

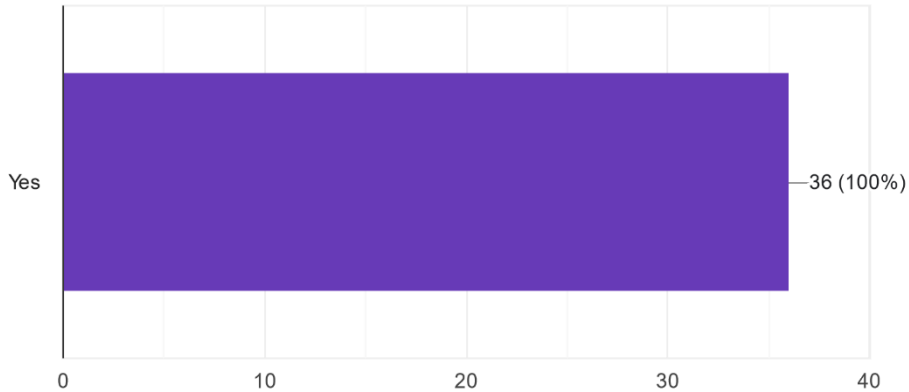
Dock Survey Report- May 2024

Please note that only submissions from members in good standing (dues paid in 2023 or 2024) were reported.

Option #1

I (we) support the Association's continued negotiations with the dock owners in an attempt to reach a compromise that provides equitable use/access to...nsuccessful in resolving this issue by 10/01/24.

36 responses



36 Total Electronic Responses:

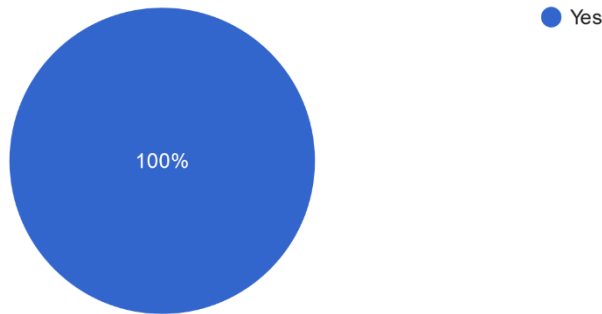
- 1 member submitted same response twice
- 1 member submitted two different responses (two different family members), accepted response for option #3 per e-mail/address registered on membership dues form, deleted other response but included additional comment
- 1 member submitted two responses-same
- 1 member submitted two responses-same
- 1 member submitted two responses-same
- 1 member submitted two responses-same

Confirmed Option #1 Total: 30

Option #2

I (we) support the Association suspending negotiation with Dock Owners, and immediately initiating a fund raising effort to engage legal counsel to det...ses for further negotiations with the dock owners.

12 responses



12 Total Electronic Responses:

- 1 member submitted option #1 and option #2 and comment regarding uncertainty around terms/success of negotiation...interpreted as option #1 (as states go to #2 if #1 not successful)
- 1 member submitted option #1 and option #2 ...interpreted as option #1 (as states go to #2 if #1 not successful)

Confirmed Option #2 Total: 10

Donations:

14 Electronic Responses – 5 comments and 8 pledged donations (plus one duplicate pledge)

- \$1000
- \$200
- \$250
- \$50
- \$500
- \$200
- \$250
- \$250

Total of \$2,700.

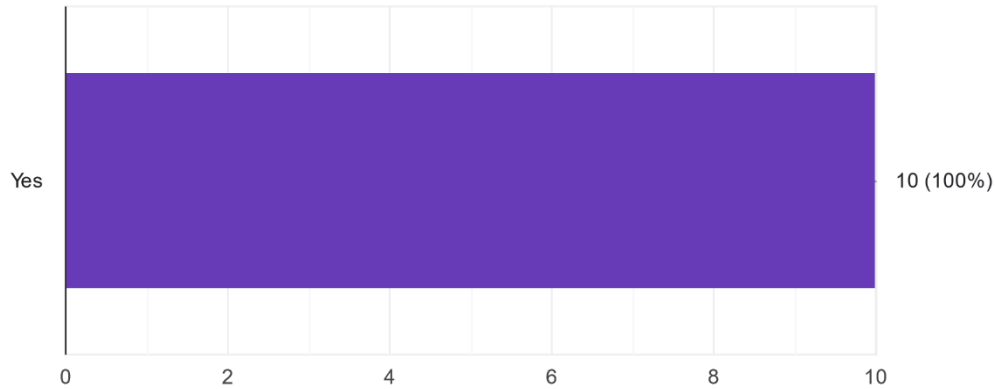
*One other unspecified pledge stating 'will provide amount at appropriate time'

Option #3

10 Total Electronic Responses:

I (we) believe the docks should be allowed to remain as they are now with the dock owners having exclusive rights to use them and/or sell them as a piece of their property.

