

Chapter 7 – Intergovernmental Cooperation

This section provides information regarding existing plans or agreements between the Town of Watertown and other jurisdictions. In addition, this section identifies existing or potential conflicts, as well as processes to resolve such conflicts relative to joint planning and decision making between the Town of Watertown and other governmental units.

7.1 Inventory of Existing Plans and Agreements

Fire Protection and Emergency Medical Services

A mutual aid agreement governs fire protection and emergency medical services in the Town of Watertown as provided by the City of Watertown, Johnson Creek and Ixonia Fire Departments.

Police Protection

Police services are provided by Jefferson County. The county has a full-time Sheriffs department which provides 24-hour service. Please see Section 4.3 for more information on protective services.

7.2 Intergovernmental Cooperation in Wisconsin

66.0301 Intergovernmental Cooperation

Wisconsin Statute, 66.0301 permits local agreements between the state, cities, villages, towns, counties, regional planning commissions, and certain special districts, including school districts, public library systems, public inland lake protection and rehabilitation districts, sanitary districts, farm drainage districts, metropolitan sewerage districts, sewer utility districts, Indian tribes or bands, and others.

Intergovernmental agreements prepared in accordance with s. 66.0301 are the most common form of agreement and have been used by communities for years, often in the context of sharing public services such as police, fire, or rescue. This type of agreement can also be used to provide for revenue sharing, determine future land use within a subject area, and to set temporary municipal boundaries. However, the statute does not require planning as a component of any agreement and boundary changes have to be accomplished through the normal annexation process.

66.0307 - Boundary Changes Pursuant to Approved Cooperative Plan

Wisconsin Statute 66.0307 permits combinations of municipalities to prepare cooperative boundary plans or agreements. Each city, village, or town that intends to participate in the preparation of a cooperative plan must adopt a resolution authorizing its participation in the planning process. Cooperative boundary plans or agreements involve decisions regarding the maintenance or change of municipal boundaries for a period of 10 years or more. The cooperative plan must include a plan for the physical development of the territory covered by the plan; a schedule for changes to the boundary; plans for the delivery of services; an evaluation of environmental features and a description of any adverse environmental consequences that may result from the

implementation of the plan. It must also address the need for safe and affordable housing. The participating communities to the plan must hold a public hearing prior to its adoption. Once adopted, the plan must be submitted to the Wisconsin Department of Commerce for state approval. Upon approval, the cooperative plan has the force and effect of a contract.

The Town of Watertown is not a party to any agreements under s. 66.0307, formerly 66.023.

66.0309 - Creation, Organization, Powers and Duties of Regional Planning Commissions

Wisconsin Statute 66.0309 permits local governments to petition the governor to create a regional planning commission (RPC). If local support for a commission is unanimous, the governor may create it by executive order. The governor may also create a commission if local governments representing over 50 percent of the population or assessed valuation of the proposed region consent to the creation. Commission members are appointed by either local governments or the governor.

State Statutes require the RPC to perform three major functions:

1. Make and adopt a master plan for the physical development of the region.
2. If requested by a local unit, report recommendations to that local unit on the location of or acquisition of land for any of the items or facilities which are included in the adopted regional master plan.
3. Make an annual report of its activities to the legislative bodies of the local governmental units within the region.

RPCs are also authorized to perform several other functions, however, by law, they serve a strictly advisory role. The Town of Watertown and Jefferson County are not a party to any agreement under s. 66.0309, formerly 66.945. Regional planning efforts that they may be involved in are discussed later in this section, under "Regional Coordination."

66.0217 – Annexation Initiated by Electors and Property Owners

Wisconsin Statute, 66.0217, provides three petition methods by which annexation may occur. Annexation involves the transfer of 1 or more tax parcels from a town to a city or village. Cities and villages cannot annex property without the consent of landowners as required by the following petition procedures:

Unanimous Approval - A petition is signed by all of the electors residing in the territory and the owners of all of the real property included within the petition.

Direct Annexation by One-Half Approval - A petition for direct annexation may be filed with the city or village clerk if it has been signed by either of the following:

1. A number of qualified electors residing in the territory subject to the proposed annexation equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election, and either of the following:
 - a. The owners of one-half of the land in area within the territory.
 - b. The owners of one-half of the real property in assessed value within the territory.

