

**TOWN OF WINDSOR - BOARD MEETING**  
Thursday, April 17<sup>th</sup>, 2014 at 5 p.m.  
Windsor Town Hall / Meeting Room, 4084 Mueller Rd, DeForest, WI

**MINUTES**

**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 Chairperson 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.

Chair Wipperfurth recommended addressing agenda item #14 at this time as Representative Ripp had another meeting to attend at 5:30 p.m. Board concurred.

**4) Approve Minutes**

- a) April 3, 2014

Supervisor Smith moved to approve the April 3<sup>rd</sup>, 2014 minutes, second by Supervisor Buchner. Motion carried with a 5 – 0 vote.

**5) Finance:**

- a) **Staff Report on Finances**

Finance Director/Deputy Town Clerk Butteris provided the treasurers report and noted that there were additional invoices provided for consideration and there were no out of the ordinary receipts.

The budget comparison, at this time of year, should be around 25%. Revenues are approximately 64% and expenses approximately 30%.

**b) Consider Vouchers for Payment**

Supervisor Madelung moved to approve the vouchers presented for payment, second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

**c) Treasurer's Report**

Supervisor Buchner moved to approve the Treasurer's Report as presented, second by Supervisor Smith. Motion carried with a 5 – 0 vote.

**d) Budget Report**

Supervisor Madelung moved to approve the Budget Report as presented, second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

**6) Appearances Before the Board**

None.

**7) Discussion/Action of Further Windsor-DeForest Cooperative Planning**

Chairperson Wipperfurth noted that a Task Force meeting had been held on Wednesday, April 16<sup>th</sup>. A joint Town Board, Village Board meeting will be scheduled in the near future for the second quarter 2014 meeting.

**8) Discussion/Action on Wisconsin Legislative Updates**

Chair Wipperfurth attended the Town TIF bill signing in Rib Mountain. An important bill for eligible Towns that was approved to provide a tool for Town's to further promote business and economic development.

**9) Operator Licenses**

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

Supervisor Buchner moved to approve the Operator Licenses for Kristin R. Conlan, Michael S. Sheetz, Leah N. Statz, Todd R. Shinkunas and Angela R. Prevetti based on Town policy and staff recommendations, second by Supervisor Smith. Motion carried with a 5-0 vote.

**10) Resolution 2014-14 Rezone petitions for amendments to Windsor's Farmland Preservation Zoning map and subsequent Zoning Map Amendments for Dane County.**

Brian Standing (Senior Planner, Dane County) was present to discuss the planned blanket rezone petition process and answer any questions. State law requires that the County make amendments to its Zoning Ordinances and Zoning Map to show compliance with requirements for the Farmland Preservation Program. Individual parcels were evaluated for an appropriate land use zoning category and recommendations were mailed to individual property owners on the proposed zoning changes. A significant number of legal non-conforming properties will be corrected as part of this process which brings the zoning into compliance and is at no cost to the property owners.

Discussion took place on how the zoning is tied to income tax credits and how this process will assist in the determination of eligible properties.

Supervisor Madelung moved to approve Resolution 2014-14 Rezone petitions for amendments to Windsor's Farmland Preservation Zoning map and subsequent Zoning Map Amendments for Dane County, second by Supervisor Smith. Motion carried with a 5 – 0 vote.

**11) Resolution 2014-15 Windsor Golf Ventures, Inc. requests a Comprehensive Plan Amendment to modify the Future Land Use map in order to proceed with the Windsor Blue development plan. The amendment modifies the location of future planned residential and future planned recreational zoning. In conjunction, a modification to the Future Land Use map for the former Windsor Links development is in order for consistency with Windsor Golf Ventures, Inc. withdrawal of the development plan and rezone petition.**

Planner Rybarczyk reported that the proposed Windsor Blue Plat will be replacing two holes of the Lake Windsor Country Club golf course. The development is 10.77 acres located south of Golf Drive, west of Birch Drive, and north of Oak Lane. The development contains eleven (11) single-family lots, two (2) duplex lots, a neighborhood park, and two (2) outlots to be conveyed to Lots 1 and 2 of CSM 13005. In order for the development to proceed the Town of Windsor Plan Commission and Town Board must approve an amendment to the Comprehensive Plan and a zoning change. The current land use designation for this area is Environmental Preservation and Parks. Staff is in favor of the development; therefore, recommends that the designation be amended to Traditional Single Family Residential and Mixed Residential.

The proposed Windsor Blue CSM is for a single lot located along Oak Lane near the intersection of Maple Lane in conjunction with the Windsor Blue Plat. The lot will be 0.43 acres in size. In order for the development to proceed the Town of Windsor Plan Commission and Town Board must approve an amendment to the Comprehensive Plan and a zoning change. The current land use designation for this area is Environmental Preservation and Parks. Staff is in favor of the development; therefore, recommends that the designation be amended to Traditional Single Family Residential.

