

TOWN OF WINDSOR  
REGULAR BOARD MEETING

Minutes

October 2, 2014

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Supervisors present: Alan Buchner, Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Others present: Town Clerk Christine Capstran, Town Finance Director Tina Butteris, Town Engineer Kevin Richardson, and Town Attorney Constance Anderson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Buchner.

3. Announcements.

- a. The Town Board Will Convene Into Closed Session Pursuant To Wisconsin Statutes Sec. 1985(1)(g) For Purposes Of Conferring With Legal Counsel For The Governmental Body Who Is Rendering Oral Or Written Advice Concerning Strategy To Be Adopted By The Body With Respect To Litigation In Which It Is Or Is Likely To Become Involved. (Deliberation Limited To Lot 137 – Holland Fields Subdivision) And Wisconsin Statutes Sec. 1985(1)(e) For Purposes Of Deliberating Or Negotiating The Purchasing Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session (Deliberation Limited To Future Governmental Structure Of Windsor).

Chairperson Wipperfurth read the above announcement.

5. Approve Minutes.

- a. September 18, 2014.
- b. September 23, 2014.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve the Minutes of September 18 and September 23, 2014, as presented. Motion carried with a 5-0 vote.

6. Consider Vouchers For Payment.

Chairperson Wipperfurth noted that additional invoices had been provided. Town Finance Director Butteris had nothing to highlight.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve the vouchers as presented. Supervisor Madelung asked for a summary of legal fees. Motion carried with a 5-0 vote.

7. Appearances Before The Board.

None.

8. Report From Contract Deputy And Town Of Windsor Policing Monthly Report.

Deputy Studnicka provided the Law Enforcement Report for September. Deputy Day was on vacation. All three deputies had quarterly training. Deputy Gnacinski issued 2 citations and 1 warning. Deputy Studnicka issues 14 citations and 4 warnings. There were two crashes: a hit-and-run at County Highway C and Vinburn and a hit-and-run at Portage Road and Gray Road. Calls of interest included a child abuse, fraud, and firearm theft (with arrest on another charge). There was discussion with the homeowners on Rembrandt and Park regarding lighting and obtaining license plates. Speeding on Windsor Road at Charlie Grimm and Windsor Ridge eastward is an issue. There will be more deputy presence in these areas and more deputy presence on Grinde Road to monitor speed.

Chairperson Wipperfurth indicated that the School District had changed its policy and has opened up the back entrance to Windsor Elementary School. There is more traffic on Dawn Drive, and traffic is becoming an issue in Sunset Meadows.

Dr. Borden responded that the School District has not changed its policy. It is now enforcing its policy. Any children living farther than .6 of a mile from the school are bussed to school. Sunset Meadows is less than .6 miles from the Windsor Elementary School and is not entitled to bussing.

Chairperson Wipperfurth discussed signage on Grinde Road due to the dead-end. People travel on the road and when they find out it is a dead-end road, they turn around and speed to make up for lost time.

9. 2013 Audit Report.

Kevin Kryzinski of Johnson Block & Co., Inc., discussed the summary overview and the financial highlights. Windsor has a strong, healthy fund balance.

Supervisor Buchner thanked Mr. Kryzinski and Town Finance Director Butteris and the town staff for their work in the preparation of this report.

Chairperson Wipperfurth gave his compliments to the staff and the rest of the Town Board for making wise choices.

A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve the 2013 Audit Report. Motion carried with a 5-0 vote.

10. Dr. Susan Borden, DeForest Area School District Superintendent, Update.

Dr. Borden indicated that it was in June when she last met with the Town Board. She provided a facilities update. Information has been shared with the community, and the School Board has received input from citizens. The School Board works with a Community Advisory Committee consisting of 45 members that meets every two weeks.

Dr. Borden stated that the facilities have life expectancies. The buildings are aging. All debt in the School District will be gone in 2019. It is strong financially. The DeForest School District is one of the top money-managing school districts in Wisconsin.