10 responses



- 1 member submitted same response twice to add an additional comment
- 1 member was asked to test survey options

Confirmed Option #3 Total: 8

'Other' Option

23 Total Electronic Responses:

I can see from comments that there is not a full understanding of the legalities in this situation. Also, I see very few people over the years actually making use of this property. Any expanded use would need to be comply APA regulations. As for a privileged class, it is my understanding that we currently give keys to lake front property owners who do not have deeded rights so the argument could be made that they are a privileged class. The docks are personal property and belong to the individuals who purchased them. Finally, the donor's intent regarding the property is not relevant; what is relevant is the rights the dock owners have. The board may not receive a clear cut legal answer regarding the docks since the situation involves numerous legal issues. However, if the board continues this path, legal counsel should be obtained and it must be presented to an attorney by someone who is neutral, rather than someone who is trying to support a position. The dock owners should be allowed to keep their docks. Also, the board should pursue how to offer docking opportunities to other HOA members who have deeded access if this is legally permissible, if there are HOA members who are still interested, and if the board wants to take on the ongoing management of this situation. Since the HOA obtained this property this, and another issue, have been raised in such a way that it is causing unnecessary dissention in the community and the board should be sensitive to this. Including comments of six association members and not offering this opportunity to other members is not appropriate.

The docks should not be allowed to sell as property- they were never legally purchased and so not pay taxes on the land!

Sell individual parcels of equal size to the existing dock owners and keep at 50 ft. section for the boat launch and construction of a longer dock for fishing.

*** I don't think the dock owners should feel that they can transfer ownership to another party, but I DO think that the board and the HOA should leave the dock situation alone and focus its energy on efforts that will build a sense of community and that respond to the community feedback generated in the 2022 survey. (See below.) The docks do not present a liability issue for the HOA, because it's not clear that they're on HOA property. The docks do not block access for deeded rights holders; there is plenty of open shoreline for anyone who wants to access the water directly, there is a new kayak launcher for people to use, there is a boat launch dock for fishing, and believe it or not, many people swim at the boat launch area, because there is very little boat traffic and the lake bottom is shallow and sandy there. The complaints about lack of access seem to be coming from waterfront property owners who don't actually use the property, not the back lot owners who find a way to use it every day of the year (even in winter). The only complaints I've heard from back lot owners is that they would like to have a place to dock their boat. I'd also like to remind the board of the 2022 survey results from Beach B (included in background information for this survey), which indicate how the property is actually used, as well as how respondents would like to be able to use the property in the future. These results were intended to be used as a guideline for how the Beach B committee should focus its efforts on the property. Please consider focusing your efforts on responding to the needs and wishes of the community, as they've expressed them in the 2022 survey results, rather than allowing a handful of disgruntled members to polarize the entire community. Thank you. ***

There are over 200 properties with deeded rights to Loon Lake and another 138 waterfront lots with no deeded rights, but having riparian rights. How can 6 homeowners be allowed to maintain their private docks and deprive almost 350 owners the rights to an uncluttered, clean and unpolluted Loon Lake? There are 50 properties whose only deeded access for swimming is to beach B and their access to their beach area is being blocked. I will consider a pledge. but only after the HOA decides what action it is going to take.

I think the smarter solution is to recognize that its a bit of a legal quagmire, negotiate with the owners to a reasonable solution that clarifies things and resolves this dispute in an equitable way. A 99 year lease with each dock owner that can transfer upon sale/bequest for a fixed annual fee to the HOA seems like a reasonable solution. It would generate some revenue to the HOA that could be used for good and put this issue to bed. The only other path to resolve this is litigation, tens of thousands of dollars in expenses (at a minimum) and deep division and contempt in the community. Litigation would take years to resolve with the organization having to spend tens of thousands of dollars a year (with no guarantee of success). We have far greater priorities to focus on with the development of the golf course and conservation of other areas of the lake.

