

Approved
3-19-15

TOWN OF WINDSOR
REGULAR BOARD MEETING

Minutes

March 5, 2015

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 Attorney Connie Anderson, and Town Engineer Kevin Richardson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Buchner.

3. Announcements.

None.

4. Approve Minutes.

a. February 19, 2015.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to approve the Minutes of February 19, 2015, as presented. Motion carried with a 5-0 vote.

5. Consider Vouchers For Payment.

Chairperson Wipperfurth noted that additional invoices had been provided. Finance Director Butteris indicated there was nothing to highlight except the settlement on taxes in February.

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 Day provided the Law Enforcement Report for February 2015. There were 2,182 calls in 2014, up from 1,977 in 2013. Calls of interest included an armed burglary, sexual assault, overdose of a juvenile, physical abuse/strangulation of a child, six arrests, three hit-and-run accidents, two property-damage-only accidents, and two domestic disorderly conducts.

There have been ongoing problems with a drone in the area and a peeping tom. The FAA has been notified of the drone activity.

8. Future Governmental Structure Of Windsor.

Chairperson Wipperfurth explained that this is a placeholder.

9. Operator Licenses.

There were applications for operator licenses from Taylor M. Robinson, Elise S. Shedivy, Kathryn E. Paulus, and Linsey E. Harteau. All were recommended for approval by Town Clerk Capstran.

A motion was made by Supervisor Stravinski, seconded by Supervisor Buchner, to approve the above four operator licenses as recommended by staff. Motion carried with a 5-0 vote.

10. Authorize Attorney Collaboration On Agreements With Village Of DeForest.

Chairperson Wipperfurth explained that at some of the past joint meetings with the village of DeForest the village wanted to make sure that there is language in agreements with the village of DeForest transferring the boundary agreements in the cooperative plan. Chairperson Wipperfurth read language regarding the agreements that would bind each party. The agreements would transfer if Windsor is successful with its incorporation. The Board wanted to go on record authorizing Town Attorney Anderson to work with the village of DeForest attorney.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, authorizing the Town Attorney to work with attorneys from the village of DeForest (and city of Sun Prairie) on language to help insure that the agreements will transfer. Motion carried with a 5-0 vote.

11. Blue Addition To Lake Windsor.

- a. Draft Agreement For Public Improvements And Other Matters Relating To Plat Of Blue Addition To Lake Windsor, Town Of Windsor, Dane County, Wisconsin.
- b. Draft Declaration Of Covenants, Restrictions, Conditions And Easements For Lots 1 To 13, Inclusive, And Outlots 2 And 3 Of The Plat Of Blue Addition To Lake Windsor, And Lots 1, 2 And 3 Of Certified Survey Map 13005 Recorded As Doc. 4144251, In The Town Of Windsor, Dane County, Wisconsin.

Chairperson Wipperfurth stated that the town has been working with Mr. Gotzion on these agreements. They are being brought before the Town Board for its reaction. The parties are getting close to finalizing the agreements. Chairperson Wipperfurth hoped that they can be approved in two weeks.

Town Engineer Richardson noted one point in the Development Agreement. All through the process there was talk about a path along Golf Road. Anything they tried to do with Golf Road would have an adverse effect on trees and drainage on the north side. In lieu of sidewalk or a path, the developer will pay \$41,250 to the town to be used for park improvements in the plat.

Town Attorney Anderson noted that the Development Agreement followed the new town template. This is a single-phase construction. There are 11 single-family lots and 2 duplex lots.

Sewer and wells were discussed. Crossing Golf Road for sewer and water in one trench was also discussed. It would cost the town between \$160,000 and \$180,000 to redo Golf Road, which is two-thirds of the town's road budget. There is also a tree restoration plan.

Mr. Gotzion indicated he would be meeting with the Windsor Sanitary District on March 9.

Supervisor Smith asked whether the trees were worth saving.

Mr. Gotzion answered that he felt the trees were worth saving. They will be trimmed.

Supervisor Stravinski asked about the street lighting mentioned on page 7 of the Development Agreement. Is the town requiring street lighting?

The town is not requiring street lighting.

Supervisor Stravinski discussed the trail system. On the south side where the trail goes between the two lots, will that be a paved trail?

Mr. Gotzion responded that that is an entrance to the park. It would be up to the Park Commission regarding paving.

Discussion followed regarding connecting the path through the park with other paths.

Town Engineer Richardson said the trail would be on the road.

Supervisor Stravinski would like to see that when we are talking about the trail system there is a designation to be able to get from the park through Lot 6.

Town Engineer Richardson added that the town has a 12-foot access.

It was stated that this would be best addressed through discussions regarding the Comprehensive Outdoor Recreation Plan.

Supervisor Stravinski asked how the town wanted to get from the park to Charlie Grimm.

