

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
APRIL 17, 2018

Mayor Landers 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 Alderpersons Brian Holzem and Jesse DeFosse
Second District Alderpersons Dar Mor and Mike Freel
Third District Alderpersons Ed Wojnicz and Ben Anderson

Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, Public Works & Utilities Director David Holzem, City Planner/Zoning Administrator Chris Tollaksen, City Attorney Joseph Hasler, Juli Mor, Kelli Trumble, Ben Borchert, Mary Panzer, Steve Cohen, Ed Fox, Terry Marshall, Dana Marshall, Jake Beard, Greg Slayton, Karen Landers, Emma Landers, Sergeant Perry Mayer, Assistant Fire Chief Steve Smith and Kay James from the *Dells Events*.
2. Pledge of Allegiance.
3. Motion by Ald. Wojnicz seconded by Ald. Holzem to approve the following consent agenda items:
 - a. March 19, 2018 Common Council meeting minutes.
 - b. Schedule of Bills Payable dated April 17, 2018;
 - c. Applications for Bartender Licenses submitted by Miroslav Karov and Aaron Van Schoyck.Motion carried unanimously.
4. Committee updates were given by chairpersons.
5. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the application for a Special Event Permit submitted by Ed Saari for a corvette parade and parking on Saturday, June 9, 2018. Motion carried unanimously.
6. Motion by Ald. Freel second by Ald. Anderson to approve the application for Taxicab Service License submitted by Ricardo Acosta for Speedy Cab for the licensing period through March 31, 2019. Motion carried unanimously.
7. Motion by Ald. Mor seconded by Ald. Freel to approve the applications for renewal of Firework Sales Licenses received from Richard Christensen for 4 Travel Mart locations, Brian Holzem for 2 downtown retail locations, and from Jeff Maurer for Maurer's Market, for the licensing period of May 1, 2018 through April 30, 2019. Motion carried 5-0-1 with Ald. Holzem abstaining.
8. Motion by Ald. Holzem seconded by Ald. Anderson to approve the application for renewal of Riding Stable/Horses for Hire License received from Dells Adventure Development for Beaver Springs Riding Stables for the licensing period of May 1, 2018 through April 30, 2019. Chief Ward stated at the Legislative meeting that there have

been no issues that would warrant a non-renewal of the license. Motion carried unanimously.

9. Motion by Ald. Freel seconded by Ald. Wojnicz to approve, contingent upon passed inspections, the applications for renewal of Seasonal Workforce Housing Facility Licenses received from:
 - a. Izik Cohen for 817 Oak Street (6 units)
 - b. Nash Properties, LLC for 410 Wisconsin Street (7 units)
 - c. A & J Entertainment for 510 Vine Street (19 units)
 - d. Catherine Mayer for 931 Capital Street (15 units)
 - e. Mt. Olympus for 300 County A (50 units)
 - f. Mt. Olympus for 2131 Wisconsin Dells Parkway (24 units)
 - g. Workforce Housing Solutions, LLC for 511 Vine Street (4 units)
 - h. Atanas Georgiev for 322 Wisconsin Avenue (5 units)

Upon roll call vote the motion carried 6-0.

10. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4471. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their April 17, 2018 meeting, it APPROVES the Zebradog Proposal for street pole banners with funding from Economic Development PRT. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
11. Motion by Ald. Mor to table the resolution to extend and restate the development agreement with River Wood Eagle's Nest LLC, based on the recommendation of the Finance Committee. Resolution will be considered on April 23rd. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
12. Motion by Ald. Freel to table the resolution to approve the Site Plan application submitted by River Wood Eagle's Nest LLC. Resolution will be considered on April 23rd. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
13. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4472. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Plan Commission from their April 9, 2018 meeting, it APPROVES the Site Plan application submitted by Wisconsin River Kayak & Tube Rentals (Jeff Beard) and American Zipline Consultants (Greg Slayton) in order to install a zip-line take off tower and landing deck at 190 State Hwy 13 and 2320 Wisconsin Dells Parkway, Parcels 291-0101-00000 and 291-0103-00000, with the following conditions:
 1. The zip line tower is not visible from the river south of the power lines.
 2. The applicant obtains and remain current will any current or future DNR approvals.
 3. The applicant obtains and remains current with any other required approvals, such as the Army Corps of Engineers or the Coast Guard.
 4. The applicant complies with any applicable regulations.

