

Approved 8.7.14

TOWN OF WINDSOR
SPECIAL TOWN BOARD MEETING

Minutes

July 9, 2014

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 5:30 p.m. Supervisors present: Alan Buchner, Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Others present: Finance Director/Deputy Town Clerk Tina Butteris, Town Clerk Christine Capstran, Town Engineer Kevin Richardson, and Town Attorney Connie Anderson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Stravinski.

3. Announcements.

Chairperson Wipperfurth thanked everyone for attending. He stated that in July there will be a series of four meetings. The meetings are historic in nature. Last fall, Windsor was asked by DAWN (DeForest And Windsor Now) and the Business Development Group to look at what it would look like if we tried to promote ourselves in a different venue. Suggested were merger with DeForest and incorporation of Windsor. The Town Board analyzed different options and put out a press release in May. There were three options: (1) Windsor would stay as a town; (2) The village has asked Windsor to look at consolidation with the village of DeForest and becoming a new entity; and (3) incorporation. Windsor believes that it looked at merger before (14 years ago) with having a fiscal analysis done with assumptions made, such as a tax disparity. The town wants to hear from its residents and utilities. Chairperson Wipperfurth has had initial conversations with Windsor's neighboring communities. The first meeting will focus on Windsor utilities. July 16 will be a meeting with Windsor's committees, boards, and commissions. The third meeting will dialog with town residents. The fourth meeting will focus on agriculture. Because of the number of people attending the meeting, there will be a more formalized system. Everyone is asked to sign in. If speaking, it is requested that the speaker use the podium. Town Attorney Anderson will lead everyone through a PowerPoint presentation.

4. Analyze Future Governmental Structure: Focus On Town Of Windsor Utilities.

Town Attorney Anderson provided an overview using a PowerPoint presentation. The town of Windsor was established in 1847 with 36 square miles. Windsor's population in 2013 was 6,549. Its population is increasing while its land area continues to decrease. Windsor has a balanced mix of residential neighborhoods, retail/service-oriented commercial, and productive agricultural land. Windsor's philosophy has been to promote sound land use planning (since the early 1900s), protect and enhance its environmental corridors and conservancy areas, and preserve agricultural land, farming, and agri-business.

In 1970, approximate land areas were 21,885 acres for Windsor, 609 acres for DeForest, and 278 acres for Sun Prairie. In 1980, Windsor had 21,283 acres, while DeForest doubled in size to 1,210 acres. Sun Prairie had 278 acres. In 1990, Windsor had 21,030 acres; DeForest was up to 1,464 acres; and Sun Prairie remained at 278 acres. In 2000, Windsor had 19,547 acres; DeForest had grown to 2,907 acres; and Sun Prairie had 318 acres. In 2010, Windsor had declined to 18,333 acres; DeForest increased to 4,015 acres; and Sun Prairie increased to 424 acres. Acreage has remained the same in 2014. Windsor has purchased two PDRs (purchase of development rights).

Approximately 14 years ago, Windsor performed a consolidation/merger study. Issues included farmland preservation, financial and tax impacts, land use, government structure, community name, public safety, and utility/public works. In the end, the Windsor Town Board did not proceed. What followed were cooperative plans between DeForest and Windsor (to 2030 and 2040) and Sun Prairie and Windsor (to December 2037).

In 2014 DAWN and the Business Development Group requested that Windsor examine the benefits, impacts, and issues of reconfiguring the town of Windsor and village of DeForest to form a stronger united entity. DeForest has asked that Windsor consider merger. The economy is shifting. Windsor has contacted all neighboring communities to discuss the town's intent to proceed with a due diligence study.

Windsor is now proceeding with the due diligence review that was described in the press release. Windsor can remain as a town, with no major governmental structural changes. It can create a new governmental entity with DeForest through merger or consolidation. Or it could incorporate and change its government structure from a town to a village. Due diligence review will take place on July 9 with the Windsor utilities; July 16 with the Windsor boards, commissions, authorities, and committees; July 23 with Windsor residents; and July 30 with Windsor's agricultural community.

