



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Senate Bill 87	Senate Amendment 1
<i>Memo published:</i> October 31, 2003	<i>Contact:</i> Mary Offerdahl, Staff Attorney (266-2230)

Current law includes several statutory provisions for various ways in which territory may be annexed to a city or village. These provisions permit annexations, if specified requirements are met, including annexation initiated by electors and property owners, annexation by referendum initiated by a city or village, annexation of “town islands,” and annexation of territory owned by a city or village that lies near, but not necessarily contiguous to, the city or village.

Senate Bill 87 prohibits a city or village, under the specified provisions, from annexing territory:

- If no part of the city or village is located in the same county as the territory.
- Unless the entire annexation follows one or more of the following: a natural boundary, the center line of a highway, or a surveyor’s section line that is no lower than a quarter-quarter section line.

Senate Amendment 1 ensures that the specified statutory provisions for annexing territory to a city or village are subject to another statutory provision permitting any combination of city, village, or town to determine boundary lines between themselves under a cooperative plan that specifies a “planning period,” generally a period of 10 years or more, subject to approval by the Department of Administration (DOA). The provision generally limits the ability to alter a boundary included in the cooperative plan’s identification of any boundary change and any existing boundary that may not be changed during the planning period (with an exception for a Department of Natural Resources order under a statutory provision addressing joint sewerage systems).

Legislative History

On October 15, 2003, Senator A. Lasee offered Senate Amendment 1. On October 29, 2003, the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform recommended adoption of the amendment on a vote of Ayes, 4; Noes, 1, and recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

MO:rv



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Senate Bill 87	Assembly Substitute Amendment 1
<i>Memo published: March 11, 2004</i>	<i>Contact: Rachel E. Letzing, Staff Attorney (266-3370)</i>

Current law includes several statutory provisions for various ways in which territory may be annexed to a city or village. These provisions permit annexations, if specified requirements are met, including annexation initiated by electors and property owners, annexation by referendum initiated by a city or village, annexation of “town islands,” and annexation of territory owned by a city or village that lies near, but not necessarily contiguous to, the city or village.

Assembly Substitute Amendment 1 to 2003 Senate Bill 87 prohibits a city or village, under the specified provisions, from annexing town territory (i.e., territory not owned by a city or village), unless the city or village agrees to pay annually to the town, for five years, an amount equal to the amount of property taxes that the town levied on the territory in the year in which the annexation is final. However, a city or village is not required to make payments to the town if the city or village and the town enter into one of the following types of boundary agreements:

- A boundary agreement under s. 66.0307, Stats., which permits the city or village, and the town, to determine boundary lines between themselves under a cooperative plan approved by the Department of Administration. The cooperative plan must identify any boundary change and any existing boundary that may not be changed during the planning period specified in the plan, and the statutory provision generally prohibits other procedures for altering boundaries included in the plan (with an exception for a Department of Natural Resources’ order under a statutory provision addressing joint sewerage systems).
- A boundary agreement under s. 66.0225, Stats., which permits any two municipalities (cities, villages, and towns) whose boundaries are immediately adjacent at any point and who are parties to a court action testing the validity or invalidity of an annexation, incorporation, consolidation, or detachment to enter into a written stipulation determining a common boundary line. The stipulation is valid if incorporated in the court’s final judgment, approved by the governing bodies of the detaching and annexing municipalities, and approved by referendum if a valid petition for referendum is properly filed.
- A boundary agreement under s. 66.0301, Stats., which generally allows a municipality to contract with other municipalities and with federally recognized Indian tribes and bands in

this state for "the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law."

The substitute amendment also prohibits a city or village from annexing territory if no part of the city or village is located in the same county as the territory. The substitute amendment creates two exceptions that would allow an annexation otherwise subject to this prohibition to proceed. Under the first exception, an annexation may proceed if the town board and the county board in which the territory is located each adopt a resolution approving the proposed annexation. Under the second exception, if the annexation is of territory owned by a city or village, then the annexation may proceed if the town board and the county board in which the territory is located each adopt a resolution approving the proposed annexation, and the city or village and the town enter into one of the types of boundary agreements described above.

Finally, the substitute amendment prohibits a town from bringing an action, on any grounds, whether procedural or jurisdictional, to challenge the validity of a direct annexation by unanimous approval.

If enacted, the substitute amendment would first apply to any annexation that has not taken effect on the effective date of the legislation.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Gard on March 9, 2004. On March 10, 2004, the Assembly adopted Assembly Substitute Amendment 1 and concurred in the bill, as amended, both on voice votes.

MO:REL:rv:tlu:ksm:ksm;rv;ksm



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 317 [2003 Senate Bill 87]	Limiting Annexation Authority of Cities and Villages
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 317 prohibits a city or village from annexing any town territory unless the city or village agrees to pay the town, for five years, an amount equal to the amount of property taxes that the town imposed on that territory in the year in which the annexation is final. However, a city or village is not required to make payments to the town if the city or village, and the town, enter into one of the following types of boundary agreements:

- A boundary agreement under s. 66.0307, Stats., which permits the city or village, and the town, to determine boundary lines between themselves under a cooperative plan approved by the Department of Administration (DOA).
- A boundary agreement under s. 66.0225, Stats., which permits any two municipalities (cities, villages, and towns) whose boundaries are immediately adjacent at any point and who are parties to a court action testing the validity or invalidity of an annexation, incorporation, consolidation, or detachment to enter into a written stipulation determining a common boundary line.
- A boundary agreement under s. 66.0301, Stats., which generally allows a municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for “the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.”

