

City Plan Commission Agenda
May 12, 2020
Reedsburg City Hall Council Chambers
6:00 PM

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 APRIL 14, 2020.:

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 Conditional Use Permit for annual farming of vacant residential & commercial-zoned-lots-851 S. Albert Ave & 1001 Bindl Dr; parcel#s 2537,2563,2563-1,2563-2 and 2563-3 - Jim Schulenburg.
- B. Consider Conditional Use Permit for a home business (hair salon). - 1655 Canterbury Dr; Parcel#2163- Michelle Lobenstein-Davis.
- C. Review annual Code of Ethics.
- D. Consider recommending amendment to Chapter 556 for allowing non-owner occupied tourist rooming houses - Ordinance #1905-20.

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.

Reedsburg Plan Commission

April 14, 2020



Mayor Dave Estes called the meeting of the Reedsburg Plan Commission to order at 6:00 PM in Reedsburg City Hall.

Present: Alder Dave Knudsen, Alder Mike Gargano, Greg Finkel

Absent: Dan DeBaets, Steve Zibell

Staff: Brian Duvalle

Approval of Minutes: Motion by Gargano, seconded by Finkel to approve the 3/10/20 meeting minutes.
Motion approved

Consider site plan for Reedsburg Area High School fitness center addition and alterations. – 1100 S Albert Ave; 2100-01010 – Plunkett Raysich Architects, LLP

Architect Steve Kieckhafer stated that the proposed addition would be built on the south side of the current school, where it was originally intended to be expanded. Cardio is planned for the first floor and a multi-purpose room on the second floor. The exterior brick will match the existing and additional glass may be added for more natural light. Superintendent Tom Benson stated that this area would provide additional safety than what they currently have at the school.

Motion by Knudsen, seconded by Gargano to approve the site plan as presented.

Motion approved

Consider recommendation for Planned Development Group permit under Municipal Code Section 690-23 to convert former South School into multi-family apartments and construct new townhouses on the property. – 420 Plum St; Parcel #1640 – Commonwealth Company. If approved, the permit would then have final review by the Reedsburg Common Council on April 27, 2020, 6:00PM.

Kevin McDonnell from Commonwealth stated that:

- They are working with the State to retain historical features (e.g. flooring, windows)
- They do not sell their developments
- They use in-house contractors for much of the carpentry and painting and use local subcontractors
- They have onsite management, storage and community rooms
- They are proposing 1, 2 & 3 bedroom units in the school and 2 & 3 bedroom units in the townhouses

Jon Fuhlbohm asked about rents, which will average about \$670.

Knudsen stated that as the area's alderperson and speaking with residents, he wants to see compatible designs with the neighborhood.

Buzz Wood submitted written comments about parking, taxes, density, rentals and his view.

Linda Silvers asked about rents, property values and management. McDonnell stated that many tenants are workforce personnel and seniors. They will have another property manager along with a second manager at Park Place. Sheridan Silvers stated that he worked with low-income properties and expressed concern about their future condition.

Dennis Murray asked about future tenants and garages. McDonnell stated they do background checks and own about 50 other properties in WI.

Motion by Gargano, seconded by Finkel to recommend approval to Common Council as presented and with the following conditions:

1. Install bike parking;
2. Submit an agreement for common wall maintenance, utilities and building restrictions per § 690-28.2(F);
3. Submit an exterior lighting plan and landscape schedule;
4. Receive approval from Public Works and RUC for utility connections and stormwater;

Motion approved

Motion by Knudsen, seconded by Gargano to adjourn at 6:45 PM.

Motion approved

Respectfully submitted,

Brian Duvalle
Planner/Building Inspector

Plan Commission **Staff Report**

DATE OF MEETING: 5/12/20

APPLICANT: James Schulenburg

LOCATION: 851 S. Albert Ave & 1001 Bindl Dr (vacant areas between S. Albert Ave and Roloff Dr); parcel #s 2537, 2563, 2563-1, 2563-2 & 2563-3

ZONING: B-2 Business & R-2 Residential

PROPOSED LAND USE CHANGE: Conditional Use Permit (CUP)

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Annual CUP for farming of vacant residential/commercial-zoned lots.

