

November 20, 2020

Municipal Boundary Review
Wisconsin Dept. of Admin.

**INTERGOVERNMENTAL COOPERATIVE PLAN BETWEEN
THE TOWN OF CLAYTON AND THE TOWN OF NEENAH**

The Town of Clayton, a Wisconsin town located in Winnebago County, Wisconsin ("Clayton") and the Town of Neenah, a Wisconsin town located in Winnebago County, Wisconsin ("Neenah") hereby enter into this Intergovernmental Cooperative Plan (the "Plan") under the authority of Wis. Stat. § 66.0307. Clayton and Neenah shall hereafter be referred to collectively as the "Parties".

Recitals

- A. Clayton posted a Notice of Intent to Circulate a Petition for Incorporation on June 16, 2018, filed its incorporation petition in December 2018, and intends to incorporate as a village under Wis. Stat. § 66.0203 as soon as permitted to do so. Upon incorporation, the "Village of Larsen," or such other name as the village arising from the aforementioned petition adopts, will exist with the boundaries as identified in the attached Exhibit A, or such other boundaries as approved pursuant to Wis. Stat. 66.0203.
- B. The Parties have met several times to discuss the potential incorporation of Clayton and any possible concerns that may stem from Clayton's incorporation.
- C. As a result of those meetings, the Parties have determined that it is in their collective best interests to enter into this Plan.
- D. The Parties have further determined that the arrangements described in this Plan will serve the purposes described in Wis. Stat. § 66.0307(3)(b) by building and accomplishing coordinated, adjusted, and harmonious development of the territory covered by the Plan in a manner that best promotes the public health, safety, morals, order, convenience, prosperity, and general welfare, as well as achieving efficiency and economy in the performance of governmental functions.
- E. Wis. Stat. § 66.0307(2)(a) through (d) require that cooperative plans be organized around "options" for future boundary changes. These options specify how boundary changes will occur under the cooperative plan. This Plan is organized around the option described in Wis. Stat. § 66.0307(2)(d), which allows a cooperative plan to provide that specified boundary lines may not be changed during the planning period. Specifically, upon incorporation of the Village of Larsen, the Village will not annex or attach any property located in Neenah, except as permitted herein, for the remainder of the term of this Plan.
- F. The Parties enter into this Plan for the purpose of establishing permanent boundaries, assuring orderly development and limiting extraterritorial zoning, land division, and official mapping controls within the boundaries of the Town of Neenah once the Village of Larsen is incorporated.

NOW, THEREFORE, in consideration of the above recitals, which are contractual, and for other good and valuable consideration, the receipt and sufficiency of which is mutually acknowledged, the Parties agree as follows:

Section 1: Participating Municipalities.

The Parties, whose respective boundaries as of the effective date of this Plan are shown in the “Cooperative Plan Area” map attached as Exhibit B, enter into this Plan under the authority of Wis. Stat. § 66.0307.

Section 2: Contact Persons.

The following persons and their successors are authorized to speak for their respective municipalities regarding this Plan.

- **Town of Clayton**
Town Chairperson
Russ Geise
920-427-4126
rgeise@centurytel.net
- **Town of Neenah**
Town Chairperson
Bob Schmeichel
920-729-5995
Bob@TownofNeenah.com

Section 3: Territory Subject to Plan.

This Plan will cover the “Cooperative Plan Area” as identified in Exhibit B.

Section 4: Purpose.

The Plan is intended to achieve the general purpose described in Wis. Stat. § 66.0307(3)(b), which is to guide and accomplish a coordinated, adjusted, and harmonious development of the territory covered by the Plan consistent with each existing participating municipality’s comprehensive plan. The Parties have further identified the following specific purposes of this Plan:

- a. Annexation waiver – Upon the incorporation of Clayton, the new “Village of Larsen” will not annex or attach any property of the Town of Neenah during the term of the Plan without the prior written consent of the Town of Neenah Board.
- b. Extraterritorial Jurisdiction - Upon the incorporation of Clayton, the new “Village of Larsen” agrees to waive certain portions of its extraterritorial jurisdiction within the Cooperative Plan Area. Extraterritorial jurisdiction is discussed in more detail in Section 6 below.
- c. Support for Incorporation – The Town of Neenah agrees to support Clayton’s incorporation, and agrees to waive any right to commence or maintain any action to contest or challenge the validity or enforceability of the incorporation.

Section 5: Consistency with Comprehensive Plans.

Currently, the Town of Neenah maintains a Comprehensive Plan developed under Wis. Stat. § 66.1001 entitled "*Town of Neenah Comprehensive Plan 2009-2029*." Clayton maintains a Comprehensive Plan developed under Wis. Stat. § 66.1001 entitled "*Town of Clayton Comprehensive Plan 2016-2036*."

This Plan is consistent with the Town of Clayton's Comprehensive Plan in several aspects:

- Town of Clayton's Comprehensive Plan states that "[b]order agreements will be sought with neighboring villages and cities."
- The Comprehensive Plan also says that opportunities for further intergovernmental agreements and cooperation includes "[b]oundary agreements with nearby incorporated communities to stabilize the present town boundaries from annexations."
- Town of Clayton's Comprehensive Plan encourages the Town to "always monitor the pros and cons of incorporation as a strategy to maintain the current boundaries of the town and to provide urban services, along with the strategies of boundary agreements or cooperative agreements to provide urban services. "

Additionally, this Plan is also consistent with the Town of Neenah's Comprehensive Plan in several aspects:

- A goal of the Town of Neenah's Comprehensive Plan is to "foster mutually beneficial, amiable working relationships with the surrounding units of government, utilities, state agencies, county departments, sanitary districts, East Central Wisconsin Regional Planning Commission, and others."
- The Town of Neenah's Comprehensive Plan discussed the benefits of boundary agreements as "[b]oundary agreements are typically found in urbanizing areas where there is a desire on the part of adjacent municipalities to agree on where each municipality will provide services. These agreements contribute to better planning and the efficient and economical provision of municipal services."
- The Town of Neenah's Comprehensive Plan promotes intergovernmental communication and cooperation and says Town officials will "need to proactively engage in discussions with other government officials to promote good land use planning for everyone involved."

This Plan is consistent and compatible with existing plans, ordinances, codes, and statutes. The Plan was developed in recognition of the multiple jurisdictions with an interest in the Cooperative Plan Area. This Plan will allow the Parties to move forward in planning for the delivery of services to their respective areas so that there will not be competition between the Parties, property owners, and developers.

