



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary-designee
Dawn Vick, Division Administrator

April 13, 2022

Honorable John Jakowski
Brown County Courthouse
100 South Jefferson Street
Green Bay, WI 54301

RE: Incorporation of the Village of Greenleaf, Brown County, Case #2019-CV-896

Dear Judge Jakowski:

The Incorporation Review Board has completed its review of the resubmitted petition to incorporate a portion of the Town of Wrightstown as the Village of Greenleaf. The Board was established to review petitions for compliance with standards set forth by the legislature in s. 66.0207 Wis. Stats.

According to s. 66.0203(9)(e) Wis. Stats., the Board has three options upon reviewing the petition against the statutory standards. The Board may find that:

- 1) The petition as submitted is dismissed;
- 2) The petition as submitted is granted.
- 3) The petition as submitted is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the Board's findings and determination.

The Board finds that this resubmitted petition meets all of the required standards in s. 66.0207 Wis. Stats. Therefore, the Board grants the petition.

The Department of Administration will retain all supporting documents and records pursuant to Record Disposal Authorization for 10 years, after which they are transferred to the State Historical Society. These files are part of the Department's municipal incorporation record series and are available upon request.

Sincerely,

Dawn Vick, Chair of the Incorporation Review Board, and
Administrator of the Division of Intergovernmental Relations

Enclosure: Determination of the Incorporation Review Board

cc:

Bill Goehring, Incorporation Review Board
Justin Nickels, Incorporation Review Board
Rich Eggleston, Incorporation Review Board
Sharon Lair, Incorporation Review Board

Stephanie Owen, Petitioners' Representative
Jim Kalny, Petitioners' Attorney
William Verbeten, Town of Wrightstown Chair
Robert Gagan, Village of Wrightstown Attorney

(The following entities are not receiving a full determination document. However, the determination document is available upon request, and may also be viewed at:

<http://doa.wi.gov/municipalboundaryreview>

Donna Martzahl, Town of Wrightstown Clerk
Cindy Wojtczak, Bay Lake RPC

Cole Runge, Brown County Planning



DETERMINATION OF THE INCORPORATION REVIEW BOARD

April 13, 2022

In Re:

THE INCORPORATION OF A PORTION OF THE TOWN OF WRIGHTSTOWN,
BROWN COUNTY, WISCONSIN AS THE VILLAGE OF GREENLEAF

Case No. 2019-CV-896

Stephanie Owen, Representative of the Petitioners

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It is the function of the Incorporation Review Board to prepare findings and determine whether the territory petitioned for incorporation meets the standards prescribed in Section 66.0207, Wis. Stats. The Incorporation Review Board ("Board") members are appointed by Wisconsin's municipal associations. Membership of the Board is provided at Appendix A.

This petition (hereinafter "Revised Petition") is a re-submittal of a previous petition that was found not to meet one of the public interest standards in s. 66.0207, Wis. Stats. The Board dismissed the original petition on October 27th, 2020 but recommended that it be re-submitted with altered boundaries limited to the historic Greenleaf community and excluding territory associated with the Niagara Escarpment ("hereinafter the "Ledge"). In summary, it is the determination of the Incorporation Review Board that when considering this Revised Petition under s. 66.0207, Wis. Stats.:

- STANDARD 1 (a), Characteristics of the Territory –Met
- STANDARD 1 (b), Territory Beyond the Core –Not Applicable
- STANDARD 2 (a), Tax Revenue – Previously Met
- STANDARD 2 (b), Level of Services – Not applicable
- STANDARD 2 (c), Impact on the Remainder of the Town –Previously Met
- STANDARD 2 (d), Impact on the Metropolitan Community – Not applicable

The Determination of the Incorporation Review Board to the Circuit Court, as prescribed by s. 66.0203 (9) (e) 3, Wis. Stats., is as follows:

The Petition as submitted is granted.

