

**COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
MAY 21, 2018**

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 Alderpersons Brian Holzem and Jesse DeFosse
Second District Alderpersons Terry Marshall and Mike Freel
Third District Alderpersons Ed Fox 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, Steve Cohen, Ed and Anna Karas, Chris Jaye, Volodymyr Vylkov,
and Belen Markovich from the *Dells Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Anderson to approve the following consent agenda items:
 - a. April 23, 2018 Special Common Council meeting minutes.
 - b. Schedule of Bills Payable dated May 21, 2018;
 - c. Applications for Bartender Licenses submitted by Anna Maria Angeline, Matthew Cobb, Penny Crisafulli, Kevin Elfers Sr., Hallie Everts, Maria Flores, Munir Frank, Taylor Frank, Hunter Hickey, Jordan Hickey, John Hoffman, David Makowski, Zachary Martin, Amanda Pretsch, Robert Rogers, Thomas Shier, Synda Spencer, Roman Wandzura and Cyprin Wright.Motion carried unanimously.
4. Committee updates were given by chairpersons.
5. Motion by Ald. Holzem seconded by Ald. Freel to approve the American Legion Auxiliary Poppy Month Proclamation. Motion carried unanimously.
6. Motion by Ald. DeFosse second by Ald. Holzem to approve updates to the 2018-2019 Committee, Board & Commission appointments. Motion carried unanimously.
7. Motion by Ald. Freel seconded by Ald. Fox to approve, contingent upon passed inspections, the applications for renewal of Seasonal Workforce Housing Facility Licenses received from:
 - a. American World BP Housing for 2020 Wis. Dells Parkway (23 units)
 - b. MNEG Concession LLC for 725 Vine Street (15 units)
 - c. Brad Preissel for 1113 Broadway (6 units)
 - d. Riverview Boat Line for 2150 Wis. Dells Parkway (12 units)
 - e. Smart Staff LLC for 612 Vine Street (35 units)
 - f. Smart Staff LLC for 519 Bowman Road (14 units)
 - g. Woodside for 1114 Broadway (6 units)
 - h. World Traveler Housing Rentals LLC for 726 Vine Street (14 units)

Upon roll call vote the motion carried 6-0.

8. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4481. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their May 21, 2018 meeting, it APPROVES amending the 2018 Schedule of Fees to include a \$15 permit fee for backyard chickens and to clarify the fee range for café zone/terrace area use is to be determined by the business improvement district zone location. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
9. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4482. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their May 14, 2018 meeting, and the Finance Committee from their May 21, 2018 meeting, it APPROVES the small cell Right-of-Way and Pole Attachment Agreement with Verizon Wireless, LLC for pole attachments at three locations, with an annual lease payment of \$2000 per each location. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
10. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4483. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their May 21, 2018 meeting, it APPROVES the Affordable Housing Development Agreement with Mirus Wisconsin Dells II, LLC for an affording housing development at 920 Race Street. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
11. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4484. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Plan Commission from their May 14, 2018 meeting, it APPROVES a Conditional Use Permit to Mirus Partners, Inc. in order to allow the construction of a residential, multi-family facility; and building height over 45 feet on parcel 11291-1008.3 (920 Race Street) with the following conditions:
 1. Proposed development must be contained on a single parcel.
 2. Applicant takes control of the property.
 3. Final building heights are approved as part of the Site Plan approval.
 4. Final parking plan is approved as part of the Site Plan approval.
 5. Storm Water plan be created to the satisfaction of the city.
 6. Garbage collection area and process is approved by the city.
 7. Buffer is established and maintained between the 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.

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

12. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4485. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their May 21, 2018 meeting, it APPROVES the Riverwood Eagle's Nest Extended and Restated Development Agreement which adds Phase 1B. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

13. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4486. 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 Riverwood Eagle's Nest LLC for construction of Phase 1B, a 38 unit 3-story independent living and RCAC-flex apartments, of their senior community development, at 103 Bowman Road with the following contingencies and recommendations:
 1. The utility easements within the facility do not hold the city responsible to repair any improvements above the utilities (i.e. pavement or landscaping).
 2. Any public utilities within the development must meet city standards, be approved by the city, and utility easements are to be approved by the city and recorded.
 3. Any underground facilities are to be dedicated to the city are GPS; and the city is provided an adequate mapping of the facilities that is compatible with the city's GIS mapping system.
 4. Fire lanes are accepted by the Fire Chief.
 5. The developer is responsible to correct any storm water nuisances that the development may create.
 6. Adequate buffers are established and/or maintained between the development and neighboring properties.
 7. The developer cooperates with the city to resolve any nuisances that may result from this development.
 8. All final utility plans (water, electric, sanitary and storm sewer) are provided to the city for review and approval prior to the commencement of any construction.
 9. Any site improvements not part of this plan shall be approved by city staff at their sole discretion.
 10. Storm water is not allowed to run on Bowman Road or anywhere else where it would cause a nuisance or damage. The developer is responsible for upsizing downstream culverts and installing additional erosion control measures if required.
 11. Final fire hydrant locations are approved by the Fire Department.
 12. The developer shall provide final, written documentation of their right to install the new water main under the railroad tracks before a building permit is issued for the 3-story apartment building.
 13. Occupancy of the building will not be granted unless all utilities (water, electric, Sanitary and storm sewer, and storm water management) are installed and approved by the city.
 14. Occupancy of the building will not be granted unless the water main loop is completed.
 15. Parking stalls and drive aisles meet the City Zoning code standards (9'x19').
 16. The developer shall not be eligible for any occupancy permits or incentive payments unless all construction is completed and accepted.

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

14. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4487. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their May 14, 2018 meeting, and the Finance Committee from their May 21, 2018 meeting, it APPROVES the Eddy Street Café Area Exclusive Agreement with San Antonio Mexican Restaurant for exclusive use of a café zone area in front of 740/742 Eddy Street. Use fee for this year is to be prorated due to the construction on Eddy Street. No FFE fee as they will provide their own tables and chairs. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

15. Ald. DeFosse introduced and moved for adoption RESOLUTION NO. 4488. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their May 14, 2018 meeting, it APPROVES the application for a Conditional Use Permit submitted by Luis Martinez in order to allow Outdoor Commercial Food & Beverage Service and a Walk-up Service Window at parcel 11291-140-01, 742 Eddy Street, with the following contingencies:

1. Operator maintains a clear path for pedestrian traffic around the walk-up service window.
2. Operator maintains the sidewalk in front of their businesses and cleans up litter associated with their business from the surrounding area.
3. Operator assists with emptying sidewalk garbage can if necessary.
4. Applicant complies with any concerns from the fire department.
5. No “barking” or calling out from the booth to people on the sidewalk or street.

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

16. Ald. Freel introduced and moved for adoption RESOLUTION NO.4489. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their May 14, 2018 meeting, and the Finance Committee from their May 21, 2018 meeting; it APPROVES the Broadway Terrace Area Non-Exclusive Use Agreement with Volodymyr Vylkov for a table and chairs in front of La Petite Creperie at 116 ½ Broadway. No FFE fee since he will provide the table and chairs. Ald. Anderson seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

17. Ald. Freel introduced and moved for adoption RESOLUTION NO.4490. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their May 14, 2018 meeting; it APPROVES the application for a Conditional Use Permit submitted by Riverview Boat Line in order to allow Outdoor Commercial Food & Beverage Service, Commercial Activity without a Permanent Structure, Outdoor Vendor and a Walk-up Service Window at 15-29 Broadway (Parcel 600), with the following contingencies:

1. All furnishings, including fire pits, table, chairs and umbrellas are approved by the Design Review Committee (DRC) prior to installation.
2. All vending units are approved by the DRC prior to installation. The DRC may set additional size and timeframe limits on vending units for specific sites and on a case by case basis.
3. All design details of other installations, such as the stage and band surround, are approved by the DRC prior to installation.
4. All taxes or payments in lieu of taxes (pilot) are paid and clearly reported to the satisfaction of the City Treasurer.
5. All associated licenses are obtained and remain in good standing.
6. Property is to be well maintained, well managed, and not allowed to be the source of a nuisance.
7. Permit is valid for 1 year.
8. A signed Special and Limited Land Use Permit Agreement.

Ald. Holzem seconded the motion. Ald. Anderson stated that he was against food carts in general for the downtown as the city has an obligation to protect the brick and mortar businesses. He added that allowing Lake Delton businesses to come in and compete with our downtown businesses would be one-sided. Ald. Holzem stated that he too would like to protect the downtown businesses however he would like to see something on that property as it's the first impression as you come across the bridge. Mayor Wojnicz added that this proposal was approved by both the Design Review Committee and the Plan Commission; in addition, the Roger Brooks' study did indicate food carts. City Treasurer Karen Terry stated that the only way to make this viable to the community is if it bring new customers to the downtown and starts to generate premier resort tax, if not, it would only hurt the existing brick and mortar businesses by taking business away from them. Ald. DeFosse stated that having the property sit empty does more damage to the downtown than by allowing food carts; in addition, it would give the owner an idea of what type of restaurant could be successful there. Attorney Hasler stated that approval of this permit should be for one year and should include language making it clear that it does not confer any vested property rights and that there would be no compensation to the applicant and or any users should the city elect not to allow this in the future. Motions were amended to include two added contingencies. Upon roll call vote the motion carried 4-2 with Anderson and Fox voting no. Resolution adopted.

