

## COMMON COUNCIL MEETING

CITY OF WISCONSIN DELLS

MARCH 16, 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 Alders Brian Holzem and Jesse DeFosse  
Second District Alders Mike Freel and Terry Marshall  
Third District Alders Dan Anchor and Ben Anderson  
  
Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, Public Work & Utilities Director David Holzem, Planning & Zoning Administrator Chris Tollaksen, Fire Chief Pat Gavinski, and Peter Culver from the Dells Events.
2. Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Marshall to approve the following consent agenda items:
  - a. February 24, 2020 Common Council meeting minutes;
  - b. Schedule of Bills Payable dated March 16, 2020;
  - c. Applications for Bartender License submitted by Jason Alden, Jennifer Bosshard, and Daniel Hogan.Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Motion by Ald. Anderson seconded by Ald. Holzem to approve the application for a Special Events Permit submitted by the Wisconsin Dells Cross Country Club for their annual fundraiser run Saturday, August 1, 2020. Motion carried unanimously.
6. Motion by Ald. Anderson seconded by Ald. Anchor to approve the application for a Taxicab Service License submitted by Matthew Kemp for Wisconsin Dells Taxi Inc., for the licensing period through March 31, 2021. Approval is contingent upon inspection of vehicles being completed. Applicant is purchasing the taxicab service from K2G Inc, Keshia Gregerson. Motion carried unanimously. Ald. Freel asked that the area where these vehicles are currently being kept be cleaned up.
7. Motion by Ald. Holzem seconded by Ald. DeFosse to approve the applications for renewal of Taxicab Service Licenses received from following, contingent upon vehicle inspections:
  - a. Proinvest LLC, Calin Bobeanu for City Taxi
  - b. Dells Roo LLC, Jeremy Ringdahl for Kangaroo Taxi
  - c. Dells Transport LLC, Brent MIsna for Dells Express Taxi
  - d. RST Taxi LLC, Khan Qudratullah for RST Taxi
  - e. Dells Cab Company, Larry K. Volkey for Dells CabMotion carried unanimously. No renewal paperwork was submitted for Speedy Cab so

their license to operate ends March 31, 2020.

8. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5143** BE IT HEREBY RESOLVED by the City of Wisconsin Dells; that based upon the recommendation of the BID Committee from their March 4, 2020 meeting and the Finance Committee from their March 16, 2020 meeting; it APPROVES the \$4900 proposal submitted by Lord Electric & Control, LLC for custom stadium flood lighting on the river; and the \$980 estimate submitted by United Electric Inc for installation of the lights. Funding to be derived from BID surplus funds. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
9. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5144**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 9, 2020 meeting; it AWARDS the Hwy 12/16 and County A Intersection project to Gerke Excavating, Inc. for the low bid amount of \$1,609,853.46. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
10. Ald. Holzem introduced and moved for adoption of **RESOLUTION NO. 5145**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Works Committee from their March 9, 2020 meeting; it APPROVES the 2020 Contract Cleaning Agreement with Water Dragon, Inc. for downtown pressure washing. Sealing of stamped and colored concrete will be contingent upon the need. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
11. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5146**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Public Works Committee from their March 9, 2020 meeting; it APPROVES the proposal submitted by Show Striping Industries for 2020 line marking and related services. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
12. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5147**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their March 9, 2020 meeting; it APPROVES the Certified Survey Map requested by Steve Uphoff dividing Sauk County parcel 291-0117-00000 and combining it with parcels 291-0217-00000 and 291-0216-00000. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
13. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5148**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, it APPROVES the request of the Police Chief, 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 15-17, 2020. The fine will be consistent with “disturbing the peace with a motor vehicle” ordinance violation at \$503. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

14. Ald. Holzem introduced and moved for adoption the Introduction of Resolution to Vacate a Portion of Arrowhead Court; THE COMMON COUNCIL of the City of Wisconsin Dells hereby consents to the following action per State Statute 66.1003;

WHEREAS, the CITY OF WISCONSIN DELLS is requesting to vacate the cul- de-sac portion of Arrowhead Court; WHEREAS, this process was started in 1992 but never officially completed; WHEREAS, the City of Wisconsin Dells Common Council has determined that this request is reasonable; NOW THEREFORE BE IT RESOLVED that the City of Wisconsin Dells shall proceed with vacating the cul-de-sac portion of Arrowhead Court.

Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0.  
Resolution adopted.

15. Ald. Freel introduced and moved for adoption the Introduction of Resolution to Vacate a Portion Jones Road. THE COMMON COUNCIL of the City of Wisconsin Dells hereby consents to the following action per State Statute 66.1103: WHEREAS, the City of Wisconsin Dells is requesting to vacate the cul-de-sac portion of Jones Road in Sauk County; WHEREAS, the City of Wisconsin Dells Common Council has determined that this request is reasonable; NOW THEREFORE BE IT RESOLVED that the City of Wisconsin Dells shall proceed with the vacating of the cul-de-sac portion of Jones Road in Sauk County.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0.  
Resolution adopted.

