

Approved 8-7-14

TOWN OF WINDSOR
SPECIAL TOWN BOARD MEETING

Minutes

July 16, 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 Engineer Kevin Richardson, Planning and Development Coordinator Amy Anderson-Schwepe, Town Planner Jamie Rybarczyk and Town Attorney Connie Anderson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Smith.

3. Announcements.

Chairperson Wipperfurth noted for the board there were additional materials for Thursday night's board meeting at the table for them.

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. 14 year ago Windsor and the Village of DeForest thoroughly studied merger and ended up voting against it. The town wants to hear from its residents and committees. Chairperson Wipperfurth has had initial conversations with Windsor's neighboring communities. The first meeting focused on Windsor utilities. Tonight is a meeting with Windsor's committees, boards, and commissions. The third meeting will be a dialog with town residents. The fourth meeting will focus on agriculture. Town Planner Rybarczyk and Town Attorney Anderson will lead everyone through a PowerPoint presentation.

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

Town Planner Rybarczyk provided an overview using a PowerPoint presentation. The town of Windsor was established in 1847 with approximately 36 square miles. Windsor's population estimate 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 January 2030 and January 2040 for designated lands) and Sun Prairie and Windsor (to December 2037).

In 2013 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). There are many factors to consider on how incorporating may impact Town residents. Is there a change in property taxes (no fiscal analysis has been conducted as of this date)? What is the effect on the schools and sanitary districts? Are there changes to the comprehensive land use plan? Does it create additional economic development opportunities?

What is the impact on existing cooperative plans? What considerations are given to neighboring communities? What are the changes to internal Town operations?

The benefits of Windsor becoming a village would include securing town boundaries (rather than being assimilated like the Town of Burke, Blooming Grove and Madison); maintaining its community identity; a huge, dramatic change to control of local zoning and land use; use economic resources to strengthen area business (rather than fighting legal battles with our neighbors); protecting agricultural land and agri-business; and continued governance with Windsor representation.

Attorney Anderson presented the focus of today's meeting which is the Boards, Commission and Committees. How are we organized today and what happens if we incorporate. Also, how does incorporation change our legal authority?

A lot of things stay the same for Windsor should we become a Village. The Town electors have already granted Village powers to the Town Board thereby providing greater planning and regulatory authority including police powers and land use powers. A village requires similar operational needs, government functions, Town staff and public works needs and in-house professionals and consultants (engineer, attorney, planner, inspector, etc.). There would be a change to the role Dane County plays. As a Village, the Plan Commission would consider zoning and land regulations with zoning and building permits being issued by the Village, not the county.

A Village governance structure consists of the Village Board which has a Village President and Trustees. The board is elected at-large or by district with staggered 2-year terms. The Plan Commission has no change in composition and is appointed by the Village President with confirmation by the Village Board. The zoning decisions go to the Village Plan Commission, thereby removing the Dane County role/step. A separate Zoning Board of Appeals would need to be created in a Village. Committees would continue to be established by ordinance; if a committee is important to the Town, then the committee would be important to the village. Ad Hoc committees, for a specific task, may be established as needed.

As to the legal authority of villages, villages are incorporated municipalities and have additional statutory powers. A village's borders are secure. Cities and villages cannot annex other villages and cities. Cities and village can annex towns and unincorporated areas. Villages can cooperate with other villages, cities and towns. Villages can enter intergovernmental agreements with each other on even more areas of mutual interest using 66.0301 and other statutes. Villages can choose to merge with one another.

Chairperson Wipperfurth noted that this process is not a reflection on the Village of DeForest. Windsor has been asked by community groups to look at options for a unified community. Windsor has determined that now would be the time to consider incorporation. Tax rates are important; however, identity is important to our future. This is an open process where we encourage feedback from our residents. The Town Board members will comment then the floor will be opened to the public.

Supervisor Madelung thanked everyone for attending and encouraged those in attendance to share the information with their neighbors and encourage them to participate in these meetings. He served on the Governance Committee when merger was considered 14 years ago. It came down to two points: tax rates and name. Windsor is over 177 years old and DeForest grew out of Windsor. He would like to become the Village of Windsor to protect our borders and set the direction for preservation and wise building for the future. He has run his campaigns on incorporation and is glad we are talking about it now.

