

Approved
8-18-16

VILLAGE OF WINDSOR

BOARD MEETING

Minutes

August 4, 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 Clerk Christine Capstran, 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 Stravinski.

3. Announcements.

- a. The Village Board Will Convene Into Closed Session Pursuant To Sec. 19.85(1)(e) Of The Wisconsin Statutes For Purposes Of Deliberating Or Negotiating The Purchasing Of Public Property, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session (Negotiation Of Cooperative Plan Amendment With The Village Of DeForest And DeForest Windsor Area Fire & EMS District Agreement).

President Wipperfurth read the above announcement.

4. Approve Minutes.

- a. July 21, 2016.
- b. July 27, 2016.

A motion was made by Trustee Stravinski, seconded by Trustee Smith, to approve the Minutes of July 21, 2016, and July 27, 2016, as presented. Motion carried with a 5-0 vote.

5. Consider Vouchers For Payment.

Additional invoices were provided. Village Director of Finance/Deputy Clerk Butteris referenced an invoice that was included regarding reimbursement to the DeForest Area Chamber of Commerce. A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve the vouchers as presented for payment. Motion carried with a 5-0 vote.

6. Appearances Before The Board.

None.

7. Law Enforcement Report.

Deputy Day provided the Law Enforcement Report for July 2016. The Knox box has been installed in the squad car. There were 46 citations issued. Calls of interest included responses to three suicidal people, theft from auto, A&W Restaurant fire, stolen auto recovery, disorderly conduct/battery arrest, burglary, damaged signs at the Windsor Conservancy, and crashes at CTH C and Egge; Highway 19 and CV; CV and Lake Circle; Portage and Windsor; and CTH C. Citations were up in that there was some extra grant dollars.

Hailey Collins, the new Windsor deputy, was introduced. She is an eight-year veteran.

8. Operator Licenses.

President Wipperfurth advised there were four applications for Operator Licenses. Village Clerk Capstran recommended approval of all four. A motion was made by Trustee Smith, seconded by Trustee Buchner, recommending approval based on staff recommendation for Operator Licenses for Rebecca J. Manke, Nicole M. Fatsis, Stephanie M. Weaver, and Cathy L. Lombard. Motion carried with a 5-0 vote.

9. Maureen McCarville, Dane County Supervisor, District 22 Update.

This will be rescheduled.

10. Norski Soccer Representative To Discuss Temporary Lighting At Windsor Sports Commons.

Village Clerk Capstran explained the request. Trevor Grothaus was present representing the Norski Soccer Club. They would like to put temporary lighting in the fields to extend their practice time. They will be renting equipment and giving it a trial run to see if that is something

they would like to do on a permanent basis. As an aside, Mr. Grothaus thanked the Village Board for paving the driveway to the soccer fields.

Mr. Grothaus explained they are looking at renting two portable lights from the middle of September to the end of October to extend the training time. They do not know exactly where the lights will be set. They are moveable. He stated that the rental company is not aware of any restrictions. Training will not go past 8:30 p.m., Monday through Thursday.

President Wipperfurth added that, when Windsor purchased the land, there was a prohibition on lights. There was a residence, and there was concern by the Sheriff's Department that the lights may be blinding at the intersection. The residence is no longer there.

Trustee Buchner's only concern was regarding vandalism.

Mr. Grothaus responded that there is not a lot of vandalism that goes on there. They will have rental insurance. If there is no lock provided on the trailer, they will put one on it. The lights point down and are able to withstand winds up to 60 mph.

Brian Cortez was concerned about fuel being syphoned.

President Wipperfurth indicated the village could do this on a trial basis for the first year with several conditions: There must be a lock on the trailers and a lock on the gas containers. If there are any safety concerns from the Windsor sheriff, these will be communicated to Mr. Grothaus. If it does not work, Windsor has the ability to remove them.

A motion was made by President Wipperfurth, seconded by Trustee Madelung, authorizing the lighting on a temporary basis starting in mid-September and not to exceed the 10th of November. The days of use would be Monday through Thursday. Locking mechanisms are required, as well as a fire extinguisher. Windsor will be working with the Sheriff's Department and the Windsor deputies. If it does not work, Windsor has the ability to end it without coming before the Village Board.

Trustee Buchner asked whether additional insurance is needed or whether Windsor would be named as an additional insured. Village Attorney Anderson responded that this is classic recreational immunity. Mr. Grothaus could have the village added as an additional insured.

Motion carried with a 5-0 vote.

