

**Zoning Board of Appeals Agenda
May 17, 2022
Reedsburg City Hall Council Chambers
12:00 PM**

DUE TO THE RESTRICTIONS CAUSED BY THE COVID-19 PANDEMIC, SOME VOTING MEMBERS MAY BE PRESENT VIA TELECONFERENCE OR VIDEO CONFERENCE, AS PROVIDED BY THE RECOMMENDATIONS OF THE WISCONSIN DEPARTMENT OF JUSTICE. [HTTPS://WWW.DOJ.STATE.WI.US/NEWS-RELEASES/OFFICE-OPEN-GOVERNMENT-ADVISORY-CORONAVIRUS-DISEASE-2019-COVID-19-AND-OPEN-MEETINGS](https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings)

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY ATTEND THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THE COMMON COUNCIL HAS DECISION-MAKING AUTHORITY. IF A QUORUM OF THE COMMON COUNCIL ATTENDS THIS MEETING, NO ACTION WILL BE TAKEN BY THE COMMON COUNCIL AT THIS MEETING.

CALL TO ORDER

APPROVAL OF MINUTES

I. APPROVE MINUTES FOR THE MEETING HELD ON DECEMBER 21, 2021:

THE COMMITTEE WILL RECEIVE INFORMATION ON NON-AGENDA TOPICS BROUGHT BEFORE THE COMMITTEE BY MEMBERS OF THE PUBLIC. THE COMMITTEE WILL NOT DISCUSS THESE TOPICS, AND WILL NOT TAKE ACTION ON ANY OF THEM AT THIS MEETING

I. GENERAL BUSINESS:

- A. Consider zoning variance per § 690-Article XXI to exceed the number and size of ground and wall signs (Kwik Trip). – 1690 E Main St; Parcel #276-2218-00000 – Trent Kastenschmidt
- B. Consider zoning variance per § 690-46(G) to exceed the required number of four chickens to have up to 20. – 2337 Myrtle St; Parcel #276-2515-06100. – Catherine Anderson
- C. Review Annual Ethics Ordinance

II. ADJOURN:



The City of Reedsburg does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (608) 524-6404. To be able to meet the needs of a request for a different format contact the City Clerk-Treasurer at 134 S. Locust Street, Reedsburg, WI at least 48 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

City of Reedsburg
Zoning Board of Appeals Minutes
December 21, 2021

Present: Nathan Johnson, Richard Braun, Pat Andera, Walter Luepke
Absent: Charlie Brumer
Others: Brian Duvalle, Pam Coy, Chelsea Steele

Nathan Johnson called the meeting to order at 12:00 PM.

Motion by Luepke, seconded by Braun to approve the minutes from the November 16, 2021 meeting.

Motion approved 4-0

Consider zoning variance per § 690-108(A) to add to an off premise ground sign where the sign is on a different tax parcel than the business (First Weber/Chelsea Steele & Viking Shopping Center). – 1643 E Main St; Parcel #276-2051-10000 – La Crosse Sign Group

Pam Coy would like to add Viking Village Shopping Center to the First Weber – Chelsey Steele sign, which is off premise because of the separate tax number, to be an identifier for the whole shopping center. She stated that currently there is too much confusion for new customers to distinguish the center from the grocery store, and this would help resolve that. Pam Coy would coordinate with City on exact location so it doesn't interfere with the reconstruction of the intersection in the future. The current sign would be removed.

Moved by Luepke, seconded by Braun to approve the variance as presented on sign application/plans.

Motion approved 4-0

Moved by Andera, seconded by Braun to adjourn the meeting at 12:06 PM.

Motion approved 4-0

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

Staff Report

DATE: May 17, 2022

APPLICANT: Trent Kastenschmidt

LOCATION: 1690 E Main St; Parcel # 276-2218-00000

ZONING: B-2 Business

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance per § 690-Article XXI to exceed the number and size of ground and wall signs (Kwik Trip).

General Findings

SURROUNDING LAND USES:

- North – Commercial
- West – Commercial, Residential
- South – Industrial
- East – Airport

ZONING:

- North – B-2 Business
- West – R-2 Residential, B-2 Business
- South – I-1 Light Industrial
- East – Government

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: E Main St / future S. Viking Dr; 90' / 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Commercial

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Variance Findings – § 690-12(B)

- 1. The variance will not be contrary to the public interest.**
- 2. Substantial justice will be done by granting the variance.**
- 3. The variance is needed so that the spirit of the ordinance is observed.**
- 4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.**
 - a. The Board finds that the parcel is zoned B-2 Business.
 - b. The Board finds that the existing parcel contains an existing salvage business that will be removed.
 - c. The Board finds that a new Kwik Trip is proposed.
 - d. The Board finds that a new ground sign is proposed.
 - e. The Board finds that three wall signs are proposed on the new building and 6 on the new gas pump canopy.
 - f. The Board finds that there would be a 30.57 SF LED message portion of the ground sign, per § 690-104.
 - g. The Board finds that § 690-110 limits ground sign to 20' height and 50 SF.
 - h. The Board finds that the proposed ground sign would be 20' height and 99.57 SF with a 14'10" front setback.
 - i. The Board finds that § 690-111 limits wall signs to three at a total of 200 SF.
 - j. The Board finds that the proposed wall signage would be approximately 220 SF.
 - k. The Board finds that the current parcel is 9.74 acres.
 - l. The Board finds that surrounding lots contain commercial uses and the airport.

STAFF COMMENTS:

Not that variances are precedent setting, but this request is similar to Casey's from 2018. The main difference being the height of the ground sign, but that was due to Casey's being in primarily a residential area. Otherwise the wall signage narrowly exceeds the overall square footage.

The applicant's narrative lists reasons for the hardship specific to a gas station use (gas prices, canopies). I believe the reasons are legitimate for a hardship, as well as the property being located on a (future) corner having two street frontages. If approved, we should have verification that the sign will not be located in the future ROW and vision triangle.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, May 17, 2022, ZBA Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review
- G. Notice of Public Meeting

City of Reedsburg Land Use Application

134 S. Locust St.
PO Box 490
Reedsburg, WI 53959

Ph: 608-524-6404
Fax: 608-524-8458
bduvalle@ci.reedsburg.wi.us

APPLICANT: Trent Kastenschmidt

ADDRESS: 1813 Kramer Street **CITY:** La Crosse **STATE:** WI

ZIP: 54603 **PHONE:** (608) 793-6456 **FAX:** _____

E-MAIL: TKastenschmidt@Kwiktrip.com

PROPERTY OWNER: (if different from Applicant) Kwik Trip, Inc.

LOCATION: SWC Viking Drive + Main Street **PARCEL #:** 276-2218-00000
1690 E. Main St

LAND USE REQUEST

(Please describe one or more as applicable – attach extra pages/maps if necessary)

☐ **Certified Survey Map (CSM):** _____

☐ **Conditional Use Permit:** _____

For *CONDITIONAL USE PERMIT* requests, also answer "A & B" on back page.

☐ **Preliminary Plat:** _____ **Final Plat:** _____ **Name of Plat:** _____

☐ **Rezoning - From:** _____ **To:** _____

☒ **Site Plan Review:** (See "B" on back page) Complete civil plan set included, Kwik Trip

Zoning Appeal / Interpretation: _____

☒ **Zoning Variance:** Signs - number and size

For *VARIANCE* requests, also answer "C" on back page.

☐ **Other:** _____

AFFIDAVIT

I certify that the information and plans submitted are true and accurate to the best of my knowledge. I also give permission to City zoning officials to enter my property for inspection purposes.

Trent Kastenschmidt 14/13/2022

Applicant Signature / Date

Kwik Trip, Inc. 15/5/22

Owner Signature / Date

Extraterritorial Committee Date: _____

Plan Commission Date: _____

Board of Zoning Appeals Date: _____

City Council Action & Date: _____

Account #10-461500-00

**The applicant or representative MUST
ATTEND the meeting.**

C:\Users\tk10012045\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\Q1111111.doc

Conditional Use \$200	_____
Cond. Use-Agriculture \$400	_____
Variance \$125	_____
Zone Change \$200	_____
C.S.M. \$175	_____
Subdivision Plat \$610	_____
- w/ Stormwater Plan \$100	_____
Site Plan Review \$175	<u>X</u>
Comp Plan Amend \$200	_____
Solar/Wind \$400 +	_____

Date Paid 4-28-22
Receipt # 1040762



May 3, 2022

Brian Duvalle, Zoning Administrator
City of Reedsburg
134 S. Locust Street
Reedsburg, WI 53959

RE: Kwik Trip Sign Variance Request

Mr. Duvalle:

Kwik Trip requests two variances from the City of Reedsburg's current zoning code; one for the total square footage of a ground sign in the B-2 district, and the other for the total number of signs and sign area of building signs.

Per Article XXI, § 690-110, ground signs on B-2 zoned properties shall not exceed 50 square feet of sign area when adjacent to a four- to five-lane road with a speed limit of zero-34 miles per hour. WI-33 has five lanes, and a speed limit of 25 miles per hour. Wis. Stats. 100.18(8) requires Kwik Trip to "keep posted in a conspicuous place, most accessible to the public" its fuel prices; this sign helps Kwik Trip satisfy this requirement for the greatest number of motorists.

Therefore, the need for legible price digits, coupled with the city's stringent ground guidelines, creates an unnecessary hardship for Kwik Trip.

While the store could theoretically function with a very small price cabinet, it would not be safe, nor easily legible, for motorists to attempt to view the prices as they travel among other vehicles along a five-lane road. For example, the BP price sign uses large digits on its pylon sign at the east end of the property, even larger than those at the existing Kwik Trip north of the airport.

The second prong of the variance standards concerns conditions unique to the property. Here, we have the confluence of multiple issues: the speed limit, the number of lanes on the adjacent street, the zone district, and the proposed use. While the property itself does not create these, it is unnecessarily affected when all of these are taken together. And, while an applicant may not create its own hardship, the reasonable use of property zoned for a gas station implies the ability

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, coworkers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

to provide standard, legible signage that accompanies such a use. Again, the Code's standard—which is not tailored to specific uses, but, rather, speed limits and road lanes—creates the need for relief.

The third prong of the variance test is that no harm to public interests be created. Along WI-33, there are several gas stations, including Casey's, BP, Mobil, and Kwik Trip. While previous variances do not set precedents, in permitting these uses, and granting additional sign area to some of them, the City has demonstrated that no harm to public interests is created.

Per Article XXI, § 690-111, a parcel is limited to three signs totaling a square footage of no more than 200 square feet. Examining City Code, it is clear that this standard is intended for one building. Gas stations are put at a disadvantage because most have a building and canopy. Having two structures, which is standard for modern gas stations, and such a limited amount of permitted signage and sign area, leaves Kwik Trip with an unnecessary hardship. Other gas stations, such as Casey's, were permitted additional signage and sign area via Board action, and Kwik Trip seeks the same.

As mentioned for the ground sign, the confluence of the speed limit, number of lanes on the adjacent street, and zone district combine to unnecessarily affect the subject site when taken together. The reasonable use of property zoned for a gas station implies the ability to provide standard signage that accompanies such a use. Again, the Code's standard—which is not specifically tailored for appropriate signage depending on the use, but, instead, employs generic standards regardless of the permitted use, its size, or location—unreasonably restricts a gas station.

The third prong of the variance test is that no harm to public interests be created. Along WI-33, there are several gas stations, including Casey's, BP, Mobil, and Kwik Trip. Though a variance is not precedential, in permitting these uses, and granting additional signs and sign area to some, the City and Board have demonstrated that no harm to public interests is created.

Kwik Trip takes pride in the aesthetics of its stores; this is borne out at over 800 locations across the Upper Midwest. Continual upkeep and maintenance will be done on the signage areas to ensure a welcoming atmosphere, not only for the store, but for the people of the City of Reedsburg and its visitors.

Thank you for your consideration, and please reach out if you have any questions.

Trent Kastenschmidt
Project Manager
Kwik Trip, Inc.

