

FISH CREEK HARBOR COMMISSION
TUESDAY, SEPTEMBER 11, 2007
8:00 A.M.
TOWN DOCK HOUSE
FISH CREEK, WISCONSIN

Call to Order: The meeting of the Fish Creek Harbor Commission session was called to order by Dave Harris, chairman at 8:00 a.m.

Members present: Dave Harris, Leigh Zielke, Paul Woerfel, Joel Blahnik and Brian Merkel
Also present: Dock Master Bruce Bishop, Paul Berken of Petroleum Equipment Services, David Thompson, Charlie Kinsey and Harold Haak

Dock Master Report: The soda machine is broken and is being returned. Dave Harris stated that last year money was lost on soda sales due to the 18 cases of soda that could not be returned to the company and the sale price of \$1 per can/bottle. Bruce Bishop stated the remaining full cases of soda would be returned to Pepsi.

Petroleum Services/Paul: Dave Harris stated there are recurring problems with the old gas pump. Other issues that Petroleum Services can address are increased tank size for larger fuel drops and a diesel tank option. Dave Harris asked Paul Berken of Petroleum Services to speak to the Commission about how these recurring issues can be resolved and options on the balance. Paul Berken stated the current dispenser is obsolete and parts are difficult to find. He recommended either a new dispenser or a reconditioned dispenser by the next season. Electronic dispensers out on the water can have problems with the electronic boards. Manual systems are easy to adjust. Used units are available. Costs range from \$2,100 to \$6,000 depending on if it is new or reconditioned and manual or electronic. Dave Harris requested prices on all the options. If a larger tank is put in 2 new dispensers were recommended.

As far as adding a 10,000 gallon tank to increase capacity Paul Berken presented a proposal that included: a tank accessory group, dispenser group, island group, leak detection group, piping group, the pump, electrical, concrete excavation group, permit group, wiring group and installation group. Tanks have a 30-year warranty whether it is a double wall steel or fiberglass. The circumference of a 10,000-gallon tank is about 8 feet. The existing 2,500-gallon tank is approximately 6 feet. A budget figure to use for a turnkey installation would be about \$62,000. Petroleum Services would submit a plan to the Department of Commerce showing the new tank for the permit. The permitting process takes about 3 weeks. Paul Berken did not anticipate any issues with the proposed project. Petroleum Services is experienced in the installation of these types of projects and have done the bulk of installations north of Green Bay.

If a diesel option were wanted it would require another 10,000-gallon tank installation at approximately \$62,000. There would be some cost savings with labor, etc. if 2 tanks were being installed. Tanks require a 4-6 week lead-time; the permits and associated other equipment can be accomplished in the same 6 week period. Local excavators and electricians are welcome to look at the project. Brian Merkel stated the cost is more reasonable than he had thought it would be. David Thompson asked if there was any anticipated problem with heavy equipment being driven over them. Paul Berken stated that Petroleum Services installed the tanks at Bay Marine in Sturgeon Bay and they have travel lifts that go over the top. Basically you pour more concrete; spill containment manholes are put underneath the flush manholes on top. Water levels are not an issue as low and high levels are calculated in. A remote fill can be put in for the extreme high water levels and or emergency

conditions. Paul Berken will put together a dual 10,000-gallon tank system proposal with a remote system as well. Charlie Kinsey suggested locating the tanks under the existing dinghy racks. If the existing tank would not be used it would need to be removed. The cost for this will be checked. Lines can be fixed on a bulkhead wall but it requires additional protection and maintenance that increases cost but it can be done. On underground piping everything is double-wall flex pipe. Harold Haak questioned if this is the time to explore if the current location for the fuel pump. Dave Harris replied that it has been discussed and no suitable alternatives have been found. Years ago the pump was located at the end of the dock. Haak suggested looking at a larger overall plan with a breakwater installation. Dave Harris stated that Egg Harbor is in the process of increasing the size of their tanks. Dave Thompson stated that if both fuel types were available the dock would need to be configured in such a way that multiple boats could be fueled at the same time. Dave Harris thanked Paul Berken for the proposal and presentation.

Deposit for Slip/Mooring Waiting List: Dave Harris stated that this has been discussed multiple times. The current system is archaic. The suggested deposit is \$500 for slips and \$200 for moorings. The deposit is one time only and reapplication is not necessary. Dave Harris stated the refundable deposit would be held by the town in a non-interest bearing escrow account. Harris stated this change would reduce the list substantially. A letter would be sent to the current waiting list individuals stating what their position on the waiting list is and if they wish to remain on the list they need to submit a check. Dave Thompson stated the ordinance currently reads that until there are 50% resident lessees those who are non-residents are not eligible. It was moved by Woerfel and seconded by Blahnik start a \$500 deposit for slips and a \$200 deposit for moorings. Motion carried unanimously.

