AGENDA

Village of Chenequa
Monday, March 9, 2020 at 6:00 p.m.
31275 W County Road K, Chenequa, WI 53029

This is official notice that a meeting of the Plan Commission for the Village of Chenequa will be held at 6:00 p.m. on Monday, March 9, 2020, at the Village Hall, 31275 W County Road K, Chenequa. Legal requirements have been met. The following matters will be discussed, with possible actions, as well as any other matters that may come before the Commission:

Call to Order
Pledge of Allegiance

1) Public comment period: Public comments on any subject without any action, except possible referral to a governmental body or staff member

2) Approval of minutes from the Plan Commission meeting held on January 13, 2020

3) Review and consider application for new residence submitted by Timothy Michels of 6775 N State Road 83

4) Review and consider application for lakeside alteration submitted by Chris and Julie Keidl of 4717 N Pine Meadows Drive

5) Review and consider application for lighting and landscaping plans submitted by Gary and Janet Ellis of 5975 Cedarhurst Lane

6) Review and consider an Ordinance adding a new Section 1.15 to the Village Code to adopt a code of ethics applicable to an elective or appointive office of the Village, including but not limited to the Village Administrator, Village Board of Trustees and Village Plan Commission Members; Ordinance No. 2020-03-09-01

7) Building Inspector’s Report

8) Adjournment

Respectfully submitted by:
Pamela Ann Little, Village Clerk

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any other governmental body except by the governing body noticed above.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act shall not be excluded from participation at Village meetings. Requests should be made to the Village Administrator 5 days prior to the meeting for special accommodations.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE
Village Clerk posted this agenda on Tuesday, March 3, 2020 by 3:00 PM

Phone 262-367-2239 • www.chenequa.org
The regular monthly meeting of the Plan Commission for the Village of Chenequa was held on Monday, January 13, 2020. The Plan Commission convened at 6:10 p.m. at the Village Hall, 31275 W County Road K, Chenequa, Wisconsin. The following Members were in attendance:

Ms. Villavicencio / Chairperson – present
Mr. Bellin / Member – present
Ms. Surles / Member – present
Mr. Pranke / Member – absent
Mr. Gallagher / Member – present
Mr. Enters / Member – present
Mr. Kubick / Member - present
Mr. Lipke / Building Inspector - present
Mr. Gartner / Village Attorney – present
Mr. Lincoln / Zoning Administrator-Forester - present
Mr. Neumer / Administrator-Police Chief – present
Ms. Little / Village Clerk – present

Call to Order
Pledge of Allegiance

Public in Attendance
Captain Matthew Carney, Attorney Jonathan Luljak, Scott Byron, Josh Wadziwski, Richard Sherer, C David Myers, Keith Kindred, John Syburg, Peter Feichtmeier, Richard Grunke, Rob and Carol Manegold, Mary Myers, and Fred Wilson

Public Comment
None

Chairman’s Report
No report

Approval of minutes from the joint Plan Commission and Village Board meeting held on December 9, 2019
Motion (Surles/Gallagher) to approve the minutes from the Plan Commission meeting held on December 9, 2019. Motion carried

Review and consider application for an addition to the residence submitted by Dixon and Stephanie Benz of 6060 Brumder Road
Mr. Lipke reviewed the application for the addition. The applicants propose to add a new bedroom, great room and breezeway to the existing single-family structure. This is a legal conforming lot and the current home is a legal conforming structure. The proposed addition meets all side yard setbacks. New roofing
material will be cedar shake with new half-round copper gutters and downspouts. The breezeway area will have a new copper roof.

Motion (Surles/Gallagher) to recommend to the Village Board approval of the proposed addition to the residence submitted by Dixon and Stephanie Benz. *Motion carried*

**Review and consider application for a landscape plan on the lake side submitted by Chris and Julie Keidl of 4717 N Pine Meadows Lane**

Mr. Lipke reviewed the landscape plan application. The applicants propose grading and landscaping on the lake side elevation. The plan includes repaving the upper patio with blue-stone or similar pavers, adding three (3) new terraced boulder walls up the hill and re-constructing the existing steps. All terraced walls will be installed at grade and meet the thirty (30) feet from the ordinary high-water mark of Pine Lake. The proposed terraced walls are over fifty (50) feet to any existing single-family structure on an adjoining lot which complies with Village Code. No new lighting fixtures will be installed at this time.