The former Windsor Links Plat was a 25.9 acre development that included thirty-eight (38) single-family lots and four (4) condominium lots. At the end of last year, Windsor Golf Ventures, Inc. informed the Town of Windsor Town Board that it would no longer be pursuing the development based on several factors. In addition, the zoning petition (Rezone No. 10443) has been withdrawn by Windsor Golf Ventures, Inc. and rendered null and void by Dane County. As a result it is the opinion of Staff that the land use designation for this area be amended from Traditional Single-Family to Environmental Preservation and Parks.

Supervisor Buchner moved to approve Resolution 2014-15 with the stated conditions for the requested Comprehensive Plan Map Amendment for the properties described in the Town Planner's staff report dated April 7<sup>th</sup>, 2014. Following are the conditions:

1. The Final Plat shall be submitted to the Town of Windsor and acted upon by the Town of Windsor Plan Commission and Town Board. The Final Plat shall be consistent with the Preliminary Plat as set forth at the February 20, 2014 Town of Windsor Town Board meeting as determined by Town staff. If the Final Plat is not consistent therewith, then Town staff may request consideration by the Town of Windsor Plan Commission and Town Board.
2. The petitioner shall apply for and obtain a zoning change so that the Final Plat and Certified Survey Map are in compliance with the Dane County Zoning Ordinance.
3. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

It is the Petitioner's obligation to satisfy those conditions adopted by the Town Board, and to provide satisfactory verification of compliance to the Town. All submissions to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

Second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

**12) Resolution 2014-16 Windsor Golf Ventures, Inc. requests consideration of a Rezone for Windsor Blue - a residential plat located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼ 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.**

Planner Rybarczyk reported that the proposed Windsor Blue Plat will be replacing two holes of the Lake Windsor Country Club golf course. The development is 10.77 acres located south of Golf Drive, west of Birch Drive, and north of Oak Lane. The development contains eleven (11) single-family lots, two (2) duplex lots, a neighborhood park, and two (2) outlots to be conveyed to Lots 1 and 2 of CSM 13005.

Lots 1-6 along Golf Drive are proposed to be served by public sewer and water. Lots 7-13 along Oak Lane are proposed to be served by public sewer and private wells. A multi-purpose trail is proposed along the southern edge of Golf Drive at the time Golf Drive is reconstructed. The petitioner proposes to contribute a share to the construction cost for the multi-purpose path.

In order for the development to proceed the Town of Windsor Plan Commission and Town Board must approve a zoning change. The current zoning classification for this area is RE-1 Recreational District. Staff is in favor of the development; therefore, recommends that the zoning classification be amended to R-1 Residence District and R-3A Residence District as shown of the Staff Report dated April 7<sup>th</sup>, 2014.

Supervisor Stravinski moved to approve Resolution 2014-16 the Rezone for Windsor Golf Ventures, Inc. (c/o Tim Gotzion) to be located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼ of Section 30, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin, which contains the following conditions:

1. Recording of the Plat with the Dane County Register of Deeds. The petitioner has obtained conditional approval of the Plat from the Town as set forth in Town Board Resolution 2014-07. The Petitioner shall satisfy the conditions set forth therein, obtain any and all further approvals required by law, and shall thereafter promptly record the Plat. The petitioner shall provide a copy of the recorded Plat to the Town Clerk.
2. Approval of Rezoning by Dane County. The petitioner shall obtain rezoning approval from Dane County that is in compliance with the Dane County Zoning Ordinance and consistent with the rezoning approval by the Town as set forth in Exhibit A.
3. Payment of Costs and Expenses. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

Second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

**13) Resolution 2014-17 Windsor Golf Ventures, Inc. requests consideration of a rezone for the Certified Survey Map to create one residential lot along Oak Lane.**

Planner Rybarczyk reported that the petitioner is proposing a single lot located along Oak Lane near the intersection of Maple Lane in conjunction with the Windsor Blue Plat. The lot will be 0.43 acres in size.

In order for the development to proceed the Town of Windsor Plan Commission and Town Board must approve a zoning change. The current zoning classification for this area is RE-1 Recreational District. Staff is in favor of the development; therefore, recommends that the zoning classification be amended to R-1 Residence District.

Supervisor Buchner moved to approve Resolution 2014-17 Rezone for Windsor Golf Ventures, Inc. (c/o Tim Gotzion) to be Located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼, Section 30 and the NE ¼ of the NE ¼ of Section 31, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin, which contains the following conditions:

1. Recording of the Certified Survey Map with the Dane County Register of Deeds. The petitioner has obtained conditional approval of the CSM from the Town as set forth in Town Board Resolution 2014-06. The Petitioner shall satisfy the conditions set forth therein, obtain any and all further approvals required by law, and shall thereafter promptly record the Plat. The petitioner shall provide a copy of the recorded CSM to the Town Clerk.
2. Approval of Rezoning by Dane County. The petitioner shall obtain rezoning approval from Dane County that is in compliance with the Dane County Zoning Ordinance and consistent with the rezoning approval by the Town.
3. Payment of Costs and Expenses. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

Second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

#### **14) Implements of Animal Husbandry**

Wisconsin Representative Keith Ripp, 42<sup>nd</sup> Assembly District, discussed SB509 relating to the operation of agricultural vehicles on highways and providing a penalty.

