

Zoning Board of Appeals Agenda
May 22, 2023
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 FEBRUARY 21, 2023:

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 § 690-48(F) to have a 6'-high fence in the front yard setback area; 4'-high is the normal requirement. This is a re-hearing from 7/19/22 – 348 W Main St; Parcel #276-0740-00000 – Andrew Koch
- B. Consider zoning variance per § 690 Schedule 1 to replace a detached garage that would have less than the 5' minimum side setback – 911 4th St; Parcel #276-1180-00000 – Travis & Rebecca Birdsill
- C. Annual Ethics Code Review

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
February 21, 2023

Present: Nathan Johnson, Jessie Phalen, Walter Luepke
Absent: Richard Braun
Others: Rebecca Ziegler-Baker, Ray Fry, Kay Fry, Wade Riffey, Brian Duvalle

Chair Nathan Johnson called the meeting to order at 12:03 PM.

Motion by Luepke, seconded by Phalen to approve the minutes from the 10/18/2022 meeting.

Motion approved 3-0

Consider zoning variance per § 690-Attachment 3 to have a 5' side setback instead of the required 25' for future buildings: 110' X 120' and 225' X 120'. This request would amend the previous request from October 2021 – 410 South Ave; Parcel #276-0481-00000 – Riffey Transload

Duvalle reviewed the differences in the site plan from the previous approval in October 2021. The new buildings would be larger but would also eliminate the need for silos. It would have the same 5' side setback as the previous approval. Silos would be eliminated because of cost and the new contract with food-grade items that require flat storage. The new building would extend roughly an additional 100' to the south.

Neighbor Rebecca Ziegler-Baker stated that this new building is too close to the lot line. She expressed concern that there would be additional stormwater run-off onto her property and is hurting her property value. She questioned tree removal as her property is to the west of the site.

Neighbor Ray Fry questioned access from S Park St and gutters on the new buildings. He stated concern about RR maintenance and semi parking on S Park St as the street appears to be getting damaged from the truck traffic.

Riffey stated he hopes to start around May 2023. The parking area would be concrete and asphalt millings. The buildings are proposed as such because of the amount of in-ground utilities and for truck maneuvering.

Luepke stated that the site had a past industrial use with Friede Construction. Neighbor Kay Fry stated that they lived at their property for 30 years, and that Friede's use was less obtrusive. She added that rail use was less frequent and more uniform from Hartje Lumber, and that there is more pollution now.

Discussion was held on the train whistles and a quiet zone, which the City has looked into. Johnson reminded the board that their focus is on the 5' side setback variance request. Riffey stated that they hope to lease RR space near Foremost Farms to store RR cars further to the east, and that tree removal would be as minimal as possible with a rock garden in the setback area.

Discussion was held on the procedures for DNR stormwater review and flood storage review. Discussion was held on the previous approval which included reference to the amount of in-ground utilities, and a 20'-wide public right-of-way between this site and neighboring properties to the west that would provide a 25' setback overall.

Motion by Luepke, seconded by Phalen to approve the variance as submitted with conditions of requesting the Public Works Dept look at weight limits on the nearby streets and gutters placed on the building to divert run-off from neighbors.

Motion approved 3-0

Motion by Phalen, seconded by Luepke to adjourn at 12:56 PM.

Motion approved 3-0

Respectfully submitted,

Brian Duvalle
Zoning Administrator

Staff Report

DATE: May 22, 2023 – 12:00 PM

APPLICANT: Andrew Koch

LOCATION: 348 W Main St; Parcel #276-0740-00000

ZONING: R-1 Residential

DESCRIPTION: Consider zoning variance per § 690-48(F) to have a 6’-high fence in the front yard setback area; 4’-high is the normal requirement.

