

BIG CEDAR LAKE PROPERTY OWNERS ASSOCIATION JUNE 2021 NEWSLETTER

There are two main purposes of this newsletter. The first objective is to serve notice that our annual meeting will be held on **Sunday, June 27, 2021 at 3:00 PM at the Big Cedar Yacht Club.**

The second purpose of this newsletter is to provide a thorough description of the POA. We sense that there are many people on the lake who do not have good understanding of the POA and what we do. Articles included here describe what the organization is, what we do, and our position on current issues.

Property Owners can join by using our website (<http://bigcedarlake.org/>) and select "online payment".

WHAT IS THE POA?

The Big Cedar Lake Property Owners Association (POA) is a non-profit membership organization of lake residents whose goal is to protect and preserve Big Cedar Lake and its shoreline.

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A Little History

The Big Cedar Lake story is not just people, but families: multiple generations, each in turn living on and caring for the lake. Some (Kletti, Mueller, Trackett, Wenninger) first came as farmers. For others (most famously Oscar Mayer from Chicago), the lake was a summer home. Two families in particular are inseparable from the history of the lake and the POA: Klug/Emory, and von Schleinitz/Maclay.

Roughly 100 years ago, L. J. Klug bought two lake lots. Like his fellow sailor Rene von Schleinitz, Klug was a passionate sailor. But along with other CLYC leaders, both also worried about broader lake issues like sanitation. In the 1920s they formed the Cedar Lake Improvement Association. In 1949, Klug's son-in-law, W. Hackett Emory, along with nine other founders, incorporated that association into the POA.

The bylaws called for distribution of reward signs "for information leading to the arrest" of burglars. Hack soon put his two sons to work. John was twelve. His brother was three years older. They were sent to distribute signs and solicit memberships all up and down the east shore. "It took us at least two days!" John recalls. "I remember walking carefully along a fallen tree trunk to get across the lagoon, balancing those heavy signs all the way". Hack would drop his sons off at the north end. "We'd make it home exhausted.

Within a few years this task was parceled out to POA Directors, as it is today. But decades later, John Emory took his turn again, as POA President through most of the 1980s. "One of the issues we dealt with was traffic in the channel," he recalled. "We sent out a poll, and the results showed that clearly, people wanted something to be done." But what? This became a long-drawn-out discussion, resolved in the end with the current north-south lanes. By then, the PRD was the key decision-maker and enforcer for lake regulation.

Another of the ten founding members was Rene von Schleinitz. His son-in-law, Geoff Maclay, has been deeply engaged with lake issues throughout his long lifetime. In the 1970s, he was instrumental in creating CLCF. Maclay also kept a watchful eye on the Cedar Lake Home (now Cedar Community), whose expansion plans were already contentious fifty years ago. Geoff's son Tod, equally passionate about environmental preservation, was the POA's longest-serving President until his untimely death in 2019. Tod planted thousands of trees, preserving the lake's watershed. He tended the dam that regulates our lake level, voraciously consumed scientific studies, and served for many years on the West Bend Town Planning Commission.

The POA Today

A whole alphabet soup of organizations can impact our lake. These include Wisconsin's Department of Natural Resources (DNR), the Cedar Lakes Conservation Foundation (CLCF), the Big Cedar Protective and Rehabilitative District (PRD), Washington County, and two Towns (West Bend and Polk). The DNR's mission is to work with Wisconsinites to preserve and enhancing the natural resources of Wisconsin. In partnership with individuals and organizations, DNR staff manage fish, wildlife, forests, parks, air and water resources. Washington County's zoning governs land use on the shoreline. The towns can pass ordinances, about home rentals, pier rentals and such. The PRD plays an important role as lake guardian: its budget pays for the Lake Patrol, weed harvesting, garbage collection, sedimentation ponds, and more. CLCF preserves land in the Big and Little Cedar watershed with high environmental values, including critical sections of our lakeshore, and constructs trails for summer nature walks and winter snowshoeing. It is a private, not-for-profit land trust. It does its work through hundreds of volunteers. It also has an annual budget of several hundred thousand dollars, and the PRD's budget is also about that size. Our annual budget, financed from annual \$20 membership dues, is about \$8000. The other parts of the alphabet soup – DNR, County, Town and PRD – are all governmental. They can tax, regulate and enforce. Their legitimacy to do so is based on the "consent of the governed": elections that are regular and open.



