

TOWN OF WINDSOR
SPECIAL TOWN BOARD MEETING

Minutes

September 23, 2015

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 7:00 p.m. Supervisors present: Alan Buchner, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Don Madelung had an excused absence. Others present: Town Clerk Christine Capstran, Town Planning and Development Coordinator Amy Anderson Schweppe, and Town Attorney Connie Anderson.

2. Recitation Of The Pledge Of Allegiance.

3. Announcements.

4. Incorporation/Referendum Presentation and Discussion.

Chairperson Wipperfurth thanked everyone for their attendance. He saw a lot of new faces in the audience.

Chairperson Wipperfurth took everyone through a slide presentation which gave a historical context of what Windsor has been going through in the past couple of years.

The town will hold a referendum vote on November 3. Over the past year and a half to two years, Windsor has been exploring its options.

The town of Windsor was established in 1847 and was approximately 36 square miles with an estimated population of 6,876 in 2015. Windsor's land area continues to decrease while the population continues to grow. Windsor is a unique community with a balanced mix of residential neighborhoods, retail/service-oriented commercial, and productive agricultural land. Windsor's philosophy has been to promote sound land use planning, protect and enhance environmental corridors and conservancy areas, and preserve agricultural land, farming, and agri-business.

Chairperson Wipperfurth showed a series of maps that showed how the land mass in Windsor has deteriorated over time. In 1970, Windsor was approximately 21,885 acres. In 1980, the land area had eroded slightly. In 1990, the numbers began changing. In 2000, Windsor had

decreased to 19,547 acres, while DeForest expanded significantly. In 2010, Windsor's land area was down to nearly 18,000 acres. Since 1847, Windsor has lost eight square miles in land territory.

Chairperson Wipperfurth showed the 2014 future land use and Agricultural Enterprise Area. Windsor was one of the first 15 communities in the state of Wisconsin to receive this designation. In 2014, another layer of protection was put on the agricultural areas of Vern and Vicki Treinen and Jim and Anita Treinen through the purchase of development rights. This reinforces Windsor's commitment to agriculture.

Fourteen years ago Windsor and DeForest looked at consolidation and merger. Windsor looked at the impacts. The Windsor Board voted to not proceed with consolidation.

In January of 2010, Windsor achieved a Cooperative Plan with the village of DeForest and then the city of Sun Prairie. At the end of the Cooperative Plan with DeForest and Windsor, there will be land areas that will transfer to the village of DeForest – an additional 575 acres, in addition to what has already been annexed.

Chairperson Wipperfurth showed the Sun Prairie Cooperative Plan. At the end of that agreement, another 75 acres will go to Sun Prairie. The trigger for each of these transfers is a bona fide development proposal that would come on board or the end of the Cooperative Plan.

In 2014, local business and community leaders of the village of DeForest asked that we take a look at the impacts of consolidation or merger. The Town Board looked at a number of options. On May 14, 2014, the town issued a press release that it was going to consider three options: remain as a town, create a new governmental entity through merger or consolidation (which was viewed as a takeover of one municipality by the other), or incorporation of Windsor from a town to a village. Windsor was very open and honest from day one. It has had no hidden agenda.

Last July the Town Board held a series of four meetings which were very well attended. This process from day one has been about Windsor – to protect the Windsor residents and taxpayers. Last fall, the town hired Ehlers & Associates, who does financial work for the town, to do a financial study. It was determined that, with a blended budget, Windsor's taxes would increase \$300 and DeForest's taxes would decrease \$300. This was based on factual information from the state of Wisconsin. A total of \$1.5 million would have had to been cut from the combined budgets to keep Windsor's tax rates from going up. The town decided to continue to pursue incorporation. At the budget hearing last November, there was a motion from the floor directing the Town Board to pursue incorporation. On January 15, the Board signed a Resolution to proceed with efforts to incorporate. On August 20, the Town Board signed a Resolution authorizing a referendum. Language was put into the state budget allowing Windsor to hold a referendum on incorporation. The language in the budget was not entirely for Windsor itself. There is another community in northern Wisconsin that also meets the criteria. The language sunsets in 2020.

The ballot will ask whether the town of Windsor should become a village. The choices will be “For a Village” and “Against a Village.”

Benefits would include protecting Windsor’s boundaries from annexation. Cities and villages can annex lands from towns unless there is a boundary agreement. Windsor would no longer be subject to annexation. Incorporation would protect and grow Windsor’s tax base, preserve its unique community identity, manage growth and development, protect and preserve agricultural land and agri-businesses, control local zoning and land use, and maintain representation with Windsor-elected officials.

