

TOWN OF WINDSOR  
REGULAR BOARD MEETING

Minutes

November 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: Town Finance Director Tina Butteris, Town Engineer Kevin Richardson, Town Planner Jamie Rybarczyk, and Town Attorney Constance Anderson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Buchner.

3. Announcements.

Chairperson Wipperfurth noted that on Monday, December 1, from 6:00 p.m. to 7:30 p.m. will be the 50th Anniversary celebration for the DeForest Public Library with a brief presentation. He also reminded everyone that the town of Windsor has its public hearing on its budget on Tuesday, November 25, at 5:30 p.m. Everyone will also be hearing a fiscal analysis regarding possible incorporation.

4. Approve Minutes.

- a. November 6, 2014.
- b. November 11, 2014.
- c. November 12, 2014.

A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, to approve the ~~Minutes of November 6, November 11, and November 12, 2014, as presented.~~ Motion carried with a 5-0 vote.

5. Finance.

a. Staff Report On Finances.

Finance Director Butteris indicated that additional invoices had been provided. There is nothing special to highlight in the invoices. There are a lot of building permits coming in as noted in the receipt register. The budget should be approximately 83 percent. It is looking very good. The town had eight new single-family building permits and four duplex building permits in October. Year-to-date the town has issued 50 building permits. In 2013 at this time, the town had issued 44 building permits.

b. Consider Vouchers For Payment.

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

c. Treasurer's Report.

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

d. Budget Report.

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

6. Appearances Before The Board.

None.

Town Planner Rybarczyk noted that tonight he provided the Town Board members with a copy of the Comprehensive Plan. The draft Comprehensive Plan will be presented to the Windsor Plan Commission and the DeForest Plan Commission at their December 8<sup>th</sup> joint meeting. He will put together a list of changes in scope.

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7. Citizen Input On 2015 Budget.

None.

8. Future Governmental Structure of Windsor.

This is a place holder on the agenda.

9. Operator Licenses.

Chairperson Wipperfurth advised that there were two applications for operator licenses: Frank A. Cody and Jenna L. Schwenn. Town Clerk Capstran recommended approval of both.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve operator licenses for Frank A. Cody and Jenna L. Schwenn based on the recommendation of town staff and the town policy. Motion carried with a 5-0 vote.

10. Dane County Housing Authority – Rob Dicke.

Rob Dicke indicated he was the Executive Director of the Dane County Housing Authority which serves all outlying communities around Madison. There are currently seven families in Windsor receiving assistance. There is a great need for affordable housing in Windsor. Why he is at the meeting is he is asking for a resolution acknowledging the need for the Dane County Housing Authority to act in Windsor.

In the town of Windsor, 91.2 percent of rental households are cost-burdened. He explained the various needs for affordable housing. There are approximately 155 units that could be used right now. There is a need for affordable housing in the town. The Housing Authority purchases older apartment buildings and remodels them. They are then rented to those using Section 8 vouchers. Construction of new housing is also a possibility. At the present time, there is a need for 1,000 new units in the area per year for each of the next 20 years.

Supervisor Stravinski asked how Windsor compares to the nearby communities. Mr. Dicke discussed DeForest, Sun Prairie, and Waunakee. He explained the gaps.

Supervisor Madelung asked whether he had impact studies where low income housing came into an area.

Mr. Dicke responded he did not.

Chairperson Wipperfurth asked how many communities have passed a resolution.

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They do not have Fitchburg, but they are working on it right now. They do not have the villages of Brooklyn, Dane, Rockdale, and possibly Waunakee.

Section 8 is subsidized by HUD funding appropriated by Congress. Fifty-three percent of the households are elderly or disabled. They will not be able to get off the system. Mr. Dicke believed that 57 percent of all households on their program do have income, but it is not enough income. There are a lot of young families. It is about 3-1/2 years that someone stays in the program.

When it was pointed out to Mr. Dicke that Windsor was not a municipality (later corrected by Town Attorney Anderson that under Ch. 59, Wis. Stats., Windsor is considered a municipality) and not incorporated, he noted that no towns in Dane County have a resolution. He would have to determine if a resolution could work with a town. Maybe it is not required.

Chairperson Wipperfurth asked after people leave the system how many come back.

Mr. Dicke responded that the waiting list has been closed since 2007. The possibility of coming back into the program is nonexistent.

He discussed the screening process. Wisconsin Management manages all of their properties.

Supervisor Buchner questioned the tax-base ramification impact on the school district, fire district, EMS, etc. What is the skill level of those folks, and what do they bring to the workforce?

Mr. Dicke responded that there is a stigmatism attached to Section 8 vouchers. There are people who abuse the system.

11. Resolution 2014-67 Applicant Douglas Porter And Mark And Dawn Porter Request Approval Of A Certified Survey Map In Order To Expand The Residential Lot At 6947 Portage Road. The Request Also Includes A Rezone From A1-EX (Agriculture Exclusive District) To R-1 (Residential District).