Our Bylaws list the founders' goals: "preservation of wildlife, natural beauty, (and) of property values, creation of good roads, just taxation, modern sanitation services, public utilities, fire and police protection, appropriate zoning, and similar objectives..." Don't these overlap with the objectives of all those other outfits? What's left for the POA do that they don't do? Answer: communication and advocacy.

Communication and Advocacy

The POA devotes a lot of time and effort to communicating with property owners. We relay information from PRD and town meeting that you might not otherwise receive. We send electronic newsletters several times a year and maintain a website with articles, old newsletters, meeting notices or minutes. We notify our members about local elections, town or PRD actions, and CLCF events. Another example of our work is assisting the Washington County AIS (Aquatic Invasive Species) coordinator to find volunteers for Clean Boats work.

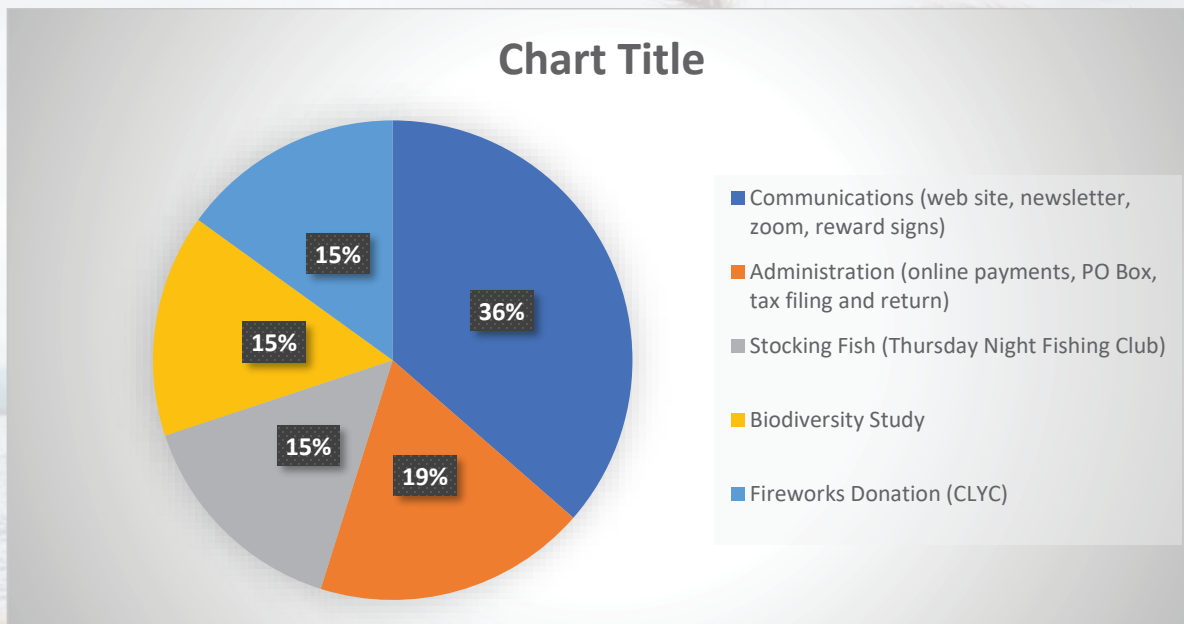
In addition to communicating about lake issues, we meet one-on-one with local, county and state officials on lake issues. We attend monthly Town and PRD meetings, advocating on behalf of our members. Our success in influencing what comes out of those meetings hinges on our credibility as the grass-roots representative of your views. And that, in turn, relates to how the POA is set up and governed.

