

TOWN OF KILDARE  
JUNEAU COUNTY, WISCONSIN

RESOLUTION 04-2020

A Resolution to Oppose Ho-Chunk Application for Fee-To-Trust  
of Parcel 290140144 in the Town of Kildare

WHEREAS, the Ho-chunk Nation has applied to the Bureau of Indian Affairs, Department of the Interior, to remove a Town of Kildare Parcel from the Town's Tax Rolls and Local Jurisdiction; and

WHEREAS, the application further states the intention to increase housing units at that location;

THEREFORE BE IT RESOLVED THAT the town board of the Town of Kildare, Juneau County, Wisconsin, is **OPPOSED** to placing a 272.33 acre parcel (a.k.a. White Otter Property) located within Section 2, T14N, R5E, Juneau County Wisconsin, into Federal Trust Status for the Ho-Chunk Nation. Placing the property into Federal Trust Status will create economic, jurisdictional, and environmental hardships for the Town of Kildare, plus loss of tax income for Juneau County, Mauston School District, Wisconsin Technical College and the State. Our opposition is based on the following:

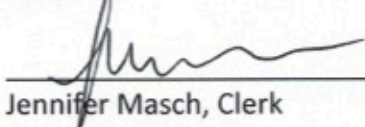
- 1) **Tax Revenue Losses:** Kildare is a rural area (without large commercial or industrial entities) which cannot afford to lose valuation from its present tax base, especially in consideration of uncertain State Shared Revenues and Rebates, along with increasing municipal costs.
- 2) **Additional Residential Construction:** Kildare adopted an Ordinance in July of 1985 limiting residential construction to one residence within 5 acres of land. The property in question already has two, closely placed residences at the end of a cul de sac. The Nation's application cites the desire for additional residential development in that location. This application is another attempt to circumvent Town Ordinance and Kildare's adopted Comprehensive Plan to maintain a rural atmosphere throughout the Town by standardizing home-to-acreage ratios. Other taxpayers are denied the right to build additional residential structures. If this application is approved, Ho-Chunk Nation would be treated as a Special Class from other taxpayers, which constitutes **unequal treatment under the Constitution**.  
While the information received to date does not specify the number of residences planned, it is guaranteed to circumvent Kildare's ordinance for single family homes on 5 acres lots and could even include illegal construction of multi-family homes. There are currently no public roads leading into the property off of Dombek Rd. to access those proposed residences and no guarantee the Nation will build or maintain roads according to Kildare ordinances and standards.
- 3) **Municipal Service Costs:** Construction of additional housing, over and above the one residence within 5 acres Ordinance, will result in additional costs for municipal services. These services are increasing steadily almost every year. Road Maintenance & Plowing, Trash & Recycling, Emergency Services via Lyndon Station Fire Department and Mauston Area Ambulance Service are all Town of Kildare contracts paid through annual tax assessments. There is no guarantee that the Federal Government or Ho-Chunk Nation will provide these services at current levels. The Federal Government or Ho-Chunk Nation may promise to contract for the services but these arrangements could be below current standards and/or discontinued at any time. The Town's public health and welfare would be adversely affected if the Nation reneged on any agreements or provided sub-standard services. Then Kildare would have no recourse but to provide these services to Ho-Chunk property with Kildare taxpayers absorbing the cost. **Unequal treatment under the Constitution.**
- 4) **School Support:** In 2019, ~~only~~ <sup>just</sup> fifty-five percent of real estate taxes were directed to Mauston School District and WWTC. Kildare taxpayers pay their assessed levy percentage regardless of

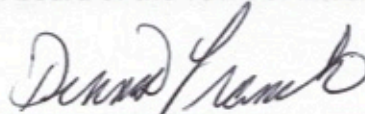
whether they have children in the system or not. In previous attempts to remove property from the tax rolls, Ho-Chunk Nation proposed to pay a stipend only for the number of Ho-Chunk students actually attending. **Again, unequal treatment and a severe drain on the resources of our educational institutions.**

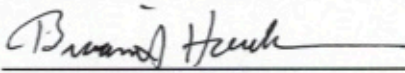
- 5) **State and County Support:** Thirty-one percent of real estate taxes were directed to Juneau County and State of Wisconsin. The County and State will expect their levy amounts to be paid by the taxpayers of Kildare - with or without the Ho-Chunk's contribution.
- 6) **Immunity to Jurisdictional Regulation:** Property placed "In Trust" would be **immune** to all Town of Kildare Ordinance requirements, including housing and land use, as well as the Town's Adopted Comprehensive Plan to preserve a rural atmosphere and maintain neighboring property values.
- 7) **Ability to Pay:** The Nation purchased this property, and other, highly desirable and expensive properties along the Wisconsin River without government assistance. We feel the Nation neither needs nor can justify tax exemption and immunity from regulation which results from trust status. The massive improvements to their casino sites further indicate financial security and economic self-sufficiency. The Nation continues to pay enrolled tribe members a per capita stipend. The Ho-Chunk Nation does not need money from U.S. taxpayers to meet their obligations. It is their responsibility, as it is every property owner's responsibility, to see that their property is not subject to foreclosure due to non-payment of taxes.
- 8) **Ho-Chunk treated as a Special Class:** Again we declare, by placing this property into Federal Trust Status, the Ho-Chunk Nation would be treated as a Special Class from other taxpayers, which constitutes **unequal treatment under the Constitution.**

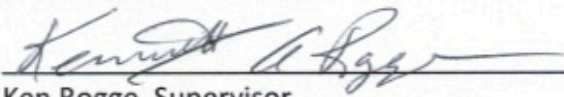
Adopted this 9<sup>th</sup> day of December 2020, by the Town board of the Town of Kildare, Juneau County, Wisconsin.

Attest:

  
\_\_\_\_\_  
Jennifer Masch, Clerk

  
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Dennis Franek, Chairman

  
\_\_\_\_\_  
Brian D. Hawkins, Supervisor

  
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Ken Rogge, Supervisor

Posted: 12/9/2020