

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
JULY 21, 2020

Mayor Wojnicz called the meeting to order at 6:37P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: First District Ald. Brian Holzem and Ald. Jesse DeFosse
Second District Ald. Terry Marshall and Ald. Mike Freel
Third District Ald. Dan Anchor and Ald. Ben Anderson

Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, Public Work & Utilities Director David Holzem, Planning & Zoning Administrator Chris Tollaksen, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, Jean Bartz, Rich Makowski, and Peter Culver from the *Dells Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. DeFosse to approve the following consent agenda items:
 - a. May 18, 2020 Common Council meeting minutes;
 - b. Schedule of Bills Payable dated July 21, 2020;
 - c. Applications for Operator's (Bartender) License received from: Malik Aliyev, Bobbie Blanch, Jordan Bork, Paul Brockway, Alexander Cimpher, Michelle Deering, Nathan Dickerson, Kevin Elfers, Jacob Evans, Matthew Hason, Jenna Hayes, John Hoffman, Daniel Hogan, Ronnie Jessen, Maria Kupiec, Shalyn Leifer, Nikki Lohr, David Makowski, Stephanie Martin, Matthew Metz, Andrey Minaev, Kaan Nazlioz, Janette Ochoa, Cuneyt Oghan, Anamaria Orhei, Charity Reich, Crystal Robinson, Synda Spencer, James Stark, Jennifer Stewart, Joshua Thalacker, Stephanie Thalacker, Chelsey Townsend, Monica Williams, Savana Williamson, Kelly Woodruff; and to deny the applications submitted by Jason Burk, Brandon Mitchel, Jacques Nash, and Troy Schweda.Motion carried unanimously.
4. During the citizen appearances portion of the meeting, Jean Bartz who is running for Assembly District 41, introduced herself.
5. Motion by Ald. DeFosse seconded by Ald. Holzem to deny the Notice of Claim submitted by Paula Brunner. Motion carried unanimously.
6. Motion by Ald. DeFosse seconded by Ald. Holzem to deny the Notice of Claim submitted by Jeffrey Weishoff. Motion carried unanimously.
7. Motion by Ald. Freel seconded by Ald. Anchor to approve the application for an Original Class A Liquor submitted by Made with Love, LLC, Gayelynn Plaster agent, for Made with Love Gift Store, 316 Broadway, for the licensing period through June 30, 2021 with the

following limitations on the license that the applicant stated at the Legislative Committee meeting that she would agree to: (1) Display and sales of Wisconsin wines only; (2) Wine to be located in the secure counter cabinet area only; (3) Wine samples to be provided only in conjunction with “wine walks” and similar special events; (4) Agent or Licensed Operator on premises as required by State Statute. Motion carried unanimously. Mayor Wojnicz and Zoning Administrator Chris Tollaksen will measure the display case area so there is record of it.

8. Motion by Ald. Anchor seconded by Ald. Freel to approve the application for an Original Class Beer License submitted by Swamigi, Inc. Mitesh Patel agent, for the Super 8 Motel, 800 County Road H, for the licensing period through June 30, 2021. Super 8 plans to sell beer by the bottle at the counter check-in area for motel guests only. Motion carried unanimously.
9. The council took no action on the Application for a Taxicab Service License that was submitted by Stephen McCarty for Twin Town Pedicabs. The Legislative Committee will be working on an ordinance in the future to regulate and license this type of business.
10. Motion by Ald. Anchor seconded by Ald. Holzem to approve the applications for Seasonal Workforce Housing Facility License for the licensing period through April 30, 2021 submitted by:
 - A&J Entertainment for 510 Vine Street (renewal)
 - GTAM LLC for 2501 River Road (renewal)
 - Riverview Boat Line for 2150 Wis Dells Parkway (renewal)
 - Workforce Housing Solutions LLC for 511 Vine Street (renewal)
 - Dells Resort for 175 Sweet Briar Drive (new)

Motion carried unanimously.

11. Ald. Holzem introduced and moved for adoption of **RESOLUTION NO. 5180**. BE IT HEREBY **WHEREAS**, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin (“COVID-19 Pandemic”); and

WHEREAS, the federal government, state governments, and local governments are working together to contain the further spread of the disease and treat existing cases; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, on March 12, 2020 the Governor of the State of Wisconsin declared a Health Emergency in the State, and on March 17, 2020, Sauk County (the “County”) declared a state of emergency under authority granted by Wis. Stats. Chap. 323; and

WHEREAS, the federal government has enacted various laws and regulations in response to the COVID-19 Pandemic including, without limitation, the Families First

Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act;
and

WHEREAS, because of the COVID-19 Pandemic, on March 24, 2020, Secretary-designee Andrea Palm of the Wisconsin Department of Health Services issued Emergency Order #12, Safer at Home Order (“Safer at Home Order”) requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances until April 24, 2020; and

WHEREAS, on April 16, 2020, Secretary-designee Palm extended the Safer at Home Order, with certain modifications, to May 26, 2020, pursuant to Emergency Order #28; and

WHEREAS, the federal, state, local and individual responses to the COVID-19 Pandemic and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 Pandemic have created economic hardship and uncertainty for the City of Wisconsin Dells business community, households throughout the municipality and for every property taxpayer; and

