

COMMON COUNCIL MEETING

CITY OF WISCONSIN DELLS

FEBRUARY 24, 2020

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 Alder Jesse DeFosse
Second District Alders Mike Freel and Terry Marshall
Third District Alders Dan Anchor and Ben Anderson

Excused: First District Alder Brian Holzem

Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Lieutenant Perry Mayer, Public Work & Utilities Director David Holzem, Planning & Zoning Administrator Chris Tollaksen, City Attorney Joseph Hasler, Fire Chief Pat Gavinski Luis & Veronica Martinez, Mike Kaminski, Dave & Joy Royston, Jade Royston, Jeff Peetz, and Peter Culver from the *Dells Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Anchor seconded by Ald. DeFosse to approve the following consent agenda items:
 - a. January 20, 2020 Common Council meeting minutes;
 - b. Schedule of Bills Payable dated February 24, 2020;
 - c. Application for Bartender License submitted by Jelly Barr.Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Motion by Ald. Anderson seconded by Ald. Anchor to approve the application for a Temporary Class B Wine (Picnic) License submitted by Downtown Dells Committee for a spring wine walk Friday, April 24, 2020. Motion carried unanimously.
6. Motion by Ald. Freel seconded by Ald. Marshall to approve the application for an Original Class B Beer and Class B Liquor License submitted by Fisher's Bar Est 1933 LLC, Douglas Fisher Agent, for Fisher's Bar, 719 Superior Street, for licensing period of February 25, 2020 through June 30, 2020. This is a name change on an existing license currently held by Douglas Fisher which will be surrendered and reissued. Motion carried unanimously.
7. Motion by Ald. DeFosse seconded by Ald. Anderson to approve the application for an Original Class B Beer and Class C Wine License submitted by Asgard Axe Throwing LLC, Dennis Mitchell Agent, for Asgard Axe Throwing, 714 Oak Street, for licensing period of February 25, 2020 through June 30, 2020. This is a name change on an existing license and a change of premises since the business is moving to a new location. Motion carried unanimously.

8. Motion by Ald. DeFosse seconded by Ald. Freel to approve the application for an Original Class B Beer and Class B (Quota Plus) Liquor License submitted by San Antonio Mexican Restaurant LLC, Luis Martinez Agent, for San Antonio Mexican Restaurant, 742 Eddy Street, for licensing period of February 25, 2020 through June 30, 2020. The recent expansion of their restaurant now gives them 318 indoor seats along with their 40 outdoor seats. Quota Plus license requirement is 300 indoor, permanent seats. Motion carried unanimously.
9. Motion by Ald. DeFosse seconded by Ald. Anchor to approve the application for an Original Class C Wine License submitted by Taco Loco, LLC, Abel Villarreal Agent, for Taco Loco, 808 River Road, for licensing period of February 25, 2020 through June 30, 2020. Motion carried unanimously.
10. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5125** BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the Finance Committee from their February 24, 2020 meeting; it RECOMMENDS to the Joint Review Board that the length of Tax Incremental District No. 2 be extended by 4-years, as allowed by State Statute 66.1105(7)(am(1). Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
11. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5126**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their February 24, 2020 meeting; it APPROVES the Agreement with the Wisconsin Dells School District and the Village of Lake Delton confirming the terms of the new high school project. Ald. Anderson seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
12. Ald. Freel introduced and moved for adoption of **RESOLUTION NO. 5127**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Parks & Recreation Committee from their February 5, 2020 meeting and the Finance Committee from their February 24, 2020 meeting; it APPROVES amending the 2020 Schedule of Fees to include updated rental fees for park shelters and athletic fields. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
13. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5128**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their February 24, 2020 meeting; it APPROVES the Tax Incremental District No. 3 Development Agreement with Sports Impressions Ltd. for the new construction and operation of a mixed-use commercial business at 925 Broadway, a vacant lot the city currently owns. Ald. Anchor seconded the motion. Ald. Freel had previously stated at the Finance Committee meeting that he could support providing the land and parking improvements for the project, however he objected to the additional \$5,000 a year for 5 years development incentive. Upon roll call vote the motion carried 4-1 with Ald. Freel voting no. Resolution adopted.

14. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5129**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their February 24, 2020 meeting; it APPROVES the Tax Incremental District No. 2 Development Agreement with Stony Acres, LLC for the construction of new apartments on a portion of Sauk County Parcel 291-0096-2. Ald. Anderson seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
15. Ald. Feel introduced and moved for adoption **RESOLUTION NO. 5130**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the BID Committee from their February 19, 2020 meeting and the Finance Committee from their February 24, 2020 meeting; it APPROVES the Event Management Agreement with Wisconsin Dells Festivals, Inc. for 2020. Funding is provided by the BID Committee. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
16. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5131**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Public Works Committee from their February 17, 2020 meeting; it APPROVES a 5-year Recycling Collection Contract with Pellitteri Waste Systems, Inc. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
17. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5132**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin; that based upon the recommendation of the Public Works Committee from their February 17, 2020 meeting; it APPROVES the proposed multi-jurisdictional agreement with the Town of Newport and the Town of Dell Prairie for reconstruction of a portion of 9th Avenue. City's estimated cost is \$51,243.90. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
18. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5133**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their February 17, 2020 meeting; it APPROVES additional funding for the Electric Transfer of Area F (Trappers Turn) as part of the on-going Electric Territorial Agreement with Alliant. Ald. Freel seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
19. Ald. DeFosse introduced and moved for adoption **RESOLUTION NO. 5134** BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their February 17, 2020 meeting; it APPROVES the Right-of-Way Plat Acquisition and Relocation Order associated with the County A improvements for the new high school project. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
20. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5135**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES a Conditional Use

Permit to Movin' Out, Inc. in order to allow Residential Multi-family at 920 Race Street, Columbia County Parcel No. 11291-1008.03, with the following contingencies:

1. Proposed development be contained to a single parcel.
2. Applicant take control of the property.
3. Final building heights are approved as part of the Site Plan approval.
4. Storm Water Plan be created to the satisfaction of the City.
5. Storm Water pond shall be maintained to prevent it from creating a nuisance to the area, including by mosquitoes.
6. A buffer is established and maintained between this development and the surrounding properties. If a minimal buffer is allowed to be constructed, it is to be enhanced at the City's request, if in the City's sole discretion, it is deemed necessary.
7. Developer may need to create a secondary access drive to Michigan Ave. The City may defer this condition until Michigan Ave can be further extended east.
8. Developer shall install sidewalk along Race Street.

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

21. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5136**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES a Conditional Use Permit to Dells Zipline Adventures, LLC in order to allow an amusement ride over 45ft in height, outdoor recreation, and a walk-up service window at 2501 River Road, with the following contingencies:

1. Zipline complies with any applicable regulations and/or standards.
2. Operator of this zipline business shall follow the standards as set forth by the Association for Challenge Course Technology.
3. Operator of this zipline obtains and maintains adequate liability insurance.
4. Operator develops emergency response plan and confers with and gains approval from emergency responders prior to operation.
5. Take-off and landing towers are appropriately secured when not actively operated.
6. Final building plans are approved by the building inspector.
7. Zipline is designed and stamped by a qualified and accredited structural engineer.
8. Zipline construction is inspected by the design engineer. The design engineer shall provide a post inspection approval letter to the City.
9. Zipline is maintained per the design engineer and any manufacturer or operation manual. If concerns arise, the owner/operator shall have the Zipline inspected by the design engineer (or, if the original design engineer is not available, a qualified and accredited engineer) and provide the City with the results of that inspection on request. The Zipline shall comply with any repairs, maintenance or other improvements recommended by the engineer.
10. Zipline complies and remain current with any future licensing or permitting

requirements

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

22. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5137**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES the Site Plan Application submitted by Dells Zipline Adventures, LLC for the construction of amusement ride over 45ft in height, outdoor recreation, and a walk-up service window at 2501 River Road. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

23. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5138**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES a Conditional Use Permit to C & C Thrill Rides, LLC, in order to allow an amusement ride over 45ft in height, outdoor recreation, a walk-up service window at 2501 River Road, with the following contingencies:

1. All associated permits and licenses are obtained and remain in good standing.
2. Ride plans are reviewed and fully approved by DSPS prior to any construction.
3. All construction is inspected by a structural engineer and a stamped letter of approval is provided to the City prior to the ride being put in use.
4. Bungee ride obtains and maintains adequate liability insurance.

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

24. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5139**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES the Site Plan Application submitted by C & C Thrill Rides, LLC for the construction of an amusement ride over 45ft in height, outdoor recreation and a walk-up service window at 2501 River Road. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 5-0.
Resolution adopted.

25. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5140**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting, it APPROVES a Conditional Use Permit to Jeff Peetz in order to allow Overnight Rentals at 815 Church Street, Columbia County Parcel 11291-662, which is Zoned C-1 Neighborhood Commercial, with the following contingencies:

1. Building Inspector ensures there are no code or safety violations/issues with the house.

2. Occupancy meets and maintains the minimum standards as verified by the Building Inspector.
3. Applicant obtains and remains current with a State of Wisconsin ATCP Tourist Rooming House License.
4. Overnight rentals of the house will be subject to PRT and Room Tax collection and the applicant is responsible for providing clear accounting of the rental of this property.
5. Any nuisances are addressed to the satisfaction of the City, including but not limited to noise, maintenance, and parking. Failure to address nuisances to the City's satisfaction can cause this permit to be revoked.
6. City retains the right to re-evaluate this permit if the City determines in its sole judgement that nuisances are not being properly addressed. The applicant will have an opportunity to attend a public meeting to discuss the nuisance situation with the Plan Commission.
7. Applicant abide by the following restrictions:
 - a. Owner provides current, local, primary contact information to the Police Department and Zoning Office.
 - b. Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisances.
 - c. This permit is non-transferrable. Any new owner or operator of the property will have to obtain a new Overnight Lodging permit.

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

26. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5141**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their February 17, 2020 meeting; it APPROVES the Sauk County Certified Survey Map requested by Helugus, LLC and Riverview Boat Line. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.
27. Ald. Freel introduced and moved for adoption the second reading of the following ordinance:

ORDINANCE NO. A-850
(Correct Zoning of Parcels Adjacent to Mobile Home Park)

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 classification of parcels near Tower View Mobile Home Park that are incorrectly zoned R-9 mobile home park.

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

- Columbia County Parcels 11291-740, 11291-852.1, 11291-852.B, 11291-907.3, and a portion of 11291-710 are hereby rezoned from R-9 Residential Mobile Home Park to R-3 Residential Mixed Use;
- Columbia County Parcels 11291-908.1 and a portion of 11291-1008.4 are hereby rezoned from R-9 Residential Mobile Home Park to C-1 Commercial Neighborhood.

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. Marshall seconded the motion. Upon roll call vote the motion carried 5-0. Ordinance adopted and in full force after publication.

28. Ald. DeFosse introduced and moved for adoption the first reading of the following ordinance:

**ORDINANCE NO. A-851
(Delinquent Taxes and Charges; License and Permit Restrictions)**

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

SECTION I: PURPOSE.

The current city code has two provisions restricting the issuance of city licenses to applicants with delinquent obligations owed to the city. This ordinance consolidates those code sections and clarifies the applicability of the restriction to both premises and persons. Wis. Stat. sec. 990.01(26) provides "*person* includes all partnerships,

associations and bodies politic or corporate.” This ordinance also establishes the process for notice and hearing concerning delinquent obligations.

SECTION II: PROVISIONS EFFECTED:

Wisconsin Dells Code Secs. 16.12(2) and 30.10(2) are repealed.
Wisconsin Dells Code Sec. 4.15 is created.

SECTION III: PROVISION AS CREATED:

4.15 Delinquent Taxes and Charges; License and Permit Restrictions

(1) PREMISES. No license or permit shall be granted or renewed for the operation of any trade, profession, business or privilege, for which a license or permit is required by any provision of this Code, for operation upon any premises upon which taxes or assessments or other financial claims of the City, or any City utility are delinquent and unpaid.

(2) PERSONS. No person who is delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City, shall be granted or renewed any license for any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code.

(3) PROCESS. At the time an application for a license or permit is made, the City Clerk shall advise the applicant of the provisions of this code section and shall furnish the applicant with a written notice of all delinquent financial obligations to the City. An applicant who contests the City Clerk’s findings that there are delinquent obligations to the City may request, in writing, a hearing before the Common Council. The hearing shall be conducted at the next regularly scheduled council meeting at which time the council shall make the decision to grant or refuse to grant the license or permit.

(4) DEFINITION. Wis. Stat. sec. 990.01(26) provides: “PERSON. ‘Person’ includes all partnerships, associations and bodies politic or corporate”.

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 Codes, Chapter 4. Ald. DeFosse questioned if the wording could be changed from “shall” to “may” so a license could be released based on the certain circumstances of the business. City Clerk Nancy Holzem stated that, in accordance with State Statute and city ordinance, the city has always withheld licenses and permits if the applicant has outstanding debt owed to the city. State Statute now allows the outstanding debt to include real estate property taxes. This ordinance reflects that the new change. Upon roll call vote the motion carried 5-0. First reading adopted.

29. Items for referral – none.
30. Motion by Ald. Anchor seconded by Ald. Marshall to adjourn. Motion carried unanimously and the meeting adjourned at 7:15pm.

Nancy R. Holzem
City Clerk/Coordinator
Posted on city’s website: February 26, 2020
Published: March 5, 2020