A staff report was provided by Town Planner Rybarczyk. Before the Town Board is a rezone request and CSM from Mark and Dawn Porter. The end result will be a 2.37 acre parcel that will be R-1 and A-1 EX. When the property is combined, it will all be combined to R-1. It fits within single-family zoning. The Porter family had created four lots. Mark and Dawn Porter have been purchasing land. They are now looking to purchase additional land, and they are doing it by CSM. The lands are outside the Farmland Preservation Plan Area and Windsor's Agricultural Enterprise Area. They are not creating any new lots but are doing a lot line adjustment. A payment for parkland or PILOT fees should be waived.

Doug Porter stated he was available to answer questions. At the Plan Commission meeting, there were two individuals that did come in and testify as to their opposition to the use. The reason they were opposing it was because they thought something else might be happening—other buildings or another house. After it was talked through, what Mark is looking to do is to protect the land by planting trees and shrubbery. The remaining property will be sold at some point in time. Mr. Porter did not know what will happen. They are dividing it off right now and making it a clean deal.

Supervisor Stravinski noted he was at the Plan Commission meeting, and it was approved by the Plan Commission.

Supervisor Buchner asked what would happen to the other property. It was Doug Porter's understanding that all splits have been used up.

Town Engineer Richardson added that what is delineated as wetlands is not developable.

A motion was made by Supervisor Buchner, seconded by Chairperson Wipperfurth, to approve Resolution 2014-67 Approving Certified Survey Map And Rezone From A-1 EX To R-1 In Order To Expand The Existing Residential Lot At 6947 Portage Road, Town Of Windsor, Dane County, Wisconsin. Motion carried with a 5-0 vote.

12. Resolution 2014-68 Approving Exception To Pedestrian Facility Requirements Request For WI Hwy 19 Funded By State And Federal Funds.

In that there has been a change in status, no action will be taken.

13. Resolution 2014-64 Amending The Town Of Windsor Deposit Schedule.

Finance Director Butteris explained there have been a number of meetings to review the deposit schedule to determine if the town's fees were adequate and in line with other communities. Included in those meeting were Judge Jason Hanson, Town Attorney Anderson and another attorney from her office, Supervisor Smith, and Town Clerk Christine Capstran.

The Deposit Schedule is really well done. It was invaluable to have Judge Hanson participate in the meetings. The town has a great product.

Judge Hanson indicated that Windsor's fines are in line with the village of DeForest. They are proportional to the various offenses.

Town Attorney Anderson noted that there are different fines where there is a juvenile involved. Another thing to remember is that if you see in the ordinance a fine, the ultimate fine is the bond amount. The Deposit Schedule has Judge Hanson's support.

Chairperson Wipperfurth thanked everyone, especially Judge Hanson.

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In response to a question from Supervisor Buchner, there is a catch-all provision for offenses not specified in the Deposit Schedule that defaults to \$187.

If someone comes before the court, the judge has the ability to move the fee up or down.

Supervisor Madelung asked what constitutes a barking dog. No one was exactly sure because that issue has apparently not come up before. The barking could be excessive because of the time of day.

A motion was made by Supervisor Stravinski, seconded by Supervisor Buchner, to approve Resolution 2014-64 Approving Deposit Schedule For Town Of Windsor, Dane County, Wisconsin Per Windsor Code Section 16-25. Motion carried with a 5-0 vote.

14. Ordinance 2014-01 Regarding Chronic Nuisance Premises.

The town is not in a position to adopt an Ordinance. There has been a reduction in the number of calls. The recommendation was to look to the police community to address enforcement issues. These ordinances are controversial. These issues are related more to police enforcement.

Supervisor Madelung had no problem putting this off. He was concerned that the call reduction was a landlord telling tenants not to call.

Chairperson Wipperfurth has been discussing the creation of a public safety committee.

Supervisor Stravinski agreed that a public safety committee would be a good thing.

This will be postponed indefinitely.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to postpone action indefinitely on Ordinance 2014-01 Regarding Chronic Nuisance Premises. Motion carried with a 5-0 vote.

15. Resolution 2014-69 Approving The Memo Of Understanding Regarding Use Of Windsor Sports Commons.

Chairperson Wipperfurth explained that over the past several months staff has been working with some of the different user groups regarding use of the Sports Commons. There have been meetings and discussion regarding the responsibilities of the user groups. Staff has put together a chart that outlines the responsibilities. There needs to be comment from the Board to determine if we are on the right track. No action will be taken at the meeting.

A Memorandum of Understanding has been drafted by Town Attorney Anderson. They went through line-by-line as to who is responsible. There has been discussion regarding a new storage facility. The chart depicts the general understanding that came out of that meeting.

Paul Kirkegaard representing the Norski Soccer Club and Bill Simpson representing the Norski LaCrosse Club were present.

Mr. Simpson had a question regarding the parking installation. He also had a question about the future storage facility. It is his understanding there is \$25,000 available from the town. What the LaCrosse Club does not have is money set aside for this project.

