

TOWN OF WINDSOR
REGULAR BOARD MEETING

Minutes

October 29, 2015

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 4:00 p.m. Supervisors present: Alan Buchner, Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Others present: Town Clerk Christine Capstran, Town Finance Director Tina Butteris, Town Attorney Connie Anderson, Town Planner Rybarczyk, and Town Engineer Kevin Richardson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Madelung.

3. Announcements.

- a. The Town Board Will Convene Into Closed Session Pursuant To Wisconsin Statutes Sec. 1985(1)(e) For Purposes Of Deliberation Or Negotiation Of The Purchasing Or Sale Of Public Properties, The Investing Of Public Funds, Or Conducting Other Special Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session (Cooperative Boundary Agreements With Town(s) And DeForest).

Chairperson Wipperfurth read the above announcement. He also noted that the Town Board meeting on November 5 has been cancelled. He believes this will be the last Town Board meeting that Windsor holds.

4. Approve Minutes.

- a. October 8, 2015.
- b. October 15, 2015.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve the Minutes of October 8, 2015, and October 15, 2015, as presented. Motion carried with a 5-0 vote.

5. Consider Vouchers For Payment.

Town Engineer Richardson explained the pay request from R.G. Huston for Windsor Crossing. They have completed \$2,268,633.39 worth of work. They are submitting a pay request in the amount of \$482,427.93. The pay request has been signed and approved by D'Onofrio Kottke, who has been overseeing the project. Town Engineer Richardson said they were expecting that the surface course would be laid next Monday. They are on-target.

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

6. Appearances Before The Board.

None.

7. Report From Contract Deputy And Town Of Windsor Policing Monthly Report.

Deputy Heidi Studnicka provided the Law Enforcement Report for October. She responded to 84 calls and issued 11 citations, and Deputy Day responded to 24 calls and issued 2 citations. There were crashes at CV and Lake Circle, Highway 19 and Heatherstone Ridge, a hit-and-run on Traveler Trail, and Highway 19 and CV. Calls of interest included a domestic disorderly conduct arrest, a vehicle pursuit arrest, mail threats, drug investigation, physical abuse of a child, an armed robbery assist, and a dog issue.

8. Incorporation Update.

Chairperson Wipperfurth noted that the referendum vote is November 3. October 26 was the last educational meeting at the Morrisonville Elementary School. There were about a dozen people who attended with good questions. Meetings have ranged from 6 people to 60 people.

9. Operator Licenses.

None.

10. Resolution 2015-80 Windsor Real Estate, LLC Requests Approval Of A Certified Survey Map, Rezone And Conditional Use Permit To Reconfigure Lots Located At 4506 Lake Circle In the Town Of Windsor.

Town Planner Rybarczyk provided a staff report. Several months ago this was an agenda item. Right before it got to the Town Board, the applicant withdrew the matter to address some issues.

The applicant is back proposing a two-lot CSM. They are placing the Super 8 Motel and the single-family house on one lot that is being sold to an entity, and Lot 1 is the remaining vacant property. They came to an understanding at the Plan Commission meeting. The main concern was Lot 1 not having sufficient access to a right-of-way. When the Kenworth facility franchise lease is up, all of the properties being used by Kenworth will be consolidated which would include Lot 1 which is being used as surface parking for inventory it is receiving. The town received comments from Roger Lane of Dane County. With the addition of the deed restriction, the town is comfortable with approving the CSM.

Town Attorney Anderson's only comments were with regard to the deed restriction, which describes the property, the owners of the new CSM, and places restrictions. This was the challenge the town was facing.

James Grothman stated he had looked at everything, and it is clear. Dennis Petzke from Kenworth indicated his agreement.

Supervisor Stravinski indicated that the Plan Commission approved this and knew that there had to be language added to make it work.

A motion was made by Supervisor Smith, seconded by Supervisor Buchner, to approve Resolution 2015-80 Approving Certified Survey Map (CSM), Rezone And Conditional Use Permit (CUP) To Reconfigure Lots. Motion carried with a 5-0 vote.

