



Mike
HUEBSCH

STATE REPRESENTATIVE

Joint Committee on Finance

Assembly Bill

85

Town of Campbell La Crosse County

Timeline of Events

Serving The Coulee Region's 94th Assembly District

P.O. Box 8952, State Capitol • Madison, WI 53708-8952 • Telephone: 608-266-0631 • Toll-Free: 888-534-0094

E-mail: Rep. Huebsch@legis.state.wi.us

ATTN: Mike Hubsch

02-19-03

Campbell Vs, LaCrosse Timeline of Events

Nov. 1996--- voters in Campbell approve pursuing incorporation by approximately 60%.

Dec. 1996---Having gotten wind of Campbell's incorporation effort, LaCrosse vigorously pursues annexations on the Island in order to "beat" Campbell's incorporation attempt thereby establishing legal prior precedence. Many of the annexations are haphazard and not well thought out. (see exhibit A and B) Even department heads in LaCrosse admit some of these annexations, most notably the Edwards annexation, make orderly delivery of services impossible.(Larry Kirch and Pat Caffrey)

January 1997----Campbell legally challenges annexations. This continues with every subsequent annexation by LaCrosse.

May 1997---- Newly elected Mayor of LaCrosse, John Medinger, and newly elected Town Chair, Dan Kapanke, begin negotiations concerning the dispute. Negotiations last for two and one-half years. Eventually. An agreement under state statute 66.023 is presented to both bodies. Campbell unanimously agrees but LaCrosse turns it down in 1999.

Details of the agreement, which the Mayor vigorously defended, include:

- (1) All of Hiawatha Island eventually becomes part of the City. Over 10 million in assessed value goes to LaCrosse
- (2) LaCrosse objects but does not appear at a state incorporation hearing thereby allowing Campbell to become a village.
- (3) Campbell buys water from LaCrosse at a premium price. Creating a positive cash flow to the city water department. (\$50,000+ per year)
- (4) LaCrosse and Campbell share growth along I-90 bringing more cash to LaCrosse (\$20,000 per year).

In November 1998, Campbell voters approved a municipal water system by a 60-40 vote. The vote was positive because it was tied to the 66.023, which secured Campbell's borders. (In 2001 the voters turned down a water

Mike - I Couldn't find the right size maps
to fax to you. The Annexations were checker board
& haphazard!

referendum because it was not tied to any border security and the voters did not want to spend 10 million and the be annexed to LaCrosse unlike 1998 when the vote was tied to border security in the 66.023)

In May 2000, Judge Montabon declares all annexations illegal and the land returns to Campbell. This forces Campbell to file the 2nd incorporation petition because the boundaries have changed.

Sept. 2001. The appeals court reverses Montabons decision and sends all the annexations back to LaCrosse forcing Campbell to prepare a third petition for incorporation.

2002--- Under the rule of reason Judge Montabon declares the Edwards annexation illegal and the Hiawatha annexations legal creating new borders for Campbell and, yes, the need to file petition number 4 for incorporation.

2003--- A hearing is held in Montabon's court on petition 4 and the Judge declares the petition meets the basic requirements for incorporation and sends petition 4 to George Hall in Madison.

We are over 6 years into this mess and we are trying to get some relief on this matter. Some of our residents have changed municipal addresses 5 times and have never left their homes because the courts keep reversing decisions. What kind of municipal planning is this I ask? These people never know for sure who is picking up their garbage for pete's sake!!

We have spent close to \$400,00 in legal fees alone. I wonder if John knows how much LaCrosse has spent.

Pat Caffrey (city public works director) was asked by ald. Morrison what kind of revenues would LaCrosse receive if all of Campbell was annexed in LaCrosse. "1.5 million responded Caffrey." "How much would it cost to service Campbell?" asked Morrison. "1.5-1.7 million," responded Caffrey. At best, a wash for LaCrosse. All this fighting for this??!!

Campbell has a history going back to 1851. There are over 480 villages in Wisconsin. Campbell would rank in the top 10% in population of villages in the state.

Campbell is a partner with Skipperliner and the State of Wisconsin in developing the North Bay site on French Island. From a parcel sold at

sheriff's auction for \$800,000 to a 5-6 million complex with new jobs, North Bay has become a state success story.

Campbell has its own:

- (1) police dept. (5 full and 2 part-time officers)
- (2) fire department with 25 volunteers
- (3) 1st responder unit
- (4) Emergency management unit(the only Lax county town to have one)
- (5) County library branch

In addition, Campbell:

- (1) is the only municipality member of the LaCrosse Area Chamber of Commerce
- (2) is a member of the LAPC of the area MPO
- (3) has been a partner with the LaCrosse Area Convention and Visitors Bureau (we share room taxes with LaCrosse!!)
- (4) is a member of LADCO
- (5) is a member of UCR

As area village presidents and other elected officials have stated, "Campbell acts and looks like a village."

Mike. I hope this helps. Let me know if you have any questions. Thanks a bunch. I can't wait to watch this on TV.

Dan Kapanke



ATTN: ~~George Hoff~~
mike
Mayor's Office

JOHN D. MEDINGER, MAYOR



November 5, 1998

TO: City Council
RE: Possible Campbell Agreement

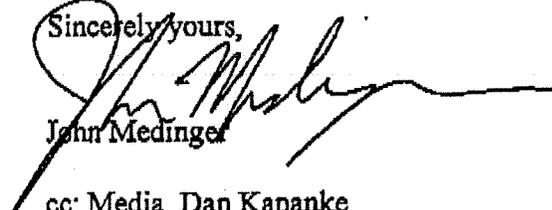
I heard a City Council member on the radio this morning expressing his opposition to the proposed Boundary Agreement that the Council President, several department heads and I negotiated with the Town of Campbell representatives. Obviously I believe that this agreement is a good deal for the City of La Crosse for today, for tomorrow and for our future. I write to sincerely ask you not to rush to judgement on this proposed deal which I believe to be an excellent example of intergovernmental cooperation. Please keep an open mind. It will not reflect well on us if we dismiss a possible settlement of our differences without a thorough and thoughtful debate. It will not reflect well on us if we waste a lot of taxpayers dollars in a long court battle and lose. After a year plus of difficult negotiations, we owe everyone in La Crosse and Campbell the courtesy of a deliberative process.

I don't know when I will submit this item to the Council. It could be as early as December or as late as April. I see no need to rush this to a vote until the time is right and everyone has his or her questions answered. I will be calling you to set up opportunities to talk.

Finally, let me interject a final thought. We are in a new era of cooperation in this area. That has been a constant theme of my term as Mayor and it will continue. Frankly, this is something that we must do. It is time to move on from the contentious politics of the past. We cannot and should not try to throw our weight around in our dealings with our neighboring communities. That may have been a good and effective tactic in the past but we must acknowledge new political realities. One need only look at the impending census numbers to see what is ahead of us. If you really spend some time looking at these demographic changes you will see why it is in the best interest of the City to work with our neighbors in a regional sense rather than to try and go it alone.

Thank you for considering my viewpoint.

Sincerely yours,


John Medinger

cc: Media, Dan Kapanke

Tribune
3-12-02

Medinger: City should annex Medary, Shelby and Campbell

■ Kapanke defends town's end run at incorporation

By **JOAN KENT**
Of the Tribune staff

The battle between La Crosse and its neighboring towns played out Monday at a legislative breakfast meeting.

Campbell's chairman justified the town's controversial maneuver to become a village, and La Crosse's mayor said the city should take over the towns of Campbell, Shelby and Medary.

