

**Town Government
1990-91**

Town Management Consensus

Consensus meetings: February 5 & 6, 1991

14 members participated

Question # 1: Can town government function effectively in an urban community, or is it only appropriate as a rural form of government?

There was a strong consensus that representative government is preferable in an urban community. Several reasons were cited: 1. Rule by majority does not always reflect what is best for the community as a whole. The public interest, or the greater good, is often not represented. 2. It is easier to have informed decision-making in a representative form of government. 3. While governance by direct democracy, as is the case in town government, is a laudable idea in theory, when put into practice in an urban setting, it usually becomes governance by special interests because most town residents don't attend town meetings and remain largely uninformed.

Question #2: If towns are prevented from incorporating due to an adjacent city or village's objections, how can a town function as an urban entity?

A. What should a town do to restructure its town form of government to better manage growth?

There was a strong consensus that urban towns should employ fulltime paid professional administrators. Urban towns should have five-member boards for broader representation of what are often conflicting urban and rural interests within the town and also to insure the continuity afforded in having supervisors serving staggered rather than concurrent (as with three supervisors) terms. Urban towns should exercise village powers. Special service districts should be created to provide services in urbanized areas of the town when desired by the residents.

B. With uncertain boundaries, how could planning for town growth best be accomplished?

Urban towns should have a comprehensive plan. Adequate services should be provided so that annexation is not desired by town residents. A professional regional planner was seen as the best way to manage urban growth in towns.

C. What types of intergovernmental agreements to address problems of urban sprawl might be feasible under current law?

Intergovernmental agreements with adjacent municipalities (e.g. extend city sewer in one portion of the town in exchange for planned, progressive annexation, uncontested by the town, in another.) Regional cooperation in such matters as joint purchasing, mutual aid agreements, and shared services all help to discourage urban sprawl. When possible, urban fringe areas should be required to share in the capital expenditures provided by the central city, thereby rendering urban fringe development less of a bargain.

Question # 3: If a town which met the statutory criteria for incorporation were allowed to incorporate despite the objections of an adjacent city or village, would the problems of urban sprawl become more manageable or less manageable?

In order to answer this question, one has to decide if a city must always be able to grow in order to remain viable. There was no consensus on this underlying question, however, it was noted that there is a growing consensus of opinion among urban planners that a population of about 50,000-60,000 is optimal, and beyond that a city begins to face diminishing returns in its delivery of service. There seemed to be moderate agreement that the standards required for both incorporation and annexation be applied uniformly, and be strictly adhered to.

Question #4: Assuming that the residents of a town do not desire annexation to an adjacent city or village, which would afford the town the best method to manage its own growth:

- A. Reform the incorporation process
- B. Create, through new legislation, an "urban town"
- C. No changes are necessary; towns have all the tools needed, under current law, to manage growth
- D. Other

There was a strong consensus that incorporation to village or city status was far preferable than the "urban town" designation. (This could result in a Grand Chute, six times larger than Appleton in area, with limited governmental powers to manage all that land. In addition, it could cause "tentacles" of city development around town lines.) Incorporation was not viewed entirely favorably either, however, due to concern for the impact it would have on the central city. It was felt that towns do not have all the tools needed to manage growth. Towns receive significantly less state aid than villages or cities, and politically lack the status needed to operate on an equal footing with incorporated municipalities in the metropolitan area.

There was great interest in the idea of creating a metropolitan council of governments and tax-base pooling, as is done in the Minneapolis-St. Paul area. There was also support for a stronger regional planning commission, and a comprehensive state land use plan to govern urban development in Wisconsin. All these changes, however, would have to be addressed at the state level. There was frustration over trying to deal with this issue on a local level. State laws governing annexation and incorporation need to be reformed, having remained basically unchanged in more than a hundred years.

TOWN GOVERNMENT STUDY

Title: Coping With Growth. Urban Town and City Management Options

Scope: What structures of government can best manage growth, provide leadership, strengthen regional cooperation and deliver services in a cost-effective manner in the Appleton area?

Relevant existing LWV positions

LWV-WI Position: "Following a study of state-local relationships in 1967 League members agreed that cities, towns, and villages often had problems and needed services well beyond their boundaries. The League believes that a larger unit of government could provide many of these services more efficiently. Rather than supporting another level of government, members believe that in most cases improved county governments could take over this role.

In the position reached in 1969, League agreed that some functions of town government could be performed better at the county level. The strongest recommendation was for making counties responsible for the construction and maintenance of highways. League members also favored **establishing and enforcing legal requirements for the continued existence of a town.** Often towns have fewer than the 125 residents originally required. The League has called attention to this situation in appearances before legislative committees. It has opposed relaxing the standards for town incorporations and granting home rule powers to towns and has supported basic reform in the state's boundary adjustment law.

In early 1984 the League testified in support of repealing Section 60,81 **Wis. Stat.**, known as the "Oak Creek Law" because of its inadequate standards. This law allows a town immediately adjacent to a city of the 1st class to incorporate upon petition and referendum, if it has a resident population of 5,000 and an assessed valuation of \$20 million. The town is not required to undergo the reviews by the Wisconsin Department of Development and the court that are required of other towns in an incorporation procedure. Such reviews would determine whether the incorporation is in the public interest under statutory standards. In addition, the law does not allow the adjacent municipality to propose annexation of the town after an incorporation petition is filed.

This bill subsequently failed in committee and no new effort has been initiated."

