

# **CHAPTER 9**

## **INTERGOVERNMENTAL COOPERATION ELEMENT**

## INTRODUCTION

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As part of the Wisconsin's Comprehensive Planning Law, one of the elements is the Intergovernmental Cooperation Element, which is intended to be a compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element is to analyze the relationship of the local governmental unit, to school districts and adjacent local governmental units of the region. The element should incorporate any plans or agreements, which have been previously adopted by the local communities. The element should identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve those conflicts. This element creates an opportunity for the Town of Mukwonago to coordinate with other communities and governmental units to promote consistency between plans. Although the Comprehensive Planning Law does require that the Town consider intergovernmental relationships and develop ways to resolve conflict, it does not require that they take part in any specific intergovernmental actions.

What is intergovernmental cooperation? In general terms, intergovernmental cooperation is an arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies and programs to address and resolve issues of mutual interest. It can be as simple as communicating and sharing information or it can involve entering into formal intergovernmental agreements and sharing resources, such as equipment, buildings, staff and revenue. It can even involve consolidating services, jurisdictions or transferring territory. Many issues cross jurisdictional boundaries affecting more than one community. Increased communication technologies and personal mobility mean that people, money and resources move across jurisdictions as quickly and freely as air and water. Frequently an action of one governmental unit impacts others, and increasingly we have come to realize that many vital issues are regional in nature.

Why is intergovernmental cooperation particularly critical in Wisconsin? Wisconsin ranks 13<sup>th</sup> nationwide in total number of governmental units and 3<sup>rd</sup> nationwide in governmental units per capita. Having so many governmental units allows for very local representation and means that Wisconsin residents have numerous opportunities to participate in local decision making. However, the sheer number of governmental units with overlapping decision making authority presents challenges. More governmental units can make communication, coordination and effective action more difficult, creating a greater potential for conflict. Instead of communicating ideas within one jurisdiction, communication needs to move across jurisdictional boundaries, resolving issues where there are multiple visions, some of which may conflict. Because of the number of governmental units, this may mean unwanted and wasteful duplication of the delivery of community services. Cooperation between communities can avoid this.

The Town of Mukwonago is involved in multiple agreements, whereby they work with adjacent communities and Waukesha County in trying to resolve many of these issues and the need for services of their residents. The benefits of good intergovernmental cooperation are, cost savings,

addressing regional issues, early identification of issues, a reduction in possible litigation, consistency, predictability, understanding, trust and that success creates positive feelings between adjacent communities. The biggest beneficiaries of intergovernmental cooperation are the citizens for whom the government was created in the first place. They may not understand or even care about the intricacies of the particular governmental issue, but all Town residents can appreciate the benefits, such as cost savings, vision of needed services, a healthy environment and a strong economy.

## **COOPERATIVE AGREEMENTS**

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### **Waukesha County Development Plan**

On July 5, 2000, the Town of Mukwonago Board signed a cooperative agreement to work with Waukesha County, along with twenty-eight other municipalities in Waukesha County to update the Waukesha County Development Plan. The cooperative agreements were formal expressions of willingness to participate in coordinated comprehensive planning efforts, one that includes identifying roles and responsibilities in the planning effort. Specifically, the roles have been developed to designate planning elements that are of a regional and countywide importance and those specific to an individual municipality. This planning effort was to be coordinated through the Waukesha County Comprehensive Development Plan Advisory Committee. The Advisory Committee was comprised of representatives from SEWRPC, the County and the municipalities that are signatories to the cooperative agreements. Several subcommittees of the Advisory Committee were created to guide the data gathering and analysis of the various plan elements. There was a timetable developed to establish and provide sufficient opportunity for input from the public, governmental units and affiliated organizations, yet respecting the statutory requirements of having a comprehensive plan adopted by January 1, 2010. That timetable dictated the nine elements, the process and when it was intended that those elements would be completed.

Twenty-eight of the thirty-seven communities in Waukesha County signed on to work with Waukesha County in the updating of the plan. It was felt by the Town that it was important to participate in this process, not only to discuss what was intended for the area within the Town, but also the communities adjacent to the Town and to obtain additional information, and resources for the update of Town's Smart Growth Plan. It was also felt by the Town officials that they wanted some input in establishing the goals, objectives and standards of the update to the Waukesha County Development Plan, in order to determine if the Town's goals, objectives and standards were consistent with the County's and to discuss the inconsistencies to determine if the Town's Plan would or could be incorporated into the Updated County Plan.

