



# Village of Mount Horeb

138 E Main St

Mount Horeb, WI 53572

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

Email: [mhinfo@mounthorebwi.info](mailto:mhinfo@mounthorebwi.info) Website: [www.mounthorebwi.info](http://www.mounthorebwi.info)

---

## VILLAGE BOARD WEDNESDAY, AUGUST 1, 2018

The Village Board of the Village of Mount Horeb will meet on the above date at 7:00pm in the Board Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order  
Pledge of Allegiance  
Roll call
- 2) Public Comments – non-agenda items
- 3) Consent Agenda:
  - a) July 11, 2018 Village Board minutes
  - b) Operator's License applications: Lacey Evanson, Georgann Conrad, Dale Graff, and Jonathan Halverson
  - c) Temporary Operator's License applications: Daniel Arntsen and Eric Brinkmann for Mount Horeb Fire Department September 2 & 3, 2018 event; Mark Webber for Mount Horeb Rotary Club August 15, 2018 event
  - d) Street Use Permit applications: Mount Horeb Fire Department 7:30am September 1, 2018 thru 5:00pm September 3, 2018 Front St from Grove St to First St and First Street north to Post Office parking lot; Mount Horeb Area Historical Society/Driftless Historium 2pm-11:30pm November 2, 2018 Front St between First St and Second St
  - e) Public Amusements and Shows Application: For Mount Horeb Fire Department September 2, 2018 7:30am-12 midnight
- 4) Discuss and take action on Petition for Direct Legislation filed with the Village, which includes the Village Board approving either a resolution or an ordinance related to the Petition
- 5) Consider Resolution 2018-22, "CONDITIONAL USE PERMIT FOR IN-VEHICLE SALES AND SERVICE NORTH CAPE COMMONS SUBDIVISION, LOT 150" to allow drive-up banking at proposed Summit Credit Union branch

- 6) Consider draft ordinance 2018-06, "AN ORDINANCE TO CREATE 9.12.5" regarding sexting
- 7) Committee reports:
  - a. Mount Horeb Area Chamber of Commerce
  - b. Mount Horeb Area Joint Fire Department
  - c. Library Board
  - d. School Liaison
  - e. Parks, Recreation, and Forestry Commission
  - f. Plan Commission
  - g. Public Works Committee
  - h. Public Safety Committee
  - i. Finance/Personnel
  - j. Utility Commission
  - k. Public Safety Building Committee
  - l. Tourism Commission
- 8) Village President's report
- 9) Village Administrator's report
- 10) Village Clerk/Deputy Treasurer's report
- 11) Adjourn

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 GROSS, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-6884.

VILLAGE OF MOUNT HOREB  
VILLAGE BOARD MEETING MINUTES  
JULY 11, 2018

The Village Board met in regular session in the Board Room of the Municipal Building, 138 E. Main Street, Mount Horeb, WI.

Call to Order/Roll Call: Village President Littel called the meeting to order at 7:00pm. Present were Trustees Hill, Scott, Yauchler, Czyzewski, and Goltz. Trustee Monroe was absent. Also present were Administrator Nic Owen, Assistant Administrator Kathy Hagen, and Clerk/Deputy Treasurer Alyssa Gross. The Pledge of Allegiance was recited.

Public Comments: Rebekah Klemm and Jamie Hagenow requested a petition/ordinance be added to the August Village Board Agenda regarding experimentation on cats and dogs.

Consent Agenda: Czyzewski moved, Hill seconded to approve the following consent agenda items: June 6 and June 12, 2018 Village Board minutes; Finance & Personnel Committee Mission Statement; **Operator's** License applications for approval-Sophie Krone, Nathan Faust, Maxwell Handrich, Ashley Brickner, Melinda Thomas, Courtney Guenther, Krista Taylor, Logan Arneson, Julie Bergey, Emily Wagner, Reilly Fleming, Allison Junck, Sarah Wagner, Sandra Woodruff, Alice Aschliman, Stacy Dickson, Donovan Ott, Shianna Schmit-Colvin, Krisann Holthaus, Heather McKee, Tracy Doeringsfeld, Mathilde Cormier Tardif; Original Alcohol Beverage Retail License Application for approval: Ten Two LLC; Renewal Alcohol Beverage License Application: **Fink's Café LLC**; Resolution 2018-20 "CONDITIONAL USE PERMIT TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT AT 126 E MAIN STREET" for martial arts studio; Resolution 2018-15, "**CONDITIONAL USE PERMIT TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT AT 209 E MAIN STREET**" for restaurant and craft bar; Five Year Road Program Improvement Program 2019-2023; Street Use Permit Application for Mount Horeb Area Chamber of Commerce Fall Heritage Festival 6am October 6, 2018 thru 5pm October 7, 2018. Motion carried by unanimous voice vote.

