

Approved
8-7-14

TOWN OF WINDSOR
SPECIAL TOWN BOARD MEETING

Minutes

July 23, 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, Town Attorney Connie Anderson, and Town Planner Jamie Rybarczyk.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Stravinski.

3. Announcements.

Chairperson Wipperfurth thanked everyone for attending. This meeting is the third in a series of four meetings as the Town Board is analyzing its future governmental structure. He characterized these meetings as historic in nature in the town of Windsor. Windsor has cooperative boundary agreements with the village of DeForest and city of Sun Prairie. Windsor has been looking at its future for the last six to eight months. Windsor is at a time when it has to look at its future and its options. A press release was issued in May indicating the town had three options: (1) stay as a town; (2) consider consolidation or merger with the village of DeForest; or (3) incorporation. Merger was looked at extensively 14 years ago. A fiscal study was done at that time. The Town Board at that time decided not to proceed with merger. There were issues of tax disparity, the proposed governmental structure, and maintaining Windsor's community identity. If Windsor proceeds with incorporation, it would be town-wide.

The Town Board will be taking comment and input on all three options, but it will focus on incorporation. A PowerPoint presentation will be given by the Town Planner and Town Attorney. Comments will then be made by the Board members, after which the meeting will be opened to the public.

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

Town Planner Rybarczyk began his presentation with an overview as to where Windsor is at this time. The main point of the discussions is to get feedback.

Windsor was established in 1847 and was approximately 36 square miles. Windsor's population is approximately 6,500. Windsor continues to grow in population but has seen a decrease in land mass. Windsor has a balanced mix of residential neighborhoods, retail and service-oriented commercial, and productive agricultural land. Windsor's philosophy is to promote sound land use planning, protect and enhance environmental corridors and conservancy areas, and preserve agricultural land, farming, and agri-business. Town Planner Rybarczyk showed the make-up of the town of Windsor from 1970 to the present. Windsor is going through an update of its Comprehensive Plan. It purchased two PDRs (Purchase of Development Rights). Those lands will remain in agriculture in perpetuity.

In 2010 the town adopted cooperative plans with DeForest and Sun Prairie. The cooperative plans with DeForest are locked until 2030 and 2040. The cooperative plan with Sun Prairie is locked until 2037. All surrounding municipalities have been contacted, and Windsor's plans have also been discussed with the city of Madison.

Earlier DAWN (DeForest and Windsor Now) and BDG (Business Development Group) asked Windsor to examine the benefits, impacts, and issues of reconfiguring Windsor and DeForest to form a stronger united entity. DeForest has asked the town to consider merger.

A press release was issued on May 16. As part of the due diligence, Windsor is exploring whether to remain as a town, create a new governmental entity, or incorporate and change its government. The Town Board has already met with the Windsor utilities and received very positive feedback. Last Wednesday, the Town Board met with the Park and Plan Commissions. They provided feedback and concerns. This meeting is for the Windsor residents to be followed up with a meeting next Wednesday with Windsor's agricultural community.

The overall goal is to incorporate all of Windsor. There are two processes that the town can follow. The town could follow the DOA administrative process governed by state statute. There is a series of criteria that the town has to meet. An application is submitted to the state. The other option would be legislative where there is language written into the budget bill. Both processes are complex and take time. Each has its own hurdles to cross.

Town Attorney Anderson focused on issues directly related to the town residents. The residents will be in a community that has greater legal authority. Additional statutory powers are granted. A village's borders are secured. The city of Madison could not annex the village of Windsor, neither could the village of DeForest nor city of Sun Prairie. Villages control their own growth. There are additional opportunities for a village and city working together or villages working together. If the town takes no action, it could end up being absorbed by the neighboring communities such as what is happening to Burke. Villages have greater legal authority. There are benefits to becoming a village. There is a similar governance structure in a village.

No fiscal analysis has been conducted to date. If Windsor incorporated, it would keep the Windsor-DeForest schools together. There would be no impact on cooperative plans, as they go with the town and continue on. Villages have additional statutory powers. Its borders are secure; cities and villages cannot annex other villages. Cities and villages can annex towns and unincorporated areas. Villages can enter intergovernmental agreements with each other on more areas of mutual interest. Villages can choose to merge.

Benefits of incorporation would include: Windsor would maintain its community identity. The town's boundaries would be secure, which is very important. Right now Dane County has zoning authority. If Windsor incorporated, it would control local zoning and land use. It could use economic resources to strengthen area business. This equalizes the playing field. It would protect agricultural land and agri-business. Windsor's government could continue with Windsor representatives at the helm. The town, if it incorporates, will be eligible to have Windsor representatives. If there was a merger, the representatives would change.