If Windsor decides to incorporate, it would include all of Windsor – the entire town. There are two processes for incorporation: Wisconsin Department of Administration or Legislative (2015 Budget Bill). The benefits of Windsor becoming a village would include securing town boundaries, maintaining its community identity; a huge, dramatic change to control of local zoning and land use; protecting agricultural land; and continued governance with Windsor representation.

The town will be collecting, reviewing, and discussing public input. It will prepare a summary of frequently-asked questions. After the four meetings in July, it will come forth with a recommendation. To be considered in making that decision would be how incorporation would impact the support of town residents, the effect on town taxes (no fiscal analysis has been conducted at this time), the impact on sanitary districts, changes to the comprehensive land use plan, creation of additional economic development opportunities, impact on cooperative plans, consideration of how this would affect neighboring communities, and changes to internal town operations.

Currently Windsor has four sanitary districts. If Windsor incorporates and the town becomes a village, then the town will look to Wis. Stat. § 60.79 to determine the next steps. If there is incorporation, it will happen as a matter of law that the sanitary districts are dissolved. What happens to the sanitary district's employees and customers? They stay the same. The name of the commission would change to the Windsor Utility Commission. We will have one utility commission, but it will oversee perhaps two sanitary districts. The two sanitary districts would be Windsor Sanitary District No. 1 that will include Lake Windsor and Oak Springs, and the Morrisonville Sanitary District. The village hall staff would need a utility clerk to handle billing. The operational needs would stay with the utility district employees.

The town is not doing a fiscal analysis at this time. It wants to hear from its residents, utilities, and farm community and determine what their questions are and incorporate them into a study.

Two people have registered to speak.

Attorney Timothy D. Fenner, as attorney for Windsor Sanitary District No. 1, was present to answer questions.

Dave Beyer registered to speak if there were questions. He indicated he was deferring at this time.

The Town Board members would speak first, and then the floor would be opened to the public for questions.

Supervisor Stravinski's opinion is that the town should incorporate. He realizes that the town is having these meetings to gather information. It is not good to say that he has already made up his mind, but he has made up his mind. It would be beneficial to the town. Incorporation would protect the town's borders and give it local control.

Chairperson Wipperfurth added that, just because the town would want to incorporate, it does not mean that it will happen. It is a very hard process.

Supervisor Buchner discussed the utilities. Is the cost of doing business level in all of the utilities?

Attorney Fenner spoke about the Windsor Sanitary District and Lake Windsor. Windsor Sanitary District has a sewer and water system. Lake Windsor and Oak Springs do not. For sewer purposes, all sanitary districts are basically the same. It is pretty much the same for sewage costs. Morrisonville had to construct a lift station. Water systems are different. The sanitary district rates are controlled by the Public Service Commission. Sewer will be uniform; water will depend on what happens.

Roger Stoffel, 6583 Linden Circle, stated that Lake Windsor Sanitary District charges \$180 per year for its sewer charge. Everyone has their own well.

There would continue to be differences in the utility districts if the town becomes a village. The village structure does not force an increase in rates. The status quo could remain that one would receive sewer service and not water.

Supervisor Madelung stated that he had run his campaigns on incorporation. He does not want to change our lives but to make them better. Supervisor Madelung was on the committee 14 years ago. The mill rate was very significant at that time. We have been Windsor for 177 years. Do we want to be something else? Windsor holds agriculture dear to us, and we want to maintain it. We also want to make sure the urban structure is done well. A lot of tax base was lost. Windsor has to go through ETJ and ETZ and Dane County. It can become rather onerous. Windsor is now eligible for TIF. Incorporation is a great opportunity to be equal to Sun Prairie and DeForest. We still share Fire, EMS, and the Community Center. We will continue to do this. Supervisor Madelung expressed his appreciation for everyone being present.

Supervisor Smith did not want to reiterate what had already been said. She would like to hear what the audience has to say. Windsor's identity is important.

