

Approved  
6.2.2016

VILLAGE OF WINDSOR  
REGULAR BOARD MEETING

Minutes

May 19, 2016

1. Call Meeting To Order And Roll Call.

The Village Board meeting was convened by President Wipperfurth at 5:00 p.m. All Trustees were present. Others present: Village Director of Finance/Deputy Clerk Tina Butteris, Village Attorney Connie Anderson, and Village Engineer Kevin Richardson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Trustee Smith.

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3. Announcements.

None.

4. Approve Minutes.

- a. May 3, 2016.
- b. May 5, 2016.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve the Minutes of May 3, 2016, and May 5, 2016, as presented. Motion carried with a 5-0 vote.

5. Finance.

- a. Staff Report On Finances.

Director of Finance/Deputy Clerk Butteris highlighted several items. To date, 27 building permits have been issued compared with 23 in 2015. Windsor is already at 51 percent of its permit revenue.

b. Consider Vouchers For Payment.

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

c. Treasurer's Report.

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

d. Budget Report.

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

6. Appearances Before The Board.

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None.

7. Operator Licenses.

President Wipperfurth advised that there were two applications for operator licenses. Village Clerk Christine Capstran recommended approval of both applications.

A motion was made by Trustee Stravinski, seconded by Trustee Madelung, recommending approval of operator licenses for Daniel J. Reineke and Olivia A. Nickel as recommended by staff. Motion carried with a 5-0 vote.

8. Ordinance 2016-13 Policy For Allowing Beer In Parks For Special Events.

President Wipperfurth stated this was the first time the Village Board has seen this issue. Staff has been working on this for a month or two.

Village Attorney Anderson added that right now Windsor does not have a policy for consumption of beer and wine at park shelters. This will allow that to occur for events that reserve a park shelter. There is a policy that describes Windsor's expectations.

Sindy Schwenn has contacted adjoining municipalities. She found that they do allow beer and wine in their park shelters.

Village Attorney Anderson proceeded to explain Exhibit A. This has been reviewed by law enforcement. They were comfortable allowing beer and wine in reserved park shelters. The permit will be part of the shelter application.

Trustee Stravinski noted that there is no mention of the state law that allows persons under 21 years of age to consume beer and wine if they are with their parents.

Village Attorney Anderson responded the same rules would apply. The parents would have to be responsible for them. Since there will be no licensed operator at the park shelter, Windsor may not want that to occur. It is a tough call.

A motion was made by Trustee Buchner, seconded by Trustee Stravinski, to approve Ordinance 2016-13, Amendment Of Chapter 40 And Ordinance Sec. 40-65 – Alcohol Beverages To Provide Policy On Beer And Wine Consumption In Park Shelters. Motion carried with a 5-0 vote.

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9. Village Of DeForest Notice Of Withdrawal From The Joint Room Tax Commission.

President Wipperfurth noted that there was a letter from the village of DeForest in the Board members' packets. Windsor would be taking action that it acknowledges receipt of the letter from the village of DeForest.

Trustee Stravinski noted that, at their last meeting, the Room Tax Commission voted to accept DeForest's withdrawal at the end of the year.

A motion was made by President Wipperfurth, seconded by Trustee Stravinski, acknowledging Windsor's receipt of the letter from the village of DeForest dated April 7, 2016, indicating they are leaving the Commission effective December 31, 2016. Motion carried with a 5-0 vote.

10. Resolution 2016-71 Hoffman Valley Estates Final Plat Extension Request.

President Wipperfurth advised that this plat was approved several years ago. The initial approval will expire in July of this year. The Hoffmans have asked for an extension.

Windsor staff met with Kay Hoffman on May 17 and discussed whether the Village Board is willing to look at an extension. This Resolution says the Board is willing to extend, and Village Planner Rybarczyk and Director of Planning and Development Anderson Schwappe are looking at the extension. President Wipperfurth was fine letting this go through this process, although he would be more comfortable with a two-year extension instead of a three-year extension.

Village Attorney Anderson added that this would be updated to meet Windsor's current ordinances in that it is now a village. The change can be made to two years.

President Wipperfurth advised that, once a final plat is approved, one has three years to file it. There has been no storm water management work, and Windsor has not received a draft of a development agreement.