(Taken from LWV-WI position papers under County Government position. In general, LWV-WI supports strengthened county government.)

LWV of Appleton position:

CRITERIA TO BE APPLIED IN ANNEXATION DECISIONS. (1989)

- A. Overall good of the area: Improving the long range good of the area was emphasized over shorter range issues of current costs and benefits. Growth was viewed, not as a good in itself, but as an inevitable pressure on the area, with annexation a method for managing growth.
 1. Actions should be taken to prevent future problems, to include:
 - a. Areawide planning, particularly for sewers, drainage, and transportation.
 - b. Comprehensive city planning and strengthened extra-territorial zoning powers.
 - c. Cooperative planning among governmental entities, including municipalities and special districts, such as schools and sanitary districts.
 2. The ability of a city to support diverse community resources which enhance the quality of life of the area should be strengthened by maintaining a strong city tax base (parks, library, museums, cultural activities).
 3. Education of the public on long range issues is vital.

- B. Environmental quality: Preserving and protecting the environment was emphasized. The manmade boundaries of municipal or county lines were seen as barriers to addressing environmental or public health problems.
1. Comprehensive land use planning is needed to protect health and safety.
 2. Adequate services should be provided to maintain and/or improve the quality of air and water.
- C. Fairness: Fairness in paying for services is crucial. Those who benefit from services should be expected to share the cost, perhaps through user fees or applying the cost to a wider tax base. The services were seen as a package, and it is unfair to select parts of the package without supporting the whole.
1. Costs of services should be equitable shared by users to include:
 - a. User fees; often a fair way of distributing costs.
 - b. Fully allocated costs; including capital and administrative expenses, as well as operating expenses.
 - c. Exploration of tax exempts paying for services, or costs distributed on a wider tax base.
 - d. Strengthening county government services, as a means of sharing costs fairly.
 - e. Requiring minimum service levels in urbanized areas (adequate drainage, sewer, and street standards).
 2. Services should generally not be provided without annexation.
- D. Efficiency of Urban Services: Areawide and comprehensive city planning were supported to prevent costly duplication and proliferation of urban services. Strengthened extraterritorial zoning powers might prevent future expense.
1. Urban services should be provided economically and efficiently, with planning for possible future annexations.
 2. Duplication of urban services should be avoided.
 3. Service levels for existing residents are not to be weakened because of annexation.
 4. Annexation is desirable when development will result in intensive uses or densities requiring urban services.
- E. Action at the State Level: The Appleton League supports the Wisconsin League of Women Voters position of strengthening county government rather than adding new powers to town government.
1. Appleton League members recognize the difficulties caused by the city being in three counties, and would support exploring county boundary revisions.
 2. Members would like to see changes in state legislation relating to annexation, but would not favor legislation which weakens open meeting requirements or citizen rights, or which strengthen town powers.
 3. Fairness should be addressed through state legislation.
 - a. Requiring minimum levels of urban services.
 - b. Exploring the possibility of tax exempt institutions paying for services, or being supported on a wider tax base.
 - c. Reviewing the effects of the state's revenue sharing policies.

DISCUSSION QUESTIONS

1. What is an urban town?
 - A. Statutory definition
 - B. Top five urban towns (by population)
 - C. Comparison: Town of Menasha and Town of Grand Chute
 1. Population
 2. Characteristics
 3. Valuation
 4. Revenue
 5. Expenditures
2. What powers do towns have?
 - A. The Town Meeting
 1. Regular Town Meetings
 2. Annual Meeting
 - B. The Town Board
 - C. Village Powers
 - D. Land Use and Planning
 - E. Town Sanitary Districts
3. What powers do towns (without home rule) lack that villages and cities have?
4. How do town expenditures compare to cities and villages?
5. How do town revenue sources compare to cities and villages? (per capita basis)
 - A. Property taxes
 - B. Federal aid
 - C. Shared revenue
 - D. Road aid
6. What changes in the current annexation/incorporation laws are being considered by the Special Committee on Municipal Boundary and Related Issues?
 - A. Intergovernmental problems caused by growth
 - B. Obstacles to growth management
 - C. Brief review of current law
 - D. Proposed changes
 1. Direct annexation by cities and villages
 2. Creation of "urban towns"
7. How can intergovernmental agreements relating to urban services and boundaries help to manage urban growth?
8. How can growth on the urban fringe be managed?
 - A. Zoning
 - B. Alternative growth management techniques
9. How could cooperation among municipalities in metropolitan areas be encouraged?
 - A. Metropolitan councils
 - B. Metropolitan tax base pooling
 - C. Regional capital-intensive services
 - D. Other

CONSENSUS QUESTIONS

1. Can town government function effectively in an urban community, or is it only appropriate as a rural form of government? (Does government by majority rule function effectively in an urban community, or is representative government preferable?)

2. If towns are prevented from incorporating due to an adjacent city or village's objections, how can a town function as an urban entity?

A. What should a town do to restructure its town form of government to better manage growth?

B. With uncertain boundaries, how could planning for town growth best be accomplished?

C. What types of intergovernmental agreements to address problems of urban sprawl might be feasible under current law?

D. Other

3. If a town which met the statutory criteria for incorporation were allowed to incorporate despite the objections of an adjacent city or village, would the problems of urban sprawl become more manageable or less manageable?

4. Assuming that the residents of a town do not desire annexation to an adjacent city or village, which would afford the town the best method to manage its own growth:

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