Motion (Gallagher/Bellin) to recommend to the Village Board approval of the proposed landscape plan submitted by Chris and Julie Keidl. *Motion carried*

**Review and consider application for a new residence submitted by Robert and Carol Manegold of 5106 N Maple Lane**

Mr. Lipke reviewed the application for a new residence. The applicants propose to build a new single-family residence. The home as proposed, does not conform to Village Ordinance as the new home would cross the property line to the south. The property to the south is also owned by the Manegolds. The proposed plan is to join both lots through a Certified Survey Map (CSM) and for the Manegolds to live in the home to the south while the new home is built. All setbacks figured in the table presented are based on property lines as though both parcels were joined together. Building permits shall be conditioned upon a new CSM being created and approved by the Village Board that is substantially the same as the proposed site plan on page A1.2 or combination of two lots pursuant to a deed restriction acceptable to the Village Administrator. After the completion of the new home, the home on what is currently the southern lot is required to be razed prior to occupancy on the new home. The Manegolds shall secure a bond or other similar security approved by the Village Board to ensure demolition of the existing home with the exception of the existing attached garage. The proposed home will meet all side yard setback requirements once the new CSM is created and approved by the Village Board. Lighting and landscape plans were provided. A new stone path to the lake not to exceed four (4) feet in width at any point is also proposed. Exterior finishes, roof and stone examples were provided. The Applicants propose some copper finished roof areas and new copper gutters to be installed with the remainder of the roof to have asphalt shingles. The existing garage is to be left on site. This structure is existing and will be classified as a legal nonconforming structure after razing the current home.

Motion (Bellin/Surles) to recommend to the Village Board approval of the new residence submitted by Robert and Carol Manegold contingent upon: (1) a new CSM being created to join both lots and being approved by the Village Board, and (2) a bond to be held by the Village to ensure demolition of the existing home with the exception of the existing attached garage. *Motion carried*

**Review and consider application for a new residence submitted by Gary and Janet Ellis of 5975 Cedarhurst Lane**

Mr. Lipke reviewed the application for a new residence. The applicants propose to build a new single-family residence. This is a legal conforming lot. The proposed structure is over fifty (50) feet to any existing single-family structure on an adjoining lot. The proposed structure nears the forty (40) foot height of a structure (chimney excluded) per Village Code. Height will need to be verified at final inspection. No lighting plan was provided at this time. Any future lighting plan will require Plan Commission.
recommendation and Village Board approval. Landscape plans were provided. The plan calls for the removal of all existing railroad tie retaining walls and to grade land naturally. The rock retaining wall to the north side of the property will be rebuilt in the same footprint and height as existing. Existing brick path to the south will remain as is. Both existing staircases are to be rebuilt in same footprint and height as existing.

Motion (Gallagher/Surles) to recommend to the Village Board approval of a new residence submitted by Gary and Janet Ellis. Motion carried

**Review and consider Certified Survey Map for a lot line adjustment submitted by the owners of 4978 N Maple Lane**

Mr. Lipke reviewed the application. The applicant proposed to detach .26 acres of land from CSM 10631 at 4978 N Maple Lane (CHQV0415010003). The .26 acres of land is to be combined with the adjoining lot to the north at 5104 N Maple Lane (CHQV0415010002). The .26 acres of land to be combined with 5014 N Maple Lane is to encompass the existing driveway and provide a minimum ten (10) foot separation from the driveway to the new property line. The reduced area of proposed Lot 3 meets the minimum requirements of the Village Code requiring a minimum of two (2) acres for a lot with two hundred (200) or more feet of lake frontage. Lot 3 contains three (3) accessory structures that would be considered legal nonconforming structures after the lot line is adjusted. All structures and the paved access to the eastern two (2) structures are to be razed prior to recording a new CSM.

