

PIERS, HARBORS & LAKEFRONT COMMITTEE
THURSDAY, MARCH 26, 2015 AT 6:00 P.M.
CITY HALL, CONFERENCE ROOM 2A

The meeting was called to order by Chairman Wall at 6:00 p.m.

Roll Call. Present: Aldermen Lyon, Hedlund, Wall, and Kordus. Absent: Alderman Chappell. Others in Attendance: Administrator Jordan, Harbormaster Chuck Gray, Mayor Jim Connors, Building Inspector Ken Robers, Mike McGill, Sean Payne, David Schuster

Approval of Minutes from January 29, 2015 as distributed.
Kordus/Hedlund motion to approve. Motion carried 4 to 0.

Comments from the public limited to 5 minutes.

Mike McGill, from Nina's Pop Corn located in the Riviera, was concerned about the signage in the Riviera shops. He stated there is a sign for a business that has been vacant for 7 years. He would like it to be a Nina's sign. He explained that he has tried to contact the person listed, but calls are never returned. Secondly, the pop corn shop across the hall from Nina's has painted on the outside of the window. He questioned if the City approved this and feels it poses a danger to children. Mr. McGill also requested the maintenance worker's schedule be changed as he cleans the restrooms at 2:00pm. The bulk of tourists are from 2:00pm to 6:00pm and the restrooms are trashed by 6:00pm. He noted he has received multiple complaints on the condition of the restrooms.

Rick Bittner, 259 Sky Lane, Lake Geneva, spoke on the process of selection for getting slips for City owned piers. He believes there is a hierarchy that places a premium on being a tax paying resident. He understands that there is a second, overriding hierarchy that requires a willingness to accept a buoy assignment prior to being offered a pier slip. Mr. Bittner does not have a problem if those that have buoys have first right to a slip as long as they are equal residents. For the last 30 years, he has had a pier or a privately rented slip. He stressed that he is paying City taxes and requested the committee to review the process to accommodate someone that does want a buoy.

Harbormaster's Report

Harbormaster Chuck Gray stated that buoy and slip leases went out approximately 1 month ago. March 27th is the last day for people to pay for their buoys and slips and then he will start going down the list to place people on buoys and slips. Mr. Gray stated that wedding season at the Riviera will kick off next weekend. The Riviera is solidly booked through the rest of the year, with almost every Friday, Saturday, and a number of Sundays booked. Mr. Gray stated there are currently 82 bookings with a few Friday's still open. He anticipates that those will be gone within the next couple of months.

Discussion/Recommendation on Clear Water Master SUP Races

Mr. Payne was told this item would have to be approved by the Piers, Harbors and Lakefront Committee. Alderman Kordus stated this was due to the discussion on permitting the beach. The process has not been approved yet. City Administrator Jordan stated that Resolution 15-R04 came from the discussion at the Council meeting regarding approving a permit and fees to use the beach. He stated Alderman Hill was concerned with the beach use permit and questioned if the City was not allowing any sort of organization or event after hours during the summer season. Mr. Kordus stated that the Clear Water Master SUP Races was in the off season so he believes it was approved. Alderman Wall stated that a recommendation is not needed on this item.

Discussion/Recommendation on rental craft at boat launch by Clear Water Outdoor

Sean Payne stated that they have always paid for the last 9 years. A couple of years have been different but in the last 6, they were trying to figure out a flat fee to launch at the public launch. Mr. Payne stated that now it appears they are to be charged per each individual craft that is launched which would be \$700 or \$750 per year. They had been paying \$500 a year. David Schuster stated there are about 20 boats, which would go up to 40 boats during a big event.

Mayor Connors stated that the City had asked the DNR about commercial rates and stated he received an email back. The email stated, "Thank you for your inquiry on whether the City of Lake Geneva can charge a launch fee for commercial operators that is different from the individual resident and nonresident boat launch fees. A commercial surcharge for the use of the boat launch is not allowed under statute 30.77 and administrative code 1.91. These regulations do not distinguish between commercial and non-commercial users or allow surcharges on commercial uses of the launch. The City may distinguish between resident and nonresident fees for commercial launches and defines resident as a natural person who permanently resides or owns real property within the unit of government maintaining or operating the access site." Mayor Connors stated there is a DNR form for determining the rate which is based on different factors such if there is an Attendant on duty, an onsite toilet as well as different rates for the Great Lakes. It also is determined by trailer or non-motorized launches. He asked if everything that Clear Water Outdoor launches is non-trailer and non-motor. Mr. Payne confirmed that it is non-trailer and non-motor. Mr. Schuster stated the rates given were the maximum rates the City could charge and the City has the opportunity to not charge that amount. Mr. Schuster questioned what Clear Water Outdoor is really costing the City. He stated that they have never asked the City for parking spaces. Clear Water Outdoor does put the items in the water and removes them as well. Mr. Payne stated that he wants to oversee the in and out and will do the best they can to stay out of the way.