The Act prohibits a city or village from annexing any territory if none of the city’s or village’s territory is in the same county as the territory to be annexed unless the town board and the county board in which the territory is located each adopt a resolution approving the annexation. If the annexation is of city-owned or village-owned territory, the city or village, and the town, must also enter into one of the types of boundary agreements listed above.

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

The Act prohibits a town from bringing an action on any grounds to contest the validity of a direct annexation by unanimous approval. Under this annexation method, the governing body of a city or village may, generally, annex property by a 2/3 vote of the body if the required petition, map, and legal description are filed with the city or village and all of the involved towns. This annexation method is subject to DOA review.

Effective Date: 2003 Act 317 takes effect on May 7, 2004 and first applies to any annexation that has not taken effect on this date.

Prepared by: Rachel E. Letzing, Staff Attorney

April 28, 2004

REL:rv

Vote Record
Committee on Homeland Security, Veterans and Military Affairs and Government Reform

Date: 10/29/03

Moved by: Zien

Seconded by: Fitzgerald

AB _____ SB 87 _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Ronald Brown, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record
Committee on Homeland Security, Veterans and Military Affairs and Government Reform

Date: 10/29/03

Moved by: Breske

Seconded by: Fitzgerald

AB _____

SB 87

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
 Adoption
 Confirmation
 Concurrence
 Indefinite Postponement
 Introduction
 Rejection
 Tabling
 Nonconcurrence

Committee Member

Senator Ronald Brown, Chair

Aye

No

Absent

Not Voting

Senator David Zien

Senator Scott Fitzgerald

Senator Robert Wirch

Senator Roger Breske

Totals:

4

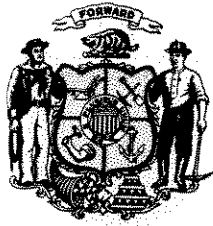
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Motion Carried

Motion Failed



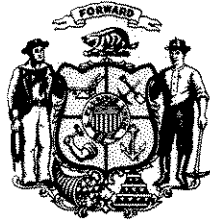
Alan Lasee

Senate President

1st Senate District

Thank you for
scheduling my town
bill.

Sincerely,
Alan



JUL 09 2003

1st Senate District
State Capitol • PO Box 7882
Madison, WI 53707-7882

Alan Lasee

Senate President

Tel 608 266 3512
Fax 608 267 6792

email: sen.lasee@legis.state.wi.us
web: www.legis.state.wi.us/senate/sen1/news/

July 9, 2003

Senator Ronald W. Brown
104 South, State Capitol
Madison, WI 53707

Dear Senator Brown *RM*

As we have discussed previously, the four bills I have authored which are designed to give Wisconsin towns more authority in the future development of town land, including annexation, have been referred to your committee.

Across the state, a third of the people living and working in Wisconsin live in towns and have little to say in matters of urban growth. My bills ensure they are treated more equitably in land use issues. Your consideration in scheduling these bills (Senate Bills 87, 88, 89 and 110) for public hearings in the very near future would be appreciated. Please let me know if you have a tentative time-schedule for these bills.

If you have any questions, please let me know.

Sincerely,

ALAN J. LASEE
SENATE PRESIDENT
1ST Senate District

cc: Rick Stadelman

Senator Brown Constituent Form

Name: Doug Kranig Date Called: 10/15/03

Address: 1802 N. 120th Ave

City, State, Zip: Tan Claire, Chippewa Falls,

Phone Number: Home: Work:

Called Regarding:

Effort
87,88,89 Chair, Town Seymour

Logged In to Forward:

Routed to:

Case Closed:

Senator Brown Constituent Form

Name: Jim Simons Date Called: 10/15/03

Address: Chair of Town of Spring Prairie in Walworth Co.

City, State, Zip: _____

Phone Number: _____ Home: _____ Work: _____

Called Regarding: supports SB 87, 88, 89

but believes an ~~annexation~~ ^{not} annexation should follow
the centerline of a highway - better to have
one jurisdiction in charge of maintaining road

Logged In to Forward: _____

Routed to: _____

Case Closed: _____

Senator Brown Constituent Form

Name: Robert McIndoe Date Called:

Address: W670 Kearney Rd

City, State, Zip: Burlington 53105

Phone Number: Home: Work:

Called Regarding:

Town of Spring Prairie
supv. (Wauw. Co.)
SB 87 88 89

However, concerned about borders
going down middle
of road -
a town should
have all or
none

Otherwise,
trouble with
maintenance
responsibility

Logged In to Forward:

Routed to:

Case Closed:

Senator Brown Constituent Form

Name: Cindy Reilly Date Called: _____

Address: _____

City, State, Zip: _____

Phone Number: _____ Home: _____ Work: _____

Called Regarding: _____

Town
Chw / Town of ~~Harmony~~ Harmony
(Rock Co.)