Section 6: Extraterritorial Jurisdiction Authority.

The Parties acknowledge that Clayton will have the ability to exercise statutory extraterritorial zoning, planning and land division review authority once it incorporates into the Village of Larsen pursuant to Wis. Stats. § 62.23(2), § 62.23(7a), § 236.10(1)(b) and § 236.02(5). Once incorporated, the Village of Larsen may exercise its extraterritorial jurisdiction throughout the Cooperative Plan Area subject to the following limitations.

- a. The Village of Larsen agrees to waive its extraterritorial platting and land division review authority throughout the Cooperative Plan Area.
- b. The Village of Larsen agrees to waive its extraterritorial zoning authority under Wis. Stat. § 62.23(7a) throughout the Cooperative Plan Area. However, the Village reserves the right to exercise its extraterritorial planning authority under Wis. Stat. § 62.23(2), but only insofar as it relates to public utilities, roadway issues, and other issues that are mutually agreed upon by the parties.
- c. The Parties shall record with the Winnebago County Register of Deeds resolutions providing for the waivers of the Village of Larsen's extraterritorial jurisdiction powers described in this Plan as soon as practicable upon the incorporation of the Village of Larsen.
- d. The Village of Larsen shall not rescind this waiver for the duration of the Plan term without first obtaining the written approval of the Town of Neenah.

Section 7: Annexations.

Once incorporated, the Village of Larsen will not annex or attach any territory from the Cooperative Plan Area without the prior written consent of the Town of Neenah Town Board, which consent may be withheld or conditioned at the sole discretion of Neenah. A written request for consent will be submitted to Neenah upon receipt of an annexation petition. Neenah will respond in writing to such a request within 45 days. Neenah's failure to approve a request within such 45-day period shall constitute a denial.

Section 8: Compactness.

Because Section 7 establishes a general prohibition on annexations or attachments of territory from Neenah, its boundaries will remain the same or substantially the same as they currently are. That is, this plan maintains the existing boundary between the party municipalities except for any annexations expressly authorized by the Town of Neenah under Section 7, above. Similarly, the general prohibition on annexations and attachments will limit additional growth of the Village of Larsen during the term of this Plan. The compactness of the Village of Larsen will also be examined as part of its incorporation process.

Section 9: Services.

Except as otherwise specifically provided herein, each of the parties will be responsible for providing municipal services within its boundaries. That is, this Plan contemplates no shared

services other than those specifically described herein or otherwise approved by the parties through other intergovernmental agreements.

Section 10: Dispute Resolution.

All disputes over the interpretation, application or enforceability of this Agreement shall be resolved according to the following dispute resolution procedures:

- a. If the dispute cannot be resolved by the personnel directly involved, the parties will consider the following mediation process before invoking formal arbitration:
 - i. Each party will designate a representative with appropriate authority to be its representative in the mediation of the dispute.
 - ii. Either representative may request the assistance of a qualified mediator. If the parties cannot agree on the qualified mediator within five days of the request for a mediator, a qualified mediator will be appointed by the Municipal Boundary Review Director of the Office of Land Information Services of the State of Wisconsin Department of Administration, or his successor.
 - iii. The mediation session shall take place within 30 days of the appointment of the respective representative designated by the parties, or the designation of a mediator, whichever occurs last.
 - iv. In the event that a mediator is used, each party shall provide the mediator with a brief memorandum setting forth its position with regard to the issues that need to be resolved at least 10 days prior to the first scheduled mediation session. The Parties will also produce all information reasonably required for the mediator to understand the issues presented. The mediator may require the Parties to supplement such information.
 - v. The mediator does not have authority to impose a settlement upon the Parties but will attempt to help the Parties reach a satisfactory resolution of their dispute. To the extent authorized by law, the mediation session(s) are private. The Parties and their representatives may attend mediation sessions. Other persons may attend only with the permission of the Parties and with the consent of the mediator. The Parties shall maintain the confidentiality of the mediation and shall not rely on, or introduce as evidence in any arbitral, judicial, or other proceeding, views expressed or suggestions made by the other party with respect to a possible settlement of the dispute, or admissions made by the other party in the course of mediation proceedings.
 - vi. The expenses of a mediator, if any, shall be borne equally by the Parties.
- b. If unresolved after (a) above, either Party may seek a judicial determination of the matter by the filing of an action in the Circuit Court of Winnebago County, State of Wisconsin according statute.

Section 11: Consistency with State, Federal, and Local Laws.

This Plan is consistent with current state and federal law, shoreland zoning ordinances, municipal regulations, and administrative rules that apply to the Parties. This Plan will be interpreted consistent with applicable law, and it acknowledges that other sources of law may supersede the Plan. The intent of the Plan is to avoid conflict with any applicable law.

Section 12: Severability

The provisions of this Plan are severable. In the event that any provision is held to be invalid or unconstitutional, or if the application of any provision to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or application of the Plan, which can be given lawful effect without the invalid or unconstitutional provisions or application.

Section 13: Effective Date and Planning Period.

This Plan shall take effect upon its approval by the Department of Administration and the incorporation of the Village of Larsen. The planning period shall be 20 years for all provisions, unless the Parties, or their successors in interest, agree otherwise by written instrument consistent with applicable law at the time of its execution. The 20-year planning period is necessary in order to implement the prohibition on annexations and the waiver of Larsen's extraterritorial jurisdiction for the period agreed upon by the parties. The parties expressly agree that the provisions of this Plan apply both to the currently-pending incorporation petition as well as to any subsequent incorporation that occurs during the term of this Plan.

Section 14: Miscellaneous.

- a. No Third-Party Beneficiary. This Plan is intended to be solely between the Parties. There are no intended third-party beneficiaries of this Plan. Nothing in this Plan shall be interpreted as giving to any person or entity not a party to this Plan any legal or equitable right whatsoever.
- b. Administration. This Plan shall be administered on behalf of each party by that party's Town Chairperson or designee.
- c. Further Acts. The Parties agree to take any further actions and execute such further documents as are necessary to accomplish the actions contemplated by this Plan.
- d. Third-Party Actions. In the event of a court action by a third party challenging the validity or enforceability of this Plan, the Parties shall cooperate to vigorously defend this Plan. If only one party is named in the relevant action, the other party will seek to intervene and the named party will support such intervention. No settlement of any action is permitted without the approval of the governing bodies of both Parties.
- e. References. Any reference to a particular agency, organization, municipality or official shall be interpreted as applying to any successor agency, organization, municipality or official to which the contemplated functions are transferred. Except as expressly stated

otherwise, any reference in this Plan to a particular ordinance or statute shall be interpreted as applying to such statute or ordinance as recreated or amended from time to time.

