

Approved 11-20-14

TOWN OF WINDSOR  
REGULAR BOARD MEETING

Minutes

November 6, 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 Stravinski.

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)

Chairperson Wipperfurth read the above announcement. He also advised that the furnace was not working correctly so it may get chilly. Also, Items 12 and 13 would be switched in the agenda.

4. Approve Minutes.

- a. October 9, 2014.
- b. October 16, 2014.
- c. October 23, 2014.

A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve the Minutes of October 9, October 16, and October 23, 2014. Supervisor Stravinski indicated a correction to the item involving the Joint Room Tax Commission in the October 16 Minutes,

changing Bristol to Burke. He also noted that the Room Tax Commission did bring in soccer tournaments. The motion maker and second concurred. Motion carried with a 5-0 vote.

5. Consider Vouchers For Payment.

Chairperson Wipperfurth noted that additional invoices had been provided.

Finance Director Butteris stated that salt shed invoices were included. A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve the vouchers as presented. Motion carried with a 5-0 vote.

6. Appearances Before The Board.

None.

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

Deputy Studnicka provided the Law Enforcement Report for October prior to the meeting.

8. Sam Blahnik, Village Of DeForest Community Development Director.

Mr. Blahnik introduced himself and explained his new position and title. The position has morphed over the past several years. He would like to open up lines of communication.

Chairperson Wipperfurth welcomed him to the community and to the meeting at Windsor and thanked him for coming to the meeting.

9. Citizen Input On 2015 Budget.

None. It was noted that there will be a budget hearing on November 25 at 5:30 p.m.

10. Future Governmental Structure of Windsor.

This is a place holder on the agenda.

11. Operator Licenses.

None.

12. Dr. Kenneth Bradbury, Wisconsin Geological And Natural History Survey, USGS Report On Water And Impacts As It May Relate To Proposed Hoffman Quarry.

Dr. Kenneth Bradbury of the Wisconsin Geological and Natural History Survey was present to discuss groundwater in the town of Windsor. He had a short PowerPoint presentation which was inspired by the desire to site a new quarry. He was neutral on the quarry issue.

Dr. Bradbury explained groundwater and where it comes from. He showed Dane County glacial geology and explained that groundwater discharges to the lakes and Token Creek. He discussed the relation of the quarry and the Token Creek springs. He did particle tracking that shows where water in the springs comes from. The water comes from nearby. He also explained that groundwater moves very slowly. He did forward tracking in the footprint of the pit. Groundwater from the pit would end up upstream from Token Creek. It would take between 25 and 50 years from the pit to the springs. He also showed the capture zone. It comes down to how the quarry is managed. The activities will be above the water table. As long as the water quality is good, there should not be any problem. Most of the groundwater is recharged nearby.

Chairperson Wipperfurth explained that this presentation is a follow-up to a previous meeting where there were a number of questions regarding the quarry. No vote will be taken on the quarry at the meeting. This is a fact-finding mission.

Supervisor Buchner asked Dr. Bradbury in his professional estimation what would be the life expectancy of the Culver Springs.

Dr. Bradbury responded that that would be hard to predict. It could be there indefinitely. Assuming the water quality is good from the infiltration pond, that would be good for the groundwater.

Supervisor Madelung inquired as to whether he has seen other pits where water was adversely impacted.

Dr. Bradbury responded that that is a question they get asked a lot. They have almost never seen a documented problem with groundwater contamination. It is a common fear, but they are not aware of any documented cases. They have seen problems with abandoned pits that were turned into dumps.

Supervisor Madelung asked about blasting and whether it would create any fissures that would allow contaminated water.

Dr. Bradbury responded he was not aware of any. There are already cracks in the rock.

Supervisor Madelung asked if there would be any positive things added by a quarry.

Dr. Bradbury indicated that it enhances recharge.

Supervisor Smith asked whether dust from a quarry would be carcinogenic.

Dr. Bradbury responded that he is not an expert on dust.

Supervisor Stravinski commented that it would take 30 to 50 years for the groundwater to move. If there was a mistake made, we would not know about it for 30 to 50 years.

In response to a question from Supervisor Stravinski, Dr. Bradbury indicated that farm waste and fertilizer could be a problem. Phosphorus does not travel well; however, nitrates move easily.

There was discussion about adding wells to allow for monitoring. Sensors can record and measure activity.

Marvin Yngsdahl asked how radon contaminates water.

Dr. Bradbury responded that radon is a gas that has a short half-life. It accumulates in basements. The tighter the house, the more radon.

