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STATE OF WISCONSIN

CIRCUIT COURT

CRAWFORD COUNTY

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In re the Petition to Incorporate the  
Town of Bridgeport, Crawford County

Case No. 99-CV-76

Julie Wachter, Representative of  
the Petitioners for the Incorporation of  
the Town of Bridgeport, and said Petitioners

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DETERMINATION OF THE WISCONSIN DEPARTMENT OF ADMINISTRATION

November, 2001

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## INTRODUCTION

It is the function of the Department of Administration to prepare findings and to make a determination as to whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. Having completed that task, the analysis and findings are attached.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that, when considering the petition submitted to the Circuit Court by the petitioners, under s. 66.0207, Wis. Stats.:

STANDARD 1 (a),	Homogeneity and Compactness – not met
STANDARD 1 (b),	Territory Beyond the Core – met
STANDARD 2 (a),	Tax Revenue – met
STANDARD 2 (b),	Level of Services – not applicable
STANDARD 2 (c),	Impact on the Remainder of the Town – not applicable
STANDARD 2 (d),	Impact on the Metropolitan Community – not applicable

The above conclusions are discussed in greater detail in the body of the DETERMINATION. THE DETERMINATION OF THE DEPARTMENT, as prescribed by s. 66.0203 (9) (e) 2, Wis. Stats., is as follows:

Having not met the applicable standards for incorporation as set forth in s. 66.0207, Wis. Stats., the department finds that the petition as submitted shall be dismissed.

Dated this 20th day of November, 2001.

By the Wisconsin Department of Administration:



George Hall  
Director of Boundary Review  
Wisconsin Department of Administration



Mark Saunders  
Deputy Counsel  
Wisconsin Department of Administration

Cc: The Honorable Michael Kirchman, Crawford County Circuit Court  
Attorney Todd Infield  
Attorney Mark Peterson  
Julie Wachter, Clerk, Town of Bridgeport  
Gary Koch, Clerk/Administrator, City of Prairie du Chien  
Donna L Cipra, Clerk, Town of Prairie du Chien  
Betty Cooley, Clerk, Town of Wyalusing

Carol Mullikin, Clerk, Town of Wauzeka  
Dawn Wachter, Clerk, Town of Millville  
Mark Cupp, Executive Director, Lower Wisconsin State Riverway Board

## ANALYSIS

The following analysis and findings relate to the standards to be applied by the Department of Administration, henceforth the Department, as found in Section 66.0207 of the Wisconsin Statutes. The present petition for incorporation was filed in Crawford County Circuit Court in August of 1999.

The proposed incorporation includes the entire town of Bridgeport, Crawford County and consists of approximately 16.88 square miles.<sup>1</sup>

The proposed village includes the following Public Land Survey (PLS) sections:

- Section 31 of T7N, R5W
- Sections 32-36 of T7N, R6W
- Parts of Sections 35-36 of T7N, R7W
- Part of Section 6 and part of Section 7 of T6N, R5W
- Section 1-4, parts of Section 5, parts of Sections 7-8, Sections 9-10, parts of Sections 11-12, and parts of Sections 14-18 of T6N, R6W
- Parts of Sections 1, 2, 12, and 13 of T6N, R7W

### General description

The Town lies south and east of, and is contiguous to, the city of Prairie du Chien. The Town is bordered by the Wisconsin River to the south, the west channel of the Mississippi River to the west, the city of Prairie Du Chien and town of Prairie du Chien to the north, and the town of Wauzeka to the east. Map 1, at page 6, shows the town of Bridgeport relative to surrounding jurisdictions in Crawford County. Map 2, at page 7, shows the boundaries of the territory proposed for incorporation.

Land within the town of Bridgeport includes bluffs, ridges, terraces, and wetlands along the Mississippi and Wisconsin Rivers. Steep slopes that are not suitable for development exist in many parts of the Town. The wetlands and floodplains are located along the Wisconsin River, and form the southern boundary of the town of Bridgeport. The Mississippi River touches the far southwestern corner of the Town. Wetlands and floodplains associated with these rivers are extensive and thickly wooded. Some of this land falls under the Lower Wisconsin State Riverway Board's (henceforth called the LWRB) authority, which is discussed in greater detail on page 14. Under the Lower Wisconsin State Riverway statutes, s. 30.4, Wis. Stats., development is restricted in areas that are visible from the river and is subject to review by the board. However, urban development is nevertheless occurring in the Town south of the bluffs and north of the Riverway related to the town's proximity to Prairie du Chien, and there is a related desire for municipal services.

The border shared between the Town and city of Prairie du Chien is somewhat irregularly shaped; however, land uses along either side of the border are similar. Commercial development at an urban density is currently occurring in the Town due to its proximity to Prairie du Chien. The highway commercial area of USH-18 forms a "strip" progressing south-southeast from the city of Prairie du Chien into the town of Bridgeport. The Prairie du Chien Municipal Airport located in the City directly south of USH-18 is surrounded by the Town on three sides. A large City Park named La Riviere also projects southward into the Town. This natural area, projecting into the

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<sup>1</sup> Petitioner's Submittal. The town of Bridgeport is smaller than the usual 36-square mile Wisconsin survey township.

Town along one of the many ridge and bluff lines, is bordered by a number of Town subdivisions constructed on adjoining ridge tops and slopes. La Riviere Park and the related ridge and valley systems effectively divide the town into two parts, the area closely associated with the city of Prairie du Chien, and the remainder of the town that lies south and east of La Riviere Park (see Map 2, page 7).

To the north, the town of Bridgeport borders the town of Prairie du Chien. This boundary is located in a hilly, thinly populated area that is primarily forest with scattered farms in coulees and on ridge tops. The steep slopes and soil types of the northern portion of the Town make it unsuitable for urban development. Toward the east, the town of Bridgeport is bordered by the town of Wauzeka. This border is partly bluff and coulees, a smaller flat terrace area, and river shoreline. The terrace (with State Trunk Highway (STH) 60), and river shoreline directly adjacent to the town of Wauzeka are largely within the confines of the designated Lower Wisconsin State Riverway.

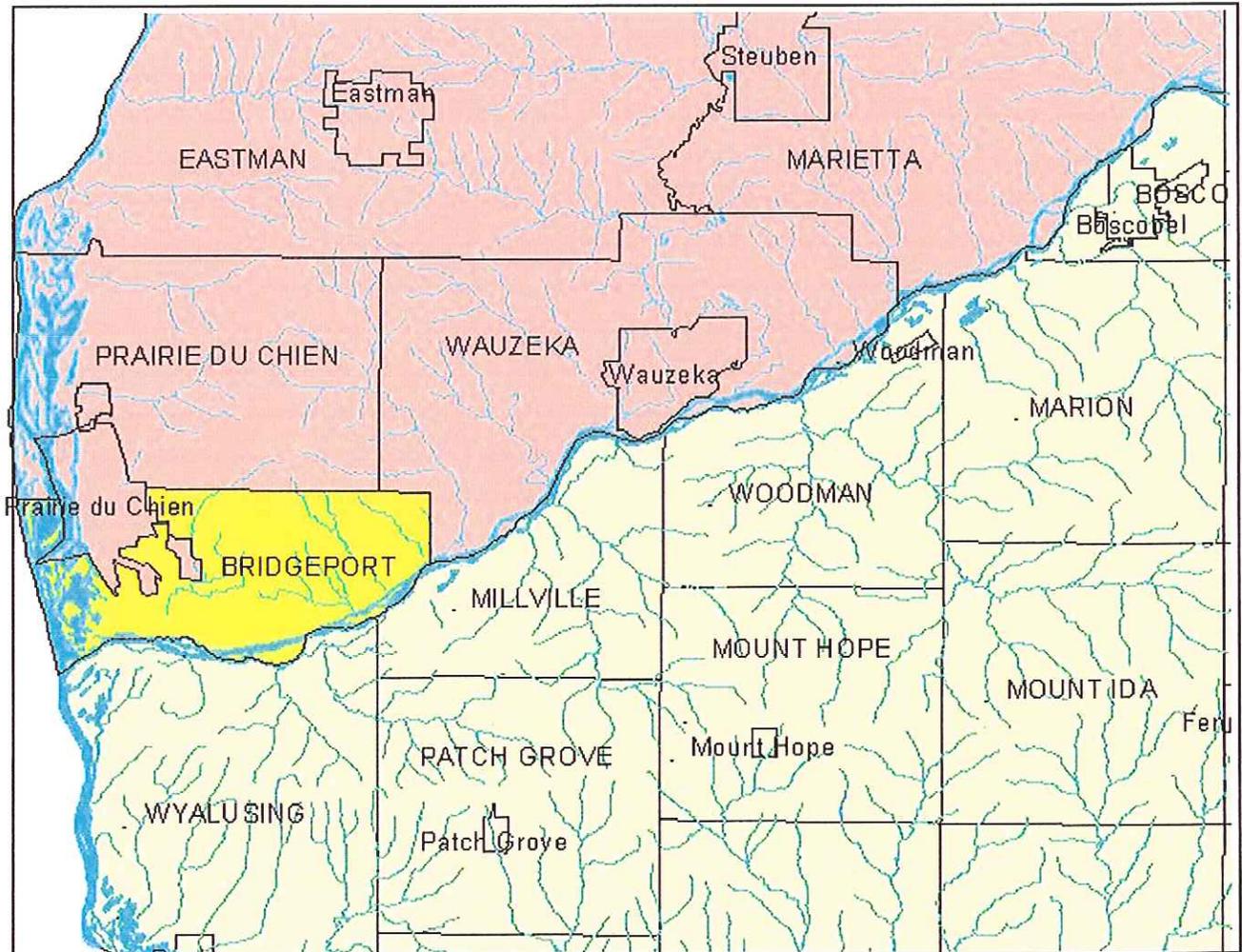
The 2000 Census population of the town of Bridgeport is 946 persons, higher than the Wisconsin Department of Administration Demographic Services Center 2000 estimate of 819. The 1990 Census population of Bridgeport is 753. Based on these census numbers, there has been a 25.63% increase (193 people) in population between 1990 and 2000 in Bridgeport. This compares to an 8.17% increase for Crawford County and a 6.38% increase for the city of Prairie du Chien.<sup>2</sup> The population cited on the incorporation petition appears to be the 1998 Wisconsin Department of Administration estimate of 803 people (residents), which was the latest data available when the petition was filed with the circuit court.

The following sections, commencing on page 8, review the statutory standards for incorporation, and apply these standards to the information supplied by the petitioners and gathered by the Department.

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<sup>2</sup> Wisconsin Department of Administration, Demographic Services Center webpage:  
[http://www.doa.state.wi.us/dhir/boir/demographic/census\\_info.asp](http://www.doa.state.wi.us/dhir/boir/demographic/census_info.asp)

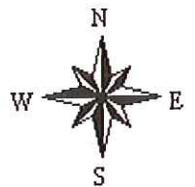
# Town of Bridgeport and Surrounding Jurisdictions



0 1 2 3 4 Miles

Scale  
1:204,928

-  Surface Water
-  Town of Bridgeport
-  Crawford County
-  Grant County

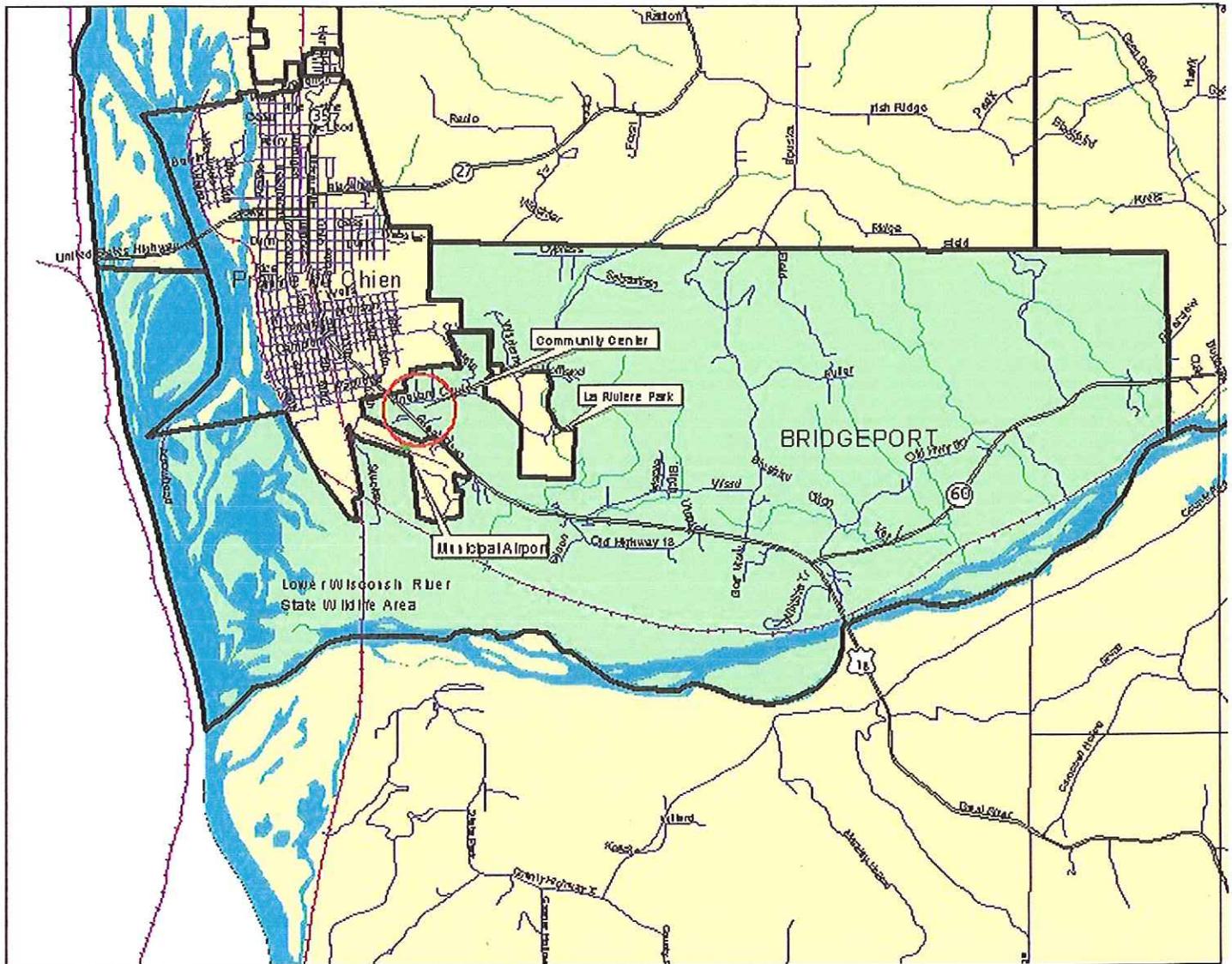


Prepared by Arun Rao,  
Municipal Boundary Review,  
Office of Land Information Services,

WISCONSIN DEPARTMENT OF  
ADMINISTRATION

Map 1 - Town of Bridgeport and Surrounding Jurisdictions

# Town of Bridgeport Boundaries



0 1 2 3 Miles



Scale  
1:70,882

-  Surface Water
-  Streams
-  Highways
-  Roads
-  Runways
-  Airports
-  Railroads
-  Minor Civil Divisions



Prepared by Arun Rao,  
Municipal Boundary Review,  
Office of Land Information Services,  
WISCONSIN DEPARTMENT OF  
ADMINISTRATION

Map 2 - Town of Bridgeport  
Boundaries

### Section 66.0207(1)(a) Homogeneity and Compactness

The standard to be applied is found in section 66.0207(1)(a) and reads as follows:

The entire territory of the proposed village or city shall be reasonably homogenous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping, and social customs. An isolated municipality shall have a reasonably developed community center, including some or all of such features as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

In addition to the statutory factors cited above, *Pleasant Prairie v. Department of Local Affairs & Development*<sup>3</sup> also allows the Department to consider land-use patterns, population density, employment patterns, recreation, and health care customs. *Pleasant Prairie* is clear regarding the flexibility allowed in factors to be considered in determining homogeneity and compactness. "...[H]omogeneity has a meaning apart and in addition to the factors listed [in s. 66.016 (1)(a)]..."<sup>4</sup>

*Pleasant Prairie* also makes clear that the incorporation statute mandates reasonable standards in regard to homogeneity and compactness and the presence of a community center. "If those characteristics which are required by sec. 66.016 (1)(a), Stats., are not met sufficiently to result in a finding of reasonable homogeneity and compactness, findings in respect to the requirements of sec. 66.016 (1)(b) (territory beyond the core), and the public interest considerations of sec. 66.016(2) become irrelevant"(emphasis added).<sup>5</sup> (Note: Section 66.016 is now s. 66.0207.) Therefore, the flexibility is primarily in regard to consideration of additional non-enumerated factors, rather than flexibility in elimination, removal, or reduction of a factor below some acceptable, reasonable level.

The facts surrounding each incorporation petition are different. However, in each case and for each requirement, the reviewer must be able to state that, even though the "situation" presented may not be perfect (there may be some street circulation problems, or no health care facilities or telephone exchange), when taken as a whole, the facts support a finding of homogeneity and compactness (for example, in transportation patterns) and a finding of a reasonably developed community center.

#### Natural Drainage Basin

The town of Bridgeport is located in the Lower Wisconsin River basin and is part of the Wisconsin River watershed. The Lower Wisconsin River basin drains approximately 4,940 square miles of southcentral and southwestern Wisconsin. The basin includes the Wisconsin River from the Castle Rock Flowage dam to its confluence with the Mississippi River near Prairie du Chien, and all the streams tributary to the Wisconsin along this reach. Water quality in the

<sup>3</sup> *Pleasant Prairie v. Department of Local Affairs & Development*, 108 Wis.2d 465 (Ct. App. 1982), affirmed, 113 Wis.2d 327 (1983).

<sup>4</sup> *Ibid*, pg. 337.

<sup>5</sup> *Ibid*, pg 341.

basin is generally considered good. The primary water quality problems are caused by nonpoint sources of pollution, particularly from agricultural operations, and hydrologic modifications such as dams, stream straightening, and the ditching, draining, or other alteration of wetlands, that also in part result in excessive populations of rough fish.

Town of Bridgeport lands along the western part of the territory are primarily drained by Vineyard Coulee, a small ephemeral tributary to the Wisconsin River. Tucker Hollow, another intermittent stream that leads into the Wisconsin River, drains the eastern portion of the territory. Various small, unnamed tributaries that flow into the Wisconsin River drain land on the terrace that forms the southern edge of the territory. The aforementioned tributaries are separated from the proffered community center by the ridge system comprising the city of Prairie du Chein's La Riviere Park.

### **Soil Conditions**

Four general soil associations make up the soils formed in the area of the town of Bridgeport, with implications for vegetative cover, as well as for farming, road construction, building foundations, non-metallic mining, and surface and groundwater management. Map 3 at page 11 portrays the general locations of these 4 soil associations, and the following paragraphs briefly describe their characteristics. (Note: Area 2 on Map 3 is outside of the town and is not discussed below.)

#### *Area 1 - Gently sloping to steep, silty soils on upland*

This area is characterized by a ridge-and-valley landscape and makes up the major portion of the soils in the area of the town of Bridgeport. Along the rolling ridgetops, the predominate soil types are Fayette and Dubuque; minor soils are Downs, Gale, and Hixton. Slopes in this area are predominantly 5 to 15 percent. Many crops in this area have been planted in contour strips to control erosion. In the part of the area where ridges predominate, the soils are deeply dissected.

The Fayette and Dubuque soils are somewhat similar, but the Dubuque is formed in the silt over red clay. Red clay is found at a depth of less than 40 inches and is underlain by dolomitic limestone bedrock. These soils have a 2-6 foot depth to bedrock, are well-drained, have moderate permeability, intermediate infiltration, and have a greater than 10 foot depth to the water table. Fayette soils are found in silt to a depth of 42 inches or more and are underlain by sandstone bedrock. They have a depth to bedrock of 4 or more feet, and a greater than 10 foot depth to water table with moderate permeability and intermediate infiltration. The Fayette soils exhibit severe erosion on steep slopes and moderate erosion elsewhere. The Dubuque soils have a moderate to severe erosion hazard.

Steep, stony areas, where there are many escarpments of bedrock, separate this general area from the part where valley slopes predominate. The slopes of the valleys are generally between 30 and 60 percent, but in places there are perpendicular bluffs. In many places there are large outcrops of limestone. The soils are very stony and consist of only a thin layer of silty material or a mixture of silt and sand.

In the part of the soil area consisting mainly of valley slopes, deep Fayette and Lindstrom soils are on the lower slopes; Hesh, Hixton, Norden, and Gale soils are on the higher, steeper slopes. The lower slopes range from 10 to 15 percent, and the upper slopes are between 15 and 20 percent.

*Area 3 - Silty soils on terraces*

This area is characterized by silty riverene soils, including Tell, Fayette, Seaton, Richwood, and very sandy Chelsea soils, that are found on highly dissected terraces or benches. The principal soils are the Tell and Richwood, and are well-drained, and with greater than 20 feet of depth to bedrock, moderate permeability, intermediate infiltration, and over 10 foot depth to the water table. They have moderate to severe erodability. The terraces occupied by these soils lie about 120-150 feet above the Wisconsin River and occupy approximately 4200 acres within the Town.

Underlying the silt and sandy soils in this area is acid gravel brought in by the Wisconsin River in an earlier period. The gravel is underlain by weathered dolomite from the Prairie du Chien formation. The billowy topography of this region and the coarse underlying material create a serious erosion hazard. As a consequence, rapid erosion has resulted in deep gullies from the Wisconsin River extending far back into the terraces. Since farming began, many new gullies have cut through the rolling terraces and uplands comprised of these soils.

*Area 4 - Silty soils on bottom lands*

The area of this general soil type in the town of Bridgeport is known as Tucker's Hollow. This small area is characterized by Chaseburg and Jackson silt loams. Tucker's Hollow is a major drainage way that is subject to flooding. Chaseburg and Jackson soils are deep and silty. They continually receive fresh deposits of new soil left by periodic flash flooding events. The flooding, however, limits their use. The Jackson soils are moderately well drained with sand and silt occurring at below 42 inches, having 20 feet or more depth to bedrock, and 5 to 10 foot depth to the water table. Chaseburg soils are well- to moderately- well drained, with a depth of over 5 feet to the water table and usually a greater than 4 foot depth to bedrock. The Chaseburg soils are subject to severe erosion, and the hazard of flooding is slight to severe.

*Area 5 - Wet, sandy soils on bottom lands*

This general area consists of wet, sandy soils on the alluvial land of the Wisconsin and Mississippi Rivers. The alluvial land soil in Bridgeport is poorly drained which would create engineering problems for agricultural or construction activities. It consists of mainly silt, coarse sand, and gravel. It also has a high, fluctuating water table, which lies at 1 to 5 feet below the surface. These soils have a depth to bedrock of 20 feet or more, a moderate erosion hazard, and are subject to flooding. Most of this area within the Town is part of the Lower Wisconsin River State Wildlife Area or the Upper Mississippi River Wildlife and Fish Refuge.

