

COOPERATIVE BOUNDARY COMMITTEE
VILLAGE OF DRESSER & TOWN OF OSCEOLA
MINUTES – NOVEMBER 9, 2015

Pursuant to due call and notice thereof, a Cooperative Boundary Committee meeting was held on Monday, November 9, 2015, in the Dresser Municipal Office, 102 W Main Street, Dresser WI. Members of the committee present: Mike Wallis, Wayne Moberg, Neil Gustafson, and Jim Thanig. Also present Jodi A Gilbert, Clerk/Treasurer Village of Dresser. Members of the public present: Gylnn Thorman, Jim Rochford Sr., and Greg Marsten - Inter County Leader Newspaper. Gustafson called to order the meeting at 3:00 PM. Roll Call was taken and all members of the committee were present. Erich Schmidtke and Renee Powers from the Wisconsin Department of Administration were available by telephone – conference call for the meeting.

Conference Call with the Wisconsin Department of Administration Municipal Boundary Review Department took place. Schmidtke stated he had talked to Wallis over the phone and the Village of Dresser and the Town of Osceola have approved resolutions to enter into this type of agreement. I have a copy of the authorization Resolution from Dresser but I don't have a copy of Osceola's. Wallis said that is in the process of being taken care of. Gustafson stated there is not a real good road map on how to do this. The flow charts really start after the plan has been made. There is not really a required process to developing the plan nor is there too much really required within the plan itself. The DOA gave a list of other Boundary Plans that they have approved for the committee to review. There are multiple issues why plans are developed and there are mediators that can be hired to work through the process. Schmidtke continued we can't really tell you what to do and we can't write the agreement for you. Wallis stated I did go through the check list and it appeared that it was consistent with State Statutes, but I do have a few questions. It discusses including a schedule of when boundary changes may take place and what they will look like. It seems to be very specific on territory that may change and territory that may not change. We agree that there are areas where no changes are going to happen during the plan. If changes are going to occur it sounds like that has to be very specific. Schmidtke stated we don't want to approve an agreement where things are not clear. Everyone needs to understand what is going to transfer - when and how it will happen. In your case have you thought about territory changing? Wallis stated we did have some discussion and there are two areas/territories where changes may occur. Your plan can be as simple as identifying those two territories and being specific on when and how they would transfer. In some of our boundary agreements transfer happens only if certain conditions occur, or sometimes during a certain time frame. Was it going to be more conditional or over a lapse of time. Wallis stated we haven't gotten to that point yet. Some agreements put off transfers for some time—so existing land owners won't be impacted. May see things happen 20 or 30 years out. Powers stated or it could happen right away. Some transfer immediately and other parcels at different times. Some of the initial comments requiring annexation may not be the route that property owner wants to go – on the other hand it may be voluntarily annexation. Some plans may be for a 20 year planning period and the land owners can annex when they want to or upon expiration of 20 years then they come in at that time.

