

TOWN OF WINDSOR  
REGULAR BOARD MEETING

Minutes

March 19, 2015

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Supervisors present: Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Supervisor Buchner had an excused absence. Others present: Town Finance Director Tina Butteris, Town Attorney Connie Anderson, Town Engineer Kevin Richardson, and Town Planner Jamie Rybarczyk.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Stravinski.

3. Announcements.

Chairperson Wipperfurth noted that there will be a meeting at the Town Hall on April 2, 2015, from 1:00 p.m. to 3:30 p.m. with a representative from the UW Extension regarding implementation of husbandry. Keith Ripp will be in attendance, as well as someone from the DOT Highway Department.

4. Approve Minutes.

- a. March 4, 2015.
- b. March 5, 2015.

Supervisor Madelung asked that it be noted in the March 5 Minutes that he also shared his concerns with the system and his dissatisfaction with the process regarding DaneCom. A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve the Minutes of March 4 and March 5, 2015, with the above addition. Motion carried with a 4-0 vote.

5. Finance.

- a. Staff Report On Finances.

Finance Director Butteris provided a memorandum of the highlights for the month of February. There were eight building permits for single-family homes issued in February, up from three in

2014. There is nothing over 30 days for accounts receivable. Fourth-quarter franchise fees were received. The audit is scheduled for next month.

b. Consider Vouchers For Payment.

A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve the vouchers as presented. Motion carried with a 4-0 vote.

c. Treasurer's Report.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to approve the Treasurer's Report as presented. Motion carried with a 4-0 vote.

d. Budget Report.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to approve the Budget Report as presented. Motion carried with a 4-0 vote.

6. Appearances Before The Board.

Dr. Sue Borden, DeForest Area Schools Superintendent, was present to answer questions regarding the upcoming referendum. She explained the meaning of S.T.E.M. – Science, Technical, Engineering, and Math.

Supervisor Madelung stated that communication with the community has been outstanding.

Chairperson Wipperfurth echoed Supervisor Madelung's comments.

7. Future Governmental Structure Of Windsor.

Chairperson Wipperfurth noted that this is a placeholder for the public and the Board to ask any questions on the process. The process is continuing along. On the village of DeForest agenda was a letter it had drafted to send to State Representatives. Chairperson Wipperfurth was not sure if that letter was authorized to be sent. It was asking questions. As far as Windsor knows, the village has not taken a position.

8. Operator Licenses.

There were no applications for operator licenses.

9. Appoint Representative To Park Commission.

Chairperson Wipperfurth stated that Greg Cullen has expressed an interest to serve on the Park Commission and was present at the meeting. The town interviewed Mr. Cullen last week. Information was provided to the Town Board members. Mr. Cullen would replace Carol Barth who resigned from the Park Commission. The appointment is until 2020.

Mr. Cullen introduced himself, indicating he has lived on Conifer Court for the past two and one-half years.

Chairperson Wipperfurth stated that Mr. Cullen was extremely qualified and placed his name in nomination for the position on the Park Commission. A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve the nomination. Motion carried with a 4-0 vote.

10. Appoint Representative To Token Creek Conservancy Committee.

Chairperson Wipperfurth advised that the town has interviewed Jayme Anderson for the open position on the Token Creek Conservancy Committee. Mr. Anderson was unable to attend the meeting. Chairperson Wipperfurth stated that Mr. Anderson lived on Brandywood Trail, and his lot backs up to the Conservancy. He is the President of Madison Block & Stone.

Chairperson Wipperfurth placed Mr. Anderson's name in nomination for the position on the Token Creek Conservancy Committee. A motion was made by Supervisor Madelung, seconded by Supervisor Stravinski, to approve the nomination. Motion carried with a 4-0 vote. Mr. Cullen will replace David Greer, whose term expires in 2016.

11. Authorize Attorney Collaboration On Agreements With City Of Sun Prairie.

Town Attorney Anderson explained that this item was on the agenda last month, but it specifically related to the village of DeForest. Because of the incorporation efforts, the town wanted to insure that its cooperative agreements will proceed if the town is able to incorporate.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve authorizing attorney collaboration on agreements with the city of Sun Prairie. Motion carried with a 4-0 vote.

