

Exhibit 11

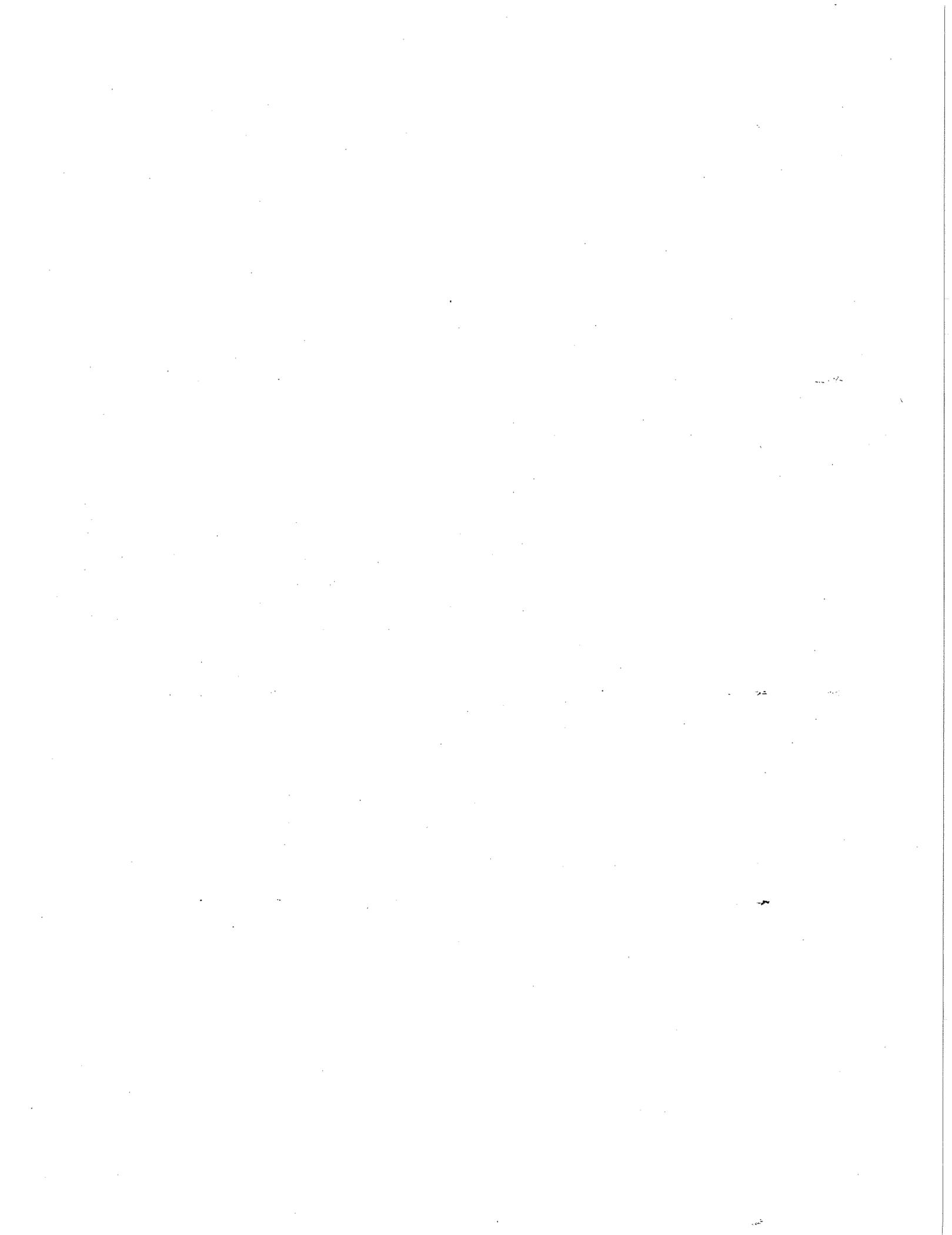
Attached as part of this Exhibit 11 to the Final Cooperative Plan are the comments received at the July 30, 2003 Joint Public Hearing on the Proposed Plan and a copy of the written comments received by the City and Town within 20 days after the Joint Public Hearing. The attachments are as follows:

1. Joint Public Hearing registration slips.
2. Corrected Joint Public Hearing Transcript--July 30, 2003.
3. Dane County Regional Planning Commission letter dated August 1, 2003.