Dated this 13th day of April, 2022,

Dawn Vick
Chair of the Incorporation Review Board

NOTICE OF RIGHT TO APPEAL

This Notice sets forth the requirements and procedures for obtaining review for those persons who wish to obtain review of the attached decision of the Board. Per s. 66.0209 (2), Wis. Stats., decisions of the Board are subject to judicial review under s. 227.52. Per s. 227.53 any person aggrieved by a decision of the Board is entitled to review. Per s. 227.53 (1) (a) 1., proceedings for review are instituted by serving a petition therefor upon the agency, either personally or by certified mail, and by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Per s. 227.53 (1) (a) 2m., an appeal must be filed within 30 days after mailing of the decision by the agency. Per s. 227.53 (1) (b), the petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. Any petition for judicial review shall name the Incorporation Review Board as the Respondent. Petitions for review should be served on the Chairperson of the Board. The address for service is:

c/o Municipal Boundary Review
101 East Wilson Street, 9th Floor
PO Box 1645
Madison, WI 53701

Persons desiring to file for judicial review are advised to closely examine all provisions of Wis. Stat. sec. s 227.52, 227.53 and 227.57 to ensure strict compliance with all requirements. The summary of appeal rights in this notice shall not be relied upon as a substitute for the careful review of all applicable statutes, nor shall it be relied upon as a substitute for obtaining the assistance of legal counsel.

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EXECUTIVE SUMMARY

This document constitutes the Findings and Determination of the Incorporation Review Board on the Revised Petition filed by residents of the Town of Wrightstown in Brown County on October 22, 2021 to incorporate an area of the Town, shown by **MAP 1** in Appendix B, as the Village of Greenleaf.

Previously, Petitioners had proposed to incorporate a different configuration (Original Petition) which included territory located above and below a geologic feature, the Niagara Escarpment, known locally as the “Ledge”. However, the Incorporation Review Board dismissed that petition on October 27, 2020 recommending that the petition be revised and resubmitted to include less territory, possibly excluding the ledge.

Petitioners subsequently have revised and resubmitted a petition (Revised Petition) which proposes to incorporate an area of .5 square miles and 735 persons, leaving a Town remnant area of 32.38 square miles and 1,630 persons, which is 47% smaller in area than the Original Petition and with 79 fewer residents.

The Revised Petition is limited to the historic Greenleaf community center area which has functioned as the community of Greenleaf for well over 100 years and is a US Census *Designated Place*, recognizable with road signs and on maps. The Revised Petition’s boundaries also closely approximate the Wrightstown Sanitary District No. 1’s boundaries. While the Original Petition had some areas within the proposed village served by the sanitary district, significant areas atop the Ledge were not served, or even eligible for service.

The neighboring Village of Wrightstown continues to be a *Party of Interest* opposed to the proposed incorporation because it fears a new village of Greenleaf may immediately annex or attach all the remaining Town of Wrightstown.

The Incorporation Review Board met on March 22, 2022 to review the Revised Petition. At this meeting Board members agreed that the Revised Petition meets the one statutory standard remaining to be met – *Characteristics of the Territory*. Excluding the Ledge area results in boundaries that are compact and homogeneous. Furthermore, the Board finds that the Revised Petition does not impact any of the previously met standards. As a result, the Board finds that the petition now meets all the statutory standards in s. 66.0207 Wis. Stats. and that the Revised Petition is now granted.

This Determination does not restate all the facts and analysis contained in the Board’s previous October 27th, 2020 Determination. Instead, this determination primarily examines how the Revised Petition complies with the *Characteristics of the Territory* standard. For this reason, this determination should be read together with the Board’s previous determination. Together these two Determinations constitute the Board’s review.

CHARACTERISTICS OF THE TERRITORY - DETERMINATION

The standard to be applied is found in §66.0207(1)(a) and is 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.

In addition to the statutory factors cited above, the court in Pleasant Prairie v. Department of Local Affairs & Development¹ held that the Department may also consider land-use patterns, population density, employment patterns, recreation, and health care customs.²

In addition, because this petition is for an *Isolated Municipality*, the statutory standard requires:

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.

The Revised Petition reduces the proposed village area by 47% from the original petition, from 604.8 acres down to 320.96 acres. By excluding the Ledge area, the Revised Petition becomes significantly more compact and homogenous.

