



June • 2007

# First Yahara Lakes Conference A Success: Charting Lake's Healthy Future

Bill Novak, courtesy of The Capital Times

Taking care of the Yahara chain of lakes could be as simple as following the advice of "The Little Engine That Could," by changing "I think I can" into "I know I can."

That, plus keeping manure from running into streams, getting more rain water to soak into the ground and limiting phosphorus loading into the lakes so the water doesn't turn green with algae. All will go a long way toward improving the health and vitality of Madison's best known and historically most abused natural resources: the four connected lakes that we call our own.

"It's all a matter of will," said Kurt Welke, Wisconsin Department of Natural Resources fisheries manager for Dane County. "We have the brains and the political traction in Dane County that they don't have in a lot of other places."

Welke and lake management professionals from local government and the UW-Madison came together May 18th at the first Yahara Lakes conference, a virtual meeting of the minds to improve lake water quality so generations to follow can look out over the thousands of acres of water and still say "wow."

"The Future of Yahara Lakes: Realizing the Vision" drew about 200 people to the American Family Insurance headquarters building to hear the experts say a lot of work has been done, but so much more needs to be done to restore the beauty, clarity, cleanliness and vitality of lakes Mendota, Monona, Waubesa and Kegonsa.

"We have a love affair with our lakes," said Dane County Executive Kathleen Falk. "We have a duty to steward them, so for the next 100 years and 100 years after that, they remain the jewels that they are."

The panel touched on virtually every aspect of how to improve the Yahara lakes.

DNR limnologist Dick Lathrop said decades of sanctioned abuse of the lakes - including using the water as a sewage dumping ground, treating the lakes with tons of copper sulfate to kill algae, then arsenic to kill weeds, letting phosphorus pour in from cropland and barnyards and fighting off invasive species - makes for heady times for lake management pros.

To Lathrop, keeping the lakes clean boils down to one simple word: manure.

"Manure management is the 10-ton gorilla we've got to get a hold of," he said. "Manure is the nutrient crux of the problem in our lakes."

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## Yahara Lakes Conference Continued from page 1

Dairy farmer Jeff Endres, who served on a manure task force that drew up tough new county manure management rules for farmers to follow, said new technologies such as digesting systems will help keep manure down on the farm and out of the water.

"Farmers don't just sit on their hands and pretend there's no problem," Endres said. "We adjust and adapt. But we want to see this great farmland stay as farmland, because in that way it better serves the lakes through better infiltration of rain water."

Dane County Land and Water Resources Director Kevin Connors said two simple goals would go a long way in improving the Yahara chain: keep soil in its place and water where it lands.

"We have a responsibility as residents to do what we can," Connors said.

UW engineering professor Ken Potter said getting rain water into the ground instead of having it bounce off impervious surfaces and into the lakes would be a tremendous help, not only for better lake level management but to recharge the underground aquifer.

"Much of the watershed around Lake Mendota is undeveloped, so the storm water coming into the lakes from pavement now could be just a small part of what's to come," Potter said.

When we have stretches of dry weather, however, boaters can find their craft sitting in mud because there's too little water to float the boat.

"Are increased flooding and boat groundings inevitable?" Potter said. "It's up to us."

Madison historian David Mollenhoff urged the conference participants to have a practical vision of the Yahara lakes, building on the legacy of Madison's founders and the planners who came after.

"We need to reassure the citizens that rehabilitation of the lakes is possible," Mollenhoff said. "Develop goals and action plans, determine how much it'll cost and how to finance the plan, get vigorous and sustained leadership and provide a vivid and inspiring image of our destination."

Madison was chosen as the capital of Wisconsin by the territorial legislature meeting in Belmont not because it had a state-centered location nor because it was on a river to drive commerce, but because of the sheer beauty of the locale, surrounded by the jewels in the Yahara chain.

"We are all in the beauty and vision business," he said. "That is our lesson from the past, and if we forget that, we are in great peril."

**Thank You to American Family Insurance for being the presenting sponsor of this event & to our primary sponsors: Von Rutenberg Ventures, Endres Manufacturing, Short Ellion Hendrickson, Montgomery Associates: Resource Solutions and Boatouse of Madison.**

# Shoreline District Property Owners Subject to Dane County Board of Adjustment Decision

By Bill Fitzpatrick and Ray Potempa YLA Board members

In the Dane County Code of Ordinances, shoreland district property is defined as 1,000 feet from a lake or 300 feet from a river or stream or other navigable waterway (a gully or pond is considered a navigable waterway). If your property is located in this area and is a 'substandard' lot, defined as less than 20,000 square feet (unsewered), or 15,000 (sewered), your ability to build, remodel, or rebuild your home has been restricted by the recent action of the Dane County Board of Adjustment. If you are a YLA member, by definition, you are in the shoreland district and you'll want to pay attention to the legal and political developments around this issue.

