Wisconsin Villages Come in All Shapes and Sizes

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It's impossible to characterize the "typical" Wisconsin village. You can measure them by geographic size, by population, or by property value, or by their rural or urban setting, but you still can't put your finger on the one thing they all have in common. Wisconsin villages are uniquely Wisconsin.

The numbers don't tell everything

Wisconsin has 413 villages. The number increases by one or two each year as urbanizing towns petition for and are granted the authority to incorporate. Contrary to most peoples' vision of a village, not all of them are small. The largest, the village of Menomonee Falls in Waukesha County, has a population of 37,413 and a property valuation of $4.96 billion. It ranks as Wisconsin's 21st largest municipality.

Villages can, of course, be small and many are. The smallest, the village of Big Falls (apparently "Falls" is a popular last name among Wisconsin villages) in Waupaca County has a population of just 57 with a property tax valuation of $3.38 million. The "median" size municipality (including cities and villages) in Wisconsin has a population of roughly 1,500.

In addition to huge variations in both property value and population, a village is not necessarily urban or rural. Wisconsin's villages can be very urban, like West Milwaukee, or very rural, like the village of Winter in Ashland County.

The suburban village of Brown Deer is on the larger side. Lying adjacent to the city of Milwaukee, Brown Deer has a population of 12,305. This April, the village elected a new village president, Wanda Montgomery. Montgomery was the first African-American village president for Brown Deer and only the second African-American woman elected to lead *any*

Wisconsin municipality. But it was a different form of diversity that she brought to the board.

"I looked at the board and I didn't see *me,*" she explained. "I'm not talking about race, or gender or ethnicity, I'm talking about a different way of looking at things; a different point of view than the village had seen before. In the course of my campaign, I learned that we have a rich community, with a lot of ideas and energy. I want to bring that to the village board."

Longtime village leader Barb Dickmann also has a vision and a passion. She grew up in her Washington County home of Saukville (population 4,450), only they called it something different when she was in high school; dropping the letter "a" from the village's name. "I didn't want to hear my community referred to that way ever again," she said. Dickmann has served on the village board for 20 years, but her focus is still on those who come next. "I'm looking at future generations, making Saukville better for them."

If you ask a rural village leader, they will often say that village life is quieter, calmer, and even safer. Beth Schmidt is a trustee on the Orfordville Village Board. Orfordville is a community of 1,450 people in rural Rock County. "When I get back here (from my job in Madison) I go ahhh," she said. "It's a small town and I won't work here, but we wanted to raise our children in a small community." Schmidt uses her commute from Madison as a time to "unwind."

Many of the village leaders we talked to echo that "small town" feeling. More than one person admitted that, not only don't they lock their doors at night, they've forgotten where they put the keys.
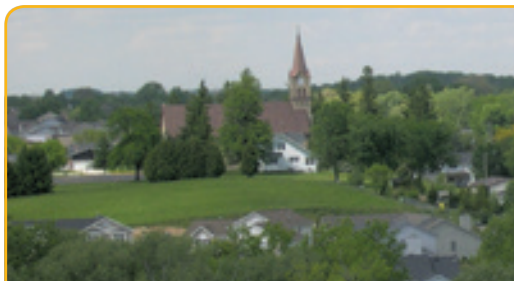
Our Villages | **Village of Johnson Creek**

Crossroads With a Future

Incorporated In: **1903**

Population: **2,997**

County/Counties: **Jefferson**

Rothschild Village President George Peterson acknowledges that feeling of calm, although he ascribes it more to being in Wisconsin's northern half and to having a well-run village than to living in a village per se. Rothschild, with a population of 5,300, is adjacent to the city of Wausau. "We have a good police department and our public works department keeps up with everything. Maybe it's being 'Up North,' but we just don't worry about things like mass shootings."

Village powers

From a structure and legal powers perspective, whether rural or urban, villages have more in common with cities than they do with towns. Like cities, villages are incorporated, general-purpose units of local government, created at the request of their inhabitants to perform a broad range of local services. Cities and villages have both constitutional and statutory "home rule" powers, which towns do not have. Home rule is a broad grant of authority given to cities and villages to determine local affairs and government, manage and control municipal property, finances, highways, navigable waters, and the public service, and to act for the good order of the municipality, for its commercial benefit, and for the public health, safety, and welfare.[1] In contrast, towns need specific statutory authorization to exercise power.

In the state's earliest days, incorporation was done by petition and referendum; the legislature had the power to incorporate municipalities by special act and issued city charters specifying individual powers. Villages could be created by general charter since 1846.

Milwaukee, which was incorporated in 1846 by the territorial legislature before Wisconsin became a state, was Wisconsin's only city at that time. But even Milwaukee has "village roots" in a way. According to the Wisconsin Historical Society, Milwaukee consisted of five separate villages known as wards and its mayor governed five sets of independent representatives from each area.

In Wisconsin's early days, cities had more powers than villages. Villages whose citizens wanted more public services and greater autonomy needed to apply for city charters from the legislature when they reached a certain population. Madison was incorporated as a village in 1846 and received its city charter from the state legislature in 1856.

Some legal history of "incorporation"

Wisconsin's earliest incorporation statute, enacted in 1898, resembled our current incorporation statute in procedures and basic requirements[2] but was vague about what it meant to be a "city" or a "village." In a case involving a constitutional challenge to the early incorporation laws, the court tried to determine what the framers of the Wisconsin constitution intended when they referred to a city or village, saying:

The word "city" undoubtedly refers to a municipal corporation of the larger class, somewhat densely populated, governed by its mayor and board of aldermen, with other officers having special functions. A "village" means an assemblage of houses less than a city, but nevertheless urban or semiurban in its character, and having a density of population greater than can usually be found in rural districts. A very common definition of a village found in the books is as follows: "Any small assemblage of houses, for dwelling or business, or both, in the country, whether situated upon regularly laid out streets and alleys or not."

