

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
JUNE 20, 2016

Council President Wojnicz 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

Excused: Mayor Brian Landers

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, BID Chairperson Kelli Trumble, 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. Mor to approve the following consent agenda items:
 - a. May 16, 2016 and May 26, 2016 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated June 20, 2016.
 - c. Bartender Licenses to the following: Austin Anderson, Denise Anderson, Torren Antony, Necole Baer, Boulder Beeman, Vicki Berning, Michelle Bojar, Jeffrey Borowski, Buck Brackman, Erin Clark, Angela Clingerman, Penny Crisafulli, Michelle Franke, Aaron Gasser, Christina Gehrke, Stephanie Glick, Robert Hall Jr., Maria Herrera, Michael Herrera, Adam Hickey, Hunter Hickey, Jordan Hickey, Patrick Holzem, Nikki Lohr, Patricia Lueck, John Malina, Darrell Manns, Marissa McDevitt, Louise Mooney, Eileen Oelke, Ciera Priest, Maureen Randall, Renee Reuter, Rathorn Scholz, Dena Seborowski, Thomas Shier, John Tadych Jr., Tyler Tardiff, Michael Taszarek, Brad Tovsen, Robert Turzinski, Dana Weiland, Dennis Wimann, Carolyn Young, Carla Zimmerman and Tonya Zimmerman; and to deny the application submitted by Daniel Sorenson.
 - d. Special Events Permit granted to Kyler Royston/JAG for a 5K event on Friday, June 24, 2016.
 - e. Special Events Permit granted to Kyler Royston/BID for a 5K event on Monday, July 4, 2016.
 - f. Temporary Class B Beer (Picnic) License issued to Assist Wisconsin for a beer stand July 4, 2016 contingent upon satisfactory arrangements being made with the Police Dept.
 - g. Temporary Class B Beer (Picnic) License issued to American Legion Post 329 for September 15-18, 2016 for the WoZhaWa fall festival.Motion carried unanimously.

4. Updates were given by committee chairpersons.
5. Council President Wojnicz declared the public hearing open on a proposed ordinance to update waterway regulations to include Kilbourn Dam boat restrictions. No one spoke for or against. The public hearing was to meet DNR requirement for the changes.
6. There were no citizen appearances for any non-agenda items.
7. Motion by Ald. Mor seconded by Ald. Fox to approve the applications for renewal of the following licenses for the licensing period of July 1, 2016 through June 30, 2017:

Class “A” Fermented Malt Beverage License for the licensing period of July 1, 2016 through June 30, 2017 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, 2016 through June 30, 2017 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 Avenue

Class “B” Fermented Malt Beverage Licenses for the licensing period of July 1, 2016 through June 30, 2017 received from:

- Bridgeview Corporation for Timber Falls Adventure Park, 1000 Stand Rock Road
- Cheesey Tomato LLC for The Cheesey Tomato, 27 Broadway
- ETK LLC for Amber’s Hideaway, 1113 Broadway
- Harold B Larkin Post 187 (American Legion) 609 Wisconsin Avenue
- Juan Medrano for Colotlan Mexican Restaurant, 324 Broadway
- Jesse Nehring for Jesse’s Hideaway, 2255 Wis Dells Parkway
- Sherwood Forest Dells LLC for Sherwood Forest Camping, 2852 Wis Dells Parkway
- Wei Stromberg LLC for Wei’s Chinese Restaurant; 630 S Frontage Rd.
- Wis. Dells Home Talent Baseball for 510 Veterans Memorial Drive
- Woodside Sports Complex Operations LLC for Woodside Sports, 1770 S Hwy 13

Class “B” Fermented Malt Beverage and Class C Wine Licenses for the licensing period of July 1, 2016 through June 30, 2017 received from:

- Family Chef Inc for Mitzi’s American Grill, 1101 Broadway
- Familyland Enterprises Inc., for MACS, 208 Broadway
- Hidalgo Capital LLC for the White Rose Inns, 910 River Road
- Hulbert Creek Lodge & Suites LLC for AmericInn Lodge & Suites, 550 Hwy 13
- MZ Food LLC for Pizza Villa, 737 Superior Street
- Pizza Lab LLC, for the Pizza Lab, 332 State Hwy. 13
- Rib Kings of America Inc. for Famous Dave’s Barbecue, 435 Broadway
- San Antonio Mexican Restaurant LLC for restaurant/bar at 740/742 Eddy Street

