing to you to voice my concerns with the proposed ordinance.

We have owned our property and maintained the strip in question since 1977. During that 39 years, not once has Bass Lake township made any attempt to maintain the strip of land. I question why after all this time the board feels it is necessary to hire an individual to "police" this strip and what proven benefits can be obtained from this move? You claim that it is to protect the ecosystem and water quality of the lake, however, the fact that this ordinance only affects a small amount of property owners on the lake and not 100% of the property owners shoots significant holes in your claim. I would like to see documentation from a Certified professional that indicates that imposing this ordinance for this small group of property owners on the lake will have a SIGNIFICANT impact on the lake's ecosystem.

As a landowner, we have been paying taxes based on lake front property. If this ordinance is passed, is the Town of Bass Lake prepared to pay back taxes and interest to all of the affected property owners for over charging the land owners for all of these years?

The platted strip originally stated that we have a sandy beach. I'd like to know what happened to that sandy beach. The water level is right up to the bank and since we have owned the property because of ice damming and heaving we have lost approximately 2' of the strip in question. Where was Bass Lake Township in this process? Shouldn't the township have been trying to prevent this erosion at some point during the 39 years we have been here? The Township has failed to maintain this property and has left it to the landowners. As a good steward of the land we have done what we can to try to minimize the erosion.

I urge the board to vote No to the proposed ordinance and investigate additional options that provide equality amongst ALL landowners on the lake and not single out just the landowners along the town reserve strip.

Sincerely,

Edwin C. Bartz

14225w Court Oreilles Lake Drive
Hayward, WI 54843
9 June 2016

Messrs: Justin Hall, Chairperson, David Aubart, Ralph Meixner, Douglas Mrotek, Joel Valentin
Town Board of Supervisors
Town of Bass Lake, Sawyer County
Hayward, WI 54843

Via e-Mail

RE: Town of Bass Lake, Sawyer County "Public Access";
Please read out loud at the special meeting of the Town on Monday 11 June 2016.

The current draft (Version 4) ordinance is unacceptable and should be withdrawn. It should never have been submitted to the Town Board nor provided to the public. As a former academic it would rate a "D" at best and as a private sector professional it would not have been accepted.

Rather than list my specific concerns and keep it short, I support the concerns of others who have written letters challenging/protesting/questioning the ordinance—they are my concerns as well. I've only been in contact with one person regarding specifics of version 4 of the ordinance. Except possibly that one person, I've told no one what to write or say; however, I have encouraged them to participate in Town actions, something several Supervisors have encouraged, by writing and attending meetings. I provide a brief summary of general problems (below) followed by suggestions for improvement and/or solutions.

Current draft is fraught with problems including the hurried, last minute nature of the draft, inconsistencies, typos, excessive wordiness, and possibly contraventions/overlooking federal, state, county laws and regulations. It lacks clarity, is misleading—look at the title and first sections and compare with ensuing text, contains lengthy quotes (in text) from various statutes, regulations, and guidelines—if these change, it could require amending the ordinance in the future. Regarding statutes, regulations, guidelines—move in entirety (not selections which could be biased) to Appendices and simply state that the Town supports each in the text. I submitted to Mr. Hall my comments (unedited, unproofed) critiquing the draft line-by-line for forwarding to the attorney.

There are several issues mixed in this version that should be separated:

1. Road access be separated from the public access strips; road accesses should apply to all Town Roadways and not just in a portion of Northwoods Beach (look at access roads west of Atkins), other access roads on lakes in question, and other lakes. This can be done using separate ordinances
2. Vegetation strip (35-ft, 75-ft) is applicable to all properties and should be a separate ordinance that states the Town supports strongly this concept and that apparent violators shall be referred to the County or DNR authorities for legal action. Incidentally, the waters of Grindstone Lake downstream to and beyond are waters of the United States and are governed by federal statutes and court findings including no septic tanks on highly permeable (sandy) soils with an elevation less than 10 ft above the OIWM—but in attachment they are included in the third column and holding tanks (the better option) are included in the first column.
3. Public access strips—before ordinance is finalized the following options must be thoroughly investigated:
 - a) abandon strips to adjacent or abutting property owners (precedent exists in Town of Bass Lake);
 - b) sell strips (raw land) to adjacent or abutting property owners (precedent exists in Town of Bass Lake);
 - c) develop a clear and just ordinance in which all properties (owners) are treated equally (civil rights) that
--include affected property owners in drafting ordinance (property owners prepared to do this gratis);
--ensure that grandfathering (Wisconsin/County statutes/regulations) is addressed adequately;
--tenuous issues be fully documented (this applies to all parties);
--utilize a positive approach instead of a threatening, negative approach.
 - d) at the April 2016 Town of Bass Lake Annual Meeting, a motion from a property owner that was voted upon and passed that requested final closure by the April 2017 Annual Meeting allowing adequate time to address the issue. Nowhere was it suggested that an earlier date was needed; the Town attorney delayed efforts until the last days (hours) a delay of approximately 7 months, and now, after receiving Version 4 of the ordinance on 14 June 2016, we, the people, have been told to respond by 11 July 2016—less than 30 days with a special meeting rumored to be about 30 minutes long.
4. If item 3 is not resolved satisfactorily, mitigation or court action could result. Court action is not my preferred course of action.

I am involved in this for the people of the Town, not solely for myself or my family.

Sincerely,

Edmond C. Packee, Sr.

Edmond C. Packee, Sr., Ph.D.; Certified Forester, Certified Professional Soil Scientist

Erica Warshawsky

From: "Michele Hall" <mahall22@hotmail.com>
Date: Monday, July 11, 2016 9:15 AM
To: "Me - Michele Hall" <mahall22@hotmail.com>; <ericaw@basslakewi.gov>; "Paul Ostroot" <conservationstrip@gmail.com>
Subject: Town of Bass Lake, Sawyer County Ordinance Regarding the Public Reserve Strips Located in the Northwoods Beach Subdivision

July 11th, 2016

The following letter should be distributed to each board member, posted on the Bass Lake Township website, read out loud at the July 11, 2016 meeting, and entered into the administrative record.

To: The Town of Bass Lake Board of Supervisors concerning the draft ordinance for the Public Access Strip (PAS) in Northwoods Beach: Justin Hall, Chairman, Ralph Meixner, Supervisor, Joel Valentin, Supervisor, Doug Mrotek, Dave Aubart, Erica Warshawsky, Clerk, and Kari Aderman, Treasurer.

Many previously submitted letters identify the many issues with the ordinance, so rather than repeating the same concerns, I will simply state that I agree with the previous letters concerning this issue.

My name is Michele Hall and my family has owned land adjacent to the PAS for over 80 years, a cabin on that same land for over 55 years, and accessed a boat house/shed and stairs/bench on the adjacent land for approximately 55 years. Four generations of family members have grown up vacationing on Lake Court Oreilles. Four generations have traveled near and far (minimum 8 hours by car, flights from out of state, driving 32 hours from distant states) to join together to spend valuable time creating memories in the cabin and on the lake. I will be owner of this property in the future.

This is a very serious matter to myself and my family as our way of living on the lake for our entire lives for my mother, aunts and uncles, sisters, nieces/nephews/cousins, mine and my children is now in jeopardy. This process has created great stress in our family. I feel we are being discriminated against as the remainder of the lake is not being subject to the same criteria listed in this ordinance.

Last week as I took boat to the shoreline in a family reunion at the cabin, I was disturbed to see on the shoreline everything we are subjected to in this ordinance other property owners not included in this ordinance are not being subjected to. They can have boathouses/sheds - we can not. They can have stairs to traverse a hill - we can not. (see appendix A - stairs are still on the list) They can have a bench - we can not. They can have a swing overlooking the bluff - we can not. The list goes on and on. I'll take a guesstimate there could be 3,000 cabins on the lake. I am flabbergasted as to why our small number of PAS properties and docks are being subjected to such unreasonable requests/demands as we are only 1% to 2% of the entire lake. These are requests (or shall I say threats which I really don't appreciate) to take down structures (in unreasonable timeframes) that have been in place for not just one year, not just 5 years, not just 10 years....but over 50 years! If squatters rights applied here related to Adverse Possession (Wisconsin State Law (Statute 893, Sub-chapter III)) which I suspect they don't due to the government owning this property then we would own this property outright at this point. I would suggest these lots be converted to be owned by each adjacent property owner to be consistent with how the remainder of the property works on this lake.