Suppst SB 87 88 89

Logged In to Forward: _____

Routed to: _____

Case Closed: _____

Senator Brown Constituent Form

Name: Harold Hanauka **Date Called:** _____

Address: 4835 Bingham Rd

City, State, Zip: Milton 53563

Phone Number: _____ **Home:** _____ **Work:** _____

Called Regarding: Harmony Harmony (Rock Co.)
Town
Supr

Support SB 87-89

Logged In to Forward: _____

Routed to: _____

Case Closed: _____

TOWN OF NEENAH
Winnebago County
1648 South Park Avenue, Neenah, Wisconsin 54956

Steven J. Spanbauer, Chairman 920-722-6205
Jan DeKeyser, Supervisor 920-725-3284
Glenn Armstrong, Supervisor 920-722-3355

Dennis Briggs, Supervisor 920-722-3619
Glenn Winkler, Supervisor 920-722-2289
Carita Williams, Clerk/Treasurer 920-725-0916

October 15, 2003

Senator Ron Brown, Committee Chairperson
Senate Committee on Homeland Security,
Veterans and Military Affairs and
Governmental Reform
Room 104 South
State Capitol
P. O. Box 7882
Madison, WI 53707-7882

OCT 20 2003

Subject: Senate Hearing on Boundary Bills

Dear Senator Brown,

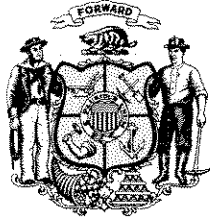
We regret we were unable to attend your Committee hearing today regarding Senate Bills 87, 88 and 89, and wish to express our support of these three bills via this letter.

Please be advised the Town of Neenah strongly encourages the Senate Committee on Homeland Security, Veterans and Military Affairs and Governmental Reform to move these bills expeditiously and favorably to a full vote. It has long been known that Towns need a level playing field with cities and villages on these issues. We also believe these bills will encourage more cooperation between cities/villages and their neighboring towns.

Thank you for your swift passage of these bills.

Sincerely,


Steven J. Spanbauer, Chairman



1st Senate District
State Capitol • PO Box 7882
Madison, WI 53707-7882

Alan Lasee

Senate President

Tel 608 266 3512
Fax 608 267 6792

email: sen.lasee@legis.state.wi.us
web: www.legis.state.wi.us/senate/sen1/news/

*TO: Members, Committee on Homeland Security,
Veterans Affairs and Government Reform*

FR: Senator Alan Lasee

DATE: October 15, 2003

RE: Support for Senate Bills 87, 88 and 89

Thank you Chairman Brown and Members of the Senate Committee on Homeland Security, Veterans Affairs and Government Reform for holding a public hearing on Senate Bills 87, 88 and 89. These bills are intended to encourage cooperation between cities/villages and towns. The last major changes to annexation laws took place during the 1957-59 session of the legislature.

Annexation laws currently do not give any protection to town property owners who can be annexed against their will. I have introduced this legislation to develop a level-playing field between municipalities and to give Wisconsin towns more authority in the future development of town land.

Under SB 87, no city or village may annex any territory if none of the city/village territory is in the same county as the territory to be annexed. In general, annexation of town territory may occur if it follows natural boundaries. Requiring city or village annexations to follow natural boundaries, such as rivers, centers of highways or surveyors' lines would establish a clear measure of how town land can be annexed in the future.

SB 89 requires a referendum in a town before annexation of town territory can take place. The problem with current law is that the only people who can vote in a referendum are those who are generally asking to be annexed. Sometimes as few as 2

or 3 property owners get to vote. Even though annexations can have a significant impact on the property tax base for the entire town.

Both of these bills are intended to make annexations more rational and they will give property owners in the annexed areas and the town as a whole more say. In the amendment to each, annexation procedures are subject to new limitations and existing boundary agreements.

Extraterritorial power of cities/villages is currently exercised without the approval of the town and SB 88 is intended to protect property owners in that extraterritorial area and gives towns some approval over city/village ordinances in the extraterritorial areas. This is significant because this will encourage cooperation between cities/villages and towns. In the long run cooperation between municipalities is what we should support.

State law currently gives a third of the people in Wisconsin, living in towns, very little say in these matters. Annexation of town land impacts their taxes, services and future growth decisions. These bills will ensure that they are treated more equitably in land use decisions.

These bills are not intended to stop annexations, but rather, level the playing field and encourage cities to negotiate fairly with their neighbors who reside in townships.

Currently they are under no obligation to even attempt a dialog and resolve issues of mutual interest.

Mr. Chairman, Senators

I am Colin Butler. I am a resident of the Town of Ottawa in Waukesha County. I serve on the Ottawa Plan Commission, the Ottawa Park Board, the Ottawa Long Range Land Use Plan Committee and am the past President of the Dousman Area Chamber of Commerce. I am an Information Technology consultant and raise beef, sheep and poultry.

Thank you for allowing me to appear before you this afternoon.

You certainly are aware as you consider Senate Bills 87, 88 and 89 that there is a considerable inequity in the current laws governing the annexation of town lands by villages and cities in Wisconsin. One hundred years ago, the availability of town lands to support village and city growth was vital to farmers and other townspeople hoping to develop commercial centers to support farm enterprise. However, today, towns are typically not raw land available for supporting village and city growth plans. Towns today are places where citizens choose to live in a less-congested rural atmosphere. Today, it doesn't make sense for a town with twice the population and three times the tax base of a neighboring village to be exposed to the whim of the village as it attempts to prop up a poorly managed municipal enterprise by selling our future to developers anxious to convert treasured green space to homes and businesses that add little to the larger community other than traffic, crime and kids to educate.

Towns now deserve equal standing with villages and cities. Annexation should only occur when it benefits both municipalities – not when it benefits one at the expense of the other.