The moderate to severe erosion hazards, flooding hazards, wetland areas, areas with steep slopes, stony areas, and perpendicular bluffs, make Areas 1, 4, and 5 generally unsuitable for development. This leaves Areas 2 (the Prairie du Chien bench) and 3 the most suitable for future development within the Town. Map 4, page 12 is a detailed U.S., Department of Agriculture, Soil Conservation Service, Soil Survey Map showing the location of specific soil types within the Town.

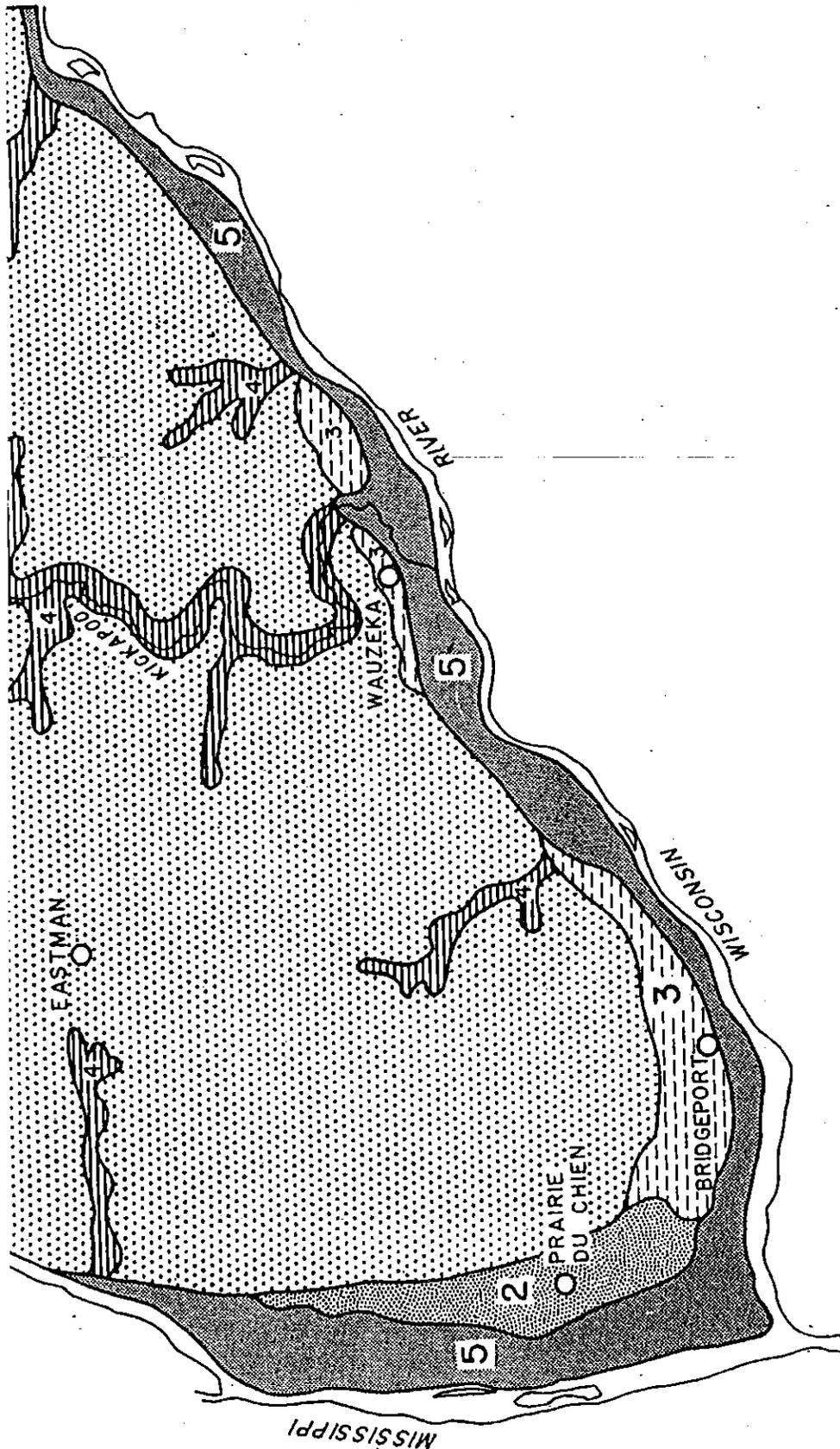
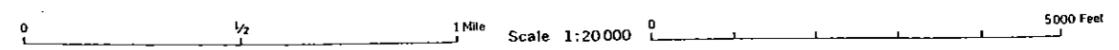


Figure 6.—Legend for general soil map.

1. Gently sloping to steep, silty soils on uplands: Fayette, Dubuque.
2. Nearly level, sandy soils on terraces: Dakota, Sparta.
3. Silty soils on terraces: Tell, Richwood.
4. Silty soils on bottom lands: Arenzville, Orion, Chaseburg.
5. Wet, sandy soils on bottom lands: Alluvial land.



Map 4 - Soil Survey



### **Endangered and Threatened Species**

While not expressly part of the standard under review (the federal and state adoption of the relevant endangered species acts post-dates the advent of Wisconsin's incorporation statute), the following information presented here, and in Appendix A, may be useful to the Town as it develops plans, policy measures, and ordinances that prospectively recognize and protect the many endangered and threatened species and unique natural communities present in the proposed village.

Under the provisions of s. 29.415, Stats., Wisconsin assumes responsibility for conserving native wild animals and plants, and for taking steps to enhance their continued survival and propagation for the aesthetic, recreational and scientific benefits for future generations. The Wisconsin Legislature has found that the activities of both individual persons and governmental agencies are tending to destroy the few remaining plant-animal communities in the state. Therefore, the legislature has urged "all persons and agencies to fully consider all decisions in this light."<sup>6</sup>

The Wisconsin Department of Natural Resources (WDNR) has established by administrative rule an endangered species and threatened species list. "Endangered species" means any species whose continued existence as a viable component of this state's wild animals or wild plants as determined by the WDNR to be in jeopardy on the basis of scientific evidence. "Threatened species" means any species of wild animals or wild plants which appears likely, within the foreseeable future, on the basis of scientific evidence to become endangered (ss. 29.415 (2) (a) and (b), Stats.).

According to information provided by the Bureau of Endangered Resources, there are many rare and listed species identified within the area proposed for incorporation. Most of the species are associated with the Wisconsin and Mississippi Rivers.

Seventeen fish and 15 mussels are identified as either "threatened" or "special concern" species in the area proposed for incorporation (or within 5 miles of the area, a standard for aquatic species). Seven dragonflies, 8 herptiles, 2 aquatic birds including the bald eagle, 3 forest birds, 2 aquatic plants, 13 terrestrial plants, and 2 additional invertebrates are identified within the Town. There are also known mussel beds and bat hibernaculum in the Town. This information is derived from the Natural Heritage Inventory data files of the WDNR. Records are for territory within 5 miles of the Town for aquatic species, and territory within the Town for terrestrial species. Other endangered resources may be present, as the WDNR data files may not be complete due to the lack of comprehensive endangered resource surveys for the project area. The WDNR list of species for the Bridgeport area can be seen in Appendix A.

Three plant communities exist in the area: Emergent Aquatic, Floodplain Forest, and Wet-mesic Prairie. Descriptions of these threatened and endangered species and plant communities from the WDNR website<sup>7</sup> are presented in Appendix A.

### **Environmental Corridors and Isolated Natural Areas**

The shorelines and wetlands associated with the Wisconsin River and its confluence with the Mississippi River create a major environmental corridor within the boundaries of the town of Bridgeport. The Lower Wisconsin Riverway Board (LWRB) has authority over development

<sup>6</sup> *Bohners Lake Determination* (1999)

<sup>7</sup> <http://www.dnr.state.wi.us/org/land/er/rare.htm>

approvals for properties in this corridor, along with the river bluffs and hillsides visible from the Wisconsin River. According to s. 30.48, Wis. Stats., incorporation would not exempt the new municipality from this authority. Section 30.48 (2) reads as follows:

Sections 30.44 to 30.47 do not apply to land that is located in a city or village on October 31, 1989, or to land located within 0.5 mile of the corporate limits of a city or village on October 31, 1989, that is annexed to the city or village after October 31, 1989.

The exemption from Sections 30.44 and 30.47 in the above excerpt applies only to territory brought into a city or village that is within 0.5 miles of its October 31, 1989 municipal boundary. The territory proposed for incorporation does not fall under this exemption. Therefore, Riverway regulations would apply to a new village of Bridgeport. Incorporation of the Town would not affect the area's subjectivity to the authority of the LWRB.<sup>8</sup>

The LWRB administers a system of regulations, known as "performance standards," which are designed to protect and preserve the aesthetic integrity of the valley. The regulations are not intended to prohibit development but, rather, to control land use and development to assure consistency with the objectives of the Riverway designation. Permits are required for construction of new buildings, modification of existing structures, placement of mobile homes, construction of utility facilities as well as walkways or stairways that provide access to the river. Permits also are required for timber harvests conducted on the 80,000 acres within the project boundary.

The intent of the Riverway regulations is to minimize the visual impact of an activity when viewed from the river during leaf-on conditions. The performance standards vary depending on the type of activity and visibility of the site from the river. For sites not visible from the river, the regulations are minimal. In the case of new structures or modification of existing structures not visible from the river, the sole restriction is on the height of the structure to assure it does not become visible from the river. For timber harvests on lands not visible from the river, a permit must be obtained to certify the harvest area is not visible from the river. While there are no restrictions on the harvest, recommendations are made to assure the harvest is conducted in a manner consistent with sound forestry management practices.

For new construction on lands visible from the river, compliance with the performance standards must be achieved in order to render the structure "visually inconspicuous" during leaf-on conditions. "Visually inconspicuous" is defined as "difficult to be seen or not readily noticeable" and does not mean the structure must be totally unseen when viewed from the river.<sup>9</sup> The performance standards require screening vegetation between the structure and the river, the use of building exterior colors which harmonize with the natural surroundings during leaf-on conditions (earth tones) and a limitation on the height of structures. When building on a bluff, the slope of the site is limited to 20% or less, and sufficient safeguards to prevent erosion must be utilized. To assist landowners, LWRB has developed a "Standardized Color Chart" that generally defines the parameters of acceptable exterior colorization. The palette of colors includes nearly fifty shades of greens, browns, and grays.

For timber harvests on lands visible from the river, the regulations vary according to zone. In the area immediately adjacent to the river, the "River Edge Zone," only selective harvesting is allowed. On the hillsides visible from the river, the "Riverview Zone," selective harvesting is

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<sup>8</sup> The Department confirmed this conclusion with Mark Patrosky, State Legislative Counsel.

<sup>9</sup> See generally s. 30.40, et seq., Wis. Stats.

permitted and small clear cuts are allowed. On the tops of the bluffs, the "Bluff Zone," again, only selective harvesting is allowed. A minimum number of trees must be retained in the residual stand for all three zones and the location and design of logging roads also are restricted. Harvesting is limited to the late fall and winter months. Exceptions to the cutting regulations are provided for the removal of dead, damaged, diseased, or insect infected trees, or trees that represent a safety hazard. The timber harvest performance standards have been proven to mirror sound forestry management practices and provide ample flexibility for a variety of management practices to occur.

Administration of the Riverway regulations and protection of the resource is very much a cooperative endeavor. While the Board is responsible for the scenic protection regulations, the WDNR is responsible for resource and recreational management issues and land acquisition. In the zoned shoreland and floodplain areas, each Riverway county administers local zoning ordinances that require minimum setbacks for buildings and limits on the amount of woody vegetation that may be removed. A partnership has been established between the Board, county zoning administrators, and the WDNR to assure the goals of the Riverway are achieved, and the responsibilities of the respective jurisdictions are met. Much of the success of the Riverway is the result of the cooperation between these governmental entities.

The jurisdiction of the LWRB covers a significant portion of Bridgeport. Map 5, page 16, illustrates the area under the Board's authority where development is subject to coordination with LWRB approval. This zone extends from the east to the west boundaries of the Town along the Wisconsin River. On the west, the northern boundary of the authority follows the railroad line from Prairie du Chien airport through Section 8 of Range 6 West. In Sections 9 and 10 it follows the southerly section lines north of the railroad before moving slightly north, just east of the Prairie Du Chien Country Club in Section 11. It then extends east to USH-18 and begins to follow the railroad line again, at times jutting north of the tracks in a step-like fashion. At Section 6 of Range 5 West, the boundary goes north away from the Wisconsin River through Section 31.

The Crawford County Zoning District Map for the town of Bridgeport designates the environmentally sensitive areas discussed above as "conservancy."<sup>10</sup> Permitted uses in the conservancy-zoned areas are discussed in the "Land Use and Regulation" section.

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<sup>10</sup> Crawford County Zoning District Map for the Town of Bridgeport.



### **Historical and Archeological Resources**

According to information provided to the Department by the Wisconsin State Historical Society (SHS), there are a large number of historical and archeological sites located in the town of Bridgeport. This is partially due to the fact that the area, situated at the confluence of two major historic transportation corridors (the Wisconsin and Mississippi Rivers), was the location of one of the first European settlements in the State. None of the properties within the territory proposed for incorporation are listed on the National Register of Historic Places. However, the large number of significant historical and archeological sites listed in the state inventory raises some concern about the incorporation's potential impact on these sites and how the new municipality would manage and preserve these sites. Although none are currently listed in the National Register of Historic Places, most are likely eligible, according to Richard Dexter of the SHS.<sup>11</sup> The following sites have been identified by the SHS (arranged according to their general location within the Town):

T6N R5W – Sections 6 and 7 - Five village sites are reported for these sections. None of these sites have been formally evaluated, but it is likely that most would be eligible for inclusion in the National Register of Historic Places.

T6N R6W Sections 1-18 - Twenty prehistoric burial mound groups, three other burial sites, 36 prehistoric and historic habitation sites occupy sections 1-18. None of these sites are currently listed in the National Register of Historic Places but many are probably eligible. For example, one of the sites located in this area is the Red Bird Site (CR-611) famous for being attacked in the 1827 "uprising." The Bridgeport Site (CR-432) is the archeological site associated with the early Euro-American ferry and military road located adjacent to the Wisconsin River.

T6N R7W Section 1, 2, 12, and 13 - This area contains one prehistoric mound group, 16 prehistoric habitation sites and four sites dating to the post-contact period. One of these sites is the unconfirmed location of the late 17<sup>th</sup> Century French Colonial outpost known as Fort Saint Nicholas. Again, none of these sites are currently listed in the National Register of Historic Places but may be eligible.

T7N R7W Sections 35 and 36 - Two prehistoric habitation sites are located in this area.

Quoting Richard Dexter, "[t]here are few areas in the State of Wisconsin that rival Prairie du Chien and the town of Bridgeport in the density, variety and significance of historical and archeological resources. A new municipality in Bridgeport should provide a mechanism to deal with the issues of protecting historical and archeological sites. Additionally, because of the numbers of prehistoric and historic burial sites, they should be aware of the provisions contained in s. 157.70 Wis. Stats." (This statute protects all human burial sites, including cemeteries and Indian mounds under state law. The laws apply to both public and private lands. Owners of burial sites may receive property tax exemptions.)

The Town Board and the Clerk received the above information and plan to look into these historical and archaeological features further. However, according to the Town Clerk, there is no record of these sites, and there is currently no plan for managing these historical sites. In the future, in addition to considering these issues for inclusion in local plans and ordinances, particularly as subdivision/land division proposals and approvals occur, opportunities will no

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<sup>11</sup> Letter dated January 2, 2001 from Richard Dexter, State Historical Society of Wisconsin.

doubt arise for the town board to consider how best to recognize and protect the many significant historical and archaeological sites that contribute to the character of the area.

## Transportation

### *Roads*

The territory for proposed incorporation contains approximately 18.17 miles of local roads (as of 12/31/00) and 8.84 miles of state and U. S. trunk highways (STH and USH). Map 6, page 20, portrays the area's road network. USH-18 and STH-35 run along the south and west of the Town, and extend north into Prairie du Chien. These highways link the area with northern Illinois to the south, Dodgeville and Madison to the east, Iowa and Minnesota to the west, and La Crosse to the north. STH-60 joins USH-18 in Section 11, and extends east to STH-14, also connecting the Town to Madison and central and eastern parts of the State.

The remaining roads in Bridgeport are town roads. Those town roads running north/south often follow the coulees or ridges. Nearly all of the town roads intersect with either USH-18 or STH-60. Isolated subdivisions are located on many of these roads, and USH-18 is often the only feasible connection by which to travel between various points in the Town. When traveling between subdivisions, automobiles usually must travel on USH-18. Only Ward Road and Old Highway 60 offer parallel short, albeit parallel alternatives to USH-18. The fact that USH-18 is predominately used as a local road increases traffic on the state trunk highway, creates safety concerns, and creates inconvenience for through traffic.

The proffered community center is serviced by USH-18, classified by the Wisconsin Department of Transportation (WDOT) as a "principal arterial." The majority of the businesses in the Town lie along this arterial. Currently, USH-18 is two lanes from the southern edge of Prairie du Chien extending east through the town of Bridgeport for 4.36 miles. It then becomes 4 lanes before turning south and leaving Bridgeport. According to the "Wisconsin Department of Transportation District 5 2000-2005 Six-Year Highway Improvement Program Project Listings," USH-18 is scheduled for expansion to 4 lanes for 1.11 miles.<sup>12</sup> The reconstruction will commence at the southern edge of Prairie du Chien at Vineyard Coulee Road and extend to South Town Lane. The project will start sometime in 2002. A 3.24 mile stretch east of this four lane reconstructed area through the town of Bridgeport is planned for resurfacing to blacktop (from South Town Lane to the existing 4 lane area). According to a Courier Press Online October 2, 2000 article, a petition is circulating to extend the four-lane project past South Town Lane to the existing four-lane area in Bridgeport. However, WDOT has indicated that extension of the 4 lanes may not be possible by 2002.<sup>13</sup>

The rerouting of USH-18 through Prairie du Chien is also being considered. A report examining alternatives for the rerouting was published by the Prairie du Chien Area Transportation Study Advisory Committee in August 2000. The committee includes two people from the town of Prairie du Chien, four from the city of Prairie du Chien, 3 from the WDOT, 3 from Crawford County, 2 from Iowa cities, 1 from the Prairie du Chien Chamber of Commerce, and 3 from the town of Bridgeport. This report identifies 5 alternatives for highway rerouting. Two alternatives would directly impact the Town, with new roadway and an intersection on Town land. These two

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<sup>12</sup> Wisconsin Department of Transportation District 5 2000-2005 Six-Year Highway Improvement Program Project Listings.

<sup>13</sup> The Courier Press Online. "DOT says extending 4-lanes on Hwy. 18 in '02 may not be possible." Oct. 2, 2000. [www.praireduchienarea.com/courier.front%20archives/102-4fronts.htm](http://www.praireduchienarea.com/courier.front%20archives/102-4fronts.htm).

alternatives also happen to be the first and second choice of the WDOT.<sup>14</sup> The first choice of the WDOT is to relocate USH-18 to Main Street from Wisconsin/Iowa Street to south of the airport (or La Pointe Street). The second choice of the WDOT is to construct a Bluff Road collector on the east edge of the City along the base of east bluffs to South Town Lane (approximately 3.8 miles). Both alternatives would bypass much of what the town of Bridgeport has identified as its community center. This may have an impact on existing businesses and may push development farther east along USH-18. The relocation of USH-18 to Main Street alternative would require 4 residential relocations, 2 business relocations, and 2 agricultural relocations. There would be one acre of wetland impact, 2 wetland creek crossings, and 2-3 public parks/recreational lands potentially affected. Map 7, at page 21, shows the 5 alternatives for the rerouting of USH-18.

Based on a site visit conducted by the Department on April 13, 2001, town road cross sections were observed to be typically narrow in width. Some roads, particularly those located in Town-approved subdivisions, lack curb, gutter, sidewalks, and shoulders, which limits on-street parking. The lack of sidewalks and interconnected streets may create some potentially dangerous intersection conditions for pedestrians and bicyclists where residential and commercial developments adjoin the major transportation corridor USH-18. In a Town subdivision adjoining Prairie du Chien, residents have created at least one informal connector street from one cul-de-sac to another. Road shoulders in some areas appear to be insufficient to provide physical support which, when combined with the steepness of back slopes, may result in pavement frost heave and collapse. In any case, because of the narrow streets, residents and visitors are parking vehicles in the travel lane. Once roads are dedicated to the Town, repairing substandard roads becomes a Town liability shared by all taxpayers. The Town Board has appointed a Local Roads Inspector to overcome these design and acceptance problems.

#### *Airport*

The city of Prairie du Chien Municipal Airport, located in "Farm Lot 43," projects into the Town from the north and creates a large peninsula of City property. It is open to the public with two lighted asphalt runways; one 4,000 foot and a new 5,000 foot runway. There is no control tower.<sup>15</sup> Seventeen aircraft are currently based at the airport, which can accommodate small business jets and turbo props.<sup>16</sup> An average of 34 operations a day take place at the airport. Fifty eight percent of the traffic is local general aviation, 36% transient general aviation, and 6% air taxi.<sup>17</sup>

#### *Rail Transportation*

The Burlington Northern and Santa Fe Railroad (BNSF), and the Wisconsin and Southern Railroad (WSOR) serve the area. The two companies share the same tracks as they go through the town of Bridgeport. However, WSOR has some spur lines parallel to the Mississippi. The WDOT state railway map shows the two lines going through Bridgeport and Crawford County. These rail lines provide links to La Crosse and west, and Madison and east. Forty BSNF trains and 6 WSOR trains travel daily through the Bridgeport/Prairie du Chien area at 45 to 50 mph.<sup>18</sup>

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<sup>14</sup> Prairie Du Chien Area Transportation Study August 2000.

