

**COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MARCH 21 2016**

Mayor Landers called the meeting to order at 7:00P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: First District Alderperson Brian Holzem
Second District Alderpersons Mike Freel and Dar Mor
Third District Alderperson Ed Fox

Others: City Clerk/Coordinator Nancy Holzem, Planning & Zoning Administrator Chris Tollaksen, Public Works & Utilities Director David Holzem, Police Chief Jody Ward, Gary & Helen Picha, Tory Wolfram, Kelli Trumble, Alan Hanson, Assistant City Attorney Joe Hasler, and Ed Legge from the *Dells Events*.

Excused: Ald. Jesse DeFosse and Ald. Ed Wojnicz
2. The Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Mor to approve the following consent agenda items:
 - a. February 8, 2016 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated March 21, 2016.
 - c. Approval of Bartender License to Michelle Franke; and denial of application submitted by Miles Shegonee.
 - d. Temporary Class B Wine License issued to Downtown Dells Committee for a wine/food pair event on Saturday, April 30, 2016.
 - e. Temporary Class B Beer License issued to Wisconsin Dells Rotary Club for a beer tent June 10-11, 2016 (Taste of the Dells weekend).
 - f. Special Events Permit issued to Wisconsin Dells Cross Country Club for a mud run August 6, 2016.Motion carried unanimously.
4. Updates were given by committee chairpersons.
5. There were no public comments/citizen appearances.
6. Motion by Ald. Mor seconded by Ald. Fox to approve the applications for renewal of Taxicab Service Licenses submitted by: Keshia Gregerson for Wisconsin Dells Taxi, Michael Coleman for Sureway Taxi Service, Jeremy Ringdahl for Kangaroo Taxi, Calin Bobeau for City Taxi, and Larry Volkey for Dells Cab, for the licensing period of April 1, 2016 through March 31, 2017, contingent upon passed vehicle inspections. Motion carried unanimously.
7. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4248. BE IT HEREBY RESOLVED; that based upon the recommendation of the Finance Committee

from their March 21, 2016 meeting; it APPROVES Amendment No. 1 to MSA Contract No. 00085055 for River Arts District Design and Sign Ordinance Technical Assistance for amended fee of \$27,250. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the resolution adopted.

8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4249. BE IT HEREBY RESOLVED that based upon the recommendation of the BID Committee, it APPROVES the 3-year Sign Lease Agreement with Riverview Boat Lines for two signs on Hwy. 12 and Hwy. 13 near Hulbert Creek. Ald. Freel seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the resolution adopted.
9. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4250. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their March 9, 2016 meeting, it APPROVES the Site Plan application submitted by William Nehring for construction of a maze attraction next to the Lost Temple at 2255 Wisconsin Dells Parkway. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
10. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4251. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Committee from their March 21, 2016 meeting, it APPROVES the Site Plan application submitted by Timbavati/Animal Entertainment for the removal of the remaining go-carts and construction of a fence around the south end of parcel 0106-00000 located at 2150 Wisconsin Dells Parkway. Ald. Mor seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
11. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4252. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Committee from their March 21, 2016 meeting, it APPROVES a Conditional Use Permit to Cheesecake Heaven (Nancy Kimps) in order to operate a coffee/pastries cart in the HH Bennett Studio courtyard, 215 Broadway, with the contingencies listed in the staff report. Ald. Fox seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
12. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4253. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 21, 2016 meeting, it APPROVES the purchase and installation of a columbarium in the Spring Grove Cemetery for the estimated cost of \$29,452. Cemetery Reserve funds will be used for the purchase and related expenses. Ald. Fox seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
13. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4254. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 21, 2016 meeting, it APPROVES the purchase the purchase of a Ford F-Series 4x4 truck from Glacier Valley Ford for the cost of \$26,000. To be paid for by Public Works equipment surplus funds. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared

the Resolution adopted.

14. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4255. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 21, 2016 meeting, it APPROVES the consent to assign for the Finnegan Avenue Cell Tower Agreement. Ald. Mor seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
15. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4256. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 21, 2016 meeting, it APPROVES the Second Transfer Agreement under the Master Territorial Agreement Between WP&L and the city. Ald. Freel seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
16. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4257. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the BID Committee from their March 16, 2016 meeting, it APPROVES the Design Concepts for the Café Zones and Temporary Plaza. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the Resolution adopted.
17. Ald. Fox introduced and moved for adoption the second reading of the following Ordinance:

**ORDINANCE NO. A-791
(GIDUP-Rezoning of Parcels)**

The City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The purpose of this ordinance is to amend certain parcels of the zoning map as requested by GIDUP LLC.