Mooring Holder Letters: Bruce Bishop stated he has a list of 9 mooring holders who have not been on their mooring for a minimum of 1 year. Moorings not tagged this year are: Sanderson, Skare, Lunn, Jorgensen, Dauffenbach, Uhl, Jim Sargent and Morgan. There are 4 mooring holders that there is reasonable proof that they have not been on their mooring for multiple years. Dave Harris stated that per ordinance mooring spaces could be reassigned after 2 years of non-compliance. Bishop has been marking moorings with cow tags for further documentation this year. The tagging program has been very effective per Bruce Bishop. Bruce Bishop added that as of September 15th there would not be enough time for these individuals to put their boat on the mooring to retain the mooring space. David Thompson stated for a number of years letters had been sent and discussion held with individuals to have them comply with the ordinance to no avail. Charlie Kinsey offered the option to proceed with the process but allow an opportunity to appeal by a specified date. Brian Merkel recommended sending the letter certified for documentation purposes. It was moved by Merkel and seconded by Zielke to send out the mooring holder letters. Motion carried unanimously.

John Karels: Note: Earlier this summer Mr. and Mrs. Charles Karels died in a vehicle accident; they held a slip at the municipal dock. Dave Harris stated that John Karels (son) provided him with a letter that is between his father Charles Karels and the Green Bay Diocesan Unit Holy Name Society dated September 28, 1965 and signed by the Diocesan Director. Dave Harris read:

To Whom It May Concern:

In consideration of the transfer by Fred and Ann Weisner of the dock property in the Village of Fish Creek it is hereby understood and agreed that Holy Name Retreat House and the Catholic Diocese of Green Bay will make available the following considerations.

1. To Fred Weisner for his personal use as long as he shall desire the rear 20' of the warehouse building situated on the afore said dock property.

2. To Mr. Charles Karels of Chicago dock facilities at the afore said dock. These facilities determined to be the south corner of the east side. The rate for this facility shall be \$35 per year. This docking facility shall terminate if Holy Name Retreat House should ever build a new dock on another site or use docking facilities elsewhere.

Additional letters and cancelled checks as supporting documentation have been received. Over the years the rental fee has been increased to a current \$350. Mike Kennedy has been provided a copy of all documentation for The Retreat. This agreement was done prior to the Town's new boat launch being put in. The issue is, would it be problematic if a boat were where the "Lad" is. Dave Harris stated that he checked with Collin Dahl regarding the Karels situation. Dahl stated that what the Commission recommends is only advisory; the Town Board will have to make it's own determination. A town ordinance currently states that slips can be passed to a spouse but not to a child. In further discussion with Collin Dahl, he felt 1. This would not be setting a precedent because of an existing contract that was signed many years ago and 2. If we (Commission) felt it was in the best interest of the harbor to allow him to keep his father's slip rather than interfere with our boat launch we have the right to recommend that and not affecting precedent for future slips due to unique circumstances. Harris also questioned if any of the Commissioners also being slip holders should abstain; Dahl replied negatively.

It was moved by Woerfel and seconded by Blahnik to grant him (John Karels) the slip due to extenuating circumstances and noting the documentation for going against the town ordinance.

Brian Merkel questioned what will happen in the future when John Karels dies or his wife and potential heirs are involved. Joel Blahnik stated that people who own the Strawberry Islands should have access to their islands; what do they get from the township. Merkel countered that if not granted Karels would still have access. Woerfel suggested amending the motion to include: John Karels should be notified that in return for the slip he gives up the right to use that spot over there permanently and subject to the Town rules and regulations. Reason being in his place he could keep the slip or his heirs could put a boat there affecting the boat launch per Woerfel. Harold Haak also questioned what boat would be put in the slip. Charlie Kinsey stated that the contract with the Retreat could not be levied against. Further as long as John Karels is granted a slip at the town dock the Retreat contract space should be granted to the town and when he gives up the space at the town dock then he can go back to the Retreat contract space. Dave Harris raised the point that the contract is between the Retreat and the Charles Karels. Brian Merkel questioned why the Commission is getting into the middle of the agreement. Charlie Kinsey responded that when the Dock wanted to put in the boat launch ramp, he struck an agreement with Charles Karels to leave the space and move to the Town Dock. That is how Charles Karels got a slip at the dock per Charlie Kinsey. Kinsey stated the Harbor Commission made a request to the Town to allow Charles Karels to jump to the head of the list for the purposes to allow the boat launch ramp to go in (approximately 25 years ago). Brian Merkel stated the documentation of that needs to be found. The Retreat House is allowed to sublet the space. The Town's lease agreement with the Retreat is due for renewal. A dialogue needs to begin with the Retreat and this is a talking point.

Blahnik rescinded his second and Woerfel rescinded his motion. It was moved by Woerfel and seconded by Blahnik to table the issue. Motion carried unanimously. The item will be placed on the next agenda.

Open Discussion: Leigh Zielke stated that Bill Baudhuin had approached him about putting poles in so the Quo could be backed in to the ramp and handicapped individuals would be able to access the Quo. They want to back in to the end of the dock with the ramp down. Charlie Kinsey stated that during previous discussion 2 years ago it was the intention to have a lower dock all the way to shore to

allow for handicapped access. Harris has the blueprint that is not recorded and marked for information use only. Bill Baudhuin would need to approach the Commission.

Leigh Zielke stated dinghies that are being tied up at the launch ramp are obstructing ramp use. Bruce Bishop will follow up.

The last parking space next to the dumpster will need to be modified for compact cars only.

Adjourn: It was moved by Woerfel and seconded by Zielke to adjourn. Motion carried unanimously and the meeting adjourned.

Respectfully submitted,

Beth Hagen, CMC
Deputy Clerk-Treasurer