

COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
SEPTEMBER 21, 2020

Mayor Wojnicz called the meeting to order at 6:30P.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, Police Lieutenant Perry Mayer, Adam Makowski, Jerry Wolfram, Sarah Brown, City Attorney Joseph Hasler, Erica Dynes 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. September 2, 2020 Common Council meeting minutes;
 - b. Schedule of Bills Payable dated September 21, 2020;
 - c. Applications for Operator's (Bartender) License received from: Marco Garduno, Matha Martinez, Stacy Schroeder, and Scott Wilcox.Motion carried unanimously.
4. There were no citizen appearances.
5. Motioned by Ald. Holzem seconded by Ald. Anchor to approve the Fire Safety Proclamation. City Fire Inspector Jerry Wolfram presented information on fire safety. Motion carried unanimously.
6. Motioned by Ald. Anderson seconded by Ald. DeFosse to approve the 2021 Arbor Day Proclamation. Motion carried unanimously.
7. Motioned by Ald. Freel seconded by Ald. DeFosse to approve the application for an Original Class B Beer License submitted by MR LUIS LLC, Luis Martinez agent, for Playa Azul, 229 Broadway, for the licensing period of September 21, 2020 through June 30, 2021. Motion carried unanimously.
8. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5196**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their September 21, 2020 meeting; it APPROVES the 2020 audit engagement letter with Johnson-Block. Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

9. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5197**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their September 21, 2020 meeting; it APPROVES the engagement letter with Johnson-Block & Company for rate case study work for the Electric and Water Utilities. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
10. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5198**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their September 21, 2020 meeting; it APPROVES the audit engagement letter with Johnson-Block & Company for the WEDC grant audit. Ald. Freel seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

11. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5199**.

WHEREAS, Columbia, Sauk, Adams, and Juneau County Boards levy a County Library Tax; and;

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provide that such units of government which levy a tax for public library services and expend an amount for a library fund as defined by s. 43.52(1) during the year for which the county tax levy is made a sum at least equal to the county library tax rate in the prior year multiplied by the equalized valuation of property in the city for the current year, may apply for exemption from this tax; and

WHEREAS, The City of Wisconsin Dells does levy a library tax in excess of the amount calculated in accordance with 43.64(2)(b);

NOW THEREFORE BE RESOLVED that the City of Wisconsin Dells, in Columbia, Sauk, Adams and Juneau Counties, Wisconsin, be EXEMPT from the payment of any county library tax as provided in Section 43.64(2)(b) inasmuch as it will expend for its own library fund for 2020 an amount in excess of that amount calculated in accordance with 43.64(2)(b). Exemption from the payment of said county library tax shall not preclude the City of Wisconsin Dells' participation in county library services in all other respects;

BE IT FURTHER RESOLVED, that confirmed copies of this Resolution shall be forwarded by the City Clerk to the Columbia, Sauk, Adams and Juneau County Clerks and the appropriate public libraries.

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

12. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5200**. IT IS HEREBY RESOLVED by the City of Wisconsin Dells Common Council as follows:

City staff and officers are instructed and authorized to take those actions necessary in

connection with Lot One (1), Columbia County CSM #6213 and the 920 Race Street Affordable Housing Development Agreement dated May 22, 2018, subsequently amended including without limitation the following:

1. Assignment and Assumption of Vacant Land Offer to Purchase.
2. Deed from Edward and Anna Karas, LLC to City of Wisconsin Dells.
3. Deed from City of Wis. Dells to Movin' Out Kilbourn Wisconsin Dells, LLC
4. Contribution Agreement.
5. Release of Easements within vacated Plum Street and alleys; and,
6. Such other documents and actions as reasonably requested and required and approved by the City Attorney including, without limitation, title affidavits, settlement statements and other closing instruments.