As I explain what the ordinance does to our way of living on the lake please consider how this may feel to you personally Justin, Ralph, Joel, Doug, Dave, Erica, and Kari if your family was being forced into the same situation. We are innocent and are being pulled into a legal battle we are not instigating. We would prefer to own this land outright and eliminate future threats. When we come to the cabin we expect we will have access to the water. We are located on a huge hill and have around 40 steps to climb. We are winded by the time we climb them and when you go down, if you are lucky enough to have knees and strength to make it down, you may want to sit on a safe and stable surface to watch the water activities as many elderly family members have done in the past. There is a safe bench accessible for this purpose. If you go down to the lake there are likely many items you will need to enjoy yourself. It already takes many hands to carry down any food, beverages, sunblock, cameras, beach towels etc. We prefer to store items related to water activities at the lakefront and not carry them down and up 40 steps or more every time you want to access them. Everyone else on the lake is able to enjoy a shed to store these items....why can't we keep our shed as this is an undue hardship that will be placed on us? Someone may want to go for a kayak ride....the paddle and life jacket is in the shed. A child may want

to try to catch some minnows.....the tool for that is in the shed.

Perhaps a little skiing - the skis are in the shed. The list goes on - we need the ability to store some minor items at the lake front to make this experience enjoyable and not stressful. Why else does everyone else on the lake have a shed? Why can't we?

Can you imagine what it will take to try to store our pier at the hilltop? It's already hard enough to find people to work and help at the cabin. Now we would need to hire someone to carry the pier up 40 plus flights of stairs? This is an outrageous requirement in this ordinance. Our hill has not been made any more unstable from the pier being stored over the winter on the hill over the last 50 years. We have plenty of trees and vegetation to accommodate the pier without any erosion as this has been the process used over the last 50 years. The erosion we have is from the high lake water which is creating a pocket of water under the hill at the base because the water is so high. I remember as a kid walking the shoreline and not getting my feet wet because the water ended at a point and the remaining shoreline was rocks. Repeat - I wouldn't even get my feet wet. Please allow us to store our pier on the hill over the winter months. It is not reasonable for our pier or any other property owner for that matter, to be required to carry items like this up a hill.

And I haven't even addressed the stairs! What if you take away the stairs? It is, after all, on the list in the Appendix. It is no joke. It is a documented threat - a very real threat to us. This will prevent us from using the lake shore at our cabin and require us to enter at some other area - not at our home. This converts this cabin into NOT being a lake house. This is significant. Please take note that this is an unreasonable item in the ordinance to remove stairs at a future point for anyone. People only put up stairs for safety.

If by some unfavorable chance that this ordinance is passed I don't understand how any of the property owners would be required to remove or tear down anything on land - repeat - land that does that not belong to them. In some cases, cabins have been passed on through generations or sold outright. If the PAS is not the property owner's land how should they be required to either by their own hand or by hiring a worker remove any structure on that property?

What most property owners want is to be either grandfathered with their existing structures that have been there for decades, with the ability to maintain them as they need repair OR to have the land be transferred to them. Let's stop this threat and focus on more important and constructive areas in the community.

Mr. Ostroot, thank you for your time and effort related to this matter. please feel free to forward this letter to anyone you deem appropriate and include me on any future correspondence whether legal or not related to this matter.

And to The Board, please consider my above thoughts deep in your heart as this land is meant for all to be enjoyed. Please help bring our community back together again. Let's please make your decisions in this matter from what a reasonable person would decide under all the circumstances. There are many innocent people being pulled into this - let them be the true winners in this issue and not disrupt our families' way of life in The Northwoods Beach area.

