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December 4, 2017

SENT VIA EMAIL AND REGULAR MAIL

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Mary A. Desserau, Town Clerk

Town of Williamstown

N8041 STH 67

Mayville, WI 53050

RE: Intergovernmental Cooperative Plan Between Town of Williamstown and Village of Kekoskee

Dear Ms. Desserau:

Please accept this letter as Dodge County's written comments to the above-mentioned draft Cooperative Plan (hereafter "Plan"). Please incorporate these comments into the official record for the public hearing on December 6, 2017. These comments are compiled by county department and identify issues or convey concerns that may require a response and/or modifications to the Plan. Dodge County reserves the right to submit additional comments.

Land Resources and Parks Department

Comprehensive Plan

As required by §66.1001, Wis. Stats., Dodge County has adopted and maintains a County Comprehensive Plan. The Dodge County Comprehensive Plan was adopted in 2006. Updates to the plan were adopted in May, 2015. The County Plan will need to be revised to recognize the newly created village. The new Village's comprehensive plan and any zoning or land use ordinances adopted by the Village will need to be evaluated to ensure consistency with the County Plan. At this time, it does not appear that there will need to be substantive text amendments to the County's Plan.

Farmland Preservation Plan

The County's Farmland Preservation Plan is an appendix to the Comprehensive Plan. The Farmland Preservation Plan will need to be updated with new maps and submitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection for certification so that landowners participating in the program can remain eligible. Any changes will, thus, be incorporated into the Comprehensive Plan.

Floodplain Zoning

For lands located within the Town of Williamstown which are subject to the County Floodplain Zoning Ordinance, §59.69(7), Wis. Stats., provides that whenever an area which has been subject to a county zoning ordinance petitions to become part of a city or village, the regulations imposed by the county zoning ordinance shall continue in effect, without change, and shall be enforced by the city or village until the regulations have been changed by official action of the governing body of the city or village, except in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

For a community to participate in the National Flood Insurance Program (NFIP), it must enforce its approved floodplain ordinance in the entire community, including annexed areas. Failure to adopt, apply or enforce NFIP requirements in any area under a community's jurisdiction will subject that community to FEMA enforcement and compliance actions, including probation and suspension from the NFIP. Property owners in communities on probation are subject to a surcharge on all new and renewed flood insurance policies in the community. If a community is suspended from the NFIP, flood insurance is no longer available anywhere in the community, nor is any form of federal assistance requiring the purchase of flood insurance, such as federally-connected loans, grants, federal flood disaster assistance, and similar funding.

Construction Site Erosion Control and Stormwater Management

For lands located within the Town of Williamstown which are subject to the construction site erosion control and stormwater management zoning ordinance provisions, §59.693(10), Wis. Stats., provides that an ordinance that is enacted under this section by a county that is in effect in an area immediately before the area is annexed by a city or village continues in effect in the area after annexation unless the city or village enacts, maintains and enforces a city or village ordinance which complies with the minimum standards established by the department (DNR) and which is at least as restrictive as the county ordinance enacted under this section. Therefore, the construction site erosion control and stormwater management zoning ordinance provisions of the Dodge County Land Use Code will apply to lands within the newly created village unless the village enacts, maintains and enforces a village ordinance which complies with the minimum standards established by the DNR and which is at least as restrictive as the county ordinance.

Shoreland Zoning

For lands located within the Town of Williamstown which are subject to the county shoreland protection ordinance, §61.353 (6), Wis. Stats. provides that the provisions of a county shoreland zoning ordinance under §59.692 that were applicable prior to incorporation to any shoreland that is part of a town that incorporates as a village under s.66.0203, 66.0211, or 66.0213 after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated village until the effective date of an ordinance enacted by the village under sub. (2). Therefore, the newly created village will be required to enforce the County's Shoreland Ordinance provisions until it enacts its own shoreland ordinance.

Nonmetallic Mining Reclamation Ordinance

The Dodge County Nonmetallic Mining Reclamation Ordinance applies to all operators of nonmetallic mining sites within Dodge County operating on or commencing to operate after August 1, 2001, except for nonmetallic mining sites located in a city, village or town within Dodge County that has adopted an ordinance pursuant to §295.14, Wis. Stats., and NR §135.32(2), Wis. Adm. Code. Therefore, the Dodge County Nonmetallic Mining Reclamation Ordinance will apply to lands within the newly created Village unless the Village adopts a compliant nonmetallic mining reclamation ordinance. Chapter NR 135 of the

Wisconsin Administrative Code regulates the operation, maintenance and reclamation of nonmetallic mining sites, it does not address the zoning thereof.

Airport Zoning Ordinance

The Dodge County Airport Zoning Ordinance applies to all lands located within Dodge County that are located within three (3) statute miles of the boundaries of the Dodge County Airport. Therefore, the Dodge County Airport Ordinance provisions will continue to be enforced by the County on the lands within the incorporated village that are located within three statute miles of the Dodge County Airport. It appears that there will be a small portion of the village affected by the ordinance.

Sanitary Ordinance

The Dodge County Sanitary Ordinance applies to all structures, lands and waters within the boundaries of Dodge County, including the incorporated cities and villages except as otherwise provided by the Wisconsin State Statutes and the Wisconsin Administrative Code. Therefore, the Dodge County Sanitary Ordinance provisions will continue to be enforced by the County within the newly created village.