All of the comments support the Plan. The Dane County Regional Planning Commission ("DCRPC") recommended three revisions to the text of the Proposed Plan. The Final Plan contains three minor text revisions that respond to the suggestions of the DCRPC letter. They are found, respectively, in:

- Section 10, page 11--the final paragraph in this section is new, in response to the first DCRPC suggested revision.
- Section 16, page 20--the first paragraph of the Water Quality Impacts discussion is modified by replacing the final sentence of the Proposed Plan text with two sentences in the Final Plan, in response to the second DCRPC suggested revision.
- Section 19, page 26--Item 4 is added to the list of Regional Plans under sub. C, in response to the third DCRPC suggested revision.

The only other substantive change of any significance from the Proposed Plan to the Final Plan is the addition of a Blackhawk Road right-of-way segment (Annexation Description Area No. 16) to Exhibit 6, to be attached to the City from the Town, effective January 1 following approval of this Plan by the State DOA, in accordance with Section 11.03 of the Plan. This road segment addition is consistent with the desires of the Town and City to attach to the City any Town road segments that primarily serve new City development. Most of these roads had remained in the Town under prior annexations mainly for the purpose of providing connections to properties not annexing at that time to avoid creation of town islands.



PUBLIC COMMENT ON TOWN OF MIDDLETON-CITY OF MADISON
JOINT COOPERATIVE PLAN

Name: DANIEL VAN NORMAN
Address: 3735 SEQUOIA TRAIL

I wish to speak.

I do not wish to speak.

Comments:

New in Community - interested in event.

PUBLIC COMMENT ON TOWN OF MIDDLETON-CITY OF MADISON
JOINT COOPERATIVE PLAN

Name: James J. Mueller
Address: 7820 Caribouct
VERONA WI 53593

I wish to speak.

I do not wish to speak.

Comments:

PUBLIC COMMENT ON TOWN OF MIDDLETON-CITY OF MADISON
JOINT COOPERATIVE PLAN

Name: Kent Carlson
Address: 7218 Valleyview Rd.
Verona, WI 53593

I wish to speak.

I do not wish to speak.

Comments:

PUBLIC COMMENT ON TOWN OF MIDDLETON-CITY OF MADISON
JOINT COOPERATIVE PLAN

Name: Tom Smiley
Address: Dane Co. RPC

I wish to speak.

I do not wish to speak.

Comments: RPC will review Cooperative Plan 7/31/05.

