

**VILLAGE OF WINDSOR  
ORDINANCE 2015-01**

**Ordinance Confirming Village Status, and Creating Village Board  
and Commissions, including Windsor Utilities Commission**

**THE VILLAGE BOARD FOR THE VILLAGE OF WINDSOR, LOCATED IN DANE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE:** Repeal Articles I and II of Chapter 2 of the Windsor Code of Ordinances (the “Code”) and replace them with the following:

**Chapter 2 - ADMINISTRATION**

**ARTICLE I. - IN GENERAL**

**Sec. 2-1. - Legal status.**<sup>1</sup>

The Village of Windsor was incorporated on November 9, 2015. The Village operates under the village system of government pursuant to Wis. Stats. ch. 61.

**Sec. 2-2. - Official newspaper; legal posting.**

The Village shall use posting pursuant to State law as its means of giving notice. The notice posted before the act or event requiring notice shall be posted and, if applicable, placed electronically, no later than the time specified for the first newspaper publication. The notice must be posted in at least 3 public places likely to give notice to persons affected or must be posted in at least one public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the municipality.

When publication is required by State law or when directed by the Village Board, the official newspaper shall be the DeForest Times-Tribune.

**State law reference**— Publication of legal notices, public newspapers, and fees, Wis. Stats. § 985.01 et seq.; official city newspapers, Wis. Stats. § 985.06.

**Secs. 2-3—2-24. - Reserved.**

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<sup>1</sup> State Law reference— Villages generally, Wis. Stats. ch. 61; municipal budget systems, Wis. Stats. ch. 65; general municipal law, Wis. Stats. ch. 66; municipal borrowing and municipal bonds, Wis. Stats. ch. 67; municipal administrative procedures, Wis. Stats. ch. 68.

## **ARTICLE II. - VILLAGE BOARD**

### **DIVISION 1. - GENERALLY**

#### **Sec. 2-25. – Village Board; Members.**

The Village Board shall be known as the Village Board of Windsor, as provided in Wis. Stats. § 61.34. The Village Board shall consist of four Trustees and the Village President, as permitted by Wis. Stats. § 61.20(4).

#### **Sec. 2-26. - Elections.**

At the annual spring election, the Village shall elect for two-year terms:

- (1) In odd-numbered years, the Village President and two Trustees.
- (2) In even-numbered years, two Trustees.

**State law reference**—Wis. Stats. §§ 61.19, 61.20 and 61.23.

#### **Sec. 2-27. – Village Board powers and duties.**

- (a) The Village Board has specific authority, powers and duties pursuant to State law including, without limitation, those set forth in Wis. Stats. § 61.34.
- (b) In addition, the Village Board has general specific statutory authority, powers and duties established in Wis. Stats. ch. 61 and ch. 66, and home rule powers established in Wis. Stats. §66.0101.

#### **Sec. 2-28. – Village President powers and duties.**

The Village President shall have the powers and duties provided by State law including, without limitation, Wis. Stats. § 61.24, and such other powers as may be assigned to the Village President by the Village Board pursuant to State law.

#### **Sec. 2-29. - Meetings.**

- (a) *Preservation of order.* The Village President and the Village Board have power to preserve order at its meetings.
- (b) *Open meetings required.* All Village Board and official Village committee and commission meetings shall be open to the public and be in compliance with State open meetings law as provided in Wis. Stats. § 19.81 et seq.
- (c) *Regular meetings.*
  - (1) *Time and place.* Regular Board meetings will be held at the Windsor Municipal Building at such time as designated and noticed by the Village President, ordinarily on the first and third Thursdays of each month. Any regular Board meeting falling upon a legal holiday shall be held on such day designated by the Village Board.
  - (2) *Notice.* Regular Board meetings also may be held at a time and in a place as designated by the Village President or his or her designee, in compliance with State open meetings

law as provided in Wis. Stats. § 19.81 et seq., by posting a proper notice of the substituted day, time or location at the three usual and customary posting locations likely to give notice. This notice shall occur at least 24 hours prior to the meeting, except that in an emergency the notice posting shall occur at least two hours prior to the meeting.

