

TOWN OF WESTPORT
REGULAR BOARD MEETING
Kennedy Administration Building
Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Virtual Meeting Via GoToMeeting

PLEASE TAKE NOTICE that this meeting will take place virtually via GoToMeeting. Please join the meeting from your computer, tablet or smartphone by visiting <https://global.gotomeeting.com/join/703206093>. You can also participate by phone by dialing +1 (646) 749-3122 and use access code: 703-206-093. If you are new to GoToMeeting, get the app and be ready when the meeting starts. You may be muted or be asked to mute your device.

AGENDA - Monday, August 17, 2020 7:00 p.m.

1. Call to Order
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes
4. Review/Approve Operator Licenses
5. Driveway/Access/Utility/Road Opening Permits
6. Water Utility/Fire Protection Utility
Miscellaneous
7. Sewer Utility
Miscellaneous
8. Engineer Report
Miscellaneous Ongoing Projects
9. Proposed Town Zoning Code Revisions, Kennel Location and Variance Standard for
Building Errors, Discussion/Action
10. COVID-19 Responses Discussion/Action
11. Committee Reports/Items for Action
Personnel Committee Public Works Committee Westport/Middleton JZC
Audit Committee Town Plan Commission Westport/Waunakee JPC
12. Administrative Matters
13. Miscellaneous Business/Forthcoming Events
14. Pay Current Bills
15. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

TOWN OF WESTPORT
AUDIT COMMITTEE MEETING
Kennedy Administration Building
Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Virtual Meeting Via GoToMeeting

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AGENDA - Monday, August 17, 2020 6:30 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Committee. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to order
2. Approve minutes
3. Review/approve bills for payment
4. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

TOWN OF WESTPORT

TOWN BOARD - Monday, August 3, 2020

The regular semi-monthly meeting of the Town Board was called to order at 7:02 p.m. by Chair Grosskopf using video conferencing via GoToMeeting.com. Members present: Cuccia, Enge, Grosskopf, Sipsma, and Trotter. Members absent: None. Also Present: Tom Wilson.

There was no Public Comment On Matters Not On the Agenda. The minutes of the July 20, 2020 regular meeting were approved as presented on a motion by Trotter, second Enge.

Regular Operator Licenses for several applicants as on file with the Clerk and presented were granted subject all state and local requirements, on a motion by Sipsma, second Enge.

For the Engineer Report, Wilson provided the Board with an update on current projects: Mary Lake neighborhood work which will begin again in a couple of weeks, sealing including that some striping still outstanding, and FEMA road work which will begin fairly soon. Grosskopf commented that the work done so far looks great.

Wilson reported to the Board on various items related to the Town's COVID-19 Response, including masking policy for the office staff and visitors, and for the upcoming election. Grosskopf added that he has submitted information regarding ionization and that staff is working with Pharo on finalizing. All felt this was appropriate to do at this time.

Grosskopf reported on items before the plan commission/committees. The Audit Committee recommended payment of bills as presented by Wilson after questions were answered.

For Administrative Matters raised, Wilson advised that he is looking at the building code for updates since it has been some time since the last one, with the assistance of the building inspectors; Wilson advised that staff is looking at quotes to update the web site which may be CARES Act eligible, and the Board members agreed that the web site could use some updating; and, Grosskopf complimented Dean Peterson and the assessment team for an outstanding job, and directed Wilson to advise them of the same.

For Miscellaneous Business or Forthcoming Events raised, Wilson advised that there is a Towns BOA meeting set for a very minor matter in Springfield, and Sipsma wanted to make sure that any Middleton/Westport JZC meeting that might be held in August should not interfere with any Middleton Fire District meetings.

Current bills were paid as presented by Wilson and recommended by the Audit Committee after questions were answered on a motion by Sipsma, second Enge.

Motion to adjourn by Sipsma, second Trotter. The meeting adjourned at 7:24 p.m.

Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer

OPERATOR LICENSE APPLICATION

New ☒ Renewal ☐ Employed by Kelly's Market

Regular ☐ (\$10.00) Provisional ☐ (\$10.00) Temp ☐ (\$5.00)

Lic # Lic # Lic #

Date To the Town Board of the Town of Westport, Wisconsin:

I hereby apply for a License to serve, from date hereof to June 30, 20____, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to the limitations imposed by Section 125.32(2) and 125.68(2) of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State or Local, affecting the sale of such beverages and liquors if a license be granted to me. I understand by signing below, I may be subject to a background check(s).

Answer the following questions fully and completely:

- ☒ Name of Applicant Jarrell Homesly
- ☒ Address 505 Northport Drive City, State, Zip Madison, WI, 53704
- ☒ Date of Birth 01/23/95 Age 25 Phone # (715) 544-9726
- ☒ Have you registered for an approved responsible beverage server training course? yes (attach registration)
- ☒ Have you completed an approved responsible beverage server training course? yes (attach certificate) *not necessary if currently licensed*
- ☒ Have you been licensed before? yes Municipality Middleton Date of most recent license 2017 (October)
- ☒ Have you been convicted of violating any law of Dane Co, the State of WI or of the United States? NO
- ☒ Date of such conviction N/A Name of Court N/A
- ☒ Nature of offense N/A
- ☒ Have you been convicted of violating any license law or ordinance regulating the sale of fermented malt beverages or intoxicating liquors? NO

State of Wisconsin, __
Dane County.

_____, being first duly sworn on oath says that (s)he is the person who made and signed the foregoing application for an operator's license; that all the statements made by the applicant are true.

Jarrell Homesly
Signature of Applicant

Subscribed and sworn to before me this ____ day of _____, 20____

Notary Public
My commission expires _____

AGENDA ITEM #9

Proposed Town Zoning Code Revisions, Kennel Location and
Variance Standard for Building Errors, Discussion/Action

TOWN OF WESTPORT

PLAN COMMISSION – August 10, 2020

The regular monthly meeting of the Plan Commission was called to order at 7:01 p.m. via GoToMeeting.com virtual video conference by Chair Grosskopf. Members present: Bruskewitz, Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: None. Also attending: Mark Trotter, and Tom Wilson.

No one was present For Public Comment on Matters not on the Agenda. The minutes of the July 13, 2020 regular meeting were approved as presented on a motion by Bruskewitz, second Cuccia.

A public hearing was then called to order by the Chair on the Proposed Town Zoning Code Revisions, Kennel Location and Variance Standard for Building Errors matter at 7:02 p.m. Wilson provided a presentation and explanation of the items. No other comments was made and the hearing was closed at 7:07 p.m. after requests by the Chair for further comment were unanswered. After further brief discussion, the two draft ordinances as presented were recommended for approval to the Town Board on a motion by Cuccia, second Bruskewitz.

Wilson reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission. Grosskopf reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

For Miscellaneous Matters or Forthcoming Events raised, Wilson advised that Manering had requested he bring up looking at sign heights on which Wilson and others made suggestions on moving forward to present a recommendation to the Commission which other Commissioners agreed and advised they would assist, and Pichette asked that Wilson revive the work on standards/design for Town use signs.

Motion to adjourn by Manering, second Ohm. The meeting adjourned at 7:18 p.m.

Mary Manering, Secretary

Jessica Frey

From: Tom Wilson
Sent: Thursday, August 6, 2020 3:25 PM
To: Chris Ohm State email (chris.ohm@dot.state.wi.us); Cynthia Anne Kennedy (cyndi.a.kennedy@gmail.com); Dean Grosskopf - (deana.grosskopf@gmail.com); Eileen Bruskewitz (eileenbz@gmail.com); jac9450@gmail.com; Joe Pichette (joep@aesindustrial.com); Mary Manering email (Manering@tds.net)
Cc: Kevin and Leslie Even - Waunakee (kevin@waunakee.com); Robert Anderson; Jessica Frey; Abby Attoun-Tucker (aattoun@ci.middleton.wi.us); Mark Jankowski (mjankowski@generalengineering.net); Tom Wilson; Kenneth Sipsma; Mark Trotter (moxietrot@tds.net); Terry Enge (jtenge2@gmail.com)
Subject: Staff Memo for Monday's Town Plan Commission meeting

