

CITY OF KAUKAUNA RESOLUTION 2024-5432

A RESOLUTION OPPOSING 2023 SENATE BILL 691 REGARDING THE CREATION OF URBAN TOWNS

WHEREAS, current law allows for villages and cities to determine the service area for their water and sewerage systems; and

WHEREAS, this statutory home rule power given to villages and cities to make its own decisions on public services is a fundamental reason for many local communities to become incorporated municipality; and

WHEREAS, 2023 Senate Bill 691 would require cities and villages to allow connection to their water or sewerage systems outside its boundaries in any town that is self-designated as an "Urban Town;" and

WHEREAS, 2023 Senate Bill 691 would define a town as an "Urban Town" if:

- The town has a population of more than 5,000;
- The town has a population density of 750 persons in any square mile;
- The town provides law enforcement service;
- The town has enacted a subdivision ordinance;
- The town has enacted a zoning ordinance or is subject to county zoning; and

WHEREAS, the water or sewerage system owner would be allowed to disapprove a request only if its water or sewerage system does not have sufficient capacity to serve the area that is subject of the request; and

WHEREAS, "Urban Towns" would not be subject to extraterritorial zoning or extraterritorial plat approval by a neighboring city or village; and

WHEREAS, "Urban Town" territory may not be annexed to a city or village except by unanimous approval of all the property owners of the property to be annexed; and

WHEREAS, villages and cities have made significant investments in their water and sewerage systems and depend on additional tax revenues created through the addition of properties to their jurisdictions which their utility services promote; and

WHEREAS, Senate Bill 691 does not require any minimum level of police service, rendering that criterion essentially meaningless as an indication of real urbanization, and the historical policy of directing development to incorporated municipalities that provide true urban levels of service promotes the public health, safety and welfare and should be continued; and

WHEREAS, Senate Bill 691 allows an urban town to designate the service area and may consume all reserve capacity of the existing city or village system, forcing city or village taxpayers or ratepayers to contribute the cost of new wells, water towers, and other major infrastructure improvements to meet their future needs that would otherwise be accommodated by the existing system capacities;

WHEREAS, Senate Bill 691 allows an urban town to designate the service area and may consume all reserve capacity of the existing city or village system, effectively limiting the city's or village's ability to expand services for development within its own boundaries; and

WHEREAS, Senate Bill 691 would make the urban town responsible for maintenance of the portion of the water or sewer system located in the town, but makes no provision assuring the urban town will have the experience or ability to properly maintain a water or sewer system and creating a risk that inadequate maintenance would result in contamination of a municipal water system, excess treatment costs due to clearwater infiltration and inflow resulting in damage to the city or village system and excess costs to all ratepayers; and

WHEREAS, Senate Bill 691 provides no mechanism for collection of unpaid utility service charges owed by customers they would be forced to serve beyond their jurisdictions such as is available under §66.0809, Wis. Stats. for customers within the serving municipality nor any requirement that an urban town clerk pay over any amounts collected through special charges to the municipality to which they are owed; and

WHEREAS, Senate Bill 691 would allow an urban town to designate the point of connection to the city or village system with no requirement that such determination be made in accordance with sound engineering practices; and

WHEREAS, Senate Bill 691 would allow an urban town to impose maintenance responsibility for sanitary lift stations and other substantial improvements on a city or village by selecting a connection point that assures those improvements are located in the city or village.

WHEREAS, Resolution 2023-5414 was approved by the City of Kaukauna Legislative Committee on December 12, 2023, but was never adopted by the City of Kaukauna Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Kaukauna opposes Senate Bill 691 and requests that the Legislature and the Governor reject its enactment; and

BE IT FURTHER RESOLVED, that the City of Kaukauna is directed to send a copy of this resolution to the Governor of the State of Wisconsin, current representatives of

the Village in the State Legislature, and the League of Wisconsin Municipalities.

Introduced and adopted this 21st day of May, 2024.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally Kenney, Clerk