(d) *Special meetings.*

- (1) *Call; public notice required.* Any special Board meeting may be called by the Village President or two Trustees in writing with the written call for the special Board meeting filed with the Village Clerk at least 24 hours prior to the proposed special Board meeting with the time specified in the written call for the special meeting. No special Board meeting shall be held unless the notice requirement of Wis. Stats. § 19.82 has been complied with by the person or persons requesting the public meeting.
- (2) *Notice to Trustees.* The Village Clerk, upon receipt of the written call for the special Board meeting, shall immediately notify, in writing, each Trustee by email using the email address assigned to the Trustee by the Village or by delivering the written notice or by having the written notice delivered personally to each Trustee or by notifying each Trustee by telephone or text. Notice via email or text shall be deemed delivered if the Trustee acknowledges the notice. If any Trustee cannot be personally notified in writing, then the Village Clerk shall deliver or have delivered a copy of the written notice at the home of any such Trustee in the presence of an adult member of the Trustee's family. If any Trustee cannot be noticed in writing through an adult family member as noted above, then the Village Clerk shall post such special meeting as required by law.
- (3) *Proof of service of notice.* At any special meeting where all Trustees are not either in attendance or not in attendance because of an excused absence, the Village Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Village Board. If personal service upon any Trustee was not completed, then the Village Clerk shall so state in the affidavit the type of service or written notice completed.
- (4) *Quorum; matters that may be considered.* Special Board meetings attended by a quorum of the Trustees shall be considered a regular Board meeting for the transaction of any Village business that may come before the Village Board if such regular Village business was not noted in the written notice to the public as required by the Wis. Stats. § 19.82.

**Secs. 2-30—2-46. - Reserved.**

**SECTION TWO:** Repeal Article IV, Division 3 of Chapter 2 of the Windsor Code of Ordinances (the “Code”) and replace it with the following:

**Chapter 2 - ADMINISTRATION**

**ARTICLE IV. - BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES**

**DIVISION 3. - COMMISSIONS**

**Sec. 2-196. - Plan Commission.**

- (a) *Creation.* Pursuant to Wis. Stats. § 61.35, there is created a Village Plan Commission, with the powers, duties and qualifications as set forth in this division and in Wis. Stats. § 62.23.
- (b) *Composition; terms.* The Plan Commission shall consist of seven members appointed or reappointed for staggered three-year terms of office. The members of the Plan Commission shall be members at large and represent the entire Village. The members shall be appointed by the Village President, who shall also choose the presiding officer. The Village President may appoint himself or herself to the commission and may appoint other Trustees, except that the commission shall always have at least 3 citizen members who are not Village Trustees. Citizen members shall be persons of recognized experience and qualifications. It is desired that the Plan Commission membership reflect the geographic diversity of the Village.
- (c) *Vacancies.* Whenever a vacancy shall occur, a citizen member shall be appointed by the Village President and confirmed by the Village Board to fill the unexpired term.
- (d) *Officers.* The Village President shall choose the presiding officer of the Plan Commission and the members shall elect at its first meeting in May of each year a vice-chairperson from among its membership, and shall keep a public record of its resolutions, transactions and findings.
- (e) *Duties.*
  - (1) As authorized by the Village Board, the Plan Commission shall have the power and authority to pay for services of experts and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for the commission by the Village Board. Such power and authority is subject to any ordinance or resolution enacted by the Village Board.
  - (2) The Plan Commission shall prepare, adopt, by resolution, and recommend to the Village Board for its adoption a Comprehensive Plan showing the Commission's recommendations for the physical development of the Village. The purpose of the Plan shall be to guide and accomplish a coordinated and harmonious development which will, in accordance with the existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.
  - (3) The Plan Commission shall make reports and recommendations to the Village Board relating to planning.
  - (4) The Plan Commission shall make advisory recommendations to the Village Board on matters relating to zoning, variance and land division proposals.

- (5) The Plan Commission shall exercise such powers set forth in Wis. Stats. § 62.23 as are compatible with Village government and such other authority as established by Village ordinance or resolution and otherwise directed by the Village Board.

