

LEGISLATIVE COMMITTEE MEETING
CITY OF WISCONSIN DELLS
JULY 21, 2020

Chairperson Mike Freel called the meeting to order at 5:40P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: Ald. Mike Freel, Mayor Ed Wojnicz, Ald. Brian Holzem and Ald. Ben Anderson.

Others: Ald. Terry Marshall, Ald. Jesse DeFosse, City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, Public Works & Utilities Director David Holzem, City Planner/Zoning Administrator Chris Tollaksen, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, Gayelynn Plaster, Darcy Bloom, Mitesh Patel, Stephen McCarty, Richard Coleman, and Peter Culver from the *Dells Events*.
2. Motion by Ald. Holzem seconded by Ald. Anderson to approve the June 8, 2020 meeting minutes. Motion carried unanimously.
3. The committee reviewed the application for an Original Class A Liquor License submitted by Made with Love, LLC, Gayelynn Plaster, agent, for Made with Love Gift Shop, 316 Broadway, for the licensing period through June 30, 2021. This item was tabled at the June 8, 2020 meeting where, at that meeting, the applicant provided samples of wine related products and accessories that are sold in her gift store. The applicant had requested to sell a small selection of Wisconsin wines to go with the accessories and with gift baskets. She stated that the wine would be located behind the counter in a glass cabinet and that wine tasting would only take place during wine walks. City Attorney Hasler presented summary of limitation for the license based on what the applicant has requested. Motion by Mayor Wojnicz seconded by Ald. Anderson to recommend the application to the Common Council for approval, with the following limitations that the applicant has agreed to: (1) Display and sales of Wisconsin wines only; (2) Wine to be located in the secure counter cabinet area; (3) Staff not under the direct supervision of the agent shall have the appropriate Operator's License; (4) Wine samples to be provided only in conjunction with "wine walks" and similar special events.
Motion carried unanimously.
4. Motion by Ald. Holzem seconded by Ald. Anderson to recommend to the Common Council for approval, the application for an Original Class Beer License submitted by Swamigi, Inc. Mitesh Patel agent, for the Super 8 Motel, 800 County Road H, for the licensing period through June 30, 2021. Super 8 plans to sell beer by the bottle at the counter check-in area for motel guests only. Motion carried unanimously.
5. The committee reviewed the application for a Taxicab Service License submitted by Stephen McCarty in order to operate a pedicab business in the city. The applicant gave a summary of his proposed business although he did not have specific routes of travel planned, he stated that it would be determined based on customer requests. He added

that once he became more familiar with the community, he would know what rides can't be done. Chief Ward was not in support of having them traveling on Broadway, which is a state highway. Concerns of the pedicab being on the bridge and Wisconsin Dells Parkway were also brought up. The applicant stated that he would like to be able to test the business out in August to see how it goes, however he is more interested in being here long-term so if the city needs more time to address concerns, he would be willing to wait until next year. Motion by Mayor Wojnicz seconded by Ald. Holzem to table this item and have the City Attorney work on drafting an ordinance to regulate pedicabs. Motion carried unanimously.

6. Motion by Ald. Holzem seconded by Ald. Anderson to recommend to the Common Council for approval, the applications for Seasonal Workforce Housing Facility License for the licensing period through April 30, 2021 submitted by:

- A&J Entertainment for 510 Vine Street (renewal)
- GTAM LLC for 2501 River Road (renewal)
- Riverview Boat Line for 2150 Wis Dells Parkway (renewal)
- Workforce Housing Solutions LLC for 511 Vine Street (renewal)
- Dells Resort for 175 Sweet Briar Drive (new)

Motion carried unanimously.

7. Motion by Ald. Anderson seconded by Ald. Holzem to recommend to the Common Council for approval, a proposed ordinance that would require the entirety of a building be habitable and code compliant before it can be licensed as a Seasonal Workforce Housing Facility. Motion carried unanimously. Questions still remain as to how to handle damage by storms, and if it includes all buildings on the premises. The City Attorney will work on these details with the Zoning Administrator and provide an updated copy of the ordinance for the second reading in August. Motion carried unanimously.
8. The committee began its initial discussion on creating an ordinance to allow UTV and similar type vehicles in the city limits. Ald. Marshall requested that this be on the agenda as he feels allowing these types of vehicles in the city would bring more people to the area which would in turn be good for local businesses. Police Chief Jody Ward suggested trying it out October thru May but keeping them off the bridge and Broadway during the summer. Ald. Holzem stated that he would be okay with the ones like golf carts with steering wheels but not actual 4-wheelers. No action was taken. The committee will continue to review and discuss this item at future meetings this fall.
9. No date was set for the next meeting.
10. Motion by Ald. Anderson seconded by Ald. Holzem to adjourn. Motion carried unanimously and the meeting adjourned at 6:30pm.

Nancy R. Holzem
City Clerk/Coordinator

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 09/22/2021 ending: 06/30/2021
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Wisconsin Dells
 Village of }
 City of }

County of Columbia Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
FEBN No. _____	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>75.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>14.00</u>
TOTAL FEE	\$ <u>89.00</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
MR LUIS LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Martinez</u>	<u>Luis</u>	<u>A.</u>	<u>415 6th Ave Baraboo WI 53913</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Martinez</u>	<u>Luis</u>	<u>A.</u>	
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Playa Azul Business Phone Number _____
 2. Address of Premises 229 Broadway Post Office & Zip Code Wisconsin Dells WI 53965

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
The place has a storage room for all alcoholic beverages.
The alcoholic beverages will be sold and served inside the building premises and specific outdoor patio. Outdoor space adjacent to building.