Chairperson Wipperfurth responded that this is the town's first stab at this. The town has a Memorandum of Understanding with the Boy Scouts who use a complex in Windsor. The town annually reviews that based on usage. The storage shed is a work in progress. Those discussions will be ongoing. The goal is to make something happen as soon as possible. That component could be pulled out. This can be discussed when they have a discussion with the other user groups.

Paul Kirkegaard indicated that his understanding from the MOU was that the cost for the construction of the shed would be shared. They do not need to determine dollar values until the two clubs meet and decide what the structure will be.

Chairperson Wipperfurth responded that this maybe could be highlighted as "to be determined at a future date."

Bill Simpson asked where the building would go. Where do they fit in? LaCrosse fields are bigger than what is shown. Further definition of what the area will be is important to the LaCrosse Club. They would like to be able to shift fields a bit. The area of the goals gets quite beaten down.

Chairperson Wipperfurth responded that the placement of the fields is just placeholders at this time.

The Board feels they are on the right track.

Paul Kirkegaard asked if it is the intent of the Board to have a delineation of the soccer space and LaCrosse space or do they determine a line.

Chairperson Wipperfurth responded that this is a work in progress. He thought the new area would be for LaCrosse and soccer practice. The newly expanded area would be used by the LaCrosse Club.

Mr. Kirkegaard indicated that the LaCrosse Club wants to install irrigation. Would that be extended to the additional 10 acres?

Tournament use and sharing is important.

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The suggestion was made for each club representative to meet with Town Engineer Richardson to discuss field placement, etc.

Chairperson Wipperfurth indicated action would be taken on December 18.

16. Resolution 2014-70 Adopting A Tax Incremental Financing Policy And Application.

Chairperson Wipperfurth indicated that, as part of the town's TIF review, there should be a policy to refer to when reviewing applications.

Town Attorney Anderson advised that the town is trying to have a policy that will allow the review of applications. The first section refers to standards and the second section refers to the application. It describes the types of development that would be available for assistance. Some developments are not eligible to receive TIF financing. Certain costs are eligible. There are threshold requirements: where the project is located, the "but for" test (meaning the project would not occur "but for" the assistance provided by TIF funding), and substantial and significant public benefit. If these items are met, then they can move on to the next part of the economic impact analysis.

Discussion followed regard repayment of taxes. The money is frozen in time until it has been paid back. You spend wisely and can find a tremendous value for the community.

Chairperson Wipperfurth thanked everyone who has put time in this project.

A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, approving Resolution 2014-70 Adopting Tax Incremental Financing Policy And Application For Tax Incremental District No. 1 (TID No. 1). This is historic for the town. Motion carried with a 5-0 vote.

17. Discussion/Action On Windsor Recycling Center Composting, Operations And Facility Improvements.

Town Engineer Richardson indicated he is not requesting any action. He is providing an update on the work the Recycling Committee is doing. The conclusion is that the town needs more space. Two properties have been identified that could be used for a recycling area. Contact has been made with both property owners. One of the property owners called him back after receiving the letter and said they were interested. The second property owner who he called back indicated they are thinking about it. A meeting will be set up. One potential site is on the northern portion of the town and fairly close to the Town Hall. The other one is on Windsor Road close to the urban service area. There are advantages and disadvantages to both areas.

18. Joint Room Tax Commission Agreement And Ordinance.

Town Attorney Anderson indicated she has been asked what happens next because Vienna and Burke have given notice that they are withdrawing from the Joint Room Tax Commission effective the end of the year. If each of these communities does withdraw, it would be just Windsor and DeForest.

Supervisor Stravinski had asked that the marketing plan and balance sheet be provided. There will be a minimum of \$30,000 for Windsor and DeForest to start the year off. It could potentially be between \$30,000 and \$70,000. He suggested that the information in the Town Board packets and the withdrawal of Burke and Vienna should go to the village of DeForest.

19. Resolution 2014-71 Selecting Town Attorney And Town Prosecutor.

Town Attorney Anderson stated that after 28 years of practice in large firms and small firms she has made the decision to go to a small firm. Her leaving Stafford Rosenbaum has been very amicable. She will be representing five local governments and some small special projects. Town Attorney Anderson indicated she would like to continue as the town's attorney with the Stafford firm remaining as town prosecutor.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve Resolution 2014-71 Selecting Town Attorney And Town Prosecutor. Motion carried with a 5-0 vote.

20. Consider Cancellation Of January 1, 2015, Town Board Meeting.

In that the first Town Board meeting in January falls on January 1, a motion was made by Supervisor Smith, seconded by Supervisor Madelung, to cancel the meeting. There is no need to reschedule the meeting. Motion carried with a 5-0 vote.

21. Update On US Hwy. 51 Expansion Project.

Town Engineer Richardson advised that he attended the last progress meeting for the Highway 51 project. There will be no more. Signs still need to be erected. The highway, however, is open. The work is not complete. A lot of the work will have to be done next spring.

Chairperson Wipperfurth stated that the project has had a few bumps, but it has generally gone smoothly.

22. Adjournment.

At 7:15 p.m., a motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed, Recording Secretary

