

FROM THE EXECUTIVE DIRECTOR



By
Mike Koles

Should Town Citizens be Regulated by People they CANNOT elect?

The American angst with the British monarchy-based dictatorship had risen to a level of concern by 1773 that Bostonians engaged in the Boston Tea Party. Specifically, they were vigorously protesting “taxation without representation.” They rightfully believed that if a tax were imposed on a people that those people should be able to elect individuals who had a voice in determining the decision to tax.

A close cousin to taxation without representation is **regulation without representation**. In our American democracy should a citizen be regulated by a government or elected official that they can’t vote for? Any answer other than absolutely not is antithetical to democracy itself. **Yet, in Wisconsin thousands of towns citizens are subjected to regulation without representation by city and village officials that they can’t even vote for.**

You read that correct. Unfortunately, it’s not well understood that in every corner of Wisconsin town citizens are regulated by city councils and villages boards – **officials they can’t even vote for!** This proves a blemish to Wisconsin’s commitment to democracy and enfranchising her residents. Through unilateral exercise of extraterritorial plat review, a landowner can be told what they can and cannot do with their property by city and village officials, but they can

only vote for the town board. **This power to dictate in the absence of any electoral recourse stretches up to 3 miles into the town.**

Senate Bill 691 and Assembly Bill 768 authored by Senator Pat Testin and Representative Karen Hurd would begin to address the anti-democratic, anti-voter power of extra-territorial plat review that each city and village has baked into their arsenal. Specifically, cities and villages would not be able to use this power in densely populated areas of certain towns unless the town agreed to them through a boundary agreement.

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A hearing was held on SB691 several weeks ago by the Senate Committee on Transportation and Local Government Committee. AB 768 has been referred to the Assembly Committee on Local Government and WTA has requested a hearing to be held.

The SB691 hearing lasted nearly six hours. As you can imagine, the cities and villages showed up in volume to defend the indefensible idea that in a democracy people should be regulated by elected officials that they cannot vote for. **We need town officials to immediately stand up for what is right and contact your legislators and ask them to support SB691 and AB768.** More on how to do that in a moment.

Core principles of democracy should be something that are easy for town officials to stand

up for. I'm hopeful that the Legislature and Governor agree. But, beyond the critical aspects of voter rights and democracy included in these bills, it's important to examine just a few examples of some specific negative effects imposed on Wisconsinites by this anti-democratic power.

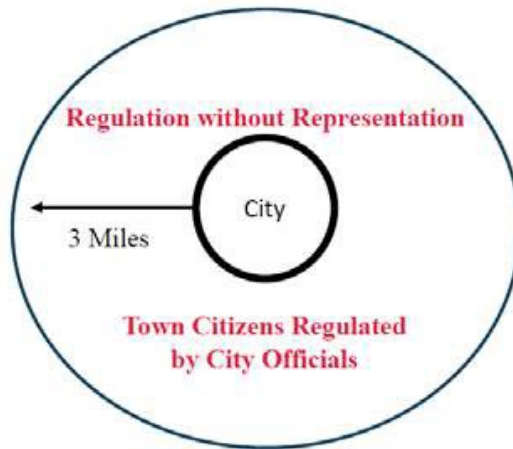
A city in northwest Wisconsin uses their extraterritorial plat review powers to require that any land division within the town and up to 3 miles away from the city can only occur if it achieves a series of metrics including:

- ✓ “enhance and maintain [city] neighborhoods”
- ✓ “provide safe, affordable housing for [city] residents”
- ✓ “revitalize [city] businesses”
- ✓ “provide outdoor recreation areas and facilities for the residents of the City...”

If you are a town landowner within 3 miles of this city and you want to split your 80 acres into two 40 acres parcels, you could only do it if it benefits the city.

In an even bolder move, the city also requires a minimum lot size of 10 acres, meaning that you are prevented from splitting off 5 acres of the farm to allow your son or daughter to build so they can work and live on site. It cannot be understated that these regulations are dictated by elected officials that you cannot even vote for.

And it gets even worse...



This city will only approve a simple land split in the town, something as simple as dividing a 40 acre parcel into two 20 acres parcels, if the landowner will agree to be annexed as soon as the city is contiguous to the property. **Yes, if you are within 3 miles of the city and all you want to do is split off a little land and sell it for farming, hunting, or building, the only way the city will allow you to do that is if you agree to subject yourself and any future owner to annex EVEN IF THEY DON'T WANT TO.**

Nearby, in the Town of Troy, a landowner currently cannot build a housing development on property that is over 2 miles away from the city and **in an area that the city has no plans to develop.** The regulations impeding increased housing in the area are applied by the city in the town, but not by the city in the city.

In the Town of Waterford, large lot size regulations imposed by the neighboring village and extending 1.5 miles into the town are preventing high density development. **The village has no plans to develop in the area and does not subject themselves to the same strict regulations.** What's good for the goose isn't what's good for the gander. These regulations also serve to negatively impact farm transfers to the next generation.

The anti-development approach dictated to town landowners by city and village officials is exacerbating the housing shortage and affordability crisis throughout Wisconsin. The lack of housing is preventing many from achieving the American Dream and worsens the labor shortage that so many of our small businesses are struggling with.

AGAIN, I'M HOPEFUL THE LEGISLATURE AND GOVERNOR WILL AGREE TO RESTORE DEMOCRACY FOR VOTERS WITHIN TOWNS AND ENHANCE THE OPPORTUNITY FOR WISCONSINITES TO ACHIEVE THE AMERICAN DREAM, BUT WE NEED YOU TO HELP INFLUENCE SOME OF THEM TO MAKE THE RIGHT DECISION.

The decisions on this matter will likely be finalized by February 15th, but probably sooner. Please immediately call or email your Senator, Representative, and Governor and ask them to support SB691 and AB768. The message can be that simple, or you can add commentary on your concerns. You could also rip your copy of this article out and send it to your legislators.

You can find contact information for your: Senator at - <https://docs.legis.wisconsin.gov/2023/legislators/senate>.

Representative at - <https://docs.legis.wisconsin.gov/2023/legislators/assembly>.



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Because these bills must first come out of committee, that makes town officials from committee member districts especially important. The Senators on the Transportation and Local Government Committee are: Senators Tomczyk, Cowles, Hutton, Pfaff, and Carpenter. The Representatives on the Local Government Committee are: Novak, Donovan, Gundrum, Maxey, Krug, Michalski, Pronschinske, S. Johnson, Baldeh, Conley, C. Anderson, and Ratcliff. For town officials in these districts, please make an extra effort to reach out.

Now, some of you are probably wondering if this impacts your town. My answer is that it impacts all towns. While the direct impact of the bill is limited to urban towns, the fight for democracy, voter rights, and the American dream is a responsibility of all town officials.



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