Motion (Kubick/Enters) to recommend to the Village Board approval of the lot line configuration on the CSM submitted by the owners of 4978 N Maple Lane. Motion carried

**Review and consider Ordinance amending certain provisions in Chapter 5 relative to private driveways and driveway regulations**

Attorney Gartner reviewed agenda items 8 and 9 together. Historically, the predominant mode for roadways in the Village has been private driveways and private roadways with limited regulation. In addition, unlike many municipalities, the Code defines driveways as accessory structures which meant that they were subject to setback requirements which traditionally is not the case and creates design issues particularly in places like Chenequa that serve multiple properties. Additional issues were raised during discussions at the Board level on the division application for the Dorner Certified Survey Map (CSM) last month because no representative was available to understand what was being proposed. Village ordinances require all new roads in the village to be private unless the Village formally accepts and agrees there is going to be a dedication of new public right-of-way. It wasn’t clear what was intended with respect to the easement on the Dorner CSM and what future plans were for the adjacent lands in the Town of Merton. Mr. Dorner nor Mr. Kindred were present at the Village Board meeting to explain what might be contemplated in the future.

Code provisions were then reviewed, specifically, the language in Chapter 6 - Zoning Code, dealing with subdivisions, but the private road and private driveway concepts for CSMs were not addressed. In looking at some surrounding municipalities, in particular Oconomowoc Lake, it would make sense for the Village to consider making a few changes.

The initial change is to change the definition of accessory structure to make it clear that driveways are not included so they don’t have to be setback ten (10) feet from the lot line which is awkward when the driveway is across the lot line.

The other primary change reflected in Chapter 6 is a change that makes the same regulations that apply when you are subdividing land apply when you are creating a CSM to divide the land with respect to roads and drives.
The third change was to come up with a definition for private driveway so that there would be a distinction in driveways and private roads. That distinction in the package has a prior reiteration of the text which was updated and should be the form on file with the Clerk today. Initially, following the Oconomowoc Lake model, the private driveway definition allowed private driveways to serve up to five (5) lots; Oconomowoc Lake was four (4) lots. In discussions with Mr. Lipke, apparently there are situations today in Chenequa where there are private driveways that serve six (6) lots which would make sense to accommodate in the definition existing driveways. I think there were three (3) or four (4) situations where there were up to six (6) lots that are currently served and theoretically there could be potential additional divisions, so the private driveway definition in its final iteration defines a private driveway as a driveway that serves up to six (6) individual lots, but with Village approval could serve up to a total of ten (10) lots. Conceptually, this is to make it clear when the Village is dealing with private driveways and adding the condition that there be a formal easement as opposed to some kind of informal understanding or prescriptive easement when new private drives are created.

Private Roads on the other hand are still permitted but those are regulated in the same way as new private roads when someone creates a formal subdivision which is a division of more lots than just the CSM. Village staff will need to evaluate conditions in the Village and decide long term how much regulation the Village really needs for private roads and private drives. Additional recommendations may be coming forth for additional ordinance provisions in the future.

The proposed changes clarify the status of private drives and make the ordinance provisions applicable to private roads, and the same for divisions accomplished by CSMs as they are for divisions accomplished by a formal subdivision plat which is a larger development.

Motion (Gallagher/Kubick) or recommend approval of the amended provisions in Chapter 5 and Chapter 6 as presented. *Motion carried*

**Review and consider Ordinance amending certain provisions of Chapter 6 relative to private driveways**

Presented above

**Review and consider application for land division submitted by Wolfgang Dorner (5166 N STH 83)**

Mr. Lipke reviewed the application for the land division. The staff review was updated from last month. Mr. Dorner previously divided a lot into two separate lots earlier this year (Recorded CSM No. 11860) and now he would like to divide these two lots into four smaller lots (Lot 1 - 5 acres; Lot 2 - 6.8 acres; Lot 3 - 5 acres; Lot 4 - 8.8 acres; and Lot 5 - 22.10 acres). All lots meet the required five (5) acre minimum area. Approval of the CSM is conditioned upon designation of the easement area as a private driveway and submission of a private driveway easement in form and substance acceptable to the Village Administrator as further described below.