2. If no electors reside in the territory subject to the proposed annexation, by either of the following:
 - a. The owners of one-half of the land in area within the territory.
 - b. The owners of one-half of the real property in assessed value within the territory.

Annexation by Referendum - A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by a number of qualified electors residing in the territory equal to at least 20 percent of the votes cast for governor in the territory at the last gubernatorial election, and the owners of at least 50 percent of the real property either in area or assessed value. The petition shall conform to the requirements of s. 8.40.

Potential Opportunities - The City of Watertown last amended their comprehensive plan on April 4, 2016. The plan identifies preferred land uses for land within the extraterritorial jurisdiction of the city. The plan also identifies specific policies regarding annexation and intergovernmental cooperation. The city's annexation policy is not to extend sewer and water services to properties outside its corporate limits without annexation or a specified date by which annexation shall occur. Intergovernmental cooperation and boundary agreements are recommended between the city and adjacent towns.

Specific policies identified in the City of Watertown Comprehensive Plan are as follows:

1. Work with neighboring municipalities to control the land use, site design of development, and appearance of development within the Watertown ETJ in a manner that forwards the recommendations of this Plan.
2. Encourage annexations to occur prior to urban development to ensure that such development is consistent with City plans, zoning, subdivision design standards, and City utility systems.
3. Unless an alternative approach is advantageous to the City, the City of Watertown will not extend public utilities to areas beyond the City's corporate limits, and may do so only when there exists a date certain by which annexation will occur.
4. Support cooperative planning with neighboring townships and Dodge and Jefferson Counties to ensure that urban development is guided to areas that can be served with City sewer, and that only very low density rural development (between one dwelling unit per 35 and 80 acres owned) is encouraged in areas where municipal sanitary sewer service is not available or authorized.

Future annexation of town land by the City of Watertown is likely given the city's expected growth rate and the recommendations outlined in its comprehensive plan. Given the likelihood of annexation and the fact that the city has past experience in developing a boundary agreement with the Town of Emmet in Dodge County, it appears there could be an opportunity for the city and town to develop a boundary agreement with the Town of Watertown.

In addition, with the STH 26 corridor and by-pass now constructed around the western edge of the city, a more logical growth boundary for the city has been created. Substantial acreage exist between the by-pass and the existing city limits which appears more than ample to

accommodate any future city growth. Furthermore, the more cost effective expansion of services for the city (primarily water & sewer) exist to the north of the city (Town of Emmet) where basin flows align with the development of infrastructure (gravity flow sewers).

Potential Conflicts - For some towns, the threat of annexation of town land can mean loss of open space, tax base, and revenue. For some cities and villages, towns can be seen as bedroom communities where residents live and work in the city or village and use many of their services, but do not pay city or village taxes. One of the most serious limitations to communication and intergovernmental cooperation occurs when annexation issues are present. Open communication between governments and cooperative planning lessen potential conflicts.

Extraterritorial Zoning

Wisconsin Statute, 62.23(7a), Extraterritorial Zoning, allows a first, second or third class city to adopt zoning in territory, three miles beyond a city's corporate limits. A fourth class city or village may adopt zoning 1.5 miles beyond its corporate limits. The City of Watertown's extraterritorial authority extends three miles beyond its corporate limits, while the Village of Johnson Creek's extends 1.5 miles. At this time, the extraterritorial jurisdictional boundaries for the city and town meet within the Town of Watertown. If the extraterritorial area of two municipalities overlaps, jurisdiction is divided between them as provided under s. 66.0105.

Under extraterritorial zoning authority, a city or village may enact an interim zoning ordinance that freezes existing zoning, or, if there is no zoning, freezes existing uses while a plan and regulations are developed. The statute provides that the interim ordinance may be for two years.

A joint extraterritorial zoning committee must be established consisting of three city or village plan commission members and three town members. The city or village plan commission works with the joint committee in preparing the plan and regulations. The joint committee must approve the plan and regulations by a majority vote before they take effect.

Potential Opportunities - Extraterritorial zoning could be used in conjunction with other cooperative authority, such as the intergovernmental cooperation statute, s. 66.0301, or the cooperative boundary agreement law, s. 66.0307. Typically, the city or village would administer the zoning ordinance, however, it is possible that the town could agree to jointly administer the ordinance by providing applications and information on zoning requirements.

