

Approved  
2.4.2016

VILLAGE OF WINDSOR  
REGULAR BOARD MEETING

Minutes

January 21, 2016

1. Call Meeting To Order And Roll Call.

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

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Trustee Stravinski.

3. Announcements.

- a. The Village Board will convene into closed session pursuant to Wisconsin Statutes sec. 19.85(1)(e) for purposes of deliberation or negotiation of the purchasing or sale of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Lease with County of Dane) (Boundary agreement negotiations: Town of Bristol, Town of Vienna, Town of Westport and Town of Leeds) (Forbearance Agreement with Village of DeForest).

President Wipperfurth read the above announcement.

4. Approve Minutes.

- a. January 7, 2016.

A motion was made by Trustee Madelung, seconded by Trustee Smith, to approve the Minutes of January 7, 2016, as presented. Motion carried with a 5-0 vote.

5. Finance:

a. Staff Report On Finances.

Village Director of Finance/Deputy Clerk Butteris provided a staff report. There were additional invoices provided for prepaids and invoices to be paid out. She pointed out the two trucks that the village is going to be purchasing: one for Public Works to utilize for grooming, and the other is a truck for the maintenance department. Also included as No. 13 is the TID agreement payment. She noted that the motion regarding the TID agreement payment be made contingent on that being approved by the Village Board.

Regarding the budget comparison, they have not yet gone through everything from the end of the year. Revenues are at 116 percent, while expenditures are at 99 percent.

In 2015, 74 single-family residence building permits were issued, which is up from 61 issued in 2014.

b. Consider Vouchers For Payment.

A motion was made by Trustee Smith, seconded by Trustee Stravinski, to approve the vouchers for payment, including No. 13 if approved by the Village Board. Motion carried with a 5-0 vote.

c. Treasurer's Report.

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

d. Budget Report.

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

6. Appearances Before The Board.

None.

7. Operator Licenses.

President Wipperfurth indicated there was one application for an operator license. Village Clerk Capstran recommended approval. A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve the operator license for Scott D. Mowatt based on staff recommendation. Motion carried with a 5-0 vote.

8. Windsor Crossing Development Concept Plan Review.

Village Planner Rybarczyk provided highlights. Before the Village Board is a conceptual development plan, two certified survey maps, and a replat. This follows the Windsor Crossing Master Plan. The developer is looking at doing a different concept for the single-family component. Originally there were 79 to 80 lots. Now there are 74 lots, which are in a different lot configuration. The developer is utilizing TOPO to its advantage. The condo plat will be eliminated. In looking at the maps, a couple of issues have come up. With the Windsor Crossing Master Plan, some of the parameters of the development were included in the cooperative plan between Windsor and DeForest. The developer is trying to get to a 65/35 ratio on the owner-occupied makeup. That could be an area that needs to be discussed.

Regarding the single-family residences, the developer is looking for modification to the side yard and front yard setbacks. They are asking for a reduction from 10 feet to 8 feet for side yard setbacks and a 5-foot reduction in front yard setbacks. The CSMs and plat which will be coming back to the Board and Plan Commission in February had some minor technical issues that were not of substance.

Village Engineer Richardson stated that the storm water plan is sized for this development.

Village Planner Rybarczyk has been working with the developer on the trail system.

President Wipperfurth added that the zoning district that is being contemplated will apply to only certain areas in the village.

Ron Henshue, representing the developer, provided a PowerPoint presentation. Their concentration is recording the CSMs and the replat. Originally there were 392 units in the residential area. They are now at 379 units. Their only challenge is meeting the 65/35 ratio. They are asking for a CSM to be recorded on the east side and west side to clean up issues. This will eliminate the condo plat. He showed the design of the replat. The design was changed for three reasons: (1) traffic flow; (2) lot sizing (There were originally 78 lots, which included too many lots that were small. They eliminated four lots.); and (3) the path was eliminated that would go into a storm water management area.

They are requesting a waiver. Taken together, the average lot size is 11,900 square feet. There are eight lots that are below 10,000 square feet. They would like 25-foot front yard setbacks and 8-foot side yard setbacks.