** 'Other' was not tallied if option #1, 2, or 3 was also chosen. Those additional comments are listed below

Confirmed Option 'Other' Total: 6

Additional Comments:

Option 3 with owners maintaining exclusive rights to use the docks for themselves or their children should the property be sold to or inherited by them. Docks should not be otherwise sold as part of their property should it be sold to a third party.

Docs should be left alone. No they shouldn't be sold with their camp if they choose to sell. We cannot afford another legal battle nor do we want more division in our community. A helpful idea would be to do a fund raiser for additional docks a long fishing dock on the other side of the boat launch would be helpful. There is 30 feet of lake front not being used on this side near the Jackson's camp. I would be happy to help with this fund raising.

In an ideal world Option 1 might work. BUT...See my note under the OTHER category which may change my thinking to option 2. So I marked both, since I do not know what the attitude of the current dock builders would do if they decided they don't like residents using the docks in front of their places.

Are these docks where the LLHOA would like them for all to use. Option would be to remove illegal docks and then decide what is needed for the LLHOA for lake access. As long as the docks put up privately are there, they are not what the LLHOA would prefer and may become a conflict again down the road even if currently the so called owners say they will share them, since in their minds they will still feel the docks are theirs.

The HOA does not by its own admission own the bottom of the lake. The docks are on Loon Gulf property. I feel seeking legal counsel is a waste of money. The docks predate the donation of the land to the HOA and were used with Loon Gulf's knowledge. Whomever buys the lake bottom will have to contend with the issue.

It is not clear what "Option2" is. We're tired of a debate that has no practical impact on the lake or our neighbors. Let them be.

There is no other compromise if the dock owners don't agree that they CANNOT sell their property when and they sell their property. Then we revert to option two.

Thank you for working on this issue for the community!

I am concerned about the prevalence of plastic toys and inflatables in and around the lake.

The issue is not if the dock touches the land! The issue is if the dock blocks access to the lake shoreline by the property owner! Well established law in this regard.

Legal intervention will almost certainly be necessary, but should be borne by the dock owners, who need to prove their legal ownership. One way to force their hand is for community members to start immediately using the docks. Owners who wish to stop such usage will be forced to sue and then prove their ownership in a court of law.

Thank you for the thoughtful approach. The letter mentions "The Board encourages all Dock Owners to consider donating their dock(s) to the Association for the mutual benefit of the Owners and Community, as the clearest path for a fair resolution." However, I do not believe the letter or community discussion indicates the dock owner's response or willingness to donate. Can this be summarized at the appropriate stage, please? Thanks for doing all that you are doing. Ever consider asking Steve Sidrane to offer pro bono services, unless maybe that is conflict of interest?

If the association is ready to go forward with option 2 that seems reasonable as well but an amicable solution would be better.

Docks are not included in any non-lake front Deed. Deed allows use of the lake, not a right to have a dock. Lake rights owners may launch and remove boat on a daily basis, but not dock a boat in the water for an indefinite period of time.

Yes, no tent....?

Also consult with APA, as to legality of having any docks on that property.

More Community Comments from loonlakehoainformation@gmail.com:

1) I think LLHOA should gift back the property to the previous owners who donated it and put the arduous task of resolving the issues and expense on them. They knew what they were doing when they “gifted” it to the LLHOA. Love beautiful Loon Lake and trying to keep it as “forever wild” as it is.

2) Who are the caretakers of Loon Lake is a question that we feel needs to be at the center of the discussion and negotiations surrounding a long-term use management plan of Loon Lake. The HOA board has been working to help define the legal status and rules regarding land use around Loon Lake with the APA which is an important factor, but when it comes down to the day to day care of the Loon Lake community, the fact remains that the majority of the landowners of Loon Lake are not full time year round residents, whereas the true caretakers of the Loon Lake community are the ones who continue to care for Loon Lake throughout the entire year - summer, fall, winter and spring. The majority of the six dock owners in question are such caretakers...ones who pick up garbage around the lake, assist boaters in distress, assist their neighbors, and more specifically take care of the whole lake but especially the area around the boat launch, even well before the HOA had ownership of the land around the boat launch. Instead of only focusing on the anger surrounding the docks and potentially taking legal action neighbor vs neighbor, we feel that the discussion should be just that, a discussion about the long term use management plan of Loon Lake.

