

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
SEPTEMBER 21, 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. Meeting was held at the Wisconsin Dells High School Gymnasium.

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, Assistant City Attorney Joe Hasler, Senator Luther Olsen, Representative Joan Ballweg, Zebradog, BID Committee members, residents, business owners, and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said.
3. Motion by Ald. Wojnicz seconded by Ald. Freel to approve the following consent agenda items:
 - a. August 17, 2015 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated September 21, 2015.
 - c. Approve Bartender Licenses to the following: David Christianson, Doran Goodbear, Benjamin Peterson, Joseph Rastocan; and to deny the application received from Ashley Lipinski.
 - d. Special Events Permit to FITS/Assist WI for a 5K run/walk on September 27, 2015.
 - e. Temporary Class B Beer (Picnic) License issued Assist WI for an event on September 27, 2015.Motion carried unanimously.
4. Updates were given by committee chairpersons.
5. ZEBRADOG presentations on the proposed Dells River Arts District took place. Public comments were positive.
6. Rep. Joan Ballweg spoke during citizen appearances.
7. Mayor Landers signed a Proclamation declaring October as Fire Prevention Month and October 4-10 as Fire Prevention Week. Fire Inspector Jerry Wolfram spoke on the importance of fire safety.
8. Motion by Ald. Mor seconded by Ald. Holzem to approve Christopher Lewis as the new agent for the Class B Liquor License held by Polynesian Acquisition Partners, LLC. Motion carried unanimously.

9. Motion by Ald. Holzem seconded by Ald. Mor to approve Chris Lechnir as the new agent for the Class B Liquor License held by Woodside Sports Complex Operations, LLC. Motion carried unanimously.
10. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4194. BE IT HEREBY RESOLVED; that the City of Wisconsin be exempt from payment of any county library tax as provided in Sec. 43.64(2)(b) as it will expend for its own library fund an amount in excess of that amount calculated in accordance with 43.64(2)(b). Motion seconded by Ald. Freel. Upon roll call vote the motion carried 6-0. Mayor Landers declared the resolution adopted.
11. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4195. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their September 21, 2015 meeting, it approves withdrawing from the State's Local Government Property Insurance Fund effective September 24, 2015; and to begin coverage with the Municipal Property Insurance Company through CVMIC. Ald. Freel 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. 4196. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the BID Committee from their August 19 2015; it approves the Wisconsin Dells Business Improvement District By-Laws. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
13. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4197. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Tree City Advisory Committee and Public Works Committee, the city supports moving forward with an urban forestry grant. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
14. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4198. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Works Committee from their September 14, 2015 meeting, it approves the 2014 Compliance Maintenance Annual Report for the Sanitary Sewer with an A grade for both financial management and collection systems. Ald. Freel seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
15. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4199. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their September 2, 2015 meeting, it approves the CSM for Sauk County Parcels 291-0031, 291-0032, 291-0032, 291-0033, 291-0034 and 291-0035. Ald. Freel seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
16. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4200. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the

recommendation of the City Plan Commission from their September 2, 2015 meeting, it approves the termination of the Development Agreement for Oak Grove Michigan Avenue Improvements; contingent upon them removing the existing unused footings within the 5 years. Ald. Holzem seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.

17. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4201. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their September 21, 2015 meeting, it approves the Dock Use Agreement with Dells Boat Tours, LLC and Dells Duck Tours, Inc. for 2 years. Ald. DeFosse seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
18. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4202. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their September 21, 2015 meeting, it approves the Affordable Housing Development Agreement with Mirus Partners, Inc. and Mirus Wisconsin Dells, LLC for the Pioneer Ridge multi-family housing development. Ald. Fox seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
19. Ald. Fox introduced and moved for adoption the second reading of the following ordinance:

ORDINANCE NO. A-777
(Update to Parking Fees/Enforcement)

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

SECTION I: PURPOSE

This ordinance is to change the parking enforcement season and hours; and to provide for proper display of parking rates and enforcement information.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code sec. 7.03(6) is repealed and recreated.

SECTION III: PROVISION AS RECREATED

- (6) Payment of Parking Fee.

No vehicle shall be parked in any metered stall or parking space without paying the appropriate fee for parking in said space. Enforcement of metered areas will apply seven (7) days a week, 10:00AM to 9:00PM, from April 1st to September 30th in any given calendar year. Parking meters and other parking devices shall properly display this information. Vehicles parked in any such area with expired time are subject to a citation. Parking kiosks shall be turned off October 1st to March 31st with free parking signage properly displayed.

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 7.

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 and in full force upon publication.

