

**JOINT PUBLIC HEARING**

**Towns of Clayton, Winneconne, Winchester, and Vinland**

at the Town of Clayton Town Hall  
8348 County Road T, Larsen, Wisconsin  
October 23, 2019—6:00 p.m.

**MINUTES**

1. Call meeting to order. Roll call. Confirm meeting notice.

Town of Clayton Chair Geise called the meeting to order at 6:00 p.m.

Town of Clayton Assistant Administrator Straw confirmed the meeting was properly noticed.

Roll call:      Town of Clayton  
                    Chair Geise                                   PRESENT  
                    Supervisor Lettau                           PRESENT  
                    Supervisor Grundman                           PRESENT  
                    Supervisor Schmidt                           PRESENT  
                    Supervisor Reif                                   PRESENT  
                    Administrator Johnston                           PRESENT  
                    Asst Admin. Straw                                   PRESENT

Town of Vinland  
                    Chair Farrey   PRESENT  
                    Supervisor Batley                                   PRESENT  
                    Supervisor Devens                                   PRESENT  
                    Clerk Brown   PRESENT  
                    Treasurer Brazee                                   PRESENT

Town of Winchester  
                    Chair Olson   PRESENT  
                    Supervisor Vander Zanden                           PRESENT  
                    Supervisor Joas                                       PRESENT  
                    Clerk Stevens   PRESENT

Town of Winneconne  
                    Chair Snider   PRESENT  
                    Supervisor Black                                       PRESENT  
                    Supervisor Burghardt                               EXCUSED  
                    Supervisor Lang                                       EXCUSED  
                    Supervisor Woods                                   PRESENT  
                    Clerk Zobel   EXCUSED

Town of Clayton Legal Counsel  
Attorney Ben Lafrombois, Von Briesen & Roper, S.C.

Towns of Vinland, Winchester, and Winneconne Legal Counsel  
Attorney Matt Parmentier, Dempsey, Edgerton, St. Peter, Petak &  
Rosenfeldt

Others in attendance:

Alice Joas, 8870 County Road M, Larsen  
Kelly Wisnefske, 7812 County Road T, Larsen  
Mike Pfankuch, 4556 Grandview Road, Larsen  
Howie Miller, 5468 Grandview Road, Larsen  
Lana Prusik, 9207 Pioneer Road, Larsen  
Bob Schmeichel, Town of Neenah Chair

2. Welcome and introduction.

Town of Clayton Chair Geise welcomed everyone and turned the meeting over to Attorney Parmentier

3. Presentation of draft cooperative plans.

Attorney Parmentier reviewed the procedure for the process of developing Cooperative Plans.

Attorney Parmentier presented the Overview of the Cooperative Plans as follows:

1. Substantive Provisions Common to all Plans.

- a. Support for Incorporation. In exchange for the promises Clayton makes in the agreement, the other towns agree to support Clayton's incorporation efforts and waive their rights to contest the incorporation.
- b. Extraterritorial Land Division Review. Incorporated villages have statutory authority to regulate land divisions within 1.5 miles of their territorial boundaries. Under the cooperative plans, Clayton waives this authority upon its incorporation.
- c. Extraterritorial Zoning Authority. Incorporated villages can, with the participation of adjacent towns, enact extraterritorial zoning ordinances that control land use within 1.5 miles of their territorial boundaries. Under the cooperative plans, Clayton waives authority upon its incorporation.
- d. Extraterritorial Planning Authority. Incorporated villages must adopt "master plans" for development that can include areas outside of their boundaries that bear relation to the development of the village. Under the cooperative plans,

Clayton waives this authority upon its incorporation, except with respect to utilities and roadways, so that road extensions that cross municipal boundaries can be coordinated.

- e. Annexations. Annexation is the process by which an incorporated village can take territory from an adjacent town and bring it within the village's boundaries. Annexations can be voluntary (e.g., unanimous petition) or involuntary (e.g., majority petition). "Attachments" are annexations that occur under the terms of a boundary agreement. In either case, these processes result in lost tax base for the town that loses the territory and can lead to intergovernmental disputes. Under the cooperative plans, Clayton waives annexation and attachment authority throughout the towns unless the relevant town agrees in writing to the annexation.

## 2. Special Provisions.

- a. Vinland's JJ Keller Protection Provision. The plan between Clayton and Vinland includes a special provision that applies to the JJ Keller-owned property at the corner of Breezewood Lane and Hwy 76. The provision says that Clayton will provide sewer and water service to that property without requiring annexation or tax revenue sharing if the following conditions are met:
  - i The property owner requests sewer and/or water services.
  - ii The property is included in a relevant utility service area.
  - iii The Village has the utility infrastructure necessary to provide the requested utilities.
  - iv The Village has adequate capacity to provide the utility services.
- b. Winchester's Joint Sanitary District Provision. The plan between Clayton and Winchester includes a special provision regarding ownership and control of the Larsen-Winchester Sanitary District. Upon the effective date of the plan, ownership, assets, and liabilities of the District will be transferred to Clayton so that Clayton is solely responsible for the District. The parties agreed to the following regarding the operation of the District post-transfer:
  - i. The District will go to a five-member commission with commissioners chosen by Clayton.
  - ii. Clayton will continue providing services to properties within Winchester that were receiving services from the District prior to the transfer.
  - iii. Clayton will also provide service to new properties within Winchester as long as the property is located within its sewer service area.

- iv. New connections will not be conditioned upon annexation but are dependent on Clayton having adequate capacity to serve the property.
  - v. Clayton will not discriminate against Winchester users in the connection fees, service charges, volume charges, and other rates that it charges.
  - vi. Winchester will cooperate with Clayton if it is necessary for Clayton to levy any special assessments within Winchester for utility projects.
- c. Duration of Plans. The duration of the Winneconne and Vinland plans is 20 years. However, in consideration of Winchester's agreement to transfer ownership of its joint sanitary district, the Winchester plan is for a period of 50 years with two subsequent 25-year renewal options.
4. Public comments on cooperative plans.

Town of Clayton Chair Geise opened the Public Hearing for questions and comments.

No questions or comments were presented.

Town of Clayton Chair Geise closed the Public Hearing at 6:27 p.m.

5. Discussion of next steps in cooperative planning process.

Attorney Parmentier explained that this hearing starts a 20-day public comment period which allows for the public to submit comments or questions regarding any of the Cooperative Plans. He noted that submissions should be given to the Clerk of the relative municipality. He advised the Clerks to keep all submissions because the comments will become part of the Wisconsin Department of Administration submittal for review.

Attorney Parmentier noted that East Central Wisconsin Regional Planning Commission and Winnebago County will also be submitting written comment(s) regarding each plan during this comment period.

Town of Vinland Chair inquired regarding which department at the County receives the request and submits the comments. Attorney Parmentier explained that the request was submitted to the Clerk's office and would be forwarded to the Planning and Zoning Department for review of compliance with the County's Comprehensive Plan.

Town of Winchester Supervisor Vander Zanden inquired about the status of the Cooperative Plans if the Town of Clayton incorporation does not get approved. Attorney Parmentier explained that the agreements apply to any incorporation attempt.

Attorney Parmentier also noted that this hearing starts the local plan review and approval process. He noted that each Town Board will review and approve their plans not less than 60 days and not more than 180 after this hearing.

6. Adjourn.

**MOTION:**

Motion by Town of Vinland Chair Farrey  
Second by Town of Winchester Supervisor Joas  
Motion to Adjourn at 6:33 p.m.  
Motion carried by unanimous voice vote.

Respectfully Submitted,  
Tori Straw, Town of Clayton Assistant Administrator