Kay Hoffman indicated they would accept the two-year extension.

Trustee Smith agreed with the two-year extension. Trustee Madelung added that that worked for him. Trustee Stravinski was comfortable with a two-year extension.

A motion was made by Trustee Smith, seconded by Trustee Madelung, to approve Resolution 2016-71, Approval Of Action Necessary To Address Extension Request For Plat Of Hoffman Valley Estates. Motion carried with a 5-0 vote.

11. Resolution 2016-72 Amendment To The Developers Agreement For Phase 2 Of The Plat Of Revere Trails And Potential Infrastructure Changes.

President Wipperfurth noted that copies of the portion of the Minutes pertaining to Revere Trails from April 21 were distributed.

Subsequently, the village received different proposals that came in on May 19, 2016. They are completely different from what was originally discussed. President Wipperfurth stated that, unless something changes in his mind, he did not want to take any action on this.

Randy Grobe stated they wanted to make sure before they transfer and convey land that they have substantial assurances that they will be able to build there. They would need the deed restriction on the plat lifted.

President Wipperfurth discussed the transfer of parkland. He could understand why Mr. Grobe wanted to have assurances. There had been previous discussion regarding a full-access interchange at Highway 19. Now they are proposing multi-family, which was not even discussed in April.

Mr. Grobe disagreed about construction of full access to Highway 19. He cannot put in a full-access intersection. It is too costly. The rules changed at the DOT.

Joe DeYoung discussed Phase 3.

Tim Roehl discussed options and multi-family.

They do not know the infrastructure costs, piping, and CARPC.

Trustee Stravinski reminded Mr. Grobe that he stated that if the village of Windsor kept its promises he would keep his promises. Windsor has recorded documents indicating that they are going to put in an interchange and pave the road. At the last meeting, he was under the

understanding that by putting single-family in there would be no commercial south of the culvert and in Phase 2 they would give that section of Outlot 2 that is north of that culvert to the village of Windsor. If that piece of land does not come to Windsor in Phase 2, Trustee Stravinski will not support Mr. Grobe's proposal.

Trustee Buchner responded that Trustee Stravinski is correct. He understands the road connection and the cost. He felt it was premature having this conversation at this time – having this conversation on the night of a Board meeting is uncomfortable.

Mr. Grobe asked whether everyone could work together on Phase 3 in three or four years. Multi-family may solve the problem.

President Wipperfurth stated that the four-acre park would be conveyed as part of Phase 2. Phase 3 had to be quasi-connected with Phase 2 because of the ramifications.

Trustee Madelung stated that Windsor has had a number of developers bring in materials at the 11th hour. Materials have to come to Windsor much faster.

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Trustee Smith added that it was frustrating for the Board. She did not know why we were here tonight.

Mr. Grobe responded that they were here to get Phase 2 started.

Village Attorney Anderson stated there is an agreement that can be worked out. She did not see how the Board can be responding to this. It will have it wait until the next meeting. It sounds like it will be workable.

Mr. Grobe said the village could consider it done – taking out the multi-family references.

Village Attorney Anderson felt the Comprehensive Plan will allow this.

Tim Roehl said whatever is worked out for Phase 3 will be south of the ridge line. His question is, whatever the acreage is between Lot 36 and the ridge line, are you going to use that as the multiplier for the 10th of an acre parkland?

President Wipperfurth responded, "yes."

Joe DeYoung discussed the roads and getting them going. They still do not have DOT approval for the intersection. They can start on the roads, as they have all of those permits.

Trustee Stravinski stated what Windsor was promising was, if it got the north part of the outlot as a park, they would not have to do commercial below. Windsor is saying that single-family will fit. The Board will look at multi-family, but it is predominantly looking at single-family. The developer would not have to put that in as commercial.

Village Attorney Anderson stated that Windsor does not have a concept plan for Phase 3 and cannot deny or approve it.

President Wipperfurth was going back to what he remembered Windsor agreed on at the last meeting. The part north of the hash marks would be turned over to the village of Windsor as part of the Phase 2 agreements. Windsor will make a good-faith effort in reviewing Phase 3. Windsor agrees with the right-in, right-out and has directed Village Engineer Richardson to work with DOT on that issue. The Comprehensive Plan and rezoning Phase 3 is premature. He indicated that no construction equipment is to travel through Terrace Park. The construction equipment has to come through from the south. The other thing was the suggestion that the developer was going to use Village Planner Rybarczyk as a consultant for CARPC. Attorney Lawton said they would reimburse him. President Wipperfurth felt this was complicating things.