General Findings

SURROUNDING LAND USES:

- North – Residential
- West – Residential
- South – Residential
- East – Residential

ZONING:

- North – R-1 Residential
- West – R-1 Residential
- South – R-1 Residential
- East – R-1 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Lucky St; 66’ ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: 1%-chance floodplain

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-1 Residential.
 - b. The Board finds that the parcel contains an existing single-family residence.
 - c. The Board finds that a 6'-high fence is proposed.
 - d. The Board finds that § 690-48(F) limits fences in the front yard setback area to 4' in height.
 - e. The Board finds that the owner installed the current fence without a permit.
 - f. The Board finds that a 4'-high fence was approved in August 2015 with an addition in May 2018.
 - g. The Board finds that this is a corner lot thereby having two front yards.

STAFF COMMENTS:

This property has had attracted several past enforcement actions, mostly from junk and junk cars. Not that such situations justify a variance, but the applicant has submitted additional problems he has dealt with too. There is a similar fence across the street that is within the front yard setback area although it appears it was approved as 4' in February 2007.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Monday, May 22, 2023, 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: Andrew Koch
ADDRESS: 348 W. Main St CITY: Reedsburg STATE: WI
ZIP: 53959 PHONE: (608) 415-9397 FAX: _____
E-MAIL: andy.koch21@gmail.com
PROPERTY OWNER: (if different from Applicant) _____

LOCATION: City of Reedsburg PARCEL #: 0740-0000

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) _____
☐ Zoning Appeal / Interpretation: _____

- ☒ Zoning Variance: Variance for greater than 4 Foot Fence
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.

dlc 7/5/21

Applicant Signature / Date

Andrew G Koch 7/5/21

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.**

Conditional Use \$200	_____
Cond. Use-Agriculture \$400	_____
Variance \$125	<u>125.00</u>
Zone Change \$200	_____
C.S.M. \$175	_____
Subdivision Plat \$610	_____
- w/ Stormwater Plan \$100	_____
Flood Plain Zone \$189	_____
Site Plan Review 175	_____
Comp Plan Amend \$200	_____

Date Paid 7-6-22
Receipt # _____

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.

That there are special circumstances or conditions (that) apply to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

See attached

That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

granting of Variance would help w/ safety of all animals & children

That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

fence is even with front of the house & not impeding vision of intersection, or side walks.

c) Being located on corner of intersection there are regularly objects that fall off of trailers & out of trucks that bounce into our yard & often times over our fence. These objects are often tools, building supplies & many misc. sharp heavy objects. (pipes, metal plates, screws, nails etc)

Unsupervised children often (daily) walk past our home to the park on James Street & regularly stick backpacks, skateboards, food, balls & other unsafe items for our dogs over the fence & into the yard. Children have been caught taunting our dogs & attempting to give them unsafe food items.

There is currently an open case regarding a man attempting to climb our fence & steal one of our dogs. He was witnessed leaning over our 4 foot fence & attempting to carry one of our dogs over that fence. There have also been on 2 occasions people/squatters leaving abandoned/



City of Reedsburg GIS

DISCLAIMER: The City of Reedsburg does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 35'

CITY OF REEDSBURG

134 S. Locust Street
PO Box 490
Reedsburg, WI 53959
608-524-6404

Print Date: 7/13/2022

DATE: 06/29/2022

TO: ANDREW G KOCH
E8848 COUNTY RD O
SAUK CITY, WI 53583

ANDREW G KOCH
348 W MAIN ST
REEDSBURG, WI 53959

Re: Fence

Property Address: 348 W Main St
Parcel #: 0740-00000

Mr. Koch,

It appears you have constructed a new 6'-high fence. A 6' fence is not permitted in the front yard of a property and was also done without a permit. If you wish to keep the fence as is, you will need to apply for a zoning variance to see if the Zoning Board will or will not approve your fence. The next meeting is July 19 with an application deadline of July 6, 2022. Otherwise please remove the fence within 10 days of this letter.

Thank you for your cooperation and please contact me at the above number or bduvalle@ci.reedsburg.wi.us with any questions.

§ 690-48 Permit Required.

- (F) *From the front setback line of the principal building toward the street, the maximum height of a fence shall be four feet. In a case where a side boundary fence is within 10 feet of a driveway, the fence shall have a minimum fifteen-foot front setback.*

§ 690-11 Enforcement and Administration.

