

VILLAGE OF FONTANA ON GENEVA LAKE
Walworth County, WI

Lakefront and Harbor Committee
Wednesday, February 23, 2011
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on February 23, 2011 by Chairperson Micki O'Connell.

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

Committee Member Absent: Bob Chanson

Also Present: Carl Bergersen, Tom Dunn, Ray Fitzgerald, Darrell Fredrick, Trustee Pat Kenny, Kevin Kirkland, Village Clerk Dennis Martin, Genie Patchin, Dolly Schneidwind, Eddie Snyder, Amanda Voss, Carol Whowell

Visitors Heard

Carl Bergersen stated that he is the owner of Ship Shape Marine and he was told that the committee would be discussing the commercial launch rate that evening. The committee discussed the commercial launch rate at the September 29, 2010, October 27, 2010 and December 1, 2010 meetings before voting to approve a motion at the January 26, 2011 meeting that recommended the commercial launch rate be set on the same scale that the private launch rates are set. At the Village Board monthly meeting on February 7, 2011, a motion to approve the recommendation failed to earn approval on a 3-3 vote. There was no other motion made at the Village Board meeting and the item was not discussed any further. O'Connell stated that the commercial launch rate was not on the agenda for the committee meeting that night, so the members could not discuss the recommendation; however, the committee members could listen to any comments that Bergersen would like to make. Bergersen stated that he would like to thank the Village of Fontana for offering the commercial launch rate and he encouraged the Village to keep it the same as last year. Bergersen stated that the commercial launch businesses do not tie up the launch area, as their employees get boats in and out of the water very fast. Bergersen stated that the commercial launch operations also do not take a parking stall in the boat trailer parking lot after launching, so the village collects a commercial launch fee and still can accommodate another private launch. Bergersen stated that the Village will earn more revenue if it keeps the commercial launch rate at the same level as last year. Bergersen stated that if the rate is increased, he will use other launch facilities on the lake and the Village will not be increasing its revenue, it will be decreasing it. Genie Patchin stated that she wanted to express her concern about the village increasing the lease fee for boat slips by 31 percent. Patchin asked if the committee members could shed some light on the decision to increase the fee from \$2,096 in 2010 to \$2,750 in 2011. Trustee O'Connell stated that the mooring lease fees were not on the agenda for the committee meeting, so the committee members could only listen to comments that night. The committee approved a motion at its August 31, 2010 meeting to recommend that the Village Board increase the annual lease fee for the Village's 30 slips to \$2,750, that the lease fee for the buoys be increased by 6 percent over the 2010 rate, and the lease fees for the ramps for motorized and non-motorized ramp spaces be increased by 4 percent over the 2010 rate. At its September 7, 2010 meeting, the Village Board approved the recommendation on a 5-1 vote, with Trustee George Spadoni opposed and Trustee Pat Kenny absent. Trustee Kenny stated that Ray Fitzgerald called him and asked him to attend the committee meeting to discuss the increase in the slip lease fee. Kenny stated that he leases a slip and he thinks the increase of 31 percent is too steep. Kenny stated that the increase slip fee is the greatest by far when comparing the lease fees in Fontana,

Williams Bay and Lake Geneva. Kenny stated that the committee should have investigated the fees in the other municipalities and the Village of Fontana should not be the most expensive. Kenny stated that the Village is only offering simple slips and the lakefront area is not a yacht club, so to compare the lease fees to the fees charged at the Abbey Harbor is not equitable. Dolly Schneidwind stated that the slip lease fee increase is overwhelming and it seems way too high for a slip, and she resents the action of the committee and Village Board in these tough economic times. Tom Dunn stated that he is summer resident and he also is appalled by the increase in the slip lease annual fee. Dunn asked when they could discuss the matter, and that to compare the fees to the fees charged by the Abbey Resort is not right. Trustee O'Connell stated that if the Village Board directed the matter back to the committee, the mooring lease fees could be considered again; however, the recommendation was forwarded to the Village Board and approved for the 2011 season. Martin stated that both issues addressed during the Visitors Heard portion of the meeting could be directed back to the Lakefront and Harbor Committee for further consideration if so desired by the Village Board members. Ray Fitzgerald stated that when he received his lease for 2011 and he noticed the fee had been increased by 31 percent, he was shocked. Fitzgerald stated that he has contacted all 30 of the pier slip holders and they are all outraged. Fitzgerald stated that he had copies of emails from some of the lease holders and he had other research documents to present to the committee. Martin stated that the emails and other documents submitted by Fitzgerald will be copied to all the Village Board and committee members. Trustee Kenny stated that when the pier slips were installed, the individual pier slip renters all helped to finance the construction and the original renters all purchased their shore stations, and that should be taken into consideration when reviewing the lease fee.