PUBLIC COMMENT ON TOWN OF MIDDLETON-CITY OF MADISON
JOINT COOPERATIVE PLAN

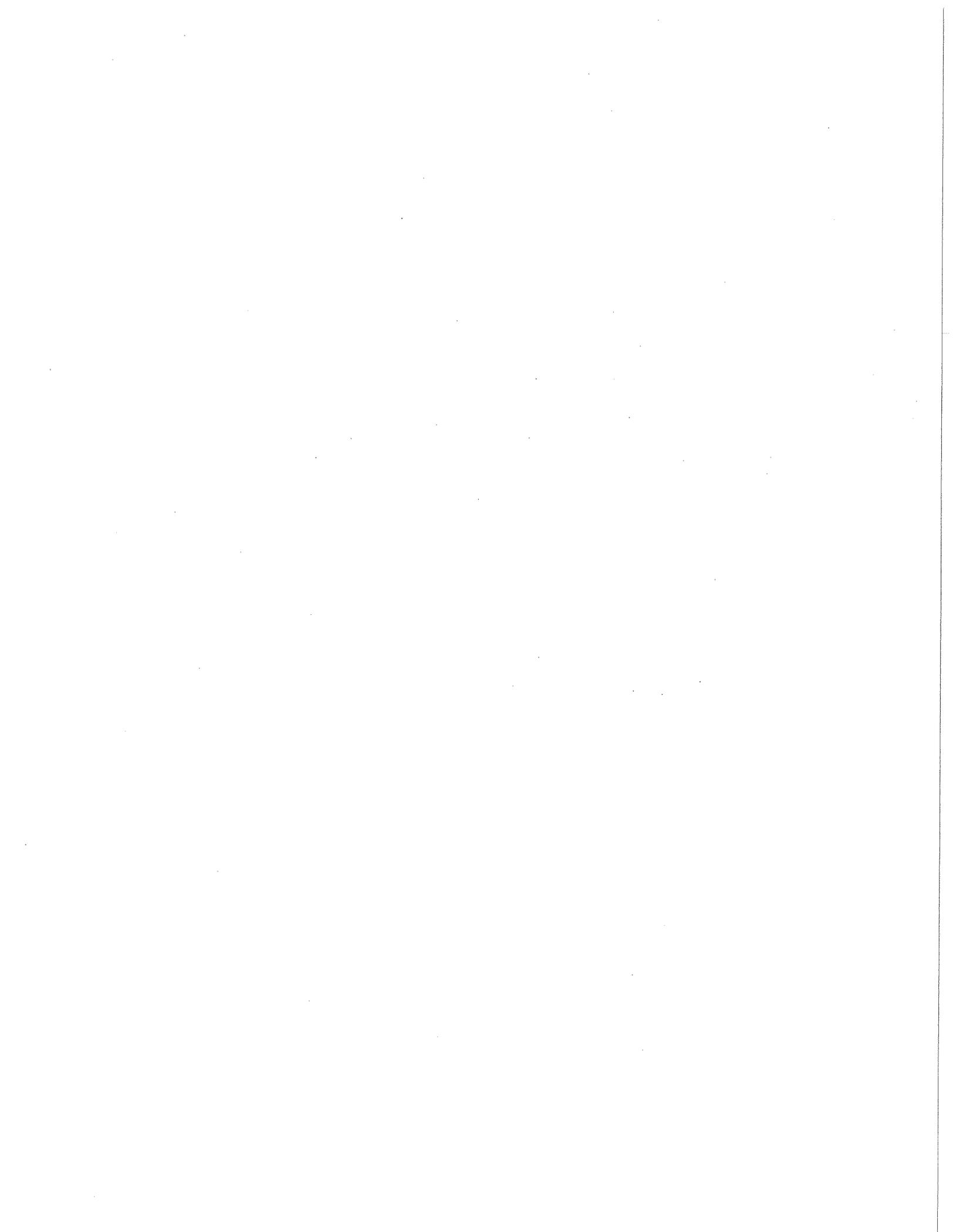
Name: Carol Schiller

Address: _____

I wish to speak.

I do not wish to speak.

Comments:



By Stenograph

Corrected by ACA James M. Voss

1 MR. RICHARD YDE: It's after 6:30 so I
2 think we'll call it to order. My name is Richard Yde. I'm a
3 lawyer with the government law team at the Madison law firm
4 of Stanford & Rosenbaum, and one of the Town's attorneys
5 related to this plan that we're here to talk about this
6 evening.

7 The plan for this evening is that I will give a
8 brief history of how we got to this point and then we will
9 take public comments and then go on from there. Ultimately
10 the ~~Town Board~~ and ~~City Council~~ will take those comments into
11 consideration and possibly modify the plan before deciding
12 whether or not to finally approve the plan and send it on to
13 the State for approval.

14 So the history starts -- I think in 1994 with an
15 agreement between the Town and the City with a 60-year
16 agreement in which the City was free to annex east of the
17 line generally along Pioneer Road without the Town opposing
18 adding such annexations, and the City agreeing not to
19 interfere with town subdivision control west of that same
20 line.

21 In 2001 the certain citizens of the Town started an
22 effort to incorporate the Town, and the town board hired
23 special counsel, namely our firm, to assist the Town in
24 evaluating the incorporation. At that time we commenced
25 negotiations with the ~~City~~ of Madison over an

1 intergovernmental agreement to provide for permanent boundary
2 or close to permanent boundary between the City and the Town.

3 The negotiators for the Town were Richard Nording
4 from our firm and Tom Voss, the Town's regular attorney,
5 sitting right here, as well as me. And the negotiators for
6 the City were Jim Voss and Kitty Noonan from the City
7 Attorney's office, Jim's here this evening, and Brad Murphy
8 from the City's planning office.

9 Those negotiations led to an intergovernmental
10 agreement on March 28 of 2002 and provisions of that
11 intergovernmental agreement were essentially that, or
12 resulted of that intergovernmental agreement where the
13 incorporators terminated their attempts to incorporate the
14 Town, and the agreement provides, without going into all the
15 details, for a long-term boundary between the City and the
16 Town generally along Pioneer Road again but a little farther
17 east at the north and south ends of that boundary.

18 The agreement only covered the areas south of Black
19 Hawk Road because there's a separate agreement between the
20 City of Madison and City of Middleton governing that the City
21 wouldn't go north of Black Hawk Road; I think that's correct,
22 isn't it Jim?

