

**COMMON COUNCIL MEETING**  
**CITY OF WISCONSIN DELLS**  
**MAY 20, 2019**

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 Alders Brian Holzem and Jesse DeFosse  
Second District Alders Terry Marshall and Mike Freel  
Third Districts Alders Dan Anchor and Ben Anderson  
  
Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry,  
Police Lieutenant Perry Mayer, City Planner/Zoning Administrator Chris  
Tollaksen, Public Work & Utilities Director David Holzem, Fire Chief Pat  
Gavinski, City Attorney Joseph Hasler, Asli Hizli, Adam Nykaza, Adam  
Makowski, Richard Clark, Fiorella Neira, and Peter Culver from the *Dells  
Events*.
2. Pledge of Allegiance was said.
3. Motion by Ald. Holzem seconded by Ald. Marshall to approve the following consent  
agenda items:
  - a. April 16, 2019 Common Council meeting minutes;
  - b. Schedule of Bills Payable dated May 20, 2019;
  - c. Bartender License applications submitted by Lacramioara Chiribucol, Nathan  
Dicerson, Lydia Fulwiler, Robbi Kannenberg, Jessica Klosky, Alexandra  
Makarova, Marissa Nellen, Melissa Vanecek, Amanda Walter, and Emily  
Zillmer; and to deny the license applications submitted by Honi Dakota and Jade  
McClaren. Motion carried unanimously.
4. Public Comment/Citizen Appearances: None
5. Motion by Ald. Holzem seconded by Ald. Anchor to approve the American Legion  
Auxiliary Poppy Month Proclamation. Motion carried unanimously.
6. Motion by Ald. Freel seconded by Ald. DeFosse to approve the application for a  
Temporary Class B Beer License submitted by the Kilbourn Fire Department for a  
Fireman's Dance Saturday, June 22, 2019. Motion carried unanimously.
7. Motion by Ald. Anchor seconded by Ald. Anderson to approve the application for a  
Special Events Permit submitted by Ed Saari for a corvette parade and parking Saturday,  
June 8, 2019. Motion carried unanimously.
8. Motion by Ald. Holzem seconded by Ald. Anchor to approve the application for a  
Special Events Permit submitted by Che Arbizu/Blue Knights Chapter 18 for Blue  
Knights Inaugural Bike Show Saturday, August 17, 2019. Motion carried unanimously.
9. Motion by Ald. DeFosse seconded by Ald. Holzem to approve the application for a  
Special Events Permit submitted by Fiorella Neira/Downtown Dells Association for  
Downtown Riverwalk Days August 24-25, 2019. Motion carried unanimously.

10. Motion by Ald. Freel seconded by Ald. DeFosse to approve the applications for renewal of Seasonal Workforce Housing Facility Licenses for the licensing period through April 30, 2020 submitted by American World & BP Housing for 23 units at 2020 Wisconsin Dells Parkway; GTAM LLC for 73 units at 2501 River Road; MNEG Concession for 15 units at 725 Vine Street; Brad Preissel for 6 units at 1113 Broadway; Riverview Boat Line for 12 units at 2150 Wisconsin Dells Parkway; Smart Staff LLC for 6 units at 519 Bowman Road and 35 units at 612 Vine Street; World Traveler Housing Rentals LLC for 14 units at 726 Vine Street; and Woodside for 6 units at 1114 Broadway, contingent upon passed facility inspections. Ald. Marshall questioned the application submitted by American World stating that every year they say it's going to be the last year at that location. Adam Makowski, who attended the meeting, assured Ald. Marshall that this indeed would be the last year employee lodging will be at that location. Motion carried unanimously.
11. The Plan Commission held a Public Hearing on Monday, May 13, 2019 to consider non-renewal of the application for a Seasonal Workforce Housing Facility License submitted by Fairview for 20 units at 2960 Wisconsin Dells Parkway, for the licensing period through April 30, 2020. The hearing addressed code violations dating back to 2017 that still have not been corrected. Ald. Freel made the motion to approve renewing the license contingent upon the following recommendations from the Plan Commission: (1) The applicant must address key issues for safety including closing off access to the second floor balcony, removing the rigid foam, as well as the piled up storage in the basement. (2) The facility must pass inspections by the Fire Department and Building Inspector, and (3) The applicant must pay any extra inspection fees over the normal fee that has already been paid. Ald. Anchor seconded the motion. Motion carried unanimously.
- 12a. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5058**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that it approves the Agreement Regarding Utility Occupancy License with Riverwood Eagle's Nest LLC and Holtz Builders, Inc. Motion seconded by Ald. Anchor. Upon roll call vote the motion carried 6-0. Resolution adopted.
- 12b. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5059**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the Finance Committee from their May 20, 2019 meeting; it approves the Riverwood Eagle's Nest Modification Agreement. Motion seconded by Ald. Anchor. Upon roll call vote the motion carried 6-0. Resolution adopted.
13. Ald. Marshall introduced and moved for adoption **RESOLUTION NO. 5060**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their May 13, 2019 meeting and the Finance Committee from their May 20, 2019 meeting; it approves the purchase of a 2020 Versa Lift Digger Derrick from Utility Sales & Service for \$273,479 with funding derived from the Electric Utility. Ald. Holzem seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.
14. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5061**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells, that based upon the recommendation of the City Plan Commission from their May 13, 2019 meeting, it approves the Site Plan Application submitted by the Wisconsin Dells School District for

