

VILLAGE OF WINDSOR

VILLAGE BOARD AND PLAN COMMISSION MEETING

Minutes

October 18, 2016

1. CALL MEETING TO ORDER AND ROLL CALL.

1.a. Windsor Village Board. 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 Engineer Richardson, Village Planner Jamie Rybarczyk, Director of Planning and Development Amy Anderson Schweppe, and Village Attorney Connie Anderson.

1.b. Windsor Plan Commission. Meeting convened by President Wipperfurth at 5:00 p.m. Commissioners present: Al Davis, Dave Gaustad, Kay Hoffman, Bill LeGore, Bruce Stravinski, and Bob Wipperfurth. Commissioner Eichinger had an excused absence

2. RECITATION OF THE PLEDGE OF ALLEGIANCE.

The flag pledge was led by Commissioner LeGore.

3. OLD BUSINESS.

3.a. Minutes -- September 20, 2016.

A motion was made by Commissioner Hoffman, seconded by Commissioner LeGore, to approve the Minutes of September 20, 2016, as presented. Motion carried with a 6-0 vote.

4. ANNOUNCEMENTS.

4.a. Postponed: Public Hearing For Jack And Lavonne Fountain's Request For A Certified Survey Map And Rezone.

Director of Planning and Development Anderson Schweppe explained that the applicant was unable to be present. This had already been noticed and will be on the November agenda.

4.b. Public Hearing On The Creation Of Chapter 54 Of The Windsor Code Of Ordinances For Shoreland Zoning.

5. APPEARANCES.

None.

6. CREATION OF CHAPTER 54 OF THE WINDSOR CODE OF ORDINANCES FOR SHORELAND ZONING.

6.a. Public Hearing.

President Wipperfurth opened the public hearing at 5:04 p.m. A staff report was provided by Village Planner Rybarczyk. As Windsor has been going through the codification for the village and developments have been coming in, it came to the village's attention that, as a village, it has a responsibility for shoreland zoning and streams and waterways. The county would prefer that the village handle this.

A shoreland zoning overlay district map was provided. It now identifies a buffer around navigable lakes, rivers, streams, and floodplains. As developments happen in those areas, there is another level of approvals to be completed. An ordinance was prepared with a copy of the map. Windsor will require the developers to identify the location of the high water marks in those areas.

Trustee Stravinski had a question regarding the shoreland zoning overlay. How is that determined?

Village Planner Rybarczyk responded that he had been working with the county.

Trustee Smith asked how this pertained to preexisting buildings on the shoreline. Would they be grandfathered in?

Village Attorney Anderson responded that they would be noted as nonconforming uses.

President Wipperfurth closed the public hearing at 5:25 p.m.

6.b. Action Item / Plan Commission Resolution 2016-33.

A motion was made by Commissioner Davis, seconded by Commissioner Gaustad, to approve Resolution 2016-33 Recommending Creation Of Shoreland Zoning Ordinance, Chapter 54 of Windsor Code of Ordinances. Motion carried with a 6-0 vote.

6.c. Action Item / Village Board Ordinance 2016-24.

A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to approve Ordinance 2016-24, Creation Of Shoreland Zoning Ordinance, Chapter 54 of Windsor Code of Ordinances. Motion carried with a 5-0 vote.

7. CREATION OF CHAPTER 55 OF THE WINDSOR CODE OF ORDINANCES FOR NON-METALLIC MINING OPERATORS LICENSING.

President Wipperfurth provided initial comments. The Village Board had approved a moratorium on mineral extraction, and that moratorium is supposed to be expiring on November 13. For consideration at the meeting was only the licensing aspect. Village staff has been following through on direction given by the Plan Commission and Village Board in the last several months. There is a licensing component and a zoning component. The licensing action is for the Village Board, with an action by the Plan Commission recommending adoption of the licensing agreement. The purpose of this discussion is not to tear it apart but have staff explain it to everyone. Village Planner Rybarczyk, Village Attorney Anderson, and Director of Planning and Development Anderson Schweppe will walk everyone through the components drafted to date. Village Planner Rybarczyk will discuss zoning. Village Attorney Anderson will discuss licensing. Director of Planning and Development Anderson Schweppe will discuss the flow chart and walk everyone through the process.

Village Planner Rybarczyk explained that the codified policy was the starting point. Three categories for nonmetallic mining were identified: exemptions, processing facilities and sites, and non-metallic mining operations. With regard to the zoning, a section called Nonmetallic Mineral Extraction Operations was identified. Six exemptions are identified. A processing facility or site is identified, as well as a nonmetallic mining operation or site. Review and approval requirements have been set forth. The six identified exceptions are exempt from any further review as far as zoning requirements or licensing.

All nonmetallic mining sites will require a rezone. Pre-existing sites will follow a slightly different process.

Nonmetallic mineral extraction operation sites are explained.

There are requirements when someone requests either a text amendment or a map amendment.

Village Attorney Anderson explained the licensing application. She indicated an easy reference point was when one thinks about what happens in a normal residential development – the land use and zoning questions – going through them both and then there is a development agreement. The zoning issue will be discussed by the Plan Commission, and then it goes to the Village Board. The Board handles licensing. Siting is done through the zoning process. Regulation is done through licensing. Village Attorney Anderson discussed findings a. through g. on page 2 of the Ordinance. Section 55.02 discussed applicability and scope and lists exemptions. Section 55.03 provides definitions.

Three different licenses can be issued: a processing facility license, a mining registration license, and a mining operator's license. A processing facility license shall be granted for a term of one year. Registration licenses will be subject to renewal every 10 years. An operator's license

shall be granted for a period of one year. Licenses will have to be renewed. Mile Road is the only operating quarry in Windsor.