23 MR. JAMES VOSS: That's right.

24 MR. RICHARD YDE: The City can annex
25 lands east of the line, but they cannot annex areas west of

1 the line. No annexations will occur without property owner's
2 consent. It provides for transition area along the boundary
3 line, revenue sharing when commercial property is annexed,
4 and after 40 years all of the land east of that boundary line
5 will come into the city of Madison.

6 Since March 28 of 2002, the City and the Town have
7 been working on incorporating that intergovernmental
8 agreement into a joint cooperative plan. The reason for
9 doing so is to make certain the plan is, or the agreement is
10 enforceable in all its aspects, particularly with respect to
11 annexation.

12 The plan has been available for public inspection
13 for three or four weeks now in the Town Clerk's office as
14 well as the City Clerk's office and City libraries and also
15 on-line and the City of Madison's website at
16 www.cityofmadison.com. And if you want to go directly to the
17 plan, it's [/cptm.html](#). Probably easier just to go to the
18 website and click on the appropriate place to get there.

19 Where was I? As well as the plan primarily
20 incorporates the terms of the intergovernmental agreement,
21 but there are a couple of additional items in there. One is
22 the City is required to take responsibility for certain roads
23 and cemeteries adjacent to City lands. Another is that there
24 are additional restrictions on signs east of the boundary
25 line and third is that there are some -- it provides for

1 additional ~~coo~~operation on storm water management in the
2 areas that will ultimately flow into the city.

3 The purpose of tonight's hearing is to take public
4 comments on the plan. If you want to comment and you have
5 not already done so, you should fill out one of the forms
6 over here by the door, and we will call on you to speak in
7 just a minute or two. In addition, comments can be submitted
8 in writing, either tonight or prior to August 19 at 4:30 p.m.
9 they have to be received by August 19 at 4:30 p.m. in order
10 to be certain that they will be considered.

11 The future steps, where we go from here, as I said
12 before, the **T**own **B**oard and **C**ity **C**ouncil will have to consider
13 all of the comments received here tonight or received in
14 writing after tonight's meeting and possibly modify the plan
15 based on those comments. Then at least 30 days after
16 tonight's meeting, the **C**ommon **C**ouncil of the City and the
17 **T**own **B**oard for the Town can then adopt resolutions finally
18 approving the final version of that ~~coo~~perative plan. And
19 at least 60 days from tonight we can submit that plan to the
20 State for approval. With the final approval by the State
21 Department of Administration, the plan will then be
22 effective.

23 With that brief summary, we will now take any
24 comments that anyone may have on the plan. And I don't --
25 Jim, have we got any forms filled out?

*Correct
JM Vo
8/19/*

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MUELLER
MR. JAMES ~~VOSS~~: No forms have been submitted.

MR. RICHARD YDE: Okay. We'll still give you a chance, and given the small number of people here, I think we won't even hold you to the five minutes that we specify in the notice for the hearing.

So, if anyone wants to speak, now is your opportunity. And I think we will, before closing the hearing, will wait a little while. Maybe give people ten more minutes to see if anybody else is going to show up before we close the hearing. Anything to add Jim or Tom?

MR. JAMES VOSS: Even though the public hearing may close, they still have a future opportunity here over this next time period.

MR. RICHARD YDE: Right. You can submit comments to either the City Clerk or the Town Clerk as long as they are received by August 19. Twenty days from today.

I might mention that this hearing will be available on television, City Channel 12, on August 10 at 8:00 p.m. August 13 at 2:00 p.m. August 16 at 8:00 p.m. August 22 at 8:00 p.m. and August 30 at 12:00. But unless we get somebody showing up here to speak, there won't be much to watch.

I think we will wait until about ten to 7:00 and then if we still don't have anybody who wants to speak, we'll

1 close the hearing.

2 MR. JAMES MUELLER: My name is Jim
3 Mueller, I'm the Administrator and the Clerk for the Town of
4 Middleton, and we don't have any other speakers tonight so
5 far, but I think that's evidence of a job very well done.

6 The Town Board did notify everybody prior to the
7 adoption of the agreement back in March of 2002, and the
8 implementation plan that we have the hearing on tonight is
9 supposed to implement that plan and apparently, our attorneys
10 for the Town and for the City have done an excellent job of
11 drafting this implementation plan because from my reading, it
12 truly does capture the intent of our March 2002 agreement.

13 The major addition to that, as far as I could see,
14 was the City taking over those road segments and the
15 cemeteries that are completely surrounded by the City and
16 that's appropriate from the public safety standpoint for
17 police and fire protection in those cases. Also it helps the
18 public greatly because the City can proceed with upgrading
19 the roads that are being used very extensively by residents
20 in the City.

