

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
JUNE 15, 2015

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 Jesse DeFosse and Brian Holzem
Second District Alderpersons Mike Freel and Dar Mor
Third District Alderpersons Ed Wojnicz and Ed Fox

Others: City Clerk/Coordinator Nancy R. Holzem, City Treasurer Karen Terry, Public Works & Utilities Director David Holzem, Planning & Zoning Administrator Chris Tollaksen, Police Chief Jody Ward, Tom Heller, Nihat Almos, Kristin Oines, Wayne Schult, Mark Schmitz, Justin Draper, Assistant City Attorney Joe Hasler, and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. DeFosse to approve the following consent agenda items:
 - a. May 18, 2015 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated June 15, 2015.
 - c. Approve Bartender Licenses to the following: Austin Anderson, Jamie Chapley, Michael Fadness, Julie Greenwood, Adam Hickey, Kaitlyn Krueger, Chris Lechnir, Emily Marino, Matthew Marion, Lynn Morrison, Yuliyana Mustakerska, Eileen Oelke, Paige Rees, Alexandria Schuett, Brenda Stevens, Justin Swiatly, Trevor Wallace, and Cyprin Wright; and to deny the applications received from Anita Funmaker and Cassie Schneller.Motion carried unanimously.
4. Updates were given by committee chairpersons.
5. There were no citizen appearances for any non-agenda items.
6. Motion by Ald. Wojnicz seconded by Ald. Mor to approve the application for an Original Class B Beer & Class B Liquor License submitted by Timber Falls Food, LLC, Andrew Waterman agent, for Kickers, 951 Stand Rock Road, for the licensing period of June 16, 2015 through June 30, 2015. Existing license for that location will be surrendered.
Motion carried unanimously.
7. Motion by Ald. Holzem seconded by Ald. Wojnicz to approve the following applications for **renewal** of:

Class "A" Fermented Malt Beverage License for the licensing period of July 1, 2015 through June 30, 2016 received from:
 - Randy Martin for Loon Lake Cigar, 721 Superior Street.

“Class A” Fermented Malt Beverage & Intoxicating Liquor Licenses for the licensing period of July 1, 2015 through June 30, 2016 received from:

- Travel Mart Inc. for Broadway Travel Mart, 802 Broadway
- Travel Mart Inc. for Lower Dells Travel Mart, 710 Trout Road
- Travel Mart Inc. for R & G Travel Mart, 611 N Frontage Road, Suite 2
- Travel Mart Inc. for Travel Mart Shell, 2415 Wis Dells Parkway
- Walgreen Co. for Walgreens, 300 Hwy. 13
- Zinke’s Market Inc. for Zinke’s Village Market, 216 Washington Ave

Class “B” Fermented Malt Beverage Licenses for the licensing period of July 1, 2015 through June 30, 2016 received from:

- American Legion - Harold Larkin Post 187, 609 Wisconsin Avenue
- Bridgeview Corporation for Timber Falls Adventure Park, 1000 Stand Rock Road
- ETK LLC for Amber’s Hideaway, 1113 Broadway
- Loony Bin LLC for Ghost Outpost, 2233 Wis Dells Parkway
- Juan Medrano for Colotlan Mexican Restaurant, 324 Broadway
- Sherwood Forest Dells LLC for Sherwood Forest Camping & RV Park 2852 , Wis Dells Parkway
- Stromberg Wei LLC for Wei’s Chinese Restaurant, 630 S Frontage Road
- Wis. Dells Home Talent Baseball – Rivermen, for 510 Veterans Memorial Drive
- Woodside Sports Complex LLC for Woodside, 1770 Hwy. 13

Class “B” Fermented Malt Beverage and Class C Wine Licenses for the licensing period of July 1, 2015 through June 30, 2016 received from:

- Cheesey Tomato LLC, for 27 Broadway
- Family Chef Inc for Mitzi’s American Grill, 1101 Broadway
- Familyland Enterprises LLC for MACS, 208 Broadway
- Hidalgo Capital LLC for the White Rose Inn 910 River Road
- Hulbert Creek Lodge & Suites LLC for AmericInn Lodge & Suites, 550 Hwy 13
- MZ Food LLC for Pizza Villa, 737 Superior Street
- Ourland LLC for Rocky Rococo’s 1012 Stand Rock Road
- Rib Kings of America Inc. for Famous Dave’s Barbecue, 435 Broadway
- San Antonio Mexican Restaurant LLC for 740 & 742 Eddy Street

“Class B” Fermented Malt Beverage & Intoxicating Liquor Licenses for the licensing period of July 1, 2015 through June 30, 2016 received from:

