

Committee Name:

**Assembly Committee – Rural Affairs and Forestry
(AC–RAF)**

Appointments

99hr_AC–RAF_Appt_pt00

Committee Hearings

99hr_AC–RAF_CH_pt00

Committee Reports

99hr_AC–RAF_CR_pt00

Clearinghouse Rules

99hr_AC–RAF_CRule_99–

Executive Sessions

99hr_AC–RAF_ES_pt00

Hearing Records

99hr_ab0202a

99hr_sb0000

Misc.

99hr_AC–RAF_Misc_pt00

Record of Committee Proceedings

99hr_AC–RAF_RCP_pt00

11-18-99 PH

AB202, AB504, AB555

Committee Meeting Attendance Sheet

AB-202

Assembly Committee on Rural Affairs and Forestry

Date: 11/18/99 Meeting Type: Public Hearing
Location: 328 Northwest - State Capitol

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Rep. John Ainsworth, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Terry Musser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Kitty Rhoades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judith Klusman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>1</u>	<u>0</u>

Kristina Boardman
Kristina Boardman, Committee Clerk

WISCONSIN ALLIANCE OF CITIES

14 W. MIFFLIN • P.O. BOX 336 • MADISON, WI 53701-0336
(608) 257-5881 FAX 257-5882 • EMAIL: wiscall@inxpress.net

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Sheboygan
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West Bend
Whitewater
Wisconsin Rapids

April 8, 1999

TO: Honorable Members of the Wisconsin Assembly

FROM: Edward J. Huck, Gail E. Sumi

RE: AB 202, Charter Towns and AB 127, Urban Towns

The Wisconsin Alliance of Cities is in opposition to AB 202, creating charter towns, and AB 127, creating urban towns, for the following reasons:

- ◆ If enacted the bills create a new level of local government.
- ◆ If enacted the bills would be a barrier to intergovernmental agreements.
- ◆ If enacted the bills would be a barrier to consolidation of local government.
- ◆ If enacted the bills would give an unfair economic development advantage to Charter Towns because they would have both cheap land, "greenfield" development and be able to use TIF to develop those lands.
- ◆ Because Charter Towns and Urban Towns would not have annexation authority, the bills present a short-term solution and would eventually retard economic development after the town was fully developed and lock in the town just as many cities are locked in today.

Even though Charter Towns have existed in Michigan for more than twenty years, this proposal is not good for Wisconsin. Michigan's Charter Towns have a five-mill property tax rate cap and no other taxing authority, such as TIF. Their ability to compete for economic development projects is limited. Regular townships in Michigan have even less taxing authority.

If there are problems with the criteria for incorporation into a city or village, we should change the criteria. We commit to work with the legislature in this area at any time. Thank you.



WISCONSIN ALLIANCE OF CITIES

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Resolution

On 'Charter Town' Legislation

Whereas, Representative Carol Owens, John Ainsworth and several other legislators on March 15, 1999 introduced Assembly Bill 202, to create a new form of town government in Wisconsin known as "charter towns;" and

Whereas, the bill would eliminate the right of property owners in "charter towns" to annex their property to adjacent cities or villages to obtain needed municipal services; and

Whereas, the bill could eliminate this right for nearly 600,000 Wisconsin citizens, nearly the population of the City of Milwaukee, living in 119 towns having a population of more than 2,500 people and equalized value of more than \$100 million; and

Whereas, enactment of AB 202 also would erect barriers to intergovernmental agreements and retard the consolidation of local government services; and

Whereas, it is downright absurd to determine the delivery of services to Wisconsin citizens based on their residence in a particular surveying unit 36 square miles in area; and

Whereas, Article IV Section 23 of the Wisconsin Constitution provides that "The Legislature shall establish but one system of town government, which shall be as nearly uniform as practicable..."