The bill is an effort to standardize the rules farm equipment operators must follow when driving larger implements on roads and highways. The measure extends equipment weight limits from a maximum single axle weight of 20,000 pounds to 23,000 pounds; and the maximum gross vehicle weight goes from 80,000 pounds to 92,000 pounds. For tillage, planting and harvesting equipment, the new law will allow implements to be over 23,000 pounds per axle weight.

The policy also categorizes the definitions of different types of agricultural equipment that reflect the wide array of machinery currently in use and removes outdated and unworkable restrictions on farming operations that prohibit use of agricultural equipment at night and on weekends.

The bill represents a balanced and responsible approach that will allow farmers to legally operate their oversized equipment on Wisconsin's roads while providing modern standards for public safety and protecting the taxpayers' investment in those roads and bridges.

Farmers and operators that drive equipment that exceeds the new weight limits would need to get a 12-month permit from their local town, county or state, at no charge. That unit of government

would not be able to deny permits, unless there was a scientific reason not to issue them. They do however have the right to designate a specific route that the operator must take to get from the farm to the final destination.

For larger height and width instances, a permit is not required but the operator must abide by certain rules. For example, if an implement is traveling more than a half-mile down the road and if its width is greater than 15-feet, the machine must be equipped with lights. Equipment that measurers at least 22-feet wide must be accompanied with an escort vehicle with flashing lights. There is no regulatory height for equipment, but it is the operator's responsibility to make sure their machine does not exceed the height of power lines, bridges or other objects.

Also, the policy would create a 60-foot length limit for a single machine and a 100-foot limit for combinations of two implements. For combinations of three the limits is 70 feet, but a three implement combination may operate at lengths exceeding 70 feet, to a limit of 100 feet, as long as their speed does not exceed 25 miles per hour.

The size and weight limitations and permit requirements would take effect within 30 days of the bill becoming law. There is also an 18-month delay for the light requirements.

Chair Wipperfurth and the Board thank Representative Ripp for attending the meeting and providing the information.

#### **15) Resolution 2014-18 Fund Balance Policy**

Finance Director Butteris noted the Fund Balance Policy had been updated as requested by the Town Board at the previous meeting. In addition, the policy has been reviewed by Attorney Anderson who recommended changes that have been implemented into the copy before the Board.

Supervisor Buchner moved to approve Resolution 2014-18 Fund Balance Policy as presented, second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

#### **16) Resolution 2014-19 to Authorize Town Staff to Develop Preliminary Analysis of Tax Incremental District**

The Board discussed the importance of this tool in economic development within eligible Towns.

Supervisor Buchner moved to approve Resolution 2014-19 to Authorize Town Staff to Develop Preliminary Analysis of Tax Incremental District as presented, second by Chairperson Wipperfurth. Motion carried with a 5 – 0 vote.

### **17) Ordinance 2014-01 Chronic Nuisance Ordinance**

No action was taken on the draft Chronic Nuisance Ordinance. Town staff and legal counsel will continue to work on the ordinance to bring back to a future meeting.

### **18) Resolution 2014-20 Requesting Dane County to Exercise Its Municipal Park Powers Within the Town of Windsor**

Finance Director Butteris noted that the Park Commission wished to apply for a grant at Dane County Parks to pave the existing bike path at Fireman's Park that is currently gravel, approximately 425 feet. In order to apply for the grant the Board and the Commission need to support the efforts by adopting resolutions.

Supervisor Madelung moved to approve Resolution 2014-20 Requesting Dane County to Exercise Its Municipal Park Powers within the Town of Windsor, second by Supervisor Smith. Motion carried with a 5 – 0 vote.

### **19) Resolution 2014-21 Amend Town of Windsor Fee Schedule**

There was no discussion or action on Resolution 2014-21 Amend Town of Windsor Fee Schedule.

### **20) Update on US Hwy 51 Expansion Project**

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

### **21) Convene into Closed Session and Roll Call**

Supervisor Smith moved to convene into closed session at 6:18 p.m., second by Supervisor Buchner. Motion carried 5 – 0 on a roll call vote.

### **22) Reconvene into Open Session**

Supervisor Smith moved to reconvene into open session at 8:13 p.m., second by Supervisor Buchner. Motion carried with a 5 – 0 vote.

### **23) Action from Closed Session**

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

There was no action from closed session.

**24) Adjournment**

Supervisor Madelung moved to adjourn at 8:13p.m., second by Supervisor Smith. Motion carried with a 5 – 0 vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tina Butteris".

Tina Butteris  
Finance Director/Treasurer  
Office Manager/Deputy Clerk