Chairperson Wipperfurth looked at this from a bigger perspective. There have been many disagreements between Windsor and DeForest, and we are at a point in time where we are working together. We have to look at positive things. Windsor will continue to work with the DeForest Senior Center, Fire, and EMS. Is there a way we can strengthen our relationship with DeForest? From a municipal standpoint and legislative standpoint, he felt Windsor will have an opportunity to look at this. Windsor has talked extensively with the village of DeForest. They were more interested in merging or consolidation. Windsor will listen to all three options, but the focus is on incorporation.

Jerry Thorsen, 3931 Partridge Road, indicated he had attended some of the meetings 14 years ago. Windsor did not consider incorporation at that time. Why?

Chairperson Wipperfurth responded that Windsor was not in a position of strength. There were no cooperative plans or boundary agreements at that time.

Mr. Stoffel responded he was all for incorporation. He did indicate he had concerns about the Lake Windsor sewer system. There are only 115 users. He would like to see someone else handling this, not just the people who volunteered. How will this affect our police protection?

Chairperson Wipperfurth responded that, to his knowledge, there is no requirement that villages have police departments. Windsor could still continue to contract with the county Sheriff's Department.

Brian Coulter, President of Windsor Sanitary District No. 1, indicated last fall and this past winter there was talk about streamlining the process for developers. That seems to have fallen by the wayside. That process would be helpful for the Board, the town, and the sanitary district.

Chairperson Wipperfurth responded that the Town Board has not forgotten about that.

Roger Stoffel mentioned there were two ways to incorporate. Is state government in favor of towns becoming villages?

Chairperson Wipperfurth responded that he has attended hearings at the State Capitol and heard it said that larger towns should incorporate. There have been several towns that have incorporated. It is easier if you have the support of your neighboring communities, *i.e.*, the village of DeForest and Sun Prairie. Hopefully, in the end Windsor will have their support. Windsor has to bring to its legislators reasons why it would be important for it to become a village. Windsor wants this to be as cooperative as possible. There is not a cost to the state for the town of Windsor to become a village. Next year is a budget bill year.

Mr. Thorsen asked how this would benefit DeForest and why would it be supportive of Windsor becoming incorporated. It seems like DeForest would lose control with Windsor's incorporation.

Chairperson Wipperfurth responded that was true. He had that discussion with President Blau on a number of occasions. DeForest could view Windsor as competition. While it may not be ideal for the village to accept Windsor as a neighboring village, if we are there as equal players it would make this area a more dynamic area.

Supervisor Stravinski discussed the economic development of the area. DeForest would no longer be threatening to annex Windsor, and Windsor would not threaten to sue.

Mr. Thorsen felt that would be an excellent argument. Does it seem that DeForest is listening and buying that argument?

Chairperson Wipperfurth responded that DeForest seems to be looking at this more open-mindedly. The village of DeForest wants to know how it will affect the village of DeForest.

Dean Dopkins, 6613 Forest Park Drive, asked if the steps could be outlined if the town were to go through the Department of Administration.

Chairperson Wipperfurth indicated that in the DOA process there are a series of tests the town would have to meet to qualify. There are certain criteria that would have to be met, and he

believes that Windsor meets all that criteria. DeForest could respond that it could service this area cheaper than a new municipality, and it was willing to absorb the area.

Town Attorney Anderson added that this is a more involved process. There are more documents. There is an incorporation review body. There is a fee of \$25,000 for the application. There are significant costs, as well as potential risks.

Supervisor Stravinski indicated that, besides the fee, the initial incorporation process has to be from a committee that is not members of the Board. It is not controlled by the Town Board. It can become a lengthy process. There are up-front costs.

Luana Schneider, 6793 County Road C, asked what would be the benefits for Windsor to merge with DeForest. Are there any?

Chairperson Wipperfurth responded that they looked at that, and there are more benefits to incorporation. Windsor's identity and being independent are important to its residents. People feel it would be a takeover by the village if there was a merger. There are philosophical differences between how we operate.

