

VILLAGE OF FONTANA ON GENEVA LAKE
Walworth County, WI

Lakefront and Harbor Committee
Wednesday, July 28, 2010
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on July 28, 2010 by Chairperson Micki O'Connell.

Roll Call: Trustee Micki O'Connell, Ed Snyder, Rick Pappas, Robert Chanson, Joel Bikowski, Steve Beers, Lee Eakright

Also Present: Administrator/Treasurer Kelly Hayden, Mike Krickl, Village Clerk Dennis Martin, Jerry Oglesby, Eddie Snyder, Carol Whowell, Tom Whowell

Visitors Heard

Tom Whowell stated that he wrote a letter to the Village and requested to be put on the agenda of the committees that received a letter from Lou Loenneke with regard to the ownership of the lakefront and the width of Lake Street. Tom Whowell stated that the Lakefront and Harbor Committee can help the CDA and resolve the lakefront issue. Tom Whowell stated that the Lakefront and Harbor Committee drafted and recommended approval of the Village designated mooring area ordinances. Tom Whowell stated that when the DMA ordinance was initially approved, the Village adhered to the state regulations, received DNR approval and adopted the ordinance. Tom Whowell stated that a special joint meeting of the Village Board and CDA, it was his understanding that the lakefront ownership inquiry was with regard to the width of the road, not the riparian rights. Tom Whowell stated that through the DMA ordinance and through village plats and surveys – some of which were completed by the Village surveyor – the riparian rights have been determined for many years. Tom Whowell stated that at the special joint meeting held July 26, 2010, the property owners were ambushed by the CDA and by a letter submitted by Lou Loenneke; however, according to the DMA ordinance approval, official plats and surveys and state approvals, the lakefront riparian rights are owned by the Gordy's Group and by Jamie and Carol Whowell. Tom Whowell stated that the confusion and misinformation is getting spread because the road has never been platted in front of the business properties. Tom Whowell stated that he and Carol Whowell thought they were going to a meeting to discuss resolving the road width question. Tom Whowell stated that they have more than enough proof to demonstrate that they own the riparian rights, and just a few years ago, the Village contacted them to request that they complete an improvement project on the shorepath on the lake side of the road. Tom Whowell stated that the CDA Board is wasting \$5,000 of municipal funds because Loenneke wrote a letter. Tom Whowell stated that Loenneke has no proof and just makes a few general accusations in his letter, and to base a legal review on that letter is crazy. Tom Whowell stated that the Lakefront and Harbor Committee should go to the CDA and provide the ownership information that the Village already has in its records. Tom Whowell stated that the CDA action has resulted in the Whowell family being in the local newspapers again, and it is not fair that the family reputation is being questioned. Beers stated that he agrees with Tom Whowell. Beers stated that he and John Tracy previously owned some of the property currently owned by the Gordy's Group, and when it was purchased and sold all the surveying and title work very clearly showed that the riparian rights are connected to the lakefront business properties. Beers stated that it is ludicrous that the CDA is wasting money on the legal review when the title companies have all the records that demonstrate the lakefront ownership. Carol Whowell stated that the Village has much better projects to spend its time and effort on and she does not understand why the CDA members are not listening or willing to look at the Village's records. Tom Whowell

stated that he thinks the CDA overstepped its business and it should stick with getting the road platted. Carol Whowell stated that just a few years ago when they constructed the addition on Chuck's, the Village issued a building permit for the property and she was required to break up the impervious space on both side of the street, which is another indication that they own the riparian rights. Ed Snyder asked Carol Whowell, "so the Village supported you on the permit?" Carol Whowell responded yes, and that she also has an 1852 plat that shows the road with platted land on both side of the street. Carol Whowell stated that the property deed is very clear.

General Business

Approval of Minutes for Meetings Held June 23, 2010

Snyder/Chanson 2nd made a MOTION to approve the June 23, 2010 minutes as submitted, and the MOTION carried without negative vote.

Jerry's Marine Barge Permit

The barge Jerry's Marine has been using since 2002 as an office has been determined to be a structure by the Wisconsin DNR and at the last monthly meeting Carol Whowell and Jerry Oglesby stated that the DNR had approved the structure in a permit application dated June 12, 2009. The diagram dated February 2, 2009 was submitted to the DNR by Austin Pier Service, Inc. to authorize a pier addition proposal. The diagram is signed, "Approved per plan, Pam Schense, 6/12/09." Pappas stated that he contacted Schense and inquired if the approval was for the addition or for the entire site depicted in the diagram. Pappas stated that Schense contacted him and has deferred a decision to the DNR's legal department. Pappas stated that Schense still has not received a ruling from the DNR's legal department. Tom Whowell stated that if the committee is still interested, he has a copy of the Village of Fontana approval of the lakefront permit for the Gordy's lakefront deck and piers.