Now Therefore Be It Resolved, that the Wisconsin Alliance of Cities calls on the Legislature to reject Assembly Bill 202 and the premise that certain town governments should be able to override the wishes of their citizens to annex their property to an adjoining municipality; and

Be It Further Resolved, that the Wisconsin Alliance of Cities urges the governor and Legislature to comprehensively study the question of what form annexation and incorporation laws should take to best further the goals of sound land use, farmland preservation, efficient delivery of urban services and economic development, and

Be it further resolved, that copies of this resolution be sent to Governor Tommy G. Thompson, members of the 1999 Legislature and Wisconsin's other local government associations.

Mayor Paul F. Jadin, Green Bay
President, Wisconsin Alliance of Cities
Adopted May 7, 1999
in Madison, Wisconsin

**Towns with Population of 2500 or more and
Equalized Value over \$100 million**

DOR Code	Municipality	Jan. 1 '98 Estimated Population	Equalized Value (tif in)	County
03038	Rice Lake	2,625	99,342,500	Barron
05006	Bellevue	10,443	463,365,000	Brown
05038	Suamico	7,379	417,417,500	Brown
05016	Hobart	4,864	273,259,400	Brown
08010	Harrison	4,493	277,139,400	Calumet
09034	Lafayette	4,842	218,702,300	Chippewa
09028	Hallie	4,728	193,512,600	Chippewa
09020	Eagle Point	2,799	129,475,400	Chippewa
13038	Middleton	4,123	375,156,900	Dane
13068	Windsor	5,184	353,503,900	Dane
13066	Westport	3,563	338,762,500	Dane
13028	Dunn	5,488	337,214,200	Dane
13032	Madison	6,621	239,619,900	Dane
13046	Pleasant Springs	2,929	209,949,500	Dane
13018	Cottage Grove	3,963	208,453,900	Dane
13042	Oregon	2,905	196,874,700	Dane
13014	Burke	3,126	194,769,800	Dane
13056	Springfield	2,833	173,152,900	Dane
14004	Beaver Dam	3,367	151,054,200	Dodge
15022	Sevastopol	2,638	324,923,000	Door
17016	Menomonie	3,149	102,984,500	Dunn
18024	Washington	6,420	322,709,900	Eau Claire
18020	Seymour	2,917	116,740,100	Eau Claire
20040	Taycheedah	3,511	214,929,500	Fond du Lac
20016	Empire	2,608	157,257,600	Fond du Lac
28022	Oakland	2,903	178,107,600	Jefferson
28012	Ixonia	2,933	158,018,300	Jefferson
28014	Jefferson	2,728	116,655,300	Jefferson
30012	Salem	8,467	516,090,400	Kenosha
30014	Somers	8,410	418,693,900	Kenosha
30004	Bristol	4,409	342,123,000	Kenosha
30010	Randall	2,681	251,911,800	Kenosha
30016	Wheatland	3,406	166,755,000	Kenosha
32022	Shelby	4,925	218,998,000	La Crosse
32020	Onalaska	5,313	205,299,900	La Crosse
32008	Campbell	4,573	155,267,400	La Crosse
36020	Manitowoc Rapids	2,672	115,096,000	Manitowoc
37068	Rib Mountain	6,835	414,566,200	Marathon
37050	Kronenwetter	5,212	174,459,400	Marathon