11. Award Bid For Finch Trail Road Maintenance And Resurfacing.

Village Engineer Richardson provided a memorandum containing a tabulation of the bids. The village received three bids. It also has a \$14,000 grant. The low bidder was Tri-County Paving, Inc., in the amount of \$52,815.50.

A couple of weeks ago, Windsor received a call from a resident regarding the cost of his road being repaved. The cost per mile is \$200,000. Windsor's road budget is \$350,000.

Village Engineer Richardson suggested awarding the bid to Tri-County Paving.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to award the bid for the Finch Trail Road project to Tri-County Paving, Inc., in the amount of \$52,815.50. Motion carried with a 5-0 vote.

12. Ordinance 2016-21 Fireworks Ordinance.

Village Attorney Anderson and Village Clerk Capstran put together this Ordinance.

Village Clerk Capstran explained the history and how Windsor got to this point. A few years ago Windsor enacted a fireworks ordinance that allowed people to set up a temporary fireworks stand and sell fireworks. This year one of the people who did so was local. At the time Windsor allowed the fireworks stands, it did not see any harm. Windsor also did not see any benefit to the village; administering the fireworks stands was time-consuming and costly. Windsor is paid a \$70 fee for the permit. With the work done in connection with the permits by Village Attorney Anderson, the fire inspector, and Village Clerk Capstran, the cost is over \$1,000. This does not include the extra patrolling in the evenings. It is not a benefit to Windsor to have these stands. The village also gets a lot of complaints from local businesses. Village Clerk Capstran would like the Board to look at this and determine whether Windsor should allow this to continue when it does not bring any benefit to the community. The Ordinance would still allow for fireworks displays but would not allow for the temporary tent sales.

Two local business owners were present: Tony Sobczak from the Mousehouse Cheesehaus and Brian Cortez from the A&W.

Mr. Sobczak stated what they are seeing is they put in a stand next to their businesses. There are complaints from truck drivers because that is where they park. They have blocked off areas of the lots. There is a lot of mess.

Mr. Cortez added that most important is discharge of the fireworks. There are a lot of bottle rockets on the ground. They are trying to make quick money, and there is not a lot of supervision. Their customers use their places to park their cars. Not much education is given to the buyer.

Deputy Day added that it increases the flow of traffic in the area. In years past, they have had numerous complaints. He is not in favor of the stands at all. There is no benefit to having those stands.

Trustee Buchner stated he loves fireworks. He inquired about the subsidy given to the Mobil station. Village Clerk Capstran responded that it was \$2,500.

Mr. Cortez added that there was a window broken at the A&W.

Trustee Stravinski stated he had no problem with eliminating the tents. He questioned the seven items listed in the Ordinance and asked whether Windsor was being too restrictive. There needs to be clarity in the Ordinance regarding possession. Is Windsor banning all fireworks? What happens if someone has fireworks in their house now? What are they supposed to do with them? How is Windsor going to deal with that as far as possession? He was completely in favor of having an ordinance that prohibits tent sales. Trustee Stravinski was not sure that Windsor should add the seven items. What do we do with the fireworks?

Village Attorney Anderson understood Trustee Stravinski's confusion. The ordinance deals with selling and possessing fireworks for sale. Possession for family and home is not prohibited. A big display requires a permit. There would be an exemption if one has an actual building and engages in selling year-round. The village is trying to regulate temporary sales.

President Wipperfurth referenced correspondence received from a village resident.

President Wipperfurth stated that this Ordinance will limit the sale of fireworks, but residents can possess them in their homes.

Trustee Madelung spoke as a resident of Prairie Creek and Wolf Hollow. His dog hates them. He personally likes them, but there is a time and place for them. Any that contain gun powder or explosives are dangerous.

Trustee Smith added that she received a complaint from Peppino's.

This would be a great topic for a future newsletter or for Facebook. Maybe there could be a "Deputy's Corner" in the newsletter.

A motion was made by Trustee Smith, seconded by Trustee Stravinski, to approve Ordinance 2016-21, Amendment Of Fireworks Ordinance.

Trustee Buchner was worried about safety concerns and traffic congestion.

Trustee Stravinski's concern was how many would go into the town of Burke?

Motion carried with a 5-0 vote.

13. Appointment Of Village Board Member To The Utility Commission.

President Wipperfurth placed in nomination the name of Trustee Smith for appointment to the Utility Commission. A motion was made by Trustee Buchner, seconded by Trustee Madelung, to confirm the nomination. Motion carried with a 5-0 vote.