12. Guest Speakers On Mineral Extraction: Pamela Andros, Senior Planner For Dane County Planning & Development, And Shawn Haney, Town Of Vienna Clerk.

Chairperson Wipperfurth clarified comments in the *DeForest Times-Tribune* regarding the last meeting concerning mineral extraction. Tonight's discussion on mineral extraction has nothing to do with the AEA.

Chairperson Wipperfurth explained that one of the reasons the town is having speakers at the meeting is when it had a meeting last fall on the application before the Town Board there were a number of questions asked. The town brought in speakers to address those questions.

Pam Andros showed a map of Windsor. She went on to state that the town of Vienna has the most mineral extraction sites in Dane County. There are 36 different operators currently working in Dane County. The majority are small operations. Twenty-nine of the 36 operators have one site up to three. Yahara and Wingra have several sites.

Common public concerns relating to mineral extraction were mentioned:

- Dust
- Noise
- Blasting
- Water quality
- Toxic substances
- Truck traffic
- Fuel spills
- Safety
- Aesthetic changes to the landscape
- Property values
- Future uses
- Hours of operation
- Enforcement
- Reclamation

Ms. Andros indicated that all of the above can be managed through the town's permitting process. Conditional use permits for this particular use need a little bit of careful treatment in how they are done to manage the activities so there are no negative impacts to the surrounding areas.

Ms. Andros read from Windsor's ordinance.

She referenced LULU, or locally unwanted land use. What can't it be somewhere else? Mineral extraction involves resources of the earth, and that is where they are located.

There are planning issues. Dane County's growth drives demand with increases in residential development in rural areas. Dane County recognizes there is a need for it. They want to avoid

dependence on importing it. Towns must push for high-quality operations. A mineral extraction site is a temporary use. There are consequences: greater wear on roads, increased emissions. The permitting process must be maximized and customized to the user, how to do it well. Windsor has some land inside the ETZ and some land inside Dane County zoning.

Discussion followed regarding Ch. 10, Ch. 74 and NR 135 regarding zoning and reclamation.

Chairperson Wipperfurth asked about reclamation.

Ms. Andros responded that usually bonding is used. In the event the operator disappears and does not maintain its site, there is money. Everything states that they have to put top soil and seed down when they reclaim the site. It does not have to be put back to agriculture or the best use. If the end use is to be agriculture, that standard should be set for agriculture. Will it be as good as it used to be? That is hard to say. When topsoil is removed, it must be kept on the site for reclamation and seeding. The incentive is to reclaim as they go. The smaller one keeps the area where they are extracting minerals, the lower the fees will be. There are rules about blasting, navigability, waterways, and particulate emissions.

Bud Yngsdahl, 6909 County Highway C, had a question regarding silica.

Ms. Andros responded that silica is more with frac sand. She is not denying that dust will be a problem. That is a concern.

Marcia Riquelme, 3953 Finch Trail, thanked Mr. Yngsdahl for bringing this up. She has been examining sites for the last two years for silica sand. Dust the size of 2.5 microns is accepted by the DNR. She is worried about mining. She urged the people of Windsor to take a very hard look at the kinds of protections it must insert at the initiation of any industrial removal project. There will be less and less recourse. The town needs to manage the situation for potential harm. It is very important for Windsor to take a hard-nose look at how it wants to protect the town.

Ms. Andros responded that she could relate to this – all of the rules. How well will they be enforced? On the federal level, a lot of the safety issues are covered in information related to blasting. There are procedures and standards for operation called “The Standard Six.” Ms. Andros indicated she would e-mail a copy of this handout to Chairperson Wipperfurth.

They included:

- Not detrimental to the public safety and welfare
- Will not interfere with people’s enjoyment of their neighborhood
- Use
- Development
- Adequate measures for ingress and egress
- The CUP shall apply to all other regulations in that area

Supervisor Stravinski asked Ms. Andros how far out did they consider the neighborhoods and surrounding areas.

She responded that it is subjective. It has to do with the amount of people in the surrounding area and what is the particular proposal.

