

**MINUTES
REGULAR CALLED MEETING
LAKES AND LANDS COMMISSION
JANUARY 15TH, 2020**

A Regular Called Meeting of the Lakes and Lands Commission was held Wednesday, January 15th, 2020, at the Lawton Public Library, Meeting Room 1 and was called to order by Chairman, Mark Duncan at 4:15 p.m. Notice of the meeting and agenda were posted on the City Hall bulletin board as required by state law.

ROLL CALL:

MEMBERS PRESENT: Mark Duncan, Mike Slavin, Richard Campbell, Donald Ryans, Sean Fortenbaugh, JC Grayson

MEMBERS ABSENT: Bob Dismuke

STAFF PRESENT: Jack Hanna, Parks and Recreation Director; Keith Neitzke, Parks and Grounds Administrator; Jim Bonnarens, Lakes Maintenance Supervisor; Brad Davis, Lake Patrol, Misty Roberts, Lakes Admin Asst. II;

OTHERS PRESENT: NONE

Duncan asked for considerations of the minutes from the Regular Called Meeting July 17th 2019. There was no discussion and a motion by **Grayson** and a second by **Fortenbaugh** to approve the minutes as written. Motion carried unanimously for the approval of the minutes above mentioned minutes.

AUDIENCE PARTICIPATION: NONE

NEW BUSINESS:

1. Review, discuss and take action if necessary, on adding and removing rules and regulations section 19-5 building in the lakes code.

Commission members discussed various rule changes regarding the building of boathouse and the upkeep of the property.

Duncan states that there are some language changes regarding processing and transfer of fees on the boathouses.

Fortenbaugh asked why do we have to have processing fees for sale/transfer of the boathouses?

Bonnarens states that this was discussed between him and Jack due to a situation at Robinsons Landing where in the code it states, "no more than one boathouse owned per family" and an individual bought 2 slips with no boathouse on either. We did not know this until an individual brought it to our attention and was interested in obtaining one of the slips and building a boathouse. We called the person who had the two slips and told him "per code" he would have to give one of the slips up. After the issue was settled it was discussed why did it matter if a person owns more than one slip/boathouse as long as they were paying. This brought up other issues and we started going through code and adding or subtracting language and would bring to the Commission to approve the changes. Also another issue is that there is supposed to be a "list"

which has never been seen but by code there is supposed to be a list if a boathouse/slip goes up for sale to call the next person on this list that has never been kept to begin with.
The following changes to code were made:

- **19-5-501 - Permit required—Requirements—Space permit ~~from waiting list~~—Fee and \$50.00 processing administration fee for sale/transfer.**

A. A permit shall be obtained from the city to own, lease, occupy, construct, enlarge, or remodel any building unit or other structure on or near a dock or a city-owned lake at Lake Ellsworth or Lake Lawtonka. For the purpose of this article, the permit required in this article is called a "dock unit permit." A "dock unit" or "unit" is any arrangement of floating fixtures including, but not limited to, a boathouse, boat dock, boat slip, front, rear or side dock, slip, float or deck within a given space. Each request must be accompanied by plans and specifications of the proposed unit to be built, including dimensions and descriptive information on materials to be used and type of construction. This information shall include all side, end and other docks.

B. Receipt of a dock unit permit does not entitle or indicate a space permit will be issued. A space permit may only be issued on a space-available basis ~~from an approved waiting list. The waiting list shall be established by the city licensing officer and kept current in the city.~~

C. The fee for the dock unit permit shall be established in the fee schedule.

D. Prior to listing boathouse for sale, owner must fill out boathouse information form and return to the lake headquarters.

E. The processing fee is established in the fee schedule.

***A motion was made by JC Grayson to have a set processing fee on the sale/transfer of a boathouse. The fee was suggested at \$50.00 paid by the person to obtain the boathouse. Slavin seconded the motion.

AYES: Slavin, Ryans, Fortenbaugh, Grayson NAYES: Duncan, Campbell

- **19-5-502 - Space permit—Lakes—Fee.**

A. No approved unit shall be placed or maintained at Lake Lawtonka or Lake Ellsworth until a space permit and permission are obtained from the city. All modifications, as outlined by the city, shall be the responsibility of the space permit holder and shall be accomplished as requested.