5. The operator of this zip line business shall follow the standards as set forth by the Association for Challenge Course Technology.
6. The operator of the zip line obtains and maintains adequate liability insurance.
7. The operator develops emergency response plans and confers with and gains approval from emergency responders prior to operation.
8. The take-off and landing towers are appropriately secured when not actively operated.
9. The final building plans are approved by the building inspector.
10. Any new signage is approved by the DRC in their sole judgment.
11. The applicants cooperate with the City to address any concerns that may arise.
12. Premier Resort Tax must be collected.
13. If the business closes, the line and structure are to be removed.

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

14. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4473. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 9, 2018 meeting, it APPROVES the Site Plan Application submitted by RRAD Development LLC for construction of a new bath house for American World Campground at 400 County A. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

15. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4474. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their April 9, 2018 meeting, IT APPROVES a Conditional Use Permit to Smart Staff LLC, Calin Voicu, in order to expand the current Seasonal Employee Housing Facility at 519 Bowman Road from occupancy of 15 to 21 starting with the May 2019 licensing period, only if there are no significant issues during the 2018 licensing period. Permit has the following contingencies:

1. All permit and licensing of this facility is issued to Calin Voicu and is not transferrable, even if Smart Staff LLC is sold or occupancy levels are reduced. Any new operator of this facility would need to obtain a Conditional Use Permit.
2. Facility shall be properly maintained and managed to prevent it from becoming a nuisance.
3. If the City determines, in its sole judgment, that there is an issue with parking at this facility, the applicant will go through the Conditional Use Permit public notice and public hearing process to obtain approval of an acceptable solution.
4. Final occupancy must be approved by the housing inspector.

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

16. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4475. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 9, 2018 meeting, it APPROVES the proposal submitted by Show Striping Industries for parking lot and

street line marking for the amount of \$13,970. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

17. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4476. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their April 9, 2018 meeting, it APPROVES the proposal submitted by Water Dragon, Inc for pressure washing cleaning services (sidewalk, benches, trash cans) for the amount of \$11,190 and for the sealing for the stamped and colored concrete (\$12, 906). Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

18. Ald. Mor introduced and moved for adoption the second reading of the following ordinance:

ORDINANCE NO. A-824
(Sign Code Changes)

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

SECTION I: PURPOSE

This ordinance amends the sign code regarding portable signs, non-conforming signs and ground signs.

SECTION II: PROVISIONS AMENDED

Wisconsin Dells Code Sec. 22.09(8)(a) is amended
Wisconsin Dells Code Sec. 22.09(12)(b) is amended
Wisconsin Dells Code Sec. 22.10(5)(c) is amended
Wisconsin Dells Code Sec. 22.12(3) is amended
Wisconsin Dells Code Chapter 22 Table E is amended

SECTION III: PROVISIONS AS AMENDED

22.09 (8) Portable Signs.

(a) **Location.** The sign ~~should~~ **shall** be located within ten (10) feet of the business entrance, but shall not be placed in a location where the **public** paved area for passage is reduced to less than six (6) **continuous** feet **in width** or within twelve (12) feet of an intersection, driveway, public stairwell or crosswalk. **Where possible, portable signs shall be located on private property.**

C-2 Zoning District. The Design Review Committee may approve signs on public property in the C-2 Zoning District. Where possible the signs are to be located in the dedicated terrace area, which is delineated from the public walking path as colored and stamped concrete or pavers that separates the walking path from the vehicle lanes.

22.09 (12) Wind Signs.

(b) Regulation. Wind signs greater than 50 square feet in size or upon which there appears any copy or printed words shall be regulated as ~~ground~~ **pole** signs.

22.10(5)(c) Pole Signs.

(i) **C-1 Neighborhood Commercial.** On-premises pole sign may be nearer than 500 feet to any other ~~ground~~ **pole or monument** sign, if it is the only on-premises ~~ground~~ **pole or monument** sign situated upon the premises or parcel upon which the business or commercial activity promoted is situated. Any new on-premise pole sign shall be conditionally approved by the DRC following the procedures of the CUP process per Code Chapter 19 Article 4 Division 6 (19.370-19.389). Such signs shall not exceed 50 square feet. Additional conditions may also be imposed.

