

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
APRIL 19, 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 Alderpersons Brian Holzem and Jesse DeFosse
Second District Alderpersons Mike Freel and Dar Mor
Third District Alderperson Ed Fox

Excused: Third District Ald. Ed Wojnicz

Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Planning & Zoning Administrator Chris Tollaksen, Public Works & Utilities Director David Holzem, Police Lieutenant Perry Mayer, BID Chairperson Kelli Trumble, Assistant City Attorney Joe Hasler, Eric Helland and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said.
3. Motion by Ald. Freel seconded by Ald. Mor to approve the following consent agenda items:
 - a. March 21, 2016 and 28, 2016 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated April 19, 2016.
 - c. Approval of Bartender Licenses to Darcy Cooper, Nathan Dickerson, Kristin Fisher, Dwayne Foster, Miroslav Karov, Ovidiu Marin, Kelly Morehouse, Milton Ryan Rocha, Milton Roberto Rocha and Dameyian Stafford.
 - d. Special Events Permit to San Antonio Mexican Restaurant for a Cinco de Mayo event May 5, 2016.Motion carried unanimously.
4. Updates were given by committee chairpersons. Motion by Ald. Mor seconded by Ald. Holzem to approve the recommended name of Duchess Plaza for the new Oak Street Plaza. Motion carried unanimously. Mayor Landers stated that he received about 35 submissions for the plaza naming contest.
5. There were no public comments/citizen appearances.
6. Motion by Ald. Freel seconded by Ald. DeFosse to approve the applications for renewal of Firework Sales Licenses submitted by: Richard Christensen for four Travel Mart locations, Brian Holzem for 2 downtown retail locations, and Dan Zinke for Zinke's Village Mart, for the licensing period of May 1, 2016 through April 30, 2017. Motion carried 4-0-1 with Ald. Holzem abstaining.
7. Motion by Ald. Mor seconded by Ald. Fox to approve the application for a Riding Stable/Horses for Hire License submitted by Dells Adventure Development, Brent

Tollaksen, for the licensing period of May 1, 2016 through April 30, 2017. Motion carried unanimously.

8. Motion by Ald. Holzem seconded by Ald. Mor to approve the applications for renewal of Workforce Housing Licenses submitted by A & J Entertainment for 510 Vine Street, GTAM, LLC for 2501 River Road, Logging Camp Inc. for 425 Vine Street, Catherine Mayer for 931 Capital Street, and Anna Nykaza for 2960 Wis. Dells Parkway, all contingent upon successful facility inspections. Motion carried unanimously.
9. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4265. BE IT HEREBY RESOLVED; that based upon the recommendation of the Finance Committee from their March 21 and April 19, 2016 meetings; it APPROVES amending the 2016 Schedule of Fees by increasing the Busker Permit Fee to \$100, and amending the Sidewalk Use Fee to include \$7.50 sq ft for Broadway. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution adopted.
10. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4266. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their April 19, 2016 meeting, it APPROVES a State Trust Fund Loan in the amount not to exceed \$2,500,000; and levying a tax in connection therewith for the purpose of funding the RiverWalk expansion project. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
11. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4267. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their April 19, 2016 meeting, it APPROVES a refund in the amount of \$4674.61 to Y Knot 2, LLC for Personal Property Account No. 11291 2015-24 as this paid under a different name. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
12. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4268. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES a Privilege Agreement with Mark Sweet for outdoor seating on the Elm Street side of the upper level of the Chalet building; contingent upon Design Review Committee approval. Ald. Mor seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
13. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4269. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES the revised golf cart path plan submitted by Chula Vista. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
14. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4270. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the

recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES the low bid of \$526,607.50 submitted by A-1 Excavating, Inc. for the Capital Street Reconstruction Project (No. R00085061.0). Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.

15. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4271. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES the 2016 line marking proposal submitted by Show Striping for the amount of \$13,227.90. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
16. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4272. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES the 2016 sidewalk pressure washing proposal submitted by Water Dragon for the amount of \$10,760. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
17. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4273. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 11, 2016 meeting, it APPROVES the electrical improvements to the Finnegan Substation Reclosers; and the extension of 12KVA system along Hwy 16. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
18. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4274. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 13, 2016 meeting, it APPROVES a Conditional Use Permit to Mt Olympus Enterprises Inc. in order to operate a Group Lodging Facility at 2020 Wis. Dells Parkway, with the contingencies listed in the Staff Report. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
19. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4275. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 13, 2016 meeting, it APPROVES a Conditional Use Permit to Izik Cohen in order to allow a Group Lodging Facility at 817 Oak Street, with the contingencies listed in the Staff Report. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
20. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4276. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 13, 2016 meeting, it APPROVES a Conditional Use Permit to Smart Staff, LLC, Calin Voicu, in order to allow a Group Lodging Facility at 612 Vine Street (Rainbow Motel), with the contingencies listed in the Staff Report. Ald. Holzem seconded the motion. Ald. Fox requested that the duplex on that property, which currently is not being used for seasonal

workforce housing so it was not included in the permit, be looked at as it appears to be a nuisance property with all the police calls. Lt. Mayer stated he would look into as did City Planner Chris Tollaksen. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.

21. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4277. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the BID Committee from their April 13, 2016 meeting, it APPROVES the District Block Color Program for the downtown. Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
22. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4278. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the BID Committee from their April 13, 2016 meeting, it APPROVES the Oak Street Plaza Design and price quote submitted by Concept Attractions Art & Design. Ald. Holzem seconded the motion. The city's economic development PRT funds will be used to fund this. Ald. Freel questioned why this was not being funded by the additional room tax revenue. It was explained that those funds are being set aside by the WDVCB for economic development such as a large scale commercial development which in turn will generate additional PRT for the city. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
23. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4279. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; it APPROVES the Land Lease & Indemnification Agreement between the City and Woodside Sports Complex Operations, LLC. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
24. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4280. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their April 19, 2016 meeting, it APPROVES the Vacant Land Offer to Purchase submitted for Lots 56 & 57 in the Deerwood Glen Subdivision with the conditions as stated in closed session. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the Resolution adopted.
25. Ald. Holzem introduced and moved for adoption the second 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 16 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. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force after publication.

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

**ORDINANCE NO. A-796
(Private Property 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 Private Outdoor Commercial Food & Beverage Service by right in the C-2, C-3 and C-4 Commercial Zoning Districts.

SECTION II: PROVISIONS AMENDED

Wisconsin Dells Code Chapter 19 Exhibit 5.2
Wisconsin Dells Code Chapter 19 Accessory Uses 20.13 and 20.135
Wisconsin Dells Code sec. 19.811(A)
Wisconsin Dells Code sec. 19.811(B)

SECTION III: PROVISIONS AS AMENDED

“Exhibit 5.2 – Accessory Uses by District” is amended so that Large Scale Private Outdoor Commercial Food & Beverage Service is *unconditionally permitted in the C-2, C-3 and C-4 Commercial Downtown District*.

Accessory Use 20.13 - *Outdoor Large Scale Private* Outdoor Commercial Food & Beverage Service.

Accessory Use 20.135 – Small Scale *Private* Outdoor Commercial Food & Beverage Service.

19.811(A) *Large Scale Private* Outdoor commercial food and beverage service

(1) Approval. Any proposed sidewalk café must be approved by the Design Review Committee prior to the use commencing.

~~(2)~~ Outdoor commercial food and beverage service is an accessory use on privately owned real estate subject to the following guidelines. The City of Wisconsin Dells has determined that such service can create an enjoyable atmosphere for visitors that would serve as a benefit for the community, provided that such service is planned and managed properly.