WHEREAS, prominent economists have predicted record level unemployment rates for the coming months and this prediction suggests that City of Wisconsin Dells residents will also experience record level unemployment rates in the coming months, and an unprecedented number of businesses and employers throughout the State and in the County have been required to suspend operations; and

WHEREAS, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, and the various emergency orders and regulations implemented by state and local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 (“Act 185”), which Governor Evers signed on April 16, 2020; and

WHEREAS, Section 105(25) of Act 185 authorizes, among other things, the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

WHEREAS, a resolution authorizing the above referenced waiver must also establish criteria for determining hardship that would qualify a property tax payer for the waiver; and

WHEREAS, the County’s authorization for a taxation district to implement the above referenced waiver is contingent upon a taxation district adopting a resolution in similar form and content as to the County’s resolution; and

WHEREAS, the County has adopted a resolution authorizing taxation districts in the County to implement the above-referenced waiver; and

WHEREAS, the City of Wisconsin Dells desires to waive interest and penalties on 2020 SAUK COUNTY property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

WHEREAS, pursuant to Section 105(25) of Act 185, this Resolution is intended to waive interest and penalties on SAUK COUNTY installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185 and declare that all property taxpayers in the City of Wisconsin Dells are experiencing hardship as a result of the economic conditions associated with the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185; and

WHEREAS, while the plain language of Section 105(25) of Act 185 allows for either a general or a “case-by-case” finding of hardship to qualify for the above referenced waiver of interest and penalties, the County has only authorized a taxation district to waive interest and penalties for all property taxpayers in the County otherwise eligible for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions described in this Resolution, which the City of Wisconsin Dells Common Council determines has adversely affected all taxpayers in the City of Wisconsin Dells; and

NOW THEREFORE BE IT RESOLVED that pursuant to Section 105(25) of Act 185, the Wisconsin Dells Common Council hereby finds and authorizes the following:

1. Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185, the Common Council finds that city property taxpayers may be experiencing hardship as that term is used in Section 105(25) of Act 185.
2. The City of Wisconsin Dells hereby waives interest and penalties for SAUK COUNTY property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020. This Resolution waives interest and penalties as provided in Section 105(25) of Act 185 for all SAUK COUNTY property taxpayers in the City of Wisconsin Dells such that the waiver is available to all SAUK COUNTY property taxpayers in the City of Wisconsin Dells. Notwithstanding the foregoing, nothing in this Resolution waives interest and penalties for SAUK COUNTY property taxes payable in 2020 for an installment payment that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.
3. The County has confirmed that upon adoption of this Resolution, the County will settle in full with the City of Wisconsin Dells on August 20, 2020, as provided under Wis. Stat. § 74.29(1).

4. City of Wisconsin Dells officers are authorized and directed to assist the County in the interpretation, application and implementation of this Resolution and Section 105(25) of Act 185.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Common Council and other appropriate public officers and agents of the City of Wisconsin Dells with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

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

12. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5181**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their July 21, 2020 meeting; it APPROVES the Encroachment Agreement with the Anna Nykaza Revocable Living Trust. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
13. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5182**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Finance Committee from their July 21, 2020 meeting; it APPROVES the Right-of-Way Dedication & Public Improvements Agreement with the Peter & Ann Tollaksen Living Trust and Allen & Nanya Pentell. 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. 5183**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Plan Commission from their August 12, 2019 meeting, it APPROVES the Dedication and Acceptance of Right-of-Way Agreement with Fela Sign N Store, LLC. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
15. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5184**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Public Works Committee from their July 13, 2020 meeting; it APPROVES the Small Cell Master Agreement with Cello Partnership, d/b/a Verizon Wireless. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
16. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5185**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Public Works Committee from their July 13, 2020 meeting; it APPROVES the \$10,377.81 cost estimate submitted by the Adams County Highway Department for ditch work along Hwy 13 near Woodside Sports. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
17. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5186**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Plan Commission from their July 13, 2020 meeting, it APPROVES the Jones Road right-of-

way plat of survey. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

18. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5187**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the Plan Commission from their July 13, 2020 meeting; it APPROVES the Certified Survey Map requested by Concept Holdings in order to combine Columbia County Tax Parcels 11291-47.1, 11291-45.03, and 11291-45.05 located in the 400 block of Broadway (former Chalet complex). Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
19. Ald. Holzem introduced and moved for adoption first reading of the following Ordinance:

**ORDINANCE NO. A-855
(Workforce Housing Update)**

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

SECTION I: PURPOSE

This ordinance requires that the entirety of a building on a workforce housing premises be habitable.

SECTION II: PROVISION CREATED

Wisconsin Dells Code sec. 16.06(9)(s) is created.

SECTION III: PROVISION AS CREATED

16.06(9)(s) The entirety of a building on a licensed premises must be habitable.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 16

Ald. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted. Attorney Hasler with work with Zoning Administrator Chris Tollaksen on proposed updates for the second reading.

20. Items for referral: Special Council meeting on Thursday, July 30, 2020 at 6:30pm for the issuance and sale of general obligation notes relating to TIF #2 projects.
21. Motion by Ald. Freel seconded by Ald. Holzem to adjourn. Motion carried unanimously and the meeting adjourned at 6:50pm.

Nancy R. Holzem
City Clerk/Coordinator
Published: August 6, 2020