

TOWN OF WINDSOR  
REGULAR BOARD MEETING

Minutes

February 20, 2014

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Supervisors present: Alan Buchner, Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Others present: Finance Director/Deputy Town Clerk Tina Butteris, Town Engineer Kevin Richardson, Town Planner Jamie Rybarczyk, and Town Attorney Connie Anderson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Smith.

3. Announcements.

- a. The Town Board will convene into closed session pursuant to Wisconsin Statutes sec. 19.85(1)(e) for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Deliberation limited to competitive and bargaining positions on Town-Village Cooperative Joint Ventures/Consolidation/New Entity/Merger/Incorporation.)

Chairperson Wipperfurth read the above announcement. He also advised that Supervisor Smith had attended a meeting on February 19 and brought back information.

4. Approve Minutes.

- a. February 6, 2014.

Finance Director/Deputy Town Clerk Butteris suggested clarification regarding the reduction of the letter of credit for Windsor Corners. With that clarification, a motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve the Minutes of February 6, 2014. Motion carried with a 5-0 vote.

5. Finance.

a. Staff Report On Finances.

Finance Director/Deputy Town Clerk Butteris noted that there were additional invoices. She also noted that the Visa invoice would be reduced by \$99 for hotel accommodations in that Finance Director/Deputy Town Clerk Butteris paid that charge and is asking for reimbursement. reducing the Visa invoice to \$293.82.

There is nothing out of the ordinary for receipts.

The DeForest Fire District and Half-Century Club have paid, and the other invoices have been billed out.

The budget comparison should be around 8 percent at this time. Revenues are 35 percent and expenses around 13 percent due to taxes. There have been more expenses due to the snow and equipment repairs. Chairperson Wipperfurth also noted that he provided a flag for the town.

b. Consider Vouchers For Payment.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve the vouchers presented for payment. Motion carried with a 5-0 vote.

c. Treasurer's Report.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve the Treasurer's report as present. Motion carried with a 5-0 vote.

d. Budget Report.

A motion was made by Supervisor Smith, seconded by Supervisor Buchner, to approve the Budget report as presented. Motion carried with a 5-0 vote.

6. Appearances Before The Board.

None.

7. Discussion/Action Of Further Windsor – DeForest Cooperation.

Chairperson Wipperfurth noted that the Task Force meeting had been rescheduled.

8. Discussion/Action On Wisconsin Legislative Updates.

Town Attorney Anderson provided an update. They are watching Senate Bill 338 which would expand TIFS to towns. It is on its second time in the Assembly.

There is also a recent case that is favorable for towns from the Court of Appeals as relates to extraterritorial jurisdiction. It is a clarification that towns have been looking for for quite some time. It is positive news for towns.

9. Operator Licenses.

Chairperson Wipperfurth stated that there were two applications for Operator Licenses. Town Clerk Christine Capstran recommended approval of each.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve the Operator Licenses for Haley A. Clemmer and Michael A. Rekawik based on staff recommendations. Motion carried with a 5-0 vote.

10. Resolution 2014-08 Windsor Golf Ventures, Inc. Requests Consideration Of A Preliminary Plat For Windsor Blue A Residential Plat Located In The SW 1/4 Of The SE 1/4 Of The SE 1/4 Of Section 30, In The Town Of Windsor. Further Described As A 13 Lot Subdivision Bordered By Golf Drive To The North, Birch Drive To The East, Oak Lane To The South And Fairway Circle To The West.

A staff presentation was given by Town Planner Rybarczyk. He showed the location on an overhead map. There are 10.7 acres in the preliminary plat. The development will be replacing two of the golf holes. There will be 11 single-family lots, 2 duplex lots, and 2 outlots. There were some discussions at the Plan Commission meeting. The concerns will be addressed in the Developer's Agreement. There are two lots that the developer will be requesting a waiver from Dane County because of the width of the lot at the street: Lots 12 and 13. Per the town's ordinances, it requires sidewalks on both sides of the street. Most of the surrounding area does not have sidewalks. They are looking at a multi-purpose path.