21 The Town had been reluctant to improve those roads
22 because the traffic was from the City being generated, and
23 now we can go ahead and those roads will be improved and
24 again the public safety will be increased.

25 So again I think the fact that no one wants to

~~By Stenograph~~

1 speak is evidence of a job well done. Thank you.

2 MR. RICHARD YDE: Thank you.

3 At the suggestion of Jim Voss from the City
4 Attorney's office, I'm announcing that the broadcast dates I
5 read earlier are planned broadcast dates. Without any
6 comments, I suspect that Channel 12 may not follow through on
7 all those broadcasts.

8 But it's now ten to 7:00 or a little less than ten
9 to 7:00. This is again your last chance to speak tonight on
10 this plan if you want to speak. And seeing no volunteers for
11 that purpose, I declare this hearing closed. Thank you.

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Dane County Regional Planning Commission

30 West Mifflin Street, Suite 402, Madison, Wisconsin 53703-2558
Telephone: 608/266-4137 Fax: 608/266-9117 E-Mail: info@danecorpc.org

August 1, 2003

TO: David Cieslewicz, Mayor, City of Madison
Milo Breunig, Chair, Town of Middleton

RE: Proposed City of Madison and Town of Middleton Cooperative Plan

Dear Messrs. Cieslewicz and Breunig:

We have received your notice and reviewed your Cooperative Plan. We find that it is well-written, comprehensive, and cooperatively prepared as an intergovernmental document. We recognize the difficult and sensitivity of this proposal and congratulate you on reaching agreement.

We have had our staff review the Plan (attached Staff Review) and concur in their finding that the proposed Cooperative Plan is consistent with the *Dane County Land Use and Transportation Plan*.

We also concur that in our staff's suggestions, you consider the following corrections:

1. Acknowledge the role of the RPC in extension of sewer service and potentially establishing Limited Service Areas as existing development transitions from on-site systems to public sewer service.
2. Acknowledge the potentially significant impact to the headwaters of the Black Earth Creek and the Sugar River.
3. Note the Dane County Water Quality Management Plan as one of the important regional plans.

We thank you for the opportunity to review the Cooperative Plan and pledge our support as you proceed with implementation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Golden', is written over a faint, larger signature.

Ken Golden, Chair
Dane County Regional Planning Commission

KG:TLS:cw

Attachment

cc: James M. Voss, Attorney, City of Madison
Brad Murphy, City of Madison Department of Planning & Development
Jim Mueller, Administrator/Clerk, Town of Middleton
Todd Violante, Acting Director, Dane County Planning Development
George Hall, Department of Administration, State of Wisconsin

RPC

Proposed City of Madison and Town of Middleton Cooperative Plan

RPC Staff Review

The RPC has received notification of the Proposed Cooperative Plan and a joint public hearing is scheduled for July 3, 2003 at the Middleton Town Hall.

On March 28, 2002, the City and Town entered into a preliminary Intergovernmental Agreement under authority of Section 66.0301, Wisconsin Statutes, to provide the basic foundation for the Cooperative Plan. The agreement notes that the City and Town entered into an Intergovernmental Agreement in 1994. That agreement recognized the City's right to annex east of a certain line without Town opposition and the Town's right to be free from the City's extraterritorial jurisdiction west of that line. The 2002 Intergovernmental Agreement states the desires of the City and Town and their mutual desire that a Transition Area be established so that the eventual City-Town border is well-planned, with compatible development on both sides.

The RPC staff has reviewed the proposed Cooperative Plan and has the following comments addressing subject areas as provided in Section 66.0307, Wisconsin Statutes:

1. General Comment

The RPC staff finds the proposed Cooperative Plan to be well-written and thorough, covering a wide variety of legal, political and complex intergovernmental planning issues.

The Plan appears to be reasonably consistent with adopted regional plans.

The territory subject to the cooperative plan is all of the current Town territory. However, the territory principally affected by this Plan is the Transition Area and/or the Boundary Adjustment Area of the Town, described in Section 5 and illustrated in Exhibit 1 — Boundary Line and Boundary Adjustment Area.

2. Effects on the Master Plan (Dane County Land Use and Transportation Plan)

In assessing the effects on the Regional Plan, we have reviewed the Proposed Plan using the *Dane County Land Use and Transportation Plan* Goals and Achievement Checklist.