"We are just trying to protect our borders," Campbell Chairman Dan Kapanke told a full house at the Greater La Crosse Area Chamber of Commerce Cracker Barrel breakfast.

Campbell leaders have asked Wisconsin legislators for help in incorporating as a village because achieving it through the regular method is so complicated, lengthy and expensive, Kapanke said.

Campbell's incorporation petitions keep getting dismissed as the town's borders shrink and grow due to changing court decisions regarding the legality of La Crosse's annexations, he said.

"We are looking for another avenue because there is no relief."

The town has asked area legislators to consider introducing an amendment to the budget deficit relief bill to help Campbell incorporate as a village. That would make it immune from annexations by La Crosse.

After a recent court decision that the second incorporation petition is invalid, Kapanke said Campbell has filed a third incorporation petition. But he said it will take several years and "probably \$1 million" in legal fees to get it through the entire incorporation process.

"I respect that you have to do what you have to do," La Crosse Mayor John Medinger responded. "But we oppose this amendment, as does the Alliance of Cities and the League of Municipalities." "The governor is probably right when he says we have too many towns," Medinger said. "The town of Campbell, town of Medary and town of Shelby should cease to exist and be part of the city of La Crosse."

People in neighboring towns benefit from city facilities such as the La Crosse Center and



Medinger



Kapanke

See **BREAKFAST**, A-8

Gilbert, Melissa

From: Langdon, James
Sent: Friday, February 06, 2004 1:21 PM
To: Gilbert, Melissa
Cc: Farley, Patrick
Subject: Municipal Boundary Review

Pat Farley asked that I provide you the attached documents relative to incorporation/consolidation reforms. If you have any questions, please contact me.

Jim Langdon

Director, Division of Intergovernmental Relations
Wisconsin Department of Administration
101 East Wilson Street
Madison, WI 53702
(608) 261-7520
(608) 267-6917 fax



MBR Brown Memo
02042004.pdf



Public
Announcement of Chang



Scheduling
Order.pdf

CORRESPONDENCE/MEMORANDUM

State of Wisconsin
Department of Administration
Division of Intergovernmental Relations

To: Senator Ronald Brown
From: Patrick Farley, Administrator
Date: February 4, 2004
Subject: DOA Municipal Incorporation Reviews, 1997-Present

Thank you for your request for information regarding municipal incorporation petitions reviewed by DOA in recent years. The following summarizes petitions that came before DOA from 1997 to the present. Please note that in many cases delays were requested by the courts or interested parties for purposes of negotiations or filing supplemental data with DOA.

Please contact me if you have any questions.

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Town of Sheboygan September 16, 1997 February 14, 2000 Hearing held, decision delayed by negotiations between parties.
--	--

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Town of Waukesha October 22, 1999 April 17, 2000 Hearing held, extension granted.
--	---

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Pell Lake October 29, 1998 December 1, 2000 Hearing held, delayed due to lack of information from parties.
--	--

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Town of Sheboygan II June 12, 2001 September 10, 2001 Petition deemed to be substantially the same as previously filed.
--	---

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Bridgeport August 25, 1999 November 30, 2001 Delayed due to lack of information from all parties.
--	---

Petition Date DOA Received Petition/Order Date Determination Issued Comments	Brookfield II March 6, 2001 November 30, 2001 Hearing held, extension granted, appeal dismissed.
--	--

w/ 9 days

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Kronenwetter

June 12, 2000
August 19, 2002

Hearing held, substantial opposition with financial and legal issues to resolve.

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Town of Bellevue

September 29, 2000
September 3, 2002

Delayed until parties supplied information.

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Lake Hallie

July 20, 1999
October 10, 2002

Hearing held, delayed due to competing litigation and discussions between Eau Claire, Chippewa Falls and the township.

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Suamico

October 31, 1997
April 21, 2003

Court ordered s. 802.12 ADR at request of the parties.

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Town of Mount Pleasant

June 9, 1998
June 5, 2003

Delayed at request of parties and by completion of the Racine Area Intergovernmental Sewer Service and Revenue Sharing Agreement.

Petition

Date DOA Received Petition/Order
Date Determination Issued
Comments

Town and Village of East Troy Consolidation

May 30, 2000
August 5, 2003

Delayed by discussions between parties and complexity of issues.

Petition

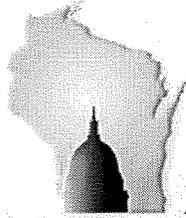
Date DOA Received Petition/Order
Date Determination Issued
Comments

Algoma

October 25, 2001

n/a (date open by order of the Court)

DOA scheduled two separate hearings in spring and fall of 2002, hearings not held at request of the parties who continue to negotiate. Successive stays requested, parties working towards a s. 66.0307, Wis.Stats., agreement.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Division of Intergovernmental Relations
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
Voice (608) 266-0288 Fax (608) 266-5519
<http://www.doa.state.wi.us>

Municipal Incorporation and Consolidation Review

Revised Program Procedures
Published February 5, 2004

The Wisconsin Department of Administration (DOA) reviews municipal incorporations and consolidations under Chapter 66 of the Wisconsin Statutes. Local governments and other parties in interest are hereby notified that DOA will implement revised municipal incorporation and consolidation review procedures effective March 1, 2004. The revised procedures will produce several benefits for local government and taxpayers:

- **Timeliness**: Ensure that all reviews are completed within 90 days.
- **Accuracy**: Conduct reviews based on complete, accurate, and timely information.
- **Cost Savings**: Control local government expenses by reducing the costs of legal and other consultants.
- **Dispute Resolution**: Provide mechanisms and encouragement for local governments to resolve border disputes.

90 Day Review

- DOA will strive in all cases to prepare its findings and determination within 90 days after receipt of the referral from the court or payment of any fee imposed, whichever is later (Commencement Date).
- On or about the Commencement Date, DOA will provide the Petitioner and any Parties in Interest with a Scheduling Order including all salient deadlines.

Complete Documents

- The Petitioner's interests are best served by ensuring DOA is provided a complete set of documents demonstrating that the proposed incorporation or consolidation meet statutory requirements on the Commencement Date. DOA will immediately review the submitted documents for completeness. Petitioners will be notified as soon as practical whether additional information is required. Petitioners must submit needed information within 10 days of notification. Failure to do so may adversely affect their interests.
- Notification of need for additional information will not stay the 90-day review period.
- Petitioners should use the *Information Request List Relating to Municipal Incorporation and Consolidation Reviews (2004)* to ensure the completeness of its submission.

Parties in interest¹

- Parties in Interest (often referred to as *Intervenors*) have 20 days after the Commencement date to provide the DOA with information to support their position with regard to the petition. Lack of such information will not result in DOA's 90 day review period being stayed or extended. However, failure to submit this information may adversely affect a Party in Interest.

Time Extensions and Alternative Dispute Resolution

- The 90 day review period may be stayed by filing with DOA a written agreement that includes (1) a reasonable date for resumption of the 90 day review period and (2) the signatures of representatives of Petitioners and all Parties in Interest, or their attorneys.
- Alternative Dispute Resolution (ADR) will be presented to the Petitioner and Parties in Interest as a means of finding a solution outside of the court system. However, neither DOA nor any state cabinet agency will provide ADR services to the parties. DOA will develop a listing of non-state agency consultants available to provide ADR services. Petitioner and Parties in Interest can stay the 90 day review period to attempt ADR provided they file with DOA a written agreement that includes (1) a date for resumption of the 90 day review period and (2) the signatures representatives of Petitioners and all Parties in Interest, or their attorneys.