### **Cooperative Boundary Agreements Between The Town Of Mukwonago and The Villages of Mukwonago and North Prairie**

On April 28, 2000, a Municipal Boundary Agreement between the Village of Mukwonago and the Town of Mukwonago was adopted under the authority of the Wisconsin State Statutes by which the Town of Mukwonago and the Village of Mukwonago established boundary lines between themselves in perpetuity. This agreement addressed the attachment of Town Islands, and when other areas would be attached to the Village; at the owners request, upon any land division or if the owner requested the extension of Village Services. The agreement set forth the procedure and timeline for the attachments. The agreement set forth the procedure of how the agreement was to be adopted. This Boundary Agreement is very similar to the Village of Mukwonago's Sewer Service Area except for the Mukwonago County Park and the Rainbow Springs property. (See Boundary Agreement Map)

The Town of Mukwonago entered in to a Municipal Boundary Agreement with the Village of North Prairie on September 25, 2000 in accordance with the Wisconsin Statutes which established the ultimate exterior boundary of the Village as all properties north of Road X. That agreement set forth the procedures and stated that the Village would not object if the Town decided to incorporate in the future.

### **Fire Protection**

The Town has agreements with Village of North Prairie and the Village of Mukwonago for fire protection services for town residents. The original agreement between the Town of Mukwonago and the Village of Mukwonago for the operation for a joint Fire Department in accordance with the Wisconsin State Statutes was adopted on January 8, 1993 for the furnishing of fire fighting, fire protection, and emergency medical and resuscitation services within the corporate limits of the Village and Town. Also, they operate a joint fire commission in accordance with the Wisconsin State Statutes. This joint Fire Department operates out of two entities; one which is located at 1111 Fox Street in the Village of Mukwonago, and the second located at W320 S8315 Beulah Road, in the Town of Mukwonago. The joint fire commission consists of seven members, including a Village Board member, a Town Board member, and five citizen members. The agreement covers the fire commission, the disciplinary action against subordinates, dismissal and re-employment, the organization, the membership of the companies, and the power and duties of the Chief. It outlines the use of the equipment and apparatuses, the fire inspector, the chief of the department and the procedure for dissolution of the joint fire department and arbitration. A subsequent agreement on the same date outlined the financial terms and conditions of the department.

The Town of Mukwonago also contracts with the Village of North Prairie for fire, ambulance, and rescue services. The original agreement was made in 1991 and is renewed yearly. The agreement outlines the fee for ambulance, fire fighting, related emergency and rescue services in Sections 4, 5, and 6 of the Town of Mukwonago. It sets forth how ambulance services will be paid for and requires the Village to provide suitable equipment, apparatus and personnel. It also designates the procedure for mutual aide if necessary. The contract is in effect for one year and will automatically extend for each additional year with like terms unless either party gives a 90-days notice to terminate.

### **Emergency Action and Management Plan**

The Town and Village of Mukwonago approved the “Emergency Contingency and Operational Outline” in September,1997, which is required of communities under Chapter 166 of the *Wisconsin Statutes* and Section 333 of the *Wisconsin Administrative Code*. The document contains operational procedures for all natural disasters and is coordinated by the Emergency Management Director who is the Fire Chief for the Town and Village. The plan provides for timely notification, warning, evacuation and eliminates the loss of life and risk of property damage. Further the plan coordinates the necessary actions by the state, local and federal agencies. They are required to be updated every 2 years or sooner if the contact persons changes.

## **Emergency Action Plan for Laitsch Dam**

In 2008, the Spring Brook Watershed Lake Management District adopted an emergency action plan for the Laitsch Dam that addresses the potentiality of a dam failure. Because the inundation area includes lands within the towns of Genesee and Mukwonago, each were involved in the preparation and review of the plan. In addition, Waukesha County and the Wisconsin Department of Natural Resources were also involved.

## **Waukesha County Dispatch Service**

The Town of Mukwonago does not participate with 17 of the 37 municipalities in Waukesha County for the Waukesha County Dispatch Service which was formed in the early 2000. In Resolution #02-R-7 Adopted on October 9, 2002, the Town Board authorized participation in the Waukesha County Shared Dispatch operation and the issuance of a general obligation promissory note to Waukesha County to pay capital costs on the shared dispatch service. At that time, there was an agreement with the Waukesha County Executive's office that Mukwonago would pay the money up-front, which according to the general obligation promissory note, was equal installment payments of \$5,106.13 due on February of each year from 2003 to 2010. At that time, the Town of Mukwonago chose to make the decision not to join the system, but it was cost beneficial to pay the capital costs now and the opportunity to join the system at some later date.

It is the Focus Groups understanding that the Town Board chose not to join the County Dispatch Service initially, as there were a number of dead spots in the coverage of the system in the Town of Mukwonago and until those issues were resolved, the Town chose not to participate in the dispatch service.