Village Planning and Development Coordinator Schweppe prepared and explained the flow chart.

Village Attorney Anderson indicated that Sun Prairie can provide input if the property is within three miles. Minimum standards of operation are provided. There are inspection, enforcement procedures, and penalties. Financial assurances would be required for road repair and water.

There is an option for planned mining approval.

President Wipperfurth provided several comments. What is before the Village Board and audience is not because of any past applications. This will pertain to all new applications for mineral extraction in Windsor.

Trustee Stravinski asked for clarification regarding a conditional use permit or rezoning.

An existing site that meets the requirements does not need a license. The rezone process is set out.

Trustee Stravinski stated he did not feel this was appropriate in a C-1 district.

Trustee Madelung suggested Windsor defer to Dane County regarding reclamation, which will be the same as it was for the town of Windsor.

Trustee Buchner clarified that the license term for the processor is one year, and the license term for the operator is ten years.

Commissioner Hoffman asked about the statement that Sun Prairie will be advised.

President Wipperfurth responded that it is a courtesy. It should apply to all neighboring municipalities, not just Sun Prairie.

Mike Bakken, 8590 Airport Road, Middleton, said his family business operates the Mile Road quarry. He is not aware of any complaints. They have a reclamation plan.

Village Attorney Anderson added, being they are existing, they would not need a registration license.

“Complaints” were discussed and the need to add the word “verified.”

Bud Yngsdahl, 6909 County Highway C, had a question regarding the buffer zones.

The 300-foot and 500-foot buffer zones came from Windsor’s prior ordinance.

Rod Schneider, 6793 County Trunk C, said the 500-foot buffer bothers him. It is not far enough. He suggested extending the moratorium.

President Wipperfurth responded that he was not sure that delaying this will change the content of the license. A lot of this came from Windsor's prior ordinance.

Alan Harvey, 3900 Vinburn Road, noted that no one had seen this information until a few minutes before the meeting. He will reserve his comments until November 1. Two things did jump out at him. He would like a copy of the flow chart. He asked the village officials to give additional thought to completely divorcing rezoning from the operations process. Most of the really important information and requirements that need to be addressed are found in the operator license ordinance. This is information that needs to be filed with the zoning request. He felt there was an easy way to address this concern. In the rezoning section for mineral extraction, a requirement could be added that information required for an operator's license must be filed concurrent with the rezone license.

President Wipperfurth responded the Village Board could follow up on that suggestion. The village wanted to avoid getting into nuances of licensing with rezone.

Mr. Harvey responded that the citizens are going to want that information.

Luana Schneider did not understand where the 500-foot buffer came from. There should be some parameter on the size of the operation. She felt 500 feet was not realistic.

Attorney Mike Lawton asked about the effective date.

Village Planning and Development Coordinator Schweppe responded, if approved, it would be sent to the newspaper on Friday to be published the following Thursday.

Attorney Lawton suggested a date-certain.

He also indicated there was no discussion regarding transfer of registration.

Village Attorney Anderson responded that would be explained in the ownership and registration section. The owner and operator will both be listed. One would have to come in and explain their situation for a license transfer approval.

Joe Daggett, 7161 Pfeil Road, Sun Prairie, a neighboring landowner, asked what was the consideration for the one-mile notice.

Village Planning and Development Coordinator Schweppe responded notices go out one mile to be consistent with other notices.

There is reference to a safety fence, which would be chain-link with barbed wire on the top.

President Wipperfurth indicated these are two separate components of one package.

Village Attorney Anderson added that the village has received some useful feedback and would like to incorporate the comments. The goal is not to rewrite the standards. They already exist. The goal is not to renegotiate a 30-page ordinance.

Trustee Madelung stated he would be much more comfortable to be able to reread this information and vote on it on November 1.

Village Attorney Anderson added that the only thing we would be up against on November 1 is that there would be voting.

Trustee Buchner agreed to err on the side of caution.

Trustee Smith would like to have time to review the documents.

Trustee Stravinski asked if there is a fee schedule.

Village Planning and Development Coordinator Schweppe responded there is no fee schedule at this time.

President Wipperfurth noted, as Village Attorney Anderson indicated, the intent is not to renegotiate a 30-page ordinance.

7.a. Action Item – Plan Commission Resolution 2016-34.

No action.

7.b. Action Item – Village Board Ordinance 2016-26.

No action.

8. AMENDMENT OF CHAPTER 52 OF THE WINDSOR CODE OF ORDINANCES FOR NON-METALLIC MINING USES – (For Review; Public Hearing Required Prior To Action; Scheduled For November 1, 2017, at 5:00 p.m.)

8.a. Chapter 52 Amendment.

This will be discussed at the public hearing.

9. ADJOURNMENT OF THE PLAN COMMISSION.

At 6:50 p.m. a motion was made by Commissioner LeGore, seconded by Commissioner Davis, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

10. ORDINANCE 2016-25 AMENDMENT OF IMPACT FEES ORDINANCE TO INCLUDE WATER SYSTEM NEEDS ASSESSMENT STUDY FOR A NEW STORAGE TANK AND WELL FACILITY IN THE VILLAGE'S SOUTHERNMOST PORTION OF ITS WATER SERVICE AREA.

Village Attorney Anderson explained that this is an amendment to Windsor's existing impact fee ordinance to incorporate the needs assessment completed by Baxter & Woodman. Section 10-136, Public Water Impact Fees, was added.

Village Finance Director/Deputy Clerk Butteris added that this has been presented to the Utility Commission and the Village Board.

The Utility Commission is looking for a location for a well.

A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to approve Ordinance 2016-25, Amendment of Impact Fees Ordinance. Motion carried with a 5-0 vote.

11. ADJOURNMENT OF THE VILLAGE BOARD.

At 6:56 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