- f. Authority. Each party represents that it has the authority to enter into this Plan and that all necessary procedures have been followed to authorize this Plan. Each person signing this Plan represents and warrants that he or she is duly authorized to do so.
- g. Amendment. The procedure for amending this Plan shall be that as set forth in Wis. Stat. § 66.0307(8).
- h. Continued Enforceability. The enforceability of this Plan is not affected by statutory amendments, changes in the forms of governments of the Parties, or changes in the elected officials of the Parties. This Plan shall be construed to be binding upon the Parties' respective successors, agents and employees, including any successor Village incorporated from Town of Clayton territory.
- i. Performance Standard. This Plan requires the Parties to act or to refrain from acting on a number of matters. The Parties acknowledge that this Plan imposes on them a duty of good faith and fair dealing. In addition, whenever consent or approval is required by a party, the consent or approval shall not be unreasonably withheld, delayed, or conditioned.
- j. Counterparts. This Plan may be signed in one or more counterparts, each of which, taken together, shall be deemed the same document. Furthermore, facsimile and digital pdf signatures constitute the same as an original signature.

IN WITNESS THEREOF, the Parties certify that this Plan has been duly approved by their respective governing bodies in accordance with all applicable state and local laws, regulations and ordinances, and that each party has caused their duly authorized officers to execute this Plan.

Dated this 26th day of October, 2020.

TOWN OF NEENAH

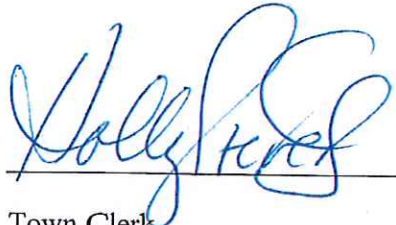
By: Robert E. Schmeil
Town Chairperson

Attest: EW
Town Clerk-Treasurer

Dated this 4th day of November, 2020.

TOWN OF CLAYTON

By: 
Town Chairperson

Attest: 
Town Clerk

32907299_1.DOCX

EXHIBITS

EXHIBIT A – Area Map

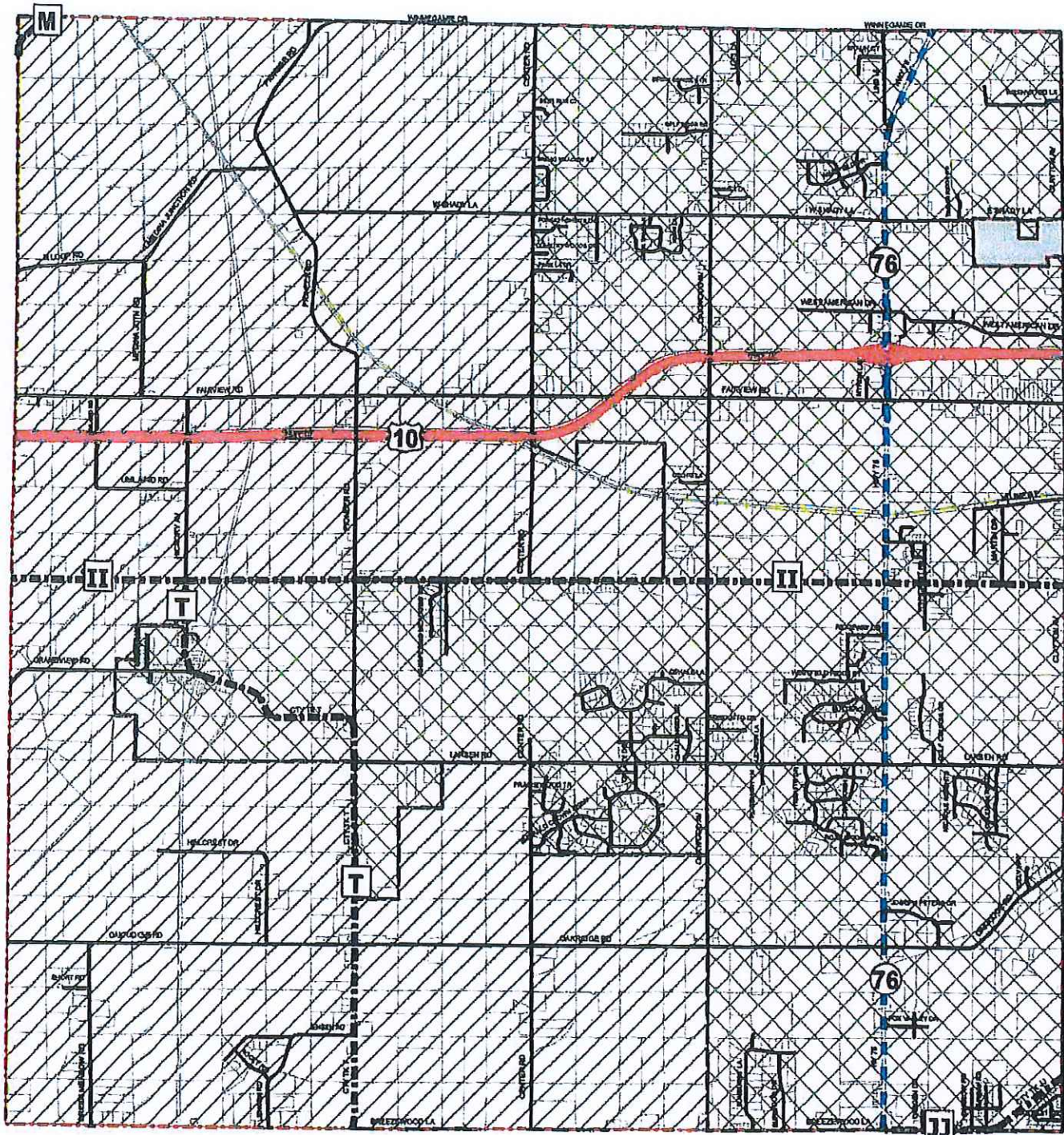
EXHIBIT B – Cooperative Plan Subject Area

