

!! SAVE THE DATE !! Saturday, December 4. The Conservancy's annual holiday gala, the **Holly Ball**, will be held at the Big Foot Country Club in Fontana. Cocktails, dinner, dancing, live music along with live and silent auctions will again be featured. Have items you want to donate for the auction? Call us at (262) 275-5700 to arrange donations. We accept credit cards for reservations and auction purchases. Invitations to be mailed in November.



Mai-Tai, No-Tai Party: A Great Success!

The Mai-Tai, No-Tai Party was an idea that came from Steve Pope, a board member of the Conservancy. Steve described the party's origins, "After listening to some of the goals of the entire board, I heard some consistent themes about wanting to get our mission statement out to the public and to reach out to a broad audience in the community. It occurred to me that if we threw a laid back, but first class party, it would provide a forum to get our message across to a wider audience, to raise a little money and to continue to convey that the Conservancy as a diverse group, with some common interests. I also thought this was a fun way of attracting younger neighbors to learn what the Conservancy is all about. From a selfish perspective, I would love some other younger folks involved with the Conservancy."

To bring this concept to life, board members, Glenn Solheim and Sharon O'Brien rolled up their sleeves and led the charge of soliciting auction items and transferring the Lake Geneva Yacht Club into a beach-like atmosphere suitable, for the title of lake's best luau. The Conservancy actually sold out the evening with roughly 200 attendees.

Steve Pope went on to exclaim, "Next year, we are going to capitalize on these lessons and build on the energy and success from this year's party. With a sold out event in our first year, and all the wonderful support we received, we remain enthusiastic that we can build on this event for subsequent years. We are working on the date for next year so stay tuned to upcoming Conservancy newsletters, and don't forget to store your Tommy Bahama clothes, and put on the coat and tie for the Holly Ball."

Conservancy Logo Merchandise

Have you ever wondered how you can support the Conservancy and look cool at the same time? We thought that you had! We have the solution...

While it has not yet earned the widespread recognition that the Coke-a-Cola dynamic ribbon has attained, our Conservancy's own logo is certainly growing in its recognition. We now have stylish clothing attire for sale with our embroidered logo.

Our newly available tee-shirts (\$17.50), with their discrete upper left breast logo, and our stone-washed colored caps (\$15.00), modeled after the more famous baseball cap design, each have our attractive logo embroidered upon them by a local firm (not decaled!). If you need a convenient bag to hold all of your new Conservancy merchandise, you might want to pick up a logo-ed tote bag (\$20.00). All items are available for sale through the Conservancy, (262) 275-5700.

Volunteers

The Conservancy thanks all of the volunteers who toughed the rain and planted our new beautiful historic blooming garden at our Mill House. For those of you who have not yet seen our new garden, it is worth the trip. Stop by to see us!

Geneva Lake Conservancy
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Yes I would like to be a volunteer:
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 Please send more info on _____

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Jean Harvey, In Memoriam

One of the generous supporters of the Geneva Lake Conservancy, Mrs. Jean Harvey, has passed away. Jean and her surviving husband Phil were the past owners of our lovely headquarters building before the Conservancy acquired the building and property in 2000. We are saddened by Jean Harvey's passing.

The Conservancy is proud of its headquarters building, the Douglass-Stevenson Fontana Mill House located in the historic downtown portion of Fontana, at the western end of Geneva Lake. The Mill House itself is a quaint and charming structure that is actively used by the Conservancy as the focal point of its many activities and programs

The house was the residence of those who made their living by grinding the grains to make flour before selling the product to local customers. In the past, the nearby Van Slyke Creek was artificially dammed to create a mill pond whose waters drove a mill water wheel.

The house, believed built in 1857, is listed on the National Register of Historic Places. The unusually thick original exterior and interior walls are of massive stovewood construction—wood stove-length bolts laid side by side and mortared together, finished on the exterior by stucco and on the interior by plaster. The home is one of only two surviving examples of this kind of residential construction in the entire Midwest.

Carlos Douglass, one of Fontana's earliest and most prominent settlers built both the house and adjoining flour and feed mill. Douglass laid out lots on his land along Fontana's Main and Mill streets and sold them for residential and commercial construction. He also donated land for a school and the village's first church. He was elected to the Wisconsin legislature in 1873 and served as chair of the Walworth Town Board of Supervisors for 13 years.

