

**COMMON COUNCIL MEETING**  
**CITY OF WISCONSIN DELLS**  
**FEBRUARY 18, 2019**

Mayor Wojnicz 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 Ald. Brian Holzem and Jesse DeFosse  
Second District Ald. Terry Marshall and Mike Freel  
Third District Ald. Ben Anderson and Dan Anchor (7:05pm)  
  
Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Lieutenant Perry Mayer, City Planner/Zoning Administrator Chris Tollaksen, Public Work & Utilities Director David Holzem, Parks & Rec Director Thad Meister, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, Debbie Kinder, Bonnie Hayskar, and Christopher Jardine from the *Dells Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Marshall seconded by Ald. Holzem to approve the following consent agenda items:
  - a. January 21, 2019 Common Council meeting minutes;
  - b. Schedule of Bills Payable dated February 18, 2019;
  - c. Bartender License applications submitted by Nickeisha Bloss, Gina Gilson, Laurel Lavin, Tiffany Lythjohan, and Rodolfo Vazquez; and to deny the application submitted by Carla Zimmerman. Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5033**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their February 19, 2019 meeting; it approves the Riverwood Eagle's Nest Second Extended & Restated Development Agreement. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
6. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5034**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their February 18, 2019 meeting; it approves allocating additional funding for the Bowman Park Shelter & Public Restrooms project. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
7. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5035**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, it approves the Scope of Services Agreement with MSA Professional Services for a Traffic Impact Analysis of Exit 87. This would be an extension of a 2017 study. Ald. Holzem

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

8. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5036**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their February 18, 2019 meeting; it approves the Task Order with MSA Professional Services in order to submit a stewardship grant application to the DNR for funding towards a multi-use path on Trout Road. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
9. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5037**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, it approves the request of the Chief of Police, per Municipal Code Sec. 10.30(2), to prohibit the riding of persons in vehicle cargo areas upon streets and highways, during the timeframe of May 17, 2019 through May 19, 2019 (Automotion Weekend). Ald. Anderson seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
10. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5038**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Whereas, beginning in 1909 with the construction of Kilbourn Dam, the public had access to the Wisconsin River via land at Camp Upham Woods, now owned and operated by the University of Wisconsin; and Whereas, in April 2016, the University of Wisconsin, without notice, erected a barrier preventing access; and Whereas, since April 2016, the Stewards of the Dells of the Wisconsin River have attempted, without success to persuade the University of Wisconsin to cooperate in an effort to restore convenient and safe public access to the Upper Dells of the Wisconsin River. Now Therefore, the City of Wisconsin Dells Common Council Hereby Resolves as Follows:

1. We support the efforts of the Stewards of the Dells of the Wisconsin River to restore convenient and safe access to the river across the UW Camp Upham Woods property; and,
2. We respectfully request that the University of Wisconsin Board of Regents, administrators, staff and local legislators cooperate and communicate with the Stewards with regard to this public access matter which affects the quality of life for area residents and guests.

Ald. Holzem seconded the motion. Debbie Kinder spoke on the history of this area that was fenced off. Upon roll call vote the motion carried 5-0.

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

**ORDINANCE NO. A-838**  
**(Yield Signs Added)**

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 yield signs on Iowa at Capital Street.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 10.21(2)

SECTION III: PROVISION AS AMENDED

Wisconsin Dells Code sec. 10.21(2) is amended as follows:

<u>Yield Signs:</u>	<u>On Street</u>	<u>At Street</u>	<u>Direction</u>
	Iowa	Michigan	East/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. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Ordinance adopted and in full force after publication.

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

**ORDINANCE NO. A-839  
(School District Rezoning)**

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 amend the zoning of a Sauk County parcel per the request of the Wisconsin Dells School District.

SECTION II: PROVISIONS AMENDED

The zoning map for the City of Wisconsin Dells as set forth in the official map provided for in the Wisconsin Dells Code of Ordinances is hereby permanently amended so as to zone the territory as provided below.

SECTION III: PROPERTY REZONED

Sauk County Tax Parcel 291-0026-12000 (Lot 2 of Certified Survey Map 6737) is rezoned from C-4 Commercial-Large Scale to C-3 Commercial-Highway to accommodate the new high school.

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 Zoning Map for the Wisconsin Dells.

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

13. Ald. Holzem introduced and moved for adopting the first reading of the following ordinance:

**ORDINANCE NO. A-840  
(Commercial Quadricycles)**

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

SECTION I: PURPOSE

To license and regulate commercial quadricycles in the city.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 16.37 is created.