the construction of a new high school on Sauk County Parcel 291-0026-12000, contingent upon final approval from city staff. Ald. Anchor seconded the motion. Upon roll call vote the motion carried 6-0. Resolution adopted.

15. Ald. Freel introduced and moved for adoption **RESOLUTION NO. 5062**. BE IT HEREBY SOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their May 13, 2019 meeting; it approves a Conditional Use Permit to Jay Hansen in order to allow overnight lodging at 1222 River Road, Parcel 11291-350.01 with the following contingencies: (1) Building Inspector ensures that there are no code or safety issues with the house; (2) Applicant obtains and remains current with a State of Wisconsin ATCP Tourist Rooming House License; (3) Overnight Rentals of the house will be subject to Premier Resort Tax and Room Tax collection and the applicant is responsible for providing clear accounting for the rental of this property; (4) Any nuisances are addressed to the satisfaction of the city, including but not limited to noise, maintenance and parking. Failure to address nuisances to the city's satisfaction can cause this permit to be revoked. (5) Applicant must abide by the following: (a) Owner provides current, local primary contact information to the Police Department and Zoning Office; (b) Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisance; (c) This permit is non-transferable. Any new owner or operator of the property will have to obtain a new Overnight Lodging Permit. (6) Permit is valid for 1-year. Motion seconded by Ald. Holzem. Upon roll call vote the motion carried 6-0. Resolution adopted.
16. Ald. Anchor introduced and moved for adoption **RESOLUTION NO. 5063**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based upon the recommendation of the City Plan Commission from their May 13, 2019 meeting; it approves a Conditional Use Permit to Richard Clark in order to allow an amusement ride in excess of 45ft in height, a walk-up service window; and outdoor commercial activity without a permanent building equipped with a washroom at 2040 Wisconsin Dells Parkway, Sauk County Parcel 291-0148-00000, with the following contingencies: (1) All associated permits and licenses are obtained and are in good standing; (2) Ride plans are reviewed and approved by DSPS prior to any construction. (3) All construction is inspected by a structural engineer and a stamped letter of approval is provided to the city prior to the ride being put in use. (4) The area is well maintained and well kept. (5) The site does not generate any nuisances to surrounding properties, including noise nuisances. (6) Additional Site Plan approval will be obtained prior to the installation of any additional rides in the future. (7) 60' setback from right-of-way. Motion seconded by Ald. Marshall. Upon roll call vote the motion carried 6-0. Resolution adopted.
17. Ald. Holzem introduced and moved for adoption **RESOLUTION NO. 5064**. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the City Plan Commission from their May 13, 2019 meeting; it approves the Site Plan Application submitted by Richard Clark for the construction of an amusement ride in excess of 45 feet in height at 2040 Wisconsin Dells Parkway, with the following contingencies: (1) Final ride location is approved by the city and the police department (recommend ½ tower height to right-of-way); (2) Adequate parking and parking/traffic controls are installed to prevent this site from causing parking and/or traffic problems on the access roads; (3) Applicant cooperates with the city to implement any additional parking/traffic control measures deemed necessary by the city/police department in its sole judgment. This could include closure of Parkway access points; (4) 60' setback from right-of-way. Motion seconded by Ald. Marshall. Upon roll call vote the motion carried

6-0. Resolution adopted.