Mr. Kindred shared that the CSM shows the easement coming through as a temporary easement. It is Mr. Kindred’s understanding that the proposed buyer for possibly two lots wanted the reconfiguration. He also explained that the extension on the CSM that goes to the Town of Merton line is for tractor use by the adjacent owner to the east, Mr. Rasmussen.

Attorney Gartner advised that when the prior CSM was approved because access is required, the easement area was depicted and was acceptable but the language on the CSM talks about easement by separate document. We were able to go back and pull up the preexisting easement document from the County Register of Deeds and that easement document does not appear to cover the entire area that is the designated easement on this CSM. Mr. Kindred advised that a separate easement document is being
prepared and can be reviewed but it would not be put in place until the land is sold. Attorney Gartner advised the new easement agreement should be submitted to the Village to cover the entire easement area with the understanding that the easement agreement would need to be recorded in conjunction with any sale. Mr. Kindred did understand and agreed with Attorney Gartner.

Motion (Gallagher/Kubick) to recommend approval to the Village Board of the Certified Survey Map subject to the conditions: (1) Designation of the easement area as a private driveway; and (2) Submission of a private driveway easement in form and substance acceptable to the Village Administrator. Motion carried

Building Inspector's Report
The 2019 year in review report was submitted for the record. The Village had two (2) new homes built.

Administrator's Report
No report

Village Attorney's Report
No report

Adjournment
Motion (Surles/Kubick) to adjourn the meeting of Plan Commission at 6:51 p.m. Motion carried

Respectfully submitted by: Approved and Ordered Posted by:

Pamela Ann Little
Village Clerk

Jo Ann F. Villavicencio
Chairperson
STAFF REVIEW

Date: February 20, 2020

Meeting Date & Time: Monday, March 9th at 6:00 P.M.

To: Plan Commission, Village of Chenequa

From: Planning Department

Subject: Site Plan Review

Architect/Builder: Paul Schultz, Sunarc Studios

Owner: Tim Michels

Location: 6775 State Road 83

Project Description: New Single Family Dwelling

Zoning District: Residence District - Lot Abutting a Lake

<table>
<thead>
<tr>
<th>REQUIRED RES. DISTRICT</th>
<th>PROPOSED PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA: 2 acres</td>
<td>18.445 acres</td>
</tr>
<tr>
<td>LOT WIDTH: AVERAGE 200 L.F. min.</td>
<td>541 L.F.</td>
</tr>
<tr>
<td>YARD SETBACKS: Front (East) 75 ft. min.</td>
<td>1000+ ft.</td>
</tr>
<tr>
<td>Side (North) 25 ft. min.</td>
<td>120+ ft.</td>
</tr>
<tr>
<td>Side (South) 25 ft. min.</td>
<td>50.0 ft.</td>
</tr>
<tr>
<td>Rear (Lake) 75 ft. min.</td>
<td>145.0 ft.</td>
</tr>
<tr>
<td>BUILDING HEIGHT: 40 ft. max</td>
<td>39.83 ft.</td>
</tr>
<tr>
<td>SQUARE FEET OF LIVING AREA 2500 sq. ft. min.</td>
<td>3526 sq. ft.</td>
</tr>
</tbody>
</table>

COMMENTS:

1. The applicant proposes to build a New Single Family Dwelling.

2. This is a legal conforming lot.

3. The proposed structure is over fifty (50) feet to any existing single-family structure on an adjoining lot which complies with Sec. 6.5(4)(c)(i).

4. The structure is proposed near the maximum forty (40) foot height of a structure (chimney excluded) per Sec. 6.5(3)(a)(ii). Height to be verified at final inspection.
5. Lighting and landscaping are not provided at this time and will need to return to Plan Commission for approval.

6. Exterior finishes are outlines on Sheet 4. There will be a cedar shingled roof, cedar vertical board and batten siding and natural stone veneer.

7. If one acre or more of land is to be disturbed, a DNR land disturbance permit shall be obtained at least fourteen (14) days prior to beginning of construction.

8. If it is determined the building site grading plan needs further review for storm water management, a storm water and grading plan shall be reviewed by an engineer of the Village’s choice and paid for by the applicant.