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Some plans protect the land owners and leave up to them-noncontiguous property could annex in after a certain percentage of land is annexed. Voluntary annexation is an option that is frequently done. Initially you may create a boundary that may not be compact, but in the end it is a good boundary. This is frequently done to protect the land owners. Wallis stated back to 66.0307(3)(d)(5) Describe the services to be provided to the territory covered by the plan and who provides them. Services such as water, sewer, storm sewer, police, fire, parks, etc... some thought needs to be given on how areas will be served. What about Zoning Regulations– who regulates? If nothing is transferred then things are status quo. Really need to give some thought to services. Some land owners may be allowed to come in even though not contiguous, but what will the Village be required to provide? It may not be that big of a deal. Snow plowing is another service. There are no requirements from the DOA– you need to do what makes sense to you and it needs to be spelled out. At the time of our approval things need to be very clear on what is going to happen. What about police protection especially if it is a noncontiguous parcel that is annexed–do they follow the rules of which municipality. When the DOA receives you plan and is reviewing it this will also go to the county for their review. The county will be aware of the plan and they will provide comments on it. Wallis stated in some instances the Regional Planning Commission gets involved will that have to happen here? Schmidtke stated if it applies yes. Wallis stated including the schedule on the delivery of the plan I think I have a handle on how it is going to all work. There needs to be no ambiguity. What we find a lot of times is that Town and Village Board members change and the agreement needs to be written so that someone new can understand what was planned. There needs to be details on what to do. Future land owners need to know what to expect. Wallis stated the county is finishing up redoing their zoning ordinance. The Town is currently under county zoning. The Town is currently debating whether they need to continue under county zoning or do their own zoning. It is an interesting time – debating county zoning and at the same time drafting this plan. Cooperating more in the future with the Village 66.0307(7)(m) allows you to do zoning in those areas. If a county ordinance doesn't do what it should in a particular area you can do a plan to be more specific to what is needed. Wallis asked does that apply to only that part of the plan where it is going to change. If there are no changes– does that qualify the whole town or only the planning territory? What is the planning territory? You need to define that. One more thing - Boundaries have to be rational and easily understood. You don't want there to be confusion. You don't want people to be confused on where to vote or call for services. You can show us a map in the future and we can provide comments. You can share ahead of time with us what you are thinking. Wallis stated one more question - early on we questioned when you have a land owner that has a parcel that has a road going through it – how do you draft the boundary – do you follow parcel lines or do you follow the roads. Roads can provide identification points just like natural features can do. What does the landowner desire. You may not want the headache for taxes/regulations. You may want to touch base with the land owner. Wallis stated do you use legal descriptions and or PID #'s with annexation. What about metes and bounds descriptions. Have you established provisions for detachment versus just attachments? Where legal descriptions are not as well established

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then metes and bounds descriptions are the best. Annexation is the only one that requires legal descriptions. Another type of identification is lot numbers in a subdivision. In the agreement you need to determine how property will be transferred. If you do rely on annexation could limit yourself since it does have to be contiguous. Growth areas are set up to come in whenever they want – annexation would be a problem – in that case use attachment. Wallis stated is that process in State Statutes. Schmidtke stated we could send you samples of attachment Ordinances. Wallis stated yes could you send us some examples. You need to determine how you want to have territory transfer. You can use annexation, but it is a legal process that you have to follow. Basically there are 3 options annexation, attachment, and detachment. You could also incorporate a section as a new village/town taking property from both communities. Gustafson stated this is all good information. We have different examples to review like the Village of Star Prairie and the City of New Richmond. We have completed step one which was to create a resolution and now the question is how to get to an estimated 40 page document. Is there any type of process in writing on how to accomplish this? I understand starting to define areas, but who actually writes it. Communities are writing them and some are using lawyers, committees, administrators, and/or consultants. Schmidtke stated New Richmond is close to you, but their issues are quite different from yours. They had revenue sharing for instance. Gustafson stated it is just an example. Schmidtke stated you may want to start with a map that can get hung up so everyone can see. Write down you shared values/goals. Why are you doing this – what do you want to accomplish. Look at issue areas and list pros and cons or issues and opportunities. Have a shared consensus before going to the map. Think broadly and not territorial on the map. What services can be shared. What are the areas for cooperation – managing parks together or sharing a community center? Think broader. Communities that have a lot of negotiating do better than just having one item. Gustafson stated so far we took both of our comprehensive plans and compared future land use. This is an excellent place to start. Gustafson continued we are starting to define issues. Wallace stated one of the territories for expansion would be the Village's industrial area. The town can see this as a benefit because it would draw more people into the township if there were more jobs in the industrial area in the Village. Most boundary agreements are developed because of an issue that is already out there. A lot are annexation issues – some are regulatory issues. There are some situations that lead them to this point. Schmidtke stated I would look at plan #2–Town of Salem, #20 and also plan #22. Those may be good ones to look at. Baraboo was set up because they wanted growth planned and orderly. Their comprehensive plan was done first. Those communities liked the boundaries and they voted for no change. When looking at a boundary determine if it confusing to the people that live there before making any changes. In exchange to transfer property the town may agree for other benefits such as revenue sharing or a town protected area in exchange or other town areas for a particular set of years. Gustafson stated we have talked about our values/goals/ and what we want to accomplish. Schmidtke stated then make a list of what you want to include in the plan and work through those items. Then include territory transfer. Shared services - working through what you have in the plan. The map may only be part of it. Gustafson stated do you recall who wrote those other 2 plans you were