- A. Of the 11 goals, there are 10 which have neutral or offsetting effects. While many supportive strategies are proposed in the Boundary Adjustment Area, the plans for the low density residential area west of the Boundary Line cannot be rationalized as supportive of the Regional Plan Goals (See Section 1 — Housing Needs in second paragraph, page 22).
- B. The goal with some conflict is protecting agricultural lands. There is no provision for protecting agricultural land expressed in the Cooperative Plan.

3. Delivery of Municipal Services

- A. There is a commitment to orderly urban growth in the Boundary Adjustment area, which is proposed to be served by a full range of urban services as it is developed.
- B. At Section 10 on page 10 in the last two paragraphs, there is a discussion of the transition from on-site septic systems to public sewer service. The discussion notes that officials of the Madison Metropolitan Sewerage District have been contacted to review the procedure annexing territory to the MMSD for sewer service.

We note the procedure for public sewer service implies limited service such as sewer and/or water, which would probably require the establishment of a Limited Service

Area under provisions of the *Dane County Land Use and Transportation Plan*. To establish a Limited Service Area or expand an Urban Service Area, the RPC must hold a public hearing and amend the plan as the designated water quality agency (or designated successor agency).

4. Other Comments

- A. On pages 19 and 20, there is a discussion of Water Quality Impacts and monitoring of well-pumping. It concludes with the statement: "Few water quality impacts are anticipated related to the provision of municipal water service to the area." We disagree with this statement.

There is a potentially significant impact to the headwaters of the Black Earth Creek and the Sugar River (both trout streams). Necessary measures need to be taken to mitigate these impacts, such as aggressive infiltration, minimizing withdrawals, and pumping more water from wells located closer to the Yahara Lakes.

- B. Regional Plans are listed in section 19 C. on page 25; however, the *Dane County Water Quality Management Plan* is omitted from the list. We note that the *Water Quality Plan* is referenced in other sections of the Cooperative Plan, and should be listed here as well.

Dane County Land Use and Transportation Plan Goals Achievement Checklist

Goals	Strongly Conflicts	Conflicts	Neutral or Offsetting Effects	Supports	Strongly Supports
Promote balanced communities with a mix of development			X		
Promote compact urban development			X		
Promote distinct communities, mixed-use neighborhoods, with a full range of public services			X		
Provide a full range of safe and affordable housing choices			X		
Provide an integrated all-mode transportation system			X		
Concentrate employment and activity centers along transit corridors			X		
Maintain Downtown Madison as region's major activity center			X		
Provide employment opportunities and a diverse economic base			X		
Protect agricultural lands by limiting non-farm development in agricultural areas		X			
Protect environmental, cultural and historic resources			X		
Develop a system of open space corridors to preserve environmental functions, scenic value, and recreational opportunities			X		

Proposal: Cooperative Plan — City of Madison, Town of Middleton

CITY OF MADISON, WISCONSIN

A RESOLUTION _____

Resolution adopting the final version of the City of Madison and Town of Middleton Cooperative Plan Under Section 66.0307, Wisconsin Statutes, authorizing the Mayor and City Clerk to execute the Plan and directing the City Attorney to submit the Plan to the State of Wisconsin Department of Administration for approval.

PRESENTED September 2, 2003
REFERRED Plan Commission,
Board of Estimates, Comptroller and
CC Mtg. of 9-16-03
REREFERRED _____

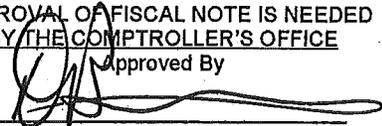
REPORTED BACK SEP 16 2003

Drafted by: James M. Voss
Assistant City Attorney

Date: August 27, 2003

Fiscal Note: See Fiscal Note below.

ADOPTED POF _____
RULES SUSPENDED _____
PUBLIC HEARING _____

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

RESOLUTION NUMBER 60882 -
ID NUMBER 34647

SPONSOR: Mayor David J. Cieslewicz

WHEREAS, Sec. 66.0307, Wis. Stats., authorizes municipalities to determine the boundary lines between themselves upon approval of a cooperative boundary plan by the State Department of Administration; and

WHEREAS, on March 5, 2002, the Town of Middleton and City of Madison adopted resolutions authorizing participation in the preparation of a cooperative plan pursuant to said statute and approved an intergovernmental agreement pursuant to Sec. 66.0301, Wis. Stats., to provide the basic foundation of the proposed cooperative plan; and