Pappas/O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Launch Area South Wall

O'Connell stated that the portion of the seawall that sticks out into the launch area gets chipped and scrapped by automobiles and trailers and it is starting to look bad. O'Connell stated that it will be difficult to repair the poured concrete surface, but maybe a bumper could be installed. Oglesby stated that the wider the area is made the better the situation will be, so he would not install a bumper. Oglesby stated that the poor drivers who have difficulty backing up trailers will just hit the bumper pads instead of the wall. Oglesby stated that he would suggest making the area as wide as possible.

Austin Pier Service Proposal to Pressure Wash Bridge

O'Connell stated that Austin Pier Service submitted a bid of \$650 to pressure wash the bridge, but the funds are not in the current budget. Eddie Snyder asked if the proposal includes a provision to catch the debris and paint that chips from the bridge while it is being pressure washed. O'Connell stated that is not clear from the proposal what will be done to catch the debris and paint that is washed away from the bridge. Ed Snyder asked if the Country Club Estates Association would split the cost of the project with the Village. O'Connell stated that she will discuss the proposal with F.J. Frazier and report back to the committee.

DMA Reviews for Codification Project

Pappas stated that he checked the Harvard Club's lakefront and counted 17 slips, six buoys, 60-foot of ramp space and five lifts for personal watercrafts. Pappas stated that the Village records indicate the Harvard Club has approval for 17 slips, six buoys and 60-foot of ramp space, but not

for the six PWC lifts. The committee directed Martin to contact the Harvard Club and request that an association representative attend the next meeting to discuss the five PWC lifts.

Snyder/Chanson 2nd made a MOTION to table the Harvard Club review until the next monthly meeting, and the MOTION carried without negative vote.

Pappas stated that he toured the Glenwood Springs lakefront and used a 1992 diagram on file with the Village as a guide; however, the association has moved a lot of moorings around and he was not sure how to codify its DMA. Pappas stated that he does not think the total number of moorings has been increased, he just doesn't know what the committee wants to do to codify what is there currently and what should be there according to the most recently approved plan. Chanson stated that as long as an association has the same total number of moorings spots that have been approved, then the committee should approve the current layout. Bikowski stated that the Glenwood Springs association measures its piers each year and each year a diagram is updated and kept on file with the association. Pappas stated that the most recent diagram the Village has on file is the 1992 diagram. Pappas stated that the committee needs assistance from the association to identify what is currently there so that it can be codified with the rest of the DMAs. Bikowski stated that he will contact Roger Knuth and they will provide the total numbers at next month's meeting.

Snyder/Pappas 2nd made a MOTION to table the review of the Glenwood Springs DMA until the next monthly meeting, and the MOTION carried without negative vote.

Report: Village Board Direction to Not Pursue Lakefront Fueling Regulations for Private and Commercial Piers

O'Connell stated that the Village Board approved a motion at its July 6, 2010 meeting to deny the committee's recommendation to have the village attorney provide a legal opinion on whether the municipality has the authority to regulate fueling guidelines on privately and commercially owned piers located within the Village. O'Connell stated that the Village Board did vote to approve the ordinance banning portable gas containers on all village owned piers and lakefront property. Eakright stated that his concern is not with 5-gallon gas containers being spilled into the lake, his concern is that at Gordy's one of the kids recently spilled gas all over his boat and into the water. Eakright stated that he talked to other boaters who indicated that the same thing happens at Gage Marina, as there are not automatic shut-off devices on the pumps at Gordy's or at Gage Marina. Tom Whowell stated that the state does not allow the automatic shut-off devices on the gas pumps. Eddie Snyder stated that as part of the approval to reinstall the gas tank at the Abbey Harbor, the state required the marina to use donuts and over-flow and spill containment devised to handle gasoline spills. Ed Snyder stated that those requirements and the entire Wisconsin Clean Marina Petroleum Control plan are being recommended by the Geneva Lake Environmental Agency to be adopted by all the lake municipalities. Tom Whowell stated that Gordy's will look into using the donut and spill containment devices.