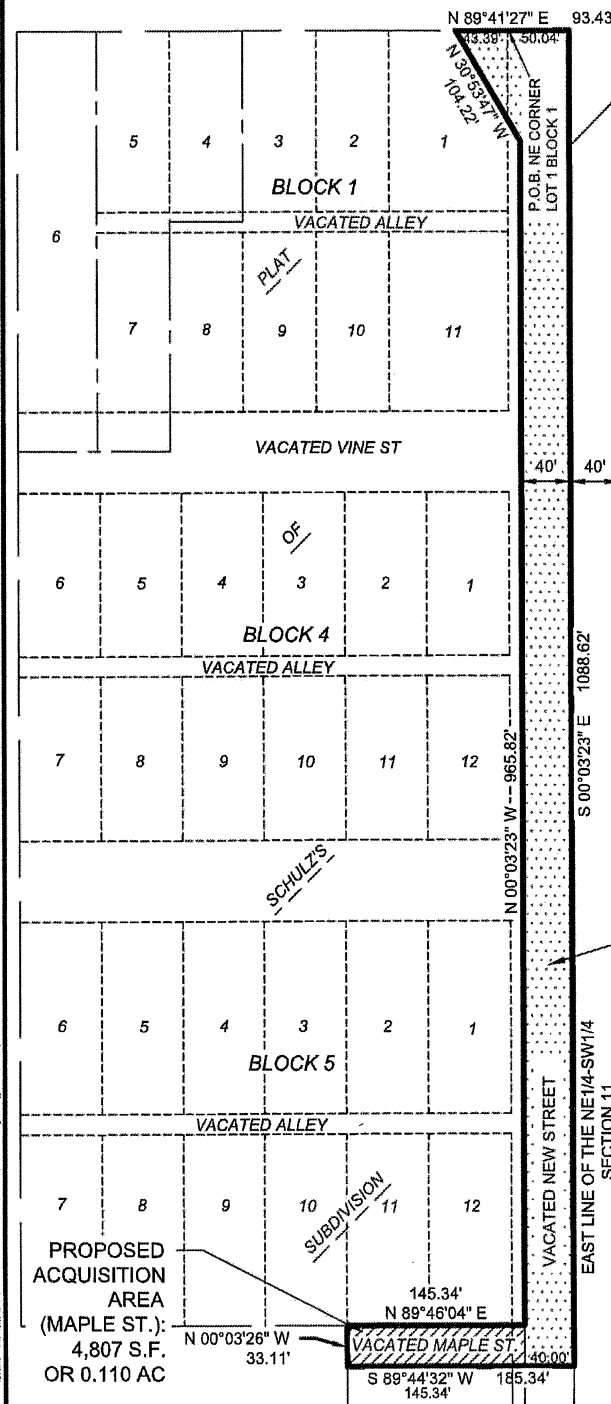


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PROJECT NO.	02068012	OWNER:
DRAWN BY:	SRS	BRENTE R STEINHORST &
SURVEYOR:	KRZ	TRAYE D STEINHORST
FILE NO.	02068012	S2501A GOLF COURSE RD
SHEET NO.	1 OF 2	REEDSBURG, WI 53959

PRELIMINARY

R/W ACQUISITION MAP PARCEL 276-2218-00000



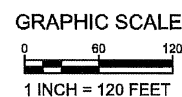
A PARCEL OF LAND LOCATED IN PART OF LOT 1, BLOCK 1 OF SCHULZ'S SUBDIVISION, PART OF VACATED NEW STREET AND PART OF VACATED MAPLE STREET, ALL IN THE NE1/4 OF THE SW1/4 OF SECTION 11, T12N, R4E, CITY OF REEDSBURG, SAUK COUNTY, WISCONSIN

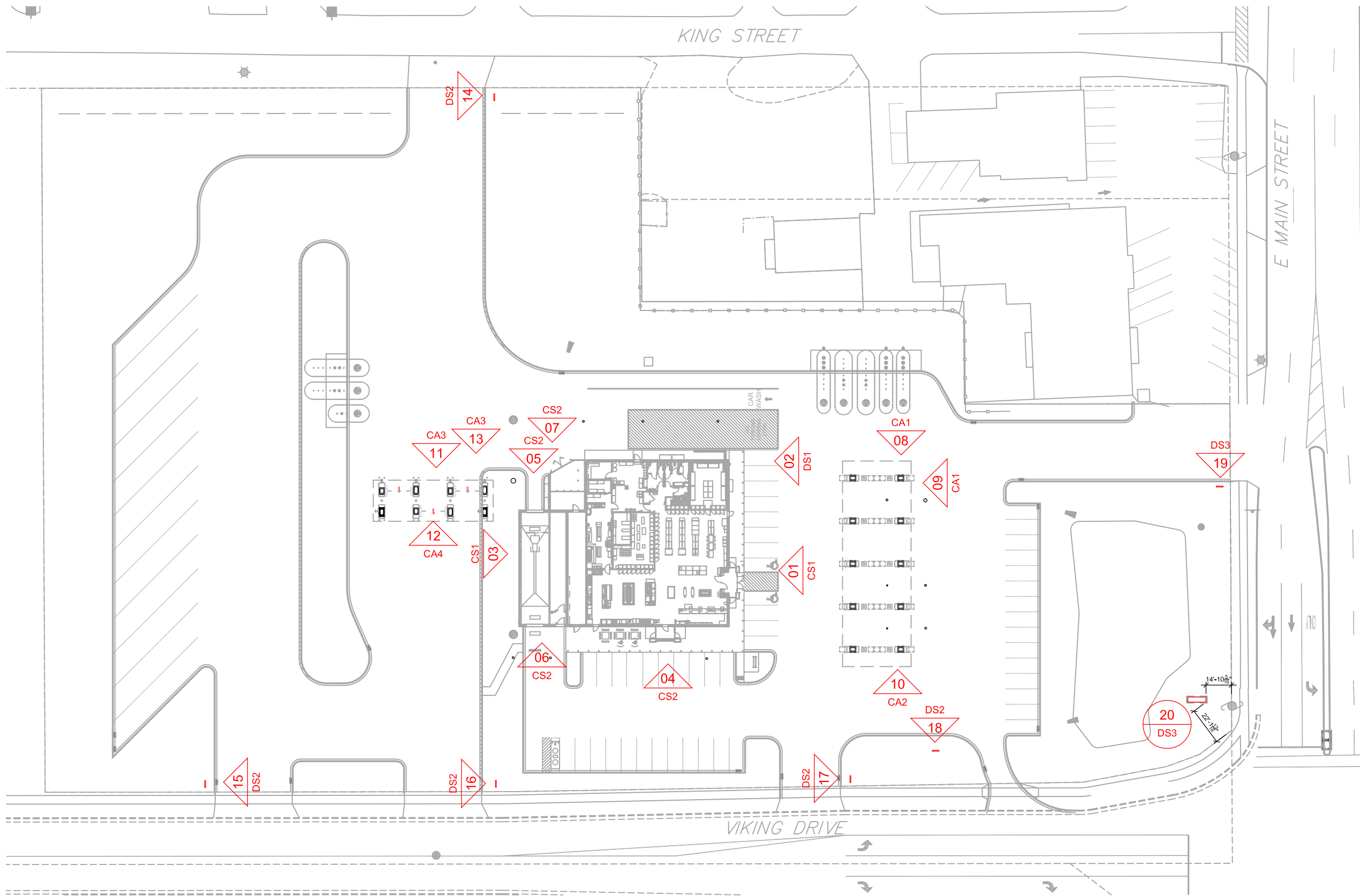
CITY OF REEDSBURG AIRPORT

PROPOSED
ACQUISITION
AREA:
45,943 S.F.
OR 1.055 AC



BEARINGS ARE REFERENCED TO THE
WCCS SAUK COUNTY (NAD83/11)
THE EAST LINE OF THE NE1/4 OF THE
SW1/4 OF SECTION 11 BEARS S00°03'23"E





SITE PLAN
1" = 60'-0"

- PROPOSED SIGNS:**
#01 24" LED KWIK TRIP BUILDING LETTERS
#02 CARWASH BUILDING DIRECTIONAL SIGN
#03 18" LED KWIK TRIP & 24" CARWASH BUILDING LETTERS
#04 24" LED KWIK TRIP BUILDING LETTERS
#05 CARWASH ENTER
#06 CARWASH EXIT
#07 CARWASH INFORMATIONAL SIGN

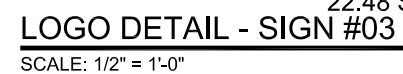
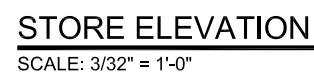
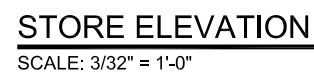
- #08 24" LED KWIK TRIP CANOPY LETTERS
#09 24" LED KWIK TRIP CANOPY LETTERS
#10 24" LED KWIK TRIP CANOPY LETTERS
#11 18" LED DIESEL ENTER CANOPY SIGN
#12 24" LED DIESEL EXIT CANOPY SIGN
#13 DEF PRICE SIGN
#14 DRIVEWAY DIRECTIONAL
#15 DRIVEWAY DIRECTIONAL
#16 DRIVEWAY DIRECTIONAL

- #17 DRIVEWAY DIRECTIONAL
#18 DRIVEWAY DIRECTIONAL
#19 DRIVEWAY DIRECTIONAL
#20 FREESTANDING PYLON SIGN

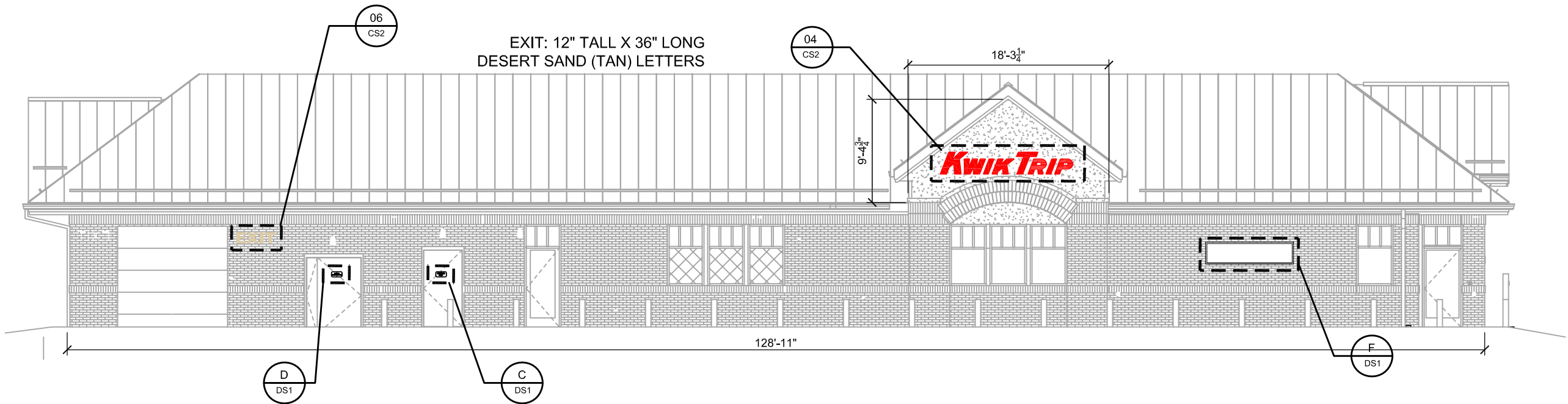


KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

SITE PLAN		CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL		VIKING STREET & MAIN STREET REEDSBURG, WI	
#	DATE	DESCRIPTION			
	2022 03/28	BKGD UPDATE			
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PROJ. NO.		0001			
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SHEET		SP1			

