

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

FONTANA BOARD OF TRUSTEES TOWN HALL MEETING
Saturday, May 30, 2015

Village President Patrick Kenny called the Town Hall meeting of the Village of Fontana Board of Trustees to order at 10:00 am in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Village Board members present: President Kenny, Rick Pappas, Tom Whowell, Arvid Petersen, Dave Prudden, George Spadoni

Village Board member absent: Tom McGreevy

Also present: Bob Ahern, Don Benson, Jade Bolack, Jim Feeney, Matthew Galvin, Susan Gilkes, Theresa Gulbransen, David Jensen, Peg Lijewski, Administrator Dennis Martin, DPW Manager Brett McCollum, Don Moser, Micki O'Connell, Peg Pollitt, Jack Schneidwind, Village Attorney Dale Thorpe

General Business

President Kenny welcomed the large audience to the Town Hall meeting that was scheduled to provide an update on the ongoing Village staff research to address Village snow plowing service concerns related to the state statutes. Kenny asked any audience members to stand and state their names if and when they wanted to ask questions. Village Attorney Thorpe presented a background on the Village DPW longtime practice of plowing private subdivision streets and driveways, and the Village Board direction provided last fall to have him research solutions to continue to provide the services while addressing the state statute, liability and insurance issues. Thorpe stated that the proposal he came up with is for the Village to enter into Public Purpose Easement agreements with the property owner associations that would authorize the Village DPW to plow the privately owned streets and driveways, and guarantee insurance for accidents and other liability situations. Thorpe stated there is no precedent for the Public Purpose Easement proposal; however, it will bridge the gap between the village's longtime practice of plowing the private streets and driveways and the state statutes that govern municipal snow plowing services. Thorpe stated that if favored, he needs Village Board direction to commence with the drafting of the easement agreements. Thorpe stated that the agreements will have to describe the roads and driveways to be plowed, and some of the associations already have legal descriptions and plats recorded and others have nothing. Thorpe stated that ultimately the Village will have to make some payment to the associations to finalize the authorization of the easement agreements, and he suggested a nominal rate. There is no cost proposed to the associations to continue the snow plow services or for the Village attorney to draft the easement agreements. Peg Lijewski, an officer for the Abbey Villas Association Board of Directors, asked if the easement agreements would be for all the homeowner associations in the Village or only the existing associations that are receiving snow plowing services. Thorpe replied that he has been directed to address the current situation. Martin stated that the Village currently provides snow plowing services for 12 of the associations, and any new requests will have to be considered on a case-by-case basis as the village DPW may not have equipment to access and plow some of the private roads and driveways. Don Benson, present, of the Glenwood Springs Association, asked if the associations would be asked to provide insurance for the Public Purpose Easements. Thorpe stated that the Public Purpose Easement proposal does not require any additional insurance and that by definition, a Public Purpose Easement would feature layers of existing insurance from the Village policy and from the association policy. Peg Pollitt, a Glenwood Springs property owner, asked if the association would be required to name the Village as an additionally insured party. Thorpe stated that although the snow plowing service agreements that were established for last winter called for the Village to be named as an additional insured on the association policies, it will not be required. Don

Moser stated that he is a member of the Buena Vista Association board of directors and he asked if the association boards can get copies of Thorpe's drafted agreement prior to it being approved by the Village Board and if the agreements will contain a hold harmless clause. Thorpe stated that once drafted he will present the agreements to the Village Board for review prior to them being presented to the individual associations. Indian Hills Association property owner Micki O'Connell asked if the associations would be charged the administrative fee that was charged last year, and if the associations all paid the fee last year. Thorpe replied that the Public Purpose Easement agreements would require the Village to pay a nominal fee to the associations and there will be no administrative fee proposed. Martin stated that all the established associations that received snow plowing services last winter paid the \$250 administrative fee. Glenwood Springs Association property owner Jim Feeney asked what fee is proposed to be paid to the associations for entering into the easement agreements, and Thorpe again stated that it would be nominal and he suggested \$10. Thorpe stated that the Village will also incur legal costs for his work. Jack Schneidwind stated that he owns property in the Upper Gardens subdivision and the property owners do not have a legally formed association and the ownership of the roads has never been platted or recorded. Thorpe replied that the Lower Garden subdivision also is in the same situation, and those two associations are examples where the drafting of the Public Purpose Easement agreements will be more difficult and time consuming. Thorpe stated that in order for the Public Purpose Easement agreements to be authorized, all of the property owners in those two subdivisions will have to sign the final agreements. Indian Hills Association property owner Dave Jensen asked about the expenses for snow plowing and if they were going to be charged to the associations, and Martin replied no that they will remain in the budget. Buena Vista Association property owner Bob Ahern thanked President Kenny for calling the Town Hall meeting and keeping the property owners informed, and he thanked the Village Board for the coming up with the proposal to address the snow plowing situation and adherence with the state statutes. President Kenny asked if there were any other questions, and there were none, so he thanked the audience members for attending the meeting and stated that more Town Hall meetings will be scheduled in the future when issues or proposals come up.

Minutes prepared by: Dennis L. Martin, Village Administrator

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be on file at the Village Hall.