

## Steuben County Park at Clear Lake

Below are excerpts from the minutes of the Steuben County Board of Commissioners and County Council meetings that mention discussions of the Steuben County Park at Clear Lake.

(Minutes 1-1-2019 through 11-26-2019)

**Commissioners 4-15-19** Frank Charlton, County Park Superintendent, informed the Commissioners what kind of retaining wall he would like to have installed at the Clear Lake Beach.

**Commissioners 5-20-19** Frank Charlton, County Park Superintendent and Kylee Harris, Event Center Coordinator, informed the Commissioners that Republic Services has been billing the County for the dumpster at the Clear Lake Park when the Contract is only for May 1 thru October 1. Donald Stuckey said that he would contact them and requested a copy of the Contract and the amount paid.

The Commissioners gave permission to Mr. Charlton to get quotes for leveling the Clear Lake Park Beach.

Lynne Liechty said that they are exploring the possibility of selling the Clear Lake Park. Commissioner Liechty said that the County would have to prove that there are no living relatives of the original donor and prove that it is not in the best interest to keep it as the original donation intent. Donald Stuckey stated to sell, Council would have to be on board as well. Mr. Stuckey said there were some restrictions on that property. Kelli Johnson, Chief Deputy Auditor, said that there are a few documents that Erin Schiffli found on the Clear Lake Park, but a title search would probably have to be done; however, a Judgement for Quieting Title was found. Donald Stuckey requested the documents be sent to him via email.

**Commissioners 6-3-19** Donald Stuckey informed the Commissioners that he reviewed the records from the Clear Lake Beach. He said Craig Benson was the County Attorney at that time and he filed a Quiet Title Action to eliminate the Right of Reversion to the family that gave the property to the County. Mr. Stuckey said that the Court entered an Order that the right of reversion no longer exists and the property is Steuben County's. He said that he spoke to Craig Benson for clarification and Mr. Benson said that is what they were trying to do. Lynne Liechty said that she wanted to be assured, if they decide to move forward with the sale of the property, that the County was free and clear. Donald Stuckey said that there is an agreement regarding bathroom facilities that is separate than this but he doesn't know if that still exists. Mr. Stuckey said that the Commissioners and Council may sell the property if they wish. Ronald Smith said that this is a joint action in which the Commissioners would have to initiate and the Council would have to give consideration as well. Lynne Liechty said she would like to initiate and proceed with the sale of the property. James Crawl said that there are approved Contracts for work at the Clear Lake Beach. Lynne Liechty said that they have to proceed with the Contracts and those improvements would increase the value of the property. James Crawl said that the Town of Clear Lake should be the first ones to be contacted. Ronald Smith requested the Town of Clear Lake be informed that the County Attorney has given the Commissioners information on a Quieted Title and if they have wishes surrounding the Clear Lake Beach to please come to the next Commissioners' Meeting and make those wishes known. Lynne Liechty asked if Commissioner Smith was saying that from the standpoint that the Town of Clear Lake didn't want the property at all even if they were just given the property. Ronald Smith said that the Commissioners will give them that opportunity and if they decline then the Commissioners have other options. Commissioner Smith requested that a letter be sent to the Town of Clear Lake.

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Bill Schmidt asked if the County could sell the property directly to the Town of Clear Lake without having an auction or opening it up to the general public. Donald Stuckey said that another governmental unit is exempted from the requirements.

James Crowl said that if the Town of Clear Lake has no interest in it, the property has to be appraised. Kim Meyers asked Donald Stuckey if the County Council has to be involved in the initial decision the Commissioners have made. Mr. Stuckey said that the County Council does not have to be involved.

**Commissioners 6-17-19** Mr. Charlton reported that he has spoken to the landscaper that is doing the first portion of the improvements at the Clear Lake Beach. He said that they discussed making the Redi-rock only two (2) high which would save money.

**Commissioners 7-1-19** Ronald Smith stated that this summer's activities have already started at the County Parks and asked if the Commission Board should take a serious look at shedding the Clear Lake Property or continue to try to make improvements. James Crowl said that they have already decided to do the work that was planned for this year. Frank Charlton said the Clear Lake Beach is in terrible shape. Commissioner Crowl said no matter what, they should continue on with the process that has been started because the improvements will add to the value of the real estate. Frank Charlton thought that perhaps they could get five (5) lots out of the property if they decided to sell.

Gary Johnston, Clear Lake Zoning Administrator, said that the minimum lot size is 50 feet and the setbacks are 30 feet from the lake, 25 feet from a street right of way and 5 feet on either side. Molly Wehrenberg, Member At-Large, said that they are only at this meeting to gather information and they do not have any comments at this time. Ms. Wehrenberg said the information they had was one (1) letter and it didn't state any specific information.