Mr. Henshue discussed phasing. Their goal is to add 20 lots per year. Condos are not as readily accepted.

Trustee Smith felt the lots were too small.

Mr. Henshue responded that a ranch-style home would be 1,600 square feet, with a two-story home being 2,200 square feet.

Trustee Madelung asked about walkouts.

Mr. Henshue responded that the lots would be graded for walkouts.

Trustee Buchner was concerned about a high-quality, interesting development. What would be a fair build-out number on new construction, excluding the land?

Mr. Henshue responded \$125 per square foot.

Trustee Buchner calculated using \$135 per-square-foot plus a 65-foot by 55-foot lot. That would put the home in the \$500,000 range.

Mr. Henshue said the lot width relates to the fact that most people want three-car garages. They would need a 60- to 65-foot wide lot to provide for a three-car garage. They are looking at lots priced in the range of \$90,000 to \$95,000. Lots are one-quarter of the overall price of a home.

Trustee Smith stated she liked the overall design. Her concern was with the rental units. How will they be managed?

Mr. Henshue responded that they have done a market study on the multi-family component. They plan on this being a quality product and have been working with the Alexander Company regarding management.

Trustee Stravinski questioned the variance setbacks. If there was a 5-foot variance, would that be on all of the lots?

Mr. Henshue responded “yes.” The variance for the side lots may or may not be used. It would allow the builder to go to 8 feet.

Trustee Stravinski agreed with Trustee Smith. He liked the layout.

Trustee Smith said she was looking at this regarding safety. She agrees with the proposed traffic flow.

President Wipperfurth responded that with Phase 2 there is a road that goes through to Wolf Hollow. The fire department will require a connection with Phase 1. The fire department and EMS have not yet looked at this plan.

This was provided for concept review only.

9. Resolution 2016-03 Consideration Of Extension Requested By DeWitt Real Estate Development.

President Wipperfurth provided a brief history. On December 18, 2014, by a vote of 3 to 2, the Windsor Town Board approved a Resolution for this multi-family development. In that

Resolution there was a clause which stated, “This Resolution, and the conditional approval contained herein, shall expire unless a building permit has been issued within 12 months of the date of approval of this Resolution.” That approval expired in December of 2015.

The village of Windsor does not have a legal mechanism to extend this approval.

Village Attorney Anderson provided an overview. The original approval was by Town Board Resolution 2014-75. She referenced the letter she sent to Mr. DeWitt after receiving his request for an extension. Are there specific reasons for this extension?

Mr. DeWitt responded that the letter he submitted to the Board lays out everything he has to say. The reason for not going forward was a bunch of conditions. He relied on his management company for market reports which were used. There were the issues of financing and capital. Support was lukewarm at the beginning of last year. At their last discussion, they felt they were ready to give this a positive approval. The market conditions are right at this time.

President Wipperfurth stated that one of the things he found curious was that this request came in so close to the deadline. If it would have come in in November, the village would have had a chance to renotify the neighborhood. Staff has been getting inquiries about this project. This is not a good position for the village.

Trustee Buchner asked the fundamental question – what changes on this piece of property? None of the 1999 entitlements go away.

President Wipperfurth stated the history is there. It passed on a 3 to 2 vote. It was controversial. Windsor does not have a mechanism to extend the approval.

Trustee Buchner asked Mr. DeWitt what he would want for an extension.

He responded “one year.”

Trustee Stravinski added that this was conditionally approved, and not all of the conditions have come through. If the applicant had taken care of some of the conditions, *i.e.*, some changes in the colors and types of materials that would be used on the building, that would have helped. He thought there were problems with storm water. If this would have been approved with no conditions or all conditions were met, it would give him a chance to say maybe we should consider this. Windsor has no ordinance that says what we are supposed to do.

Trustee Madelung stated that in the original vote of 3 to 2, he was one who gave Mr. DeWitt the opportunity for this project. He is not inclined to do so at this time.

Trustee Smith indicated that, in reading Mr. DeWitt’s letter about the Windsor market, she did not find a valid argument. She would not vote for it.