Allow me to digress a moment to describe what's happening to my town. I live in Ottawa in western Waukesha County. At the northern edge of Ottawa is located the Village of Dousman, comprised of lands originally annexed from Ottawa and the Town of Summit. Dousman has just presented a proposal to the Town of Ottawa to enter into a border agreement that will shift hundreds of acres of farm land and hundreds of existing homes to the village over the next twenty years. The effect will be that Dousman will triple in geographic size and hundreds or perhaps thousands of new homes will be built. Traffic on small country roads will increase dramatically, crime will no doubt increase, threat of pollution to sensitive wetlands including the southern unit of the Kettle Moraine State Forest will increase and hundreds more children will be delivered to the doors of our regional school district that is already running significantly over the nominal capacities of all its elementary schools and at the capacities of its middle and high schools. The village will tear over two miles directly into the heart of our Town, actually stopping its annexation drive right at the property line of the Ottawa Town Hall and Park properties. Ottawa will literally be ripped in two in the process and feels powerless to even slow this threat, never mind to stop it.

Please, please recommend passage of these three bills being considered today to the full Senate. The future of all rural Wisconsin, particularly rural southeast Wisconsin (where irrational unfettered development seems to be the rule, not the exception) rests in your hands.

Thank you very much for taking the time to listen to me today.



202 State Street
Suite 300
Madison, Wisconsin 53703-2215

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

To: Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities

Date: October 15, 2003

Re: **Opposition to SB 87, Prohibiting Municipalities from Annexing Across County Lines**

The League of Wisconsin Municipalities strongly opposes SB 87, which prohibits municipalities from annexing territory that lies in a different county than the county in which the municipality lies. We view this legislation as creating an unnecessary limitation on municipal annexation powers.

Municipalities that abut county boundaries should not be arbitrarily prohibited from annexing territory across the county line. If the owners and/or electors of that territory have petitioned the municipality for annexation because they seek municipal water, sewer and other services, the municipality should be allowed to annex the territory regardless of what county the territory is in.

We urge you to reject this effort to limit municipal annexation powers. Please oppose SB 87. Thanks for considering our comments on this anti-annexation legislation.

GRAND CHUTE

la grande chute

October 21, 2003

NOV 06 2003

RE: Support for Senate Bills 87, 88 and 89 – Boundary Bills

Dear Senator Brown and Committee Members:

The Grand Chute Town Board was in budget work sessions on Wednesday, October 15, 2003, when your committee held a hearing on the above referenced bills. The Town of Grand Chute has a great interest in these bills, and I would like the State Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform to take the following issues into consideration as you deliberate on these important pieces of legislation.

I am writing to **SUPPORT SB 87, SB 88, AND SB 89**. Each bill will provide a sense of logic and cooperation between municipalities when annexations and extraterritorial platting occurs. In the past year alone, Grand Chute has seen surrounding cities and villages annexing properties in unusual fashions, such as islands that are surrounded by two cities or villages, or the "balloon on a string". Islands like these are not considered an island in the eyes of the Department of Administration, since they define an island as being surrounded by one city or village. SB 87's requirement that municipalities annex along logical lines or natural boundaries provides a sense of order to the annexation process that is all too often missing.

SB 88 merely requires what the State and municipalities throughout Wisconsin have been saying for a long time: You must cooperate. Requiring cooperation between cities, villages, and towns for extraterritorial platting makes sense for all concerned parties. A cooperative process ensures that the needs of each affected municipality are heard in the platting process. SB 88 would bring all affected municipalities into the process to jointly solve conflicts with plats, rather than giving cities or villages unilateral veto power, which only creates greater conflicts between the town and a city or village.

As for SB 89, I believe that annexations must be conducted with the support of those most directly impacted by them, the townspeople. The adoption of SB 89 would result in greater cooperation between jurisdictions because of the support that would need to be generated to approve annexations. If the electorate in a town were willing to accept an annexation by a neighboring city or village, then we would avoid many of the messy and expensive legal battles that have been the feature of many annexation disputes.

Please take these issues into consideration as you deliberate on these important pieces of legislation. Please feel free to contact me at the Town of Grand Chute if you have any questions about my position on these issues.

Respectfully Submitted,



Patricia A. Stevens, Town Supervisor
Town of Grand Chute

cc: Representative Terri McCormick
Senator Michael Ellis

 **TRADITION AND PROGRESS** 
SINCE 1849



CITY OF EAU CLAIRE

Office of the City Manager

Phone: (715) 839-4902

Fax: (715) 839-6177

October 27, 2003

Senator Ron Brown
P. O. Box 7882
Madison, WI 53707-7882

Re: Expressing Opposition to SB 87, SB 88, SB 89

Dear Senator Brown:

I understand that Senate Bills 87, 88, and 89 are pending before the Committee on Homeland Security, Veterans and Military Affairs, and Government Reform, which you chair. The City of Eau Claire wishes to express its opposition to all three of these bills.

OCT 29 2003

Current annexation law is largely premised upon the individual landowner. A majority of landowners and electors in an area must sign an annexation agreement prior to consideration of an annexation ordinance, which still must be passed by a super majority of the city council. In short, annexations are already limited, based on the desire of those living or owning land in the town.

Senate Bill 89 would considerably restrict the will of affected landowners by requiring the extraordinary measure of a town-wide referendum to accomplish something as relatively simple as the annexation of a residential home with a failing septic system. Senate Bill 87 would just as likely confound such a local home owner's desire for city services by requiring that the boundaries of the annexation follow quarter-quarter section lines (40 acres minimum), a natural boundary, or the center line of a highway. An individual lot, or even several, could not likely meet these requirements. While Eau Claire has received and accepted a few large tract annexations, most recently to accommodate an expanded and highly successful industrial development, most annexations are only a few acres and a few households. The bill would prohibit these annexations, contrary to the desire of the landowners.

