

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

**Lakefront and Harbor Committee**

Wednesday, June 23, 2010

(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on June 23, 2010 by Chairperson Micki O'Connell.

**Roll Call:** Trustee Micki O'Connell, Rick Pappas, Ed Snyder, Lee Eakright, Robert Chanson, Joel Bikowski, Steve Beers (arrived at 4:38 pm)

**Also Present:** Village Clerk Dennis Martin, Jerry Oglesby, John Olson, Eddie Snyder, Carol Whowell, Tom Whowell, Trustee Cindy Wilson

**Visitors Heard**

None

**General Business**

**Approval of Minutes for Meetings Held May 26, 2010**

Snyder/Chanson 2<sup>nd</sup> made a MOTION to approve the May 26, 2010 minutes as submitted, and the MOTION carried without negative vote.

**Jerry's Marine Barge Situation**

The barge Jerry's Marine has been using since 2002 as an office has been determined to be a structure by the Wisconsin DNR. Pappas stated that the DNR has informed the Village that a boat or a barge can be considered a structure. Determining factors are how it lays on the lake bed and whether it connotes a sense of permanence. The barge has hard wired conduit for electricity and is attached to the bed with jack stands that are only installed/removed seasonally when the rest of the pier is installed/removed. Pappas stated that the structure requires a building permit and none has been issued by the Village. Carol Whowell asked if the committee wanted the barge removed and asked why the Village was trying to restrict the business operations on the lakefront in such difficult economic times. O'Connell stated that the barge does not need to be removed, it just needs the required permit. Jerry Oglesby stated that he talked to the village building inspector in 2002 and was told he could not get a Village or Wisconsin DNR permit for a temporary or seasonal structure because they are not allowed. Oglesby stated that the Village of Fontana has the boat launch office at the Village ramp site and it is a seasonal structure that is taken in and out each season. Carol Whowell presented photographs from 2002 of the lakefront from the Willow Bend Marine piers to the Gordy's piers. Carol Whowell stated that the lakefront in front of Gordy's has been changed since the photos were taken and she asked why Gordy's could have one of the piers made into an office. Oglesby stated that he has copies of a DNR Pier Permit application from last fall that were submitted for approval when Austin Pier Service was going to modify the pier. Tom Whowell stated that he also copies of records from when the Village approved the Gordy's lakefront pier office. Carol Whowell stated that they would be willing to take the barge out if an office could be put on the lakefront. Carol Whowell stated that they want to keep the lakefront looking as nice and appealing as possible. The committee members directed Oglesby to meet with the Village staff on the permitting of the structure, and directed Martin to research the Village records to determine if the Jerry's and Gordy's structures have been approved and/or permitted.

**Proposal for Additional No Wake Signage for Abbey Bridget Channel**

O'Connell stated that there are currently only two small signs in the area that indicate it is a slow no wake zone. O'Connell stated that more signage is needed. Ed Snyder stated that there used to be two slow no wake buoys in the area that have not been installed this season. Trustee Cindy Wilson stated that boaters see the lights on the Abbey channel bridge and they speed up "to make the light." Ed Snyder stated that the signs that used to be mounted on the end of the piers should be put back. Eddie Snyder stated that a willow tree adjacent to the channel also needs to be cut back so the signs are more visible. Chanson stated that if more signage is installed, it should not be any larger than the previous signage. O'Connell stated that the Village should replace the two old signs that have been taken out and touch-up and repair the current signage so it is more visible.

Snyder/Beers 2<sup>nd</sup> made a MOTION to recommend that two 8-by-2-foot "slow no wake" signs be erected at the end of the piers adjacent to the Abbey channel bridge, and that the current signage be repaired and repainted with the red and white colored lettering enlarged. The MOTION carried without negative vote.

### **Country Club Estates Beach Items**

O'Connell stated that some concerns with the non-public village beach area used by the Country Club Estates Association were brought up at the association's recent annual meeting. O'Connell stated that one of the items was that no beach passes are required or checked to go onto the beach and many non-authorized people are entering the non-public beach area. O'Connell stated that one suggestion was for the Country Club Estates residents to obtain the Village beach passes, which also could be required to enter the non-public beach area. Ed Snyder stated that since the Country Club Estates residents would have to receive the beach passes at no charge because of the agreement between the Village and the association, two colors would have to be used each season. Also, there currently is not a Village employee or association representative at the gate to the non-public beach area. O'Connell stated that the agenda item was to update the committee members on the issue.