Every year, at a meeting in June, our membership elects a Board of Directors. Each director is linked to a particular neighborhood of our lakeshore. The board meets four times a year, elects the officers, and discusses how best to address lake issues. The general officers are a President, a Vice-President, a Secretary, a Treasurer, and an Assistant Secretary-Treasurer. These officers are elected by the directors from the ranks of the directors and serve for a term of three years. The President is limited to one term. ~~At~~ Our Executive Committee consists of the general officers plus the Membership Chair.

The main responsibility of our directors is to get input on issues from the lake residents. Each summer residents are asked to pay POA membership dues of \$20. When your POA director knocks on your door, it's your chance to say "Incidentally, what has the POA been doing for me lately?" And the director, in turn, should be asking: "What lake issues worry you the most, and what do you think should be done about them?"



How the organization spends the money you contribute says a lot about its values and principles. The POA expenses for last year are shown below. It was a typical year. Generally, administration costs are about 20% of our budget. Communication is a significant part of the budget, roughly 36% last year. We believe the communication to our members, primarily through email and newsletter, is an important service we provide. Thus, we think the allocation of our resources toward that is appropriate. About half of our budget goes to other organizations, for activities we support. We donate every year to the CLYC fireworks as well as to the fishing club for stocking fish. The remaining expenses are usually one-time occurrences. For example, in the past few years, the POA donated money for a biodiversity study, a DNR Aquatic Plant Study, the Clean Boats Clean Waters program, and a County Invasive Species Study.



The POA has been doing this work for nearly three quarters of a century, weighing in on major issues on behalf of its members. That list of past issues includes Cedar Community conditional use permits, DNR enforcement of pier length and size limits, slow no-wake zones, time of day changes in speed regulations, and channel regulations (traffic lanes and prohibiting water skiing). But what about the present day? What issues confront our lake, and what is the POA position on them? The “Positions” article in this newsletter hopefully provides answers to that question.

POSITION OF THE POA ON KEY TOPICS

The objective of the Big Cedar POA is always first and foremost to protect and preserve the lake and shoreline. We work to keep the lake clean and safe and to protect the environment and property values. We believe some lake residents do not know exactly what that means, and do not understand our position on key issues. The purpose of this article is to inform lake residents on our positions.

Overcrowding

The POA is committed to work to persuade the DNR, the PRD, and the Towns of West Bend and Polk to enforce existing ordinances and regulations to control lake overcrowding.

The POA believes Big Cedar Lake is overcrowded on nice summer weekends. This is probably the biggest issue we face, and the most contentious. In 2019, the PRD sent a survey to 828 residences. It asked respondents to agree/disagree with the statement: "The lake has a crowding issue on summer weekends and holidays." The response rate was 55%, and respondents agreed with the statement by a two-to-one margin. There are those who disagree. Comments are heard that the lake is not overcrowded and does not have the crowds and congestion that Okauchee or Lac Labelle have. Our position is that Big Cedar is "sufficiently" overcrowded. The question we'd ask is, do you want Big Cedar Lake to become like some of those lakes? Most of us have been attracted to Big Cedar precisely because our lake has the feel of the Northwoods. We seek to balance all constituencies and lake uses, while preserving a clear and clean lake and protecting property values."

The POA advocated for PRD public launch management (Ordinance 2018-1). We felt limiting boat launches on busy summer weekends after the public parking lot was full was a reasonable lake management action. That plan was modeled after the procedures that have been in place for many years at other lakes in Southeastern Wisconsin, including Beulah, Lake La Belle, Nagawicka, Oconomowoc, Pine, and Okauchee. We believe the PRD has the authority to do that based on the state statutes and agreement with the towns when the PRD was formed. The agreement gave "comprehensive management" authority to the PRD. The 2019 Survey asked whether the PRD should "continue to enforce the ordinance." Again, "Agree" dominated "Disagree", by two to one. Those opposed to this action were strong and clear in their objection. They asserted the PRD lacks that authority and they labeled limits on lake access an effort to "privatize" the lake.

A fundamental part of lake management is the fact that the lakes are owned by the public. Wisconsin, like many states have state statutes that declare the lakes are public. The POA understands this position and supports this longstanding doctrine. We do not believe that excludes reasonable management of the public resources. The US government manages and limits camping in federal parks like Rocky Mountain National Park or Yosemite National Park. Similarly, the state manages state parks such as Devil's Lake Park or Governor Dodge Park including requiring reservations and limiting camping once the designated camping sites are full.

