

SPECIAL COMMON COUNCIL MEETING
CITY OF WISCONSIN DELLS
APRIL 23, 2018

Mayor Wojnicz called the special meeting to order at 6:15P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: First District Alderperson Brian Holzem
Second District Alderpersons Terry Marshall and Mike Freel
Third District Alderpersons Ed Fox and Ben Anderson

Excused First District Alderperson Jesse DeFosse

Others: City Clerk/Coordinator Nancy Holzem, Police Chief Jody Ward, Public Works & Utilities Director David Holzem, City Planner/Zoning Administrator Chris Tollaksen, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, and Kay James from the *Dells Events*.
2. Motion by Ald. Holzem seconded by Ald. Freel to approve the April 17, 2018 Common Council meeting minutes. Motion carried unanimously.
3. Mayor Wojnicz stated that the remaining committee appointments should be ready by the next meeting.
4. Motion by Ald. Fox seconded by Ald. Holzem to approve the applications for Bartender Licenses submitted by Alina Arustei, Rares Farcas, JoAnn Melby, Alisha Niederklopper, and Nicoleta Topciu. Motion carried unanimously.
5. Motion by Ald. Holzem seconded by Ald. Anderson to approve, contingent upon passed inspections, the applications for renewal of Seasonal Workforce Housing Facility Licenses received from Fairway Motel for 2960 Wisconsin Dells Parkway (30 units), GTAM, LLC for 2600 River Road (49 units), and Logging Camp, Inc for 425 Vine Street (14 units). Motion carried unanimously.
6. Motion by Ald. Freel to table the resolution to Extend and Restate the Development Agreement with River Wood Eagle's Nest LLC. Resolution will be considered at the May 21st council meeting. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0.
7. 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 at the May 21st council meeting. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0.
8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4480. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that it APPROVES the Mural Installation and Maintenance Agreement with Walter & Teresa Nekyha for placement of a mural on the side of their building at 301 Broadway. Ald. Holzem questioned why the agreement was only for one year. Ald. Freel stated that the mural is on panels so it can be moved in a year if a new location is found. Upon roll call vote the motion carried 5-0.
9. Ald. Freel introduced and moved for adoption the second 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. Holzem seconded the motion. Upon roll call vote the motion carried 5-0.
Ordinance adopted and in full force after publication scheduled for May 3, 2018.

10. Ald. Holzem introduced and moved for adoption the second 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. Anderson seconded the motion. Upon roll call vote the motion carried 5-0. Ordinance adopted and in full force after publication scheduled for May 3, 2018.

11. Ald. Freel introduced and moved for adopting the first reading of the following ordinance:

**ORDINANCE NO. A-829
(Exterior Activity Areas)**

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

SECTION I: PURPOSE

Creates the framework to allow and regulate exterior activity areas in the different zoning districts.

SECTION II: PROVISIONS AMENDED AND CREATED

1. Accessory Use 20.625 is created
2. Exhibit 5-2 Accessory Uses by District is amended
3. Special Standards for Accessory Uses 19.8045 is created.

SECTION III: PROVISIONS AS AMENDED AND CREATED

1. 20.625 Exterior Activity Area. An exterior area, public or private, adjacent to an interior business or activity, upon which incidental and subordinate activities or entertainment associated with and complimentary to the interior use are conducted.
2. Exhibit 5-2 Accessory Uses by District is amended to include 20.625 Exterior Activity Area as a permitted use in the A1, A2, C1, C2, C3, C4 and I1 Zoning Districts, and a conditionally permitted use in the R1, R2, R3, R2 and R9 Zoning District, and reference special standards in 19.8045.
3. 19.8045 Exterior Activity Areas.
 - (a) Purpose. The purpose of this accessory use section is to allow, on a case by case discretionary basis, outdoor activities and entertainment, public and private, associated with and complimentary to adjacent interior businesses or ventures.
 - (b) Criteria.
 - (1) The size, scope and scale of the exterior activity shall be consistent with and proportionate to the adjacent principal interior activity.
 - (2) The following factors, without limitations, shall be considered and regulated to prevent adverse effects on neighboring uses or aesthetics: Lighting, hours of operation, density, fencing, screening, separation, noise and setbacks.
 - (c) Review. The Design Review Committee shall review and approve in areas of its jurisdiction. City Planner shall review and approve all other applications. Relevant city agencies will be asked to review and comment. Approvals shall be based upon consistency with the purpose of this section and/or the criteria.

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 19
Ald. Holzem seconded the motion. Upon roll call vote the motion carried 5-0. First reading adopted. Motion by Ald. Holzem seconded by Ald. Anderson to suspend the rules in order to adopt the second reading. Upon roll call vote the motion carried 5-0. Ald. Anderson introduced and moved for adoption the second reading of the ordinance. Motion seconded by Ald. Freel. Upon roll call vote the motion carried 5-0. Ordinance adopted and in full force after publication.

12. Items for referral to subsequent meetings – Fee for backyard chickens permit to Finance.
13. Motion by Ald. Freel seconded by Ald. Anderson to adjourn. Motion carried unanimously and the meeting adjourned at 6:30PM

Nancy R. Holzem
City Clerk/Coordinator
Posted on website: April 24, 2018
Published: May 3, 2018