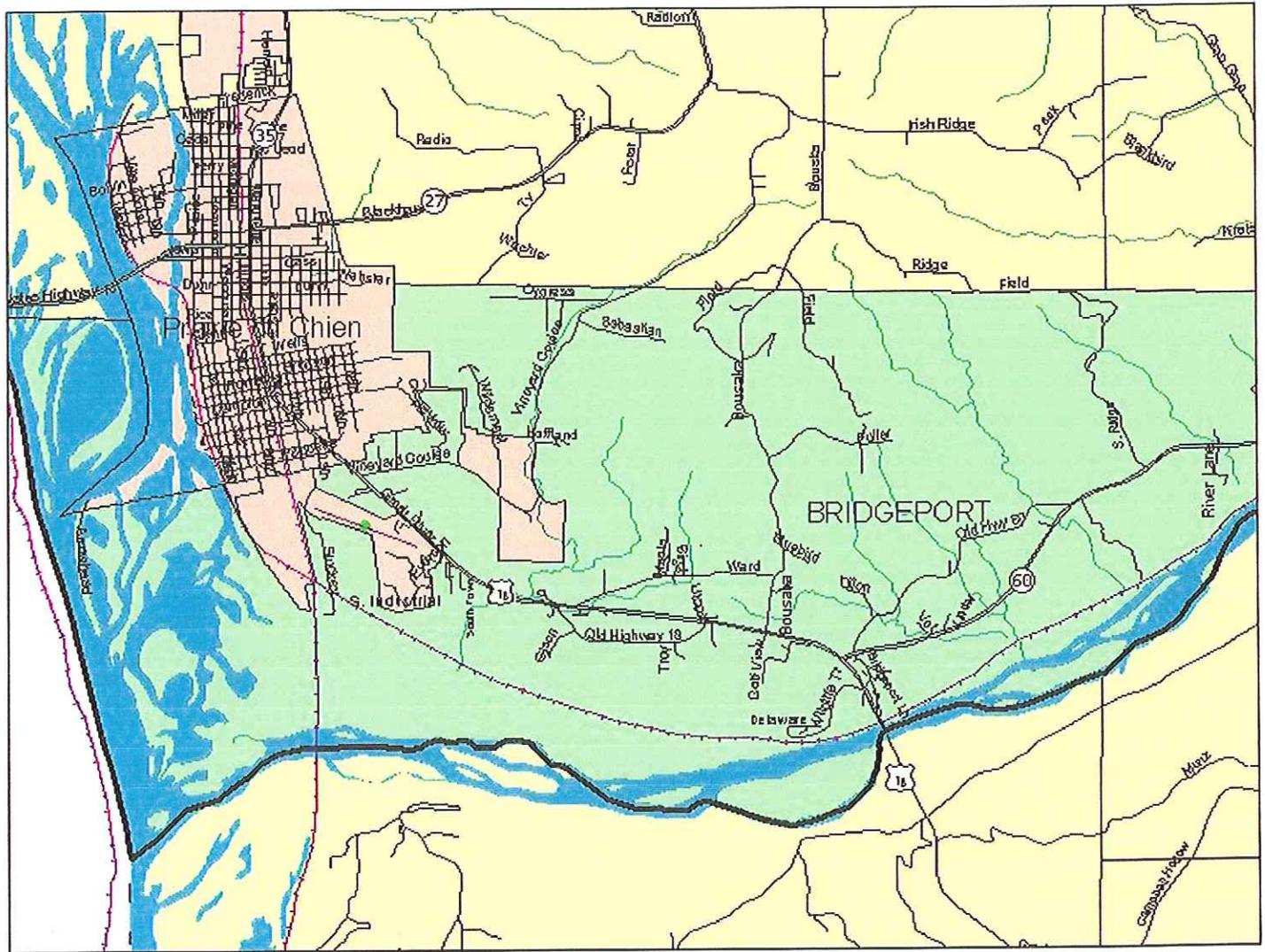
<sup>15</sup> [www.airnav.com/airport/PDC](http://www.airnav.com/airport/PDC)

<sup>16</sup> Mike Gabor, Bureau of Aeronautics, Wisconsin Department of Transportation.

<sup>17</sup> Prairie Du Chien Area Transportation Study

<sup>18</sup> Prairie du Chien Area Transportation Study

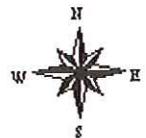
# Bridgeport Road Network



0 1 2 Miles

Scale: 1:60,547

- Highways
- Roads
- Railroads
- Runways
- Airports
- Bridgeport
- Civil Divisions
- Water



Prepared by Arun Rao,  
Municipal Boundary Review,  
Office of Land Information Services,  
WISCONSIN DEPARTMENT OF  
ADMINISTRATION

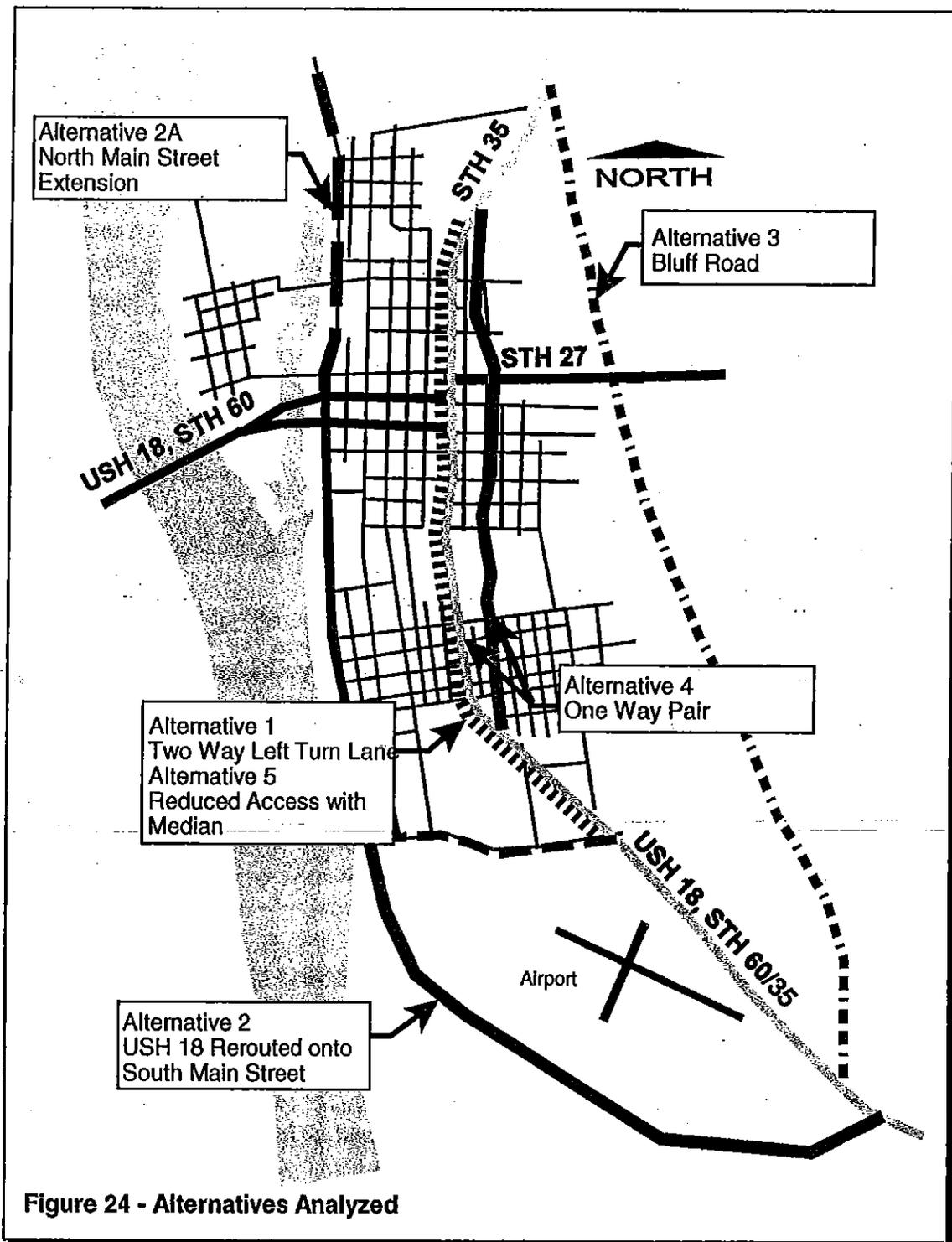


Figure 24 - Alternatives Analyzed

### **Previous Political Boundaries**

The area proposed for incorporation comprises the entire town of Bridgeport, Crawford County. The Town sanitary district is located in the west central area of the Town encompassing the “commercial core” and is next to the Prairie du Chien Airport. Geographically, most (~90%) of the Town lies outside of the sanitary district.

### *Town Boundaries*

The town of Bridgeport has approximately 20 miles of borders, 3 miles of which abut the city of Prairie du Chien.<sup>19</sup> The Town also shares borders with the towns of Prairie du Chien and Wauzeka in Crawford County, and the towns of Wyalusing and Millville in Grant County across the Wisconsin River. The city of Prairie du Chien annexed a number of properties from the town of Bridgeport along the Town-City boundary line in the 1980s and 1990s. Included in these annexations are La Riviere Park, annexed in 1990, and the city of Prairie du Chien Municipal Airport, annexed in 1989. As a result of these annexations, the city of Prairie Du Chien surrounds, on three sides, what the Town considers its community center. On the west side of this Town peninsula is the city of Prairie du Chien Municipal Airport, and to the east is the annexed territory that includes La Riviere Park.

### *Sanitary District Boundaries*

The developed commercial portion of the town of Bridgeport receives sewer and water services from the Bridgeport Sanitary District. The district currently serves 128 customers. The district comprises the area within the town peninsula along USH-18 and La Pointe Road. Regardless of whether the Town incorporates, the service area will almost certainly need to be expanded. The district has 2 part-time employees and 2 lift stations.<sup>20</sup> The district plans to extend water lines and sewer lines from Vineyard Coulee Road to the new Super Wal-Mart property, and make a loop in the line so it will tie into the existing sewer. A lift station will be installed for a new subdivision south of Wal-Mart. Bridgeport pays Prairie Du Chien for providing water and sewer services to the Town. A copy of this agreement can be seen in Appendix B. The Town provided the Department with a map showing where the existing sewer pipes and watermains are located, but no overall district boundary is shown (the legal description for the sanitary district is in Appendix C). Sewer and water main location maps (Maps 8 & 9) are reproduced pages 23 and 24.

### *School District Boundaries*

In Wisconsin, boundaries of municipal governments do not affect school district boundaries. School districts are free to establish and maintain boundaries independent of residential development patterns – the very settlement patterns that lead districts to site facilities, levy taxes and authorize expenditures for teachers and facilities. Should a change in school district boundaries be desired, the affected school districts would have to jointly agree to such a change, usually a rare occurrence. If agreement cannot be reached, appeal procedures specified in Chapter 117 of the Wisconsin Statutes are followed.

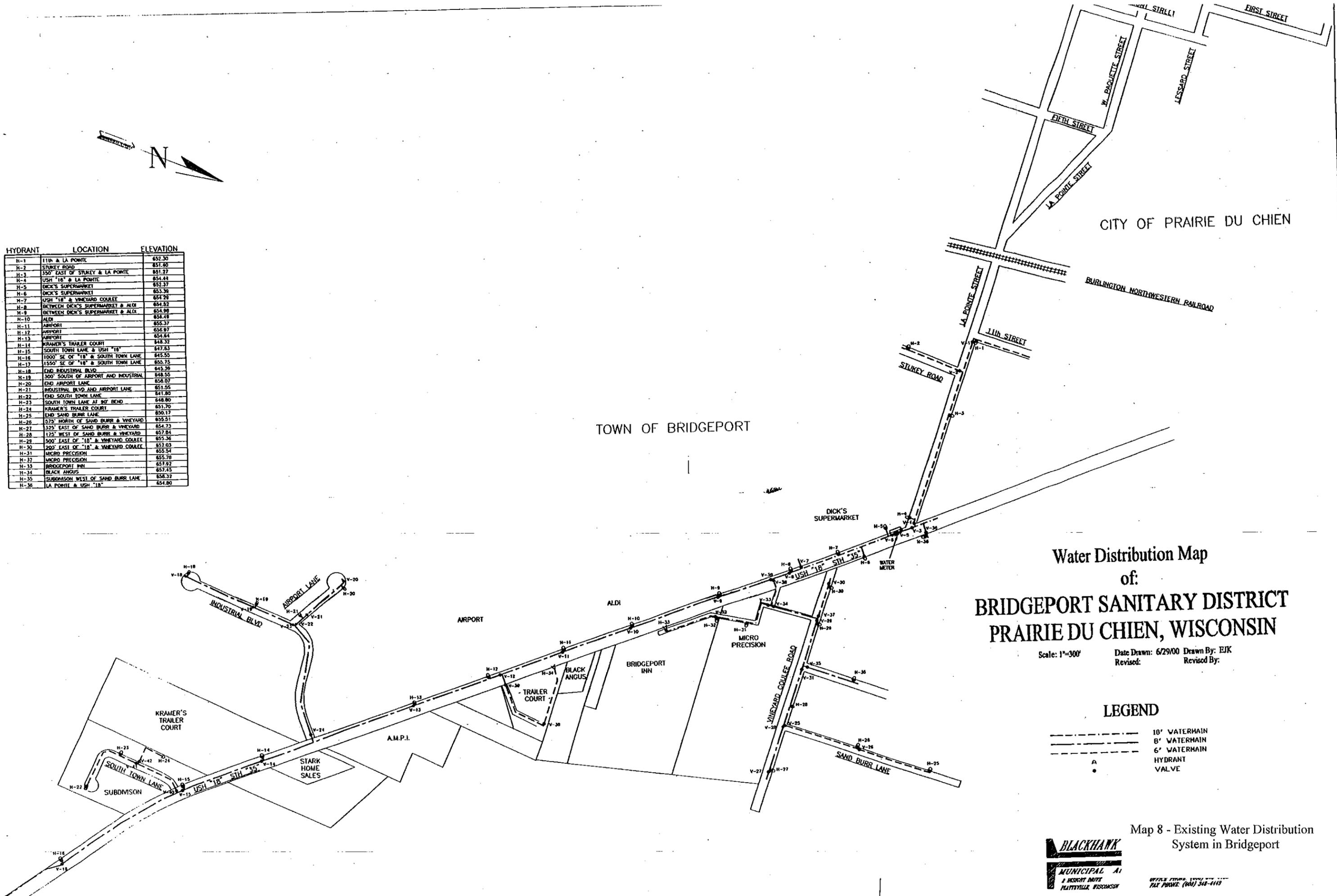
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<sup>19</sup> Donald J. McGuire, Zoning Administrator, Town of Bridgeport, letter received on 3/21/2001

<sup>20</sup> Julie Wachter, Town clerk, letter March 6, 2001



HYDRANT	LOCATION	ELEVATION
H-1	11th & LA PONTE	652.30
H-2	STUKEY ROAD	651.80
H-3	350' EAST OF STUKEY & LA PONTE	651.27
H-4	USH "18" & LA PONTE	654.44
H-5	DICK'S SUPERMARKET	652.37
H-6	DICK'S SUPERMARKET	653.36
H-7	USH "18" & VINEYARD COULEE	654.29
H-8	BETWEEN DICK'S SUPERMARKET & ALDI	654.52
H-9	BETWEEN DICK'S SUPERMARKET & ALDI	654.98
H-10	ALDI	654.49
H-11	ALDI	655.37
H-12	AIRPORT	656.97
H-13	AIRPORT	654.64
H-14	KRAMER'S TRAILER COURT	648.32
H-15	SOUTH TOWN LANE & USH "18"	647.63
H-16	1000' SE OF "18" & SOUTH TOWN LANE	645.55
H-17	1550' SE OF "18" & SOUTH TOWN LANE	655.75
H-18	END INDUSTRIAL BLVD	645.36
H-19	300' SOUTH OF AIRPORT AND INDUSTRIAL	648.55
H-20	END AIRPORT LANE	654.07
H-21	INDUSTRIAL BLVD AND AIRPORT LANE	651.55
H-22	END SOUTH TOWN LANE	641.80
H-23	SOUTH TOWN LANE AT RT BEND	648.80
H-24	KRAMER'S TRAILER COURT	651.70
H-25	END SAND BURR LANE	650.17
H-26	575' NORTH OF SAND BURR & VINEYARD	655.51
H-27	325' EAST OF SAND BURR & VINEYARD	654.73
H-28	175' WEST OF SAND BURR & VINEYARD	657.84
H-29	300' EAST OF "18" & VINEYARD COULEE	655.36
H-30	200' EAST OF "18" & VINEYARD COULEE	652.03
H-31	MICRO PRECISION	655.54
H-32	MICRO PRECISION	655.78
H-33	BRIDGEPORT INN	657.92
H-34	BLACK ANGUS	657.45
H-35	SUBMISON WEST OF SAND BURR LANE	658.37
H-36	LA PONTE & USH "18"	651.80



Water Distribution Map  
of:  
**BRIDGEPORT SANITARY DISTRICT**  
**PRAIRIE DU CHIEN, WISCONSIN**

Scale: 1"=300'      Date Drawn: 6/29/00      Drawn By: EJK  
Revised:                      Revised By:

**LEGEND**

	18" WATERMAIN
	8" WATERMAIN
	6" WATERMAIN
	HYDRANT
	VALVE



Map 8 - Existing Water Distribution System in Bridgeport

WATER FROM 1999 AND 2000  
TAL PRINCE (608) 348-4118

MANHOLE #	LOCATION	NO. FEET	NO. FEET
1	11th St & La Pointe St	647.89	637.89
2	STURKEY ROAD & LA POINTE ST	647.89	637.85 (EST)
3	STURKEY ROAD	647.76	637.76
4	700 EAST OF MH #2 @ STURKEY ROAD & LA POINTE ST	647.76	637.76
5	780 EAST OF MH #2 @ STURKEY ROAD & LA POINTE ST	651.80	636.82
6	LA POINTE ST & USH "18"	651.80	637.10
7	LA POINTE ST & USH "18"	651.80	636.18
8	LA POINTE ST & USH "18"	651.80	637.05
9	LA POINTE ST & USH "18"	650.99	637.45
10	LA POINTE ST & USH "18"	651.49	638.45
11	DICK'S SUPERMARKET	651.49	638.45
12	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
13	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
14	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
15	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
16	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
17	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
18	BETWEEN DICK'S SUPERMARKET & ALDI	651.49	638.45
19	END OF FORCEMAIN FROM LIFT STATION #1	651.49	638.45
20	INDUSTRIAL BLVD & USH "18"	651.49	638.45
21	125' SOUTH-EAST OF MH #20 @ INDUSTRIAL BLVD & USH "18"	651.49	638.45
22	100' NORTHWEST OF MH #21 @ SOUTH TOWN LANE & USH "18"	651.49	638.45
23	SOUTH TOWN LANE & USH "18"	651.49	638.45
24	150' SOUTH-EAST OF MH #23 @ SOUTH TOWN LANE & USH "18"	651.49	638.45
25	EAST OF LIFT STATION #1	651.49	638.45
26	114' SOUTH-EAST OF MH #25 @ 50' EAST OF U.S. #1	651.49	638.45
27	114' SOUTH-EAST OF MH #25 @ 50' EAST OF U.S. #1	651.49	638.45
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100	114' SOUTH-EAST OF MH #25 @ 50' EAST OF U.S. #1	651.49	638.45

NOTE: EST = ESTIMATED INVERT ELEVATION



TOWN OF BRIDGEPORT

CITY OF PRAIRIE DU CHIEN

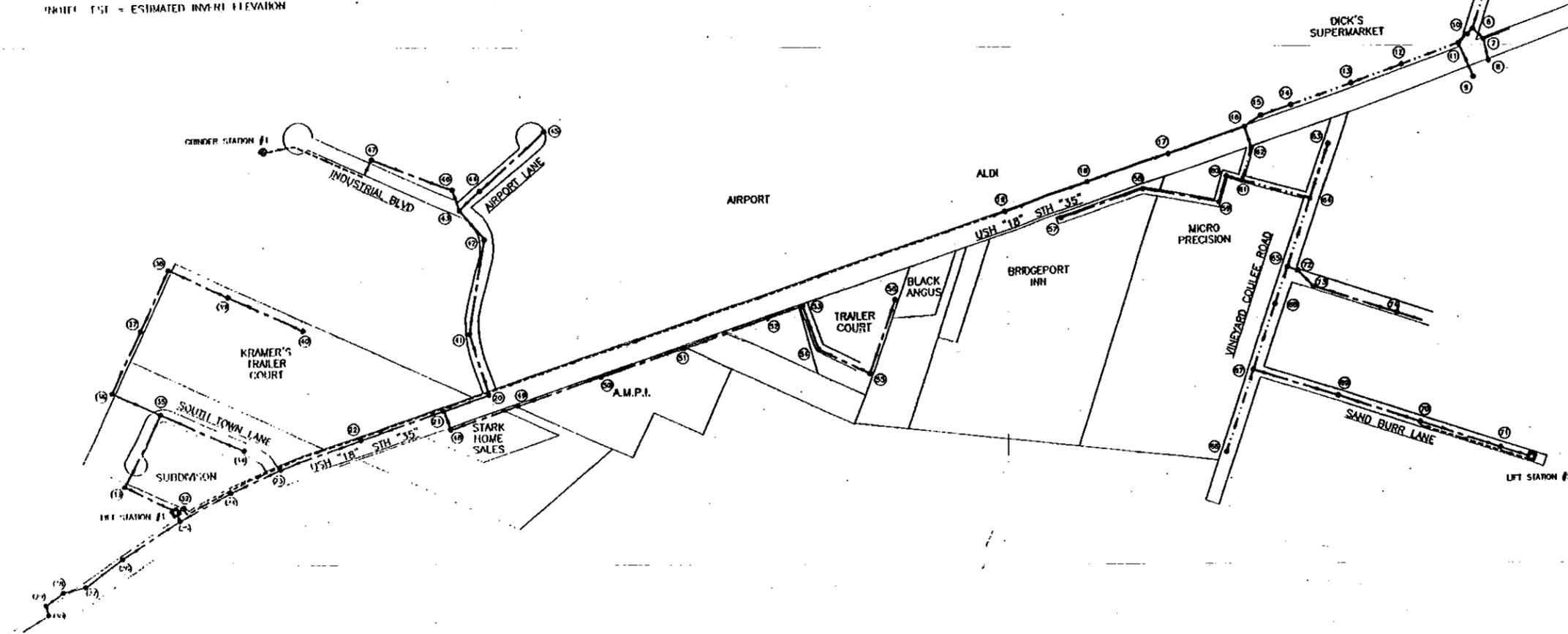
# Sanitary Sewer Map of: BRIDGEPORT SANITARY DISTRICT PRAIRIE DU CHIEN, WISCONSIN

Scale: 1"=300'      Date Drawn: 6/29/00      Drawn By: EJK  
Revised:                      Revised By:

### LEGEND

- 12" SANITARY SEWER
- - - 8" SANITARY SEWER
- FORCEMAIN
- MANHOLE
- LIFT STATION
- GRINDER STATION
- VALVE MANHOLE
- ① MANHOLE NUMBER

Map 9 - Existing Sanitary Sewer Lines in Bridgeport



Two school districts serve the Bridgeport area, the Prairie du Chien School District and the Wauzeka School District. The boundaries of these school districts are shown on Map 10, at page 26. The majority of the students from Bridgeport attend schools in the Prairie du Chien School District.<sup>21</sup> No school buildings from either district are located within the territory proposed for incorporation. The current attendance of children from the Bridgeport area in the two school districts is as follows: Currently, 204 students in Bridgeport are bussed by Stratton Buses. During the 1999-2000 school year, 13 students were bussed to Wauzeka School District and 190 were bussed to Prairie du Chien School District. Specific school attendance numbers from Bridgeport were not available from either the school districts or the Town.