Paula Brandmeier was concerned if this quarry was approved a precedent would be set. It will overlay the Token Creek Watershed. At what point will there be too many quarries?

Dr. Bradbury responded that this is not a groundwater question. It is a land-use question. Infiltration and recharge keep the springs flowing.

Ms. Brandmeier questioned that this would not be a problem if this was properly managed.

Dr. Bradbury responded yes.

Ms. Brandmeier was concerned that Windsor would lose control of this and state standards are less restrictive.

Barb Bauer asked about the quarry being on a hillside and will all of the dolomite be removed down to the sandstone.

Tim Geoghegan of Yahara Materials responded they would take the limestone off and not go into the sandstone. He explained the design is positive infiltration and water cooling.

Amy Anderson Schweppe indicated we are experiencing more signs of contamination in the springs.

Dr. Bradbury responded that surface water brings contamination. The quarry will not disrupt the water flow.

Rod Schneider commented that it was mentioned that the sandstone aquifer would not be exposed. Here it will be.

Tim Geoghegan stated that they are going to the sandstone which is a better filter than dolomite.

Chairperson Wipperfurth stated, if this were to be approved, there would be inspections of the wells in certain areas.

Dr. Bradbury added that there are some easy tests for bacteria, nitrates, chloride, and electrical conductivity. A pump installer could check wells to determine that the casings are intact.

Luana Schneider said it had been mentioned earlier that they could have their water tested. If they were to find a problem, what is the remedy?

Dr. Bradbury indicated the first thing to do would be to get it tested again. Sometimes tests can be wrong. They could be affected by weather or snow melt. If it is a problem related to the quarry, it will show up in more than one well.

Luana Schneider asked about the pond going bad and what could be done.

Tim Geoghegan responded that the property would be deed restricted. A lot of mechanisms will be in place. If the quarry is approved, they will be back every five years to revisit it. They will post bonds with Dane County.

Town Engineer Richardson commented for clarification. If there is no water diverted into the quarry, it would be no different than any other farm field. Surface waters pick up contaminants. If those surface waters would be diverted to a pond with a filter, that would improve the water quality.

13. Applicant David Sweet Requests Approval To Operate An Automotive Salvage Business At 7646 Conifer Court, DeForest.

Town Engineer Richardson explained that Town Planning and Development Coordinator Amy Anderson Schweppe provided a memorandum. Mr. Sweet asked to have a DOT form signed by the town in that he will be operating a salvage yard within 500 feet of the centerline of a town road. The staff did not see any problems. Dane County Zoning agreed that this would be acceptable. There will be no environmental hazards.

Mr. Sweet was present to answer questions. He dismantles cars and scraps out batteries, hoods, doors, bumpers, etc. In response to a question from Supervisor Madelung, Mr. Sweet indicated that the vehicles are gone before the end of the day. There will be no junkyard.

Supervisor Smith said she wished there were more people like Mr. Sweet to recycle cars.

Supervisor Stravinski asked whether the materials removed would be inside the building.

Mr. Sweet responded that they would be. There would also be tires inside the building.

Supervisor Buchner noted that this is a compatible use for the zoning.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Mr. Sweet's request to operate an automotive salvage business at 7646 Conifer Court, DeForest. Motion carried with a 5-0 vote.

14. Resolution 2014-66 Applicant Bill Kippley Requests A Site Plan Review For A Lighted Pylon Sign In Conjunction With His Mini-Warehouse Project On Conifer Court.

Town Engineer Richardson indicated that the Town Board had a staff report from Town Planner Rybarczyk. The sign is regulated by Dane County Zoning. The sign is allowed through Dane County Zoning. The salient point is the height of the sign. The Plan Commission approved 32 feet from the ground. The applicant would like to have 37 feet. Town Engineer Richardson showed pictures of the sign.

Attorney Mike Lawton added that with that height it would be in the trees.

Bill Rupp with LaCrosse Signs handed out a new picture of the sign. The scale is close.

Attorney Lawton added that they did not know what will happen with the parcel that is the corn field.

Chairperson Wipperfurth stated that Roger Manthe had called him and indicated he opposed the sign.

Town Engineer Richardson stated that the sign was approved by the Plan Commission and does conform with Dane County Zoning. Town Planner Rybarczyk recommended a sign height of 32 feet. The applicant would like to have 37 feet.