SECTION II: PROVISIONS AMENDED

The zoning map for the City of Wisconsin Dells as set forth in the official map provided for in the Wisconsin Dells Code of Ordinances is hereby permanently amended so as to zone the territory as provided below.

SECTION III: PROPERTY REZONED

The following tax parcels in Columbia County are hereby **rezoned from R-5 Residential Multi-family to C-1 Commercial-Neighborhood:**

11291-1292.018 thru 11291-1292.050 and associated common area.

SECTION IV: VALIDITY

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

SECTION V: CONFLICTING PROVISIONS REPEALED

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII:

This ordinance becomes a part of Zoning Map for the Wisconsin Dells.

Ald. Mor seconded the motion. Upon roll call vote the motion carried unanimously. Mayor Landers declared the ordinance adopted and in full force after publication.

18. Ald. Mor introduced and moved for adoption the first reading of the following ordinance:

ORDINANCE NO. A-792
(Update to Floodplain Map –Columbia County)

The City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance is to update the referenced Flood Insurance Rate Map (FIRM) with the corresponding profiles that are based on the Flood Insurance Study (FIS) for Columbia County effective May 16, 2016; and to remove referenced letters of map revisions in Sauk County that are already included in the updated FIRM.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code Sec. 20.1.5(2)(a)

SECTION III: PROVISION AS AMENDED

(a) OFFICIAL MAPS : Based on the FIS

1. *Flood Insurance Rate Maps (FIRM)*

1.1. *Flood Insurance Rate Map (FIRM) panel numbers 55021C0018F, 55021C0019F, 55021C0181F, 55021C0182F, and 55021C0201F dated May 16; with corresponding profiles that are based on the Flood Insurance Study (FIS) number 55021CV0001C and 22021CV002C dated May 16, 2016 . (Columbia County) ;*

~~1.1.1 Letter of Map Amendment (LOMA) Case No 15-05-1001A effective November 25, 2014 (19 Kansas Ave.) This LOMA documents that the Lowest Adjacent Grade Elevation of 19 Kansas Ave. as of November 25, 2014 is not located within the identified Special Flood Hazard Area described by FIRM panel 55021C0020E, dated 4/2/2008 (Columbia County)~~

1.2. Flood Insurance Rate Map (FIRM) panel numbers 55001C0441D, 55001C00442D, DD001C0443D, 55001C0475D, dated June 17, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS) number 55001CV000A dated June 17, 2008. (Adams County);

1.3. Flood Insurance Rate Map (FIRM) panel numbers 55111C0118E, 55111C0119E, 55111C0231E, and 55111C2232E, dated December 18, 2009; with corresponding profiles that are based on the Flood Insurance Study (FIS) numbers 55111CV001BC and 55111CV002BC dated November 20, 2013-October 2, 2015. (Sauk County);

~~1.3.1 Letter Of Map Revision (LOMR) Case No 12-05-7540P effective May 28, 2013 (Hulbert Creek). This LOMR updates FIRM panel numbers 55111C0118E and 55111C0231E dated December 18, 2009 (Sauk County);-~~

~~1.3.2 Letter of Map Amendment (LOMA) Case No 14-05-7014A effective August 14, 2014 (451 Trout Rd.) This LOMA documents that the Lowest Adjacent Grade Elevation of 451 Trout Rd. as of August 14, 2014 is not located within the identified Special Flood Hazard Area described by FIRM panel 55111C0231E, dated 12/18/2009 (Sauk County)~~

SECTION IV: VALIDITY

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

SECTION V: CONFLICTING PROVISIONS REPEALED

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII:

This ordinance becomes a part of Wisconsin Dells Code, Chapter 20.

Ald. Fox seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the first reading of the ordinance adopted.

19. Ald. Freel introduced and moved for adoption the first reading of the following ordinance:

ORDINANCE NO. A-793

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance updates the City Code Waterway Regulations Section. Current speed restrictions/slow no wake provisions are retained; and, the dam owner/operator is authorized to create a Kilbourn Dam restricted area and install and maintain appropriate waterway markers.

SECTION II: PROVISION REPEALED

- A. Wisconsin Dells Code sec. 8.04 is repealed and recreated.