9. A sanitary permit shall be obtained from Waukesha County prior to permit issuance. Or for additions, Waukesha County to issue a preliminary site evaluation. You may obtain the application for the Preliminary Site Evaluation (PSE) on line at www.waukeshacounty.gov/eh.

10. A building permit is required from the Building Inspector prior to start of construction.

c: Dan Neumer, Administrator
   Pamela Little, Clerk
   Cody Lincoln, Zoning Administrator
   Tim Michels, Owner
   Paul Schultz, Sunarc Studios, Architect
   Jacob Lipke, Building Inspector
STAFF REVIEW

Date: February 20, 2020

Meeting Date & Time: Monday, March 9th at 6:00 P.M.

To: Plan Commission, Village of Chenequa

From: Planning Department

Subject: Site Plan Review

Architect/Builder: Architectural Development Services

Owner: Chris and Julie Keidl

Location: 4717 N. Pine Meadows Lane

Project Description: Lakeside Alteration

Zoning District: Residence District - Lot Abutting a Lake

<table>
<thead>
<tr>
<th>REQUIRED RES. DISTRICT</th>
<th>PROPOSED PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA:</td>
<td>2 acres</td>
</tr>
<tr>
<td>LOT WIDTH: AVERAGE</td>
<td>200 L.F. min.</td>
</tr>
<tr>
<td>YARD SETBACKS:</td>
<td></td>
</tr>
<tr>
<td>Front (East)</td>
<td>75 ft. min.</td>
</tr>
<tr>
<td>Side (South)</td>
<td>12 ft. min.</td>
</tr>
<tr>
<td>Side (North)</td>
<td>12 ft. min.</td>
</tr>
<tr>
<td>Rear (Lake)</td>
<td>75 ft. min.</td>
</tr>
</tbody>
</table>

BUILDING HEIGHT: 24 ft. max

40 ft.

COMMENTS:

1. The applicant proposes to move an existing stone fireplace on the lakeside to the adjacent wall and replace the fireplace with a set of doors and windows to mirror the existing openings.

2. This is a legal conforming lot.

3. The proposed structure is over fifty (50) feet to any existing single family structure on an adjoining lot which complies with Sec. 6.5(4)(c)(i).
4. A lighting option has been provided. The carriage style light is approved with either a “dark sky” filament or an opaque light shield to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than fifty (50) feet beyond such structure which complies with Sec. 5.24(7)(b)ii.

5. Exterior finishes are detailed on Sheet 3. Siding, shingles, gutters and trim to match existing home.

6. If one acre or more of land is to be disturbed, a DNR land disturbance permit shall be obtained at least fourteen (14) days prior to beginning of construction.

7. If it is determined the building site grading plan needs further review for storm water management, a storm water and grading plan shall be reviewed by an engineer of the Village’s choice and paid for by the applicant.

8. For additions, Waukesha County is to issue a preliminary site evaluation. You may obtain the application for the Preliminary Site Evaluation (PSE) on line at www.waukeshacounty.gov/eh.

9. A building permit is required from the Building Inspector prior to start of construction.

c: Dan Neumer, Administrator
    Pamela Little, Clerk
    Cody Lincoln, Zoning Administrator
    Chris and Julie Keidl Owner
    Architectural Development Services, Architect/Builder
    Jacob Lipke, Building Inspector
Date: February 27, 2020

Meeting Date & Time: Monday, March 9th at 6:00 P.M.

To: Plan Commission, Village of Chenequa

From: Planning Department

Subject: Site Plan Review

Architect/Builder: Deep River Partners

Owner: Janet and Gary Ellis

Location: 5975 Cedarhurst Lane

Project Description: Lighting and Landscape Plan

Zoning District: Residence District - Lot Abutting a Lake

COMMENTS:

1. The applicant proposes a lighting and landscape plan for the previously approved new single family dwelling.

2. This is a legal conforming lot.

3. All tree removal and planting within seventy-five (75) feet of the shoreline to be done by a permit obtained through the Village Forester.