B. The fee for the space permit shall be established in the fee schedule.

- **19-5-503 - Temporary space permits—Waiting list—Fee—Forfeiture.**

On the space-available basis, ~~as authorized through the approved waiting list,~~ a temporary space permit may be obtained from the city after obtaining a dock unit permit. Temporary space permits are valid for a period of ninety (90) days only. The permit fee for a temporary space permit shall be as provided in the fee schedule. Failure to place an approved unit within the ninety-day period shall forfeit the space reserved and the fee paid. In acquiring a permanent space permit after placement of an approved and inspected unit as required, the fee paid for a temporary permit shall apply to the permanent space permit. If forfeited, reapplication shall be on the space-

available basis only. A maximum extension of thirty (30) days may be granted by the city manager after satisfactory evidence of extenuating circumstances.

- **19-5-504 - Term of space permit—Failure to acquire permit on time.**

A. An annual space permit will be required, and the fee shall be established in the fee schedule. Space permits shall be for the period of January first to December thirty-first of each year. A late payment fee of twenty-five dollars (\$25.00) shall be added to the rental due if the rent is not paid by January 31st of each year. If the rent has not been paid by the last day of February each year an additional twenty-five dollars (\$25.00) plus five (5) percent of the annual space rent shall be assessed during the month of March. If the rental payment plus late payment penalties have not been received by the last City business day in March of each year the space shall be forfeited by the space holder. After forfeiture, all dock units and personal property occupying the space will be removed or sold by the city after:

1. Sending a certified notice of intent of city to remove or sell to the last known owner or last known address by certified mail; and
2. Waiting fourteen (14) days prior to removal or ninety (90) days prior to sale after notice is mailed.

The space shall be permanently forfeited, and reapplication shall be on the space available basis as established. Units and personal property may be reclaimed by payment of all costs of removal to the city and storage fees imposed as established by the council up to ninety (90) days following mailing of the notice. After notification, the personal property shall become the property of the city after a ninety (90) day waiting period. The property may be sold in place.

B. The annual space permit fee for a vacant space that is requested and available after July 1 of any year shall be one-half ($\frac{1}{2}$) of the annual permit fee. The ninety-day building period pursuant to a temporary permit shall not be applicable in this case; the starting time begins when the permanent space permit is required. If the ninety-day temporary period ends prior to July 1, the full fee is due and payable. If the ninety-day temporary period ends after July 1, one-half ($\frac{1}{2}$) of the full fee is due and payable.

C. Any renewals shall always be for full fee as established by the council. The annual space permit is for the unit, regardless of ownership.

(Ord. 2001-10, Amended, 04/27/2001)

(Ord. 2008-09, Amended, 01/22/2008)

- **19-5-505 - Dock unit placement requirements.**

On new facilities, the city shall inspect the unit prior to entrance into Lake Ellsworth or Lake Lawtonka. All construction and materials must meet requirements and be approved by the city. Deadmen, anchors, stiffarms, cables and all other appurtenances related to the securing or placement of the unit shall also be inspected. All additions or changes requested shall be made prior to entrance into the lake or at any time the changes are requested by the city.

- **19-5-506 - Inspection prior to dock unit permit.**

The city, prior to issuance of the dock unit permit, shall inspect each unit for fitness, safety, structural and electrical soundness, state of repairs and general appearance. When necessary, other inspections may be made by the city at any time and repairs may be ordered. The city shall have the authority to require reasonable repairs to be accomplished within thirty (30) days. Failure of the dock unit to meet requirements within the period outlined will result in an order of the removal or forfeiture conditions following procedures as outlined under subsection A of Section 19-504 of this code. In cases of emergency, where safety to the dock unit, other buildings or persons or property require that modifications or changes be made immediately, the city licensing officer shall have the authority to declare an emergency and order changes in a time period less than that outlined above.

