

VILLAGE OF WINDSOR
VILLAGE BOARD MEETING

Minutes

November 3, 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 Clerk Christine Capstran, Village Attorney Connie Anderson, and Village Engineer Richardson.

2. RECITATION OF THE PLEDGE OF ALLEGIANCE.

The flag pledge was led by Trustee Madelung.

3. ANNOUNCEMENTS.

- 3.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 Purchase Of Public Property.)

President Wipperfurth read the above announcement.

4. APPEARANCES BEFORE THE BOARD.

None.

5. LAW ENFORCEMENT REPORT.

Reports were provided to the Village Board members.

6. CONSENT AGENDA.

- 6.a. Minutes – October 19, 2016.
- 6.b. Minutes – October 20, 2016.
- 6.c. Minutes – October 24, 2016.
- 6.d. Consider Vouchers for Payment.
- 6.e. Operator Licenses.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Items 6.a. through 6.e. Motion carried with a 5-0 vote.

7. OLD BUSINESS.

- 7.a. Community Promotion Video.

Guy Gryphan of the DeForest Area Chamber of Commerce provided an update and asked for any ideas that the Board might have. There have been a couple of filming sessions. The hope is for a delivery date by the end of January.

Village Board members suggested some other ideas to be included in the video.

Mr. Gryphan provided a matrix that was used in Janesville for ideas. He asked for additional thoughts from the Village Board members.

- 7.b. Windsor Sanitary District Number One Application To Wisconsin Public Service Commission For Permission To Abandon Windsor Sanitary District Number One.
- 7.c. Morrisonville Sanitary District #1 Application To Wisconsin Public Service Commission For Permission To Abandon Morrisonville Sanitary District #1.

Village Director of Finance/Deputy Clerk Butteris explained that Windsor has been talking about this for quite some time. Now Windsor is at the point of requesting that the Public Service Commission officially abandon the Morrisonville Sanitary District and the Windsor Sanitary District. That is what Windsor is asking of the PSC. The Windsor Water Utility will be created, which will acquire all of the assets and liabilities of the Sanitary Districts.

A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to approve the Windsor Sanitary District Number One Application To Wisconsin Public Service Commission For Permission To Abandon Windsor Sanitary District Number One. Motion carried with a 5-0 vote.

A motion was made by Trustee Smith, seconded by Trustee Madelung, to approve the Morrisonville Sanitary District #1 Application To Wisconsin Public Service Commission For Permission To Abandon Morrisonville Sanitary District #1. Motion carried with a 5-0 vote.

7.d. Village Of Windsor Application To Wisconsin Public Service Commission For Permission To Establish Windsor Water Utility And To Acquire The Assets Of Windsor Sanitary District Number One And Morrisonville Sanitary District #1.

Village Director of Finance/Deputy Clerk Butteris explained that this is a little more detailed than the dissolution of the two sanitary districts. Windsor is asking the PSC to allow it to bring the districts in as one utility. This is just the water. A letter was provided to the Village Board members that sets forth a lot of the detail that is required. There are a few things to finalize. Windsor is working with Dan Paulson to update the legal description and maps.

Trustee Stravinski questioned the word “town” in paragraph (1) of the letter. Village Director of Finance/Deputy Clerk Butteris responded this would be corrected.

A motion was made by Trustee Smith, seconded by Trustee Madelung, recommending approval of the Application To Wisconsin Public Service Commission For Permission To Establish Windsor Water Utility And To Acquire The Assets Of Windsor Sanitary District One And Morrisonville Sanitary District #1 pending final review by Village Attorney Anderson, Village Director of Finance/Deputy Clerk Butteris, Director of Planning and Development Anderson Scheppe, and President Wipperfurth. Motion carried with a 5-0 vote.

7.e. Public Works Facilities.

President Wipperfurth explained that, for several years, Windsor has looked at its Public Works buildings. Are they large enough; do they work? Windsor rents additional space in the village. Windsor is looking at what would be in its best interests.

Public Works Supervisor Jim Fredenberg suggested a site within the urban service area to have water to wash the trucks.

President Wipperfurth also indicated that Windsor would need to add an additional snowplow over the next year.

8. RESOLUTIONS.

8.a. Resolution 2016-123 Approving Underground Facilities Locating And Marking Service Agreement.

Village Director of Finance/Deputy Clerk Butteris explained that this was brought to her by the utility district. There had been an agreement in the past. A memo was provided to the Village Board members that gives a little history on GLS Locating Service, along with its experience. The agreement is basically the same as the prior one with a bit of an increase. Village Attorney Anderson has not had an opportunity to review this agreement.