Lynne Liechty said the expense, upkeep and problems with the Clear Lake Park are an issue. She said that they currently are spending about \$14,000.00 - \$15,000.00 in upkeep costs this year. Commissioner Liechty said the value of keeping the property is no longer to the Commission Board's advantage and she thinks it would be best to have it go to private lake property.

James Crowl asked if the Town of Clear Lake has any interest in taking it over as their own park. Ronald Smith said that is one of the answers he was looking for. Ms. Wehrenberg said they would have to present that to the Town Council and they can't state any opinion today. Donald Stuckey stated in the past, Clear Lake indicated the Town didn't have the ability purchase the Park. He said that the Town of Clear Lake is a pretty small population and generates limited amounts of revenue to have a Parks System. Frank Charlton said there was some interest, but if the Town of Clear Lake took it over it would not be open to the public.

Ronald Smith said that a lot of people have been at the Crooked Lake Beach and wondered if this would increase the amount of people utilizing that beach. Donald Stuckey stated that he thought most of the people that use the Clear Lake Beach come from out of state.

Donald Stuckey stated that both the Commissioners and County Council have to approve the sale, there has to be appraisals done and it has to be sold at the appraise value. He said if you are dealing with another public entity, there is more flexibility in adjusting the price. Mr. Stuckey said that there was an appraisal done before; however, that is not good anymore.

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James Crowl said that this needs to be taken to the County Council. Kim Meyers stated that she could put it on the July 9 Meeting Agenda. Donald Stuckey recommended getting a consensus from the Council to see if they are in favor of moving forward.

Bill Schmidt asked what type of Conservancy could purchase the property. Donald Stuckey said that it would have to be a taxing Conservancy; however, if someone donated enough money to a Conservancy District to purchase it, he doesn't see why they couldn't.

Lynne Liechty said that she will attend the Council Meeting and Ronald Smith said that he may be in attendance as well.

Molly Weherenberg said it would be nice if the Commission Board would communicate with them, other than a letter, so they can come more prepared. She also stated that it would be appreciated if communication would be sent after the July 9 Council Meeting. The Bridget Harrison, Executive Director of the Clear Lake Conservancy, stated that she would like to be included in that communication as well.

**Steuben County Council 7-9-19** Commissioner Lynne Liechty, addressed the county council regarding the Clear Lake Park. Liechty stated that the county has 1.62 acres of land extending 240' of lake front, we also own and maintain the roadway that cuts through the park plus another 1.0 acre on the other side of that roadway. Liechty stated the commissioners have an annual budget of \$4,500.00 for trash and mowing. The issue we are having this year are making the property more easily accessible to the public. So the commissioners have contracted to traverse the hill down to the lake and trying to recover part of the beach that has been lost to erosion. The Commissioners want to open a dialog with the Town of Clear Lake and the Conservancy District or a collaboration thereof. These are things that need to be discussed before any decisions are made as to selling the property. Liechty said she would appreciate county council's input on whether to get an appraisal on the property or explore other options with the Town of Clear Lake and or the Conservancy District. Liechty said the county has 2 employees in our parks department and we don't have the staff to oversee and maintain the park. Jim Getz commented that he would like for the park to remain a park and beach for public use, but there does need to be better oversight. Dan Caruso asked if the lake residents have been asked what they would like to see at the location. Liechty said not at this time. We are beginning the conversation in a public meeting for your input first. Jim Getz asked if anyone has talked directly with the Town of Clear Lake. Liechty said no direct discussions have been broached. Liechty and Getz both offered to meet with the Town to talk about options. Linda Hansen asked of the research has been done to make sure the county can sell or gift the property. Liechty said yes, the county attorney has verified that the county can either sell or gift the property. Richard Shipe said based on a consensus of the county council, he is hearing that no appraisal should be done at this time and stated further discussion should be had before a decision is made on the matter.

**Commissioners 8-5-19** Frank Charlton, County Park Superintendent, asked where the Commissioners were with the Clear Lake Property. Lynne Liechty said she thinks they are still exploring a possible collaboration with the Conservancy and the Town of Clear Lake.

Frank Charlton said the ramp work is contracted and still needs to be done. Mr. Charlton submitted paperwork on the wall and to go all the way down the beach the quote came in at \$44,000.00. He said Dan Farnham would be willing to do that over a period of three (3) years. Mr. Charlton said the original quote for the walkway was \$14,093.00 and to level the beach and place the first row of Redi-Rock will

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cost \$14,750.00. Kim Meyers, Auditor, said funds were encumbered for the Clear Lake Park and currently there is \$26,954.40 in that line so they will be a couple thousand short to do both projects. Ms. Meyers said the difference can be pulled down from County Park Improvement. Lynne Liechty made a motion to approve both the walkway and the first layer of the Redi-Rock wall with the stairway staying in place. James Crowl seconded that motion and the motion carried with three (3) ayes.

[Minutes through 10-7-19]