I am just going to do an email again since there really isn't much on the agenda for the meeting and I suspect it will be a short one. The one thing we do have are a couple of Town Zoning Code changes to be consistent with the other 5 towns as required, and you all had no issues with these last month as we discussed them. Notices of the hearings have been placed and no comments or concerns have been raised to date. Please use the GoToMeeting link sent to you in the calendar invite a few minute before 7 pm so we are ready to start on time and can make any last second adjustments if needed.

Agenda packet with meeting link is

here: <http://www.townofwestport.org/allMinutes/planAg/agenda/Plan%20Commission%20Packet%2008-10-20.pdf>

We do have minutes to approve.

The item for the zoning code revisions is for our Town Zoning Area. Remember that all six towns need to have the same code. The Town of Sun Prairie noticed an error in the code regarding the placement of kennels versus a residence. The current Code provides for 1,000 feet. We have no idea how that number was arrived at since the current County Code, and the one that we tried to carry through at the time, had a distance of 100 feet. So we believe it is clearly a typo and should be fixed to provide for 100 feet instead of 1,000 feet. This is consistent with what we did for the Pine View Vet. Clinic which kennels, so it makes sense and I would recommend we proceed to public hearing on the change next month. The other change was requested by the Town of Berry since they have now had two minor variances of less than 6 inches where buildings were placed after measuring and the builders were certain they were correct, until surveys were done and the building inspectors reviewed for final approval, and they were, of course, off by inches. Now keep in mind that these were done on lots of over 15 acres with rear setbacks at issue in both of them, with a setback of 50 feet. There were topographical challenges as well (Berry is very hilly in western Dane County). The language seems reasonable to avoid an issue of non-consideration of these errors at the Board of Adjustment, and would allow these minor errors to be considered in the final decision on allowing a variance, but I added language at the group meeting that provided this change does not mean an automatic variance, just consideration. Seems there may be circumstances that you might just have to fix the small error and not depend on a variance. All six town representatives on the zoning group that reviews these changes recommended approval as written, and I believe a couple of the towns have already approved these. This applies ONLY in those two areas of the town where town zoning exists, so the use of these two provisions for us is VERY limited, if at all or ever frankly, but it will help some other towns out in our zoning coalition. We need to hold a public hearing and then make a recommendation to the Board if you are ready. I recommend a motion to recommend approval as presented.

Otherwise, I really have nothing else. No Parks, HPC, JPC, or JZC meetings. The Middleton Council last month approved the Cross Lutheran Church GIP amendment in CBB just as you did previously, with the additional requirement that the Church showing playing field locations with it first SIP.

That is all I have. Remember not to reply all to this email, but simply email me if you have particular questions.

Thank you. Stay safe!

Thomas G. Wilson

Attorney/Administrator/Clerk-Treasurer
Town of Westport (Dane County, WI)
Population 4,037

5387 Mary Lake Road
Waunakee, WI 53597

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<http://twitter.com/TownofWestport>

<http://www.facebook.com/pages/Town-of-Westport-Dane-County-Wisconsin/115029421892435?v=wall>

(608) 849-4372

(608) 849-9657 FAX



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IF THIS MESSAGE IS TO THE ENTIRE MEMBERSHIP OF A GOVERNMENTAL BODY, *you are advised* that this email should be treated as a one-way communication and that responses "to all" should be avoided because those responses could create a "walking quorum" of the body in violation of the open meetings law (Office of the Wisconsin Attorney General Letter of 3/19/2010).

