

WISCONSIN: Senate leader says budget up to Thompson/3C

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Coming Saturday
MATC student wants
to walk the beat
like his dad.

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WISCONSIN STATE JOURNAL

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City Editor: Joyce Dehti, (608) 252-6117

Court affirms lake access ruling

Homeowners argued streets weren't public

By Cary Segall

An appeals court Thursday ruled against Lake Mendota Drive homeowners who were trying to keep the public from using the ends of four streets that run past their homes to the lake.

public would retain access to Lake Mendota over the ends of Clifford, Epworth and Upton courts and Laurel Crest had pitted neighbor against neighbor in the Spring Harbor neighborhood.

The dispute also led to a change in Wisconsin law to ensure public access on street ends to state lakes and streams and to make it impossible for other homeowners to make the arguments made by the owners of seven homes from the 3400 block to the 3700 block of Lake Mendota Drive.

The homeowners — Marybelle and Charles Bentley, Lois and Clyde Selix, Tanya Cunningham and Neil Robinson, Phyllis and

Alex Resendorf, Charlotte and Howard Ford, Vera and Einar Evenson and Kenneth Klatt — claimed in a 1997 lawsuit against the city that the street ends had been abandoned, entitling them to ownership.

They claimed they were entitled to the 25-foot-wide street ends because the lanes hadn't been used as roads since they were shown on a 1906 subdivision plat.

The owners relied on a state law that says every "highway shall cease to be a public highway at the expiration of 4 years from the time it was laid out, except such parts thereof as shall have been opened, traveled or worked within such

time, and any highway which shall have been entirely abandoned as a route of travel... shall be considered discontinued."

The law was changed in 1968 so that it doesn't apply to any road "that provides public access to a navigable lake or stream," but the change wasn't retroactive.

The city, which annexed the area from the town of Madison in 1933, noted it has posted street signs and no parking signs since 1950 on the street ends, which are paved or gravelled at least part way to the lake. The city also has cleared snow, trimmed trees and done other minor maintenance. About 25 neighborhood resi-



dents said they've used the lanes for recreation and lake access. The 5th District Court of Appeals, in upholding Dane County Circuit Judge Paul Higginbotham,

said the four-year time limit for opening a platted road has been interpreted by previous courts as applying from the time the road is needed for public use.

"A strict application of the statutory language would clearly thwart the long-range planning and development efforts of local governments," Judge David Deisinger wrote for the court.

The court also said the owners hadn't proved the streets were abandoned.

The present record establishes that the streets have been at least partially opened and used for public purposes for several decades prior to their 1933 annexation into the city, Deisinger wrote.

Volunteers show lots of caring



Tom Sampson heaves weeds as volunteers clean up a community garden plot at Ohio and St. Paul avenues for the Atwood Community Center. The volunteers from Oscar Mayer Foods were among more than 1,500 people from 110 organizations who joined the annual Day of Caring on Thursday sponsored by the United Way of Dane County.

United Way-sponsored event puts 1,524 to work at 171 sites

By Anita Clark

On a normal Thursday morning, Bob Becker would be in a meeting or talking on the phone at Oscar Mayer Foods.

But on this sunny Thursday morning, he was yanking weeds and leaving brush.

Becker was among 1,524 orange-shirted volunteers who showed up at 171 job sites throughout Dane County. They donated their labor for the seventh annual Day of Caring, sponsored by the United Way of Dane County.

They painted and stenciled and hammered and nailed. They pulled weeds and planted perennials. They delivered meals, shoveled gravel and washed windows.

At the Atwood Community Center garden, the sneaky team from Oscar Mayer joked about calling the Wisconsin state to collect the mountain of weeds they had hacked from the ground.

His orange T-shirt already plastered to his chest by 9:30 a.m., volunteer Tom Sampson attacked a patch of invading

Day of Caring kicks off fund drive

This week's Day of Caring kicked off the 1999 fund-raising drive of United Way of Dane County. This year's goal is \$10.75 million. The 1998 campaign raised \$10.18 million.

United Way raises money for 84 participating agencies in Dane County, for the Community Health Charities and its 24 agencies and for the American Heart Association.

The campaign runs through Nov. 18.

Many people receive pledge forms at work. Others may call United Way for information at 248-4372 or visit its World Wide Web site at www.uwdc.org. Send donations to United Way of Dane County, P.O. Box 7548, Madison, Wis. 53707-7548.

To receive help through United Way, call First Call for Help at 248-6252. To volunteer to help, call United Way's Volunteer Center at 248-4380.

Prosecutor's wife charged in school feud

Ongoing battle over handling of disabled daughter also leads to school district lawsuit.

By Richard W. Jaeger

MONTELLO — Disorderly conduct charges have been filed against the wife of Marquette County District Attorney Richard DuFour in a confrontation with Montello school officials over the care of their disabled child.

Shelley Freitag-DuFour remains free on a \$2,500 signature bond posted after the arrest following the May 21 incident at Montello Elementary School.

The criminal complaint accuses Freitag-DuFour of shoving and elbowing Superintendent Nancy Hipskind after a verbal confrontation.

