

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
JULY 18, 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 Jesse DeFosse and Brian Holzem
Second District Alderpersons Mike Freel and Dar Mor
Third District Alderperson Ed Wojnicz

Excused: Third District Alderperson 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, BID Chairperson Kelli Trumble, Eddie Krause, Tanya Krause, Dan Fulwiler, Gary Picha, Helen Picha, Becca Frederiksen, Ben Borchert, Mary Sobojinski, Chris Lechnir, Ron Newell, Brad Preissel, Ed Karas, Anna Karas, Marie Frankov, Larry Zunker, Mary Zunker, Eric Helland, Joey Van Dinter, Debbie Kinder, 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. Freel to approve the following consent agenda items:
 - a. June 20, 2016 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated July 18, 2016.
 - c. Bartender Licenses to the following: Todd Allard, Tammy Bajinka, Jesse Ballard, Gail Carlson, Kris Furtak, Melissa Gaffney, Julie Greenwood, Kevin Gruber, Kendra Kimball, Emily Koebke-Barsic, Brittanee Leverenz, Edward Lukaszewicz, Jo Ann Melby, Aaron Myott, Alisha Niederklopper, Priscilla Nelson, David Paradise, Gretta Rothwell, Lisa Sanders, Natalie Scarborough, Lauren Schaefer, Andrea Schmitz, Synda Spencer, James Stark, Thomas Strehlow, Chris Tourdot, Michael Warren, Sandra Warren, and Michelle Wilhorn.
 - d. Special Events Permit granted to St. Cecelia Catholic Church for their new church dedication mass and dinner August 28, 2016 (Closing Oak St. in front of church).
 - e. Temporary Class B Beer & Wine (Picnic) License issued to Knights of Columbus for Sunday, August 28, 2016.
 - f. Temporary Class B Beer & Wine (Picnic) License issued to Knights of Columbus for September 15-18, 2016.Motion carried unanimously.
4. Updates were given by committee chairpersons.

5. There were no citizen appearances for any agenda matter.
6. Motion by Ald. DeFosse seconded by Ald. Wojnicz to approve the application for an Original Class B Beer License submitted by Be Kind Studios, LLC, Dan Fulwiler agent, for Be Kind Studios, 714 Oak Street, for the licensing period of July 19, 2016 through June 30, 2017. Motion carried unanimously.
7. Motion by Ald. DeFosse seconded by Ald. Freel to approve the application for an Original Class B Beer & Class B Liquor License submitted by Stage III, LLC, Mark Brown agent, for Chalet Lanes & Lounge, 740 Elm Street, for the licensing period of August 1, 2016 through June 30, 2017, contingent upon the sale of the business being completed and that the current license for the premises held by Janet, LLC be surrendered. Motion carried unanimously.
8. Motion by Ald. Freel seconded by Ald. Wojnicz to approve the application for an Original Class B Beer & Class B Liquor License (Quota Plus hotel restaurant provision) submitted by Arturo Contreras LLC, Arturo Contreras agent, for Fiesta Cancun Mexican Restaurant, 655 N Frontage Road, for the licensing period of July 19, 2016 through June 30, 2017. Motion carried unanimously.
9. Motion by Ald. Mor seconded by Ald. Wojnicz to approve the application for renewal of Cigarette & Tobacco Sales License submitted by Joseph Danon for the Purple Planet, 207 Broadway. Motion carried unanimously.
10. Motion by Ald. Freel seconded by Ald. Holzem to approve the application for renewal of Livestock/Poultry License submitted by Kevin Gruber for animals at Timber Falls Adventure Park. Motion carried unanimously.
11. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4301 AUTHORIZING AND SALE OF \$5,005,000 GENERAL OBLIGATION REFUNDING BONDS. WHEREAS, the Common Council of the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: State Trust Fund Loans dated December 15, 2009, September 1, 2010, December 14, 2012, December 14, 2012 and February 19, 2015 (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of restructuring the outstanding indebtedness of the City and achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell general obligation refunding bonds to Bankers' Bank (the "Purchaser"), pursuant to the terms and conditions

of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIVE MILLION FIVE THOUSAND DOLLARS (\$5,005,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation refunding bonds aggregating the principal amount of FIVE MILLION FIVE THOUSAND DOLLARS (\$5,005,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$5,005,000; shall be dated August 15, 2016; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Proposal. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2017. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to pay and discharge the debts incurred by the City through the issuance of the Refunded Obligations and the obligations refunded by the Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to be issued to discharge the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2027 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2026 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and

resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrevocable tax in the years 2016 through 2029 for the payments due in the years 2017 through 2030 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds, dated August 15, 2016" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at

the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the

Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to affect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 18. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on August 23, 2016 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with WFPF to cause sufficient and timely notice of redemption to be sent to the Board of Commissioners of Public Lands at least 30 days prior to the date of redemption of the Refunded Obligations.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

12. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4302. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the BID Committee from their July 14, 2016 meeting, and the Finance Committee from their July 18, 2016 meeting; it AWARDS RiverWalk Vignette Construction Project No. 0085057 to Michael's Signs, Inc. for the low bid of \$195,530. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
13. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4303. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their July 18, 2016 meeting; it AWARDS Café Zone Construction Project No. 00085056 to Pember Companies for the low base bid of \$310,968.85 plus Alternate 2 for \$45,425 and Alternate #3 for \$39,170 for work in the 200 Block of Broadway. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

14. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4304. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Safety Committee from their July 11, 2016 meeting; it APPROVES 40 new or update Police Department Policies. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
15. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4305. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Safety Committee from their July 11, 2016 meeting; it APPROVES the Village of Lake Delton/Wisconsin Dells Consolidated Law Enforcement Services-Public Safety Study with R2 and Associated, LLC, with the estimated study cost of \$24,728 being a shared cost with the Village of Lake Delton (about \$13,000 each). Ald. Mor seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
16. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4306. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, based upon the recommendation of the City Plan Commission from their July 11, 2016 meeting, it APPROVES a Conditional Use Permit to Brad Preissel in order to allow overnight lodging (nightly rentals) at 815 Washington, with the contingencies listed in the staff report. Ald. Mor seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
17. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4307. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, based upon the recommendation of the City Plan Commission from their July 11, 2016 meeting, it APPROVES a Conditional Use Permit to Gary Picha in order to allow a funeral home and monument sales at 1101 Broadway, with the contingencies listed in the staff report which includes approval of a zoning code amendment (agenda item #23). Ald. Freel seconded the motion. Larry Zunker, Tory Wolfram, Ron Newell and former mayor Eric Helland spoke in favor of issuing the permit. Ald. Wojnicz stated that if a restaurant was so important to the neighboring businesses, maybe they should consider buying it. Eddie Krause, Ed Karas, Chris Lechnir, Ben Borchert, spoke against issuing the permit all citing that it would not be in the city's best interest to allow a funeral home on Broadway, in the middle of several motels. City Planner Chris Tollaksen read an email from a developer who said a funeral home at that location would most likely deter them from developing anything in that area. Ald. Mor stated that with all the improvements and development at the east end of Broadway, the city has been expanding its tourism boundaries so the comprehensive plan and zoning code should be reviewed and updated to reflect those changes. Ald. Holzem stated that if it weren't for the parties involved, the city would not be considering this permit and subsequent zoning code amendment. He added that a funeral home is not the highest and best use the property. Ald. DeFosse stated that this has been a tough decision since everyone involved are great people and great business owners. He agreed with Ald. Holzem that if someone from out of town were proposing to put a funeral home at that location, the city would not even consider making a zoning code change to allow it. He added that the city, BID and visitor bureau are committed to the downtown revitalization project and allowing a funeral home at that location would be a poor decision. Upon roll call vote the motion to approve the permit failed to carry by a vote of 2 (Freel, Wojnicz) to 3 (Mor, Holzem, DeFosse). Resolution denied.
18. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4308. BE IT

HEREBY RESOLVED by the City of Wisconsin Dells, based upon the recommendation of the Parks, Recreation & Waterways Committee from their July 18, 2016 meeting, it APPROVES adding a recreational canoe/kayak launch at the Illinois Avenue boat slips. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

19. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4309. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, based upon the recommendation of the Public Works Committee from their July 11, 2016 meeting, it APPROVES the Comprehensive Road Management Services Agreement with Delmore Consulting. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

20. Ald. Mor introduced and moved for adoption the second 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. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. 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-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. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Ordinance adopted and in full force upon publication.

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

ORDINANCE NO. A-802
(New Stop Sign)

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 install a stop sign on Wisconsin Avenue at Oak Street.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 10.21(1)

SECTION III: PROVISION AS AMENDED

Wisconsin Dells Code sec. 10.21(1) is amended as follows:

Stops Signs

<u>On Street</u>	<u>At Street</u>	<u>Direction</u>
Wisconsin Avenue	Oak Street	West

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 10.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. First reading adopted.

23. Ald. Mor moved for denial of the following ordinance:

ORDINANCE NO. A-803

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

SECTION I: PURPOSE

To Conditionally Allow Land Use 8.5 – Funeral Homes in the C-2 Commercial Downtown Zoning District.

SECTION II: PROVISION AMENDED

Exhibit 5-1 Principal Uses by District is amended.

SECTION III: PROVISION AS AMENDED

Exhibit 5-1 Principal Uses by District is amended to reflect 8.5 – Funeral Home, as Conditionally Permitted Use in the C-2 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. Holzem seconded the motion. Upon roll call vote the motion to deny carried 3 (DeFosse, Mor, Holzem) to 2 (Freel Wojnicz).

24. Items for referral: Updating Comprehensive Plan was referred to the Plan Commission.
25. Motion by Ald. Holzem seconded by Ald. Mor to adjourn. Motion carried unanimously and the meeting adjourned at 7:40PM

Nancy R. Holzem
City Clerk/Coordinator
Published: July 23, 2015