

**Minutes – Planning & Zoning Committee meeting  
October 17, 2024**

Planning and Zoning Workshop Meeting Notes.

Town Chairman Jim Erdman called the October 17, 2024 Planning and Zoning workshop meeting at the Town of Oshkosh Town Hall to order at 6:03 p.m. Members present were Carol Kaufmann, Bob Walter, new member Rob Vacheresse, and Ron Harrell. Absent were Sue Stearns and Tom Castle. Also attending was Lee Turonie of Dempsey Law LLP.

Erdman gave a short history of short-term rentals.

Turonie handed out the proposed Town of Oshkosh Winnebago County, Wisconsin An Ordinance Amending the Code of Ordinances Title 7 Licensing, Permit, Fees and Regulation Creating Chapter 13 entitled "Short-Term Rentals" which used parts of the Town of Vinland's Short-Term Rental ordinance as a model. Turonie said the ordinance provides clarity to licensing rentals. And because rentals can be licensed, they can be taxed. Licensing provides a record that you're there, and the tax can be collected. If a person is renting you're supposed to pay a room tax (if it's been enacted). Turonie added, "No ordinance will be passed tonight; we're just going over this draft, but the Town will need to decide whether to collect a room tax.

Grandfathering is not really possible so that's not in the draft, said Turonie. It relates to zoning, but we're here for a licensing ordinance. Anyone who wants to rent will need a license. If you are renting for more than 10 nights per year you are required to have a state license as well. There are requirements in this proposed ordinance like parking requirements, licensing, and taxes. If you don't have a license then renting is not allowed. That would be a violation which could incur a forfeiture or you could go to court and get an injunction. That would be the enforcement mechanism. This draft is not set in stone; it's set for discussion.

**Comments/ Q and A:**

Q: Gary Dietrich, 3039 Shorewood Drive What are your limits?

A: The statute allows you to limit short-term rentals to 180 consecutive days per year. Turonie

Q: Does it allow 3-day weekends?

A: Everybody is going to be renting for seven days. Turonie

Q: What if you don't want to rent it for seven days? A. Under this statute you wouldn't be allowing 3 or 4-day weekends. Your state legislators wrote the statutes. Turonie

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C. Dan Kellner, 3015 Shorewood Drive--I don't care about the State. We're here. We're talking about Airbnb rentals for a couple of days. The people who were here complaining that they had no recourse if they got a bad guest in there or someone is from out of town, they have no way of getting them out

C: Paul Redemann, 3677 Hickory Ridge Rd.--If you want to eliminate Airbnb-type rentals, this is the way to do it. It's a marketing nightmare. The Town has Title 11, some 47 pages, adopted from state statutes. The problems people were having are all covered in Title 11. What we're doing is a total waste of time.

Q: William Steiner 3220 Shorewood Drive: This draft is the most restrictive ordinance the Town would allow?

A: Correct. This is the most the town could do. If you want something in the middle, I just want you to know what your options are. Turonie

Q: Paul Schroeder, 3054 Shorewood Drive: What is our motivation here? Are we trying to ban short-term reservations without violating state law. We could call it a default at 6-7 days.

Q: Schroeder: How many people complained? How many people are affected by this ordinance? How many businesses? What are we trying to solve? People who rent, if there's a problem, how can it be handled? Why don't we let the dates happen, get your cut, get a permit, allow the permit to be yanked if there are excessive complaints. It gives us something to do if there is a problem, but it doesn't restrict where we haven't had problems. Keep it simple. Give yourself the ability to do something if there's an issue, but don't try to do something where there haven't been issues.

C: Dietrich: Why don't we take a \$1,500-\$2,000 piece of the pie for a license fee, make that sort of a detriment--make it \$2,500 or \$3,000, do that and then if there are complaints, don't re-issue their license. Don't try to limit days. Drop the whole day thing, take your cut, take your tax too and yank their permits if they're a problem.

Q: Robin Schroeder, 3054 Shorewood Drive: Was there a reason why the Lawrence, WI ordinance was abandoned for Vinland's?

A: Because Lawrence kind of promotes it or encourages it, and Vinland discourages it. Erdmann

C. Robin S: Black Wolf has some crazy stuff in theirs.

C: Brad Niemuth, 2555 Edgewood Lane: We're next to an Airbnb--owners are not there--we want rules; we're talking about parties, we're talking about dogs that attacked my granddaughter. There has to be something in it for property owners--

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if there is a complaint, what are we complaining about and who are we complaining about it to?

A: If you don't have licenses, you have nothing. If you want days, either restricted or not restricted, those are options. Start with something. Once you make an ordinance, ordinances can be amended. Licensure tells who to call. Turonie

Q: Steiner: Does the current code apply to nuisances?

A: This draft is to put in the new ceiling. If someone gets a citation that's just against the person. To tie into the licensure is not a simple thing.

Q/C: Robin S. How does the 7-day minimum affect this. Most short-term renters would lower the price which would allow the house to be full for seven consecutive days. So instead of having people next to you for two or three days, you'd have them next to you for seven days.

C Audience: The quality of renter goes down. If it's cheaper that's a different clientele.

C: Dawn Ott, 2881 Sunset Point Lane: If we have to reduce our prices you're going to get different people in there. Right now the people who are coming want to pay for that experience. They're hardly there for 48 hours on a weekend.

C: Dietrich: There's nowhere to deal with the nuisance side. And that's what giving the license and having the ability to yank the license after problems and complaints should be in every town's rules across the state. You get that license on the premise you're going to operate it good, take accountability. If you can't do that you won't get your license.

Q: Rob Vacharesse, board member: How many complaints would it take to lose your license?

A: Dietrich: 3-5 tops

C: Steiner: Starting from the most restrictive days instead of starting with the least restrictive, most effective ordinance. Let's start with the simplest, least restrictive things to see if it works, and if it doesn't you can add in more stuff, make it more restrictive.

C: Licenses, limit total days per year (180), consecutive or not, you have a couple levels. Know what you should be arguing about. Turonie

C: P. Schroeder: \$1,500 administrative fee in nature--Lake Geneva got sued because they tried to institute a \$2,000 fee.

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C: Fees have to bear a rational basis for the reason they're being charged--if that fee is to help defray the cost of more enforcement activity for your bad apples that could be the rational basis right there. Turonie

C: P. Schroeder: Three things to talk about--number of nights (180), standards for complaint (rise to a certain level), some substance to them, can't be frivolous, need to call police, you're going to almost have to break a law, not just bs, appeals

C: Steve Ott, 2881 Sunset Point Lane: Airbnb, VRBO will evict renters and remove them from the property.

C: Robin Schroeder: We have a camera on the front and back yard.

C/Q: Kaufmann, board member: What about the ones that are private houses that do it on their own?

C: Redemann-You have to understand that rentals are allowed in single family zoning. I had more problems with long-term rentals than short-term.

C: Niemuth: There is a fine line. Short-term rentals are commercial.

Q/C: Kaufmann--How was this meeting posted? Three places, online.

C: Dawn Ott: People have already booked for next year, and if we have to cancel the booking, it will cost us \$100. Several other comments and questions were asked throughout the evening.

C: Turonie: We had a workshop here tonight. I cleaned that up. I think the board is making an effort to be reasonable here, but something will probably come out of it; I don't know what yet, but keep talking to your representatives. Heard some ideas. You might hear some more ideas. They might not all be legal. We got something done here.

C: Erdman: We'll keep working on it. We don't want to drag this on forever.

Harrell moves to adjourn the meeting. Walter seconds.

Meeting adjourned at 7:35 p.m.

Notes/Minutes written by Ronald Harrell.