

TOWN OF WINDSOR
SPECIAL TOWN BOARD MEETING

Minutes

July 30, 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, Town Attorney Connie Anderson, and Town Planner Jamie Rybarczyk.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Smith.

3. Announcements.

Chairperson Wipperfurth thanked everyone for attending. This meeting is the fourth in a series of four meetings as the Town Board is analyzing its future governmental structure. This meeting focuses on the farmers and ag community. The nice weather may be keeping some of the farmers from attending. He characterized these meetings as historic in nature in the town of Windsor. There is no predetermined outcome. The town is at a place in time in its history where it has the ability to study three options: remain a town, consider merger with the village of DeForest, and explore possible incorporation and becoming a village. It would be town-wide incorporation.

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

Supervisor Stravinski stated that at the past meetings he has indicated he is in favor of incorporation, and he has not changed his mind in three meetings. They just reinforced his feelings. He is in support of maintaining Windsor's agricultural community east of Highway 51 and north of Windsor Road.

Supervisor Buchner thanked everyone for coming. This is the fourth and final meeting. This is a unique opportunity for Windsor to protect its boundaries and secure its identity as Windsor. There is no predetermined outcome. It will be long, laborious, and expensive. The tax rate will

not be any less than it is now. We will have a stronger community, instead of being nibbled apart like Burke and Blooming Grove.

Supervisor Smith stated she was in favor of incorporation to protect Windsor's boundaries and farmland. Windsor could move forward with other communities. Agriculture is very important to our community.

Supervisor Madelung thanked everyone for coming. Windsor has been a township for over 177 years, and we want it to retain its strong agricultural and urban components. It has 6,500 residents, and we want it to continue to grow. Supervisor Madelung has been a proponent of incorporation for a long time. He asked the audience to go back and tell their friends and neighbors to zero in on the town's web site and ask questions. He felt the town was on a good path and wanted it to continue on that path.

Town Planner Rybarczyk began his presentation with an overview as to where Windsor is at this time.

Windsor was established in 1847 and was 36 square miles. Windsor's population in 2013 was 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 and showed its population growth. 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.

Windsor conducted a merger/consolidation study approximately 14 years ago. Issues included farmland preservation, financial and tax impacts, land use, government structure, community name, public safety, and utility/public works. Because of the results of that study, the Town Board decided not to proceed.

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. Windsor's borders are locked until those dates.

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.

All surrounding municipalities have been contacted, and Windsor's plans have also been discussed with the city of Madison.

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. The Town Board met with the Park and Plan Commissions. Last Wednesday, the Town Board met with Windsor residents. Everyone provided feedback and concerns. This meeting is for Windsor's agricultural community.

The town knows what remaining a town means. It looked at the merger/incorporation study that was done 14 years ago. A lot of the same issues are pertinent today. Now it is focusing on incorporation.

The overall goal is to incorporate all of Windsor. There are two processes for incorporation. The DOA administrative process is 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 agricultural community. There are similarities and differences between town and village government structures. There has been an analytical structure for each of these discussions. Costs and benefits, pros and cons were weighed for each of the three options, looking at today, short-term, and long-term. The residents will be in a community that has greater legal authority. How these options would affect the quality of life for all town residents was explored. The Town Board would like to obtain feedback from its residents, with the goal being incorporation of all of Windsor.

Whether Windsor is a town or a village, there will no change in ag use valuation. The school district boundaries are independent of municipal boundaries and would continue as they are. There will be a utility commission. Utility District 1 would be Windsor Sanitary District and the other two sanitary districts. Utility District 2 would be Morrisonville. Public water and sewer will not change and will not be required in agricultural areas. Cooperative plans will remain in place. There will be economic development opportunities as certain agribusiness opportunities require farmers and fields. There will be farmland preservation practices and promotion practices.

To be considered are relationships with neighboring communities, which will continue to be important. Internal town operations and the comprehensive land use plan will need to be considered. Farmland is significant to the economy.

Town Planner Rybarczyk discussed Windsor's future land use. Windsor has an Agricultural Enterprise Area, which mirrors the farmland preservation area. Farmers receive tax credits. Windsor has purchased two PDRs, which are Purchase of Development Rights. That land is set aside for farming practices in perpetuity. The town has one instance of transfer of development rights in that the residents owned several farms and combined all of their developable lots to one location. The other farms will be set aside for farming in perpetuity.

