

**COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MAY 18, 2015**

Mayor Landers called the meeting to order at 7:00P.M. Notice of the meeting was posted in accordance with State Statutes.

1. Present: First District Alderpersons Jesse DeFosse and Brian Holzem
Second District Alderperson Mike Freel
Third District Alderpersons Ed Fox and Ed Wojnicz

Excused: Second District Alderperson Dar Mor

Others: City Clerk/Coordinator Nancy R. Holzem, City Treasurer Karen Hoekstra, Public Works & Utilities Director David Holzem, Planning & Zoning Administrator Chris Tollaksen, Police Chief Jody Ward, Assistant City Attorney Joseph Hasler, Attorney Jesse Leichsenring, Nathan Stanford and Boy Scout Troop 66, and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said, led by Boy Scout Troop 66.
3. Motion by Ald. Holzem seconded by Ald. DeFosse to approve the following consent agenda items:
 - a. March 23, April 13 and April 21, 2015 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated May 18, 2015
 - c. Bartender Licenses issued to Rachael, Aponte, Donna Baek, Chelsey Bill, Bethany Bradley, Vanessa Burger, Jody Burke, Tonya Douglas, Katie Fawcett, Dwayne Foster, Christal Lamonthé, Anne Metz, Nicole Rossetti and Samatha Reigel; and denied applications received from Matthew DeCola, Anita Funmaker, Cora Parchem, and Justin Stewart.
 - d. Special Events Permit to JustAgame Fieldhouse for a 5K run/outdoor hotdog roast on Friday, June 26th.
 - e. A Special Events Permit to the Wisconsin Dells Cross Country Booster Club for a Mud Run on Saturday, August 1, 2015.
 - f. A Temporary Class B Beer (Picnic) License issued to VFW Post 9387 for a stand at Taste of the Dells, June 6-7, 2015.

Motion carried unanimously.

4. Committee chairpersons presented committee updates.
5. There were no citizen appearances for non-agenda items. City Clerk/Coordinator Nancy Holzem swore in two new limited term police officers and they were introduced to the council.
6. Motion by Ald. Wojnicz seconded by Ald. Holzem to approved the applications for renewal of Lodging Facility Licenses received from: Broken Spur Ent. for 410 Wisconsin Avenue, Dells Boat Tours for 519 Bowman Road, Fairview Motel for 2960 Wis Dells Parkway, GTAM, LLC for 2600 River Road, Logging Camp Inc. for 425 Vine Street, MNEG Concessions for 725 Vine Street, Mt Olympus for 2127 Wis Dells Parkway, 2020 Wis Dells Parkway and 1881 Wis Dells Parkway; Paris Investments for 511 Vine Street, Riverview Boat Line for 2150 Wis Dells Parkway and 440 Pioneer Drive, Halina Tarnowski for 612 Vine Street, World Traveler Housing Rentals LLC, for 726 Vine Street, and Dan Zinke for 711 Elm Street. City Planner Chris Tollaksen stated that all the facility inspections have been completed. Motion carried unanimously.
7. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4166.

**SUPPORT OF LAW ENFORCEMENT OFFICERS
OF THE CITY OF WISCONSIN DELLS AND AREA AGENCIES**

WHEREAS, annually over 50,000 police officers are injured in the line of duty and over 100 die in the line of duty serving communities; and

WHEREAS, the daily duties of each officer, and the sacrifices of their families, are oftentimes underappreciated and taken for granted;

WHEREAS, the City of Wisconsin Dells relies on the officers and dispatchers of the Wisconsin Dells Police Department to be highly trained, ethical, and courageous in the performance of their duties to keep our citizens and visitors safe; and

WHEREAS, the Wisconsin Dells area is protected and served by surrounding agencies to include the Lake Delton Police Department, Columbia, Sauk, Adams, and Juneau County Sheriff's Offices, Wisconsin State Patrol, the Wisconsin Dept. of Natural Resources, and the Wisconsin Division of Criminal Investigation to support and aid our local police; and

WHEREAS, the month of May is considered to be nationally recognized as a month of law enforcement appreciation and a time of reflection for those who served and continue to serve in this profession;

NOW THEREFORE BE IT RESOLVED that the City of Wisconsin Dells resolves to honor the Wisconsin Dells Police Department and the law enforcement agencies in our area, through this resolution in support and appreciation for their service and offers a moment of silence to remember those officers who have gone before us.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution approved.

8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4167. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their May 18, 2015 meeting;

IT APPROVES the Policy and Procedure for Delinquent Accounts Receivable.

Ald. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution approved.

9. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4168. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their May 18, 2015 meeting;

IT APPROVES the Policy for Sale and Disposal of City Assets.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution approved.

10. Ald. Fox introduced and moved for adoption RESOLUTION NO. 4169. BE IT HEREBY RESOLVED by the City of Wisconsin Dells based upon the recommendation of the Parking Board from their May 11, 2015 meeting;

IT APPROVES a \$1000 contribution to the ride share program using Parking Board revenues.

Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution approved.

11. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4170. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting;

IT APPROVES the Site Plan Application submitted by Mt. Olympus in order to install approximately 20 camping cabins at the American World campground, 400 County Hwy. A.

Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution adopted.

12. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4171. BE IT

HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting;

IT APPROVES the Site Plan Application submitted by Lost Temple in order to construct a go-cart track at 2255 Wisconsin Dells Parkway through the existing Lost Temple attraction.

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

13. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4172. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting;

IT APPROVES a Conditional Use Permit to Ghost Out Post in order to allow Commercial Activity Without a Permanent Structure, Outdoor Commercial Food & Beverage Service, Outdoor Vendors and Walk-up Service Windows at 2233 Wisconsin Dells Parkway, with the contingencies listed in the City Planner's staff report.

Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution adopted.

14. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4173. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting;

IT APPROVES the Site Plan Application submitted by Ghost Outpost for outdoor concession stands and outdoor retail activity including a tiki bar and picnic area.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the resolution adopted.

15. Based upon the recommendation of the City Plan Commission from their May 6, 2015, it was moved by Ald. Freel seconded by Ald. Fox to deny the resolution to approve a Conditional Use Permit to Vida Holdings in order to allow a Group Lodging Facility at 1247 River Road. Upon roll call vote the motion to deny carried 5-0. Mayor Landers declared the resolution denied.

16. Based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting, it was moved by Ald. Freel seconded by Ald. Wojnicz to deny the resolution to approve a Conditional Use Permit to Vida Holdings in order to allow a Group Lodging Facility at 1029 Capital Street. Upon roll call vote the motion to deny carried 5-0. Mayor Landers declared the resolution denied.

17. Based upon the recommendation of the City Plan Commission from their May 6, 2015 meeting, it was moved by Ald. Fox seconded by Ald. Wojnicz to deny the resolution to approve a Conditional Use Permit to Vida Holdings in order to allow a Group Lodging Facility at 613 Vine Street. Attorney Jesse Leichsenring spoke on behalf of the applicant requesting that the council consider this application since the home is located in an area prominent for employee housing. He reminded the council that currently 4 unrelated people can live at that location. They are asking for total of 6 students to live there. He noted that homes used for students have fewer issues than other housing options. Ald. Freel stated that based on the large number of residents who spoke against putting student housing in residential areas, he supports the denial. Upon roll call vote the motion to deny carried 5-0. Mayor Landers declared the resolution denied.

18. Ald. Fox introduced and moved for adoption RESOLUTION NO. 4174. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Works Committee from their May 18, 2015 meeting;

IT APPROVES the request from the American Legion to place 50 flag pole attachments on the downtown light poles with small American flags, with the understanding that the American Legion is to be responsible for the flags and the maintenance of them.

Ald. Freel 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 the second reading of the following ordinance:

**ORDINANCE NO. A-765
(Southfork Annexation - MBR No. 13839)**

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

SECTION 1: Territory Annexed by Direct Annexation.

In accordance with Wis. State Statute sec. 66.0217(2) and the Petition for Direct Annexation by Unanimous Consent filed with the City Clerk on the 2nd day of March, 2015, by property owner Tru-Ax LLC, Rhonda Oines, the following described territory in the Town of Newport, Columbia County, Wisconsin is hereby annexed in to the City of Wisconsin Dells, Wisconsin and the zoning map as set forth in section 19.612 of the Wisconsin Dells Municipal Code is hereby permanently amended to include the property set forth below. Total acres of said property is 23. Population is 0. Annexation boundary map is attached as Exhibit A. Legal description is attached as Exhibit B. Upon annexation, said property will become part of City of Wisconsin Dells Ward 1.

SECTION 2: Effect of Annexation.

From and after the effective date of this ordinance, the territory described in Section 1 shall be a part of the City of Wisconsin Dells for any and all purposes provided by law, and all persons residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Wisconsin Dells.

SECTION 3. Temporary Zoning Classification.

The territory annexed to the City of Wisconsin Dells shall by this ordinance be temporarily zoned C-4 Commercial-Large Scale.

SECTION 4. Severability.

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 5. Effective Date.

This ordinance shall take effect upon passage and publication as provided by law and becomes part of the Zoning Map for the City of Wisconsin Dells.

Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force upon publication.

20. Ald. Holzem introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-766
(Southfork Permanent Zoning for Annexation)**

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 establish permanent zoning on recently annexed lands.

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 PERMANENTLY ZONED

The following property is hereby permanently zoned C-4 Large Scale Commercial upon annexation into the City of Wisconsin Dells:

Columbia County Tax Parcel: 11028-81A, 11028-81A.1and 11028-66.B

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. Fox seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force upon publication.

- 21. Ald. Freel introduced and moved for adoption the second reading of the following Ordinance:

**ORDINANCE NO. A-767
(Mobile Home Parks)**

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

INTENT:

This ordinance updates the City’s mobile home code section to reflect current state law and rules.

