

# PROPOSED INTERGOVERNMENTAL AGREEMENT

## TOWN OF ALGOMA AND CITY OF OSHKOSH

### Questions and Answers

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Q: Why an agreement at this time?

A: The Town and City have a long history of issues created by City expansion. Some issues, like long-term border protection for the Town, remained unresolved.

In 2001, a citizen group started a process to incorporate the northern portion of the Town as a village. That action caused the Town and the City to begin negotiating in earnest over boundary-related issues.

Q: What are the shared benefits that both the City and the Town would gain from an agreement?

A: The main purpose of the agreement is to establish long-term ground rules and limitations on the City's expansion. When ground rules are established in advance, both governments (and all affected landowners and residents) can plan intelligently and assure that development occurs efficiently. Under the proposed agreement, there are various protections for landowners and the Town that govern how the City may expand. The City is essentially prohibited from expanding into the northern portion of the Town.

Q: How does the proposed agreement affect incorporation? Is the agreement better or worse for the Town than incorporation?

A: The Town agrees to request that the pending incorporation be put on hold until the boundary agreement gets state approval. The Town and City agree that the state-approved plan will not allow incorporation before March 1, 2008.

Whether the agreement is better or worse than incorporation depends upon several factors that different people will evaluate differently:

1. Boundary Protection

The agreement secures long-term border protection for a substantial part of the Town. Incorporation, if successful, would achieve border protection forever for the incorporated area. The prospects for a successful incorporation are unclear, and may be about fifty-fifty.

2. Cost

The costs associated with gaining approval of the agreement or approval of the incorporation are similar. If approved, incorporation also would involve costs for changing to a village form of government and for providing village-type services. Those costs are significant. Some may think incorporation (if successful) is worth the price. Others may believe the price is too great. The answer depends on the value you assign to certain village powers – like the power to create tax incremental finance (TIF) districts or the power to have local zoning power rather than county zoning.

3. Rights Preserved

The agreement preserves the right to pursue incorporation in the future if that is what Town residents want.

Q: What are the main advantages to the Town of the proposed agreement?

A: There are several.

1. No Annexations in the Protected Area

Under the proposed agreement, a Protected Area is established. The City may not annex beyond an established Boundary Line (except by permission of the Town Board upon a four-fifths vote). Currently there is no such border protection against City expansion. Under the agreement, annexations will be allowed outside the Protected Area. The area where annexations are allowed is called an Expansion Area for the City.

2. More Land on the Town Side of the Line.

The agreed-upon line between the Town and City puts more acres on the Town side of the line than the proposed incorporation area.

3. Protection from Annexations Against the Landowner's Will.

For lands in the Expansion Area, the City shall not annex against the owner's will for 10, 15, 20 or 40 years, depending on whether the property is in Area A, B, C or D.

4. Transition Area Separates the Town and City.

A Transition Area (or "buffer zone") is established 1/4 mile either side of the southern Boundary Line. The type and density of development is regulated to prevent intense urban development on either side of the border.

5. Special Benefits for Landowners Whose Lands May Be Annexed.

Where annexations may occur, owners get special benefits. Specifically, owners may elect to receive City sewer and water up to five years before annexation. This allows owners to pay for the extension of services before being subject to higher taxes in the City.

6. Revenue and Service Benefits to the Town.

When the City annexes land, the City is required to annex the abutting roads and take over maintenance of those roads.

7. Zoning decisions in the Expansion Area will be made jointly by the Town and the City.

8. The Town retains the right to pursue incorporation, provided no incorporation may take effect before March 1, 2008.

Q: What benefits does the City gain from the proposed agreement?

A: The City gains the right to grow to grow in the Expansion Area without Town opposition. In the process:

1. The City can create "town islands" or "city islands" to bypass the lands of owners who do not want to annex. Allowing creation of islands avoids the need for long inlets of town roads, which are a nuisance and burden to both the Town and the City.
2. The City gets a say on zoning decisions in the Expansion Area to assure that such decisions are not inconsistent with the surrounding area to be developed in the City.

3. After 10, 15, 20 or 40 years (depending on whether the property is in Area A, B, C or D) remaining Town islands or other Town parcels are taken into the City.
4. The City does not have to fight a Town-supported incorporation at this time.