

**Meeting of the Incorporation Review Ad Hoc Committee
Town of Menasha – Municipal Complex – 2000 Municipal Drive
Monday, June 23, 2014 – 6:00 p.m.**

Minutes

Call to Order

Committee Chair Jones called the meeting to order at 6:00 p.m. Secretary Seidl noted those present: Chair Jones, committee members: Andrew, Coughlin, Nemecek, Raddatz, and Renard.

Other staff present: Community Development Director George Dearborn, Attorney Roger Clark, Town Administrator Jeff Sturgell.

There were 7 attendees.

Discussion

1. Chair Jones asked if there were any revisions to the minutes. Mr. Coughlin noted there was one hand out at the meeting that should be included with the meeting documentation. There was one such hand out at the June 9 meeting. Secretary Seidl will forward to Town Clerk. Mr. Nemecek moved approval. Second by Mr. Coughlin. Motion carried.
2. The Committee discussed opinions on pros and cons of incorporation and asked legal counsel to ensure validity of the opinions.
 - a. Pros
 - i. Protection of borders for incorporated area – no annexation from cities or villages
 - ii. Annexation authority
 - iii. Complete zoning authority including shoreland zoning which allows for reduced setback from the present 75 feet and could allow for accessory uses in the setback as well.
 - iv. Extra territorial authority and the end of that authority from cities or villages.
 - v. Subdivision autonomy – no overview by county or cities or villages.
 - vi. Complete village powers including legislative authority.
 - vii. Tax Increment Financing (TIF) with no special restriction and no potential for loss of TIF areas following incorporation. Legal counsel noted that the Town does now have TIF authority due to a recent state law change, but it is untested and we are not sure how much authority we have.
 - viii. Tax billing without need to use county (the incorporated are would gain control of tax listing services; however, the incorporated area would now be responsible for all the costs).
 - ix. Potential for improved bond rating due to secure borders.
 - b. Cons
 - i. Inability to incorporate the entire Town in the initial incorporation effort. Legal counsel opinion based on past meetings with the WI Department of Administration suggests it would be unlikely they would approve incorporation of the entire town in the initial effort.
 - ii. Strong potential for address and zip code changes for those business and residents in the newly incorporated area.
 - iii. Only those in the proposed incorporated area could vote on the incorporation.
 - iv. Impact on utility and water districts questioned – legal counsel noted they would continue to operate as the currently do since they already serve multiple municipalities.
 - v. Costs - \$25,000 application fee plus additional costs for attorneys, consultants, etc.
 - vi. Potential vulnerability of the remnant – if all of current Town can't be incorporated at once, there is possibility for annexation by newly created Village (perhaps not a con) or another municipality.

- vii. Concern of some east side residents that they would be “left alone” without services or that the newly created Village wouldn’t try to annex right away – Legal counsel clarified that in the incorporation process it is required that we prove the remnant can stand alone financially and have services, etc. Committee also agreed the intention of the process from the beginning would be to annex the remnant as soon as possible.
 - viii. Remnant would need to form its own Town Board and that Board may not agree to annexation by the newly formed Village.
3. Public sessions: All Town residents are invited to both sessions, and every committee meeting, but we are having one meeting on each side of Town for convenience. We do want to ensure that we hear from residents on both sides of the town and give the West side as much opportunity as the East to ask questions and provide comment. Secretary Seidl will work with Town Clerk to ensure proper posting/publication of these dates. These dates are: Monday, August 18 at the Municipal Complex at 6:00 p.m., and Wednesday, September 3 at the Community Center at 6:00 p.m.
4. Question re: borders being locked upon incorporation. Legal counsel clarified that once paperwork to incorporate is filed, borders are locked until the process is complete. If incorporation is not successful, borders are no longer locked. We would need to put a notice of intent to incorporate in the paper and then borders are locked.
5. Chair Jones reviewed his meeting with the Department of Administration. Notes included in an attachment to these minutes. Summary of his discussion:
 - a. Can we incorporate entire town? Answer was not likely. Dept. of Admin sees the Fox River as a boundary.
 - b. Dept. of Administration stated proving viability of remnant would be relatively “easy” because of compactness and homogeneity.
 - c. Remnant would need to form its own Board and then the new Village Board would negotiate annexation of remnant and attachment of islands.
 - d. Municipalities of Appleton and Menasha could not object to this annexation or attachment unless residents in the remnant would oppose.
 - e. Committee members pushed very hard the concept of including the East side in the incorporation. The Dept. of Administration said they would not allow it.
 - f. However there is the option for the new Village to annex, attach or form a boundary agreement to bring the East side into the Village. All are distinct processes. We would need to prepare an appropriate process in advance.
 - g. It is the intent to have, as final outcome, the inclusion of the entire Town into the new Village/city.
6. Administrator Sturgell contacted William Forrest of Public Administration Associates, LLC regarding consulting with us on the viability of the remnant. They will be meeting in the next few weeks to discuss. There is no cost estimate yet.
7. Mr. Nemecek asked Administrator Sturgell to review the information on whether to incorporate as a Village or a City regarding extra territorial jurisdictions.

Adjournment

At 7:05 p.m., **MOTION:** Nemecek/Coughlin to adjourn. Motion carried.

Respectfully submitted,

Pam Seidl, Secretary

NEXT MEETING: JULY 9, 2014 at Town of Menasha Municipal Complex