

**COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
DECEMBER 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.

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, BID Chairperson
Kelli Trumble, Assistant City Attorney Joe Hasler, Bruce Rodger, John
Van Wie, Tanner Brethorst and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said. A moment of silence was observed for the six American soldiers that lost their lives in Afghanistan today.
3. Motion by Ald. Holzem seconded by Ald. Wojnicz to approve the following consent agenda items:
 - a. November 16, 2015 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated December 21, 2015.
 - c. Approve Bartender Licenses to Janice Hudson, Nicholeta Topciu and Maria Tugui.Motion carried unanimously.
4. Updates were given by committee chairpersons.
5. Bruce Rodger and John Van Wie, from the Gregory C. Van Wie Charitable Foundation presented a donation to the city in the amount of \$89,000. Funds are to be used for a new scoreboard at Veteran's Park, landscaping on Stand Rock Road, and for a water feature part of the downtown revitalization project. The mayor and council thanked the foundation for their generous donation.
6. Motion by Ald. Mor seconded by Ald. Wojnicz to accept the 2016 Arbor Day Proclamation as presented. Motion carried unanimously.
7. Motion by Ald. Holzem seconded by Ald. Wojnicz to approve the appointment of Arturo Contreras as the new agent for the Class B Beer & Liquor License held by Amber's Resort & Conference Center LLC. The Trade name is also amended to include the Fiesta Cancun Mexican Restaurant & Cantina. Motion carried unanimously.
8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4223. BE IT HEREBY RESOLVED; that based upon the recommendation of the Finance Committee from their December 21, 2015 meeting; It APPROVES creating a Special Revenue Fund

for the Fire Department with the specific purpose that the fund be used only for fire related expenses. Motion seconded by Ald. Fox. Upon roll call vote the motion carried 6-0. Mayor Landers declared the resolution adopted.

9. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4224. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their December 21, 2015 meeting, It APPROVES creating a Special Revenue Fund for Rivers & Bay with the specific purpose that the funds be used only for river launch and dock related expenses. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
10. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4225. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their December 21, 2015 meeting, It APPROVES waiving the building permit fees for the wastewater treatment plant dryer project, contingent upon the project moving forward. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
11. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4226. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that the list of 2016-2017 Election Workers be approved. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted. Mayor Landers expressed his thanks to the election workers and the great job they do for the city.
12. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4227. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their December 21, 2015 meeting; It APPROVES the Memorandum of Transfer by Donation with Broken Spur Enterprises, LLC for 828 Elm Street. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
13. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4228. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Parking Board from their December 7, 2015 meeting, It APPROVES increasing the current parking stall rentals on Broadway from \$350 to \$500 for 2016 and 2017 for the Dells Boat Tours, Original Wisconsin Dells Ducks and Dells Duck Tours; and increases the current parking stall rentals on Cedar Street from \$300 to \$350 for 2016 and 2017 for the M & I Bank. Privilege Agreements must be drafted and signed for the use of these spaces. No additional spaces are to be rented on Broadway at this time. Ald. Fox seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
14. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4229. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Safety Committee from their December 7, 2015 meeting, It APPROVES and ADOPTS the following Police Department Policies effective January 1, 2016: 6.11 Criminal Investigations, 6.12 Informants, 6.13 Custodial Interrogation, 6.14 Eyewitness Identification, and 6.15 Officer Involved Deaths. Ald. Freel seconded

the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.

15. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4230. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their December 9, 2015 meeting, It APPROVES a Conditional Use Permit and the Site Plan Application for Chula Vista Golf Resort in order to construct a non-residential garage for storage at the golf course. Ald. Wojnicz seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
16. Ald. Fox introduced and moved for adoption RESOLUTION NO. 4231. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their December 9, 2015 meeting, It APPROVES amending the Conditional Use Permit issued to Port Huron Brewing Co. to allow for retail sales any day of the week until mid-night. Ald. Holzem seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
17. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4232. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their December 14, 2015 meeting, It APPROVES moving forward with GIS programming and mapping updates with MSA and Forster Electrical Engineering, with funding to be derived from the appropriate utilities. Ald. Holzem 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. 4233. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Parks & Recreation Committee from their December 14, 2015 meeting, It APPROVES the Rental Agreement with Dells Gymnastics Program (Carey Fuller) for use of the Dells Recreation Center. Ald. DeFosse seconded the motion. Upon roll call vote the motion to approve carried 6-0. Mayor Landers declared the resolution adopted.
19. Ald. Holzem introduced and moved for adoption the second reading of the following ordinance contingent upon the WWTP dryer project moving forward:

**ORDINANCE NO. A-782
(Sewer Rate Increase)**

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

SECTION I: PURPOSE

The purpose of this ordinance is to increase the sewer service charges.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 7.04(11)(d)(1)-(3)

SECTION III: PROVISION AS AMENDED

As attached in Exhibit A.

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

This ordinance becomes a part of Wisconsin Dells Code, Chapter 7.