Consider Memorandum of Understanding with the Mount Horeb Veterans Memorial Association: Don Hartman and Joe Williams gave an update on the project. The memorandum was discussed. Scott moved, Czyzewski seconded to accept the Memorandum of Understanding, subject to removing all the language pertaining to the design and/or construction of a public restroom facility, and the language pertaining to ongoing grounds maintenance, with the understanding that these items will be re-visited at a later date. Motion carried by unanimous voice vote.

**Consider appeal of denied Operator's License application for Brandon Parks-Larson:** Parks-Larson was present to explain his past convictions in relation to the denial of his application. He also spoke about his current character and his position at Norsk

Golf Bowl. Scott moved, Goltz seconded to approve a 1-year operator license, conditional upon Parks-Larson receiving no "non-traffic" related charges in the time being. Motion carried by unanimous voice vote.

Consider award of E Front/S Third St 2018 Street Improvement bid: Hill moved, Scott seconded to award the bid to Maddrell Excavating. Motion carried by unanimous voice vote.

Update on Cardinal Hickory Creek transmission line: Hill gave an update on the timeline of the application process and public comments for the transmission line.

Committee reports: Committee reports were heard with none requiring Village Board action.

**Village President's report:** Littel commented that the Frolic had a great turnout, and he thanked the Frolic Committee. He also sent out thoughts and prayers to Sun Prairie.

**Village Administrator's report:** Owen stated that the Plan Commission approved an amendment to the design review for the 6 & 10 Mobil. He also added that the dividend check from the League of Wisconsin Municipalities Mutual Insurance this year was \$22,440, which is larger than past years.

**Village Clerk/Deputy Treasurer's report:** Gross stated that in-person absentee voting starts on Monday, July 16<sup>th</sup> in the Village Office for the Partisan Primary Election on Tuesday, August 14<sup>th</sup>.

Consider purchase of Fire Department property at 120 S First Street. The Village Board may enter into closed session per Wis. Stat. §19.85(1)(e) for purposes of the investing of public funds: Czyzewski moved, Hill seconded to convene to closed session at 8:17pm. Motion carried by roll call vote.

Consideration of TID 4 incentives for the proposed Oak Ridge Senior Housing Project from JTKlein Inc. The Village Board may convene in closed session as authorized by Wisconsin Statute Section 19.85(1)(e) for purposes of the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session: Czyzewski moved, Hill seconded to convene to closed session at 8:18pm. Jacob Klein, President of JTKlein and Jocelyn Friedman, Development Associate for JTKlein, spoke about the funding for the project. Motion carried by roll call vote.

**Consider Village Administrator's Annual Performance Review. The Village Board may enter into closed session per Wis. Stat. §19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or**

exercises responsibility: Scott moved, Goltz seconded to table this item. No closed session needed. Motion carried by unanimous voice vote.

The Village Board may reconvene to open session for any discussion or action on the subject matters discussed in closed session: Goltz moved, Yauchler seconded to reconvene to open session at 9:04pm. No action was taken. Motion carried by unanimous voice vote.

Adjournment: There being no further business before the Board, Goltz moved, Scott seconded to adjourn the meeting at 9:05pm. Motion carried by voice vote.

Minutes by Alyssa Gross, Clerk/Deputy Treasurer

DRAFT

# VILLAGE OF MOUNT HOREB

## RESOLUTION 2018-23

### RECITALS

- A. Section 9.20 of the Wisconsin Statutes outlines the procedure by which electors may file a petition for direct legislation with a governmental body.
- B. Pursuant to Wis. Stat. § 9.20, Dane4Dogs filed a petition, accompanied by a draft resolution, with the Village of Mount Horeb, seeking to include the question identified below on the November 6, 2018 ballot as a binding referendum.
- C. The Village Clerk has certified as sufficient the petition and resolution filed by Dane4Dogs.
- D. The Village Board deems it appropriate to have a binding referendum to obtain information from the Village residents with respect to the Village residents' position on the use of dogs and cats in experiments that involve pain or distress.