EXHIBIT C – Authorizing Resolutions

EXHIBIT D – Public Hearing Notice & Minutes

EXHIBIT E – Approval Resolutions

EXHIBIT A TO Boundary Agreement



Map Features

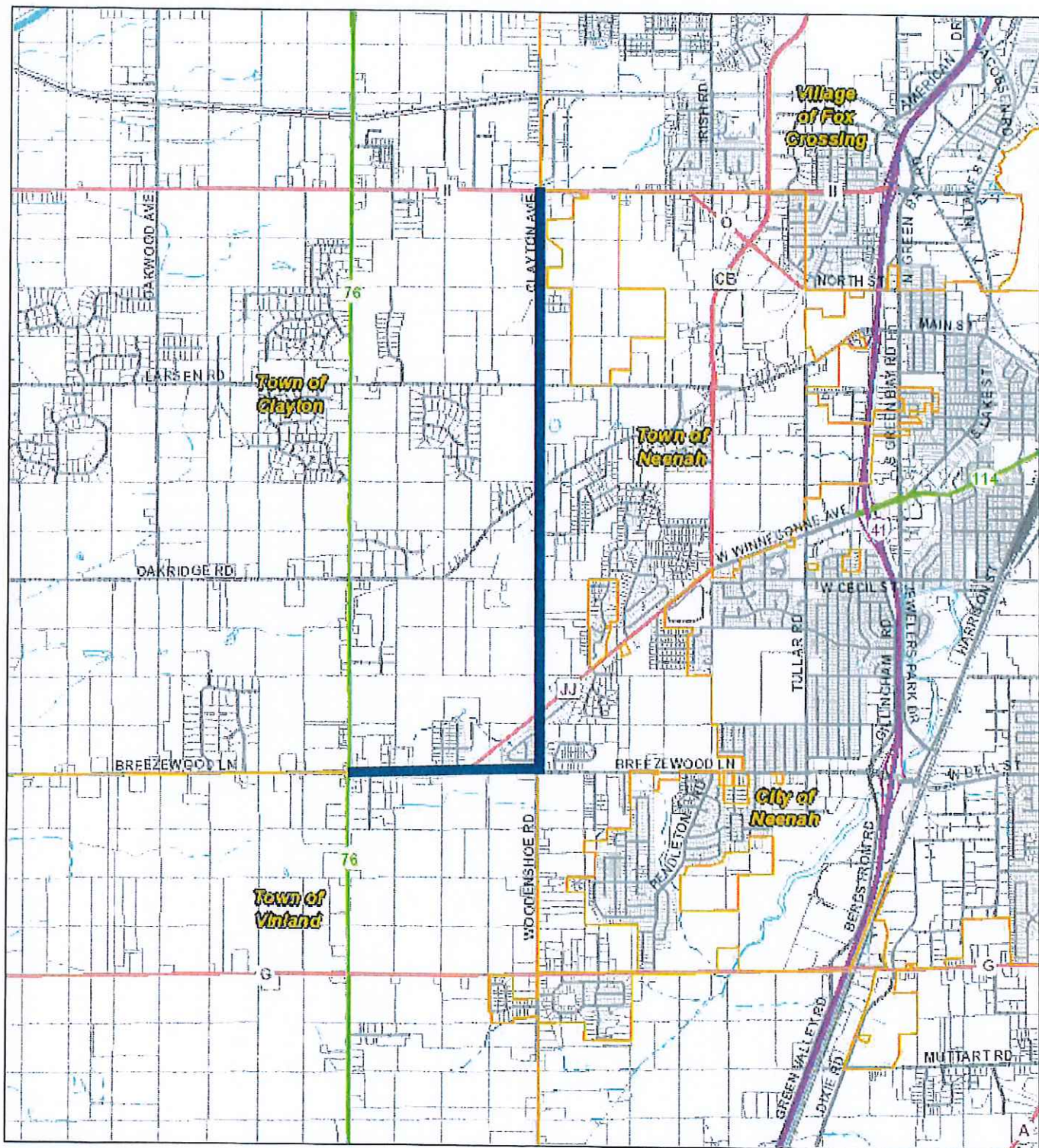
- Parcel Line
- Railroad Centerline
- Local Road
- County Road
- State Highway
- Federal Highway

Municipal Areas

- Town of Clayton
- Village of Clayton
- Village of Fox Crossing



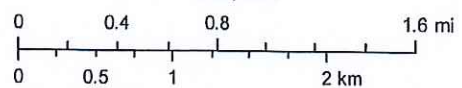
Cooperative Plan Area - Exhibit B



October 31, 2020

1:46,409

- Municipal Boundary
- US Highway - Ramp Overpass2
- Interstate - Ramp Overpass
- US Highway - Ramp Overpass
- Interstate
- US Highway
- State Road
- County Road
- Local - Major
- Interstate
- US Highway
- State Road
- County Road



Winnebago County GIS
Imagery Date: March, 2015

RESOLUTION 2019-008

**RESOLUTION OF THE TOWN OF CLAYTON, WINNEBAGO COUNTY,
WISCONSIN AUTHORIZING PARTICIPATION IN THE
PREPARATION OF A COOPERATIVE PLAN
WITH THE TOWN OF WINCHESTER, TOWN OF NEENAH, TOWN OF WINNECONNE AND
WOWN OF VINLAND**

WHEREAS, the Town of Clayton (the "Town"), the Town of Winchester, the Town of Neenah, the Town of Winneconne and the Town of Vinland, all located in Winnebago County, Wisconsin (collectively the "Participating Municipalities"), wish to enter into separate cooperative plans for the purpose of addressing the terms and conditions of the incorporation of the Town; and

WHEREAS, Wis. Stat. § 66.0307 authorizes adjoining municipalities to set the boundaries between and among themselves upon adopting, and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with the procedures and requirements of Wis. Stat. § 66.0307; and

WHEREAS, the cooperative plans between the Town and each of the Participating Municipalities will have the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory covered by the plans in order to best promote the public health, safety, and general welfare together with the future needs of the Participating Municipalities; and

WHEREAS, cooperative planning is in the best interests of the Participating Municipalities; and

WHEREAS, the purpose of this resolution is to authorize participation in the cooperative planning process described in Wis. Stat. § 66.0307;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, pursuant to Wis. Stat. § 66.0307(4)(a), does hereby authorize participation with each of the Participating Municipalities in the preparation of cooperative boundary agreements and cooperative plans as defined in Wis. Stat. § 66.0307;

FURTHER RESOLVED, that promptly upon the adoption of this resolution, the Town Clerk shall forward a copy of this resolution to the parties listed in Wis. Stat. § 66.0307(4)(a); and

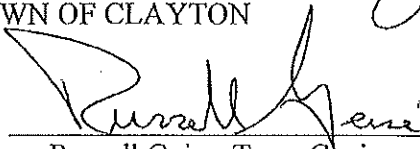
FURTHER RESOLVED, that at least 60 days after the adoption of the last resolution by one of the Participating Municipalities and at least 60 days before submitting cooperative plans to the State for review and approval, the Town, together with the other Participating Municipalities, shall hold a joint hearing on the proposed cooperative plans. Notice of the hearing shall be given by each of the Participating Municipalities by Class 3 notice; and

FURTHER RESOLVED, that the Town Clerk and the Town Attorney are authorized and directed to take all other necessary and appropriate action consistent with this authorizing resolution.