Town Attorney Anderson discussed impact of the sign on the arborvitae and trees and best planning practice. Another resolution was included regarding the impact of screening which would result in denial of the sign. Windsor does not have a sign ordinance. The county does. The town has site plan approval. What happens if the trees surrounding the sign die because of installation of the sign? It would be useful to have construction plans to see if the sign could be put in with the least amount of harm to the trees. There are a couple of different issues: height and impact on screening.

Supervisor Madelung asked where the trenching for the electrical would go.

Bill Kippley responded that trenching will come from the west. There will be no problem with trenching, and they will not have to go through Manthe's property.

Attorney Lawton indicated they would like an additional 5 feet because they do not know what will happen with Manthe's property.

Supervisor Buchner asked as a point of clarification – you are going 22 feet from the centerline of the road and are asking for a 37-foot sign. We are arguing about 5 feet on a sign. He would support moving forward on a sign.

Supervisor Stravinski agreed 100 percent. He did not see any problem with the extra 5 feet.

Mr. Kippley indicated they would use a crane to set the sign.

Supervisor Stravinski asked how this would get through the trees.

Mr. Kippley responded that they would remove two trees, but they will be replaced. There are layers of trees. There will be trees behind the two that will be removed. No one will be able to see through.

Chairperson Wipperfurth said language could be added that if, through the construction process, there were to be more plantings done, it could be added. It would show 37 feet if that is the consensus of the Board. The trees must be maintained. There are additional rows of trees. They will be using a crane and working from the outside of the property. The access for construction will come through their own property.

Chairperson Wipperfurth asked if all Board members were okay with the additional 5 feet.

Town Attorney Anderson said if construction plans are presented indicating what has been stated previously, no other changes than the height will need to be made.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Resolution 2014-66 Approving On-Site Lighted Pylon Sign For The Mini-Warehouse Redevelopment Located At 7646 And 7652 Conifer Court, In The Town Of Windsor, Dane County, Wisconsin [Bill Kippley dba Kippley Rental Properties, LLC, As Owner/Petitioner.] Motion carried with a 5-0 vote.

15. Approval Of Dane County Zoning Ordinance/Petition No.10745 (Petitioner: Alan Buchner Revocable Trust).

Supervisor Buchner will be abstaining from this item and left his place at the table.

Amy Anderson Schweppe prepared a memo. The Town Board approved the rezone with conditions. The Town Board has been asked to reconfirm its prior approval.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve Zoning Ordinance/Petition No. 10745 (Petitioner: Alan Buchner Revocable Trust). Motion carried with a 4-0 vote, with Supervisor Buchner abstaining and withholding his vote.

16. Resolution 2014-63 Approving The Execution Of Equipment Storage Facility Lease.

Finance Director Butteris explained that the town has an annual lease with Jim Fredenberg to store town equipment at his facility. He has not raised the rent. The new lease will run through July 31, 2015. A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, to approve Resolution 2014-63 Approving The Execution Of Town Of Windsor Equipment Storage Facility Lease. Motion carried with a 5-0 vote.

17. Resolution 2014-65 Resolution Recommending Purchase Of Property By The DeForest Half Century Club, Inc. (Located At 100 E. North Street, DeForest, WI.)

Supervisor Stravinski explained that at their joint meeting with the village of DeForest and town of Vienna it was requested that permission be obtained from the municipalities for purchase of the adjoining property with the hope that the municipalities would borrow or come up with \$150,000 for the purchase. The remainder would be raised by the Half Century Club by donations. DeForest and Vienna have already approved the resolution. Windsor would be responsible for approximately 45 percent of the \$150,000. This is based on population.

Supervisor Madelung had a question regarding the wording of the resolution. Town Attorney Anderson responded that this language has been agreed to by all three municipalities.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve Resolution 2014-65 Recommending Purchase Of Property By The DeForest Half Century Club, LLC. Motion carried with a 5-0 vote.

18. Snow Removal From Town Sidewalks.

Town Engineer Richardson stated that the town solicited bids for removing snow from town sidewalks. Windsor Lawns came back with the lowest proposal. Town Engineer Richardson recommended that the town contract with Windsor Lawns. Anything over 1 inch will be removed.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, that the town approve the bid of Windsor Lawns for removal of every 1 inch snowfall. Motion carried with a 5-0 vote.