Potential Conflicts - Extraterritorial zoning can be used aggressively by the city or village, without consultation by the town, by adoption of an interim ordinance freezing existing zoning or uses for a maximum period of two years while the city or village prepares a tentative plan and regulations. Ultimately, according to the statute, a joint committee consisting of three municipal plan commission members and three town members must approve the plan and regulations before they can take effect. Because a majority vote applies, the town members essentially have veto authority.

Extraterritorial zoning is not used much in the state given the ultimate veto authority of the towns.

Extraterritorial Subdivision Review

Wisconsin Statute, 236.10, Approvals Necessary, allows a city or village to exercise its extraterritorial plat review authority in the same geographic area as defined within the extraterritorial zoning statute. However, extraterritorial zoning requires town approval of the zoning ordinance, while extraterritorial plat approval applies automatically if the city or village adopts a subdivision ordinance or official map. The town does not approve the subdivision ordinance for the city or village. The city or village may waive its extraterritorial plat approval authority if it does not wish to use it.

The purpose of extraterritorial plat approval jurisdiction is to help cities and villages influence the development pattern of areas outside their boundaries that will likely be annexed to the city or village. This helps cities and villages protect land use near its boundaries from conflicting uses outside its limits. Overlapping authority by the city and village is prohibited. This situation is handled by drawing a line of equal distance from the boundaries of the city and village so that not more than one ordinance will apply.

Potential Opportunities - Extraterritorial plat approval has been subject to much litigation in recent years. Two important examples of decisions the Wisconsin Supreme Court has held include:

1. It has been found that a municipality exercising extraterritorial plat review authority may reject a preliminary plat as unsuitable for development based upon environmental concerns. (*Busse v. City of Madison*, 177 Wis. 2d 808 (ct. App.1993). Thus, a plat could be rejected by a city or village if it is found that the proposed subdivision would not be able to properly handle stormwater runoff, have a negative impact on the flow of groundwater, increase erosion, or cause the loss of wildlife habitat.
2. A municipality may not reject, under its extraterritorial plat review authority, a land division on the grounds that the proposed use is inconsistent with the uses identified within the city's comprehensive plan. (*Boucher Lincoln-Mercury v. Madison Plan Comm.*, 178 Wis. 2d 74 (ct. App. 1993). In this case, the city's plan designated an area for greenspace, while county zoning allowed the property to be used for a car dealership. The court ruled that the city could not use its authority under chapter 236 to reject the proposal. The court said that the city would have to adopt an extraterritorial zoning ordinance in order to control the use of land beyond its corporate limits, within the extraterritorial review area.

The inability of extraterritorial zoning and plat approval laws to completely protect a city or village from potential land use conflicts with a town, and the intergovernmental tension that could result from the city or village's decision to impose such regulations, suggests that joint planning and agreements would better serve the communities.

Potential Conflicts - Since it is possible that the city or village, town and county could all have a subdivision ordinance, the proposed subdivision must comply with the most restrictive requirements. The potential for overlapping jurisdiction and the time it could take to figure out which ordinance applies is inefficient and a severe limitation of existing laws.

Municipal Revenue Sharing

Wisconsin Statute, 66.0305, Municipal Revenue Sharing, gives authority to cities, villages and towns to enter into agreements to share revenue from taxes and special charges with each other. The agreements may also address other matters, including agreements regarding services to be provided or the location of municipal boundaries.

Boundaries of the shared revenue area must be specified in the agreement and the term of the agreement must be for at least 10 years. The formula or other means for sharing revenue, the date of payment of revenues, and the means by which the agreement may be invalidated after the minimum 10 year period.

Potential Opportunities - Municipal revenue sharing offers the flexibility to establish municipal boundaries, future land use, and shared services while allowing two or more communities the potential opportunity to realize a positive tax impact from a given area.

Potential Conflicts - The city or village could simply refuse to share revenues on property in a given area. In addition, there could be difficulty in determining the amount of revenue to be shared if the municipalities cannot decide on a formula to be used. Examples of potential formulas include the per capita multiplier approach, proportional valuation method, service standard method, comparable city method, and revenue estimation method, among others. Also, municipal revenue sharing agreements are required to be a minimum of 10 years, which could be considered too long a time-frame for one municipality, and not long enough for the other.