## **Public Services**

### *Rescue*

The Joint Rural Bridgeport-Prairie du Chien Fire Department is a volunteer fire department serving the towns of Prairie du Chien and Bridgeport. The fire station is located on Vineyard Coulee Road adjacent to LaPointe Street (USH-18/STH-35) in the proffered Town center. There are 37 volunteer fire fighters, including a fire chief, 3 assistant fire chiefs, and a secretary/treasurer. They respond to approximately 25 to 30 calls per year, including vehicle, grass, and structure fires. The department has a 5½ mile limit for responding to fire calls and a response time of 3 to 4 minutes. The Town has a volunteer EMS group, "The First Responders." This group consists of 7 volunteers and responded to about 70 emergency calls during the past year.

The town of Bridgeport reported an Insurance Service Organization (ISO) Rating of "5" for the volunteer fire department. Upon investigation, the actual class is a "6" within 1,000 feet of a hydrant, or 6 miles from the fire station, otherwise the remainder of the town is classified as a "9." These rating occur on a scale from 1 to 10, with a "1" representing the highest level of designation.<sup>22</sup> A "6" is still very good for a volunteer fire department. A new fire substation is being built with 50-50 cost share with the town of Prairie Du Chien for the fire station and land purchase, except for the Prairie Du Chien Town Hall section of the new building. Bridgeport is seeking to obtain separate deeds because of this factor. The Joint Rural Bridgeport-Prairie Du Chien Fire Department has 2 pumper trucks, 5 tankers (3 with portable pumps), and 2 equipment vans.

### *Police*

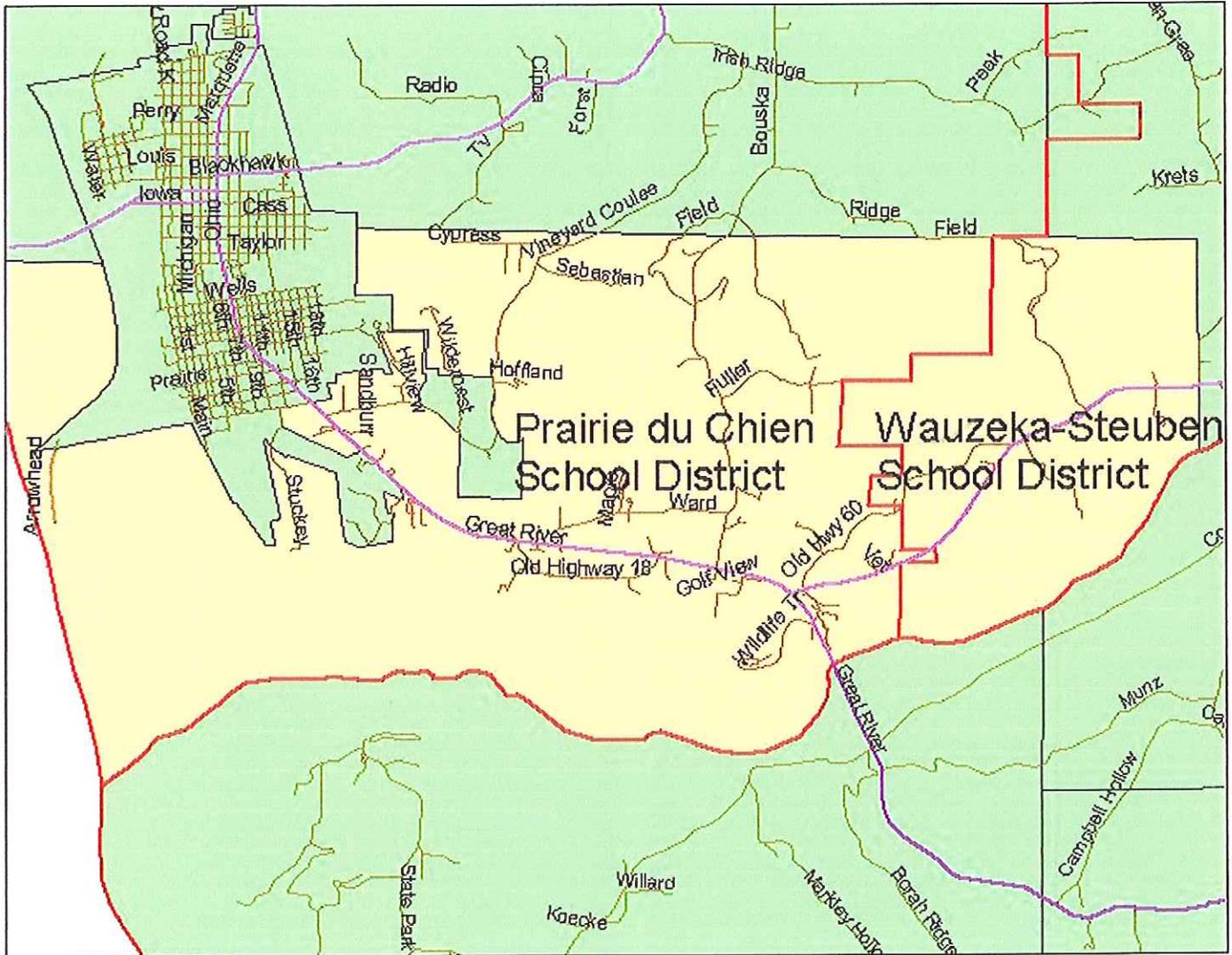
The Town does not have its own police department. The Crawford County Sheriff Department provides police protection for the Town as it would for any other town in Crawford County (this means that town ordinances are not enforced by the county sheriff). The Town anticipates an increase in the need for police protection and will consider hiring its own police officer, or contracting with the City or County for increased police services.

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<sup>21</sup> Petitioners' submittal (D)

<sup>22</sup> Statistics verified with ISO on July 24, 2001. A distribution of Wisconsin communities by ISO rating class can be found on the ISO website at: <http://www.isomitigation.com/ppchart/wiscon.html>.

# School District Boundaries

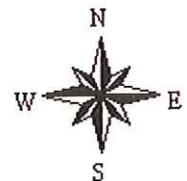


0 1 2 3 Miles



Scale  
1:60,826

-  State Highways
-  Roads
-  School Districts
-  Town of Bridgeport



Prepared by Arun Rao,  
Municipal Boundary Review,  
Office of Land Information Services,

WISCONSIN DEPARTMENT OF  
ADMINISTRATION

*Roads*

The Town has a contract with the Crawford County Highway Department for snowplowing and sanding of all roads. The Town uses private contractors for new construction and maintenance of roads. The Town recently appointed a Local Road Administrator to review maintenance needs of local roads and to insure all new roads are in compliance with the Town’s ordinances before acceptance occurs.

*Sanitary district*

The Town and sanitary district have a clerk and a treasurer that take care of both entities. The Town has a full time maintenance worker that maintains sanitary district facilities.

**Land Use and Regulation**

The town of Bridgeport has adopted zoning and subdivision ordinances (Crawford County has not adopted zoning for towns). The Town’s zoning ordinance features residential and commercial development centered around USH-18, as well as provisions for agricultural uses, and conservancy zoning for the wetlands, steep slopes, and shoreline of the Wisconsin and Mississippi Rivers. The majority of the developed land uses within Bridgeport, based on assessed value, are single-family residential and commercial.<sup>23</sup> Fifty-two percent of the total assessed value lies in residential use. However, in terms of total land coverage, only 5.3% of the total acreage is in residential use. The distribution of general land use categories and their assessed value can be seen in the following Tables 1 and 2.

**Table 1: Land Uses**

Land Use	Acreage	Percent of land coverage
Residential	575	5.3%
Commercial	311	2.8%
Manufacturing	20	0.19%
Agricultural	6700	62%
Swamp and Waste	1000	9.2%
Other	2194	20%
<b>Total</b>	<b>10800</b>	<b>100%</b>

Source: Town of Bridgeport

The assessed value of these real property tax classes is shown in Table 2.

**Table 2: Assessed Value by Land Use**

Land Use	Acreage	Assessed Value	% of total assessed value
Residential	575	22,000,000	52%
Commercial	311	12,000,000	29%
Manufacturing	20	1,300,000	4%
Agricultural	6700	2,300,000	5%
Swamp and Waste	1000	85,000	0%
Other	2194	4,415,000	10%
<b>Total</b>	<b>10800</b>	<b>42,300,000</b>	<b>100%</b>

Source: Town of Bridgeport

<sup>23</sup> Assessed value and acreage of land use types in the Town were provided by petitioners in submittal

### *Business and local development*

A cluster of commercial and institutional uses is located along USH-18. Map 11, on the following page, shows the location of businesses in Bridgeport. The proffered community center is comprised of a concentration of development immediately adjacent to Prairie du Chien in the western portion of the proposed village. The map shows that the community center contains a mix of service providers and various businesses. A majority of the developed core area lies within the boundaries of the Bridgeport sanitary district. The community core area is discussed in greater detail in this section under "Shopping and Social Customs."

The shoreline of the Mississippi River and Wisconsin River has been largely zoned as conservancy. Uses permitted under the conservancy zoning include "fishing, preservation of scenic, historic, and scientific areas, public fish hatcheries, soil and water conservation, sustained yield forestry, water retention, wildlife preserves, non resident buildings used solely for conjunction with raising of water fowl or fish, hiking trails, public or private parks and picnic areas, greenways and open spaces, and golf courses (Town Code 6.03 (3) (4))." There are approximately 10,000 acres of marshland islands in the Town that apparently are not counted in the preceding tables. The Agricultural/Residential zoning district lies on the landward side of the shoreline zone. There are also a few isolated properties scattered throughout the Town zoned R1. These properties are located on USH-18, the Ward Road area (including Maple Court and Maple Lane), Vineyard Coulee Road, and a larger area on Wilderness Road. North and west of the airport along USH-18 is a large area zoned exclusively "Business District." In addition to this commercial zone are 5 properties clustered around the intersection of STH-60 and USH-18 zoned under "Business District." The zoning map has areas identified as AR -- Agriculture/Residential; however, the zoning code text itself does not have this combined Agriculture/Residential classification listed. It has separate residential and agriculture zones.

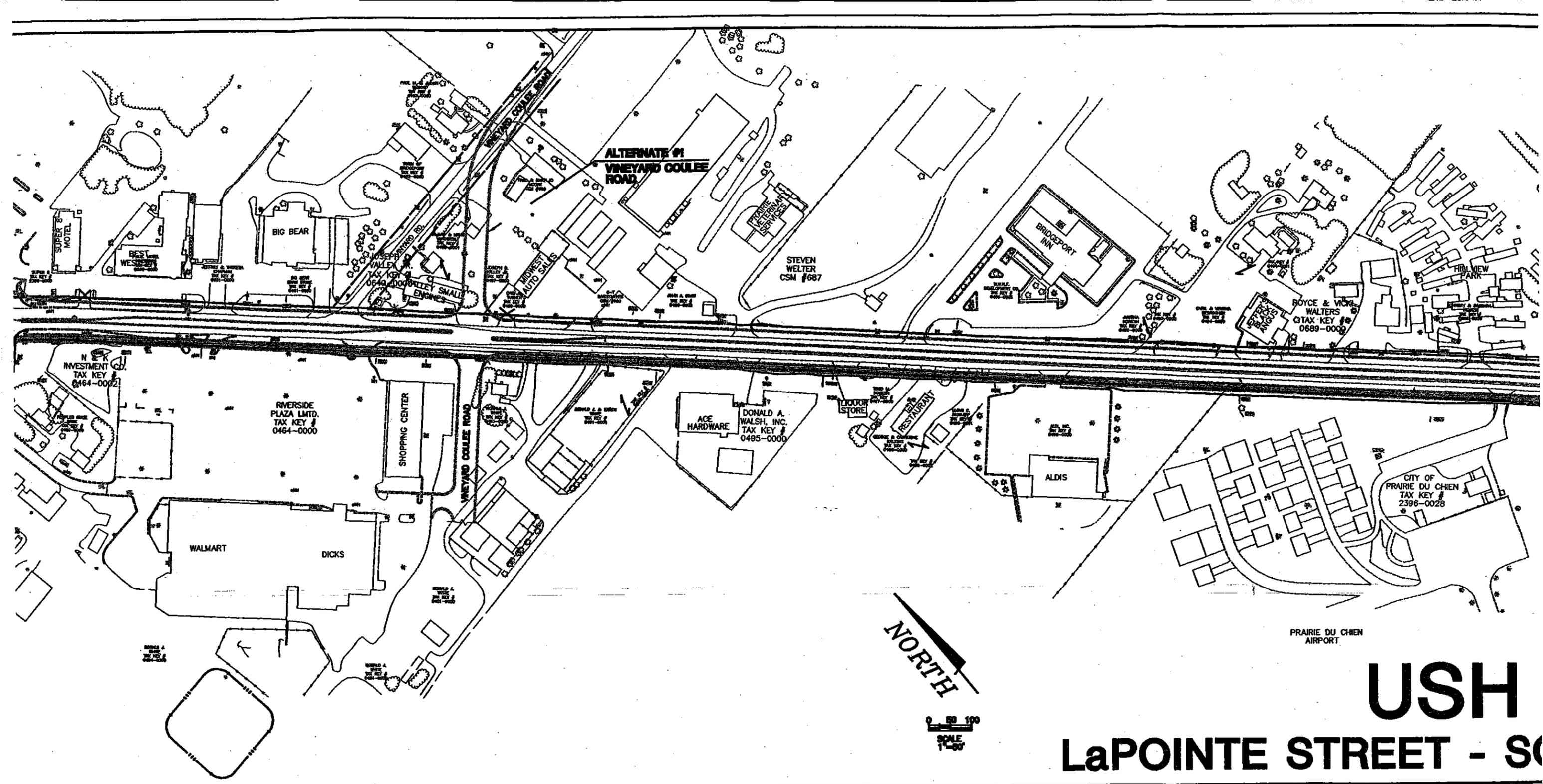
A new Super Wal-Mart department and grocery store is being planned for development on USH-18. This will replace the existing Wal-Mart store, leaving the old store building vacant. The opening of the Super Wal-Mart could adversely affect existing businesses in the Town including Dick's Supermarket and Aldi Food store. Long-term impacts on overall commercial tax base in the proposed village is uncertain. The current Wal-Mart is a major anchor for the area identified as the community center. The development of the new store moves the Wal-Mart outside the community center, providing a new locus for commercial development, albeit one where the Town is also currently approving residential subdivisions adjacent to the new store.

According to the Town clerk, residential development in the Town is primarily single family homes. Two new subdivisions are planned for 2001. One is on USH-18 next to the Super Wal-Mart site, and the other is off of Ward Road behind the Super Wal-Mart.<sup>24</sup> Both contain approximately 40 to 60 lots. Angelina estates, located next to the new Super Wal-Mart site along USH-18, has been approved and will include approximately 40 lots with water and sewer. The developer of the subdivision off of Ward Road behind the Super Wal-Mart has proposed extending water and sewer to the first 10 lots, and septic for the remainder of the lots. However, according to the Town clerk, the sewer district will likely not support extending sewer and water to the subdivision. The subdivisions are planned to nearly double in size within a few years.<sup>25</sup> The new development will significantly increase the size of the sanitary district in the next few years.

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<sup>24</sup> Julie Wachter, Clerk, Town of Bridgeport

<sup>25</sup> Julie Wachter, Clerk, Town of Bridgeport



**USH**  
**LaPOINTE STREET - S**

Map 11 - Businesses in Bridgeport's  
 Community Center

Map 12, the aerial photo, page 31, illustrates the use of land in the town of Bridgeport. The predominately rural character of the Town is evident in the photo showing the abundance of forested areas, wetlands, and agricultural fields. The Town businesses can be seen just north and east of the airport. The grading and concrete pad for the new Super Wal-Mart is visible just east of the airport on the north side of USH-18. Natural features inhibiting extensive development from occurring in Bridgeport include the steep slopes, bluffs, and wetlands of the area. The total area proposed for incorporation is 14,910 acres (23.3 square miles). Of this area, the Department estimates that 6,800 acres (10.63 square miles) is capable of supporting residential or commercial development at urban densities, as illustrated on Map 13, at page 32 (development could occur on other sites, but may necessitate extraordinary site preparation, the development of access roads, or other prerequisites/measures, and would likely not be served by public utilities). Out of the 6,800 acres, an estimated 900 acres has been "developed," or approximately 13% of the 6,800 acres, or 8% of the Town's total 10,800 acres.

The majority of the developable acreage associated with contiguous soil types capable of supporting urban development is located primarily in Sections 1-5 and 7-11 of T6N, R6W. This area makes up the Bridgeport Terrace with principal soils of Tell and Richwood. The upland area to the north of Bridgeport is composed of steep, stony slopes that are highly susceptible to erosion. The predominate soil types are Fayette and Dubuque loams. Slopes greater than 20 percent, areas classified by the USDA as ST (steep, stony, or rocky), and areas containing steep gullies were classified as undevelopable. Other undevelopable soil types were the poorly drained alluvial land along the Wisconsin River, shown on the map as a pale green color, and conservation areas controlled by the Lower Wisconsin Riverway Board.

Planning commission meetings are held only when there is a request for a zoning change, according to the Town clerk. The planning commission makes recommendations to the Town board. The Town's zoning board of appeals consists of 3 members, and has no regular meetings. These entities will continue as they are with no changes planned if the Town becomes incorporated.

According to the Town's zoning administrator Donald McGuire, there are more new residential and commercial structures in the Town each year than in the city of Prairie du Chien. Also, Bridgeport has the lowest mill rate in Crawford County, and no debt. McGuire claims that the accelerated development of the Town's tax base is more than adequate to absorb the costs of any services that may be required after incorporation.

Department staff noticed development of housing on bluffs atop steep slopes during an April 13, 2001, site visit. No doubt due to the steep topography, access roads to the bluff areas were not well connected, are typically narrow without shoulders, and some were in poor condition.

Map 13, at page 32, identifies territory suitable for future residential development. Included within this territory are the two aforementioned residential subdivisions near the Super Wal-Mart site. This map portrays the limited area appropriate for development, at least using generally acceptable criteria based on soils, slope, and proximity to water.

### **Shopping and Social Customs**

The proposed village (within the proffered community center) contains a wide variety of businesses and services as shown in Table 3, page 36, in addition to the presence of nearby regional shopping opportunities immediately adjoining in Prairie du Chien. The proposed village offers two full service grocery stores, along with a bank, taverns, restaurants, two motels, a gas

10-11-00

1496



1496

10-11-00

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DEPT OF ADMINISTRATION  
 MAY Map 12 - Aerial Photograph  
 MUNICIPAL ENGINEER

PROVIDED BY CHIEF ENGINEER

1" = 2000'

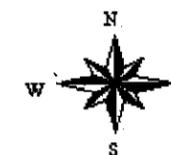
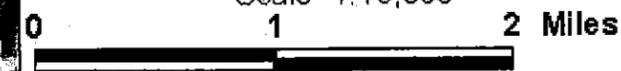


## Developable Areas & Future Development - Town of Bridgeport

### Legend

-  Roads
-  Bridgeport Boundary
-  0-20% Slope - Buildable Area
-  Floodplain/ Wetland
-  Water
-  Super Wal-Mart Site
-  Planned Subdivisions
-  Community Center

Scale 1:48,000



Prepared by Arun Rao, Municipal Boundary Review, and Jerry Sullivan, GIS Service Center, Office of Land Information Services, Wisconsin Department of Administration



station, several auto repair shops, a large national discount retail chain department store, as well as hardware and basic house wares. Entertainment venues, business services, insurance sales, real estate sales, a clinic, and dental care are among the other services available within the proffered community center.

#### *Community Organizations*

Community activities include a Fire Department fish fry in May of each year, an annual Rotary Club fly-in breakfast, an annual dairy breakfast hosted by area farmers, and several events at the nonprofit Children's Ranch, which is a 254-acre equestrian facility. These include a rodeo, camping, trail rides, free horse riding lessons for children, and horseback riding. The 25 person strong Rural Bridgeport-Prairie Du Chien Fire Department women's auxiliary club holds fundraisers including a Halloween party. The Prairie du Chien Country Club is located in the Town, and features a golf course and clubhouse. It hosts fundraising events, tournaments, receptions, and gatherings.

The Town contains one church, the Cornerstone Foursquare Church, located on USH-18. The church has 150 congregants; approximately 20, or 13%, of these are from the Town.<sup>26</sup> The church hosts musical and singing groups for public performances, and holds a dinner theater and ice cream social on Valentines Day. They also hold family picnics with games on Sundays when weather permits. The church conducts fundraisers throughout the community, one being a cook-out at the Wal-Mart store located in the Town.<sup>27</sup> The Church is located approximately two miles east of the community center area.

The Town's main community facility is the Town Hall. A monthly Town meeting is held in the Town Hall. The Town Hall is available for all residents for gatherings or meetings. A new handicap accessible toilet was recently installed, and the Hall was served with public water. The kitchen area will soon be updated. The Hall is also used as a polling place for the Town.<sup>28</sup> However, the Town Hall is very small and old, and may not meet the growing community's needs. The Town Hall is located approximately 2.5 miles east of the community center area.

#### *Schools*

As mentioned previously, no public schools are located directly within the town of Bridgeport. Town students attend schools in the Prairie du Chien School District and the Wauzeka-Stueben School District as illustrated on Map 10, page 26. The Prairie du Chien School District recently added onto the B.A. Kennedy Elementary School (grades K-2). A new middle school, Bluff View (grades 3-8), recently opened. Prairie du Chien High School expanded a few years ago. According to the Town clerk, the Wauzeka-Stueben School District has adequate space for growth at district schools. There are no current plans to site a school building within the Town.

#### *Parks*

No parks are owned or maintained by the Town. Parks provide recreation and community-gathering places. The Town lacks parks that would provide picnic areas, play equipment, trails, ball fields, or tennis courts. Some recreational facilities are available to all residents at La Riviere Park, which is a city of Prairie du Chien park located on Vineyard Coulee Road. This park comprises 320 acres featuring skiing, hiking, and horseback riding in season. Although the park

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<sup>26</sup> Town of Bridgeport Clerk, letter dated April 23, 2001

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

is owned and maintained by the city of Prairie du Chien, it is open to Town residents. The park includes a shelter, toilets, camp, trails, picnic, cross-country ski trails, and a horse trail.<sup>29</sup> A bike/walking path may be extended through part of the Town along USH-18, linking businesses in the Town and the city of Prairie du Chien. In the Town, it would run from just north of La Pointe Street to either just east of South Town Lane or to the city of Prairie du Chien Airport. The city of Prairie du Chien has applied to the WDOT for planning funds for the project. The project is estimated to cost approximately \$20,000, of which the WDOT would fund 80%. The projected cost-share for the remaining \$4,000, is \$2,000 from the city of Prairie du Chien, \$1,000 from the town of Bridgeport, and \$1,000 from the town of Prairie du Chien.<sup>30</sup>

#### *Employment*

The proffered village center commercial core consists of approximately 33 business and institutional enterprises (enumerated in Table 3, page 36) and employs an estimated total of 475 full-time and 340 part-time employees, in firms from 1 to 257 persons on a full- and part-time basis. This estimate does not include 5 owner-occupied businesses and two businesses for which no employment information was provided. Most businesses that the Department was made aware are located within this "community core." There appears to be a viable base of commercial, retail, and institutional development within the proposed village that offers employment opportunities, as well as functional connections to nearby centers of employment in the Prairie Du Chien area, La Crosse, and Dubuque, Iowa.