16. Ald. Freel introduced and moved for adoption the second 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; and a safe harbor for arms-length true landlord-tenant relationships.

**SECTION II: PROVISIONS EFFECTED:**

Wisconsin Dells Code Secs. 16.12(2), 16.16 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".

(5) EXCEPTION. This Section 4.15 shall not apply to prohibit the issuance of a license for any premises if:

(a) the unpaid taxes, assessments or special charges were levied against the premises; and

(b) the license is necessary for the conduct of business on the premises by lessee of the premises; and

(c) the licensee and owner have no immediate or extended family, business or financial relationship with one another other than as landlord and tenant.

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. Anderson seconded the motion. Upon roll call vote the motion carried 6-0. Ordinance adopted and in full force after publication.

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

**Ordinance No. A-852  
(Regulating Amusement Ride Locations)**

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

SECTION I: PURPOSE

To limit the locations in the City at which amusement rides are permitted i.e. within amusement parks, theme parks or in connection with an overnight lodging site.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Secs. 19.111.12.1, 19.111.12.8 and 19.110 are amended.

SECTION III: PROVISION AS CREATED:

- (1) The land use definition of amusement ride at Zoning Code Sec. 19.111.12.1 is amended to include the following: Stand-alone amusement rides are not permitted outside of outdoor entertainment/recreation areas or overnight lodging premises.
- (2) Amend the land use definition of outdoor entertainment/recreation at Zoning Code Sec. 19.111.12.8 to provide as follows:
  - Outdoor entertainment/recreation. A place and/or structure or facility or portion thereof, used or is intended for outdoor, uses or events. The term includes, without limitation, race tracks, motocross courses, sports arenas, outdoor shooting ranges, outdoor paintball courses, outdoor waterparks, amusement parks and theme parks; and, lodging premises with outdoor entertainment/recreation features.
- (3) Add the following definitions to General Definitions at Zoning Code Sec. 19.110:
  - Amusement park. An amusement park is an outdoor facility or venue that features various attractions including amusement rides and games as well as other events and activities for entertainment purposes.

- Theme park. A theme park is a type of amusement park that bases its structures and attractions around a central theme or has multiple areas with different themes.

#### 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. Anderson seconded the motion. Upon roll call vote the motion carried 6-0. Ordinance adopted and in full force after publication.

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

#### **ORDINANCE NO. A-853 (Short-term Rentals)**

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 limit short-term rentals in residential zoned districts.

#### SECTION II: PROVISION AMENDED

Wisconsin Dells Code Sec. 16.35(1a)

#### SECTION III: PROVISION AS AMENDED:

#### **16.35(1a) Short Term Rentals.**

Short Term Rentals, a form of Tourist Rooming House, as defined at sub sec. (2)(k) below are permitted by right as an accessory use in all

zoning districts subject to the regulatory provisions of this section 16.35 and further subject to the following limitations:

- (a) The total number of days of operation within any calendar year shall not exceed 180 days which must be consecutive and must be specified in advance.
- (b) In residential zoned districts the short-term rental premises shall be the applicant's primary residence or secondary residence.
- (c) For the purposes of this subsection:
  - i. primary residence means the place where the applicant lives for the greatest amount of time during the year but at least 190 days.
  - ii. Secondary residence means a place at which the applicant lives within the City on a periodic basis but not less than 40 days per year; and,
  - iii. A secondary residence may not be subject to a rental, timeshare or property management agreement.
- (d) Applicants for short-term rentals in residential districts shall provide sworn statements regarding the primary or secondary residence status and nature of the short-term rental premises on a form prepared by the Zoning Administrator and approved by the Common Council.
- (e) A short-term rental applicant/operator may not be a LLC, trust, non-profit or other corporate entity.
- (f) No person may operate more than one (1) short-term rental premises.
- (g) The provisions of sub sec. (c) above shall apply to applications for short-term rental premises filed after the effective date of this ordinance.

#### 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.

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

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

**ORDINANCE NO. A-854  
(Amends Common Council Meeting Start Time)**

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

SECTION I: PURPOSE

Amends the start time of monthly Common Council meeting from 7:00pm to 6:30pm.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 2.04(1)

SECTION III: PROVISION AS AMENDED

Wisconsin Dells Code sec. 2.04(1) is amended as follows:

2.04 COMMON COUNCIL PROCEDURE.

(1) Meeting Date. The regular meetings of the Common Council shall be held on the third Monday of each month at ~~7:00P.M.~~ **6:30P.M.** at the Wisconsin Dells Municipal Building. The April meeting will be held on the third Tuesday of the month before the reorganizational meeting.

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: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 2

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

20. Items for referral – none.

21. Motion by Ald. Marshall seconded by Ald. Anchor to adjourn. Motion carried unanimously and the meeting adjourned at 7:15pm.

---

Nancy R. Holzem  
City Clerk/Coordinator  
Published: March 26, 2020