

Approved 10-6-2016

VILLAGE OF WINDSOR

BOARD MEETING

Minutes

September 15, 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, and Village Attorney Anderson (arrived at 5:06 p.m.).

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 The Purpose Of Deliberating Or Negotiating The Purchase 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. August 23, 2016.
b. August 30, 2016.
c. September 1, 2016.
d. September 6, 2016.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve the Minutes of August 23, 2016; August 30, 2016; September 1, 2106; and September 6, 2016, as presented. Motion carried with a 5-0 vote.

5. Finance.

a. Staff Report On Finances.

Village Director of Finance/Deputy Clerk Butteris advised that the Village Board did not have all of the reports in that village computers were down during the day. They will be provided at the first meeting in October.

b. Consider Vouchers For Payment.

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

c. Treasurer's Report.

This was deferred until the first meeting in October.

d. Budget Report.

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

6. Appearances Before The Board.

There were two appearances. President Wipperfurth advised everyone, since these matters are not agenda items, that the Village Board cannot engage in a conversation.

Jerome Lapp, 4661 Maple Street, Morrisonville, spoke first. He indicated he never had water issues until the roads were raised. Now the water sits and runs into his basement. There are no culverts. It is something that needs to be addressed. The roads are horrible. Nothing has happened regarding installing culverts. The culverts are needed. He asked that the village put this on their front burner.

Don Meyer, 7744 Clinton Road, Morrisonville, said, now that Windsor is a village, it has to do something with Morrisonville. The roads need to be replaced and repaired. The water mains need to be done first. When that is done, roads with curb and gutter are needed to help with the flooding into basements. He would like this on the Board agenda. The semis are coming through on DM, and the roads are really bad.

President Wipperfurth responded that the village has not forgotten about Morrisonville, but the Village Board cannot engage in any conversation.

7. Operator Licenses.

There were none.

8. Resolution 2016-11 Consideration Of Initial Resolution Regarding Industrial Development Revenue Bond Financing For Neesvig's Inc. Project. Information With Respect To The Job Impact Of The Project Will Be Available At The Time Of Consideration Of The Initial Resolution.

President Wipperfurth indicated that the village staff and attorney have looked at this.

Representing Neesvig's were Paul Werwinski, President; Matt Anderson; and Attorney Eric Hansch, bond counsel.

President Wipperfurth stated that the village was perplexed by this and their request that it be on the agenda as soon as possible.

Mr. Werwinski responded that this is a situation where Neesvig's is going through an addition, adding 12,000 square feet to its building. They have acquired Empire Fish out of Milwaukee and will be transferring work from Milwaukee to this location, adding 15 jobs. Bond financing was an option for them to consider.

Attorney Hansch indicated that he is the attorney filling in for Linda Templin who was not able to make the meeting.

Industrial revenue bonds are a method of providing an economic incentive for a business to expand. It is a conduit vehicle where the bonds are purchased by the public or a lender. They will not be general obligation bonds. They will strictly be a conduit for the bank to offer a lower interest rate to the buyer. The first step in the process is the initial resolution that is before the Board. It is basically a statement by the village that it is interested in going through this process.

In response to a question from Trustee Madelung, it was indicated that there is no commitment at this time. The terms of the bonds will be negotiated. This will be a private placement where a bank has committed to buy the bonds. The village holds no obligations. It is only a conduit. Under federal tax law, these bonds must be issued by a municipality. There are strong indemnification provisions in the documents.

Trustee Smith thought this was good for Windsor to be a part of something like this. Through investigation on the Internet, she found that \$10 million is the maximum.

She had a question regarding page 2 of the summary. The response was this is making a distinction that this is not a general obligation.

Trustee Smith stated she would like a letter from the borrower that Windsor will be held harmless.

Trustee Smith responded that she wants the bank to make that statement.

Village Attorney Anderson added that it is the company that is fully responsible for repayment. The borrower is putting up the collateral by way of assignment to the lender. This will need to be confirmed that this is not a village liability or general obligation that affects tax rates.