#### *Community Center*

Section 66.0207(1)(a), Wis. Stats., requires the presence of a reasonably developed community center, including features such as retail stores, churches, post office, telecommunications exchange, and similar centers of community activity.

In its determination in *Stone Bank* (1996), the Department used the following language and analysis to describe what is meant by a community center:

Analysis of past incorporation determinations written by successive Departments responsible for the incorporation function suggests the elements needed to meet this standard. These elements overlap with shopping and social customs because of the nature of the community business activities (typified by "situs," a term from the academic discipline of urban land economics) and land use structural relationships, relationships that give meaning to the physical and social nature of a community center. In past determinations, the following comments have been used to characterize this requirement:

- Presence of a shopping area which can satisfy the daily needs of its residents despite the close proximity of nearby shopping establishments;
- It is not mandatory that all services be available or that each petitioned territory maintain a postal station or telephone exchange strictly within its boundaries in order to fulfill the statutory requirements;
- The critical issue is the existence of retail facilities and services, not necessarily their size;

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<sup>29</sup> Ibid.

<sup>30</sup> Town of Bridgeport Clerk, letter dated April 23, 2001

- Every true village would have its own custom of shopping within its boundaries for basic necessities;
- That there be community-wide organizations with the potential to serve as a focus or to contribute to the social identity of the area;
- Social activities centered around churches found in the proposed villages were specifically noted as evidence of a sense of community identity (*Hewitt, 1973; Newburg, 1973*). In other determinations (*Rockfield, 1964; Fitchburg, 1982*), failure to have a continuously operating church was found to suggest that religious and social activities took place elsewhere;
- The commercial center can be small, as noted in *Chain O'Lakes*, but it must be present and viable, and be able to meet the day-to-day needs of a majority of the residents in an isolated (non-metro) community;
- All past isolated areas that met the standards for homogeneity/compactness and community center included a village center area which contained most or all of the following: post office, school, bank, church, and commercial establishments, including grocery stores, restaurants, or gasoline service stations. These establishments, along with professional services, appeared to be the most critical in terms of whether a real community center existed in the area. If establishments, such as those listed above, were not specifically present in the community center, then determinations often pointed out that the community itself was sufficiently developed to supply daily necessities (*Oakdale, 1986*), or that it served as a service and social center for the surrounding area (*Potter, 1982; Arpin, 1978; Nelson, 1978; Crivitz, 1974*).
- Failure to provide day-to-day needs and a year-around focus of community activity was considered determinative.

The observed character of the community center for the proposed village of Bridgeport appears to address some of the issues suggested by the preceding statements. As discussed earlier, the area identified as the community center by the petitioners is located on the west edge of the Town adjacent the Prairie Du Chien boundary along USH-18. It is largely accessible from other parts of the area proposed for incorporation only by using USH-18. The "community center" area is largely zoned commercial.

Businesses located in the area identified as the "community center" of the proposed village are listed in Table 3,<sup>31</sup> on the following page.

This area contains a bank, two grocery stores, gas, and automobile service/repair, a "big-box" discount department store, as well as a number of other businesses and services. The area features a shopping center with nine tenants, according to a list of businesses provided by petitioners.

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<sup>31</sup> Petitioner's submittal.

Table 3

## List of Businesses Located in the "Community Center"

<u>Name and Location of Business</u>	<u>Number of Employees</u>
<i>U.S. Highway 18</i>	
1. Prairie Veterinary Services	7
2. Valley Small Engine	3
3. Quality Stores Inc.	n/a
4. Tropical Tan	2
5. GCR Tire Co.	8
6. Best Western Quiet House Motel	20
7. Shantz Dental Care	7
8. The Cash Store	2
9. Maurices (clothing store)	8
10. Dick's Supermarket	96
11. Wal-Mart	200
12. Tri-Cor Insurance CO.	3
13. Eunices Liquor & Cheese Store	11
14. Yorgis Restaurant	n/a
15. Cost Cutters	5
16. Larry Stark Homes	5
17. Royce Waters Auto	n/a
18. Angus Inc. (supper club)	25
19. Cleary Building Corp	12
20. Razor's Edge	n/a
21. Midwest Auto	n/a
22. Miniature Precision Co.	269
23. Mabe's Pizza	5
24. Box Office Video	5
25. Rick's Auto Body	n/a
26. Bridgeport Inn (motel)	41
27. Aldis Inc, (grocery store)	6
28. Pine Tree Inn (tavern)	4
29. The Port (gas station/convenience store)	7
30. Horkheimer Homes of Wisconsin	4
31. Prairie Du Chien Country Club	23
<i>LaPointe Street</i>	
1. People's State Bank	5
2. Slaght Construction	5
<i>Vineyard Coulee Road</i>	
1. Waste Management	30

### Determination

The Department must account for the aforementioned considerations affecting “homogeneity and compactness” when weighing the evidence for approval or dismissal of the incorporation petition. The Department has thoroughly examined the material provided by the petitioners, as well as additional information gathered from County, State, and other sources.

### *Natural boundaries*

Upon considering the first of the named criteria found in s. 66.0207 (1) (a), Wis. Stats., including “natural boundaries, natural drainage basin, (and) soil conditions,” the Department finds that the Town has proposed a reasonably defined peripheral boundary for incorporation. Given the original size of the Town, and the nature and location of the natural and man-made elements (along with historic, archaeological, and endangered species information implicitly encompassed by the statute and legislative intent that existed in 1959), the Town frankly had little choice but to encompass these elements by using the present town boundary, given the direct relationship between the buildable areas, steep slopes, and other attributes that necessitate a coherent system of land use planning and regulation that could logically provide (in the current context of “smart growth” planning laws) direction for appropriate development, while safeguarding the unique character of this largely homogeneous area. But the choice of boundaries complicates the resolution of other enumerated statutory issues.

The principle exception to the preceding paragraph is the westerly part of the town that is separated by a ridge (La Reveire Park) and Vineyard Coulee from the remainder of the town. In most circumstances this relatively small area (in terms of the total Town area) would be of lesser consequence but for the fact that petitioners have designated this territory as the “community center,” in addition to using it to satisfy s. 66.0207 (1) (b). Arguably the “community center” ought to fit more nearly within the “natural boundary” of the petitioned territory. As it stands, the proffered “community center” is physically homogenous with the city of Prairie du Chien, as it exists on the same “bench” and flood plain as does the City, with no natural physical barrier separating this area from the City proper. Therefore we find that this element is not met.

### *Present and Potential Transportation Facilities*

The interconnectedness of roads within the Town is relatively nonexistent. In part, the absence of interconnectivity is due to the topography and sparsely-settled nature of the Town outside of the “community center.” Existing subdivisions tend to be isolated from one another other, with USH-18 often the only feasible connection to travel between various points in the Town (exceptions are Ward Road, and Old Highway 18, and Old Highway 60). That USH-18 is used as the Town’s “main street” results in artificially increased traffic with related safety concerns, as well as inconvenience for through traffic (hence the petition from the Town to the State for the existing 2-lane portion USH-18 to be widened to 4-lanes). As a result, there is only a nascent internally oriented roadway network due to the rural character and physiography of the principle part of the town. It is not possible to travel between most subdivisions without going on a federal or state trunk highway, a concern noted in previous determinations, where we said “[t]ransportation systems are an important indication of compactness and homogeneity.” (See *Powers Lake II* (1999), and the subsequent review by the Wisconsin Court of Appeals in *Donna Walag, et al., v. Wisconsin Department of Administration*, Case No. 00-3513 (a published decision dated August 22, 2001))

For these reasons, the Department is not able to distinguish between a localized road network versus the necessity for Town residents to substantially rely upon the state and federal highway system, which is necessary in order to reach the "community center."

Unlike the second half of the incorporation criteria contained in s. 66.0207 (2), Stats., which entail "prospective" answers on the part of the petitioners, as well as being subject to the professional judgement of the department, s. 66.0207 (1) (a), Stats., requires that existing circumstances largely fulfill the statutory requirement, along with something like an adopted "official map," if one were available, substituting for local roads that are intended to address emerging transportation issues. To date, the Department is not aware that an "official map" ordinance and map exists. Consequently we are left to evaluate what does currently exist - narrow roads that are randomly oriented and that include a number of dead ends and cul-de-sacs, with principle reliance placed upon state and federal trunk highways for intra-town vehicular movements. The Department therefore concludes that the transportation issues are problematic and do not support the homogeneity and compactness requirement.

While not related to the findings, we recognize that s. 66.0207 (1) (a), Stats., results in a real dilemma for newly emerging communities that are experiencing development, and who wish to incorporate. A potential solution for the Town in this circumstance is to conduct long-range planning studies, including commissioning engineering studies that might provide a factual basis for developing a land use plan and "official map" by which to guide the rational timing, placement, and implementation of a land use plan accompanied by system of local, collector, and arterial streets that exist apart from the state and federal trunk highway system. A land division/subdivision ordinance, along with the operation of the real estate market, and capital investments from the town, will enable the Town to construct an internally-oriented street network.

#### *Previous political Boundaries*

The contiguity of the city of Prairie du Chien results in an area that cannot be easily differentiated between the two jurisdictions. The annexation of the Municipal Airport and La Riviere Park, both of which significantly intrude into the proffered community center, physiography notwithstanding, coupled with the virtual extension of commercial development outward from the city on USH-18 (there are no openly discernable distinguishing characteristics that would allow one to differentiate whether one is in the City or Town at this location) have created this situation.

As noted on page 37, the western portion of the Town would not be so important but for the fact that it is designated as the "community center," as well as forming the basis for meeting the proportion of equalized value requirement found in s. 66.0207 (1) (b), Stats. The circumstances created by the airport and La Riviere Park annexations, while not of the Town's making, nevertheless result in an irregular boundary that will have a lasting effect upon this area - by constricting the land ultimately available for development, and by necessitating coordination over airport operations and planning, along with land use regulation and planning associated with the nearby co-mingled commercial strip and residential areas - coordination that the department found to be non-existent, either internally by the Town as it considers the compatibility of adjoining land uses, or externally with the City of Prairie du Chien.

Although other points of contact between the petitioned territory and the City and adjoining towns are far less problematic, and represent a reasonable and coherent boundary, the western-most part of the Town, as it includes the "community center," is of considerable concern and needs to have public policy coordination issues resolved in some manner (either by

intergovernmental agreement or by annexation) before the Department can find that this criterion is met.

### *Homogeneity and Development Issues Relating to the Community Center*

Commercial and residential development in the town of Bridgeport was reviewed and analyzed using maps, data, and first-hand viewing during site visits. It is clear that the development within the proffered community center bisected by USH-18 has flourished in comparison with “community centers” in other towns and villages of similar circumstances. However, it is the location and content of the development that is problematic. Development in this “community center” however is, for the most part, more related to development within the city of Prairie du Chien than it is to the remainder of the Town. But for the city of Prairie du Chien, this development would likely not be occurring. Absent the proximity and population of the City, the necessary retail trade area for many of these stores is likely to be insufficient for commerce to occur, despite the trade area for certain goods and services that apparently extends into Iowa and up and down the Mississippi River for other businesses (as exemplified by the new WalMart super store).

The incorporation statute in s. 66.0207 (1) (a), states that “An isolated community shall have a reasonably developed community center, including some or all feature such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.” In this case, that portion of the Town’s commercial development lying beyond the “community center” and east of Vineyard Coulee is scattered, and with some exceptions, exceedingly minimal. There is no other area that would begin to qualify that contains the bundle of land uses enumerated above. In reality, petitioners had no other choice but to designate the territory they did as the “community center.” But this petition, unlike the petitions designating the community centers reviewed in *Stone Bank* and *Pell Lake*, and despite encompassing the businesses previously enumerated in Table 3, page 36 (which far exceed the number of businesses found in *Stone Bank* and *Pell Lake*), lacks a meaningful association with the existing Town Hall, or with the one existing church – which are located outside of the community center in the developing area of the Town east of Vineyard Coulee.

The framers of the incorporation statute apparently did not contemplate the possibility of an “isolated” “community center” being designated that also happened to be contiguous with an existing incorporated municipality. In similar cases, this issue is taken up under the “metropolitan impact standard, s. 66.0207 (2) (d), Stats., but does not apply here because the combined area lacks the overall resident population necessary for a “metropolitan” incorporation petition. While we think that an “isolated” community center needs to be in some measure self-supporting, and not so inextricably tied to the population base and economy of a neighboring municipality, we do not need to pursue this issue any further, as the “community center,” as submitted, lacks the “similar centers of community activity” that we found to be present, for example, in *Pell Lake* (2000), *Stone Bank* (1995), and *Bohmers Lake* (1999). The issue here is that the other essential features of a community (the schools, the churches, the parks, the post office or other governmental facilities, along with public open space, and the attendant social activities found in the aforementioned incorporation petitions) are simply lacking or only minimally present in this case. The problem then, is one of how to extract community identity from a largely commercial area that is indistinguishable from Prairie du Chien, or to assess how this “community center,” existing where it does, relates to the remainder of the incorporation petition. The remainder of the territory is comprised of essentially undeveloped land, which arguably does encompass some of the other features identified as necessary for the statutory “community center,” namely the church and the Town Hall – but which are not present in proportion to the extent of retail/commercial activity occurring in the “community center”.

The difficulty here is that the requisite components of a “community center” are scattered and lack the necessary association with the proffered community center that is implicitly required by the statute.

Past determinations involving petitions for isolated villages which fell below the acceptable threshold for the homogeneity and compactness requirement (*Francis Creek*, 1960; *Cushing*, 1961; *Sherwood*, 1968; *Plover*, 1971; *Delavan Lake*, 1989, *Powers Lake*, 1991) did so because they similarly lacked evidence of community activity and social cohesion within the “community center.” These communities were found to lack churches, schools, telecommunication exchanges, and similar centers of community activity. The language that the Department used in *Sheboygan* illustrates the problem. “Missing are public recreation facilities, meeting spaces, and general community-wide activities, all of which tend to foster an independent community identity.”<sup>32</sup> Although Bridgeport’s proffered community center has goods and services used on a day-to-day basis, it lacks schools, parks, and similar centers for community activity. In addition, the gathering places that do exist, such as the Town Hall and Cornerstone Foursquare Church, are located outside the proffered community center. This separation disperses the focus of community activity, and runs counter to what we believe is the intent of the statute, which is to promote community synergy among different types of human activities. The Department finds that Bridgeport’s community center, while likely meeting day-to-day shopping needs, fails to contain the other elements necessary to meet statutory intent.

#### ***Relationship Between the “Community Center” and the Remaining Territory***

The pattern of land development in the Town illustrated by Table 1, page 27, was implicitly rejected by the court in *Scharping v. Johnson*.<sup>33</sup> The court in *Scharping* upheld the Department’s finding that the area outside the core was largely rural and therefore not compact. The court found:

There is evidence in the record showing considerable disparity in the population of the sections within the proposed incorporation. The disparity of population ranges from 298 to 29. We conclude that the requirement of homogeneity is not met because of this diversity.”<sup>34</sup>

This conclusion is also similar to the *Delavan Lake* Determination (1989), in which the Department found that “residential development, as well as commercial development is scattered around various parts of the proposed village. The land use patterns in the proposed village are not homogenous or compact.”

This disparity in the array of land uses is contrary to the legislative intent of §66.0207, Wis. Stats. For the Department to approve a municipal incorporation, the Department must find the proposed area at least predominately shows “reasonable homogeneity.” The supreme court addressed the framers’ intent regarding this issue in its *Pleasant Prairie* Decision:

The requirement of “reasonable homogeneity” shows a legislative concern that the area to be incorporated have a reasonably consistent and uniform composition. The standards set forth in sec. 66.016(1) [now 66.0207], Stats., indicate that the entire area be a community, that it have common interests that

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<sup>32</sup> *Sheboygan* (2000), pg. 27

<sup>33</sup> *Scharping v. Johnson*, 32 Wis.2d 383 (1966).

<sup>34</sup> *Ibid.*, at pg. 392.

are internally shared. ... [W]e conclude that the department, in its court of appeals' brief, appropriately characterized the requirement of homogeneity when it said that requirement: '...seek[s] to assure that an incorporated area is urban rather than rural, that development in such an area is not scattered, fragmented, or haphazard, and that similar land uses are grouped together in appropriate municipal boundaries.'<sup>35</sup>

Homogeneity does not mean that all land and development must be uniform and of similar character and design. However, the *Pleasant Prairie* decision supports the Department's long standing policy to consider the relationship (or lack thereof) between various land uses as an element of homogeneity. The court wrote:

Hence, it appears that homogeneity has a meaning apart and in addition to the factors listed, and it furthers the legislative purpose to allow the department to consider aspects of development which tend to show homogeneity or lack thereof in respect to land-use patterns – whether urban or not. Certainly, by definition, patterns of development which show that an area has widely scattered areas of residential and industrial development and intervening areas of extensive rural uses indicate that the area is not homogeneous. That is not to say that incorporated areas should not have mixed land uses or that there should not be extensive greenbelt or wetland reservations, but the various developments should be grouped in rational ways and not be scattered “haphazardly” across undeveloped areas.<sup>36</sup>

In the present circumstances, the petitioners have a dilemma, insofar as the “community center” is too closely tied (“homogenous” in both the literal and statutory sense) to Prairie du Chien, and consequently is not “homogenous” with the remaining rural territory included in the incorporation petition. While it may be possible for the Town to develop other “community centers” through land use planning and an associated program of capital improvements, that is a land use planning choice that has yet to be made.

#### *Shopping and Social Customs*

The Department carefully considered Bridgeport's unique setting and situation in regard to the shopping and social customs criterion. Here they are considered separately for reasons specific to the town of Bridgeport.

The Department must establish that the commerce located within the proposed territory must be able to meet the daily needs of its residents. In two earlier determinations, *Lake Como* (1969) and *Chain O'Lakes* (1982), the Department held that shopping opportunities need only be very minimal. In the *Chain O'Lakes* Determination, the Department stated that:

It is not mandatory that all services be available or that each petitioned territory maintain a postal station or telephone exchange strictly within its boundaries in order to fulfil the statutory requirements... The critical issue is the existence of retail facilities and services, not necessarily their size; the commercial center can be small, as noted in *Chain O'Lakes*, but it must be present and viable, and be able to meet the day-to-day needs of a majority of the residents in an isolated (non-metro) community.<sup>37</sup>

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<sup>35</sup> *Pleasant Prairie v. Local Affairs Dept*, 113 Wis.2d 327, 333 (1983).

<sup>36</sup> *Ibid.*, at pg. 337.

<sup>37</sup> *Chain O'Lakes* (1982), pg. 40

*Lake Como* had a shopping area that could satisfy the daily needs of its residents, even in spite of its close proximity to shopping opportunities in Lake Geneva. Similarly, *Chain O'Lakes* possessed retail business and services such as groceries, barbershops, and restaurants.

Much like Bridgeport, both of these past determinations involved lakeshore/recreational communities very near larger communities, but both proposed villages were able to develop and maintain a shopping area with its' own identity that could meet the daily needs of their residents. It was not considered surprising or detrimental that more major shopping excursions were focused on the larger community nearby. This would no doubt be true, to varying degrees, for every village. But every true village would have its own custom of shopping within its boundaries for the basic necessities.

The reliance on a federal highway to connect businesses within the proposed territory is unique to the town of Bridgeport, and the nearly undistinguishable array of land uses from one jurisdiction to another is problematic in this, an "isolated" type of incorporation petition. This fact is of concern to the Department due to the distinct possibility that commerce in the Town is unrelated to the Town and its residents, and is instead reliant upon the urbanization impetus coming from the city of Prairie du Chien. In its *Sheboygan* (2000) Determination, the Department found that the businesses located on the main thoroughfare, USH-43, were indeed transit-dependent businesses. "Many of the businesses within the Town appear to cater more to a regional market, or focus on travelers using USH-43."<sup>38</sup> In Bridgeport, USH-18 serves as basically the only strip of commerce within the Town, and was previously noted, is an extension of commerce extending from the city. In this case, despite the lengthy list of establishments, the concept of "shopping" per se cannot be distinguished from "shopping" in the city of Prairie du Chien.

The Department also struggled to distill distinct social customs in the town of Bridgeport. The Department was provided with a list of organizations and activities. Many of the events enumerated occur either infrequently, or annually. In comparison with past determinations approving incorporation, they do not appear to create sufficient cohesiveness to create a sense of community within the Town. For example, the fly-in breakfast is obviously orientated to people outside the Town and to those few town residents with airplanes, and uses the City airport; likewise, most of the participants in Children's Ranch activities appear to come from areas other than the town of Bridgeport. And, facilities to accommodate these activities are minimal to nonexistent. Only a relatively small proportion of the church congregation comes from the town. Located outside of the "community center," the Town Hall is small and cannot (at the present time) accommodate the needs of a growing village. There are no other public social gathering sites owned or maintained by the Town. The Department has heard no evidence of plans to create such facilities, and can only conclude that bolstering a community identity remains, at best, a low priority.

Past determinations have highlighted the importance of schools in a community. There are no schools in the town of Bridgeport. Town students attend schools in the Prairie du Chien School District and the Wauzeka-Stueben School District. The Department found in *Pewaukee* (1991), that schools have "an impact in molding community allegiance." School ties are often strong, generating a feeling among households of all ages of belonging to the community of school attendance. While not critical per se, as school location decisions are made by boards that are totally separated from community governance, police power authority, and land use policy-making functions, the absence of schools nevertheless reflects both a limited population base,

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<sup>38</sup> *Sheboygan* (2000), pg. 28

and the likely existence of strong social ties to nearby communities, rather than internally to Bridgeport.

The area presently proposed for incorporation arguably does not meet the minimum levels of social and recreational opportunities established by these earlier determinations. There are minimal specific places and events for residents of the Town to meet and socialize with one another on a somewhat regular basis. And the locus for interactions that do occur (except for those occurring at the town fire station or the City airport) appears to lie outside of the designated "community center." While the community center is sufficient to meet the day-to-day service and shopping needs of its residents, recreational and social opportunities are lacking.

Therefore, for all of the foregoing reasons, the Department finds that the territory proposed for incorporations fails to meet the standards established in section 66.0207(1)(a) Wis. Stats. for the incorporation of an "isolated village." The criterion of Homogeneity and Compactness is not met.

