

INTERGOVERNMENTAL COOPERATION

Chapter 8

INTRODUCTION

Cooperation between neighboring and overlapping units of government is one of the primary goals of the Wisconsin Comprehensive Planning Law, as well as the multi-jurisdictional planning effort, of which this plan is a component. For the Town of New Denmark to grow in an orderly and efficient manner, it is necessary for the town to work with its neighbors, Brown County, the State of Wisconsin, and other units of government. Working cooperatively is especially important since many issues, such as stormwater management and traffic, do not recognize municipal boundaries. Actions of one municipality oftentimes can have significant impacts on adjacent municipalities.

The intent of the Intergovernmental Cooperation Chapter is to analyze the existing relationships between the town and other units of government and to identify means of working cooperatively toward the goals and objectives identified in the Issues and Opportunities Chapter of the plan.

Analysis of Governmental Relationships

Denmark School District

The entire town is located within the Denmark School District. The school district may have various student clubs, such as school environmental clubs and Future Farmers of America (FFA) that could be utilized as resources to provide services to the town. Cooperative efforts can provide an educational opportunity and a valuable public service at the same time. Future growth in New Denmark does have an impact on the school district. The town should maintain open lines of communication with the school district in order to address any future needs that may arise.

The town should be involved in planning for future school expansions and other capital projects because New Denmark will help to fund the projects. The town should also inform the school district if large residential developments are approved in the community to enable the district to plan for the additional students.

Adjacent Local Governments

Village of Denmark

The Village of Denmark is in the south-central portion of the town and is bordered on all sides by the town.

Currently, the town has a working relationship with the village, and there continues to be open communication between the communities.

Comprehensive Plan

Goal #7 –

Intergovernmental Cooperation Goal

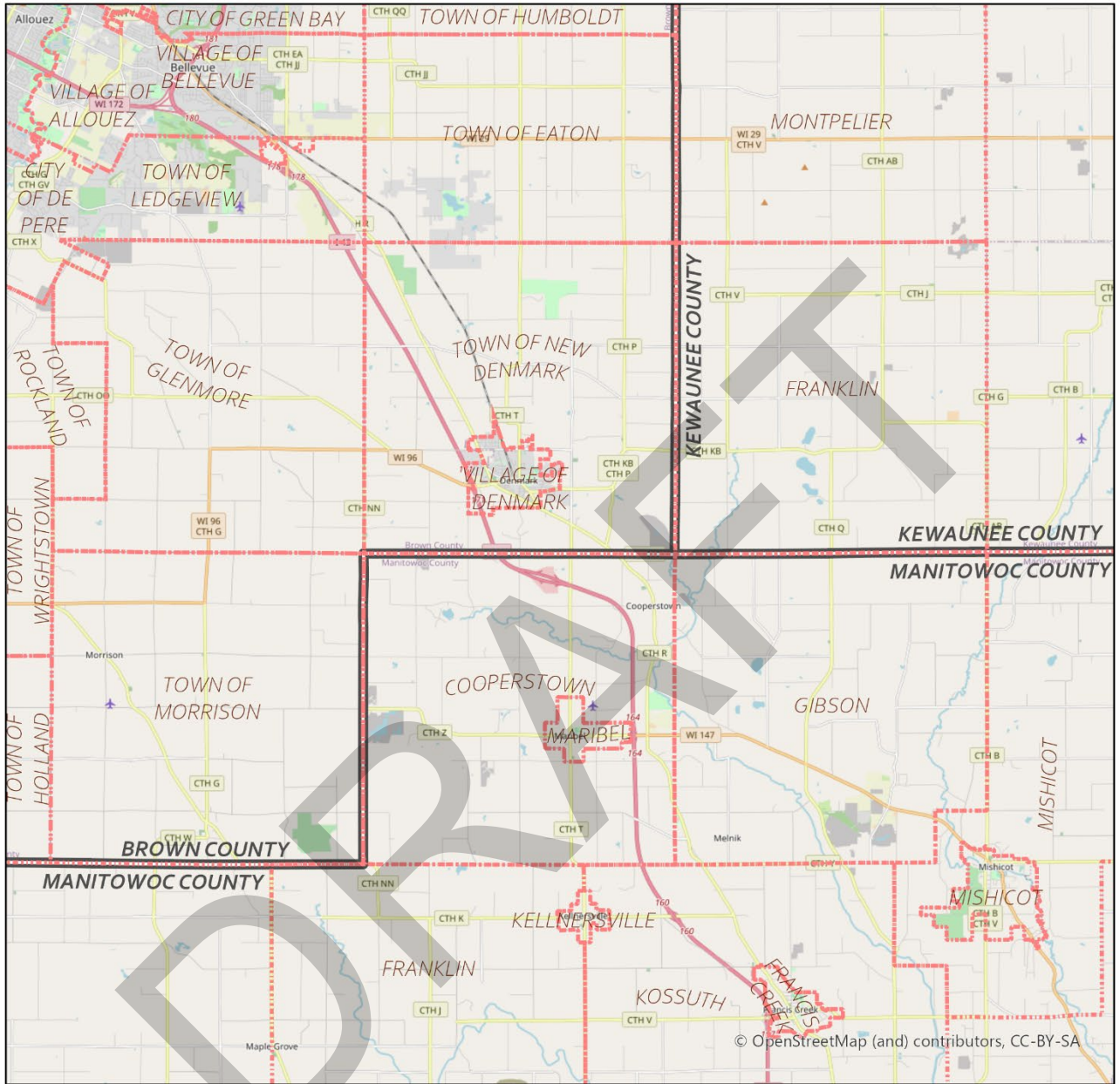
New Denmark will plan for and continue to provide a safe, efficient, and cost-effective transportation system for the movement of people and goods throughout the town.

