

VILLAGE OF FONTANA ON GENEVA LAKE
Walworth County, WI

Lakefront and Harbor Committee
Wednesday, November 30, 2011
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on November 30, 2011 by Chairman Thomas McGreevy.

Roll Call: Trustee McGreevy, Bob Chanson, Rick Pappas, Ed Snyder, Joel Bikowski, Steve Beers

Committee Member Absent: Lee Eakright

Also Present: Administrator/Treasurer Kelly Hayden, Russel Larson, Village Clerk Dennis Martin, Eddie Snyder

Visitors Heard

None

General Business

Approval of Minutes for Meeting Held October 26, 2011

Snyder/Chanson 2nd made a MOTION to approve the October 26, 2011 minutes as presented, and the MOTION carried without negative vote.

Geneva Lake Triathlon Proposal for June 2 & 3, 2012

Russel Larson of Multisport Event Management Partners, LLC, presented his proposal to host the inaugural Geneva Lake Triathlon in Fontana on Sunday, June 3, 2012, with a setup date of Saturday, June 2, 2012. Larson stated that it is his intent to organize and run a high-quality event that will not be hampered with the organizational and event-day problems of the dysfunctional triathlon that was held in the Village of Fontana until last year. Larson stated that Fontana is in the middle of a very attractive area for a triathlon event, and he is planning to just offer the traditional Olympic distance triathlon, as well as a sprint event. Larson stated that he would like to set up the staging area for the transition between the opening swimming portion of the triathlon and the bicycling segment in the grassy area behind the sand beach. Larson stated that the swimming portion of the event will be over and the beach cleared by 8:30 to 9:00 am. Larson stated that some of the competitors may want to train or practice the swim portion of the event on Saturday, June 2, 2012, and if necessary, they will have extra lifeguards brought in for Saturday afternoon. Rick Pappas stated that the Protection Committee considered the request at its monthly meeting held November 28, 2011. Larson was not able to attend the Protection Committee meeting and was informed by the committee secretary that the proposal would be discussed at the committee's monthly meeting in January 2012. Pappas stated that the Protection Committee approved a motion to recommend denial of the proposal because the proposed date is during the summer season between Memorial Day and Labor Day. Pappas stated that the Protection Committee members were concerned about the potential loss of beach revenue and the beach area getting tied up on a weekend day during the summer season, and if the event were approved, it would set a bad precedent. Pappas stated that the Protection Committee members were also concerned that the Fontana Police Department officers would be busy the entire weekend directing traffic, and if they had to come in early on Sunday for a triathlon, it would be too long of a workday. Hayden stated that the beach takes in between \$500 and \$5,000 on the first weekend of June, depending on the weather conditions. Hayden stated that the volume of visitors is not consistent, but if it is a beautiful, sunny weekend, it will be busy. Hayden stated that if the triathlon is eventually approved by the Village Board, a contract between the village and

Multisport Event Management Partners, LLC will have to be negotiated to cover the village expenses and potential loss of revenue. Ed Snyder stated that his only concern is that there could be a lot of people in the village on the first weekend of June, and Sunday could have more traffic volume than usual because of the graduation ceremonies that will be held that day. Steve Beers stated that the water temperature of the lake may be too cold that early in the season. Larson stated that he moved back the proposed date by two weeks because of the water temperature concern, and he will most likely require that all event participants wear wetsuits for the swimming segment. Beers stated that he is not concerned about setting a precedent by approving the triathlon on a date during the summer season. Beers stated that all event proposals that the Village receives are considered on a case-by-case basis, and each ultimate decision is unique to the circumstances and proposal. Beers stated that the beach area would be cleared before any visitors show up on a Sunday, and if the event is well run, the extra traffic and people in the village will not cause a problem. Beers stated that triathlon events attract a lot of competitors and visitors, who spend money at local businesses. Larson stated that his group will pay to have extra police officers and security personnel brought in if deemed necessary, and if the Fontana Police Department employees are not available, they will contact the Walworth County Sheriff's Department for assistance with extra traffic control. Bob Chanson stated that the swimming event is the only segment that could impact Village revenue, but it is being held in the morning and most likely will not have any affect on the municipal beach operations. Ed Snyder stated that Larson also is expecting to pay a fee for use of the Village facilities and to pay for the associated expenses. Joel Bikowski stated that a triathlon event will have an impact on regular traffic and with the municipal boat launch and the Village has to be cautious not to approve an event on a day right in the middle of the season.

