



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

Phone: (608) 437-6884 Fax: (608) 437-3190

Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

VILLAGE BOARD AGENDA

Wednesday, December 4, 2024 at 7:00 PM

Municipal Building Board Room

138 E. Main Street

Mount Horeb, WI

- 1) Call to order
- 2) Pledge of Allegiance
- 3) Roll call
- 4) Public Comments – non-agenda items
- 5) Consent Agenda
 - a. Consideration of October 2, 2024 Meeting Minutes
 - b. Consideration of October 30, 2024 Special VB Meeting Minutes
 - c. Consideration of November 6, 2024 Joint Finance & Personnel Committee and Village Board meeting minutes.
 - d. Consideration of November 6, 2024 Meeting Minutes
 - e. Consideration of November 20, 2024 Special VB Meeting Minutes
 - f. Recommendation: Residential Improvement Grant Application: 204 N 3rd Street, King
 - g. Application for Public Art: Driftless Historium 100 S 2nd Street
- 6) Agenda Items
 - a. Discuss January 2025 Village Board Meeting date due to the Holiday
 - b. Consideration of Dog & Cat Licensing Fees Increase
 - c. Consideration of Ordinance 2024-16 Moratorium on Electronic Smoking Retailers
- 7) Committee Reports:
 - a. Community Development Authority
 - b. Dane County Cities & Villages Association Report
 - c. Finance/Personnel
 - d. Historic Preservation Committee Report
 - e. Library Board

- f. Mount Horeb Area Chamber of Commerce
 - g. Mount Horeb Area Joint Fire Department
 - h. Parks, Recreation, and Forestry Commission
 - i. Plan Commission
 - j. Public Safety Committee
 - k. Public Works Committee
 - l. School Liaison
 - m. Sustainability and Natural Resources Committee
 - n. Tourism Commission
 - o. Utility Commission
- 8) Village President's report
 - 9) Village Administrator's report
 - 10) Village Clerk's report
 - 11) Meeting adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR INFORMATION OR TO REQUEST THIS SERVICE, CONTACT ALYSSA GAFFNEY, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-9404.

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
OCTOBER 2, 2024**

The Village Board met in regular session in-person on the above date in the Board Room of the Mount Horeb Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 7:06pm. The Pledge of Allegiance was recited. Present were Trustees Jones, Schellpfeffer, Scott, Gauger, and White. Trustee Halverson was absent. Also present were Administrator Nic Owen, Village Clerk Alyssa Gaffney, and Youth-In-Government student Siobahn Mertz.

Public Comments: None

Consent Agenda: White requested the amendment of General Development Plan and SIP Approval for 325 N Eighth St, Beehive Homes be removed from the consent agenda. Gauger moved, White seconded to approve the remaining consent agenda items: September 4, 2024 Meeting Minutes; September 4, 2024 Joint VB/F&P Meeting Minutes; Residential Exterior Improvement Grant Application, Adam Melka, 302 N 2nd Street; Set suggested Trick or Treat hours of 5-7pm on Halloween, Thursday, October 31st; Approve Youth-In-Government Student Nola Gilmore; Approve Sustainability & Natural Resources Committee Student representative Manon Gilles; Updates to Employee Handbook-Dress Code Policy; Open Intoxicants Footprint for Mount Horeb Chamber of Commerce Witches Night Out event, October 17, 2024. Motion carried by unanimous voice vote. Czyzewski welcomed Nola. White inquired about the lighting model for Beehive Homes. White moved, Gauger seconded to approve the amendment of General Development Plan and SIP Approval for 325 N Eighth St, Beehive homes, with the recommendation of 3000k or lower light fixtures. Motion carried by unanimous voice vote.

Proclamation recognizing area Climate Champions: Czyzewski explained this item, read an email from the Director of Dane County Energy and Climate Change Kathy Kuntz, who could not be present, and then read the proclamation. White moved, Gauger seconded to approve the proclamation. Motion carried by unanimous voice vote. The Climate Champions Daily Harvest Designs and Gunderson Funeral and Cremation Care were present and took a group photo.

Presentation and Recommendation: Community Development Block Grant Pathways to Removing Obstacles to Housing (PRO Housing): Dane County Department of Health and Human Services representative Joanna Cervantes spoke on this item. Economic Development Director Kristen Fish-Peterson also spoke.

Consider Ordinance 2024-13 to Amend Chapter 9 Public Peace and Good

Order of the Municipal Code: Gaffney explained the ordinance. The board discussed this item. There was no action taken.

Consider Resolution 2024-14 In Support of Election Officials: Gaffney explained the resolution. Scott moved, White seconded to approve the resolution. Motion carried by unanimous voice vote.

Committee reports: All committee reports were given, with no action taken.

Village President's report: Czyzewski thanked the trustees, committee, and staff for their hard work. He also thanked Nola for joining the board as a Youth-In-Government student.

Village Administrator's report: Owen spoke about sewer capacity and gave an update on the Residential Improvement Grants. He stated another grant was just approved for up to \$16,000. The limit is \$25,000.

Village Clerk's report: Gaffney spoke about absentee voting for the November 5th General Election.

Adjournment: With no further business before the board, Jones moved, Schellpfeffer seconded to adjourn @ 8:37pm. Motion carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 30, 2024**

The Village Board of the Village of Mount Horeb met on the above date in-person in the Board Room of the Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 5:30pm. Present were Village Board Trustees Brett Halverson, Ben Jones, Nate Gauger, Marc Schellpfeffer, and Tim White. Also present were Administrator Nic Owen, Finance Director/Treasurer Denise Schwenn, and Village Clerk Alyssa Gaffney.

Intro to Workshop Agenda and Goals: Czyzewski explained this item.

Information on Parkland Planning: Owen spoke on this item.

Information on Housing RFP: Economic Development Director Kristen Fish-Peterson presented details on the RFP that the Community Development Authority will release. She gave an update on info on CDBG, and the board gave their input for the Community Development Authority to consider.

Update on Process and Timing of Next Steps: Peterson gave the update.

Identify Next Steps and Needed Upcoming Agenda Items: Czyzewski spoke about the next steps and future items, in which most of those items will go to the committees.

Adjournment: There being no further business before the Board, Gauger moved, Halverson seconded to adjourn the meeting at 5:36pm, carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk



AGENDA ITEM REPORT

MEETING DATE

December 4, 2024

PREPARED BY

AGENDA ITEM # 5.c

Consideration of November 6, 2024 Joint Finance & Personnel Committee and Village Board meeting minutes.

BACKGROUND

RECOMMENDATION

ATTACHMENTS

1. Joint F&P & VB DRAFT Meeting Minutes 110624



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

Phone: (608) 437-6884 Fax: (608) 437-3190

Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

JOINT FINANCE AND PERSONNEL/VILLAGE BOARD REVIEW MEETING AGENDA

Wednesday, November 6, 2024 at 6:00 PM

DRAFT MEETING MINUTES

1) Call to order

The Village Board and Finance & Personnel Committee met in special session on the above date in the 3rd floor Conference Room of the Mount Horeb Municipal Building.

Village President Ryan Czyzewski called the meeting to order at 6:00 PM.

a. Roll Call

Present were Trustees Scott, Jones, Halverson, Shellpfeffer, White and President Czyzewski, and Committee Member Hook. Trustee Gauger and Committee Member Fendrick were absent. Also present were Administrator Nic Owen and Finance Director Schwenn.

2) Agenda Items

- a. Discuss Village Administrator's Performance Evaluation. The Finance & Personnel Committee and Village Board may convene in closed session as authorized by Section 19.85(1)(c) of Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Finance & Personnel Committee and Village Board may reconvene in open session and discuss and take action on the subject matter discussed in closed session.

Jeff Hook moved, Brett Halverson seconded to convene to closed session at 6:06 PM for the discussion regarding Village Administrator's Performance Evaluation. Motion carried.

At 6:51 PM, Ben Jones moved, Tim White seconded to return to open session. Motion carried.

Ben Jones motioned to increase Administrator Nic Owen's compensation by 2.5% starting in the 2025 calendar year, seconded by Brett Halverson. Motion carried.

3) Meeting adjournment.

Halverson moved, Schellpfeffer seconded a motion to adjourn. Motion carried. Meeting adjourned at 6:53 PM.

Meeting minutes submitted by Denise Schwenn, Finance Director/Treasurer .

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
NOVEMBER 6, 2024**

The Village Board met in regular session in-person on the above date in the Board Room of the Mount Horeb Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 7:00pm. The Pledge of Allegiance was recited. Present were Trustees Jones, Halverson, Scott, Gauger, and Schellpfeffer. Trustee Gauger was absent. Also present were Administrator Nic Owen, and Finance Director/Treasurer Denise Schwenn.

Public Comments: None

Consent Agenda: Scott moved, Halverson seconded to approve the following consent agenda items: Residential Improvement Program Application, Ordinance 2024-14 Rezoning, Open Intoxicants Footprint for Trollidays Event, Open Intoxicants Footprint for Trollidays-Men's Night Out Event. Motion carried by unanimous voice vote.

Proclamation for Military Family Appreciation Month: Board President Czyzewski presented background for the proclamation, read the proclamation, and fielded questions from the board.

Consideration of Amended Resolution 2024-10 "Authorizing Loan from State Trust Fund": Owen explained this item. Scott moved, Schellpfeffer seconded to approve the resolution. Motion carried by unanimous voice vote.

Discussion of Moratorium on Electronic Smoking Retailers: Administrator Owen explained the moratorium, the board discussed. Further discussion and action anticipated for December Village Board agenda.

Presentation of 2025 Operating Budget and 5-year Capital Improvement Plan: Owen gave an overview of the budget and 5-year Capital Improvement Plan.

Consider Scheduling Budget Public Hearing for November 20, 2024 at 6:00pm: Scott moved, Halverson seconded to approve the budget hearing for November 15th at 6:00pm. Motion carried by unanimous voice vote.

Committee reports: All committee reports were given, with no action taken.

Village President's report: Czyzewski thanked board members for attending the recent workshop meeting. He discussed his attendance at a recent WPPI breakfast where he learned about their ongoing projects for providing services and improvements to customers such as Mount Horeb. He noted that Nic Owen, Kristen Fish-Peterson and

himself had a recent meeting with Duluth to open lines of communication for future community discussion and collaboration.

Village Administrator's report: Owen thanked Village Clerk and Deputy Clerks Gaffney and Jelle for their work on the recent election. He also provided an update regarding the Karakahl property.