Intergovernmental Cooperation-Related Community Goals

(numbers correspond with top ten community goals)

1. Protect water quality and well water.
7. Preserve green space and wildlife areas.
10. Provide better high-speed internet or fiber optic connection.

Map 8-1: Town of New Denmark Adjacent Municipalities



Municipalities

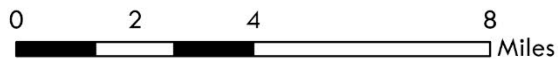
Municipal Line

Adjacent Counties

County Line

Brown County Outline

1 inch equals 3 miles



Sources: WI State Cartographer's Office, Open Street Map,
Brown County Planning Commission
Devin Yoder, Senior Planner
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This is a compilation of records and data located in the Brown County Planning and Land Services Office, and it is to be used for reference purposes only. The map is based on data sources that are believed to be accurate and reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied.



Because the Village of Denmark is an incorporated municipality, the possibility exists for the village to annex property from the town. The village has annexed several parcels on both the north and south sides of the village since the previous comprehensive plan was written. Based on this, it is possible that there may be future annexations of town property into the village. The town will need to be proactive to take on this possibility (discussed later in this chapter).

Town of Eaton

The Town of Eaton is located adjacent to the northern boundary of New Denmark. The Town of New Denmark and the Town of Eaton should continue to contact each other to discuss road maintenance along and near their boundary, land use compatibility near their border, and other issues that could arise during the planning period. The communities should consider developing service agreements in the future if the arrangements will provide an equivalent or higher level of service at a reasonable cost.

Town of Glenmore

The Town of Glenmore is located adjacent to the western boundary of the Town of New Denmark. The Town of New Denmark and the Town of Glenmore should continue to contact each other to discuss road maintenance along and near their boundary, land use compatibility near their border, and other issues that could arise during the planning period. The communities should consider developing service agreements in the future if the arrangements will provide an equivalent or higher level of service at a reasonable cost.

Town of Franklin

The Town of Franklin located in Kewaunee County is situated east of the Town of New Denmark and shares a common boundary with New Denmark. The Town of New Denmark and the Town of Franklin should continue to contact each other to discuss road maintenance along and near their boundary, land use compatibility near their border, and other issues that could arise during the planning period. The communities should consider developing service agreements in the future if the arrangements will provide an equivalent or higher level of service at a reasonable cost.