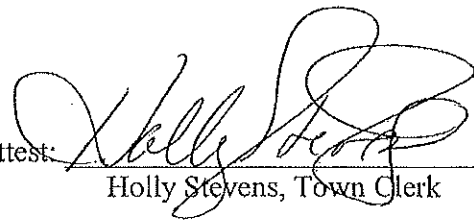
Adopted this 17th day of July, 2019.

TOWN OF CLAYTON

By:


Russell Geise, Town Chairperson

Attest:


Holly Stevens, Town Clerk

Affidavit of Mailing for the Authorizing Resolution

TOWN OF CLAYTON
COUNTY OF WINNEBAGO
STATE OF WISCONSIN

I, Holly Stevens, Clerk of the Town of Clayton, County of Winnebago, State of Wisconsin, do hereby attest and affirm the following:

Upon adoption of RESOLUTION 2019-008 A Resolution of the Town of Clayton, Winnebago County, Wisconsin, Authorizing Participation in the Preparation of a Cooperative Plan with the Town of Winchester, Town of Neenah, Town of Winneconne, and Town of Vinland, distributed copies of the said resolution according to WI Stats. § 66.0307 (4)(a):

66.0307 Boundary change pursuant to approved cooperative plan.

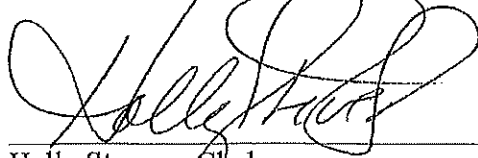
(4) PROCEDURE FOR ADOPTING COOPERATIVE PLAN.

(a) Authorizing resolution. Each municipality that intends to participate in the preparation of a cooperative plan under this section shall adopt a resolution authorizing participation in the preparation of the plan. Notice of each resolution shall be given in writing, within 5 days after the resolution is adopted, to all of the following:

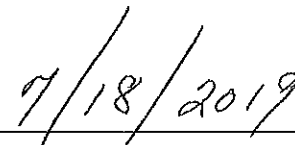
1. The department, the department of natural resources, the department of agriculture, trade and consumer protection and the department of transportation.
2. The clerks of any municipality, school district, technical college district, sewerage district or sanitary district which has any part of its territory within 5 miles of a participating municipality.
3. The clerk of each county in which a participating municipality is located.
4. Any county zoning agency under s. 59.69 (2) or regional planning commission whose jurisdiction includes a participating municipality.

The above-noted action was completed on July 18, 2019.

This affidavit is filed in the records of the Town Clerk for the Town of Clayton.



Holly Stevens, Clerk



Date

AFFIDAVIT OF MAILING
Town of Neenah
Winnebago County, Wisconsin

Ellen Skerke declares,

I certify that I am over 18 years of age and am employed at the Town of Neenah. 1600
Breezewood Lane, Neenah, WI.

On February 25, 2020, a true and correct copy of Resolution 2020-05:
Resolution of the Town of Neenah, Winnebago County, Wisconsin
Authorizing participation in the preparation of a Cooperative Plan with the Town of Clayton,
marked as Exhibit "A" was mailed to those referenced on Exhibit "B".

I further certify that the addresses shown on Exhibit "B" are their regular addresses as determined by
open records and said Notices were placed in the United States Mail with postage fully prepared thereon.

I declare under penalty of perjury that the forgoing is true and correct, and that this declaration was
executed on February 25, 2020 at Neenah, Wisconsin.



Ellen Skerke, Clerk-Treasurer

2020-05

**RESOLUTION OF THE TOWN OF NEENAH, WINNEBAGO COUNTY,
WISCONSIN AUTHORIZING PARTICIPATION IN THE
PREPARATION OF A COOPERATIVE PLAN
WITH THE TOWN OF CLAYTON**

WHEREAS, the Town of Neenah ("Town") and the Town of Clayton ("Clayton") both located in Winnebago County, Wisconsin, wish to enter into a cooperative plan for the purpose of addressing the terms and conditions of the potential incorporation of a portion of Clayton; and

WHEREAS, Wis. Stat. § 66.0307 authorizes adjoining municipalities to set the boundaries between and among themselves upon adopting, and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with the procedures and requirements of Wis. Stat. § 66.0307; and

WHEREAS, the cooperative plan will have the general purpose of guiding and accomplishing a coordinated adjusted and harmonious development of the territory covered by the plan in order to best promote the public health, safety, and general welfare together with the future needs of the Town and Clayton; and

WHEREAS, cooperative planning is in the best interests of the Town and Clayton as participating municipalities; and

WHEREAS, the purpose of this resolution is to authorize participation in the cooperative planning process described in Wis. Stat. § 66.0307;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, pursuant to Wis. Stat. § 66.0307(4)(a), does hereby authorize participation in the preparation of a cooperative boundary agreement and cooperative plan as defined in Wis. Stat. § 66.0307;

FURTHER RESOLVED, that promptly upon the adoption of this resolution, the Town Clerk shall forward a copy of this resolution to the parties listed in Wis. Stat. § 66.0307(4)(a); and

FURTHER RESOLVED, that at least 60 days after the adoption of the last resolution by a participating municipality and at least 60 days before submitting a cooperative plan to the State for review and approval, the Town, together with Clayton, shall hold a joint hearing on the proposed cooperative plan. Notice of the hearing shall be given by the Town and Clayton by Class 3 notice; and

FURTHER RESOLVED, that the Town Clerk and the Town Attorney are authorized and directed to take all other necessary and appropriate action consistent with this authorizing resolution.

Adopted this 24th day of February, 2020.