Village Clerk's report: On behalf of absent Clerk Gaffney, Schwenn provided a verbal report from Gaffney regarding the November 6th election—there were 5,130 voters including 2,751 absentees. Mount Horeb had a voter turnout of approximately 94% of registered voters.

Adjournment: With no further business before the board, Halverson moved, White seconded to adjourn @ 7:48pm. Motion carried by unanimous voice vote.

Minutes by Denise Schwenn, Finance Director/Treasurer

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 20, 2024**

The Village Board of the Village of Mount Horeb met on the above date in-person in the Board Room of the Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 6:00pm. Present were Village Board Trustees Brett Halverson, Marc Schellpfeffer, and Tim White. Trustees Nate Gauger and Ben Jones were absent. Also present were Administrator Nic Owen and Village Clerk Alyssa Gaffney.

Final Draft of 2025 Budget and Capital Improvement Plan: Czyzewski explained this item. Owen did a high overview of the final draft.

PUBLIC HEARING: 2025 Operating Budget and 2025-2029 Capital Improvement Plan: Czyzewski opened the public hearing at 6:02pm. Brian Durtschi spoke about sewer capacity on the Northeast side of the village. With no one else wishing to speak, Czyzewski closed the public hearing at 6:08pm. Owen addressed Durtschi's concerns.

Closed Session: Walgreens Assessment Case. The Village Board may convene in closed session as authorized by Section 19.85(1)(g) of Wisconsin State Statutes for the purpose of conferring with legal counsel who either orally or in writing will advise the governmental body concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: White moved, Halverson seconded to convene to closed session at 6:13pm. Motion carried by unanimous roll call vote.

Open Session: Reconvene into Open Session pursuant to Section 19.85(2) of the Wisconsin State Statutes for possible discussion and any necessary action on any matter discussed in closed session and to continue with the regularly scheduled meeting: Schellpfeffer moved, White seconded to reconvene to open session at 6:32pm. Scott moved, Halverson seconded to approve the settlement with Walgreens. Motion carried by unanimous voice vote.

Consider Resolution 2024-15 "A RESOLUTION ADOPTING THE 2025 BUDGET AND AUTHORIZING A LEVY AGAINST TAXABLE PROPERTY": Halverson moved, Schellpfeffer seconded to approve Resolution 2024-15. Motion carried by unanimous voice vote.

Consider Resolution 2024-16 "A RESOLUTION ADOPTING THE 2025-2029 VILLAGE CAPITAL IMPROVEMENT PLAN": Halverson moved, White seconded to approve Resolution 2024-16. Motion carried by unanimous voice vote.

Adjournment: There being no further business before the Board, Scott moved, Schellpfeffer seconded to adjourn the meeting at 6:35pm, carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

DRAFT



AGENDA ITEM REPORT

MEETING DATE

December 4, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 5.f

Recommendation: Residential Improvement Grant Application: 204 N 3rd Street, King

BACKGROUND

The King's are applying for the replacement of the remaining old windows in their home on 3rd Street. They chose to replace the windows that matched the historical windows in the home. The project scored well due to replacing historic aspects of the home, the age of the home and the project increases energy efficiency of the home. The Community Development Authority recommends approval of the grant amount of \$3,765, which is the remaining amount out of the \$25,000 budget for 2024. The applicant indicated they were satisfied with receiving less than the \$5,000 they were eligible to receive. In included a summary of this year's application for reference.

RECOMMENDATION

ATTACHMENTS

1. King Full App
2. Scoring RubricKing
3. Application Summary Sheet



VILLAGE OF MOUNT HOREB

E. Main Street
Mount Horeb, WI 53572
Phone: (608) 437-5284 Fax: (608) 437-3190
Email: mhinfo@mounthorobwi.info Web: mounthorobwi.info

RESIDENTIAL EXTERIOR IMPROVEMENT PROGRAM GRANT APPLICATION

(Please complete and submit one application for the complete project)

APPLICANT INFORMATION

Applicant Name Anna King + Davis Svingen
Property Address 204 N. 3rd Street Mt. Horeb, WI 53572
Phone (608) 535-2167 Email annaking4@gmail.com

PROPERTY INFORMATION

Year Home Built 1922 Purchase Year of Home 2014
Assessed Value of Home \$ 297,400 (based on 2023 Village Assessment)

PROJECT INFORMATION

Proposed Start Date November 2024 Proposed Completion Date December 31, 2024
Contractor Name Andy McCormick / McCormick Lumber Contractor License # (on the way!)
Contractor Address 3156 Milwaukee Street Madison WI 53714
Street City State Zip
Contractor Phone (608) 244-4741 Contractor Email andy@mccormicklumber.com
Total Project Estimate \$ 11,976.62 Grant Request \$ 5,000
Other funding sources that will be used: N/A (our own funds)

Project Narrative (attach additional sheets if necessary).

Please include information related to the work that will be done, colors that will be used, why there is a need for the project, and other information that will be relevant to making a decision on the grant application.

* please see attached document

DOCUMENTS TO INCLUDE

- ☒ Two contractor proposals
☒ Site plan
☐ Copy of Contractor License
☒ Proof of Insurance
☒ Photos of what will be repaired

will provide ASAP!

Certification: The information provided above is true and accurate to the best of my knowledge and I have read and understand the guidelines of the Village of Mount Horeb Residential Exterior Improvement Program and agree to abide by its conditions. I acknowledge that the Village Board has the right to terminate this agreement under the Residential Exterior Improvement Program if I, as the applicant, am found to be in violation of any conditions set forth in the guidelines of the program. I understand this is a matching grant up to \$5,000.

Applicant Signature 

Date 10/13/24

Office Use Only	
Date Application Received: _____	Does this applicant qualify for a building permit? ☐ Yes ☐ No
Community Development Authority Review Date: _____	
☐ Recommended approval without conditions ☐ Recommended approval with conditions ☐ Recommended denial	
Recommended conditions or reason for denial (if applicable): _____ _____ _____	
Common Council Review Date: _____	
☐ Approved without conditions ☐ Approved with conditions ☐ Denied (reasons below)	
Conditions or reason for denial (if applicable): _____ _____ _____	
Authorized Grant Amount: _____	
Date Check Issued: _____	

Project Narrative for 204 N. 3rd Street
Anna King and Davis Svingen
Residential Exterior Improvement Program Grant Proposal (attic windows)

We bought our home in 2014 with roughly half of the windows updated to current energy standards. Over the past ten years, we have replaced the remaining windows on our first two floors. In efforts to tighten up our energy efficiency and also expand some options for spaces to use in our house as our kids grow, we would like to finish the window project and replace our attic windows. We are so thrilled at a potential opportunity for financial assistance from the village of MH - wow!

We currently have 7 windows that need to be replaced in the attic. They are currently loose in their frames and not only does air draft through the cracks, but they don't feel safe in terms of having children around them. I can see light and feel wind blow through the window, as they don't close completely or sit square in their frame. Six of the seven windows are visible from the street.

The windows in our 1922 home originally had a historical grille detail on the top pane and the previous owners of our home had started replacing them with a matching style window. We followed suit in our downstairs and stairwell window replacement projects. We would like to go with Marvin windows from McCormick lumber because they are high quality windows that will help us save energy and last a long time. They are also able to match our top grille style and the exterior aluminum (Sierra White color) - this is historically accurate and will match the rest of our 1920s home.

In looking at our site plan and photo document, you will see what we hope to replace:

- On the east/street side of our house: 1 double hung window (with historic grille) and 2 fixed frames on either side.

- On the north side, we currently have 3 double hung windows, but we would like to replace them with 3 fixed frame windows. We feel that we will get enough air flow from east to west double hung windows and don't need this north side to open. The north windows also sit above the stair opening so you'd have to get on a stool to operate them...so fixed windows it is! (and more cost effective :))

- On the west side of our house, we have 1 double hung window with a historic grille.

We feel strongly that our windows need to be replaced from an energy saving perspective and as our kids are growing, we would love to be able to use the attic as an area to gather and play. Replacing windows seems like the best place to start for both of those things. Most of these windows are also visible from the street, and we want our home to look nice - and we want it to be updated in a way that honors the historic aspects of the house (we especially thought about this when we decided to replicate the grilles on the double hung window options).

Thank you so much for considering this project for the Residential Exterior Improvement Program in Mt. Horeb!



Proposal - Detailed

Sales Rep Name: Glisch, Bill
Sales Rep Phone: 262-402-9792
Sales Rep E-Mail: bglishch@pellawi.com
Sales Rep Fax:

Phone:

Fax:

Customer Information	Project/Delivery Address	Order Information
Anna King 204 N 3rd St MOUNT HOREB, WI 53572-1754 Primary Phone: (608) 5352167 Mobile Phone: Fax Number: E-Mail: annaking4@gmail.com Contact Name: Great Plains #: 1003251446 Customer Number: 1007507100 Customer Account: 1003251446	ANNA KING - 204 N 3rd St, Mount Horeb, WI, US 5357 204 N 3rd St Lot # Mount Horeb, WI 53572 County: Owner Name: Owner Phone:	Quote Name: ANNA KING - 204 N 3rd St, Mount Horeb, WI, US 5357 Order Number: 823 Quote Number: 18753108 Order Type: Installed Sales Wall Depth: Payment Terms: Paid In Full Tax Code: EXEMPTCPI Cust Delivery Date: None Quoted Date: 10/5/2024 Contracted Date: Booked Date: Customer PO #:

Line #	Location:	Attributes
--------	-----------	------------

10 None Assigned



Viewed From Exterior

PK #
2176

Pella Reserve, Traditional Double Hung, White

1: SizeNon-Standard Size Double Hung, Equal

General Information: Standard, Luxury, Clad, Pine, 5", 3 11/16"

Exterior Color / Finish: Painted, Standard Enduraclad, White

Interior Color / Finish: Unfinished Interior

Sash / Panel: Putty Glaze, Ogee, Standard, No Sash Lugs

Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude

Hardware Options: Spoon-Style Lock, Brown, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor

Screen: Full Screen, Standard EnduraClad, White, Premium, InView™

Performance Information: U-Factor 0.29, SHGC 0.25, VLT 0.47, CPD PEL-N-232-01143-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, STC 28, OITC 24, Clear Opening Width 24.125, Clear Opening Height 18.312, Clear Opening Area 3.067896, Egress Does not meet typical United States egress, but may comply with local code requirements

Grille: ILT, No Custom Grille, 7/8", Traditional (4W1H / 0W0H), Putty Glaze, Ogee

