

CHAPTER 7 – INTERGOVERNMENTAL COOPERATION

INTRODUCTION

In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as communicating and sharing information, or it can involve entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue. It can involve consolidating services, jurisdictions, or transferring territory.

Many issues cross jurisdictional boundaries, affecting more than one community. For example, air and water pass over the landscape regardless of boundaries, so that one jurisdiction's activities, with regard to air and water impact other jurisdictions downwind or downstream. Today increased communication technologies and personal mobility mean that people, money, and resources also move across jurisdictions, as quickly and freely as air and water. Persons traveling along roadways use a network of transportation routes, moving between jurisdictions without even realizing it. Frequently, the actions of one governmental unit impacts another unit. This is why intergovernmental cooperation is a critical component of every community's comprehensive plan, for without it, even the best intentions of a plan can be undermined, even unintentionally, by an adjacent community with contradictory policies.

Wisconsin ranks thirteenth nationwide in total number of governmental units and third nationwide in governmental units per capita. Having so many governmental units allows for local representation and means that Wisconsin residents have numerous opportunities to participate in local decision-making. However, the sheer number of governmental units with overlapping decision-making authority presents challenges. More governmental units can make communication, coordination, and effective action more difficult, creating a greater potential for conflict. More governmental units may also mean unwanted and wasteful duplication in delivery of community services. Cooperation can help to avoid this duplication.

The Town of Russell's relationship with neighboring communities, Sheboygan County, the Bay Lake Regional Planning Commission, the Elkhart Lake-Glenbeulah School District, the Kiel School District, the New Holstein School District, and the state and federal government can impact Town residents in terms of taxation, planning, provisions of services, and siting of public facilities. An examination of these relationships and the identifications of opportunities to work together, as well as the identification of existing or potential conflicts can help the Town address these situations in a productive manner.

SUMMARY AND RECOMMENDATIONS

The Town of Russell interacts with a number of other governmental entities, most notably Sheboygan County. The existing relationship with the Town is generally positive. The Village has made it a goal to maintain existing partnerships while remaining on the lookout for additional opportunities.

Because the nearby villages do not currently exercise extraterritorial powers, the Town is not under extraterritorial platting review or extraterritorial zoning. The reason why the villages do

not exercise these powers is most likely due to the limited development activity in the Town of Russell; therefore, there has not been a need for either of these measures. Currently, in lieu of potentially complex and expensive formal boundary agreements, the Town and villages will rely on the future land use maps in Chapter 8 of this plan for provide guidance in transition areas and the Lake Country communities will establish a regular and ongoing intergovernmental communication forum to mutually discuss boundary issues and shared services.

Existing and potential conflicts are limited, but several steps have been suggested to help resolve any conflicts that might arise. Finally, the importance of coordinating comprehensive plan amendments among neighboring communities is recognized and addressed.

EXISTING ACTIVITIES

Adjacent Governmental Units

The Town of Russell is bordered by the Towns of Rhine and Greenbush, and also the counties of Fond du Lac and Calumet.

School District

The Town of Russell is split rather evenly between three school districts, the Elkhart Lake-Glenbeulah, Kiel, and New Holstein School Districts. Approximately 102 children in the Town potentially attend these public school (2000 U.S. Census). The relationship between the Town and the school districts have been limited. The school districts tend to operate rather independently and interaction with the Town is minimal.

Siting School Facilities

The siting of new school facilities is mainly conducted by the school districts. The overall trend of the Elkhart Lake School District has been to consolidate the location of the facilities to Elkhart Lake, as indicated by the closing of the Glenbeulah School in 1995.

Sharing School Facilities

The Town has no formal agreement with the school districts for shared use of the districts' facilities.

Emergency Services

There are mutual aid agreements between the fire departments in the area. The fire department with jurisdiction of the area is requested, and then is able to ask for assistance from the other fire departments, if it deems it necessary. Elkhart Lake and Kiel have first responders which provide emergency services for the local residents. There may be opportunities in the emergency service area to work together to help cut the costs that each department incurs through the training that is required.

County

The Town of Russell has cooperated and/or partnered with Sheboygan County in a number of ways in the past and intends to continue to do so in the future. Examples include: 1) working with the Sheboygan County Planning Department to write the Town's Comprehensive Plan, 2) working with the Sheboygan County UW-Extension to have surveys sent to Town residents as part of the comprehensive planning process, 3) having the road maintenance completed by the

Sheboygan County Highway Department, and 4) working with Sheboygan County to help protect the Broughton Sheboygan County Marsh and Wildlife Park.