Senate Bill 88 would restrict the ability of cities to have a voice in growth on its immediate boundaries. Wisconsin case law already indicates that towns have sole discretion over the installation of public infrastructure in subdivisions within its jurisdiction. Extraterritorial plat review authority is a useful means of long-term planning for the regional growth of metropolitan areas. Town growth patterns often involve scattered rural subdivisions on relatively large lots served by private septic and water. This growth, while appropriate in some locations, consumes large quantities of land compared to urban residential growth. This is what some term sprawl. This type of development is more difficult and costly to serve with municipal

Senator Ron Brown
October 27, 2003
Page 2

services such as water, police, and fire protection. It can also cut off urban commercial and industrial growth necessary for a healthy urban tax base.

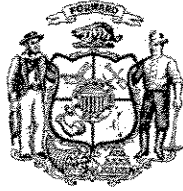
Whether small or large, annexations consolidate land for those owners desirous of municipal services within an urban service area. Sufficient statutory and legal standards are in place to balance the legitimate interests of private landowners, towns, and cities. The Kettl Commission and other committees have recently been charged with identifying the means to achieve greater local government cooperation and consolidation. The proposed bills are not the product of such study and review and likely would further fragment local government. The bills are not in the best interest of the City of Eau Claire, and I urge you to oppose them to your fullest ability.

Sincerely,



Don T. Norrell
City Manager

mb



1st Senate District
State Capitol • PO Box 7882
Madison, WI 53707-7882

Alan Lasee
Senate President

Tel 608 266 3512
Fax 608 267 6792
email: sen.lasee@legis.state.wi.us
web: www.legis.state.wi.us/senate/sen1/news/

October 30, 2003

Senator Ronald W. Brown
Chair, Committee on Homeland Security,
Veterans and Military Affairs and
Government Reform
State Capitol, Room 104 South
Madison, WI 53707


Dear Ron:

I appreciate your consideration of and support for Senate Bill 87.

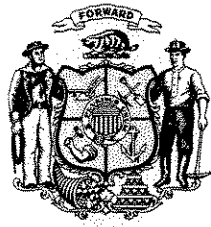
I look forward to the opportunity to debate the merits of this bill in the Senate and, hopefully, with its passage the law will reflect a more rationale approach to annexations.

Thanks again for your help and Missy's efforts to keep my staff apprised of the committee's actions on this bill.

Sincerely,


ALAN J. LASEE
SENATE PRESIDENT
1st Senate District

11/4/03
RWB
RWB
File



1st Senate District
State Capitol • PO Box 7882
Madison, WI 53707-7882

Alan Lasee

Senate President

Tel 608 266 3512
Fax 608 267 6792

email: sen.lasee@legis.state.wi.us
web: www.legis.state.wi.us/senate/sen1/news/

DATE: November 19, 2003

TO: Republican Legislators

*FROM: Senator Alan J. Lasee
Senate President*

*RE: Milwaukee Journal Sentinel
November 18, 2003*

The following article appeared in yesterday's Milwaukee Journal Sentinel.

Rich Eggleston, a spokesman for the Wisconsin Alliance of Cities refers to current "annexation" legislation as "a misguided disaster." I don't think it's as misguided as his statement that "brilliant ideas just don't spring from the foreheads of state legislators."

Legislation such as SB 87 (boundaries for certain annexations) are not intended to stop annexations, but rather, level the playing field and encourage cities to negotiate fairly with their neighbors who reside in townships. Hopefully, I can count on your support.

NOVEMBER 18, 2003

MILWAUKEE JOURNAL SENTINEL

NOV. 18 2003

Annexation foes propose new laws to protect towns

By **MIKE JOHNSON**

mikejohnson@journalsentinel.com

In the latest volley in the long-running border wars, several state lawmakers are advancing proposals they say would give towns more clout in fighting annexations and streamline the incorporation process that allows towns to become cities or villages.

"The playing field needs to be leveled. Towns have zero say when it comes to losing property bordering a city or village when they want to annex a chunk of town land," said Sen. Alan J. Lasee (R-Rockland), who has two annexation bills he wants lawmakers to consider in January.

But Rich Eggleston, a spokesman for the Wisconsin Alliance of Cities, called the "raft of legislation being proposed on annexations a misguided "disaster" that does nothing but "solidify artificial borders."

"It's another attempt to tackle incorporation and annexation issues piecemeal without study and, frankly, without thought," Eggleston said. "I'm sorry to say brilliant ideas just don't spring from the foreheads of state legislators."

Among the proposals are:

State proposals could limit annexations

ANNEX, From 1B

■ A bill proposed by Sen. Ron Brown (R-Eau Claire) and Rep. Mike Huebsch (R-West Salem) that would shorten the incorporation process, which they say now often results in long and costly legal battles, with expenses being borne by taxpayers.

The bill would require a decision on incorporation petitions within 180 days. Currently, the state Department of Administration is supposed to make a determination in 90 days, but Brown said there is no mechanism to force the DOA to meet that deadline.

Brown said a border war between the Town of Campbell and La Crosse has gone on for seven years and could end up costing taxpayers \$1 million in legal fees.

"That's just not how government should work," he said.

State lawmakers have passed a bill that would allow the town board and residents to vote on whether to incorporate. The bill is awaiting Gov. Jim Doyle's signature.

