



WISCONSIN DEPARTMENT OF  
ADMINISTRATION

SCOTT WALKER  
GOVERNOR

MIKE HUEBSCH  
SECRETARY

**Municipal Boundary Review**  
PO Box 1645, Madison WI 53701  
Voice (608) 264-6102 Fax (608) 264-6102  
Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
Web: <http://doa.wi.gov/municipalboundaryreview/>

August 20, 2012

Mr. Terry McMahon, Supervisor  
Town of Yorkville  
18114 52<sup>nd</sup> Road  
Union Grove, WI 53812

Mr. Lonnie Muller, Clerk  
Town of Stark  
S4654 Aumock Road  
LaFarge, WI 54639

Paul Fisk, Mayor  
City of Lodi  
130 South Main Street  
Lodi, WI 53555

Rich Eggleston  
2358 Fitchburg Road  
Fitchburg, WI 53593

**Re: The Incorporation of a portion of the Towns of Harrison, Calumet County,  
and Buchanan, Outagamie County, Wisconsin, as a Village  
Calumet County Circuit Court Case No. 2012CV28**

Gentlemen:

Please find enclosed materials that were submitted either prior to our July 31<sup>st</sup> public hearing in the Town of Harrison, or within the 10-day period for submitting materials following the hearing.

Also, the Board meeting that we had tentatively scheduled for Wednesday, September 12<sup>th</sup> here in Madison from 1:30 to 5:00pm has been confirmed. So please mark this date in your calendar, as well as the tentative December 4<sup>th</sup> meeting date here in Madison.

Sincerely,

Erich Schmidtke  
Municipal Boundary Review

cc: Ed Eberle, Incorporation Review Board Chair  
Mark Herman, DOA attorney  
Celine Romenesko, Petitioners' Representative  
Rick Kindschi, Petitioners Alternate Representative  
Travis Parish, Town of Harrison Administrator  
Andrew Rossmeissl, Petitioners' Attorney  
Kevin Davidson, City of Kaukauna Attorney  
Pam Captain, City of Menasha Attorney  
John St Peter, Town of Buchanan Attorney  
Gary Sharpe, Calumet County Circuit Court Judge

8-9-12

Erich Schmidke:

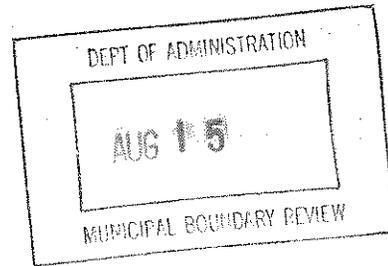
I support Harrison's plan to convert the urbanized north west portion of the town into a village.

Duaine Stillman

Duaine Stillman  
1216 Honey Bunch Ct.  
Appleton WI 54915-4697

August 6, 2012

Erich Schmidtke & Incorporation Review Board  
Division of Intergovernmental Relations  
Wisconsin Department of Administration  
PO Box 1645  
Madison, WI 53701



RE: Proposed Incorporation of portions of the Towns of Harrison and Buchanan, Calumet and Outagamie Counties, WI as a Village. Calumet County Circuit Court Case #12-CV-28

We are submitting written comments opposed to the above incorporation because the petition does not meet the following standards contained in section 66.0207, Wis. Stats.:

**66.0207 (1)(a) characteristics of territory**

The entire territory of the proposed village must be reasonably homogeneous. The incorporation petition is only taking a small portion of the community commonly referred to as "Darboy" and serviced by both the Darboy and Waverly Sanitary Districts. The proposed village is splitting a current homogeneous and compact community with similar characteristics, churches, and retail stores in half. It is also splitting territory that is serviced by two established sanitary districts. In order to avoid destroying the community identity, the entire area known as "Darboy", in the Towns of Harrison and Buchanan and serviced by the Darboy and Waverly Sanitary Districts which would be approximately 7 square miles, should be incorporated.