Trustee Stravinski discussed the ribbon curb. The trail would not be complete by June 30, 2016, as originally proposed. The agreement should be amended to note that the trail would not have to be done by June 30, 2106.

Joe DeYoung responded that the trail would be done as part of the road. Mr. Grobe agreed. It could not be done by June 30, however.

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Trustee Stravinski asked whether the trail should come into the park.

President Wipperfurth went through the points again. The park north of the cross-hatched area in Outlot 2 will be dedicated to Windsor as part of Phase 2. Construction equipment has to come in from Highway 19. Windsor will put forth a good-faith effort to work with the developer on Phase 3. The Windsor Board agrees to the right-in, right-out at Highway 19. Nothing about CARPC will be in the development agreement for Phase 2. An extension will be given until September 30 for completion of the roads and a path. This can be discussed at the May 25 Village Board meeting. The items that were discussed will be the items in the agreement.

12. Schroeder's Field Development (To Be Renamed To Apple Valley).

President Wipperfurth advised that the Schroeder's Field Development will be renamed to Apple Valley and that the Village Board approved of this name change.

- a. Resolution 2016-69 – Conditional Approval Of Assignment Of Rights And Responsibilities For The Successor Developer Of Schroeder's Field (To Be Renamed As Apple Valley).

Village Attorney Anderson began the discussion. It did not make sense to approve an assignment because there will be a new development agreement. Her recommendation is the assignment not be approved, but the Village Board approve the Development Agreement. The Development Agreement includes all of the lots, except Lot 25. Mr. Elsing conveyed Lot 25 to a

third party. There will be a site plan review for Lot 25. The new developer of this project will take care of the public improvements in front of Lot 25.

Village Attorney Anderson recommended approving Resolution 2016-69. There will not be an assignment, but there will be a new development agreement which is on the agenda.

Mr. Elsing agreed to the new development agreement.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Resolution 2019-69, Approval Of Action On F&M Bank Assignment Regarding The Plat Of Schroeder's Fields (To Be Renamed As Apple Valley), In The Village Of Windsor, WI. Motion carried with a 5-0 vote.

President Wipperfurth noted there is a 60-day time limit for everything to move forward.

- b. Resolution 2016-70 Approve Amendments Of Restrictive Covenants And Related Development Documents For Apple Valley.

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A motion was made by Trustee Smith, seconded by Trustee Madelung, to approve Resolution 2016-70, Approval Of Amendment To Restrictive Covenant On Lot 25 Of The Plat Of Schroeder's Fields (To Be Renamed As Apple Valley), In The Village Of Windsor, Dane County, WI. Motion carried with a 5-0 vote.

- c. Resolution 2016-52 Development Agreement For Apple Valley.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Resolution 2016-52, Approval Of Development Agreement For Phase 1 Of The Plat Of Schroeder's Field (To Be Renamed Apple Valley) In The Village Of Windsor, WI. Motion carried with a 5-0 vote.

13. Windsor Crossing Development.

- a. First Amendment To Real Estate Purchase And Sale Agreement – Commercial Phase.
- b. First Amendment To Real Estate Purchase And Sale Agreement – Multifamily Phase.
- c. First Amendment To Real Estate Purchase And Sale Agreement – Single-Family Phase.
- d. Authorization For The Community Development Authority Executive Director To Execute Sale Documents.
- e. Resolution 2016-74 Approving And Recommending Execution Of Documents Related To Windsor Crossing Development Including First Amendments Of Purchase Agreements, Development Agreement And Covenants.

Village Attorney Anderson discussed the documents. There has been a minor modification to the language. The closing date has been changed to on or before the end of June. Some numbers were added. This will be approved at the Village Board meeting on May 25. The CDA also approved giving Village Engineer Richardson authorization to execute documents on behalf of the CDA.

14. Adjournment.

At 6:45 p.m., a motion was made by Trustee Smith, seconded by Trustee Madelung, to adjourn the Village Board meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary

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