The DeForest School District has 3,500 students. High growth for a year is 35 additional students. DeForest grew by 98 students. The School District has a 100-square mile boundary. It has students from by the Madison airport and by Columbus.

Dr. Borden stated that Eagle Point has won an award.

The ACT test is now mandatory for 100 percent of all high school juniors.

Supervisor Smith commended Dr. Borden on the Advisory Committee and the work her staff is doing.

Dr. Borden responded that all of the School District's activities are posted on its web site.

11. Chad Fleck, DaneCom Radio System Administrator, Update.

Chad Fleck and John DeJung appeared on behalf of DaneCom. Mr. DeJung indicated that the County Executive is recommending to the Dane County Board that it add \$3 million to the budget, in addition to the existing \$1 million, totaling \$4 million to increase coverage in Dane

County. There will be a new tower site in the DeForest area which will make a huge difference in coverage. There will be better coverage near the antenna site or tower. They are hoping for Dane County Board approval in early November.

Chad Fleck recommended holding off on testing for reception at the Morrisonville and Windsor Elementary Schools.

Chairperson Wipperfurth asked, if the money is approved in November, how long before it is implemented.

Mr. DeJung responded that it could be a year before the system would be done. A portion of it could be done in six months.

Mr. Fleck added that several DaneCom systems are in use today. That system has been up since December. He explained the various sub-systems. The main system will not be up for a year.

Supervisor Stravinski discussed the fees that the town has been paying.

Mr. Fleck responded that part of what the town is paying for is the systems that are presently up. The town's costs will be significantly reduced at this time because the system is not yet live. Windsor will be paying half of what it has been paying in 2015, or \$6,355.

Chairperson Wipperfurth asked about the \$21,783 that the town of Windsor has already spent on operations and maintenance. What have we gotten for that?

Mr. DeJung said that costs are incurred for leases on the towers. DaneCom has to purchase towers or lease them. The County Board is not looking to give reimbursements of past costs paid.

Reasons for the delays: They had to go back and rebuild towers that were not structurally sound. In addition, Wisconsin's rules have changed as to what it considers to be structurally sound.

Supervisor Buchner commented that we have a \$21 million system that is not operating.

Mr. DeJung responded that we will have good coverage. We do have a system right now. This will be a vastly superior system to what we now have. The impetus for this change was the FCC-mandated narrow banding of VHF channels. There will be 95 percent coverage at the very good coverage level. Five percent may be at a slightly reduced quality.

Supervisor Smith had a question regarding Madison's opting out of the program.

John DeJung explained there are two types of systems. Madison wanted to use its current system as long as it could.

DaneCom is looking for an extension to the deadline from the FCC. Right now they have an extension through the end of this year.

Supervisor Stravinski asked about penalties. Would any of that money come back to Windsor?

Mr. DeJung did not know.

Attorney Mike Lawton asked whether the new system would cut down the time response at the 911 Center.

Mr. DeJung responded about one minute. The response times are also affected by the volunteers and stations.

Supervisor Madelung stated he was cynical of how the Harris process worked. He was disappointed at how Harris handled the DaneCom process. This system should have been up and running a long time ago.

Chairperson Wipperfurth said that the \$21,000 that Windsor has paid is being overlooked. Windsor has not received any benefit. There should be some acknowledgment of the communities that have paid that sum of money.

12. Citizen Input On 2015 Budget.

None.

13. Future Governmental Structure of Windsor.

This is a place holder on the agenda.

14. Operator Licenses.

Chairperson Wipperfurth advised that there were two applications before the Town Board. Town Clerk Capstran recommended approval of both.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve operator licenses for Shynise C. Thompkins and Cassandra L. Ryan based on the recommendation of town staff and the town policy. Motion carried with a 5-0 vote.

15. Approval Of Windsor Organizational Chart.

Town Finance Director Butteris explained the revised Organizational Chart. There has been a change in the office staff and a title has been changed.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve the Organizational Chart as presented. Motion carried with a 5-0 vote.