Another issue with the current boundaries is not following natural drainage basins. (See Map 27 of the application of Watersheds) The southern portion of the proposed village is being cut off from Lake Winnebago by excluding the properties along the lakefront. There is a Garners Creek Storm Water Utility that serves and drains through the majority of the Darboy area, yet only a small portion is seeking to become incorporated in this petition. It is our position that by splitting up an area even further will make it more difficult for these entities to provide cost effective service and hinders the community.

The name of the proposed village also destroys the true identity of the area by calling it the "Village of Harrison" instead of the "Village of Darboy". The entire Darboy area (approximately 7 square miles) needs to be incorporated initially, if any incorporation happens, because it will never happen later. Members of the Harrison Town Board and Buchanan Town Board signed a 20 year boundary agreement against any annexations without Town Board approval and a Town Board is never going to willingly give up tax base. We question why all of the urbanized area of the two towns currently serviced by the two sanitary districts was not included (See Map 32 of the application for Sewer Service Areas).

**66.0207 (b) Territory beyond the Core**

Instead of including additional urbanized area that is currently being serviced by the two sanitary districts, the petition includes several hundred acres (see Map 32) that is currently vacant farm land. A portion of this vacant farm land (South of Manitowoc Rd., West of Hwy N, North of Hwy 10) has a footnote that the area is in the 50 year plan but needs additional infrastructure to be serviced. With the current state of the economy and other land available that does not need additional expensive infrastructure, there is no way this is going to be developed on a substantial scale within the next 3

years as required by statute. The majority of the hundreds of acres of farmland included in the petition will not be developed within the next 3 years. The Town of Harrison has only received approximately 12 new home building permits so far this year and the majority of this farmland would be future home sites. Many improvements must be done to this farmland to even make it residential lots before houses could even be constructed. Because of the slow economy, developers are not willing to invest millions of dollars to improve this land to make it buildable. The Town of Harrison has had less than 20 acres of new residential development in this proposed incorporated area in the past 4 years. According to this standard, this incorporation petition should be denied because of the large amount of territory beyond the core (farmland) included.

#### **66.0207 (2)(a) Tax Revenue**

The future tax revenue is not sufficient to support the "extra" anticipated cost of governmental services because of redundant levels of government with the proposed shared services agreement and increased costs of administering a town and village of Harrison vs. a single town. In addition, the Town of Harrison currently has 24 hour police protection by statute provided by the Calumet County Sheriff's department. If this new village is formed, because it is a village over 5,000 people, they will now need to either form their own police department or contract police services with another entity. The police cost alone is estimated to be over \$350,000 more per year. At the current tax levy for the new village area, this would be about a 17% tax increase that would have to be funded either through a referendum or borrowing from the state trust fund like the Village of Combined Locks is doing to avoid levy limits. The budget presented to you in the incorporation packet shows the same tax rate because expenditures were reduced from other areas such as the road budget to show the same tax rate. The reduced amounts are substantially below what is actually being spent today and the current town runs very efficiently at a tax rate of only \$2.67 so there is very little room to be able to actually cut anything from other areas and maintain the levels of services the residents are currently receiving.

#### **66.0207 (2)(c) Impact on Remainder of the Town**

The new village will immediately seek annexations of the remaining urbanized area of the town. This will take away Town tax base. In addition, the petition explains keeping everything "status quo" as far as services. By creating another entity, now the Town of Harrison has to work with the Village of Harrison to accomplish any tasks. The Town of Harrison still has to provide a large amount of services to urbanized areas not being incorporated, while giving up other tax base. The town will still need equipment to service an urbanized area, even though they have less of it which increases costs for the remaining residents.

#### **66.0207 (2)(d) Impact on the metropolitan community**

The new proposed village will want to annex other urbanized land quickly and we see the Town of Harrison opposing these annexations as it would take away from their tax base. The Town of Harrison has opposed all annexations that were outside of boundary agreements. The Town of Harrison has shown it is not afraid to engage in court cases as is demonstrated by current court cases with the City of

Kaukauna and other entities regarding annexations. If new annexation court cases would be filed, these could become quite expensive for both the Town and new Village. This is one reason why all the urbanized area should have been proposed to be incorporated to avoid these situations. In addition, the Town of Harrison and Town of Buchanan have a boundary agreement which takes away the ability of Buchanan residents to annex to the new village as the Buchanan Town Board must approve any annexation requests. We do not agree with taking away the rights of residents. This is not what government and the United States Constitution and freedoms are about.