14. Appointment Of Village Board Representative And Public Member To The Joint Review Board.

President Wipperfurth noted that a sheet containing the Joint Review Board Responsibilities was provided to the Village Board members.

President Wipperfurth placed in nomination his name and the name of Dennis O’Loughlin, as the public member, to serve on the Joint Review Board. Their next meeting is August 16. A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to confirm the nominations. Motion carried with a 5-0 vote.

15. Resolution 2016-105 #JustFixItWI Campaign For Sustainable And Reliable Transportation Aids.

The League of Municipalities is requesting Windsor’s support. It is a plea to Wisconsin government officials to provide an appropriate transportation fund.

A motion was made by Trustee Smith, seconded by Trustee Stravinski, to approve Resolution 2016-105, #JustFixItWI Transportation Funding. Motion carried with a 5-0 vote.

16. Windsor Crossing Update And Closing Documents.

Village Attorney Anderson provided an update. The title work is being done. Resolution was reached as to the CSM west. The CSM can be filed; the removal can be filed; and we can ratify the filing. Village Engineer Richardson has signed on behalf of the Community Development authority. Work is being done on the CSM east of North Towne. That has been recorded. They are now ready for conveyance. They are ready for the commercial and first phase of the multi-family. Progress is being made on the single-family residential.

Village Attorney Anderson stated this is an unusual Development Agreement. There is a private agreement between the owner of the real estate and the village. How does Windsor make sure that the property is being maintained? There is a list in the Development Agreement of a series of things that have to be done. Village Attorney Anderson is not asking for any action. Closing will be at the end of the month.

President Wipperfurth indicated he was extremely disappointed with the redlined version. The attorney and Windsor Crossing struck the guts of everything Windsor was looking for. He was very frustrated.

Village Attorney Anderson wants the Board to think about the issue. It was just provided for presentation.

Trustee Madelung did not think that the maintenance requests are unreasonable.

President Wipperfurth added that Windsor is trying to protect the public investment it has in this project.

Trustee Buchner stated that all of these protections could be offered through the Code of Ordinances.

Trustee Buchner suggested using the non-redlined version.

President Wipperfurth indicated no action would be taken on this item at this time.

Village Attorney Anderson said with respect to the single-family development, we have, largely through Village Engineer Richardson's initiative, been able to combine our development agreement and the utility agreement.

Trustee Madelung asked whether this was a problem with the principals or just with the attorney.

Village Attorney Anderson said that would be determined on August 5.

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

17. Convene Into Closed Session And Roll Call.

At 6:35 p.m. a motion was made by Trustee Smith, seconded by Trustee Buchner, to convene into closed session. Motion carried with a 5-0 roll call vote.

18. Reconvene Into Open Session.

At 7:21 p.m. a motion was made by Trustee Smith, seconded by Trustee Madelung, to reconvene into open session. Motion carried with a 5-0 vote.

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

- a. Negotiation Of Cooperative Plan Amendment With The Village Of DeForest.
- b. DeForest Windsor Area Fire & EMS District Agreement.

There was no action.

20. Committee/Board/Staff Reports.

a. Plan Commission.

President Wipperfurth indicated there was nothing to report as the last Plan Commission meeting was joint with the Village Board. The next Plan Commission meeting will be joint with the Village Board on August 23 at 5:00 p.m.

b. Community Development Authority.

Village Engineer Richardson reported on the CDA.

c. Park Committee.

Trustee Madelung reported on the Park Committee.

d. Token Creek Conservancy Committee.

Trustee Stravinski indicated there was nothing to report.

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

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

f. DeForest Area Fire Protection Board.

President Wipperfurth reported on the DeForest Area Fire Protection Board.

g. DeForest Area Chamber Of Commerce.

Village Director of Finance/Deputy Clerk Butteris reported on the DeForest Area Chamber of Commerce.

h. DeForest Area Tourism Commission.

Trustee Stravinski indicated there was nothing to report.

i. Dane County Cities And Villages Association.

President Wipperfurth indicated there was nothing to report.

j. Windsor Utility Commission.

Village Director of Finance/Deputy Clerk Butteris reported on the Windsor Utility Commission.

k. WisDOT Liaisons.

Village Engineer Richardson reported regarding the WisDOT Liaisons.

l. Village President Report.

President Wipperfurth provided his report.

m. Village Staff Report.

Village Engineer Richardson, Village Director of Finance/Deputy Clerk Butteris, and Village Clerk Capstran provided a staff report.

21. Adjournment.

At 7:21 p.m. a motion was made Trustee Smith, seconded by Trustee Madelung, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed
Recording Secretary