Item Price	Qty	Ext'd Price
\$3,755.02	1	\$3,755.02

RIPFT001 - 01 Pocket Fit 0 - 101 UI

Qty 1

PFWINDILT - Standard VHI Prefinish - Window ILT - PER UNIT

Qty 1

For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at www.pella.com

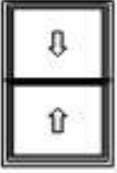
Printed on 10/6/2024

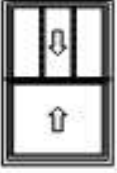
Detailed Proposal

Page 1 of 8

Page 17 of 57

Line #	Location:	Attributes					
15	None Assigned	Pella Reserve, Traditional Double Hung, White			Item Price	Qty	Ext'd Price
		PK # 2176	1: SizeNon-Standard Size Double Hung, Equal General Information: Standard, Luxury, Clad, Pine, 5", 3 11/16" Exterior Color / Finish: Painted, Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Sash / Panel: Putty Glaze, Ogee, Standard, No Sash Lugs Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Hardware Options: Spoon-Style Lock, Brown, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor Screen: Full Screen, Standard EnduraClad, White, Premium, InView™ Performance Information: U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-01141-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, STC 28, OITC 24, Clear Opening Width 24.125, Clear Opening Height 18.312, Clear Opening Area 3.067896, Egress Does not meet typical United States egress, but may comply with local code requirements Grille: No Grille,		\$3,340.07	2	\$6,680.14
	Viewed From Exterior						
			RIPFT001 - 01 Pocket Fit 0 - 101 UI		Qty	1	
			PFWINDILT - Standard VHI Prefinish - Window ILT - PER UNIT		Qty	1	

Line #	Location:	Attributes					
20	None Assigned	Lifestyle, Double Hung, Without HGP, White			Item Price	Qty	Ext'd Price
		PK # 2176	1: SizeNon-Standard Size Double Hung, Equal General Information: No Package, Without Hinged Glass Panel, Clad, Pine, 5", 3 11/16", Jambliner Color: Gray Exterior Color / Finish: Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Glass: Insulated Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Hardware Options: Cam-Action Lock, 1 Lock, Brown, No Limited Opening Hardware, Order Sash Lift, 1 Lift, No Integrated Sensor Screen: Full Screen, White, InView™ Performance Information: U-Factor 0.30, SHGC 0.30, VLT 0.57, CPD PEL-N-35-00514-00001, Performance Class LC, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, STC 27, OITC 23, Clear Opening Width 24.312, Clear Opening Height 19.5, Clear Opening Area 3.29225, Egress Does not meet typical United States egress, but may comply with local code requirements Grille: No Grille,		\$2,399.07	2	\$4,798.14
	Viewed From Exterior						
			RIPFT001 - 01 Pocket Fit 0 - 101 UI		Qty	1	
			PFWINDILT - Standard VHI Prefinish - Window ILT - PER UNIT		Qty	1	

Line #	Location:	Attributes					
25	None Assigned	Lifestyle, Double Hung, Without HGP, White			Item Price	Qty	Ext'd Price
		PK # 2176	1: SizeNon-Standard Size Double Hung, Equal General Information: No Package, Without Hinged Glass Panel, Clad, Pine, 5", 3 11/16", Jambliner Color: Gray Exterior Color / Finish: Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Glass: Insulated Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Hardware Options: Cam-Action Lock, 1 Lock, Brown, No Limited Opening Hardware, Order Sash Lift, 1 Lift, No Integrated Sensor Screen: Full Screen, White, InView™ Performance Information: U-Factor 0.30, SHGC 0.27, VLT 0.50, CPD PEL-N-35-00516-00001, Performance Class LC, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, STC 27, OITC 23, Clear Opening Width 24.312, Clear Opening Height 19.5, Clear Opening Area 3.29225, Egress Does not meet typical United States egress, but may comply with local code requirements Grille: SDL w/Spacer, No Custom Grille, 7/8", Traditional (3W1H / 0W0H)				
	Viewed From Exterior						
			RIPFT001 - 01 Pocket Fit 0 - 101 UI	Qty	1		
			PFWINDILT - Standard VHI Prefinish - Window ILT - PER UNIT	Qty	1		

Line #	Location:	Attributes					
30	None Assigned	Lifestyle, Direct Set, Fixed Frame, Without HGP, White			Item Price	Qty	Ext'd Price
		PK # 2176	1: Fixed Frame Direct Set General Information: No Package, Without Hinged Glass Panel, Interior Glazed, Standard, Clad, Pine, 5", 3 11/16" Exterior Color / Finish: Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Performance Information: U-Factor 0.28, SHGC 0.32, VLT 0.62, CPD PEL-N-18-04208-00001, Performance Class AW, PG 90, Calculated Positive DP Rating 90, Calculated Negative DP Rating 90, STC 27, OITC 22 Grille: No Grille,				
	Viewed From Exterior						
			RIPFT001 - 01 Pocket Fit 0 - 101 UI	Qty	1		
			PFWIND - Standard VHI Prefinish - Window - PER UNIT	Qty	1		

Line #	Location:	Attributes			
35	None Assigned	Viewed From Exterior PK # 2176 Lifestyle, Direct Set, Fixed Frame, Without HGP, White 1: Fixed Frame Direct Set General Information: No Package, Without Hinged Glass Panel, Interior Glazed, Standard, Clad, Pine, 5", 3 11/16" Exterior Color / Finish: Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Performance Information: U-Factor 0.28, SHGC 0.32, VLT 0.62, CPD PEL-N-18-04208-00001, Performance Class AW, PG 90, Calculated Positive DP Rating 90, Calculated Negative DP Rating 90, STC 27, OITC 22 Grille: No Grille, Item Price \$2,142.71 Qty 3 Ext'd Price \$6,428.13			
		RIPFT001 - 01 Pocket Fit 0 - 101 UI Qty1			
		PFWIND - Standard VHI Prefinish - Window - PER UNIT Qty1			

Line #	Location:	Attributes		
40	None Assigned			
				
	Viewed From Exterior			
	PK # 2176	Pella Reserve, Traditional Double Hung, White	Item Price \$3,340.07	Qty 1
			Ext'd Price \$3,340.07	
		1: SizeNon-Standard Size Double Hung, Equal General Information: Standard, Luxury, Clad, Pine, 5", 3 11/16" Exterior Color / Finish: Painted, Standard Enduraclad, White Interior Color / Finish: Unfinished Interior Sash / Panel: Putty Glaze, Ogee, Standard, No Sash Lugs Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude Hardware Options: Spoon-Style Lock, Brown, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor Screen: Full Screen, Standard EnduraClad, White, Premium, InView™ Performance Information: U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-01141-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, STC 28, OITC 24, Clear Opening Width 24.125, Clear Opening Height 18.312, Clear Opening Area 3.067896, Egress Does not meet typical United States egress, but may comply with local code requirements Grille: No Grille,		
		RIPFT001 - 01 Pocket Fit 0 - 101 UI	Qty	1
		PFWINDILT - Standard VHI Prefinish - Window ILT - PER UNIT	Qty	1

Thank You For Your Interest In Pella® Products

PELLA WARRANTY:

Pella products are covered by Pella's limited warranties in effect at the time of sale. All applicable product warranties are incorporated into and become a part of this contract. Please see the warranties for complete details, taking special note of the two important notice sections regarding installation of Pella products and proper management of moisture within the wall system. Neither Pella Corporation nor the Seller will be bound by any other warranty unless specifically set out in this contract. However, Pella Corporation will not be liable for branch warranties which create obligations in addition to or obligations which are inconsistent with Pella written warranties.

Clear opening (egress) information does not take into consideration the addition of a Rolscreen [or any other accessory] to the product. You should consult your local building code to ensure your Pella products meet local egress requirements.

Per the manufacturer's limited warranty, unfinished mahogany exterior windows and doors must be finished upon receipt prior to installing and refinished annually, thereafter. Variations in wood grain, color, texture or natural characteristics are not covered under the limited warranty.

INSYNCTIVE PRODUCTS: In addition, Pella Insynctive Products are covered by the Pella Insynctive Products Software License Agreement and Pella Insynctive Products Privacy Policy in effect at the time of sale, which can be found at [Insynctive.pella.com](https://www.pella.com/insynctive). By installing or using Your Insynctive Products you are acknowledging the Insynctive Software Agreement and Privacy Policy are part of the terms of sale.

Notice of Collection of Personal Information: We may collect your personal information when you interact with us. Under the California Consumer Privacy Act (CCPA), California residents have specific rights to request this information, request to delete this information, and opt out of the sharing or sale of this information to third parties. To learn more about our collection practices and your rights under the CCPA please visit our link <https://www.pella.com/california-rights-policy/> at pella.com.

ARBITRATION AND CLASS ACTION WAIVER ("ARBITRATION AGREEMENT")

YOU and Pella and its subsidiaries and the Pella Branded Distributor AGREE TO ARBITRATE DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS (INCLUDES PELLA GOODS AND PELLA SERVICES) AND WAIVE THE RIGHT TO HAVE A COURT OR JURY DECIDE DISPUTES. YOU WAIVE ALL RIGHTS TO PROCEED AS A MEMBER OR REPRESENTATIVE OF A CLASS ACTION, INCLUDING CLASS ARBITRATION, REGARDING DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS. You may opt out of this Arbitration Agreement by providing notice to Pella no later than ninety (90) calendar days from the date You purchased or otherwise took ownership of Your Pella Goods. To opt out, You must send notice by e-mail to pellawebsupport@pella.com, with the subject line: "Arbitration Opt Out" or by calling (877) 473-5527. Opting out of the Arbitration Agreement will not affect the coverage provided by any applicable limited warranty pertaining to Your Pella Products. For complete information, including the full terms and conditions of this Arbitration Agreement, which are incorporated herein by reference, please visit www.pella.com/arbitration or e-mail to pellawebsupport@pella.com, with the subject line: "Arbitration Details" or call (877) 473-5527. D'ARBITRAGE ET RENONCIATION AU RECOURS COLLECTIF ("convention d'arbitrage") EN FRANÇAIS SEE PELLA.COM/ARBITRATION. DE ARBITRAJE Y RENUNCIA COLECTIVA ("acuerdo de arbitraje") EN ESPAÑOL VER PELLA.COM/ARBITRATION.