Last fall, an amendment to the Shoreland Zoning Code was proposed by Supervisor Kyle Richmond to attempt to stop the construction of two homes near Lake Wingra. Newspaper accounts referred to them as the Arboretum lots. These "substandard lots" in the Shoreland District were considered buildable because they were 'grandfathered,' they did not meet the current area and width standards, but nonetheless were buildable because they were platted before the standards were enacted.

Fortunately, this amendment was soundly defeated in County Zoning and Environmental, Agriculture, and Natural Resources Committees. Unfortunately, the issue did not end there. An appeal was filed to the County Board of Adjustment (BOA) to prohibit building on the Wingra/Arboretum lots. The BOA, an unelected committee appointed by the County Executive, ruled that the County had misinterpreted its own ordinances and that all substandard lots were unbuildable without a variance. In the case of the "Arboretum lots," the request for a variance required additional studies and extensive engineering plans. The variance procedure is long, risky and potentially expensive.

## Why is this important?

Dane County ordinances specify minimum standards for creating new lots. Among other requirements lots must be 100 ft. in width and 15,000 square ft. (sewered) or 20,000 square ft. (unsewered) in area to meet current standards. If the standards are not met the new lots would be treated as substandard and unbuildable without a variance from the BOA.

Past practice has recognized that a great many lots

created years ago do not meet current standards for new lots. How many shoreland lots in Dane Co. do not meet the standards? This data has not been developed but county staff are working on it. YLA has reviewed data on riparian properties on the shoreline and estimates as many as 88% could be considered substandard. In one municipality as many as 96% of the shoreline lots were estimated to be substandard.

The grandfathering process long used in the county allows owners of substandard lots to apply for permits to build, remodel, and improve their properties with the presumption that properties are buildable if the proposed project meets the other requirements (setbacks, massing, etc). If grandfathering is abolished the new rules will presume that substandard lots are unbuildable and all building permits will require variances. The variances, if granted, could include any requirement or change to the project the BOA deems appropriate. In addition to the cost, time & legal fees the variance process could result in costly changes to building or home improvement projects that would otherwise meet zoning codes and would currently be approved without variances.

The opportunity to apply for a variance is simply no substitute for a vested right to build, rebuild, or remodel on your own property. Ordinance Amendment 36 was recently introduced to the County Board to clearly reinstate and clarify that substandard lots enjoyed 'grandfathered' protections to restore the interpretation of the ordinance that held for the 30 years prior. Another Progressive Dane Madison Supervisor immediately offered a substitute to clearly remove the grandfathering protections. Both Ordinance 36 and the substitute are on hold for the time being, but they will go to the County Board as soon as we identify just which land owners are affected.

After additional time and expense, the BOA then granted the variances to the Wingra/Arboretum lot owner which was immediately followed by the filing of a law suit by the adjoining neighbors against the BOA for granting the variances! They were joined by the state Department of Justice (on behalf of the DNR) although the latter appear to be only concerned with minor procedural issues.

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All this has left thousands of Dane County property owners in limbo as to whether their shoreland zone properties are buildable or essentially valueless. Additionally, this only applies to property in Dane County Towns and in the City of Madison. The remaining City and Village 'substandard' properties are exempt, but may be included in the future. The Corporation Counsel, the lawyers for the County opined that the Lakes and Watershed Commission has the zoning power to place additional restrictions on shoreland district properties throughout the County.

There are differing points of view on this issue. Some feel that the environmental impact of development on the ribbon of land that makes up the shoreland district outweighs the property rights of the owners of that land. The Yahara Lakes Association Board of Directors voted 11-4 to support Ordinance Amendment 36 to reinstate the grandfathering of substandard lots. The decisions in the pending court cases could have an impact on the value of your property.

If this issue is important to you, please contact your county supervisor and the county executive.

An informational meeting on county shoreland zoning has been organized by concerned property owners in the Town of Dunn for June 14. If interested please attend the meeting to learn what we can do together to protect all of our property rights. Property owners, Phil Salkin, REALTORS® Association of South Central Wisconsin, the attorney who is handling the Wingra case for the property owners, and Supervisor Eileen Bruskevitz will be present.

## INFORMATIONAL MEETING

McFARLAND CITY HALL  
5915 MILWAUKEE STREET

THURSDAY, JUNE 14TH, 2007  
7:00PM-9:00PM

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### Did you know.....

Coal tar sealants contain high levels of polycyclic aromatic hydrocarbons (PAHs), which are toxic to fish and other aquatic life. The Lakes and Watershed Commission has introduced an ordinance regulating coal tar sealant use and sale in Dane County. This ordinance, [OA 34 2007-07](#) is now under County Board review. [www.danewaters.com](http://www.danewaters.com)

## Award Winners Announced

Our Association's Annual Meeting scheduled for June 26th at Mariner's Inn (see insert) will honor several people who have shown extraordinary dedication to enhancing the quality of the Yahara Lakes.

Please join us the 26th as we acknowledge the following:

**Citizen of the Year: David Mollenhoff** - for his historical perspective, wisdom and initiative, all of which have energized our organization and the community to work toward a sustainable vision for the restoration of our lakes.