### **Fueling Regulations and Portable Gas Containers Ordinance**

Ed Snyder stated that the subcommittee met earlier in the week with Ted Peters, of the Geneva Lake Environmental Agency and they are recommending the adoption of the Wisconsin Clean Marina Petroleum Control program for the Village and all the Geneva Lake municipalities. Ed Snyder stated that Peters asked if the Village of Fontana would consider adopting the program as an ordinance and then lead an effort to have the ordinance adopted by all the lake municipalities. O'Connell asked if Village Attorney Dale Thorpe reviewed the document distributed at the meeting, and Ed Snyder stated that he has not. Pappas stated that the subcommittee members would like to have the Wisconsin Clean Marina Petroleum Control program regulations applicable to all the piers in the Village – private, commercial and municipal. Ed Snyder stated that the Wisconsin Clean Marina Petroleum Control program regulations are currently adopted by the City of Oconomowoc for Lake Oconomowoc. Pappas stated that the committee still has not received an answer on its initial inquiry to Thorpe whether the village can regulate private, commercial and the municipal piers, or just the municipal piers. A draft ordinance amendment prepared by Thorpe for the meeting mirrors the ordinance adopted by the Village of Williams Bay in that it only addresses the municipally owned piers. Ed Snyder stated that a second mobile gas service operation has started marketing on Geneva Lake, similar to one that was mentioned at the last monthly meeting. Eddie Snyder stated that the proposed lake-wide ordinance and adoption of the Wisconsin Clean Marina Petroleum Control program would prohibit any gas operations other than properly licensed operations; however, it would enable safety, police and rescue boats to transport gasoline for emergency situations. Tom Whowell stated that for safety and environmental reasons, only commercially licensed businesses should be allowed to sell gas on the lake. Pappas stated that the Village attorney still has not provided the committee with a

determination if the Village has any authority over the commercial and private piers, or if the Village can only regulate the municipally owned piers. Chanson asked if Thorpe is directed to research the issue and provide an opinion, how much it will cost the Village. Pappas stated that the cost issue should be considered by the Village Board members not the committee. O'Connell stated that in the meantime, the committee should consider a recommendation on the draft ordinance presented by Thorpe that proposes to only regulate portable gas containers on Village owned lakefront property, similar to the Williams Bay ordinance. Pappas stated that the committee should also consider a motion to recommend that the Village Board officially direct Thorpe to complete the research and provide an opinion on regulating all of the piers and that the Village Board should make the decision on the allocation of Village funds for the review. The committee initially requested the review and legal opinion at the April 28, 2010 monthly meeting, but Thorpe has only provided to date the draft ordinance similar to the Williams Bay ordinance that addresses municipally owned lakefront property.

Snyder/Beers 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Fueling Regulations Ordinance as presented, and the MOTION carried without negative vote.

Pappas/Snyder 2<sup>nd</sup> made a MOTION to recommend that the Village Board officially direct the Village attorney to provide an opinion on whether the Village can regulate fueling issues on all piers located within the Village of Fontana boundaries, and the MOTION carried without negative vote.

#### **DMA Reviews**

The Glenwood Springs Association requested that the review of its designated mooring area be postpone to the next monthly meeting. Pappas stated that he checked the Harvard Club lakefront and there are currently 17 slips, 6 buoys and 5 personal watercraft lifts installed and there is 60 feet of ramp space. Martin will check the village records to determine what has been approved for the Harvard Club, and if necessary contact the Harvard Club Association to request that a representative attend the next monthly meeting. The committee will review at the next meeting the Glenwood Springs, Harvard Club and Belvidere Park Association DMAs.

#### **Set Next Meeting Date**

The next meeting date is Wednesday, July 28, 2010 at 4:30 pm.

#### **Adjournment**

Chanson/Snyder 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:28 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: 7/28/10