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

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

ORDINANCE NO. A-783

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

SECTION I: PURPOSE

This ordinance: 1) Clarifies that physical resisting or obstructing officers may be subject to enhanced civil penalties; and, 2) Specifies that threatened disorderly conduct toward officers may be subject to civil penalty.

SECTION II: PROVISIONS AFFECTED

- A. Wisconsin Dells Code secs. 18.13(2) and 18.14(1)(b) are amended.

SECTION III: PROVISIONS AS AFFECTED:

- A. 18.13(2) RESISTING OR OBSTRUCTING AN OFFICER. (Adopting §946.41)
(a) False information or physical evidence. [§946.41 (2m)]

- (b) Substantial bodily harm or soft tissue injury. [§946.41 (2r)]
- (c) Great bodily harm. [§946.41 (2t)]

B. 18.14(1) DISORDERLY CONDUCT

- (b) Disorderly conduct to police or emergency personnel. It shall be a violation of this section for any person to engage, or threaten to engage, in any violent, abusive, indecent or profane behavior directed toward any police officer, fire fighter or emergency personnel.

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 ordinance adopted and in full force after publication.

21. Ald. Mor introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-784
(Amending Comprehensive Plan)**

The City Council of the City of Wisconsin Dells, Wisconsin, does hereby ordain as follows:

SECTION 1. Pursuant to Section(s) 62.23/61.35/60.22(3) of the *Wisconsin Statutes*, the City of Wisconsin Dells is authorized to prepare and adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the *Wisconsin Statutes*.

SECTION 2. The City Council, by the enactment of an ordinance, formally adopted the document titled *City of Wisconsin Dells Comprehensive Plan* as the City's comprehensive plan on March 25, 2004. The City of Wisconsin Dells adopted an updated Zoning Code and Zoning Map on May 26, 2007.

SECTION 3. The Plan Commission, by a majority vote of the entire Commission at a meeting held on November 10, 2015, recommended to the City Council that the future land use map that was adopted as part of the Comprehensive Plan be amended to designate all or a portion of Columbia County parcels fronting Vine Street from the alley south of Broadway, south to Grand Cambrian Drive as indicated on the attached Exhibit A, as the new “targeted seasonal employee housing”. In addition, the text of the Comprehensive Plan Future Land Use section, page 20 is amended as attached in Exhibit B.

SECTION 4. The City published a Public Notice on October 24 and 31, 2015 and held a public hearing on November 10, 2015 regarding the plan amendment.

SECTION 5. The City Council of Wisconsin Dells, Wisconsin does hereby adopt the proposed plan amendment.

SECTION 6. The City Clerk is directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the *Wisconsin Statutes*.

SECTION 7. This Ordinance shall take effect upon passage by a majority vote of the full membership of the City Council and publication or posting as required by law.

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

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

**ORDINANCE NO. A-785
(City Plan Commission Quorum)**

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

SECTION I: PURPOSE

This ordinance modifies the City Plan Commission quorum number.

SECTION II: PROVISIONS AMENDED:

Wisconsin Dells Code sec. 19.208(1) is amended.

SECTION III: PROVISION AS AMENDED:

19.208(1) Requirement for quorum. A quorum shall consist of a majority of the commission members.

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. Mayor Landers declared the 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. Motion by Ald. Mor seconded by Ald. Holzem to introduce and move for adoption the second reading of Ordinance No. A-785. Upon roll call vote the motion carried 6-0. Mayor Landers declared the ordinance adopted and in full force after publication.

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

**ORDINANCE NO. A-786
(Repeals the Cemetery Commission)**

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

SECTION I: PURPOSE

This ordinance eliminates the Cemetery Commission since the cemetery is operated under the Department of Public Works. Cemetery reserve funds are to remain as such.

SECTION II: PROVISIONS REPEALED AND AMENDED

Wisconsin Dells Code sec. 1.04(d)

Wisconsin Dells Code sec. 1.04(5)

Wisconsin Dells Code sec. 8.01

SECTION III: PROVISION AS REPEALED AND AMENDED

1.04 BOARDS AND COMMISSIONS.

- (1) Designation. The City shall have the following boards and commissions:
~~(d) Spring Grove Cemetery Commission~~

- ~~(5) Spring Grove Cemetery Commission. The Spring Grove Cemetery Commission shall consist of the Mayor, one member of the Common-~~

~~Council appointed annually by the Mayor and approved by the Common Council and three (3) members appointed by the Mayor for staggered terms of three years and approved by the Common Council. The commission shall have the powers and responsibilities set forth at Code sec. 8.01(2).~~

8.01 SPRING GROVE CEMETERY

(1) Spring Grove Cemetery Established. The City of Wisconsin Dells does hereby determine to accept and operate a municipal cemetery which shall be called Spring Grove Cemetery; *which shall be under the direction of the Public Works Department.*

~~(2) — Commission Organization. The Commission shall elect a President and a Secretary. The President shall be a member of said Commission. The terms of said officers shall be for one [1] year and until their successors are elected and qualified.~~