4. Page E1.0 details placement of down lights for stairs adjacent to home and frosted lights for entry piers.

5. All lights on pages E2.0, E2.1 and E2.2 labeled as “A,” “H-1,” “H-2,” “EA,” “EB,” “EC,” “ED” and “EE,” are recommended for approval if “fitted with an opaque light shield to prevent direct visibility of the lamp” to comply with Sec. 5.24(7)(b)ii.

6. All lights on pages E2.0, E2.1 and E2.2 labeled as “G” or “G2” do not comply with Sec. 5.23(5) that “all outdoor lighting within the Village shall be fully shielded or designed, located and/or downward directed and shielded” as they are upward directed lights. Sec. 5.23(8)(b) however provides an exemption for “Low voltage landscape and accent lighting.” The aforementioned up lights are all low voltage. They are all dimmable and on a timer. Two shielding options are provided for these lights. The Plan Commission shall make a recommendation to the Village Board as to whether these lights can be approved as “accent lighting.”

c: Dan Neumer, Administrator and Pamela Little, Clerk
Cody Lincoln, Zoning Administrator
Janet and Gary Ellis, Owners
Erik Hojnacke, Deep River Partners, Architect
Jacob Lipke, Building Inspector
1.5 BOARD OF TRUSTEES.

(1) NUMBER. The Village Board of Trustees ("Trustees") shall consist of seven (7) members.

(2) BY-LAWS.

(a) MEETING LOCATION. All meetings of the Village Board shall be held at the Village Hall, 31275 W. County Road K, Chenequa WI 53209 and at such other locations as specified in the Village Board’s Public meeting notices.

(b) MEETING ATTENDANCE. Each Trustee shall be expected to attend all meetings except as they are prevented by a valid reason.

(c) REGULAR MEETINGS. Regular meetings of the Village Board shall be held on the second Monday of each month at 6:30 p.m. or immediately following adjournment of the Plan Commission. If such day falls on a holiday, the regular meeting for that month shall be held on the following Monday at the same time. No notice to members of the Village Board shall be required for regular meetings.

(d) SPECIAL MEETINGS. Special meetings of the Village Board may be called by any two Trustees or by the President by notice in writing filed with the Village Clerk Treasurer, who shall thereupon notify all of the Trustees in the manner herein provided.

(e) Notice of special meetings shall be given by the Village Clerk-Treasurer by a letter in writing duly stamped and addressed to the Trustees and placed in the mail at least forty-eight (48) hours before time set for the meeting or by personal service of said notice upon the Trustees at least twenty-four (24) hours before the time set for the meeting. If all of the Trustees are present and consent in writing thereto, waiving such notice, a special meeting may be held forthwith.

(f) QUORUM. At any and all meetings of the Village Board, four (4) members shall constitute a quorum for the transaction of business.

(g) OPEN MEETINGS LAW COMPLIANCE. All meetings shall be held in compliance with Wisconsin open meetings laws, as enumerated under Sections 19.81 to 19.98 Wisconsin Statutes.

(h) PARLIAMENTARY AUTHORITY. The rules contained in Robert's Rules of Order, latest revised edition, shall govern the parliamentary procedure of the meetings, in all cases in which they are not inconsistent with these by-laws and any statutes applicable to the Village Board.

(i) GENERAL.

(i) An affirmative vote of the majority of all members of the Village Board present at the time shall be necessary to approve any action before the Village Board unless otherwise required under applicable law. The President may vote upon and may move or second a proposal before the Village Board.

(ii) Any rule or resolution of the Village Board, whether contained in these by-laws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which two-third (2/3) of the Trustees are present and two-thirds (2/3) of those present so approve.

(iii) These by-laws may be amended at any regular meeting of the Village Board by majority vote of all Trustees.