Trustee Buchner stated that Neesvig's is a great company, and Windsor is glad to have it in its community. He asked about the difference between Neesvig's and Meyer Holdings.

Mr. Werwinski responded that both entities are in existence right now. Neesvig's exists on property that is owned by Meyer Holdings.

Village Director of Finance/Deputy Clerk Butteris added that this is the same process that the village goes through when it does a borrowing.

Village Director of Finance/Deputy Clerk Butteris stated that a lot of municipalities have a policy on the issuance of municipal revenue bonds.

In response to a question by Trustee Buchner, it was indicated that the difference between commercial financing vs. municipal financing would be 1/3 of a point. That amount was later corrected to 2/3 of a point.

Trustee Buchner indicated he would like to see policies and procedures.

Mr. Werwinski stated they were anticipating a borrowing of \$2.75 million.

Attorney Hansch added that waiting could be problematic for Neesvig's timing.

President Wipperfurth stated that Neesvig's has been a great partner with Windsor for many years. He also agreed that Windsor should have a policy that it does not have at this time. He was inclined to approve the request based on the information Windsor has at this time. Going forward, Windsor would need to have a policy on handling these situations.

Trustee Stravinski agreed that Neesvig's has been good for the community. He would like to know a little more about the \$10 million. Is it a 10-year payback? Regarding staff time when Windsor gets this, it sounds like it will be complicated. Who pays for this?

Attorney Hansch responded that the borrower pays the costs.

Village Attorney Anderson explained what the Board was being asked to act on. She indicated that paragraph 3 on page 2 of the Resolution is Windsor's saving grace. Is this the type of project Windsor would be interested in? The developer is expected to pay the costs involved.

Trustee Madelung added that he was inclined to support this process.

President Wipperfurth asked Neesvig's, if Windsor passes the Resolution, when would they be coming back. No one had an answer.

Village Attorney Anderson added that the fixed rate and the length of time in which the money can be paid back are what make this appealing.

A motion was made by Trustee Madelung, seconded by Trustee Smith, to approve Resolution 2016-111, Initial Resolution Regarding Industrial Development Revenue Bond Financing For Neesvig's, Inc. Project. Motion carried with a 5-0 vote.

9. Apple Valley Subdivision.

Attorney Mike Lawton was present on behalf of Apple Valley.

a. Review Status Of Apple Valley.

Village Attorney Anderson indicated she and Director of Planning and Development Anderson Schweppe did a review of all of the documents. There is an e-mail and a Resolution that states that they have gone through the documents on file. Windsor has provided a series of approvals for Schroeder's Fields, n/k/a Apple Valley. The conveyance is complete and occurred on September 9. Windsor has the signed documents but still needs a letter of credit and the payment of the park fees. Once this is ratified and approved, the documents can be recorded. The developer can bring in the letter of credit and pay the park fees. The initial deposit has been made in the escrow. We are ready to proceed.

Attorney Lawton stated, as soon as the storm water reports are filed by the county, they are ready to go.

b. Village Board Resolution 2016-113 Ratification Of Approvals For Apple Valley Following Conveyance To Windsor-Bristol Investments, LLC (Paulson).

A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to approve Resolution 2016-113, Ratification Of Approvals For Apple Valley Following Conveyance To Windsor-Bristol Investments, LLC (Paulson). Motion carried with a 5-0 vote.

10. Water Needs Assessment Study.

Jerry Groth of Baxter & Woodman provided a report. In June of this year, as part of planning and budgeting, two projects were identified: a new well and an elevated tank. The projects could be paid through impact fees.

There are no deficiencies in the existing system. Painting is needed on the elevated system. A booster station will be built to provide increased pressures for Bear Tree. There are a number of developments on the west side of Highway 51 in addition to all of the development in Bear Tree. He proceeded to discuss needs. A 400,000 gallon elevated tank will be needed by 2025.

In response to a question from Trustee Madelung, Mr. Groth responded the new 2018 well would be spheroid with an elevated tank. It would be located south of Windsor Road in the northern portion. It would be located outside of an impact area of other wells and Token Creek.