President Wipperfurth noted Mr. DeWitt's inability to raise capital from investors. He asked whether he had ever considered using the parcel for a different purpose. There is a developer looking for a property in Windsor to do assisted living for seniors.

Mr. DeWitt responded he would be interested in something like this. He said he would be open to that suggestion.

Trustee Buchner added that this lot would still be entitled to 53 units even if the extension is turned down.

Village Attorney Anderson indicated there are a few different issues. The lot will remain the same whether it is addressed today or in four months. There need to be deadlines on things. Time limits need to be set. The situation would be very different if Windsor had been advised of this when Mr. DeWitt was getting advice from his advisors. The timeframe allows a finite period of time for development. People must take responsibility when a permit is issued. The timeframe was specified intentionally. Village Attorney Anderson added that her recommendation is that the Village Board not provide for an extension. If the Board wants to provide for an extension, then the village will have to create the ability for an extension in its ordinances. She was concerned about challenges this Board would face because no time lines are set.

President Wipperfurth again stated that the village of Windsor does not have a legal mechanism to grant an extension. If the applicant would like the project to live on, he will have to resubmit his application.

Trustee Madelung would like to respect the process. He did not want to grant an extension because there is no mechanism.

President Wipperfurth added that, if the applicant would submit a new application, the village would consider it.

Trustee Madelung agreed.

Trustee Smith stated she did not want to grant an extension. She voted against this project the first time and would like to see a different plan for the project.

Trustee Stravinski agreed with Trustee Smith and disagreed with Trustee Buchner. He did not feel the applicant has a vested right to 53 units but has a vested right for up to 53 units. He will have to resubmit his application.

Trustee Buchner felt the village was creating headaches for itself in the future. The village needs a legal vehicle. The property is for up to and including 53 units. He cannot support it. There is no proper vehicle to extend it. The applicant can come back with an application, and the village can evaluate it on its merits at that time.

President Wipperfurth stated that the village does not have a legal mechanism to grant the extension. The applicant has the ability to resubmit an application for approval.

There are four determinations in the Resolution: (1) The site plan approval has expired by its own terms. (2) The extension is not granted, and the developer's request is denied. (3) An extension would be against the public health, safety and general welfare for a number of reasons. It also did not allow for community input by the Plan Commission and Village Board. (4) The Board is requesting that the developer submit a request for a site plan review no more than 12 months prior to the date the developer intends to obtain a building permit.

Village Planner Rybarczyk stated that, when drafting new ordinances, something can be prepared regarding extensions.

A motion was made by Trustee Stravinski, seconded by Trustee Smith, to approve Resolution 2016-03, Consideration Of Extension Requested By DeWitt Real Estate Development (Lot 137, Holland Fields, Village Of Windsor). The motion is a denial of the developer's request for an extension. Trustee Buchner added that what the village is looking at is the fact that it does not have a mechanism for an extension. He would like that fact to be part of the Resolution.

Village Attorney Anderson indicated she could add the fact that the current village ordinances do not include a mechanism for an extension under these circumstances.

Trustee Buchner responded that that is the foundation for his view – that there is no mechanism.

The motion maker and second concurred with the suggestions.

Motion carried with a 5-0 vote.

10. Review Of Draft Amendments To The Windsor Code Of Ordinances For Chapter 52 – Zoning Districts C1 (Commercial), C2 (Commercial), RE-1 (Recreational), and CO-1 (Conservancy).

President Wipperfurth indicated this is for review and was reviewed by the Plan Commission on January 19. The next chapter on the Zoning Ordinance is business and commercial districts, doing recreation and conservancy. The language for recreation and conservancy was carried over verbatim from the prior ordinance. With regard to communication towers, they were a permitted use in the Conservancy District and in the Recreational District. They have been moved to conditional uses.

Conservancy and recreation come to play with Windsor Crossing. Windsor acquired land for lacrosse fields. These lands would be rezoned.

The text for conservancy and recreation districts is verbatim from Dane County. Windsor did overlook one area – the lot acquired in Wolf Hollow for an extension of that park. This

oversight will be corrected. The drafters are trying to put together a framework for the village of Windsor code which is a combination of Dane County and Sun Prairie.