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referring to? Baraboo I believe was MSA Professional Engineering. The other was written by themselves. There are no requirements on who writes them anyone could step up and write it. Gustafson asked are there any other questions. Wallis stated we felt that by making the plan line up with the comprehensive plans just made sense. Is there a legitimate reason to go beyond 10 years on the agreement? Schmidtke stated most go beyond 10 years. It is only fair to landowners that may be moved in this whole process. We don't approve any that are less than 10 years. Aligning with your comp plans can make sense. Powers stated by doing that it might make amendments easier in the future. Gustafson asked if any citizens had any comments. Thorman asked – the DOA mentioned a longer agreement gives property owners time to adjust to changes. Are you saying that property owners can be forced by some method and could be annexed regardless of their choice? Annexation is only upon petition of the landowner. Attachments are municipal driven and the municipality would set conditions on when property would transfer. Such as if certain conditions occurred. Municipalities could also set up an attachment based on a time frame. The territory would come in at that date. This all depends on the mechanism the communities decide to use. Annexation is the property owner negotiating. Thorman asked if property/land owners can find land through a boundary agreement in a community that they want and there are 5 kinds of annexation. You can be brought in against your will? There are a number of ways that land owners can be annexed against their own interest. Those I believe are in Statute 66.0217. Gustafson asked for any other questions. Nothing was stated. Gustafson thanked the Department of Administration for doing the conference call. Have a good night. Approximately 4:10 PM.

Motion Wallis/Moberg to approve minutes of the Cooperative Boundary Committee Meeting – September 21, 2015. All in Favor. Motion Carried.

Gustafson called for any citizen comments. No citizen comments were made.

Discussion was held regarding the development of a Cooperative Boundary Agreement between the Village of Dresser and the Town of Osceola. Gustafson stated what is your take on what we have learned. Thanig stated I didn't realize there were different types of ways that property can come in. Moberg stated I like that we need to share our values/goals and we have talked about it some already. Wallis stated it did take us a while to go through the map and we have talked about a lot of different things. Moberg stated I don't believe we have wasted our time though. Gustafson stated we seem to be on the same route other communities have taken. We should pull up those agreements for better comparisons. See what their goals were. Our shared values and goals are in our comp plans already summed up. Wallis stated the benefits from the DOA are good and a lot of them do apply. It eliminates the uncertainty and we are with a lull in development right now. The new Stillwater Bridge may or may not impact the town. Wallis continued he did talk about parcels split by a road. Some may be obvious and some may not be. Gustafson stated the other samples may be worth taking a look at. Oshkosh and Black Wolf – the character of their plan seems to fit with our character here.

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Perhaps we take these existing plans and mold them to fit our situation. Revenue sharing is an interesting concept. Wallis stated I feel we need to explore the roads within these territories. There may be some options for road agreements. It gets messy when half of the road is in the Town and half is in the Village. I guess we can cross that bridge in the future. Wallis continued we will need to look at shared services such as Fire and Ambulance once the territories are defined. I believe the Village also shares municipal court with the Village of Osceola. Policing services in the town may need to be looked at. We really are going to need input from the community when writing this. Gustafson stated I will not be writing this. Wallis there are some that match and we can cut and paste. If we work on specifics and the general stuff can be a template for the future. Wallis stated I can take a shot at writing a draft, but I can't guarantee a time line. I could start working on it and maybe have something available for the next meeting. Gustafson stated for the next meeting if we all review the 3 sample plans #26, #22, #20 and see if there is an agreement on multiple areas and can be used for our agreement.

The committee agreed that they wanted to set the next 2 meeting dates as follows:
Monday November 23rd at 7:00 PM and Monday December 21st at 6:00 PM.

Thorman stated I hope you look to preserve the right to annex and not make anything forced. Let the property owners decide. What kind of strings would be attached? Gustafson stated one condition could be the waiver of 5 years of taxes that would have to be paid. Another area would be revenue sharing. There are concerns about the right to annex and it being contingent upon two municipalities agreeing. We are not in the business of forcing others to do things. We will have to carefully look at each area when writing this agreement. Marsten asked isn't detachment from a municipality very rare. We haven't discussed that. We will be defining annexation, attachment, and detachment.

Motion Thanig/Moberg to adjourn the meeting at 4:45 PM. All in Favor. Motion Carried.

Jodi A Gilbert – Dresser Clerk/Treasurer

These minutes have not been approved.