They are proposing to construct a well with structure over it that will take Windsor to 2025. At that time, a spheroid would be constructed.

All of this needs approvals from the DNR.

Trustee Buchner asked if the 2018 well, when dug, would be operational. The answer was “yes.” The storage capacity would not come until 2018.

A motion was made by Trustee Buchner, seconded by Trustee Stravinski, to approve the report provided by Mr. Groth and follow up with preparation of an appropriate impact fee ordinance.

Trustee Stravinski asked about the DNR and if it denied this location.

Mr. Groth responded that they would look for another location. The tower needs to go on the east side of Highway 51.

Motion carried with a 5-0 vote.

Mr. Groth also noted that the Wisconsin Section of the American Water Works Association had its meeting in Madison at the Monona Terrace. A number of awards were given. The George Warren Fuller “Person of the Year” award for years of dedication to the water industry was given to Windsor Constable and Engineer Kevin Richardson.

11. Resolution 2016-112 Adopt Utility District Budgets.

Village Finance Director/Deputy Clerk Butteris discussed the utility district budgets. These are not the sanitary district. They are the utility districts that Windsor has not been utilizing. The village has been working with Village Attorney Anderson to close these. There is a zero budget for all of the districts.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve Resolution 2016-112, Adoption Of 2017 Utility District Budgets with a zero budget. Motion carried with a 5-0 vote.

12. Resolution 2016-114 Authorizing Participation In the Preparation Of An Amendment To The Existing Cooperative Plan Between DeForest And Windsor.

Village Attorney Anderson explained that she and Al Reuter, representing DeForest, were discussing this earlier in the day. They approved the authorizing resolutions that were adopted in June by the Boards of the village of Windsor and village of DeForest. A status update is appropriate now because Windsor and DeForest are expanding the scope of their negotiations. Another notice will be sent out that contains the status update, which is the exhibit attached to the Resolution. A Class 3 notice will be published prior to a joint public hearing.

A motion was made by Trustee Madelung, seconded by Trustee Smith, to approve Resolution 2016-114, A Resolution Providing A Status Update With Respect To The Amendment To The Existing Cooperative Plan Between DeForest And Windsor. Motion carried with a 5-0 vote.

13. Heritage Fest Update.

Village Finance Director/Deputy Clerk Butteris provided a Heritage Fest update. Village Attorney Anderson indicated that Guy Gryphan submitted an application for a license to sell beer. Board approval is needed to approve that application. Five members of the Chamber of Commerce are also seeking temporary one-day operator licenses for September 24.

Hired security will check identification and issue wrist bands to those eligible to purchase beer.

A motion was made by President Wipperfurth, seconded by Trustee Buchner, to approve the Application For A Temporary Class “B” Retailer’s License For The DeForest Windsor Area Chamber Of Commerce For Heritage Fest On September 24, 2016. Motion carried with a 5-0 vote.

A motion was made by Trustee Madelung, seconded by Trustee Stravinski, to approve temporary operator licenses for September 24, 2016, for Guy W. Gryphan, Vernon L. Meier, Benjamin L. O’Neill, Robert T. Fletcher, and Mary Jayne Christianson. Motion carried with a 5-0 vote.

14. Grosbeak Glen Park Shelter.

Village Clerk Capstran explained that Windsor wanted the shelter to go up this year. However, the one bid came in more than double what Windsor was expecting it to be, in that the contractor was having trouble locating subcontractors who could do the work yet this year. This is not something Windsor can afford to accept at this time.

General Engineering will be bundling a bid for the Morrisonville concession stand and the Windsor Sports Commons storage building and will include this project in that bundle.

15. Convene Into Closed Session And Roll Call.

At 6:27 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.

16. Reconvene Into Open Session.

At 6:50 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.

17. 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.

No action was taken.

18. Adjournment.

At 6:50 p.m. a motion was made by Trustee Buchner, seconded by Trustee Smith, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,

Ellen G. Teed

Ellen G. Teed, Recording Secretary