Town electors have already granted village powers to the Town Board. Public services and elections will remain the same. Financial, development, and construction management will remain the same. The town will have additional power as a village regarding building permits. There will be similar town staff and public works needs, as well as similar in-house professionals and consultants.

A village board has a village president and trustees that are elected at-large or by district with staggered two-year terms. The plan commission is appointed by the village president and confirmed by the village board. Zoning decisions go to the village, rather than the county. The county role is limited. There will need to be a separate zoning board of appeals in a village. Villages handle zoning and permits, rather than the county. Villages can have their own police department or can contract with the Dane County Sheriff's Office. Fire and EMS protection continues with the DeForest/Windsor Fire and EMS District per intergovernmental agreement.

There will be a Windsor Utility Commission with District 1 (Windsor Sanitary District) and District 2 (Morrisonville). Ordinances can allow for well and septic. Garbage and recycling and public works will remain the same. The town will have increased land use control and authority.

Chairperson Wipperfurth stated that this has been a completely open process since day one. He reached out to the officials of Windsor's neighboring communities prior to the press release. He met with a top aide for Mayor Soglin and a planner. That was a positive meeting. Just because Windsor is talking about incorporation and may proceed with the incorporation process does not mean it will happen. The standards for incorporation are very high. Not every community is successful the first time. It may take a couple of attempts. The town has not decided which way it will go. No fiscal study has been done. The town is going to wait until after this series of meetings and use the comments as a basis for the study.

Some people have asked about DeForest and how it feels. Windsor has encouraged village officials and any elected officials to attend these meetings. Windsor is at a place in time where it can take a serious look. Windsor has been hit hard in the last 20 years with annexations.

The next steps: After the four meetings, the Town Board will convene in August to decide if it wants to pursue incorporation. If it does, staff will be asked to do a fiscal study. The public will be kept informed.

Supervisor Madelung indicated this is historic. Windsor has existed for 177 years. Supervisor Madelung has run campaigns on the premise of incorporation. The timing was not right then. It is right now. Windsor has leverage to investigate and make sure this is the right move for the town. Windsor was just approved for TIF by the Legislature. Windsor has a history, and we want to retain that history. It has been through the battles before. Windsor lost 4,400 acres to annexation. This is an opportunity to protect our borders. Windsor can protect its agriculture and farmers. Supervisor Madelung believes this is the right way to go. He posed the question, “What is in it for me”? The residents will probably see very little change except the opportunity for improvement and a better life style. Life can be better in the village of Windsor.

Supervisor Smith indicated that the two speakers before her eloquently stated their positions. She moved here 11 years ago. It is very important to maintain agriculture. She stated that she would like to hear the thoughts of the audience. The town needs to move forward.

Supervisor Buchner offered his congratulations to the residents for attending the meeting. They are participating in the most basic grass-roots form of democracy in this community. From 1970 to 2010, Windsor lost 3,550 acres of land because villages have statutory rights to supersede a town. One can never negotiate from a position of weakness. If, in the future, the villages want to look at consolidation, they will proceed on the same level. No one can trump the other. Windsor can now have TIF.

DAWN started six to seven years ago and helped Windsor and DeForest through some turbulent waters. There are no predisposed ideas.

Supervisor Stravinski thanked everyone for attending.

At the last two previous Wednesday-night meetings, Supervisor Stravinski indicated he was in favor of pursuing incorporation. He is open to listening, but is in favor of incorporation. Incorporation would guarantee Windsor’s boundaries and give Windsor local control. Windsor would retain its identity.

Supervisor Stravinski thanked the staff and Town Chairman for their preparation for these meetings.

Carol Gurtz, 7052 Parkside Circle, asked about the qualifications Windsor would have to meet to incorporate.

Chairperson Wipperfurth responded that the town meets all seven criteria if it wants to proceed the Department of Administration route.

Ron Kuhn, 6700 Token Way, asked what was happening 14 years ago. Were we immersed with village lawsuits?

Chairperson Wipperfurth answered that it was a turbulent time.

Mr. Kuhn indicated that he has a government background.

If the town proceeded through the DOA process, at the end would be a referendum. Going through the Legislature, a town-wide referendum is not required.

Can Windsor afford it? He wanted to keep the township the way it was. He would like to look at the hidden costs.

Chairperson Wipperfurth stated that the town currently meets the test for a village of 5,000. It would be the decision of the newly elected body if the village would increase services. Can Windsor afford not to become a village? Burke, Blooming Grove, and the town of Madison will be gone.

Mr. Kuhn had a question regarding trash pickup.

Chairperson Wipperfurth responded that everyone in the town pays for trash pickup.