“Class B” Fermented Malt Beverage & Intoxicating Liquor Licenses for the licensing period of July 1, 2016 through June 30, 2017 received from:

- Apple Hospitality Group LLC for Applebee’s 340 Hwy 13
- 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
- Douglas E. Fischer for Fischer’s Tavern, 719 Superior Street

- Helland Food Group LLC for Mexicalli Rose/Dockside Grill, 2370-2390 Wis Dells Parkway
- Heller's 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 at 701 Broadway
- Nig's Inc. for Nig's Bar, 201 Broadway
- Polynesian Acquisition Partners, LLC for the Polynesian Resort, 857 N Frontage Rd
- RRAD Development LLC for Santorini/River Walk Hotel, 1015 River Road
- Silver Spruce Resort, LLC. for Rubb's Steakhouse, 4124 River Road
- Six K's Keg Inc. for The Keg Bar & Grill, 732 Oak Street
- Timber Falls Food, LLC for Kickers, 951 Stand Rock Road
- Timber Foods Inc. for CC Alamo Smokehouse, 951 Stand Rock Rd (to be surrendered)
- 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, 2016 through June 30, 2017 received from:

- Ambers Resort & Conference Center LLC for resort & Fiesta Cancun, 655 N Frontage Rd
- 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
- Myrt and Lucy's Chat & Chew LLC, for Myrt & Lucy's Chat & Chew, 414 Broadway
- Travel Mart Inc., for Taste of New Orleans, 452 Broadway
- Woodside Sports Complex Operations LLC for Woodside Sports Complex at 2100 River Rd

Motion carried unanimously.

8. Motion by Ald. DeFosse seconded by Ald. Mor to approve the applications for renewal of Cigarette and Tobacco Product Licenses for the licensing period of July 1, 2016 through June 30, 2017 received from:

- American World Inc for American World BP, 2040 Wis Dells Parkway
- Chula Vista Inc for Chula Vista Resort 2501 River Road
- 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
- T.R. Nelson Inc for Trappers Turn Golf Club, 2955 Wis Dells Parkway
- 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 Rd #2
- Travel Mart Inc for Travel Mart Shell, 2415 Wis Dells Parkway
- Uptown Sandbar for the Sand Bar, 130 Washington Avenue
- Walgreens Co. for Walgreens, 300 Hwy. 13
- Zinke's Market Inc. for Zinke's Village Market, 216 Washington

Motion carried unanimously.

9. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the applications for renewal of Mobile Home Park Licenses received from:

- I.N.C. Inc for Fairway Mobile Home Park, 610 Commercial Avenue
- TVE MHP, LLC for Towerview Estates, Plum Street (with agreement still in place regarding units in city's right of way that need to be removed.)
- Stonecliff, LLC for one unit on Pioneer Drive

Motion carried unanimously.

10. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4295. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their June 15, 2016 meeting, it APPROVES a Conditional Use Permit to Port Huron Brewing Co. to allow outdoor food & beverage service, commercial activity without a permanent structure, outdoor vendor, and walk-up service window at 805 Business Park Road, with the conditions in the staff report. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
11. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4296. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 15, 2016 meeting, it APPROVES a Conditional Use Permit to Chula Vista Golf Resort Inc. in order to allow a LED variable message sign at 1000 Chula Vista Parkway, contingent upon maintaining a 36” clearance from the fire hydrant. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
12. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4297. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 15, 2016 meeting; it APPROVES a Conditional Use Permit to Laser Ops Compound-Fort Dells, Kim Dearth, in order to allow outdoor entertainment/recreation (laser tag) at 2191 Wisconsin Dells Parkway, with the contingencies listed in the staff report. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
13. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4298. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 15, 2016 meeting; it APPROVES a Conditional Use Permit to Riverview Boat Line in order to allow outdoor commercial food & beverage service, commercial activity without a permanent structure, outdoor vendor and walk-up service window at 15-27 Broadway, with the contingencies listed in the staff report. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
14. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4299. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their June 15, 2016 meeting; it APPROVES the 2015 Compliance Maintenance Annual Report for the Sanitary Sewer with a 4.0 “A” grade rating for both financial and collection management. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
15. Motion by Ald. Mor seconded Ald. Holzem to deny the purchase of 11 additional parking pay station kiosks, at a cost of \$157,000. This was proposed by the Police Chief and approved by the Parking Board at their June 15, 2016 meeting. Upon roll call vote the motion to deny carried 6-0. The purchase of additional pay station kiosks is to be addressed in the Parking Board’s upcoming annual budget process and presented to the Finance Committee.
16. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4300. BE IT

