

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MARCH 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 Alders Brian Holzem and Jesse DeFosse
Second District Alders Terry Marshall and Mike Freel
Third District Alder Ben Anderson

Excused: Third District Alder Dan Anchor

Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, City Planner/Zoning Administrator Chris Tollaksen, Public Work & Utilities Director David Holzem, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, Kyler Royston, Allison Schultz, Mary Panzer, Rosie Gonzalez, Oscar Quintero, and Christopher Jardine 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 18, 2019 Common Council meeting minutes;
 - b. Schedule of Bills Payable dated March 18, 2019;
 - c. Bartender License applications submitted by Craig Cigel, Carolyn Raedel and Jamie Wright; and to deny the application submitted by Amanda Balch and Kaitlyn Livingston. Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Motion by Ald. Holzem seconded by Ald. Anderson to approve the application for a Temporary Class B Wine License submitted by the Downtown Dells Committee for a downtown wine walk on Friday, April 26, 2019. Motion carried unanimously.
6. Motion by Ald. Freel seconded by Ald. Holzem to approve the application for an Original Class B Beer & Class C Wine License submitted by El Asador Corporation, Oscar Quintero agent, for El Asador Restaurant, 452 Broadway, for the licensing period of March 19, 2019 thru June 30, 2019. Previous Class B Beer & Liquor License held by Travel Mart, Inc. for that premises was surrendered. Motion carried unanimously.
7. Motion by Ald. Freel seconded by Ald. Holzem to approve the applications for Taxicab Service Licenses for the licensing period of April 1, 2019 through March 31, 2020 received from:
 - a. Proinvest LLC, Calin Bobeanu for City Taxi

- b. Dells Transport LLC, Brent Mlsna for Dells Express Taxi
- c. Dells Roo LLC, Jeremy Ringdahl for Kangaroo Taxi
- d. K2G Inc, Keshia Gregerson for Wisconsin Dells Taxi
- e. RST Taxi LLC, Khan Qudratullah for RST Taxi
- f. Richardo Ortega Acosta for Speedy Cab
- g. Dells Cab Company, Larry K. Volkey for Dells Cab

Motion carried unanimously.

8. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5039**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their March 18, 2019 meeting; it authorizes the submittal of a Wisconsin Economic Development Corporation Investment Grant application for the Riverwood Eagle's Nest Senior Living Community Development; and if the grant is awarded it authorizes the proper city officials to accept the grant funds and execute all necessary documents. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. Resolution adopted.

9. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5040**. 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; WHEREAS, the City of Wisconsin Dells is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and WHEREAS, financial aid is required to carry out the project; THEREFORE, BE IT RESOLVED, that the City of Wisconsin Dells has budgeted a sum sufficient to complete the project or acquisition and HEREBY AUTHORIZES the City Council to act on behalf of the City of Wisconsin Dells to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Wisconsin Dells will comply with state or federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

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

10. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5041**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Parking Board from their March 12, 2019 meeting, it approves allocating \$56,500 of surplus funds towards the reconstruction of

parking lot #5 (Fisher's Lot); allocating of \$236,250 of surplus funds towards the reconstruction and expansion of parking lot #7 (Municipal Building area); allocating \$51,500 for three additional kiosks and parking signage, and it approves a 10% cost contingency if needed.

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

11. Motion by Ald. Freel seconded by Ald. Holzem to refer back to the Plan Commission, the Conditional Use Permit application submitted by Dells Adventure Development in order to allow two storage containers at 600 Trout Road. Two prior motions were made by Ald. Freel to approve with contingencies but both were rescinded. Concerns were brought up regarding the fact that the units are already there and the location of them. Zoning Administrator Chris Tollaksen stated that the owner applied for the permit as soon as he found out he needed one. Ald. Marshall stated that now is the time to clean up the situation instead of adding to it. Upon roll call vote the motion carried 5-0.
12. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5042**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the City Plan Commission from their March 18, 2019 meeting, it approves the Site Plan Application submitted by Neira Productions LLC to construct a new office building for general services at 613 Broadway, with the following contingencies:
 - (a) Final Site Plan is approved by city staff.
 - (b) Applicant is responsible for any storm water issues that may arise and will cooperate with any corrections required to address them.
 - (c) Removal of the parking space on Broadway shall follow the recommendation of the Parking Board.
 - (d) Design Review Committee approval is required on building and landscape designs.

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

13. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5043**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the City Plan Commission from their March 11, 2019 meeting; it approves the application for a Conditional Use Permit submitted by Kyler Royston in order to allow a Farmers Market, Itinerant Sales (Night Market), and Outdoor Vendors at 15-27 Broadway (Parcel 600) with the following contingencies:
 - (a) Farmers Market - no more than 1 per week.
 - (b) Itinerant Sales (Night Markets) - no more than 4 for the year.
 - (c) Outdoor Vending – only retail sales of items available from their brick and mortar facility allowed.
 - (d) Only a small merchandise display is allowed at food cart.
 - (e) Vendors are to collect and report the Premier Resort Tax on taxable sales.

- (f) All furnishings, including displays, tables, chairs, tents and umbrellas are to be approved by the Design Review Committee prior to installation.
- (g) Property is to be well maintained, well managed and not allowed to be the source of a nuisance.
- (h) Applicant cooperates with city on determining what vendor/items are appropriate.
- (i) Following the rule & regulations as presented for the Farmers Market and the Night Markets.
- (j) Permit is valid for one (1) year from date of issuance.