Seller shall not be held liable for failure or delay in the performance of its obligations under this Agreement, if such performance is hindered or delayed by the occurrence of an act or event beyond the Seller's reasonable control (force majeure event), including but not limited to earthquakes, unusually severe weather and other Acts of God, fire, strikes and labor unrest, epidemics, riots, war, civil unrest, and government interventions. Seller shall give timely notice of a force majeure event and take such reasonable action to mitigate the impacts of such an event.

Product Performance Information:

U-Factor, Solar Heat Gain Coefficient (SHGC), and Visible Light Transmittance (VLT) are certified by the National Fenestration Rating Council (NFRC).

For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at www.pella.com

Manufacturer stipulates that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any products and does not warrant the suitability of any product for any specific use.

Design Pressure (DP), Performance Class, and Performance Grade (PG) are certified by a third party organization, in many cases the Window and Door Manufacturers Association (WDMA). The certification requires the performance of at least one product of the product line to be tested in accordance with the applicable performance standards and verified by an independent party. The certification indicates that the product(s) of the product line passed the applicable tests. The certification does not apply to mulled and/or product combinations unless noted. Actual product results will vary and change over the products life.

For more performance information along with information on Florida Product Approval System (FPAS) Number and Texas Dept. of Insurance (TDI) number go to www.pella.com/performance.

Including during the construction period, casement windows should never be left open and unlocked for prolong periods or during high wind conditions to avoid sash detachment/damage.

Actual sizes tested for documented STC and OITC ratings may vary from the ASTM E 1425 sizes to better represent Pella product offering.

STC and OITC ratings shown may be conservatively based on products tested with thinner panes of glass.

STC and OITC ratings may be from test results from an equivalent product.

BRANCH WARRANTY:

ELECTRONIC SIGNATURE AGREEMENT: Customer agrees that its electronic signature of this Arbitration Agreement is the legal equivalent of a manual/handwritten signature on this Arbitration Agreement. By electronically signing this Arbitration Agreement using any device, means or action, Customer consents to the legally binding terms and conditions of this Arbitration Agreement. Customer further agrees that its signature on this Arbitration Agreement (hereafter referred to as Customer's "E-Signature") is as valid as if Customer signed this Arbitration Agreement in writing. Customer also agrees that no certification authority or other third party verification is necessary to validate its E-Signature, and that the lack of such certification or third party verification will not in any way affect the enforceability of Customer's E-Signature or any resulting agreement between Customer and Pella of Wisconsin. Customer is also confirming that it is an authorized agent of Customer and has been authorized to enter into this Arbitration Agreement.

CONSENT TO ELECTRONIC DELIVERY: By electronically signing this Arbitration Agreement, Customer specifically agrees to receive, obtain, and/or submit any and all documents and information relating to this Arbitration Agreement electronically. These documents and information will be collectively known as "Electronic Communications," and will include, but not be limited to, any and all current and future required notices and/or disclosures, as well as such documents, statements, data, records and other communications regarding the Services and/or Customer's account with Pella of Wisconsin. Customer acknowledges that it is able to retain Electronic Communications by printing and/or downloading and saving this Arbitration Agreement and any other agreements, Electronic Communications, documents, or records that are signed using Customer's E-Signature. Customer accepts Electronic Communications provided via email as reasonable and proper notice for the purpose of fulfilling any and all rules and regulations, and Customer agrees that such Electronic Communications fully satisfy any requirement that communications be provided to Customer in writing or in a form that Customer may keep.

Date:_____

Customer Printed Name: _____

Customer Signature:_____

TERMS & CONDITIONS:

Call your Sales Representative to contract this proposal

UNIT SUMMARY

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes.
Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

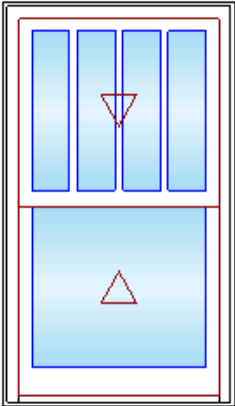
NUMBER OF LINES: 5		TOTAL UNIT QTY: 15		EXT NET PRICE: USD		11,571.20
LINE	MARK UNIT	PRODUCT LINE	ITEM	NET PRICE	QTY	EXTENDED NET PRICE
4		Ultimate	Double Hung Insert G2 IO 27" X 45" Entered as Inside Opening 27" X 45"	1,498.15	2	2,996.30
5		Ultimate	Casement Narrow Frame IO 27" X 24" Entered as Inside Opening 27" X 24"	834.98	2	1,669.96
6		Ultimate	Casement Narrow Frame IO 23" X 29" Entered as Inside Opening 23" X 29"	834.98	3	2,504.94
7		Non-Marvin	Labor LABOR TO INSTALL	600.00	7	4,200.00
8		Non-Marvin	Materials MATERIAL ALLOW	200.00	1	200.00

LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #4	Mark Unit:	Net Price:		1,498.15
Qty: 2		Ext. Net Price:	USD	2,996.30

MARVIN



As Viewed From The Exterior

Entered As: IO
FS 26 5/8" X 45 17/64"
IO 27" X 45"
Egress Information
Width: 22 15/16" Height: 17 37/64"
Net Clear Opening: 2.80 SqFt

Sierra White Clad Exterior
Stained Interior Finish Pine Interior
Stain Color Stained Interior Finish 302.95
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
Ultimate Double Hung Insert G2 949.52
Inside Opening 27" X 45"
8° Degree Frame Bevel
Top Sash
Sierra White Clad Sash Exterior
Stained Interior Finish Pine Sash Interior
Stain Color Stained Interior Finish
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
IG
Low E2 w/Argon
Black Perimeter and Spacer Bar
7/8" SDL - With Spacer Bar - Black 226.59
Rectangular - Special Cut 4W1H
Sierra White Clad Ext - Stained Interior Finish Pine Int
Stain Color Stained Interior Finish
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
Ogee Interior Glazing Profile
Bottom Sash
Sierra White Clad Sash Exterior
Stained Interior Finish Pine Sash Interior
Stain Color Stained Interior Finish
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
IG - 1 Lite
Low E2 w/Argon
Black Perimeter Bar
Ogee Interior Glazing Profile
Black Interior Weather Strip Package 19.09
Beige Exterior Weather Strip Package
Matte Black Sash Lock
Matte Black Top Sash Strike Plate Assembly Color
Aluminum Screen
Sierra White Surround
Bright View Mesh
***Screen/Combo Ship Loose
3 1/4" Jambs
*****Note: Unit Availability and Price is Subject to Change**

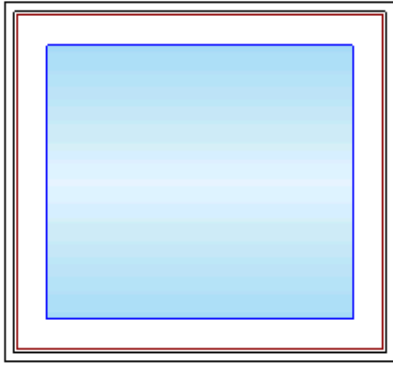
Line #5	Mark Unit:	Net Price:		834.98
Qty: 2		Ext. Net Price:	USD	1,669.96

MARVIN



As Viewed From The Exterior

Sierra White Clad Exterior
Stained Interior Finish Pine Interior
Stain Color Stained Interior Finish 240.70
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
Ultimate Casement Narrow Frame - Stationary 594.28
Inside Opening 27" X 24"



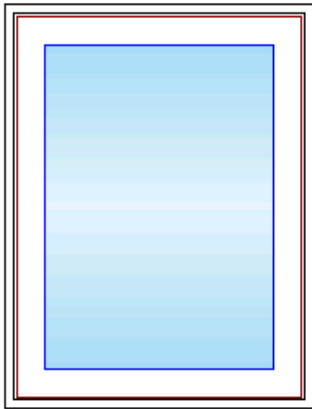
As Viewed From The Exterior

Entered As: IO
FS 26 5/8" X 23 15/16"
IO 27" X 24"
Egress Information
No Egress Information available.

8 Degree Frame Bevel
Sierra White Clad Sash Exterior
Stained Interior Finish Pine Sash Interior
Stain Color Stained Interior Finish
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
IG - 1 Lite
Low E2 w/Argon
Black Perimeter Bar
Putty Exterior Glazing Profile
Ogee Interior Glazing Profile
Standard Bottom Rail
Beige Weather Strip
Solid Wood Covers
2 3/16" Jambs
No Installation Method
***Note: The overall frame depth will be 1 1/16" larger than the jamb size shown above. For example, a 3 1/4" overall frame depth will have a 2 3/16" jamb.
*****Note: Unit Availability and Price is Subject to Change**

Line #6	Mark Unit:	Net Price:		834.98
Qty: 3		Ext. Net Price:	USD	2,504.94

MARVIN 



As Viewed From The Exterior

Entered As: IO
FS 22 5/8" X 28 15/16"
IO 23" X 29"
Egress Information
No Egress Information available.

Sierra White Clad Exterior
Stained Interior Finish Pine Interior
Stain Color Stained Interior Finish 240.70
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
Ultimate Casement Narrow Frame - Stationary 594.28
Inside Opening 23" X 29"
8 Degree Frame Bevel
Sierra White Clad Sash Exterior
Stained Interior Finish Pine Sash Interior
Stain Color Stained Interior Finish
A valid Stain color option must be selected before placing an order. Current pricing valid for standard stain color options only.
IG - 1 Lite
Low E2 w/Argon
Black Perimeter Bar
Putty Exterior Glazing Profile
Ogee Interior Glazing Profile
Standard Bottom Rail
Beige Weather Strip
Solid Wood Covers
2 3/16" Jambs
No Installation Method
***Note: The overall frame depth will be 1 1/16" larger than the jamb size shown above. For example, a 3 1/4" overall frame depth will have a 2 3/16" jamb.
*****Note: Unit Availability and Price is Subject to Change**

Line #7	Mark Unit:	Net Price:		600.00
Qty: 7		Ext. Net Price:	USD	4,200.00

Labor LABOR TO INSTALL 600.00

Line #8	Mark Unit:	Net Price:		200.00
Qty: 1		Ext. Net Price:	USD	200.00

Materials MATERIAL ALLOW 200.00

Project Subtotal Net Price: USD	7,171.20
Non-Taxable Labor: USD	4,200.00
Taxable Materials: USD	200.00
5.500% Sales Tax: USD	405.42
Project Total Net Price: USD	11,976.62

PRODUCT AND PERFORMANCE INFORMATION

NFRC Ratings:

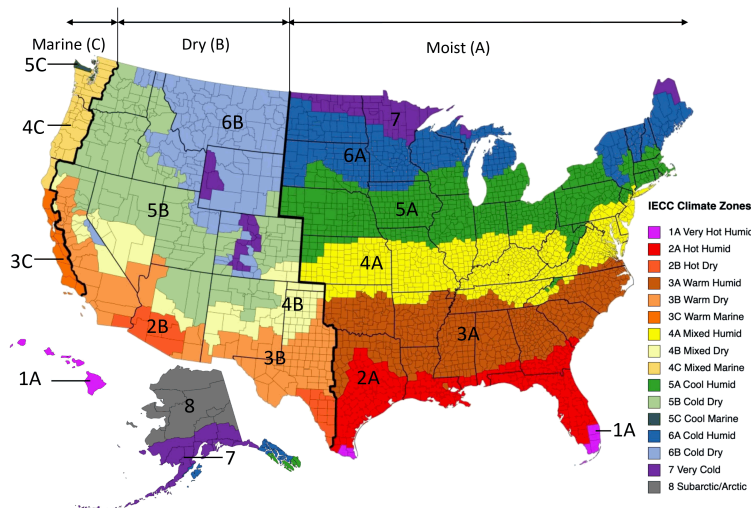
NFRC energy ratings may vary depending on the exact configuration of glass thickness used on the unit. NFRC energy values and ratings may change over time due to ongoing product changes, updated test results or requirements. NFRC values and ratings are finalized on the date of manufacture.