Alderman Wall asked how many crafts a year Clear Water Outdoor launches. Mr. Schuster stated that it would be hard to give an accurate number as there are club events, but somewhere around 560 last year. That figure doesn't include club events. If someone rents a boat from Clear Water Outdoor, they can take it wherever they want. The on water service is provided out of concern for the launch area. He stated it would be nice to have a paddle board or kayak launch off to the side. City Administrator Jordan stated that corporations are supposed to be charged at the nonresident rate. Harbormaster Gray stated that an honor box was put in by Library Park one year and collected one fee. Alderman Kordus asked if the question is because of the state that the City cannot charge less. Mayor Connors stated that he does not know if we can charge less, however, the city cannot charge more. Mr. Schuster stated that it is the recommendation of the DNR on line 1 that the goal of the State of Wisconsin is to do it for free. It states that a municipality has the right to charge a fee. Mr. Payne added parking is included in launch fees. If the spots are full, the money is still collected but no parking spot is provided. Mayor Connors asked what the policy is when the lot is full. Harbormaster Gray stated that people are told that they can launch but must find their own parking or they can try another launch. At that point most people leave. However, they have used the overflow parking by Eastview. Mr. Schuster stated the parking discussion states that theoretically if you put a kayak in the water, you should get a parking space. Mayor Connors stated that he thinks the Council passed that the launch at the west end by Library Park is free to anyone who wants to carry in but if they were to use the boat launch they must pay for parking or launch somewhere else. Mr. Schuster stated that they don't need any parking spaces. Mr. Kordus asked what the question was that they are trying to answer. Mr. Schuster answered how much to charge Clear Water Outdoor for doing business. He stated that 75% of the profit goes out to employees and young kids in the community. They provide a service to the tourists and create jobs. Clear Water Outdoor promotes a lifestyle. They promote getting out and being active on the water. Mr. Schuster asked if he gets a season pass for a trailer, would each one come with a parking pass. Alderman Kordus stated that if the parking isn't there, you can't launch. Mr. Schuster stated that it would give them the right to park at any parking place in town. Alderman Kordus stated no, they could only park in the Seminary lot trailer parking that contains 30 stalls. Mr. Payne said they are asking to not have to pay each individual time. Alderman Hedlund asked if that is what they have now with the \$500 per year rate. Mr. Payne stated that it was. Mr. Hedlund stated that if we just applied the standard

schedule, it would cost \$700. Non-trailer, non-motor for a nonresident is \$70 for an annual pass. 10 times that for commercial is \$700. City Administrator Jordan stated that what we tried to do was ask how many boats/times the business was going to be launch. In Clear Water Outdoor's case, the City was charging for 100 launches but it turns out they are doing 560. The City has received complaints, which is why it was brought to the committee to handle moving forward. Alderman Kordus asked if the issue is that other commercial launchers are wondering why they are paying the full amount and Clear Water Outdoor is not. Mr. Jordan said there were private citizens wondering as well. Mr. Schuster asked if they can agree on \$600. Harbormaster Gray stated that Marina Bay and Leather Lips pay \$10 for each boat that they have in their fleet. The boats are put in at the beginning of the season and most of them are taken out at the end with a few exceptions, but basically they put one in and take one out. Mr. Kordus stated that from a legal perspective, can a commercial rate be set? Mr. Jordan stated no. Mayor Connor stated that they can but it cannot exceed the nonresident rate. Mayor Connors suggested creating a kayak/canoe rate. Alderman Kordus would like to set a canoe/kayak rate for \$25 per boat; the total would be \$500. Perhaps a sticker could be issued. Alderman Wall thought the price was too low. Alderman Kordus suggested \$30-\$35.