Incorporation

Wisconsin Statutes, 66.0201 - Incorporation of Villages and Cities; purpose and definitions, and 66.0211 - Incorporation Referendum procedure, regulate the process of creating new villages and cities from town territory. Wisconsin Statute, 66.0207 - Standards to be applied by the Department, identifies the criteria that have to be met prior to approval of incorporation.

The incorporation process requires filing an incorporation petition with circuit court. Then, the incorporation must meet certain statutory criteria reviewed by the Municipal Boundary Review Section of the Wisconsin Department of Administration. These criteria include:

- Minimum standards of homogeneity and compactness, and the presence of a "well developed community center".
- Minimum density and assessed valuation standards for territory beyond the core;
- A review of the budget and tax base in order to determine whether or not the area proposed for incorporation could support itself financially;
- An analysis of the adequacy of government services compared to those available from neighboring jurisdictions;
- An analysis of the impact incorporation of a portion of the would have on the remainder, financially or otherwise; and
- An analysis of the impact the incorporation would have on the metropolitan region.

Potential Opportunities - Municipal incorporation of a portion of the Town of Watertown does not appear to be necessary or realistic given the minimum statutory requirements that would have to be met.

Potential Conflicts - Pursuit of municipal incorporation is not recommended and would not be a productive investment of time, effort or money.

7.3 Analysis of the Relationship between the Town of Watertown and Other Jurisdictions

City of Watertown

The town's current relationship with the City of Watertown can be described as generally positive. However, since the last comprehensive planning effort, no meetings have occurred to specifically initiate discussions on a boundary agreement. It must be noted however, joint meetings occurred between City and Town as part of the State Highway 26 By-Pass project. The established 26 By-Pass route did provide a logical growth boundary for the City which has reduced the immediate need for an agreement. From an economic perspective, both communities appear balanced and in-sync with the type of commercial development one would expect from each governmental unit. Examples include the Town catering to more agricultural related business while the City accommodates more urban type establishments and services.

Village of Johnson Creek

The town's relationship with the Village of Johnson Creek can also be described as positive.

School Districts

The town's relationship with the various school districts within the town can be described as limited. School districts need to reach out to local governments on planning issues in order to better address school facility needs and school attendance boundaries.

Jefferson County

The town's relationship with Jefferson County is best described as extensive. The town is under the jurisdiction of Jefferson County ordinances including, zoning, land division, shoreland, and others. It is recommended that the town continue its positive relationship with the county.

Regional Planning Commission

There are nine regional planning commissions (RPCs) that represent 67 of 72 counties within the State of Wisconsin. Columbia, Dodge, Jefferson, Rock and Sauk are not represented by an RPC. RPCs are designed to offer local planning assistance to county and municipal governments. Typical functions of an RPC include, but are not limited to: comprehensive, intergovernmental planning; transportation planning and programming; water quality planning; collecting and analyzing data; conducting studies; sewer service area planning; economic development planning and grant writing; and meeting area wide requirements so local jurisdictions can receive federal grants.

State Agencies

The Town of Watertown's relationship with the State of Wisconsin mainly involves state aids for

local roads and the administration of various state mandates to towns. To help monitor the relationship and equitable treatment of towns in Wisconsin, many towns rely on the services of the Wisconsin Towns Association (WTA). The Town of Watertown is actively involved with the WTA and supports most directives, if not all, put forward by the organization as most benefit the authority of towns in practicing local government. In addition, increased funding for town programs such as local road aids, are lobbied heavily to the state by the WTA.

7.4 Plans of Neighboring Jurisdictions

Jefferson County

The Jefferson County Comprehensive Plan was completed in 1999 and updated in 2010. In 2012, the County adopted Agricultural Preservation and Land Use Plan as a component of the Comprehensive Plan. The general recommendations of the county plan are:

- Steer development to existing urban service areas.
- Allow limited development within "rural hamlet" areas.
- Preserve agriculture by limiting development and its impacts to existing farming operations.
- Protect environmental corridors by restricting development

Specific to the Town of Watertown and the City of Watertown, development is recommended to occur within the city and its urban service area, while the town is targeted for agricultural preservation and the protection of environmental corridors.