Perhaps a face to face meeting with any Loon Lake community member interested in not just the docks but also in trying to come up with long term solutions would be helpful. Specifically, this meeting should be led by a mediator or someone impartial so as to ensure that it does not degenerate into shouting and use of hatred filled words. Also, this meeting should be set in advance so that all those who work can try to adjust their schedules if they want to come. Perhaps an evening meeting in June or July? This could allow people to ask questions/provide answers and have a discussion to see what type of long-term solutions might be feasible. We feel that this should be done in person so that everyone attending must look at the people they are speaking with and not feel safe to troll behind a computer screen. We feel that it is important that a long term use management plan for the boat launch area be verbalized. Is the idea that legal action be taken so that the HOA can take over ownership of the docks and that once that ownership is taken the six docks should just be pulled and that area left empty? Is the idea that there should be dock space for HOA members to use - for sitting on/fishing off of/temporarily using to tie up a boat or should a larger marina type structure be built by the HOA and if so where are the funds/legal rights to build such a marina? Is there a way to help ensure continued boat docking ability for those of us with the docks that have been in their locations for decades as well as increase community use of the area near the boat launch and boat launch dock? There will always be people with many different opinions living in Loon Lake - those that support the six docks, those that oppose the six docks, those that want no motorized boats to be used in the lake, those that want no restrictions to boat usage, etc. If there is no long-term use management plan verbalized/written down by the HOA, where will the argument lead next? Instead of increasing the tension within the community, perhaps we can all come together to figure out

ways of strengthening the community while not simply trying to take something away from a few, which may or may not even be legally feasible.

3) In response to your request for a market-based solution for the Beach B and the docks, here are some reflections.

I know that some of my opinions and reflections are not shared with everyone in this group, or the Loon Lake Community. I understand that it is easy to be mean and critical on social media. I encourage you to be civil in your responses, as if you were speaking to me personally. I would very much like to find a compromise, or at least a way beyond this issue, so we can be more civil and friendly as a community.

Two years ago, the Beach B Committee was charged with coming up with recommendations regarding the use of the newly acquired area. As a new LLHOA member and homeowner, and one that lives on Blue Spruce, I thought I'd get involved in the process. After a few meetings, I heard a number of divergent and strongly held views by LLHOA members.

We decided to survey LLHOA members about the use of the parcel, and their desire for future use. The most frequently named activity in that survey was launching a boat, with fishing, swimming, sitting close behind. 57% of respondents said "Yes" to the statement, "Theoretically, if we were able to construct a dock and lease space for a limited number of boat moorings, would you want to lease a slip?"

My goal has always been to find a compromise on Beach B regarding docks. This issue has been divisive, and affected relationships in the community. We need to find a way forward.

Some of the key issues, from the survey and my perspective:

- Many people want the Beach B area to maintain a natural aesthetic.
- The majority of the respondents used the area in a variety of ways, including launching boats, fishing and just relaxing. Clearly, this is a spot where HOA members go to recreate.
- People in the survey mentioned the need for a dock space more than any other need or desire for the future use of the property.
- There are justifiable concerns about parking, overuse and mixing of uses that might not be compatible, specifically swimming and fishing (because of lost lures, lines and hooks creating a danger to swimmers).
- The issue of what to do with existing docks and the development of new docks is contentious, and we need to seek a compromise, as there is no clear consensus on the matter.
- There is interest in adding HOA owned dock(s) that members can rent, or share the cost, for use during the season.

Consequently, I offered what I thought was a market-based compromise, which included:

- Building either a second, or an expanded, community dock, which provided additional opportunities for mooring boats (both short term and long term), swimming (off the dock), fishing, and sitting. This would be financed by leasing out mooring spots to LLHOA members.
- Over time, phasing out legacy docks by either (1) negotiation with current dock owners who are willing to remove their dock and use a new or expanded community dock, or (2) requiring the docks to be removed when a property owner sells their property.
- Other improvements included building a kayak/canoe storage area, out of sight from the road, managing the property for minimal impact (ie, no bathrooms, buildings, etc), and resolving the parking issue through increased awareness and perhaps sourcing a place for temporary parking and having people walk to the Beach B.