### RESOLUTION

NOW, THEREFORE, the Village Board of the Village of Mount Horeb hereby resolves as follows:

1. The following question shall be submitted to and voted upon by the Village electorate at the November 6, 2018 General Election, as a binding referendum:

Shall the Village of Mount Horeb amend the Municipal Code to declare possession of dogs and cats for the purpose of transporting them outside the village for experimentation, and experiments involving pain or distress on dogs and cats, as a public nuisance offending morals and decency?

A Yes vote means supporting the use of modern technology, such as human cell culture tests, organs on a chip, and computer models, to advance scientific discovery in place of dogs and cats in experiments that involve pain or distress. Experiments that do not involve pain or distress to the dog/cat will not be affected and will continue unchanged. A yes vote will also prevent possession of dogs and cats for the purpose of transporting them outside of the village for experimentation.

A No vote means supporting continued use of dogs and cats in experiments that involve pain or distress. A No vote will also continue to allow the possession of dogs and cats for the purpose of transporting them outside the village for experimentation.

2. If the majority of the electors vote “Yes”, Ordinance Amendment 2018-07 will go into effect immediately upon posting/publication pursuant to law, following the November 6, 2018 General Election.

ORDINANCE 2018-07  
VILLAGE OF MOUNT HOREB

AN ORDINANCE TO AMEND MUNICIPAL CODE SECTION  
10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin, does ordain that the following chapter of the Municipal Code of the Village of Mount Horeb be amended as follows:

1. CHAPTER 10 PUBLIC NUISANCES SECTION 10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY (addition in bold):

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of §10.02:

- (1) GAMBLING DEVICES. All gambling devices and slot machines.
- (2) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Municipal Code.
- (3) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.
- (5) RESEARCH DOGS/CATS. (a) Any place or premises where cats or dogs are possessed for the purpose of taking or sending the cat or dog outside the village to be used for any medical, surgical, or**

**chemical investigation, experiment, research, or demonstration OR (b) any place or premises where cats or dogs are used for medical, surgical or chemical investigation, experiment, research or experimentation involving pain or distress to the animal.**

*This ordinance shall be effective upon passage and posting/publication pursuant to law and shall pertain to all activities commencing on or after the legal publication date of the ordinance.*

3. The Village Administrator and Village Clerk shall take all necessary steps to implement this Resolution.

4. This Resolution supersedes and amends any previous Resolutions approved by the Village Board addressing the subject contained herein.

*This Resolution was approved at a meeting of the Village of Mount Horeb Village Board held on August 1, 2018.*

APPROVED:

---

Randy J. Littel, Village President

---

Alyssa Gross, Village Clerk



ORDINANCE 2018-07  
VILLAGE OF MOUNT HOREB

AN ORDINANCE TO AMEND MUNICIPAL CODE SECTION  
10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin, does ordain that the following chapter of the Municipal Code of the Village of Mount Horeb be amended as follows:

1. CHAPTER 10 PUBLIC NUISANCES SECTION 10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY (addition in bold):

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of §10.02:

- (1) GAMBLING DEVICES. All gambling devices and slot machines.
- (2) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Municipal Code.
- (3) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.
- (5) RESEARCH DOGS/CATS. (a) Any place or premises where cats or dogs are possessed for the purpose of taking or sending the cat or dog outside the village to be used for any medical, surgical, or chemical investigation, experiment, research, or demonstration OR (b) any place or premises where cats or dogs are used for medical, surgical or chemical investigation, experiment, research or experimentation involving pain or distress to the animal.**

*This ordinance shall be effective upon passage and posting/publication pursuant to law and shall pertain to all activities commencing on or after the legal publication date of the ordinance.*

*The foregoing ordinance was duly adopted by the Village Board of the Village of Mount Horeb at a regular meeting held on August 1, 2018.*

APPROVED:

\_\_\_\_\_  
Randy J Littel, Village President

ATTEST:

\_\_\_\_\_  
Alyssa Gross, Village Clerk

ADOPTED: \_\_\_\_\_  
POSTED/PUBLISHED: \_\_\_\_\_

DRAFT



MILLER'S GROCERY

SUBWAY

OLD NATIONAL BANK

PROPOSED SUMMIT CREDIT UNION

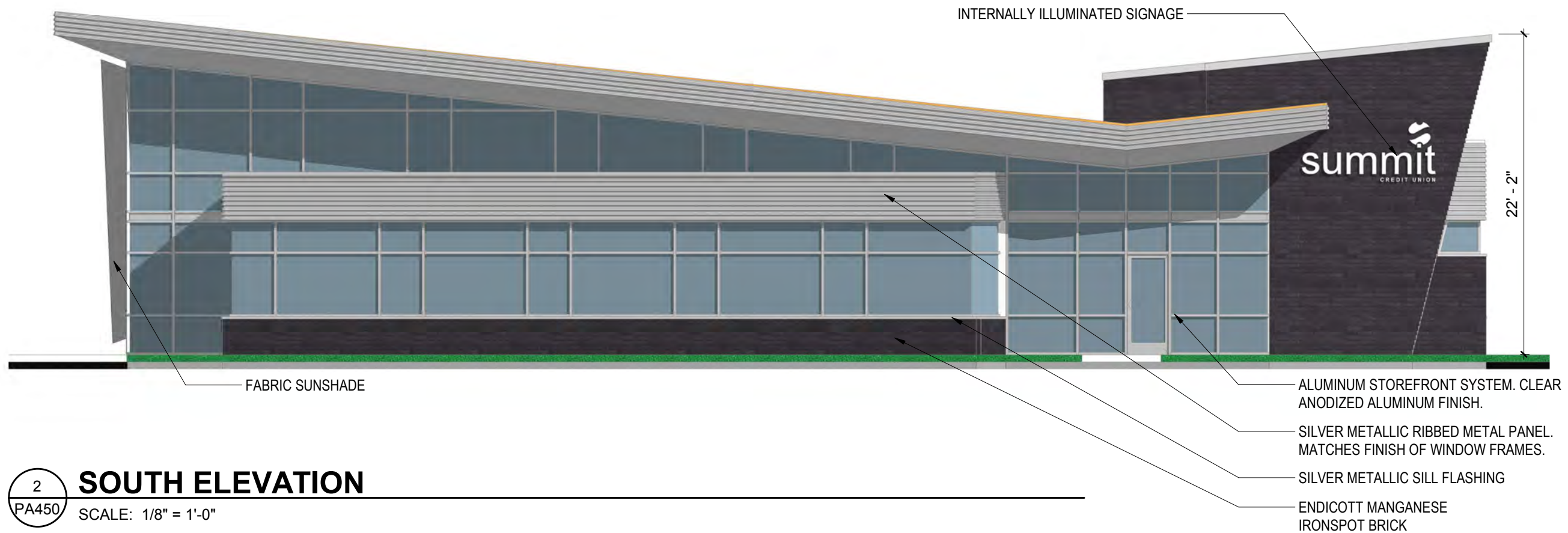
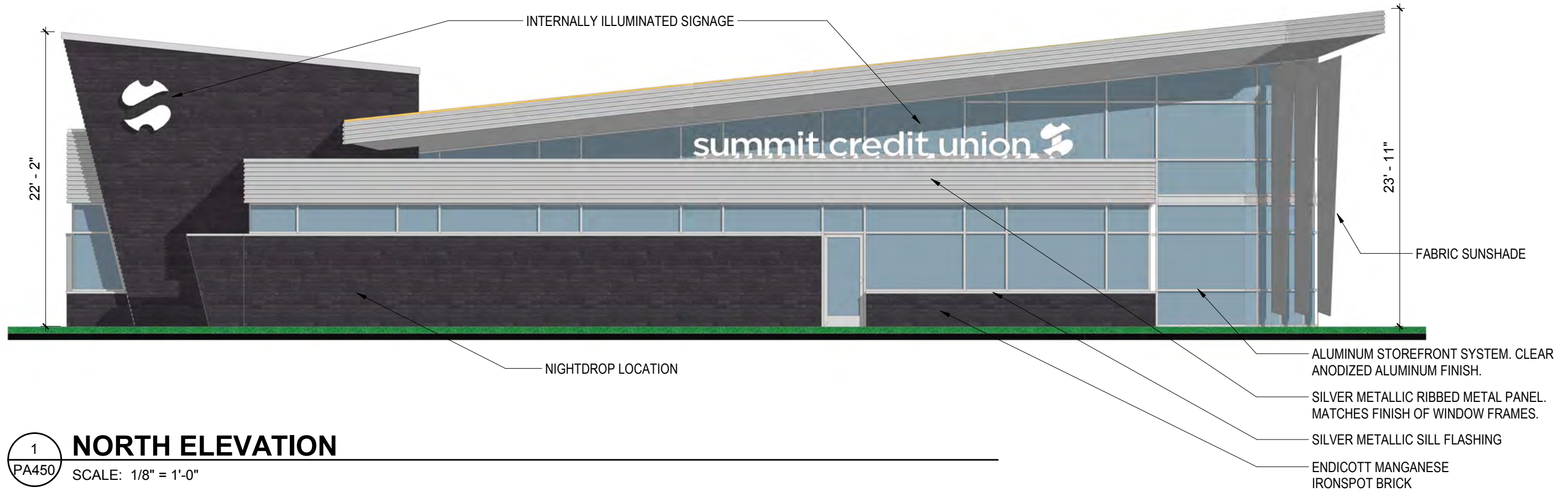
LOT 150