Discussion followed regarding standards for ag preservation areas.

The town can customize its permit through the conditions of approval. There can be a lot of creativity with hours, truck traffic, crushing, screening, and blasting.

Current issues creating challenges involve frac sand mining. There are things relating to frac sand mining that are negative.

Chairperson Wipperfurth asked if there is a conflict in the state designation of the AEA.

Ms. Andros responded no.

Windsor's ordinance regarding AEA has not been certified by DATCP.

Bud Yngsdahl asked about radon.

Ms. Andros responded that she could not offer anything regarding radon.

Marcia Riquelme stated she was remiss in not knowing about the certification. Are there any permit requests now for various kinds of mining? She said she was shaken in terms of social impact.

Ms. Andros responded that two or three were approved in the past six months. There are no permit applications now.

Alan Harvey, 3900 Vinburn Road, had an observation. The terminology employed is problematic. Mineral extraction or nonmetallic mining are very broad. There are many different ways that land can be reclaimed, but the terms are very general. The town has to be careful and compare apples to apples.

Mr. Harvey proceeded to ask what Dane County required with deep mine quarries regarding reclamation – where there is a high wall and mining is going down.

Ms. Andros responded that there are a number of different ways that an operator can meet those requirements. What is the end land use going to be? A high wall can be stepped. There are different slope ratios. Greenway Station in Middleton is the bottom of a quarry.

Mr. Harvey had a question regarding steep side-wall quarries. Is there any place in Dane County where a deep quarry has been reclaimed to agricultural use as opposed to an alternate use? The common term of usage here is production agriculture.

Ms. Andros stated that, if one has a mineral extraction permit in ag exclusive, it has to be reclaimed back to agriculture. Vienna has some very well reclaimed quarries.

Mr. Harvey asked Ms. Andros whether she was aware of any examples in any cities or villages in Dane County where a new deep quarry has been approved or by expansion of a preexisting site.

She responded no.

Chairperson Wipperfurth thanked Ms. Andros for an excellent presentation.

Shawn Haney, Clerk from the town of Vienna, was present. He provided a history of the pits in Vienna. There are 11 pits and a clean-fill site. Payne and Dolan and Madison Sand and Gravel are the two biggest. Vienna sited four pits in one year, and no one showed up to oppose any of them.

Vienna has an advisory committee. Quarry operators pay a \$500 fee to the town which is used for posting notices. In addition, they bond with Dane County. They are also required to have a letter of credit with Vienna which is renewed every year. Mr. Haney has a pit located 4/10 of a mile from his house. He has lived there for 27 years and has not had any problems.

Chairperson Wipperfurth asked about local town roads.

Mr. Haney responded that it depends on the road. They have agreements regarding roads.

Supervisor Stravinski questioned the inactive Yahara pit in Vienna. Is it empty?

Tim Geoghagen of Yahara Materials responded. The pit has very good aggregate. It is not in use because of the road. It may be valuable again depending on where the project is.

Supervisor Smith asked about the road agreements.

Mr. Haney responded that in the agreements it says the quarry operators have to maintain the roads.

Chairperson Wipperfurth asked about the life expectancy of the Vienna pits.

Mr. Haney stated that Vienna has some 50-year agreements and some 2-year agreements.

Alan Harvey advised the town to take a cautionary note to keep an eye on the Legislature. Last year a bill was proposed that mainly involved frac sand but it did not say so.

Chairperson Wipperfurth responded that the town and Town Attorney Anderson are aware that it is out there.

Tim Geoghagen discussed water usage and gave numbers for water usage by local businesses. Their water stays on-site, while the businesses' water goes through the sewer system.

13. Resolution 2015-07 Subdivision Agreement For Holland Fields – Phase X, Holland Fields – Lots 18 To 25 And First Addition To Holland Fields Subdivision – Lots 253 To 257 In The Town Of Windsor, Restriction On Sale And Transfer Of Lots And Amount Of Letter Of Credit.

Tom Wordell representing Veridian stated this is the 10th and final phase of Holland Fields. The agreement is for Veridian to build water, sewer, and sidewalks.

