

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
JULY 20, 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 Holzem, City Treasurer Karen Terry,
Public Works & Utilities Director David Holzem, Planning & Zoning
Administrator Chris Tollaksen, Police Chief Jody Ward, Eric Helland,
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. Mor seconded by Ald. Wojnicz to approve the following consent agenda items:
 - a. June 15, 2015 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated July 20, 2015.
 - c. Approve Bartender Licenses to the following: Scott Allison, Jennifer Kettner, Breanna Manke, Lindsey Nelson, Scarlett Stanley, Dennis Wimann, and Kaitlin Youngs, and to deny the applications received from Brandon Cain, Kara Sassano, and Howard Switalla.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. Mor seconded by Ald. Holzem to table the application for an Original Class B Beer License submitted by YOLO Cafe LLC, Nihat Almas agent, for the YOLO Cafe, 404½ and 406½ Broadway, for the licensing period of July 21, 2015 through June 30, 2016, based upon the recommendation of the Legislative Committee. Motion carried unanimously.
7. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4183. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their July 13, 2015 meeting, it approves the purchase of a new garbage truck in the amount of \$146,603 with trade-in. Funds are available in the garbage truck/equipment replacement fund. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.

8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4184. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their July 13, 2015 meeting, it approves the purchase of a new skid-steer in the amount of \$33,598. DPW PRT or equipment replacement funds are available. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
9. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4185. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their July 13, 2015 meeting, it approves the 1st Revision to the State/Municipal Agreement for a State-LET Project (Waubek/Ninth area). Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
10. Ald. Freel introduced and moved for adoption the resolution to approve a Conditional Use Permit to A & J Entertainment, LLC in order to expand their overnight lodging (student housing) facilities at 512 Vine Street with the contingencies listed in the staff report. Eric Helland who spoke from the audience stated that he is not opposed to J-1 student activity on Vine Street however he would not be in favor of designating Vine Street as a student housing corridor. He stated his concern of possible decreased property values on Vine Street if and when housing becomes available in other areas, closer to where the students work. Ald. Mor also stated that he was not comfortable with adding more student housing on Vine Street. He added that the city is going down the right path in looking for areas to accommodate the seasonal housing needs. Ald. Freel stated that the applicant does a great job with managing the current student housing at that location. He added that it makes a big difference when the person who owns it is a local business owner and uses it for their own employees. Ald. Holzem stated the importance of providing housing to the seasonal workers however it's a fine line when this housing starts to expand into residential areas. He questioned what would happen if/when the applicant longer owns that location. Mayor Landers stated that the Plan Commission will be looking for other areas to accommodate seasonal workforce housing. Ald. Fox stated that he liked the plan presented by the applicant because he doesn't want to see houses turn into student housing. Ald. Fox seconded the motion. Upon roll call vote the motion to approve failed to carry with Fox, Freel and Wojnicz voting yes; Holzem, Mor and DeFosse voting no. Mayor Landers broke the tie with a no vote.
11. Ald. Holzem introduced and moved for adoption the second reading of the following ordinance:

ORDINANCE NO. A-770
Moratorium on Chapter 22 Permits

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. Mor seconded the motion. Upon roll call vote the motion carried 5-1 with Ald. Freel voting no. Mayor Landers declared the ordinance adopted the day after publication scheduled for July 29, 2015.

12. Motion by Ald. Mor seconded by Ald. Holzem to table the second reading of Ordinance No. A-771 – Downtown Review Committee so that it can be updated to reflect all the commercial districts not just the downtown area. Upon roll call vote the motion to table carried 6-0.
13. Motion by Ald. Holzem seconded by Ald. Mor to table the second reading of Ordinance

No. A-772 – Sign Ordinance Amendment so that it can be updated to reflect all the commercial districts not just the downtown area. Upon roll call vote the motion to table carried 6-0.

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

**ORDINANCE NO. A-773
(Vine Street to Hwy 16 Speed Limit)**

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 set a speed limit of 35mph on Vine Street from Spring Hill School to Hwy 16 intersection (due to annexation).