Windsor had six commercial districts: B-1, C-1, C-2, LC-1, AC, and NC. A lot of these districts were not being used. Commonalities between the districts were addressed, which left C-1 and C-2. Phone calls were made to owners to see if their property use has changed. He went through the map and explained the changes.

Comments were made regarding the C-1 language and residential uses. With regard to C-1, there can be limited residential. The village would need to look at it when it is residential – when it is appropriate in rural and urban areas. Language will be finalized.

Trustee Madelung indicated he had concerns with the A-2 districts.

President Wipperfurth indicated the focus was on commercial.

Trustee Stravinski initiated a discussion regarding adding 5,000 square feet for each additional unit when it is put on top of a commercial building.

Multi-family units are not allowed in a non-sewered area. Do we want multi-family units outside the urban service area?

President Wipperfurth responded, “probably not.”

Regarding adding units to a commercial structure, President Wipperfurth indicated there could be a cap on add-ons.

Alan Harvey, 3900 Vinburn Road, stated that staff has done a terrific job on the ordinances.

He said he noticed a couple of things: Item F, regarding storage of explosives, does the village want that in C-2? It also listed mini-warehouses. Most communities see this as a low value use. In terms of aesthetics, the village may not want mini-warehouses.

Mr. Harvey indicated there were sweeping changes to the laws regarding the telecommunications area.

Village Planner Rybarczyk responded that he battled with storage of explosive materials and bulk fuel. There could be a fireworks store.

President Wipperfurth indicated the village did not want to allow explosives.

Trustee Stravinski asked how that would affect the 4th of July tents.

Village Planner Rybarczyk responded that they could be dealt with as a temporary use.

President Wipperfurth suggested moving mini-warehouses into a conditional use category.

11. Review Draft Amendments To The Windsor Code Of Ordinances For Chapter 38 – Article V Standards And Specifications For Land Divisions.

Village Planner Rybarczyk stated that a couple of months ago the Village Board approved Chapter 38 but overlooked Article V. The only change made was to change the reference from town to village and update some of the language to reflect the newer plans.

12. Resolution 2016-04 Quit Claim Deed For Outlot Two (2) Of The Plat Of Wolf Hollow.

Village Attorney Anderson explained that Nos. 12 and 13 are tied together and relate to Lot 97. The village did obtain from Mr. Frank a quit claim deed for the knife. The village wanted to make certain when that area is vacated it goes to the village of Windsor first. Here the Board is approving a quit claim deed to allow any interest Windsor might have in that lot would go to the CDA and make sure Windsor has initiated discontinuance of the public way described as Outlot 2. A Notice of Pendency of Vacation of Outlot 2, Plat of Wolf Hollow, Dedicated for Right-of-Way Purposes on Lot 97, Plat of Wolf Hollow needs to be recorded.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve Resolution 2016-04 Approving Quit Claim Deed For Outlot Two (2) Of The Plat Of Wolf Hollow, Village Of Windsor, WI. Motion carried with a 5-0 vote.

13. Resolution 2016-05 Lot 97, Plat Of Wolf Hollow, Payment Per Agreement To Undertake Development In Tax Increment District No. 1.

Village Attorney Anderson advised that Mr. Frank has quit claimed his entire interest to the CDA. The village has to determine whether the payment as set forth in the TID agreement should be made at this time. Village Attorney Anderson recommended that it be done because he has met all the requirements. Village Finance Director/Deputy Clerk Butteris can then make payment and obtain a receipt.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve Resolution 2016-05 Approving Payment Per Agreement To Undertake Development In Tax Increment District No. 1, Lot 97, Plat Of Wolf Hollow, Village Of Windsor, WI. Motion carried with a 5-0 vote.

14. Resolution 2016-06 Grant Of Easement, Gas Main, Bear Tree Farms.

Village Engineer Richardson highlighted on the map the property owned by the village of Windsor. The gas main has to cross the front of Windsor's lot. This is a standard agreement.

Discussion followed on how Windsor will handle the easement. Should there be offered an affidavit of correction for the plat?