State ex rel. Town of Holland v. Lammers, 113 Wis. 398, 89 N.W. 501, 502 (1902) (cites omitted).

Lammers decided that the incorporation laws required existence of a city – or village – "in-fact" meaning incorporation was limited to territory with a reasonably compact center or nucleus of population, and not a mere agricultural community. The court said inclusion of territory beyond the "thickly settled limits" required that the territory reasonably possess some natural connection with and adaptability to village

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1. Wis. Stat. §§ 62.11(5) and 61.34(1).
2. It required circulation of petition, notice of proposed incorporation published in local paper, requisite number of elector and taxpayer signatures, minimum population and minimum area, and was subject to referendum.

Photo Credit: Gio Diaz

Our Villages | **Mukwonago**

Where life, leisure, and business thrive

Incorporated In: **1844**

Population: **8,055**

County/Counties: **Waukesha/Walworth**

purposes and seem reasonably necessary for future growth and development. The *Lammers* doctrine, requiring a village-in fact, guided incorporation until the incorporation statutes were revamped in 1959.

Wisconsin's current incorporation statute, § 66.0205, contains more detail than its predecessor, in addition to current population and density requirements which vary depending on whether the territory is "isolated" or "metropolitan." Requirements are less onerous for villages (an *isolated village* must be at least one-half square mile with a minimum resident population of 150 whereas an *isolated city* must be at least 1 square mile, with a resident population of 1,000 and a minimum of 500 persons in any square mile; a *metropolitan village* must be 2 square miles with a resident population of 2,500 and a minimum of 500 persons per square mile whereas a *metropolitan city* must be 3 square miles, with a resident population of 5,000, and a minimum of 750 persons per square mile). The law imposes larger minimum area standards when a proposed incorporation is within 10 miles of a 1st class city or 5 miles within a 2nd or 3rd class city.

In addition to population and density requirements, incorporations are reviewed by the state to ensure the entire territory of a proposed incorporation is "reasonably homogeneous and compact, taking into consideration such things as natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries," school district boundaries, shopping and social customs. Wis. Stat. § 66.0207(a).

The law requires that an isolated municipality must have a reasonably developed community center, including some or all features such as retail stores, churches, post office, telecommunications exchange, and similar centers of community activity. Territory beyond the core must have a minimum number of housing units per quarter section or assessed value for real estate tax purposes, more than 25 percent of which is attributable to existing or potential mercantile, manufacturing, or public utility uses and must have the potential for residential or other urban land use development on a substantial scale within the next three years which can be waived if water, terrain, or geography prevents the development. In addition, the state Incorporation Review

Board must determine that proposed incorporation is in the public interest, considering the following:

• Tax revenue
• Level of services
• Impact on the remainder of the town
• Impact on the metropolitan community

Unlike the number of villages, which has been increasing slowly, Wisconsin has had 190 cities for a number of decades. There have been no recent incorporations of new cities in Wisconsin. Why would a village choose to stay a village when it has the population to become a city? The simplest answer is there is no reason to make the change; the additional powers do not justify the additional burden. Wisconsin villages now are able to exercise largely the same powers as cities. Many laws that read as if they are applicable only to cities, are made applicable to villages by other statutes.[3]

Hands-on governance

The biggest difference between cities and villages lies in the form of government (village board-village president where the president is a trustee like other board members versus common council-mayor where the mayor serves as chief executive) and the extent of extraterritorial zoning and platting jurisdiction which is 3 miles for larger cities and 1.5 miles for villages and fourth class cities.

For Rothschild Village President George Peterson, the form of government for villages is preferable over cities. "If I was the mayor, I'd be sitting on the sidelines of policy development; as a village president, I have a vote."

Being able to vote and have a role in the development of municipal ordinances helped Peterson steer Rothschild toward the hiring of a full-time village administrator. Peterson believes that once villages, particularly suburban villages like his, reach a certain population, they need to look at the expertise offered by an administrator. "There comes a point where things get more complex," said Peterson. "Your staff leader has to be on top of finances and personnel, and he or she has to be planning ahead."

This hands-on feeling of being able to get things done was cited by others as the reason they like (small?) (rural?) village living. Orfordville Village President Gary Phillips ran for the board because of a broken window. "Our downtown was empty," he said, "there were just two stores open and the rest of the buildings were unoccupied. One of those buildings had a broken window. I would drive by weeks later and the window was still not repaired. I wondered if anyone else was seeing this." Phillips ran and four years later proudly notes that there are plenty of stores downtown (just two vacancies), they have started an Orfordville Chamber of Commerce, they're scheduling events like live music downtown, and the annual "Airing of the Quilts" in September. And the window has been repaired.

There is no doubt that elected leadership in a village, whether large or small, is still a part-time occupation. Rothchild's Peterson wouldn't have it any other way. As a member of the League Board of Directors and its president in 2017, George Peterson has seen enough of city government to hold the opinion that mayors have more duties that fall under the category of "ceremonial" than do typical village presidents. "It's been my observation that mayors are committed to attend a lot of things that I just don't want to do on a Friday night."

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3. Examples include § 62.23 (zoning), made applicable to villages by sec. 61.35, and §§ 66.1105 (tax increment law), 66.1201 to 66.1329 (housing authorities and urban redevelopment) and 66.1331 to 66.1337 (blight elimination and community development authorities) which are made applicable to villages by § 66.1339.

Lake Neshonoc

Our Villages | **West Salem**

History...Scenery...and Just Plain Fun!

Incorporated In: **1851**

Population: **5,045**

County/Counties: **La Crosse**