- (G) *Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violations, the Common Council, the Zoning Administrator, the Plan Commission, or any property owner who would be especially damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.*
- (H) *Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500, and costs of prosecution, for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.*



Brian Duvalle
Planner/Building Inspector



CITY OF REEDSBURG
134 SOUTH LOCUST STREET
REEDSBURG, WI 53959
Phone (608) 768-3354

May 4, 2023

ANDREW G KOCH
E8848 COUNTY RD O
SAUK CITY, WI 53583

ANDREW G KOCH
348 W MAIN ST
REEDSBURG, WI 53959

Re: Zoning Board of Appeals (ZBA) - **UPDATE**

Mr. Koch,

This letter is sent regarding your 6' height fence variance request and denial from 7/19/22. Per our follow-up discussions of the meeting, the ZBA will re-hear your request at their next meeting on **Monday, May 22, 2023, 12:00 noon**; an agenda is included. You or a representative will need to attend the meeting to answer any questions from the Board.

In the meantime, I remind you to correct the junk violation on the property, even if you're planning a new shed:

§ 402-3 (L) Debris, junk: order to remove and penalties.

(1) Whenever City Staff finds that conditions on any premises within the City create a fire or health hazard or shall find that, by virtue of any accumulation of unsightly materials, junk or debris of any nature on any premises or for any other reason, any premises are detrimental to the appearance, neatness of cleanliness of a neighborhood so as to tend to depreciate property values therein or create a nuisance or offend the aesthetic character of the immediate neighborhood or produce blight or deterioration by reason of such conditions, City staff may order the owner of said premises to correct any such condition or to remove therefrom any such unsafe, hazardous or unsightly articles, material or debris. Examples of junk, refuse, litter, garbage, and scrap or waste matter shall include, but are not limited to, appliances, furniture, tires, wood, machinery parts, boats recreational vehicles, or other unsightly debris that is wrecked, dismantled, partially dismantled, discarded, or inoperative.

(a) The order shall specify a time not to exceed 30 days within which the owner and/or occupant shall comply therewith.

(b) The order shall further advise the owner that if the nuisance is not corrected, the debris/junk is subject to be removed and, if not redeemed, disposed of at owner's expense following a hearing before the Ordinance Committee

Please contact me at the above number or bduvalle@reedsburgwi.gov with any questions.

Sincerely,

Brian Duvalle
Planner/Building Inspector

Staff Report

DATE: May 22, 2023 – 12:00 PM

APPLICANT: Travis Birdsill

LOCATION: 911 4th St; Parcel #276-1180-00000

ZONING: R-2 Residential

DESCRIPTION: Consider zoning variance per § 690 Schedule 1 to replace a detached garage that would have less than the 5' minimum side setback. The current garage is dilapidated and over the lot line. Mr. Birdsill requests a variance should the garage be torn down and a future garage built in its place by him or a future owner.

General Findings

SURROUNDING LAND USES:

- North – Residential
- West – Residential
- South – Residential
- East – Residential

ZONING:

- North – R-2 Residential
- West – R-1 Residential
- South – R-2 Residential
- East – R-2 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: 4th St & N Oak St; 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Low-density 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 parcel contains an existing single-family residence with detached garage.
 - c. The Board finds that the garage encroaches on the neighboring property (913 4th).
 - d. The Board finds that § 690 Attachment 1 requires a 5' minimum side setback.
 - e. The Board finds that the house and garage were built prior to zoning.
 - f. The Board finds that the parcel is 66' X 77.88' and is legal non-conforming for its square footage; § 690 Attachment 1 requires 6,000 SF.

STAFF COMMENTS:

It was discovered as part of the neighboring property's survey that the current garage is slightly over the lot line. And since the garage is already dilapidated, there's a good chance it will be removed in the near future.

Therefore the owner would like to have a variance to replace the garage either by him or a future owner as there is now reduced space between the house and east side lot line.