Town of Cooperstown

The Town of Cooperstown located in Manitowoc County is situated immediately south of the Town of New Denmark and shares a common boundary with New Denmark. The Town of New Denmark and the Town of Cooperstown should continue to contact each other to discuss road maintenance along and near their boundary, land use compatibility near their border, and other issues that could arise during the planning period. The communities should consider developing service agreements in the future if the arrangements will provide an equivalent or higher level of service at a reasonable cost.

Brown County

The Brown County Planning Commission staff, as part of a multi-jurisdictional planning effort, facilitated the development of the Town of New Denmark Comprehensive Plan. Brown County is, therefore, supportive of the recommendations contained within the Town of New Denmark Comprehensive Plan. As this is a multi-jurisdictional planning effort, the Town's comprehensive plan will be adopted as a component of the Brown County Comprehensive Plan.

Several county highways go through New Denmark. Since the Brown County Highway Department has jurisdiction over these highways, it will be very important to cooperate and work with the County Highway Department over the next 20 years to study and implement the street and intersection improvements recommended in the comprehensive plan. The Town of New Denmark and Brown County will need to work together when considering improvements to these transportation facilities.

The town has also worked with the Brown County Planning and Land Services (PALS) Department for various land use related issues such as zoning, comprehensive planning, land divisions, and updating other miscellaneous ordinances. Additionally PALS enforces the Brown County Land Division and Subdivision Ordinance, Floodplain Ordinance, Shorelands and Wetlands Ordinance within the town to ensure adequate protection for environmentally sensitive areas and provide support for

the administration of the Working Lands Initiative Program. The department is also home to the Brown County Housing Authority and the Northeastern Wisconsin Housing Rehabilitation CDBG Loan Program. Both programs provide various types of housing assistance, described further in the Housing Chapter of this plan. The town should maintain open lines of communication and coordination between the department, the town, and residents.

The Brown County Sheriff's Department provides police and patrol service to New Denmark, and this service is expected to be adequate in the future. If the town ever determines that additional service is required, it should consider contracting with the Brown County Sheriff's Department for additional coverage.

The Brown County Land and Water Conservation Department provides several services to the town's agricultural producers, including administration of Brown County's Agricultural Shoreland Management Ordinance, Animal Waste Management Ordinance, Nutrient Management Maps, and the Working Lands Initiative Program. The department is an invaluable source of information related to the protection of our soils, surface water, and ground water, and should be contacted should any issues with these resources arise.

Town residents may visit the Brown County Library branch in the Village of Denmark. Town residents also utilize Neshota Park, which is a Brown County-owned facility.

Region

Kewaunee County

Kewaunee County worked with the Bay-Lake Regional Planning Commission to update its plan in 2016. The town should keep Kewaunee County informed of its development trends and issues as they arise.

Manitowoc County

Manitowoc County worked with the Bay-Lake Regional Planning Commission to update its comprehensive plan in 2020. The town should keep Manitowoc County informed of its development trends and issues as they arise.

Bay-Lake Regional Planning Commission

The Town of New Denmark is located within the Bay-Lake Regional Planning Commission (Bay-Lake RPC) jurisdiction, which covers an 8-county region and includes Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Sheboygan Counties. Bay-Lake RPC provides planning, ordinance writing, economic development, mapping, environmental studies, and grant writing to member communities within its region. The Bay-Lake RPC is willing to work with the Town on future projects should a request be made. The Town should also consider having Bay-Lake staff perform pavement evaluations for the Town's Pavement Surface Evaluation and Rating (PASER) program.

State

Wisconsin Department of Natural Resources

The Neshota River and King Creek, as well as numerous tributaries, traverse through the town. The town can work with the WDNR to find ways to improve the water quality of both major waterways, as well as their smaller tributaries.

WDNR staff should also be utilized to provide insight and technical expertise on how the town could most efficiently use its existing community utilities without causing environmental damage to the town's natural resources. For example, the WDNR offers programs to help communities stay informed on environmental requirements. One item is the Small Business Environmental Assistance Program, with the Permit Primer. This program helps small businesses manage their environmental requirements and responsibilities, and determine what requirements and permits apply to them, and how to obtain them. Another program offered by the WDNR are the state liability tools that offer local governmental units

an environmental liability exemption in order to redevelop brownfield properties that the local government has acquired through specific methods¹.