In addition, the Town of Harrison does not have good relationships with many of their neighboring municipalities. Based on the past track record of the Town of Harrison, we believe this new village would become another municipality that the Town of Harrison will not work well with. This is especially concerning given the shared services agreements that are proposed.

### Closing

As the only two Town of Harrison Supervisors that are currently living in the proposed incorporation area, we are asking you to deny this petition for incorporation based on the facts provided above. While we are not against incorporating the larger "Darboy" urbanized area of approximately 7 square miles, we are opposed to only incorporating this smaller 4.6 square mile section as submitted in the incorporation petition. If any area is going to incorporate, the entire urbanized area that is sharing the same identity, natural boundaries, school districts, sanitary districts, churches, retail stores, natural drainage basins, transportation facilities, and social customs should be incorporated. To make a new village a chance to be sustainable and absorb increased costs, it must be the entire urbanized area and not just a subset of it.

We have expressed many of these concerns before this petition was filed, but unfortunately it was submitted on a 3-2 vote by the Town of Harrison Town Board.

Thank you for your time and consideration.



Matt Lancaster  
Town of Harrison Supervisor  
W5828 Sweet William Dr.  
Appleton, WI 54915  
(920) 954-5664



Tom Uitenbroek  
Town of Harrison Supervisor  
N9551 State Park Rd.  
Appleton, WI 54915  
(920) 830-3220

RES #120723-4

**A RESOLUTION IN SUPPORT OF THE INCORPORATION OF A PORTION OF  
THE TOWN OF HARRISON AS THE VILLAGE OF HARRISON**

WHEREAS, the Town of Harrison, Calumet County, wishes to incorporate an area of the town as the Village of Harrison; and

WHEREAS, the process for incorporation is governed under Wisconsin State Statute; and

WHEREAS, there are standards to be applied by the circuit court (§66.0205) and the Incorporation Review Board (§66.0207); and

WHEREAS, one of the standards to be applied by the Incorporation Review Board is *Impact on the Metropolitan Community* and the effect of the incorporation on governmental problems affecting the metropolitan community; and

WHEREAS, the Towns of Menasha and Harrison work cooperatively to solve regional issues that affect the metropolitan community including the regional transportation network, public safety, and economic development; and

WHEREAS, the Town of Menasha finds that the incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

NOW THEREFORE BE IT RESOLVED, that the Town of Menasha Board of Supervisors supports the incorporation of a portion of the Town of Harrison as the Village of Harrison.

**Adopted this 23rd day of July, 2012**

*Requested by: Dale Youngquist, Town Chairman*

*Submitted by: Dale Youngquist, Town Chairman*



Dale Youngquist, Town Chairman



Attest: Karen Backman, Town Clerk

RESOLUTION NO. 2012-04

RESOLUTION SUPPORTING THE INCORPORATION OF A PORTION OF THE  
TOWN OF HARRSION

WHEREAS, the Town Board of the Town of Harrison, located in Calumet County, Wisconsin did create an Incorporation Committee to assess the potential benefits of and residents' interest in becoming a village; and

WHEREAS, the Incorporation Committee found that there would be significant benefits to incorporating and voted unanimously to forward the incorporation application to the Wisconsin Department of Administration; and

WHEREAS, the Town Board agrees with this recommendation; and

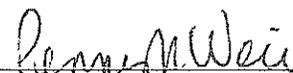
WHEREAS, the Town Board believes that it is in the best interests of the Town to incorporate a portion of the town into a village.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Harrison, Calumet County, Wisconsin does hereby support the incorporation of a portion of the Town of Harrison into a village.

BE IT FURTHER RESOLVED that the Clerk of the Town of Harrison be directed to send a copy of this resolution to the Erich Schmidtke at the Wisconsin Department of Administration.

Adopted by the Town of Harrison Town Board this 24th day of July, 2012.

By:   
John Stotten, Town Chairman

Attest:   
Penny M. Weir, Town Clerk