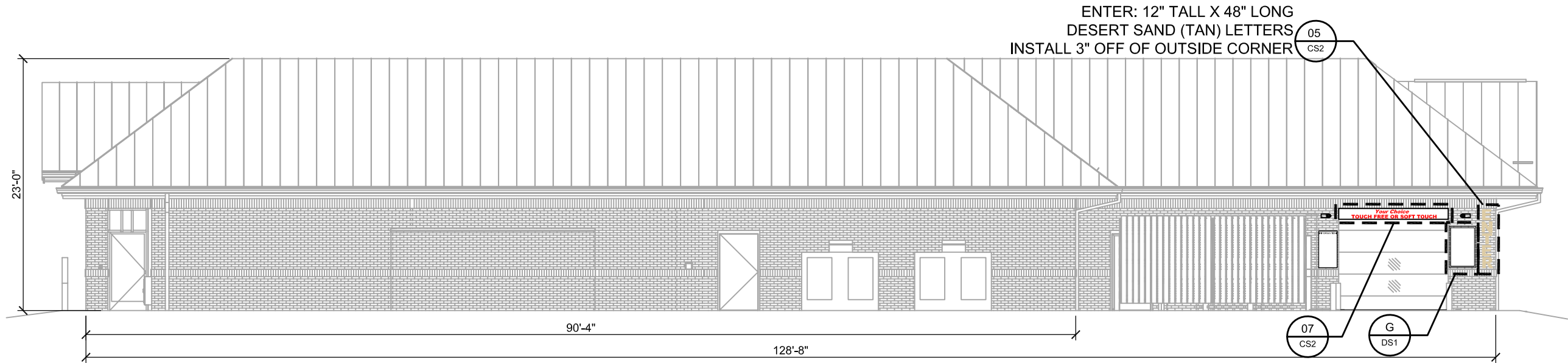


CONVENIENCE STORE SIGNAGE		CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL	VIKING STREET & MAIN STREET REEDSBURG, WI
#	DATE	DESCRIPTION	
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SCALE _____		MULTIPLE	
PROJ. NO. _____		0001	
DATE _____		2022 03-09	
SHEET		CS1	



STORE ELEVATION

SCALE: 3/32" = 1'-0"



STORE ELEVATION

SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGN #04

SCALE: 1/2" = 1'-0"



INFORMATIONAL SIGN #07

SCALE: 1/2" = 1'-0"

**Kwik
TRIP**

**Kwik
STAR**

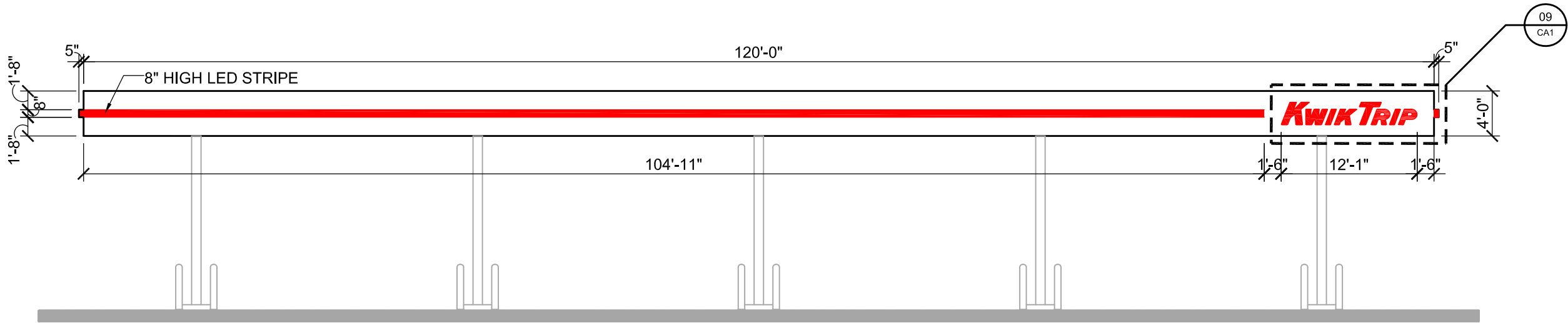
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FAX (608) 781-8960

CONVENIENCE STORE SIGNAGE

CONVENIENCE STORE #838
w/ 1 BAY CW & SIDE DIESEL

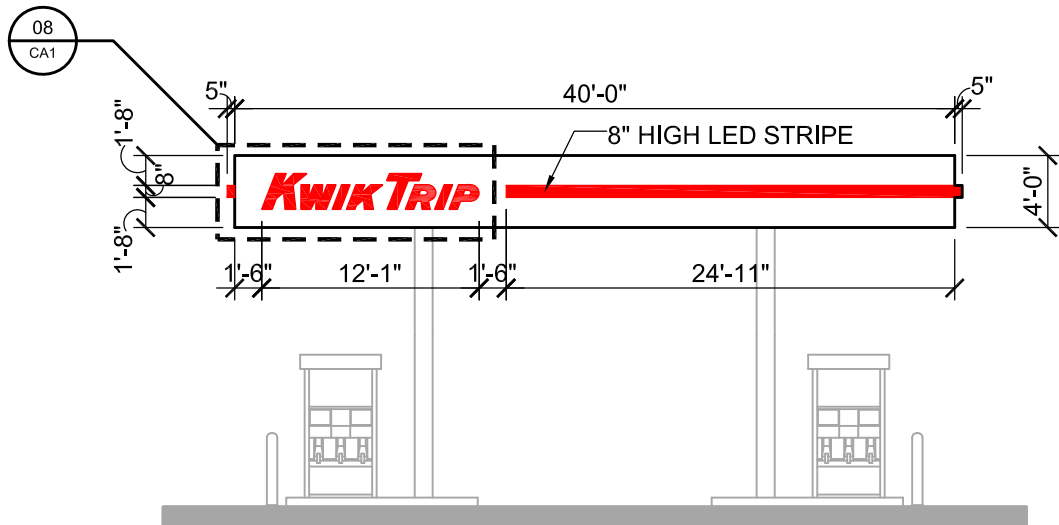
VIKING STREET & MAIN STREET
REEDSBURG, WI

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SHEET		CS2



CANOPY ELEVATION

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CANOPY ELEVATION

SCALE: 3/32" = 1'-0"



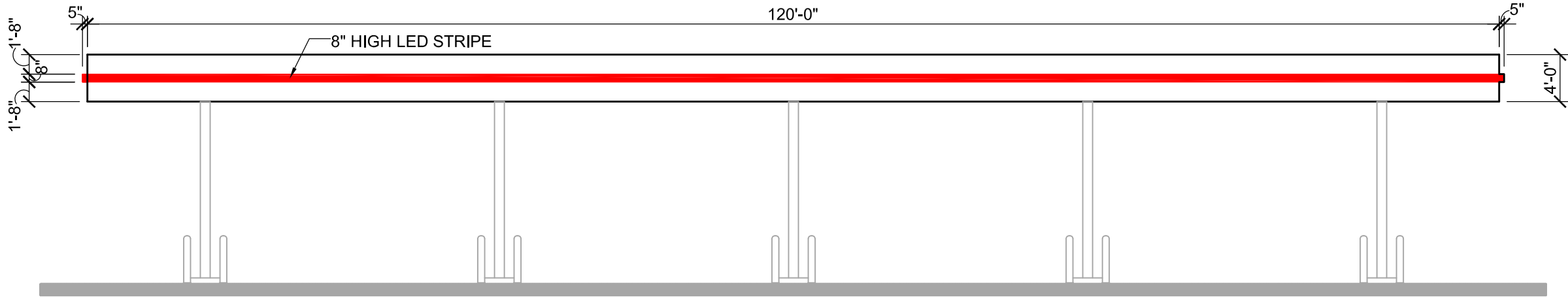
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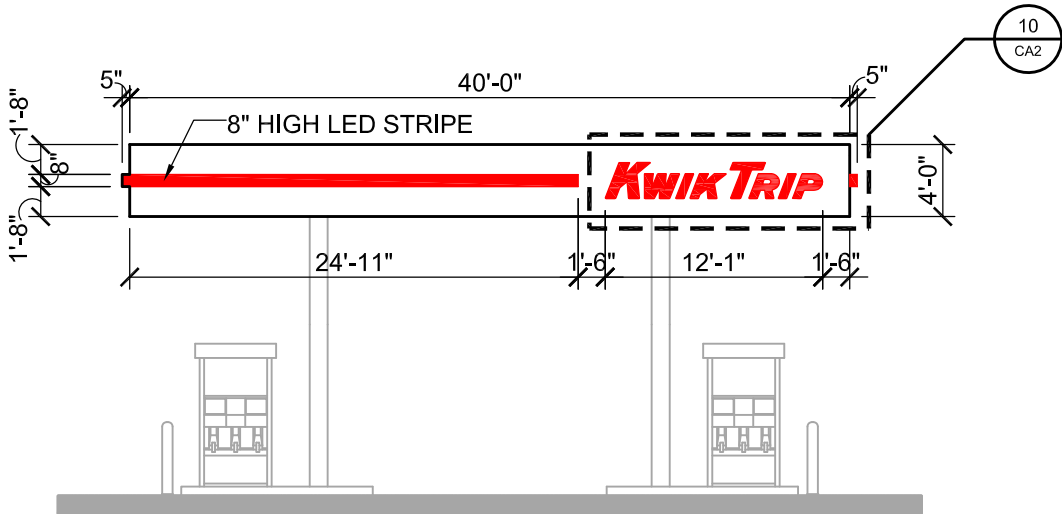
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CANOPY SIGNAGE		CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL		VIKING STREET & MAIN STREET REEDSBURG, WI	
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SHEET		CA1			



CANOPY ELEVATION

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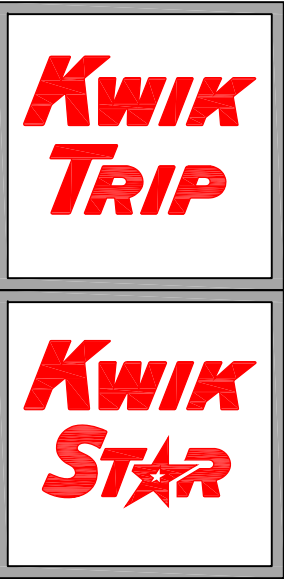
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SCALE: 3/32" = 1'-0"



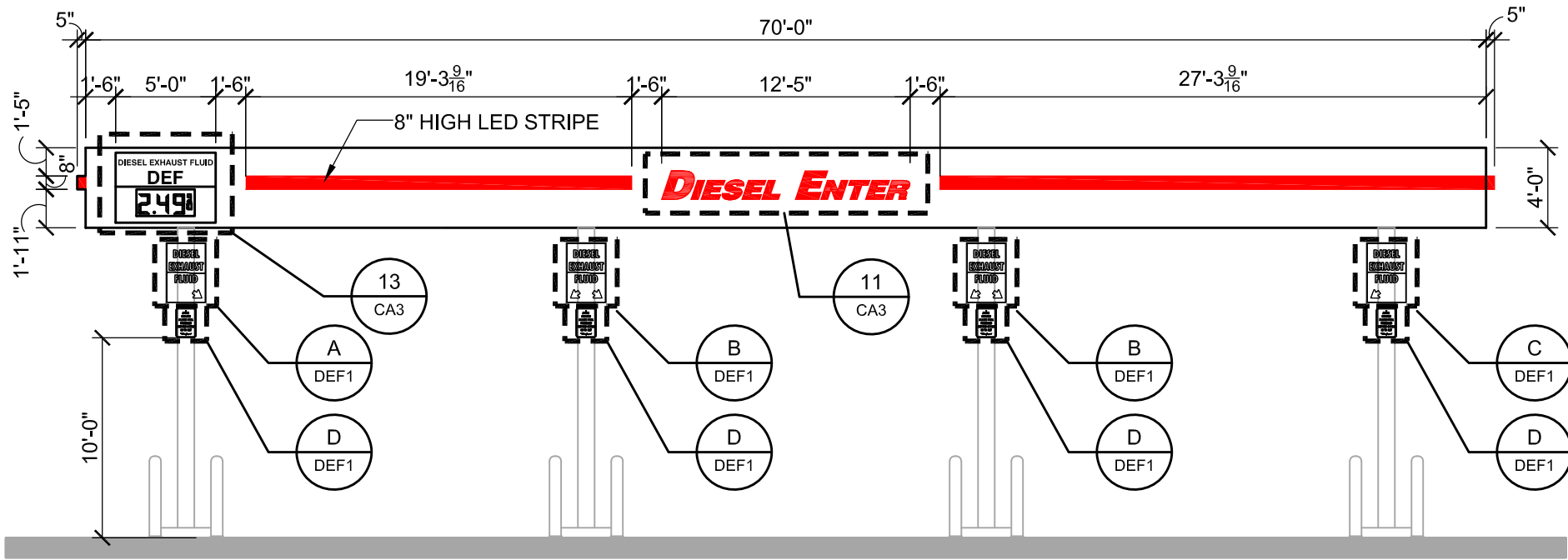
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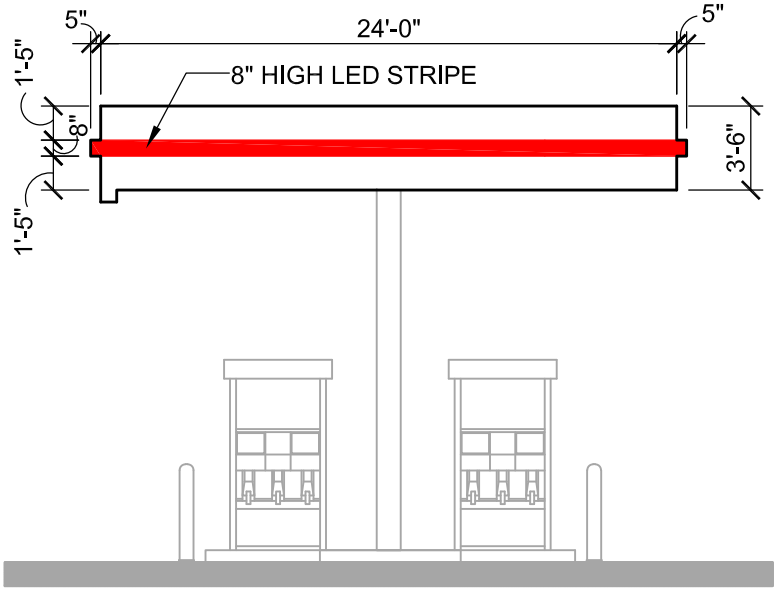
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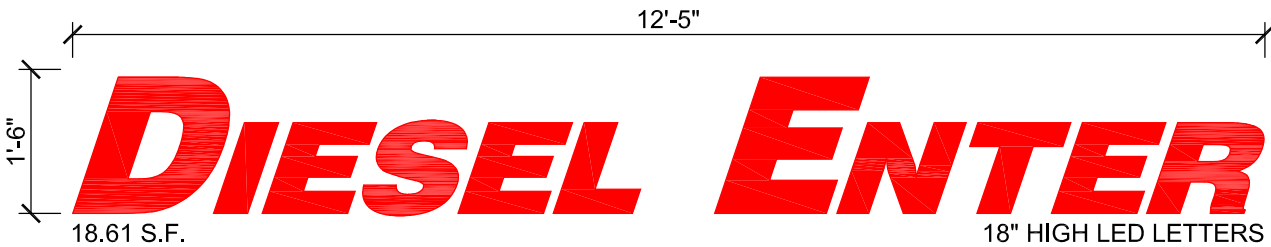
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SCALE: 1/8" = 1'-0"



