

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
APRIL 16, 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 Alder Brian Holzem
Second District Alders Terry Marshall and Mike Freel
Third District Alder Dan Anchor

Excused: First District Alder Jesse DeFosse
Third District Alder Ben Anderson

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, Parks Director Thad Meister, City Attorney Joseph Hasler, Mark Schmitz, Dennis Mitchell and Peter Culver from the *Dells Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Anchor to approve the following consent agenda items:
 - a. March 18 and 25, 2019 Common Council meeting minutes;
 - b. Schedule of Bills Payable dated April 16, 2019;
 - c. Bartender License applications submitted by Austin Burch, Rosalba Gonzalez, Jonathon Groves, Simone Muller, Richard Plouffe, Rosemary Robinson, Cory Vodvarka and Tiffany Wojtasik. Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Motion by Ald. Freel seconded by Ald. Holzem to approve the application for an Original Class B Beer License submitted by the Partnership of Dennis E. Mitchell and Nicholas R. Marcum, for Asgard Axe Throwing, 513 Broadway, for the licensing period of April 17, 2019 thru June 30, 2019. Motion carried unanimously.
6. Motion by Ald. Holzem seconded by Ald. Anchor to approve the application for an Original Class A Beer License submitted by Mt. Olympus Enterprises Inc., Aaron Matteson agent, for Mt. Olympus Campground Store, 300 County A, for the licensing period of May 1, 2019 thru June 30, 2019. Motion carried unanimously.
7. Motion by Ald. Anchor seconded by Ald. Marshall to approve the applications for renewal of Firework Sales Licenses submitted by Maurer's Market for 216 Washington; Brian K. Holzem for Native Sun 302 Broadway and 38 Broadway; and Richard Christensen for Lower Dells Travel Mart 710 Trout Rd, Broadway Travel Mart 802 Broadway, Shell Travel Mart 2415 Wis Dells Parkway, and R & G Travel Mart 611 Frontage Rd. Motion carried 3-0-1 with Ald. Holzem abstaining.
8. Motion by Ald. Holzem seconded by Ald. Freel to approve the applications for renewal of Lodging Facility Licenses submitted by Atanas Georgiev for 322 Wisconsin Avenue,

Catherine Mayer for 631 Capital Street, Mt. Olympus for 2131 Wis Dells Parkway, Nash Properties for 410 Wisconsin Avenue, Workforce Housing Solutions for 511 Vine Street, A & J Entertainment for 510 Vine Street, Izik Cohen for 817 Oak Street, and Logging Camp Inc. for 425 Vine Street, all contingent upon passed facility inspections. Motion carried unanimously.

9. Motion by Ald. Freel seconded by Ald. Anchor to approve the application for renewal of Riding Stable/Horses for Hire License submitted by Dells Adventure Development for Beaver Springs Riding Stables for the licensing period of May 1, 2019 through April 30, 2020. Motion carried unanimously.
10. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5049**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that it approves the updated Local Employer Health Insurance Standards, Guidelines and Administrative Manual. Motion seconded by Ald. Anchor. Upon roll call vote the motion carried 4-0. Resolution adopted.
11. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5050**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their April 16, 2019 meeting; it approves the Land Lease Agreement with the Testamentary Trust of John Trumble for use of the “Trumble Lot” on the corner of Broadway and Cedar. Ald. Marshall seconded the motion. The lot will be used for the 2019 downtown summer entertainment sponsored by the BID District. Upon roll call vote the motion carried 4-0. Resolution adopted.
12. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5051**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Finance Committee from their April 16, 2019 meeting, it awards the Bowman Park Stable Building & Pavilion Project to Harmony Construction for the low bid of \$704,999 which includes the base bid and alternate #2 for in-floor heat. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 3-1 with Ald. Freel voting no. Resolution adopted.
13. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5052**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 8, 2019 meeting; it approves the purchase of a 2004 Sewer jet-vac truck for \$30,000 from the Dells-Delton Sewerage Commission. Motion seconded by Ald. Freel. Upon roll call vote the motion carried 4-0. Resolution adopted.
14. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5053**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their April 8, 2019 meeting; it approves a Conditional Use Permit to Dells Adventure Development for two storage containers on Sauk County Parcel 291-0133-1000 at 600 Trout Road, contingent upon the following: (1) Containers be in compliance with Ordinance 19-819(1)(b) and only be located behind the building and between the back of the building and rear lot line; (2) Containers must be moved to this location by May 31, 2019; and (3) If the containers are still visible from the road, they should be painted to match the fence. Motion seconded by Ald. Marshall. Upon roll call vote the motion carried 4-0. Resolution adopted.

15. Ald. Anderson introduced and moved for adoption **RESOLUTION NO. 5054**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 8, 2019 meeting; it approves the Certified Survey Map affecting Sauk County Parcels 291-0017-10000, 291-018-00000, 291-019-00000, and 291-0019-1000 as requested by Bridge Mall LLC. Motion seconded by Ald. Holzem. Upon roll call vote the motion carried 4-0. Resolution adopted.
16. Ald. Marshall introduced and moved for adoption the second 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 1 days before the event and shall be removed as soon as possible, but no more than 1 day 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 4-0. Ordinance adopted and in full force upon publication scheduled for April 25, 2019.