- Revised Petition is more regular and compact in shape, centered around the historic core area known as Greenleaf. By excluding the Ledge, an irregular peninsula of territory is eliminated.
- Because development along the Ledge consisted of larger rural residential lots and homes, the Revised Petition is now more homogenous and compact since it includes denser and more urban types of development. For example, the Town's commercial zoning districts, and its only multi-family zoning district, are found within the proposed village area.
- Revised village territory is now within the Wrightstown Sanitary District No. 1 service area and Brown County's approved Sewer Service Area, as can be seen in **MAP 2**. As a result, proposed village residents' tax bills, and the sewer and water services they receive, are the same for all territory within the Revised Petition. In contrast, the Original Petition contained territory atop and below the Ledge which was located outside of the sanitary district and outside of the approved sewer service area, therefore ineligible for service even in the future.
- Revised Petition is better defined by physical features. For example, the sharp topography of the Ledge forms the proposed village's eastern boundary, while a creek and active quarry define the southern boundary.

¹ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

² Ibid., page 337.

- Accessibility within the Revised Petition is improved. All areas of the proposed village are now readily accessible via a compact grid-style network of streets, as well as the Fox River Trail, a 25-mile bicycle and pedestrian trail which runs from Hilbert in Calumet County, through Greenleaf and on to Green Bay. In contrast, access to the Ledge area was limited with the Original Petition.
- Revised Petition is now located almost entirely within the East River watershed as shown by **MAP 3**. In contrast, the Ledge area in the Original Petition fell within a different watershed.

DETERMINATION

As described above, what the Board utilizes to determine *Characteristics of the Territory* are significantly improved by excluding the Ledge area. By limiting the proposed village to the historic Greenleaf community core area, this Revised Petition is compact and urban in character, contains a density of population, as well as social and economic options, and the Town of Wrightstown's only multi-family residential zone. Additionally, accessibility within the proposed village is improved and the boundaries are now well defined by physical features such as the Ledge. For these reasons, the Board finds that the proposed village now meets the *Characteristics of the Territory* standard in s. 66.0207(1)(a), Wis. Stats.

TERRITORY BEYOND THE CORE - DETERMINATION

The standard to be applied for isolated communities is found in s 66.0207(1)(b), Wis. Stats. and reads as follows:

The territory beyond the most densely populated one-half square mile specified in s. 66.0205(1)... 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 Revised Petition is for territory roughly one-half square mile in total size. Therefore, there is no longer any territory beyond the core which is subject to this standard, so this standard no longer applies.

TAX IMPACT - DETERMINATION

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

"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."

The *Tax Impact* standard helps ensure that newly incorporated communities have the financial resources to function as a city or village. Factors considered include the proposed village's equalized value, current debt, the proposed budget, and the proposed tax rate.

In its October 27, 2020 Determination, the Board found this standard met because of the proposed village's high equalized value, low debt level, and low tax rate which indicated a strong financial capacity to raise sufficient revenue to operate as a village. However, the Board found Petitioners' proposed budget to be minimal for some budget categories. As a result, this Revised Petition increases some budget categories.

The following paragraphs analyze these financial changes, as well as how the Revised Petition's altered boundaries may impact finances.

Equalized Value

TABLE 1 shows that the proposed village would account for only 14% of the current Town of Wrightstown's equalized value, or \$37,162,843, while the Town Remnant would retain 86% of the current value. This is down from the Original Petition's 22% and 78% respectively.

TABLE 1: Equalized Value

	Existing Town	Revised Village	Remnant Town
Equalized Valuation	\$267,666,200	\$37,162,843	\$230,503,357
Percent	100%	14%	86%

Although decreased, the proposed village's equalized value still compares favorably to other similarly sized villages throughout Wisconsin, falling within the top 30% of Wisconsin villages between 700-1000 persons in size.

Proposed Budget

The Revised Petition includes an updated proposed budget shown at **TABLE 2**. The proposed budget generally allocates revenues and expenditures based on the equalized value of the proposed village and Town Remnant.

