

VILLAGE OF FONTANA ON GENEVA LAKE
Walworth County, WI

Lakefront and Harbor Committee
Wednesday, September 29, 2010
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on September 29, 2010 by Chairperson Micki O'Connell.

Roll Call: Trustee Micki O'Connell, Rick Pappas, Joel Bikowski, Lee Eakright, Ed Snyder, Robert Chanson, Steve Beers (arrived at 4:40 pm)

Also Present: Jere Eyer, Thomas Larimer, Village Clerk Dennis Martin, Tom Whowell

Visitors Heard

None

General Business

Approval of Minutes for Meetings Held August 25 and 31, 2010

Pappas/Snyder 2nd made a MOTION to approve the August 25 and 31, 2010 minutes as submitted, and the MOTION carried without negative vote.

Jerry's Marine Barge Permit – Tabled 7/28/10 & 8/25/10

O'Connell stated that Pam Schense or a Wisconsin DNR legal department representative still has not contacted the village regarding a decision on the Jerry's Marine barge permit approval.

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

DMA Reviews for Codification Project – Harvard Club & Belvidere Park

The review of the designated mooring area for the Harvard Club Association was tabled last month so that the association board could determine what they want codified. Thomas Larimer stated that the board decided to have the western most mooring taken out and the eastern most ramp space removed, which will leave the DMA with an equivalent amount of moorings that were approved in 1992. Larimer presented a diagram of the Harvard Club DMA that delineates the location of 17 slips, 7 buoys, 5 PWC lifts and 45 feet of ramp space.

Pappas/Snyder 2nd made a MOTION to approve the Harvard Club DMA diagram as presented, and to recommend the codification of 17 slips, 7 buoys, 5 PWC lifts and 45 feet of ramp space. The MOTION carried without negative vote.

Jere Eyer, the waterfront director for the Belvidere Park Association, stated that the association has not added any moorings since 1992. Eyer stated that there are 23 cottages in the association and each cottage has a slip or a mooring. In 1988, the association received approval for 12 slips and 21 buoys. The current count for the Belvidere Park's 275 feet of lakefront footage is 9 buoys, 14 slips, 90-feet of ramp space, 3 scow or sailboat lifts, and 2 PWC lifts. Following discussion, it was determined that the association has removed 4 of the previously approved buoys, so the 2 PWC lifts that were not previously approved can be exchanged for the buoys. The committee members were in consensus that the current count of 11 buoys, 14 slips, 96-feet of ramp space, 3 scow or sailboat lifts and 2 PWC lifts would be approvable and directed Eyer to map out the locations of the moorings on a diagram to be presented for approval at next month's meeting.

Snyder/Chanson 2nd made a MOTION to table to review of the Belvidere Park Association DMA until the next monthly meeting, and the MOTION carried without negative vote.

The Belvidere Park Association is the last DMA to be reviewed in the codification project. The committee directed Martin to prepare a summary of the DMA review results to be recommended to the Village Board for codification.