Hearing Requests

- The Petitioner or any Party in Interest may request that DOA schedule a hearing on the incorporation petition or consolidation ordinance within 20 days from the Commencement Date. DOA will strive to schedule the hearing to occur within 30 days of the request.
- Hearings will be scheduled at a location in or convenient to the territory sought to be incorporated.
- Petitioners and Parties in Interest have 10 days after the hearing to submit any additional information, and then an additional 5 days to respond to this additional information.

Typical Timeline

<u>Action</u>	<u>Day</u>
Commencement Date	0
Submittal date for documents	10
Hearing Request Deadline	20
Hearing Date	50
Submission of Additional Documentation	60
Response to Additional Documentation	65
DOA Publishes Findings and Determination	90

Petitioners are encouraged to contact DOA before commencing a municipal incorporation or consolidation action. Call or write:

George Hall
(608) 266-0683
george.hall@doa.state.wi.us

Erich Schmidtke
(608) 264-6102
erich.schmidtke@doa.state.wi.us

Division of Intergovernmental Relations
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701-1645

¹ Pursuant to section 66.0203(5), Wis.Stats., each town in which the territory proposed for incorporation ("territory") is located, each municipality within the metropolitan area in which the territory is located, each school district located fully or partly in the territory, and any other person may be found by the circuit court to be a party in interest to the incorporation or consolidation proceeding.

STATE OF WISCONSIN CIRCUIT COURT (name) COUNTY

In Re:

The Incorporation of Certain Territory in the Town of (name),
(name) County,
Wisconsin as the City/Village of (name)

Case No. (number)

(name), Representative of
the petitioners for the Incorporation of the
village of (name).

Petitioners

and

(name),

Intervenors.

SCHEDULING ORDER
WISCONSIN DEPARTMENT OF ADMINISTRATION

WHEREAS, a Petition/Ordinance for the Incorporation/Consolidation as a City/Village of certain territory in the Town of (name) was filed with the (name) County Circuit Court on (date);

WHEREAS, the circuit court referred the petition/ordinance to the Department of Administration (DOA) pursuant to s. 66.0203(9), Wis.Stats., on (date);

WHEREAS, the DOA is required to determine whether the petition/ordinance meets the incorporation/consolidation standards set forth in s. 66.0207 Wis.Stats.;

WHEREAS, the DOA received payment of its fee pursuant to ss. 16.53(14) and 66.0203(9)(b) Wis.Stats., from Petitioners on (date); [omit if consolidation]

IT IS HEREBY ORDERED AS FOLLOWS:

1. The DOA's 90 day review period in which to issue its findings and determination commences upon the receipt of an incorporation/consolidation petition/ordinance from a circuit court and payment of the incorporation fee, whichever is later (omit payment of fee if consolidation), (Commencement Date). The DOA's Commencement Date for this incorporation/consolidation petition is: (date - Commencement Date). The DOA will issue its findings and determination on whether the petition/ordinance meets the standards set

forth in s. 66.0207, Wis.Stats., no later than (date - 90 days after the Commencement Date).

2. Pursuant to s. 66.0203(2)(c) & 66.0203(9) Wis.Stats, the DOA considers the information included in the petition/ordinance to be the complete incorporation/consolidation package from the petitioner, enabling the DOA to review the standards in s. 66.0207, Wis.Stats. The DOA will perform an initial review of the information provided supporting the petition/ordinance, notify Petitioners of any information that is found missing, and will allow Petitioners 10 days to provide this information to the DOA. Missing information does not result in a stay of DOA's 90 day review period. Failure by Petitioner to submit this information may adversely affect their interests. For example, it could hamper DOA's ability to find that one or more of the standards of Wisconsin Statute s. 66.0207 are met. Petitioners are reminded that all information submitted to the DOA must also be provided to other Parties in Interest according to this same schedule. A *Party in Interest* is described in s. 66.0203(5), Wis.Stats., to include each town in which the territory proposed for incorporation/consolidation is located, each municipality within the metropolitan area in which the territory is located, each school district located fully or partly in the territory, and any other person that may be found by the circuit court to be a Party in Interest to the incorporation/consolidation proceeding. Parties in Interest are also referred to as *Intervenors*.
3. Parties in Interest have until (date - 20 days after the Commencement Date) to provide the DOA with information to support their position with regard to the petition/ordinance. Lack of such information from a Party in Interest will not result in DOA's 90 day review period being stayed or extended. However, failure to submit this information may adversely affect their interests. For example, it could hamper DOA's ability to consider their position with regard to one or more of the standards in s. 66.0207, Wis.Stats. Parties in Interest are reminded that all information submitted to the DOA must also be provided to Petitioners and any other Parties in Interest according to this same schedule.

[omit (3.) if the court has not identified any Parties in Interest]

4. Petitioners and Parties in Interest have 10 calendar days following the deadlines in (2.) and (3.) in which to respond to any submitted information. If additional information is submitted, then Petitioners and Parties in Interest have 5 additional calendar days in which to respond to this new information. All information submitted to the DOA must also be provided to Petitioner and Parties in Interest according to this same schedule.
5. Pursuant to s. 66.0203(9)(b), Wis.Stats., Petitioners, and any Party in Interest, have until (date - 20 days from the Commencement Date) to request that DOA schedule a hearing on the incorporation/consolidation petition at a location in, or convenient to, the territory sought to be incorporated/consolidated. The DOA will strive to schedule this hearing to occur within 30 days of the request.
6. If a public hearing is held, Petitioners and Parties in Interest have 10 calendar days following the hearing in which to submit additional information bearing on the petition. If additional information is submitted, then Petitioners and Parties in Interest have 5 additional calendar days in which to respond to this new information. All information submitted to the DOA under this provision must also be provided to the Petitioner and all Parties in Interest according to this same schedule.



State of Wisconsin - Department of

ADMINISTRATION



Municipal Boundary Review > Incorporation and consolidation determinations

Office of Land Information Services Municipal Boundary Review

Introduction

Municipal incorporation - the process of creating new villages and cities from town territory - is regulated by sections 66.0201 through 66.0211 of the Wisconsin Statutes. The Department of Administration is the administrative agency charged with facilitating the incorporation process, determining the ability of the territory petitioned for incorporation to meet certain minimum statutory standards, and advising the circuit court to either accept or reject the incorporation petition.

How often have ~~the~~ courts not followed DOA recommendations

As petitioners consider incorporation, MBR may be asked to propose alternative ways of resolving local issues that can obviate the need to create a separate unit of government. MBR's incorporation and consolidation determinations for circuit courts are subject to Chapter 227, Stats., appeal procedures.

Deciding whether or not to attempt incorporation is a decision to be collectively undertaken and financed by citizens residing in the territory under consideration. Citizens need to consider not only whether or not the standards to be initially reviewed by the circuit court can be met, but also whether the territory, level of proposed services and budget, and other relevant issues meet the more difficult statutory standards required to be evaluated by the department. The department, because of its evaluative role, can only provide information on the incorporation process, the content of the incorporation petition and the nature of the evaluative standards.

The department cannot advise potential petitioners as to whether they may or may not meet the mandatory standards contained in s. 66.0207, Wis. Stats. Municipal organizations such as the League of Municipalities, the Alliance of Cities, the Wisconsin Towns Association, the Wisconsin Taxpayers Alliance, University of Wisconsin county Extension agents, county and regional planning agencies, and private professional consulting planners and attorneys, are all potential sources for this objective advice.