The National Fenestration Rating Council (NFRC) has developed and operates a uniform rating system for the energy performance of fenestration products, including windows, doors and skylights. For additional information regarding this rating system, see www.nfrc.org.

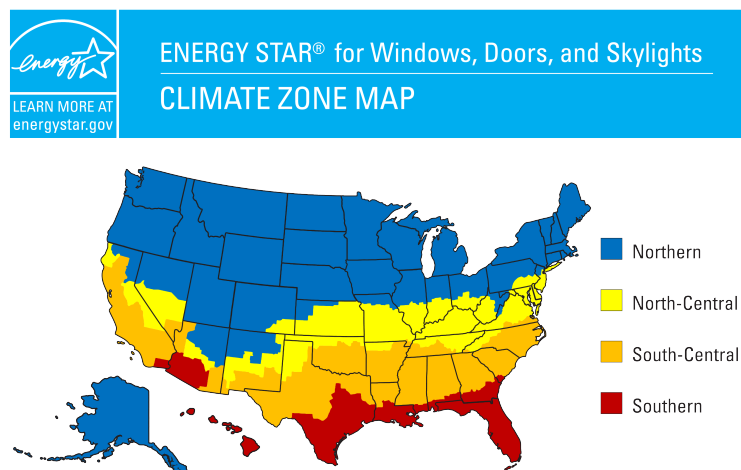
Code (residential, building or energy) Compliance:

Determining the suitability and compliance with state, provincial, local, or other applicable building codes or standards, including energy codes, is the responsibility of the buyer, user, architect, contractor, installer, and/or other construction professional.

2021 IECC Climate Zone Map:



ENERGY STAR Version 7 Climate Zone Map:



Photos of 204 N. 3rd Street
Anna King and Davis Svingen
Attic Window Replacement Grant Proposal



East Exterior Windows (sidewalk)



North Exterior Windows (sidewalk)



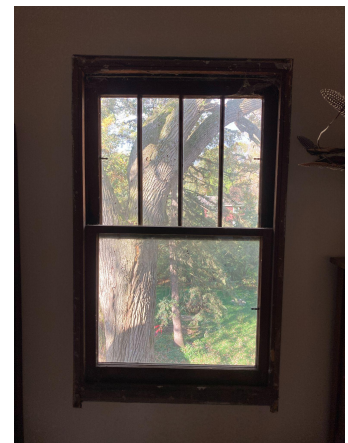
West Exterior Window (backyard)



East Interior Windows
-1 double hung
-2 fixed frame



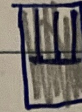
North Interior Windows
(currently double hung)
-replace with 3 fixed frame



West Interior Window
-1 double hung

SITE PLAN

1 double hung window



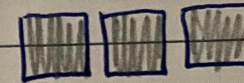
WEST

NORTH



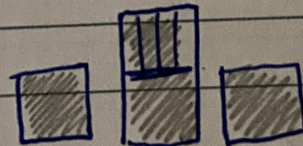
EAST

3 fixed frame windows



1 double hung window

2 fixed framed windows



sidewalk 3rd Street North

Residential Improvement Program Scoring			
Level of Performance	Strong	Fair	Weak/Poor
Score	10-7 Points	6-4 Points	3 Point or Below
Property Condition		6	
Age of home	10		
Percentage of Average Assessed Value	8		
Percentage of Improvements of Assessed Value			3
Repair of historical elements	7		
Quality of materials	7		
Thoroughness of application	7		
Sustainability, energy efficiency	7		
Financial Hardship		5	
Application Score			
Score			60
Total Overall Points for Grant Application: 100 Points			

Mount Horeb Residential Exterior Improvement Program

Date Submitted	Applicant	Address	In Program Zone	Value	Percentage of Average	Improvement Percentage of Value	Date Acquired	Description of Project	Project Cost (low bid)	Approved Grant Amount	Project Score
2/7/2024	Monfil	307 N Third Street	Yes	\$ 324,600	93%	2.48%	6/28/2019	Replacement of failing retaining wall	\$ 8,041	\$ 4,020	48 Complete and closed out.
4/9/2024	Miller	210 W Wilson	Yes	\$ 346,400	99%	1.97%	2018	Replacement of windows, gutter and masonry	\$ 6,830	\$ 3,415	56
5/14/2024	Castello	302 Forest Street	Yes	\$ 286,000	82%	3.16%	2016	Strip and repaint	\$ 9,050	\$ 4,025	49 Complete and closed out.
6/8/2024	Cronin and Vesperman	303 N Third Street	Yes	\$ 311,400	89%	3.37%	2015	Garage or porch renovation	\$ 10,500		41 held for more info
8/27/2024	Melka	302 N Second treet	Yes	\$ 337,000	96%	7.51%	2015	Complete roof replacement,	\$ 25,315	\$ 5,000	53 Complete and closed out.
9/11/2024	Sale	304 N Third Street	Yes	\$ 297,300	85%	3.21%	2005	Driveway Replacement	\$ 9,550	\$ 4,775	48 Complete and closed out.
10/14/2024	King	204 N Third Street	Yes	\$ 297,400	85%	4.03%	2014	window replacement	\$ 11,977	\$ 3,765	60
									\$ 81,262	\$ 25,000	
									\$	-	



AGENDA ITEM REPORT

MEETING DATE

December 4, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 5.g

Application for Public Art: Driftless Historium 100 S 2nd Street

BACKGROUND

The Driftless Historium is planning for the addition of a mural on the South Side of their building, facing Buck and Honey's. The proposal is included in this packet. We don't have a good procedure for review of Public Art, such as a mural, so I worked with Village Planner Ben Rohr and found a process from Delavan we would like to follow, and if this process is well received by the Plan Commission, we will adopt it in code. The Delavan code can be found [here](#).

Essentially, since public art can be a very subjective thing, we want to create a straightforward process that allows an applicant to have a reasonable expectation of what they need to provide to achieve approval. Village Planner Rohr and I met with staff from the Historium and Sign Art Studio to review their proposal and the proposed process and all parties were comfortable following that process. The proposal for the mural is included in your packet. The biggest question on this mural is the Historical Society Board would prefer to have their logo on the mural. Having the logo on the mural blurs the line about whether it is strictly public art or a sign. The Plan Commission recommends approval of the mural without the Historium logo.

Plan Commission also felt the Delavan code was a good process and staff will work to add this into our code update for the review of public art.

RECOMMENDATION

ATTACHMENTS

1. DRIFTLESS HISTORIUM - MURAL_R2 - No Logo
2. Driftless Historium - Mural Review Memo 11.20.24
3. City of Delavan, WI Public Art Permits





KEY NOTES:
A - Mural Painted on 5x10 ACM PANELS
B - 1/2" Dimensional PVC "Explore the Driftless"
.C - 1/2" Dimensional PVC Driftless Historium Logo, White vinyl on the face.
FINISHES:
CALCULATIONS:

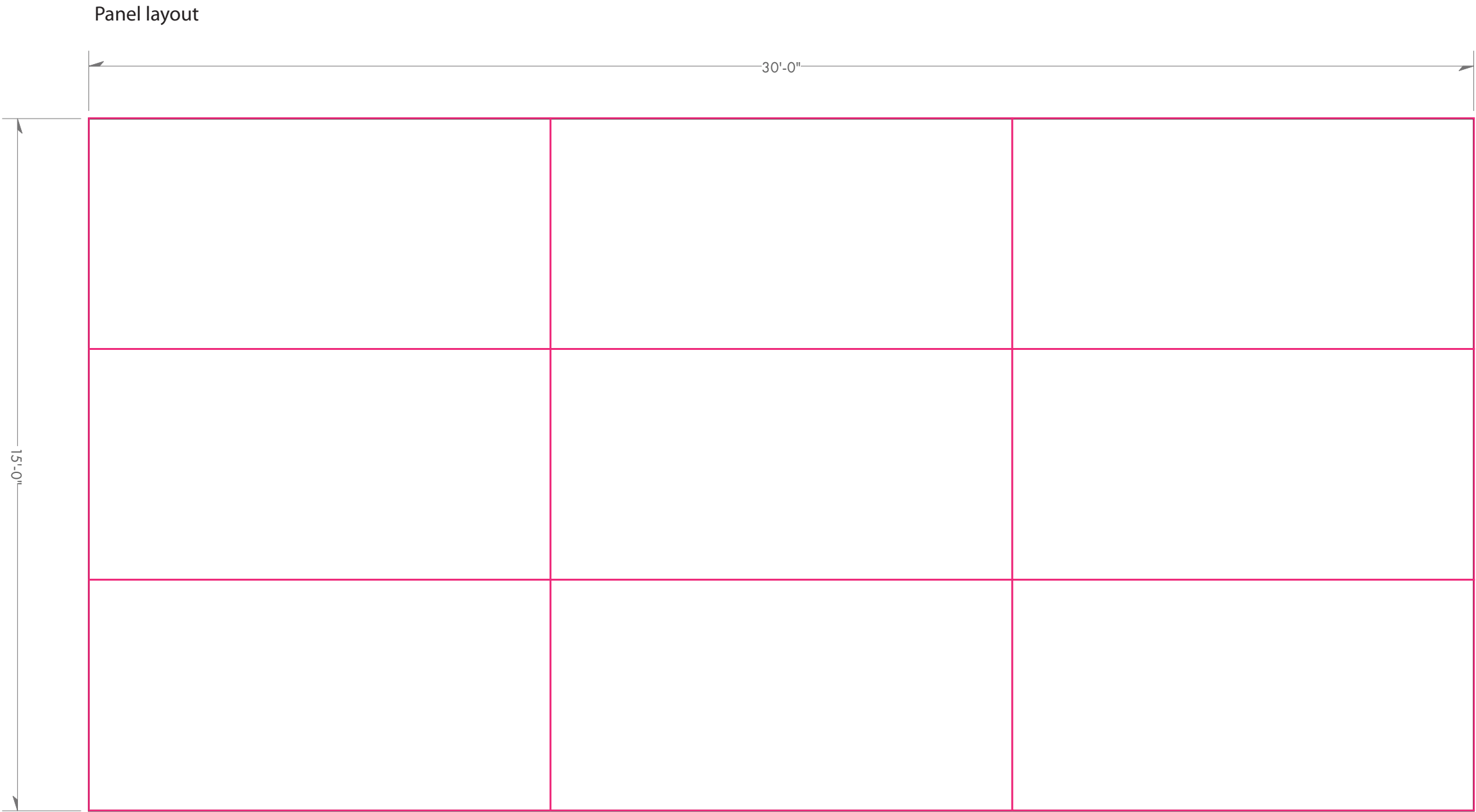
CUSTOMER APPROVAL: _____	DATE: _____	LANDLORD APPROVAL: _____	DATE: _____
By signing this approval you are hereby authorizing Sign Art Studio LLC to proceed with the work as described. Any deviation from these specifications will become the customer's financial responsibility.			
© The above artwork and or conceptual design, less customer provided artwork or plans, is property of Sign Art Studio and may not be reproduced without written consent .			