BE IT FURTHER RESOLVED that City understands the closing is scheduled for September 24, 2020 and Development Agreement deadline is September 30, 2020; City hereby extends the Development Agreement deadline to December 15, 2020 and; the City is authorized to execute such amendment to the Development Agreement as may be necessary to evidence such extensions of the deadline, in form and manner approved by the City Attorney.

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

13. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5201.**

WHEREAS, the City of Wisconsin Dells recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save tax payer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required by Federal Emergency Management Agency as a condition of future grant funding for mitigation projects; and

WHEREAS, the City of Wisconsin Dells participated jointly in the planning process with Columbia County and the other local units of government within the County to prepare an All Hazards Mitigation Plan, which was made available for review via a Legal Notice and a copy of which will reside permanently in the Columbia County Emergency Management Office.

NOW, THEREFORE, BE IT RESOLVED, that the city council of the City of Wisconsin Dells, hereby adopts the 2020 Columbia County All Hazards Mitigation Plan as an official plan; and;

BE IT FURTHER RESOLVED, that the 2020 Columbia County All Hazard Mitigation Plan Update has been approved on August 17, 2020, by the Federal Emergency Management Agency. The expiration date of the Columbia County plan is five years from the date of approval. The Columbia County Emergency Management Office will submit, on behalf of

the City of Wisconsin Dells, a copy of the signed resolution to the State of Wisconsin and the Federal Emergency Management Agency per the approval request.

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

14. Ald. DeFosse introduced and moved for adoption **RESOLUTION NO. 5202**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the City Plan Commission from their September 14, 2020 meeting; IT APPROVES a Conditional Use Permit to Cuppa Mudd Espresso in order to allow Commercial Activity that does not occur within or on a premise having a permanent building equipped with a washroom having hot and cold running water, wash basins, towels, or equivalent, and a toilet; drive-up service window; outdoor vendor; walk-up service window and outdoor commercial food and beverage service on a portion of Sauk County, City of Wisconsin Dells Tax Parcel 291-0148-00000 for the use of any of the three building options presented, with the understanding that the City has the right to deny the use after the expiration date of December 31, 2021. If a larger temporary building is installed and they do not get approval to continue, the applicant would have to come back for approval. If denied the building is to be removed. Additional contingencies include:

1. Approval for this use will be for one (1) year, and may expire on December 31, 2021. Review of this use will be part of a new Site Plan Application review. CUP approval may be terminated during the new building Site Plan review. If the renewed Site Plan is denied, any building installed under this temporary approval must be removed within 90 days of denial.
2. Building and Signage to be approved by the Design Review Committee.
3. Any required Dept. of Health Services (DHS) or other associated license are obtained and in good standing.
4. Applicant obtains Premier Resort Tax and other required tax registrations and provides documentation to the City. Failure to pay any required taxes and/or submit tax reporting documentation that is deemed adequate by the City in its sole discretion, is grounds to revoke this permit.
5. Tank water supply system process is reviewed and approved by the City to ensure proper metering and billing of City water and sewer.
6. Site does not generate any nuisances to surrounding properties. Any nuisance that is identified shall be resolved to the satisfaction of the City, in its sole discretion, or this permit is subject to revocation.
7. Adequate traffic and parking controls are implemented to prevent this site from causing traffic flow problems on the access roads, specifically Wisconsin Dells Parkway. Any traffic issues identified by the City shall be resolved to the satisfaction of the City at their sole discretion, or this permit is subject to revocation.

Ald. Anchor seconded the motion. Ald. Freel stated his concerns with allowing a temporary business set up like this as it competes with our brick and mortar stores. He stated his concerns with setting a precedence for other temporary businesses to set up and questioned how the city could deny the next request. Attorney Hasler stated that

approval is made case by case and the council has the right to exercise discretion. Aids. Holzem and Anderson agreed with some of Ald. Freel's concerns. City Planner Chris Tollaksen stated that the permit is for one year and then they need to come back to extend the permit. Upon roll call vote the motion carried 5-1 with Ald. Freel voting no. Resolution adopted.

15. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5203**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the City Plan Commission from their September 14, 2020 meeting;

IT APPROVES the Site Plan Application submitted by Cuppa Mudd Espresso for a small drive-up coffee shop on a portion of Sauk County, City of Wisconsin Dells tax parcel 291-0148-00000 and the use of any of the three (3) Site Plan building options presented, with the understanding that a new Site Plan Application shall be submitted after the expiration date of December 31, 2021. If a larger building is built, the existing kiosk would need to be removed. Added contingencies include:

1. Site Plan approval will expire on December 31, 2021, unless otherwise addressed by the City. Any building installed as part of this approval, but not re-approved per the above condition, is to be removed from the site within 90 days of denial.
2. Future Site Plan approval will require connection to City water and sewer.
3. Denial of a new Site Plan can be grounds for denial of Conditional Use Permit.

Ald. Anderson seconded the motion. Upon roll call vote the motion carried 5-1 with Ald. Freel voting no. Resolution adopted.

16. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5204**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the Public Works Committee from their September 14, 2020 meeting; IT APPROVES the quotes submitted by Pro Electric for directional drill work on Church and Wisconsin Avenue for the amount of \$40,745; and for directional drill work on Church and Ramsey for \$19,400 with funding derived from the Electric Utility.

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

17. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5205**. WHEREAS, Wisconsin's diverse economy is dependent upon state roads as well as city, county, and village streets and transit systems across the state.

WHEREAS, State funding for roads in Wisconsin has failed to keep up with costs over the past several decades. Safety is a primary concern and responsibility of governments across Wisconsin and roads that are not maintained cause accidents. Our state highway

and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin.

WHEREAS, Both local and state roads need proper maintenance in order for our economy to grow. Water and outdoor recreation, along with trails, parks, golf courses, historic sites, and attractions, all work together to draw travelers to Sauk County. Local businesses, all cater to and benefit from traveler spending. Sauk County is among the top counties in the state for tourism. With people coming in and out of Sauk County for tourism, work, and everything in between, the quality of our roads is very important.

THEREFORE, In order to maintain our economy, Sauk County asks the State to allocate additional funds for repairing and improving USH 12/STH 23(Wisconsin Dells Parkway) through Lake Delton and Wisconsin Dells in Sauk County.

NOW, THEREFORE, BE IT RESOLVED, that the Wisconsin Dells City Common Council hereby requests funding from the State of Wisconsin for road repairs and improvements for USH 12/STH 23 through Lake Delton and Wisconsin Dells in Sauk County and directs the Clerk to send a copy of this resolution to our State Legislators and to Governor Tony Evers.

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

18. Ald. Freel introduced and moved for adoption first reading of the following Ordinance:

ORDINANCE NO. A-856
(All-Terrain/Utility Terrain Vehicle Use)

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

SECTION I: PURPOSE

This ordinance regulates the use and operation of All Terrain and Utility Terrain Vehicles (ATV/UTV) in the City.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 10.40 is created.

SECTION III: PROVISION AS CREATED:

10.40 All-Terrain/Utility Terrain Vehicles Use & Operation.

- (1) State Laws Adopted. The statutory provisions of Wis. Stat. sec. 23.33 and Wis. Stat. Chaps. 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs and Wis.Admin Code Chap. NR 64 are adopted by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated herein is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Wisconsin Statutes or Wisconsin Administrative

Code incorporated herein are made a part of this ordinance in order to provide uniform statewide regulation of ATVs and UTVs.

(2) Designation of ATV and UTV Routes.