Exhibit List

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- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Monday, May 22, 2023, 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: Travis Birdsill and Rebecca Birdsill
ADDRESS: 911 4th Street **CITY:** Reedsburg **STATE:** WI
ZIP: 53959 **PHONE:** 608-495-0890 **PARCEL #:** 276-1182-00000
E-MAIL: tbirdsill@gmail.com
PROPERTY OWNER: (if different from Applicant) _____

LOCATION: (if different from address above) _____

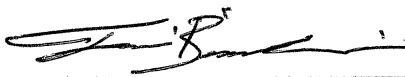
LAND USE REQUEST

(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 & C" on back page.
- ☐ **Preliminary Plat:** _____ **Final Plat:** _____ **Name of Plat:** _____
- ☐ **Rezoning - From:** _____ **To:** _____ **TID #** _____
- ☐ **Site Plan Review:** (See "B & C" on back page) _____
- ☐ **Zoning Appeal / Interpretation:** _____
- ☒ **Zoning Variance:** _____
For *VARIANCE* requests, also answer "D" 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.

 4-18-23

Applicant Signature / Date

 4-18-23

Owner Signature / Date

Account #10-461500-00

**The applicant or representative
MUST ATTEND the meeting(s).**

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Cond Use Permit	\$200	_____
Cond Use-Agriculture	\$400	_____
Variance	\$125	☒
Rezoning	\$200	_____
C.S.M.	\$175	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid		_____
Receipt #		_____

A. Please describe how your request meets each of the following Conditional Use standards, as applicable.

- 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 chapter and will not place demands on fire, police, or other public resources in excess of current capacity.
- B. 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.
- C. Utilities. The proposed conditional land use will be adequately served by electric, water & sewer facilities and refuse collection & disposal services.

B. Please describe how your request meets each of the following Site Plan standards, as applicable.

- A. Topography and vegetation. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property, the minimization of tree and soil removal and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- B. Stormwater. Special attention shall be given to proper site drainage so that removal of stormwaters will not adversely affect neighboring properties.
- C. Emergency Services. All buildings shall be so arranged as to permit emergency vehicle access by some practical means.
- D. Exterior lighting shall be arranged as follows:
 - (1) It is deflected away from adjacent properties.
 - (2) It does not impede the vision of traffic along adjacent streets.
 - (3) It does not unnecessarily illuminate night skies.
- E. 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.
- F. Architectural plans; existing and proposed structures. The proposed conditional land use shall be designed, constructed, operated, and maintained so to complement the surrounding area. Physical buffers shall be added as needed for neighboring conformance.
- G. Consistency with other plans and statutes. Site plans shall conform to all applicable requirements of City, state and federal statutes and the City of Reedsburg Comprehensive Plan, and approval may be conditioned on the applicant receiving necessary City, state and federal permits.

C. Site Plan Requirements, as applicable.

- (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.

D. 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.
- 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.

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.



City of Reedsburg
134 South Locust Street, P.O. Box 490
Reedsburg, WI 53959
Ph. 608-524-6404 Fax. 608-524-8458
www.reedsburgwi.gov

March 27, 2023

Travis D Birdsill &
Rebecca L Schmidtke
911 4th Street
Reedsburg, WI 53959

Dear Mr. Birdsill & Ms. Schmidtke,

In reference to the issue of the demolition and eventual rebuild of your garage on parcel 276-1180-00000 (911 4th Street), which is over the property line onto parcel 276-1176-00000 (913 4th Street), I have the following suggestions:

You should request an appeal to the Zoning Board of Appeals to rebuild your garage closer to the property line than normally permitted for the following reasons:

- The home (911) was built prior to the current zoning
- The lot was created prior to zoning and is too small by current zoning
- There is currently only 20 feet between the house and the side lot line
- Removal of the garage, which is dilapidated, would leave the parcel without an accessory building
- The owner of the neighboring adjacent property is in agreement with the appeal