S H E E T
X

Mounting location



CUSTOMER APPROVAL: _____		DATE: _____	LANDLORD APPROVAL: _____		DATE: _____
By signing this approval you are hereby authorizing Sign Art Studio LLC to proceed with the work as described. Any deviation from these specifications will become the customer's financial responsibility.					X
© The above artwork and or conceptual design, less customer provided artwork or plans, is property of Sign Art Studio and may not be reproduced without written consent .					



CUSTOMER APPROVAL: _____	DATE: _____	LANDLORD APPROVAL: _____	DATE: _____
By signing this approval you are hereby authorizing Sign Art Studio LLC to proceed with the work as described. Any deviation from these specifications will become the customer's financial responsibility.			
© The above artwork and or conceptual design, less customer provided artwork or plans, is property of Sign Art Studio and may not be reproduced without written consent .			

S H E E T
X



MEMORANDUM

To: Village of Mount Horeb Plan Commission
From: Village Planner: Ben Rohr, AICP
Date: November 20, 2024
Re: Driftless Historium Mural – 100 S. Second Street

Background

The Village of Mount Horeb has received requests from time to time regarding the installation of public art, in particular in and around the downtown area. Each situation has been handled slightly differently depending on the proposed piece of public art, location, etc. For example, there are a wide variety of troll sculptures in Mount Horeb and those have not been brought forward to the Plan Commission for approval, while in several instances, murals have been reviewed and approved by that body. This has created inconsistencies in the application, review process, and ultimately what's been expected of applicants seeking public art on their properties.

A key defining factor between public art and signage is the use of branding or product names, logos, trademarks, and commercial messages. Public art does not include these elements, whereas signage does and falls within the purview of established Village ordinances and standards. This has been an additional source of confusion regarding the community's approach, policies, and procedures for public art proposals. The Sign Ordinance Section 17.174(13) says that a sign is exempt from the regulations of the ordinance if it is a work of art that does not include a commercial message.

In an attempt to remedy these issues and in light of the Village being open to additional works of public art throughout the community, Village staff have been asked to research and come up with a proposed approach to handling public art separately from the Zoning Ordinance, in particular the Sign Ordinance when the piece of art does not include a commercial message.

The most promising alternative option includes a defined Public Art Ordinance that is separate from the Zoning and Sign Ordinance. An example of this approach has been developed in the City of Delavan (see attached ordinance below). Like Mount Horeb, Delavan is a proponent of public art and created a separate set of procedures and standards to handle their review and approval. This includes:

- Defining the purpose and goals of public art
- Establishing definitions for public art
- Creating eligibility, location, program, and maintenance criteria
- Identifying a permit application and review process

This example ordinance is one that the Village of Mount Horeb would like to test out to gauge how it works and if it is something that should be considered for adoption at a later date. This memo reflects a review of the proposed Driftless Historium Mural in respect to the Public Art Ordinance developed by the City of Delevan. Because the Village does not have any current codified mechanism for handling murals or public art that doesn't contain a commercial message, this memo does not reflect current Village standards or procedures when it comes to the public art portion of this project. Driftless Historium has volunteered to have their proposed project reviewed in this way to provide the Village with an example for subsequent public art applications that may be received in the future.

Analysis

The applicant is proposing to install a 30' x 15' mural on the south wall of the Driftless Historium building that faces E. Front Street and Buck & Honey's. The mural will be painted on panels that are affixed to the surface of the façade. This building face is set approximately 5 feet back from the property line and the proposed mural will not impact the public right-of-way, public safety, visibly, or site access. Additionally, its primary function will be for public viewing from the E. Front Street right-of-way.

The proposed design features an artist depiction of the connection between the region (Driftless Area), farming, and the Village of Mount Horeb. This will enhance the pedestrian experience, add attractiveness to the blank façade, and enrich visitor's experience to this community destination. It will be a static piece of artwork and nonilluminated. The applicant has agreed to maintain the mural following installation to keep it looking aesthetically pleasing on the building façade. Finally, the proposed mural does not exceed the height of the building, extends less than 6" from the building façade, and does not cover any windows, doors, vents, or other distinctive architectural elements of the building.

If the Village adopted a similar ordinance to that of the City of Delevan, a maintenance agreement between the Village and property owner would be required, in addition to a permit issued only after Plan Commission and Village Board approvals.

Outside of the commercial message item discussed further below, this proposed project would meet all requirements of the Delevan Public Art Ordinance.

There are two proposed options for the mural as submitted by the applicant:

- Option A: the Driftless Historium logo is placed in the lower left corner
- Option B: the Driftless Historium logo is removed and not located on the mural at all

Under both the existing Village Sign Code and the example City of Delevan's Public Art Ordinance, the inclusion of branding, logos, or other commercial messages means that this is considered a Wall Sign. This presents another discussion item:

- The logo is located on 1 of 9 proposed panels that make up the mural. The lower left corner panel is approximately 50 sf (10' x 5'). Because it contains a commercial message, under the Village's Sign Ordinance, this would be treated as a Wall Sign. The single panel would conform to the Wall Sign standards. However, if the entire proposed mural (all 9 panels) were to be considered a Wall Sign due to the inclusion of the commercial message, it would not be permitted as it exceeds the maximum size of a Wall Sign for this building.

Option A – Logo Included



Option B – No Logo



Village Planner Discussion

Village staff chose to utilize this project as an example to illustrate how effective and efficient a new Public Art Ordinance could be in reviewing and approving new public art proposed within the community. The Driftless Historium mural meets the criteria as outlined within the Delevan example ordinance, furthers Village goals and objectives, and enhances a key block of downtown Mount Horeb.

However, the commercial message situation requires a discussion by the Plan Commission related to the following items:

1. Should branding, logos, and commercial messages be permitted as part of public art?
 - a. Signage (commercial message) and public art (no commercial message) are inherently treated differently. While in this instance, the commercial message is only a very small portion of the mural, allowing this to be located on a public art piece creates a precedent in that future where proposed public art installations may seek to include a commercial message too.
2. If branding, logos, and commercial messages are permitted to be part of public art, should only that portion of the public art be subject to the Sign Code regulations or should the entire piece of public art be subject to the Sign Code? In this case, that would be 50 sf in the bottom left corner or 450 sf of the entire mural.
 - a. The Sign Code says that public art is exempt from the requirements of the ordinance, but it doesn't currently specify how to regulate public art that contains a commercial message in only one portion. Similar to the situation in item 1 above, how this is handled creates precedent in future proposed public art installations that could include a much larger commercial message or other variation in the split between public art vs. signage.

Overall, my recommendation would be to not permit the logo on this project and treat the entire mural as public art that is exempt from the requirements of the Sign Ordinance. Additionally, I would recommend that the Village pursue the development of a separate Public Art Ordinance that provides a clear set of procedures and requirements for handling this in the future.

If the Village were to continue to default to the Sign Ordinance's Section 17.174(13) that says that a sign is exempt from the regulations of the ordinance if it is a work of art that does not include a commercial message, then there would be nothing for the Village Plan Commission to base an action upon for this project. If it were treated as a Wall Sign under the Sign Ordinance, the size and scale of the proposed mural would not comply. In total, it's currently very difficult to find a regulating mechanism for this project as the Municipal Ordinance is written today.

Village Planner's Recommendations:

I recommend the Plan Commission consider and approve the following requirements for the approval of the Proposed Public Art project at 100 S. Second Street:

1. Require the applicant to install Option B that does not include any branding, logos, or commercial messages.
2. Approval of a public art maintenance agreement between the property owner and the Village of Mount Horeb to be executed prior to construction and be effective for a minimum of five years.
3. Direct Village staff to pursue the development and adoption of a new Public Art Ordinance for the Village of Mount Horeb.
4. Any additional requirements identified by Village Staff, the Village Engineer, the Plan Commission, or the Village Board.

City of Delavan, WI
Friday, November 15, 2024

Chapter 7-15. Public Art Permits

[HISTORY: Adopted by the Common Council of the City of Delavan 8-11-2014 by Ord. No. RC-344 (Title 7, Ch. 15, of the 1997 Code). Amendments noted where applicable.]

§ 7-15-1. Purpose.