- a) No person shall operate an ATV or UTV on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the City except as provided below.
- (b) All streets in the City are designated ATV/UTV routes except the following to be added.
- (c) Pursuant to Wis. Stat. sec. 23.33(11)(am)(4), ATVs/UTVs are authorized to operate on the following highways where the speed limits are 35 MPH or less:
 1. STH 13 between Wisconsin Dells Parkway and Trout Road/CR H.
 2. USH 12/16 (Wisconsin Dells Parkway) between Broadway and _____.
 3. USH 12/STH 23 (Wisconsin Dells Parkway) between _____ and Broadway.
 4. STH 13/STH 23/USH 16 (Broadway) between Wisconsin Dells Parkway and STH 13/USH 16.
 5. STH 13 between Broadway and _____.
 6. STH 23 (Broadway) between USH 16/STH 13.
 7. USH 16 between Broadway and Vine.
- (d) The City reserves the right to close or modify ATV and UTV routes at any time.
- (e) All ATV and UTV routes shall be signed in accordance with Wis. Admin. Code sec. NR 64.12. The City shall maintain all route signs within the City, including without limitation, on federal, state and county trunk highways within the City.

(3) Conditions and Restrictions on Operation. In addition to the provisions contained in Wis. Stat. sec. 23.33 and Wis. Stat. chaps. 340 to 348 , and as a condition for the use of ATV and UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:

- (a) All ATV and UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources ("DNR") regulations, and proof of registration shall be displayed as required by statute during all times of operation.
- (b) All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with Wis. Stat. sec. 23.33 and Wis. Stat. chap. 346.
- (c) No person shall operate an ATV or UTV within the City from 9:00 p.m. to

6:00 a.m., except as permitted in Wis. Stat. sec. 23.33(4)(f), or as otherwise authorized in writing by the City or its designee on a temporary basis.

- (d) No ATV or UTV shall be operated at a speed greater than the posted speed limit, except that no ATV or UTV shall be operated at a speed greater than 35mph.
- (e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and DNR regulations pertaining to age, safety and safety certificate requirements.
- (f) No person shall operate an ATV or UTV on any trail or route without fully functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the trail or route.
- (g) No person shall operate an ATV or UTV on any trail or route where the vehicle does not meet state or municipal noise and exhaust restriction requirements.
- (h) No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the city.
- (i) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (j) ATV and UTV operators or passengers under the age of 18 years of age shall wear protective headgear of the type required under Wis. Stat. sec. 347.485(1)(a).
- (k) No ATV or UTV operator or passenger shall be in possession of an open intoxicant while the ATV or UTV is in operation. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.
- (l) ATV's/UTV's may be operated on streets and public ways within City parks and within City parking lots.

(4) Licensing, insurance and registration.

- (a) Driver's license. Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. sec. 23.33(12).
- (b) Insurance. Every person who operates an ATV/UTV on a segment of a City road which is designated as an ATV/UTV

route, and/or every ATV/UTV operated on a segment of City road which is designated as an ATV/UTV route, shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

- (5) Disturbing the peace, and nuisance activities.
- (a) Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.
 - (b) Exhaust system/muffler modifications prohibited. No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.
 - (c) Radios or the electronic sound amplification devices. No person may operate or park, stop or leaving standing an ATV/UTV vehicle while using a radio or other electronic sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.
- (6) Enforcement. The penalty for any violation identified in Wis. Stat. sec 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be as provided in the statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Wis. Stat. sec. 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be a forfeiture as set forth in the Wisconsin Dells Municipal Code, together with all applicable costs, surcharges and assessments.

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 10.

Ald. Marshall seconded the motion. Upon roll call vote the motion carried 6-0. First reading adopted. Attorney Hasler will work with Chief Ward on the designated routes. Second reading will take place Monday, October 19, 2020.

19. Items for referral: none. Mayor Wojnicz thanked retiring Public Works & Utilities Director David Holzem for all his hard work over the years and for the many projects that have been completed.
20. Motion by Ald. Freel seconded by Ald. Anchor to adjourn. Motion carried unanimously and the meeting adjourned at 6:53pm.

Nancy R. Holzem
City Clerk/Coordinator
Published: October 1, 2020