These by-laws may be amended, altered or repealed in whole or in part at any regular meeting, or at any special meeting called for that purpose.
VILLAGE OF CHENEQUA
ORDINANCE NO. 2020-03-09-01

AN ORDINANCE TO CREATE A NEW SECTION 1.15 IN CHAPTER 1 OF THE VILLAGE CODE ADOPTING A MUNICIPAL CODE OF ETHICS

WHEREAS, local officials are governed by a state code of ethics that sets forth minimum requirements under Section 19.59 Wisconsin Statutes; and

WHEREAS, the Village Board of the Village of Chenequa desires to adopt a municipal code of ethics to applicable to elective and appointive offices or positions within the Village of Chenequa in order to clarify and supplement the minimum requirements set forth under state law.

NOW, THEREFORE, the Village Board of the Village of Chenequa, Waukesha County, Wisconsin, does hereby ordain and adopt Section 1.15 of the Village Code as follows:

SECTION 1

Section 1.15 of the Village of Chenequa Code entitled, “Code of Ethics” Section 1.15 is hereby adopted as follows:

1.15 CODE OF ETHICS

1. DECLARATION OF FINDINGS

The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of government 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 this Code of Ethics for Village officials. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the Village and its residents. The Village Board finds that this Section will help avoid conflicts, will improve standards of public service, and will promote and strengthen the confidence of Village residents in their public officials. This Section is enacted pursuant to the authority set forth in Section 19.59 Wisconsin Statutes.

2. DEFINITIONS

The terms used herein shall be defined as follows:

ANYTHING OF VALUE — Any money or property, favor, service, payment, advance, forbearance, loan or promise of future payment, but does not include compensation and expenses paid by the Village, fees and expenses which are permitted and reported under Section 19.56 Wisconsin Statutes, political contributions which are recorded under Chapter 11 Wisconsin Statutes, or hospitality extended for a purpose unrelated to Village business by a person other than an organization.

ASSOCIATED — When used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee,
4. OFFER OR ACCEPTANCE OF GIFTS; OVERNIGHT TRAVEL WITH VENDOR

No person may offer to give a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. An item offered or received with a fair market value greater than $10 shall give rise to a rebuttable presumption that the item could reasonably be expected to influence the local public official or be considered a reward. Any overnight trip, regardless of its purpose, taken by a local public official with a vendor doing business with the Village is prohibited unless prior approval by the Village Board of the local public official is received.

5. EXAMPLES OF PROHIBITED GIFTS

By way of illustration and not limitation, the following gratuities shall be considered anything of value, the receipt of which by a public official may be in violation of subsection 4 above. These are examples only, and receipt of any other gratuities of like value are also prohibited. Examples are food and/or drink offered in connection with meetings concerning Village government, bottles of liquor, turkeys and meals.

6. EXAMPLES OF PERMISSIBLE GIFTS

For the purpose of illustration and not limitation, the following items shall not be deemed to be anything of value for purposes of subsection 4 above. These are examples only, and other gratuities of like value may also be acceptable. Examples are promotional items of small value with advertising prominently displayed, such as baseball caps, calendars, pens, pencils and ash trays.

7. CONFIDENTIAL INFORMATION

No local public official shall use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person if such information has not been communicated to the public or is not public information.

8. USE OF VILLAGE PROPERTY

No local public official shall use or permit the use of any Village property for personal convenience, use or profit.

9. EQUAL TREATMENT

No local public official shall grant special consideration, treatment or advantage to any person.

10. CONFLICT OF INTEREST; EXCEPTION.

A. Except as otherwise provided in subsection 4 above, no local public official may:

   (1) Take an official action affecting a matter in which the official, a member of his or her immediate family or an organization with which the official is associated has a substantial financial interest.
(2) Use his or her office or position in a way that produces or assists in the production of financial gain or a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family, whether separately or together, or an organization with which the official is associated.

(3) Use or attempt to use his or her public position to influence or gain unlawful advantage or privileges for himself or herself or others.

B. This Section does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses nor does it prohibit a local public official from taking official action with respect to any proposal to modify Village law so long as the requirements of subsection 12 below are observed. This Section does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 Wisconsin Statutes.

11. PUBLIC CONTRACTS

No local public official shall violate Section 946.13 Wisconsin Statutes, titled "Private interest in public contract prohibited."

12. DISCLOSURE OF INTEREST IN LEGISLATION

Any local public official who has a financial interest or personal interest in any proposed legislation before the Village Board or a constituent committee shall disclose on the record of the Village Board or the constituent committee the nature and extent of such interest.