- Apple Hospitality Group LLC for Applebee’s 340 Hwy 13
- Captain Dix, LLC. For Captain Dix, 4124 River Road
- Chula Vista Inc. for Chula Vista Resort/Conference Center/Golf Course at 2501 River Rd
- DeFosse Properties LLC. for Showboat/Tug’s/Mama’s Garage, 24/30 Broadway & 731 Eddy Street
- Douglas E. Fisher for Fisher’s Tavern, 719 Superior Street
- Helland Food Group LLC for Mexicalli Rose/Dock Grill 2370-2390 Wis Dells Parkway
- Hellers LTD for Monk’s Bar & Grill, 220 Broadway
- High Rock Café Inc. for High Rock Café, 232 Broadway
- JAM Food & Fun, Inc. for Dells Distillery, 206 Broadway
- Janet LLC for Chalet Lanes & Lounge, 740 Elm Street
- Donna Luce for the Roadhouse, 701 Broadway
- Nig’s Inc. for Nig’s Bar, 201 Broadway
- Polynesian Acquisition Partners, LLC for 857 N Frontage Road
- RRAD Development LLC for Santorini, 1015 River Road
- Six K’s Keg Inc. for Country Keg & Baja Cantina, 720/732 Oak Street
- Timber Falls Foods Inc. for Kickers, 951 Stand Rock Road

- T.R Nelson Inc. for Trappers Turn Golf Club, 2955 Wis Dells Parkway
- Uptown Sand Bar Corp. for Uptown Sand Bar, 130 Washington Avenue
- Y Knot 2 LLC for Riverwalk Pub & Restaurant, 911 River Road

“Class B” Fermented Malt Beverage & Intoxicating Liquor Quota Plus Licenses for the licensing period of July 1, 2015 through June 30, 2016 received from:

- Alabama Dixieland Bar BQ & Suds for 414 Broadway
- Ambers Resort & Conference Center LLC for 655 N Frontage Road
- American World Inc. for American World Complex, 400 County A
- 505 Broadway LLC for Carvelli’s Pizza & Pasta House, 505 Broadway
- Logging Camp Inc. for Paul Bunyan Restaurant, 411 State Road 13
- Taste of New Orleans Inc. for 452 Broadway
- Woodside Sports Complex Operations LLC for 2100 River Road

Motion carried 5-0-1 with Ald. DeFosse abstaining on his license application.

8. Motion by Ald. Mor seconded by Ald. Wojnicz to approve the applications for renewal of Cigarette and Tobacco Product Licenses received from:

- American World Inc for American World BP, 2040 Wis Dells Parkway
- Chula Vista Inc for Chula Vista Resort 2501 River Road
- Joseph Danon for the Purple Planet 207 Broadway
- DeFosse Properties LLC for the Showboat, Mama’s/Tugs
- JAM Food & Fun Inc, for the Dells Distillery, 206 Broadway
- Janet LLC for the Chalet Lanes & Lounge, 740 Elm Street
- Randy Martin for Loon Lake Cigar Company, 721 Superior Street
- Sherwood Forest Dells LLC for Sherwood Forest Campground 2852 Wis Dells Parkway
- Travel Mart Inc for 802 Broadway
- Travel Mart Inc for 710 Trout Road
- Travel Mart Inc for 611 N Frontage Rd #2
- Travel Mart Inc for 2415 Wis Dells Parkway
- TR Nelson Inc for Trappers Turn Golf Club, 2955 Wis Dells Parkway
- Uptown Sandbar for 130 Washington Avenue
- Walgreens Co. for 300 Hwy. 13
- Zinke’s Market Inc. for 216 Washington

Motion carried unanimously.

9. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the applications for renewal of Mobile Home Parks Licenses submitted by I.N.C. Inc. and Stonecliff LLC; and to approve Towerview Estates LLC renewal contingent upon a timeline established by the Public Works Department for the applicant’s removal units located in platted city streets and or right of ways. Motion carried unanimously.
10. Motion by Ald. Fox seconded by Ald. Freel to approve the renewal of the Livestock/Poultry License submitted by Daniel Ringelstetter for Timber Falls Adventure Park for the licensing period of July 1, 2015 through June 30, 2016. Motion carried unanimously.
11. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4175. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based on the

recommendation of the Finance Committee from their June 15, 2015 meeting, it approves the write-off of A/R invoice 1-2010-12224706-2010. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.

12. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4176. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their June 15, 2015 meeting, it approves the budget modification/appropriation for BID Fund 21. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
13. Motion by Ald. Freel seconded by Ald. Holzem to table for two months, the application for a Conditional Use Permit submitted by Nihat Almas for an outdoor café with hookah service at 404½ and 406½ Broadway until the city has been granted authority from the State (Department of Transportation) to make such decision. Upon roll call vote the motion carried 6-0.
14. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4177. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 8, 2015 meeting; it approves extending the May 2014 Conditional Use Permit issued to Central Wisconsin Community Action Council to allow multi-family (55+ senior) housing on tax parcel 716.02 near the intersection of Michigan Avenue & Hwy. 13. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
15. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4178. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 8, 2015 meeting; it approves the Site Plan Application submitted by Wayne Schult for Southfork Campground. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
16. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4179. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 8, 2015 meeting; it approves the Certified Survey Map for Southfork Campground. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
17. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4180. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, it approves the Downtown Review Committee members as the Public Work Committee Chairperson Ald. Dar Mor as Chairman, CDA Representative Ben Borchert, BID Representative Dan Gavinski, business owner #1 Jackie Morse and business owner #2 Maria Roscholt. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
18. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4181. BE IT

HEREBY RESOLVED by the City of Wisconsin Dells, it adopts “Consistency with Roger Brooks Report Recommendations” as the interim Downtown Design Review Standards. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.

19. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4182. BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based on the recommendation of the BID Committee from their June 10, 2015 meeting and the Finance Committee from their June 15, 2015 meeting; it approves Public Restroom Agreement between the BID Committee and DUKW LLC. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.

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

ORDINANCE NO. A-770

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

SECTION I: PURPOSE

This ordinance establishes a six (6) month moratorium on the issuance of Chapter 22 (sign code) permits in the C-2 District (Downtown Commercial). The purpose of the moratorium is to maintain the status quo and prevent creation or enlargement of nonconforming uses pending a complete review.

SECTION II: PROVISION CREATED

Wisconsin Dells Code sec. 22.075 is created.

SECTION III: PROVISION AS CREATED:

22.075 C-2 Moratorium

- (1) The Building Inspector shall not accept, process or issue permits for new, expanded or enlarged signs or other advertising structures in the C-2 district.
- (2) This moratorium shall expire December 31, 2015 unless terminated sooner or extended.
- (3) The purpose of this ordinance is to maintain the status quo pending the completion, report and recommendations of a downtown design review project.
- (4) This ordinance does not apply to the normal repair and maintenance of signs or Advertising structures

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 22.

Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the first reading of the ordinance adopted.

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

ORDINANCE NO. A-771
(Downtown Review Committee)

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

SECTION I: PURPOSE

The purpose of the ordinance is to create a Downtown Design Review Committee.

SECTION II: PROVISIONS CREATED

Municipal Code Sections 19.260 through 19.299 are created.

SECTION III: PROVISIONS AS CREATED

19.260 Establishment

A Downtown Design review committee is established to undertake the responsibilities herein defined and as allowed by state law.

19.261 Authority

- (1) Generally. The Downtown Design review committee shall serve in an advisory role to the building official, plan commission and common council.
- (2) Jurisdiction. The Downtown Design review committee shall review all projects that involve signage, construction, and/or maintenance in the C-2 Commercial downtown Zoning District.

- (3) Right to enter property. The Downtown Design review committee, along with its individual members and consultants, may enter upon land which is the subject of a pending conditional use application it has authority to act on.
- (4) Conditional use applications. The Downtown Design review committee shall review, hear, and make recommendations to the plan commission on those conditional use applications it has authority to act on.
- (5) Standards. The Downtown Design review committee shall have the power and authority to enact Design Standards to assist in reviewing a development application it has authority to act on.
- (6) Comprehensive plan amendments. The Downtown Design review committee may recommend changes to the city's comprehensive plan which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .
- (7) Code amendments. The Downtown Design review committee may develop recommended changes to this code and/or the sign code which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .

19.262 Composition and appointment of members

- (1) The committee shall consist of five (5) voting members. Voting members shall include: the Public Works Committee Chair; the Business Improvement District Committee Chair, or designee; the Community Development Authority Chair, or designee; and two (2) C-2 District real property owners or tenants (to be appointed by the Mayor).
- (2) Committee members appointed by the Mayor will serve staggered three (3) year terms. For the initial appointment, one member will be identified to serve a two (2) year term.

19.263 Officers

The Public Works Committee Chair shall serve as chair of the Downtown Design review committee.

19.264 Committee procedures

- (1) The Downtown Design review committee shall review all projects involving signage, construction and/or maintenance, including: all new building construction, any exterior alteration or additions to existing buildings, all new signage or decorations, changes to existing colors.
- (2) The Downtown Design review committee shall evaluate projects on a case by case basis to ensure the exterior architectural appeal and functional plan of the proposed project will not, within the discretionary judgment of the committee, be contrary to generally accepted design standards or to the underlying aesthetic values of the downtown business district.
- (3) If the Committee denies, modifies, or conditions an application, it shall give written notice of the action, reasons and rationale to the applicant and the building official.
- (4) Decision of the Downtown Design review committee will be forwarded to the permitting body.
 - (a) Conditional Use Permit and Site Plan Permit reviews will be forwarded to the Plan Commission, to be included in its recommendation to the Common Council.
 - (b) Building Permit and Sign Permit reviews will be forwarded to the Building Official to approve or deny the permit.