Dodge County

The Dodge County Plan was completed in 1999 and amended in 2015. Similar in size and scope to the Jefferson County Plan, it include the County Farmland Preservation Plan as part of the document. Development is recommended to take place within urban service areas, agricultural lands are to be preserved, and environmental corridors are to be protected. However, the Dodge County Plan does identify limited amounts of residential, commercial, and industrial development within the towns.

City of Watertown

The City of Watertown Comprehensive Plan was adopted August 1, 2000 and last updated in 2016. Plan recommendations are organized around the "central area" of the city, the "periphery" of the city, and the "extraterritorial perimeter." The plan calls for mixed use redevelopment and historic preservation of the downtown and higher residential densities within the central area. The periphery of the city is targeted for planned neighborhoods and business areas.

Recommendations for the extraterritorial perimeter call for development within the town not to exceed densities of one dwelling unit per 35 acres until such time as the city can provide services to the area. However due the recent case law: {LAKE DELAVAN PROPERTY COMPANY, LLC, PLAINTIFF-RESPONDENT, V. CITY OF DELAVAN, DEFENDANT-APPELLANT} it is not permissible to apply such standards as a basis of review and denial.

Specifically, the plan recommends that in the absence of a binding intergovernmental agreement, the city generally opposes development within its extraterritorial review area and continue its existing policy of not extending sanitary sewer service and public water into these areas.

Town of Emmet

The Town of Emmet developed a Wisconsin's Smart Growth compliant Comprehensive Plan in 2003. To date, the plan has not been amended.

Inter-municipal Cooperation Agreement between the City of Watertown and the Town of Emmet

Adopted under Wisconsin Statutes 66.30 and 66.028, the City of Watertown and Town of Emmet developed a joint land use and transportation plan, as well as a municipal revenue sharing agreement. The plan identifies city and town growth areas within the extraterritorial review area, as well as a revenue sharing agreement, by which the city agrees to reimburse the town for lost tax revenue from land with an assessed valuation in excess of \$1 million at the time of the annexation. The agreement was recently renegotiated and extended.

From the Town of Emmet's perspective the agreement meets numerous objectives which include:

- Establishing boundary security to assist in future planning and budgeting efforts;
- Resolving existing boundary, land use and municipal service issues;
- Pro-actively positioning the town to avoid costly annexation lawsuits;
- Providing continual development for the town to replace tax base lost due to city growth, so that the town may also have an ever-renewing and expanding tax base and a pool of citizen leadership;
- Planning and focusing growth into identified areas to ensure compatibility of land uses;
- Working towards the development of consistent ordinances/building codes to regulate use, building location and appearance; and Meeting Smart Growth and Wisconsin Towns Association objectives by encouraging cooperative planning between communities.

Town of Ixonia

A Land Development Plan for the unincorporated Village of Ixonia was completed in 1989. The plan was recently updated. In general, the plan promotes urban infill within the sanitary district.

Town of Farmington

The Town of Farmington has a Land Use Plan that was completed by the consulting firm of Reukert and Mielke.

Village of Johnson Creek

As summarized in the Jefferson County 2020 Plan Background Report, the village completed a Comprehensive Master Plan Update, which was adopted August 12, 1997. The Plan was most recently amended in 2016. The plan's land use policies include discouraging the creation of unsewered subdivisions within the extraterritorial jurisdiction of the village and encouraging neighboring towns to adopt and implement land use plans. The plan also encourages cooperative

planning efforts with neighboring towns.

7.5 Conflict Resolution and Process Recommendations

While the extraterritorial jurisdictional areas for the City of Watertown and Village of Johnson Creek nearly overlap, the focus of any boundary negotiations should be with the City of Watertown given the immediate proximity of the city in comparison to the Village of Johnson Creek. It is expected that the actions outlined below would be applicable to boundary negotiations with the Village of Johnson Creek at a later date.