■ A bill by Lasee that would require that annexations follow logical boundaries such as rivers and highways. This would prevent cities and villages from drawing haphazard lines to skip property owners opposed to annexation and who could force a referendum on the issue, said Richard J.

Stadelman, Wisconsin Towns Association executive director.

The bill also would prohibit annexations into a county in which the annexing city or village is not located.

■ Another bill by Lasee that would require cities or villages that annex town lands to return to the towns the property taxes collected on the lands for five years. The towns would get property tax revenue based on the value of the land at the time of annexation.

Lasee said, "It gives taxpayers who reside in town time to react to the lost tax base as opposed to saying 'boom, it's gone.'"

■ A bill that would create "charter towns" immune from annexation. Towns of 2,500 or more that provide high levels of service, such as police and fire, would qualify.

Stadelman said he prefers the charter town bill but also likes the incorporation reform bill because both likely would promote cooperation between municipalities.

Border disputes have arisen over the years in Ozaukee, Racine, Washington and Waukesha counties, among others.

Town of Grafton Chairman Lester A. Bartel Jr. said he supports the incorporation reform bill as well. "Whether a town is going to be able to incorporate into a city should be able to be decided on the merits. It shouldn't be held up by cities who want to grab land,"

Bartel said.

The Town of Grafton has sued Cedarburg over the annexation of the Zarling farm property, 103 acres about 1½ miles east of the city on the north side of Pioneer Road near the confluence of Cedar Creek and the Milwaukee River.

The town contends Cedarburg failed to comply with town land divisions ordinances and has questioned whether the city had the legal right to annex the land, which the city wants to hold for a future sewage treatment plant that might serve the region in 20 or 30 years.

Eggleston said politicians must stop their obsession with borders.

"Jobs don't see those borders. Citizens don't see the borders. The economy doesn't see the borders," he said. "If our economy is going to thrive, cities are going to have to grow. If town officials continue to block that, our economy and our citizens are going suffer."

Lasee and Bartel think there can be peaceful coexistence.

"Each municipality should be allowed to exist and not be threatened or dominated by a neighboring community," Lasee said.

"Villages and cities have to realize that having a town nearby with open spaces, hiking trails and agricultural land adds value to the cities," he said.

Gilbert, Melissa

From: Sweet, Richard
Sent: Thursday, December 04, 2003 4:00 PM
To: Gilbert, Melissa
Subject: SB 87 question

Missy,

The term "natural boundary" isn't defined in current law. The statute on municipal incorporation (see below) uses the term "natural boundaries", but the term isn't defined.

66.0207(1)(a) Characteristics of territory. The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, 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 features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

Dick Sweet

Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.state.wi.us

Ron,

This is in regard to SB 87, which we passed out of committee on a 4-1 vote. Apparently, the term "natural boundaries" is generally understood since it is referenced elsewhere but not defined in the statutes.

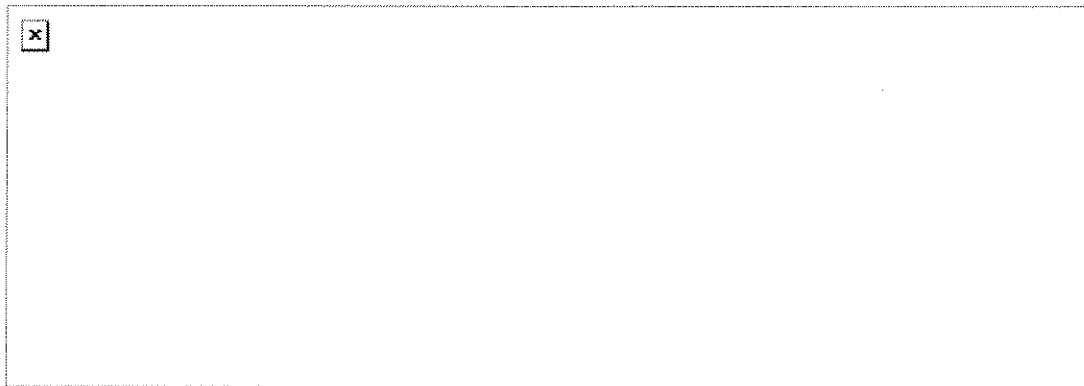
-Missy

Gilbert, Melissa

From: Vick, Hannah
Sent: Thursday, March 11, 2004 10:13 AM
To: Gilbert, Melissa
Subject: FW: Oppose SB 87

-----Original Message-----

From: Curt Witynski [mailto:witynski@lwm-info.org]
Sent: Thursday, March 11, 2004 9:35 AM
To: sen.coggs@legis.state.wi.us; Sen. Jeff Plale; Sen. Tom Reynolds; Sen. Neal Kedzie; Sen. Tim Carpenter; Sen. Mark Meyer; Sen. Dave Hansen; Sen. Scott Fitzgerald; Sen. Russ Decker; Sen. Roger Breske; Sen. Robert Jauch; Sen. Robert Cowles; Sen. Mary Panzer; Sen. Mary Lazich; Sen. Judy Robson; Sen. Jon Erpenbach; Sen. Gwen Moore; Sen. Gary George; Sen. Fred Risser; Sen. Chuck Chvala; Sen. Bob Wirch; Sen. Alberta Darling; Sen. Michael Ellis; Sen. Alan Lasee; Sen. Carol Roessler; Sen. Dale Schultz; Sen. Robert Welch; Sen. David Zien; Sen. Sheila Harsdorf; Senator Ron Brown; Sen. Ted Kanavas; Sen. Joe Leibham; Sen. Cathy Stepp; Sen. Julie Lassa
Subject: Oppose SB 87



To: Members of the Wisconsin State Senate
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Ed Huck, Executive Director, Wisconsin Alliance of Cities
Date: March 11, 2004

Re: Oppose SB 87

The League of Wisconsin Municipalities and the Wisconsin Alliance of Cities continue to strongly oppose SB 87, limiting municipal annexation powers, even as amended by Assembly Substitute Amendment 1. An amended version of the bill was passed by the Assembly yesterday and is before the Senate for concurrence today.