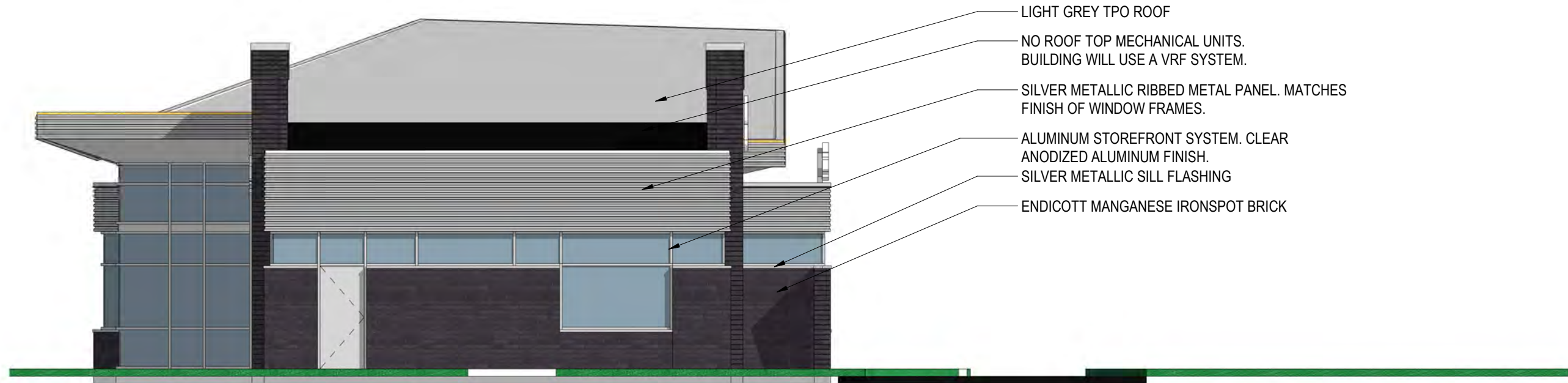
© 2018 Google

Google Earth

Imagery Date: 6/12/2014 43°00'32.28" N -89°42'41.76" W elev 1176 ft eye alt 2576 ft