Boat Trailer No Parking on Streets Ordinance Referral From Village Board

O'Connell stated that following the presentation of the recommendation at the last Village Board meeting, the proposed ordinance was referred back to the committee for another recommendation. Last month, the committee recommended the adoption of an ordinance that would ban the parking of boat trailers on all village streets. The Village Board directed the recommendation back to the committee after Village Attorney Dale Thorpe indicated that in order to be defensible in municipal court, an ordinance would have to set a total length restriction rather than just simply ban boat trailer parking. The Village Board also recommended that only the streets in the downtown/lakefront area be listed in the ordinance. Chanson asked why North Lakeshore Drive was not listed on the draft ordinance presented at the meeting. The draft ordinance only listed the streets in the downtown area, and set a maximum of 22 feet to park a vehicle and trailer combination on the listed streets. Tom Whowell asked why the Village wants to make the ordinance so complicated and suggested that boat trailer parking be banned on all Village streets, with the exception of automobiles that have resident parking stickers. Whowell stated that residents should be allowed to park boat trailers on the street in front of their residences. Chanson stated that if a list of banned streets is approved, it will lead boaters to believe that there are some streets in the Village where boat trailers can be parked. Chanson stated that it should be simply stated that if there is no room left to park in the boat trailer parking lot, a boat trailer can't be parked on any Village street. Snyder stated that he agrees with Chanson and the ordinance should simply state that no parking of boat trailers is allowed on all public streets. Snyder stated that if a citation is issued, it is unlikely that the offender will challenge the \$100 fine in municipal court, so there is no need to set a maximum length limit as suggested by the Village attorney. Eakright stated that he doesn't think the 22-foot maximum limit is low enough as some motorists could use smaller-sized, economy automobiles to tow small PWC trailers. Pappas stated that he thinks the 22-foot limit will encompass all vehicle and boat trailer combinations. Following a lengthy discussion, the committee members reached a consensus that it does not want to change its recommendation approved at the last monthly meeting. Pappas stated that he doesn't think the committee should approve the same recommendation that was referred back to the committee by the Village Board.

Trustee O'Connell/Chanson 2nd made a MOTION to recommend that boat trailer parking be banned on all Village streets, and the MOTION carried with one negative vote cast by Pappas.

Geneva Lake Environmental Agency Letter Regarding Paint Chips in Lake – Tabled 7/28/10 & 8/25/10

O'Connell stated that the committee members reviewed the letter and request for a lake-wide ordinance amendment as last month's meeting and were prepared to recommend that the Village not adopt the amendment because it is not necessary; however, the item was tabled because all of the committee members were unable to attend the meeting. At its April 28, 2010 meeting, the committee approved a motion to direct Village staff to scrap the paint on the piers from the edges toward the middle where it should be swept-up into dust pans and receptacles and then properly disposed of, and not dumped into the lake. O'Connell stated that no action was required on the request since the committee determined a lake-wide ordinance amendment is not necessary.

Gage Marine Lease Renewal

The three-year lease for the use of 125-feet of pier space on a Village of Fontana municipal pier expires on December 31, 2010. Gage is paying \$6,563 for the lease in 2010. Chanson stated that the lease to use the Village pier space should be only for one year, which is the term for the

Village mooring leases. Chanson stated that the Village could adjust the lease each year if necessary if it was for a one-year term. Beers stated that Gage Marine has to invest in maintenance and repairs on its excursion boats and the financial commitment merits a multiple-year lease. Pappas stated that he would suggest that a renewed lease be modified to make the rented space 115 feet on the south side of the pier, instead of the current 125 feet. Pappas stated that the village could use the extra 10 feet for additional boat parking space. Pappas suggested that Gage Marine be contacted to determine if the 10 feet of space would be an issue. Chanson stated that the rate also should be adjusted in a renewed lease, since the committee voted last month to increase the lease rate for slips by 31 percent. Chanson stated that if the village used the pier space leased to Gage Marine to install up to 10 more boat slips, the village could make up to \$30,000 in revenue for the same space it currently leases to Gage for \$6,563. Chanson stated that he does not think the lease fee should be increased to \$30,000, but \$6,563 is a ridiculously low amount for the fee and it should be increased by more than 4 percent annually – as called for in the expiring agreement. Pappas stated that the village has to be careful that Gage Marine will not want to rent the pier space if the fee is increased too much. Beers stated that the lease fee should be increased a little and Gage also should be charged for some of the maintenance, repair and installation expenses for the village pier. Following a lengthy discussion on how to determine the amount of maintenance, repair and installation expenses that Gage Marine should be charged, Chanson stated that he would suggest the lease fee be increased to \$10,000. Snyder suggested that the item be tabled until the next monthly meeting and that Bill Gage be invited to attend the meeting. Pappas stated that the committee should have a draft of the proposed agreement renewal in advance of the meeting, and he suggested a two-year term. Pappas stated that the Village should propose a two-year agreement extension with a total lease fee of \$9,000 per year. Pappas stated that the fee would be a big increase from last year, but Gage Marine would have a guarantee that the fee will remain the same the second year. Snyder stated that he thinks \$9,000 is too high and \$7,500 would be more appropriate of an increase. Chanson stated that the Village should just make the fee \$5,000 if it is not interested in recouping some of the potential revenue that could be earned on the pier space if it were converted to individual slips. O’Connell stated that she would recommend that a renewed agreement be proposed for 115-feet of pier space on the south side of the pier, that the term be for two years, and that the fee be \$7,500 per year. O’Connell stated that Bill Gage is a Fontana resident and the business brings visitors into the Village who support the local economy. Snyder stated that he will call Bill Gage and discuss the agreement renewal and invite him to attend the next monthly meeting.