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

14. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5044**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their March 11, 2019 meeting; it approves the following amendments to the Downtown Design Standards:

Street Relationship Standards

- (3) Screening/Fencing shall be compatible with the building architecture, including material palette and design elements, as well as other site features.
- (4) Chain link fencing shall not be allowed.

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

15. Ald. Freel introduced and moved for adoption the second 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. Ordinance adopted and in full force after publication.

16. Ald. Holzem introduced and moved for adopting the second 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.
- (g) No music or amplified sound shall be played, other than tour-type information relating to the area landmarks, history and amenities. There shall be no yelling or conversation conducted in such a manner that the sound carries to nearby residences or properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the sound.

(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 1st day of April each year, or thereafter when applied for, and shall expire on the 31st day of March following its issuance.
- (b) Upon payment of the necessary fees and approval of the Legislative Committee and Common Council, the City may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person or quadricycle 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) Inspections.
 - (a) The City shall require an initial and annual pedal tour quadricycle inspection to be conducted by the Police Department and may designate minimum safety standards for equipment and body defects. Commercial quadricycles that do not meet minimum inspection standards may be identified as “out of service” and shall not operate until such defects have been repaired and approved.
 - (b) The City shall have the right to examine and inspect any licensed commercial quadricycle at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.
 - (c) If an inspector finds a commercial quadricycle in operation exhibiting continuing and present safety concerns, the commercial quadricycle may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable headlights or taillights, or other mechanical or operational issues making the vehicle presently unsafe to operate.
- (5) Equipment Requirements. Commercial quadricycles operating within the City shall be equipped with the following:
 - (a) 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.
 - (b) 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.

- (c) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
 - (d) A braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.
 - (e) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.
- (6) 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 (a) 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. Notice of suspension shall be given in writing by the City Clerk or Chief of Police.
- (7) 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.; or while impaired by any substance/medication; or while distracted.
 - (d) No operator may operate a commercial quadricycle on which any alcohol beverages are carried or consumed.
 - (e) 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.
- (8) 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.
- (9) 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.
- (10) 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 5-0. Ordinance adopted and in full force after publication.

17. Ald. Anderson introduced and moved for adoption the second 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. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. 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-842 (Portable Changeable Message Signs)

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 add portable changeable message signs to the sign code.

SECTION II: PROVISIONS RENUMBERED & CREATED

Wis. Dells Code sec. 22.02(26)-(39) is renumbered.

Wis. Dells Code sec. 22.02(26) is created

Wis. Dells Code sec. 22.05(18) is created

Wis. Dells Code sec. 22.09(8)-(14) is renumbered

Wis. Dells Code sec. 22.09(8) is created

SECTION III: PROVISION AS RENUMBERED & CREATED

Wis. Dells Code sec. 22.02(26)-(39) is renumbered to 22.02(27)-(40)

Wis. Dells Code sec. 22.02(26) is created as follows:

(26) Portable Changeable Message Sign – A 100% LED message sign, mounted on a trailer to be temporarily used for special events.

Wis. Dells Code sec. 22.05(18) is created as follows:

(18) Portable Changeable Message Signs that have been approved by the Design Review Committee (DRC) for a particular, temporary use.

Wis. Dells code sec. 22.09(8)-(14) is renumbered to 22.09(9)-(15)

Wis. Dells code sec. 22.09(8) is created as follows:

(8) Portable Changeable Message Signs.

- (a) Sign may be temporary located within a public right-of-way but may not be located so as to interfere in any way with the travel lanes of vehicle, bicycles or pedestrians.
- (b) Sign usage shall be approved on a case-by-case basis by the Design Review Committee.
- (c) Sign shall be primarily used for public benefit, such as event or festival information; and/or for safety or directional information.
- (d) When placed in the D.O.T. right-of-way, sign must comply with State regulations.
- (e) Each message shall remain in a fixed position for at least 6 seconds.
- (f) Display areas may be illuminated only to a degree of brightness that is reasonably necessary for adequate visibility. The Chief of Police, Director of Public Works, Code Enforcement Officer, Zoning Administrator, or their designee may require the brightness of the sign to be reduced if they determine the brightness to be excessive.
- (g) The brightness level of all messages must be uniform
- (h) Flashing, intermittent, or moving lights are prohibited, except those giving public service information, such as time, date, temperature, weather or similar information.
- (i) Sign shall not create a nuisance or safety hazard.
- (j) Maximum sign area shall be 64 square feet (8x8).
- (k) Changeable display area may be 100% of the total area of the portable changeable message sign.
- (l) Sign shall be in use no more than _____ days/hours before the event and shall be removed as soon as possible, but no more than ____ day/hours after the event or need.

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 22.

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

19. Special Common Council meeting will take place on Monday, March 25, 2019 to award the contract for the Superior/La Crosse Street Reconstruction project.
20. Motion by Ald. Anderson seconded by Ald. Freel to adjourn. Motion carried unanimously and the meeting adjourned at 7:20p.m.

Nancy R. Holzem
City Clerk/Coordinator
Posted on city's website: March 21, 2019
Published: March 28, 2019