

SUBMITTAL BY MAYOR LAMBERT
Council Comments & Concerns
February 12, 2026

The City's January 21, 2026 statement claims I unlawfully trespassed on a city utility facility and placed tax payers at risk. That claim is not supported by land-use law, zoning, or property records. What follows is a factual review showing that the properties in question are not legally designated utility facilities and that the City's own actions raise serious land-use and transparency concerns. This statement was issued under the authority of the City and presented as factual documentation. That elevates the obligation for accuracy, legal grounding and transparency. With respect to the characterization of the "incident" described below:

"...the Mayor stated that she took a citizen past the 'do not trespass' signs of a public facility...This was unlawful trespassing - elected officials do not enjoy unlimited access to city owned utility facilities without escort. Had anyone been injured the city could have been subject to a civil claim which may not have been covered by insurance since it was an illegal act, potentially putting significant financial burden on taxpayers."

The purpose here is to objectively examine the above paragraph, which is the foundation of what follows in the statement by the city. A threshold issue is the use of the terms "public facility" and "city owned utility facilities," as each label takes for granted that the properties in question are used exclusively for utility purposes. The task is to examine each relevant property individually, as well as collectively, based on readily available government records. The maps attached are intended to assist in visualizing the properties and surrounding area.

Claims of unlawful trespass presuppose a lawful restriction on public access. Lawful restrictions depend on valid land-use designation, which in turn requires zoning compliance and prescribed public process. Based on available records, those pre-requisites have not been met.

A. The former Ball Properties

The City bought this property for \$65,000 and a separate transaction of \$20,000 on August 30, 2022. Funding for the purchase evidently came from water and wastewater reserve funds, and meeting minutes state that the property includes "significant City infrastructure." There is, however, no specific mention about what infrastructure is deemed to be so "significant." **The property is identified as City R-1 zoning, which states that any "governmental structure or use of land for necessary public utility facilities" requires a Conditional Use Permit (CUP), as does a recreational use.**

There is a recorded 20-foot-wide sewer easement, which allows the city a perpetual right for a sewer line and appurtenances. Given the existence of this easement, the rationale for

purchasing the underlying property at substantially less than recent market value raises serious questions.

B. The former Izaak Walton League (IWL) Property

The City Council approved this donation on December 22, 2020—meeting minutes clearly state that **the donation involves "two parcels of parkland and one narrow strip for public right of way..."**, and the two **Quitclaim Deeds include specific conditions that the City protect the property "under the P-F zoning as appropriate to the health and safety of the City and Park space."** The County P-F Zone stipulates that parks, government use, and solid waste disposal sites require a CUP, if an outright use is **converted** to another use.

A quitclaim deed map indicates that there may be a sewer easement, and the map attached to the former Ball property easement also indicates possibly two easements, which in no way should negatively impact the open and public use of the property as intended.

Existing Land Use Ramifications

The former Ball properties total approximately 14.24 acres. The property that was donated by the IWL includes approximately 12.73 acres (in addition to two other properties). *The "new road" apparently being constructed by the city appears to go through the former Ball property from the terminus of Ball Road until it meets the former IWL property, where it continues for nearly 300 feet until it meets the current sewer treatment plant property.*

With respect to the former Ball property, **if there is not a CUP approved by the Planning Commission, through the prescribed public process, then the city cannot lawfully designate it as "public facility," "city facility," or "utility facility."** By claiming that it is, the city fails to comply with its own land use codes and procedures.

With respect to the former Izaak Walton League Property, clearly the intent of the donation is for its perpetual use as parkland, public rights-of-way, and trails. **The city cannot just legally assert that the property is for "utility purposes," or presumably any use that restricts public access, without being in probable violation of the donation agreement.**

Taken together, this review indicates that these properties, as presently designated, cannot be classified as utility or governmental facilities under applicable and use requirements. Therefore, the prescribed uses are appropriately identified as residential for the former Ball Properties and public/parkland for the former Walton Property. This also means that "no trespassing" signs are not required and that "recreational immunity" may apply for passive public use of the land, so long as the city is not grossly negligent or wanton.

Potential Next Steps

Submittal by Mayor Lambert
February 12, 2026

Rather than retroactively justifying enforcement actions, **the City should be initiate a transparent public planning process to clarify lawful land-use designations and determine community-serving uses for these properties.** This is how public trust is restored and future legal and financial risk is avoided. The result is that the community would be better served now and in the long term.