Cities and villages were not involved in negotiating the "compromise" version passed by the Assembly. Under the substitute amendment, counties and towns are granted the unprecedented ability to veto any annexations of territory located in a county different from the one in which the annexing municipality is located. Counties have not had any involvement in the annexation process in the past and towns have never had the outright ability to veto an annexation.

Even more problematic, under the substitute amendment no annexation of any kind may occur unless municipalities agree to pay to the town, for five years, an amount equal to the amount of property taxes that the town imposed on that territory in the year of the annexation. Such an annexation toll will lead to less annexations and consequently less economic growth in this state.

In return for these limitations on annexations, the substitute amendment prohibits towns from challenging unanimous approval annexations in the future. While we appreciate this language, we believe it comes at too high of a price.

The League and the Alliance oppose SB 87, even if amended, for the following reasons:

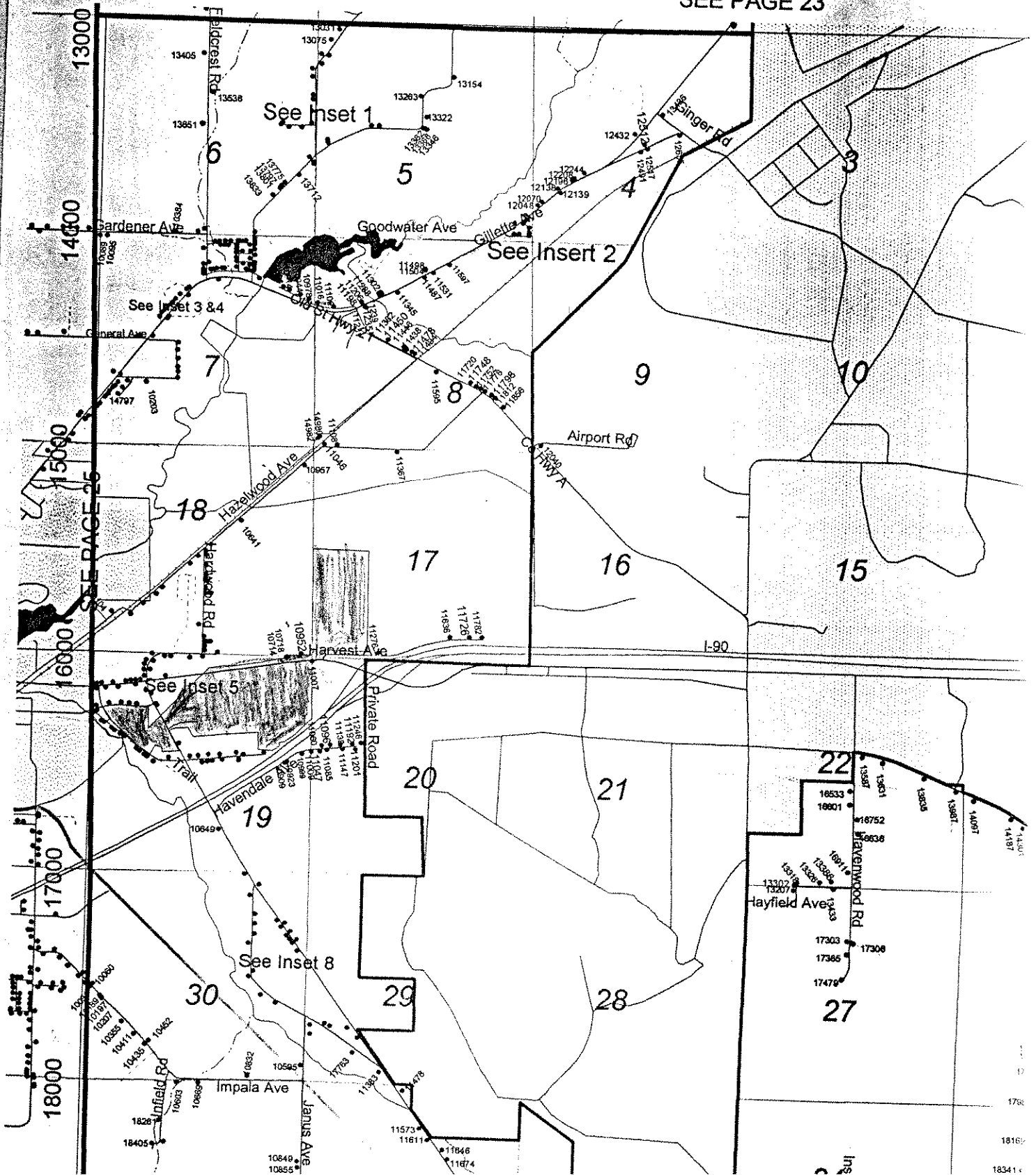
- It creates an unnecessary and unprecedented limitation on municipal annexation powers.
- It interferes with the private property rights of town landowners who are interested in annexing their property to an adjacent city or village.
- If the owners of land and/or electors in town territory adjacent to a municipality have petitioned the municipality for annexation because they need municipal water, sewer and other services, the municipality should be allowed to annex the territory regardless of what county it lies in and free of any interference by the town or county.
- The substitute amendment will increase the cost of annexations and as a result may deter annexations and the economic growth that typically follows.