16. Reward Bid For Town Road Maintenance Pavement Restoration (Various Sections Of Portage And Vinburn Roads).

Town Engineer Richardson provided a memorandum and explained that the town will be doing wedging. It is losing the edges of roads, and the wheel paths are depressed. The town will be trying to change the profile of the pavement before it unravels.

The town has received two bids: Payne & Dolan, Inc., in the amount of \$71,137, and Tri-County Paving, Inc., in the amount of \$68,905.50. Town Engineer Richardson recommended the town accept the bid from Tri-County Paving.

Supervisor Buchner asked whether this was the result of farm machinery.

Town Engineer Richardson responded, yes, it was. The farm equipment does not stay on the road.

The town has enough money in this year's road budget to cover this project.

A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, to accept the bid of Tri-County Paving, Inc., in the amount of \$68,905.50. Motion carried with a 5-0 vote.

17. Ratification Of Resolution 2014-51 Resolution Conditionally Approving The Preliminary Plat Of Bear Tree Farms (As Approved On September 18, 2014, With A Delayed Effective Date Of October 2, 2014).

This was conditionally approved and is coming back for final confirmation.

Town Attorney Anderson stated there would be a change in the escrow deposit being required which necessitates a change in the town's ordinance.

Attorney Mike Lawton read it over, and it reflects what was discussed.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve Resolution 2014-51 Conditionally Approving The Preliminary Plat Of Bear Tree Farms (As Approved On September 18, 2014, With A Delayed Effective Date Of October 2, 2014).

Supervisor Stravinski questioned one of the maps incorporated by reference. It was indicated that this was part of the Plan Commission action. However, it is not consistent with what the Town Board is approving. Town Attorney Anderson added that this is directly referenced in the Plan Commission Resolution. The Town Board approval shows the more current map. This shows how we got to this point.

The question was raised whether it should be removed because it was contradictory. The suggestion was made to remove reference to the Proposed Land Use Map dated July 3, 2014. The motion maker and second concurred with removal of this notation.

Motion carried with a 5-0 vote.

18. Hoffman Quarry – Review Schedule For Action By Town Of Windsor And City Of Sun Prairie.

By way of historical background, Chairperson Wipperfurth stated that the application was submitted and deemed complete on July 15, 2014. It was forwarded to the Plan Commission. The Plan Commission conditionally approved the CUP on August 19, 2014, and it was forwarded to the Town Board. The Token Creek Conservancy Committee looked at this on September 2. It objected and requested further study. The Town Board considered this at its September 18 meeting, and it was tabled for further information. It is now at the point of establishing a tentative schedule. The public hearing scheduled by the ETZ by Sun Prairie has been cancelled and will be rescheduled. The ETZ Zoning Committee meeting for the public hearing will not be held any time in the near future. One of the things talked about at the last meeting was a presentation by Ken Bradbury on November 6. Town staff will be working on researching questions and comments from the last meeting. Yahara Materials is doing something similar. Mr. Yngsdahl provided information on radon. The town also received a letter from Yahara Materials that he read into the record. The letter was dated October 2 and addressed to Mr. Robert Wipperfurth, Town Chairman, Town of Windsor.

Dear Sir:

In the interest of addressing concerns raised by the Town of Windsor Board members and residents of the township, Yahara Materials, Inc. is requesting to table the proposal to operate a quarry on the Hoffman property. Tabling the proposal will allow us the necessary time to address issues raised to date, and to make any modifications to our plan as may be proposed by town staff.

I have contacted Dr. Ken Bradbury and he is willing to appear before the Town of Windsor Board on November 6, 2014 to present his study on the hydrology of Dane County and its relationship to the proposed quarry.

Yahara Materials, Inc. takes the concerns raised by the Town Board, town staff, and residents seriously, and will commit the necessary resources to address those

concerns. Additional drawings and information will be prepared to address the concerns, and may require considerable time to produce. For this reason, we do not want to establish a timeframe in which our request will be tabled. I will be in regular communication with yourself and town staff regarding the progress with producing the necessary data and material to address the concerns regarding the quarry.