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38024 Peshtigo	3,847	162,436,600	Marinette
72001 Menominee	4,293	140,426,100	Menominee
41040 Sparta	2,546	82,992,700	Monroe
42024 Little Suamico	3,315	154,737,900	Oconto
43016 Minocqua	3,956	702,498,600	Oneida
43028 Pine Lake	2,675	146,052,600	Oneida
43024 Pelican	3,214	145,052,800	Oneida
44020 Grand Chute	17,693	1,268,928,100	Outagamie
44022 Greenville	5,538	363,856,100	Outagamie
44006 Buchanan	4,581	249,763,700	Outagamie
44018 Freedom	4,998	209,472,100	Outagamie
44008 Center	2,990	157,267,600	Outagamie
44034 Oneida	4,186	112,517,300	Outagamie
45004 Cedarburg	5,515	427,675,100	Ozaukee
45008 Grafton	4,113	302,774,300	Ozaukee
49020 Hull	5,670	228,212,300	Portage
49034 Stockton	2,728	138,696,800	Portage
51008 Mount Pleasant	22,248	1,340,313,000	Racine
51004 Caledonia	22,654	1,126,897,800	Racine
51010 Norway	6,865	421,385,800	Racine
51002 Burlington	6,117	355,290,900	Racine
51016 Waterford	5,387	353,998,400	Racine
51018 Yorkville	3,047	231,288,000	Racine
51012 Raymond	3,348	225,155,000	Racine
51006 Dover	3,759	186,292,300	Racine
53004 Beloit	7,101	283,836,800	Rock
28016 Koshkonong	3,190	202,106,300	Rock <i>Jefferson</i>
53012 Fulton	3,063	192,299,300	Rock
53016 Janesville	2,844	191,966,500	Rock
53026 Milton	2,716	147,032,800	Rock
53034 Rock	3,097	125,026,400	Rock
57010 Hayward	3,324	210,267,200	Sawyer
58048 Wescott	3,254	217,017,400	Shawano
59024 Sheboygan	5,114	310,983,800	Sheboygan
59030 Wilson	3,087	201,215,500	Sheboygan
59006 Holland <i>-Larose</i>	2,535	186,626,100	Sheboygan
05036 Scott <i>-Brown</i>	2,597	171,823,500	Sheboygan
59016 Plymouth	3,080	169,040,300	Sheboygan
59008 Lima	2,803	124,674,600	Sheboygan
32016 Holland	2,542	107,212,500	Sheboygan
59002 Greenbush	2,618	73,380,400	Sheboygan
55020 Hudson	4,897	302,681,000	St. Croix
55040 Troy	3,214	247,887,700	St. Croix
55030 Saint Joseph	2,968	218,030,800	St. Croix
35014 Merrill	2,923	94,248,100	Taylor <i>Lincoln</i>
63010 Lac du Flambeau	2,718	386,040,100	Vilas

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63002 Arbor Vitae	2,949	240,108,000	Vilas
64006 Delavan	4,657	453,315,200	Walworth
64010 Geneva	4,002	393,040,100	Walworth
64008 East Troy	3,902	361,844,400	Walworth
64002 Bloomfield	4,392	251,709,400	Walworth
64018 Lyons	3,003	216,732,800	Walworth
64026 Sugar Creek	2,947	179,838,400	Walworth
66020 Richfield	9,933	704,324,100	Washington
66026 West Bend	4,617	419,262,100	Washington
66018 Polk	3,857	301,801,200	Washington
66006 Erin	3,369	290,655,000	Washington
66022 Trenton	4,424	248,040,600	Washington
66012 Hartford	3,685	245,125,600	Washington
66014 Jackson	3,488	218,013,300	Washington
66008 Farmington	2,956	186,439,600	Washington
66002 Addison	3,344	182,285,800	Washington
66004 Barton	2,829	155,391,500	Washington
67026 Pewaukee	12,246	1,239,581,100	Waukesha
67014 Merton	7,360	722,297,500	Waukesha
67004 Delafield	7,187	673,652,000	Waukesha
67022 Oconomowoc	7,760	672,378,300	Waukesha
67002 Brookfield	6,242	653,015,500	Waukesha
67010 Lisbon	9,002	557,794,600	Waukesha
67032 Waukesha	8,262	545,942,500	Waukesha
67008 Genesee	7,011	484,718,700	Waukesha
67030 Vernon	8,120	444,794,500	Waukesha
67028 Summit	4,492	436,714,600	Waukesha
67016 Mukwonago	7,041	416,263,400	Waukesha
67024 Ottawa	3,513	271,036,000	Waukesha
68010 Farmington	4,109	221,750,200	Waupaca
68030 Mukwa	2,601	106,121,900	Waupaca
70008 Menasha	15,468	906,069,100	Winnebago
70002 Algoma	4,728	278,284,000	Winnebago
70010 Neenah	2,911	194,501,800	Winnebago
70018 Oshkosh	3,435	170,705,700	Winnebago
70006 Clayton	2,617	165,763,600	Winnebago
71014 Grand Rapids	7,683	294,800,300	Wood
71036 Saratoga	5,440	165,569,600	Wood