TABLE 2: Proposed Budget

Revenues			
	Existing Town	Proposed Village	Town Remnant
Taxes	\$677,009	\$152,669	\$524,340
Intergovernmental	\$237,620	\$40,658	\$196,962
Licenses and Permits	\$38,800	\$10,221	\$28,579
Intergovernmental charges for services	\$4,000	\$4,000	-
Public charges for services	\$124,200	\$30,521	\$93,679
Miscellaneous	\$2,900	\$834	\$2,066
Total Revenues	\$1,084,529	\$238,903	\$845,626
Expenditures			
General Government	\$155,490	\$52,916	\$102,574
Public Safety	\$358,699	\$108,499	\$250,200
Public Works	\$419,881	\$58,058	\$361,823
Health and Human Services	\$500	\$250	\$250
Conservation and Development	\$29,000	\$10,000	\$19,000
Capital outlay	\$101,500	\$6,500	\$95,000
Debt service			
Principal	\$14,979	\$2,017	\$12,962
Interest and Fiscal Charges	\$4,480	\$663	\$3,817
Total Expenditures	\$1,084,529	\$238,903	\$845,626

The proposed budget also shows \$17,000 of increases for some categories and services which the Incorporation Review Board had previously identified as being too minimal. The following are some of these specific categories:

- Capital Outlay – amounts were added to the budget for both the proposed village and Town Remnant to fund future improvements.
- Zoning/Planning – amounts were increased to create a zoning ordinance and comprehensive plan for the new village and to updating the Town Remnant’s zoning ordinance.
- Incorporation Consulting – amounts were added for the proposed village and Town Remnant to pay the costs of separating the governments if incorporation is successful.

Debt

Debt does not appear to be an issue because the current Town of Wrightstown is utilizing only 2% of its statutory debt limit. The proposed budget assigns the new village just 13% of this debt’s repayment based on its share of the equalized value, while the Town Remnant would shoulder the rest.

TABLE 3: Tax Rates

	Existing Town	Proposed Village	Remnant Town
Equalized Valuation	\$267,666,200	\$100,664	\$518,930
Taxes Levied	\$602,594	\$100,664	\$518,930
Mill Rate	\$2.95	\$3.55	\$2.95

Tax Rate

To pay for the proposed budget's increase of \$17,000 in expenditures, Petitioners anticipate increasing the mill rate from \$2.95 in the Original Petition to \$3.55 in this Revised Petition, as shown by **TABLE 3**. **TABLE 4** shows that even with this increase the proposed village's tax rate would be among the lowest in Wisconsin compared with similarly-sized communities.

Table 4: Tax Rate Comparison

Village	Population	Tax Rate
V. Necedah	916	\$12.82
V. Milltown	904	\$11.49
V. Plain	758	\$10.02
V. Footville	819	\$9.93
V. Arena	824	\$9.60
V. Cambria	757	\$9.46
V. Wonewoc	799	\$8.89
V. Shiocton	926	\$8.86
V. Dresser	904	\$8.65
V. Elk Mound	868	\$8.62
V. Coleman	719	\$8.55
V. Bloomington	730	\$8.49
V. Brandon	865	\$8.46
V. Crivitz	950	\$7.70
V. Blue Mounds	969	\$7.51
V. Saint Nazianz	962	\$7.40
V. Centuria	950	\$7.23
V. Wyocena	727	\$6.96
V. Montfort	724	\$6.95
V. Plainfield	848	\$6.94
V. Valders	952	\$6.81
V. Valders	952	\$6.78
V. Cassville	930	\$6.76
V. La Farge	703	\$6.39
V. Blanchardville	812	\$6.37
V. Siren	792	\$6.06
V. Rib Lake	872	\$6.02
V. Sister Bay	966	\$5.88
V. Arlington	833	\$5.85
V. Iron Ridge	923	\$5.74
V. Friendship	730	\$5.66
V. Coon Valley	742	\$5.48
V. Tigerton	716	\$5.40
V. Birnamwood	816	\$5.37
V. Stratford	824	\$4.45
V. Pepin	828	\$4.42
V. Whitelaw	758	\$4.33
V. Auburndale	715	\$4.21
V. Elmwood	794	\$4.00

V. Lone Rock	880	\$3.77
V. Whitelaw	758	\$3.69
V. Greenleaf	735	\$3.55
V. Benton	963	\$3.53
V. Bruce	759	\$2.60
V. Hewitt	846	\$2.02

The above information shows that while the Revised Petition does impact the proposed village's finances, the impact is comparably modest and does not change the Board's previous finding. The sufficient equalized value amount, low debt level, and low tax rate indicate a financial capacity to raise sufficient revenue to operate as a village. As a result, the Board finds the standard in s. 66.0207(2)(a), Wis. Stats. continues to be met.

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SECTION 2(B) LEVEL OF SERVICES

The standard to be applied is found in s. 66.0207(2)(b), Wis. Stats., and provides as follows:

The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.0203(6), Wis. Stats.