Your timely consideration of this request will be greatly appreciated.

Sincerely,

s/ Tim Geoghegan  
Yahara Materials, Inc.

Chairperson Wipperfurth stated that the town has received a request from Yahara Materials to table this indefinitely until they present enough information to the town and for the Town Board to consider additional information from the town staff.

Donna Yngsdahl, 6909 County C, Sun Prairie, opposed the application. There will be more traffic issues with the developments on Highway C, the Hoffmans' development on Happy Valley, and Don Tierney's development on Egge Road. There will be more congestion with traffic, and who is going to maintain Highway C?

Chairperson Wipperfurth responded that Highway C is a county road, so it would be the county's responsibility to maintain it.

Bud Yngsdahl, 6909 County C, Sun Prairie, opposed the application.

Jason Arnold, 6867 County Highway C, Sun Prairie, opposed the application. He would like to make sure the Board is working on the line of communications if there are issues. There should be signage at the quarry about how to address concerns. There are radon concerns, and wells should be tested.

Chairperson Wipperfurth responded that one in three houses in Dane County has radon issues.

Tim Geoghegan indicated he was looking forward to having Ken Bradbury's presentation.

Chairperson Wipperfurth stated that the Town Board would hold this in abeyance indefinitely, but it may be talking about this issue from time to time. Any final votes are far in the future.

Town Attorney Anderson indicated she was not sure if the town could legally table this indefinitely. She suggested tabling it until May 21.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, accepting the letter from Yahara Materials and tabling the matter until May 21, 2015, unless that date is changed by the Town Board. Motion carried with a 5-0 vote.

19. Ordinance 2014-09 Renaming Of Discontinued Portion Of North Towne Road To Stack Drive.

Town Clerk Capstran stated that DeForest contacted Windsor about this. DeForest had changed the name of the road to Buhler. In the replatting, it was called Buhler and was renamed to Stack. This connects to Pleasant Hills Estates in Windsor. DeForest asked if Windsor could change the name of the street to match the name of their street.

Supervisor Buchner was concerned that the road naming be consistent all the way through.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Ordinance No. 2014-09 Renaming A Town Road Identified As North Towne Road In The Plat Of Pleasant Hills Estates, Town Of Windsor, Dane County, Wisconsin, To Stack Drive. Motion carried with a 5-0 vote.

20. Convene Into Closed Session And Roll Call.

Chairperson Wipperfurth explained the process regarding Lot 137. The Town Board will be looking at this in closed session. Action may or may not be taken. Any action will not approve the site plan. The Town Board is looking at this from a legal standpoint.

At 7:00 p.m., a motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to convene into closed session. Roll call was taken, and everyone was present.

21. Reconvene Into Open Session.

22. Action From Closed Session.

a. Lot 137 – Holland Fields Subdivision.

b. Future Governmental Structure Of Windsor.

23. Committee/Board/Staff Reports.

a. Plan Commission.

Supervisor Stravinski reported on the Plan Commission

b. Community Development Authority.

Supervisor Buchner and Town Engineer Richardson reported on the Community Development Authority.

c. Park Commission.

Town Clerk Capstran reported on the Plan Commission.

d. Token Creek Conservancy Committee.

There was nothing to report.

e. Sun Prairie Extra-Territorial Zoning Committee.

There was nothing to report.

f. DeForest Area Community And Senior Center/Half-Century Club.

There was nothing to report.

g. DeForest Area Fire Department.

Chairperson Wipperfurth reported on the DeForest Area Fire Department.

h. DeForest Area Chamber Of Commerce.

Supervisor Smith reported on the DeForest Area Chamber of Commerce.

i. DeForest Area Tourism Commission.

There was nothing to report.

j. Madison Beltline Planning Corridor Study.

Supervisor Stravinski reported on the Madison Beltline Planning Corridor Study.

k. Dane County Towns Association.

Supervisor Madelung reported on the Dane County Towns Association.

l. Town Chair Report.