- **19-5-507 - ~~Priority for available spaces~~ — Bartering restricted.**

~~A priority list for requests for available spaces shall be kept by the city licensing officer. Each person's position shall be certified by number. When space becomes available, each applicant who is next on the list shall be notified by certified mail. If a temporary space permit is not obtained within fourteen (14) days, the process shall continue down the list of priorities. Only spaces with units in place may be bartered by the users, or the city in compliance with Section 19-504 of this code. Open and available new spaces may not be bartered.~~

(Ord. 2001-10, Amended, 04/27/2001)

- **19-5-508 - Space and dock unit arrangement and regulations.**

A. The following provisions shall apply to spaces and dock units:

1. No space shall be used without an approved dock unit.
2. No unit shall be placed closer than five (5) feet from its space sideline as considered extending perpendicular from the space corner as established on the bank by the city. This is the major controlling feature of each dock unit or space and shall include all parts of the dock unit and shall be related to the space width as outlined.
- 3 No dock unit shall be longer than forty (40) feet, including all docks.
4. No dock unit shall be wider than thirty (30) feet, including all docks.
5. No space shall be wider than forty (40) feet as established by the city. Each space shall be designated by the city and shall have predetermined width and shall be indicated on the space map for each use area.
6. No dock unit shall extend into the lake further than seventy (70) feet from the space corner as established by the city except as specifically necessary at Lake Ellsworth as may be outlined by the city. The city shall have the authority to require dock unit owners to arrange front alignment (extension into water) for better appearance and control. Since the water level of each lake can vary substantially the city has the authority to require dock unit owners and space users, at their own expense, to relocate or reposition their dock unit, which will include, but not be limited to, the replacement or establishment of new deadmen, anchors, still arms, braces, cables, ties.

7. No dock unit may be attached directly to the shore, and shore slopes must be maintained by the space users.

8. Space users shall be responsible for bank upkeep, grass and weed control within the space corners and the area immediately adjacent to the individual space as may be requested by the city. If bank upkeep is not accomplished within fourteen (14) days following posting of notice to provide the upkeep at the site, the city will accomplish the upkeep and charge the owner a fee as set forth in the schedule of fees and charges. Payment of the fee is due immediately upon receipt of a bill from the city. No permit for the space will be issued while payment of the fee remains outstanding. All improvements adjacent to the individual spaces and dock units are limited to the following items with prior approval from the parks and recreation director and a permit for construction signed off by the building code official. These items will not exclude public access to the lake frontage. The items approved are sidewalks, decorative lighting, concrete patios, landscape safety fencing, covered shelters of wood or metal that are not enclosed, enclosed storage structures no larger than five (5) feet by five (5) feet by eight (8) feet in height, parking pads, picnic tables, park benches and retaining/anchor walls. If a retaining wall is constructed the approved specifications (June 2009) from the City of Lawton Engineering Department is required. The structural improvements are considered a contribution to the City of Lawton but will be maintained with proper regular maintenance at the expense of the dock unit Lessee. The improvements made by the dock unit Lessee automatically become the property of the City of Lawton. If requested by the City of Lawton in a written notification by the parks and recreation director or his appointee, the improvements made by the dock unit Lessee will be removed from location at the lake if the improvements become a conflict with the City of Lawton and the lake development plans at the defined location. The expense of removal of the improvements will be at the expense of the dock unit Lessee within fourteen (14) days of the notification of removal. If the removal of the constructed improvements are not completed by the dock unit Lessee within the appointed time frame, the City of Lawton will remove the improvements and dispose the improvements as they so choose and the dock unit Lessee will be billed for the expenses of the work performed by the City of Lawton.

9. Space users shall not keep any personal property of any nature within the space confines except as can be maintained within the dock unit area or space area.

10. Spaces shall not be used for any purpose except for approved dock units as established by this article.

11. Spaces and dock units may not be used for the display of any signs or advertising not specifically authorized by the city, except for the owner's name, which may be displayed on both the front and the back on a sign or area of not more than one square foot.

12. The area between dock units may not be used for permanent or overnight parking of boats or barges.

13. No dock unit shall have any sink or bathing facility.

14. No dock unit user or other person shall permit the discharge, spill or wasting of any foreign matter into the water, such as sanitary wastes, food wastes, garbage or trash.

