

## **APPROVED MINUTES**

### **Joint Village - Town Special Board Meeting Lane**

### **Public Hearing on Mediated Cooperative Plan**

### **Pursuant to Wis. Stat. § 66.0307(4m)**

### **Living Word Lutheran High School Gymnasium**

**2230 Living Word**

**Jackson WI 53037**

**Monday, October 16, 2017, at 7:00 p.m.**

#### **1. Call to Order and Roll Call.**

President Michael Schwab called the meeting to order at 7:00 p.m.

Members Present: Trustees Lippold, Olson, Kruepke, Kufahl, Emmrich, and Kurtz.

Village Attorney Present: Attorney St. Peter.

Town Board Present: Chairman Heidtke, Supervisors Hartwig, Kufahl, Bishop, and Huettl.

Town Attorney Present: Attorney Andringa.

Town Staff Present: Julia Oliver, Clerk; Paul Eilbes, Treasurer.

Village Employees Present: John Walther, Brian Kober, Deanna Boldrey, Kelly Valentino, Police Chief Dolnick, Fire Chief Swaney, Jim Micech.

#### **2. Pledge of Allegiance.**

President Schwab led the assembly in the Pledge of Allegiance.

#### **3. Introduction of the Boards and the Description of the Hearing Procedures.**

The boards were introduced by the Chairs. President Schwab read the published public notice. Attendees were asked to sign in if they want to speak. Speakers were requested to speak once, be brief, concise, and avoid repetition. There was not a time limit imposed; however, the Chairs reserve the right to ask speakers to move along.

#### **4. Presentation by the Village and the Town.**

a. Summary of Procedural Background by the Village Attorney.

b. Cooperative Plan Overview by the Village and Town Attorneys.

Village Attorney, John St. Peter gave procedural background and history of the original agreement.

The history of the original agreement goes back to the construction of the Hwy 45 bypass. Between 1994 and 1999, there were over sixty meetings in regards to the growth and future of the communities. The 1999 agreement was known as a landmark cooperative agreement because the Village agreed to extend the utilities in the Town without immediate annexation. The Village Board waived the annexation with the exception that there would be attachment of the properties in 2015. This original agreement was then amended in 2005 and 2008 to recognize additional growth. In late 2014 the Village Board adopted the attachment ordinance. The ordinance was challenged by the Joint Town Residents Against Attachment, the Town joined the JTRAA. In 2015 the Washington County circuit court held that the agreement was valid; but left undecided if the attachment conditions had been met. Then the mediated process began. The litigation is still pending. The Village has done everything they can to come to a mutual agreement.

The agreement states that the attachment ordinance would be repealed and instead of the 2015 attachment the Village agrees to delay until 2021 parcels and 2030 for

certain parcels except for the Paloroma Farms. Paloroma Farms will be attached immediately when the State of Wisconsin Department of Administration approves the agreement. There will be continuation of the utility services. The Water agreement is reaffirmed in the mediated agreement. The Village agrees to rescind the letter of notification of annexation to several property owners. The Village allows the Town to retain the addresses unless it can be shown that the law requires the addresses to the grid system.

The attorney for the Town of Jackson, Tim Andringa then gave a summary plan with the maps. The new maps were shown. The Town is saving additional properties from being attached and savings to the Town. He spoke of the September Public Hearing that was held by the Town.

- c. Explanation of the Cooperative Plan Maps.  
Attorney Andringa gave explanation to the map exhibits.

## 5. **Public Hearing.**

Village President, Mike Schwab, opened the Public Hearing.

Jeff Wenzel of Country Aire Drive commented on the legal fees involved and that both boards have done their due diligence.

Police Chief Jed Dolnick commented on the necessity of the addresses to be consistent with the rest of the Village.

Larry Hatke of Georgetown Drive was a past Village Trustee. He commented on the cooperative agreement as a negotiated agreement between the Town and the Village. He commented on the necessity of the addresses to be consistent with the rest of the Village, for public safety and electoral reasons.

Casey Latz of Main Street was a past Village Trustee. She commented on a divide between the Town and Village. The joint agreement was the work of both boards and then ratified by both boards. She mentioned the loss of tax revenue by the Village.

Scott Mittelsteadt of Oakland Drive was a past Village President and Trustee. He commented on the history of the agreement in comparison with the current map. He commented on the change and the tax revenue lost by the Village.

Joe Cincotta, Attorney, East Wisconsin Street, Milwaukee, for the JTRAA. Joe spoke of the boundary plan and history of the court case and memorandum of understanding.

Winter Hess of Twin Creeks Road gave history of the memorandum of understanding and the settlement agreement.

Fire Chief Aaron Swaney commented that there should not be any confusion with the addresses and backed up Chief Dolnick's comments.

Sheri Bacigalupo of Sherman Park Court commented on the addresses.

Bob Seidel of 3244 Creekwood Circle gave history to the start of the JTRAA. Bob submitted several signed petitions to the Town Clerk.

Kevin Kabelowsky of Carneros Way was absent and did not speak.

Tim Welke of Creekwood Circle commented that he endorsed Bob Seidel and Winter Hess. He commented on the title search.

Toni Heller of 2135 Sherman Road commented on the Town's tax base and the title search.

Marty Schulteis of the Washington County Sheriff's Office explained the communications systems of the Sheriff's Office and the ESN number to each address.

No one else came forward to speak.

Village President, Mike Schwab, closed the Public Hearing.

**6. Concluding Remarks Regarding the Next Steps.**

Attorney St. Peter reported on the process that will follow. Comments can be submitted to the Town Clerk or the Village Clerk between October 17, 2017 through November 6, 2017. The Town and Village will share the comments. November 6<sup>th</sup> is the deadline. The Village and Town will take final action on the agreement after November 6<sup>th</sup>. The agreement cannot be submitted to the Department of Administration until 45 days after the Public Hearing or after December 1<sup>st</sup>. Attorney Andringa then commented that the State may take action on the agreement or may return the agreement with comments and suggestions. Then the Town and Village may take action on the comments and suggestions and return the document back to the State for action by the State.

**7. Adjourn.**

Motion by Tr. Kurtz, second by Tr. Emmrich to adjourn at 8:29 p.m. The Town also adjourned their meeting.

Vote: 7 ayes, 0 nays. Motion carried.

Respectfully submitted by Deanna L. Boldrey, Clerk/Treasurer