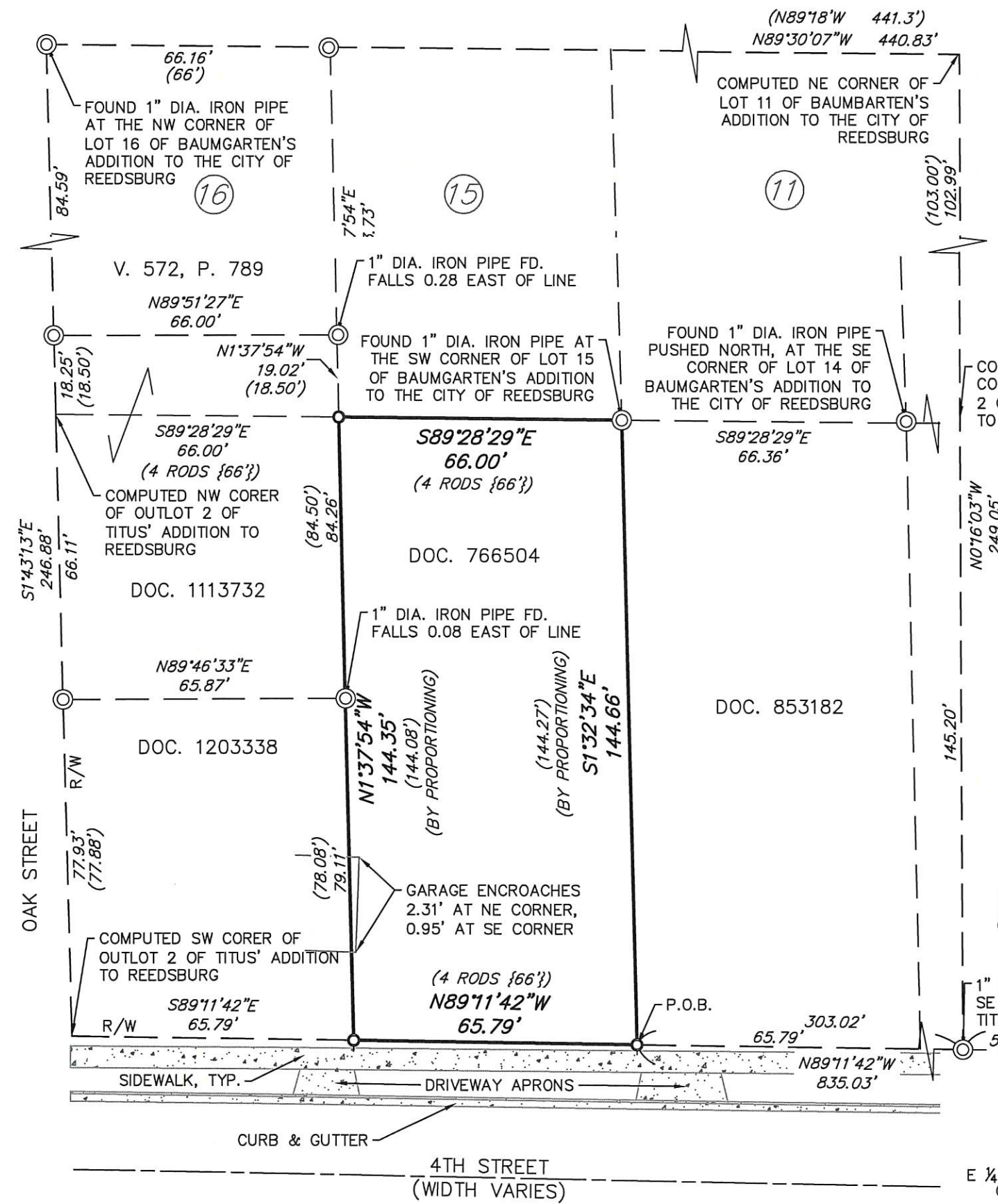
The decision to grant this appeal is solely in the discretion of the ZBA, however; these reasons are compelling and reasonable. City staff would recommend approval. Please contact Brian Duvalle, Zoning Administrator, to request information as to how to proceed with your appeal.