(iii) **C-4 Large Scale Commercial.** Off-premises pole signs shall be not less than 200 feet from any other pole or monument sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. An on-premises pole sign may be nearer than 200 feet to any other pole or monument sign if it is the only on-premises pole or monument sign situated upon the premises or parcel upon which the business or commercial activity is situated; and, if the business is located in a stand-alone building. Existing Sauk signs exempted: Off-premise pole signs in the C-4 Commercial Zoning District existing and documented in the 2013 Sauk County Sign inventory shall be exempt from the 200 ft spacing requirement. These signs will remain regulated by the 100 ft sign separation requirement in place when they were installed.

22.12 Non-Conforming Signs & Structures

(3) **Transfer of Ownership.** A nonconforming sign on property which changes owners shall comply with this sign code unless the design and review committee, ~~after notice and public hearing,~~ determines that continuation of the nonconforming on premises sign will not have a deleterious effect on neighboring properties or be inconsistent with the redesign and rehabilitation of the business district. DRC shall consider, among other appropriate factors, whether the nonconforming on premises sign is located East of Cedar Street or is associated with a business which will not change its name or branding.

Table E: Downtown C-2 Commercial District Permitted Signage.

Portable Sign – Number of Signs Allowed

1 per business that has obtained a food license. *Located in terrace where possible.*

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 state law.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 22.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Ordinance adopted and in full force upon publication.

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

ORDINANCE NO. A-825
(Sullivan Annexation - MBR No. 14080)

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

SECTION 1: Territory Annexed by Direct Annexation.

In accordance with Wis. State Statute sec. 66.0217(2) and the Petition for Direct Annexation by Unanimous Consent filed with the City Clerk by property owners Brendan and Nicole Sullivan, the following described territory in the Town of Newport, Columbia County, Wisconsin is hereby annexed in to the City of Wisconsin Dells, Wisconsin and the zoning map as set forth in section 19.612 of the Wisconsin Dells Municipal Code is hereby permanently amended to include the property set forth below. Total acreage of said property is .5 acres. Population is 0. Annexation boundary map is attached as Exhibit A. Legal description is attached as Exhibit B. Upon annexation, said property will become part of City of Wisconsin Dells, Columbia County Ward 1.

SECTION 2: Effect of Annexation.

From and after the effective date of this ordinance, the territory described in Section 1 shall be a part of the City of Wisconsin Dells for any and all purposes provided by law, and all persons residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Wisconsin Dells.

SECTION 3. Temporary Zoning Classification.

The territory annexed to the City of Wisconsin Dells shall by this ordinance be temporarily zoned R-1 Residential-Single.

SECTION 4. Severability.

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 5. Effective Date.

This ordinance shall take effect upon passage and publication as provided by law and becomes part of the Zoning Map for the City of Wisconsin Dells.

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

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

ORDINANCE NO. A-826
(Permanent Zoning for Annexation)

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 establish permanent zoning on recently annexed lands.

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 PERMANENTLY ZONED

The following property is hereby permanently zoned R-1 Residential-Single upon annexation into the City of Wisconsin Dells:

Columbia County Tax Parcel: 11291-1243.01

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

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

**ORDINANCE NO. A-827
(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 permit the keeping of backyard chickens on single family unit lots.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 16.025 is created.

SECTION III: PROVISION AS CREATED:

16.025 Backyard Chickens Ordinance

- (1) Notwithstanding Code Sec. 16.02, this Ordinance permits the keeping of chickens in residential zoning districts as follows.
- (2) Site Standards.
 - (a) Number. No more than six hens shall be allowed for each dwelling unit.
 - (b) Location. Coops or cages housing chickens shall be kept at least twenty-five feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five feet of a side-yard or rear-yard lot line. Coops and cages may not be in residences or garages. Coops and cages must be in backyards and not visible from the public right-of-way.
 - (c) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over eighteen years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
 - (d) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
 - (e) Slaughtering. There shall be no slaughtering of chickens on the property.
 - (f) Roosters. It is unlawful for any person to keep roosters.
 - (g) The owner shall abide by all state laws and regulations for livestock premises registration, including applicable sections of Wis. Stat. sec. 95.51, and Wis. Admin. Code Chap. ATCP 17 and any applicable amendments thereto. Applicants shall also follow state law regarding import, purchase and sales of live poultry as set forth in Wis. Admin. Code Chap. ATCP 10.40 and ATCP 10.42 and any amendments thereto.
 - (h) There shall be no breeding or hatching of chickens.
 - (i) Any poultry feed shall be stored so as to keep out rodents. The owner shall practice proper poultry waste disposal in order to avoid odors. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.