Town Engineer Richardson noted as per the town's ordinances any development within 1,320 feet of sanitary sewer should be on water and sewer. Oak Lane will have sanitary sewer and private wells.

Chairperson Wipperfurth noted that the official public hearing for this matter was held at the Plan Commission meeting. The applicant held a neighborhood meeting in November or December. Chairperson Wipperfurth complimented the applicant for holding a meeting.

Applicant Tim Gotzion explained the golf course in the future by giving a general overview. They will be redoing the greens and fairways and are going through the permitting process to build up the greens and fairways to make it into a championship golf course.

Supervisor Buchner stated that the concept of that facility is integral to the community to make it a focal point.

Supervisor Stravinski thought the improvements were excellent so far.

Discussion followed on the possibility of grants.

Chairperson Wipperfurth stated, before the Town Board would take any action on this item, that the Board should move to the next item for a presentation.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve Resolution 2014-08 Conditionally Approving the Preliminary Plat of Windsor Blue Submitted by Windsor Golf Ventures, Inc., with conditions 1 through 16 as noted in the staff report. Motion carried with a 5-0 vote.

11. Resolution 2014-06 Windsor Golf Ventures, Inc. Requests Consideration Of Certified Survey Map To Create One Lot Along Oak Lane.

Town Planner Rybarczyk explained that this Resolution is to create a .43 acre single-family lot that is off of Oak Lane. There will need to be a rezone and amendment to the Comprehensive Plan for this lot.

There was discussion on the two different zoning classifications in that this is part of the blanket rezones.

Supervisor Buchner indicated he visited with the homeowner at 6611 South Oak who has the golf course adjacent to and behind his property. Supervisor Buchner stated that, based on staff review, the developer could not be denied CSM approval of the single-lot CSM along Oak Lane.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to approve Resolution 2014-06 Approving a Certified Survey Map (CSM) Submitted by Windsor Golf Ventures, Inc for a Single Lot CSM Located Along Oak Lane Near the Intersection of Maple Lane, Town of Windsor, Dane County, Wisconsin. Motion carried with a 5-0 vote.

12. Dane County Ordinance Amendment 26, 2013-14 Regarding Abandoned Nonconforming Mineral Extraction Sites.

Town Planner Rybarczyk noted that he had provided the Town Board members with a letter dated February 12, 2014, which is his overview of the information received from Dane County.

Dane County is looking to amend Section 10.21 of its ordinance. Through this amendment, the County wants to delete the nonconforming mineral extraction sites. If the site is inactive for a year, it will lose its grandfather status. There is no enforcement mechanism right now.

In October the Town Board looked at this issue as part of a larger report from the county. Back then the Town Board did have a discussion regarding taking away the rights of an individual or farm to do something with their property by this ordinance, and at that time, it sent back feedback that, from the point of the town of Windsor, it was not comfortable with someone losing their right to do something with their property. A lot of what they are doing is based on economy and road projects. Maybe it should be a five-year period of inactivity.

Town Engineer Richardson wanted to make everyone aware that the town had one site on Mile Road.

Town Attorney Anderson stated, while there may not be sites on the map today, it is not difficult to register a site. Senate Bill 349 does address different limitations on local regulations for nonmetallic mining. That bill is stalled. The bill, as drafted, states that there is a limitation on local regulations unless those were in effect for a year.

The town does not have an ordinance. Maybe it should look at having an ordinance.

Supervisor Madelung discussed the Dane County Towns Association meeting the night before. The majority of the towns were not in favor of the ordinance. Could the town have an ordinance to deal with these issues?

Town Attorney Anderson responded that it could. Windsor would be able to use its police powers to regulate these sites. If there would be a Windsor nonconforming site that would start up again, by passing the ordinance amendment we would have the right to regulate it.

Supervisor Stravinski asked when the one year is calculated. Is it from the past or from the date of the enactment? No one had an answer.