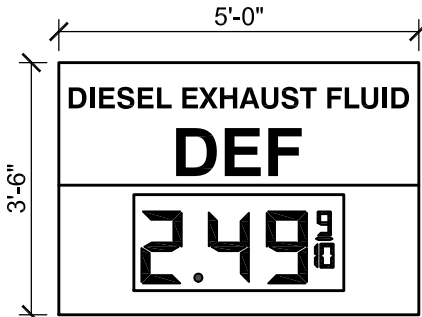
CANOPY ELEVATION

SCALE: 1/8" = 1'-0"



LOGO DETAIL - SIGN #11

SCALE: 1/2" = 1'-0"



DEF DETAIL - SIGN #13

SCALE: 3/8" = 1'-0"

**Kwik
TRIP**

**Kwik
Star**

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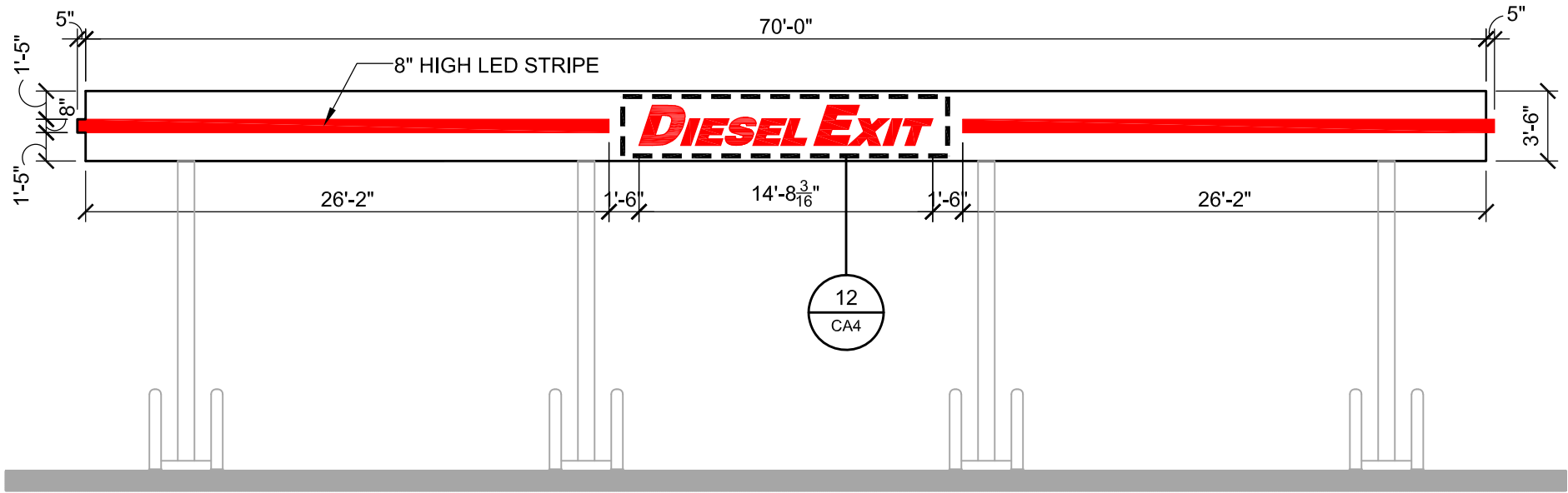
CANOPY SIGNAGE

CONVENIENCE STORE #838
w/ 1 BAY CW & SIDE DIESEL

VIKING STREET & MAIN STREET
REEDSBURG, WI

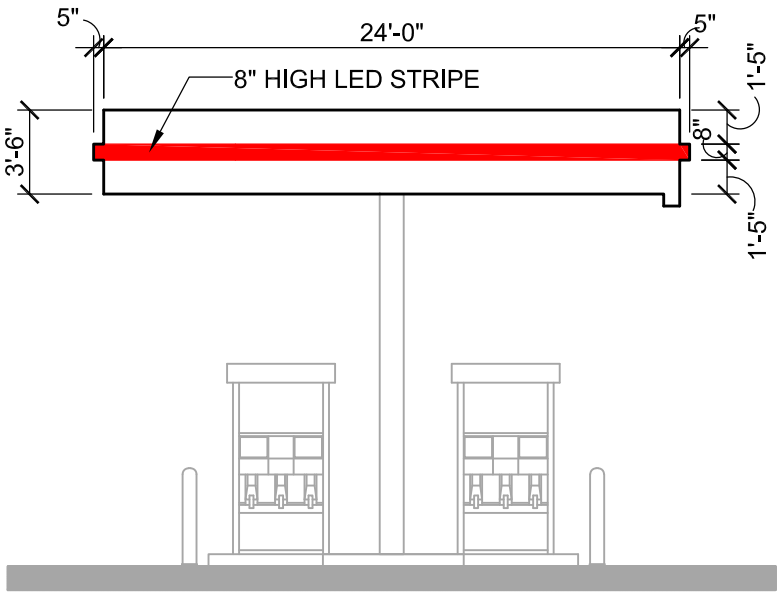
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DATE	2022 03-09
SHEET	CA3



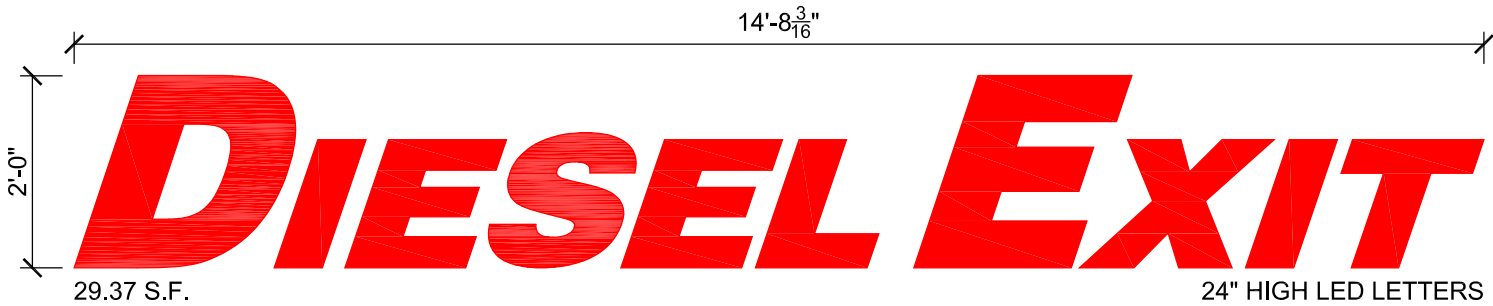
CANOPY ELEVATION

SCALE: 1/8" = 1'-0"



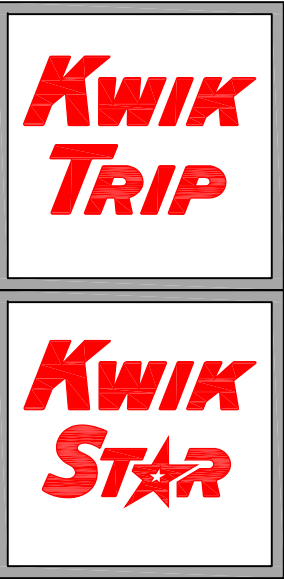
CANOPY ELEVATION

SCALE: 1/8" = 1'-0"



LOGO DETAIL - SIGN #12

SCALE: 1/2" = 1'-0"



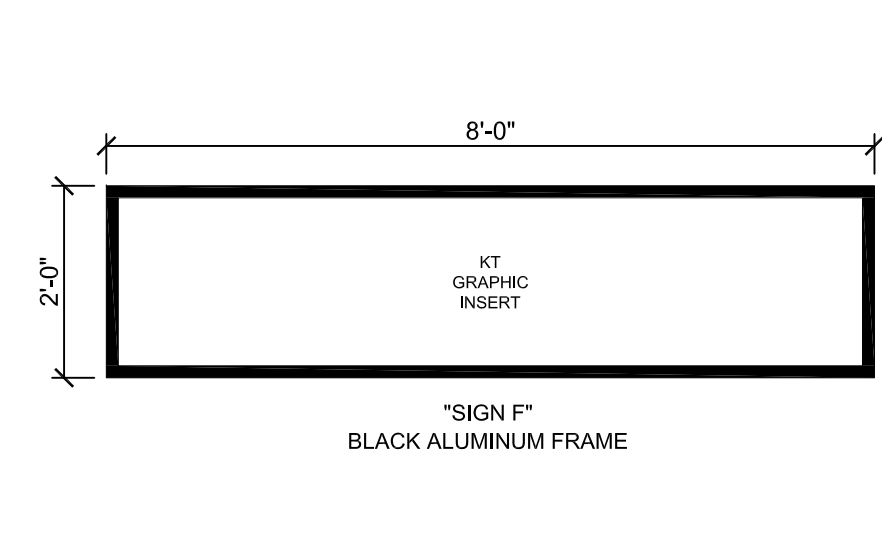
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DRAWN BY		KMK
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DATE		2022 03-09
SHEET		CA4