Benefits of incorporation would include: Windsor would maintain its community identity. The town's boundaries would be secure, which is very important. Windsor could use economic

resources to strengthen area business, rather than fighting legal battles with its neighbors. Right now Dane County has zoning authority. If Windsor incorporated, it would control local zoning and land use. 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.

As for pros, villages are incorporated municipalities and have additional powers. They may use charter ordinances for constitutional home rule. A village's borders are secure. Cities and villages cannot annex other villages; they can annex towns and unincorporated areas. Villages can cooperate with other villages, cities, and towns and can enter intergovernmental agreements with each other on even more areas of mutual interest. Villages can choose to merge with one another at a later date.

Neutral impacts for Windsor would include the town electors have already granted village powers to the Town Board. Village powers give greater authority to the Town Board to enact ordinances and resolutions. The Town Parity Act in 1993 gave the town the ability to regulate heavy traffic routes and discontinuance of streets.

Also remaining the same would be the operational needs and government functions. Public services, elections, and financial, development and construction management would remain the same. There is no need for a change in town staff or in-house professionals and consultants.

A village board has a village president and five to seven trustees, instead of a chairperson and supervisors. The village president votes. Members of the village board are elected at-large or by district with two-year staggered terms.

The plan commission's authority changes significantly. The plan commission is appointed by the village president and confirmed by the village board. Zoning decisions will go to the plan commission. The county role is limited. There would need to be a separate zoning board of appeals in the village.

Windsor already has standing committees which are established by ordinance and ad hoc committees which are established as needed.

Windsor already provides many village-level services including police protection, fire and EMS protection, sanitary sewer and water, garbage and recycling, and public works.

The town has not yet focused on costs. There will be costs. There will be transition costs. The process of becoming a village, either through the DOA or legislative process, will involve costs. There is a potential for disputes. There will need to be ordinance updates to village ordinances instead of town ordinances. Windsor's signage will need to change; however, Windsor's logo does not mention the word "town" so it will still work.

Windsor would need people to handle zoning and permits. Zoning and building permits are issued by the village, not the county. Increased administration costs can be somewhat offset by user charges.

Town government has more accountability to its residents.

Chairperson Wipperfurth stated that one of the questions the Town Board has received is why Windsor hasn't done a financial analysis. The Town Board will have meetings in August and will direct the staff to prepare a financial analysis.

Chairperson Wipperfurth stated that this process is no reflection on the village of DeForest or any other neighboring community. This is about the town of Windsor residents and the town's future. The town wants to hear the residents' comments and questions. Tell us how you feel about this process.

Mary Owen, 4503 Oak Springs Circle, indicated that at the beginning of the meeting Chairperson Wipperfurth had mentioned there had been a merger study 14 years ago. She asked for a little history.

Chairperson Wipperfurth explained.

Over the past 20 to 30 years there has been a significant amount of annexation from the town of Windsor to the village of DeForest. Some made sense; others did not. In the late 1990s, there was the 600 or 700 acre ABS annexation. Because of infighting, it was annexed to the village of DeForest. That set the stage for some bad times. A few years ago another 2,200 acres was annexed into the village of DeForest. That annexation included Windsor's industrial park. Windsor built it and paid for it without TIF money. It was a loss of nearly 20 percent of Windsor's tax base. It was a huge hit that prompted the merger discussions. That was put on hold. The process went on for over a year. There were multiple concerns: tax disparity, governmental structure, committees, public safety, and farmland preservation. Chairperson Wipperfurth thought they were about 60 percent through in this process. The village of DeForest wanted to call a vote at that time. The Windsor Town Board went on record not to proceed with merger. It would have taken positive votes from Windsor and DeForest to proceed to the next steps. When Windsor decided not to proceed, it did not go forward. There was tax disparity with mill rates. There were questions about government structure and community identity. Windsor thought it would lose its identity by merging. There were concerns about the name of the community. This would have been a DeForest takeover. After that, the large annexation took place, and the fighting was on. There were multiple lawsuits and many fees. Windsor contested the annexation in court. It came to trial. There was a settlement in 2004 or 2005. Some of the lands were returned to the town of Windsor; some remained in DeForest. Things continued to digress. Through more hurt feelings and letters sent back and forth, there was a stalemate. Efforts were made to get the representatives together to come to a solution. After that, Dr. Walton got the DAWN group together. They came to the village and asked it to meet with Windsor and Windsor to meet with DeForest. The two respective boards agreed to meet. It

was not easy. An agreement was made and a cooperative plan came out of those efforts. Things are much better with a cooperative plan.