SECTION II: PROVISIONS CREATED

Wisconsin Dells Code sec. 10.19(4)(h)

SECTION III: PROVISION AS CREATED

Wisconsin Dells Code sec. 10.19(4)(h) is created as follows:

10.19(4) Speed Limits Set at 35 Miles Per Hour.

(h) On Vine Street from the entrance of Spring Hill School Eastbound to the Intersection with Hwy. 16.

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. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor

Landers declared the first reading adopted.

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

ORDINANCE NO. A-774
(Business Improvement District)

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

SECTION I: PURPOSE

Wisconsin Dells created a Business Improvement District in 1998 when the City Council adopted a Resolution accepting an operating plan and operating budget. The plan and budget have been reviewed and approved annually as part of the City budget process. This Ordinance formalizes the BID's planning, budget and operational processes.

SECTION II: PROVISION CREATED

Wisconsin Dells Code sec. 1.11 is created.

SECTION III: PROVISION AS CREATED:

1.11 BUSINESS IMPROVEMENT DISTRICT

- (1) The duly established, constituted and operational business improvement district shall have the powers and duties enumerated in Wis. Stat. sec. 66.1109, as provided in the operating plan and as generally provided in this code of ordinances.
- (2) The business improvement district shall be managed by a board of directors which is responsible for development, modification and implementation of the operating plan and budget.
- (3) The board shall consist of seven (7) members appointed by the Mayor and confirmed by the Common Council. Six (6) of the members shall serve staggered terms of three years; and, a member of the Common Council shall be appointed annually. A majority of the board shall own or occupy real property in the district.
- (4) The mayor shall designate the chair and vice chair of the board.
- (5) In conjunction with the City's annual budget cycle, the board shall report on the district's activities, accomplishments and goals.
- (6) The board may adopt bylaws and operating procedures in furtherance of its powers and duties.

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 1.

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

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

**ORDINANCE NO. A-775
Prohibits “Pedal Pubs”**

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

SECTION I: PURPOSE

This ordinance prohibits the consumption of alcohol on “commercial quadricycles” ; a.k.a. “pedal pub” . Wis. Stat Sec. 340.01(8m) defines commercial quadricycle as follows:

“ Commercial quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner ”.

State law allows municipalities to prohibit, by ordinance, the consumption of alcohol by passengers on a “pedal pub”. This ordinance implements that statutory authority. (Please note: This ordinance is placed in Chapter 18 which generally defines and regulates “Offenses”. It could also be placed at code sec. 10.30 and regulated as part of the traffic code or at code sec. 16.12(17), the alcohol beverage code section).

SECTION II: PROVISION CREATED

Wisconsin Dells Code sec. 18.04(6) is created.

SECTION III: PROVISION AS CREATED:

18.04(6) No person shall drink from or have in their possession an open container of fermented malt beverage or intoxicating liquor while on a commercial quadricycle as defined at Wis. Stat. Sec. 340.01(8m); or while on any other type of commercial cycle.

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

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

**ORDINANCE NO. A-776
(Creating Columbia County Ward 11)**

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 create Ward 11 in Columbia County due to an annexation. The property is contiguous with Ward 1 but is in a different Assembly District so a new ward has to be created.

SECTION II: PROVISIONS AMENDED & CREATED

Wisconsin Dells Code sec. 2.02(11) is renumbered and amended

Wisconsin Dells Code sec. 2.02(11) is created.

SECTION III: PROVISIONS AS AMENDED & CREATED

Wisconsin Dells Code sec. 2.02(11) is created as follows:
2.02 WARDS AND COMMON COUNCIL DISTRICTS

(11) Eleventh Ward. The Eleventh Ward shall consist of that part of the city located in Columbia County in Congressional District #6, Senate District 14 and Assembly District 81. (Southfork Campground annexation.)

- (11) (12) The Common Council Districts shall consist of the following wards:
District One – Wards 1, 4, 7, 8, 10 *and 11*;
District Two – Wards 2, 5 and 9.
District Three – Wards 3 and 6.

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 2

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

18. There were no additional items brought for referral.
19. Motion by Ald. Freel seconded by Ald. Mor to adjourn. Motion carried unanimously and the meeting adjourned at 7:35PM

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