- (a) The purpose of this chapter is to establish a permitting process that will allow for and encourage the installation of public art throughout the community. Art contributes to livable, aesthetically pleasing and pedestrian-friendly streetscapes. The experience of public art makes a space seem more welcoming. It helps a community remember its past, honor an ideal, and express its values and concerns to future generations. Public art makes a community more livable and more visually stimulating.
- (b) Specific goals of public art are to:
 - (1) Enhance the City's sense of place in the region by providing unique artwork throughout the community in a manner unlike any other place in the area.
 - (2) Celebrate the City's history and cultural spirit and identity through the creation of art that is accessible to the public.
 - (3) Create a recognizable icon.
 - (4) Enhance the appearance and livability of public spaces through the placement of site-specific art projects that respond to the natural and built landscape.
 - (5) Enliven public spaces.
 - (6) Enhance overall quality and identity of the place and/or building.
 - (7) Strengthen community identity, spirit and collective cultural experience through the placement of public art throughout the City.
 - (8) Allow local, regional, national and international artists to share their creations with the community.
 - (9) Stimulate the economic success of businesses.
 - (10) Attract visitors and leave them with a positive impression and a desire to return.
 - (11) Create a more livable community by linking arts and everyday life with the objective of making Delavan the place of choice to live, work, recreate and raise a family.
- (c) Public art should be designed to complement the visual experience of those who live, work or visit the City of Delavan. In addition, the placement of public art throughout Delavan will contribute to the City's economic draw and be an ongoing educational tool and tourism draw for the community. By virtue of the effort, the community should become a richer place for residents and visitors.
- (d) Through the permitting process, the City is able to: (1) ensure that community objectives of public art are achieved; (2) address any public health, safety, and welfare concerns that may arise relative

to the art media or locations proposed; and (3) verify that public access and long-term maintenance issues are addressed.

§ 7-15-2. Definitions.

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

ALTERATIONS

Includes any change to a permitted public art, including but not limited to any change to the image(s), materials, colors, or size of the public art. "Alteration" does not include naturally occurring changes caused by exposure to the elements or the passage of time. Minor changes that result from the maintenance or repair of the public art shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the art piece is repaired due to the passage of time or as a result of vandalism.

ARTIST

An individual generally recognized by peers as a professional practitioner of the visual arts as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, and production of artwork. It also may include students or youth who are creating public art under the direct supervision of practicing artist/art teacher.

PROJECT INITIATION DATE

The date on which the first art piece included in the permitted public art project is fully or partially installed on a site.

PUBLIC ART

(a) Includes works of art in any media that have been planned and executed with the specific intention of being sited or staged in or have the ability to be viewed from the physical public domain, usually outside and accessible to all. Public art includes all forms of visual art originally created by an artist or under the artist's direction, whether contemporary or traditional in style, that is located outdoors and is visible to the general public. Works of public art to be placed in the community may include:

(1) **SCULPTURE AND KINETIC ART**

Freestanding, wall supported or suspended; in any appropriate material or combination of materials.

(2) **MURALS AND PAINTINGS**

In any appropriate material or variety of materials, with or without collage.

(3) **MOSAICS**

Including tiled composites on walkway, street furniture and wall surfaces.

(4) **WATER FEATURES**

Including fountains, waterfalls and decorative pools.

(5) **EARTHWORKS**

Environmental works in appropriate outdoor sites.

(6) **GLASS**

Including but not limited to ceramics and lighted glass, including neon and plastic.

(7) **FUNCTIONAL ART**

Including decorative furnishings or fixtures, but not limited to gates, railings, streetlights or seating, if created or decorated by artists as unique elements.

(b) To be considered "public art," the art must be located either upon public property or upon private property for which an agreement to which the City is a party is secured and authorizes

the "public art" subject to the conditions included in the agreement. Whether it is on public or private property, "public art" must be freely accessed by the general public during the normal hours of operation of the premises upon which the art is located. All public art projects must be reviewed by the Plan Commission and approved by the Common Council. Public art that is not approved by the Common Council under this chapter shall also be subject to the provisions of the applicable sections of the Zoning Code and any other ordinance that regulates signs and land use, including any applicable overlay district(s).

SPONSOR (also referred to as APPLICANT)

Any person, firm, corporation or association who applies for and secures a public art permit for the purpose of installing public art as provided for in this chapter. The sponsor shall be responsible for ensuring compliance with all requirements and obligation of the permit including but not limited to obligations relating to maintenance of the public art and its removal if a permit is revoked or terminated. The sponsor shall be a party to any and all agreement(s) provided herein.

§ 7-15-3. Eligibility criteria.

- (a) To be considered "public art," the art must be located either upon public property or upon private property for which an agreement to which the City is a party is secured and authorizes the "public art" subject to the conditions included in the agreement. Whether it is on public or private property, "public art" must be freely accessed by the general public during the normal hours of operation of the premises upon which the art is located. All public art projects must be reviewed by the Plan Commission and approved by the Common Council. The following factors are to be considered in approving "public art":
- (1) Achievement of the goals of public art.
 - (2) The appropriateness of the location for public art.
 - (3) The originality and/or aesthetic quality of the work.
 - (4) The appropriateness of the art media selected for the location.
 - (5) Appropriateness of the work, including theme and size, to a chosen location, including scale of artwork to the site and obstacles of the site.
 - (6) The subject matter is consistent with the goals of public art and appropriate for the proposed location.
 - (7) The artist has demonstrated in the design, aesthetic and functional coordination with the architecture of the building/buildings, streetscape and/or landscape.
 - (8) The proposed maintenance plan and funding level is consistent with "best practices" relative to the type of art media proposed.
 - (9) The sponsor of the program has secured the right to locate the public art on either public or private property as evidenced by a written agreement that may be subject to successful completion of this approval process.

§ 7-15-4. Public art location criteria.

- (a) Display of public art throughout the City is encouraged. There may, however, be areas that are not appropriate for an art display. The following criteria will be considered in determining whether a proposed location for public art should be approved:
- (1) Visibility and public access.
 - (2) Public safety.

- (3) Interior and/or exterior traffic patterns.
 - (4) Relationship of art to the site's existing or future architectural or natural features.
 - (5) Function and uses of the facility or site.
 - (6) Future development plans for the area which may affect the public art project.
 - (7) Relationship of the proposed work to existing works of art or design elements within the site's vicinity.
 - (8) Social or cultural context of the proposed artwork relative to the site and its surrounding environment.
- (b) When a public art display is considered for a particular site, consideration will also be given as to whether or not public art in such a location has the potential to:
- (1) Express the values, diversity and character of the neighborhood.
 - (2) Illustrate the cultural heritage or built heritage or other unique qualities inherent to the site, neighborhood, area or community (such as existing/lost landmarks).
 - (3) Recognize the unique natural settings of shoreline, prairie and wetland present in the City.
 - (4) Reinforce spatial networks that link one neighborhood to another.
 - (5) Enrich the visitor's experience of the place.
 - (6) Enhance the pedestrian experience.
 - (7) Inspire new ways of looking at the community.
 - (8) Reveal aspects of the social, historical, physical or commercial context of the site, neighborhood, area or community.
 - (9) Add to the attractiveness, and therefore, inherent value of the site or area.

§ 7-15-5. Public art program criteria.

- (a) A public art project, once approved, cannot be altered, as further clarified below, unless an amendment reviewed by the Plan Commission is approved by the Common Council.

Additionally, public art, once approved, shall:

- (1) Not have any alterations to the permitted public art.
- (2) Not, if attached to a building:
 - a. Exceed the height of the structure or 100 feet, whichever is lower.
 - b. Extend more than six inches from the building facade.
 - c. Cover windows, doors, vents or other architectural elements such as cornices and pilasters.
- (3) Not contain changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).
- (4) Not provide for any compensation from the artist or the City to the property owner. "Compensation" is herein defined as the exchange of something of value, including but not limited to money, securities, a real property interest, the barter of goods or services, the

promise of future payment, or the forbearance of debt, and is given to or received by said property owner, or a leaseholder with the right to possession of the wall upon which the public art is to be placed, for the display of the public art, or for the right to place the public art on the property. The applicant shall certify in the registration application that no compensation for the display of the public art or the right to place the public art on the property will be given to or received by the property owner or leaseholder). (However, nothing herein contained is intended to limit or prohibit the compensation of the artist.)

- (5) Not contain any brand name, product name, or abbreviation of the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message, with the exception of public art that is being created to capture "events" (which may include places, businesses, products, people) of historic value or significance to the Delavan area, except as otherwise approved by the Common Council.
- (6) Remain intact for a minimum of five years subject to the following exceptions:
 - a. The property on which the mural is located is sold and the new owner has requested that the agreement be terminated; or
 - b. The structure or property is substantially remodeled or altered in a way that precludes continuance of the public art.

§ 7-15-6. Public art maintenance criteria.

- (a) Except as otherwise provided for in a written agreement, the sponsor of the project shall retain responsibility for maintenance and regular upkeep of the approved public art per the maintenance plan reviewed and approved in conjunction with the approval of the public art Project. Where appropriate the maintenance plan for the public art shall provide for the treatment of the art with an anti-graffiti coating. If, for any reason, a public art piece is removed, destroyed, or has deteriorated, the owner on which the art is located is responsible for removal except as otherwise provided in a written agreement.

§ 7-15-7. Permit application process.

- (a) A public art permit must be secured for all public art installations. No fee shall be charged for this permit. If the installation is not completed per the approved plan, reinspection fees shall apply.
- (b) Application for a permit for public art must be completed by the sponsoring person, partnership, corporation, limited liability company or other entity and submitted to the Building and Zoning Division of the Public Works Department and shall include the following information:
 - (1) Completed City application form for a public arts permit.
 - (2) Project information on the program including each location (including alternate locations, if any). A dimensioned sketch for each location identifying the boundaries within which the public art element is to be located. Pictures depicting the relationship of the public art element to adjacent buildings and spaces.
 - (3) The overall theme of the public art project and, if applicable, a listing of the specific topics (including alternates, if any) that will be addressed in the individual public art elements of the project.
 - (4) Information on the materials to be utilized for the project and the durability of these materials.
 - (5) Maintenance plan which plan shall include evidence of available funds or a funding source to cover the cost of the maintenance plan as proposed.

- (6) Acknowledgement that agreements must be secured for each location at which public art is to be located, which agreements shall, at minimum, provide rights to the program sponsor to access the property for maintenance purposes and require the owner of the property to commit to maintaining the public art element on the property for a minimum of five years except as otherwise provided for in this chapter.

§ 7-15-8. Permit review process.