TOWN OF NEENAH

By: Bob Schmeichel
Bob Schmeichel, Town Chairperson

Attest:

Ellen Skerke
Ellen Skerke, Town Clerk

Wisconsin Department of Administration
Division of Intergovernmental Relations
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701-1645

Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707-7910

East Central Wisconsin Regional
Planning Commission
400 Ahnaip Street
Menasha, WI 54952

City of Menasha
Attn: City Clerk
100 Main Street, Suite 200
Menasha, WI 54952

Menasha Joint School District
Attn: School District Clerk
100 Main Street, Suite 300
Menasha, WI 54952

Fox Crossing Utilities
Attn: Utility District Clerk
2340 American Drive
Neenah, WI 54956

Town of Clayton Sanitary District #1
Attn: District Clerk
8348 County Road T
Larsen, WI 54947

Wisconsin Department of Natural
Resources
P.O. Box 7921
Madison, WI 53707-7921

Winnebago County Clerk
112 Otter Avenue
Oshkosh, WI 54901

City of Neenah
Attn: City Clerk
211 Walnut Street
Neenah, WI 54956

Town of Clayton
Attn: Town Clerk
8348 County Road T
Larsen, WI 54947

Neenah-Menasha Sewerage
Commission
Attn: Commission Clerk
101 Garfield Avenue
Menasha, WI 54952

City of Menasha Public Works
Attn: Public Works Clerk
455 Baldwin Street
Menasha, WI 54952

Wisconsin Department of Agriculture,
Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Winnebago County Planning and Zoning
Department
112 Otter Avenue, 3rd Floor
Oshkosh, WI 54901

Village of Fox Crossing
Attn: Village Clerk
2000 Municipal Drive
Neenah, WI 54956

Neenah Joint School District
Attn: School District Clerk
410 South Commercial Street
Neenah, WI 54956

Fox-West Regional Sewerage
Attn: Commission Clerk
1965 W. Butte Des Morts Beach Road
Neenah, WI 54956

Larsen-Winchester Sanitary District
Attn: District Clerk
8522 Park Way
Larsen, WI 54947



POST-CRESCENT
media

A GANNETT COMPANY

EXHIBIT D

STATE OF WISCONSIN
BROWN COUNTY

NEENAH, TOWN OF

1600 BREEZEWOOD LN

NEENAH

WI

549564410

I, being duly sworn, doth depose and say I am an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

Account Number: GWM-1014110

Order Number: 0004247539

Total Ad Cost: \$116.65

Published Dates: 06/22/2020, 06/29/2020, 07/06/2020

Legal Clerk

State of Wisconsin

County of Brown

Subscribed and sworn to before on July 6, 2020

Notary Public State of Wisconsin, County of Brown

5.15.23

My Commission Expires

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

LEGAL NOTICE
JOINT NOTICE OF PUBLIC HEARING
REGARDING COOPERATIVE PLANS
INVOLVING THE TOWNS OF
CLAYTON AND NEENAH PURSUANT
TO WIS. STAT. § 66.0307

PLEASE TAKE NOTICE that a joint public hearing will be held on July 13, 2020 at 7:00 p.m. at the Town of Neenah Town Hall, 1600 Breezewood Lane, Neenah, Wisconsin and virtually via Zoom, Meeting ID: 830 5494 9627 / Password: 244122 / Phone (312) 626-6799, regarding a Cooperative Plan Agreements pursuant to Wis. Stat. § 66.0307. Interested parties may publicly comment on the Agreements during the hearing and may submit written comments on the Agreements before, at, or within 20 days following the hearing. Comments will be considered by the parties before the Agreements are finalized and submitted to the State of Wisconsin Department of Administration.

The Agreements include provisions affecting the common boundary lines among the parties, their extraterritorial authority, and shared services. Copies of the Agreements are available for review by contacting the Town Clerks as follows:

Ellen Skerke, Town of Neenah Clerk-Treasurer

920-725-0916

ellen@townofneenah.com

Holly Stevens, Town of Clayton Clerk

920-836-2007

clerk@townofclayton.net

This notice is being provided jointly by the parties as required under Wis. Stat. § 66.0307(4)(b).

Dated this 22nd day of June, 2020.

Run: June 22, 29, July 6 2020 WNAXLP

NEENAH, TOWN OF

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT

Wisconsin Media

Delivering Customers. Driving Results.

**Town of Clayton Town Board
Town of Neenah Town Board
Public Hearing - Joint with Town of Clayton and Town of Neenah regarding a
Cooperative Plan involving the Towns of Clayton and Neenah**

Monday July 13, 2020 7:00 p.m., Town of Neenah Town Hall, 1600 Breezewood Lane

In Attendance: Neenah Town Chairman Robert Schmeichel, Clayton Town Chairman Russ Geise, Clayton Administrator Tori Straw, Clayton Supervisor Scott Reif, Clayton Supervisor Linda Grundman, Clayton Supervisor Kelly Wisniewski, Pete Weyenberg, Pam Loewenhagen, David Bluma, Harry Sturgis, Dan Koland, Neenah Clerk-Treasurer Ellen Skerke

In Attendance via Zoom: Neenah Supervisor Glenn Armstrong, Neenah Supervisor Brooke Cardoza, Neenah Supervisor James Weiss, Neenah Supervisor Thomas Wilde, Attorney Matthew Parmentier, Ed King and Jeremy Huss.

Town of Neenah Chairman R. Schmeichel opened the Public Hearing for the Town of Neenah at 7:00 pm.

Town of Clayton Chairman R. Geise opened the Public Hearing for the Town of Clayton at 7:00 pm

**JOINT NOTICE OF PUBLIC HEARING REGARDING A COOPERATIVE PLAN
INVOLVING THE TOWNS OF CLAYTON AND NEENAH PURSUANT TO WIS. STAT. §
66.0307**

A joint public hearing regarding a Cooperative Plan Agreement between the Towns of Clayton and Neenah pursuant to Wis. Stat. § 66.0307. The Agreements include provisions affecting the common boundary lines among the parties, their extraterritorial authority, and shared services.