Brian Duvalle: 608 768 3354; bduvalle@reedsburgwi.gov

Respectfully,

Timothy M. Becker
City Administrator

Cc: Jeff Ernstmeyer
Chelsea Steele
Brian Duvalle



PLAT OF BOUNDARY SURVEY
LOCATED IN OUTLOT 2 OF TITUS' ADDITION TO REEDSBURG AND DESCRIBED IN SAUK COUNTY REGISTER OF DEEDS DOCUMENT NO. 766504 AS THE EAST ONE-HALF (E 1/2) OF THE WEST EIGHT (8) RODS OF OUTLOT TWO (2) OF TITUS' ADDITION TO THE CITY OF REEDSBURG, ALL IN THE NE 1/4 OF THE NE 1/4 OF SECTION 10, T12N, R4E, CITY OF REEDSBURG, SAUK COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
I, Marc A. Londo, Wisconsin Professional Land Surveyor No. 2696, hereby certify: That in full compliance with the provisions of Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of the City of Reedsburg, and under the direction of the City of Reedsburg, I have surveyed, and mapped the Plat of Survey herein depicted; that such plat correctly represents all exterior boundaries of the land surveyed; and that this land is located in the NE 1/4 of the NE 1/4 of Section 10, Town 12 North, Range 4 East, City of Reedsburg, Sauk County, Wisconsin, containing 0.22 Acres of land described as follows:

The East One-half (E 1/2) of the West eight (8) rods of Outlot Two (2) of Titus' Addition to the City of Reedsburg, Sauk County, Wisconsin, all in the NE 1/4 of the NE 1/4 of Section 10, T12N, R4E, City of Reedsburg, Sauk County, Wisconsin and bounded by a line described as follows.

Commencing at the East One-Quarter Corner of said Corner of Section 10, T12N, R4E; Thence, N0°01'19"W, along the east line of the NE 1/4 of Section 10, 1175.79 feet; Thence, N89°11'42"W along the easterly extension and the south line of Outlot 2 of Titus' Addition to Reedsburg and the north right-of-way line of 4th Street, 853.03 feet, to a set 3/4" diameter iron rod and Point of Beginning, (P.O.B.) of this legal description; Thence continuing, N89°11'42"W, along the said south line of Outlot 2 of Titus' Addition to Reedsburg and the north right-of-way line of 4th Street, 65.79 feet, to a set 3/4" iron rod at the southeast corner of lands described in Sauk County Register of Deeds Document 1203338; Thence, N01°37'54"W, along the east line of said lands described in Sauk County Register of Deeds Document 1203338, 144.35 feet to a set 3/4" diameter iron rod at the southwest corner of Lot 15 of Baumgarten's Addition to the City of Reedsburg; Thence, S89°28'29"E, along the south line of said Lot 15 of Baumgarten's Addition to the City of Reedsburg, 66.00 feet to a found 1" diameter iron pipe at the southeast corner thereof and the northwest corner of lands described in Sauk County Register of Deeds Document No. 853182; Thence, S01°32'34"E, along the west line the said lands described in Sauk County Register of Deeds Document No. 853182, 144.66 feet, returning to the point of beginning.

Parcel contains 0.22 Acres, (9,515 Sq. Ft.), and is subject to all other easements and rights-of-way of record.

That such Plat of Survey correctly represents the boundary lines of the land described to the best of my information, knowledge and belief.

Marc A. Londo 3/16/2021
Date
Marc. A Londo
Vierbicher Associates Inc.
400 Viking Drive
Reedsburg, WI 53959

- SURVEYOR'S NOTES**
- Bearings are referenced to the Wisconsin Coordinate Reference System, Sauk County (WISCRS, Sauk NAD 83/2011), the east line of the Northeast Quarter of Section 10, T12N, R4E, bears N00°01'19"W.
 - Field work was completed on 3/12 & 3/16, 2021.

- SURVEY LEGEND**
- PUBLIC LAND CORNER AS NOTED
 - ⊙ FOUND 1" Ø IRON PIPE
 - ⊕ SET 3/4" Ø x 18" IRON ROD, 1.50 Lb./Ft.
 - (#) RECORD DIMENSIONS



SHEET		1 OF 1	
SCALE	1"=30'	CHECKED	sdls
REVISIONS		DRAWN	mlon
		FILE	210114.dwg
		DATE	3/16/2021
		JOB NO.	210114

vierbicher | planners | engineers | advisors
Phone: (800) 261-3898

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.



City of Reedsburg
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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.)

Date: _____

Printed name

Signature