



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

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

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**HISTORIC PRESERVATION COMMISSION AGENDA**

**Wednesday, June 25, 2025 at 6:00 PM**

Municipal Building Board Room

138 E. Main Street

Mount Horeb, WI

- 1) Call to order
- 2) Public Comments
- 3) Agenda Items
  - a. Consideration of May 28, 2025 Meeting Minutes
  - b. Discussion on Downtown Height Limit in Zoning Code Rewrite
  - c. Review of Awards Form
  - d. Review of Ethics Code
- 4) Local Preservation Group Reports
  - a. Mount Horeb Area Historical Society
  - b. Mount Horeb Landmarks Foundation
- 5) Future agenda items
- 6) 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.

**HISTORIC PRESERVATION COMMISSION AGENDA**  
**Wednesday, May 28, 2025 at 6:00 PM**

**DRAFT MEETING MINUTES**

**1) Call to order**

Chair Marc Schellpfeffer was absent and Jackie Sale called the meeting to order at 6:00 pm in the Board Room of the Municipal Building, 138 East Main Street, Mount Horeb, WI.

**Roll call**

Members Present: Megan Ince, Maura Overland, Jackie Sale, Destinee Udelhoven

Absent: Marc Schellpfeffer

Others Present: Village Administrator Nic Owen, Assistant Clerk Jean Culberson

**2) Agenda Items**

**a. Consideration of April 23, 2025 Meeting Minutes**

Udelhoven Motioned to approve the minutes with the correction that Maura Overland was not in attendance at the meeting, Ince seconded to Consideration of April 23, 2025 Meeting Minutes with correction. Motion carried by unanimous voice vote.

**b. Discussion/Recommendation on Awards Program Form**

The Committee discussed the sample forms and what criteria and limitations should be in the form. Udelhoven to draft the form based on discussion.

**c. Historic Preservation Commission Training Chapter 110: Preservation Community Relationships**

The Commission discussed public awareness and communication and whether the Chamber events could help. Further discussion took place on funding and approvals for the Façade Improvement Grant Program.

**d. Update on Historical Designation Application**

Udelhoven updated on the Main Street property owned by Mark Johnson. The Commission will need to review the application and photographs.

**3) Future agenda items**

- Award draft form
- Historical Society and Landmarks Commission updates
- Ethics
- HPC Training Chapter 11

**4) Meeting adjournment**

Overland Motioned, Ince seconded to Meeting adjournment at 6:36 pm. Motion carried by unanimous voice vote.

**Minutes by Assistant Clerk Jean Culberson**



## AGENDA ITEM REPORT

### MEETING DATE

June 25, 2025

### PREPARED BY

Nicholas Owen, Administrator

### AGENDA ITEM # 3.b

Discussion on Downtown Height Limit in Zoning Code Rewrite

### BACKGROUND

This Committee made the recommendation to the Plan Commission that the height limit of buildings in the downtown zoning district in the new zoning code be tied to the height of the Opera House on Main Street. Following that discussion, we had a surveyor get the heights and elevations of the Opera House. The diagram is included in your packet. Also included in the packet are some screen shots of Google Street Views to show the perspective when approaching the Opera House from the East and West. We want to continue that discussion and make sure everyone is still comfortable with this recommendation. I have also included the bulk dimension table that includes the downtown area for reference.

### RECOMMENDATION

### ATTACHMENTS

1. Mt Horeb Opera Elevation Graphic
2. OperaHouseApproach
3. Mixed Use Bulk Dimmensions

## Mt Horeb Opera House - Graphic









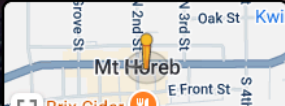


Search Google Maps

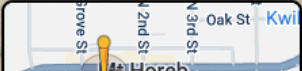
Share

200 WI-78 Trunk  
Mt Horeb, Wisconsin  
Google Street View  
Aug 2023

BIKE TRAIL  
MUSEUM  
PARKING  
VILLAGE HALL



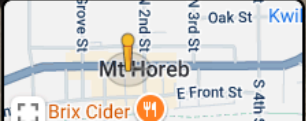
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Mt Horeb, Wisconsin  
Google Street View  
Aug 2023