### **Section 1(b), Territory beyond the core**

The standard to be applied is found in section 66.0207(1)(b), Wis. Stats.:

The territory beyond the most densely populated one-half square mile specified in s. 66.0205(1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217(1)(a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The department may waive these requirements to the extent that water, terrain or geography prevents such development.

This standard is comprised of two parts. The first part pertains only to the incorporation of "isolated" villages or cities, and permits one of two criteria to satisfy the standard: an average of 30 housing units per quarter section, or an assessed value of 25 percent or greater which is attributable to existing or potential mercantile, manufacturing, or public utility uses.

Bridgeport has elected to use the assessed value method of meeting this criterion. According to Table 2, page 27, Bridgeport has over 25% of its assessed value in mercantile, manufacturing, or public utilities. It has 29% of its total assessed value from commercial, and 4% from manufacturing.

#### **Determination**

Since Bridgeport has over 25% of its assessed value from existing mercantile, manufacturing or public utilities, the Department determines that this criterion is met.

## Section 2(a), Tax Revenue

The standard to be applied is found in s. 66.0207(2)(a), Wis. Stats.:

The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

This section reviews the levels of revenues, expenditures, and tax rates for the proposed village. The petitioners propose to keep, if incorporated, the same budget as the current town of Bridgeport. Therefore, the Department will analyze and compare the town of Bridgeport's expenditures and revenues with villages of similar circumstances. The section will also examine whether the petitioners' budget offers a level of village services that would prospectively be needed by new village residents.

Local service expenditures vary greatly across Wisconsin communities and are subject to the custom and expectations of the local populace. Because of this, the Department allows for a range of service levels and does not hold communities to fixed standards. However, comparisons are made with villages sharing similar characteristics in order to determine whether a proposed budget is generally reasonable and able to support demonstrable service needs (see Table 4, page 48, and Graph 1, page 50). The following paragraphs suggest that while the petitioners' proposed budget may be minimal for some categories, it is obvious that the proposed village has the ability to raise sufficient revenue to support a level of services similar to those currently offered by nearby villages, should electors of the territory so desire.

### *Analysis of Petitioners' Proposed Budget*

Table 3 on page 47, portrays the 1998 revenues and expenditures for the town of Bridgeport. The Department has examined the revenues and expenditures for other villages (Table 4, page 48, provides relevant population comparisons) in the Southwest Wisconsin area.<sup>39</sup> Bridgeport offers fewer services than any comparable village, such as Belmont, Dickeyville, and Bloomington. Further investigation reveals that the budget proposed by the petitioners has lower expenditures and offers fewer governmental services than similarly situated villages with significantly fewer people, such as the villages of Wauzeka, Soldiers Grove, Blue River, and Potisi. The petitioners have not submitted a budget typical of a village, but rather a town budget—a budget more suited to a rural farming community than a village. The petitioners are not planning to provide the basic services that other similarly situated villages perform. For example, the village of Wauzeka provides resources for parks and recreation, conservation and development. The village of Soldiers Grove provides funding for parks, recreation, and cultural activities. Bridgeport does not fund any parks, recreation, conservation, development (i.e., land use planning), or cultural and educational opportunities for its residents, nor does it propose to do so if incorporated.

### *Property tax base*

The total estimated equalized value of property in the area proposed for incorporation is \$52,876,500.<sup>40</sup> The town of Bridgeport's total equalized value is quickly growing. In 1998, the year the Department has used in its analysis,<sup>41</sup> the Town's equalized value was \$42,617,300.

<sup>39</sup> The Department used *Town, Village, and City Taxes 1998, Taxes Levied 1998 – Collected 1999*, Wisconsin Department of Revenue, to compare various municipalities.

<sup>40</sup> Wisconsin Department of Revenue. Determined January 1, 2000.

<sup>41</sup> The Department uses the most recently published information from the Wisconsin Department of Revenue. This allows for easy comparisons between municipalities. At the time of this writing the latest

Graph 2, on page 51, and Table 5, page 48, compare this value with similarly situated villages in Southwest Wisconsin. The graph shows that the town of Bridgeport's equalized value is higher than all of the comparable villages as well as the city of Shullsburg. The city of Prairie Du Chien is included because of its proximity to the territory proposed for incorporation; however, its population and equalized value is considerably larger than the other selected municipalities. The town of Bridgeport has a higher total equalized value than the villages of Wauzeka, Belmont, Dickeyville, Muscoda, Barneveld, and Bloomington. Graph 3, on page 52, and Table 6, on page 48, compare Bridgeport's 1998 per capita equalized value to equalized values of similarly sized communities in Southwest Wisconsin. The graph shows that, similar as with its total equalized value, Bridgeport's per capita equalized of \$53,070 is higher than other nearby villages, and slightly higher than the state average (\$47, 569 – 1998). All of the other municipalities selected, including the city of Prairie du Chien, have per capita equalized values below the state average.

#### *Property tax rates*

Table 7, page 49, and Graph 4, page 53, provide a local mill rate comparison for similarly situated communities in southwestern Wisconsin. This comparison suggests that the local mill rate of the town of Bridgeport (\$1.30 per \$1000 of equalized property value) is a fraction of the local property tax rates of any of the similarly sized villages in southwestern Wisconsin. For example, it is nearly one-tenth that of the village of Muscoda's rate of \$12.77 per thousand.

Table 8, page 49, and Graph 5, page 54, portray the total mill rates of the selected communities in Southwest Wisconsin. The total mill rate includes all property taxing units—schools, county, and other property taxes, including the local municipality's tax rate. In 1998, the town of Bridgeport's total rate was 30% lower than the highest rate of the selected municipalities.

Table 3 - Revenues and Expenditures  
for Town of Bridgeport in  
1999

**Expenditures Town of Bridgeport**

	1999
<b>General Government</b>	
Legislative and Zoning	4712
Clerk	5643
Treasurer & Mobile Home	4468
Legal	4051
Custodial	0
Elections	833
Assessor	6769
Building Inspection	0
Supplies	0
Utilities	2137
Rent	0
Insurance	2268
Accounting	65
Planning	0
Board of Adjustment	0
Other	657
<b>Total General Government</b>	<b>31403</b>
<b>Public Safety</b>	
Police	0
Municipal Court (excl. prosi. Attorney)	0
Prosecuting Attorney	0
Water Patrol	0
Animal Control	0
Fire	44208
Ambulance	0
Other	0
<b>Total Public Safety</b>	<b>44208</b>
<b>Highways</b>	
Highway - Maintenance	85324
Highway - Construction	9402
Street Lighting	246
Bridge Inspection	0
Other	0
Solid Waste, Recycling	0
Public Health	0
Library	0
Parks and Recreation	0
Cemeteries	1200
Weed Control	19
Capital Outlay	0
Misc. Expense	4145
<b>Total Expenditures</b>	<b>176,947</b>
Debt Service	0
Other Financing Uses	0
<b>Total Expenditures &amp; Other Financing Uses</b>	<b>176,947</b>

**Revenues**

<b>Intergovernmental</b>	
State Shared Revenues	25899
State Aid Police Training	0
State Aid Recycling	0
Highway Aids	29303 a
Local Road Improvement Program	17240
State Aid Fire Insurance Dues	1447
State Aid Water Patrol	0
Other	1968
<b>Subtotal</b>	<b>76,657</b>
<b>Licenses &amp; Permits</b>	<b>6521</b>
Fines & Forfeitures	0
Public Charges for Services	5789
Other	52
<b>Subtotal</b>	<b>12362</b>
<b>Taxes</b>	
General Property Taxes	55,215
Mobile Home Lottery Credit & Parking Fees	9,252
Woodland Taxes	83
<b>Total Taxes</b>	<b>64,550</b>
Interest Income	2258
Other Revenues	1923
<b>Total Revenues</b>	<b>156,950</b>
<b>Property Tax</b>	<b>55,215</b>
<b>Total General Obligation Debt</b>	<b>0</b>
<b>Estimated equalized value (1998)</b>	<b>42,617,300</b>
<b>Estimated local mill rate</b>	<b>1.30</b>

a. First year transportation aids would likely be zero, because aids are based on eligible expenditures. Note: No municipality can receive aid equal to more than 85% of averaged 3-year expenditures.

TABLE 4  
 POPULATIONS, 1998 ESTIMATE AND 2000 CENSUS  
 SELECTED MUNICIPALITIES IN SOUTHWEST WISCONSIN

	<u>1998 Est.</u>	<u>2000 Census</u>
Village of Wauzeka	649	768
City of Prairie du Chien	6047	6018
Village of Belmont	880	871
City of Shulburg	1276	1246
Village of Dickeyville	944	1043
Village of Muscoda	1347	1453
Village of Barneveld	905	1088
Village of Bloomington	758	701
Town of Bridgeport	803	946

TABLE 5  
 TOTAL EQUALIZED VALUE IN 1998

Village of Wauzeka	\$11,499,200
City of Prairie du Chien	209,967,300
Village of Belmont	27,762,800
City of Shulburg	24,858,700
Village of Dickeyville	30,146,100
Village of Muscoda	35,420,000
Village of Barneveld	38,902,700
Village of Bloomington	13,429,800
Town of Bridgeport	42,617,300

TABLE 6  
 PER CAPITA EQUALIZED VALUE IN 1998

Village of Wauzeka	\$17,720
City of Prairie du Chien	34,720
Village of Belmont	31,550
City of Shulburg	19,480
Village of Dickeyville	31,930
Village of Muscoda	27,610
Village of Barneveld	42,990
Village of Bloomington	17,720
Town of Bridgeport	53,070
State Average	48,000

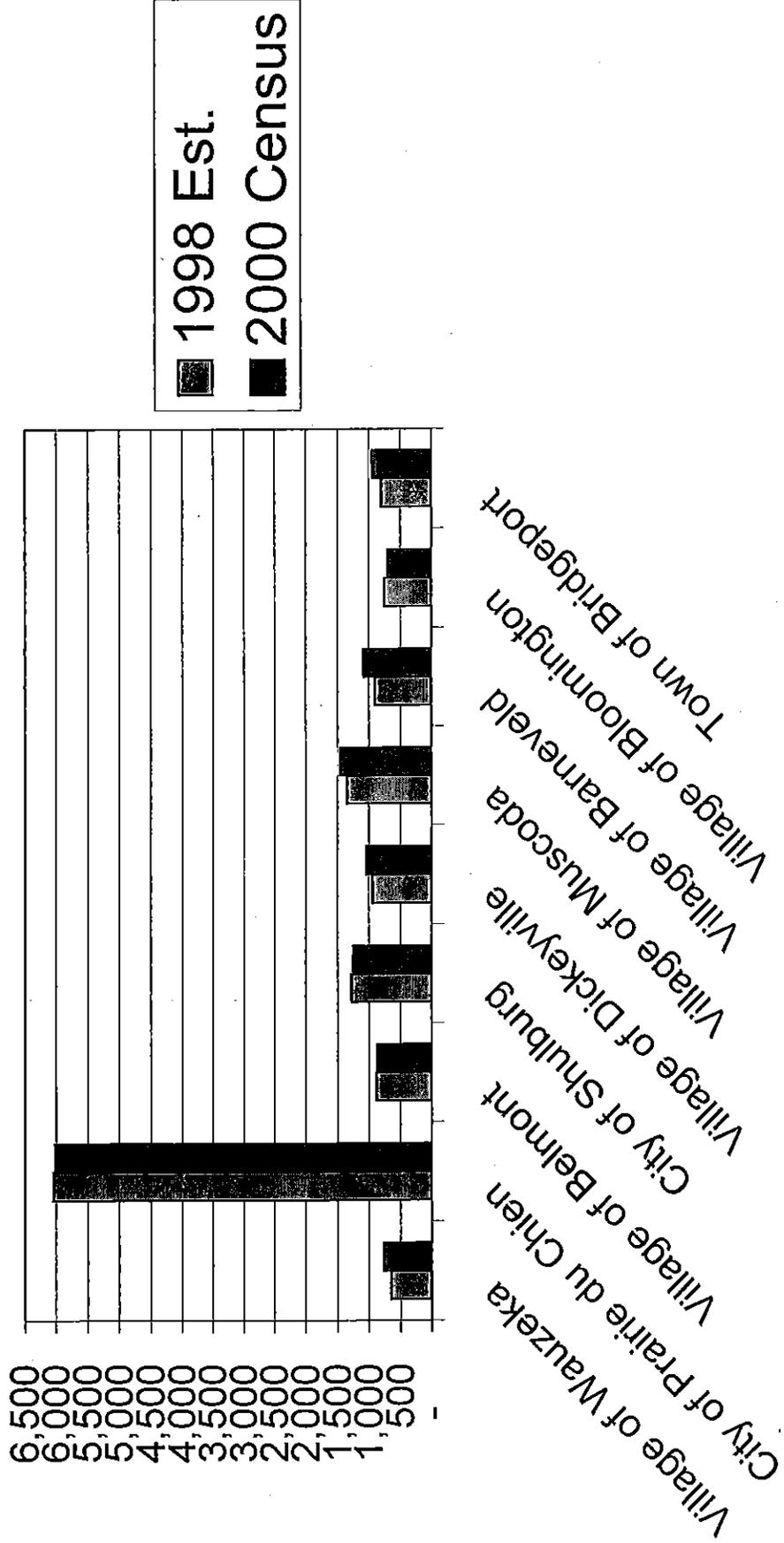
TABLE 7  
1998 LOCAL MILL RATE COMARISON  
IN SOUTHWESTERN WISCONSIN

Village of Wauzeka	7.60
City of Prairie du Chien	5.90
Village of Belmont	2.86
City of Shulburg	4.78
Village of Dickeyville	5.77
Village of Muscoda	12.77
Village of Barneveld	8.37
Village of Bloomington	4.79
Town of Bridgeport	1.30

TABLE 8  
1998 TOTAL MILL RATE COMPARISON  
IN SOUTHWESTERN WISCONSIN

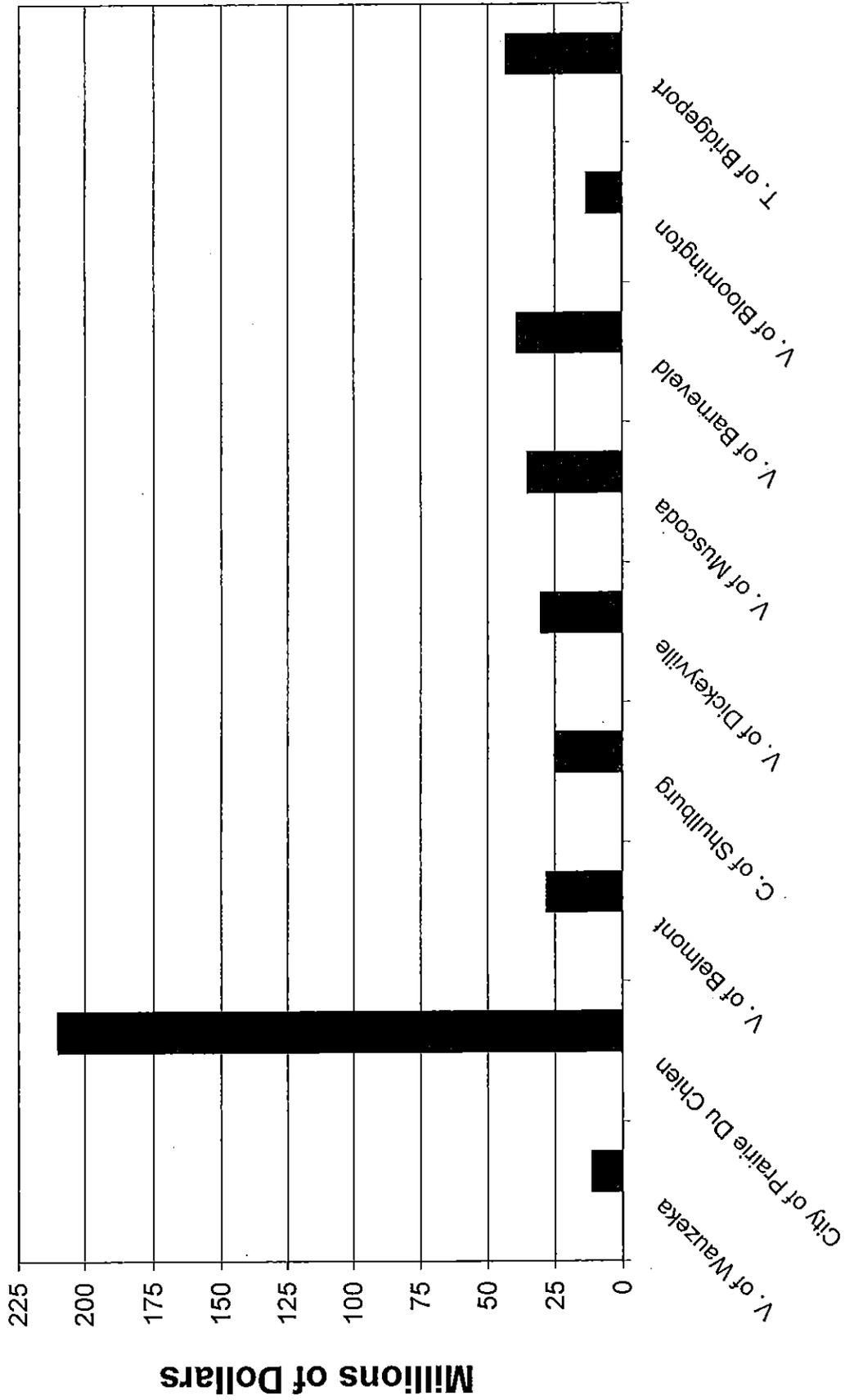
Village of Wauzeka	29.18
City of Prairie du Chien	26.14
Village of Belmont	23.11
City of Shulburg	29.53
Village of Dickeyville	20.65
Village of Muscoda	32.25
Village of Barneveld	32.11
Village of Bloomington	25.47
Town of Bridgeport	20.97