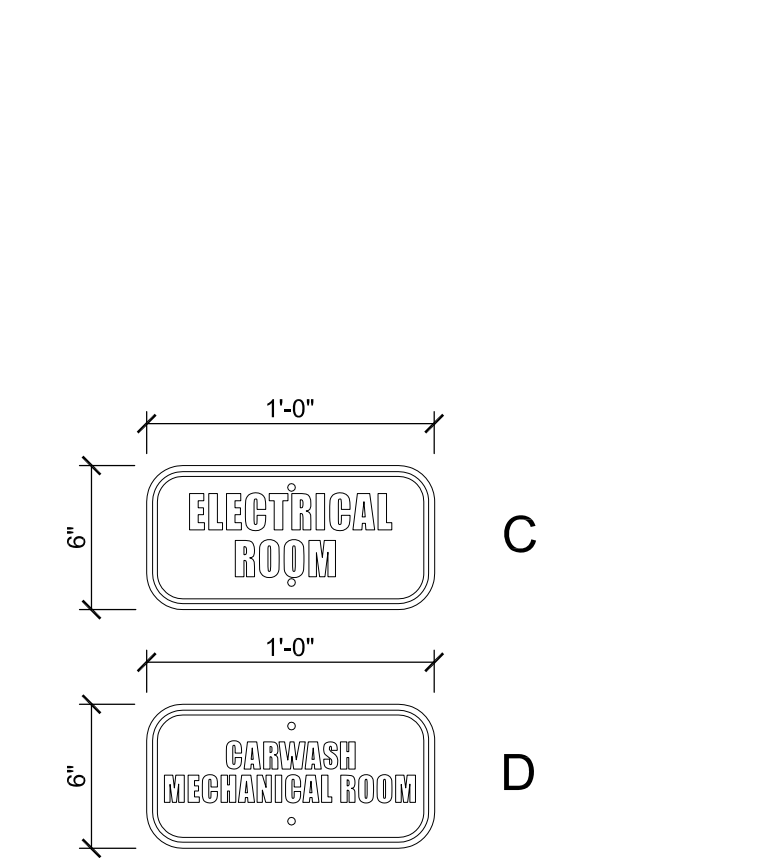
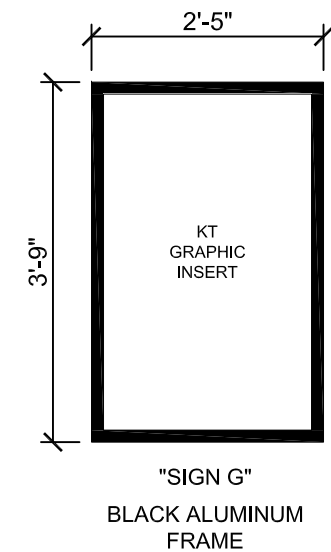
ADDRESS SIGN A

SCALE: 3/4" = 1'-0"



INFORMATIONAL SIGNS F & G

SCALE: 1/2" = 1'-0"



INFORMATIONAL SIGNS C & D

SCALE: 1 1/2" = 1'-0"



NON-LIT DIRECTIONAL SIGN
WHITE VINYL ON RED ALUMINUM
1'-0"H X 4'-0"W = 4.0 SQ FT

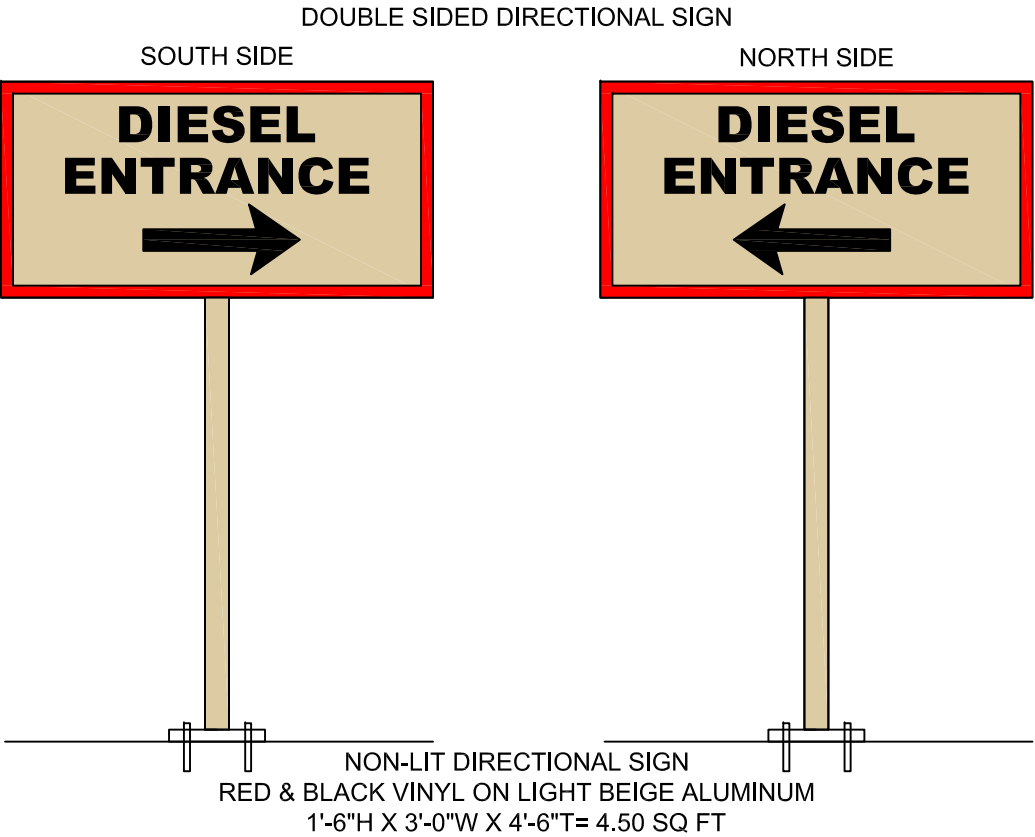
DIRECTIONAL SIGN #02

SCALE: 3/4" = 1'-0"

GENERAL SPECIFICATIONS
<i>ROOM SIGNS</i> <i>Qty: 3 total (different copy on each)</i> <i>Size: per art</i> <i>Material: white sign blank</i> <i>Finish: cut vinyl</i>
<i>Install along with various signs for same site, crew to give to KT trim guys to install.</i>

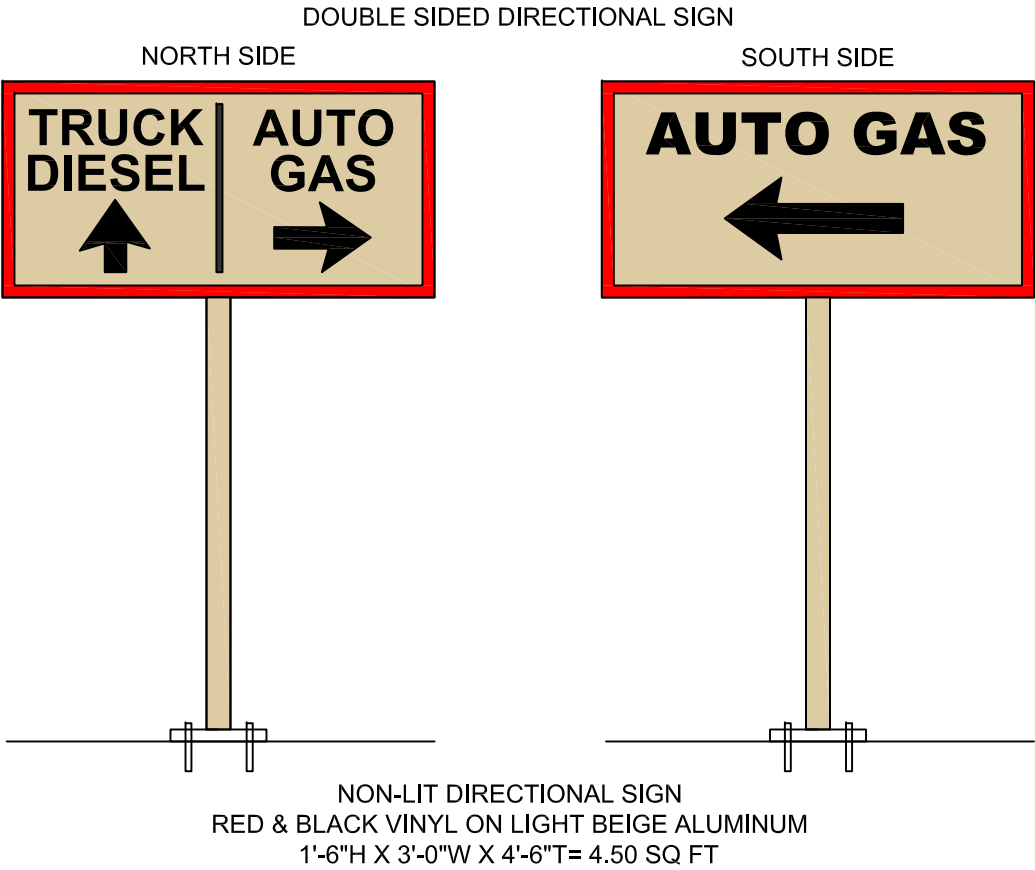
KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

DIRECTIONAL SIGNAGE	CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL	
	VIKING STREET & MAIN STREET REEDSBURG, WI	
	#	DATE
	DESCRIPTION	
DRAWN BY		KMK
SCALE		MULTIPLE
PROJ. NO.		0001
DATE		2022 03-09
SHEET		DS1



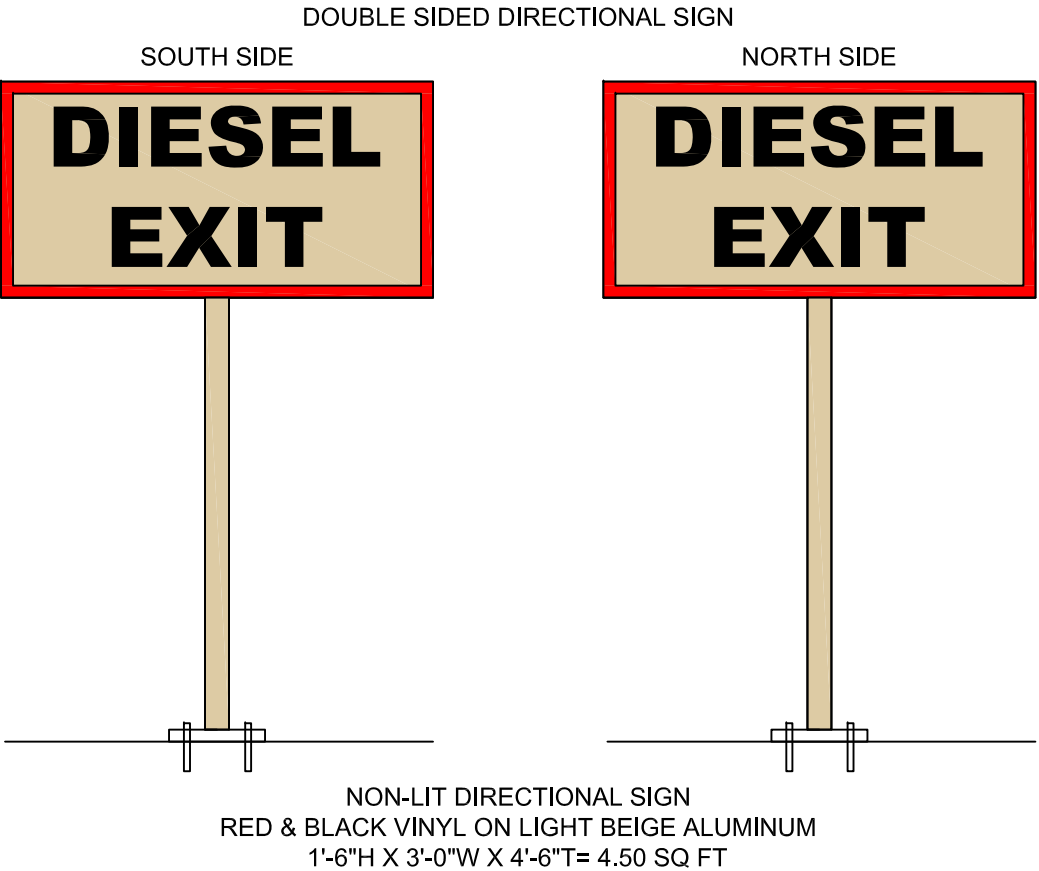
DIRECTIONAL SIGNS #14 & #15

SCALE: 3/4" = 1'-0"



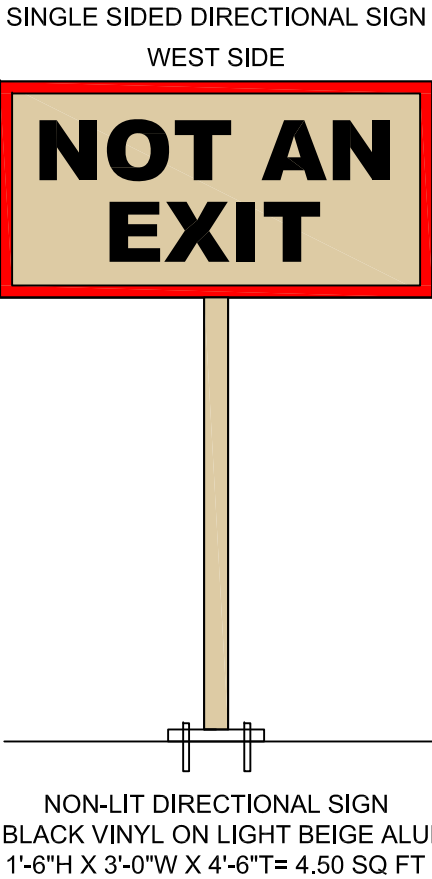
DIRECTIONAL SIGN #17

SCALE: 3/4" = 1'-0"