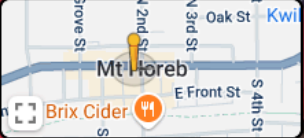
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Mt Horeb, Wisconsin  
Google Street View  
Aug 2023



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Mt Horeb, Wisconsin  
Google Street View  
Aug 2023



← 132 WI-78  
Mt Horeb, Wisconsin  
Google Street View  
Aug 2023



## Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

	NMU	CMU	DMU	INST
	<i>Neighborhood Mixed Use</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
<b>Density and Intensity Limits</b>				
Maximum Impervious Surface Percentage	80%	75%	100%	75%
Maximum Lot Dwelling Unit Density (1)	Based On Minimum Lot Area Provided (1)	Based On Minimum Lot Area Provided (1)	Based On Minimum Lot Area Provided (1)	Based On Minimum Lot Area Provided (1)
<b>Lot Requirements</b>				
Minimum Lot Area (2)	None	15,000 sq ft (2)	None	10,000 sq ft (2)
Minimum Lot Width (at front setback line) (2)	25 ft	75 ft or 25 ft (2)	None	60 ft or 25 ft (2)
Minimum Lot Frontage at Right-of-Way	20 ft	50 ft	None	30 ft
<b>Principal Building Setbacks</b>				
Minimum Front Street and Street Side Corner Setback	10 ft	20 ft	Min: 0 ft Max: 10 ft	20 ft
Minimum Side Yard Setback – Interior (2)	5 ft or 0 ft (2)	10 ft or 0 ft (2)	Min: 0 ft (2) Max: 10 ft	8 ft
Minimum Rear Yard and Attached Deck Setback (3)	20 ft	20 ft	Min: 0 ft (3) Max: 10 ft	25 ft
Maximum Building Height (6)	36 ft or 3 stories	60 ft or 5 stories	Min: 20 ft or 1.5 stories Max: 50 ft or 60 ft or 5 stories (6)	48 ft or 4 stories
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Front-Loaded Garage Setback (for attached garages)	Door shall be no more than 8 ft in front of the plane of the principal structure (4)	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
<b>Accessory Building Requirements</b>				
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code

	NMU	CMU	DMU	INST
	<i>Neighborhood Mixed Use</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
Minimum Side Yard Setback	5 ft	5 ft	5 ft	5 ft
Minimum Rear Yard Setback	5 ft	5 ft	5 ft	5 ft
Maximum Building Height (5)	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft
<b>Minimum Pavement Setbacks</b>				
Minimum Pavement Setback - Street or Right-of-Way (all pavement)	10 ft	10 ft	0 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement)	5 ft	5 ft	0 ft	5 ft
<p>1. Accessory Dwelling Units and In-Family Suites are permitted in the SF-1, SF-2, TF-1, MF-1, and NMU Zoning Districts. For any land use with three or more dwelling units in the same structure, maximum lot density is equal to 1 dwelling unit per 1,200 sq ft of lot area provided.</p> <p>2. When individual attached buildings are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached buildings are located on separate parcels, the minimum lot with and side setback shall be the second figure stated above.</p> <p>3. District is designed to allow alleys in the rear of the lot. See Chapter 18 Subdivision and Platting Regulations for minimum alley dimensions.</p> <p>4. Front porches are not considered part of the front plane of the principal structure. These standards shall only apply to the front yard and not the street side yard on a corner lot.</p> <p>5. Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot.</p> <p>6. For any property located within the Downtown Mixed Use Zoning District, minimum building height shall be 20 feet or 1.5 stories and maximum building height shall be 50 ft or 4 stories if any part of the property directly abuts the Main Street right-of-way or 60 ft or 5 stories for any other property that does not directly abut Main Street.</p>				



HERITAGE  
COMMUNITY  
OPPORTUNITY

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

**Historic Preservation Award  
NOMINATION FORM**

**Village of Mount Horeb Historic Preservation Commission  
138 E Main Street, Mount Horeb WI 53572**

*Notice of Public Record: Be advised that all information contained in this nomination is part of the Village of Mount Horeb's public record and is available for public review.*

**NOMINATION DEADLINE** March 31

**EVALUATION AND SELECTION**

The jury will be made up of the Village of Mount Horeb Historic Preservation Commission members. Nominations will be evaluated based only on information provided in and with the nomination, so be as complete and thorough as possible.