November 18, 1999

TO: Members of the Assembly Committee on Rural Affairs and Forestry

FROM: Janet Swandby and Tony Studt, Lobbyists
Waukesha County Municipal Executives (WCME)

RE: Assembly Bill (AB) 202, Charter Town

The Waukesha County Municipal Executives (WCME) is a consortium of ten cities and villages in Waukesha County (Brookfield, Delafield, Muskego, Oconomowoc, Waukesha, New Berlin, Elm Grove, Menomonee Falls, Hartland and Sussex). WCME would like to state for the record its opposition to AB 202 regarding charter towns.

AB 202 would have an adverse long term effect on the ability of cities and villages to grow in order to provide necessary services to their citizens. While the Waukesha County Municipal Executives recognize the need for a comprehensive revision of the State's incorporation and annexation laws, AB 202 would create more problems than it would solve.

AB 202 would allow "charter towns" to exercise certain zoning powers, create a TIF district, and exempt the town from being subject to certain city and village extraterritorial powers. If cities and villages are prevented from expanding by passage of AB 202, the city and villages' tax base will become fixed. If cities and villages somehow experience a "no growth" scenario, the growth of surrounding towns will lead to further burdens on cities and villages.

Cities and villages provide many services which are not offered by most towns. including sewer, water, fire, ambulance service, public transportation, public health departments, municipal courts, parks and recreation services, planning and libraries. Town residents do not pay for these services, and, as a result, their property taxes are lower than those of their neighbors living in cities and villages. However, town residents frequently come into the city and village to use the parks, recreation services and libraries as examples.

This legislation attempts to address this issue by requiring charter towns to provide law enforcement services. However, most services which cities and villages provide, and which citizens of towns use, will still not be provided by charter towns. Under this legislation the only thing that will change will be that cities and villages will be unable to effectively plan for future expansion of a tax base sufficient enough to cover the cost of the services it is required to provide.

Furthermore, the criteria for qualifying as a charter town are too lax. The population requirement of 2,500 is far too low. While it may be argued that AB 202 would only effect several towns, it is important to realize that with such low qualifying standards many other towns will soon follow.

AB 202 appears to give charter towns a mechanism for reaping the rewards of incorporation without having to meet the criteria, or accepting the full responsibilities, of incorporated municipalities in the State.

The Waukesha County Municipal Executives encourages legislators to defeat this potentially disastrous piece of legislation. By passing AB 202, the State of Wisconsin would lock the borders of economically viable cities and villages and jeopardize the future economic well being of not just cities and villages, but of the entire state.

TOWN OF DELAVAN

Walworth County, Wisconsin
5621 Town Hall Road, Delavan, Wisconsin 53115
262/728-3471 Fax: 262/728-3473

MAUREEN C. FAHEY, Town Chair
DALE C. BERNSTEEN, Supervisor
JUNE E. YANTIS, Side-Supervisor
CAROL A. HANSEN, Side-Supervisor
MARVIN L. HERMAN, Supervisor

DOROTHY FLADTEN, Treasurer
DOROTHY BURWELL, Clerk
GAYLE FINN, Administrative
Coordinator

Assembly Bill 202 - Charter Towns Bill Committee Hearing, November 18, 1999

Good morning Ladies and Gentlemen members of the State Assembly Rural Affairs and Forestry Committee.