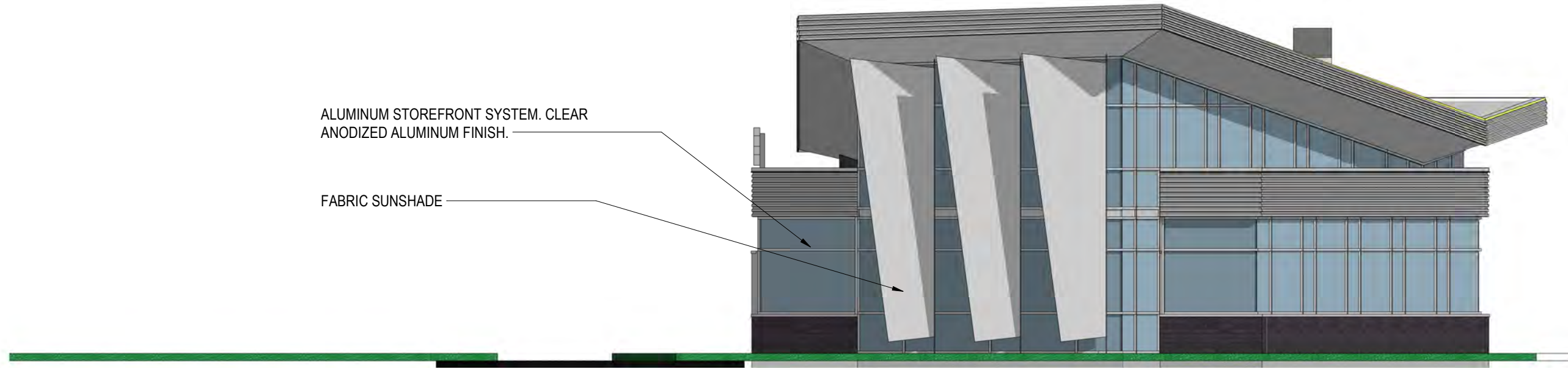






- LIGHT GREY TPO ROOF
- NO ROOF TOP MECHANICAL UNITS. BUILDING WILL USE A VRF SYSTEM.
- SILVER METALLIC RIBBED METAL PANEL. MATCHES FINISH OF WINDOW FRAMES.
- ALUMINUM STOREFRONT SYSTEM. CLEAR ANODIZED ALUMINUM FINISH.
- SILVER METALLIC SILL FLASHING
- ENDICOTT MANGANESE IRONSPOT BRICK

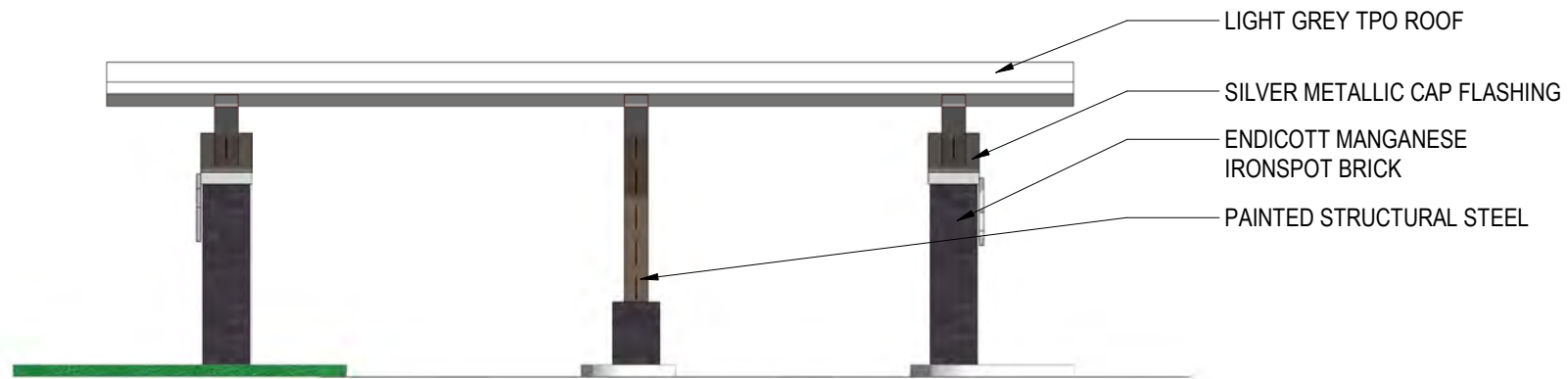
**1 EAST ELEVATION**  
 PA451 SCALE: 1/8" = 1'-0"