Village Director of Finance/Deputy Clerk Butteris indicated this was a three-year agreement. For the first year, each utility locate would be \$18.05. For year two, each utility locate would be \$18.65. The third year would be \$19.25 per locate. If the location takes longer than an hour, then it would be an hourly charge.

A motion was made by Trustee Buchner, seconded by Trustee Smith, to approve Resolution 2016-123 Approving Of Underground Facilities Locating And Marking Service Agreement subject to review by Village Attorney Anderson. Motion carried with a 5-0 vote.

9. ORDINANCES.

9.a. Ordinance 2016-30 Water Utility Ordinance.

9.b. Ordinance 2016-31 Sewer Utility Ordinance.

The Village Board will not be taking action on the above two items. They will be handled at a future meeting.

9.c. Ordinance 2016-32 Water Impact Fee Ordinance Amendment.

Village Director of Finance/Deputy Clerk Butteris indicated that the Village Board approved the Water Impact Fee Ordinance at the last Village Board meeting. There is a clarification for the fees for commercial and multi-family.

Village Engineer Richardson worked with Jerry Groth to come up with language for the commercial and multi-family.

What is before the Village Board is a clarification of those items. The calculation is similar to the calculations used in the past.

Village Engineer Richardson noted that the new fees for commercial and multi-family are the same as the assessments used for Bear Tree.

Trustee Buchner asked for clarification of assessing uses vs. spreading the cost across the entire tax base.

Village Engineer Richardson explained. The current ratepayers pay for what they are using now. The new people are causing the increase. This is done by an impact fee for future users. There were costs being incurred by people in the system who have been paying all along. The impact fee is in anticipation of the elevated tank and well capacity for Bear Tree.

Steve Pederson stated he had a problem with the multi-family. He discussed the increase that no one else would be charged. There is land available for multi-family in DeForest and Sun Prairie. Windsor needs the tax base. This could be a deal-killer.

President Wipperfurth responded that he understood this. An additional well will be needed for the additional tower. Windsor has discussed these two elements of this project for ten years. Windsor has been consistent that there would be a fee.

Steve Pederson felt the formula was wrong.

Village Engineer Richardson explained. Multi-family is paying only two-thirds of what single-family would pay.

Mr. Pederson has an issue with assisted living. It should be less.

President Wipperfurth stated that the fact is that it has to be paid by new residents or the entire village.

Village Attorney Anderson indicated that Windsor did not have sufficient data using only one impact fee. Windsor needed to know associated costs of other services provided and look at additional data points. Other communities charge a connection charge and a storm water fee.

The fee of \$3,000 would be charged for a single-family home, with \$1,000 being for the reservoir. Two-thirds of that amount would be charged for an apartment. Discussion followed. Trustee Stravinski discussed reducing the fee or changing the formula.

Village Attorney Anderson responded that this is the recommendation from the two engineers.

Village Engineer Richardson suggested that the builder pay the impact fee. There is development in the community that is requiring Windsor to have these facilities. He explained what happened in the past. The Windsor Sanitary District did the studies of the impact fees without the Board being involved at the sanitary district level.

Trustee Smith understood the developers' concerns. Windsor is a wonderful community to belong to. Taxes are lower than its neighbors. She has no problem with the fee.

Trustee Madelung indicated that Steve Pederson raised an issue. What is the impact of a 70-unit apartment in relation to taxes and fees for developers? He does not want to drive developers away.

Mr. Pederson stated that Windsor is bunching assisted living with multi-family. It hurts multi-family and kills assisted living.

Trustee Buchner asked what Mr. Pederson's expectations were going in.

He responded it was per unit.

Trustee Buchner did not want to discourage development. Fees have to be compared with all communities.

Trustee Smith discussed assisted living facilities and the rent they charge.

It as noted in this specific situation, Windsor is just starting at the Board level to get into the sanitary district issues. The sanitary district has been supporting this development by borrowing money. It borrowed a lot of money to make this project happen. If the developer would pay this fee internally, it would be easier to market to the end-buyer.

Mr. Pederson felt the formula was wrong.

Trustee Stravinski responded that Windsor needs to have all of the numbers that Mr. Pederson is paying in other communities. He can see both sides, but needed to have more numbers before he could make a decision.

President Wipperfurth indicated the Board could either approve it or not take any action and ask for staff to come back with numbers.

Village Director of Finance/Deputy Clerk Butteris added that, if the Village has something come in, the village will be unable to deal with it. It can be amended.

Trustee Stravinski felt the Board needed to take action and then come back to amend.