~~(3) — Powers.~~

~~(a) — The Spring Grove Cemetery Commission shall have full authority to operate the Spring Grove Cemetery, subject to such limitations as are contained in this chapter. The Commission may establish a compensation to be paid to its Secretary, subject to the approval of the Common Council, but all other members shall serve without pay. The Secretary shall be charged with the duty of keeping and maintaining an accurate record of the owners of lots in said cemetery and such other data as the Commission may from time to time require.~~

~~(b) The Spring Grove Cemetery Commission shall from time to time make such rules or regulations for the general operation and care of Spring Grove Cemetery as it deems necessary or advisable, provided that said rules and regulations shall not conflict with any provision of this chapter, and further~~

~~provided that no such rule shall take effect until it has been published in the official city newspaper of the City of Wisconsin Dells.~~

~~(c) — The Commission may employ a sexton and such other employees as it may deem necessary for the proper operation of said cemetery, establish the salary of said employees and the terms and conditions of employment.~~

~~(4) — Finance.~~

~~(a) — The Spring Grove Cemetery Commission shall annually prepare a budget showing its estimated receipts and expenditures for the ensuing year, which budget shall be submitted to the Common Council for its approval. The action of the Common Council thereon shall be final and binding upon said Commission.~~

~~(b) — The Commission shall not expend upon any project, or for the purchase of materials for a project, to exceed \$2,500.00 without permission from the Common Council. Improvements and purchases of materials for a lesser~~

~~amount may be made from time to time by the Commission without the approval of the Common Council. No payments shall be made by said Commission to anyone except upon written voucher and after allowance by the Commission at a meeting thereof, excepting only duly established salaries of employees.~~

~~(c) All funds of said Commission shall be held by the City Clerk/Treasurer and all funds collected shall be paid promptly to the City Clerk/Treasurer.~~

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 and 8.

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

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

ORDINANCE NO. A-787 (Chapter 15 Property Maintenance Code)

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

SECTION I: PURPOSE:

This ordinance repeals and recreates Chapter 15 – Property Maintenance Code.

SECTION II: PROVISIONS REPEALED AND RECREATED:

Wisconsin Dells Code Chapter 15 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

Recreated as attached Exhibit A.

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 15.

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

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

**ORDINANCE NO. A-788
(City Parking System)**

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

SECTION I: PURPOSE

This ordinance updates the City code section which creates and regulates the city parking system.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code Sec. 7.03 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

7.03 PARKING SYSTEM

- (1) General. The parking system of the City of Wisconsin Dells is a public utility operated pursuant to Wis. Stat. secs. 66.0805(6) and 66.0829.
- (2) Parking Board. The affairs of the system shall be managed by the Parking Board which shall have eight (8) members as follows: Mayor, Director of Public Works, Chief of Police, three (3) members of the common council and two (2) public

members. The mayor shall appoint the public members, council members, and chair subject to the approval of the Common Council for terms of one (1) year. The public members shall be appointed by the Mayor and approved by the Common Council for staggered terms of three (3) years.

- (3) Authority of Parking Board. The Parking Board shall have general powers to construct, extend, improve, operate, manage and maintain the City parking system as provided by the Common Council and shall make reports and recommendations to the Common Council. Acquisition of real property shall be in the name of the City of Wisconsin Dells and may not be made without the approval of the Common Council.
- (4) Revenue from Parking System. All monies obtained from parking devices and enforcement of street parking lots and collections for violations of parking meter regulations, shall be recorded in a designated account. None of these monies may be pledged or hypothecated in any way without the consent of the Common Council. The Common Council may elect to issue mortgage revenue bonds pursuant to Wis. Stat. § 66.0829.
- (5) Mechanical and Electronic Parking Enforcement Systems. The Parking Board shall provide for the installation, regulation, control, operation and use of mechanical and electronic parking enforcement devices, and shall maintain the devices in good workable and serviceable condition. The Parking Board shall establish fees for parking enforcement subject to approval by the Common Council.
- (6) Payment. Vehicles parked in a City parking space shall pay the fee associated with that space. If the fee is not paid, a forfeiture citation may be issued. The City shall have the discretion to suspend parking enforcement.
- (7) Designation of Parking Places. The Parking Board, or such officers and employees of the City as it shall designate, shall place lines or marks on the curb or on the street about or alongside each meter, to designate the parking space for which the meter is to be used, and each vehicle parking alongside or next to any parking meter shall park within the established lines or markings. It shall be unlawful and an offense to park any vehicle across any such line or mark, or to park a vehicle in a way that it shall not be within the area designated by lines or markings.
- (8) Fraud/Tampering. No person may:
 - (a) Use fraudulent means or devices to avoid payment of parking fees; or,
 - (b) Tamper or interfere with a City installed parking device.
- (9) Penalties. The default penalty provisions of code sec. 30.04 shall apply to violations of this section; except the penalties for parking violations shall be established and approved as part of the city fee schedule.

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.

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

26. There were no items for referral to the next council meeting.
27. Motion by Ald. Mor seconded by Ald. Freel to adjourn. Motion carried unanimously and the meeting adjourned at 7:20PM.

Nancy R. Holzem
City Clerk/Coordinator
Published: December 30, 2015