Nominated properties must be fifty years or older and only the EXTERIOR of the property will be considered. All work associated with this Nomination must have been completed within two years of the Nomination submittal.

Each year, up to three award recipients will be publicly recognized at the regularly scheduled May meeting of the Village of Mount Horeb Historic Preservation Commission, during National Historic Preservation Month.

**CATEGORY** (check one)  Residential  Commercial

**PROJECT TYPE** (check all applicable)  Restoration  Adaptive Use

Preservation  Infill/Addition  Cultural Preservation

Other (explain) \_\_\_\_\_

**Name of Nominee** \_\_\_\_\_

**Property Address** (must be within Village of Mount Horeb boundary limits) \_\_\_\_\_

**Telephone number** \_\_\_\_\_

**Email address** \_\_\_\_\_

**Project Start Date** \_\_\_\_\_

**Project End Date** \_\_\_\_\_

**Did this project utilize any loans, grants or tax credits (local, state or federal)? If so, please list.**

\_\_\_\_\_  
\_\_\_\_\_

**PROJECT NARRATIVE**

Please limit to 2,000 characters per section; attach additional pages, if necessary. Note that not all sections will apply to all projects. *[SEE "Addendum A: Project Narrative Guidance" for additional detail on what information to consider including in each section.]*

**History and Significance of Property**

**Project Description**

**Property Condition and Project Challenges**

**Final Result**

**Attach high-resolution photographs of the project (maximum of 8) and, if available, one or more “before” photos. Clearly labeled prints, or a flash drive with descriptive file names are both acceptable.**

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Preparer Name Printed

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Preparer Signature

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Date

**NOMINATOR INFORMATION (if NOT the Nominee)**

Name \_\_\_\_\_

Telephone number \_\_\_\_\_

Email address \_\_\_\_\_

*NOTE: Nominations require the consent of the nominee, and it is the responsibility of the Nominator to obtain this consent. Please verify all information included in and with the nomination with the Nominee.*

Is the Nominee aware and supportive of this nomination? (Check one)  YES  NO

If NO, this nomination will not be considered.

Mail or deliver form and photographs to:

Village of Mount Horeb  
Historic Preservation Commission  
138 E Main St  
Mount Horeb, WI 53572

Questions? Contact 608-437- 6884 or [nic.owen@mounthorebwi.info](mailto:nic.owen@mounthorebwi.info)

## **ADDENDUM A            PROJECT NARRATIVE GUIDANCE**

### **History and Significance of Property**

Provide a brief history of the building, structure or neighborhood context, and its importance to the community. Include a general architectural description of the property and the neighborhood or surroundings, the architectural style, original use and other uses, any association with historic people or events, and any historic designations (i.e. National Register of Historic Places, conservation or preservation zoning) and the date of these designations, if known.

### **Project Description**

Describe the type of project, specifying restoration, rehabilitation, adaptive reuse, infill/new construction, or other. Describe the purpose and scope of the project, including preservation/design philosophy, impetus for the project, the use(s) of the structure, the people it serves, portions of the property affected and unaffected by this project (i.e. interior, exterior), treatment of historic fabric (i.e. painting/treatment of masonry), the manner in which compliance with the Secretary of the Interior's Standards [*SEE "Addendum B: Secretary of the Interior's Standards for Rehabilitation."*] were ensured, and any other pertinent information.

### **Property Condition and Project Challenges**

Describe the original condition of the structure prior to beginning the project (for infill, describe the context of the site). Describe any problematic/unusual challenges encountered, such as funding or financing, technical issues, development pressures, politics, code issues, etc, and how they were resolved, making note of innovative approaches when applicable.