The lands that have been annexed out of Windsor in the past 20 to 30 years, because of improvements, are now worth \$290 million dollars. That is the potential value of what Windsor has lost during the years. By doing nothing, this can continue when the boundary agreements are over. Towns like Windsor are being absorbed. The towns of Burke, Madison, and Blooming Grove will be going out of existence.

Windsor, as a village, would have zoning ordinances and control over local land use, which would preserve its commitment to Windsor farmland preservation and its Agricultural Enterprise Area. Windsor would maintain its diverse mix of agriculture, local business, residential and park/conservancy space. Windsor has a unique community identity. The town will maintain the continuity of its current leaders until elections. Windsor will provide cost-effective services to its taxpayers. Windsor will honor its cooperative agreements with DeForest and Sun Prairie and continue its intergovernmental agreements. Windsor will continue to be part of the Fire and EMS, Senior Center, and municipal court. These are jointly-funded operations. The Dane County Sheriff’s Department police protection would continue.

Chairperson Wipperfurth stated that the question had been asked how incorporation would affect property taxes. Windsor already provides many village-type level of services. Windsor contracts with the Dane County Sheriff’s Department for three deputies. There will be no change in fire and EMS current service levels. There will be no change to garbage and recycling. Public Works will stay the same. The town staff and consultants will remain the same. The town contracts for building inspection services, its planner, and attorney. The town has an in-house engineer. The village of Windsor would operate as efficiently as the town of Windsor. Transition costs and analysis of the referendum process were allocated in the 2015 budget.

The town met with the village of DeForest on September 21, and it went well. If successful, there is a 60-day window in which someone could contest the validity of Windsor’s incorporation.

This Board has done an outstanding job of working with its neighboring communities. Leeds, Bristol, Vienna, and Westport have all gone on record supporting Windsor. The city of Sun Prairie has quietly supported Windsor. The city of Madison has not objected to the process. There will be money in the 2016 budget for transition costs and ordinance updates. All of the signs in the community basically say just “Windsor.” This is a historic journey. The village will

handle zoning permits. The Plan Commission would handle those applications. Some of the additional expenses can be covered under permit fees. Zoning enforcement could be an additional cost. Short-time, it can be handled by the staff. Independent sanitary and water will be established under the village of Windsor. The town thought the County Bridge Aid Program was only available for towns. The city of Monona participates in it.

There would be the loss of a town meeting forum. With a town, the motion comes from the floor to adopt the levy. With a village, the motion comes from the village board. There would be no loss of accountability. The town chair would become the village president. Supervisors would become trustees with staggered two-year terms. Standing committees are established by ordinance. Ad hoc committees are established as needed.

Chairperson Wipperfurth indicated that one thing the Supervisors could not do as elected officials was to indicate they were voting “yes” for the referendum. There is a clear line that has been drawn. The Town Board members must educate the public regarding the merits of the referendum. They can indicate their support, but it has to be stated that they are acting as a private citizen.

Clerk Capstran reminded everyone that they must present a photo ID in order to vote. No one will be allowed to vote without one. She explained that absentee ballots would be mailed out on October 12. Absentee voting is also allowed in the town office two weeks before the referendum.

Supervisor Smith was impressed by everyone coming to the meeting. She thanked everyone.

Supervisor Buchner also thanked everyone and explained that the town will have ten meetings around the town. There will be opportunities for more information. This is the only item on the November 3 ballot.

Supervisor Stravinski stated he had nothing additional to add except to thank everyone for coming.

Jeanne Wendtland, 7616 Grinde Road, asked about the boundary agreements and the fact that the town would be losing land. With incorporation, would it still lose lands?

Chairperson Wipperfurth responded if the town becomes a village, those lands that are already designated would transfer.

Bob Sweeney, 7035 Lake Road, asked for a description of the lands that would be transferred to DeForest.

Chairperson Wipperfurth pointed out the areas on the slides. The two biggest parcels are the 160-acre Ripp parcel and the 40-acre Lainberger parcel.

John Marhoefel, 4596 Golf Road, indicated the vast amount of lands is agricultural. What does Agricultural Enterprise consist of?

Chairperson Wipperfurth answered that an Agricultural Enterprise Area is a designation given by the state. It is another layer of protection for the farmers. Becoming a village, the farmers do not lose any rights or gain any rights, except the boundaries are frozen. He went on to say that Windsor was incorporating the entire town, not just the populated areas. Windsor did not want to be divided, which could be problematic with the cooperative plans with DeForest and Sun Prairie. The town did not want a remnant. By incorporating the entire town, the village would assume all obligations of the town.

Larry Sobyak, 4529 Meadowood Drive, asked whether there would be pressure if incorporated for a village water system.

Chairperson Wipperfurth responded that it is hard to retrofit a community with those services. It is not Windsor's intention to do that. No sidewalks, street lighting, etc., would be required.