TOWN OF WESTPORT

NOTICE OF PUBLIC HEARING

Town Zoning Code Amendments

(Kennel Location and Variance Standard for Building Errors)

Notice is hereby given that the Town of Westport Plan Commission will hold a Public Hearing on Monday, August 10, 2020 at 7:00 P.M. virtually via GoTOMeeting. Please join the meeting from your computer, tablet or smart phone by visiting <https://global.gotomeeting.com/join/325031461>. You can also participate by phone by dialing +1 (646) 749-3112 and use access code: 325-031-461. The purpose of the Public Hearing is to solicit comments regarding amending the Town Zoning Code regarding Kennel Location and Variance Standard for Building Errors [Sections 10-9-1.0622(2) and 10-9-1.098(7)(e)]. A copy of the Ordinance amendments are available on the Town website at www.townofwestport.org. Questions or comments may be directed to the Town Attorney/Administrator/Clerk-Treasurer Tom Wilson at twilson@townofwestport.org.

Thomas G. Wilson
Town Attorney/Administrator/Clerk-Treasurer

TOWN OF WESTPORT

ORDINANCE NO. 20-02

AN ORDINANCE TO AMEND THE TEXT OF THE TOWN OF WESTPORT ZONING CODE, TITLE 10, CHAPTER 9, TOWN OF WESTPORT CODE OF ORDINANCES, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

WHEREAS, The Town Board has reviewed a proposed amendment to sec. 10-9-1.098 Variances. The section currently states that "Negligence of a contractor in locating a setback, sideyard or building location shall not be considered a practical difficulty or a hardship." The Town Board believes that absolute restriction is too harsh in application to unintentional minor encroachments on setbacks and siting requirements.

NOW THEREFORE, the Town Board of the Town of Westport, Dane County, Wisconsin, does hereby ordain as follows:

Section 10-9-1.098 variances, (7) Hearing and Final Decision of the Town Zoning Ordinance subsection (e) is amended to read:

(e) Negligence of a contractor in locating a setback, sideyard or building location ~~shall not~~ may be considered a practical difficulty or a hardship only if (1) the Board is satisfied the negligence was not intentional, (2) the variance necessary is less than 1 foot, and (3) compliance absent a variance would involve substantial economic waste.

The above and foregoing ordinance was duly adopted at a regular meeting of the Town Board of Supervisors for the Town of Westport on July 20, 2020, by a vote of _____ ayes,
_____ nays, and _____ not voting (absent).

The amendment shall take effect upon its publication on the Town's website.
Dated , 2020.

APPROVED:

By: _____
Dean A. Grosskopf, Town Board Chair

Attest: _____
Thomas G. Wilson
Town Attorney/Administrator/Clerk-Treasurer

Approved: _____
Published: _____

TOWN OF WESTPORT

ORDINANCE NO. 20-01

**AN ORDINANCE TO AMEND THE TEXT OF THE TOWN OF WESTPORT ZONING
CODE, TITLE 10, CHAPTER 9, TOWN OF WESTPORT CODE OF ORDINANCES, TOWN
OF WESTPORT, DANE COUNTY, WISCONSIN**

WHEREAS, The Town Board has reviewed the proposed amendment to sec. 10-9-1.0622, Kennel; secondary standards. The section currently states that a kennel must be set back "1,000 feet from any residential dwelling other than that of the owner, agent, or employee of such kennel." The Town Board believes that the setback should have been written as 100 feet. The 1000 – foot setback currently contained in the ordinance is unreasonable.

NOW THEREFORE, the Town Board of the Town of Westport, Dane County, Wisconsin, does hereby ordain as follows:

Section 10-9-1.0622 (2) of the Town Zoning Ordinance is amended to read:

(2) Kennel Setbacks. All kennels, outdoor runs, and exercise areas shall be no closer than 100 ~~1,000~~ feet from any residential dwelling other than that of the owner, agent, or employee of such kennel.

The above and foregoing ordinance was duly adopted at a regular meeting of the Town Board of Supervisors fo the Town of Westport on July 20, 2020, by a vote of _____ ayes, _____ nays, and _____ not voting (absent).

The amendment shall take effect upon its publication on the Town's website.
Dated , 2020.

APPROVED:

By: _____
Dean A. Grosskopf, Town Board Chair

Attest: _____
Thomas G. Wilson
Town Attorney/Administrator/Clerk-Treasurer

Approved: _____
Published: _____