General Findings

SURROUNDING LAND USES:

- North – Single-family residential
- West – High School
- South – Commercial
- East – Single-family residential

ZONING:

- North- R-2 Residential; B-2 Business
- West- Government
- South- B-2 Business
- East- R-2 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Hwy 23, Bindl Dr, Roloff Dr

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Commercial & Residential

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Approval conditions:

1. Type of crop
2. No. of harvests
3. Neighbor notification
4. Curb maintenance
5. Hours of operation
6. Any exempt lots
7. Setbacks
8. Time limit to remove crop
9. Crop height

Approved in 2019:

1. Corn or beans for this growing season.
2. One harvest permitted.
3. Immediate properties are notified in person or with door hangers 24 hours in advance of harvesting/spraying.
4. Maintain/trim along curbs.
5. Hours are 7am-9pm.
6. Remove crops by December 1, 2019

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Wednesday, May 12, 2020, Plan Commission Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review and Comment
- 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: James Schulerburg
ADDRESS: 1551 W Dewey **CITY:** Reedsburg **STATE:** WI
ZIP: 53959 **PHONE:** 608-963-0507 **FAX:** _____
E-MAIL: blazer1@ruds.net
PROPERTY OWNER: (if different from Applicant) _____

LOCATION: Across from high school **PARCEL #:** _____

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:** _____
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.

Applicant Signature / Date

James Schulerburg 4/6/2020
Owner Signature / Date

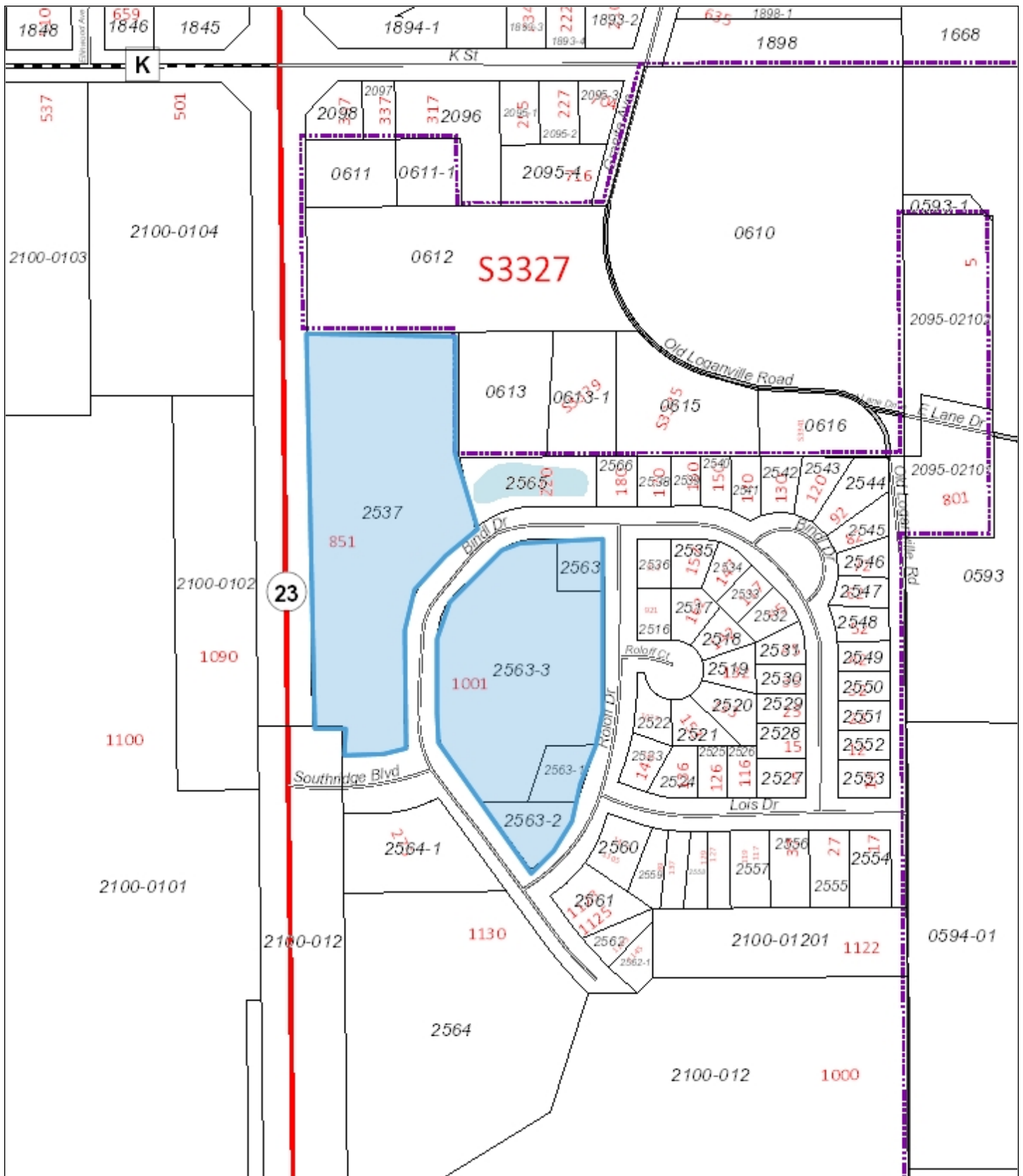
Extraterritorial Committee Date: _____
Plan Commission Date: _____
Board of Zoning Appeals Date: _____
City Council Action & Date: _____