The number of boat slip rentals on Big Cedar shares some of the blame for overcrowding. Many people comment that boat slip rental is a bigger problem than day-launching of off-lake boats. Survey respondents, by a 3:1 margin, agreed that property owners "should not be allowed to rent pier/boat slips". We believe it is a violation of town zoning ordinances. Big Cedar lake property is zoned residential shoreline (R1-S). Slip rental is not a principal or accessory use as defined in the town code (17.2.06) and is therefore an illegal use. The POA would like the towns of West Bend and Polk to address this issue. We also advocate for the Wisconsin DNR to do more to enforce DNR boating regulations. Like town or state officials, we grapple with how to address the issue while being "fair" to residents. Individuals should not be singled out for action. So, how and where to begin is a real concern.

Cedar Community

The POA is committed to do all it can to preserve the natural shoreline that borders Cedar Community property and protect the adjacent environmentally sensitive area identified by the DNR.

We value Cedar Community housing and health care options available to seniors in our area. We also appreciate the tough financial environment they are in.

In the 1970s and 80s, Cedar Community wanted to expand their facility. They received a number of conditional use permits to allow that expansion. The conditions in those agreements had provisions that protected the shoreline and primary environmental corridor by excluding those areas from any development. Changes over time and changes in state statute, mainly Act 67, make some conditional use permits of questionable legal status. Nonetheless, the conditions defined in those permits reflect the foundation of our position. We believe the agreements made should be honored. In most of those agreements, Cedar Community covenanted to the Town or County that this expansion would be the “final expansion and development of the property”. While we respect Cedar Community’s current 2021 position that “times have changed”, we think it important to note that Cedar Community received highly valuable authorization to expand their operations at many points in the last 50-years, in exchange for agreeing to limit lakefront use and further woodland development. It isn’t as if the Town or County set the prior agreements unilaterally and arbitrarily.

Now Cedar Community wants to further develop their site, adding 54 new single-family residences and two 12-unit apartment buildings. The POA is concerned about such further development. According to the newest plan, Cedar Community will continue to greatly reduce the number of skilled nursing and acute care beds at the facility. What this practically means is that Cedar Community will be reducing capacity for seniors most in need, and replacing them with active seniors, looking for subsidized lake living. The POA does not feel the current expansion plans live up to the spirit of the prior agreements nor Town ordinances. It may only be a matter of time before the lakefront property sees significant development with more roads, boat slips and perhaps even a marina. We oppose adding homes for “active seniors” that are granted lake access and associated with development of a marina.

The focus of POA concern is protection of the shoreline designated as “Sensitive” by the DNR on their surface water data maps, and the Primary Environmental Corridor singled out for protection in the West Bend Town 20-Year Plan. The POA has had extended discussions on this issue with Cedar Community. We have been told that they are willing to protect roughly 100 acres of Primary Environmental Corridor and 1000 feet of shoreline. We believe that this sort of conservation serves everyone’s interests. Local land trusts stand ready to facilitate a conservation easement to that effect.