11. US Highway 19 Intersection At Revere Trails Subdivision.

Chairperson Wipperfurth started the discussion by stating that Revere Trails has asked to do a second phase which would require additional improvements. The town is expecting a full intersection at Highway 19. There have been discussions, and Chairperson Wipperfurth felt the Town Board needed to be updated.

Town Engineer Richardson stated that when the town reviewed Revere Trails there was a lot of concern from Terrace Park regarding traffic going through Terrace Park for Revere Trails. As a condition, access was required off of Highway 19. The DOT wants access to Highway 19 controlled. It was the town's understanding that there would be a full-service intersection. The issue that staff has with right-in / right-out is that traffic traveling from the west not being able to get into that intersection with a left turn. This was discussed with DOT. Originally there was a permit for a full-access intersection that was obtained by the developer. That permit lapsed. When they went back, the DOT put in other conditions. DOT wants a bypass lane and a turn lane. The developer indicated that, instead of full access, they would want a right-in / right-out.

Randy Grobe started from the beginning. The original permit was granted when this was a condo project in 2010. They signed off in 2012. DOT required accelerator lanes at a cost of \$80,000. Mr. Grobe indicated he wanted full access. The cost for full access would be \$400,000

vs. \$80,000 on the original deal. Full access will be needed when commercial comes. Right-in / right-out is the most cost-effective way.

Joe DeYoung of MSA provided the Town Board with a handout that was provided to DOT showing three layouts. Highway 19 would have to be widened on both sides. This would impact the bridge that was constructed in 2013. DOT wants this designed for 60 miles per hour.

Chairperson Wipperfurth stated that at the meeting in early summer there was talk of a speed study.

Mr. DeYoung responded that the speed study did not result in lowering the speed limit. DOT would not give him the speed study.

Chairperson Wipperfurth's concern was that, if the town allowed the right-in / right-out, the full intersection will not be built.

Randy Grobe responded that that was a false conclusion. The most valuable portion of the property is Highway 19 for the commercial businesses. He felt this was a waste of money with DOT redoing everything in a few years to make Highway 19 four lanes.

Chairperson Wipperfurth stated that this plat was approved with a full interchange, not with a right-in / right-out.

Town Engineer Richardson stated that the town met with DOT on the Highway 19 study. The purpose was to limit access to Highway 19 and extend the use of the two-lane road as long as possible. The DOT said not to expect four lanes for quite a while.

Tim Roehl said when they sell a contract and one comes in to build their home they meet with the architectural committee. One of the main points is access. There is a gate that is opened and closed behind the big trucks. DOT should have put in four-lane bridges per its rules when they were reconstructed.

Supervisor Smith asked what was originally agreed to.

Town Engineer Richardson answered "full access."

Supervisor Stravinski stated he could see the developer's point that the cost is a problem. He was wondering if they could do like has been done on Highway 51 across from the airport. He went on to discuss his suggestions.

Randy Grobe asked whether the town would consider a cost-sharing arrangement. They would pay 75 percent, and the town would pay 25 percent.

Chairperson Wipperfurth responded that no decisions would be made at the meeting.

Randy Grobe added that it helps to sell lots to have full access. Discussion followed.

Chairperson Wipperfurth had concerns that, if the town becomes a village and this intersection is not in place, will the village have to pay more? No one knew the answer.

Chairperson Wipperfurth said the Town Board needed to go back and think about this some more. He wanted an opportunity to have this conversation.

A question was raised on Outlot 1. Mr. Roehl responded that this is the commercial area. There was discussion on Outlot 2. Supervisor Stravinski said the town is looking for an access to the Big Hill and Conservancy. This Outlot would be an ideal spot for a parking area and main entrance to the Big Hill.

12. Acquisition Of An 81.13 Acre Parcel In the Town Of Windsor And The Town Of Burke By Dane County For Conservation And Public Outdoor Recreational Purposes.

Chairperson Wipperfurth indicated that the county wants to purchase this property. They are giving the town an opportunity to comment. This is land that will eventually go to the village of DeForest. The village of DeForest is against this proposal.

Supervisor Buchner asked where the Windsor lands continue to the west.

Town Engineer Richardson responded River Road and Highway 19.