Account #10-461500-00

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

G:\wpnet\Zoning - Planning\Land Use Appl.doc

Cond Use; Site Plan \$153	_____
Cond Use-Agriculture \$400	☒
Variance \$112	_____
Rezoning \$200	_____
C.S.M. \$171	_____
Subdivision Plat \$610	_____
- w/ Stormwater Plan \$100	_____
Flood Plain Zone \$189	_____
Annexation \$200	_____
Plan Amend \$200	_____
Date Paid	<u>4-6-2020</u>
Receipt #	<u>1.039005</u>



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" = 277'

CITY OF REEDSBURG

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

Print Date: 4/30/2020

Plan Commission
Staff Report

DATE: 5/12/20

APPLICANT: Michelle Lobenstein-Davis

LOCATION: 1655 Canterbury Dr; Parcel #2163

PROPOSED LAND USE CHANGE: Conditional Use Permit (CUP)

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider Conditional Use Permit for a home business (hair salon).

General Findings

SURROUNDING LAND USES:

- North – Single-family dwelling
- West – Single-family dwelling
- South – Single-family dwelling
- East – Single-family dwelling

ZONING:

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

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Canterbury Dr; 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Residential

COMMENTS:

POLICE:

FIRE:

PUBLIC WORKS:

UTILITIES:

SCHOOLS:

PARKS:

ADMINISTRATOR:

Conditional Use Permit Findings of Fact for Section 690-19(A-F)

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.

1. The Board finds that the existing parcel has a single-family dwelling.
2. The Board finds that a home business (hair salon) is proposed.
3. The Board finds that the parcel is zoned R-2.
4. The Board finds that section 690-27 permits home businesses as a conditional use.
5. The Board finds that there would be one customer at a time, by appointment only.
6. The Board finds that the business would operate 30 hours/week.

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.

1. The Board finds that the existing parcel has a single-family dwelling.
2. The Board finds that no new structures are proposed.

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.

1. The Board finds that the existing parcel has a single-family dwelling.
2. The Board finds that surrounding parcels contain single-family dwellings.
3. The Board finds that the area is zoned mostly R-2.

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.

1. The Board finds that there would be one customer at a time.
2. The Board finds that there is an existing driveway.
3. The Board finds that the property is located on Canterbury Dr.

Traffic generation and circulation, highway access and driveway locations - The proposed conditional land use shall be adequately served by public or private streets.

1. The Board finds that the property is located on Canterbury Dr.

Sewerage and water systems - The proposed conditional land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.

1. The Board finds that no changes are proposed.

Site Plan Review Findings of Fact for Section 690-33(A-F)

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 Ordinance.

1. The Board finds that the existing parcel has a single-family dwelling.
2. The Board finds that a home business (hair salon) is proposed.
3. The Board finds that the parcel is zoned R-2.
4. The Board finds that section 690-27 permits home businesses as a conditional use.
5. The Board finds that there would be one customer at a time, by appointment only.
6. The Board finds that the business would operate 30 hours/week.

Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

1. The Board finds that no stormwater changes are proposed.

All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

1. The Board finds that no stormwater changes are proposed.

Exterior lighting shall be arranged as follows:

- It is deflected away from adjacent properties.
 - It does not impede the vision of traffic along adjacent streets.
 - It does not unnecessarily illuminate night skies.
1. The Board finds that no new exterior lighting is proposed.

