

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 impact others. 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 very local representation which 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.

The Town of Greenbush's relationship with neighboring communities, Sheboygan County, the Bay Lake Regional Planning Commission, the Elkhart Lake-Glenbeulah School District, the Plymouth School District, the New Holstein School District, Campbellsport School District, and the state and federal government can impact town residents in terms of taxation, planning, provision of services, and siting of public facilities. An examination of these relationships and the identification 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 Greenbush interacts with a number of other governmental entities, most notably the Village of Glenbeulah. Existing relationships with these entities are generally positive. The Town participates in some partnerships already, so the Town of Greenbush has made it a goal to maintain existing partnerships while remaining on the lookout for additional opportunities.

Because the Village of Glenbeulah does not currently exercise extraterritorial powers, the Town is not under extraterritorial platting review or extraterritorial zoning. This is most likely due to

the limited development activity in the Town of Greenbush within 1.5 miles of the Village; therefore, there has not been a need for either of these measures. The Town does think that zoning should coincide with each other. The land of the Town that borders the Village should have approximately the same zoning, so there is consistency among the villages and towns. This can be in lieu of potentially complex and expensive formal boundary agreements.

Existing or potential conflicts are limited, although STH 23 and the WDNR's acquisition of lands will need to be monitored to help prevent any potential conflict. The Town also potentially sees conflicts in the reduction of federal and state funds, along with the patrolling of recreational trails. Several steps have been suggested to help resolve any conflict that might arise. The importance of coordinating comprehensive plan amendments among neighboring communities is recognized and addressed.

EXISTING ACTIVITIES

Adjacent Governmental Units

The Town of Greenbush is bordered by Fond du Lac County, the Town of Russell, the Town of Plymouth, the Town of Mitchell, the Town of Rhine, the Town of Lyndon, and the Village of Glenbeulah.

School District

The Town of Greenbush is located within four school districts. Though small portions of the Town of Greenbush are in the Campbellsport and New Holstein School Districts, the Town is primarily in the Elkhart Lake-Glenbeulah and Plymouth School Districts. A description of these districts can be found in Chapter 6. There are approximately 506 school-aged children in the Town (2000 U.S. Census). 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. There are not any school facilities located directly within the Town's borders, but the overall trend has been to consolidate the location of the facilities to the largest city or village. Elkhart Lake's enrollment has been decreasing and consolidation of the facilities has occurred, as indicated by the closing of the Glenbeulah School in 1995. Also, Plymouth recently closed Parnell Elementary School which some students from Greenbush attended. It is highly unlikely that any school facility will be built in the Town during the planning period.

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. Glenbeulah also has first responders which provide emergency services for the local residents. There may be opportunities in the emergency service

area or with fire departments to work together to help cut the costs that each department incurs through the training that is required.

County

The Town of Greenbush 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) Working with Sheboygan County to protect the area of the Broughton Sheboygan County Marsh Park, and 4) using the Sheboygan County Sheriff's Department for protective services. While the Town administers its own general zoning, it is under the County's Sanitary Ordinance, Subdivision Ordinance, and Shoreland-Floodplain Ordinance. The County also helps the Town administer the state's Farmland Preservation Program.

Region

The Town of Greenbush 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 with which the Town is involved. 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 the Lake Country Communities. The Town already has the Ice Age Trail, but the trail would be extended farther north.

State

The Town of Greenbush's relationship with the State of Wisconsin is one which deals mainly with issues related to transportation (WisDOT), natural resources and municipal well water (WDNR). The WDNR and the Town's relationship are strained because of the amount of untaxed land in the Town. The Town's fire department works with the WDNR to protect the Kettle Moraine State Forest.

INVENTORY OF PLANS AND AGREEMENTS

Currently, the Town of Greenbush has not entered into a formal boundary agreement with any municipality. 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 DOA. 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 conducted between a town and village or city. In order to promote harmonious development in the area, the Town may want to discuss boundary agreements with the Village of Glenbeulah.

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; therefore, the Town of Greenbush cannot annex land, but can have its land annexed by the Village of Glenbeulah. 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 territory proposed to be annexed must vote in favor of the annexation.

In the last 20 years, the Village of Glenbeulah has annexed approximately 40 acres of land (which is about .1% of all the land in the Town). The Town did not aggressively dispute any of the annexations, but the Town of Greenbush is not in favor of annexation because it means a loss of revenue for the Town.