Town Clerk Capstran added that they are planning on having a place where one could put in canoes and a conservancy area with a path.

Supervisor Stravinski had no problem with this and indicated this would be an asset for the whole community.

Supervisor Madelung agreed.

Supervisor Smith said she would like to reestablish the cleanliness of the water. This will be a very nice buffer, and she would agree with the purchase.

Supervisor Buchner added that the town does not need to take an official position. It is a done deal.

The town will take no official position.

13. Resolution 2015-81 Approval Of Documents Related To Development Of Lot 97 Of Plat Of Wolf Hollow Including Amendment To Development Agreement To Allow For Assignment To North Towne, LLC, Utility Easements, And Lender's Documents.

Town Attorney Anderson explained. Before the Town Board are the documents that are required by the town's agreement and by the bank so Craig Frank can close on his construction loan. She explained the Release of Restrictive Covenants, First Amendment to TID Development Agreement, Path Maintenance and Easement Agreement, Public Access Easement for Park Equipment, Estoppel Letter, and Collateral Assignment and Consent to Collateral Assignment. The documents have been approved by the Sanitary District and engineer.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to approve Resolution 2015-81 Approving Documents Related To Development Of Lot 97 Of Plat Of Wolf Hollow Including Amendment To Development Agreement To Allow For Assignment To North Towne, LLC, Utility Easements, And Lender's Documents. Motion carried with a 5-0 vote.

14. Updated Implements Of Husbandry Options.

Town Engineer Richardson explained that the town has been given a small window until November 30 if it would want to change its current status. Windsor opted on the advice of the Dane County Towns Association. Options at this time are to opt in, totally opt out, partially opt in and designate only roads that can be traveled on, or opt in and designate all roads. The town can stay where it is at or opt out. Town Engineer Richardson indicated he was willing to continue the permitting process. If the town needs to make a change, it has to be done by November 30.

Chairperson Wipperfurth added that this created a lot of anxiety last spring. It has worked out well. The town had a meeting last March or April. It will not seek out offenders. It is a learning process. He would recommend leaving it as it is.

Supervisor Buchner stated that this is one resolution that he wished the town could unring the bell on. It is something that the town cannot enforce. He agreed with Chairperson Wipperfurth that this is an educational issue.

Chairperson Wipperfurth noted that this allows the town to require driveways and obtain damages.

Supervisor Madelung added that the town passed this to protect its roads and have a limited amount of damages from these heavier and wider loads. He liked the idea that they do have to register. He recommended sending yearly notices regarding the policy which could convey that the town is watching.

Supervisor Buchner asked how many ag producers were registered.

Town Engineer Richardson responded 10.

Supervisor Buchner stated that this can be enforced by local officials, the county, and the state patrol.

Supervisor Stravinski asked if this was a yearly thing.

Town Attorney Richardson and Town Attorney Anderson said that was hard to know.

Town Clerk Capstran said there was a new law that went into effect in 2015 requiring the town to have a new ordinance.

Supervisor Stravinski thought it was a good thing to have it.

Supervisor Buchner asked if the town was going to adopt anything comprehensive.

Town Engineer Richardson stated the advice of the Dane County Towns Association was to have all the towns on the same page. There are maybe 20 towns involved. Cottage Grove opted out completely.

Supervisor Buchner asked whether we could do the same thing we want to do. Can we opt out and come back as a village and set an ordinance?

Town Engineer Richardson answered that DOT requires an ordinance.

Supervisor Stravinski noted that this would be an ordinance that is complaint-driven.

Chairperson Wipperfurth stated that this gives the town the ability to enforce it. Roads are a big part of the town's budget.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, that the town continue with the permit requirement for implements of husbandry as it has in the past and that staff prepare an ordinance. Motion carried with a 5-0 vote.

15. Designate \$100,000 Of Undesignated General Funds To Revaluation.

Town Finance Director Butteris noted that this was discussed earlier that there is money in the town's reserve funds that the town would like to set aside for a revaluation. The town has unassigned funds and would like to designate \$100,000 to that fund.

A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, to designate \$100,000 of undesignated general funds to revaluation. Motion carried with a 5-0 vote.