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

**ORDINANCE NO. A-778
(Update to Floodplain Map –Sauk County)**

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

SECTION I: PURPOSE

This ordinance is to update the referenced Flood Insurance Rate Map (FIRM) with the corresponding profiles that are based on the Flood Insurance Study (FIS) for Sauk County effective October 2, 2015.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code Sec. 20.1.5(2)(a)

SECTION III: PROVISION AS AMENDED

(a) OFFICIAL MAPS : Based on the FIS

1. Flood Insurance Rate Maps (FIRM)

1.1. Flood Insurance Rate Map (FIRM) panel numbers 55021C0020E, 55021C0182E, 55021C0201E, dated April 2, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS) number 55021CV000B dated April 2, 2014 . (Columbia

County) ;

1.1.1 Letter of Map Amendment (LOMA) Case No 15-05-1001A effective November 25, 2014 (19 Kansas Ave.) This LOMA documents that the Lowest Adjacent Grade Elevation of 19 Kansas Ave. as of November 25, 2014 is not located within the identified Special Flood Hazard Area described by FIRM panel 55021C0020E, dated 4/2/2008 (Columbia County)

1.2. Flood Insurance Rate Map (FIRM) panel numbers 55001C0441D, 55001C00442D, DD001C0443D, 55001C0475D, dated June 17, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS) number 55001CV000A dated June 17, 2008. (Adams County);

1.3. Flood Insurance Rate Map (FIRM) panel numbers 55111C0118E, 55111C0119E, 55111C0231E, and 55111C2232E, dated December 18, 2009; with corresponding profiles that are based on the Flood Insurance Study (FIS) numbers 55111CV001BC and 55111CV002BC dated ~~November 20, 2013~~ October 2, 2015. (Sauk County);

1.3.1 Letter of Map Revision (LOMR) Case No 12-05-7540P effective May 28, 2013 (Hulbert Creek). This LOMR updates FIRM panel numbers 55111C0118E and 55111C0231E dated December 18, 2009 (Sauk County)

1.3.2 Letter of Map Amendment (LOMA) Case No 14-05-7014A effective August 14, 2014 (451 Trout Rd.) This LOMA documents that the Lowest Adjacent Grade Elevation of 451 Trout Rd. as of August 14, 2014 is not located within the identified Special Flood Hazard Area described by FIRM panel 55111C0231E, dated 12/18/2009 (Sauk County)

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 20.

Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the ordinance adopted and in full force upon publication.

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

**ORDINANCE NO. A-779
(City Plan Commission)**

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

SECTION I: PURPOSE

This ordinance modifies the composition of the City Plan Commission.

SECTION II: PROVISIONS AFFECTED

- A. Wisconsin Dells Code sec. 1.04(2) is repealed and recreated.
- B. Wisconsin Dells Code sec. 19.203 is repealed and recreated.

SECTION III: PROVISION AS AFFECTED:

- A. 1.04(2) City Plan Commission. See Code sec. 19.203
- B. 19.203 City Plan Commission; composition and appointment of members.
 - (1) Members and appointment. The commission shall consist of seven (7) members appointed by the mayor and confirmed by the common council as follows:
 - (a) The mayor, who shall serve as chair,
 - (b) a member of the common council,
 - (c) the fire chief, and
 - (d) four (4) citizen members.
 - (2) Terms. The citizen members shall serve staggered terms of three (3) years. The mayor and fire chief shall serve during their terms. The council member shall serve a term of one (1) year.
 - (3) Considerations in making citizen appointments. Citizen members shall be persons of recognized experience and qualifications and shall be residents of the city. (See Wis. Stat. sec. 62.23(1)(d))
 - (4) Conditions for removal. A citizen member shall be removed from the commission and the member's office declared vacant when the member (1) fails to attend three (3) successive meetings without excused absences; or (2) moved outside of the city.

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, Chapters 1 and 19.

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

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

**ORDINANCE NO. A-780
(Chapter 18 Updates)**

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

SECTION I: PURPOSE

This ordinance adopts by reference the following state law violations as municipal code offenses: Wis. Stat. secs: 192.32-Trespassing on railroad; 940.32-Stalking; and, 948.45-Contributing to truancy. Copies of the underlying statutes are attached.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code Secs. 18.03 (4), 18.07(7) and 18.09(24) are created.

SECTION III: PROVISION RECREATED

Code sections created:

- A. 18.03(4) Contributing to truancy. Wis. Stat. sec. 948.45 is adopted.
- B. 18.07(7) Stalking. Wis. Stat. sec. 940.32 is adopted.
- C. 18.09 (24) Trespassing on railroad. Wis. Stat. sec. 192.32 is adopted.

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

23. Ald. Freel introduced and moved for adopting the first reading of the following ordinance:

**ORDINANCE NO. A-781
(Animals at Large and Exercise)**

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

SECTION I: PURPOSE

This ordinance updates and clarifies city code provisions which regulate animals at large and exercise. It was suggested by the assistant city attorney who handles city prosecutions in municipal court.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code Sec. 25.05 and 25.06 is repealed and recreated as Code Sec. 25.05.

SECTION III: PROVISION AS REPEALED AND RECREATED

25.05 Animals at Large and Exercise

- (1) Dogs, cats, or other domestic animals shall not be permitted to run at large within the city limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- (2) Dogs, cats or other domestic animals shall be kept on a leash no longer than six (6) feet at all times when off the premises of their owner; and, the person in

physical control of the animal shall be competent to supervise and physically capable to restrain the animal.

- (3) The owner or person in control shall not allow or permit the animal to defecate upon the property not owned by such person or without such other property owner's consent or upon any public property, without immediately removing and disposing the excrement in a sanitary manner.

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 25.

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

24. There was no business for referral.
25. Motion by Ald. Freel seconded by Ald. Mor to adjourn. Motion carried unanimously and the meeting adjourned at 8:00PM.

Nancy R. Holzem
City Clerk/Coordinator
Published: September 26, 2015