Wisconsin Department of Transportation (WisDOT)

WisDOT supports all forms of transportation. The department is responsible for planning, building, and maintaining Wisconsin's network of state highways and Interstate highway system. The department shares the costs of building and operating county and local transportation systems – from highways to public transit and other modes. WisDOT plans, promotes and financially supports statewide air, rail and water transportation. WisDOT works closely with other state, federal and local agencies to meet changing and growing travel needs. The department is made up of three executive offices and six divisions organized according to transportation function. The main office is in Madison, and the Northeast Region office is in Green Bay.

The town should inform WisDOT of any development activity along STH 96 west from I-43. WisDOT requires a permit to work in the right-of-way of state highways. WisDOT manages access to state highways and requires a connection permit for any new connections or changing existing connections to the state highway right-of-way².

New Denmark and the Village of Denmark may want to consider lobbying WisDOT together for a new park-and-ride facility near I-43, should enough demand come from both municipalities' residents.

Wisconsin Department of Administration (WDOA)

Previously the Town of New Denmark worked with the DOA to utilize the Comprehensive Planning Grant program to fund its first comprehensive plan to meet the requirements of Wis. Stat. § 66.1001. For current local assistance, the DOA handles annexation requests. The town should continue to develop this relationship and rely on the Department of Administration for technical expertise for the implementation of this plan where needed.

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

DATCP provides a few different services and programs to Wisconsin agriculture, consumers, and businesses that ensure a fair marketplace and sound use of resources. The department is primarily a regulatory agency, and is the state-level equivalent of six federal agencies:

- Food and Drug Administration (food safety and labeling)
- Federal Trade Commission (unfair and deceptive business practices)
- Consumer Product Safety Commission (consumer product safety)
- Department of Agriculture (meat inspection, animal and plant health, agricultural marketing, and land and water resources; Farmland Preservation program)
- Environmental Protection Agency (pesticides and groundwater)
- Department of Commerce (weights and measures, trade, and commerce)

Local governments may use zoning to regulate livestock facilities, including requiring permits for new and expanding facilities. Towns may also rely on other existing laws to regulate livestock operations, such as WDNR permits. If the town were to adopt ordinances licensing or zoning ordinances for new and expanding livestock facilities, DATCP provides model ordinances that comply with state standards, as mentioned in the Natural, Cultural, and Agricultural Resources chapter.

¹ WDNR Small Business Environmental Assistance Program. <https://dnr.wisconsin.gov/topic/SmallBusiness>.

² WisDOT. State Trunk Highway (STH) Connection Permits. <https://wisconsin.gov/Pages/doing-bus/real-estate/permits/sth.aspx>.

Intergovernmental Plans or Agreements

The Town of New Denmark and the Village of Denmark should consider working out an intergovernmental agreement that would look at the shared border of the two communities. The village is the one border municipality adjacent to the town that has annexation powers.

New Denmark has agreements with all adjacent municipalities regarding maintenance of shared border roads. Generally, each municipality takes care of a specific segment of a border road based on prior agreements between the municipalities. The municipalities should stay connected regarding the need for and timing of specific road maintenance needs.

Like many fire departments, the Denmark Volunteer Fire Department has agreements with adjacent municipalities to assist when mutual aid is required. The Fire Department serves the Towns of New Denmark, Eaton, Cooperstown, and Franklin and the Village of Denmark.

Existing and Potential Intergovernmental Conflicts

Potential Annexations

The most likely potential intergovernmental conflict would be town property owners petitioning the Village of Denmark for annexation of land into the village. Annexation to the Village of Denmark is a concern to the Town of New Denmark. Annexations have taken place in the past. This ongoing concern was recognized and acknowledged by town residents at the visioning session, though it wasn't a top ten issue. As the Village of Denmark grows and the demand for services (public water, sewer, etc.) and land to house their growing population continues to increase, this could pose future annexations into the village.

Processes and Options to Resolve Conflicts

Should it ever need to, there are several processes that the town and the surrounding communities could use to resolve or prevent conflicts without resorting to the legal system, which should only be the last resort. These methods include cooperative planning, informal negotiation, facilitated negotiation, mediation, and binding arbitration.