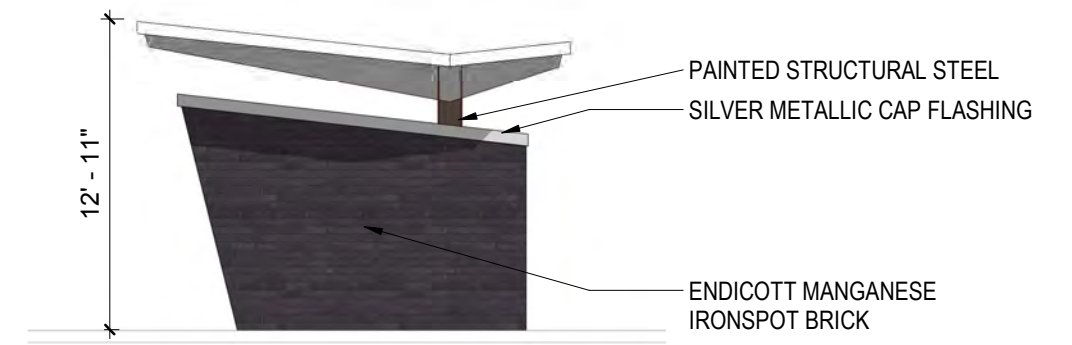
- ALUMINUM STOREFRONT SYSTEM. CLEAR ANODIZED ALUMINUM FINISH.
- FABRIC SUNSHADE

**2 WEST ELEVATION**  
 PA451 SCALE: 1/8" = 1'-0"

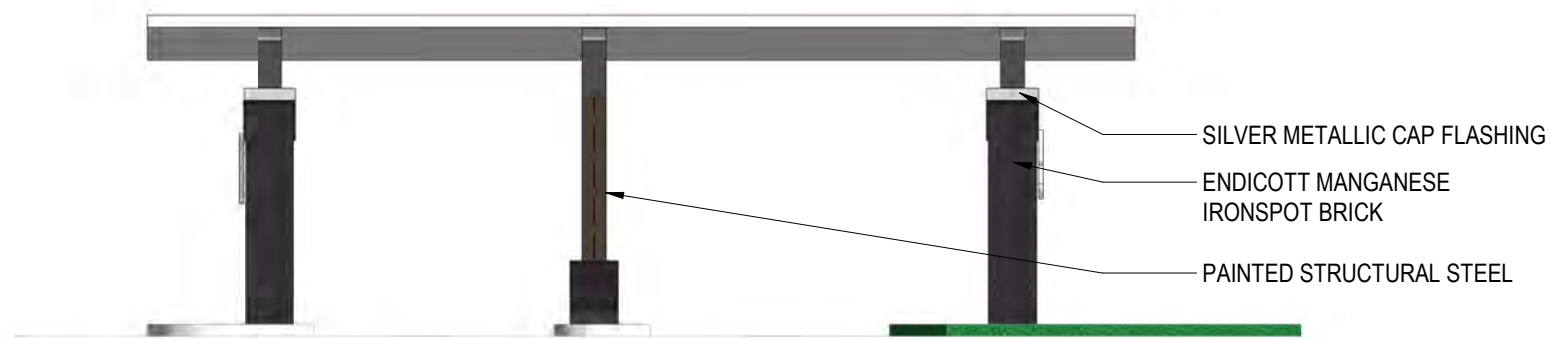




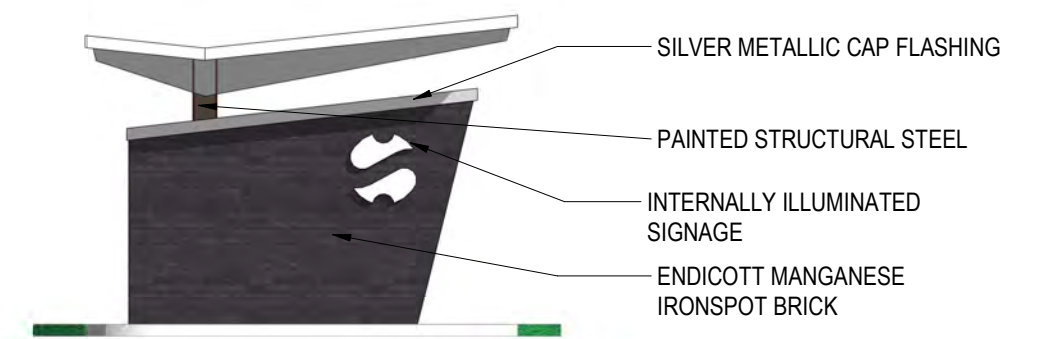
1 **SOUTH DRIVE-THRU ELEVATION**  
 PA490 SCALE: 1/8" = 1'-0"