- Statutory Standards
- Flow Charts: Stage 1 and Stage 2
- Incorporation Informational Needs of the Department
- List of places that have filed for incorporation since 1959 

Please Note: For items with an icon of  you will need Adobe Acrobat Reader. You can find the Adobe Acrobat Reader at Adobe's site, <http://www.adobe.com/prodindex/acrobat/readstep.html>

Other Municipal Boundary Review Pages 

Municipal Boundary Review | Division of Intergovernmental Relations

Last Modified: 9/5/2003 10:52:39 AM



State of Wisconsin - Department of

ADMINISTRATION



Statutory Standards

Office of Land Information Services Municipal Boundary Review

The Standards for Municipal Incorporation Found in Section 66.0207, Wis. Stats

(1) The Department may approve for referendum only those proposed incorporations which meet the following requirements:

(a) *Characteristics of the territory.* The entire territory of the proposed village or city shall be reasonably homogenous and compact, taking into consideration natural boundaries, natural drainage basins, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all of such features as retail stores, churches, post office, telecommunications exchange and similar centers of activity.

(b) *Territory beyond the core.* The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (1)(a) for real estate purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.

(2) In addition to complying with each of the applicable standards set forth in sub. (1) and s. 66.0205, the proposed incorporation in order to be approved for referendum must be in the public interest as determined by the Department upon consideration of the following:

(a) *Tax revenue.* The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

(b) *Level of services.* The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.0203 (6).

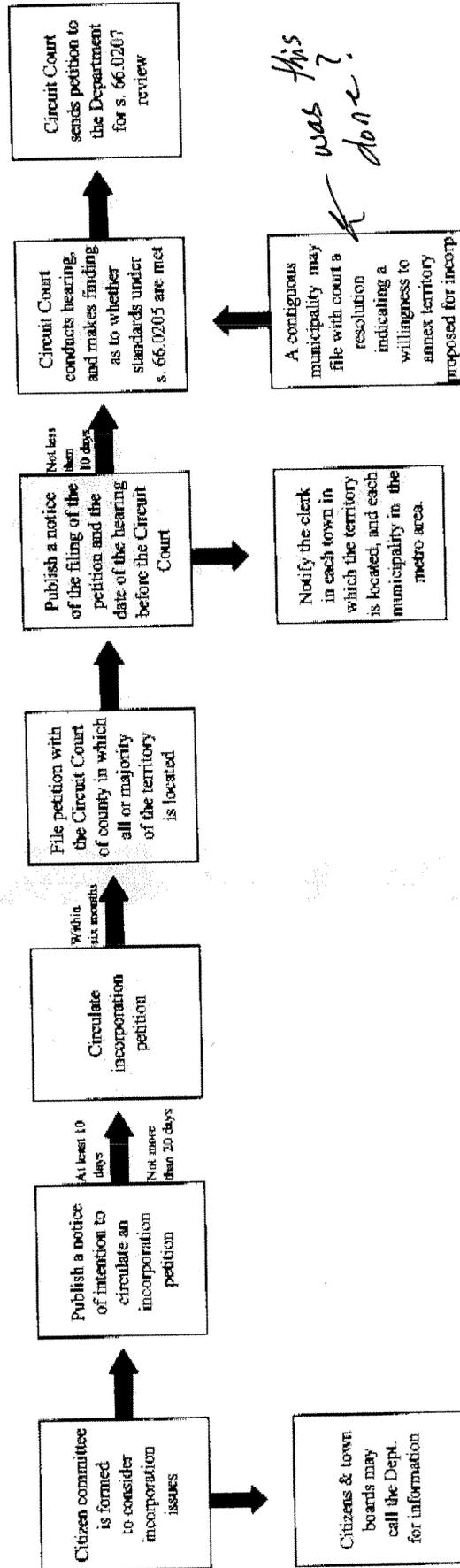
(c) *Impact on the remainder of the town.* The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.

(d) *Impact on the metropolitan community.* The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

*all of Jefferson map? **
hang-up?

Municipal Incorporation Process

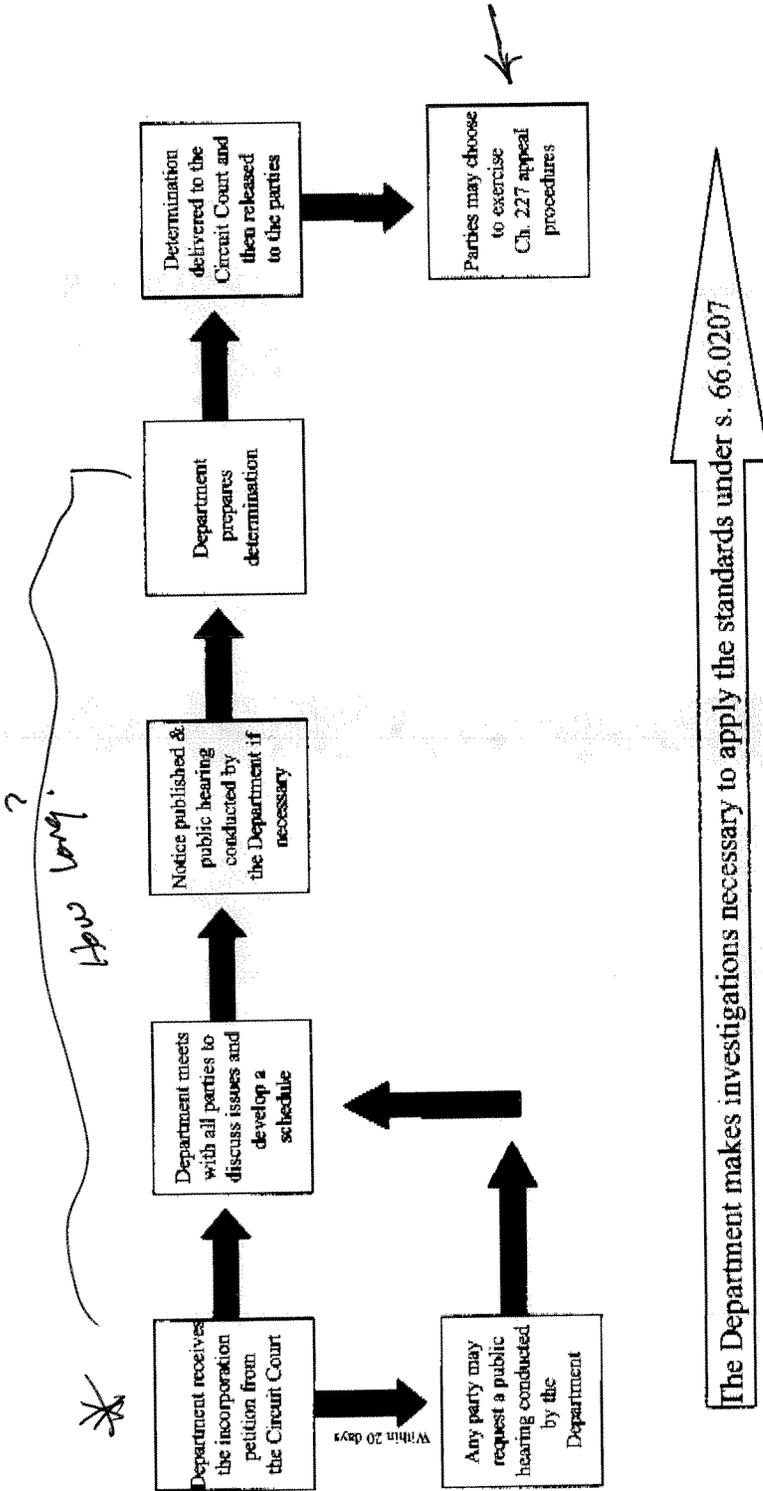
Sections 66.0201-66.02011, Wis. Statutes



The citizen-based phase of the municipal incorporation process

Municipal Incorporation Process

Sections 66.0201-66.0211, Wis. Statutes



Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

State bill aims to quell town border wars

By TOM SHEEHAN, Tribune Capitol bureau

MADISON — Roger Clark's law firm has benefited handsomely from advising the town of Campbell on how to fight a seven-year-long municipal "border war" with the city of La Crosse.