1. Establish a framework for boundary negotiations and joint planning efforts with the City of Watertown.
2. Appoint an advisory body to reinforce and support goals, objectives, and decisions made as part of the comprehensive planning process. Examples of issues to consider include defined boundaries, services (water, wastewater, etc.), tax base protection, improved communications, economic opportunities, park and recreation facilities, etc.
3. Discussions related to any future boundary agreement should address the following components:
 - Identification of both city and town growth areas
 - Density within growth areas
 - Location of public infrastructure (roads, interceptor sewer, water mains, stormwater facilities and parks)
 - Revenue sharing triggered by annexations
 - Joint service agreements
 - Amortization of tax loss
 - Joint development/design review standards for commercial and/or business development
 - Shared services (e.g. police, fire, rescue, others)
 - Adoption of local land use controls by the Town of Watertown such as extraterritorial plat review authority.
4. Develop an understanding of the negotiation process such as expertise required, time commitment, and necessary budget. Determine the preferred statutory method to pursue intergovernmental cooperation.
5. Involve key players such as elected town and city officials, legal counsel, county government, state department of commerce, and technical advisors (planning, engineering, financial).
6. Identify key negotiators such as spokesperson, facilitator (3 person), and support staff (legal counsel, technical advisors, financial advisors) to develop the agreement.

7.6 Intergovernmental Cooperation Goals and Objectives

Goals

Community goals are broad statements expressing public preferences for the long term (20 years or more). They specifically address key issues, opportunities and problems that affect the community. Goals are value-based statements that are not necessarily measurable.

Objectives

Objectives are narrower than goals and are measurable statements usually attainable through direct action and strategic planning. The accomplishment of objectives contributes to fulfillment of the goal.

"A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities, and sharing services."

Goal IC-1: Establish mutually beneficial intergovernmental relations with other units of government.

Supporting Objectives:

- IC-1.1 Pursue cooperative agreements regarding annexation, expansion of services, and growth management with the city of Watertown and village of Johnson Creek.
- IC-1.2 Identify alternative solutions to existing or potential land use, administration or policy conflicts that may hinder intergovernmental cooperation.

7.7 Intergovernmental Cooperation Policies

Policies identify the way in which activities are conducted in order to achieve fulfillment of the goals and objectives. Policies that direct action using the words "will" or "shall" are advised to be mandatory and regulatory aspects of the implementation of the *Town of Watertown Comprehensive Plan*. In contrast, those policies that direct policy using the word "should" are advisory and intended to serve as a guide.

1. The town should continue cooperative planning efforts with the City of Watertown, Village of Johnson Creek, surrounding towns, districts, associations, service providers and the county.
2. The town should continue to pursue the development of a boundary agreement with the City of Watertown and Village of Johnson Creek, after adoption of the Comprehensive Plan.
3. The town should continue to work with neighboring communities to "edge match" land use plans and policies along municipal borders to promote consistency and minimize future land use conflicts.
4. Continue to work cooperatively with Jefferson County on zoning ordinance implementation.

7.8 Intergovernmental Cooperation Programs

The following programs are available to the Town of Watertown with regard to

intergovernmental cooperation. The following list is not all-inclusive and subject to change. For specific information a program representative should be contacted.

Wisconsin Department of Administration Municipal Boundary Review

The Wisconsin Department of Administration Municipal Boundary Review regulates the transition of unincorporated areas to city or village status through municipal annexation, incorporation, consolidation, or by joint city-village-town activities involving cooperative boundary plans and agreements. Such agreements may change territorial boundaries and may provide for the sharing of municipal services. Staff members are available upon request to meet with local officials and citizens to discuss annexation, incorporation, consolidation and cooperative boundary plans.

Wisconsin Towns Association (WTA)

Wisconsin Towns Association (WTA) is a non-profit, non-partisan statewide organization created under s. 60.23(14) of the Wisconsin Statutes to protect the interests of the state's 1,266 towns and to improve town government. The association is organized into six districts and is headquartered in Shawano. WTA relies on regular district meetings, an annual statewide convention, publications, participation in cooperative training programs and other means to support the goal of keeping grassroots government strong and efficient in Wisconsin. As stated earlier in this plan, the Town of Watertown is an active participant in the Wisconsin Towns Association.

League of Wisconsin Municipalities

The League of Wisconsin Municipalities is a not-for-profit association of municipalities. First established in 1898, the League acts as an information clearinghouse, lobbying organization and legal resource for Wisconsin municipalities. Its membership consists of 378 villages and all of the 190 cities in the state.