For these reasons, the League and the Alliance urge you to vote against concurring in SB 87. Thanks for considering our comments and concerns about this important municipal legislation.

ANGELO TOW

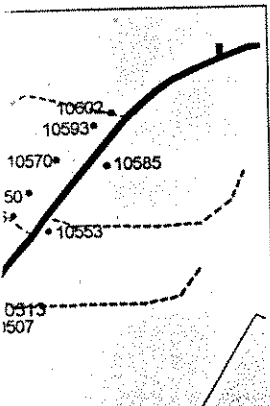
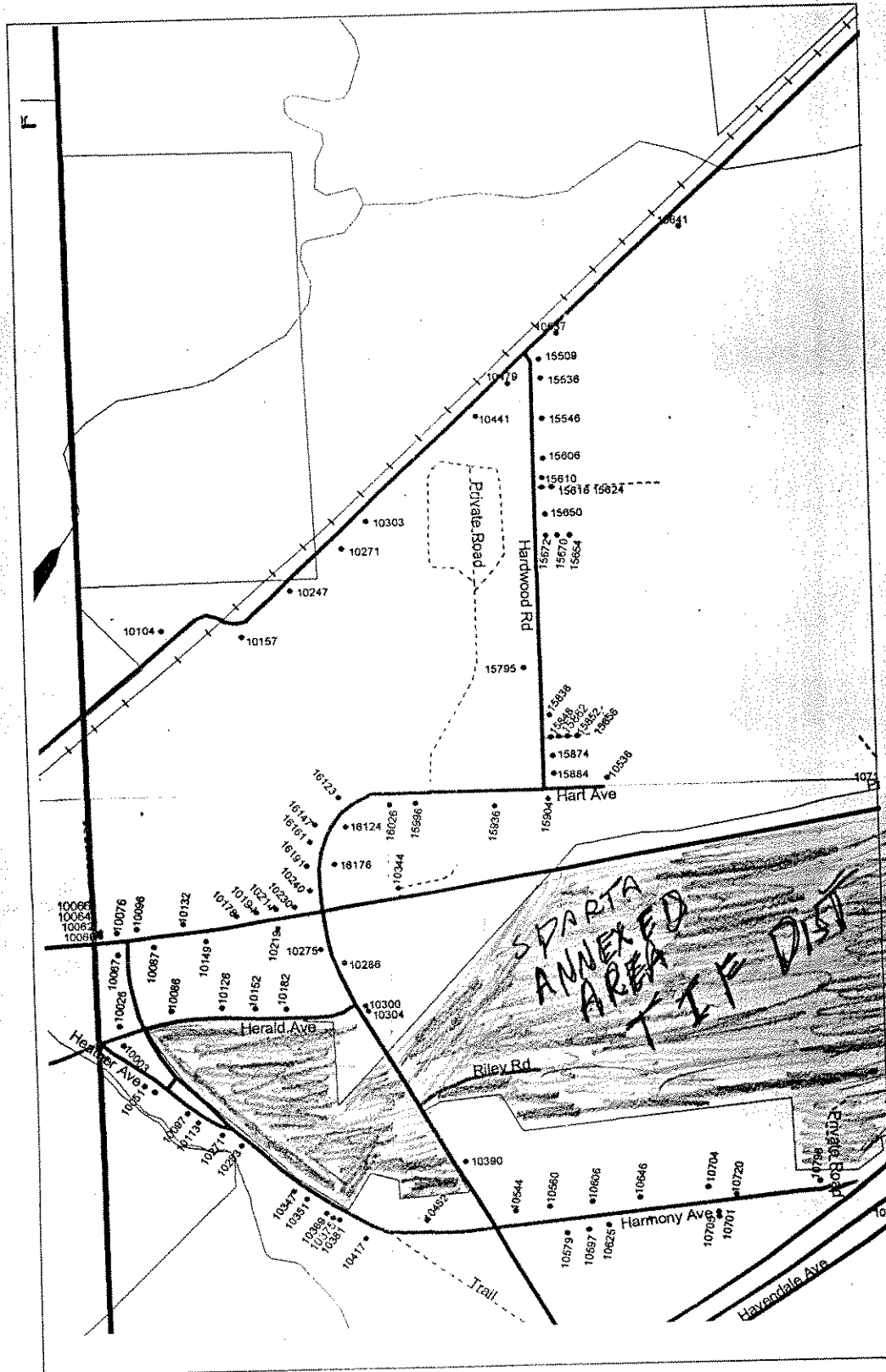
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SEE PAGE 23



ELO INSETS

Inset 5 Sec 19



7

SENATE BILL 87

(LRB 1588)

State and Local Fiscal Estimates

Amendment LRB a0260/1

Under this bill, no city or village may annex any territory if none of the city's or village's territory is in the same county as the territory to be annexed.

Also under this bill, in general, no annexation of town territory may occur unless the entire annexation follows one or more of the following:

- a surveyor's section line that is no lower than a quarter-quarter section line.
- natural boundaries
- the center line of a highway.

This bill # 87 place restrictions on a city's or village's ability to annex town territory, and the amendments add a further restriction by making the annexations subject to boundary agreements.

Prohibits annexation across county line?
- limits boundary line
- prohibits annexation by house
annexation?