Respectfully submitted,

Michele Hall

Erica Warshawsky

From: "Bruce Miller" <wisconsinspindoctor@yahoo.com>
Date: Monday, July 11, 2016 12:01 PM
To: <ericaw@basslakewi.gov>
Subject: Letter from Bruce Miller and Chris Fullerton

The following letter should be distributed to each board member, posted on the Bass Lake Township website, read out loud at the July 11, 2016 meeting, and entered into the administrative record.

July 11, 2016

Re: Public Access Strip Ordinance

TO: Bass Lake Township Board of Supervisors:

FROM:

Bruce Miller and Chris Fullerton

14210 Poplar

Town of Bass Lake

Hayward, Wisconsin

I will be brief. As a resident who has owned this property, I have to say that in nearly 30 years, we have been aware how fragile our environment is on these lakes. Our buffer zones, unlike so much property around these lakes is intact.

As an advocate for our lakes, as a long time President of the Grindstone Lake Association, and as an active citizen, I have worked closely with State, County and Tribal leaders in conservation, lake protection and many other land use and fishery issues.

As a member of the Sawyer County Board of Supervisors for eight years, and the Vice-Chair of the county's Zoning Committee for much of my time of service, I will frankly say that I do not believe this ordinance should pass. I find it too broad, overreaching, and vague, as well as having an appearance of being arbitrary and capricious. It may actually overstep a Town's ability to be taking such an action over and above County, State and Tribal statutes, regulations, and concerns. That alone should merit not moving forward tonight.

Essentially, in the end, I believe that the only and best solution that benefits the Town of Bass Lake and the property owners, is to deed the property to the adjacent property owners. I have been told that the town cannot do that.

I do not believe that.

The town can and should do that IF the town has actual ownership.

The question of ownership is an interesting one. I have only seen reference to the strip being available to the public as part of a decades old failed land developer's marketing scheme. I have never seen a proof as to who really "owns" the land. Who did Tony Wise acquire it from? Could the State, the County, or the LCO Tribe make an equally valid claim of ownership? Or, maybe it's the adjacent property owners who for decades have watched over this property be considered the rightful stewards of this land. Without Town involvement, does the principle of adverse possession become highly relevant? Too many questions, too few answers.

There have been many letters that identify the many issues with the ordinance, so rather continuing on repeating the same concerns, I will simply state that I agree with the previous letters concerning this issue.

I feel strongly that these issues and concerns have not been addressed by the Town Board.

I urgently request that you either vote to not move forward with this flawed ordinance, or at a minimum, put it on hold until more questions are answered.

I, of course, offer to work with you to find a fair and equitable solution to this quandary we now find ourselves in together.

*With Regards,
Bruce Miller & Chris Fullerton*

The following letter should be distributed to each board member, posted on the Bass Lake Township website, read out loud at the July 11, 2016 meeting, and entered into the administrative record.

July 10, 2016

Re: Public Access Strip Ordinance

Dear Bass Lake Township Board of Supervisors:

After much consideration, I am writing this letter as an affected heir of current year round residents in the Bass Lake community. My family has owned a generational home on Courte Oreilles Lake Drive since the late 1920s. For more than 85 years, my family has proactively cared for and maintained this property- including the Public Access Strip that falls between our property and the lake shore. In all those years, never once has anyone in our family (or those of our neighbors) done anything that would erode or destroy the lake shore or water quality.

While I realize the catalyst for this ordinance was the fact that someone cut down trees on the PAS, there is little evidence that their intent was to destabilize the shoreline and cause erosion. I do not believe that any of the 50+ property owners affected by this ordinance would intentionally or maliciously do anything to damage the beautiful, natural setting we are able to enjoy here on Lac Courte Oreilles and Grindstone. Over the years, I have only witnessed people caring for their property and the PAS without thought to ownership, in an effort to prevent erosion and destabilization.

I agree with other members of this community that the ordinance, as proposed, is punitive in nature and does nothing but create angst and frustration among the people who the Board is supposed to serve. I also believe that the only solution that benefits the Town of Bass Lake and the property owners, is to deed the property to the adjacent property owners and collect additional taxes on the property.