It was not well-received by the village when Windsor indicated it was going to go through a due diligence study. The two boards had a joint meeting on July 29, and DeForest now has a better understanding why Windsor is going through the process and is somewhat accepting of it. Windsor has never had problems with Sun Prairie. We have a good working relationship.

Why didn't Windsor explore incorporation 14 years ago? It was because Windsor did not have the cooperative plans. It would have been subject to more annexation. Windsor was not in a position of strength 14 years ago.

Windsor now has a good working relationship with its neighboring communities. Chairperson Wipperfurth has met with all neighboring communities and told them what Windsor is doing.

Dr. Walton stated that establishing farmland preservation is great for the community. Windsor would be best served by incorporating. It could control its destiny. It needs to adjust to change. Dr. Walton was in favor of incorporation.

Chairperson Wipperfurth added that it would be easier to preserve farmland as a village. It creates a different set of problems. There is more pressure for growth. Windsor would have to make sure there are protections to preserve those areas.

Supervisor Stravinski agreed 100 percent. Agriculture in a town is a land bank for neighboring villages. It is important that Windsor protect its boundaries and its destiny.

Mary Owen commented on the border agreements in place until 2030.

Chairperson Wipperfurth responded that there are two different dates in the DeForest agreements.

Mary Owen asked if Windsor does go through incorporation as a village and it comes to a point where Windsor and DeForest would want to do some cooperative services what kind of things would we be talking about. What would be the likelihood of merger in the future?

Chairperson Wipperfurth replied that it would be a continuation of what we are currently doing: the joint court, Community and Senior Center, fire and EMS. Recently Windsor and DeForest have started cooperation with their park and rec programs. Windsor has opened up several of its parks for use by the village of DeForest. Regarding police services, Windsor would anticipate, for the time being, staying with the Dane County Sheriff's Department. He would see this as an opportunity to create more cooperation on even terms. Windsor and DeForest are attached at the hip and need each other.

Dr. Walton added that it would be easier to cooperate as a village.

Chairperson Wipperfurth agreed.

Whether Windsor and DeForest would merge would be for a future Board to decide.

Bill Smith, 6580 South Oak Lane, asked about the next steps.

Chairperson Wipperfurth answered that this is the last in the Town Board's series of meetings. On August 20 a Board meeting is scheduled, and the Town Board will be looking at this a little further and figure out what our logical steps are. The first meeting in August would ask for a fiscal study. The Town Board will still be evaluating the next steps regarding DOA vs. the Legislative route. It needs more information.

Windsor will go back and talk to its neighboring communities and tell them how the meetings went and that we are asking for a fiscal study.

Ed Busse, 4527 East Oak Lane, indicated he was in favor of incorporation. It is time to do this. Maybe in the future, merger might come up; but that is for the future.

Cindy Smith, 4607 Smith Road, indicated she lives between DeForest and Morrisonville and agrees with incorporation. She does not want to be annexed to DeForest.

Alan Harvey, 3900 Vinburn Road, indicated that this meeting was billed for the ag community. Every farmer is making hay at this time. Several of the people in the room have strong agricultural ties. His family's Century Farm is 130 years old. Windsor recognizes ag production and the ag community with planning and policies. The central theme is preservation of farmland areas for future generations. Farmers are looking at certainty about their future. The town should do whatever it needs to do to give it the strongest set of tools to preserve farming in Windsor. The facts are weighed heavily toward incorporation. The farming community is looking at Windsor to do the right thing and that is weighed in favor of incorporation.

Chairperson Wipperfurth added that Windsor is fortunate to have a strong agricultural base. Farmers are looking for certainty, and incorporation is a mechanism for preservation. Windsor views agriculture as part of its local economy.

Ed Busse stated that Windsor has a window of opportunity. The boundary agreements are that window of opportunity. The town has to look at the next 50 to 100 years, not the next 5 to 10 years. There is no certainty with boundary agreements.