**Member of the Year: Bob Miller** - for his tireless efforts in making the YLA conference "Realizing the Vision: The Future of the Yahara Lakes" an overwhelming success.

**Public Official of the Year: Sue Jones**, Dane County's Office of Lakes and Watershed - for her years of service in working to improve Dane County's waters through education, public outreach, and support of legislative initiatives that improve our lakes.

**Scientist of the Year: Dick Lathrop**, Wisconsin DNR and UW Center for Limnology - for his energy, intelligence, curiosity and research, all of which have served to inform the community regarding the state of the Yahara lakes and have helped other scientists and public officials to better manage the lakes.

**Special Recognition Award: UW Nelson Institute for Environmental Studies**, as represented by **Steve Pomplun** and **Alison Coulson** for their assistance and efforts in making YLA's conference an overwhelming success.

## Keep Current on Lake Issues



Visit our Web Site  
[www.yaharalakes.org](http://www.yaharalakes.org)

## Know Your Lakeshore . . .

### Ghosts of Mendota (and Monona)

By Don Sanford  
dpsanford@charter.com

Have you seen this excursion boat? She was launched on Lake Mendota in 1949.



My last installment included a photo and asked the readers if they knew where or what it was. The response was.... Well, underwhelming. Not a peep. Either no eyes passed down that column or I was reaching too deep for Lake Mendota trivia. For that, I apologize. In the future dear reader, I'll not venture so deep into the archives.

But I promised an answer, which is, the Tracy Boat Company, 412 N Franklin St. Tracy's downtown location became a gateway to Lake Mendota for city residents whether they went out under sail or power.

Back in 1929, the City Council awarded Don Tracy a contract to rent the old City Boathouse at 412 N. Franklin St. Tracy was described as "one of Madison's most experienced outboard pilots" by the Wisconsin State Journal in 1928. Exactly what he did to earn that title is unknown. The Tracy Boat Company became dealers for Meraco, Mullins, Dumphy, Isle Le Plume, Century, Thompson and Dodge boats, Evinrude motors as well as Pennco gas and oil.

In 1933, the newly reorganized Mendota Yacht Club (MYC) hosted the Inland Lakes Yachting Association (ILYA) championship regatta on Lake Mendota. Out-of-town boats were launched with Tracy's big derrick then towed to moorings in University Bay. Tracy's became a favorite with sailors who kept boats on his marine railroad during the summer. MYC hosted the ILYA regatta in 1939. This era came to a close when the city started buying lake-

front lots to create Conklin (later James Madison) Park. As many as 30 sail and powerboats were stored in and around a collection of run-down buildings during the winter. Unfortunately, neighbors began to complain. Some described the property as an eyesore.

In May of 1940, the Parks Commission told Mr. Tracy that he had to be out by that September. During the winter of 1940-41, Tracy purchased land in far away Westport and erected a 5,600 sq. ft. building for boat storage and repair. His derrick was moved from Franklin St. to the new location where it remained until after Russell Marine sold to Skipper Bud's in 1986. Parts of Tracy's marine railroad live on today at Burrows Park.

The next time you're in James Madison Park on a warm summer evening, listen closely for the ghosts of the Tracy Boat Company. Perhaps you'll hear the rattle of manila halyards on wooden masts, the rumble of a Dodge Watercar at the gas dock or of boaters telling stories of the day's adventures on Lake Mendota.

## Calendar of Lake Events

**June 9th - 17th: Take a Stake in the Lakes Week.** Volunteers help with lakeshore clean-up. June 9th: Mendota, Kegonsa & Wingra. June 16th: Monona & Waubesa. Dane County Public Works barges will collect shoreline trash and aquatic debris from your piers starting on the Monday after your lakes' scheduled cleanup. No yard waste, please! For more information, visit <http://www.danewaters.com>.

**June 14, 2007 Informational Meeting on Shoreline Zoning.** 7-9 p.m. at McFarland City Hall

**June 16, 2007 Jazz in the Park/Lake Clean-Up.** Wingra Park

**June 23, 2007 Environmental Conference: Caring for our Local Place on Earth.** Holy Wisdom Monastery (formerly Saint Benedict Center) 4200 CTH M, Middleton. Directions and more info can be found on the Internet at [www.benedictinewomen.org](http://www.benedictinewomen.org)

**June 26, 2007 YLA Annual Dinner at Mariner's Inn.** (see reservation form inserted into this newsletter)

**June 30, 2007 Rhythm & Booms.** Warner Park

**Remember . . .** free ski shows every Sunday at 6:00 p.m. Memorial Day - Labor Day by Monona Terrace.

# Candid Moments from Last Year's YLA Annual Meeting

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## NEWSLETTER

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**Yahara Lakes Association, Ltd. is a non-profit organization of over 700 members dedicated to representing Lake property owners and advocating for the vitality of the Yahara chain of lakes so that all citizens may enjoy them.**

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Lake Quality Committee  
Legislation and Legal Committee  
Membership Committee  
Water Safety Committee

*Call 848-1450 if you would like to become involved in any of the above-listed committees, or if you have concerns you would like a committee to address.*