The long term result of this approach would be fewer or no private (or legacy) docks on the newly acquired parcel, increased utility of one or two community docks, and a zero negative impact on LLHOA budget. In fact, it could be revenue positive depending on demand for slip rental.

This proposal was presented to the Board. The board discussed it (I am told), and came back with another option to consider, "Can we cooperate with existing dock owners to meet the demand for boat slips by asking them to share, or even encouraging them to "rent" part of their dock? Can we ask existing dock owners to "share" their docks for purposes of swimming, fishing and sitting?" I was asked to contact several dock owners with this query. Other people contacted other dock owners. The response was generally positive, but they had some very specific questions about liability of what happens when someone gets injured on a "private" dock. At least one private dock owner did not respond to our outreach. Several people who did indicate that they would be interested in renting a boat slip have subsequently collectively bought a waterfront parcel of land and built their own dock for their boats.

There are several reasons why compromise has been a challenge:

1. There is a belief by some members that by adding an extension to the existing community dock, or adding a second dock, will increase motor boat traffic on the lake, resulting in increased pollution and shoreline/shore building erosion. Some members would prefer to ban motorboats completely for these reasons, but are strong in their belief that allowing private docks and/or extending a community dock is detrimental to the health of our lake.
2. There is a belief by some members that the private docks give "waterfront benefits" to others who do not pay "waterfront taxes", and by existing, creates an unfair situation. "If you want waterfront property, you should pay the taxes" is a chorus I've heard several times.
3. There is a belief that by extending or adding to the community dock, that more people will use it for boating, and other activities, creating problems (noise, litter, parking, traffic, etc.) for the neighbors of Beach B.
4. Existing private dock owners do not see a benefit in giving up or sharing their docks. What is in it for them, except to give into a vocal minority that want the docks gone? Most have been willing to consider giving up their dock for a space or use of an expanded community dock, as well as have been open to some sort of sharing arrangement. Some have also indicated that they are willing to give it up when they sell the property. But there has not been any incentive for them to willingly give up something that they value, especially in the volatile atmosphere around Beach B. They also know that for the HOA to forcibly remove their docks, they would need to not only engage a lawyer, but file a suit that may not win. Such an action is expensive and would further divide the community. It would mean that the LLHOA would be filing suit on at least five of its members.

While I don't share many of these views, I do respect them, and the people who hold them. I understand where they are coming from.

My reflections on these issues are:

1. Given the wide range of deeded access to the lake, and the threat of additional deeded access being created by the sale of land (and development), the demand for motor boats on the lake will only increase over time. The LLHOA has no power to limit motor boats on the lake. However, if all deeded access owners were to come together and agree on limiting or banning motor boats, that might a possibility. However, given the controversy about the legacy docks, I doubt we could find consensus on motor boats with 300+ deeded access owners. So, in my mind, motor boats are here to stay and we need to find ways to accommodate them that preserves that pristine nature of the lake, and community. As a homeowner on Blue Spruce, I see how often boats are put in and taken out of Beach B. I believe that if we offered additional space to moor some (6 - 8 boats), we can reduce the traffic by the boat launch, and reduce the parking issue. Our neighbors (particularly the Jackson House) should not have to deal with truck parking in their driveway and blocking access to their property. I also recommend that we post "no wake" signs for the Beach B bay, to limit erosion and noise in the area. I believe that if the LLHOA were to forcibly remove the private docks, people would simply moor their boats with a buoy, or decide to drive their boats in and out of the Beach B area. Both consequences are not desirable, either to the boat owners or our neighbors.
2. I am grateful to the donors of the property that we now call Beach B. It was given with the intention of providing space for members of the LLHOA to enjoy the lake. Members have responded by clearing out the brush, cleaning the old sidewalk, installing a beautiful bench (my favorite), and soon will construct a kayak

storage area and kayak launcher. The formation of the Beach B Committee was not solely to advise on the private docks (although that is where most of the energy went), it was charged with coming up with a use plan that would best serve the LLHOA Community (which is now more than 100 members). So, the gift was intentionally made to provide waterfront access to LLHOA members, especially those who do not have current waterfront property. The LLHOA's intention was to find the best way to use this property for the benefit of its members, giving them a second property (the first being Beach A) to enjoy the lake. When we are up at the lake, I am at Beach B every day. The people who I meet there are not people who have waterfront property, rather they are people who access the lake primarily on Beach B and Beach A. In this context, I don't understand the fairness issue relating to paying taxes, given the options for either private dock sharing, or replacing with an extended community dock.