Supervisor Buchner added that this Board is macro-economic. The big winner is the School District. When the state agreed that TIF could be used by townships, the villages were opposing the TIFs.

Marcia Riquelme, 3953 Finch Trail, was curious about how we share the water table.

Chairperson Wipperfurth advised that water has its natural course. We cannot stop or keep it for ourselves.

Ms. Riquelme was concerned about water draw-down by businesses.

Chairperson Wipperfurth noted that the village of DeForest has a well on Highway 51 north of Highway 19. If that well were used excessively, it could hurt the Token Creek Watershed. There is a letter of understanding as to the amount of water that can be drawn.

Attorney Fenner indicated there could be water quality issues. Windsor's water is better water.

Mr. Stoffel responded that they were preaching to the choir. Ten years ago Windsor would have not gotten anywhere with DeForest. He had a question about the governments in Sun Prairie and DeForest.

Chairperson Wipperfurth answered that village terms are the same as town terms. They are staggered two-year terms.

Don Tierney, 3813 Windsor Drive, indicated that what the Town Board is doing is pretty awesome. He thanked the town for going in the right direction.

Dan Turk, 3990 Empire Drive, stated that he had been at these meetings before. He had been on the Village Board. He now lives in Windsor. He commended Chairperson Wipperfurth for going through the process. It is a matter of identity. Windsor has to protect its identity.

Chairperson Wipperfurth indicated that Windsor wants this to be an open process.

Supervisor Madelung asked the audience to please go back and tell their neighbors to show up at a meeting. The town wants representation and feedback.

Kay Taylor, 7130 South Hill Road, asked, after four meetings, what is the ultimate decision. Will there be a referendum? Who makes that decision?

Chairperson Wipperfurth responded that the decision will be made by the Town Board. Then there may be an advisory referendum.

Marcia Riquelme said if this would go to the budget session of the Legislature we would need to have an assembly person behind us and a state senator.

Chairperson Wipperfurth responded that the town has all of these people advised at this time. They would sponsor the legislation.

Town Attorney Anderson addressed appointments to the sanitary district, which would be a single-utility commission that would be appointed by the Town Board. The operations will continue to be in the different districts.

The appointing body from Ch. 60 would depend on how the Town Board would make its appointments. The Chairperson recommends, and the Town Board approves.

Roger Stoffel had a question regarding money in the sanitary district accounts.

Both Attorney Fenner and Town Attorney Anderson responded that it would transfer.

Kay Taylor stated that nothing would change with our utilities. They would not be required to go to public water.

The response was that that might be a decision made by a future board.

Nick Loomis of the Lake Windsor Sanitary District noted that it would be irrespective of whether Windsor is a village or a town to have water lines and wellhead protection.

Chairperson Wipperfurth had one final thought. Windsor is not speaking negatively of the village of DeForest or city of Sun Prairie. This is of the process of the town of Windsor becoming a village and preserving its own identity. Windsor wants to gather information.

Luana Schneider asked about the cost to incorporate.

Chairperson Wipperfurth responded that he was not sure. That is one of the things that the town is working on. There would be a different cost allocation for each process.

Supervisor Stravinski thanked everyone for coming. Anyone should feel free to call any of the Board members if they have questions. Telephone numbers and e-mail addresses are on the town's web site.

Kay Taylor asked where the funds would come from.

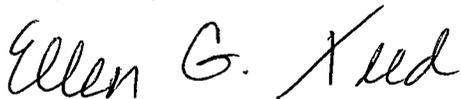
Chairperson Wipperfurth responded that the town has a surplus reserve. This will be looked at during the budget process.

Supervisor Smith reminded everyone that, even if Windsor stayed a town, there are costs for boundary agreements, etc. Even though there is a cost to become a village, there are costs to stay a town.

5. Adjournment.

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

Respectfully submitted,



Ellen G. Teed
Recording Secretary