15. Connecting or adjacent boathouse space users may install a nonpermanent, easily removable, connecting float to bridge the area between two (2) dock units. This connecting float is hereby authorized to lie in the area prohibited for use under the terms of this article for any part of the dock unit. The connection of the float to the dock units must be approved by the city. No such float

shall be longer than twenty (20) feet, and no part thereof shall extend beyond the farthestmost or shoremost extension of either of the physical units. No connecting float will be placed without the parties first executing an internal agreement form to be supplied by the city and kept on file by the city. At a point of disagreement, either party may execute a similar document disallowing the float, in which case the entire float must be immediately removed by both parties following the provisions established for such action as are outlined under Section 19-504 of this article. All of the provisions of this article shall apply to the floats and shall be the joint responsibility of the connecting float users.

~~16. The space permit holder shall affix or attach the number of the space in which the permit was issued to both the front and rear of the dock unit in such a manner in which the numbers will be visible from both the water side and the shore side.~~

(Ord. 2003-06, Amended, 02/28/2003; Ord. 2001-10, Amended, 04/27/2001)

(Ord. No. 09-38, § 1, 11-17-2009)

- **19-5-509 - Unit maintenance and construction.**

A, The following provisions shall apply to unit maintenance and construction:

1. Each unit shall be made of an approved steel frame, excepting existing dock units as long as they remain in good condition.
2. All material used must be of good quality, neat in appearance and maintained in that fashion.
3. Each dock unit shall be supported to the bank by at least two approved stiffarms attached to the bank in an approved fashion, or in specific cases, a specified system of unit cables which have been specifically authorized in writing by the city on Lake Ellsworth only.
4. Each dock unit shall have balancing cables or additional stiffarms sufficient for additional securement installed in an approved fashion as authorized by the city.
5. Each dock unit must have ~~styrofoam flotation~~ **encapsulated foam**. Approved steel floats authorized by the city may also be used.
6. No drums of any nature, coated, filled or otherwise, may be used.
7. Spaces used for floating docks must have at least two side wings at least fifteen (15) feet in length. Boats and barges must be secured within the wings.
8. All units **may** ~~must~~ have boat or barge slips at least ten (10) feet in depth. Water depth will be based upon a lake elevation of 1,345.55 feet at Lawtonka and one thousand, two hundred thirty-five (1,235) feet at Lake Ellsworth.
9. All walkways from the shore to the dock unit shall be constructed and maintained in a safe fashion. All flotation shall be of approved material as outlined above.

(Ord. 2001-10, Amended, 04/27/2001)

- **19-5-510 - Special provisions for prior users at Lake Lawtonka (School House Slough).**

A. The following provisions shall apply for prior users at Lake Lawtonka (School House Slough):

1. Users of existing spaces on lots 1 through 15 will be exempt from the sideline requirements of paragraph 2 of Section 19-508 of this code. No changes or additions to existing units or future new dock units shall be made that will further encroach the sideline.

2. Unit 20, already in existence, will be an exception to the maximum width requirement of paragraph 5 of Section 19-508 of this code. Should the unit 20 be removed or destroyed, rearrangement by the city shall occur that will divide this space into two spaces as appropriate.

- **19-5-511 - Special provisions for prior users at Lake Lawtonka (Robinson's Landing).**

A. The following provisions shall apply for prior users at Lake Lawtonka (Robinson's Landing):

1. Users of existing spaces on lots 10 through 18 shall be exempt from the sideline requirements of paragraph 2 of Section 19-508 of this code. No change or addition to existing units or future new units shall be made that will further encroach the sideline.

2. Existing spaces 9, 12 and 18 will be an exception to the maximum space width of paragraphs 5 and 6 of Section 19-508 of this code. Should the unit be removed or destroyed, rearrangement by the city shall occur that will divide this space into two spaces as appropriate.

3. Unit 12 already in existence will be an exception to the maximum width requirement of paragraphs 5 and 6 of Section 19-508 of this code.