HEREBY RESOLVED by the City of Wisconsin Dells, based upon the recommendation of the PARKING BOARD from their June 15, 2016 meeting, it proceeding with Passport Parking Citation Management system for their automated ticket writing and management services with no cost to the city. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

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

ORDINANCE NO. A-799

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

SECTION I: PURPOSE

At the request of Alliant the City recently updated its waterway regulations to include Kilbourn Dam boat restrictions. Wis DNR advised that Department language and protocols were not observed. This ordinance is a non-substantive corrective recodification.

This ordinance was submitted and approved by DNR as required. A public hearing will be held on this ordinance at least thirty (30) days before it is enacted and notice of public hearing will be published at least thirty (30) days before the hearing date.

SECTION II: PROVISIONS AFFECTED

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

SECTION III: PROVISIONS AS AFFECTED:

8.04 Waterway Regulations

- (1) Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of the Wisconsin River. This ordinance shall be enforced by the officers of the City.
- (2) Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.
- (3) State Boating and Safety Laws Adopted. State boating laws as found in Wis. Stat. Secs. 30.50 to 30.71 are adopted by reference.
- (4) Speed Restrictions.
 - (a) Definitions. "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steering 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.

(5) Boat Prohibition Area.

- (a) No person shall operate a motorboat, as defined in Wis. Stat. Sec. 30.50(6) or non-motorized boat as defined in Wis. Stat. Sec. 30.50(7) on the Wisconsin River from the Kilbourn Dam restricted buoy line, downstream to the Kilbourn Dam.
- (b) 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.

- (6) Penalties. Wisconsin state boating penalties as found in Wis. Stat. Sec. 30.80 and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

- (7) Posting Requirements. The City shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the City pursuant to the requirements of Wis. Adm. Code NR 5.15.

SECTION IV: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

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. Fox seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted. Motion by Ald. Mor seconded by Ald. Holzem to suspend the rules in order to adopt the second reading. Upon roll call vote the motion carried 6-0. Ald. Mor introduced and moved for adoption the second reading. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Ordinance adopted and in full force after publication.

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

ORDINANCE NO. A-800

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

SECTION I: PURPOSE

This ordinance codifies the parking enforcement period; hours and public notice requirements.

SECTION II: PROVISIONS AFFECTED

- A. Wis. Dells Code sec. 7.03(9) is renumbered Wisconsin Dells Code sec. 7.04(10).
- B. Wis. Dells Code sec. 7.03(9) is created.

SECTION III: PROVISIONS AS AFFECTED:

7.03(9) Parking Enforcement.

- (1) Metered parking will be enforced daily April 1st through September 30th between the hours of 9:00a.m. and 10:00p.m.
- (2) Rates and regulations shall be established by Resolution from recommendations made by the Parking Board and approved by the Common Council; and shall be appropriately displayed, without limitations, in parking areas, on parking devices, and on the City's website.

SECTION IV: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

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 7

Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted.

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

**ORDINANCE NO. A-801
(Industrial Retail District)**

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

SECTION I: PURPOSE

This ordinance amends Industrial District Retail in the zoning code to clarify the retail activities will be evaluated using the existing standards for those uses in the commercial districts.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 19.925 is amended

SECTION III: PROVISION AS AMENDED

19.825 Industrial District Retail.

Retail sales and activities shall be ancillary and related to the products manufactured on premises and subject to such conditions as imposed by the city, including without limitation, area of retail space, hours of operation, parking and traffic flow. **Any use accessory to the Industrial District Retail use, such as outdoor commercial activities, will be required to obtain permits or other approvals consistent with the requirements in the C-4 Commercial-Large Scale Zoning District.**

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 6-0. First reading adopted.

20. There were no items for referral.
21. Motion by Ald. Freel seconded by Ald. DeFosse to adjourn. Motion carried unanimously and the meeting adjourned at 7:20PM

Nancy R. Holzem
City Clerk/Coordinator
Published: June 29, 2015