People who spoke:

- Attorney Matt Parmentier provided an overview of the agreement
- Both Towns expressed their appreciation for to the other for their cooperation in the agreement.
- There were no public comments

R. Schmeichel closed the Town of Neenah Public Hearing 7:15 pm.

R. Geise closed the Town of Clayton Public Hearing at 7:15 pm

Respectfully submitted,

Ellen Skerke
Clerk/Treasurer

EXHIBIT E

RESOLUTION 2020-21

RESOLUTION OF THE TOWN OF NEENAH APPROVING COOPERATIVE PLAN WITH THE TOWN OF CLAYTON

Recitals

WHEREAS, Wis. Stat. § 66.0307 authorizes adjoining municipalities to establish the boundaries between themselves upon adopting, and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with the procedures and requirements of Wis. Stat. § 66.0307; and

WHEREAS, the Town of Neenah and the Town of Clayton have determined that it is in their interest to enter into a cooperative plan under Wis. Stat. § 66.0307; and

WHEREAS, the cooperative plan prepared by the Towns has the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan in order to best promote the public health, safety, and general welfare; and

WHEREAS, a joint hearing on the proposed cooperative plan was held on July 13, 2020; and

WHEREAS, the parties received no public comments before, at, or after the public hearing; and

WHEREAS, the purpose of this resolution is to approve the cooperative plan as described in Wis. Stat. § 66.0307.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Neenah does hereby approve the cooperative plan with the Town of Clayton, a copy of which is attached hereto and incorporated by reference, as defined in Wis. Stat. § 66.0307; and

FURTHER RESOLVED, that the proper Town officials are hereby authorized to take all other necessary and appropriate action consistent with this resolution and Wis. Stat. § 66.0307

Adopted this 26th day of October, 2020.

TOWN OF NEENAH

By: R. L. F. Schmeckel
Chairperson

Attest:

E. M. O.
Clerk

RESOLUTION OF THE TOWN OF CLAYTON
APPROVING COOPERATIVE PLAN WITH THE TOWN OF NEENAH

Recitals

WHEREAS, Wis. Stat. § 66.0307 authorizes adjoining municipalities to establish the boundaries between themselves upon adopting, and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with the procedures and requirements of Wis. Stat. § 66.0307; and

WHEREAS, the Town of Clayton and the Town of Neenah have determined that it is in their interest to enter into a cooperative plan under Wis. Stat. § 66.0307; and

WHEREAS, the cooperative plan prepared by the Towns has the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan in order to best promote the public health, safety, and general welfare; and

WHEREAS, a joint hearing on the proposed cooperative plan was held on July 13, 2020; and

WHEREAS, the parties received no public comments before, at, or after the public hearing; and

WHEREAS, the purpose of this resolution is to approve the cooperative plan as described in Wis. Stat. § 66.0307.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clayton does hereby approve the cooperative plan with the Town of Neenah, a copy of which is attached hereto and incorporated by reference, as defined in Wis. Stat. § 66.0307; and

FURTHER RESOLVED, that the proper Town officials are hereby authorized to take all other necessary and appropriate action consistent with this resolution and Wis. Stat. § 66.0301

Adopted this 17TH day of NOVEMBER, 2020.

Attest:

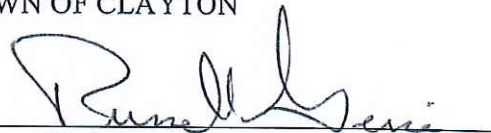
Clerk



TOWN OF CLAYTON

By:

Chairperson





STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Dawn Vick, Division Administrator

VIA Email

February 17, 2021

Russ Geise, Chair
Town of Clayton
8348 County Road T
Larsen, WI 54947

Bob Schmeichel, Chair
Town of Neenah
1600 Breezewood Lane
Neenah, WI 54956

Dear Messrs. Geise and Schmeichel,

The Department has reviewed the revised cooperative plan between the Towns of Clayton and Neenah to ensure that it complies with the statutory criteria in s. 66.0307(5), Wis. Stats.

The Department finds that the statutory standards are met. On behalf of the Department of Administration, I am pleased to provide your communities with our approval of your Cooperative Plan. Congratulations on your success in reaching agreement.

Should you have any questions concerning our approval, or subsequent cooperative plan questions, please do not hesitate to contact me or Erich Schmidtke at (608) 264-6102.

Sincerely,

Dawn Vick, Administrator
Division of Intergovernmental Relations

Enclosure

cc: Matt Parmentier, Town of Clayton Attorney
Haley Krautkramer, City of Menasha Clerk
Jane Booth, Village of Hortonville Clerk
Wendy Helgeson, Town of Greenville Clerk
Emily Miller, Town of Caledonia
Yvonne Zobel, Town of Winneconne Clerk
Holly Stevens, Town of Clayton
Jeannette Merten, Town of Oshkosh
Pamela Ubrig, City of Oshkosh
Stephanie Cheslock, City of Neenah
Melissa Kraemer-Badtke, ECWRPC

City of Appleton Clerk
Lyn Neuenfeldt, Town of Hortonville Clerk
Angie Cain, Town of Grand Chute Clerk
Jenny Dezeeuw, Town of Dale
Jacquin Stelzner, Village of Winneconne
Holly Stevens, Town of Winchester
Jennifer Brown, Town of Vinland
Deborah Stark, Town of Algoma
Ellen Skerke, Town of Neenah
Darla Fink, Village of Fox Crossing



WISCONSIN DEPARTMENT OF ADMINISTRATION

**REVIEW of the COOPERATIVE PLAN
under Section 66.0307, Wis. Stats.**

between the

**TOWNS OF CLAYTON and NEENAH
WINNEBAGO COUNTY**

February 17, 2021

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Dawn Vick, Division Administrator

This determination constitutes the Department's review of the proposed cooperative plan between the Towns of Clayton and Neenah under s. 66.0307, Wis. Stats. The Department is charged with reviewing cooperative plans for compliance with public interest standards set forth in s. 66.0307(5)(c), Wis. Stats.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that when considering the proposed cooperative plan under Section 66.0307(5), Wis. Stats.:

Standard 1, Content of Cooperative Plan Sufficiently Detailed – Met

Standard 2, Cooperative Plan Consistent with Comprehensive Plans and State and Local Laws and Regulations – Met

Standard 3, Adequate Provision for Municipal Services – Met

Standard 4, Provision for Affordable Housing – [Repealed & Inapplicable]

Standard 5, Compactness of Plan Territory – Met

Standard 6, Planning Period is Consistent with Cooperative Plan – Met

The facts and analysis supporting these findings are discussed in the body of this determination. The Determination of the Department of Administration is as follows:

The Cooperative Plan is APPROVED.

Amendments or revisions to the Plan can only occur with the approval of the Communities and with the concurrence of the Department of Administration.