The Herrling Clark Law Firm of Appleton billed the town \$250,000 during that time — about half the total amount spent by the town trying to become a village and to fight proposed annexations by the city.

The firm also benefits from about a half-dozen similar cases going on elsewhere in the state. But even Clark said it's time to change Wisconsin's 35-year-old law that regulates annexation and incorporations. The current process spawns lengthy legal battles and ill will between municipal neighbors, Clark said.

Clark testified Wednesday at a legislative hearing in support of Senate Bill 323, which would create a new incorporation review board and set up a pecking order for competing annexation and incorporation proposals to be considered.

The bill might not eliminate disputes but could dramatically reduce costs by setting deadlines and more clearly laying out a process to resolve disputes, Clark said.

The new five-member board within the state Department of Administration would do reviews that are now done by a single administration official, said Sen. Ron Brown, R-Eau Claire, who introduced the bill. Supporters of the bill say the current system drags on too long and is rigged against towns.

The bill is intended to allow whichever petition was filed first to run through the approval process before another one can proceed, said Rep. Mike Huebsch, R-West Salem, the chief sponsor of the bill in the Assembly.

The underlying standards for incorporation, which address issues such as population density, land area and how adjacent communities would be affected remain unchanged under the bill, said Melissa Gilbert, an aide to Brown.

Brown, the former city of Eau Claire fire chief, said court cases involving municipal boundaries sometimes become so complicated that citizens and officials don't know whether they live in a city or town as a case works its way through court appeals.

During a court battle between the city and what is now the village of Lake Hallie, for example, some properties shifted in and out of the fire department's jurisdiction, Brown said.

The new board created by the bill would include the administration secretary, two people appointed by the Wisconsin Towns Association, one appointee each from the League of Municipalities and the Wisconsin Alliance of Cities. The board would have 180 days to review an incorporation petition before sending a determination back to a judge in the county where the petition was filed.

The Wisconsin Alliance of Cities supports the bill. But the Wisconsin Towns Association, which has not taken a formal stand on the bill, would like a provision added to ensure towns work out boundary agreements with other municipalities that will be affected by incorporations, said Rick Stadelman, executive director of the association.

The town of Campbell and city of La Crosse are working to finalize terms of a tentative border agreement, said town chairman Dan Kapanke. If approved, the deal would end years of fighting between the city and town Kapanke said.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Campbell town board approves boundary agreement with city

By REID MAGNEY of the La Crosse Tribune

The Seven Years War between the town of Campbell and the city of La Crosse came a step closer to peace Tuesday when Campbell's town board unanimously approved a boundary pact with the city.

"Thanks. It's been quite a ride," Campbell Chairman Dan Kapanke said as board members Bruce Becker, Rudy Jolivette, Scott Johnson and Melissa Schultz signed a resolution approving the 21-year agreement. "In 21 years, we're going to look like a village and (incorporation is) going to be a slam dunk."

In December, town and city officials announced an agreement in principal to end the court battles over annexation and Campbell's efforts to incorporate as a village. Lawyers drafted the formal agreement, but there could still be minor changes before the La Crosse Common Council takes final action at its regular meetings in February.

Tuesday, town officials and residents discussed the proposed agreement for about 45 minutes before the board's vote. A few residents at the packed meeting suggested minor wording changes, but no one spoke against the agreement and most said they support it.

"The town has been divided" because of the battles with the city, said La Crosse County Supervisor Jeff Schroeder, a Campbell resident. With the agreement, he said, "finally, maybe the town will pull together."

"This is an opportunity for peace and to let the island heal," said Schultz. "It will give the island and the city a big cooling-off period."

The agreement doesn't address whether the city will ever sell water to the town, but Kapanke said the peace will give city and town officials incentive to collaborate. Asked by a resident whether he ever expects the city to back off its refusal to sell water without annexation, Kapanke said, "I see that changing."

The proposed agreement runs until Jan. 1, 2025, and guarantees that Campbell will maintain an area of at least four square miles, the minimum needed to become a village. Campbell now has 4.12 acres.

The agreement allows the city of La Crosse to annex some land on Hiawatha Island and near the La Crosse Municipal Airport on French Island. However, the city can annex only 0.12 of a mile (about 76 acres), because annexing more would cut the town's size below the four-square-mile limit.

The town and city agreed Campbell will no longer pursue the current incorporation effort, however, the

town can resume incorporation efforts after June 30, 2024.

Campbell resident Dick Dahlby, a leader in the incorporation effort, thanked everyone who worked to gather signatures and otherwise support the incorporation.

"I want to say we got here through the hard work of people who pushed for incorporation," Dahlby said.

Reid Magney can be reached at (608) 791-8211 or rmagney@lacrossetribune.com.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Our view: City-town border plan should be approved

By Tribune editorial staff

The longstanding court disputes between the town of Campbell and the city of La Crosse are not helping citizens of either community.

Only the lawyers profit from continued litigation. A border plan worked out by leaders of Campbell and La Crosse holds the promise of calling off the disputes for at least 21 years.

The La Crosse Common Council and the Campbell Town Board both have approved the proposed boundary agreement — which allows La Crosse to do voluntary annexation of properties on Hiawatha Island but not elsewhere in the town. It is subject to input from town residents.

The proposal deserves passage. It is better for both communities to stop the litigation.

La Crosse and Campbell could have buried the hatchet several years ago, but La Crosse Common Council members rejected that earlier proposal.

This latest plan is much more modest than the earlier one. It involves no city services to the town, but it provides for a definite town border that the city would respect. The agreement would expire on June 30, 2024. After that point, the town would be free to seek incorporation as a village, and the city would be free to contest any such attempt.

For now, however, the agreement calls for Campbell to remain a town. But the city would respect the boundaries, and both city and town would drop all lawsuits against the other.

La Crosse and suburban communities need to work together to attract and retain businesses and jobs. Improving the economic prospects for all area residents should be the top goal for local officials, whether in the city or the suburbs. Constant disputes and litigation only distract us from other more important issues. That's why this latest boundary agreement proposal is a good idea.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Doyle vetoes Campbell bill

By TOM SHEEHAN/Tribune Capitol bureau and JOAN KENT of the Tribune staff

MADISON — Gov. Jim Doyle on Thursday vetoed a bill that would have allowed the town of Campbell in La Crosse County to become a village without state approval or input from the city of La Crosse.

"The bill would set a dangerous precedent — encouraging other towns interested in incorporation to seek special legislation rather than going through the regular process," Doyle said in a veto message on Assembly Bill 85.

Doyle delayed action on the bill as long as legally possible, while leaders from the town and the city worked on a border agreement. Doyle had until midnight Thursday to sign or veto the bill or it automatically would have become law.

Supporters say becoming a village would help the town of 1,800 people retain its identity and protect it from La Crosse annexation efforts.

Some of the Democratic governor's comments in the veto message suggest he didn't understand the bill, said Rep. Mike Huebsch, R-West Salem, who introduced it.