DIRECTIONAL SIGN #16

SCALE: 3/4" = 1'-0"



DIRECTIONAL SIGN #18

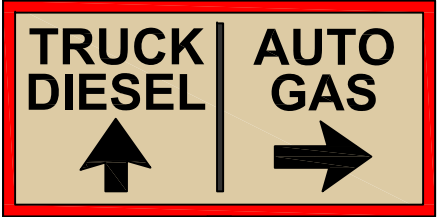
SCALE: 3/4" = 1'-0"



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DIRECTIONAL SIGNAGE		CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL VIKING STREET & MAIN STREET REEDSBURG, WI	
#	DATE		DESCRIPTION
—	—		—
—	—		—
—	—		—
—	—		—
—	—		—
—	—		—
DRAWN BY			KMK
SCALE			MULTIPLE
PROJ. NO.			0001
DATE			2022 03-09
SHEET		DS2	

SINGLE SIDED DIRECTIONAL SIGN
WEST SIDE



NON-LIT DIRECTIONAL SIGN
RED & BLACK VINYL ON LIGHT BEIGE ALUMINUM
1'-6"H X 3'-0"W X 4'-6"T= 4.50 SQ FT

DIRECTIONAL SIGN #19

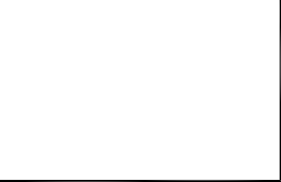
SCALE: 3/4" = 1'-0"

#20 KWIK TRIP FREESTANDING PYLON SIGN

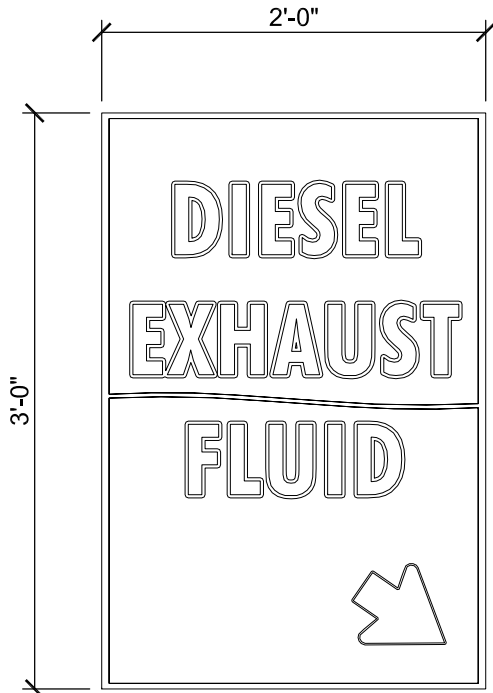
SEE ATTACHMENT FROM LA CROSSE SIGN CO



KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960



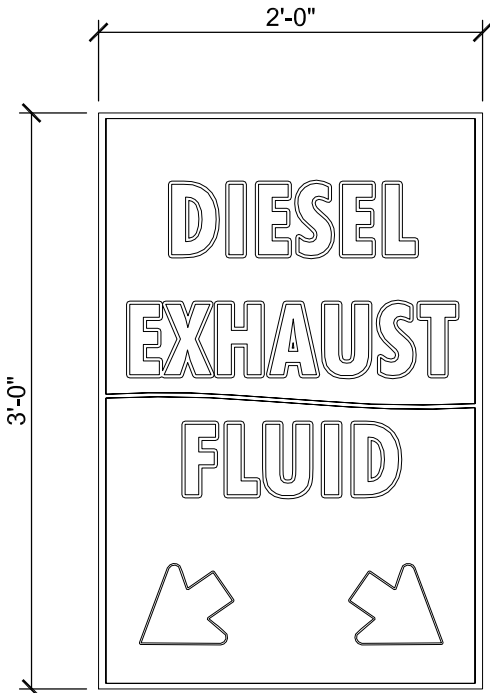
DIRECTIONAL SIGNAGE	CONVENIENCE STORE #838	
	w/ 1 BAY CW & SIDE DIESEL	
	VIKING STREET & MAIN STREET	
	REEDSBURG, WI	
#	DATE	DESCRIPTION
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
DRAWN BY		KMK
SCALE		MULTIPLE
PROJ. NO.		0001
DATE		2022-03-09
SHEET		DS3



QTY: X

DEF SIGN A

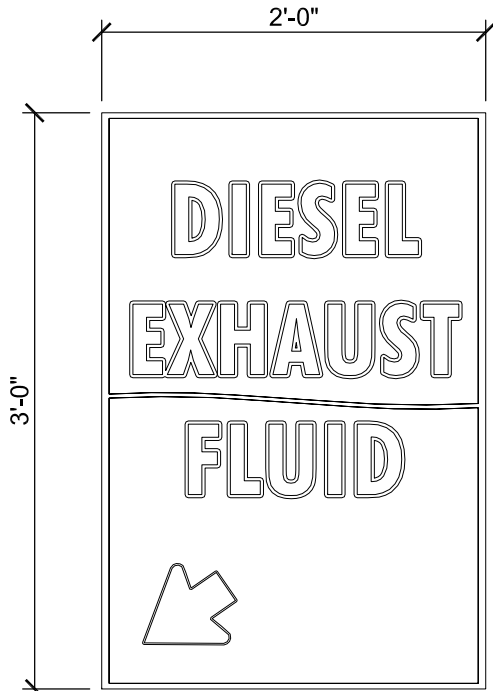
SCALE: 3/4" = 1'-0"



QTY: X

DEF SIGN B

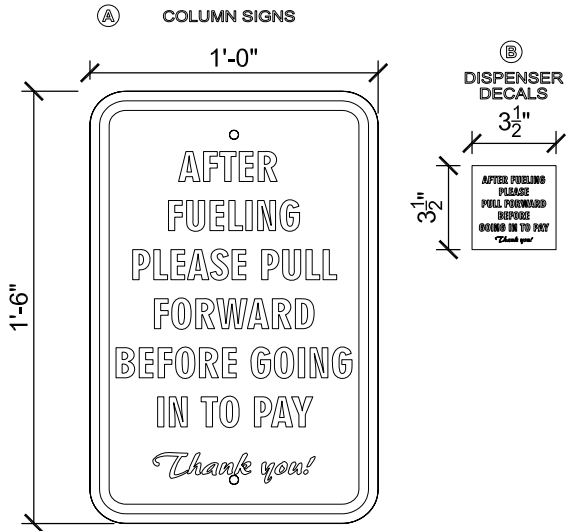
SCALE: 3/4" = 1'-0"



QTY: X

DEF SIGN C

SCALE: 3/4" = 1'-0"



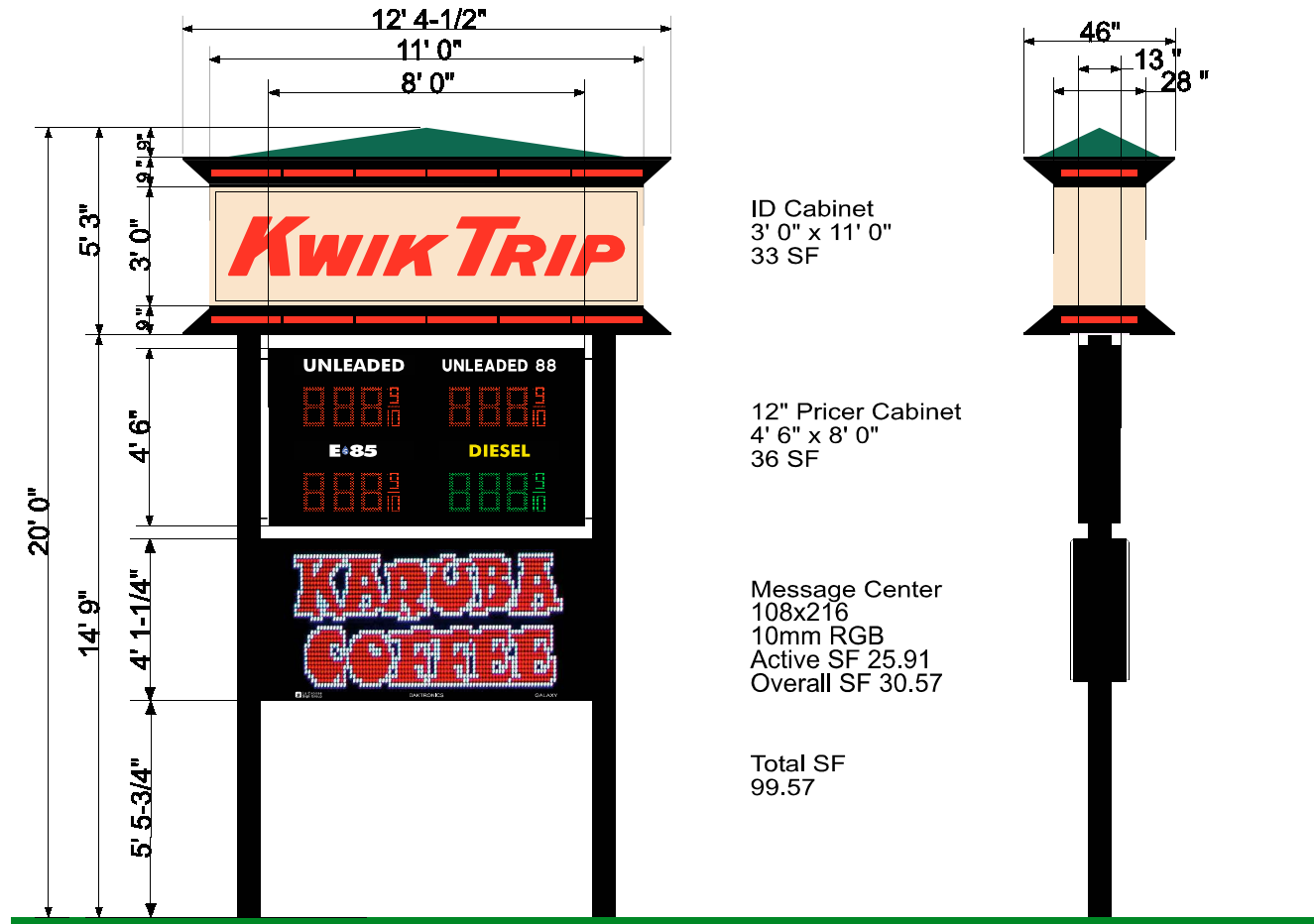
PULL AHEAD SIGN D

SCALE: 1 1/2" = 1'-0"



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DEF / DSL SIGNAGE		CONVENIENCE STORE #838 w/ 1 BAY CW & SIDE DIESEL		VIKING STREET & MAIN STREET REEDSBURG, WI	
#	DATE	DESCRIPTION			
—	—	—			
—	—	—			
—	—	—			
—	—	—			
—	—	—			
DRAWN BY		KMK			
SCALE		MULTIPLE			
PROJ. NO.		0001			
DATE		2022 03-09			
SHEET		DEF1			



Approved by: _____ Date: _____ Landlord: _____ Date: _____

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It is the property of La Crosse Sign Co., inc., and must be returned to them.

lacrossesign.com

DESIGN

SALES

FILE

COLOR KEY

*COLORS ON SKETCH ARE ONLY A REPRESENTATION.
ACTUAL COLOR OF FINISHED PRODUCT MAY DIFFER.