The mill house remained in Douglass ownership until it was sold to Mr. and Mrs. Claude Stevenson in 1917. After a brief interlude when the home was owned by someone other than a Douglass or Stevenson, the Harvey's (Mrs. Harvey is a Stevenson) bought it in 1981 and began the painstaking process of restoration. Fontana resident Arthur Bystol, trained by one of the old master carpenters of the Village, assisted. The house now looks much as it did in 1906.

We thank Phil Harvey for having designated the Conservancy as the desired recipient of a donation in memory of his recently deceased wife Jean.

VOLUME 41 ISSUE 2

SUMMER/FALL 2004 NEWSLETTER

“Common Ground. Community Character. Natural Resources.”

Bywords Engage Real Local Issues

In the last newsletter, we introduced our membership to the new “bywords” developed and adopted by the Conservancy's board of directors to sum up our mission.

Common Ground. Community Character. Natural Resources.

Those “bywords” are not about some neat theory of conservation, nor have they been copied from a political speech or pamphlet. Our “bywords” are about engaging real local conservation issues in our Lakeland community – issues that effect our lives in the here and now, and will effect our children and grandchildren for generations to come.

When we say that the Geneva Lake Conservancy is dedicated to finding common ground in preserving the character of the greater lakes community and protecting its natural resources, we mean just that.

For example:

Finding common ground. Some have incorrectly characterized the Conservancy as being starkly anti-development, or anti-annexation, or even anti-progress. While we are not afraid to put a stake in the ground on what we see as the conservation perspective on controversial issues, in truth we have a pro-active agenda. For example, when the Lake Geneva City Council eliminated public hearings on proposed real estate developments, we spoke out loudly on behalf of the people, in ads in the papers and in direct comment to officials. We reflected the will of the community – found common ground – and now public hearings are back. When the community finds common ground between the interests of the general public and those of other interests, everybody can win, changes can be made, and progress achieved.

Defending community character. How can any organization capture the essence of community character? Community character really does exist, in the summing up of specific situations, not as some abstract concept. For example, does Yerkes Observatory, the home of American astronomy, reflect Geneva Lakes's character, with its unique turn-of-the-century architecture, world's largest refracting telescope, and gracious wooded grounds? Generations of kids and their parents have gone there, and go there, to plumb the skies. Do historic lake estate structures like Black Point and Glen Arden, designed by famous architects and linked to the living history along our shoreline, reflect a dimension of local character? Those of us who've boated on the lake, or read “Newport of the Midwest” feel a connection with their history. Some of Wisconsin's, and America's richest farmland lies as a buffer of open fields, spotted with woods and ponds, around much of our lakes

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Executive Director Search Progress

The Geneva Lake Conservancy's search for a new Executive Director has been in full swing since the beginning of the summer and is making good progress in finding candidates. The organization is not just looking for a Director; it's looking for a Great Director to lead it through a time of more rapid development pressures in Walworth County. "We need a broader tool kit" to attack today's issues and that means finding someone who can help chart new paths and partnerships", says Charles Colman, the search committee chairman. The organization has advertised the position on major regional and national websites related to conservancy and not-for-profit hiring. Candidate resumes have been coming from all over, and each candidate has been sent a "notice of position" and a "job description" to provide background on the organization and the job. Interviews are now being held.

CONSERVATION AN ELECTION YEAR ISSUE

Believe it or not, voters of both parties are so concerned about conservation issues that they would support additional taxes to pay for the preservation of core "quality of life" issues. That's what a poll released last April by The Trust for Public Land and The Nature Conservancy showed.

The poll, reported in the summer edition of Exchange, a journal of land conservation published by the Land Trust Alliance of which the Geneva Lake Conservancy is a member, tested attitudes toward protecting clean air and water and conserving the lands that help preserve water quality. The poll also showed that a candidate's stance on environmental protection will be strongly considered by voters in this November's elections.

In the 17 states likely to be the most contested electoral votes in November, including Wisconsin, 77 percent of those polled said conservation issues will be "very" or "somewhat" important in making their choices. Support for these issues cut across all regions of the country. The "small increase" in taxes that voters say they support would translate into large increases for state and local conservation programs. More than 55 percent of voters polled say they would pay \$50 per year more in tax. A major reason for the willingness of voters to spend more is to protect water quality, the poll found.

Bywords Engage Real Local Issues (con't.)

area. Will we be better off if it is paved over forever, never to grow another crop, and replaced by tight grids of identical houses? Just wait, do nothing, and we'll see how "character" unfolds!