However, over the last year and half, I have seen only divisive political angling from the Planning Commission and the Board. It has become so contentious that several homeowners are seeking to sell properties that are affected by this ordinance. It is unfortunate that, while seeking to solve some perceived wrong, the Town Planning Commission and Board of Supervisors has alienated so many property owners in their community. This was exacerbated by the original attempt to pass the ordinance without notification to homeowners, and without fully listening to our concerns, or satisfactorily answering questions regarding the implications and ramifications of the ordinance.

There have been many letters that identify the many issues with the ordinance, so rather than repeating the same concerns, I will simply state that I agree with the previous letters concerning this issue. I feel strongly that these issues and concerns have not been addressed by the Board or the Planning Commission. Frankly, I feel that over these many months, members of the Board sought to simply "placate" the owners by telling us what we want to hear, rather than showing any actual action to remedy the issues with the currently proposed ordinance. I, like many others, believe the solution does not just lie with "rewriting" or "revising" the proposed ordinance. It is deeply flawed, ignores generations of goodwill, and contradicts the 1967 court rulings and stipulations.

Frankly, I do not understand the Town's sudden wish to "lord" over a piece of property that has been ignored nearly all of its existence. It feels distinctly like a "power grab" and nothing more. It is difficult to believe that suddenly, after more than 50 years of inaction and neglect, the Town needs or wants the

property. On the PAS abutting my family's property alone, there are several trees that pose safety risks to my parents and their home. Several years ago, on a day with no weather factors, a large tree limb fell and nearly hit my father. He was injured by debris from the falling limb- on Town property. Had he not had years of experience in forestry and logging that allowed him to identify the sound of the limb cracking, I hesitate to wonder what may have happened. This is simply evidence that, after years of Town neglect, there are many trees that need to be evaluated for safety. Will the Town take on that responsibility and cost for the entirety of the PAS?

Currently, the Town is assuming that all PAS property owners will deliberately and willfully destroy the shoreline and water quality of the affected lakes. This is patently false- the actions of a few do not reflect the actions or intent of many- as we have learned in our nation over the last week. If the Town seeks to revise the ordinance, yet again, then I suggest the following verbiage:

The Town of Bass Lake recognizes and appreciates the stewardship that the majority of abutting property owners have practiced for decades to maintain the integrity of the Public Access Strip. Therefore, all previous uses and structures are grandfathered to the effective date of this ordinance. The abutting property owners will have exclusive use and ownership of the structures and improvements on the Public Access Strip as many abutting property owners were told and believed. Any additional improvements must be done in consultation with the Town.

Additionally, the Town Board will instruct its attorney to begin the legal process to transfer ownership, in a timely manner, to abutting property owners, as the Town has no need, or use for the Public Access Strip. After such time that ownership is transferred, the Town will assess and collect appropriate property taxes. Until the PAS ownership is transferred, the Town of Bass Lake is liable for any and all incidents occurring on the Public Access Strip. Once ownership has been fully transferred to the abutting property owners, the PAS will no longer be a divisive factor in our community of committed homeowners.

This is the simplest, and most logical step for the Town Board to take in this situation. Any ordinance must benefit both property owners and the Town- this is a solution that does both. It also resolves this issue in finality.

Should the Town pass the currently proposed ordinance, I fear that it will become an issue that divides our community for many years to come as it will be tied up in lengthy, but necessary, litigation.

Thank you for your time and consideration in this matter.

Sincerely,

Richard Laumer 7514N Lac Courte Oreilles Lake Dr. Hayward WI 54843
7/10/2016

Town of Bass Lake Board of Supervisors

We purchased our property at the above address in 1997 aware of the Public Access Strip (PAS). Then chairman I believe, Pete Sanders when confronted on what could be done on the slope said "be good stewards".