The charge carries a penalty of nine months in jail and a fine of up to \$1,000.

Because Freitag-DuFour's husband is the county's district attorney, a special prosecutor has been assigned the case. Madison attorney Stephen Meyer filed the complaint this week and will prosecute the case.

A judge from outside the county is expected to hear the case because of Richard DuFour's working relationship with Marquette County Circuit Judge Richard Wright.

Court officials say they are waiting for the assignment of a

judge before setting further hearings in the case.

Meanwhile, Montello school officials are seeking a jury trial in their civil lawsuit against Freitag-DuFour and her husband involving the May 21 incident and other alleged incidents of harassment.

The 18-page lawsuit outlines several years of alleged harassment by DuFour and his wife against school officials, including nurse Jessica Napralta. They include written threats and verbal confrontations.

One of the parents' primary complaints, according to the suit, was that they wanted the school district to hire a private nurse to care for their daughter, who suffers from cerebral palsy. The district rejected the request in favor of using the school nurse. DuFour and his wife accused Napralta of being "incompetent and unprofessional" the complaint alleges.

The district is seeking an undetermined amount of compensatory damages from the couple.

DuFour and his wife deny the allegations, and in a written reply Richard DuFour claims the damages were caused by the school district. Freitag-DuFour, in a separate reply, refuses to comment because of the criminal investigation against her.

The couple are under a court order to have no contact with school officials except in Richard DuFour's duties as district attorney.

No trial date has been set in the civil action.

Student government looks for social change

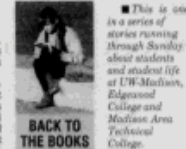
By Elizabeth Brisky

Higher education reporter

If you attend UW-Madison, Adam Klaus and Anetia Rideau want to make sure you have a voice in what happens on campus. "We want students to feel ownership of this university. We want them to have a concrete say," says 20-year-old Klaus, who was elected last spring to lead the Associated Students of Madison, the student government at UW-Madison.

Each of the university's 40,000 or so students is automatically a member of ASM. It has a student council, a finance committee that gives money to the large campus services such as the Tenant Resource Center and a judiciary committee that holds elections.

But ASM's heart and soul is in its issues-based campaigns. This semester, there is a campaign to improve child-care opportunities on



Junior Adam Klaus of Watertown and senior Anetia Rideau of Montclair, N.J., shown in the office of Associated Students of Madison located in Memorial Union, were elected last spring to lead the student government at UW-Madison. "We want students to feel ownership of this university," says Klaus.

campus, a curriculum campaign to start a "freshman experience" course and one with an eye on recruiting and keeping teachers, to secure domestic partner benefits for faculty and staff.

"I think ASM is an outlet for trying to make social change," says Rideau, a 21-year-old senior from Montclair, N.J.

This is one in a series of stories running through Sunday about students and student life at UW-Madison, Edgewood College and Madison Area Technical College.

A student of English and political science, Rideau made news last winter when her objection to a professor's use of the word "niggardly" landed her in the middle of a debate over a proposed UW-

Madison speech code. Looking back, Rideau, who is black, says she would have reacted less publicly but more forcefully. Please see CHANGE, Page 4C.

Lottery winner losing legal fight against state

She wants to be paid in monthly installments

By Cary Segall

Higher education reporter

A 70-year-old New Berlin woman who won a \$1 million Megabucks jackpot lost a round Thursday in her legal battle to collect the money before she dies.

Irene Brown claims in her lawsuit that she's entitled to get the money in 25 monthly installments, rather than the 25 annual payments provided by the state.

Brown won the money in 1996 when the lottery's ads and tickets said jackpots would be "paid in 25 installments."

She said Thursday that she read the lottery's promotional materials before starting to play and assumed the installments were paid monthly.

But when Brown went to collect, she learned that she would get the money annually in progressively larger payments that started at \$19,296.26, after taxes were withheld. Shortly after Brown complained, the state changed its ads and tickets to make clear the installments are paid annually and Brown sued. "Changing everything to me, is an admission of guilt," said Brown, a retired bookkeeper. "If something isn't wrong, you don't fix it." When I go to Potawatomi or Vegas or Ho-Chunk, they pay me

right now. None of this nonsense."

Brown's lawyer, Thomas Frenn, said the lottery had breached its contract with Brown and the phrase "25 installments" was ambiguous. He noted the lottery had violated a law that required it to state in all informational materials the number of years over which prizes are paid. And he said courts usually construe ambiguous contracts against the drafter.

"If I was arguing this case against any other casino or gambling operator other than the state of Wisconsin, this case would be open and shut in favor of Mrs. Brown," Frenn said Thursday.

But the 4th District Court of Appeals, in upholding Dane County Circuit Judge Richard Callaway, noted that the payment period is spelled out in rules available at lottery offices.

"We do not agree with Brown that the failure of the state to specify, in every piece of informational material, that the twenty-five installments are annual rather than monthly, alters this term of the contract or makes it ambiguous," Judge Margaret Vergerot wrote for the court.

Brown, whose estate will continue to get paid annually if she dies before she collects the entire jackpot, said she plans to appeal to the Wisconsin Supreme Court.