**State law reference**— Village land use and planning, Wis. Stats. § 61.35 et seq.; city planning, Wis. Stats. § 62.23.

**Sec. 2-197. – Windsor Utilities Commission.**

- (a) *Composition and Appointment.* The Windsor Utilities Commission shall consist of five voting members: there may be up to two Village Trustees, and there shall be no fewer than three citizen members. The three citizen members shall be persons of recognized experience and qualifications. The Windsor Utilities Commission shall have general supervision and control of the following Village public utilities: sanitary sewer; and, public water.

The Village Trustee members of the Windsor Utilities Commission shall be appointed annually by the Village President subject to the approval of the Village Board at the organizational meeting of the Village Board. The Village Trustee members shall serve as members for so long as they each hold their respective offices.

The citizen members of the Windsor Utilities Commission shall be appointed annually by the Village President, subject to Village Board approval, at the organizational meeting. The term of each citizen member shall be for a staggered term of two years, except that the initial appointments may be shorter or longer to establish the staggered terms.

- (b) *Vacancies.* Whenever a vacancy shall occur, a member, consistent with the composition of the commission, shall be appointed by the Village President and confirmed by the Village Board to fill the unexpired term.
- (c) *Officers.* The members of the Windsor Utilities Commission shall elect at its first meeting in May of each year a chairperson and vice-chairperson from among its membership, and shall keep a public record of its resolutions, transactions and findings.
- (d) *Meetings and Quorums.* The Commission shall meet at least monthly. Three members shall constitute a quorum. All rules and regulations are subject to Village Board review and approval. All members of the Windsor Utilities Commission shall be paid a per diem for attendance at each meeting of the said Commission as set by resolution of the Village Board.
- (e) *Duties and Powers.* The Windsor Utilities Commission shall have the general management and supervision of the Village water and sewer utilities, and all matters connected therewith; and shall have the general power and authority to make rules and regulations for the management of said utilities as it shall from time to time find necessary for the safe, economical and efficient management and protection of said utilities. The Windsor Utilities Commission shall keep books of account in the manner and form prescribed by the Wisconsin Public Service Commission, which shall be open to the public. Additional duties include:
- (1) *Finances.* The Windsor Utilities Commission will be responsible for preparing and recommending an annual budget to the Village Board reflecting needed expenditures and anticipated revenues, as well as preparing and modifying sewer rates and filing

water rate and electric rate modification requests with the Wisconsin Public Service Commission when sound business practices deem it appropriate. Such recommendation shall be made prior to October 1 of each year. Under the direction of the Finance Director, the Windsor Utilities Commission shall be responsible for timely payment of all connection charges and user fees due and owing to the Madison Metropolitan Sewerage Commission, and for establishing practices and policies to ensure collection of such fees from developers and customers of the Windsor Utility Districts.

- (2) *Long-range planning.* The Windsor Utilities Commission shall prepare, adopt and, as necessary, amend a long-range plan projecting the needs for the Village utilities in the future, in areas of fiscal responsibility, personnel, new construction and scheduled maintenance practices.
- (3) *Reports and Expenditures.* The Windsor Utilities Commission shall submit periodic reports on the status of Village public utilities, at least as often as annually; or more frequently if requested by the Village Board. Any expenditure not included within a budget approved by the Village Board must be authorized by the Windsor Utilities Commission and approved by the Village Board; except in an emergency situation when the expenditure is necessary to prevent property damage or injury to life.
- (4) *Auditing Expenditures.* The Village Finance Director shall provide a monthly statement to the Windsor Utilities Commission of the expenditures, revenues and fund balances relating to utility operations. Audits of the Windsor Utilities shall be conducted as recommended by the Finance Director and approved by the Village Board.
- (5) *Construction.* The Windsor Utilities Commission shall receive reports from the Utility Engineer, who shall recommend to the Windsor Utilities Commission such staff as is prudent and necessary to supervise and superintend the installation of all new machinery, wells, reservoirs, mains, transmission, collection and distribution and service pipes, lines, and associated facilities and equipment; as well as any repairs or reconstructions of the same or any part thereof. All work of this nature shall be let by contract under supervision of the Utility Engineer.
- (6) *Maps and Records.* The Utility Engineer shall prepare maps showing the locations of all mains and service pipes ordered to be laid, with reference to the property lines of the street, court or alley in which the same are to be laid, and also with reference to the established grade of said street, court or alley. After sewer or water mains and service pipes shall have been laid, the Utility Engineer shall see to it that maps indicate the exact location of said sewer and water mains and service pipes as actually laid. The Utility Engineer or designee shall cause a record of the exact location of said sewer and water pipes and mains to be transcribed in record books, electronic maps or records kept on file for that purpose in the Village offices.
- (7) *Overall Responsibility.* In fulfillment of its duties, the Windsor Utilities Commission shall forward its recommendations relating thereto to the Village Board for final action. The Village Board may accept, reject or re-refer the recommendations of the Windsor Utilities Commission back to the Windsor Utilities Commission for further action.