General Business

Approval of Minutes for Meeting Held January 26, 2011

Pappas/Snyder 2nd made a MOTION to approve the January 26, 2011 minutes as distributed, and the MOTION carried without negative vote.

Jerry's Marine Barge Permit – Tabled 7/28/10, 8/25/10, 9/29/10 & 10/27/10

The Village received notification from Pam Schense at the Wisconsin DNR that states the Willow Bend pier permitting issue has been reviewed by a DNR attorney and policy person. Schense stated that they reviewed both permits issued to Willow Bend by the DNR and some supplemental information provided by Carol Whowell that describes the changes that have occurred since the 1995 permit was issued. Schense states that based on the review, the DNR considers the office platform authorized and will not seek action against it. Schense states that although not specifically mentioned in either permit issued for the Willow Bend pier, there is information regarding the office platform in the files, so the DNR considers the office platform authorized. The notice from Schense also states that the owner should submit a letter with a drawing showing the location and scale of the office barge and what will be placed in the upcoming boating season; and to notify the DNR if any future changes in size, berthing density or configuration need to be discussed and approved by the DNR, before they are made. Darrell Fredrick of Austin Pier Service stated that he has submitted the required letter and drawing to the DNR and he will supply a copy to the Village. Pappas stated that with the barge question cleared up, the entire DMA presented by Willow Bend is in order for the codification project. The issue first came up at the June 21, 2010 committee meeting and had been tabled pending DNR review.

Lombardo Pier Permit – Tabled 12/1/10 & 1/26/11

Village Attorney Dale Thorpe reviewed the deed restriction and Planned Development zoning concerns that were raised at last month's meeting and indicated that the deed restriction does not extend into the lake and that the Precise Implementation Plan for the Clear Sky Lodge PD will have to be amended. O'Connell stated that the committee only had to make a recommendation on

the pier permit filed by Steve Lombardo. Thorpe stated in a memorandum dated February 23, 2011 that he does not have copies of the private covenants that established the 50-foot setback, but it is his opinion that those setbacks would not ever extend into the water, under most circumstances. Thorpe also stated that the village would not ever enforce private covenants, unless specifically given the right to do so. Thorpe also states in the memorandum that Assistant Zoning Administrator Bridget McCarthy's June 8, 2010 letter correctly states that the Clear Sky Lodge Homeowner's Association should file for an amendment to the precise implementation plan for the Planned Development zoning to authorize changes that have been made to the lakefront, and that the application should include the minutes from the annual meeting of the association at which the pier modifications were approved by the members.

Pappas/Snyder 2nd made a MOTION to recommend approval of the Pier Permit application as filed by Steve Lombardo, 1100 S. Lakeshore Drive, with the conditions that the Clear Sky Lodge Homeowner's Association files and receives approval for an amendment to the Precise Implementation Plan for the Planned Development Zoning and that an as-built survey of the Lombardo pier be submitted to the Village by August 1, 2011. The MOTION carried without negative vote.

Information on DNR Pier Permit Registration Requirements/Process – April 1, 2011 Deadline

Martin distributed an email he received from Schense at the Wisconsin DNR regarding pier permitting questions that came up at last month's meeting. Martin sent an email to Schense seeking information on questions the committee has received about the DNR directive regarding the registration of piers that existed prior to 2004 to maintain their grandfather status. Schense replied, "Just to clarify, this is not to maintain grandfathering status. DNR has not grandfathered piers prior to this current process. Also, registration forms cannot be submitted online and have to be mailed to the address on the form." With regard to the initially set deadline of April 1, 2011 for registering the piers and whether it would be extended, Schense replied that the deadline hasn't been extended and she is not aware that it will be extended. Martin also asked Schense about the piers that are located within one of the Village's several Designated Mooring Areas and if the individual property owners register their piers, or if all of the piers located in an association's DMA have to be registered by the association in one application. Schense replied that the actual owner of the lake frontage has to submit the registration form. "The person signing the form needs to have the authority to act on behalf of the association. An association should register all piers under one form for whatever is placed off of their frontage," Schense stated.

Set Next Meeting Date

The next monthly meeting date is Wednesday, March 30, 2011 at 4:30 pm.

Adjournment

Pappas/Snyder 2nd made a MOTION to adjourn the meeting at 4:57 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: 3/30/11