Subdivision Provisions

The Dodge County Subdivision Design and Improvement provisions of the Dodge County Land Use Code apply to all land divisions in Dodge County except for those lands within an incorporated municipality. Therefore, the Dodge County Subdivision Design and Improvement provisions will not be enforced within newly created village. Land divisions occurring within the newly created village will be under the authority of the village. The newly created village will need to determine whether it will exercise extraterritorial subdivision review authority.

Land Information/GIS (Division of Land Resources and Parks Department)

The County provides addressing services for towns in Dodge County. Dodge County does not provide these services for villages and cities; however, because the newly created village covers all of the current town, the County offers this service to the newly created village in the interest of continuity and consistency.

The Wisconsin Department of Revenue will likely issues a new 3-digit municipal code for the parcels within the newly created village. Therefore, all parcel identification numbers will need to be changed using the new 3-digit code.

Duplicate street/road names will need to be reconciled. Properties physically located in the newly created village will have a Mayville mailing address. Streets or roads with the same name in the village and City of Mayville will need to be changed due the mailing address.

The issue of differing assessed values for lands within the current town and current village will need to be addressed in the interest of uniformity in taxation under the Wisconsin Constitution.

Office of County Clerk

Concerns have been raised relating to the address system to be used in the newly created village. Typically, villages have street address. Any changes to addresses may affect WisVote and voter registration records.

The Plan addresses the process for creating a governing body for the newly created village, post-boundary change. However, in the interim, there will be a Village of Kekoskee trustee seat that will need to be filled in the April, 2018 election. The Village uses the caucus method to determine names placed on the ballot for the election. The caucus date must be set between December 1 and January 1 and the caucus must occur between January 2, 2018 and January 21, 2018.

The Plan does not address the number of trustees or whether the trustees will have staggered terms.

The Plan addresses the process for filling the position of clerk and treasurer in the transition; however, it does not reflect how these positions will be filled (election or appointment) in the event of a vacancy after the boundary change.

The Plan does not indicate an effective date.

County Highway Department

There has been no mention of jurisdictional transfers of county highways to the newly created village, so all county highways running through the village will remain a part of the county highway system.

Dodge County has adopted a Highway Access Ordinance which states that the County does not control access inside incorporated municipal boundaries. The County Highway Committee intends to amend the ordinance so that it applies in the newly created village, except for the newly created "Concentrated Mixed Use District" which is currently the Village of Kekoskee.

Currently, ATV routes are now on all Town roads. This issue will need to be addressed as the Town roads will become village streets. There will be no change to approved county highways designated as ATV routes.

The County Highway Department has a retainer for a 10-year life of ATV signs for replacement from the Town of Williamstown. This will need to be addressed to determine if/whether this retainer shall continue with the Village of Williamstown.

Section 83.05(3), Wis. Stats., states that the County is responsible for the cost of improving the center 22' of the width of the pavement for county highways lying within villages. In addition, regarding maintenance of county highways lying within villages throughout Dodge County, the Highway Department maintains the center 22' of the pavement. It does not maintain signs, ditches or pavement outside 22' width, such as chip sealing outside the 22' width. In the interest of consistency in villages throughout the County, the Highway Department will treat the county highways running through the newly created village in the same fashion. The County Highway Department has a contract with the Town of Williamstown relating to the impact of the landfill. The County bills the Town, annually, \$18,000 as part of the Landfill Impact contract. This contract will need to be revised to recognize the newly created village or assigned to the village.

Sheriff's Office

Although not referenced in the Plan, there is mention on the FAQ sheet that the Dodge County Sheriff will continue to be a provider of police service under an agreement. Dodge County Sheriff does not contract with Kekoskee or Williamstown for law enforcement services. There are no agreements in place. The Sheriff will

continue to provide the law enforcement services throughout the county. If the newly created village desires additional services or a different level of services, it may contact the Sheriff to discuss contracting.

Emergency Management

It appears that the newly created village will continue to contract with Kekoskee Fire Department. Therefore, there is no impact on the county emergency management functions. The Countywide All Hazard Mitigation Plan will need to be revised to recognize the newly created village, removing the Town of Williamstown and Village of Kekoskee.

County Treasurer

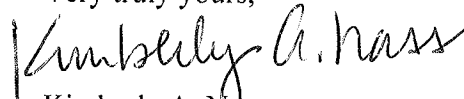
The Treasurer questioned whether there will be a new 3-digit code for parcel identification numbers. Information supplied by the Department of Revenue indicated that, once established, a new 3-digit municipal code will be issued for the new village.

Tax bills are produced based on the ownership and municipal status of the property as of January 1 of each year. If the newly created village is formally established after April 1, 2018, municipal changes for general property tax purposes may not be reflected on the 2018 tax bills.

County personnel plan to attend the public hearing on December 6, 2017 and may contribute additional comments at that time.

Should you have any questions regarding the information in this document, please do not hesitate to contact me or the applicable county department.

Very truly yours,


Kimberly A. Nass
Corporation Counsel

KAN

cc: Russell Kottke, County Board Chair (sent via email only)
James Mielke, County Administrator (sent via email only)
Attorney Matt Parmentier (sent via email only)
Bill Ehlenbeck, Director of the Land Resources and Parks Department (sent via email only)
Karen Gibson, Dodge County Clerk (sent via email only)
Brian Field, Dodge County Highway Commissioner (sent via email only)
Dale Schmidt, Dodge County Sheriff (sent via email only)
Amy Nehls, Emergency Management Director (sent via email only)
Patti Hilker, Dodge County Treasurer (sent via email only)