Chairperson Wipperfurth provided his report.

m. Town Staff Report.

Town Engineer Richardson and Finance Director Butteris provided a staff report.

~~24.~~ Adjournment.

A motion was made by and seconded by Supervisor to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary

**TOWN OF WINDSOR - BOARD MEETING**  
Thursday, October 2nd, 2014 at 5 p.m.  
Windsor Town Hall / Meeting Room, 4084 Mueller Rd, DeForest, WI

**SUPPLEMENTAL MINUTES**

**20) Convene into Closed Session and Roll Call**

Supervisor Smith moved to convene into closed session as per the stated notice at 7:00 p.m., second by Supervisor Stravinski. Motion carried with a roll call vote of 5 – 0.

**21) Reconvene into Open Session**

Supervisor Buchner moved to reconvene into open session at 7:50 p.m., second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

**22) Action from Closed Session**

- a) Lot 137 – Holland Fields Subdivision

Chairperson Wipperfurth read the following statement provided by John DeWitt, Lot 137 developer:

“Declaration Regarding Deed Restriction for Lot 137, Holland Fields, Town of Windsor, Dane County, Wisconsin

I, John DeWitt, as the authorized agent of the owner of said Lot 137, do hereby declare as follows:

1. I will place a deed restriction on Lot 137 limiting its development to 6 single family or duplex lots if and only if the following conditions are fully and timely satisfied:
  - a. Receipt of the sum of \$50,000.00, and
  - b. Payment made on or before November 5, 2014.
2. My declaration as set forth above shall expire at midnight on Wednesday, November 5, 2014.
3. I do not anticipate that the Town of Windsor will provide funding of the amount requested above, but do anticipate that the Town of Windsor will cooperate with me in the development of 6 single family or duplex lots on Lot 137, all in accordance with State and local law.
4. Scanned or facsimile copies of my signature shall be as binding as original signatures.

Dated: \_\_\_\_\_  
OWNER OF LOT 137, HOLLAND FIELDS  
John R. DeWitt, Authorized Representative”

DeWitt is offering to the residents of Holland Fields that he will not build the 53 unit apartment complex but instead deed restrict the property to 6 single family or duplex lots if reimbursed \$50,000 which would cover his costs to date.

Steve Keating, 6891 Rembrandt Rd., asked if the Town would be willing to help the subdivision. Chairperson Wipperfurth responded that it may not be ethical, would not set a good precedent and some people believe that DeWitt is entitled to build a 53 unit apartment building.

Aaron Kraemer, 4626 Autumn Blaze Trail (owner of 6871 Rembrandt Rd) asked if this offer is advisable. Attorney Anderson replied that the residents have a right to consider the offer. Neither she nor the Town Board can give an opinion as it is a private matter. The Town cannot legally participate.

Mr. Kraemer asked if the Board could give guidance in raising money and creating an escrow account. Attorney Anderson suggested they go to a local bank, set up an account, have one person act on behalf of the group, have deposits done directly at the bank. The Town cannot be involved in the collection of money.

Attorney Anderson provided Mr. Kraemer with a copy of the Declaration from Mr. DeWitt. Chairperson Wipperfurth added it was a private matter and advised having a community meeting (face to face).

Jerome Pritzel, 4380 Van Winkle Way, is concerned about the influx of traffic.

Supervisor Smith moved to table Lot 137 - Holland Fields until the November 6, 2014 Town Board meeting on the condition that Mr. DeWitt continues the extension (waiver of the 45 day review limit) through that date, second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

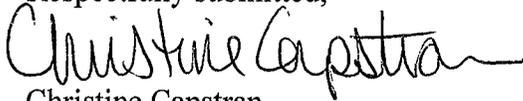
b) Future Governmental Structure of Windsor

No action was taken.

## **24) Adjournment**

Supervisor Madelung moved to adjourn at 8:03 p.m., second by Supervisor Buchner. Motion carried with a 5 – 0 vote.

Respectfully submitted,



Christine Capstran

Town Clerk