Village Engineer Richardson and Village Attorney Anderson agreed that the village was good where it was at.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Resolution 2016-06 Approving Grant Of Easement For Gas Main, Plat Of Bear Tree Farms, Village Of Windsor, WI. Motion carried with a 5-0 vote.

15. Appoint Amy Anderson Schweppe, Planning And Development Coordinator, As Village Of Windsor Representative On The DeForest Area Chamber Board Of Directors.

A motion was made by Trustee Smith confirming President Wipperfurth's nomination of Amy Anderson Schweppe, Planning and Development Coordinator, as the village of Windsor representative on the DeForest Area Chamber Board of Directors. The motion was seconded by Trustee Stravinski. Motion carried with a 5-0 vote.

16. Authorization To Seek Bids Through A Request For Proposal To Update The Village Of Windsor's Stormwater Modeling.

Village Engineer Richardson explained the request for proposal that will be used to obtain proposals for the modeling for the phosphorus. The request will go to four engineering firms: Baxter and Woodman, Ayers, Foth, and Town and Country. In the request for proposal it is not mentioned that there be an interview. Village Engineer Richardson indicated he could make a request of the applicants to come before the Village Board and make a presentation. President Wipperfurth stated that Village Engineer Richardson could make the determination. The Board did not want to do an interview.

A motion was made by Trustee Madelung, seconded by Trustee Stravinski, to approve the Request for Proposal for Professional Engineering Services For Stormwater Modeling And Phosphorus Load Estimates. Motion carried with a 5-0 vote.

17. Resolution 2016-07 A Resolution Authorizing The Execution Of An Intergovernmental Agreement For An Adaptive Management Plan For The Yahara Watershed.

Village Attorney Anderson advised that there will be some minor changes made to the Resolution and asked that it be tabled.

A motion was made by Trustee Buchner, seconded by Trustee Stravinski, to table Resolution 2016-07 until the next meeting. Motion carried with a 5-0 vote.

18. Convene Into Closed Session And Roll Call.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to convene into closed session. A roll call vote was taken with everyone present.

19. Reconvene Into Open Session.

A motion was made and seconded to reconvene into open session.

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

- a. Lease With County Of Dane.
- b. Boundary Agreement Negotiations: Town Of Bristol, Town Of Vienna, Town Of Westport And Town Of Leeds.
- c. Forbearance Agreement With The Village Of DeForest.

21. 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

*Approved  
2.4.2016*

**VILLAGE OF WINDSOR - BOARD MEETING**  
Thursday, January 21, 2016 at 5 p.m.  
Windsor Municipal Building / Meeting Room, 4084 Mueller Rd, DeForest, WI

**SUPPLEMENTAL MINUTES**

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

Trustee Buchner moved to convene into closed session, second by Trustee Smith. Motion carried with a 5 – 0 roll call vote.

**19) Reconvene into Open Session**

Trustee Madelung moved to reconvene into open session at 8:53 p.m., second by Trustee Buchner. Motion carried with a 5 – 0 vote.

**20) Action from Closed Session (May Include Motion or Resolution)**

a. **Lease with County of Dane**

President Wipperfurth moved to amend the lease agreement with Dane County to reflect an annual reduction of \$800 for the remainder of the term of the lease. The reduction to \$50,000 per year will begin in 2016 and addresses the changed use of the shared space on the west elevation that houses Windsor Planning and Development, second by Trustee Madelung. Motion carried with a 5 – 0 vote.

b. **Boundary Agreement Negotiations: Town of Bristol, Town of Vienna, Town of Westport and Town of Leeds**

Trustee Madelung moved to authorize the Village President and Attorney to start boundary agreement negotiations and prepare documents as applicable, second by Trustee Stravinski. Motion carried with a 5-0 vote.

c. **Forbearance Agreement with the Village of DeForest**

No action was taken on the Forbearance Agreement with the Village of DeForest.

**21) Adjournment**

Trustee Smith moved to adjourn at 8:56 p.m., second by Trustee Madelung. Motion carried with a 5 -0 vote.

Respectfully submitted,



Tina Butteris  
Director of Finance/Treasurer  
Deputy Clerk/ HR Manager