WHEREAS, on March 28, 2002, the municipalities executed the Intergovernmental Agreement; have subsequently drafted the proposed City of Madison and Town of Middleton Cooperative Plan, dated July 9, 2003; have held a joint public hearing thereon on July 30, 2003, to solicit input on the proposed Plan, in accordance with Sec. 66.0307(4)(b), Wis. Stats., and all public comments received have been considered in the preparation of the final version of the Plan. (See attached Report of City Attorney)

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison does hereby adopt the final version of the City of Madison and Town of Middleton Cooperative Plan, to be executed by the Mayor and City Clerk in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute any related documents in a form approved by the City Attorney; that the City Attorney is hereby directed to submit the said Cooperative Plan, together with all written comments and other supporting documents, to the State of Wisconsin Department of Administration for approval in accordance with Sec. 66.0307, Wis. Stats.; and the City Attorney and other necessary City staff shall cooperate with the Town and the Department and shall participate in all Department proceedings regarding the said Cooperative Plan.

Fiscal Note:

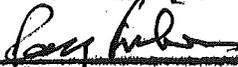
The proposed agreement contains several provisions that would provide a more orderly process for annexation and the extension of urban services to town property during the next 40 years. In the near term, 15 separate town road right of way segments, totaling approximately 7.75 miles, would be attached to the City. Since many of these additional segments are interspersed between current City right of way segments, these transfers will help simplify the current boundary between the two municipalities and rationalize the delivery of services. However, the transfers will also bring corresponding service responsibilities.

The City would become responsible for primary police and emergency medical response on all 7.75 miles of this right of way. There is no direct budgetary impact beyond the expected modest increase in police and EMS calls, which will be served with existing Police and Fire Department resources. Roughly 2.25 miles of the total mileage is county trunk highway, where the County would retain responsibility for roadway maintenance and snow removal. For the remaining 5.5 miles of unimproved town roads, the City would assume responsibility for signing and marking, general maintenance and snow removal. It is not possible to predict with any certainty the incremental cost that will be incurred to serve these additional street segments. However, we can calculate that, citywide, the City budgets approximately \$9,000 per mile to provide this package of services. Thus, if no services efficiencies are realized, we can predict that the addition of these street segments to the system will result in annual roadway maintenance costs of up to \$50,000 per year. These costs would be partially offset by increased State transportation aids. It is anticipated that the additional service costs would be offset by increased property taxes as property development occurs on the abutting properties.

The agreement also provides that certain cemetery properties would be transferred from Town jurisdiction to the City, with the accompanying transfer of mowing and maintenance responsibility. The Parks department anticipates a low level of maintenance that would be accomplished using existing median mowing crews at an estimated cost of \$4,000 per year for the smaller cemetery on Pleasant View Road.

The agreement would allow the City to levy special assessments against properties in the township, payable when the properties are annexed to the City at a later date. The agreement also provides for a 5-year schedule of declining revenues payable to the township for any commercial property annexed to the City.

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 16th day of September, 20 03



City Clerk

**Resolution approving the final version of
the City of Madison and the Town of Middleton Cooperative Plan**

R E C I T A L S

A. On March 5, 2002, the City of Madison and the Town of Middleton adopted resolutions authorizing participation in the preparation of a cooperative plan pursuant to Wis. Stat. sec. 66.0307 and approving an intergovernmental agreement to provide the basic foundation of the proposed cooperative plan.