Doyle said the bill would mandate incorporation, and the legislation no longer was necessary because the sides reached a tentative boundary agreement earlier this week. "Even signing the bill was not going to mandate that the town become a village. ... The negotiations are not a reason to veto the bill," Huebsch said.

Under the bill, the town board and voters would be allowed to decide whether Campbell would become a village without going through a lengthy review process by the state Department of Administration.

The town has attempted several times to incorporate as a village, and a hearing on the most recent effort has been scheduled by administration for next month, Huebsch said.

Huebsch said he was disappointed by the governor's veto but is encouraged that the town and city tentatively have reached an agreement.

Democratic legislators representing the city of La Crosse said they were glad Doyle vetoed the bill, however, because it would have applied to just one town.

"I think you'd have towns from all over the state beating down the door for special legislation," said Sen.

Mark Meyer.

The bill was a bad policy idea because it would have affected just one of more than 1,200 towns in the state, said Rep. Jennifer Shilling.

Campbell Town Chairman Dan Kapanke said he wasn't surprised at the veto but that he was somewhat disappointed.

"I'm a realist," he said. "I knew it was a long shot. Huebsch never said it was a slam dunk. We knew it was going to be a difficult journey."

La Crosse Mayor John Medinger said he expected a veto. "I always thought it was poor public policy to have one bill for one town to bypass the normal statutory process," he said. "If the governor had signed it into law, he would have 50 identical bills on his desk by January as legislators tried to do favors for towns in their districts."

Without naming Huebsch, Medinger also said, "I feel kind of bad for the people of Campbell because (the bill) gave them false hopes, and I think that is not right for a politician to do."

Both Medinger and Kapanke said the focus now will be on a proposed boundary agreement. Campbell and La Crosse officials should handle the issue and are doing so in their proposed boundary agreement, Medinger said. "Politics is the art of the possible. This can happen. We can stop fighting with each other."

"The town was going down three paths — the Department of Administration, the Legislature and the boundary negotiations," Kapanke said. "At this point, the negotiations are independent of the other two. It certainly will give the negotiations a shot in the arm."

A byproduct of the bill's introduction is that some legislators now understand the difficulty of the state's incorporation process, Kapanke said. "Maybe the Legislature will address and streamline the process so towns will not have to go through a seven-year war in the future."

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Commentary: Bill serves best interests of cities and towns

By RON BROWN and MIKE HUEBSCH Madison

A number of articles during the past weeks and months have centered around the ongoing border dispute between the city of La Crosse and the town of Campbell.

Namely, city officials want to annex the town, town leaders want to incorporate, and the conflict has gotten so ugly that state lawmakers have been drawn into the battle. As a result, both houses of the legislature have agreed to let the islanders decide their future. Now the potential for final resolution lies with the governor.

We supported passage of the Campbell relief measure because we believe the residents in both communities have fallen victim to a flawed process. The most recent spate of boundary disputes between the town and the city stretches back seven years.

Without intervention, the border war is likely to last much longer. The town alone has spent hundreds of thousands of dollars already in litigation costs. And nothing has been solved. Neither are these the only communities in the state that have spent inordinate amounts of time, money and emotion trying to resolve identity issues. That is why we have introduced legislation to reform the incorporation process itself.

Senate Bill 323 seeks to mitigate hostilities by streamlining the process for determining the validity of incorporation petitions. In effect, the bill creates a queue for competing annexation and incorporation petitions so that each action is considered in order.

The first action initiated proceeds until a determination is made, with the outcome taken into consideration when the next action comes up for review. Under the court-adopted "rule of prior precedence," secondary petitions are presently dismissed outright — which often results in the need to re-file those petitions once the first determination is made. Additionally, S.B. 323 allows incorporation petitions to be amended once they have been submitted.

This means that if an annexation attempt succeeds, a subsequent incorporation petition does not need to be re-filed because of a change in the town's territory description. In order to inject a local government perspective into the proceedings, a review board is created to decide whether an incorporation petition meets state standards.

Perhaps most importantly, the bill requires the state to refund administrative fees charged to towns in cases where the board fails to render a decision within the statutory timeframe. We believe this last provision is needed to ensure timely decisions, although the measure does not grant presumptive

approval.

In an interview with this newspaper, La Crosse Mayor John Medinger called the bill "crap" while failing to mention a single provision that he disliked. We have to wonder whether he even read the bill before commenting on it. If he had done so, he would have — or should have — realized that S.B. 323 benefits all parties involved.

Medinger also said it should be difficult for towns to incorporate. Guess what? It is! Since S.B. 323 does nothing to alter the current standards for incorporation, the measure only serves to make current law operate more efficiently. We have a hard time understanding why the mayor is so opposed to saving time and taxpayer money.

Interestingly, La Crosse City Attorney Pat Houlihan wrote a letter urging Sen. Mark Meyer to oppose S.B. 323 one day after we circulated the bill for co-sponsorship. While Houlihan spent several paragraphs belittling our efforts and the town of Campbell, he did not mention a single provision in the bill. He did state that any review of state laws concerning annexation and incorporation should be done in a "systematic, orderly and deliberate manner." In actuality, these issues have been studied many times during the past 50 years.

The portion of our bill pertaining to competing petitions mirrors a recommendation made by a Legislative Council study committee in 1957! Again, we question how thoroughly the city attorney reviewed our bill before responding to it.

Finally, La Crosse Planning Director Larry Kirch also sent a letter of opposition to Sen. Meyer. We do give him credit for referencing an actual provision in the bill. Specifically, Kirch criticized the creation of an Incorporation Reform Board to determine the validity of an incorporation petition.

He complained that while the board would include two appointees from towns and two from cities and villages, the final member would be an employee from the Department of Administration. This person then could serve as a swing vote in determining the final outcome. We find this argument curious because the "political appointee" (Kirch's terminology) is currently the only person responsible for making these decisions.

The fact remains that leaders of cities, villages and towns use the current system to delay a potentially unfavorable result. It is no secret that opposing factions who feel threatened sometimes file questionable petitions just to buy more time.

Locally, an appeals court recently returned territory to the town of the Campbell after annexations by the city of La Crosse were deemed invalid. While we cannot prevent dubious filings from occurring in the first place, S.B. 323 does help minimize the impact on affected communities.

The editorial staff of this paper recently stated its support for renewed border negotiations between La Crosse and Campbell. We hope such talks take place. At the same time, we realize that drawn-out and bitter conflicts often make newfound cooperation all the more difficult. That is why we need to reform the process before another "Campbell" emerges.

(State Sen. Ron Brown is an Eau Claire Republican. Rep. Mike Huebsch is a West Salem Republican and member of the Legislature's Joint Finance Committee.)

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Our view: Reform Wisconsin's incorporation laws

By Tribune editorial staff

An effort by two Republican legislators to rewrite the process by which towns can become incorporated is much needed.

Rep. Mike Huebsch of West Salem and Sen. Ron Brown of Eau Claire have proposed reforming the process by which towns incorporate. Currently, the decisions are left to one person in the Department of Administration to decide.

But the current system has brought delays, and court cases can bring further delays.

The longstanding incorporation/annexation dispute between the city of La Crosse and the town of Campbell is a flash point in this debate. We have gone from the hopeful period of 1996, when Mayor John Medinger and Town Chairman Dan Kapanke, both newly elected, attempted to work out a boundary agreement to settle the dispute without lengthy and expensive lawsuits.

That effort failed, and the two communities have been in court ever since.