A motion was made by Supervisor Madelung, seconded by Chairperson Wipperfurth, that the Town Board go on record as not supporting the Ordinance Amendment 26, 2013-14 Regarding Abandoned Nonconforming Mineral Extraction Sites.

Discussion followed. Chairperson Wipperfurth indicated he had mixed feelings. Police powers vs. conditional uses. These are two types of authorities.

Supervisor Buchner indicated he would abstain from discussions and voting.

Supervisor Smith could see both sides. The problem she has is unregulated sites.

Chairperson Wipperfurth indicated there were three options: disapprove Amendment 26, approve it, or take no action.

A roll call vote was taken: Supervisor Stravinski: no; Supervisor Buchner: abstain; Supervisor Madelung: yes; Supervisor Smith: yes; Chairperson Wipperfurth: no. The motion failed.

A motion was made by Supervisor Stravinski, seconded by Supervisor Madelung, that the town take no action. Motion carried with a 4-0 vote, with Supervisor Buchner abstaining.

The town does not have the option for a CUP, only police powers. The town presently has a policy which has fewer teeth than an ordinance would have.

13. Consideration Of Agreement To Construct Second Phase Of Soccer Field Expansion At Windsor Sports Commons.

Town Engineer Richardson indicated this was an agreement with Mashuda Contractors to finish the work that was started last year. It is the regrading of the sports fields. He is asking permission for Chairperson Wipperfurth to sign the contract.

Discussion followed on the dimensions of lacrosse fields. The fields are being leveled. What will fit there will fit. The fields are not being dedicated to anything. The town approved the concept that lacrosse could use these facilities. Nothing has been decided for sure. No decisions have been made on where the fields will be.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to consider the agreement from Mashuda Contractors, Inc., and authorizing the Town Chairperson to sign the agreement. Motion carried with a 5-0 vote.

14. Resolution 2014-09 Application For Municipal Storm Water Permit Reissuance WPDES Permit No. WI-S058416-4.

Town Engineer Richardson explained that the town is a member of the larger Madison group, MAMSWaP. He is asking for permission to sign a letter indicating that Windsor remain in that group.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Resolution 2014-09, Application For Municipal Storm Water Permit Reissuance WPDES Permit No. WI-S058416-4.

The town has to pay for a person on staff at Dane County to educate regarding storm water management. If Windsor was not part of this group, it would cost a lot more, as Windsor has to participate, so it is cheaper to be a part of this group.

Motion carried with a 5-0 vote.

15. Convene Into Closed Session And Roll Call.

At 6:40 p.m. a motion was made by Supervisor Buchner, seconded by Supervisor Smith, to convene into closed session. Roll call vote, with everyone being present.

16. Reconvene Into Open Session.

17. Action From Closed Session.

- a. Town-Village Cooperative Joint Ventures/Consolidation/New Entity/Merger/Incorporation.

18. Update On USH 51 Expansion Project.

19. Adjournment.

A motion was made and seconded to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary

**TOWN OF WINDSOR - BOARD MEETING**  
Thursday, February 20<sup>th</sup>, 2014 at 5 p.m.  
Windsor Town Hall / Meeting Room, 4084 Mueller Rd, DeForest, WI

**SUPPLEMENTAL MINUTES**

**14) Convene into Closed Session and Roll Call**

Supervisor Buchner moved to convene into closed session as per the stated notice at 6:40 p.m., second by Supervisor Smith. Motion carried with a roll call vote of 5 – 0.

**15) Reconvene into Open Session**

Supervisor Buchner moved to reconvene into open session at 7:52 p.m., second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

**16) Action from Closed Session**

- a) Town-Village Cooperative Joint Ventures/Consolidation/New Entity/Merger/Incorporation

There was no action taken from closed session.

**17) Update on US Hwy 51 Expansion Project**

Town Engineer Richardson provided an update on the US Hwy 51 expansion project.

**18) Adjournment**

Supervisor Smith moved to adjourn at 7:53 p.m., second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

Respectfully submitted,



Tina Butteris  
Finance Director/Treasurer  
Office Manager/Deputy Clerk