

**VILLAGE OF FONTANA ON GENEVA LAKE**  
Walworth County, WI

**Lakefront and Harbor Committee**  
Wednesday, November 28, 2012  
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on November 28, 2012 by Chairman Rick Pappas.

**Committee Members Present:** Trustee Rick Pappas, Don Holst, Ed Snyder, Joel Bikowski, Lee Eakright, Steve Beers (arrived at 4:36 pm)

**Committee Member Absent:** Bob Chanson

**Also Present:** Jade Bolack, Sheree Carlson, Darrell Frederick, Trustee Bill Gage, Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Micki O'Connell, Tom Howell

**Visitors Heard**

None

**General Business**

**Approval of Minutes for Meeting Held October 31, 2012**

Snyder/Eakright 2<sup>nd</sup> made a MOTION to approve the October 31, 2012 minutes as presented, and the MOTION carried without negative vote.

**Trailer Parking on Beach for Winter Sports**

Pappas stated that many ice boaters and winter sports participants park their vehicles and trailers on the municipal beach in the winter, which is not a concern when they are removed at the end of the day; however, many people are leaving the trailers on the beach overnight and for even longer periods of time. Pappas stated that two seasons ago someone left their enclosed trailer on the beach for the entire season. Pappas stated that Police Chief Steve Olson has requested an ordinance amendment that would enable administrative staff members to provide authorization for people or clubs to park on the beach overnight during special events. Snyder stated that an amendment could be drafted that states people have to come to Village Hall or the Police Department to seek permission to park on the beach. Pappas stated that the amendment could simply state that if someone wants to park vehicles or trailers overnight or during special events in the winter months, that the police chief or administrator has to authorize the request. Hayden stated that an amendment to the Municipal Code Section 74-51 also may be required to codify the proposal.

Snyder/Beers 2<sup>nd</sup> made a MOTION to direct staff to present to the Village Board for final approval a resolution that prohibits overnight parking of vehicles and trailers on the municipal beach during the winter months, with the exception of participants of special events that are authorized by the Chief of Police or the Village Administrator. The MOTION carried without negative vote.

**Gage Marine Pier Lease Renewal Recommendation**

The Finance Committee recommended renewal of the pier lease for a two-year term, with the same 4 percent annual increases in the fee. Bill Gage stated that he has no concerns with the recommendation for renewal; however, he would like the lakefront committee to consider changing the area of the pier that is reserved for the cruise line boats to the first 55 feet on both sides of the pier. The expiring lease called for use of 115 feet on the south side of Public Pier No. 1. Gage stated that when the wind blows out of the southeast, it makes it very difficult for the boat captains to dock on the south side of the pier. Gage stated that with authorization to use either side of the pier, the captains can make the decision daily based on the direction and

velocity of the wind. The committee members discussed the situation and recommended that the lease location be changed to state the first 60 feet of Public Pier No. 1 on both sides of the pier. Snyder/Bikowski 2<sup>nd</sup> made a MOTION to recommend Village Board approval of a two-year lease renewal with Gage Marine, Inc. for the right to temporarily dock excursion boats for loading and unloading of passengers on the first 60 feet of the north and south sides of Public Pier No. 1, with the rent increased by 4 percent each year. The MOTION carried without negative vote.

### **Village Launch Statistics**

Pappas stated that the launch ramp statistics were distributed for informational purposes and if any of the members have any concerns after reviewing the documents they should contact Hayden or him to request an agenda item.

### **Village Mooring Waiting List**

Hayden stated that staff is seeking direction on a situation where one of the village mooring lease holders used the property located at 128 St. Andrews Court at the beginning of last season for his annual pier slip lease application. Hayden stated that the pier slip holder had sold his previously owned property and purchased a portion of 128 St. Andrews Court in order to maintain his priority status and renew the slip lease last year. Hayden stated that the same address was on the Slip Waiting List in position No. 9 under the name of the other person who owned a portion of 128 St. Andrews Court. Following discussion, the members came to the consensus that the waiting list position for the address should have been withdrawn last year because the village policy only allows one village mooring per property, even if there are multiple owners. The slip holder has since purchased another property, so the initial owner of 128 St. Andrews Court can apply to be put back on the waiting list. The committee members were requested to review the waiting lists and provide input at the next meeting on any concerns or corrections that may be required.