Huebsch intervened on behalf of the town by introducing a bill to allow Campbell residents to vote to bypass the state approval process by referendum. That bill has passed the Legislature, but it is a bad idea because it simply allows for an exemption for Campbell — without fixing any of the problems.

That's why the new proposal that Huebsch and Brown have put forward is so encouraging. It would replace the current system with a five-member Incorporation Review Board, made up of city, town and state officials.

Cities might still oppose such a board, but it could be an improvement over the current system.

What we need is an honest debate about incorporation and annexation — and a good faith effort to make needed changes. Let's hope this is the start of the process.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Our view: Renew negotiations between city, town

By Tribune editorial staff

In 1997, when Dan Kapanke and John Medinger took office as Campbell town chairman and La Crosse mayor, respectively, they have a vision of an alternative future.

Rather than continue the fighting and court cases about city annexations of portions of the town, they took the bold step of beginning negotiations instead.

What came out of those negotiations many months later was a proposed agreement in which the city would provide water for the town at a 25 percent premium above what city users pay. In addition, the city would get to annex the Nakomis Avenue homes and agree not to fight Campbell incorporation of the rest of the town as a village.

You probably know the rest of the story. While Campbell approved the agreement, the La Crosse Common Council rejected it.

The result was continued legal expenses and continued battles. Now the Wisconsin Court of Appeals has upheld a decision in which Campbell will get back a large piece of land that La Crosse had sought to annex.

Can we return to the idea of negotiations, rather than continue these futile court battles?

Maybe.

Kapanke has said he is willing to negotiate. La Crosse Common Council President Mark Johnsrud says he is open to new talks.

Johnsrud supported the past agreement with Campbell. He still thinks negotiation is a good idea.

Here's what Kapanke said: "I hope we can get together and get some kind of deal. We would be more than happy to sit down and see if there is a way we could remain independent and still give La Crosse some things it is seeking."

La Crosse officials should take him up on it.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Huebsch still battling for Campbell incorporation: State representative wants to streamline the process

By Reid Magney of the Tribune staff

State Rep. Mike Huebsch is following up his controversial bill for town of Campbell incorporation with a second bill aimed at cutting down the acrimony in future municipal border fights.

Huebsch, R-West Salem, has teamed up with state Sen. Ron Brown, R-Eau Claire, on another bill that would streamline the process for a town to become a village.

State law says that when a town files a petition to incorporate, the Department of Administration has 90 days to review the petition and make a decision, but it often takes much longer.

Take Campbell, for instance. The town filed to incorporate in early 1997, but the department still hasn't held a hearing to gather information to make a decision. Now, Campbell isn't a typical case, and the department has been trying to get the issue settled out of court.

Brown and Huebsch suggest that instead of 90 days, the department would have 180 days but would have to refund a town's \$20,000 petition fee if it missed the deadline.

"If three months is not long enough to investigate the merits of an incorporation petition, then we need to allow more time for a determination, but we should not put people's lives on hold indefinitely," Brown said. "How can towns, cities and villages plan for their future without knowing what their boundaries might be?"

"The current system seems to be much more effective at squeezing legal fees out of taxpayers in adjoining communities than in solving any identity issues," Huebsch said.

Campbell Town Chairman Dan Kapanke called the streamlining idea "a wonderful byproduct" of the bill for Campbell incorporation.

La Crosse Mayor John Medinger doesn't like it.

"It's a piece of crap. The bill is flawed," Medinger said. "It should be hard for a town to become a village."

Medinger said Huebsch and Brown are "like people who sinned who are now going to confession." They voted for the Campbell incorporation bill, Medinger said, but now they're saying the process should be reformed.

The idea of making the state decide within a certain number of days is similar to Republican proposals to streamline the permit process for businesses. Under bills now being considered in Madison, state agencies like the Department of Natural Resources would have firm deadlines to respond to businesses seeking permits, and if the state misses the deadline, the business would get the permit.

Dean support grows

Democratic presidential candidate Howard Dean's campaign announced Monday it has reached 10,000 "active supporters" in Wisconsin.

Dean's campaign is using unconventional, Web-based organizing tactics to identify supporters for the presidential primaries. Wisconsin's primary is Feb. 17. People sign up at www.deanforamerica.com.

The campaign has coordinators in 39 of 72 counties. La Crosse County's coordinators are Hank Zumach and Lauri Hoff. In Monroe County, the coordinator is Baldwin Lloyd. Vernon, Trempealeau, Juneau and Jackson don't have coordinators yet.

Reid Magney can be reached at (608) 791-8211 or rmagney@lacrossetribune.com.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Story originally printed in the La Crosse Tribune or online at <http://www.lacrossetribune.com>

Appeals court upholds Campbell annexation decision

By JOAN KENT of the Tribune staff

Campbell will get back a large chunk of land that La Crosse attempted to annex under a Thursday decision by the Wisconsin District 4 Court of Appeals.

But La Crosse will be allowed to keep three annexations on Hiawatha Island, next to French Island, which is Campbell's main land mass. The decision upheld a May 2002 decision by La Crosse Circuit Court Judge Dennis Montabon.

The decision comes as Campbell's bid for incorporation as a village, which would make it immune from further annexations, appears to be coming to a head one way or the other. The town's petition to incorporate is scheduled for a Jan. 26 hearing before the state Department of Administration.

Meanwhile, the state Senate has passed a bill that would allow the town to incorporate without going through the state. It is not yet known whether Gov. Jim Doyle will sign or veto it.

In a closed session before its regular meeting, the La Crosse Common Council decided to introduce a resolution at a special meeting Tuesday to ask the governor to veto the bill.

Annexation to La Crosse would mean higher taxes for Campbell residents. Their tax rate per \$1,000 last year, including school, municipal, county, state and technical colleges taxes, was \$21.50. In La Crosse, the rate was \$29.39. But it also would mean access to city services and facilities including city water.

The Edwards annexation, which cut a swath across French Island from the Black River to Lakeshore Drive, is invalid because it violated the rule of reason, the appeals court said.

But the Smith, Becker and McCormick annexations on Hiawatha are valid because they did not violate the rule of reason, the court said.

While the appeals court upheld the Hiawatha Island annexations, it said that Campbell could ask to amend its complaint to contend the annexations are invalid because they include riverbed. Montabon had said that Campbell could not ask to amend its complaint because it waited too long. Now it will be up to Montabon to decide whether Campbell can amend the complaint.

"Edwards is affirmed, and that's good news for Campbell," Town Chairman Dan Kapanke said. "We are going to go back and ask (Montabon) to consider our complaint. The appeals court is saying go back and ask again."

"It's what we anticipated, although we were hopeful that the appellate court would understand the need for the Edwards annexation and the needs of those property owners," La Crosse City Attorney Pat Houlihan said.

Owners in that area will need city water, he said, noting that Jack Edwards, owner of the mobile home park within the annexation, has said the park will need water in the future. In addition, Houlihan said that Dave Pretasky, senior adviser of American Marine, will need water for the boat showroom and docks he hopes to develop in the area.

How those properties will be served with water is a question that will be answered once all the annexation and incorporation issues are settled, Kapanke said. "The town or village board will address those issues when the people come to ask for (water)."

La Crosse Common Council President Mark Johnsrud and Kapanke both said they are open to renewed negotiations.

"I supported the boundary agreement we had with Campbell, and I think that is the best way to get along with Campbell," Johnsrud said. "What we've done in the past seven years is come full circle. If the governor vetoes the bill, we are back to the starting point."

"The cities elected Doyle, and I think he'll stand behind cities on this issue," he predicted.