16. 2016 Budget Workshop.

17. Action To Approve 2016 Budgets For Public Hearing Notice.

18. Establish Budget Public Hearing Date.

December 3, 2015, at 5:00 p.m. was suggested as the budget public hearing date. A motion was made by Supervisor Madelung, seconded by Supervisor Stravinski, to approve the budget public hearing date of December 3, 2015, at 5:00 p.m. Motion carried with a 5-0 vote.

19. Convene Into Closed Session And Roll Call.

At 5:45 p.m., a motion was made by Supervisor Smith, seconded by Supervisor Madelung, to convene into closed session. Roll call vote with everyone present.

20. Reconvene Into Open Session.

21. Action From Closed Session (May Include Motion Or Resolution).

a. Cooperative Boundary And/Or Related Agreements With Town(s) And DeForest.

22. Committee/Board/Staff Reports.

a. Plan Commission.

b. Community Development Authority.

c. Park Commission.

d. Token Creek Conservancy Committee.

e. Sun Prairie Extra-Territorial Zoning Committee.

f. DeForest Area Community And Senior Center/Half-Century Club.

g. DeForest Area Fire Protection Board.

- h. DeForest Area Chamber Of Commerce.
- i. DeForest Area Tourism Commission.
- j. Dane County Towns Association.
- k. WisDOT I-39/90/94 Study From Madison To Portage.
- l. Town Chair Report.
- m. Town Staff Report.

23. 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, October 29, 2015 at 4 p.m.
Windsor Town Hall / Meeting Room, 4084 Mueller Rd, DeForest, WI

SUPPLEMENTAL MINUTES

19) Convene into Closed Session and Roll Call

Supervisor Smith moved to convene into closed session pursuant to the notice at 5:45 p.m., second by Supervisor Madelung. Motion carried 5 -- 0 with a roll call vote.

20) Reconvene into Open Session

Supervisor Smith moved to reconvene into open session at 6:40 p.m., second by Supervisor Stavinski. Motion carried with a 5 – 0 vote.

21) Action from Closed Session (May Include Motion or Resolution)

- a) Cooperative Boundary Agreements with Town(s) and DeForest

Supervisor Buchner moved to approve the Forbearance Agreement as presented, second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

22) Committee/Board/Staff Reports:

- a) Plan Commission

Supervisor Stravinski reported on the Plan Commission.

- b) Community Development Authority

Town Engineer Richardson reported on the Community Development Authority.

- c) Park Committee

Town Clerk Capstran reported on the Park Commission.

- d) Token Creek Conservancy Committee

Supervisor Stravinski reported on the Token Creek Conservancy Committee.

- e) Sun Prairie Extra-Territorial Zoning Committee

Supervisor Madelung indicated he had nothing to report.

f) DeForest Area Community and Senior Center/Half-Century Club

Supervisor Stravinski reported on the DeForest Area Community and Senior Center/Half-Century Club.

g) DeForest Area Fire Protection Board

Chairperson Wipperfurth reported on the DeForest Area Fire District.

h) DeForest Area Chamber of Commerce

Supervisor Smith reported on the DeForest Area Chamber of Commerce.

i) DeForest Area Tourism Commission

Supervisor Stravinski reported on the DeForest Area Tourism Commission.

j) Dane County Towns Association

Supervisor Madelung indicated he had nothing to report.

k) WisDOT I-39/90/94 Study from Madison to Portage

Chairperson Wipperfurth indicated he had nothing to report.

l) Town Chair Report

Chairperson Wipperfurth provided his report.

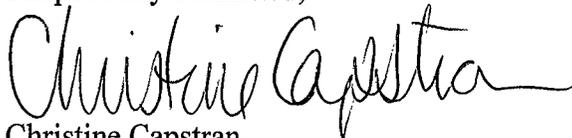
m) Town Staff Report

Town Engineer Richardson and Town Clerk Capstran provided a staff report.

23) Adjournment

Chairperson Wipperfurth moved to adjourn at 6:55 p.m., second by Supervisor Smith. Motion carried with a 4-0 vote.

Respectfully submitted,



Christine Capstran
Clerk