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

**ORDINANCE NO. A-843
(Disorderly Conduct with a Motor Vehicle Repealed & Recreated)**

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 repeal and recreate Disorderly Conduct with a Motor Vehicle clarifying the elements of the offense.

SECTION II: PROVISIONS REPEALED AND RECREATED

Wisconsin Dells Code sec. 18.12 is repealed and recreated:

SECTION III: PROVISIONS AS REPEALED RECREATED:

~~18.12 DISTURBANCE OF THE PEACE, MOTOR VEHICLES~~

~~(1) Use of Motor Vehicles to Disturb Peace. No person may, on public or private property, operate a motor vehicle in a disorderly manner. The conduct prohibited by this provision includes, but is not limited to, the following: deliberate or intentional spinning of wheels; causing a vehicle, while commencing to move or in motion, to have one or more wheels off the ground; operation in a manner that would tend to cause a disturbance; negligent operation; operation that endangers or damages property; operation that endangers or injures the health or safety of a person; operation that causes annoying or disturbing dust, noise, smoke, odor, or gas; and reckless operation.~~

18.12 Disorderly Conduct with a Motor Vehicle.

(a) Definitions.

(1) “Motor Vehicle” for purposes of this Section shall mean a vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. This includes, but is not limited to, auto, truck, motorcycle, moped, snowmobile, mini bike, all-terrain vehicle, or golf cart.

(2) “Disorderly Conduct with a Motor Vehicle” for purposes of this Section shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or safety of another’s person or property, or otherwise disorderly conduct, including, but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire, causing the Motor Vehicle, while commencing to move or in motion, to raise one or more wheels off the ground, causing any part of the Motor Vehicle to raise or lower by means of after-market suspension or hydraulic pumps, or to operate the Motor Vehicle without a required driver’s license.

(3) “Dynamic Braking Device” (commonly referred to as a Jacobs brake, engine brake, or compression brake) for purposes of this Section shall mean a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(b) Unnecessary Noise Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Wisconsin Dells. This includes, but is

not limited to, squealing of tires, revving of the engine, causing the engine to backfire, amplify or increase noise emitted by the motor above that emitted by the muffler originally installed on the Motor Vehicle, use of the motor vehicle's horn for other than its intended purpose for warning other motorists or pedestrians required by law and the like.

(c) Unnecessary Smoke Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive, which may tend to annoy or disturb another in or about any public or private area in the City of Wisconsin Dells.

(d) Unnecessary Acceleration and Display of Power Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, cause the Motor Vehicle to "fish tail," cause the operator of the Motor Vehicle to lose control of the Motor Vehicle or accelerate at a rate of speed that constitutes a danger to other motorists or to pedestrians; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(e) Disorderly Conduct with a Motor Vehicle. No person shall, within the City of Wisconsin Dells, by or through the use of a Motor Vehicle, cause or provoke Disorderly Conduct with a Motor Vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or safety of another's person or property.

(f) Avoidance of Traffic Control Device Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to leave the roadway and travel across private property to avoid an official control device, sign, or signal.

(g) Operation in Restricted Area Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. The section shall specifically include but not be limited to:

- (1) Public park property;
- (2) Cemetery property;
- (3) School District property;
- (4) Medical facilities;
- (5) Funeral homes;
- (6) Service stations;
- (7) Grocery stores;
- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways, drive-up or drive-thru facilities.

(h) Stopping and Parking Prohibited. It shall be unlawful for any person to stop or park a Motor Vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain person

and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any Motor Vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

(i) Use of Dynamic Braking Devices Prohibited. It is unlawful for any person to operate any Motor Vehicle with a Dynamic Braking Device engaged, except for the aversion of imminent danger, within the City of Wisconsin Dells.

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 18.

Motion seconded by Ald. Anchor. Upon roll call vote the motion carried 4-0. First reading adopted. Mayor Wojnicz requested a second reading so this ordinance can be in place before car show weekend. Motion by Ald. Holzem seconded by Ald. Freel to suspend the rules in order to adopt the second reading at this time. Upon roll call vote the motion carried 4-0. Ald. Holzem introduced and moved for adoption the second reading of Ordinance No. A-843. Motion seconded by Ald. Freel. Upon roll call vote the motion carried 4-0. 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-844
(Backyard Chickens)**

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 remove the May 31, 2019 sunset clause on Municipal Code sec. 16.025 - Backyard Chickens.

SECTION II: PROVISION REPEALED

Wisconsin Dells Code sec. 16.025(10) is repealed.

SECTION III: PROVISION AS REPEALED:

16.025 Backyard Chickens

~~(10) — Sunset. This code section shall expire May 31, 2019.~~

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.

Motion was seconded by Ald. Anchor. Upon roll call vote the motion carried 4-0. First reading adopted.

19. No business for referral.
20. Motion by Ald. Freel seconded by Ald. Holzem to adjourn sine die. Motion carried unanimously and the meeting adjourned at 7:15p.m.

Nancy R. Holzem
City Clerk/Coordinator
Posted on city's website: April 17, 2019
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