Kapanke said he is open to talking with city officials again. "I hope we can get together and get some kind of deal," he said. "We would be more than happy to sit down and see if there is a way we could remain independent and still give La Crosse some things it is seeking."

He said remaining independent is key: "That is one issue that we in the town have spent so many years and dollars on that our residents would not wish to compromise on."

"Campbell's independence would be part of the discussions," Johnsrud responded. "I can respect his position, and I'm sure he respects the city's position. There has to be some middle ground where both sides can get along."

Joan Kent can be reached at jkent@lacrossetribune.com or (608) 791-8221.

All stories copyright 2000, 2001, 2002, 2003 La Crosse Tribune and other attributed sources.

Talking Points – Incorporation Reform (SB 323)

--Creates Incorporation Review Board

- Independent unit within Department of Administration with decision-making power
- Membership consists of 1 DOA designee, 2 Wisconsin Towns Association designees, 1 Alliance of Cities designee and 1 League of Wisconsin Municipalities designee
 - Members serve at pleasure of appointing authority
- Chaired by DOA representative
- Meets at call of chair or majority of members
- May collect fee for review of incorporation petitions
- Receives referrals of petitions deemed valid by circuit court
- Decides whether statutory requirements for incorporation are met

***RATIONALE: Ensures more than one person decides the merits of an incorporation petition. Brings diverse voices to table for discussion.

--Creates orderly review of incorporation and annexation proceedings by circuit court

- If annexation initiated *prior* to incorporation petition, court delays referral of petition to board until validity of annexation determined
 - Annexed territory excluded from petition referred to board
- If annexation initiated on or *within 30 days* of publication of notice to circulate incorporation petition, annexation may not proceed until validity of incorporation determined
 - Valid incorporation voids annexation
 - Invalid incorporation allows annexation to proceed
- If annexation initiated *after 30 days* from date of publication, annexation deemed void (prevents harassing actions by cities and villages as result of incorporation attempt)

***RATIONALE: Prevents annexation and incorporation petitions from having to be re-filed when competing actions are initiated (some courts currently dismiss secondary actions under "Rule of Prior Precedence"). Legislative Council recommended similar language in 1957. Saves time and money.

--Sets timeline for board to act

- Board must schedule hearing in or near town if receives request from party of interest within 30 days after referral or payment of fee to board
- Board must render decision within 180 days (or date determined by court) after referral or payment of fee
- Board shall refund fee if fails to meet 180 day deadline but shall continue with determination

--Effective date

- First applies to incorporation petitions filed on publication date

*****RATIONALE:** Statutes now give DOA 90 days to decide, but that deadline is rarely met, and the process can drag on for years (ex. Town of Hallie). This inefficiency results in more legal fees for towns and makes it harder for towns and adjoining municipalities to plan for the future.

Note: In accordance with current law, if board finds incorporation valid, court orders referendum. If board finds incorporation invalid, court dismisses petition.

--As amended by Senate Amendment 1

- Clarifies order in which annexation and incorporation proceedings are to be considered
 - a. Specifies that in annexations of territory already owned by a city or village, the annexation is considered commenced when the municipality posts a meeting notice stating an intent to consider enactment of an ordinance annexing the territory.
 - b. In cases where competing actions are initiated on same day, makes court responsible for determining which proceeding was started first
 - c. Clarifies that if an annexation proceeding is initiated within 30 days *after* an incorporation attempt, consideration of the annexation is delayed until after validity of incorporation is determined
 - i. League of Wisconsin Municipalities concerned that bill might be construed to mean that incorporation always takes precedence when competing actions initiated on same day

--Response to DOA concerns

- Glad department recognizes problem exists
 - Town of Campbell/City of La Crosse highlighted problems with current process
 - Border war lasted 6 + years (resolved recently with border agreement spurred by AB 85 "Town of Campbell" bill)

- Incorporation process held up by (1) annexations being overturned, requiring town to submit new petitions reflecting change in territory and (2) hearing delays by DOA.
 - Town of Hallie/City of Eau Claire similar problems
 - Decision took more than 3 years
 - Process delayed in part by competing litigation
 - Apparently only 1 petition referred to DOA since 1997 decided within statutory 90-day time limit (no info before 1997 supplied by DOA)
 - Granted: some delays requested by parties involved

- Surprised to receive draft proposal to fix problem internally on same day Senate passed SB 323 on voice vote
 - Issue has been around a long time
- Problem: internal policies can change at any time – need statutory solution
 - Glad DOA now wants to follow statutory 90-day time limit
 - Nothing in SB 323 would prevent – just don't penalize until 180 days pass
 - Open to amendment, but agency has said it doesn't want to have to refund fee if doesn't meet 90-day requirement
 - Agree with DOA's plan to review documents immediately to ensure needed information is submitted
 - Not sure why this hasn't happened in past
 - Agree there may be times when review period should be stayed to allow parties to negotiate
 - SB 323 allows court to set alternate date – but does not allow DOA to decide arbitrarily
 - Disagree that creating queue for competing petitions will cause delay
 - Opposite will occur because towns and municipalities will not have to re-file petitions if they get "beat to the punch"
 - Both sides abuse current process to prevent adverse decision indefinitely
 - As in City of La Crosse case, file poorly thought-out petitions just to prevent/delay other party from having petition considered
 - SB 323 creates orderly review process, saves time and money
 - Disagree that five-member board will politicize decision-making
 - Decision too important to be vested in one person
 - Board provides outside, real-life perspective
 - Members cannot live in or own property in community affected or adjacent community

- Still must base decision on current standards
 - DOA still provides technical expertise
- Current law not acceptable
 - Don't ever want to see a Town of Campbell cross our desk again
 - SB 323 streamlines incorporation process
 - Quicker
 - Less Costly
 - Likely less divisive as a result
 - Internal changes won't guarantee any of these things

Talking Points – SB 323 (Assembly Amendments)

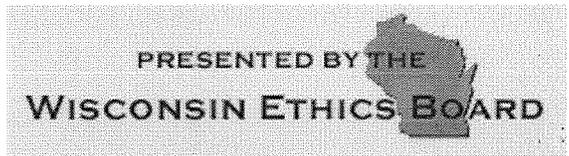
Assembly Amendment 1 (or 2) – Huebsch

- Specifies that the 180-day clock for Department of Administration (DOA) review of an incorporation petition shall be stayed for a reasonable period of time if all interested parties agree in writing to alternative dispute resolution (ADR)
 - Rationale: the bill already allows a court to set an alternate date for a DOA determination, but the amendment ensures adequate time for the parties to enter into ADR and reach a mutually agreed upon solution to a border dispute

Assembly Amendment 2 (or 1) – Huebsch

- Provides that the four members of the board other than the DOA designee serve only in an advisory capacity
 - Rationale: this amendment needed to remove DOA opposition to bill; will work next session on giving board decision-making powers (still believe incorporation determinations will be less political in nature if outside perspective utilized in decision-making process)

- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Thursday, February 26, 2004

2003-2004 legislative session

Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

Senate Bill 323

changing the procedures for the incorporation of cities and villages, creating a board to review incorporation petitions, and changing annexation procedures affected by incorporation petitions. (FE)

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	League of Wisconsin Municipalities	1/9/2004	↔	
●	●	Wisconsin Builders Association	12/23/2003	↓	
●	●	Wisconsin Professional Police Association	12/18/2003	?	
●	●	Wisconsin Realtors Association	12/16/2003	↑	

Select a legislative proposal and click "go"

House

Proposal Type

Proposal Number (enter proposal number)

Legislative Session