- **19-5-512 - Special provisions for prior users at Lake Ellsworth.**

A. The following provisions shall apply for prior users at Lake Ellsworth:

1. Users of spaces 6 through 20 west of the railroad bridge (this excludes spaces that are on waters leased by concessionaire), are exempt from the sideline requirements of paragraph 2 of Section 19-508 of this code. No changes or additions shall be made that will further encroach the sideline. Also, no additional units may be added.

2. Users of units 8 through 12 and 18 already in existence shall be exempt from the boat slip requirement of paragraph 8 of Section 19-509 of this code. No other units without an approved boat slip as established by this article may be added.

- **19-5-513 - General provision for prior users.**

No existing dock unit shall be changed, modified or altered in any way that is not consistent with the provisions of this article except as provided in Section 19-509 of this code.

- **19-5-514 - Space restrictions.**

A. The following space restrictions shall apply:

1. No family shall maintain more than one space except those already in existence at Lake Ellsworth (west of the railroad bridge). No other dock units may be added; and
2. Dock units may not straddle any other space line as established by the city.

- **19-5-515 - Official maps established.**

An official map that designates each space will be established. The city shall be the custodian of the map and the official map will be kept in the office of the revenue services supervisor. A copy of the map will also be available at the lake superintendent's office. The map will contain such information as to identify the space, user's name, location of space and space number and accurate dimensions. Any changes in this map will be approved by the city.

(Ord. 2001-10, Amended, 04/27/2001)

- **19-5-516 - Users/owners responsible for any damage.**

Use of spaces by a dock unit owner is permitted with the understanding that the city is not responsible for damage of any nature, theft, or rise and fall of the water level for any reason. It is the responsibility of the unit owner to secure, maintain and police his dock unit. Damage to one unit by another due to any reason, including storm, fire or negligence, shall not be the responsibility of the city; and any recourse of any type shall be a personal matter. It is clearly understood by each space user that he and he alone is responsible for the security and maintenance of his space and unit. The city is in no way responsible to notify, secure or maintain any part of any space or space user's unit or property.

- **19-5-517 - Boat dock, ski dock—Permit required for dock building.**

No person may build a boat dock or ski dock on any lake owned or operated by the city without first having procured a permit for the building of the same from the city.

- **19-5-518 - Location—Permit fee.**

A. A boat dock or ski dock shall be built at the place designated by the city. The location, size and other details of construction for ski docks must be approved by the city.

B. The permit fees for a boat dock and ski dock shall be as provided in the fee schedule.

C. The permit fee is to be paid on or before the first day of January of each year and shall expire on December thirty-first of the same year.

- **19-5-519 - Inspections—Time limit on permit—Use of barrels.**

A. Each dock must be inspected by the city prior to the permit being issued. Such inspection will include flotation, satisfactory tiedowns, state of repairs, general safety and general appearance. Any necessary repairs must be accomplished within the specified number of days after notice is given from the city or the structure shall be removed by the city until such time as the permit is procured and the expense of removing the same has been paid. ~~After removal, the space may be leased to applicants with priority being given to those with the oldest application in point of time.~~ Each lessee shall be responsible for mowing grass, **maintaining vegetation**, and appearance of the area from the water edge to bank level.

B. Any space for which a permit has been issued must be utilized within ninety (90) days following the issuance of such permit or the permit shall be canceled without refund.

C. Barrels are prohibited in the lakes and may not be used in or on the lakes for boat docks and ski docks or for any other purposes.

- **19-5-520 - ~~Display of decal on boat dock or ski dock.~~**

~~At the time of issuance of any boat dock or ski dock permit, the person securing the permit shall be issued a decal or other distinguishing identification which must be affixed or attached in a conspicuous place, so as to be readily visible, to the boat dock or ski dock for which it was secured.~~

- **19-5-521 - Revocation of permit.**

A. Any permit may be canceled at any time by the city for violation of any of the rules and regulations or ordinances of the city or of any of the laws of the state or of the United States, now in force or hereafter adopted, affecting either the sanitation of the lake or the safety or welfare of any person using or being upon the lake or the premises surrounding the lake.

B. The city shall have authority to revoke or cancel any permit issued under the provisions of this article for violation of any regulations promulgated by the city or state affecting the sanitation of the lake or hazard to persons or property. Any person aggrieved at the revoking or canceling of any permit shall have the right of appeal to the city council.