13. ETHICS DECISIONS

The Village Board shall review and decide upon the ethics issues regulated under this Section in the manner set forth in subsection 14 below. In the event a Village Board Trustee is involved in an ethical issue that is before the Village Board for review and decision, such individual shall be excluded from voting and deciding on the matter.

14. ENFORCEMENT; VIOLATIONS AND PENALTIES

A. Complaint. Anyone desiring to report an alleged violation of this Section shall submit a verified complaint to the Village Board.

B. Investigation. Investigation of an alleged violation of this Section following submission of a verified complaint shall be conducted by the Village Board if the Village Board first finds that the complaint sets forth a probable violation. Once the Village Board determines that the complaint sets forth a probable violation, it shall continue to investigate the complaint as necessary and:

(1) Cause notice to be given to the subject of the complaint. Such notice shall specify the charges against the subject as well as a notice that the subject may file a written statement of his or her response to the complaint.

(2) Schedule and hold hearings on the complaint, if and as necessary.

(3) Hear the subject's position and the testimony of witnesses, if any.

(4) Permit the subject and the complainant to call such witnesses as either desires and to
cross-examine the witnesses of the other.

(5) Consider the evidence presented and make findings thereon.

(6) By the Village Board President, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.

(7) Based upon the evidence presented to it, determine whether or not to seek imposition of a forfeiture.

(a) If a forfeiture is deemed advisable, the Village Board may direct the Village Attorney to start action in the name of the Village against the violator. When deciding to seek imposition of a forfeiture, the Village Board shall, at the time of notifying the Village Attorney, serve notice by mail upon the subject to the effect that a forfeiture will be sought against the subject, specifying the amount and that court action may be avoided if the amount specified is paid within thirty (30) days of the date of the notice. If a person against whom the Village Board decides to seek imposition of a forfeiture fails to pay the amount specified by the Village Board within thirty (30) days of the date of the notice, the Village Attorney shall initiate an action for the collection of the forfeiture in Circuit Court.

(b) If the Village Board determines that a violation of this Section occurred but it does not desire to seek a forfeiture, the Village Board may take other appropriate action as it sees fit. Other appropriate action may include issuing a written warning setting forth the specified violation. A violation of any provision of this Section may constitute a cause for suspension or removal from office or employment. Any Village Board member who is found to have violated any provision of this Section, in addition to any other penalties as prescribed herein by law, may be required to forfeit any per diem payments otherwise due and owing if the violation occurred during an event or meeting at which that member conducted or engaged in official Village business.

C. Penalty. For each violation of a provision of this Section for which no penalty is specified, the violator shall forfeit not less than $100 nor more than $1,000 for each offense.

D. Executive session. Pursuant to Section 19.85(1)(a), (b) and (f) Wisconsin Statutes, the Village Board shall conduct its hearing in executive session unless the subject requests an open hearing.

E. Records. All records of the Village Board relating to enforcement of this Section shall be closed to public investigation until a determination has been made by the Village Board, pursuant to this Section, that a violation of this Section has occurred. If the recommended discipline is a written warning, the Village Board shall further determine whether or not said warning shall be a public or private reprimand. All determinations by the Village Board as to public reprimands or warnings, or requests for forfeiture actions against a Village official or employee, shall be open records and accessible to the public.

15. ADVISORY OPINIONS

Any person subject to the provisions of this Section may at any time request the Village Board to issue an advisory opinion as to the applicability of this Section to any given set of facts. Such request shall be as detailed as possible and shall be in writing. The Village Board may request
legal assistance from the Village Attorney, if necessary. Advisory requests and opinions shall be kept confidential, except where disclosure is authorized by the subject of the inquiry, in which case the request and opinion may be made public.

SECTION 2. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.


VILLAGE OF CHENEQUA

By: __________________________________________
    Jo Ann F. Villavicencio
    Village President

Attest:

________________________________________
Pamela Ann Little
Village Clerk-Treasurer

Date Adopted: March 9, 2020
Date Posted: March 10, 2020