Snyder/Chanson 2nd made a MOTION for the Lakefront and Harbor Committee to recommend approval of the proposed Geneva Lake Triathlon on June 2 and 3, 2012, with the planning to based on input from the other village committees and Village Board, and with the condition that the event organizers only use the portion of the municipal beach located to the south of the access road. The Roll Call vote was as follows:

Ed Snyder – Yes

Trustee McGreevy – Yes

Rick Pappas – No

Joel Bikowski – Yes

Bob Chanson – Yes

Steve Beers – Yes

The MOTION carried on a 5-1 vote, with Lee Eakright absent.

Letter Received From Wisconsin DNR Regarding Beach Sand Complaint Submitted by Abbey Harbor Condominium Association

Hayden stated that the Village received a letter from Wisconsin Department of Natural Resources Water Management Specialist Pam Schense dated November 22, 2011 regarding concerns raised with the DNR about the Fontana municipal beach sand and its impact to the Abbey harbor and its channel to the lake. Schense states in the letter that the DNR's regulatory jurisdiction is limited with regard to the Abbey Harbor Condominium Association's allegation that the village is adding more sand to the beach and that the DPW employees who spread the sand are dragging it across the beach and into the lake, where it flows into the channel and the Abbey harbor. Hayden stated that the Village has not been adding more sand to the beach each year; the total volume has been consistent each year since at least 2007. McGreevy stated that DPW Director Craig Workman previously reported that the village puts about 150 cubic yards of sand on the beach each season. The letter from Schense states that the village employees cannot drive vehicles in the water when spreading the sand, and that the sand must only be placed above the ordinary high water mark (OHWM). The placement of sand below the OHWM of the lake requires a DNR permit, which

has not been applied for by the village. “At this time, the Department is seeking the cooperation of the Village to address these issues. You should inform your operators that when spreading the sand, vehicles cannot drive on the bed of the lake. In addition, sand can only be placed above the OHWM and not in the lake. If violations are discovered in the future, the Department may pursue further enforcement action.” Hayden stated that the DPW crew members will be sure to not drive the truck in the water when spreading the sand on the beach. In response to a question, Hayden stated that there are funds in the 2012 budget that are earmarked for a cost-sharing construction project with the Abbey Harbor Condominium Association that will address the erosion and silt build-up concerns in the channel and Abbey harbor. Ed Snyder stated that the engineering study that is being funded by the Abbey Harbor Association is almost complete, and the recommended project or projects will be presented to the Lakefront and Harbor Committee most likely at the January 25, 2012 meeting.

Mooring Lease Agreement Contract Language Amendment

Hayden stated that Village Attorney Dale Thorpe looked into the issues and provided some suggestions in a November 30, 2011 emailed message that was distributed to the committee members. Hayden stated that Thorpe provided a draft of an amendment that would address the priority rankings and the issues with multiple property owners of a single parcel and year-round residency status changes. Hayden stated that Thorpe also recommended that the lease should be rewritten in a comprehensive way that would make it more enforceable. Ed Snyder stated that maybe it would behoove the village to make the lease agreement a license instead of a contract or a lease so that it could be revoked or not renewed in an easier manner if necessary. Eddie Snyder stated that the Abbey Harbor Association uses a license agreement to rent its slips on an annual basis and he would provide a copy of it to the Village for reference. Chanson stated that Thorpe should be directed to just rewrite the two sections that need clarification. Pappas stated that he is concerned about when someone’s priority status changes between years, and there needs to be amendments to prevent people from skirting the rules.

Pappas/Chanson 2nd made a MOTION to recommend that the Village Board obtain a cost estimate from Attorney Thorpe and if the fee is acceptable by the Village Board to direct Thorpe to rewrite the clauses in the current mooring lease agreement to address waiting list priority status changes for property owners who become part-time residents or landlords, become full-time residents, or sell their residential property and only own a vacant lot; to address multiple owners of a single tax parcel; and to make a recommendation on changing the mooring lease agreement to an annual license. The MOTION carried without negative vote.

Set Next Meeting Date

The next monthly meeting will be held Wednesday, January 25, 2012, beginning at 4:30 pm, unless there is some business to consider in December 2011.

Adjournment

Chanson/Beers 2nd made a MOTION to adjourn the meeting at 5:21 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: 1/25/2012