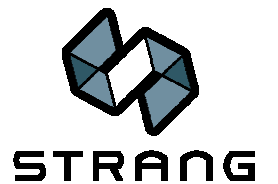
3 **WEST DRIVE-THRU ELEVATION**  
 PA490 SCALE: 1/8" = 1'-0"



2 **NORTH DRIVE-THRU ELEVATION**  
 PA490 SCALE: 1/8" = 1'-0"



4 **EAST DRIVE-THRU ELEVATION**  
 PA490 SCALE: 1/8" = 1'-0"





RESOLUTION 2018-22

CONDITIONAL USE PERMIT FOR IN-VEHICLE SALES AND SERVICE  
NORTH CAPE COMMONS SUBDIVISION, LOT 150

WHEREAS, an application for a Conditional Use Permit to allow In-Vehicle Sales and Service for drive-up banking services on North Cape Commons Subdivision Lot 150, parcel number 0607-074-3500-1, has been filed with the Village of Mount Horeb by Summit Credit Union; and

WHEREAS, said property is currently zoned PI Planned Industrial in which the desired use is not a permitted use but rather an Accessory Land Use permitted as a Conditional Use per Municipal Code 17.451(2)(b); and

WHEREAS, the matter was the subject of a public hearing before the Plan Commission/Historic Preservation Commission on July 25, 2018, after due notice as required by law; and

WHEREAS, the Plan Commission/Historic Preservation Commission is recommending approval of the following Conditional Use per Village Code 17.451(2)(b) In-Vehicle Sales and Service to allow drive-up banking; and

WHEREAS, after due consideration and being fully advised in the premises, the Board of Trustees of the Village of Mount Horeb deems it to be in the interest of the general public to allow the desired use of said property, as hereinafter set forth, as a Conditional Use; and

WHEREAS, the proposed use is consistent with the Village of Mount Horeb Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Mount Horeb, Dane County, Wisconsin, that a Conditional Use Permit to allow In-Vehicle Sales and Service for drive-thru banking on North Cape Commons Subdivision Lot 150 is hereby granted.

Introduced and passed this 1<sup>st</sup> day of August, 2018.

---

Randy J Littel, Village President

ATTEST:

---

Alyssa Gross, Village Clerk

VILLAGE OF MOUNT HOREB  
ORDINANCE 2018-06

AN ORDINANCE TO CREATE 9.12.5

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin ordains as follows:

CHAPTER 9 PUBLIC PEACE AND GOOD ORDER of the Code of Ordinances is amended to add (changes in bold)

9.12.5: SEXTING PROHIBITED

(1) FINDINGS. The Village Board of Mount Horeb has determined that the sharing of explicit images and related activities between minors represents a concern for the health, safety, welfare, peace and order to the citizens of the Village of Mount Horeb. The Village Board has further determined that prohibiting sharing of explicit images and related activities between minors will serve to deter such activities within the Village.

(2) DEFINITIONS. For the purposes of this Subsection:

**(a) "Nudity" means the showing of the human male or female** genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state.

**(b) "Harmful to Minors" means any reproduction, imitation,** characterization, description, exhibition, presentation, or representation of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

1. Predominantly appeals to an indecent, shameful, or morbid interest;
2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

**(c) "Minor" means any person under the age of 18 years.**



(3) A minor commits the offense of sexting if he or she knowingly:

(a) Uses a computer, telephone, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined in this subsection, and is harmful to minors as defined in this subsection.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video.
2. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
3. The minor did not transmit or distribute the photograph or video to a third party other than a law enforcement official.

(c) Uses a computer, telephone, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text message, correspondence or message of a sexual nature when it:

1. Predominantly appeals to an indecent, shameful, or morbid interest;
2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(d) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this Subsection.

*The foregoing ordinance was duly adopted by the Village Board of the Village of Mount Horeb at a meeting held on \_\_\_\_\_.*

APPROVED:

\_\_\_\_\_  
Randy J Littel, Village President

ATTEST:

\_\_\_\_\_  
Alyssa Gross, Village Clerk

ADOPTED: \_\_\_\_\_

POSTED/PUBLISHED: \_\_\_\_\_

DRAFT