Town Attorney Anderson added that there is a requirement that this be recorded. It will be of record.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve Resolution 2015-07 Approval Of Subdivision Agreement For Holland Fields – Phase X, Lots 18 To 25 (Inclusive) Of Holland Fields Subdivision And Lots 253 To 257 (Inclusive) Of First Addition To Holland Fields Subdivision, All In The Town Of Windsor, Dane County, WI, And Restriction On Sale And Transfer Of Lots And Amount Of Letter Of Credit. Motion carried with a 4-0 vote.

14. Resolution 2015-08 Applicant Neumann Homes And Wolf Hollow Windsor, LLC Are Requesting Approval Of A Preliminary Plat For Wolf Hollow At Pleasant Prairie Creek In The Town Of Windsor. The Preliminary Plat Is A Re-Plat Of Portions Of The Plats Of Wolf Hollow, Pleasant Hill Estates And Prairie Creek. The Plat Location Is Predominantly In The Southeast 1/4 Of Section 29 In The Town Of Windsor And The Northern 1/2 Of The Northeastern 1/4 Of Section 32 In The Town Of Windsor.

Town Planner Rybarczyk provided a staff report. In February the Plan Commission held the public hearing and approved the project subject to conditions. This is a replat of a portion of Wolf Hollow. The developer has been working with staff. The Plan Commission looked at the final plat on March 17. There is a road that the town has requested be renamed, and that will show in the final plat.

Town Engineer Richardson said there is nothing out of the ordinary. He would like to see the utility agreement. The preliminary plans will meet the needs of the subdivision. They have received the storm water management plan. They have not received approval from Dane County for the storm water and erosion plan. In the original portions of Wolf Hollow, all of the storm water conveyance was in pipes. Because of the change in the wetlands, there will be storm water conveyance in swales.

A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve Resolution 2015-08 Recommending Conditional Approval Of The Preliminary Plat Of Wolf Hollow At Pleasant Prairie Creek, A Replat Of Portions Of The Plats Of Wolf Hollow, Pleasant Hill Estates And Prairie Creek In The Town Of Windsor, Dane County, WI. Motion carried with a 4-0 vote.

15. Plat Of Blue Addition To Lake Windsor And Lots 1, 2, And 3 Of Certified Survey Map 13005 Recorded As Doc. No. 4144251, In The Town Of Windsor, Dane County, Wisconsin.

Town Planner Rybarczyk stated that the Town Board had before it the final plat for the Blue Addition to Lake Windsor. This was before the Plan Commission on March 17. It was approved subject to conditions. The only change that was made today was in his report under Condition 1. It is the same Board Resolution; however, the typo was corrected. The developer has been working with staff on the conditions. The town's surveyor did not identify any concerns.

Town Engineer Richardson's comments regarding the preliminary plat have been addressed. He has been working through the documents the developer prepared that addressed his concerns. A tree restoration plan was provided. Information has been received on culvert sizes. It is not in the best interests of the town and the developer to put in a path because of the trees. The petitioner has agreed to pay the cost of the sidewalk, and the moneys collected for the sidewalk will be used for the park.

Town Attorney Anderson noted that the petitioner will make changes to the boundary for the Sanitary District and come back. Every other issue raised has been addressed.

Mr. Gotzion advised he will also be coming back to address Outlots 2 and 3 to become part of the CSM. Discussion followed regarding the plat and the three lots and adding the single lot. Mr. Gotzion decided he would get a deed restriction on the lot instead.

- a. Resolution 2015-09 Agreement For Public Improvements And Development Matters.

A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to approve Resolution 2015-09 Approving Agreement For Public Improvements And Development Matters ("Development Agreement") For Blue Addition To Lake Windsor, Town Of Windsor, Dane County, WI. Motion carried with a 4-0 vote.

- b. Resolution 2015-10 Declaration Of Covenants, Restrictions, Conditions And Easements.

A motion was made by Supervisor Stravinski, seconded by Supervisor Madelung, to approve Resolution 2015-10 Approving Declaration Of Covenants, Restrictions, Conditions And Easements ("CCRs") For Blue Addition To Lake Windsor, Town Of Windsor, Dane County, WI. Motion carried with a 4-0 vote.