- (j) The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited (small amounts of scratch grains that do not accumulate on the property are allowed). Fresh water shall be available at all times and adequate amounts of feed provided.
- (3) Permit Required. A permit shall be required to keep chickens in the City. An application for a permit must contain the following items:
 - (a) The name, phone number, and address of the applicant.
 - (b) The location of the subject property.
 - (c) A site plan containing the following information: A description of any coops, cages or outdoor enclosures, providing dimensions and the precise location (if fixed) of these enclosures in relation to property lines and adjacent properties. If applicant proposes to use a mobile coup and/or a chicken run, the dimensions of the structure(s) shall be provided and the area of requested allowed placement areas shall be provided. Coops and cages must be constructed in a workmanlike manner.
- (4) If the applicant proposes to keep chickens in the yard of a rented dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- (5) Chickens may only be kept on single-family unit lots. Chickens may not be kept on two-family or multiple-family lots.
- (6) Permit Process. Permits will be granted on an annual basis (unless this section is repealed). If the permittee follows the terms of the section, the permit will be presumptively renewed (unless this section is repealed) and the applicant may continue to keep chickens under the terms and conditions of the initial permit. The city may refuse to renew or may revoke the permit at any time, (after giving the permittee fifteen days' notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this section, or if city determines that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.
- (7) If this ordinance is repealed, no party shall have the right to keep chickens based on a nonconforming use status obtained under this section.
- (8) No vested property rights are created by the issuance of a backyard chicken license.
- (9) Fees. The City may establish by resolution fees related to the administration of this ordinance payable by the applicant.
- (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.

Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted. Second reading will take place on April 23rd.

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

ORDINANCE NO. A-828
(Parking of Bicycles on Sidewalks)

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 amend the use of sidewalk section of the bicycle ordinance.

SECTION II: PROVISIONS AMENDED AND CREATED

Wisconsin Dells Code sec. 23.15(B) & (C) are created.

SECTION III: PROVISIONS AS AMENDED AND CREATED:

B. Bicycle Parking

1. Bicycles may not be parked in the following locations:
 - a. On the Broadway Street (Highway 13/16/23) right-of-way between the Wisconsin River Bridge and Church Street as posted by official signage.
 - b. Bicycles may not be parked in the Duchess Plaza area or public right-of-ways that bound the Plaza on any side as posted by official signage.
 - c. Bicycles may not be allowed to park on any public right-of-way or property during special events such as Wo-Zha-Wa and other City of Wisconsin Dells approved festivals and events. These additional parking restrictions for bicycles would be as regulated by the City of Wisconsin Dells Chief of Police and official signage.

2. Bicycle parking on other City public right-of-ways/property is allowed as follows:
 - a. Bicycles may be parked/secured to City of Wisconsin Dells owned bicycle racks for up to 48 hours, or as regulated by the Chief of Police and official sign.
 - b. Bicycles may be parked/secured on other City public right-of-ways or property for no longer than 24 hours, in a manner that does not unreasonably impede any normal pedestrian or vehicle traffic flow or cause damage to any City owned property.
 - c. The bicycle parking allowances listed above, apply to 1 bicycle per person. No one person may park multiple bicycles on any public property.

C. Penalty/Enforcement.

Bicycles and their owners or operators in violation of Subsections A and/or B may be cited and/or removed and stored at the owner's expense in addition to the penalty described in 23.18. Bicycles that are not claimed and/or owners are not ascertained, may be disposed of in accordance with the City of Wisconsin Dells Police Department policy dealing with property disposal.

SECTION IV: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

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 23.

Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted. Second reading will take place on April 23rd.

23. Items for referral – none. Mayor Landers thanked everyone for their support during his 7 years in office.
24. Motion by Ald. Mor seconded by Ald. Freel to adjourn. Motion carried unanimously and the meeting adjourned at 7:15PM

Nancy R. Holzem
City Clerk/Coordinator
Posted on website: April 19, 2018
Published: April 26, 2018