3. The LLHOA has a responsibility to manage the property for the benefit of the entire community, just like Beach A. They own it. If you are member of the LLHOA, then collectively we own it. We should elect and hold accountable board members to make decisions in the best interest of the community in a variety of issues, including managing HOA owned property. So that includes making improvements for the benefit of the community, as well as some rules and policies that preserves that property for our collective use. We need to find that balance. The survey mentioned earlier shows how members are using the space, and want to use it in the future. It also outlines many concerns, including not wanting to have new buildings, fire rings, or on-site parking. LLHOA is a neighbor to some of our members, and we need to find ways to be a good neighbor. We need to strike a balance, but we also have a responsibility to use the property for the benefit of our members. Private docks (especially if they can be shared) or an extended/second dock could expand those benefits.

4. While there is disagreement on the fine legal points of whether the docks are "real property" and if they are "illegal" whether they touch the shore or not, I believe that a scenario where the LLHOA sues several of its members regarding legacy docks is an expensive endeavor, that will only result in long lasting animosity in our community. Honestly, if we are going to court to preserve lake access, the area to focus on is the real threat posed by subdivision of land into smaller parcels, each with potential lake access. This is where the legal defense fund is focused now, and rightly so. The comparative threat of tens, or hundreds, of new rights (each with a potential motor boat, I might add), has a much greater impact on our shared lake and community than a handful of old docks.

I still believe that there can be a compromise, and a path for the community to come together around Beach B. It will have to be a compromise, which means focusing on what's important, and making concessions so we can all move forward. I've tried to suggest two compromises, but they have not found traction, just increased opposition and frankly some personal attacks. I think a compromise should focus on:

1. Common agreement that LLHOA property is intended for the benefit of the LLHOA Community, and our community has diverse needs and priorities.
2. Common agreement that we all enjoy Loon Lake, and we should take steps to preserve the water quality and relatively (except for the many private residences on the waterfront) pristine nature of the area.
3. That many people have deeded access to the lake, which includes the rights to the Beach B boat launch to access the lake. At this point, there is no way to change or limit these rights, and the LLHOA does not have power over the existing rights. However, the LLHOA does have the responsibility to manage its properties to the benefit of its members.
4. That a long term plan should include the eventual retirement of private docks, as owners sell their properties, or decide to stop maintaining their docks in a safe manner. The LLHOA should encourage private dock owners to retire the docks, especially if they are in poor repair or pose a safety hazard. They should consider an incentive for dock retirement, which could come in the form of dues waivers for X years, or financial reimbursement, or the provision of space on a new or expanded community dock. Alternatively, if a dock is in

good repair and is expandable, the LLHOA might seek to purchase a dock from an existing owner for public use.

5. That in the near term, the LLHOA consider expanding or adding a second community dock for the purposed outlined in the survey, including boat mooring, fishing, swimming and simply sitting. This would both serve the community, and reduce the need for cars/trucks putting boats into the water, causing traffic and parking problems.

6. Alternatively, we do nothing. Let the existing docks exist, as they have for years. Realize that docks, swimming rafts, and outbuildings have come and gone around the lake for 150 years, and it is part of the heritage of our community. Realize that there are more important things in life - including getting along with one's neighbors and common decency - than whether a 30 year old hunk of wood floating in the water where an old laundry house used to be is worth fighting about. Maybe we can get back to chatting about baby loons and mergansers, rather than illegal docks.

Again, I know that some of my opinions and reflections are not shared with everyone in this group, or the Loon Lake Community. I understand that it is easy to be mean and critical on social media. I encourage you to be civil in your responses, as if you were speaking to me personally. I would very much like to find a compromise, or at least a way beyond this issue, so we can be more civil and friendly as a community. Thank you.