Region

The Town of Russell is located in Sheboygan County, which is located in the northeast region of the State of Wisconsin. Sheboygan County is a member of the Bay-Lake Regional Planning Commission (BLRPC), which is the regional entity the Town is involved with. The BLRPC has a number of programs and plans in place covering natural resources, population projections, traffic counts, transportation plans, bike plans, etc., several of which have been used in the preparation of this comprehensive plan. The BLRPC is currently working on a plan to extend the National Ice Age Trail through some of the Lake Country Communities. A very small portion of the corridor of opportunity is located in the Town of Russell, but it is highly unlikely that the route would travel through the Town.

State

The Town's relationship with the State of Wisconsin is one which deals primarily with issues related to transportation (WisDOT), and natural resources and municipal well water (WDNR). Relationships in the past with these two agencies have been adequate.

INVENTORY OF PLANS AND AGREEMENTS

Currently, the Town of Russell has not entered into a formal boundary agreement with any municipality, but Sheboygan Road and County Highway Q are divided up with Calumet County. The western border of the Town is Rusmar Road, which is shared with Fond du Lac County. The Town of Russell has divided responsibilities of these roads up with the appropriate county. State Statutes 66.0307 and 66.0301 allow municipalities to enter into agreements regarding the location of municipal boundaries.

The cooperative boundary plan is any combination of cities, village, and towns that may determine the boundary lines between themselves under a cooperative plan, approved by the Department of Administration. The cooperative plan must be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory covered by the plan which in accordance with existing and future needs, best promotes public health, safety, morals, order, convenience, prosperity, or general welfare. Cooperative boundary plans cover at least a 10-year period. Additionally, cooperative boundary agreements are a tool that can be used for service sharing between local units of government. Municipal boundary plans and agreements are generally between a town and village or city and are used to promote harmonious development in the area.

Annexation

Wisconsin Statute 66.021 provides a means to annex land. Annexation is the process for transferring lands from unincorporated areas (towns) to contiguous incorporated areas (cities and villages). In Wisconsin, municipal annexations are typically initiated by landowners, and not by villages or cities. A town is not authorized these powers and therefore cannot annex land. There are two primary methods by which annexation may occur.

1. Direct annexation by unanimous approval

This is the most common form of annexation. It involves a single property owner or group of contiguous property owners who decide to have property they own in a town annexed to an adjacent city or village. This process begins with a petition signed by all of the qualified electors residing in the territory to be annexed and the owners of all the property included within that territory.

2. Direct petition for annexation by one-half approval

A one-half approval annexation begins when a landowner or group of landowners publish in a newspaper a class 1 notice of “intention to circulate an annexation petition.” This petition must be signed by a majority of qualified electors in the territory to be annexed and either the owners of one-half of the real property in value or in land area. This type of annexation process makes it possible for a majority of landowners who are not directly adjacent to a city or village to “force” other landowners in between them and the city or village to be a part of the annexation.

There are less frequently used methods, including annexation by court-ordered referendum which allows a city or village to initiate an annexation proceeding for contiguous, unincorporated territory by asking the circuit court to order a referendum. This method is rarely successful, since a majority of the electors and landowners within the proposed territory to be annexed must vote in favor of the annexation.

The Town has not had land annexed in the last 20 years. The Town would prefer that annexation of its land not occur because it generally does not help the local town.

Extra-Territorial Subdivision Regulation

State Statutes allow an incorporated village or city to extend land division (platting) review over surrounding unincorporated areas. This helps cities or villages to ensure that development near its boundaries is compatible with existing development. Such development should be designed in a way that promotes the efficient delivery of public services in the future, if the development ever becomes part of the city or village. The extraterritorial area can extend into the town for 1.5 miles for villages and cities under 10,000 people and three miles for cities with over 10,000 people. This power is most useful in areas where there is a substantial amount of land divisions occurring on the outskirts of a village. This has not been the case around the Village of Elkhart Lake or Village of Saint Cloud. Currently, no village is exercising extraterritorial platting review over the Town of Russell.

Extra-Territorial Zoning

State Statutes allow an incorporated village or city to extend extraterritorial zoning over surrounding unincorporated areas. Cities and villages are given a three-mile radius if they have a population greater than 10,000, and they are given 1.5 mile radius of zoning control if their population is under 10,000. Extraterritorial zoning requires a joint effort between the Town and the city or village to develop a plan for the area to be zoned. This allows a city or village to exercise land use control over new development that otherwise might be incompatible with a city or village’s future growth. This power is most useful in areas where there is a substantial amount of development or redevelopment occurring on the outskirts of a city or village.

This has not been the case around the Village of Elkhart Lake, but in the future, the Village may consider extraterritorial zoning. If the Town of Russell begins to grow within 1.5 miles from the village, The Village of Elkhart Lake would consider developing agreements in regards to this zoning with the surrounding Towns, which includes the Town of Russell. The Town of Russell, is currently not in favor of using extraterritorial zoning.