## **Sanitary Sewer Service**

The portions of the Town of Mukwonago which are in the border agreement with the Village of Mukwonago, east of CTH I, north of the county line and south of the north line in Section 22 and 23 are within the sewer service area of the Village of Mukwonago's sewage treatment plant. Also included in that sewer service area is the Mukwonago County Park located on the north side CTH LO and the Rainbow Springs property located south of CTH LO. (See Map L) Sewer Service is available without annexation for that area southwest of the Phantom Lake and east of C.T.H.I through the sanitary district or through annexations by individual property owners. The Rainbow Springs property was included in the sewer service area because at the time there was a 600+ room hotel and other facilities which were originally to be serviced by a private sewerage treatment plant which was no longer operational according to the DNR and with the extension to the Rainbow Property sewer could be extended to Eagle Spring Lake to accommodate existing marginal septic systems on small non-conforming lots. As part of the border agreement some properties are required to annex to the Village when they request the services. The mostly developed area southwest of the lake east of CTH I will not be required to annex to the Village upon request for public sewer. The matter of the impact on the groundwater recharge in the area, if the area is developed with public sewer and the water is discharged downstream ultimately

feeding into the Fox River may have a great impact on the Mukwonago River upstream and the Phantom Lakes.

### **Public Water Utility Service**

Currently there is no public water utility service in the Town of Mukwonago.

### **Mukwonago School District**

The Mukwonago School District includes the Villages of Big Bend, Mukwonago and North Prairie, Towns of Mukwonago, Vernon and parts of the Town of Eagle, Genesse, Ottawa, East Troy and part of the City of Muskego. The School district has a total of approximately 5048 students; it is unknown according to the School District how many reside in the Town of Mukwonago. The Town of Mukwonago students attend four elementary schools, one junior high school, and one high school. All of the 414 students at Section Elementary are from the Town. There are 562 students at Rolling Hills and 449 students at Prairie View of which approximately one half of their enrollments are from the Town. In 2007 62% of the property tax bill for the Town of Mukwonago was for school purposes.

### **Utility Services**

All of the Town of Mukwonago is served by Wisconsin Electric Power (We Energy).

### **Library Services**

The Town of Mukwonago residents participate in the Waukesha County Federated Library system which was initiated in the early 1980s. As part of this library system, residents may use any library within the system; however, the main library that the Town residents use is located in the Village of Mukwonago. The fees for this library system are based upon the property valuation.

### **Town of Mukwonago Recreation Department**

The Town of Mukwonago Recreation Department is governed by the Recreation Committee made up of three Town Board Supervisors. The department has one full-time Recreation Director and one Regular part-time Recreation Assistant, along with many seasonal employees. The Town has three park facilities: Town Park, Lauren Park, and Oakridge Park. The facilities consist of multiple types of play fields, pavilions and playground facilities. The Recreation Department works cooperatively with the East Troy Park and Recreation Department, the City of Muskego Parks and Recreation Department, the Town of Vernon Park and Recreation Department, the Waukesha County Department of Parks and Land Use, along with the Mukwonago School District. The cooperative agreements help utilize resources, share facilities, offer more programs, and be more cost productive. All programs are open to residents and non-residents. Many residents of other communities participate in the programs offered by the Town on a non-resident fee basis. The department offers a variety of activities for all age groups. There are toddler and pre-school activities, teen/adult activities, youth sports, youth safety

programs and other youth activities consisting of dance, music, art, and other enrichment programs to name a few.

## **POTENTIAL INTERGOVERNMENTAL CONFLICTS**

The Town of Mukwonago has in the past taken every opportunity to work with Waukesha County and adjacent communities in providing services for its residents, at significant cost savings, while addressing regional issues, early identification of issues, reductions in possible litigation, consistency, predictability, understanding and trust, which creates positive feelings between adjacent communities.

With the development and the growth of the Villages of Mukwonago and North Prairie potential conflicts in land use and traffic may result between the Villages and the Town of Mukwonago, particularly with the reconstruction and widening of STH 83.

The Town should consider working with the Villages on land use issues to resolve any potential land use conflicts which may impact the water quality of the Jericho Creek, the Mukwonago River and the Phantom Lakes.

The Town should consider working with the Village of Mukwonago on resolving their drinking water supply and community well problems so as not to impact the ground water supply in the Town and to alleviate any impact a new or numerous shallow wells may have on the Mukwonago River, the Phantom Lakes and residential wells in the Town.

The Town needs to work with the SEWRPC and Waukesha County on the potential jurisdictional highway changes to local streets.

The Town should closely monitor the different developments in the Village of North Prairie and the Village of Mukwonago for potential erosion and storm water run-off, which may impact the water quality of the Jericho Creek and the Mukwonago River. The Town should try to work with the Villages to address these issues before they develop.

The Town and adjacent Villages should work together to consider merging other governmental services to cut costs and avoid the duplication of public services.

The Town of Mukwonago officials should monitor the City of Waukesha policies regarding the extension of sewer and need for wells to blend their water supply and the extension of other public services and the impact these policies may have on the Town's borders.

**GOALS, OBJECTIVES, POLICIES AND PROGRAMS FOR JOINT PLANNING AND DECISION MAKING FOR SITING AND SHARING PUBLIC SERVICES**

1. Eliminating the duplication of services with adjacent communities to avoid redundancy.
2. Reduce the tax burden for duplication of services on local residents.
3. To provide more efficiency in services.
4. The Recreation Department should work with adjacent Villages in sharing park facilities and programs.