- **19-5-522 - Nonliability of city.**

Any person who operates a boat house, boat dock or ski dock shall operate such facility at his own risk and shall release the city from any and all claims for injuries or damages incurred by such person while on a city owned lake or on the premises of the city surrounding the lake. Such person shall also agree to indemnify and save harmless the city from any claims for injuries or

damages incurred by any member of his family upon a city owned lake or the premises of the city surrounding the lake.

- **19-5-523 - Permit required—Public use and rental/lease of indoor pavilion/boathouse area at Robinson's Landing.**

A. An assembly permit application shall be obtained and submitted to rent/lease and occupy the indoor pavilion/boathouse area at Robinson's Landing Lake Lawtonka pursuant to Council Policy [9-2](#). The permit application shall be submitted to the Parks and Recreation Administrative Offices located at the Owens Multipurpose Center no less than ninety (90) days in advance of the requested date of the rental.

B. The rental/lease period shall not exceed six (6) consecutive days. A discount will be established for multiple day rentals. All rentals/leases require the execution of a rental/lease agreement, which will set forth the terms of the lease to include the following amenities:

- a. Use of the indoor pavilion.
- b. Use of six (6), eight (8) foot tables and thirty-five (35) chairs.
- c. Use of the kitchen, including use of the electric stove, refrigerator, cabinets and counter space.
- d. Use of the outdoor fire pit and grill located behind the pavilion; and,
- e. Access to the boathouse adjacent to the pavilion which provides a ten (10) by twelve (12) air-conditioned room.

C. A refundable cleaning deposit will be required. The deposit may be refunded to the lessee and the terms and conditions for such refund will be set forth in the lease agreement.

D. The fees for the use of the indoor pavilion/boathouse shall be established in the fee schedule.

(Ord. No. 10-43, § 1, 11-23-2010)

A motion was made by Duncan to accept the changes to code and a second by Fortenbough.

AYES: Duncan, Slavin, Ryans, Campbell, Fortenbaugh, Grayson

2. Review, discuss and take action if necessary, on adding new fee's to section 19-5 boathouses.

Commission members and staff discussed new fees for the boathouse. It was discussed by increasing fee's 10% annually for the next 10 years. This item was tabled until more information could be gathered and brought back to the commission.

3. Review, discuss and take action if necessary, on not allowing wood pallets to be burned at the campsite or anywhere on city property.

Davis stated that campers are bringing pallets to burn in the fire pits and after they are burned up the nails from the pallets are left behind which can cause damage to vehicles or the mowers if they are burning them in the primitive camping areas.

Motion was made by Campbell and a second by Slavin to accept not allowing wood pallets to be burned on City property.

AYES: Duncan, Slavin, Ryans, Campbell, Fortenbaugh, Grayson

4. Review, discuss and take action if necessary, that RV tags must be current and properly displayed on city property.

Davis stated that tags are not current, no on the vehicle at some point. According to the code tag must be displayed on the roadway but they park them in a “park”, and they think the rule doesn’t apply. If they are parked in the “street” they must be current. They need to be current for us to be able to identify the property if need be. An RV was dropped off last year and did not have a current tag, did not pay and we had it towed off the property because we did not know who it belonged to.

Motion was made by Slavin and a second by Fortenbaugh that RV tags must be current and properly displayed on City of Lawton property.

REPORTS/CORRESPONDENCE:

A. Reports from Parks and Grounds Director, Jack Hanna – No report

B. Reports from Parks and Grounds Administrator, Keith Neitzke – No Report

C. Reports from the Lakes Division Supervisor, Jim Bonnarens – No report

D. Reports from Lake Patrol Staff, Lt. Brad Davis – No report

-COMMENTS/DISCUSSION/ADJOURNMENT

There were no other reports, correspondence, or discussion and the meeting adjourned by unanimous decision of the Commission at 5:15 p.m.

**RESPECTFULLY SUBMITTED BY THE
LAKES AND LAND COMMISSION
CHAIRMAN, MARK DUNCAN**