Because no intervenors filed a certified copy of a resolution to annex the entire petitioned territory with the Brown County circuit court, this standard is not applicable.

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SECTION 2(C) IMPACT ON THE REMAINDER OF THE TOWN

The standard to be applied is found in §66.0207 (2) (c), Wis. Stats., and provides as follows:

“The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.”

This standard is meant to ensure the well-being of the proposed town remnant and its residents following incorporation. Incorporation should not have a detrimental effect and leave behind a town remnant too small or fragmented to efficiently govern itself, and with too few assets and revenue sources with which to provide municipal services.

In its October 27, 2020 Determination, the Board found this standard met. The following paragraphs analyze how the Revised Petition impacts the Town Remnant and this statutory standard.

Population

The Revised Petition decreases the Town Remnant’s population less than did the Original Petition. Specifically, while the Original Petition decreased the Remnant’s population to 1,407 persons (36%), this Revised Petition decreases it only to 1,630 (26%). **TABLE 5** shows that currently the Town is among the more populous towns in Brown County. Upon incorporation the Town Remnant would drop slightly to be among average for Brown County Towns regarding population. Among Towns statewide, the Remnant’s population would be higher than almost 80% of Wisconsin towns.

Table 5: Population

T Ledgeview	6,555
T Lawrence	4,284
T Scott	3,545
T Pittsfield	2,608
T Wrightstown	2,221
T Green Bay	2,035
T Rockland	1,734
Town Remnant	1,630
T Morrison	1,599
T New Denmark	1,541
T Holland	1,519
T Eaton	1,508
T Humboldt	1,311
T. Glenmore	1,135

Physical Boundaries

MAP 1 shows the Town Remnant area to be regular and compact in shape, free of any town islands, isolated areas, or other fragmented areas which might make service provision more difficult. The Revised Petition increases the size of the Remnant to 32.38 square miles, although three annexations by Village of Wrightstown have occurred since the Board’s October 27, 2020 determination. These annexations were 58, 43, and 1 acres in size.

Financial Capacity

As mentioned in the previous section, the Revised Petition increases the Town Remnant's equalized value from \$180,913,503 to \$230,503,357, or roughly 86% of the current Town's value.

The Revised Petition does assign the Remnant some responsibility for debt repayment, based on proportion of equalized value. This is a change from the Original Petition which assigned all debt responsibility to the new village. However, shouldering a portion of this debt is unlikely to be a burden. For example, debt payment decreased by 30% in 2021 and will be paid in full in 2024.

The Remnant's tax rate is proposed to remain at \$2.95.

The Revised Petition increases the Remnant's road mileage slightly, from 47.3 miles to 51.4 miles. This may still be manageable for the Remnant, particularly since it would no longer be responsible for maintaining road mileage within the proposed village area.

For all the reasons given above, the Town Remnant appears to continue to be viable as a separate jurisdictional entity should incorporation occur. In fact, this Revised Petition tends to be more favorable for the Remnant than was the Original Petition because it leaves the Remnant with more territory, more population, and more equalized value. As a result, the Board finds that the standard in s. 66.0207(2)(c), Wis. Stats. continues to be met.

SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

The standard to be applied is found in s. 66.0207(2)(d), Wis. Stats. and is as follows:

The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

This standard is not applicable because the Brown County Circuit Court has already determined that Greenleaf's petition is for an *Isolated* community, rather than a *Metropolitan* community as defined in s. 66.0201(2), Wis. Stats. As a result, this petition is not part of a "metropolitan community" as that term is defined in s. 66.0201(2)(c) and therefore there is no metropolitan community to be impacted.

For the above reasons, the Board finds that the *Metropolitan Impact* standard continues not to be applicable to this petition.

Appendix A: Incorporation Review Board

The Incorporation Review Board was created by 2003 Wisconsin Act 171. It is charged with reviewing incorporation petitions forwarded by the circuit court in order to ensure that these petitions meet the public interest standards in s. 66.0207 Wis. Stats. The board advises the circuit court on whether incorporation petitions should be granted, dismissed, or resubmitted with new boundaries. The Board is also authorized to set and collect an incorporation review fee to pay for the costs of reviewing the petition. The Board has currently set the fee at \$25,000.