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. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry.

1. NA

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.

1. The Board finds that future use is Residential.

STAFF COMMENTS: There is one neighbor in support and another that called with concerns. But she seemed OK with it once I explained it would not be a full-fledged business. If approved, an expiration date and the applicant's proposals (30 hours, one customer at a time) should be included.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, May 12, 2020, Plan Commission Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review and Comment
- 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: MICHELLE J. LOBENSTEIN-DAVIS

ADDRESS: 1655 CANTERBURY DRIVE **CITY:** REEDSBURG **STATE:** WI

ZIP: 53959 **PHONE:** (608) 393-4200 **FAX:** _____

E-MAIL: Michelob1@hotmail.com

PROPERTY OWNER: (if different from Applicant) _____

LOCATION: 1655 CANTERBURY DRIVE **PARCEL #:** 2163
REEDSBURG, WI 53959

LAND USE REQUEST

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

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

☒ **Conditional Use Permit:** Home Business - Hair Salon

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:** _____

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.

Michelle Lobenstein-Davis 4/13/2020

Applicant Signature / Date

Michelle Lobenstein-Davis 4/13/2020

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:\wpnet\Zoning - Planning\Land Use Appl.doc

Cond Use; Site Plan \$153	<u>4153</u>
Cond Use-Agriculture \$400	_____
Variance \$112	_____
Rezoning \$200	_____
C.S.M. \$171	_____
Subdivision Plat \$610	_____
- w/ Stormwater Plan \$100	_____
Flood Plain Zone \$189	_____
Annexation \$200	_____
Plan Amend \$200	_____
Date Paid	<u>4-20-20</u>
Receipt #	<u>1.034716</u>

Reedsburg City Council,

Hello Sunday Salon will be in harmony of our neighborhood. The designed structure will be located in the basement of our home. There will be no negative impacts on adjoining properties or areas. The clientele will be on a "one at a time basis" and "appointment only". Targeted business operations will operate at 30 hours a week. Parking space is available to client on premises. It will also adequately be served by our current water and sewer facilities.

(All A-F were covered describing the conditional uses)

Hello Sunday Salon will be an awesome feature to the Reedsburg Community. After working in this industry in Wisconsin Dells for 15 years, I would absolutely love to bring some of my talents to Reedsburg and better our community by being able to give back to our community.

All of the variances mentioned will not alter the essential character of our neighborhood.

I am so excited to have an exciting adventure like this awaiting me. Reedsburg is gorgeous and I look forward to making it even more gorgeous!

(1-4 covered)

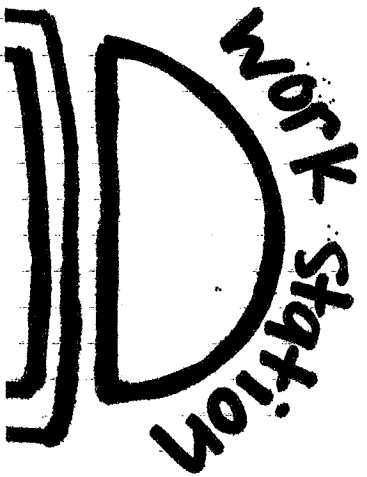
Thank you for your time,

Michelle Lobenstein-Davis

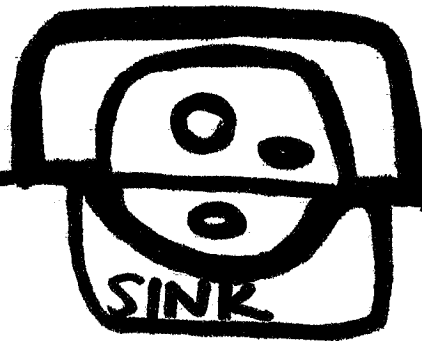


STORAGE

Yella
Sunday
Vallor



SHAMPOO
BASIN



SINK

Bathroom



TOILET



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" = 69'

CITY OF REEDSBURG

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

Print Date: 5/4/2020









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

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 Chapter 55. (*Wisconsin Statutes §946.10 through §946.13; and §19.41 et seq.)

Reviewed this _____ of May 2020 by _____
Printed Name

Signature Date: _____ 2020.