4. Legal description (omit if street address is given above): _____
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____

**Schedule for Appointment of Agent by Corporation / Nonprofit
Organization or Limited Liability Company**

COPY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Wisconsin Dells County of Columbia

The undersigned duly authorized officer/member/manager of MR LUIS LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Playa Azul
(Trade Name)

located at 229 Broadway Wisconsin Dells WI 53965

appoints Luis A. Martinez
(Name of Appointed Agent)

(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 17 years

Place of residence last year 415 6th Ave Baraboo WI 53913

For: MR LUIS LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Luis A Martinez, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 9/03/2020
(Signature of Agent) (Date)

Agent's age 39 years old

415 6th Ave Baraboo WI 53913
(Home Address of Agent)

Date of birth 06/09/1981

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

To Police Dept 9/4/2020

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Martinez		(first name) LUIS		(middle name) A	
Home Address (street/route) 415 6th Ave Baraboo		Post Office	City Baraboo	State WI	Zip Code 53913
Home Phone Number 608 448-1944		Age 39	Date of Birth 06/09/1981	Place of Birth Mexico	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.

Luis A. Martinez of **MR LOUIS LLC**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? **17 years**
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Employer's Name	Employer's Address	Employed From	To

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

City of Wisconsin Dells

(All-Terrain/Utility Terrain Vehicle Use)

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

SECTION I: PURPOSE

This ordinance regulates the use and operation of All Terrain and Utility Terrain Vehicles (ATV/UTV) in the City.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code Sec. 10.40 is created.

SECTION III: PROVISION AS AMENDED:

10.40 All-Terrain/Utility Terrain Vehicles Use & Operation.

- (1) State Laws Adopted. The statutory provisions of Wis. Stat. sec. 23.33 and Wis. Stat. Chaps. 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs and Wis. AdminCodeChap. NR 64 are adopted by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated herein is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Wisconsin Statutes or Wisconsin Administrative Code incorporated herein are made a part of this ordinance in order to provide uniform statewide regulation of ATVs and UTVs.

(2) Designation of ATV and UTV Routes.

(a) No person shall operate an ATV or UTV on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the City except as provided below.

(b) All streets in the City are designated ATV/UTV routes except the following:

1. _____

2. _____

3. _____

(c) Pursuant to Wis. Stat. sec. 23.33(11)(am)(4), ATVs/UTVs are authorized to operate on the following highways where the speed limits are 35 MPH or less:

1. STH 13 between Wisconsin Dells Parkway and Trout Road/CR H.
2. USH 12/16 (Wisconsin Dells Parkway) between Broadway and _____.
3. USH 12/STH 23 (Wisconsin Dells Parkway) between _____ and Broadway.
4. STH 13/STH 23/USH 16 (Broadway) between Wisconsin Dells Parkway and STH 13/USH 16.
5. STH 13 between Broadway and _____.
6. STH 23 (Broadway) between USH 16/STH 13.
7. USH 16 between Broadway and Vine.

(d) The City reserves the right to close or modify ATV and UTV routes at any time.

- (e) All ATV and UTV routes shall be signed in accordance with Wis. Admin. Code sec. NR 64.12. The City shall maintain all route signs within the City, including without limitation, on federal, state and county trunk highways within the City.
- (3) Conditions and Restrictions on Operation. In addition to the provisions contained in Wis. Stat. sec. 23.33 and Wis. Stat. chaps. 340 to 348, and as a condition for the use of ATV and UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
- (a) All ATV and UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources ("DNR")' regulations, and proof of registration shall be displayed as required by statute during all times of operation.
 - (b) All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with Wis. Stat. sec. 23.33 and Wis. Stat. chap. 346.
 - (c) No person shall operate an ATV or UTV within the City from

10:00 p.m. to 6:00 a.m., except as permitted in Wis. Stat. sec. 23.33(4)(f), or as otherwise authorized in writing by the City or its designee on a temporary basis.

(d) No ATV or UTV shall be operated at a speed greater than the posted speed limit, except that no ATV or UTV shall be operated at a speed greater than 35mph.

(e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and DNR regulations pertaining to age, safety and safety certificate requirements.

(f) No person shall operate an ATV or UTV on any trail or route without fully functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the trail or route.

(g) No person shall operate an ATV or UTV on any trail or route where the vehicle does not meet state or municipal noise and exhaust restriction requirements.

(h) No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-

of- way other than on the paved roadway, unless specifically designated and posted otherwise by the City.

- (i) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (j) ATV and UTV operators or passengers under the age of 18 years of age shall wear protective headgear of the type required under Wis. Stat. sec. 347.485(1)(a).
- (k) No ATV or UTV operator or passenger shall be in possession of an open intoxicant while the ATV or UTV is in operation. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.
- (l) ATV's/UTV's may be operated on streets and public ways within City parks and within City parking lots.

(4) Licensing, insurance and registration.

(a) Driver's license. Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. sec. 23.33(12).

(b) Insurance. Every person who operates an ATV/UTV on a segment of a City road which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City road which is designated as an ATV/UTV route, shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

(5) Disturbing the peace, and nuisance activities.

(a) Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.

- (b) Exhaust system/muffler modifications prohibited. No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.
 - (c) Radios or the electronic sound amplification devices. No person may operate or park, stop or leaving standing an ATV/UTV vehicle while using a radio or other electronic sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.
- (6) Enforcement. The penalty for any violation identified in Wis. Stat. sec 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be as provided in the statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Wis. Stat. sec. 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be a forfeiture as set forth in the Wisconsin Dells Municipal Code, together with all applicable costs, surcharges and assessments.

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 10.

Edward Wojnicz, Mayor

Nancy R. Holzem, Clerk

INTRODUCED: _____
PUBLISHED: _____
PASSED: _____