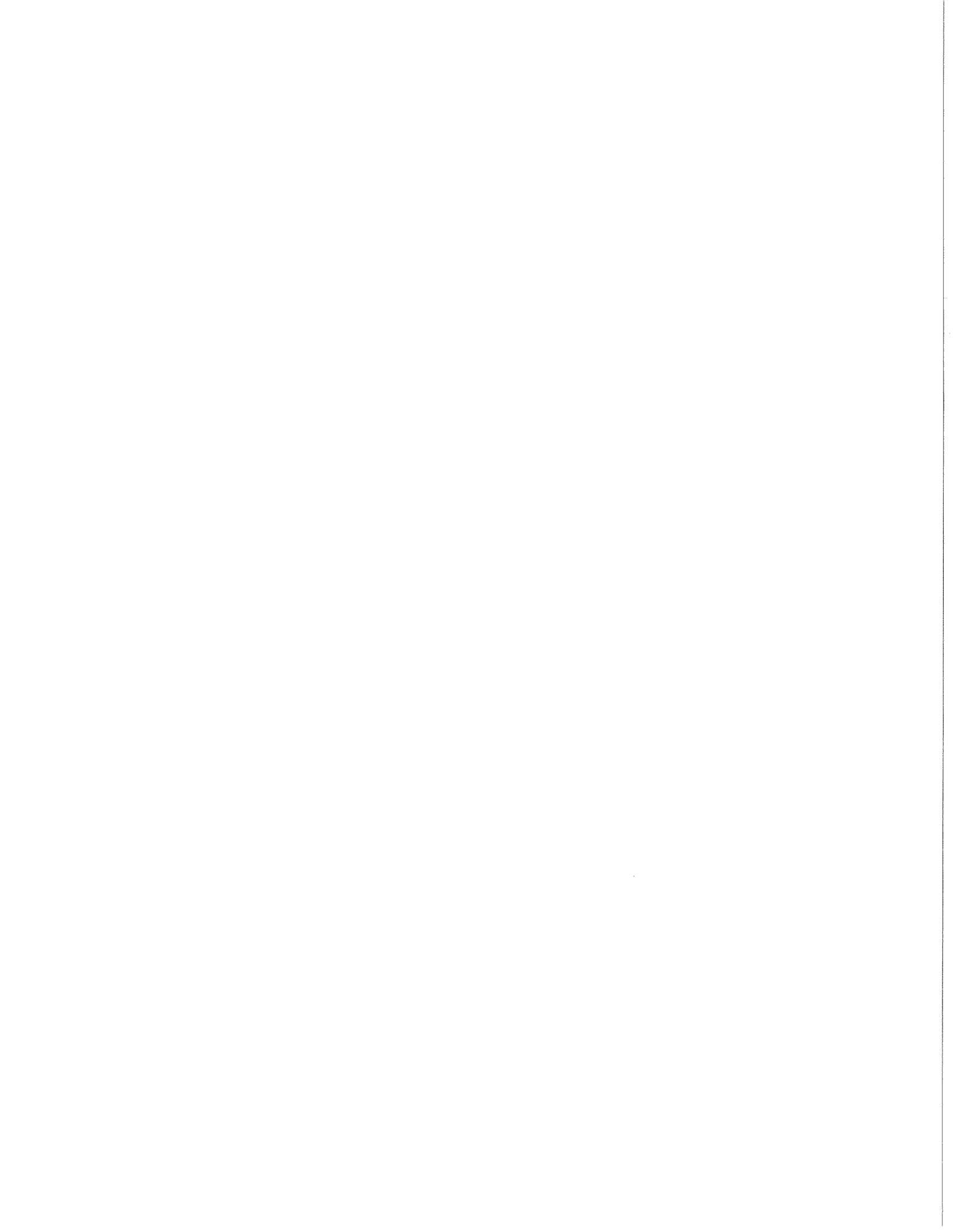
B. The municipalities drafted the proposed City of Madison and Town of Middleton Cooperative Plan, dated July 9, 2003, and held a joint public hearing thereon on July 30, 2003, in accordance with Wis. Stat. sec. 66.0307(4)(b), to solicit input on the Cooperative Plan.

C. All comments received have been considered by the Town in the preparation of the final version of the Cooperative Plan.

R E S O L U T I O N

Therefore, the Town Board of the Town of Middleton, Dane County, Wisconsin do RESOLVE as follows:

1. The final version of the City of Madison and Town of Middleton Cooperative Plan is approved.
2. The Town Chairperson and Town Clerk are authorized to execute it.
3. The Chairperson, the Clerk, the Town's attorneys, and other Town officers and employees are further authorized and directed to execute other documents and take



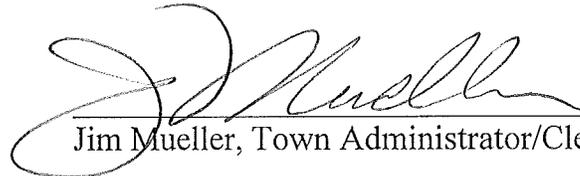
actions as deemed appropriate by the Town's attorneys to obtain approval of the Cooperative Plan from the State of Wisconsin Department of Administration.

This resolution was duly adopted by motion at a meeting of the Town Board held on September 8, 2003, by a vote of 5 ayes, 0 nays, with 0 members not voting.

APPROVED:


Milo Bruenig, Town Chair

ATTEST:


Jim Mueller, Town Administrator/Clerk