Protecting natural resources. Can we the people really do anything to protect our woods, wetlands, lakes and open lands from inevitable creeping development? Of course we can! While continued development is inevitable, and can be productive, development can and should be channeled to areas that have lower negative impacts on the environmental, and should be planned and implemented carefully and responsibly, with one eye on state-of-the-art conservation practices and another eye on common sense and good economics. How will the water quality and usage of our lakes be effected by new centers of construction and population density? Planners must factor that in, and developers must be held accountable. Local natural beauty, natural species of plant and wildlife, and the health of our earth, land and water must be prioritized in plans for new residential and commercial development. Why? Because of economic and infrastructure impacts. Even more importantly, because these natural attributes are the reasons many choose to be here, and that will attract others who value natural surroundings, and that our children will consider when they decide to stay, or go.

Common Ground. Community Character. Natural Resources. These are real, important values. Real reasons to be involved. Real reasons for responsible, creative people to act together, in a greater community defined by our lake heritage. Real reasons to support your Conservancy, exercise your citizenship and protect your family.

Dockominiums - 10 Years and Counting

by Peter King, Attorney

It was 10 years ago that the dockominium controversy first arose on Geneva Lake, yet it remains unresolved. This article looks back on how much, and how little, has happened.

In 1994 ABKA Limited Partnership, the owner of the Abbey marina, announced a plan to convert its 407 boat slips to a condominium form of ownership and sell virtually all of the previously rented slips to individual owners. The dockominium concept was not new to Wisconsin and had been used extensively in other states, but it was new to Geneva Lake. The state Department of Natural Resources initially objected to the sale of parcels of the publicly owned lake, but did indicate it would approve sale of the slips as "limited common elements" tied to shore-based units. In this case, the "units" were small lock boxes located in the Abbey Harbor House. The Geneva Lake Conservancy, however, contacted the DNR and objected to the plan as a violation of the Public Trust Doctrine. After some further reflection, the DNR decided to compromise by allowing the sale of some, but not all, of the slips as dockominiums. Under a secret accord worked out by the DNR and ABKA's attorneys in February 1995, the DNR approved the sale of 292 of the 407 units. In return ABKA agreed that it would repurchase sold units if a court later determined that a number less than 292 should have been sold.

When the DNR announced its intention to issue a permit for the modified dockominium plan, the Conservancy again objected and demanded a public hearing. As a result of this objection, a hearing was held in November and December 1995. Numerous parties in addition to the Conservancy appeared at the hearing to state their positions and to give testimony. At the time of the hearing, ABKA had sold all of the 292 units previously approved for sale by the DNR. Following the hearing, however, the administrative law rejected the DNR-ABKA agreement and ruled that the maximum number of units that could be sold was 120. Under this order, ABKA was required to repurchase 172 units and hold a total of 297 slips available to the public for seasonal rental as a condition of a new permit for the slip piers. (Recall that ABKA had already agreed to the repurchase of units in its secret agreement with the DNR). The judge also ruled that without the repurchase of 172 units, the maximum number of slips that could be legally maintained in the harbor was 83. In theory, without strict compliance with the terms of the permit, including repurchase of units, all of the large slip piers in the harbor would have to be removed as an illegal obstruction to navigation. One witness at the hearing had testified that if

cleared of the large piers, the harbor would make an excellent basin for small sail boat races.

Rather than repurchase units, however, ABKA appealed. The first appeal was to the Walworth County Circuit Court. Judge Michael Gibbs affirmed the administrative law judge's ruling. ABKA then appealed to the Wisconsin Court of Appeals. This court reversed the earlier ruling by holding that the entire dockominium concept was illegal as violating the Wisconsin Constitution (a position first taken by the Geneva Lake Conservancy in its objection and demand for hearing).

ABKA's next appeal was to the Wisconsin Supreme Court. That court affirmed the decision of the Court of Appeals, but relied upon a violation of state statute rather than the constitution. The Supreme Court's ruling held open the possibility that ABKA could make the dockominiums legal by amending its condominium declaration to create "units" more substantial than mere lock-boxes. By basing its ruling on state statutes, the court also left open the possibility that the legislature could be persuaded change the statutes to remove the legal barrier to the ABKA plan.

ABKA tried one more appeal to the United States Supreme Court. The supremes summarily refused to consider the case.