At that time the PAS hillside vegetation had been cut to a length of 6", the "stairway" to the water was a series of notches or treads cut into the hillside dirt slope with the backs of chairs used to hold the riser portion of the cut in place. When it rained heavily you could watch the waterfall of mud and debris run to the lake. With Bass Lake Townships active management plan of the PAS in place, I would like to know how this occurred.

I installed a correct and proper stairway at my expense to remediate the issue as well as planting vegetation to hold the soil in place.

Our property was referred to by Paul Ostroot and the timber trespass. I cut 5 poplar trees. They were a hazard, two lost their tops in windstorm and the others were diseased and inhibiting the growth of the hardwoods and pines as explained by an active forester when consulted how to enhance the existing trees on the property. Not once did the Town ask me as to what I was doing...the town went right to the timber trespass route. Seem to be the modus operand of the town...**punitive**. Oh...as a result of the diseased trees removal, the hardwoods and pines are flourishing nicely!

My, look at the original draft of the ordinance...among the numerous **punitive** measures proposed one that singles me out directly. "No boat shall be moored closer than 300ft from shore". It doesn't go unnoticed that I'm one of the only people that moors a boat on the lake. The DNR allows mooring up to 150' from shore.

My family and I come to the lake to recreate, relax and enjoy friends and neighbors. The Town of Bass Lake has done nothing to enhance these pursuits...quite the opposite. We now have moved to another part of the lake. Part of that was fueled by the notion that we would not get fair treatment in the future when we decided on enhancing our property.

You may want to think about the future "actions" of the board and how they are impacting the adjacent property owners of the PAS...how much of this **punitive** activity will people accept before they move on negatively affecting property values, the tax base and the good stewardship of the PAS.

Richard Laumer 7514N Lac Courte Oreilles Lake Dr. Hayward WI 54843

You will find no better stewards of the PAS than the people that are adjacent to it. I urge the Board to not pass this ordinance, by what ever means, transfer the PAS to the adjacent property owner.

I will join Brian Stress and others, contributing financially to fight this ordinance if it passes.

Richard Laumer

Re: Public Access Strip Ordinance

To: The Town of Bass Lake Board of Supervisors

My name is Ron Frischmann and my family has owned a cabin along the LCO Public Access Strip (PAS) strip since 1964.

I consider myself extremely fortunate to have been able to spend my summers enjoying time on such a pristine lake and its wonderful surroundings. After reading many letters from concerned property owners/tax payers like myself, it was comforting to find that so many others share the same concerns. I will not include all the particulars, but would like it to be known that I support and agree with their letters.

We have been raised to take care of the PAS as if it was our own. It was my parents that taught us as young kids the importance of maintaining the natural beauty of this slope and protecting it from erosion. The part I find most troubling is that in the 52 years of owning this property, it is only now that the Town of Bass Lake feels they need to take stricter control over this land; changing how we have been using it for decades.

This small section of the LCO shoreline known as the PAS has remained almost entirely unchanged for as long as I can remember and I challenge anyone to look back in time and find another place where they can say is still the same.

So, why now, at this moment in time, is Bass Lake pushing to take such strict control of this land? Isn't it common sense that the ones that would know most about the PAS and would want to take care of it the most are the people who own the adjacent land? After all, this is the only thing protecting our property from the water edge.

I am really challenged to see what we have done wrong and why this ordinance is really necessary. It is natural to wonder, is this a part of some special agenda, intentionally leaving many in the dark while all of this was taking place?

If this ordinance is passed, it will affect all of us, in one way or another, and change the way we are able to enjoy our time in the Northwoods for generations to come. This cannot be refuted. It remains illusive as to why the board feels the need to take this action. We have all been good stewards of this land and have done what we can to protect it. There is no reason why anyone would want to see it compromised.

Although you consider the PAS to be such a "Precious Land," I can't remember a single time

anyone representing Bass Lake has come out to look at the condition of this property. Something of such value would merit a survey of the property and cooperation with us to come up with a plan, if needed to ensure its integrity.

I ask you to please vote NO to the proposed ordinance and work with us on a reasonable compromise or to simply deed the property and collect additional taxes.

Thank you for your attention and thoughtful consideration.

Ron Frischmann