- (a) Once submitted, a public art permit application shall be reviewed by the Building and Zoning Administrator as follows:

- (1) The Building and Zoning Administrator shall determine whether the application is complete and whether the proposed project meets the eligibility criteria to be considered a public art project. If the Building and Zoning Administrator determines that the application is not complete or does not fulfill the eligibility criteria to be considered public art, he shall return the application to the applicant. If the Building and Zoning Administrator determines that the application is complete, he shall so notify applicant.
- (2) Upon notifying the applicant that his application is complete, the Building and Zoning Administrator shall review the application and evaluate and comment on whether the public art project as proposed meets the criteria established under the program.
- (3) Upon completion of his review, the Building and Zoning Administrator shall then submit the application to the Plan Commission for review and recommendation to the Common Council as to whether the public art permit should be issued.

- (b) Plan Commission review and recommendation.

- (1) The Plan Commission shall consider the application at a regular or special meeting open to the public. The public art project sponsor shall be in attendance to present a summary of the proposal and to answer questions that may arise at the meeting.
- (2) The Plan Commission shall consider the effectiveness of the proposed public art project in meeting the objectives of and criteria for the program and the effect of the proposed project on the health, safety, morals, and general welfare of the surrounding areas and the overall community. The Plan Commission may request further information and/or additional reports from the Building and Zoning Administrator and/or the sponsor.
- (3) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission is to submit to the Common Council a report on its findings as to whether, in the opinion of the Plan Commission, a public art permit should be approved for the proposed public art project. Said report shall also identify any and all conditions of approval that may be recommended by the Plan Commission.
- (4) If the Plan Commission fails to make a report within 60 days after the adjournment of the public meeting at which this matter was presented (unless extended as provided for in this section), then the Common Council may proceed with the consideration of the public art permit.

- (c) Common Council review and consideration.

- (1) The Common Council shall consider the public art application following receipt of the report from the Plan Commission or following the expiration of the 60-day period if no report is filed.
- (2) The Common Council shall consider the Plan Commission's recommendation regarding the proposed public art project. The Council may request further information and/or additional reports from the Plan Commission, the Building and Zoning Administrator, and/or the applicant. The Common Council shall also consider the effectiveness of the proposed public art project in meeting the objectives of and criteria for the program and the effect of the proposed project on

the health, safety, morals, and general welfare of the surrounding areas and the overall community.

- (3) The Common Council, in the permitting of a public art project, may impose, in addition to the standards and requirements expressly specified by the Municipal Code, additional conditions which the Plan Commission and Common Council consider necessary to protect the best interests of the surrounding area or the City as a whole.
- (4) The Common Council may approve the public art permit application as originally proposed, may approve the application with modifications (per the recommendations of the Building and Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the application.

§ 7-15-9. Effect of denial.

No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except if new information is submitted to the Building and Zoning Administrator sufficient to change his recommendation, or the proof of a change of factors used to deny said application is found to be valid by the Building and Zoning Administrator.

§ 7-15-10. Time limits on completion.

Once a permit for a public arts project has been approved, this project, unless an extension is granted by formal action of the Common Council, must commence ("Project Initiation Date") within 365 days of said approval of the permit by the Common Council, and shall be completed within 730 days of the project initiation date. The failure to initiate or complete the project within the periods set forth herein shall automatically constitute a revocation of the public art permit.

§ 7-15-11. Termination or revocation of an approved permit.

- (a) Any public art project found not to be in compliance with the terms of this chapter and/or the conditions under which a permit for the project was issued under this chapter shall be considered in violation of this chapter and shall be subject to the penalties set forth under § 1-1-7 of this Code of Ordinances. A public art permit may be revoked for such a violation by majority vote of the Common Council.
- (b) Public art created or installed under a public art permit that has been terminated or revoked must be removed within 60 days of the date of the notice to remove, or sooner based upon a finding by the Common Council that it is a detriment to the public health, safety, or welfare. If said public art is not removed within the time period provided in the notice, the City shall have the right, but not the obligation, to either remove or contract for the removal of the non-permitted public art media and shall bill the property owner, or other responsible party as provided for in the agreement, for all costs incurred in taking this action. Any costs incurred shall be in addition to the penalties set forth in § 1-1-7 of the Code of Ordinances.



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
December 4, 2024	

AGENDA ITEM # 6.a

Discuss January 2025 Village Board Meeting date due to the Holiday

BACKGROUND

RECOMMENDATION

ATTACHMENTS

None



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
December 4, 2024	
AGENDA ITEM # 6.b	
Consideration of Dog & Cat Licensing Fees Increase	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	



AGENDA ITEM REPORT

MEETING DATE

December 4, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 6.c

Consideration of Ordinance 2024-16 Moratorium on Electronic Smoking Retailers

BACKGROUND

At last month's meeting we reviewed materials from the City of Monona creating a moratorium on electronic smoking retailers (vape). Based on the Monona ordinance, staff has drafted the attached ordinance for consideration. Attorney Kleinmaier has reviewed and provided his approval for the ordinance. The ordinance puts a temporary hold on the consideration of zoning and building permits for electronic smoking retailers to allow the Village to examine an approach to regulating this type of activity.

There is a large concern in the community about the use of vaping by children and the negative affects of nicotine use are well known. The variety of flavors and devices used for vaping are seen as attractive to young people, and vaping is easier to conceal than smoking a traditional cigarette.

One limitation of the moratorium, as written, only applies to stores where more than 10% of the floor space is devoted to selling vaping products. Right now, besides the newly opened vape/smoke shop, we have at least 4 other retailers that sell these products that would be allowed to continue to sell the products and even to open a new location under the moratorium. Our legal counsel is reviewing the 10% rule in the definition to determine if that is a local or state definition. If it is local, we may want to consider amending that percentage if we are going to adopt this moratorium.

Another issue I see with the moratorium is that it only refers to a moratorium on issuing zoning and building permits. If a vaping shop is coming to an existing building that needs minimal renovation, and is in an approved zoning district for retail renovation, it could open. The only thing they would be prohibited from is adding a sign which requires a building permit. Legal counsel is also researching whether we can withhold the issuance of a cigarette license with the moratorium.

I hope to have answers to these questions prior to the meeting Wednesday night, but even without the clarification, Attorney Kleinmaier is comfortable if the Board chooses to adopt the moratorium.



AGENDA ITEM REPORT

RECOMMENDATION

ATTACHMENTS

1. Ord 2024-16 Vape Moratorium

VILLAGE OF MOUNT HOREB
ORDINANCE 2024-16

IMPOSING A TEMPORARY MORATORIUM ON THE RECEIPT OF APPLICATIONS OR
ISSUANCE OF PERMITS OR APPROVALS FOR ELECTRONIC SMOKING RETAILERS

WHEREAS, the Village Board finds the availability and use of electronic smoking devices may have harmful impacts on the welfare of Village of Mount Horeb residents; and

WHEREAS, Village staff has raised concerns that a proliferation of establishments selling electronic smoking devices or electronic smoking device paraphernalia, particularly when concentrated geographically, can have a negative impact on public health, safety and welfare. Therefore, the Village Board finds that an in-depth examination of its regulations for establishments selling electronic smoking devices or electronic smoking device paraphernalia is timely and necessary. For that purpose, a temporary moratorium on the receipt of applications for, and the issuance of occupancy permits, site plan approval, zoning permits, building permits, or any other licenses or permits for, electronic smoking retailers is deemed appropriate.

NOW, THEREFORE, the Village Board of the Village of Mount Horeb, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Moratorium Imposed. A temporary moratorium on the receipt of applications for, and the issuance of occupancy permits, site plan approval, zoning permits, building permits, or any other licenses or permits for, electronic smoking retailers is hereby established. The moratorium shall be imposed immediately on the effective date of this Ordinance and shall terminate 180 days thereafter, or upon approval or denial of an ordinance regulating electronic smoking retailers, whichever occurs earlier.

SECTION 2. Pending Permit Applications. Any complete application, including payment of all appropriate fees, for any of the above listed permits or approvals for an electronic smoking retailer that has been submitted prior to the effective date of this Ordinance shall be reviewed pursuant to the ordinances in place at the time of application, subject to the requirements and limitations of Wis. Stat. § 66.10015.

SECTION 3. Definitions. The following definitions shall apply with respect to this Ordinance:

ELECTRONIC SMOKING DEVICE

An electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, commonly known as e-cigarettes; an electronic cigar; an electronic cigarillo; an electronic pipe; an electronic hookah; vape pen; or any other product name or descriptor.

ELECTRONIC SMOKING DEVICE PARAPHERNALIA

A cartridge, cartomizer, e-liquid, smoke juice, tip, atomizer, electronic smoking device battery, electronic smoking device charger, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette as defined in Wis. Stat. § 139.30(1m), nicotine product as defined in Wis. Stat. § 134.66(1)(f), or tobacco products as defined in Wis. Stat. § 139.75(12).

ELECTRONIC SMOKING RETAILER

An establishment selling electronic smoking devices or electronic smoking device paraphernalia that has 10 percent or more of the establishment's floor space dedicated to, or more than 10 percent of the establishment's stock-in-trade consisting of, electronic smoking devices or

electronic smoking device paraphernalia.

SECTION 4. Enforcement.

(a) The Village shall have the authority to inspect any electronic smoking retailer during operating hours and to enforce the provisions of this Ordinance.

(b) Failure of an electronic smoking retailer to comply with the requirements of this Ordinance shall constitute grounds for enforcement action and forfeitures by the Village under Chapter 41 of the Village Code of Ordinances, or any other enforcement or other legal actions deemed necessary by the Village.

SECTION 5. Promptly after the effective date of this Ordinance, the Plan Commission and Public Safety Committee shall study the effects on the Village of electronic smoking retailers and prepare a joint report to the Village Board to include recommendations for amendments to the Code of Ordinances, if any, deemed appropriate to address those effects. Prior to forwarding any report to the Village Board, the Plan Commission shall hold a public hearing for input regarding any proposed amendments to the Code of Ordinances as required by law.

SECTION 6. This ordinance shall take effect upon passage and publication as provided by law.

Introduced and passed this ____ day of _____, 2024.

APPROVED:

Ryan Czyzewski, Village President

ATTEST:

Alyssa Gaffney, Village Clerk



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
December 4, 2024	
AGENDA ITEM # 7.a	
Community Development Authority	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	



AGENDA ITEM REPORT

MEETING DATE

December 4, 2024

PREPARED BY

AGENDA ITEM # 7.m

Sustainability and Natural Resources Committee

BACKGROUND

RECOMMENDATION

ATTACHMENTS

None