The final decision of the Wisconsin Supreme Court's decision was made in July 2002. Since then, ABKA has made several efforts to have the DNR approve minor changes to its condominium declaration as compliance with the court's ruling. To date, the DNR has rejected these efforts. Also to its credit, the DNR has been firm in insisting that the initial order allowing sale of no more than 120 units is still a condition of the permit for the large slip piers. The DNR disappoints, however, as it continues each year to allow ABKA more time to try again rather than insisting on compliance with the permit as issued.

The next move by ABKA and its title insurance carrier, is expected to be an appeal to the Wisconsin legislature for a change in the statutes that would "grandfather" the dockominiums sold in the Abbey harbor and elsewhere in the state while barring any new dockominium projects. Interested members of the public may find future updates on this topic on the Conservancy's website.

The Other Side of the Coin

Many of the Geneva Lake Conservancy's campaigns on important lake and land use issues (e.g., the "dockominiums" case, the proposed Linn annexation/Geneva Ridge development, and the original "Abbey Cove" redevelopment proposal) have been highly publicized and emotionally charged. Strong opinions get noticed locally, but not always for the best of reasons or with the truest perspective. Reaction to the Conservancy's role in the recent Lake Geneva City Council debate on the Linn annexation is a case on point: many have praised us for our efforts; a few have taken us to task, reflecting a view that the Conservancy is only an "anti" organization, and forgetting or perhaps not realizing the proactive, positive contributions made.

Some examples...

Brokered the purchase of and placed a conservation easement on the 160 acre Pohn property in the Town of Linn, now known as the Linn Community and Nature Park (2000).

Saved the Fontana fen - a rare form of natural area - from certain destruction by purchase and gift to the Village of Fontana (1986).

Permanent protection of a total of 660 acres of land through conservation easements and ownership (continuing).

Conducted the Geneva Lake area Architectural-Historical Survey (1986).

Consulted with the 700 Club on Geneva Lake's south shore to help in introducing native plants to the shoreland area, helping stabilize the land, create a healthier aquatic and shoreland environment, and discourage geese (2002).

Assisted Badger High School's Leadership Dynamics team with cleaning up and restoring the Samuel Donian Wetland Preserve in downtown Lake Geneva (1998).

Led annual Geneva Lake shorepath walks (plans to continue again in 2005).

Contributed funding for publishing of area picture book illustrated by students from St. Francis de Sales Parish School.

Contributed funds to the City of Lake Geneva to assist in the purchase of the Wurtz property for city park purposes (1998).

There are many other instances, as well, in which the Conservancy has acted to beautify, restore and protect the natural (and man-made) assets of the region. So you see, there really is "another side of the coin" when it comes to describing the Conservancy's work. It doesn't hurt to remind people of that from time to time.

Gardens Still A-Blooming

Thanks to the generosity of the Lake Geneva Garden Club, Intrinsic Perennials, Inc., Gene and Celeste Trepte, and a corps of dedicated volunteers who CHEERFULLY planted in the spring rain, our Conservancy Cottage Gardens continued to grow and thrive. Through the summer, Therese and Brent Horvath of Intrinsic Perennials, Inc., designed and continued to assist with the maintenance of the expanded cottage garden that surrounds our headquarters house. The plantings were selected for easy maintenance, drought tolerance, and will bloom continuously from early spring through frost with casual mid-19th century cottage elegance.

Fontana's Master Plan includes revitalization of the Main Street historic district and the creation of walking paths which would encourage visitors to stroll through our garden and grounds.

Smart Donors

New Capital Gains Tax Rate: 0%!!!

Here's how to completely, and legally, avoid paying capital gains taxes. Keep reading.

Have you (and your brokerage firm!) lost that piece of paper that shows what you paid for that block of stock?... If you don't know when you bought that bond (decades ago?)... If you hate paying extra taxes... Here's a good idea... Donate your financial asset to the Geneva Lake Conservancy as a charitable contribution. That way you can be generous, support a cause you believe in, get a tax deduction for the full market value of the stock on the date of your donation, and pay absolutely nothing in capital gains taxes. It's a "win" all around. The Conservancy obtains needed funding and you don't have to remember what you paid for the financial asset or even have to pay taxes on any appreciation that you may have from that asset.

The Conservancy will take care of the transactions costs of transferring the stock and then selling it. Don't sell first... donate it, take the deduction and tax savings, and let the Conservancy absorb the transaction fees.

Of course, you should first consult your tax advisor.

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The Conservancy thanks all for their generous support

Please contact us (262) 275-5700 to correct any omissions thru 9/20/04

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