1450 Oak Forest Drive • Onalaska, WI 54650 • 608-781-1450
2242 Mustang Way • Madison, WI 53718 • 608-222-5353
2502 Melby Street • Eau Claire, WI 54703 • 715-835-6189

Drawing by: Danielle Hadley

Sign Type: Pylon

Date Created: 3/7/2019

Last Modified:

Scale: 3/16" = 1' 0"

Job Name: Kwik Trip

Job Address:

Salesperson: Cindy Bluske

Job Number:

Revision Number:

Job File Location:

a NA 208080 Beige

b Black S/G paint

c #2283 Red Acrylic

d White of Acrylic

e Red LED

f NA 307880 Hemlock Green

g Green LED

h Black (230-22)

i Yellow (230-015)

j Blue (230-167)



FRONT LEFT VIEW



REAR RIGHT VIEW



FRONT RIGHT VIEW



REAR LEFT VIEW



FRONT ELEVATION

Kwik
TRIP

Kwik
STAR

KWIK TRIP, Inc.
 P.O. BOX 2107
 1626 OAK STREET
 LA CROSSE, WI 54602-2107
 PH. (608) 781-8988
 FAX (608) 781-8960

EXTERIOR ELEVATIONS
 GEN 3 LEFT HAND with 1 Bay Carwash

Staff Report

DATE: May 17, 2022

APPLICANT: Catherine Anderson

LOCATION: 2337 Myrtle St; Parcel #276-2515-06100.

ZONING: R-2 Residential

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance per § 690-46(G) to exceed the required number of four chickens to have up to 20.

General Findings

SURROUNDING LAND USES:

- North – Ag
- West – Vacant
- South – Residential
- East – Residential

ZONING:

- North – Agricultural
- West – Conservancy
- South – R-2 Residential
- East – R-2 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Myrtle St / Barbara Ann Dr; 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: Wetlands

COMPREHENSIVE PLAN DESIGNATION: Residential

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Variance Findings – § 690-12(B)

- 1. The variance will not be contrary to the public interest.**
- 2. Substantial justice will be done by granting the variance.**
- 3. The variance is needed so that the spirit of the ordinance is observed.**
- 4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.**
 - a. The Board finds that the parcel is zoned R-2 Residential.
 - b. The Board finds that the existing parcel contains an existing single-family dwelling and detached garage.
 - c. The Board finds that a chicken coop with up to 20 chickens is proposed.
 - d. The Board finds that § 690-46(G) limits chickens to four total.
 - e. The Board finds that the current parcel is 1.86 acres.
 - f. The Board finds that surrounding lots contain residential and agricultural uses.
 - g. The Board finds that the property is located at the corner of Myrtle St (Cty K) and Barbara Ann Dr.

STAFF COMMENTS:

The number of chickens (hens) was set at four as somewhat of a compromise in allowing chickens but not too many to be a neighboring nuisance. That said, this parcel has some unique characteristics that could support additional chickens – 1) 1.86 acre size, 2) no neighbors to the west, 3) 100+ feet to closest residence, 4) located across the street from active farm, 5) property located on edge of city limits.

If you believe standards are met and do approve, a time limit should be placed on it, such as if the current applicant/owner sells or moves from property. You could also limit the number of chickens to a number less than 20. Applicant should be made aware that any future problem(s) could lead to rescinding of variance.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, May 17, 2022, ZBA Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review
- G. Notice of Public Meeting

City of Reedsburg Land Use Application

134 S. Locust St.
PO Box 490
Reedsburg, WI 53959

Ph: 608-524-6404
Fax: 608-524-8458
bduvalle@ci.reedsburg.wi.us

APPLICANT: Catherine Anderson

ADDRESS: 2337 Myrtle St **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** 911-408-5324 **FAX:** →

E-MAIL: Catanderson@hotmail.com

PROPERTY OWNER: (if different from Applicant) Same

LOCATION: 2337 Myrtle St Reedsburg **PARCEL #:** 276-2512-06100

- corner of Myrtle & Barbara Ann

LAND USE REQUEST

(Please describe one or more as applicable – attach extra pages/maps if necessary)

☐ **Certified Survey Map (CSM):** _____

☐ **Conditional Use Permit:** _____

For **CONDITIONAL USE PERMIT** requests, also answer "A & B" on back page.

☐ **Preliminary Plat:** _____ **Final Plat:** _____ **Name of Plat:** _____

☐ **Rezoning - From:** _____ **To:** _____ **TID #** _____

☐ **Site Plan Review:** (See "B" on back page) _____

☐ **Zoning Appeal / Interpretation:** _____

☒ **Zoning Variance:** would like to have 15-20 chickens (hens)

For **VARIANCE** requests, also answer "C" on back page.

☐ **Other or Annexation:** _____

AFFIDAVIT

I certify that the information and plans submitted are true and accurate to the best of my knowledge. I also give permission to City zoning officials to enter my property for inspection purposes and for a temporary Zoning sign to be placed in my yard prior to the meeting.

Catherine Anderson 5/1/22

Applicant Signature / Date

Catherine Anderson 5/1/22

Owner Signature / Date

Extraterritorial Committee Date: _____

Plan Commission Date: _____

Board of Zoning Appeals Date: _____

City Council Action & Date: _____

Account #10-461500-00

**The applicant or representative MUST
ATTEND the meeting.**

G:\w\pnet\Zoning - Planning\Land Use Appl.doc

Cond Use Permit	\$200	_____
Cond Use-Agriculture	\$400	_____
Variance	\$125	<u>X</u>
Rezoning	\$200	_____
C.S.M.	\$175	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid	<u>5-2-2022</u>	
Receipt #	<u>1-040805</u>	

A. Please describe how your request meets each of the following Conditional Use standards as applicable. Attach additional pages if needed.

- (A) *Proposed operation* - No Conditional Use shall be approved by the Plan Commission unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance and will not place demands on fire, police, or other public resources in excess of current capacity.
-
- (B) *Architectural plans; existing and proposed structures* - The proposed conditional land use shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
-
- (C) *Character and use of adjoining buildings and those in the vicinity* - The proposed conditional land use shall not involve uses, activities, processes, materials, or equipment that would create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, and odors.
-
- (D) *Traffic generation, circulation and parking areas* - The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
-
- (E) *Traffic generation and circulation, highway access and driveway locations* - The proposed conditional land use shall be adequately served by public or private streets.
-
- (F) *Sewerage and water systems* - The proposed conditional land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
-

B. Site Plan Requirements.

- (A) North arrow
- (B) Location of property lines, dimensions, and setbacks.
- (C) Location of existing and proposed public roads, rights-of-way and private easements of record.
- (D) Location of existing water bodies, surface drainage ways, stormwater controls, floodplains, and wetlands.
- (E) Location of existing and proposed buildings.
- (F) Location of parking areas and all exterior lighting.
- (G) Location of all loading / unloading areas.
- (H) Location of all sidewalks, walkways, bicycle paths and areas for public use.
- (I) Location of all utilities on the site.
- (J) Location and specifications for all fences, walls, and other screening features.
- (K) Location and specifications for all existing and proposed perimeter and internal landscaping.
- (L) Location and specifications for screening of all trash receptacles and other solid waste disposal facilities.
- (M) Location and specifications for proposed signs.
- (N) Elevation drawings for proposed commercial structures.
- (P) Floor plans, when needed to determine the number of parking spaces required.

C. Please describe how your request meets each of the following Variance standards. Attach additional pages if needed.

To grant a variance, the Board of Appeals must find four things:

- 1) The variance will not be contrary to the public interest. please see attached paper
- 2) Substantial justice will be done by granting the variance. please see attached paper
- 3) The variance is needed so that the spirit of the ordinance is observed. please see attached paper
- 4) Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. please see attached paper
-

- (C) Variance Hardship. A property owner bears the burden of proving "unnecessary hardship" by demonstrating either of the following:
- 1) For an area variance, that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.
- 2) For a use variance, that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In both situations, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than personal considerations, and that the unnecessary hardship was not created by the property owner.

C)

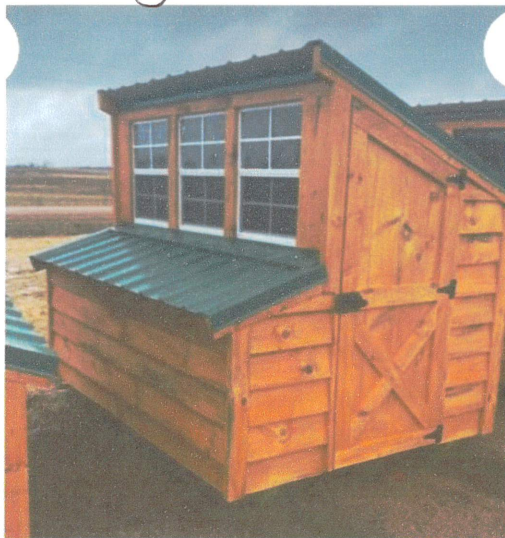
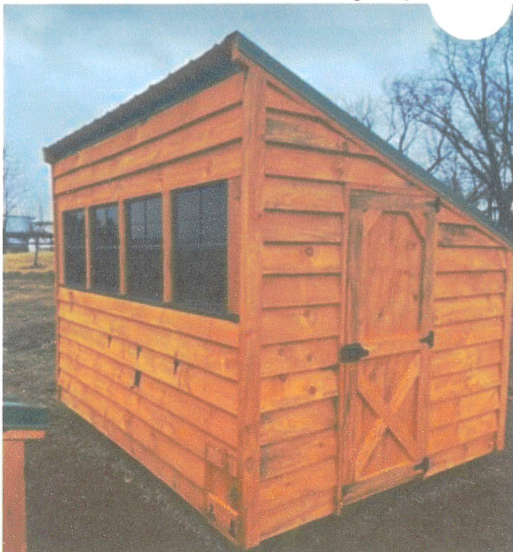
1. If approved, I would like to place a chicken coop and run near the rear of my property by the current garden and shop. We have a farm to the north, and a preserve/marsh behind us. The coop would be approximately 200 feet from my nearest neighbor as well. My children and I have had chickens in the past when we lived out of state, and cleanliness to keep odors to a minimum is very important to me. While I don't want to smell the coop, I'm sure my neighbors do not want to either.
2. My family and I very much enjoyed having laying hens in the past. My kids have been asking for chickens since we moved here (Feb 2020), however having the current 4 chicken maximum would not provide us with enough eggs without having to supplement with storebought.. hence I just didn't think it was justifiable for us to do so. It was only recently that my daughter decided to do some research to see what other options we have.
3. With the approved variance, we will still be allowed to have chickens in town as the current law allows, only at a larger scale. If we lived closer to other neighbors or in a smaller development, I wouldn't be pursuing this. However, having a property with almost 2 acres, and no neighbors on 2 sides led us to think this variance might be an option.
4. The current price of eggs is drastically rising. Last year, I paid around \$0.70/ dozen. Current egg prices are pushing \$4/dozen. Not only does having laying hens make sense for my family, I also run a small in home bakery business, in which I provided baked good for the community. (Flour Girl Custom Cakes) Having 15-20 hens would allow me to help control my costs. Along with controlling costs for my baking and providing my family with eggs, I also hope to sell several dozen a week to friends and neighbors to offset my feed costs for the chickens a well.

C

ideas for a run - with more added shade cloth

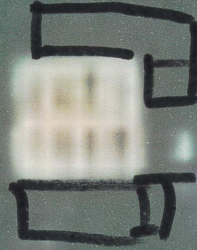


Amish coop designs that I'm looking into



PIC•COLLAGE

2 possibilities for
coop & run placement



+

Chapter 55

ETHICS CODE AND BOARD

§ 55-1. Statement of purpose.

- A. The proper operation of democratic government requires that public officials and employees be impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all City of Reedsburg officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- B. The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Reedsburg and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Reedsburg.

§ 55-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANYTHING OF VALUE — Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under § 19.56, Wis. Stats., political contributions which are reported under Ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

BUSINESS — Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

FINANCIAL INTEREST — Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

PERSONAL INTEREST — The following specific blood or marriage relationships:

- A. A person's spouse, mother, father, child, brother or sister; or
- B. A person's relative by blood or marriage who receives, directly or indirectly, more than 1/2 of his or her support from such person or from whom such person receives, directly or indirectly, more than 1/2 of his or her support.

PUBLIC EMPLOYEE — Any person excluded from the definition of a public official who is employed by the City.

PUBLIC OFFICIAL — Those persons serving in elected or appointed offices and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council, whether paid or unpaid.

SIGNIFICANT INTEREST — Owning or controlling, directly or indirectly, at least 10% or \$5,000 of the outstanding stock of any business.