INVENTORY OF EXISTING OR POTENTIAL CONFLICTS

Through Russell’s participation in the Lake Country meetings with the Villages of Elkhart Lake and Glenbeulah and the Towns of Greenbush and Rhine, the potential areas of intergovernmental concerns and the possible ways to help address areas of concern in the future are addressed.

Existing or Potential Conflicts

- A. Inconsistencies between Village and Town regulations and controls
- B. Shared service costs
- C. Road maintenance and improvements on county roads
- D. WDNR-County ownership of public land

Proposed Conflict Resolution Process

For A, B, C, and D above: Establish a regular and ongoing (at least annual) intergovernmental forum to discuss boundary issues, shared service opportunities, and any other item of mutual concern between the five Lake Country Communities. This meeting may also provide the opportunity for more areas of joint cooperation. Two representatives from the Village of Elkhart Lake, Village of Glenbeulah, Town of Greenbush, Town of Rhine, and Town of Russell should be at these meetings and any other people who are involved with the dispute or conflict. The lines of communication need to always be open, and not just between the communities, but between the police department, fire department, highway department, and other governmental agencies. Recommendations resulting from these joint meetings would be brought back to the appropriate governmental bodies for final review and consideration. The Town needs to realize that changes are inevitable and if we plan ahead the changes can be gradual.

For conflicts that deal with future development near another municipality or with inconsistencies with regulations and controls, a formal policy can be developed to use the potential future land use maps in the comprehensive plans of these five communities to provide official guidance for growth patterns in the transition areas between the Villages and towns. This can also include the discussions of the differences in the zoning, especially in the areas around the lake and a continued sharing of plans and similar documents in a timely manner.

To ensure continued consistency and compatibility between plans, ordinances, regulations, and policies, an official Comprehensive Plan Amendment Procedure will be mutually established by the five communities within one year of adoption of the five comprehensive plans. This process will be facilitated by UW-Extension or similar organization.

INTERGOVERNMENTAL COOPERATION STRATEGY

The Town of Russell will seek direction for this element from the vision and goals identified through the public participation process.

Approximately 75% of Town of Russell respondents to the 2004 Citizen Input Survey agreed that intergovernmental cooperation between Lake Country Communities and other surrounding units of government is important to our mutual future. When asked to specify, respondents most often selected “Ambulance/emergency medical services (19.1%),” “Fire protection (16.5%),” “Police protection (14.8%),” “Waste disposal (14.8%),” and “Land use zoning (14.4%)” from a list of 8 possibilities.

Intergovernmental Cooperation Goals, Objectives, Policies, Programs

1) To foster a positive working relationship with surrounding units of government to reduce costs and better serve the area residents.

- a. *Policy/Program:* Cooperate with surrounding communities to strengthen and grow emergency services (police, fire, and ambulance).
 - a. Conduct a study to see if there are any more cost-effective ways to achieve this level of emergency and protective services
 - b. Work to recruit volunteer firefighters from Russell for the St. Anna Fire Department.
 - c. Continue to coordinate with the Sheboygan County Sheriff’s Department to ensure coverage of emergency services.
- b. *Policy/Program:* Cooperate with surrounding communities to provide more efficient waste management services, disposal, and recycling.
 - a. Look to see if working with another community would be more cost-effective than the current system.
- c. *Policy/Program:* Collaborate with surrounding communities on land use planning and zoning projects.
 - a. Encourage developers to locate major projects in nearby Villages such as Elkhart Lake, Glenbeulah, St. Anna, or St. Cloud.
 - b. Meet with nearby communities to ensure other units of government inform Russell when any new developments are being considered in the Town’s vicinity.
- d. *Policy/Program:* Consolidate and collaborate services such as snow removal.
- e. *Policy/Program:* Continue to not only be aware of and act on opportunities for future shared initiatives, services, and/or facilities, but also notify other nearby communities of upcoming purchases or initiatives that might be suitable for cost sharing.

2) The Town of Russell will explore a procedure for plan amendments.

- a. *Policy/Program:* Continue regular communications with surrounding units of government as significant steps are taken during the implementation stage of this comprehensive plan.
- b. *Policy/Program:* To ensure continued consistency and compatibility between plans, ordinances, regulations, and policies, an official Comprehensive Plan Amendment Procedure will be adopted. The procedure for the adoption of amendments should be discussed among the Lake Country communities. These procedures need to be adopted

within one-year of the adoption of the comprehensive plan. This process can be facilitated by the UW-Extension or similar organizations.

- a. Decide if the plan amendment procedure will include when to share the proposed amendments with the surrounding communities because if the amendment would not affect the other communities it would be unnecessary to share with the other communities.