Jane Opps, 4423 Meadowood Circle, asked when the Town Board members thought this might be put into effect. After the fiscal study, would the Town Board have any idea how it would change the tax structure.

Chairperson Wipperfurth answered that each report has a number of assumptions regarding taxes and assessments.

Ms. Opps asked whether that would be changed.

Chairperson Wipperfurth responded that he did not anticipate that a newly formed village would want to take on the challenge of putting in sidewalks and assessing it back to the residents. He was comfortable with the way the town operates. It works for us. We would continue with that model.

The timing depends on which process is chosen. It could be a year to two years. The DOA may turn the town down initially, and it may have to reapply. It could be a year or three or four years.

Norman Danielson, 77839 North Yahara Road, urged the town to proceed with haste with incorporation.

Chairperson Wipperfurth responded to a question by Tom Opps indicating that Windsor's cooperative plans are in place, and there would be no risk.

Shana Weber, 3384 Whistling Wind Way, asked whether any of the proposed options would change the cooperative plans. Are those properties automatically annexed at the end of the term?

Planner Rybarczyk explained which properties would be annexed.

Angie Vitale, 3416 Whistling Wind Way, indicated she had a Sun Prairie address and the children attend Sun Prairie schools.

Chairperson Wipperfurth advised that the school district would not change. Addresses may change to Windsor.

Kay Taylor, 7130 South Hill Road, asked if the town was being unrealistic to be a part of the 2015 budget bill.

Chairperson Wipperfurth responded that it would not be unrealistic. That is why the town is having these meetings in July.

Dan Rowe, 92 Seminole Way, indicated he was a farmer at heart. He emphasized the need to do everything to protect the farmland. The town should proceed with caution and do everything it can to protect the farmer.

Marty Palus, 3982 Shadows Court, questioned impediments. The village will somehow or other come at the town of Windsor with extreme fury if we try to be independent of it. Does DeForest have some ability to tie the town up in litigation and lawsuits? Things have been quiet for the last couple of years. The village of DeForest will not be happy with this. Mr. Palus indicated he would like Windsor to incorporate.

Chairperson Wipperfurth mentioned that last fall a couple of groups came forward and asked Windsor and DeForest to look at this. DeForest has asked Windsor on numerous times to merge as a new entity going in as equals. It would not be as equals. It would be a takeover by the village of DeForest. Chairperson Wipperfurth explained to DeForest that Windsor was going to explore merger or consolidation. It was also going to look at incorporation. He was not sure if DeForest actually heard that language for a couple of months. Their initial reaction was not very positive. Through discussions and dialog, it now understands this is something Windsor needs to do. There was a joint meeting in May, and this was one of the topics that was discussed. It was articulated to the Village Board that Windsor has a different set of core values. This is not negative or a criticism. Windsor is different, and it functions differently. Chairperson Wipperfurth's goal is to have the village either support Windsor or, at a minimum, remain neutral. It will not be successful if any other incorporated municipality is against us.

Tony Veroeven, 6674 Windsor Ridge Lane, said that Windsor has a strong community identity. He agreed with the recommendation to incorporate into a village. The town has good services.

People answer phone calls. He did criticize the board for having a neutral stance. It should come to the public differently and say this is what we want.

Chairperson Wipperfurth responded that the town did state in its press release in May that the focus of the meetings was on incorporation. The town knows what the results will be if it stays a town. It went through a merger study 14 years ago. It is now looking at incorporation.

Barry Eichinger, 4533 Oak Springs Circle, indicated he had a couple of comments. He has served on a couple of the town's commissions. As the President of the Friends of the Yahara River Headwaters, he gets to work with DeForest. He lives in a rural suburban neighborhood that has a rural road. He thinks that it is important that Windsor is moving towards incorporation because it needs a higher level of management and citizen involvement. He thinks that our costs would naturally go up. A village organization would be more intense. He would like to see cooperation with the village. If the parks and recreation could be merged, it would be a savings. He would expect to pay more for better services.

Chairperson Wipperfurth indicated that changing the governance will not change the terms in any of the boundary agreements. It would be seamless.

Mary Sesto, 4555 Oak Springs Circle, reiterated Mr. Eichinger's comments. She did not see mention of any cons, only pros.

Chairperson Wipperfurth responded that cons can be subjective in nature, and people can view them differently.

Chairperson Wipperfurth indicated he had a telephone call with Chris McFarlin of the School Board. He had a couple of questions and was strongly in favor of Windsor pursuing incorporation.

The town received an e-mail from Gregg Tipple. Chairperson Wipperfurth and Mr. Tipple had a back-and-forth dialog. He now understands the process. Ideally Mr. Tipple would like Windsor to remain a town, but it is not realistic. He is in support of what the town is doing.