STAFF REPORT

AGENDA ITEM: _____

To: Common Council
By: Brian Duvalle, Planning/Building
Date of Meeting: April 13, 2020

Subject: Request to amend Tourist Rooming Houses (TRH); ORD 1905-20 (2nd Reading)

BACKGROUND AND REQUEST

We own the property located at 430 La Valle Street in Reedsburg. We would like to get a permit to run this property as a short-term rental property, but do not reside at this property.

Our personal property is located at E4848 Meyer Rd, Reedsburg. We would appreciate your consideration to change the ordinance of the property having to be owner occupied to run a short-term rental from the property.

Thank you for your consideration.

Richard & Karen McBain

The current ordinance for tourist housing (e.g. AirBNB, VRBO, etc) only allows them if the structure is owner occupied. The reasons for this are: 1) to help prevent proliferation of them in Reedsburg, and 2) to better police them by having the owner living onsite. Renting by the night can increase the likelihood of neighbor conflicts (e.g. noise, traffic, trash, etc) and reduced property values. In the past, Reedsburg has had three TRHs. Two were owner occupied and never had a nuisance complaint to my knowledge, while the third was not owner occupied and had numerous complaints.

Another way to address non-owner occupied properties is through the Plan Commission. The third TRH noted above went through a Conditional Use Permit (CUP) hearing in 2018. It was reviewed as a CUP because TRHs are not listed as a use in the zoning ordinance; TRHs have their own chapter in City code. However, this leads to two different procedures and two different boards reviewing them. The proposed ordinance would make all TRH requests and appeals go through Clerk Dept licensing and Ordinance Committee review.

In discussion with legal counsel and reviewing other ordinances (e.g. Madison, Sturgeon Bay & Ashwaubenon were recently highlighted by WAPA), I added a condition for non-owner occupied dwellings. The ownership cannot be a trust, LLC or similar type. This will help eliminate an owner who might try to skirt the requirement of only operating one TRH and help ensure more local ownership versus an absentee landlord. Other ordinances also place limits on the number of days a non-occupied dwelling can be rented. State law does require at least 180 days, and that number can be consecutive.

ACTION:

If the Mayor and City Council are ready, the following action may be made:
Motion to approve/deny – 2nd Reading of Ordinance 1905-20

Attachments: Ordinance 1905-20

Calendar of Actions:

1st Reading at Council:	March 9, 2020
Public Hearing Noticed:	March 19, 2020
2nd Reading at Council/Public Hearing:	April 13, 2020
Published, Enactment Date:	April 23, 2020

ORDINANCE NO. 1905-20
(Amending Chapter 556 – Tourist Rooming Houses)

The Common Council of the City of Reedsburg, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION 1: PURPOSE.

The purpose of this ordinance is to amend Chapter 556 by removing the requirement that a Tourist Rooming House be owner-occupied.

SECTION II: PROVISIONS AMENDED.

City of Reedsburg Code Chapter 556 is hereby amended by this ordinance:

§ 556-2 Definitions; license and registration; room tax.

A "tourist rooming house" (TRH) is any lodging place or tourist cabin and cottage, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, bed-and-breakfast establishments or units operated by a hotel, motel or resort. *"Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant is an owner to the extent of his or her interest.*

§ 556-2(C) *An Owner, but not a limited liability company (LLC), trust, non-profit or other corporate entity, may operate one (1) non-owner occupied TRH, otherwise only the owner-occupant of the property may operate a TRH. A non-owner occupied property is limited to 180 consecutive operating days during a licensing period.*

§ 556-2(D) The license shall remain in effect, subject to annual reviews by the Building Inspector, to verify in writing that a lodging license has been obtained and is current and the conditions attached to the license and all requirements of this chapter are adhered to. Reapplication for renewal shall be required with a change in ownership, alterations to the operational rules, noncompliance with the standards of this chapter, or documented violations. *If there are two nuisance violations during an annual licensing period, the license may be revoked following a hearing by the Ordinance Committee.*

SECTION III: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 556.

Dated this 13th day of April 2020.

David G. Estes, Mayor

1st Reading at Council:
Public Hearing Noticed:
2nd Reading at Council/Public Hearing:
Published, Enactment Date:

Jacob Crosetto, Clerk/Treasurer

March 9, 2020
March 19, 2020
April 13, 2020
April 23, 2020