Members

Department of Administration Member and Chair

Dawn Vick, Chair of Incorporation Review Board
Administrator, Division of Intergovernmental Relations

Wisconsin Towns Association Member #1

William Goehring, Chairperson
Town of Sherman

Wisconsin Towns Association Member #2

Sharon Leair, Chair
Town of Genesee

Wisconsin League of Municipalities Member

Justin Nickels, Mayor
City of Manitowoc

Wisconsin League of Municipalities Member

Rich Eggleston

Staff

Renee Powers
Erich Schmidtke

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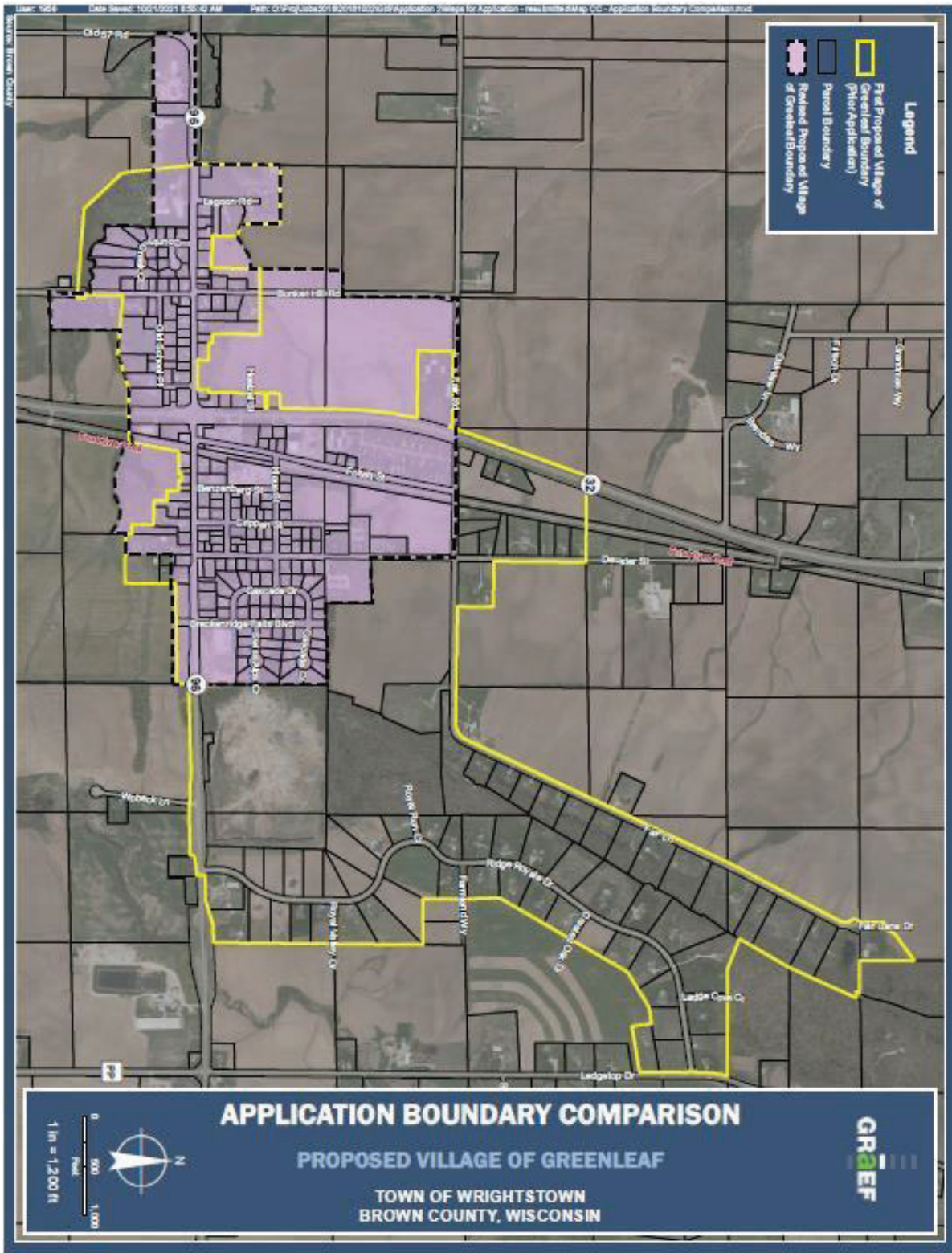
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APPENDIX B: Maps