Ralph Guerin, 4532 Meadowood Drive, asked whether anyone had talked with the people in Fitchburg regarding any adverse effects of incorporation.

Chairperson Wipperfurth responded he had this discussion. Fitchburg struggled with the mix of agriculture and operating as a city. They have an Agricultural Enterprise Area within their city limits.

Mr. Guerin referenced lower taxes with farmland.

Chairperson Wipperfurth replied that yes, they are lower, but a variable levels. The average farm tax rate has escalated in the past years. If there is going to be growth, Windsor wants it to be orderly growth. In Windsor's plans with Sun Prairie and DeForest, there are growth areas that are designated.

Planning and Development Coordinator Anderson Schweppe added that there is a growth area south of Windsor Road – Bear Tree Farms.

Chairperson Wipperfurth also noted the newly-approved expansion for Kenworth.

Supervisor Stravinski stated when he moved to Windsor 26 years ago he liked that it was single-family homes with farmland. It is beneficial to the community to keep the agricultural areas. The town is looking at incorporating to prevent other municipalities from coming in and developing the land.

Supervisor Buchner added that 40 years ago farmland preservation was a hot topic. The town had to protect its farmland.

Supervisor Smith was in favor of preserving farmland.

Larry Sobyak discussed the number of police and units that DeForest has.

Windsor has three full-time deputies. Will there be pressure on Windsor to expand that? Chairperson Wipperfurth added that the sheriff's department is fine with the level of protection Windsor has right now. Once Windsor hits a population of 8,000, another deputy will be added. When it reaches 10,000, another deputy will be added. Windsor is not as densely populated. The village has a large police force. One of the biggest differences between the two municipalities' budgets has been policing.

Larry Sobyak asked what type of other questions were raised at the earlier meeting.

Chairperson Wipperfurth responded that it was asked whether addresses would change.

Clerk Capstran responded that they will not. It is the post office that determines where one's service is derived from.

Chairperson Wipperfurth stated that the town dispelled two rumors, one being if Windsor incorporated its farmers would be shut down by losing their zoning. That is false. Farmers will continue business, and it will be seamless. Another rumor was that the Oak Springs neighborhood would have to go into the village of DeForest. Again, that is completely false. Oak Springs will stay in the village of Windsor.

Chairperson Wipperfurth noted that Windsor is actually larger than most villages in the state of Wisconsin.

Clerk Capstran stated that, out of 1,255 towns, Windsor is the 24th largest. Out of 400 villages, Windsor ranked 36th.

Chairperson Wipperfurth stated that Windsor will want to enter into boundary agreements with its neighboring towns. It is not interested in moving out of its boundaries.

Ralph Guerin asked, hypothetically, if he would want to annex his land to another municipality would that be possible.

Chairperson Wipperfurth responded "no." Town Attorney Anderson added that the Cooperative Boundary Agreements control that.

Betty Sweeney, 7035 Lake Road, asked if Windsor became a village could DeForest annex Oak Springs.

Chairperson Wipperfurth responded, not in the short-term. The boundary agreement controls. After 15 years, DeForest could annex it.

Larry Sobyak had a question regarding annexation of Oak Springs.

Town Attorney Anderson responded that it would be the residents who would make the decision regarding annexation.

Supervisor Buchner added that it is important to recognize that, if the referendum is for a village, it does not deter the opportunity for consolidation. That option would still exist.

One of the challenges with Fitchburg's incorporation was the core part that was developed did not understand about the agricultural areas. If it had been a two-step process, it would have been simpler. It was very difficult for them to bring their interests together.

Betty Sweeney asked what were the chances of Windsor becoming a village.

Chairperson Wipperfurth responded that the Town Board has recognized that this is something that Windsor needs to do. The town is encouraging everyone to talk. As to how other people feel, he has found more people that seem to be in favor of incorporation than oppose it. The town wants people to feel that they have been part of the process.

Supervisor Buchner stated that the outcome of the vote will require only a majority of those casting votes.

Betty Sweeney thanked the Town Board for their time for what they do. She supported the Town Board.

Planning and Development Coordinator Anderson Schweppe stated that there is an informational tab on the town's web site with links to financial studies and presentations. The town needs its residents to become educated on the vote.

Chairperson Wipperfurth added that this is the only thing on the November 3 ballot. He asked those in attendance to please come and vote and encourage others to come out to vote. He thanked everyone for attending.

5. Adjournment.

At 8:10 p.m. a motion was made by Supervisor Buchner, seconded by Supervisor Smith, to adjourn the meeting. Motion carried with a 4-0 vote.

Respectfully submitted,



Ellen G. Teed, Recording Secretary