Supervisor Smith thanked those in attendance for taking the time to come and encourages questions to assist the Board in considering all concerns. She encouraged everyone to contact the board members after the meetings should they have additional questions and comments. Windsor needs to protect our lands. She is very passionate about farmland preservation as agriculture is a large part of our identity and the economic community. She is proud to serve as your Board member.

Supervisor Buchner also thanked everyone for attending. He stated that over the last 40 years Windsor has loss over 3,500 acres and millions of dollars of tax base. There can be synergies between communities without being merged. We can promote economic development through combined marketing efforts. We need to be at a par level though for productive collaborative efforts.

Supervisor Stravinski stated that at the last meeting he said the Town should incorporate and that it was up to the people to convince him otherwise. He maybe should have said he is in favor of pursuing incorporation. But really he is in favor of both pursuing and incorporating for the reasons that have been stated already. It is important to protect the land, we can't give it up, and we need to secure our borders now.

The meeting was opened to the public at this time.

Dick Woodburn, 6891 Leonard Rd, is a proud Windsor resident. His kids were raised here and live here now. He wants to be in Windsor. The Board has hit the nail on the head. He asked, has incorporation of Town's recently been done in Wisconsin and what has the outcome been.

Attorney Anderson noted that there is a listing on the Wisconsin Department of Administration's (DOA) website. Some have been denied on process and others have been incorporated. Some take the legislative track and are able to incorporate others haven't made it; there certainly can be hurdles. Windsor is involving the community and is reviewing the history of incorporation submittals to learn from others.

Mr. Woodburn asked if there was any downside.

Chairperson Wipperfurth noted that not being successful would be a downside; however we have been open on the process and will live and die by the merits.

Supervisor Stravinski stated that Town government is the best there is due to the annual and other elector meetings. In a Village people don't have that power; however protection of our boundaries is worth the trade-off.

Supervisor Wipperfurth noted that Barry Eichinger, 4533 Oak Springs Cir., was unable to attend however he provided comments to Supervisor Wipperfurth that he would like to get in the record. Mr. Eichinger believes this is a great process. He would like to see increased services, to the Village level. He is more in favor of the consolidation process.

Tony Hamelink, 6697 Highland Dr. noted he is a member of the Town Community Development Authority. He is in favor of incorporation but wanted to know how long of a process it was.

Attorney Anderson noted if you went the legislative route it could be in 2015 but if you went by the Department of Administration route it is more methodical as you need to go through court, a review board and referendum. That route would be taken in to 2016.

Mr. Hamelink asked if the Town receives any economic benefits from DeForest at this time.

Chairperson Wipperfurth noted Windsor receives no direct benefits; however we do share cooperatively in the DeForest Area Fire and EMS, DeForest Area Community Center, Municipal Court – DeForest/Windsor and more recently on park services.

Bill Smith, 6588 S. Oak, asked if Windsor selects the DOA process, is lobbied against and turned down; can you then go through the legislative process?

Attorney Anderson stated you are not precluded from pursuing another route.

Mr. Smith asked about the impacts to the police, fire and ems services.

Chairperson Wipperfurth noted that police services may still be contracted and we can continue our cooperation on the DeForest Area Fire & EMS along with the DeForest Area Community and Senior Center. Windsor and DeForest are welded at the hip; we need each other. A level playing field will strengthen our cooperation and relationship.

Mr. Smith inquired as to the United States Postal Service and the Windsor Post Office; what if the post office is closed. Does this impact incorporation?

Attorney Anderson stated that would be a negative in the consideration.

Mr. Smith stated then there is some urgency to get the incorporation going.

Supervisor Madelung noted the Tax Increment Financing (TIF) that has been granted to certain Towns based upon criteria, including Windsor, is not an insignificant law. There was a legislative process there that was approved. They look at us as sophisticated enough to utilize TIF. It was lobbied against but was won in the end so there was more support for the

implementation of TIF than against. He is optimistic and has thought about incorporation for some time. The key components for the area include a dynamic economic corridor, airport proximity, and location to Hwy 19 and Hwy 51.

Dean Dopkins, 6613 Forest Park Dr. stated in 2001 Alan Harvey and Wayne Day discussed incorporation and Mr. Day had some concerns. Does Windsor have someone lined up to sponsor a bill? Should there be a referendum in November on how many are in favor of pursuing a legislative bill? Is Capital Area Regional Plan Commission (CARPC) approvals still required if a Village?