# Population of Selected Municipalities in Southwest Wisconsin



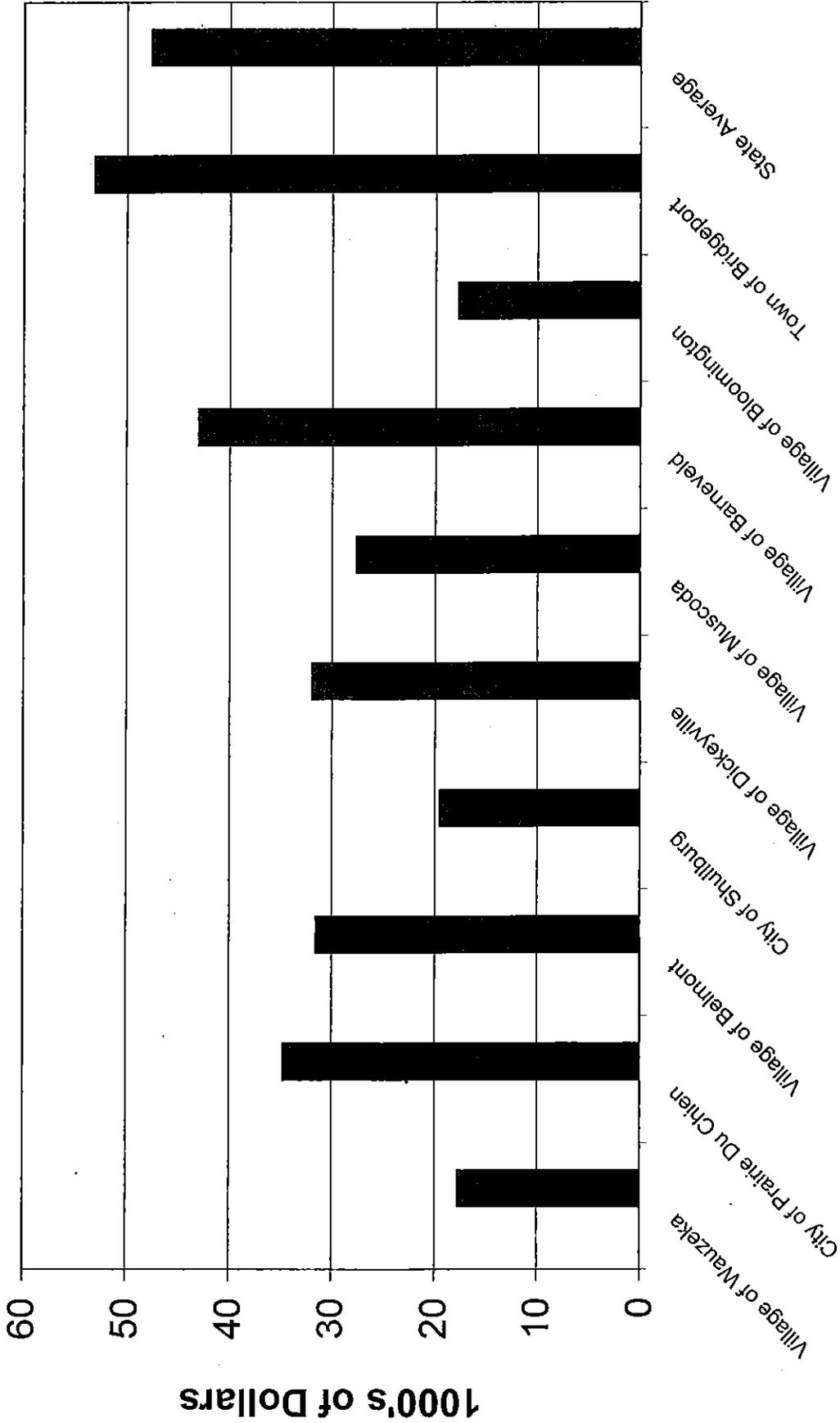
GRAPH 2

### Total Equalized Value 1998



GRAPH 3

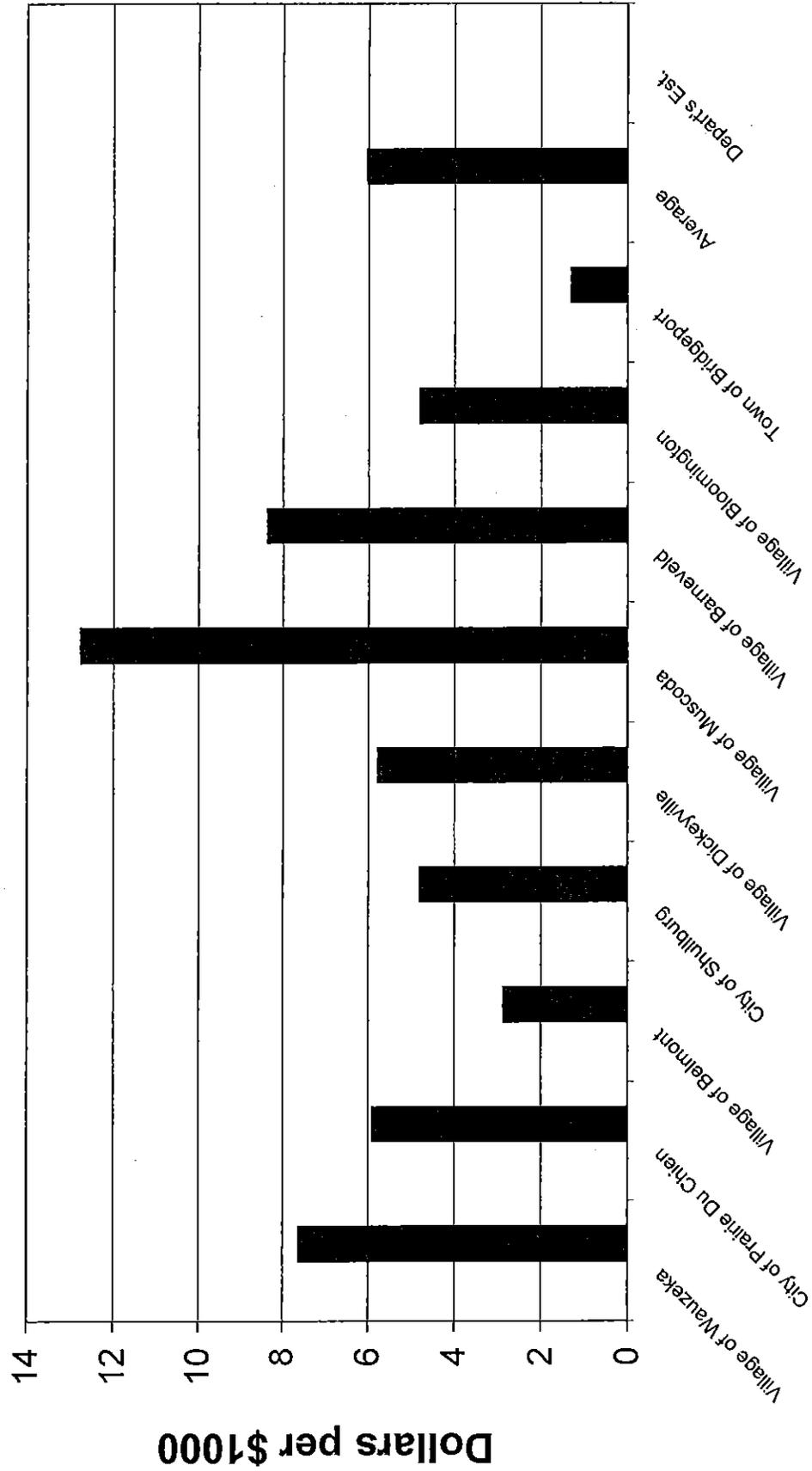
### Per Capita Equalized Value 1998



Source: Wisconsin Department of Revenue

GRAPH 4

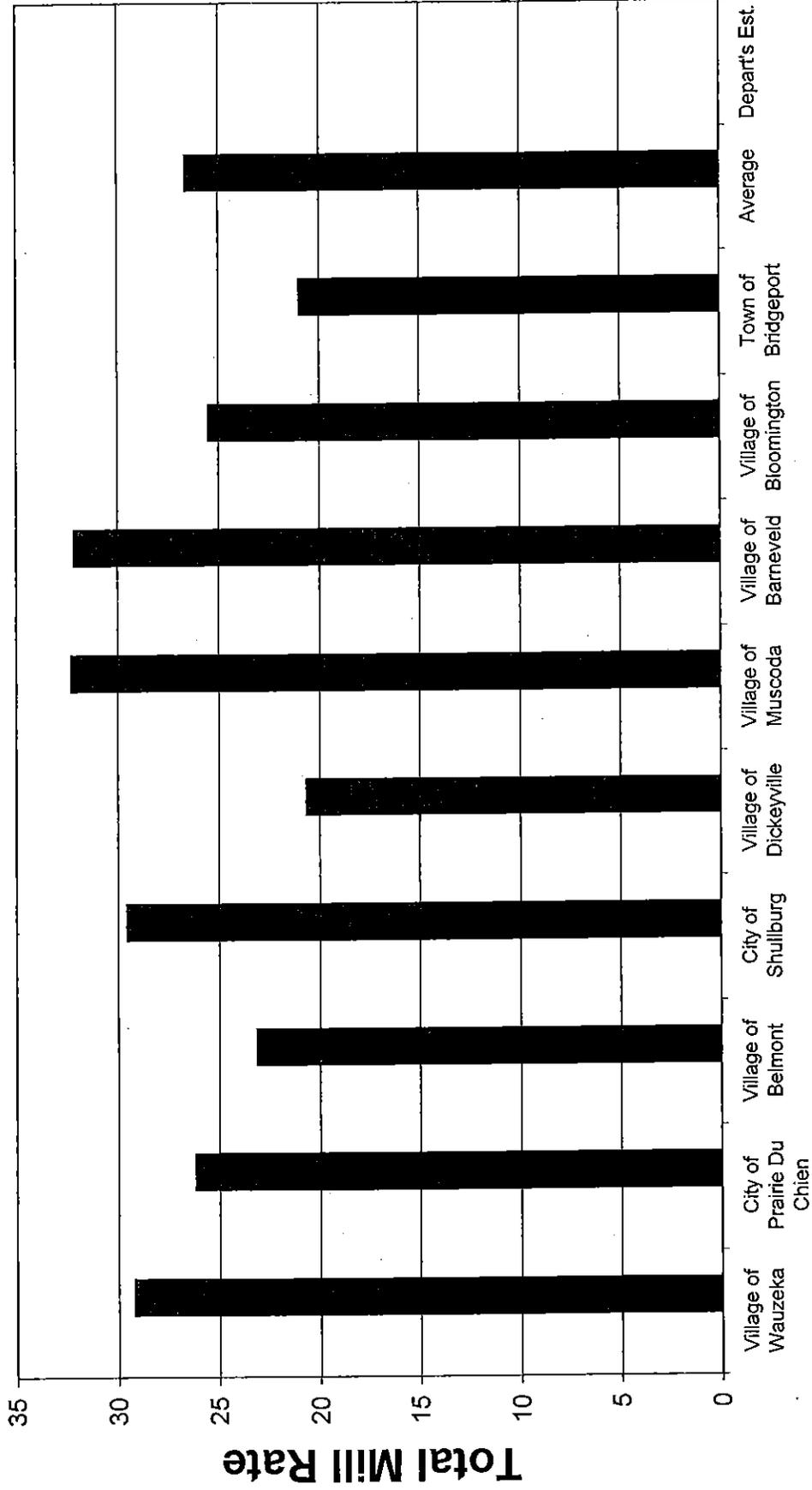
# Local Millrate Comparison in Southwestern Wisconsin 1998



Source: Wisconsin Department of Revenue

GRAPH 5

# 1998 Total Millrate Comparison in Southwestern Wisconsin



## Local Unit of Government

The petitioners' budget represents the expenditures and revenues believed to be necessary and sufficient for the operation of a village-style government. However, rather than basing these amounts on the experiences of other villages, the petitioners' simply used the current expenditures and revenues of the town of Bridgeport, which offers a very basic level and number of services to its residents. Although the Town has a larger property tax base than any of the villages examined, Bridgeport does not currently allocate funds to many of the governmental services that other similarly situated villages in southwestern Wisconsin choose to offer, which is why Bridgeport has the lowest local mill rate among the municipal comparables presented.

Part of the reason for the low mill rates may be due to increased development and value in property. Generally speaking, municipalities with rapid increases in full-equalized value show the lowest amount of increase in local mill rates. This is because increased value allows for more revenue, despite a constant mill rate. In recent years, the town of Bridgeport has experienced large increases in equalized values that are mainly due to new commercial development in the Town, which has offset the cost, for example, of hiring a local roads inspector.

However, increased development and tax base create can result in demand for more urban-type governmental services, which the town of Bridgeport does not currently provide. These additional services could provide for police patrol for the USH-18 business corridor, or provide prospective cost share for use by Town residents of nearby recreational, educational, cultural, and human service facilities in the city of Prairie du Chien. In addition, since startup costs for developing a village government are not directly addressed in the budget presented to the Department, the petitioners may want to consider reviewing the additional, onetime costs stemming from creating a new village government, including the establishment of boards and commissions, preparation and adoption of a code of ordinances, and development of a comprehensive plan in order to (after 2010) continue exercising police power authority over zoning, land division, and the issuance of building permits (something the Town may want to consider, regardless of the outcome of incorporation). Finally, elections would need to be held, a new governmental organization established, and consideration given to as to whether existing Town facilities are adequate to serve an urban population.

#### **Determination**

The proposed budget submitted by petitioners details the services the proposed village would propose to provide to residents of a new village. Petitioners suggest that the pattern of current town of Bridgeport's expenditures and revenues continue as the new village budget. Although the proposed budget (the Town budget) offers fewer governmental services than villages of comparable population and property tax base in Southwest Wisconsin, the area proposed for incorporation nevertheless does have a sufficient equalized property value that would enable the petitioners to raise a sufficient amount of local purpose tax revenue at equitable tax rates should it choose to do so.

It is the Department's conclusion that the territory proposed for incorporation therefore does meet the standard set forth in section 66.0207(2)(a), Wis. Stats.

**Section (2) (b), Level of Services**

No certified copy of a resolution to annex the territory as provided for by s. 66.0203 (6), Wis. Stats., was submitted to the circuit court. Therefore this standard is not applicable.

**Section (2) (c), Impact on the Remainder of the Town**

Because this petition includes the entire town of Bridgeport, there is no remainder of the town to consider. Therefore this standard is not applicable.

**Section (2) (d), Impact on the Metropolitan Community**

This petition to incorporate is for an “isolated community,” as determined by the circuit court according to the standards set forth in s. 66.0205, Wis. Stats. Therefore the “impact on the metropolitan community” need not be considered.

Appendix A - Endangered &  
Threatened Species,  
& Plant Communities

(a) *Endangered species*

Fish

*Alosa chrysochloris* (skipjack herring), Endangered in Wisconsin. This species prefers open waters of large rivers and occasionally river lakes. They may congregate in swift currents below dams early in the year. Spawning occurs from late April through early July.

*Hiodon allosoides* (goldeye), a fish listed as endangered in Wisconsin. This species prefers the quiet, turbid waters of large rivers and their connecting lakes and marshes. Spawning occurs from early May through early July.

*Notropis annis* (pallid shiner), a fish listed as Endangered in Wisconsin. This species prefers warm, slow moving rivers and their impoundments, over substrates of sand or mud. Spawning occurs from late winter through early spring.

Mussels

*Cumberlandia monodonta* (spectacle case), a mussel listed as Endangered in Wisconsin and a Federal species of Concern. This species prefers various-sized streams with flowing water, sand, gravel, or rock substrates that are stable. In Wisconsin, it is widespread but has a significantly reduced range in the southern half of the state. The known host fishes include five widespread species.

*Cyclonaias tuberculata* (purple wartyback), a mussel listed as Endangered in Wisconsin. In Wisconsin, this species prefers large rivers in the western and southern parts of the state. It prefers a stable substrate containing rock, gravel, and sand in swift current. Channel catfish and the yellow bullhead are probable hosts.

*Elliptio crassidens* (elephant ear), a Mussel listed as Endangered in Wisconsin. In Wisconsin, this species prefers large rivers in the western part of the state. Only very old relic individuals have been found since 1920. Only one very rare fish has been recorded as its hosts.

*Ellipsaria lineolata* (butterfly), a mussel listed as Endangered in Wisconsin. In Wisconsin, this species prefers large rivers in the western and southern part of the state. It prefers a stable substrate containing rock, gravel, and sand in swift current. The known host organisms include three common fish.

*Fusconaia ebena* (ebony shell), a mussel listed as Endangered in Wisconsin. In Wisconsin, this species prefers larger rivers in the western and southern part of the state. Only very old relic individuals have been found since 1920. Although five fish have been recorded to serve as its host, it is believed that only one very rare fish was primarily used in nature.

*Lampsilis higginsii* (higginsii eye), a mussel listed as Endangered at the Federal and State level. In Wisconsin this species prefers large rivers in the western part of the state in flowing water. It is found in various stable substrate types but

seems to prefer sand. Several common fish species have been recorded as its host.

*Quadrula fragosa* (winged mapleleaf), a mussel listed as Endangered at the Federal and State level. In Wisconsin this species prefers large and medium-sized rivers in the Mississippi River drainage. It is found in a gravel sand mixture in riffles or fast flowing water.

#### Herptiles

*Acris crepitans blanchardi* (blanchard's cricket frog), a frog listed as Endangered in Wisconsin. This species prefers marshes along rivers and river floodplains, fens, low prairies, and mud flats with abundant emergent vegetation. The breeding season occurs from late March through early August.

#### Aquatic Plants

*Polygala incarnata* (pink milkwort), a plant listed as Endangered in Wisconsin. The species prefers moist to dry mesic prairies. Blooming occurs from early July through mid-August. Optimal identification period is from early August to mid-November.

#### Terrestrial Plants

*Ruellia humilis* (hairy wild-petunia), a plant listed as Endangered in Wisconsin. This species prefers southern prairies and oak upland woods. Blooming occurs from mid-May through mid-October. Optimal identification period is from mid-May to mid-October.

*Scutellaria parvula* var. *parvula* (small skullcap), a plant listed as Endangered in Wisconsin. The species prefers dry, often dolomitic cliffs and prairies. Blooming occurs throughout the month of June. Optimal identification period is from mid-June to mid-August.

### (b) *Threatened Species*

#### Fish

*Ictiobus niger* (black buffalo) a fish listed as Threatened in Wisconsin. This species prefers strong currents and fast riffles of large rivers sloughs, silty backwaters and impoundments. Spawning occurs from early April through mid-June.

*Macrhybopsis* (*Hybopsis*) *aestivalis* (speckled chub), a fish listed as Threatened in Wisconsin. This species prefers broad, shallow riffles over substrates of sand, mud, clay, or gravel. Spawning occurs from May through August.

*Moxostoma carinatum* (river redhorse), a fish listed as Threatened in Wisconsin. This species prefers moderate to swift currents in large rivers systems, including the lower portions of their tributaries, reservoirs, and pools. River bottoms of

clean gravel or rubble are preferred. Spawning occurs from late May through June when water temperatures reach 72 to 76 degrees Fahrenheit.

*Notropis nubilus* (Ozark minnow), Threatened in Wisconsin. This species prefers clear, small to medium, low-gradient streams over bottoms of gravel or rubble. Spawning occurs from May through early August.

*Polyodon spathula* (paddlefish), a fish presently listed as a Special Concern species by the US Fish and Wildlife Service and Threatened in Wisconsin. This species prefers large rivers, lakes, or impoundments over muddy bottoms. Spawning occurs in early spring.

### Mussels

*Arcidens confragosus* (rock pocketbook), a mussel listed as Threatened in Wisconsin. This species prefers large rivers in the western part of the state. It is found in all substrate types where there is current. Five common fish species have been recorded as its host.

*Quadrula metanevra* (monkeyface), a mussel listed as Threatened in Wisconsin. In Wisconsin, species prefers swift, clean water in larger rivers in the western part of the state. Three common host fishes have been reported.

*Quadrula nodulata* (wartback), a mussel listed as Threatened in Wisconsin. In Wisconsin, this species prefers large rivers in fine sand or mud. It can be locally common. Six common host fishes have been reported.

*Simpsonia ambigua* (salamander mussel), a mussel presently listed as a Federal Species of Concern and Threatened in Wisconsin. In Wisconsin, this species prefers mussel, silt, or sand substrates beneath medium to large-sized rocks and undercut ledges, where its host, the mudpuppy frequents. It occurs in both the Mississippi River drainage and Lake Michigan drainage. It is often very abundant locally.

*Tritogonia verrucosa* (buckhorn), a mussel listed as Threatened in Wisconsin. In Wisconsin, this species prefers medium to large-sized rivers, with a moderate to swift current, and clean, firm substrates. The host fish is unknown.

### Herptiles:

*Clemmys insculpta* (wood turtle), a turtle listed as Threatened in Wisconsin. This species prefers deciduous forests and open meadows along moderate-to-fast-moving streams and rivers. The breeding season extends from early April through late August.

*Emydoidea blandingii* (Blanding's turtle), a turtle presently under review by the US Fish and Wildlife Service for federal listing and Threatened in Wisconsin. This species is found in sedge meadows, southern wet and southern wet-mesic forest, wet and wet-mesic prairie, open-water marshes, backwater sloughs, prairie potholes, and large ponds, slow-moving rivers and shallow lakes. The breeding season occurs from April through September.

### Aquatic Birds:

*Buteo lineatus* (red-shouldered hawk), a bird listed as Threatened in Wisconsin. This species prefers larger stands of medium-aged to mature lowland deciduous forests, dry-mesic and mesic forest with small wetland pockets. Breeding occurs from mid-April through early August.

*Haliaeetus leucophalus* (bald eagle), a bird listed as Threatened at the Federal and State level. This species prefers large trees in isolated areas in proximity to large areas of surface water, large complexes of deciduous forest, coniferous forest, wetland, and shrub communities. Large lakes and rivers with nearby tall pine trees are preferred for nesting. The breeding season extends from February through August. Favored wintering and roosting habitat includes wooded valleys near open water and major rivers from December through March.

### Forest Birds:

*Empidonax virescens* (Acadian flycatcher), a bird listed as Threatened in Wisconsin. This species prefers lowland deciduous forests and heavily wooded hillsides in large blocks of southern forests. The breeding season extends from mid-May through late July.

*Oporonis formosus* (Kentucky warbler), a bird listed as Threatened in Wisconsin. This species prefers moist deciduous woodlands with heavy undergrowth, thickets and ground vegetation. The breeding season extends from mid-May through late June.

### Terrestrial Plants:

*Agastache nepetoides* (giant yellow hyssop), a plant listed as Threatened in Wisconsin. This species prefers woodlands and forest edges, thickets, and river margins. Flowering occurs from early June through mid-October. Optimal identification period is from mid-July to late September.

*Gentiana alba* (yellow gentian), a plant listed as Threatened in Wisconsin. This species has been observed in thin soil in dry open woodlands, ridges and bluffs (often with dolomite near the surface), moist sand prairies and roadside ditches, and clay soils of wooded ravines. Blooming occurs from mid-August through mid-October. Optimal identification period is throughout the month of September.

*Parthenium integrifolium* (American fever-few), a plant listed as Threatened in Wisconsin. This species prefers prairies and remnants along roads and railroads; it can be difficult to tell whether the plant is native or has been planted. Blooming occurs from mid-June through mid-September. Optimal identification period is from mid-July to late September.

(c) *Species of special concern*

## Fish

*Anguilla rostrata* (American eel). State Special Concern Fish. Prefers large streams and lakes with muddy bottoms and still waters. To reach these water the eel has to traverse swift-flowing, medium-sized streams over a wide variety of bottoms. Spawning occurs in the Sargasso Sea.

*Aphredoderus sayanus* (pirate perch), State Special Concern fish. Prefers quiet waters of oxbows, overflow ponds, sloughs, marshes, ditches, and the pools of low-gradient streams. The bodies of water often traversed are sand covered or soft much bottoms, with brush piles or dense vegetation present. Spawning occurs during May.

*Cycleptus elongatus* (blue sucker), Special Concern species by the US Fish and Wildlife Services and Threatened in Wisconsin. This species prefers large, deep rivers with moderate currents over substrates of rubble, gravel, or sand. Spawning occurs from late April through early May.

*Erinyzon sucetta* (lake chubsucker), State Special Concern fish. This species p[refers lakes, oxbow lakes, sloughs of large rivers and quiet streams with dens vegetation over bottoms of sand, gravel, or rubble. Spawning occurs from late March through early July.

*Etheostoma aspiogene* (mud darter), State Special Concern fish. This species prefers moderate currents in sloughs, overflow areas, sluggish riffles, and pools of large, low gradient rivers over bottoms of mud, sand, gravel, clay, or bedrock. Spawning occurs from mid-march through late June.

*Etheostoma clarum* (western sand darter), a State Special Concern fish.

*Macrhybopsis stoeriana* (silver chub) State Special Concern fish

*Notropis texanus* (weed shiner), a State Special Concern fish. This species prefers sloughs, lakes, and quiet sections of medium

*Opsopoedus (notropis) emiliae* (pugnose minnow), a State Special Concern fish. This species prefers quiet, weedy lakes, sloughs, and low gradient rivers over bottoms of mud, sand, rubble, silt, clay, or gravel.

## Mussels

*Alasmidonta marginata* (elktoe), a State Special Concern mussel. This species prefers various-sized streams with flowing water, sand, gravel or rock substrates that are stable. In Wisconsin, it is widespread but has a significantly reduced range in the southern half of the state.. The known host fishes include five widespread species.

*Megalonaias nervosa* (washboard), a State Special Concern mussel. In Wisconsin, this species prefers large rivers in moderate current in the western part of the state. Although it does in occur in various substrate types, it seems to

be most abundant in mud. A total of 17 mostly common fish species have been recorded to be its hosts.

*Pleurobema sintoxia* (round pigtoe), a State Special Concern mussel. In Wisconsin, this species prefers various habitat types. It occurs only in clean water of small streams to large rivers on stable substrate. The host fish is unknown.

### Dragonflies

*Gomphus externus* (plains clubtail), a State Special Concern dragonfly. This species prefers rivers with moderate current and turbid water. The flight period extends from early June to late July.

*Lestes inaequalis* (elegant spreadwing) a State Special Concern dragonfly. This dragonfly prefers open bogs. The flight period is from June through July.

*Lestes vigilax* (swamp spreadwing), a State Special Concern dragonfly. This dragonfly prefers open bogs. The flight period is from June through July.

*Nasiaeschna pentacantha* (Cyrano darner) a State Special Concern dragonfly. This southern species breeds in larger swampy streams and lake coves and ponds with roots or branches in the water, north to Lincoln and Marinette counties and west to Buffalo county. The flight period is from June through July.

*Neurocordulia molesta* (smoky shadowfly) a State Special Concern dragonfly. This species prefers medium to large rivers with rocky substrates. They emerge from late May to early June with their flight period extending to July.

*Stylurus plagiatus* (russet-tipped clubtail), a State Special Concern dragonfly. This species prefers medium to large rivers with sand or silt bottoms. It can tolerate somewhat muddy streams. The flight period extends from June through mid-August.

### Herptiles

*Apalone mutica* (midland smooth softshell turtle), a State Species of Concern turtle.

*Crotalus horridus* (timber rattlesnake), a State Special Concern snake. This species prefers deciduous forests and croplands during summer and steep rugged bluffs and rocky outcrops during the spring and fall. Litters are born from late August through October.

*Diadophis punctatus* (prairie ringneck snake), a State Special Concern snake.

*Elaphe obsoleta* (black rat snake), State Special Concern snake.

*Pituophis catenifer* (bull snake), State Special Concern snake.