Eakright/Snyder 2<sup>nd</sup> made a MOTION to direct staff to remove the person from Position No.9 on the slip mooring waiting list and refund their deposit, and to notify the property owner that they are now eligible to reapply for the waiting list. The MOTION carried without negative vote.

### **Geneva Lake Level Situation Update**

Tom Whowell reported that the Geneva Lake Level Corporation Board of Directors in not getting anywhere with its unsuccessful negotiations with the Wisconsin DNR to lift its questionable order to keep the Geneva Lake dam open. Whowell stated that the Board's attorney is getting jerked around by the DNR representatives, who have refused to acknowledge the evidence and official documents that indicate there is no need to leave the dam open and that the ongoing draining of Geneva Lake is putting the entire watershed and its ecosystem in great jeopardy. Whowell stated that Ted Peters, the director of the Geneva Lake Environmental Agency, has indicated he has not written a report on the devastating effects of the DNR order, but if asked he could provide one. Whowell stated that as he reported at last month's committee meeting, the water that is running over the dam only affects the first 300 meters of the White River, which is a spillway area and not even a running body of water for most of the year. Bill Gage stated that the DNR also is not taking into account other means that water runs out of the lake into the entire watershed, not just the first 300 meters located in the City of Lake Geneva. Whowell stated that there is no wildlife that was or is being threatened by the dam being closed. Whowell stated that the DNR has refused to acknowledge that the draining of the lake and the lower water level actually is threatening the wildlife and ecosystem of the entire watershed. Whowell stated that the DNR officials are ignoring the pertinent information and the previously negotiated and approved agreements between the DNR and the Lake Level Corporation. Whowell stated that the DNR order to keep the dam open 24 hours a day will eventually drain the lake by 6 feet, which will create additional economic hardships and a reduction of property values throughout the entire Geneva Lake area. Whowell asked the committee members to consider endorsing Village Board approval of a resolution to be presented to the Wisconsin DNR that outlines the obvious environmental and economic concerns being created by the DNR's order to keep the dam open. Whowell stated that

the resolution could be adopted by all the lake municipalities and submitted to the DNR and state legislature. Whowell stated that the most exasperating aspect of the DNR situation is that DNR officials are even ignoring the most recent contract that they negotiated with the Lake Level Corporation when the dam was repaired in 2002. Darrell Frederick of Austin Pier Service stated that the lake level has dropped so significantly that the current conditions would not allow for the Village to install three of the boat slips next season or any of its four ramp sections, that have a total of 33 spaces. Frederick stated that many of the boat lifts on the village piers will have to be adjusted for the low lake level, which is presently about 14-inches below normal.

Beers/Snyder 2<sup>nd</sup> made a MOTION to recommend that the Village Board continue to financially support the Geneva Lake Level Corporation with its battle against the Wisconsin Department of Natural Resources, and that it adopt a joint resolution to be presented for consideration to all the lake municipalities that calls attention to and outlines with accurate facts, documents and reports the disastrous effects of the misguided Wisconsin DNR directive that the Geneva Lake Level Corporation leave open the Geneva Lake dam gates, which is contrary to a 2002 agreement between the Wisconsin DNR and the Geneva Lake Level Corporation Board of Directors. The MOTION carried without negative vote.

Snyder/Beers 2<sup>nd</sup> made a MOTION to recommend that the Village Board direct Geneva Lake Environmental Agency Director Ted Peters to write a report for submission to the Wisconsin Department of Natural Resources and the state legislature that outlines the devastating effects that the ongoing draining of Geneva Lake is creating for the entire Geneva Lake watershed and ecosystem. The MOTION carried without negative vote.