### **Final Result**

Describe the final result and the overall long-term impact of the project, how it advances historic preservation in the Village of Mount Horeb, and how it provides specific benefits to the public. Highlight the ways in which the project is a model for others, illustrating the benefits and possibilities of preservation for similar projects.

## **ADDENDUM B      *The Secretary of the Interior's Standards for Rehabilitation***

*The Secretary of the Interior is responsible for establishing standards for all national preservation programs under Departmental authority and for advising federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places.*

*The Standards for Rehabilitation address the most prevalent historic preservation treatment today: rehabilitation. Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.*

*The Standards that follow were originally published in 1977 and revised in 1990 as part of Department of the Interior regulations. They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.*

*The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.*

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

*4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

*5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

*6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

*7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

*8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

*For more information, visit*

***<https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm>***



## AGENDA ITEM REPORT

### MEETING DATE

June 25, 2025

### PREPARED BY

Nicholas Owen, Administrator

### AGENDA ITEM # 3.d

Review of Ethics Code

### BACKGROUND

Village President Czyzewski requested that all committees review the Village Ethics Policy annually. If you have any questions about the items let me know. The main takeaway from the policy is, if you think you may have a conflict of interest, bring it to Administrator Owen's attention, and he will research and let you know the appropriate action to take.

### RECOMMENDATION

### ATTACHMENTS

1. Approved Code of Ethics

# Ethics Code

## 1. Statement of Purpose.

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

## 2. Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** The following specific blood or marriage relationships:
  - (1) A person's spouse, mother, father, child, brother or sister; or
  - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half ( $\frac{1}{2}$ ) support from such person or from whom such person receives, directly or indirectly, more than one-half ( $\frac{1}{2}$ ) of his support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.

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- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
  - (h) **Staff.** Any full- or part-time employee of the Village.

### **3. Statutory Standards of Conduct.**

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

- (a) **Sec. 19.59.** State Ethics Law.
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

### **4. Responsibility of Public Office.**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for government.

### **5. Dedicated Service.**

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Clerk. The Village Clerk may notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

### **6. Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Use of Village Stationery.** No official or employee shall use, or permit the unauthorized use of, Village stationery for personal use.

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- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
  - (d) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## **7. Conflict of Interest.**

### **(a) Financial and Personal Interest Prohibited.**

- (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation.
- (3) Any non-elected official who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

### **(c) Gifts and Favors.**

- (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
- (2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.

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- (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his residence and would have been offered if the recipient was not an official).
  - (4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Village Board within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Village Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.
- (d) **Representing Private Interests Before Village Agencies or Courts.**
- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
  - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (e) **Ad Hoc Committee Exceptions.** No violation of the conflict-of-interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (f) **Contracts with the Village.** No Village official or employee who, in their capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the Village unless, within the confines of Sec. 946.13, Wis. Stats.:
- (1) The contract is awarded through a process of public notice and competitive bidding or the Village Board waives the requirement of this Section after determining that it is in the best interest of the Village to do so.
  - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

## 8. Advisory Opinions.

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he should apply to the Village Administrator for an advisory opinion from the Village Attorney and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary, but determined by the Village Attorney to be more

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appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

## **9. Hiring Relatives.**

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as Village employees who are members of the immediate family of Village employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2(e) as personal interests.
- (b) Hiring an immediate family member of any current Village employee or elected Village official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person cannot be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village Board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the Village.

## **10. Employees Covered by Collective Bargaining Agreements.**

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

## **11. Employee Protection.**

No appointing authority, agent of an appointing authority or supervisor may initiate or administer, or threaten to initiate or administer, any retaliatory action against a Village employee following an employee's disclosure of information related to the violation of any federal or state law, rule or regulation, the mismanagement or abuse of authority, a substantial waste of public funds, or a danger to public health and safety. Nothing in this Section restricts the right of the Village as an employer to take appropriate disciplinary action against an employee who knowingly makes an untrue statement or discloses information, the disclosure of which is specifically prohibited by federal or state law, rule or regulation.