- a) Maximum size of service area. The size of the outdoor service area shall not be more than 50 percent of the floor area of the restaurant or tavern.
- b) Location of service area. The outdoor service area shall be located on the same parcel as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located within any public right of way or within any required landscape area, bufferyard, or front, side, or rear yard setback.
- c) Special restrictions when adjacent to residentially-zoned parcel. If the outdoor service area is adjacent to a residentially zoned parcel, the following restrictions apply:
 - (i) Alcoholic beverages. Alcoholic beverages may only be served with a meal.
 - (ii) Hours of use. No person may occupy the outdoor service area after 9:30 PM.
- d) Consistency with state liquor license. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the state of Wisconsin, explicitly states that consumption is permitted within the outdoor service area.
- e) ***Entrance to service area if alcoholic beverages are served. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as rope or fence shall be erected to prevent entry to the outdoor service area by any other means.***
- fe) Restroom requirements. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not be permitted.

~~(3)~~ The *Design Review Committee and/or* Plan Commission may, upon application, approve deviations from sec. (2) guidelines except there shall be no exception from sub sec. (2)(f). A deviation shall be accompanied by a finding that it is not inconsistent with the spirit and intent of this section.

19.811(B) Small Scale, *private* outdoor commercial food and beverage service.

(1) Approval. Any proposed sidewalk café must be approved by the Design Review Committee prior to the use commencing.

(24) Small scale, outdoor commercial food and beverage service is an accessory use on privately owned real estate subject to the following guidelines. The City of Wisconsin Dells has determined that such service can create an enjoyable atmosphere for visitors to Wisconsin Dells that would serve as a benefit to for the community, provided that such service is planned and managed properly.

- (a) Maximum size of service area. The size of the outdoor service area shall not be more than 1500 FT². The maximum capacity of the outdoor area shall be 50 persons. Any service area that exceeds this maximum shall be considered a standard Outdoor commercial food and beverage service and require a full CUP.
- (b) Location of service area. The outdoor service area shall be located on the same parcel as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located within any public right of way or within any required landscape area, buffer yard, or front, side, or rear yard setback. The **Design Review Committee and/or** Plan Commission may require setbacks as they see fit.
- (c) Special restrictions when adjacent to residentially-zoned parcel. If the outdoor service area is adjacent to a residentially zoned parcel, the following restrictions apply:
 - i. Alcoholic beverages. Alcoholic beverages may only be served with a meal.
 - ii. Hours of use. No person may occupy the outdoor service area after 9:30 PM.
- (d) Consistency with state liquor license. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the state of Wisconsin, explicitly states that consumption is permitted within the outdoor service area.
- (e) Entrance to service area if alcoholic beverages are served. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.
- (f) Restroom requirements. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not be permitted.

(3) The **Design Review Committee and/or** Planning Commission may, upon application, approve deviations from the sec. (1) guidelines except there shall be no exception from sub sec. (2)(a) OR (2)(f). A deviation shall be accompanied by a finding that it is not inconsistent with the spirit and intent of this section.

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. Mor seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the first reading adopted. City Planner Chris Tollaksen stated that there was a pending application so Ald. Mor moved to suspend the rules in order to adopt the second reading of this ordinance. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Ald. Mor introduced the second reading for adoption. Motion seconded by Ald. DeFosse. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force after publication.

27. Ald. Holzem introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-797
(Chapter 18 – Offenses)**

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

SECTION I: PURPOSE:

This purpose of this ordinance is to repeal and recreate Chapter 18 – Offenses in its entirety.

SECTION II: PROVISIONS REPEALED AND RECREATED:

Wisconsin Dells Code Chapter 18 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

Recreated as Exhibit A.

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 18.

Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the first reading adopted.

28. There were no items for referral.
29. Motion by Ald. Freel seconded by Ald. Fox to adjourn. Motion carried unanimously and the meeting adjourned at 7:22PM.

Nancy R. Holzem
City Clerk/Coordinator
Published: April 23, 2016