SECTION III: PROVISIONS AS REPEALED

8.04 Waterway Regulations

- (1) Intent. The intent of this code section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest, and the capability of the water resource.
- (2) Applicability and Enforcement. The provisions of this code section shall apply to the waters of the Wisconsin River within the jurisdiction of the City of Wisconsin Dells. The provisions of this ordinance shall be enforced by the Wisconsin Dells
- (3) Speed Restrictions.
 - (a) Definitions. "Slow-no-wake" means that speed at which a board moves as slowly as possible while still maintaining steerage control.
 - (b) A "no wake" zone on the Wisconsin River is created and described as the area from the southernmost point on the bridge abutment on River Road at Michigan Avenue on the east side of the river, then on a line 300 degrees to a point on the west side of the river then south along the west side of the River to the Kilbourn Power Dam and then along the Dam to the east side of the River and then north along the east side to the aforementioned bridge abutment. This area shall be marked by five "no wake" buoys of the type authorized by the Department of Natural Resources.

- (c) A “no wake” zone is hereby created for all of Crandall Bay. This area shall be marked by three “no wake” buoys of the type authorized by the Department of Natural Resources.
- (4) Kilbourn Dam Restricted Area. The owner/operator of Kilbourn Hydro Plant is authorized to restrict access in the vicinity of the facility and install and maintain waterway markers and buoys as permitted by law.

SECTION IV: VALIDITY

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

SECTION V: CONFLICTING PROVISIONS REPEALED

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 8.

Ald. Mor seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the first reading of the ordinance adopted.

- 20. Ald. Mor introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-794
(Public Sidewalk Cafés)**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance allows Public Sidewalk Cafés by right in the C-2 Commercial Downtown Zoning District and updates the definition and standards.

SECTION II: PROVISIONS AMENDED & RECREATED

Wisconsin Dells Code Chapter 19 Exhibit 5.3 is amended.
Wisconsin Dells Code sec. 19.907 is recreated.

SECTION III: PROVISIONS AS AMENDED & RECREATED

“Exhibit 5.3 - Temporary uses by District” is amended to reflect use 21.8 – Public Sidewalk Café is unconditionally permitted in the C-2 Commercial Downtown District.

21.8 Public Sidewalk Café. And outdoor dining area located upon public property, including a sidewalk; and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

19.907 Public Sidewalk Café

- (1) Generally. The provisions of this section provide the opportunity for restaurants in identified areas of the city to use adjoining public sidewalks for the purpose of providing outdoor seating.
- (2) Purpose. The provisions of this section are intended to:
 - (a) Enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest;
 - (b) Enhance the appropriate use of existing public spaces;
 - (c) Increase economic activity in the area.
- (3) Approval. Any proposed public sidewalk café must be approved by the Design Review Committee (DRC) prior to the use commencing.
- (4) Location. The location of a public sidewalk café will be reviewed by the DRC on a case by case basis, with the following guidelines:
 - (a) A public sidewalk café shall be located directly in front of, or adjacent to the restaurant with which it is associated.
 - (b) A public sidewalk café may utilize public space in front of and against the building of an adjoining property only if written consent is given by the adjoining property owner.
 - (c) A public sidewalk café may utilize space in front of an adjoining property, along the curb, only if the property owner directly in front of that space is not utilizing that space.
 - (d) A public sidewalk café service area shall be contiguous.
- (5) Obstructions. A public sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- (6) Pedestrian movement. No portion of a public sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement. One Broadway, a minimum 6-foot wide unobstructed walkway is required by the WisDOT.
- (7) Planters. Planters may be used as a visual amenity and to frame off the space allocated for the public sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.

- (8) Lighting. Lighting shall be limited to table top lamps of low intensity. The building inspector may allow additional lighting to provide appropriate levels for safety.
- (9) Furnishings. All furnishings shall fit the character of a public streetscape. An umbrella over each table may be permitted if it does not create an obstruction.
- (10) Floor covering. A floor covering may not be used in the public sidewalk café.
- (11) Tables. Round tables may not exceed 42 inches in diameter and square tables may not exceed 42 inches in width.
- (12) Food preparation. All food shall be prepared within the restaurant.

SECTION IV: VALIDITY

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

SECTION V: CONFLICTING PROVISIONS REPEALED

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code Chapter 19

Ald. Fox seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the first reading of the ordinance adopted.