### Aquatic plants:

*Eclipta alba* (yerba de tajo), a State Special Concern plant. This species prefers muddy flats, sloughs, and lowland forests along the lower Wisconsin River. Blooming typically extends from early July to mid-October. Optimal identification period is from early August to mid-September.

### Forest Birds

*Dendroica cerulea* (Cerulean warbler), a bird presently listed as a Special Concern species by the US Fish and Wildlife Service and Threatened in Wisconsin. This species prefers lowland deciduous forests dominated by mature stands of American elm, cottonwood, and green ash and large upland blocks of dry-mesic to mesic forests. The breeding season extends from late April through mid-July.

### Terrestrial Plants

*Cacalia muehlenbergii* (great indian-plantain), a plant of Special Concern in Wisconsin. This species prefers mesic hardwood forests and adjacent mesic prairies, often with dolomite near the surface. Blooming occurs from mid-June through late July.

*Callirhoe triangulata* (clustered poppy-mallow), a plant of Special Concern in Wisconsin. This species prefers sand terrace prairies. Blooming occurs from mid-July through late September. Optimal identification period is from mid-July to late September.

*Diplazium pycnocarpon* (glade fern) A plant of Special Concern in Wisconsin. This fern prefers very rich mesic deciduous forests, often with dolomite near the surface. It should be identifiable throughout the year.

*Lespedeza violacea* (violet bush-clover), a plant of Special Concern in Wisconsin. This plant prefers dry forests and woodlands and is often found on sandstone bluffs in these areas. Blooming occurs from mid-June to late July. Optimal identification period is from early July to mid-September.

*Pellaea atropurpurea* (purple-stem cliff-brake), a plant of Special Concern in Wisconsin. This species prefers dry, exposed sandstone and dolomite cliffs, especially near the Mississippi River. It should be identifiable throughout the year.

*Phegopteris hexagonoptera* (broad beech fern), a plant of Special Concern in Wisconsin. This species prefers the shade of moist, rich, hardwood or mixed conifer-hardwood forests, often in somewhat acid soils. Optimal identification period is from mid-May to late-September.

*Platanthera hookeri* (hooker orchis), a plant of Special Concern in Wisconsin. This species can be found in a variety of dry to moist, mostly mixed coniferous-hardwood forests. Blooming occurs from mid-May through late July. Optimal identification period is from early June to mid-September.

*Solidago sciaphila* (shadowy goldenrod), a plant of Special Concern in Wisconsin. This species is endemic to the Driftless Area and prefers dry sandstone bluff edges, often under pines and Hill's oak. Blooming occurs from mid-August through late September. Optimal identification period is throughout the month of September.

#### Other Invertebrates:

*Erynnis lucilius* (columbine dusky wing), a State Special Concern butterfly. This species prefers rich, rocky, deciduous or mixed woodland or along its edges. Rocky, wooded ravines and gullies are also favored. Their flight periods are from April to early June and July to early September.

Three communities exist in the area; Emergent Aquatic, Floodplain Forest, and Wet-mesic Prairie. Descriptions from the WDNR website of these communities are below.

#### Emergent Aquatic

These open, marsh, lake, riverine and estuarine communities with permanent standing water are dominated by robust emergent macrophytes, in pure stands of single species or in various mixtures. Dominants include are often species of cattails (*Typha* spp.), bulrushes (particularly *Scirpus acutus*, *S. fluviatilis*, and *S. validus*), bur-reeds (*Sparganium* spp.), giant reed (*Phragmites australis*), pickerelweed (*Pontederia cordata*), water-plantains (*Alisma* spp.), arrowheads (*Sagittaria* spp.), and the larger species of spikerush such as (*Eleocharis smallii*).

#### Floodplain Forest

This is a lowland hardwood forest community that occurs along large rivers, usually stream order 3 or higher, that flood periodically. The best-development occurs along large southern rivers in southern Wisconsin, but this community is also found in the north. Wisconsin Canopy dominants may include silver maple (*Acer saccharinum*), river birch (*Betula nigra*), green ash (*Fraxinus pennsylvanica*), hackberry (*Celtis occidentalis*), swamp white oak (*Quercus bicolor*), and cottonwood (*Populus deltoides*). Northern stands are often species poor, but balsam-poplar (*Populus balsamifera*), box-elder (*Acer negundo*) and bur oak (*Quercus macrocarpa*), and box elder (*Acer negundo*) may replace some of the missing "southern" trees. Buttonbush (*Cephalanthus occidentalis*) is a locally dominant shrub and may form dense thickets on the margins of oxbow lakes, sloughs and ponds within the forest. Nettles (*Laportea canadensis* and *Urtica dioica*), sedges, ostrich fern (*Matteuccia struthiopteris*) and gray-headed coneflower (*Rudbeckia laciniata*) are important understory herbs, and lianas such as Virginia creepers (*Parthenocissus* spp.), grapes (*Vitis* spp.), Canada moonseed (*Menispermum canadense*), and poison-ivy (*Toxicodendron radicans*) are often common. Among the striking and characteristic herbs of this community are green-headed coneflower (*Rudbeckia laciniata*), cardinal flower (*Lobelia cardinalis*) and , green dragon (*Arisaema dracontium*), and false dragonhead (*Physostegia virginiana*).

### Wet-Mesic Prairie

This herbaceous grassland community is dominated by tall grasses including big bluestem (Andropogon gerardii), Canada bluejoint grass (Calamagrostis canadensis), cordgrass (Spartina pectinata), and Canada wild-rye (Elymus canadensis). The forb component is diverse and includes azure aster (Aster oolentangiensis), shooting-star (Dodecatheon meadia), sawtooth sunflower (Helianthus grosseserratus), prairie blazing-star (Liatris pycnostachya), prairie phlox (Phlox pilosa), prairie coneflower (Ratibida pinnata), prairie docks (Silphium integrifolium and S. terebinthinaceum), late and stiff goldenrods (Solidago gigantea and S. rigida), and culver's-root (Veronicastrum virginicum).

Appendix B - Water Agreement

THIS AGREEMENT, made this 19 day of June, 1987, by and between the City of Prairie du Chien, Crawford County, Wisconsin, a municipal corporation, hereinafter sometimes referred to herein as "City" and Sanitary District No. 1 of the Town of Bridgeport, Crawford County, Wisconsin, a statutory town sanitary district organized pursuant to ch. 60, Wis. Stats., hereinafter sometimes referred to herein as "District",

W I T N E S S E T H :

WHEREAS, each of the parties hereto has the responsibility of providing an efficient means of distributing potable water and providing fire protection;

WHEREAS, the City has a complete waterworks utility which it has been operating for many years;

WHEREAS, the District heretofore planned to provide a water distribution system and hydrants within the District to provide water for District residents and properties and requested the City to provide it with water supply and pressure for its system;

WHEREAS, due to the application of a builder planning construction of a new commercial area needing immediate service, the District determined that the proposed waterworks system construction should be divided into two phases of construction with the first phase to be done immediately in order to serve the new commercial area aforesaid which is identified as Area "X";

WHEREAS, it was the determination of the District after completion of the proposed Phase 1 that District proceed to plan

and construct Phase 2 in order to provide water service in the remainder of the District;

WHEREAS, in order to bring the water to the boundary of the District it was necessary for the District to build a transmission line from within the City to the District boundary;

WHEREAS, in order to serve Area "X" it was necessary that this transmission line become a part of Phase 1;

WHEREAS, as a part of Phase 1 there was an extension built to the west from the location of the connection with Prairie du Chien;

WHEREAS, a portion of the extension to the west along LaPointe Street could serve users from the City as well as users from the District;

WHEREAS, the City contributed a portion of the construction costs of that portion of the line from LaPointe Street which could serve City users as well as additional users from the District;

WHEREAS, the City and the District entered into a preliminary agreement for the furnishing of water for Area "X" and users attaching to the service mains to the west;

WHEREAS, said preliminary agreement further provided that the parties hereto would negotiate a long term contract for the permanent operation by the District as a water utility after Phase II was constructed for the furnishing of water and pressure to the entire District;

WHEREAS, the District is proposing to continue its water main construction to the remainder of the District to be identified

as Phase II and the purpose of this instrument is to provide a longterm agreement for the furnishing of water and pressure by the City to the entire District, being the combined area of Phase I and Phase II;

WHEREAS, the District is proposing to install a master meter as described in Exhibit "A" attached hereto and which said meter will be so located so that the water furnished by the City to Area "X" plus the Phase II will be measured;

WHEREAS, due to the fact that the main along LaPointe Street is serving water customers from the City as well as from the District, the water furnished to the District will be measured by combining the volume as measured by the master meter for the applicable period and plus the readings for all of the water furnished to District users in the areas not covered by the master meter as shown by their individual water meters;

WHEREAS, the Board of Commissioners of the District have been furnished and have read the rules and regulations of the Prairie du Chien Waterworks Utility;

WHEREAS, the rules and regulations of the District, proposed charges and this agreement will be subject to review and change by the Public Service Commission of Wisconsin;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO THAT THE CITY will provide potable water and pressure as needed and as available from the existing facilities of the City to the extent and for the term hereinafter set forth

and the District hereby contracts with the City to obtain and accept said water and to pay for such service in the manner and in the amounts as hereinafter determined and set forth, and all of which is hereby made, entered and agreed to in accordance with and subject to the following terms and conditions:

1. TERM.

The term of this contract is a period of twenty (20) years with a commencement date of \_\_\_\_\_ and to be extended thereafter for successive \_\_\_\_\_ year terms unless either party hereto gives notice in writing to the other at least two years prior to the end of the initial term hereunder.

2. GENERAL INTENT.

The District intends to construct a network of water distribution lines to provide potable water and fire protection to the residential dwellings and commercial properties located in the District. The City intends to provide potable water and pressure as needed and as available from its existing facilities.

3. CITY WATER PLANT.

The City has constructed, financed, and maintains the City water pumping facilities in accordance with State and Federal regulations and requirements. The system is designed to provide water to the City and the District. For a period of 20 years from the effective date of this agreement, the District shall not construct, install, operate or maintain a separate facility for pumping water without a release from this agreement from the City. It is contemplated that the expansion within the District will be residential and commercial of the type presently in the

District and that the City will be able to handle it for the 20 year period under normal expansion of its water supply system which would be likely to occur. In the event the District would be considering a user of more than normal demand, District shall request permission from the City to extend its system in order to make the connection to such a user. Permission can only be denied by the City because of lack of capacity at the time of the request. In the event the City finds lack of capacity, the parties hereto agree to negotiate for the enlargement so as to provide an equitable manner for the City to provide additional capacity. Such additional costs may be covered by contribution from the District, by adjustment in rates to cover the additional costs over a period of years or by a combination of these methods. Also included as a possible requirement is the extending of the period of time beyond the twenty (20) years on the agreement of the District not to construct, install, operate or maintain a separate facility for pumping water in order to assure the City of a return on the additional investment for a period of years required to offset the additional investment. The final decision as to the method or methods above set forth to be used to cover additional costs for construction of any additional capacity arising out of a request as above set forth by the District shall be by the City.

#### 4. FEES.

The District hereby agrees to pay annual fees to the City for the furnishing of water and pressure, payable in three (3) billing periods of four (4) month intervals with bills mailed in March, July and November of each year. Fees shall be computed

or the volume delivered by the City to the District for each four (4) month period. Volume will be based on the water as measured by the master meter plus the total water readings of each water user as shown by the individual meter of each user receiving water from the mains west of Area X for all users receiving water not flowing through the master meter.

5. ESTABLISHMENT OF CHARGES AND PUBLIC SERVICE COMMISSION FILING.

The parties hereto shall forthwith jointly file this contract to the Public Service Commission of Wisconsin. The City agrees to file a request with the Public Service Commission requesting the Public Service Commission to file charges set forth below as a part of its rate schedule. The District agrees to support this request. The District agrees that it will jointly request a rate hearing for the District if and when the City determines to file such a request. The District further agrees in such an event to cooperate with the City in requested changes. It is agreed that rate increases or decreases granted to the City shall be proportionately applied to the District rates. All Public Service Commission rules and regulations now in effect or in the future established shall apply to the District insofar as such rules and regulations affect the operation of the District. As an exception to this, rules and regulations applying to the type of material or equipment shall not govern the District. This exception is made because the District is considering the installation of PVC pipe instead of cast iron pipe for some of its mains and may use hydrants or other equipment different from than the City.

It is hereby agreed that the charges to be made for the water furnished by the City to the District and to be filed with the Public Service Commission as above provided shall be made on a volume basis at a rate of .41/100 CCF. Due dates and penalty charges for failure to pay on time shall be the same as applied to other users of the Prairie du Chien waterworks utility.

6. USE BY CITY ALONG LAPOINTE STREET.

City users are presently attached to the main along LaPointe Street. The City may attach additional users from time to time to this main. City use is limited to 40% of the volume of this line. Maintenance of this line will be shared by the District and the City by ratios of 60% to the District and 40% to the City.

7. BOOKS AND RECORDS.

Each party shall keep accurate books, records and accounts of costs, expenses, expenditures and receipts as they pertain to this Agreement. Upon reasonable notice, either party, or the Farmers Home Administration, shall be entitled to examine any and all books and/or records. Farmers Home Administration is furnishing portions of the financing to the District.

8. RULES AND REGULATIONS.

The District agrees at its expense to have its master meter independently tested at least once a year by a company acceptable to the City and furnish the City a copy of the test and report. The District likewise agrees to maintain a testing procedure for the meters of individual users receiving water not measured by the master meter. In addition to the District test, the City

may at its option also inspect and test the master meter and the individual meters referred to above at any time. In the event any of the tests indicate inaccuracies in the measuring by the master meter or any of the other meters, the District hereby agrees to forthwith correct the same.

9. BINDING AGREEMENT.

This Agreement is binding upon the parties hereto and their respective successors and assigns.

10. AUTHORITY.

This Agreement has been authorized by the Common Council of the City of Prairie du Chien and by the Board of Commissioners of Sanitary District No. 1 of the Town of Bridgeport.

11. The District agrees that all maintenance of the District mains and other equipment shall be by the District and that there is no responsibility or obligation on the part of the City to maintain or contribute to maintenance.

12. The City has installed a number of meters for the District water utility users. The District hereby covenants and agrees to forthwith reimburse the City its actual costs for the purchase and installation of said meters.

13. A metes and bounds description of the area referred to in this agreement as Area "X" is attached hereto as Exhibit B.

Signed by the City of Prairie du Chien this 19 day of

June, 1987.

CITY OF PRAIRIE DU CHIEN

BY:

[Signature]  
Mayor, City of Prairie du Chien

ATTEST:

BY: *Lois Kow*  
Clerk, City of Prairie du Chien

Signed by Sanitary District No. 1 of the Town of Bridgeport  
this 19 day of June, 1987.

SANITARY DISTRICT NO. 1 OF THE TOWN OF  
BRIDGEPORT

BY: *Alan Benekes*  
Commissioner

BY: *Stephen E. Wells*  
Commissioner

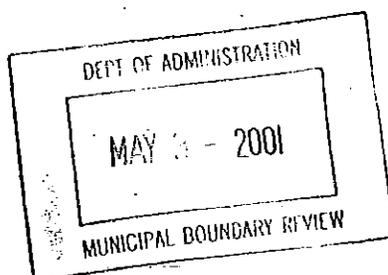
BY: *Kenneth J. Boyer*  
Commissioner

Appendix C - Boundaries of Sanitary  
District No. 1

The bounda ry District  
No. 1 of the Town of Bridgeport if such request is granted  
shall be as follows:

Being a part of Farm Lots 39, 40, 41, 42 and 43 of the private land claims at Prairie du Chien and a part of Government Lot 1 and the NE 1/4 of the NE 1/4 of Section 8, T 6 N, R 6 W and a part of Government Lot 3 of Section 5, T 6 N, R 6 W, all located in the Town of Bridgeport, Crawford County, Wisconsin, and more particularly described as follows:

Beginning at the Southeast corner of Farm Lot 40; thence N 18° 54' 36" W along the East line of said Farm Lot, 60.45 feet; thence N 56° 04' 55" W along the East line of said Farm Lot, 624.18 feet; thence N 25° 47' 06" W along the East lines of Farm Lots 40 and 39, 950.09 feet to a stone in line with an extension of the centerline of Lessard Street; thence S 79° 27' 25" W along said extended centerline, 1877.35 feet; thence S 11° 44' 04" E, 909.35 feet to a point in line with an extension of LaPointe Street; thence S 79° 58' 07" W along said extension and the centerline of LaPointe Street, 5659.65 feet to the West line of Farm Lot 40; thence S 25° 00' 00" E along said West line, 528.65 feet to the Northwest corner of Farm Lot 41; thence S 25° 50' 12" E along the West line of said Farm Lot 41, 895.23 feet to the Northwest corner of Farm Lot 42; thence N 79° 49' 18" E along the North line of said Farm Lot 42, 3956.22 feet to the Northeasterly line of Lot 1, Certified Survey Map Number 232; thence S 69° 36' 54" E along said Northeasterly line, 1518.36 feet to the Northeast corner of said Lot 1; thence S 11° 23' 33" E along said East line, 45.03 feet to the South line of said Farm Lot 42; thence N 79° 29' 31" E along said North line, 55.12 feet; thence S 47° 24' 05" E, 2997.35 feet to the West line of Lot 1, Certified Survey Map Number 236; thence S 03° 59' 22" E along said East line and an extension thereof, 878.62 feet to an extension of the South line of "Scenic View Addition" plat; thence N 85° 08' 16" E along said extension and the South line of said plat, 1027.87 feet to the Southeast corner of said Plat; thence S 76° 02' 50" E, 1027.52 feet; thence



N 23° 09' 22" E, 227.04 feet to the centerline of U.S. Highway "18" and State Highways "60" and "35"; thence N 63° 41' 05" W along said centerline, 167.69 feet to the East line of Government Lot 1, Section 8, T 6 N, R 6 W; thence N 00° 14' 54" E along said East line, 863.27 feet to the Southeast corner of Government Lot 3, Section 5, T 6 N, R 6 W; thence N 00° 11' 18" W along said East line, 259.79 feet; thence N 63° 41' 05" W, 452.74 feet to the point of curvature of a curve to the right having a central angle of 16° 17' 00" and a radius of 1546.70 feet; thence Northwesterly along the arc of said curve, 439.57 feet to the point of tangency thereof, said arc having a long chord bearing N 55° 32' 35" W, 438.09 feet; thence N 47° 24' 05" W, 3197.32 feet; thence N 21° 27' 52" W, 919.91 feet to the North line of said Farm Lot 41 and the centerline of Vineyard Road; thence N 79° 45' 45" E along said North line and said centerline, 1420.28 feet to the point of beginning. Containing 20,054,283 square feet - 460.383 acres.

Also including all lands lying between the Westerly lines of Farm Lots 40 and 41 and the water's edge of the Mississippi River being bound on the North by the Westerly extension of LaPointe Street and on the South by an extension of the Southerly line of Farm Lot 42.

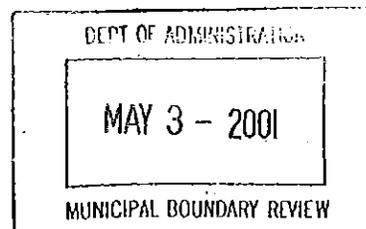
Also including all of Lot 1, Section 5, T 6 N, R 6 W except a parcel of land described in Volume 371, Land Contracts, page 235 and Volume 321, Deeds, page 191 in the Office of the Crawford County Register of Deeds.

Dated this 20<sup>th</sup> day of December, 1986.

TOWN BOARD OF THE TOWN OF BRIDGEPORT,  
CRAWFORD COUNTY, WISCONSIN

BY:

*Merlynn K. Schaub*  
Town Clerk of the Town of  
Bridgeport, Crawford County,  
Wisconsin





## **Appendix E Bridgeport Contact List**

**Ericka Scarpace** – Department of Natural Resources (DNR), Bureau of Endangered Resources (608) 266-3336. (No longer the contact person)

**Jamie Schlangen** – DNR Endangered Resources – 264-6057 **NEW CONTACT PERSON!** (no longer Erika as of Feb 2001) schlaj@dnr.state.wi.us

**Todd A. Infield**, of Kramer, Brownlee & Infield, LLC, attorney for Petitioners

**Julie Wachter**, Petitioners' designee, Clerk of Town of Bridgeport – 608-326-7220, 608-326-4813, Fax 608-326-1816  
61683 Cabin Hill Lane, Prairie Du Chien, WI 53821

**John Karnopp**, Petitioners' alternate designee, Bridgeport Lane, Prairie du Chien, WI 53821.

**Gary Brunner** 608-785-9022 DOT LaCrosse district office – Chief of Planning  
[gary.brunner@dot.state.wi.us](mailto:gary.brunner@dot.state.wi.us) - sent us Transportation plan, corridor study, etc..

**Wendy Weihenuller** 272-3212 – South Central District DNR (Fitchburg) –got LUST site lists from her)

**Gregory Flogstad**, Director Mississippi Regional Planning Commission. Email: [mrrpc@centuryinter.net](mailto:mrrpc@centuryinter.net)

**Richard Dexter** – State Historical Society – 264-6509, Fax 264-6502

**Mark Cupp** – Wisconsin Riverway Board – 608-739-3188 Contacted 3/29 about WRB jurisdiction in town – sending us maps, etc. [mark.cupp@lwr.state.wi.us](mailto:mark.cupp@lwr.state.wi.us)

**Lisa Helmuth** – DNR - Great Lakes Watershed Management – 266-7768 Contacted 3/29 about sanitary district boundaries

**Donald McGuire**, Zoning Administrator for Township of Bridgeport  
36927 Riverview Drive, Prairie du Chien, WI 53821.

**Gary Koch**, City Administrator/Clerk/Treasurer Prairie Du Chien – 608-326-6406, Fax 608-326-8182  
207 West Blackhawk Ave. P.O. Box 324 Prairie du Chien, WI 53821

**Mike Gabor**, Bureau of Aeronautics, DOT

**Wendy Hettenstein, P.E.** – Airport Development Engineer, Bureau of Aeronautics, DOT – 261-6278

Mississippi River Regional Planning Commission  
Director- Greg Flogstad  
Planner- Dave Bonafuss  
(608) 785-9396  
1707 Main Street  
LaCrosse, WI 54601-4133  
[mrrpc@centuryinter.net](mailto:mrrpc@centuryinter.net)

Crawford County Land Conservation, Planning and Zoning  
Zoning Administrator- John Rybarczyk  
(608) 326-0294  
111 W Dunn Street  
Prairie du Chien, WI 53821

## **ACKNOWLEDGEMENTS**

I would like to gratefully acknowledge the research and drafting assistance provided by Municipal Boundary Review personnel Robert Zeinmann, and in succession, Arun Rao, Erich Schmidtke, Dana Lucero, and Eric Raffini, who persevered, despite the constant distractions of multiple pending incorporation reviews, analysis of pending legislation, the review of intergovernmental agreements, and other assigned duties.

George Hall, Director  
Municipal Boundary Review