Kordus/Lyon motion to charge a \$30 season pass for kayaks, canoes and paddle boards, non-motor, non-trailer, to be carried on to launch only. Motion carried unanimously.

Discussion/Recommendation on beach rental in season after hours

Kordus/Wall motion to set beach usage rates for in season after hours and off season to follow the exact guidelines that are set by the Park Board as well as use the same application and fees. Motion carried unanimously.

Discussion/Recommendation on why people must get a buoy before they get a boat slip

Harbormaster Gray said currently he calls the resident wait list for buoys and completes that list. That person is then added to a waitlist based on when they got their buoy for a slip. It is about a 3 to 5 year wait after you get a buoy. The applicant must indicate on their lease that they want to go to either another buoy or a slip. Alderman Hedlund asked if that is just an archaic rule that has been around for a long time. Harbormaster Gray stated that 35 years ago it was the same. Alderman Lyon asked what the logic is for that. Mr. Gray stated that this is the usual progression in most places that have a large number of buoys and/or slips. You honor the people that are leasing from you first and then go back to the wait list if you exhaust that. Right now there are about 35 people that are on the buoys that have requested to go to a slip, which is a 5 to 6 year wait. The resident wait list for a buoy has 12 people on it. 20% of the people renting moorings from the City are nonresident property owners. The agreement states it should be 15%. When the resident wait list is exhausted we go to the nonresident property owner list and then the nonresident list. The nonresident property owner list is quite long. The harbormaster stopped taking names about 5-7 years ago for the nonresident property owner list. Mr. Gray stated that Fontana grandfathered all the people that were currently on the buoys that they would be honored first. Anyone else that signs up would be on a first come, first serve basis for a buoy or slip. Alderman Kordus asked if two lists should be created. Alderman Lyon agreed. Mr. Gray stated that when he started the waitlist there were over 300 people and it is now down to 12 because nobody wants them. Mayor Connors stated that he struggles with the fact that if you are a tax payer in Lake Geneva, what is the difference if you are a resident or not.

Kordus/Hedlund motion to grandfather in current buoy owners under the current system and starting next season as the list builds, people can select the buoy list, the slip list or both and move up in progression as to where they are on that list based on the current resident/nonresident property owner/nonresident status.

City Administrator Jordan asked if residents should be picked out even though they are not the next one to meet that 15%. Mr. Gray stated yes. Alderman Lyon stated that the nonresident property owner is paying taxes and using less City services than the resident who is paying the same proportional rate and also using City services.

Alderman Lyon suggested the list should be property owner, non-property owner. Mayor Connors stated that last year no residents wanted the slips in the lagoon.

Original motion carried unanimously.

Discussion/Recommendation on Riviera store signage meeting City of Lake Geneva sign ordinance

Ken Robers found that the Riviera is in the ER1 district, which allows larger signs that still need to go through Downtown District approval. Alderman Wall stated that according to an email, all the stores were not in compliance. Mr. Robers stated there is no zoning ordinance in the interior of a building. Once inside, the zoning ordinance is not applicable. Signage would be specified in the lease of the building. Alderman Hedlund asked what sign was displayed. Mr. Jordan stated that he believed it was Marsala's at one point. Mr. Robers believed all the bar signs on the front meet the ordinance. The only one he cannot get paperwork on was the boat tour sign. He did find an application for a Conditional Use Permit for all the signs on the front. Alderman Wall stated that the issue was that he received an email from Mr. Hartz stating that the signs in the Riviera stores weren't in compliance with City code. Mr. Robers stated that if it is in the interior, there is no code. He stated that the outside appears to be in compliance as well.

Discussion/Recommendation on Chamber of Commerce helping with recruiting business for the Riviera

Alderman Kordus stated he spoke with Darien Schaefer from the Chamber. They have some suggestions and would like to go out and recruit businesses to come in there. There are not any vacancies and he does not think they can cancel a lease. Alderman Wall thinks the City can handle it. City Administrator Jordan asked if the Chamber brings in a business that fails, can the City go back and tell them to pay the rent. Mr. Kordus stated the Chamber will approach someone to negotiate a lease with the city. No action taken.

Discussion of agenda items for next meeting

None.

Adjournment

Hedlund/Lyon motion to adjourn at 6:53. Motion carried unanimously.

/s/ Stephanie Gunderson, Assistant City Clerk

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BY THE PIERS, HARBORS AND LAKEFRONT COMMITTEE**