21. Ald. Freel introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-795
(Busker Permit Revisions)**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance updates the City code section regarding Busking Permits.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code Sec. 16.10 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

16.10 BUSKING

- (1) Permit Required. No person shall engage in the act of busking within the City of Wisconsin Dells without first obtaining a permit thereof in compliance with the provisions of this ordinance.
- (2) Definitions. When used in this section, the following term shall have the following meaning:
 - (a) Busking. The practice of doing live performances in public places to entertain people. Those engaging in the practice are called buskers.
 - (b) Performance. Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
 - (c) Soliciting of Funds. The act of asking, begging, seeking or requesting money or goods from members of the public.
 - (d) Offerings for Sale. The display or demonstration of items with an implication that they are available for sale.
 - (e) Dangerous materials and implements. Items that pose a risk, hazard or uncertain outcome for people. Dangerous materials include flammable materials and chemical, fire, fireworks, smoke, flares, heated elements, or anything that gives off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.
 - (f) Designated Location. Specified sites within restricted areas where busking can occur under defined conditions.
- (3) Exemptions. Those individuals or groups hired and scheduled by the Wisconsin Dells Visitors and Convention Bureau, business covered under a Conditional Use Permit, and events otherwise covered under a Special Events Permit are exempt.
- (4) Application. Applicants for a permit under this section must file with the Police Department or designee, a sworn application in writing on a form to be furnished by the Police Department or designee, which shall give the following information:
 - (a) Full name, including middle initial of all performers including date of birth, driver's license number and state of issuance.
 - (b) Current address (include mailing address if different).

- (c) Telephone number, including cell phone number
 - (d) Brief description of type of performance that will be done
 - (e) Fee must accompany permit application and is non-refundable
 - (f) A performance audition or submitted media may be required
 - (g) All applicants are subject to a criminal history check conducted by the police department or designee. Based on the results, the Police Chief or designee may deny the permit.
- (5) Permit Fee. Fee is established by fee schedule adopted pursuant to city code section 2.05.
- (6) Regulation and Restrictions.
- (a) Hours of Performance. Busking will be allowed only during the designated hours.
 - (b) Designated Location. Busking will be allowed only in those locations designated by the city.
 - (c) Traffic Flow. Buskers must not unreasonably interfere with pedestrian or traffic flow, including by way of encouraging audience formation in such a manner to cause interference.
 - (d) Solicitation. Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in any way.
 - (e) Display of Permit. The applicant shall have city permit on display and visual at all time while engaged in the licensed activity.
 - (f) Misrepresentation Prohibited. The applicant shall not intentionally misrepresent the purpose of their busking.
 - (g) Loud Noises and Speaking Devices. The applicant, or any person on their behalf, shall not shout, cry out, blow a horn, ring a bell, use any sound amplifying device or otherwise create any noise that is solely for the purpose of attracting attention and not inherently part of the busking performance. The applicant shall not use sound amplifying devices as part of their performance.
 - (h) Dangerous Materials and Implements. May be prohibited.
 - (i) Offering for Sale Prohibited. Only sales of the performer's CDs and DVDs are allowed. Sales of any other kind of merchandise are prohibited.
 - (j) Performance Cessation. The police department or designated entity may require any individual performance to cease and desist if that performance

is deemed inappropriate, unsuitable for a family-friendly environment, ~~or~~ not cordial, or otherwise creates a disturbance.

- (7) Revocation of Permit. Permit issued hereunder may be revoked by the issuer at any time.
- (8) Reapplication. No applicant whose permit has been revoked shall make further application until a period of at least six (6) months has lapsed since the last revocation. An application may be denied based on a previous revocation.
- (9) Expiration of Permit. This permit is for a performance season defined on the permit application. This permit shall expire at the end of that season, regardless of when the permit was issued.

SECTION IV: VALIDITY

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

SECTION V: CONFLICTING PROVISIONS REPEALED

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 16.

Ald. Fox seconded the motion. Upon roll call vote the motion carried 4-0. Mayor Landers declared the first reading of the ordinance adopted.

22. Special Common Council meeting to take place on Monday, March 28th to review and approve the RiverWalk construction bid.
23. Motion by Ald. Mor seconded by Ald. Fox to adjourn. Motion carried unanimously and the meeting adjourned at 7:15PM.

Nancy R. Holzem
City Clerk/Coordinator
Published: March 30, 2016