Chairperson Wipperfurth stated all villages, cities and towns are required to obtain CARPC approvals. In 2001 Supervisor Day did discuss his concerns with a merger for where he lived as it may have been more acclimated to be in the City of Sun Prairie. The 2000 incorporation problem was that there were no boundary agreements in place. We are now in a more neutral setting. The next steps include these series of meetings to obtain feedback, from which Windsor will determine the need for legislative support. If you go with the DOA route you are required to hold a referendum. We are holding these meetings to gather information for analyzing our next steps.

Mr. Dopkins asked if the state required boarder agreements.

Chairperson Wipperfurth noted the state encourages agreements however they are not always able to be obtained.

Alan Harvey, 3900 Vinburn Rd. said he is in favor of incorporation and has been for many years for the reasons so eloquently stated this evening. In his research he found that 11 towns formally sought incorporation and 8 succeeded. That is a high average of success. There are not that many towns with our population who haven't made an attempt at incorporation. If the Town of Windsor incorporated it would create more TIF availability than a merged community. A merged community would not have the same TIF capabilities. If you like economic development, then you should like incorporation. He cautions on any premature referendums. The DOA route is a very formal process. Premature referendums can cause people to vote without facts and vote more emotionally. The Town of Caledonia failed at the DOA process but came back and was successful with the legislative process.

Chairperson Wipperfurth noted that Mr. Harvey was correct on his TIF comment. With his experience testifying at the capital this winter on the TIF bill; it was stated by representatives that all large towns should incorporate as they look and act as a Village with their staffing, police, fire, ems, etc.

Jeff Heisig, 3503 Windsor Rd. feels the financials play a large affect in the consideration and we better have an answer to that. The mil rates for villages and cities seem to be higher. It is easy for officials to see why incorporation is a benefit to Windsor; the officials need work to get the word to the public.

Chairperson Wipperfurth reiterated that Windsor did not start with a fiscal analysis as they wanted to know the questions up front. He did caution that tax rate is one component. Years ago the mil rate between DeForest and Windsor was more significant; it has narrowed some. Everyone needs to consider not only the short term tax issues but the long term as well. The more land that is lost to annexations the higher the taxes will get. Taxes may go up as a Village; however, you need to look at the long term perspective. Incorporation maintains our sense of identity what is the price for that? We have no disrespect to the Village of DeForest but Windsor has philosophical differences in our operations that make our community what it is.

David Talbot, 3848 Sunnywood Dr. asked about the impacts incorporation would have on the taxes we pay the school district.

Chairperson Wipperfurth noted that the DeForest Area School District is comprised of many communities and if Windsor is a village or a town the school district would remain their own entity and continue to operate as they do.

Dr. Bob Walton, 4066 Vinburn Rd. stated that DAWN wanted the communities to work together on economic development. He commended the process that is being taken now. The last joint meeting with the Village of DeForest was a good meeting. Trustee Ken Clark's statement that he supports Windsor in whatever they feel is in the best interest of their residents is correct and the rest of them should think that way to.

Dan Wendtland, 7616 Grinde Rd. asked if there were any services or obligations that would be lost with Dane County.

Engineer Richardson stated we could continue to contract with the sheriff department. Zoning permits would now be handled at the Village of Windsor; providing more convenience to the residents.

Supervisor Stravinski inquired as to any monies received from the county for roads.

Engineer Richardson explained communities can apply for the Local Road Improvement Program, villages, cities and towns. There is money for cities and village and money for towns. The disbursement determination is different depending on the type of municipality. These are applied for funds and are not a guarantee to any municipality.

Mr. Wendtland asked if there would be a change with the involvement of Dane County Land Conservation on projects in Windsor.

Engineer Richardson stated that all municipalities have to live by the Dane County Land Conservation rules. It doesn't matter if you are a city, village or town.

Mr. Wendtland asked if anyone has talked to anybody on the Dane County Board about the incorporation consideration.

Chairperson Wipperfurth noted they have not communicated directly to the board; however, they are aware of where Windsor is at through information and communications shared with some members and staff. Dane County is aware that towns are frustrated with how they have been treated as of late. Windsor is the first that he knows of to go public with incorporation considerations but he feels there may be others down the road.

Mr. Wendtland feels there should be a referendum and wanted to know the impact on the schools.

Chairperson Wipperfurth stated the school impact would basically be neutral. Referendums can be tricky as the feedback is wanted but the emotional voting is not.