§ 55-3. Statutory standards of conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this chapter of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- A. Section 946.10, Bribery of Public Officers and Employees.
- B. Section 946.11, Special Privileges from Public Utilities.
- C. Section 946.12, Misconduct in Public Office.
- D. Section 946.13, Private Interest in Public Contract Prohibited.
- E. Section 19.41 et seq., Code of Ethics for Public Officials and Employees.

§ 55-4. Responsibility of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards and to discharge faithfully the duties of their office

regardless of personal consideration, recognizing that the public interest must be their prime concern.

§ 55-5. Dedicated service.

Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work. Members of the City staff are expected to follow their appropriate professional code of ethics.

§ 55-6. Fair and equal treatment.

- A. Use of public property. No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- B. Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his or her rightful remuneration and benefits, for himself or herself or for a member of his or her immediate family.
- C. Political contributions. No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this chapter is a candidate or treasurer.

§ 55-7. Conflict of interest.

- A. Financial and personal interest prohibited.
 - (1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the

nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

- (3) Any nonelected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- B. Disclosure of confidential information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- C. Gifts and favors.
- (1) No official or employee, personally or through a member of his or her immediate family, may solicit or accept, either directly or indirectly, from any person or organization money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - (2) No official or employee, personally or through a member of his or her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his or her independence of judgment or action in the performance of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value. However, it

is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the City upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Common Council by January 15 next following the year in which the gift or gifts are received.

- (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This subsection further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (4) Gifts received by an official or employee or his or her immediate family under unusual circumstances shall be referred to the Common Council within 10 days of receipt for recommended disposition. Any person subject to this chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this subsection, shall within 10 days disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this chapter.

D. Representing private interests before City agencies or courts.

- (1) Nonelected City officials and employees shall not appear on behalf of any private person (other than himself or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection A above shall be applicable to such appearances.

- E. Ad hoc committee exceptions. No violation of the conflict of interest restrictions of this chapter shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue of topic in which that individual, or the employer or a client of that individual, has an interest, so long as the individual discloses to the Common Council that such interest exists.
- F. Contracts with the City. No City official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his or her part shall enter into any contract with the City, unless within the confines of § 946.13, Wis. Stats.:
 - (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this chapter after determining that it is in the best interest of the City to do so.
 - (2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

§ 55-8. Ethics Board. [Amended 7-26-2010]

- A. The Ethics Board shall consist of five members. The membership of the Ethics Board shall consist of four citizens and one alderperson. The nonalderperson members shall not be elected officials, full-time appointed officials or City employees, nor shall the non-Council members be currently serving on any other City board, commission or committee. The City Attorney shall furnish the Board any legal assistance necessary to carry out its functions.
- B. Ethics Board members shall be appointed by the Mayor, subject to confirmation by the Council. Initial terms of office shall be: one citizen shall be appointed for two years, one citizen will be appointed for one year, and two citizens will be appointed for three years. Thereafter, all terms shall be three years. Terms begin May 1 of the respective year. Each year, the Mayor shall appoint the alderperson at the annual reorganization meeting. Three members shall constitute a quorum of the Board.
- C. The Ethics Board shall elect its own chair.
- D. The Ethics Board may make recommendations to the Common Council with respect to amendments of this Code of Ethics.
- E. Any person covered by this Ethics Code may apply, in writing, to the Board for an advisory opinion regarding the propriety of any matter to which the person is or may become a party. The Board shall meet to review such a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor

shall be in writing and shall state all material facts. It shall be prima facie evidence of intent to comply with this Ethics Code when a person refers a matter to the Board and abides by the advisory opinion of the Board if the material facts are as stated in the opinion request. Meetings held by the Board for deliberation and action upon such application shall not be open to the public nor shall a nonmember, Common Council member or the Mayor be authorized to attend any such meeting of the Board unless requested to do so by the Board. Advisory opinions rendered by the Board shall be in writing and shall state the material facts upon which the opinion is based. A record of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection as required by Chapter 19, Wis. Stats. Except as provided by § 19.59(5)(b), Wis. Stats., the Board shall not make public the identity of any person requesting an advisory opinion or of persons or organizations mentioned in the opinion. If the Board determines that an advisory opinion rendered by the Board would be of significant value to other officials or employees, the Board may issue a summary of the opinion, provided that the summary does not disclose the identity of the person originally requesting the advisory opinion. In all cases, the Board may request an advisory opinion from the City Attorney.

- F. All complaints alleging that an official or employee committed a violation of this Ethics Code shall be addressed to the Ethics Board and shall be filed with the City Clerk-Treasurer. All such complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this Ethics Code and shall further state the evidentiary facts supporting the charge.
- G. Within 14 days after the filing of a properly verified complaint with the City Clerk-Treasurer, the Board shall meet to review the complaint. Within three business days after its initial review of the complaint, the Board shall mail a copy of the complaint to the respondent by certified mail or shall have a copy of the complaint delivered to the respondent by personal service.
- H. Following its initial review of a verified complaint, the Board may make a preliminary investigation with respect to each alleged violation of this Ethics Code. No preliminary investigation of an alleged violation of this Ethics Code may be initiated until a copy of the complaint and notice of the Board's intent to investigate the charge has been mailed by certified mail to the respondent or personally served upon the respondent. The preliminary investigation shall be completed within 30 days of the date that the complaint and notice thereof is mailed to the respondent or personally served upon the respondent, except the Board may extend the investigation period for up to an additional 60 days with notice to the respondent and to the complainant.
- I. If, after its preliminary investigation, the Board finds that probable cause does not exist for believing that the respondent violated this Ethics Code, it shall dismiss the complaint. The Board shall promptly

notify the complainant and the respondent by certified mail or personal service of its decision dismissing the complaint. The Board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially similar to the dismissed complaint shall not be reconsidered by the Board unless, within 20 days of the Board's mailing or personal service of its dismissal order, the complainant files with the Board additional material facts which were not available to the complainant at the time the original complaint was filed and which, if true, would probably change the Board's decision. The Board's decision to reconsider or not to reconsider a decision under this subsection shall be final. If the Board determines that a verified complaint was brought for harassment purposes, the Board shall so state in its decision.

- J. If, after its preliminary investigation, the Board finds that probable cause does exist for believing the allegations of the complaint, it shall conduct a hearing on the matter. The hearing shall be held not more than 60 days after the Board's finding of probable cause. The Board shall give the respondent and complainant written notice of the hearing date by mailing a notice thereof to the respondent and to the complainant by first class mail at least 20 days prior to the hearing date thereof. The hearing shall be held in closed session except that the respondent shall have a right to demand that the hearing be held in open session and, upon such demand, the Board shall conduct the hearing in open session.
- K. The chairperson of the Board shall preside over the proceedings, and the City Attorney shall provide legal assistance to the Board as needed. The complainant and the respondent may be represented by an attorney, and the respondent may also be represented by a union representative. Both parties may compel the attendance of witnesses by subpoenas. Subpoenas may be issued by the Chairperson of the Board pursuant to § 885.01, Wis. Stats. Each party shall be responsible for serving subpoenas on its respective witnesses and for paying any witness and mileage fees to the witness as required by the Wisconsin Statutes.
- L. All testimony of witnesses at the proceedings shall be given under oath, administered by the Chairperson in the form and manner prescribed by the Wisconsin Statutes. A record of the testimony may be made by stenographic, electronic or other recording method, as the Board determines. The record produced at the direction of the Board shall be the official record of the proceeding. The proceedings may be adjourned or continued by the Board from day to day until completed.
- M. The proceedings shall be conducted in the following order:
 - (1) Statement of the issues and rules by the Chairperson.
 - (2) Brief factual summaries, if any, by both sides.
 - (3) Presentation of testimony and the introduction of evidence by the complainant to substantiate the charge.

- (4) Cross-examination of witnesses by the respondent.
 - (5) One additional opportunity to question witnesses by the complainant.
 - (6) One additional opportunity to cross-examine witnesses by the respondent.
 - (7) Presentation of the base for the respondent.
 - (8) Repeat of Subsection M(4), (5) and (6) above regarding witnesses and evidence produced on behalf of the respondent.
 - (9) Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
 - (10) Brief closing arguments, if any, by both sides.
- N. The Board shall not be bound by common law or statutory rules of evidence, and the Board shall hear all evidence having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence. Basic principles of relevancy, materiality and probative force shall govern this proceeding. Hearsay evidence will not be permitted where direct evidence is reasonably available. The Board will not base crucial or essential evidentiary findings on hearsay evidence. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. All evidence, including records and documents, shall be duly offered and made a part of the record. The Chairperson shall rule on any objections or procedural matters. Any member of the Board and the City Attorney may ask questions of the witnesses. No party or witness shall be permitted to ask questions of any Board member during the proceedings, unless expressly authorized by the Chairperson.
- O. The Board shall deliberate in closed session.
- P. Within 10 working days of the conclusion of the hearing, the Board shall file its written findings of fact, conclusions of law and recommendations signed by a majority of the participating members and concerning the propriety of the conduct of the respondent. Any member of the Board may indicate his/her dissent to the written order. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the respondent, the Board shall issue a public statement in that regard. If the Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Board shall refer its findings, conclusions and recommendation to the Common Council or to other proper City authority and/or, in the case of an employee, to the City Administrator and/or the Mayor as deemed appropriate. In its recommendation, the Board may recommend that the Common Council order the official or employee to conform his or her conduct to the

Ethics Code or recommend that the official or employee be cautioned, censured, suspended, removed from office, issued a private reprimand, public reprimand, and, in the case of an employee, may also recommend suspension without pay, discharge, or other appropriate disciplinary action. In appropriate cases, the Board may recommend the referral of the matter to the District Attorney to commence enforcement proceedings pursuant to the procedures and remedies of § 19.59, Wis. Stats.

- Q. Records obtained or prepared by the Board in connection with an investigation of a violation of this Ethics Code shall not be open for public inspection, except that the Board shall permit public inspection of records of a hearing conducted in open session pursuant to the request of the respondent as provided in Subsection J hereof. Whenever the Board refers an investigation and hearings record to a District Attorney, the District Attorney may make public such records in the course of a prosecution initiated thereon.
- R. The time frames set forth in this Ethics Code specifying Board action are not jurisdictional, and the Board may, where appropriate, extend any time period as necessary.

§ 55-9. Distribution of provisions.

- A. The City Clerk-Treasurer shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City within 30 days after enactment of this chapter. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his or her duties.
- B. Each public official, Mayor, the Chairman of each board, commission or committee and, through the City Administrator, the head of each department shall between May 1 and May 31 each year, review the provisions of this chapter with his or her fellow Council members or board, commission, committee members or subordinates, as the case may be, and certify to the City Clerk-Treasurer by June 15 that such annual review had been undertaken. A notice of this Ethics Code shall be continuously posted on the City bulletin boards wherever situated.
- C. Each public official and employee shall, in connection with Subsections A and B above, also complete and file with the City Clerk-Treasurer, as appropriate, the following statement of understanding:

"I have read and understand the contents of the City of Reedsburg Ethics Code, including the attached state statutes.* I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the Ethics Code." (*Sections 946.10 through 946.13 and 19.41 et seq., Wis. Stats.)

§ 55-10. Employees covered by collective bargaining agreements.

In the event an employee covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code.

§ 55-11. Sanction.

A determination that an employee's actions constitute improper conduct under the provisions of this chapter may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, which may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

§ 55-12. Police officers and firefighters.

When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be performed in accordance with the provisions of § 62.13, Wis. Stats.

§ 55-13. Violations and penalties.

Violation of any provision of this chapter should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Reedsburg. For nonelected officials or City employees, violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action. As an alternative or an addition to the sanctions imposed herein, any person violating the provisions of this sanction shall be subject to a nonreimbursable forfeiture of not less than \$100 nor more than \$500.



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CITY OF REEDSBURG

ANNUAL CODE OF ETHICS REVIEW

(Return to City Administrator by May 31st)

Each year between May 1st and May 31st each public official, Mayor, the Chair of each board, commission or committee, and department head shall review the provisions of the Ethics Code and certify that such review has occurred.

I have read and understand the content of the City of Reedsburg Code of Ethics, including the listed State statutes.*

I also understand that I am expected to adhere to and conduct myself according to the rules, guidance and direction as set forth in the Ethics Code. (*§946.10 through §946.13; and §19.41 et seq.)

Reviewed on May _____, 2022

Printed name

Signature