Town Attorney Anderson added that we have a biennial budget in Wisconsin. The upcoming legislative session will be focused on the budget. We have to think what session is more likely for us to be able to get the legislation through the process. Sometimes, depending on how you are able to work with this and who is your representative and how well they are recognized in the Capitol, it is better to go through this when in a budget session. It goes through a joint finance committee and then goes to a vote. It is also true bills get written because someone is actively interested. If Windsor gets one to four people who are excited about this, it may still not get to a

committee to vote on it. Windsor needs to get someone to listen. It also needs to get someone to direct the folks to write the statute. Then it has to be heard by a committee and if it says “yes,” it goes back to the Senate and Assembly for vote by both and then sent to the Governor. There are many hurdles. This could take several attempts to get this through the Legislative route. This, however, would not be a failure. The administrative process would most certainly take a couple of years.

Dr. Walton had some thoughts about getting support. There are ag people in the Assembly who know about Windsor’s farmland preservation. The town should be able to tap a lot of people.

Alan Harvey wanted to add to Town Attorney Anderson’s comments. First of all, if the town goes through the DOA process, it should not be looked at as a one and done process. Many of the towns that were approved were not approved the first time. Fine-tuning needs to be done to the original proposal. This is a marathon and not a sprint. One thing interesting in the incorporation process is that the town does not need the consent of any neighboring community or Dane County to proceed. Basically the town is going forward with its proposal, and it stands on the merits of the state’s criteria.

Chairperson Wipperfurth responded that the reason some of the communities failed was because of objections from neighboring communities. It would be extremely important if Windsor would have the support, or at least neutrality, of its neighboring communities. Chairperson Wipperfurth hopes to get support from Windsor’s neighboring communities.

Alan Harvey stated if Windsor incorporates and becomes a village and there is a major change in the area of state law, this would not preclude the communities from looking at consolidation or merger.

Rod Schneider, 6793 County Road C, believed there was a recent change with farmland preservation at the county level and asked whether this will affect this process.

Chairperson Wipperfurth indicated that the county is going back and recertifying farmland preservation. The county did a blanket rezone to take nonconforming uses and bring them into compliance with the state of Wisconsin.

Cindy Smith stated that their property was rezoned from AG-1 to AG-2. Who promoted that?

Town Attorney Anderson responded that it was Dane County.

Luana Schneider stated that they own nine acres. Would that affect them?

Town Planner Rybarczyk responded that it may. They would receive a letter in the mail.

Cindy Smith indicated that when she received the notice that her property was changed to AG-2 it said congratulations. Why?

Town Attorney Anderson answered that she now has zoning that is consistent with the law and actual use.

Mary Owen thanked the Town Board for having the meetings. This is the first time she has actually participated (and she has lived here 11 years). It was very enlightening and she appreciated it. She grew up on a farm and advocates keeping as much farmland as possible. She loves the farmland and likes to ride her bike through the communities. She appreciated what the town is doing as a town.

Supervisor Madelung appreciated all the input. The residents spoke with conviction and passion. The town wants this to be transparent, with the residents informed and updated.

Supervisor Smith thanked everyone for taking time to attend the meeting.

Supervisor Buchner said the residents should stay informed. Talk to your neighbors and folks in the community. Let's move forward. It will be a long, hard, bumpy road. The town needs to advance this issue.

Supervisor Stravinski thanked everyone for attending.

Travis Hunter, 4014 East Leonard Road, had a question. He has lived in Windsor only three years and lives in the middle of the agricultural area. How many people are farmers?

Chairperson Wipperfurth responded that 90 percent of the people live outside the AEA.

Jean Turk, 3990 Empire Drive, asked how many people does Windsor have designated as farmers.

Chairperson Wipperfurth was not sure of the number.

These meetings have created an opportunity for the different segments of the town of Windsor to come and listen.

Dan Turk, 3990 Empire Drive, thought the Board and town staff deserved a round of applause for their hard work and dedication.

Dr. Walton added that the farmers have a lot of money invested. It is hard for farmers to get to these meetings.

Chairperson Wipperfurth thanked the Board and staff for putting these meetings together. Information was presented in a timely manner and an open manner.

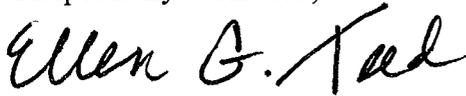
Cindy Smith stated that one of the prerequisites was a post office, and Windsor has a post office. She asked if the town had contacted the DeForest post office.

Chairperson Wipperfurth responded that no, not at this time.

5. Adjournment.

At 7:10 p.m., a motion was made by Supervisor Smith, seconded by Supervisor Stravinski, 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, stylized initial "E".

Ellen G. Teed
Recording Secretary