Dated this 17th day of February 2021,

Dawn Vick
Administrator, Division of Intergovernmental Relations

NOTICE OF APPEAL RIGHTS

This Notice sets forth the requirements and procedures for obtaining judicial review of the attached decision of the Department. Any person aggrieved by a decision of the Department can seek judicial review of the decision under Wis. Stats. §§ 66.0307(9) and 227.52, *et seq.* A petition for judicial review must be filed in the Circuit Court within 30 days of the date of this decision. In addition, a copy of the petition for judicial review must also be served on the Department either personally or by certified mail within 30 days of the date of the decision. A petition for judicial review shall name the Department of Administration as the Respondent. Petitions for judicial review should be served on the Department's Secretary, Joel Brennan, at the following address:

Secretary Joel Brennan
Wisconsin Department of Administration
c/o DOA, Municipal Boundary Review
101 East Wilson Street, 9th Floor
PO Box 1645
Madison, WI 53701

Persons filing a petition for judicial review are advised to closely examine all provisions of Wis. Stat. §§ 227.52 and 227.53 to ensure strict compliance with the statutory requirements. The summary of appeal rights in this notice should not be relied upon as a substitute for the careful review of all applicable statutes, nor should it be relied upon as a substitute for obtaining the assistance of legal counsel.

Executive Summary

Pursuant to s. 66.0307(5)(a), Wis. Stats., the Wisconsin Department of Administration (Department), has received the *Intergovernmental Cooperative Plan between the Town of Clayton and Town of Neenah* (Cooperative Plan).

In 2018 the Town of Clayton began the process for incorporating a portion of its territory as the Village of Larsen. This Cooperative Plan is limited in scope and primarily intended to mitigate any negative impacts from Clayton's potential incorporation. Specifically, upon incorporation the new Village of Larsen agrees not to annex or attach Town of Neenah territory, or exercise extraterritorial authority. In exchange, the Town of Neenah agrees to support Clayton's incorporation effort.

The Cooperative Plan process was commenced in 2019, with authorizing resolutions passed by the Towns of Clayton and Neenah (Communities) on July 17, 2020 and February 24, 2020, respectively.

On July 13, 2020, the Communities held the required joint public hearing at the Town of Neenah Town Hall, as well as virtually. No public comments were received for the proposed Cooperative Plan. Approval resolutions were passed by Neenah on October 26, 2020, and by Clayton on November 4, 2020. The Communities forwarded the Cooperative Plan to the Department for review on November 20, 2020. No public hearing before the Department was held or requested pursuant to s. 66.0307(5)(b), Wis. Stats.

Approval Criteria Applicable to the Department

A cooperative plan shall be approved by the Department if the Department determines that each of the review criteria in s. 66.0307(5)(c), Wis. Stats., is met. Nothing in the statutes authorizes the Department to waive any of these requirements.

The following paragraphs describe how these review criteria apply to the Cooperative Plan. It is important to understand that this review document is not a complete restatement of the Plan. Those wanting to learn specific details, provisions, nuances, and conditions should look to the text of the Cooperative Plan itself, which is available from the communities as well as on the Department of Administration's website at: <http://doa.wi.gov/municipalboundaryreview>.

- (1) *The content of the plan under sub. s. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5. s. 66.0307(5)(c)1., Wis. Stats.***

As mentioned, this Cooperative Plan is limited in scope and requires little in terms of action items. The few provisions that the Plan does contain are sufficiently detailed,

complete, and free of ambiguity. As a result, the Department finds that the Cooperative Plan provides sufficient content and detail to find the standard in s. 66.0307(5)(c)1, Wis. Stats. is met.

- (2) ***Is the cooperative plan consistent with each participating municipality's comprehensive plan and with current state laws, municipal ordinances and administrative rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2., Wis. Stats.***

The Cooperative Plan provides minimal but sufficient information on the Communities' comprehensive plans and these plans' consistency with this Cooperative Plan.

The Town of Clayton's Comprehensive Plan is consistent with the Cooperative Plan in several respects:

- Recommends Clayton seek border agreements with neighboring municipalities.
- Encourages Clayton to consider incorporation as a strategy to maintain the current boundaries of the Town, and
- Encourages Clayton to consider developing boundary agreements as a strategy for providing urban services.

The Town of Neenah's comprehensive plan is consistent with this Cooperative Plan in several aspects:

- Recommends that the Town of Neenah develop boundary agreements with adjacent municipalities to plan and cooperate about services.
- Recommends that Neenah foster mutually beneficial relationships with neighboring jurisdictions.
- Recommends that Neenah officials proactively engage in discussions with officials from adjacent jurisdictions to promote land use planning and cooperation.

The Cooperative Plan states that it is fully consistent with current state and federal laws, county shoreland zoning ordinances, municipal regulations and administrative rules that apply to the territory affected by the Plan. East Central Wisconsin Regional Planning Commission (ECWRPC) submitted their required comment letter on December 12th, 2020 finding that the Cooperative Plan is consistent with regional plans and helps promote cooperation between local communities.

For the foregoing reasons, the Department determines that the standard in s. 66.0307(5)(c)2., Wis. Stats. is met.

- (3) ***Is adequate provision made in the cooperative plan for delivery of necessary municipal services to the territory covered by the plan? s. 66.0307(5)(c)3., Wis. Stats.***

The Cooperative Plan states that each Community will be responsible for providing municipal services to residents within its boundaries. As a result, this Plan generally contemplates no shared services. Therefore, the communities have made adequate provisions for services and the Department finds that this standard in s. 66.0307(5)(c)3., Wis. Stats., is met.

- (5) ***The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)5., Wis. Stats.***

The Cooperative Plan prohibits annexation of Town of Neenah territory by the prospective Village of Larsen and expressly states that boundaries between the Communities will be maintained under s. 66.0307(2)(d), Wis. Stats.

The Cooperative Plan makes no changes to an already regular and compact municipal boundary line. As a result, the Department finds the standard in s. 66.0307(5)(c)5., Wis. Stats. is met.

- (6) ***Any proposed planning period exceeding 10 years is consistent with the plan. s. 66.0307(c)6., Wis. Stats.***

The Cooperative Plan takes effect upon Department approval *and* upon incorporation of the Village of Larsen. The Cooperative Plan continues in effect for 20-years for all provisions. The Communities state that 20-years are needed because this is the negotiated duration that the prospective Village of Larsen is prohibited from exercising annexation and extraterritorial jurisdiction within the Town of Neenah.

Because the planning period is consistent with of Cooperative Plan's terms, the Department finds that the standard in s. 66.0307(5)(c)6., Wis. Stats. is met.