My name is Maureen Fahey, and I am chairwoman of the Town of Delavan. It is an honor to appear before you representing the citizens of the Town of Delavan in support of AB 202 - the Charter Towns Bill.

I have with me copies of my testimony for each of you, and would ask that these become part of the record of today's hearing.

The Town of Delavan is located in Southeastern Wisconsin, in Walworth County. The Town's permanent population is 4,789. Though this figure is well above the population requirement of 2,500, as set by the authors of AB202, it is in fact deceiving. The Town of Delavan, like so many lake communities in Wisconsin, has a non-resident population of over 2,500 who actually live in the Town of Delavan three to six months out of each year, living the rest of the year in their permanent residence. Thus the Town of Delavan, for all intents and purposes, has a population that varies anywhere from 4,789 to in excess of 7,000. A population greater than that of many of our surrounding villages and cities.

Of the 16 towns in Walworth County, the Town of Delavan's equalized value of \$484,194,800 is second only to that of the Town of Linn. Of the 8 villages in Walworth County, only the Village of Fontana supersedes the Town with an equalized value of \$513,395,100. Of the 5 cities within Walworth County, only the City of Lake Geneva supersedes the Town with an equalized value of \$590,590,000. As you can see, the Town of Delavan more than meets the equalized value requirement of \$100,000,000.

The Town of Delavan has adopted a comprehensive Master Plan, a Land Division Ordinance, which includes construction site erosion control and storm water management controls, and a Building Code Ordinance. We also employ a Building Inspector.

In addition, more than 50% of the Town of Delavan is served by the Delavan Lake Sanitary District, which provides sewer service to our residents.

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Further the Town of Delavan employs 11 full-time Police Officers, provides 24 hour police protection, and has a volunteer Fire and Rescue Squad of 40 plus men and women, who provide 24 hour emergency services to the Town of Delavan.

As you can see, the Town of Delavan not only meets all of the requirements set forth in this bill, we far exceed those requirements. As a matter of fact, one could argue the Town of Delavan could easily be mistaken for a city or village within Walworth County.

The problem of course is, the Town of Delavan does not enjoy the same privileges as those cities and villages.

Since 1989, the Town of Delavan has lost hundreds of acres of land through annexations, resulting in the loss of more than 12 million dollars of assessed value. With little relief in sight from continued annexations, we are looking for ways to "shore up" our diminishing boundaries. Though we have had preliminary discussions with neighboring municipalities regarding boundary agreements, these take a very long time to come to fruition, and we believe we need more immediate relief.

The Town of Delavan Master Plan allows for designated commercial districts, as well as light industrial districts. Both are located close to interstate access, and would, if they could be developed, provide the Town with a very stable tax base. The conundrum is, what does the Town have to offer potential developers that can meet or beat what is being offered by our neighbor cities and villages. You all know the answer.

Tax Incremental Financing districts are the "carrot at the end of the string" that we are unable to sway developers with. Passage of AB202 would give the Town of Delavan the opportunity to compete on a more level field with interested developers.

Though the Town of Delavan enjoys a good working relationship with the Walworth County Zoning Office, we believe the Town is in a far better position to determine its destiny than the County. We have worked long and hard on our Master Plan to preserve the rural texture of the Town of Delavan while allowing for the urbanization of some areas within our boundaries. Just as the Town of Delavan would not presume to tell another community how it should or should not "grow", we believe we deserve the same consideration, and ability to be the final say in how the Town will grow. Passage of AB202 would give the Town of Delavan the right to determine it's zoning destiny.

And of course, there is the annexation issue. We are well aware of the axiom, "Towns are just holding areas for neighboring Cities". Though we are sure there are some annexations that make sound land planning sense, we know, from our own experiences, that more often than not, annexations amount to little more than "land grabs" and once land is annexed it can sit idle for years, until the city or village can "grow" their utilities out to the annexed land, which then, and only then, can be developed. This is such an unreasonable, and unfair practice, and Towns like the Town of Delavan deserve relief from such invasions.