Trailer Parking on Streets

Hayden stated that parking of boat trailers has always been permitted on Village streets; however, this past year the Village Board approved an amendment to the "No Parking" areas in the Village and prohibited parking on one side of the streets in the launch parking lot area. Hayden stated by eliminating parking on one side of streets, motorists have been parking their automobiles and boat trailers in areas further out from the lakefront. Hayden stated that boaters having to walk long distances to and from their autos and trailers has caused backups at the launch and it has made the congested area even worse. Hayden stated that staff has had preliminary discussions on the situation and the suggestion has been made to use the former Ball and Headquarters properties now owned by the Village to park boat trailers. Hayden stated that many residents on the outlying streets are upset by the amount of autos and trailers that are being parked on the street in front of their homes. The committee considered making a recommendation to ban the parking of boat

trailers on all Village streets. With regard to how a ban would affect the lakefront boating businesses, Jerry Oglesby stated that his employees do not normally park any trailers on the streets. Tom Whowell stated that Gordy's employees do want to take a chance at being ticketed so they never park trailers on the streets. A discussion ensued on the recent CDA decision to reduce the total number of stalls in the Village's boat trailer parking lot, and the conflicting desire to generate as much revenue as possible from boat launch fees. Hayden stated that if the number of people who are able to launch is reduced, it will affect the total revenue the launch takes in. Hayden stated that the committee should begin planning now for the 2011 season so that next year's budget planning can reflect an accurate revenue projection for the boat launch. Pappas then made a motion that was seconded by Ed Snyder to recommend that boat trailer parking be banned on all Village streets beginning in 2011. Tom Whowell suggested that before making a general recommendation, the Lakefront and Harbor Committee and the Protection Committee should discuss all the related ramifications. Pappas stated that Chief Steve Olson has stated that there may be legal concerns with simply banning the parking of boat trailers on Village streets. Hayden stated that Village Attorney Dale Thorpe is reviewing the proposal. Tom Whowell stated that boat trailers are already being pushed back into the residential neighborhoods and the Village should consider how many boat launch season passes it is going to sell. Tom Whowell stated that something has to be done to alleviate the lakefront congestion. Pappas stated that if the Village played hard ball for one season and boaters begin to realize that when the boat trailer lot is full there will be no more launches permitted. Pappas stated that the DNR also does not allow a municipality to limit the number of launch passes that are sold. Tom Whowell stated that the Village launch pier can only accommodate up to six boats at one time and having to wait for people to walk to or from their automobile and boat trailer causes gridlock in the launch area. Ed Snyder stated that the Village should determine if it wants to ban boat trailer parking on Village streets all year round, just during the summer season, or just on weekends. Following further discussion on the need to establish a subcommittee to consider all the ramifications, Ed Snyder and Pappas withdrew their motion on the floor.

Snyder/Eakright 2nd made a MOTION to form a subcommittee consisting of Ed Snyder, Lee Eakright, Joel Bikowski, Micki O'Connell and Kelly Hayden to meet and discuss the boat trailer parking situation. The MOTION carried without negative vote.

Update on Fontana Shores Steps

Fontana Shores property owner Mike Krickl stated that the association had the stairs on the lakefront taken out because they were in poor condition and it was too costly to have them replaced. Krickl stated that pedestrians walking on the shorepath have been rerouted to the other side of the Fontana Shores property. O'Connell stated that she has discussed the situation with Dave Prudden at the site. O'Connell stated that closing off the stairs and the blocking of another set of stairs that leads down the hill to the Fontana Shores pier has resulted in everybody being diverted to the Buena Vista property and a path that leads down to the shorepath. O'Connell stated that there also is no longer direct access to the Audino pier. Hayden stated that Fontana Shores could provide access to the path from the stairs that lead to its pier, but they are currently blocked off. O'Connell stated that Fontana Shores will have to work with Audino to provide access from the top of the hill down to the shorepath. O'Connell stated that the situation is a matter between the three property owners. Krickl stated that the stairs were taken out because they were a serious concern. Eakright provided information on the shorepath and the requirement to keep it open for public access that is published in a Geneva Lake Association directory. Beers stated that he agrees with O'Connell and the situation is an issue between the property owners.

Geneva Lake Environmental Agency Letter Regarding Paint Chips in Lake

Ed Snyder stated that he did not receive the letter prior to the meeting and he suggested tabling the matter for review.

Snyder/Chanson 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Set Next Meeting Date

The next meeting date is Wednesday, August 25, 2010 at 4:30 pm.

Adjournment

Chanson/Pappas 2nd made a MOTION to adjourn the meeting at 5:34 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Lakefront and Harbor Committee, the official minutes will be kept on file at the Village Hall.

APPROVED: 8/25/10