SECTION II: PROVISION CREATED

Wisconsin Dells Code secs.16.03(1) and 16.03(2) are re-titled and amended.
Wisconsin Dells Code secs. 16.03(10)(c) and 16.03 (17)(c) are created.

SECTION III: SECTION AS CREATED

A. 16.03 Manufactured and Mobile Home Communities.

(1) Purpose.

(a) It is the intent and purpose of this section to regulate manufactured and mobile home communities in the City of Wisconsin Dells to provide adequate standards to protect the public health, safety, convenience and general welfare, consistent with Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326.

(b) No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled, a manufactured and mobile home community within the limits of the City without having first secured a license. The license year shall be from July 1 to June 30 and may be renewed under the provisions of this section for additional periods of one year.

(c) The application for a license or renewal shall be filed with the City Clerk and shall be accompanied by the fee in the amount set forth in City Fee Schedule. A fee shall be paid for each transfer of a license. A license may not be transferred or assigned to a new owner.

(2) Definitions.

The definitions of Wis. Stat. Sec. 66.0435 and Wis. Admin. Code Chap. SPS 326 are adopted by reference as if fully set forth.

B. Code Section 16.03(10)(c) is created.

(c) No person shall park any mobile home on any platted street, alley, highway or other public right-of-way.

C. Code Section 16.03(17)(c) is created.

(17) Bond. The Fee required by code sec. (1)(c) shall be accompanied by a surety bond in the amount of Five Thousand and 00/100 Dollars (**\$5,000.00**). The bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in subsec.15 and the payment of such fees to the City, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the City pursuant to which such license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the license violating the provisions 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 as provided by statute.

SECTION VII: PART OF CODE

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

Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force upon publication.

22. Ald. Holzem introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-768
(Smoking and Smoking Products)**

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

SECTION I: PURPOSE

This ordinance is a recodification of the City Code Section regarding smoking and smoking products. It reflects the state smoking ban and recent regulation of nicotine products.

SECTION II: PROVISION CREATED

Wisconsin Dells Code sec. 18.06 is repealed and recreated.

SECTION III: PROVISION AS CREATED:

18.06 Smoking and Smoking Products

- (1) Smoking Prohibited. Wis. Stat. sec. 101.123, State Smoking Prohibition, as amended from time to time is adopted by reference.
- (2) Tobacco on school property. Wis. Stat. sec. 120.12(20) is adopted by reference.
- (3) Minors.
 - (a) Definitions in this subsection:
 1. “Cigarette” has the meaning given in Wis. Stat. sec. 139.30(1m).
 2. “Minor” means a person who is less than 18 years of age.
 3. “Law Enforcement Officer” has the meaning given in Wis. Stat. sec. 30.50(4s).
 4. “Tobacco Products” has the meaning given in Wis. Stat. sec. 139.75(12).
 5. “Nicotine Product” has the meaning given in Wis. Stat. sec. 134.66(1)(f).
 - (b) Except as provided in subsection (c), no minor may do any of the following:
 1. Buy or attempt to buy any cigarette, tobacco product or nicotine product.
 2. Falsely represent their age for the purpose of receiving any cigarette, tobacco product, or nicotine product.
 3. Possess any cigarette, tobacco product or nicotine product.
 - (c) A minor may purchase or possess cigarettes, tobacco products or nicotine products for the sole purpose of resale in the course of employment during their working hours if employed by a retailer licensed under Wis. Stat. sec. 134.65(1)
 - (d) A law enforcement officer shall seize any cigarette, tobacco product or nicotine product involved in any violation of subsection (2) committed in their presence.
 - (e) No person may procure for, sell, dispense, furnish or give away any cigarette, tobacco products or nicotine product to a minor.

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. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Mayor Landers declared the ordinance adopted and in full force upon publication.

23. Mayor Landers presented a proposed ordinance to establish a moratorium on the issuance of permits for new, expanded, or enlarged signs in the C-2 Downtown Commercial District. He stated that the City Attorney is in the process of drafting an ordinance that would establish a design review committee as well as set the standards, process and review procedures. The City Planner, Public Works Chair, BID and CDA chairs or their designees, along with a business owner would make up the committee. Ald. DeFosse stated that the BID committee has been successfully denying applications so creating a moratorium seems over the top. He further questioned why the ordinance came directly to council without being reviewed at the committee level first. Mayor Landers stated that he had discussed with the committee chairs the need for a moratorium until standards were put in place. Ald. DeFosse stated that could take awhile. Ald. Holzem agreed with Ald. DeFosse stating that it's not up to committee chairs to make the decisions. There was also discussion as to how this would affect any new businesses that needed a sign. Attorney Hasler stated they would be allowed to put up a sign up identifying their business. Motion by Ald. DeFosse seconded by Ald. Wojnicz to deny the proposed ordinance. Upon roll call vote the motion carried 5-0.
24. There was no business brought
25. Motion by Ald. Freel seconded by Ald. Wojnicz to adjourn. Motion carried unanimously and the meeting adjourned at 7:38pm.

Nancy R. Holzem
City Clerk/Coordinator
Published: May 27, 2015