Mr. Wendtland noted that this would provide feedback and allow a say in it.

Chairperson Wipperfurth stated that part of the process is providing the education through these series of meetings and asking for feedback from the residents. It is what we are trying to accomplish now. We are trying to get a sense of direction from the public through these meetings.

Luana Schneider, 6793 Co Rd C inquired as to what happens with the Cooperative Plans in place.

Chairperson Wipperfurth said the terms in the Cooperative Plans we continue to abide by whether we are a town or a village.

Jim Simpson, 6810 Conservancy Pl. stated he is Village of DeForest resident and member of the Planning and Zoning Committee. He is here representing himself and is advocating for continued cooperation. He likes what he was hearing but is for consolation. He understands what community means to the Village of DeForest and the Town of Windsor. He feels the Token Creek Conservancy is a tremendous area and that Windsor could teach the Village on conservancy practices and maybe there are areas that the village can teach the town on to improve their practices. He sees the DOA path with substantial hurdles and consolidation may be an easier route. He sees the pride in the town and it will be a sad day when Burke is terminated. It has been eye opening to hear from the residents this evening. If incorporation or consolidation, we (Windsor and DeForest) need to look at protection from Madison. He agrees that zoning is a positive to have your own control. Regardless of the name of the community we are approximately 9,000 and 6,000 in population and if consolidated would be the 5th largest community in Dane County. Conservation and agriculture could be maintained in consolidation.

Chairperson Wipperfurth thanked Mr. Simpson for coming as he has invited other village officials to also attend these open meetings. He agreed that with the Town of Burke agreement there is an area where Madison will abut the Town of Windsor and that is a concern and why we want to take proactive measures now.

Supervisor Buchner stated he serves on the local business development group. Two communities with a combined population of 15,000 can market as well as one community, there does not have to be merger for successful marketing. Incorporation does not create competition. The school needs roof tops from all communities in the district. He doesn't feel there are limitations by not being a municipality of 15,000. We can market and be recognized.

Supervisor Smith stated in her experience, and through her education, she is aware that to bring business into a community they look at the area, not the population within a municipality but the customer base within a square mile. Windsor and DeForest complement each other and she encouraged the continued communications.

Supervisor Stravinski wanted everyone to think about communities where there are two communities that complement each other and have proven growth such as Sauk City and Prairie du Sac, Minneapolis and St. Paul and others.

Beth Trotter, 4007 Terrace Park Ct. said she agrees with everyone except Jim Simpson. We want to keep our agricultural corridor. Windsor is very strong when it comes to planning. As there are boundary agreements in place now it is time to move forward.

Chairperson Wipperfurth noted that during the DOA process, at a certain point a neighboring community could step in and say they can serve the area cheaper; however, we are hoping to be able to gain the support of our neighbors including the Village of DeForest; if not support, then to remain silent.

Ms. Trotter said if the City of Madison has an opportunity to be at our door that is a concern and we need to learn from the past lessons.

Bill LeGore, 6688 Traveler Tr. supports the process being followed as he has read in the paper. The points in the power point presentation were right on. Our boundaries are stable now and we need to look out for our residents. He is glad we have the spirit of continued cooperation and that spirit is planned to continue forward, which is such a positive. The size of government operation is important. We need to continually look to be creative with government functions such as the current creativity through the DeForest Area Fire and Ems and Dane County Policing. As a village we don't want to create more overhead, we need to keep the government the right size. He supports the idea for the reasons in the presentation.

Mr. Hamelink noted that to be considered was merger, incorporation or staying the same. If incorporation doesn't happen and staying the same is not feasible would we be forced to merge?

Chairperson Wipperfurth stated we have a number of years on our current agreements. It is uncertain if the agreements could be expanded upon. He hopes for continued communication and openness.

Mr. Simpson said in what he has read, if Windsor is turned down they can wait a year and reapply for incorporation.

Pat Feldman, 6762 Sunset Meadow was impressed by the meeting. She is proud of the leaders of the community and the integrity and quality of thoughts expressed. As a teacher they teach children that a fabric is a piece of material and all threads come together. She sees that hope and energy with the process and gives her support.

Chairperson Wipperfurth thanked everyone for attending and participating in the meeting.

5. Adjournment.

At 7:04 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,



Tina Butteris
Finance Director/Treasurer
Office Manager/Deputy Clerk