Trustee O’Connell/Snyder 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Mooring Lease Language Review to Address Concerns – Tabled 8/25/10

At last month’s meeting Village staff requested that the committee review the mooring lease language to address concerns that have come up this season with the 4-foot width of the ramp spaces, and with the issue of lease holders selling their Village property during the season. The committee members were directed to review the matter for further discussion at this month’s meeting. Snyder stated that if a lease holder sells their property or moves out of the Village after the lease has been issued, the lease should be valid for the rest of the season; however, the lease should not be eligible to be renewed the next season since the lease holder’s eligibility status would be lowered at least one level.

Snyder/Beers 2nd made a MOTION to amend the mooring lease language to state that if a property owner sells his property or a resident moves out of the Village after a mooring lease has been issued, the lease is valid until the end of the current season, but it is not eligible to be renewed the next season. The MOTION carried without negative vote.

With regard to the issue of lease holders having watercraft that does not fit within the defined ramp space, Snyder stated that the Village should determine which lease holders have watercraft

that are larger than the defined spaces and talk to them. Martin stated that village staff dealt with the problem throughout the past season and talked to the ramp space lease holders who created the situation. Martin stated that many ramp spaces were switched and arrangements to split up the larger watercrafts were attempted. Snyder stated that village staff should prepare a list of all the ramp space lease holders who have watercraft that are larger than the ramp spaces so the committee members can determine how many there are and if the situation is a big deal.

Commercial Launch Rate Review

The item was put on the agenda because there are three businesses that paid for and were issued 50 commercial launch passes, at \$9.36 each; however, the DNR will require refunds because those businesses have not launched 50 times this season. O'Connell presented revenue figures for commercial launches, which have decreased in each of the last three years. Eakright stated that he thinks the fee is too low for commercial launches and asked why residents have to pay more to launch their boats than business owners. O'Connell stated that the Village could do away with a commercial launch fee and asked why the Village even established the fee in the first place, especially considering the Village of Williams Bay and the City of Lake Geneva do not offer a commercial rate. In response to concerns about the decreasing revenue from commercial launches, Whowell stated that Gordy's does not use the Village ramp because the fee was increased and it is more economical for Gordy's to use the launch at the Abbey. Pappas stated that if Gordy's can get a fixed, flat rate for launching boats at the Abbey, it would not make any sense to launch boats at the Village ramp even if the fee is lowered back to the 2008 rate. The current commercial fee is \$468 for the first 50 launches, and \$9.36 each thereafter. The commercial fee in 2009 was \$450 for the first 50 launches, and \$9 each thereafter. The 2009 fee was lowered after it was initially set at \$12.50 each in December 2008. In 2008 the commercial launch fee was \$7.80 each, and in 2007 the commercial launch fee was \$7.50 each.

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

Set Next Meeting Date

The next monthly meeting date is Wednesday, October 27, 2010 at 4:30 pm. Snyder requested that an item be included on the agenda for consideration of the 2011 Antique Boat Show.

Adjournment

Snyder/Chanson 2nd made a MOTION to adjourn the meeting at 5:41 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: 12/1/10