#### **Fuel Barge on Public Piers – Tabled 10/31/2012**

The committee approved a motion at the last monthly meeting to table the item and direct staff to research and draft possible amendments to Section 54-49 of the Municipal Code. Sheree Carlson of Dockside Fuel, a barge that sells gasoline to boaters on Geneva Lake, stated that she wanted to address some incorrect statements made at last month's committee meeting. Carlson presented the licensing and inspection information she outlined in an emailed message that was distributed to the committee members. Carlson stated that the Dockside Fuel barge and gas hoses are annually inspected by the State of Wisconsin Department of Transportation and the Department of Weights and Measures, by the U.S. Coast Guard and by its personal insurance company; and the barge carries absorption mats and booms for cleanup in the event of a spill. Carlson stated that the business has acquired all necessary permits and licenses to operate on Geneva Lake. Carlson stated that the barge is refueled outside of the watershed and the barge is never left on the water overnight. The committee then asked Carlson questions about the refueling procedures, and the boats being refueled have to be tied up to a pier or on a lift and the barge has to be anchored three feet away by four drop-anchors. Eakright stated that he was going to contact the company and request the information provided by Carlson; however, she submitted the information to the Village before he contacted them. Eakright stated that he uses the service and he has no safety concerns with it. Hayden stated that the Village ordinance was written to address the fueling of watercraft in general, and asked if the committee was considering a recommendation to change it to only address barges. Pappas stated that the agenda item initiated as a general safety concern regarding refueling boats while they are tied up or parked at village owned piers. Pappas stated that the village owned piers are all open for public use and it is not safe for any type of refueling when there are unaware people in the area. Snyder stated that he obtained that day a copy of the Wisconsin Department of Commerce regulations for mobile barge refueling of moored watercraft, and the customer boat has to be tied up at a pier or secured on a lift. Carlson stated that 99 percent of the business the Dockside Fuel barge has conducted has been for boat owners who are not even present when the gas is delivered and pumped, mostly on weekdays. Eakright stated that he does not feel there are any greater concerns with the fueling barge operations than using a portable gas can. Pappas pointed out that the current ordinance does not allow refueling watercraft from a portable can or container while the watercraft is located at the Village-owned lakefront, and the initial agenda item was to consider if the committee wanted to recommend also specifically prohibiting any type of refueling on municipal piers. Beers stated that the municipal

piers are not safe for any type of gas pumping or refueling. Snyder stated that the Village already prohibits gas cans on piers, and staff needs to look into the issue a little further; however, he agrees that there should be no refueling of watercrafts on the public piers. Holst stated that he does not have a concern with the fueling barge operations. Pappas stated that if the majority of the committee members want to recommend that watercraft refueling of any type on municipal piers be addressed in an ordinance amendment to Section 54-49, or in the village mooring lease agreement, they could consider a motion to direct the village attorney to draft an amendment and provide input on whether the mooring lease contact language should also be amended.

Trustee Pappas/Snyder 2<sup>nd</sup> made a MOTION to recommend that the Village Board prohibit watercraft refueling by any method on the Village owned piers and moorings, and that the Village attorney be directed to draft an appropriate amendment to Section 54-49 of the Municipal Code and/or to the Village mooring lease agreement to prohibit the refueling. The MOTION carried on a 4-2 vote, with Lee Eakright and Don Holst opposed, and Bob Chanson absent.

### **Set Next Meeting Date**

The next monthly meeting will be held Wednesday, January 23, 2013 beginning at 5:00 pm, unless a special meeting is called to consider a rip rap repair permit application filed by Austin Pier Service for the Buena Vista Club association.

### **Adjournment**

Trustee Pappas/ Snyder 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:31 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: 1/23/2013