9.265 Meeting minutes

The Downtown Design review committee shall keep minutes of its proceedings, showing the vote of each voting member upon each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the committee shall be filed with the city clerk and shall constitute a public record.

19.266 Schedule of meetings

Meetings shall be held at the call of the chairperson and at such other times as the Downtown Design review committee may determine.

19.267 Voting and quorum

- (1) Requirements for quorum. A quorum shall consist of 3 voting members.
- (2) Requirements for voting. A decision of the committee shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.

19.268 to 19.269 reserved

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 19.

Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the first reading adopted.

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

ORDINANCE NO. A-772
(Amends Sign Ordinance)

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

SECTION I: PURPOSE

The purpose of this ordinance is to amend the sign ordinance to incorporate the Downtown Design Review Committee.

SECTION II: PROVISIONS RENUMBERED, CREATED AND AMENDED

1. Municipal Code Sec. 22.04 is amended.
2. Municipal Code Sec. 22.07(1)(b) is renumbered to 22.07(1)(c).
3. Municipal Code Sec. 22.07(1)(b) is created.
4. Municipal Code Sec. 22.26(6) is amended.
5. Municipal Code Sec. 22.26(8) is amended

SECTION III: PROVISIONS AS RENUMBERED, CREATED AND AMENDED

22.04 Permit Required. Except as provided in sec. 22.13, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Wisconsin Dells, any sign or other advertising structure as defined in this ordinance, without first obtaining an erection permit from the Building Inspector and making payment of the fee required by sec. 22.08. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and its requisite permit fees. No permit is required for repair, repainting or maintenance which does not entail structural change; or, for change of copy, message, or face panel. ***In the C-2 Commercial Downtown Zoning District, change of copy, message or face pane is subject to review by the Downtown Design Review Committee.***

22.07 Permit Issuance.

(1) Upon the filing of an application for an erection permit, the Building Inspector shall, not sooner than two (2) working days and not later than seven (7) working days:

(a) Examine the plans and specifications and the premises upon which the proposed structure shall be erected.

(b) For applications in the C-2 Commercial Downtown Zoning district, refer the sign to the Downtown Design Review Committee per Article 3 Division 5 of the Zoning Code (Ordinance Chapter 19)

(c) Issue a permit if the proposed structure complies with the requirements of this ordinance and all other laws and ordinances of the City of Wisconsin Dells.

(6) Inspection. Projecting structures shall be inspected every two (2) years by the ~~Director of Public Works~~ ***City Planner/Zoning Administrator*** or by a person designated by the ~~Director of Public Works~~ ***City Planner/Zoning Administrator*** to perform the inspection. Inspection fees shall be established by a resolution approved by the Common Council pursuant to Code sec. 2.05.

(8) Projecting Structure Approval.

(a) This section shall govern the issuance of a permit to construct or erect a projecting structure.

(b) Applications for permits to construct projecting structures shall be submitted pursuant to Code sec. 22.05.

- (c) The Building Inspector shall determine if the application is complete. Incomplete applications shall be returned to the applicant for resubmission.
- (d) Completed applications shall be referred to the ~~BID~~ ***Downtown Design Review Committee***. The ~~BID~~ ***Downtown Design Review Committee*** shall review applications for projecting structures within 30 days of the day on which a completed application is submitted. The ~~BID~~ ***Downtown Design Review Committee*** shall approve or disapprove applications based upon design and construction criteria to be promulgated by the ***Downtown Design Review Committee***.
- (e) Decisions of the ***Downtown Design Review Committee*** may be appealed to the Board of Appeals.
- (f) Projecting structures in the STH right-of-way are subject to WisDot approval. All projecting structures may be subject to other agency approvals.

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 22.

Ald. Fox seconded the motion. During discussion Eric Helland questioned the direction the committee would be given. Other concerns raised were the possible similar design taste of the committee members and the lengthy process. Others questioned why this pertains to only the downtown area and not the area west of the bridge. Mayor Landers stated that the Brooks report focused on the downtown area for designs standards. Ald. Holzem asked that it be looked at before the second reading. Upon roll call vote the motion carried 5-1 with Ald. Freel voting no. Mayor Landers declared the first reading adopted.

- 23. There were no items for referral.

24. Motion by Ald. Mor seconded by Ald. Freel to adjourn. Motion carried unanimously and the meeting adjourned at 7:42PM

Nancy R. Holzem
City Clerk/Coordinator
Published: June 24, 2015