- MAP 1 Proposed Village of Greenleaf & Town of Wrightstown Remnant
- MAP 2 Water & Sewer Service Boundaries
- MAP 3 Area Watersheds & Drainage Basins

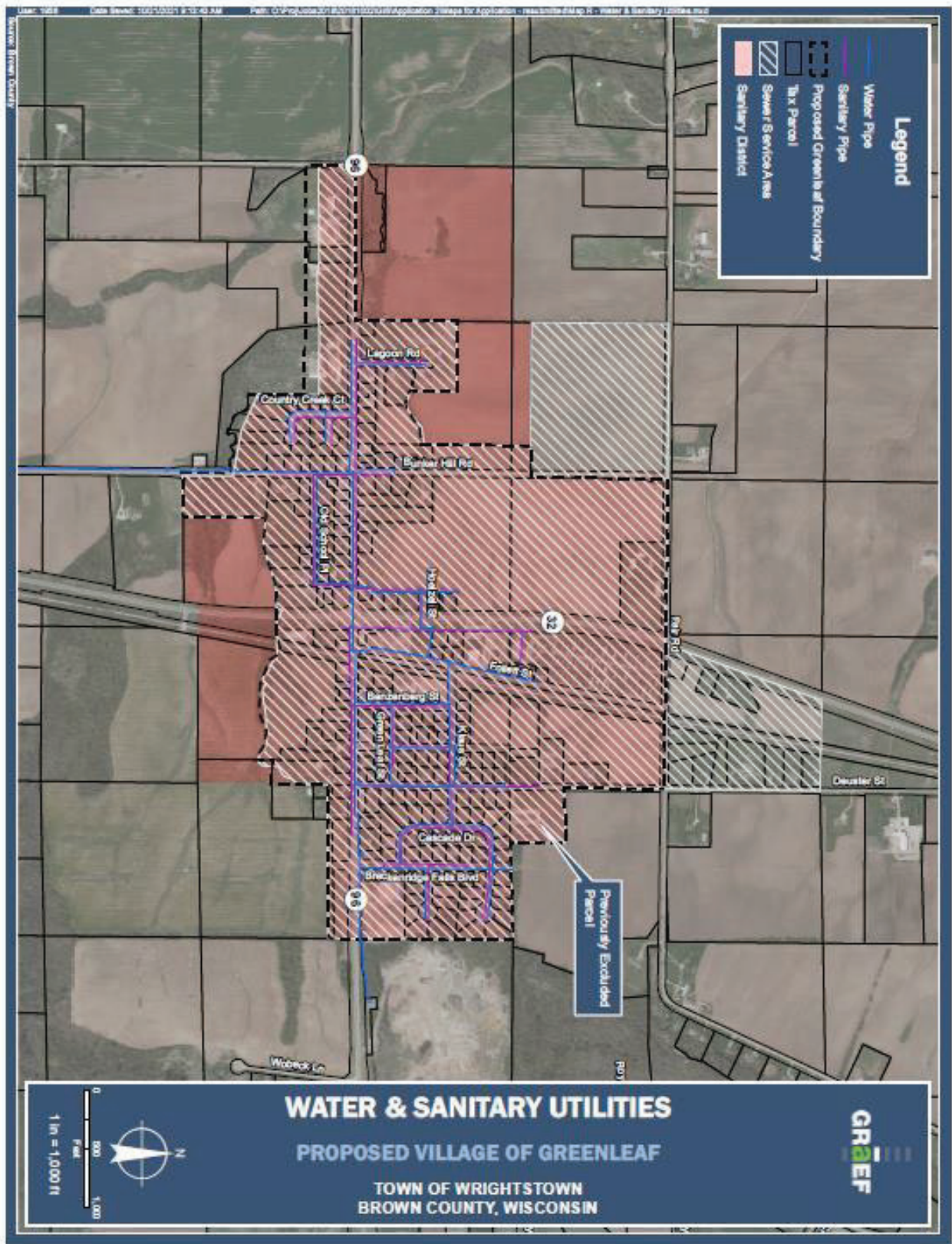
MAP 1

Revised Village Boundaries



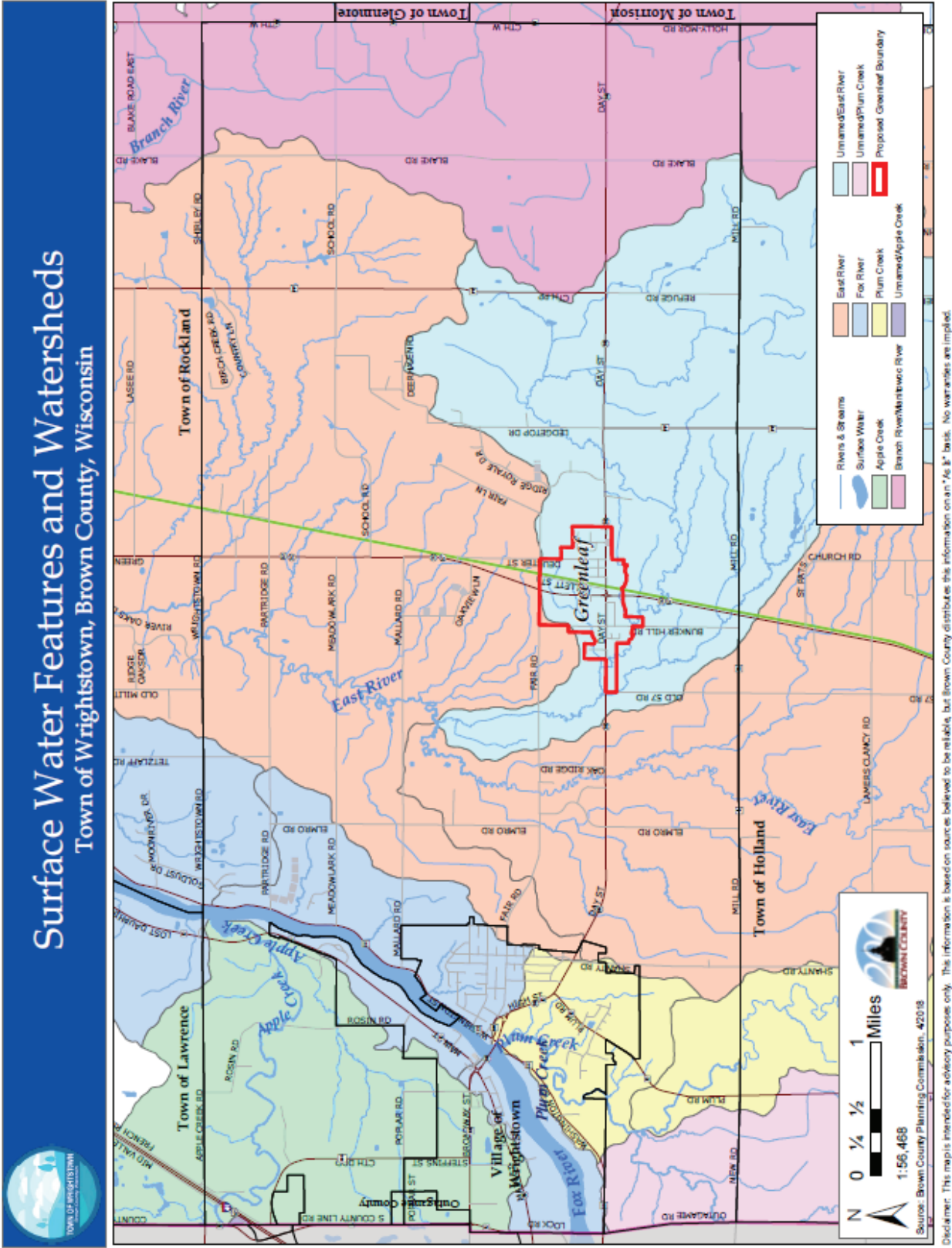
Map 1: Revised Boundary for the Village of Greenleaf (Purple) with the Prior Proposed Boundary for the Village (Yellow Outline)

MAP 2 Water & Sewer Boundaries



Map 9: Water & Sanitary Utilities

MAP 3 Watersheds



Map 18: Surface Water Features and Watersheds. Map has been Adapted from the Town of Wrightstown Comprehensive Plan.