Extra-Territorial Subdivision Regulation

State Statutes allow an incorporated village or city to extend land division (plat) review over surrounding unincorporated areas. This helps cities or villages ensure that development near its boundaries is compatible with existing development, and that such development is designed in a way that promotes efficient delivery of public services in the future, if the development ever becomes part of the city or village. The extraterritorial area can extend for 1.5 miles for villages and cities under 10,000 people, and three miles for cities over 10,000 people. This power is most

useful in areas where there is a substantial amount of land division occurring on the outskirts of a village. The Village of Glenbeulah still has land available for development, so they have not exercised extraterritorial plat review, but would have the ability to look at parts of the Towns of Greenbush, Rhine, and Plymouth. Greenbush needs to be aware that this platting review is possible.

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 miles of zoning control if the 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 also 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 Glenbeulah, and consequently the Village does not exercise extraterritorial zoning in the Town of Greenbush. The Town of Greenbush does think that the zoning between villages and towns should coincide with each other; currently, there is no uniformity with zoning in the village and town. The Town and Village need to work together to create zoning that is in agreement with each other.

INVENTORY OF EXISTING OR POTENTIAL CONFLICTS

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

Existing or Potential Conflicts

- A. Inconsistencies between Village and Town regulations and controls
- B. Emergency Services
- C. Police Protection
- D. Locations of future development in transition areas
- E. Road maintenance on shared roads
- F. WDNR ownership of land
- G. Patrolling of the recreational trails
- H. Continuous cutting of state and federal funds

Proposed Conflict Resolution Process

For A, B, C, D and E 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, WDNR, and other governmental agencies. Recommendations resulting from these joint meetings would be brought back to the appropriate governmental bodies for final review and consideration.

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 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 Village 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.

For F, G, and H above: The Town needs to establish working relationships with the appropriate government entities. The Town should try to establish yearly to bi-yearly meetings to stay informed of any possible WDNR acquisition of land or the cutting of federal or state funds. The Town also should work with the WDNR and the County Sheriff's Department for the patrolling of the snowmobile and hiking trails in the Kettle Moraine State Forest-Northern Unit. The Old Plank Road Trail could also use more patrolling. The Town may want to look into forming procedures with these agencies before land can be acquired, and also look into forming a better system for patrolling the large number of recreational trails in the Town of Greenbush. Meetings with these agencies can be facilitated by UW-Extension or a similar organization.

INTERGOVERNMENTAL COOPERATION STRATEGY

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

In 2004 52.6% of respondents to the 2004 Citizen Input Survey stated that of the 7,271 acres the Wisconsin Department of Natural Resources owns that it should be kept in public ownership, but that no more land should be purchased; the same percent of residents also stated that the 2,128 acres owned by the Wisconsin Department of Natural Resources should be kept in public ownership, but no more purchased.

Intergovernmental Cooperation Goals, Objectives, Policies, Programs

1) To cooperate with surrounding communities promoting efficiency of services and facilities and conserving resources during planning and expansion efforts.

- a. *Policy/Program:* Cooperate with other jurisdictions in repair and maintenance of roads and trails and law enforcement needs.
 - a. Assistance should be provided by Sheboygan County to help meet these needs.
- b. *Policy/Program:* Discourage further expansion of public land through the State of Wisconsin within the town.

2) To maintain good working relations between the towns, villages, and other government entities in the “Lake Country” Region for positive cooperation in the future of all communities involved to save costs and resources.

- a. *Policy/Program:* Keep the Lake Country Communities and other surrounding communities apprised of any significant development proposals or changes to the Town of Greenbush Future Land Use maps.
- b. *Policy/Program:* Encourage developers to locate major projects in or near Elkhart Lake or Glenbeulah rather than the rural areas of the Town.
- c. *Policy/Program:* Cooperate with other communities to ensure sufficient quality and quantity of water resources, both surface and ground.

3) Develop a policy and/or process for boundary conflicts between the Town and adjacent communities.

- a. *Policy/Program:* Establish a regular and ongoing (at least annual) intergovernmental forum to discuss boundary issues, shared service opportunities, and any other items of mutual concern. Such a meeting could be facilitated by the UW-Extension or a similar organization. The Communities can decide how many people should be present from each community at the meetings, but it is suggested that representatives from the Towns of Greenbush, Rhine, and Russell and the Villages of Elkhart Lake and Glenbeulah will include the board president/chair (or someone appointed in their stead) and either a board member-at-large or a plan commission member-at-large from each community. This would make for a total of 10 representatives at the meetings.
 - a. The Town of Greenbush should also hold boundary meetings with the Towns that are not part of the Lake Country Planning group.
 - b. Recommendations resulting from these joint meetings will be brought back to the appropriate governmental bodies for final review and consideration.

4) The Town of Greenbush will explore and adopt 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 established by the communities with slight modifications for each municipality. This procedure should be developed within one year of the adoption of the five comprehensive plans. This process will be facilitated by UW-Extension or a similar organization.
 - 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.