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Passage of AB202 would give the Town of Delavan the opportunity to continue to plan it's growth and development, secure in the knowledge that we are as protected as any surrounding city or village. We would not think to impose our land planning on any other municipality, and ask only for the same consideration.

In 1912, Charles R. McCarthy published a book titled *The Wisconsin Idea*. The book was a summary of progressive reforms pioneered by Wisconsin. Though much of the book deals with the relationship between the State of Wisconsin and the University of Wisconsin, what was actually celebrated throughout his book was the pioneering spirit of state officials, legislators, and "the common man" working together for the common good.

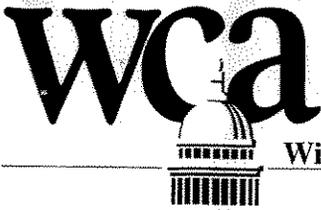
On behalf of the Town of Delavan, I am asking each of you today to be those pioneers, who were so celebrated, to recognize the spirit of this bill NOT as a threat to cities and villages but as an OPPORTUNITY for each of you to acknowledge, and to celebrate, the determination of Wisconsin Towns who are struggling daily to manage their own destinies.

A portion of the Wisconsin Constitution Preamble reads, "...form a more perfect government, insure domestic tranquillity and promote the general welfare...". As elected officials, we do not have the right to determine some communities, because they are called City, or Village, are deserving of more rights or opportunities than those communities called Towns. In fact, it is our RESPONSIBILITY to ensure all of our communities, within the borders of the State of Wisconsin, are treated fairly and equitably.

Thank you for granting the Town of Delavan this opportunity to testify in support of Assembly Bill 202. As you deliberate what action this committee should take on AB202, please remember you have before you the opportunity to become legislative pioneers, partnering with those Towns in the State of Wisconsin who would choose to become Charter Towns.

Respectfully submitted,

Maureen Fahey
Town Chair



Wisconsin Counties Association

MEMORANDUM

TO: Assembly Committee on Rural Affairs and Forestry

FROM: Jennifer Sunstrom, Legislative Associate 

DATE: November 18, 1999

RE: AB 202 - Creation of Charter Towns

The Wisconsin Counties Association (WCA) thanks you for the opportunity to make a few comments regarding the powers of certain towns and the creation of charter towns.

WCA recognizes that when addressing potential changes to the annexation and incorporation laws, many issues such as revenue sharing, boundary agreements, and service delivery most directly impact towns and cities. However, another very important issue that is often overlooked is the effect the creation of urban towns will have on zoning and land use planning. Given the need to increase land use planning efforts, the following comments outline the importance of maintaining county government's authority over zoning and development within each county's boundaries.

Although we have no objections to increasing the authority of towns in the incorporation and annexation process, the authority of counties to have approval over any zoning or land use changes must be maintained. This bill's proposal that a town must only have a population of 2,500 to become a charter town, would allow a significant number of towns to pull out of county zoning and intergovernmental planning arrangements.

All levels of government are trying to move forward in the effort to improve comprehensive land use planning throughout the state. In addition, the grant money that was allocated for comprehensive planning in the 1999-2001 budget will create an incentive for local governments to work together in planning efforts. Any legislation that has the potential to further fragmentize the planning process will surely move us in the wrong direction. Many counties that will be affected by this type of legislation are actively involved in countywide and regional planning activities. The ability of towns to operate outside of the little control that counties have will jeopardize current and future investments in land use planning.

In an effort to achieve more managed growth in Wisconsin, WCA urges that any legislation which seeks to increase the autonomy of towns will not compromise the much needed county oversight of zoning and planning activities.

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716 ♦ 608/224-5330 ♦ 800/922-1993 ♦ Fax 608/224-5325

Mark M. Rogacki, Executive Director

Mark D. O'Connell, Chief of Staff
Craig M. Thompson, Legislative Director

Darla M. Hium, Deputy Director
Lynda L. Bradstreet, Administrative Director