Cooperative Boundary Plans

A boundary agreement with the Village of Denmark could help to eliminate potential problems between the town and the village. For an effective boundary agreement to be reached, both parties must negotiate in good faith and understand that there must be give and take from both sides for a settlement to be agreeable to both parties. A cooperative boundary plan would provide flexibility to the town to determine which issues to resolve, the boundaries affected, and the duration of the agreement. A cooperative boundary plan represents the most thorough and complete way to develop a boundary agreement and is a long-term or permanent agreement. The cooperative boundary planning process allows for residents to weigh in, including a public hearing and comment period, and a jointly developed cooperative plan for the area. This last item creates a framework for future development that gives more certainty on what to expect for all participants and creates an enforceable plan that the communities agree on. Because of the long-term nature of the agreement, the plan is reviewed by the DOA for approval following local adoption and defends the plan against appeal. The DOA may also deny or recommend changes to a submitted agreement.

The best way to resolve a conflict is to be proactive and try to eliminate the conflict from occurring in the first place. Since annexation could be a concern, the town should consider and review actions it can take so that landowners will want to remain part of the town and not want to annex their properties into the Village of Denmark. It may want to contact landowners bordering Denmark and ask them about their needs and what they can do for them so that they will not want to annex into the Village.

One of the main reasons annexation of property occurs from an unincorporated municipality (town) to an incorporated municipality (city or village) is because landowners decide that an unincorporated municipality cannot provide the type of services that they require or wish to have. The town should work with landowners to see what it can do to try to keep property owners from annexing to the

village. The provision of public sanitary sewer and water service are two services commonly sought by landowners wanting to develop property. The town should explore its avenues about obtaining public sanitary sewer and water service to areas of the town located adjacent to the Village of Denmark.

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INTERGOVERNMENTAL COOPERATION POLICIES, PROGRAMS, AND RECOMMENDATIONS SUMMARY

Comprehensive Plan Goal #7 – Intergovernmental Cooperation Goal

New Denmark will plan for and continue to provide a safe, efficient, and cost-effective transportation system for the movement of people and goods throughout the town.

Objectives

1. *Continue to maintain good working relationships with adjacent governments and municipalities.*
 - a) Discuss with adjacent municipalities cooperative planning along the municipal borders.
 - b) Consider beginning comprehensive boundary agreement discussions with the Village of Denmark.
 - c) Establish an ongoing meeting schedule with representatives of the surrounding communities to discuss land use, transportation, stormwater, and other planning issues that transcend municipal boundaries.
 - d) Share meeting agendas and minutes with the surrounding communities and the school district to increase intergovernmental cooperation and awareness of planning issues.
 - e) Maintain an open line of communication between the Town of New Denmark and the Denmark School District.
 - f) Inform the school district of any large residential development plans contemplated in the town.
2. *Continue to work with adjacent municipalities and local governments to seek efficient and effective service delivery and creative problem-solving.*
 - a) Consider and explore opportunities for cost savings through consolidation of government services with other municipal units of government.
 - b) Work together with adjoining municipalities on the future needs of the Denmark Volunteer Fire Department.
 - c) Continue working together with adjoining municipalities concerning ambulance and rescue service.
 - d) Continue to participate in intergovernmental agreements for fire and emergency rescue services and explore opportunities for other types of intergovernmental agreements for provision of public services.
 - e) Should the portion of the Canadian National Railroad tracks located in the portion of the Town north of the Village of Denmark ever be abandoned and turned over to the Wisconsin Department of Natural Resources to develop into a trail, the Town should work with Brown County to help plan for the development of the trail.
 - f) Try to work with service groups and local schools in assisting the town in maintenance and work projects.
 - g) Work with the Greater Green Bay Area Chamber of Commerce and the Bay-Lake and East Central Wisconsin Regional Planning Commissions to promote cooperative intergovernmental economic development activities and strategies to strengthen the region's economic vitality.
 - h) Continue to cooperatively work with Brown County on maintenance and safety considerations on all the county highways within the town.
 - i) Continue to work with the Brown County Planning Commission on review of proposed Certified Survey Maps and subdivision plats within the town.