SECTION III: PROVISION AS CREATED:

16.37 Commercial Pedal Tour Quadricycles.

- (1) Definition. In this section the following terms shall mean:  
Commercial Quadricycle.  
A vehicle with fully operational pedals for propulsion entirely by human power, that has four 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 passengers providing pedal power to the drive train of the vehicle that is used for commercial purposes.
- (2) General Regulations.
  - (a) Commercial quadricycles operating within the City shall comply with applicable City and State codes and regulations.
  - (b) No person shall drive a commercial quadricycle upon any street, sidewalk or other public place in the City without first registering and obtaining a City license for such commercial quadricycle and securing a license/sticker which shall be displayed.
  - (c) No person shall park a commercial quadricycle upon any sidewalk or undesignated parking stall.
  - (d) 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.
  - (e) No glass beverage containers shall be carried on a commercial quadricycle while operated on the public way.
  - (f) Hours of operation. No person shall operate a commercial quadricycle except between the hours of 10:00 a.m. to 10:00 p.m. daily.
- (3) License and registration required.
  - a) Application for registration and license for a commercial quadricycle shall be made by the owner of the quadricycle, in writing, upon forms furnished by the City. Such application shall be signed by the owner and approved by the City Council on an annual basis. The fee for an annual license shall be set by resolution of the City Council and paid to the City prior to issuance of a license. Such license shall be issued on the 15<sup>th</sup> day of April each year, or thereafter when applied for, and shall expire on the 14<sup>th</sup> day of April following its issuance.
  - (b) Upon payment of the necessary fees and approval of the City Council, the City may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person is prohibited.
  - (c) Revocation. A license may be revoked by the City for any of the following reasons:

1. Failure to comply with any of the provisions of this section of the code.
  2. Violating any state statutes or City Code violations.
- (d) Any applicant whose license has been denied or revoked under the provisions of this section may appeal said denial or revocation to the Common Council.
- (4) Equipment Requirements. Commercial quadricycles operating within the City shall be equipped with the following:
- (a) Hip restraints as defined by the American National Standards Institute (ANSI)/National Gold Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The driver of the commercial quadricycle shall not operate the vehicle unless each passenger thereon is wearing a hip restraint. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a vehicle.
  - (b) Lighting on the vehicle which shall be the following:
    1. A light on the front which shall emit a white light visible from a distance of 300 feet to the front.
    2. A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.
    3. A brake light on the rear which shall emit a red light and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear, both during normal sunlight and at nighttime.
  - (c) Rear signage which shall conform with those standards and specifications adopted by Ch. Trans 304, Wis. Adm. Code, for slow-moving vehicles by the American Society of Agricultural Engineers standard ASAE, S276.3, or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway, and shall be maintained at all times in a clean and reflective condition.
  - (d) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
  - (e) A braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.

- (f) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.
- 5) Insurance. All quadricycles operating for commercial purposes must maintain the following insurance:
- (a) No owner of a commercial quadricycle or any other person shall operate or authorize any other person to operate a quadricycle for commercial purposes within the City unless the owner has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the State of Wisconsin, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than \$1,000,000.00 per accident. The policy shall provide that the insurer shall give notice of any cancellation or nonrenewal of a policy which is due names insured.
  - (b) The owner of a quadricycle shall maintain on file with the City Clerk's office a copy of the current policy of comprehensive general liability insurance required by subparagraph (1) above. Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the City.
- (6) Operator.
- (a) The operator of a commercial quadricycle must have a valid Wisconsin Driver's license to drive/operate a commercial quadricycle in the City.
  - (b) No operator of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.
  - (c) No operator may operate a commercial quadricycle while the person has a blood alcohol concentration of more than 0.02.
  - (d) No operator may operate a commercial quadricycle on which any alcohol beverages are carried or consumed.
  - (e) No person may operate a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.
  - (f) The owner or operator of a commercial quadricycle shall advise passengers that they may not consume alcohol on quadricycles and shall conspicuously post a notice of these restrictions upon the commercial quadricycle in a form and manner approved by the Wisconsin Dells Policy Chief.

- (7) Passengers.
- (a) No passenger may occupy a commercial quadricycle on a seat equipped with a pedal unless such person is physically able to sit upright in the seat and operate the pedals which power the vehicle.
  - (b) Every passenger on a commercial quadricycle must have access to protective headgear approved by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.
- (8) Quadricycle route.
- (a) The plan of operation of a licensed commercial quadricycle shall be reviewed by City staff and approved by the Chief of Police. The plan of operation must include the geographic area in which the quadricycle shall routinely operate and may include a description of procedures for notifying police or other authorities when anticipated operation of a commercial quadricycle deviates from customary routes.
  - (b) Any deviation from this route may include a description of procedures for notifying police or other authorities when anticipated operation of a quadricycle deviates from customary routes.
- 9) Failure of a licensee to comply with the regulations of this section shall constitute grounds for nonrenewal, suspension or revocation of the license.

#### 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 16.

Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-1 with Ald. Freel voting no. First reading adopted. Second reading will contain updates recommended by the Legislative Committee from their February 18<sup>th</sup> meeting.

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

**ORDINANCE NO. A-841  
(BID Committee Structure)**

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 reduce the number of Business Improvement District Committee members by one starting with the April 2019 appointments.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 1.11(3) is amended.

SECTION III: PROVISION AS AMENDED:

1.11 BUSINESS IMPROVEMENT DISTRICT

- (3) The board shall consist of ~~ten (10)~~ **nine (9)** members appointed by the Mayor and confirmed by the Common Council. ~~Nine (9)~~ **Eight (8)** 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.

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. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted.

15. Items for referral: Ald. Marshall will contact Parks & Rec Director Thad Meister regarding public boat docks.
16. Motion by Ald. Freel seconded by Ald. Holzem to adjourn. Motion carried unanimously and the meeting adjourned at 7:10PM.

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Nancy R. Holzem  
City Clerk/Coordinator  
Posted on city's website: February 19, 2019  
Published: February 28, 2019