(8) *Management, Operation and Control*

- (i) *Management.* The management, operation, and control of the public water system and sewer system for the Village shall be vested in the Village Board. All records, minutes and all written proceedings thereof shall be kept by the Village Clerk. The Village Treasurer or designee shall keep all the financial records thereof.
- (ii) *Construction Authority.* Subject to the approval of the Village Board, the Windsor Utilities Commission shall have the power to construct water and sewer lines for public use, and shall have the power to lay water, stormwater and sewer pipes, in and through the public alleys, streets, and public grounds located within the Village; and generally, to do all such work as may be found necessary or convenient in the management of the water, stormwater and sewer systems. The Windsor Utilities Commission shall have power by itself, its officers, agents and servants, to enter upon any land in the Village for the purpose of making examination or supervise in the performance of their duties under this Section, without liability therefor; and the Windsor Utilities Commission shall have the power to purchase and acquire for the Village subject to the approval of the Village Board all real and personal property which may be necessary for construction of the water, stormwater, and sewer systems, or for any repair, remodeling, or additions thereto.

**Sec. 2-198. - Joint community center commission.**

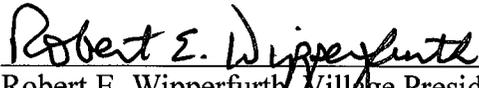
- (a) *Composition.* The community center shall be governed by a body to be known as the DeForest Area Joint Community Center Commission. The body shall have nine members selected as follows:
  - (1) The DeForest Village President and the Windsor Village President shall each appoint one member of their respective governing boards as members of the commission, subject to confirmation by their respective boards.
  - (2) The DeForest Village President, the Windsor Village President and the Vienna Town Chairperson shall each appoint two residents of their respective municipalities as members of the commission subject to confirmation by their respective boards.
  - (3) The DeForest Half Century Club, Inc., shall appoint one member to the commission.
- (b) *Terms.* Of the initial appointees, one member shall serve a one-year term and the other members shall serve a two-year term. Annually thereafter, one such member shall be appointed to serve a two-year term. Once selected, each commissioner shall continue to serve as a member of the commission until a successor is selected and qualified.
- (c) *Duties.* The commission shall be organized under and has such authority as is established in the inter-municipal community center and senior programs agreement, which is incorporated herein by reference.

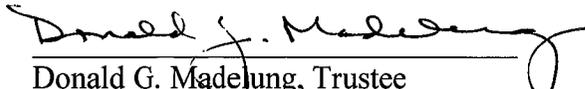
**Secs. 2-199—2-219. - Reserved.**

**SECTION THREE:** This Ordinance shall become effective following its adoption by the Village Board and publication thereof (or a notice) in the manner provided for by law.

The above and foregoing Ordinance was duly adopted at the special organizational meeting of the Village Board of the Village of Windsor held on the 17<sup>th</sup> day of November, 2015, by a vote of 5 in favor and 0 opposed.

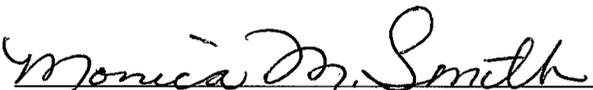
**VILLAGE OF WINDSOR**

  
Robert E. Wipperfurth, Village President

  
Donald G. Madejung, Trustee

  
Bruce Stravinski, Trustee

  
Alan Buchner, Trustee

  
Monica M. Smith, Trustee

*Attested by:*  
  
Christine Capstran, Village Clerk

Published: \_\_\_\_\_

Effective: \_\_\_\_\_