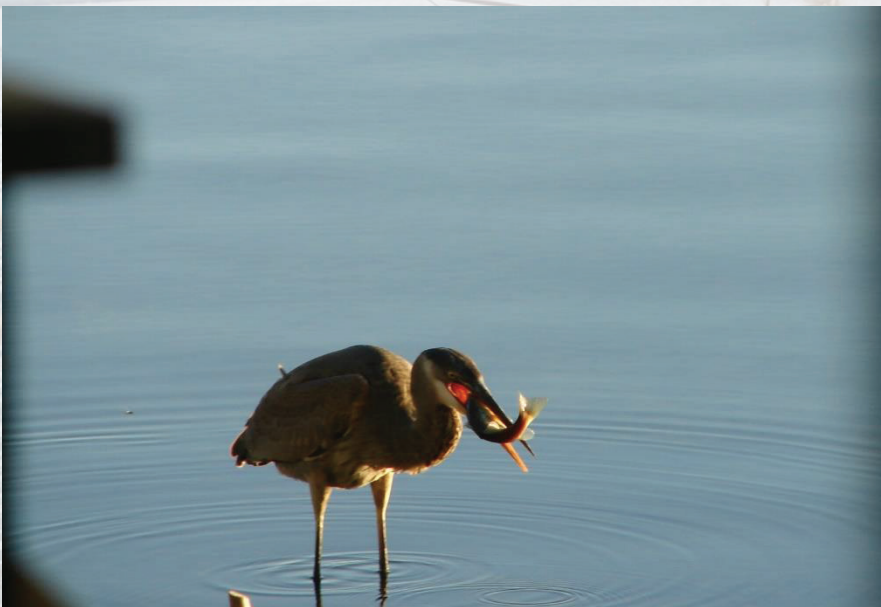
The position of the POA is based on our founders’ goal: “preservation of wildlife and natural beauty”. We have stated in the numerous meeting with Cedar Community; that the primary environmental corridor and the shoreline listed by the DNR as “Sensitive Area of Lakes” on their surface water data map should be **permanently protected**. By protecting the primary environmental corridor and shoreline, we ensure that any future development is done outside of this sensitive area. We are asking that Cedar Community commit to a conservation easement as part of the development plan.

Wake Boats

The Big Cedar POA is not advocating any action or ordinances directed at wake boats, at this time. Our organization principles are always on protecting and preserving the lake as well as support for safe recreation. We are gathering information about the impact of wake boats on the lake. We are aware of studies on the subject in Minnesota and in Wisconsin by Carroll college in cooperation with the DNR. The studies measure and show the effects of the downward water pressure that is much greater than other boats. It can disturb bottom sediment particularly in shallow areas. Currently, it is unclear what or how impact wake boats have on Big Cedar Lake. The PRD is looking into action to address such erosion, including possibly moving no-wake zone from 150 ft to 200 ft from shore. The POA continues to watch developments in other counties and states as well as PRD action.

Boat Party

Similar to other issues, our position is based on our fundamental principles of protecting and preserving the lake as well as support for safe recreation. For many people, the party fun with friends and family on the lake is their favorite way to enjoy Big Cedar. The shallow warm water is a natural draw for many people. We think this should be a "family" fun area. The POA is dedicated to protecting and preserving the lake. For that reason, we have concerns about pollution of garbage and waste in that sensitive environment. Unfortunately, there are always some small number of people who are not respectful of the environment or the property along the shore of Cedar Community. We have serious concerns about that. Nonetheless, the POA is not advocating any action or ordinances at this time.



Cedar Lake Hills

Three members of the POA Board of Directors represent Cedar Lake Hills neighborhoods. The POA values its Cedar Hills members and encourages others to join.

The Cedar Lake Hills launch is managed to be sure it is used only by their residents. Like everywhere else on the lake, Cedar lake Hills has experienced the changes from fishing boats or runabout to pontoon boats and thus, they've changed the pier configuration to accommodate that.

Our POA officers have had informal discussions with counterparts in Cedar Lake Hills Association. We exchanged information about our organizations to better understand each other. We learned that Cedar Lake Hills has officers and members who understand the DNR regulations and town ordinances regarding their launch, as well as their boat slips and piers. Further, they believe they are in compliance with all regulations.

Endorsing Candidates

The POA recently changed our incorporation to be 501(c)4 to allow us to do more in support of political action or public candidates. We do nothing based on political parties or conservative-liberal agenda. We stick strictly to lake issues and other issues that directly affect Big Cedar property owners. When elections approach – for the PRD, or the towns of Polk and West Bend – we inform ourselves, and also invite candidates to explain their positions on the issues. We are concerned with elected officials for Big Cedar PRD or towns of West Bend and Polk. We relay that information about candidates to our members through email. We sometimes endorse candidates, as we did for the April 2021 election for town board for the Town of West Bend. When we endorse candidates, we inform our membership why we feel a particular candidate is worthy of our support.

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