19. Motion/Action To Convene Into Closed Session (See Announcement Item 3 Above) And Roll Call.

Town Attorney Anderson explained the process regarding the next few agenda items. The town has the ability to move into closed session regarding Lot 137. It is not required to go into closed session. If the Board goes into closed session, it will reconvene into open session immediately following the closed session. There will be a motion to remove from the table the Plan Commission referral. The town received a proposal from the developer that would have allowed the residents to contribute to his expenses. The developer would be willing to submit an application to change the zoning if the money was received. The proposal has run its time. The committee members were not able to reach the amount requested, and the amount is not sufficient for Mr. DeWitt to make a change to the zoning. This will be sent back to the Plan Commission, and it will be directed to act on the narrow issue and return it to the Board.

At 6:57 p.m. a motion was made by Supervisor Smith, seconded by Supervisor Madelung, to convene into closed session. Roll call vote: Supervisor Stravinski: yes; Supervisor Buchner: no; Supervisor Smith: yes; Supervisor Madelung: yes; Chairperson Wipperfurth: yes. Motion carried with a 4-1 vote with Supervisor Buchner voting no.

20. Convene Into Closed Session (Lot 137-Holland Fields Subdivision), If Above Motion Is Approved.

21. Motion/Action To Reconvene Into Open Session.

22. Motion/Action To Remove From The Table The Plan Commission Referral Regarding Lot 137 – Holland Fields Subdivision And Action From Closed Session, If Any.

- a. Status Update On Lot 137 – Holland Fields Subdivision And Action, If Any.
- b. Action On Referral From Plan Commission (Plan Commission Resolution 2014-20).

23. Committee/Board/Staff Reports.

- a. Plan Commission.

Supervisor Stravinski reported on the Plan Commission

- b. Community Development Authority.

There was nothing to report.

c. Park Commission.

There was nothing to report.

d. Token Creek Conservancy Committee.

Supervisor Smith reported on the Token Creek Conservancy Committee.

e. Sun Prairie Extra-Territorial Zoning Committee.

There was nothing to report.

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

Supervisor Stravinski reported on the DeForest Area Community and Senior Center/Half-Century Club.

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.

Supervisor Stravinski reported on the DeForest Area Tourism Commission.

j. Madison Beltline Planning Corridor Study.

Supervisor Stravinski reported on the Madison Beltline Planning Corridor Study.

k. Dane County Towns Association.

There was nothing to report.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellen G. Teed".

Ellen G. Teed  
Recording Secretary

**TOWN OF WINDSOR - BOARD MEETING**

Thursday, November 6, 2014 at 5 p.m.  
Windsor Town Hall / Meeting Room, 4084 Mueller Rd, DeForest, WI

**SUPPLEMENTAL MINUTES**

**21) Motion/Action to Reconvene into Open Session**

Supervisor Smith moved to reconvene into open session at 7:36 p.m., second by Supervisor Madelung. Motion carried with a 5 – 0 vote.

**22) Motion/Action to Remove from the Table the Plan Commission Referral Regarding Lot 137 – Holland Fields Subdivision and Action from Closed Session, if any**

Supervisor Buchner moved to remove the Plan Commission referral regarding Lot 137 – Holland Fields Subdivision from the table, second by Supervisor Smith. Motion carried with a 5-0 vote.

a) Status Update on Lot 137 - Holland Fields Subdivision and Action, if any

Chairperson Wipperfurth acknowledged that this has been stressful and emotional for everyone. There are legal parameters that need to be followed. At this point the Town of Windsor will not take legal action to prevent the developer from moving the site plan forward.

Rob Flab, 4375 Low Countries Road, thanked the Board for all their efforts and Mr. DeWitt for giving the neighborhood the opportunity to change the zoning to single family.

Jerry Thorsen, 3931 Partridge Rd, stated the DeForest Area School District (DASD) Business Manager felt there would not be a significant impact on schools. The Town should ask the DASD Superintendent their position.

Chairperson Wipperfurth stated Dr. Borden, DASD Superintendent, has also stated that the schools shouldn't be negatively impacted by the proposed building.

b) Action on Referral from Plan Commission (Plan Commission Resolution 2014-20)

Supervisor Stravinski moved to direct the Plan Commission to review the August 29, 2014 Lot 137 – Holland Fields Subdivision Site Plan for compliance with the Town Site Plan Ordinance and make its recommendation to the Town Board so that the Town Board can act on this matter at its second meeting in December 2014, second by Supervisor Smith. Motion carried with a 5-0 vote.

**24) Adjournment**

Supervisor Smith moved to adjourn at 7:41 p.m., second by Supervisor Stravinski. Motion carried with a 5 – 0 vote.

Respectfully submitted,

  
Christine Capstran  
Town Clerk