Another letter (signature illegible) was received supporting what Windsor is pursuing.

Sue Paulson, 4607 Oak Springs Circle, talked about the two ways of going through the process. Would one way be better than the other?

Town Attorney Anderson responded if one goes onto the DOA website, it shows the process. Involved would be the DOA staff, the circuit court, and a review board appointed by the state. If incorporation is recommended, the town would go through a referendum. It is a far more involved process. There is a hefty application fee (up to \$25,000). It is not something to be taken lightly. With the other process, the state has a biennial budget. In the Legislature it is different in the budget years and the non-budget years; 2015 is a budget year. The focus will be

putting that budget together. There will be legislation through the Joint Finance Committee. It is simpler from the town's perspective to have it be a budget year and bring it to the Committee.

Ms. Paulson indicated she was critical of the legislative procedure.

Town Attorney Anderson added that some of the statements are both pros and cons. The pros can bring added responsibility and costs.

Kay Taylor, 7130 South Hill Road, noted that at the first meeting there was one-third of the amount of people than at this meeting. People are uninformed, and if there is a referendum, they may vote it down.

Chairperson Wipperfurth responded that it is a challenge to educate all of the residents. Residents have to take a certain amount of responsibility themselves. The town can offer the information.

Kay Taylor asked what the town was going to do with the other people in the neighborhood.

Chairperson Wipperfurth again responded that this is one of the town's challenges.

Clarence Day, 6623 Forest Park Drive, stated that he had attended the other two meetings. If Windsor does not protect its borders, it will be absorbed. He supports incorporation. He felt that is what the town needs to do.

Dan Turk, 3990 Empire Drive, indicated this was the third meeting he attended. It comes down to the common theme of identity. With incorporation, Windsor can grow as a village or stay the same. Windsor knows what is before it now. With merger, Windsor has no control in what will happen. Windsor has to protect its ideals. He supports the Board in the process of incorporation.

Chairperson Wipperfurth stated that incorporation would enhance cooperation. Windsor is joined at the hip with DeForest. They need each other.

Tom Opps has a question regarding the post office. Is it prepared to pick up additional routes?

Chairperson Wipperfurth answered that would be for the post office to decide.

Supervisor Stravinski added that when Fitchburg incorporated, it petitioned the post office and got its own zip code and post office.

Luana Schneider, 6793 County Road C, mentioned that there was discussion about notifying more people. She suggested that the PowerPoint presentation be put on the town's web site.

Chairperson Wipperfurth responded that it is already on the town's web site.

She was looking forward to the meeting after the fiscal analysis.

Chairperson Wipperfurth replied that it will be interesting. Many different models will be presented. He does not want the people to vote on the basis of a tax rate. There are short-term implications and long-term implications.

Dan Rowe, 93 Seminole Way, had a question regarding the TIF district and asked for a brief summary.

Chairperson Wipperfurth explained that it is a mechanism for a community to protect its economic development. He continued to explain the TIF process. There are only three towns in Dane County approved for the use of TIF. The town is going through an analysis to create a TIF for Windsor Crossing.

Barry Eichinger had a question regarding values and TIF to which Chairperson Wipperfurth responded the money stays in the district.

Jane Opps asked if the developer paid a reduced tax.

Chairperson Wipperfurth stated that, once the developer builds, the developer has to pay property tax at a regular rate.

Carol Gurtz indicated she and her husband were in favor of incorporation. They thought it was a good way to go. She did indicate she would like to see the meetings later in the evening so more people could attend.

Chairperson Wipperfurth stated that people who want to come to these meetings can make it work.

Supervisor Madelung stated that the town is not hiding anything. It wants feedback. The majority are heavily leaning toward incorporation. He thought the town was making the right decision.

Supervisor Buchner added that Windsor has only 16 years before expiration of a cooperative agreement. If the incorporation is going to cost a bit more, what about when Windsor gets cannibalized? Windsor has to look at where it is at today and where it will be in 16 years.

Supervisor Smith thanked everyone for coming and being open and honest. She appreciated the heartfelt opinions on what the town should do and wanted to know what the residents felt because they voted for the Board members. It may appear the Board has made up its mind, but it wants to know how its residents feel.

Supervisor Stravinski thanked everyone for coming and voicing their opinions.

Mary Owen, 4503 Oak Springs Circle, stated she loves living where she does. She likes to ride her bike and is a country girl. She appreciates the ruralness.

Dan Rowe said DeForest is a friendly village.

Chairperson Wipperfurth thanked everyone for attending.

5. Adjournment.

At 7:20 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,

A handwritten signature in black ink that reads "Ellen G. Teed". The signature is written in a cursive style with a large initial "E".

Ellen G. Teed
Recording Secretary