The response was that the town could use the moneys provided by Mr. Gotzion for a path on the side of the park.

Supervisor Madelung thought the entrance to the park should be a standard path width. The town could worry about the rest of this along the line.

Supervisor Smith did not think that path should be on that side of the road. It should be on the other side.

The consensus was that the path should be on the north side of the road.

Mr. Gotzion stated that he already has approval from Dane County and DeForest. He does not want to go through all of the approvals again. The town already granted Mr. Gotzion approval for this configuration in the preliminary plat approval.

Town Attorney Anderson explained the Declaration of Covenants.

Supervisor Stravinski questioned the language on page 15 which mentions cancelled, released, waived, and amended.

Town Attorney Anderson responded that this is confusing and will be addressed.

Chairperson Wipperfurth advised that this will be on the Town Board agenda in two weeks.

12. Mineral Extraction Policy As It Relates To Future Land Use In The Agricultural Preservation Area.

Planning and Development Coordinator Amy Anderson Schweppe put together a handout for the Town Board members. The desire is to get some input from the Board members and Dane County to provide assistance in updating the mineral extraction policy. This is not something that affects any pending permit. Now is the time to look at these issues.

There are three questions on the bottom of the handout to which Planning and Development Coordinator Anderson Schweppe would like feedback.

Chairperson Wipperfurth noted this is a follow up and is not project-specific. The town is trying to flesh out some of the issues.

Finance Director Butteris indicated that this is being brought forward because the town is in the process of updating its Comprehensive Plan. The town would like to make any changes to the Comprehensive Plan before it is adopted.

Mineral extraction is a permitted use through a conditional use permit. The question is whether a mineral extraction site should be permitted in an Agricultural Enterprise Area.

Supervisor Buchner asked where in the township would there be possible mineral extraction opportunities. How limited is this?

Town Engineer Richardson responded that they are limited to where the rock is. That could be Mile Road, Mueller Road, County Highway C north of Windsor Road, and one other spot. It isn't town-wide. They would be looking for a higher spot where there is an outcrop of rock. It is the farmland with the thinnest topsoil which has a problem holding moisture.

Supervisor Madelung agreed. He is big on agricultural preservation. However, agriculture is changing. He is more inclined to go on a case-by-case basis. Each situation is a little different.

Chairperson Wipperfurth stated that this is not project-specific. Does the town want to have this in agricultural preservation?

Supervisor Smith indicated this is a very sensitive issue to her. She is passionate about farming. She did not know the history of how the land was designated agricultural preservation. She felt the town needed to stick with agricultural preservation.

Chairperson Wipperfurth explained that most of the town had agricultural zoning. In 1993, there was a movement for farmers to encourage the town to adopt exclusive-ag zoning, which had tighter controls. Five or six years ago, the state came out with the Agricultural Enterprise Area. Windsor was one of the first communities that were involved with AEA.

Supervisor Smith did not think that a quarry goes along with agricultural preservation. The town made a commitment and should stand by it.

Supervisor Stravinski felt that mineral extraction was okay in agricultural areas. Windsor's agricultural area is not 100 percent agriculture. He sees that it would fit in the agricultural area. Reclamation would have to be according to state standards. He thought that the town of Windsor should have, as part of the reclamation process, an explanation how this is going to be used as

agriculture when it is reclaimed. There needs to be something in the town plan as to how to continue to use this as agricultural land.

Supervisor Buchner stated that farmers have a right to use their land as they see fit as long as it can be reclaimed. They should be able to reclaim the area to the same standard as it was. Quarries cannot happen in urban areas or where there is no rock. This should be addressed on a case-by-case basis.

Reclamation was discussed.

Chairperson Wipperfurth has seen quarries that have been reclaimed but has never seen one that was reclaimed 100 percent.

Supervisor Smith said if she can be convinced that it can be turned back to agriculture then she is in agreement 100 percent.

Supervisor Buchner indicated that the town could monitor the quarries.

Randy Langer said it depends on the depth of the pit. It could be a fish pond. It depends on the amount of topsoil as to whether he would support a quarry. If the topsoil is 1-1/2 feet deep or less, then go for it. If the topsoil is 3 feet deep, then farm it.

Supervisor Smith is concerned about air quality, water quality, and damage to the roads.

Chairperson Wipperfurth stated that this is one of the issues that can cast a big blanket. It has to be individual on a case-by-case basis. He is inclined to leave the policy as it is and judge each on its merits.

13. Implements Of Husbandry.

Dean Manthe dropped off a list of Scaled Weights for Manthe Grain Farms.

The town was trying to take the lead from the Dane County Towns Association to make Dane County uniform. It turns out that that did not work. A number of the municipalities selected different options. Windsor is locked into the option it chose for 2015. It can select a different option in 2016.