18. Ald. Anchor introduced and moved for adoption the Introduction of Resolution to Vacate Shady Lane. THE COMMON COUNCIL of the City of Wisconsin Dells hereby consents to the following action per State Statute 66.1003; WHEREAS, the CITY OF WISCONSIN DELLS received a Petition to Vacate a Public Way - Shady Lane, located off of Sweet Brian Drive, from the adjacent property owners; WHEREAS, the City of Wisconsin Dells Common Council has determined that this request is reasonable; NOW THEREFORE BE IT RESOLVED the City of Wisconsin Dells shall proceed with vacating Shady Lane off of Sweet Briar Drive in Sauk County. Ald. DeFosse seconded the motion. Attorney Hasler explained the vacating process once a written notice to vacate has been submitted to the city adding that this resolution starts that official process and does not necessarily mean the request will be approved. Upon roll call vote the motion carried 6 to 0. Resolution adopted.

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

**ORDINANCE NO. A-844  
(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 remove the May 31, 2019 sunset clause on Municipal Code sec. 16.025 - Backyard Chickens.

SECTION II: PROVISION REPEALED

Wisconsin Dells Code sec. 16.025(10) is repealed.

SECTION III: PROVISION AS REPEALED:

16.025 Backyard Chickens

~~(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.

Motion was seconded by Ald. Holzem. 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 first reading of Ordinance No. A-845:

**ORDINANCE NO. A-845**  
(Zoning Update - Instructional Facilities)

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

SECTION I: PURPOSE

To allow "Instructional Facilities" as a permitted use in C-2 Commercial Downtown Zoning District.

SECTION II: PROVISION AMENDED

Exhibit 5-1 Principal Uses by District

SECTION III: PROVISION AS AMENDED

Exhibit 5-1 Principal Uses by District is amended to permit 15.4 - Instructional Facilities in the C-2 Commercial Downtown Zoning District.

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

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

**ORDINANCE NO. A-846**  
Short Term Rentals

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

SECTION I: PURPOSE

Wisconsin law does not allow municipalities to prohibit the short term rental of residential dwellings. Such rentals, however, may be regulated. This ordinance amends the zoning and business regulation codes to implement the state mandate. Short term rentals of residential dwellings are permitted as an accessory use in all zoning districts subject to regulation as tourist rooming houses; and, further subject to the limitation that the total number of days of operation within any calendar year shall not exceed 180 days which must be consecutive and must be specified in advance.

## SECTION II: PROVISION AFFECTED

Wisconsin Dells Code Sec. 19.100(2) is amended.

Wisconsin Dells Code Sec. 19.111.30 is created.

Wisconsin Dells Code Sec. 16.35(1a) is created.

Wisconsin Dells Code Sec. 16.35(2)(k) is repealed and recreated.

## SECTION III: PROVISION AS CREATED:

A. The following is made part of "General Definitions" sec. 19.100(2):

"Residential Dwelling" is any building or structure with facilities for living, cooking, sanitary and sleeping that is used or intended to be used by the owner as the owner's primary or secondary home, residence or sleeping place by one person or by two (2) or more persons maintaining a common household to the exclusion of others.

Note: This provision specifically defines the type of accommodations permitted by right in all zoning districts; i.e. residential, not commercial.

B. Code Sec. 19.111.30 is created:

Short term rental: A residential dwelling offered or occupied for rent for a fee or similar consideration for more than six but fewer than 29 consecutive days.

Note: This creates a specific land use definition.

C. Code sec. 19.630 delineates "Allowable uses within zoning districts". Exhibit 5-2 is a table which specifies "Allowable uses by district". That table is amended to create accessory use 20.30, "Short term rentals" as permitted by right in all zoning districts subject to the standards of Code sec. 16.35.

D. Code sec. 16.35(1a) is created:

(1 a) Short Term Rentals.

Short term rentals, a form of Tourist Room House, are permitted by right as an accessory use in all zoning districts subject to the regulatory provisions of this Section 16.35; and, further subject to the limitation that the total number of days of operation within any calendar year shall not exceed 180 days which must be consecutive and must be specified in advance.

Note: This makes clear that short term rentals are subject to the Tourist Rooming House regulations.

E. Code Sec. 16.35(2)(k) is repealed and recreated:

Short term rental: A residential dwelling offered or occupied for rent for a fee or similar consideration for more than six but fewer than 29 consecutive days.

Note: This makes the definition of short term rental consistent in the zoning and business regulation codes.

#### 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 Chapters 16 & 19.

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

22. Items for referral – Parking Board meeting will be scheduled.
23. Motion by Ald. Freel seconded by Ald. Marshall to adjourn. Motion carried unanimously and the meeting adjourned at 7:17pm.

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Nancy R. Holzem  
City Clerk/Coordinator  
Posted on city's website: May 22, 2019  
Published: May 30, 2019