Village Engineer Richardson added that the Village Board has already passed the Ordinance. What Windsor is trying to do would be if a commercial property came in tomorrow, Windsor would have a methodology for charging and for multi-family.

Trustee Stravinski suggested taking action. Trustee Smith and Trustee Buchner agreed.

A motion was made by Trustee Stravinski, seconded by Trustee Smith, to approve Ordinance 2016-32, Amendment Of Impact Fee Ordinance, To Include Addendum To Water System Needs Assessment Study For A New Storage Tank And Well Facility. Motion carried with a 5-0 vote.

9.d. Ordinance 2016-33 Amendments To Chapter 55 Of The Windsor Code Of Ordinances For Non-Metallic Mining Uses.

Village Attorney Anderson noted that when the Village Board met on November 1 there were certain items that the Plan Commission recommended to which the Village Board concurred. A document was presented that contains these recommendations.

Village Attorney Anderson went through the revisions.

On page 3, the footnote regarding offensive industries was removed.

The definition of Buffer on page 4 references a diagram prepared by Village Planner Rybarczyk that helps show the 300-foot and 500-foot distinctions.

“Excavation area” was removed from the definition of Mine Site on page 5.

“Operations Area” was added on page 6.

Question had been raised regarding the definition of “Village.” Clarification was added on page 7 indicating “Village Staff and Consultants means the staff employed by the Village and the consultants retained by the Village.”

On page 17 there was added “Requests for additional information may be made by the Village Board, Village staff and/or Village consultants.”

Under Section 55.07, it was noted that it is the Village that grants an Operator’s License and the Village Board approves it.

On page 23, based on the engineer’s recommendation, mining operations shall not extract materials at a depth below the point that is 10 feet above the minimum established groundwater table.

On page 25, a section was added for Insurance and Indemnification.

Trustee Stravinski asked about a pick-up truck coming in and asking for two yards of aggregate. Will they have to provide coverage of \$1 million? He did not know how the general public could provide that insurance. “[U]sed to service the site” was ambiguous to Trustee Stravinski. Discussion followed.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Ordinance 2016-33, Chapter 55: Amendments To Nonmetallic Mine Operator’s Licenses. Motion carried with a 5-0 vote.

10. NEW BUSINESS.

11. PRESIDENT’S REPORT.

President Wipperfurth provided a report.

12. STAFF REPORT.

12.a. Plan Commission.

President Wipperfurth indicated there was nothing to report as the last Plan Commission meeting was joint with the Village Board.

12.b. Community Development Authority.

Village Engineer Richardson advised that a meeting was coming up.

12.c. Park Committee.

Trustee Madelung indicated there was nothing to report.

12.d. Token Creek Conservancy Committee.

Trustee Stravinski indicated there was nothing to report.

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

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

12.f. DeForest Area Fire Protection Board.

President Wipperfurth reported on the DeForest Area Fire Protection Board.

12.g. DeForest Area Chamber Of Commerce.

Guy Gryphan gave a presentation earlier in the meeting.

13.h. DeForest Area Tourism Commission.

Trustee Stravinski provided a report.

13.i. Dane County Cities And Villages Association.

President Wipperfurth provided a report.

13.j. Windsor Utility Commission.

Trustee Buchner provided a report on the Windsor Utility Commission.

13. CONVENE INTO CLOSED SESSION AND ROLL CALL.

At 6:30 p.m. a motion was made by Trustee Smith, seconded by Trustee Madelung, to convene into closed session. Motion carried with a 5-0 roll call vote.

14. RECONVENE INTO OPEN SESSION.

At 7:58 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.

15. ACTION FROM CLOSED SESSION.

15.a. Purchase Of Public Property.

A motion was made by Trustee Stravinski, seconded by Trustee Smith, to authorize President Wipperfurth and Trustee Buchner to continue investigating a potential site for an additional public works facility. If there is a positive determination, President Wipperfurth and Trustee Buchner, with assistance from Village Attorney Anderson, are authorized to prepare an offer to purchase at an amount reasonably determined by President Wipperfurth and Trustee Buchner, with the condition of an environmental review and building inspection. Motion carried with a 5-0 vote.

15.b. Negotiation Of Cooperative Plan Amendment With The Village Of DeForest.

A motion was made by Trustee Smith, seconded by Trustee Madelung, to approve Resolution 2016-124 Approval Of A Joint Hearing For A Proposed Amendment To The Existing Cooperative Plan Between DeForest And Windsor. Motion carried with a 5-0 vote.

16. ADJOURNMENT

At 8:00 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