Chairperson Wipperfurth explained that the town of Windsor is not using this as an enforcement mechanism. The town will be working with farmers using this as an educational component. More farmers are looking at hosing manure. From the town's perspective, it does not want to use this as an enforcement mechanism. Combines can be overweight. The town wants to know the haul routes for manure being transported. Farmers should call the Town Hall when transporting extensive amounts of manure for a few days. The town would like to know what is

being hauled on its roads. The town also wants the farmers to use improved driveways to avoid road breakage.

The state of Wisconsin is still looking at amending the laws.

Supervisor Buchner apologized to the agricultural community in the township for the inconvenience to the farmers.

Randy Langer indicated he would like to have met before the Town Board made its determination.

Chairperson Wipperfurth advised that this had been on the Town Board agenda several times.

Chairperson Wipperfurth is looking at this as a phase-in period.

Mr. Langer advised that this movement started with the frac sand mining.

Daryll Manthe, who does custom work, indicated that 23,000 pounds on an axle is a problem.

Town Engineer Richardson said there would be two conditions on the permits: (1) that an improved driveway be used; and (2) any injury caused to the road by the farmer's equipment would be the responsibility of that farmer.

14. Replacement And Trade In Of 2002 Case IH CX100 Tractor.
15. Replacement And Trade In Of 2006 Roadside Mower.
16. Lease Or Purchase New Plow Truck And Sell 1988 Ford L-8000.

Chairperson Wipperfurth advised that the above three items were taken care of on March 4.

The 2002 Case IX CX100 tractor was traded in for a John Deere tractor and loader.

The 2006 Roadside Mower was traded in for a new Roadside Mower.

The town entered into a five-year lease agreement with an option to purchase for a new plow truck.

17. DaneCom Update.

County Supervisor Dennis O'Loughlin explained the DaneCom situation. It is going as well as can be expected. There are still a lot of holes that have to be worked on. The County Board will be taking up a resolution at its meeting later in the evening to increase the moneys for this project. When it started, it was under-funded. There will be a vast improvement in the next three to six months.

Rich McVicar provided an update as to where the project is at. Only pieces of it are online. It is the subject of the County Board meeting for enhancements to the system. The new contract was discussed.

Supervisor Madelung asked about the increase in costs for the town of Windsor. He also expressed his concerns with the system and his dissatisfaction with the process.

Mr. McVicar responded that the original bid was \$18 million. The funding now being sought is \$6.7 million.

Supervisor Stravinski stated that Windsor has paid for a system that is not operational and for maintenance for a system that does not exist.

Supervisor Smith asked, when the RFPs went out, whether there were any penalties written into the contract.

Mr. McVicar replied that there was a liquidated damages provision. There will be a penalty clause in the new contract.

Chairperson Wipperfurth asked about the cost of updating the town's radios. The town has already paid for them. He asked, when the system goes up, will the town's radios have to be reprogrammed.

Mr. McVicar answered that, when there are significant changes to the network, the radios will have to be reprogrammed. Another reprogramming will be needed for Windsor's radios. When all of the enhancements are brought online, all radios will need to be touched. Harris Corporation will not pay for this.

Chairperson Wipperfurth stated that communities have been paying into this for a couple of years and have nothing to show for it. Now the system is down completely. Chairperson Wipperfurth's advice was that the county needs to absorb maintenance costs and roll them into the whole program.

How accountable is Harris being held?

Chairperson Wipperfurth stated that communities will begin opting out of these contracts.

18. DeForest Area Fire District Updates.

Chairperson Wipperfurth did not have anything to report. They recently received some agreements and will be talking about them at the next Board meeting.

19. Schedule Date And Time For Annual Spring Road Tour.

Chairperson Wipperfurth suggested the dates of April 13 in the morning, April 15 in the morning or afternoon, or April 16 in the morning. Town Engineer Richardson will check with the county on those dates.

20. Committee/Board/Staff Reports.

a. Plan Commission.

Supervisor Stravinski reported on the Plan Commission.

b. Community Development Authority.

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.

Supervisor Stravinski reported on the Token Creek Conservancy Committee.

e. Sun Prairie Extra-Territorial Zoning Committee.

Supervisor Madelung indicated he had nothing to report.

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

Supervisor Stravinski indicated he had 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.

Supervisor Stravinski reported on the DeForest Area Tourism Commission.

j. Dane County Towns Association.

Supervisor Madelung reported on the Dane County Towns Association.

k. Town Chair Report.

Chairperson Wipperfurth provided his report.

l. Town Staff Report.

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

21. Adjournment.

Before the meeting adjourned, Supervisor Smith thanked Chairperson Wipperfurth for all of the time he spends in meetings and everything else he does for the town. She also thanked the staff for all of the work they do.

At 7:35 p.m., a motion was made by Supervisor Smith, and seconded by Supervisor Madelung, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed
Recording Secretary