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

ORDINANCE NO. A-830

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 the River Arts District Committee and expand the Business Improvement District Committee membership

SECTION II: PROVISIONS AFFECTED

- A. Wisconsin Dells Code sec. 1.11(3) is amended
- B. Wisconsin Dells Code sec. 1.12 is repealed

SECTION III: PROVISIONS AS AFFECTED:

A. 1.11 BUSINESS IMPROVEMENT DISTRICT

(3) The board shall consist of ~~seven (7)~~ **ten (10)** members appointed by the Mayor and confirmed by the Common Council. ~~Six (6)~~ **Nine (9)** 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.

B. 1.11 RIVER ARTS DISTRICT COMMITTEE - **Repealed**

- ~~(1) Committee Established. The City shall have a "River Arts District Committee".~~
- ~~(2) Members/Officers. The Rivers Arts District Committee shall have six (6) members _____ as follows:~~
 - ~~(a) A member of the common council who shall serve as chairperson of the committee, the entertainment coordinator of the Wisconsin Dells Visitors and Convention Bureau; and four (4) public members.~~
 - ~~(b) The members of the committee shall be appointed annually by the Mayor and confirmed by the Common Council.~~
 - ~~(c) Two (2) of the public members may be non-residents of the City. The public members shall have backgrounds in the fields of tourism, arts or entertainment.~~
- ~~(3) Without limitation the Committee shall oversee, plan and manage the following:~~
 - ~~(a) River Arts District entertainment venues including Duchess Plaza.~~
 - ~~(b) Busker program.~~
 - ~~(c) Network with state, local and national artists for events and opportunities in the River Arts District.~~
 - ~~(d) River Arts District trademark and trade name.~~
 - ~~(e) Seek and coordinate funding and sponsorship of cultural and historic art opportunities.~~
 - ~~(f) Other such responsibilities as designated by the Mayor and/or Common _____ Council.~~

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

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

ORDINANCE NO. A-831

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

SECTION I: PURPOSE

This ordinance permits the Fire Chief to designate the Assistant Fire Chief to act as a City Plan Commission member in the Chief's absence.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 19.203(5) is created.

SECTION III: PROVISIONS AS CREATED

19.203(5) The Fire Chief may designate the Assistant Fire Chief to act in the absence of the Chief.

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 19.

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

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

ORDINANCE No. A-832

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

SECTION I: PURPOSE

Current city code does not specifically delineate establishments which may sell alcohol beverages for off-premises consumption; i.e. Retail Class A Licenses. This ordinance creates two categories for potential Class A licenses.

SECTION II: PROVISION AFFECTED AND CREATED

Wisconsin Dells Code Sec. 16.12(14) is renumbered to 16.12(17)
Wisconsin Dells Code Sec. 16.14 is created.

SECTION III: PROVISIONS AS CREATED

16.12 (14) Retail Class A Licenses:

- (a) Retail Class A Beer and/or Liquor Licenses may be issued to the following subject to appropriate site by site limitations and/or restrictions:

1. Liquor Stores
2. Drug Stores/Pharmacies
3. Department Stores (i.e. Wal-Marts)
4. Convenience Stores with/without gasoline
5. Grocery Stores

- (b) Retail Class A Beer and/or Liquor Licenses may be issued, on a case by case discretionary basis, to specialty retail establishments where the sale of select "Class A" products will complement and enhance the sale of specific products and product lines; or contribute to a unique retail shopping concept; subject to appropriate site limitations and/or restrictions.

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 16.

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

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

ORDINANCE NO. A-833

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

SECTION I: PURPOSE

This ordinance amends Downtown Design Standards associated with the Zoning Code.

SECTION II: PROVISION AMENDED

Designs Standards Associated with Wisconsin Dells Code Sec. 19.261(5)

SECTION III: PROVISIONS AS AMENDED

Administration: Clarifies that design approval is required for any item that is addressed with a design standard.

Outdoor Food Service – Vending Unit: Removes requirement that outdoor vending units be associated with an on-premise business and instead allows vending units that are associated with an existing Wisconsin Dells or Lake Delton business selling similar products from a brick and mortar store.

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 19.

Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 4-2 with Anderson and Fox voting no. First reading adopted.

22. Items for referral – none.
23. Motion by Ald. Freel seconded by Ald. Anderson to adjourn. Motion carried unanimously and the meeting adjourned at 7:30PM

Nancy R. Holzem
City Clerk/Coordinator
Posted on website: May 22, 2018
Published: May 31, 2018