

MINUTES OF PUBLIC HEARING
REGARDING CITY OF FOND DU LAC AND TOWNS OF BYRON,
EMPIRE, FOND DU LAC, FRIENDSHIP AND TAYCHEEDAH
COOPERATIVE PLAN

September 22, 2016

CALL TO ORDER

Erin Gerred, Director of Administration for Fond du Lac County welcomed everyone in attendance. She asked the City and Towns representatives seated at the head table to introduce themselves and their positions.

A sign-in sheet was circulated. All Town Chairpersons and Supervisors were in attendance except for Dina O'Brien for Town of Friendship and Clarence Kraus and Tim Simon for Town of Taycheedah. In addition there were about 15 members of the public in attendance. Ms. Gerred stated there is a quorum of the City Council and for the Towns of Byron, Empire, Fond du Lac, Friendship and Taycheedah. She stated the public hearing was a requirement of Wis. Stat. § 66.0307(4) as part of the legal process necessary to obtain State of Wisconsin approval for the cooperative boundary agreement under that statute. Both the City and all of the Towns confirmed that Class 3 notices were published.

BACKGROUND

Ms. Gerred provided brief background information including the fact of the existing cooperative boundary agreement between the City and the Towns of Empire, Fond du Lac, Friendship and Taycheedah for the past 20 years to provide for orderly, planned growth and to encourage cost effective access to public services. She stated that everyone agreed that the current agreement has been successful and that it is time for renewal of the agreement for the best interests of the public. The Town of Byron will be added as a new party to reflect the likely growth of the City to the South.

John St. Peter provided further background, including the following:

- The existing agreement has been in place since 1996, and expires this year. This agreement came into being after 30 years of unfriendly relations. Litigation was held over a variety of land use issues, which included some developers. In the mid-1990s the parties decided there was a better way of doing business and developed the border agreement. It is important for the City to grow as they are a major player.
- There's a reference to a 24-year term and that's because we also have a cooperative sewer agreement with the City, called a Master Sewer Agreement which will be open for

review in 2020. Therefore, we are piggybacking the extra 4 years.

John St. Peter commented on the following core principles in the existing agreement that we hope to continue:

- To recognize City Growth Areas (CGA) which annexations may occur and which towns will discourage premature development prior to City annexation. The maps which will be shown will demonstrate that the City will grow into these areas and the towns will work with the City so that the City can grow in a proper, planned way.
- The new agreement will allow only unanimous annexations. There are 2 types of annexations—unanimous and majority. Unanimous means there is only 1 or 2 property owners and they signed a petition to go in. A majority annexation is when a majority of either area or property value can force a minority in. With limited exceptions, the agreement will not allow for majority annexation.
- City will recognize Town Growth Areas (TGA) from which annexations are prohibited without Town Board consent.
- Towns and City will continue to cooperate in matters regarding roads, utilities and other public services so as to be more efficient with everyone's money.

John St. Peter also noted the following significant new items:

- The City proposed the creation of an intergovernmental agreement advisory committee that will meet on a regular basis to talk about such things as (a) where the City is going, (b) what plans the City has to grow, (c) what plan the Towns have to grow, (d) where are the roads going, (e) what can we say to the State or County about various items, etc. The Towns support this concept.
- The Towns agree that the City may attach from the Towns into the City various publicly owned parcels but that no private property will be attached. This topic was discussed at length during negotiations.
- Existing farm operations with the CGA or even within ½ mile of a CGA will be allowed to continue without interruption subject to compliance with normal state and

county rules applying to farms. All parties support continued farm operations

- Limited residential development will be allowed to occur within the CGA without immediate annexation provided the growth is consistent with that particular Town's comprehensive plan. But those properties will be required to attach to the City upon the latter of 24 years or when the property has frontage that is serviced by City utilities, i.e. sewer and water.

OVERVIEW OF MAP

Dyann Benson, the City's Community Development Director, gave an overview of the map shown on a large screen pointing out the various colored areas, the Growth Areas and various Town and City boundaries. She commented on the intentions of the land uses in the various towns. She also discussed attachments and the process of preparing a cleaner map that is less confusing. Attachments will only be of those parcels that are owned by governmental entities such as the City of Fond du Lac, Fond du Lac County, the Department of Transportation, the State of Wisconsin or railroads. She also discussed town islands and the fact that having town islands is disfavored. Existing town island will be recognized but the intent is to avoid creation of more town islands. When sewer and water gets extended there may be a town parcel that is near the development. If the development occurs either at the 24-year mark and there's sewer and water in front of that parcel, it would come into the City. If at the 24-year mark there are no utilities in front of that parcel, it would not come into the City until sewer and water are extended past that parcel. It would be the latter of the two. This is only regarding newly created town islands not existing town islands.

PUBLIC HEARING

Ms. Gered opened the public hearing and asked for any members of the audience to make a comment, asking that approach the podium and microphone in the center of the room and state name and address. Comments were made by the following:

- Charles Martin, N5866 Fox Court in the Town of Fond du Lac. He commented that it appears we are creating town island on East Pioneer Road. His question was would they automatically be annexed because they have sewer and water in front of them and that they're now an island. John St. Peter responded the answer was no because the agreement is talking about newly created islands—if someone wishes to develop and want to put up a house the City would allow limited residential development but it would have to be a date when they come into the City. Mr. Martin also asked what was the

definition of a subdivision. John St. Peter responded it's limited residential development such as a minor subdivision. A major subdivision would not occur with the CGA without annexation.

- Mary Toriello, N5295 Club Deneveu Drive in the Town of Empire. Ms. Toriello complimented the City and the Towns for their work on the agreement and the fact that it is renewed and refreshed. She stated she read the agreement over several times. She said there was discussion in a couple of sections of the agreement about the Niagara Escarpment and other unique land formations. She would like to see the Niagara Escarpment mentioned more prominently in the agreement. She also stated the advisory committee was a great idea but wanted to know if the names of them would be published so residents know whom to contact. Her last question was regarding the City commenting on signage, etc. John St. Peter stated that this being a contract that the relevant town soliciting comment from the City must in good faith consider the comment and have a reason why it is not being honored.

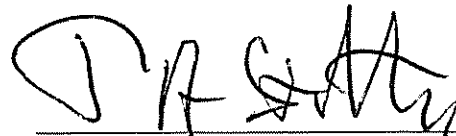
Ms. Gerred asked for any other comments from the public and there were none. She declared the public hearing closed.

PROCEDURAL NEXT STEPS

John St. Peter reiterated the fact that the public has 20 days after the hearing to submit written comments (email is acceptable), and to send them to your respective Town clerks or the City Clerk, if you live in the City. That deadline is October 12. After that the parties may revise the draft document. Each municipality then has to vote to adopt the final Plan. Residents can petition for an advisory referendum under the law. A petition must be submitted within 30 days after the vote to adopt the Plan. The petition must be signed by qualified electors equal to at least 10% of the votes cast for Governor in each municipality. If no advisory referendum then we submit the final document to the State for approval. He reiterated that the statute is 66.0307 and it lays out all of the deadlines.

ADJOURNMENT

The public was thanked for attending and the meeting adjourned.



John A. St. Peter, Recording Secretary