- c. Resolution 2015-11 Declaration Of Restrictions And Maintenance Requirements For Stormwater Detention Pond And Drainage Ways And Waiver Of Right To Contest Special Assessments And Charges.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve Resolution 2015-11 Approving Declaration Of Restrictions And Maintenance Requirements For

Stormwater Detention Pond And Drainageways (“Stormwater Maintenance Agreement”) For Blue Addition To Lake Windsor, Town Of Windsor, Dane County, WI. Motion carried with a 4-0 vote.

- d. Resolution 2015-12 Memorandum Of Development Agreement And Declaration Restricting Sale Or Transfer Of Lots Prior To Compliance With Requirements.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve Resolution 2015-12 Approving Memorandum Of Development Agreement And Declaration Restricting Sale Or Transfer Of Lots Prior To Compliance With Requirements (“Declaration”) For Blue Addition To Lake Windsor, Town Of Windsor, Dane County, WI. Motion carried with a 4-0 vote.

- e. Resolution 2015-13 Approval Of Final Plat.

A motion was made by Supervisor Stravinski, seconded by Chairperson Wipperfurth, to approve Resolution 2015-13 Approving Final Plat Of Blue Addition To Lake Windsor Submitted By Windsor Golf Ventures, Inc. Motion carried with a 4-0 vote.

16. Resolution 2015-14 Authorizing The Issuance Of A Promissory Note With DMB Community Bank For Park Improvements And Windsor’s Portion Of The DeForest Area Community And Senior Center Land/Building Purchase.

Town Finance Director Butteris explained that the town is looking to complete a borrowing with DMB for improvements within Windsor’s parks and for Windsor’s portion of the purchase of the clinic for the Community Center for future expansion and additional parking. This will include a storage facility at Windsor Sports Commons and a splash park. The town is looking at borrowing \$500,000 at 2.47 percent for a 10-year loan.

Supervisor Stravinski discussed a park shelter at the Token Creek Conservancy. If the park shelter is built, there will be more use and the parking lot is not sufficient. Parking on Portage Road is not wise due to the deep ditches.

It was noted that the town owns land across the road from the Conservancy.

Dick Woodburn of the Park Commission thanked the Board for making its commitment to the parks.

Supervisor Smith thanked Mr. Woodburn for his community service. Supervisor Madelung echoed Supervisor Smith’s comments.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve Resolution 2015-14 Authorizing General Obligation Borrowing Per Wis. Stat. s. 67.12(12) For Public Purposes: DeForest Area Community And Senior Center And Park Improvements. Motion carried with a 4-0 vote.

17. Ordinance 2015-01 Park Commission Composition, Officers And Vacancies.

When the town was looking at the composition of the Park Commission when doing interviews last week, it became apparent that there needed to be changes. The town needed to change the ordinance to give it the leeway that, if none of these organizations has a person who can serve or no one willing to serve, the town could fill the roles.

Town Attorney Anderson mentioned that the Resolution says citizen members. It would be helpful to use resident instead of citizen.

Supervisor Madelung wanted to make sure that it says Windsor resident, and all ambiguity should be removed.

A motion was made by Supervisor Madelung, seconded by Supervisor Stravinski, to approve Ordinance 1025-01 Regarding Park Commission Composition, Officers And Vacancies with additional verbiage being added by Town Attorney Anderson to clarify that the members must be residents of the town of Windsor. Motion carried with a 4-0 vote.

18. Set Date And Time For Annual Spring Road Tour.

Chairperson Wipperfurth suggested the road tour be held on Wednesday, April 15, 2015, at 9:00 a.m.

A motion was made by Supervisor Stravinski, seconded by Supervisor Smith, to conduct the Annual Spring Road Tour on Wednesday, April 15, 2015, at 9:00 a.m. Motion carried with a 4-0 vote.

19. Adjournment.

At 7:30 p.m. a motion was made by Supervisor Madelung, seconded by Supervisor Smith, to adjourn the meeting. Motion carried with a 4-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary