

TOWN OF HOLLAND BOARD OF SUPERVISORS
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
Town Holland Hall
W3005 County Road G, Cedar Grove
Monday, October 15th, 2018

Immediately following the Electors' meeting to consider disposal of certain town property

1. CALL TO ORDER: Town Chair Donald Becker called to order the Board of Supervisors monthly meeting at 7:10pm at the Town of Holland Town Hall.
2. CERTIFY WISCONSIN OPEN MEETING LAW HAS BEEN MET: Clerk-Treasurer Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted in three places within the Township and on the Town's website. A public hearing notice was published as a Class 2 notice in the Sheboygan Press; the notice was also posted in three places within the Township and on the Town's website.
3. ROLL CALL:
 - a. Members Present: Town Chair Donald Becker, Town Supervisors Steve Jones, Stan Lammers, Dave Huenink, and Doug Hamilton
 - b. Members Absent: None
 - c. Others Present: Clerk-Treasurer Janelle Kaiser, Town attorney Gerry Antoine, and Lt. Matthew Spence from the Sheboygan County Sheriff's Department
 - d. Members of the public that signed in: Wendy Lammers, Karen Jones, Frederick Usinger, Loren Western, Carol Gust, Richard Gust, Doug Johnson, Ken Tyler, Mary Ann Tyler, Cynthia Busse, Sandra Rowe, George San Jose, Sturgis Chadwick, Paul Busse, Louise Robson, Mark Bogaard, Julie Kuether, and Robyn Denning.
4. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS: Motion by Huenink, seconded by Lammers, to adopt the agenda as presented, moving agenda item 23 to item 5; the motion carried by unanimous voice vote.
5. PUBLIC INPUT: None.
6. ESTABLISH RULES FOR PUBLIC HEARING: Motion by Lammers, seconded by Jones, to adopt the rules as presented in the October meeting packet for the public hearing; the motion carried by unanimous voice vote.
7. PUBLIC HEARING ON PROPOSED SHORT-TERM RENTAL ORDINANCE: Chair Becker provided a brief introduction prior to calling the public hearing to order. Becker explained that the Town Board considered it necessary to investigate a short-term rental ordinance because of problems with some rentals in the Township. Some of the problems were described by landowners and residents at the August public hearing related to this ordinance, as well as during the public input session of the September board meeting. Those individuals spoke in favor of the ordinance; without such an ordinance the Town has little recourse to address the harm that is caused to property owners and residents adjoining such rental properties. The Town Board has received several emails ranging in opinion, expressing both support and opposition to the ordinance. Some individuals offered specific suggestions and requests for the Town Board to revise the ordinance; members of the Town Board

reviewed and considered each suggestion individually, revising the ordinance a total of 11 times over the course of its drafting. Chair Becker presented a strikeout version of the ordinance on the Town's projector, which showed the changes made to the ordinance since July 2018.

PUBLIC HEARING DISCUSSION: Chair Becker called the public hearing to order at 7:41pm. He then read the rules for the public hearing, established by the Town Board during agenda item 6.

Approximately 18 residents were present at the hearing, 10 of which requested to speak about the ordinance by signing a request to comment form presented by Clerk-Treasurer Janelle Kaiser:

- a. One property owner spoke peripherally to the ordinance, commenting on board meeting minutes, economic studies, and a lack of physical complaint records related to rentals.
- b. Another property owner also spoke peripherally to the ordinance but wanted to understand more about the rationale of the ordinance and what problems exist in the Township. The owner expressed concern with the ordinance and questioned how an ordinance could be passed by the Town Board considering the lack of physical complaint records related to rentals.
- c. A property owner reviewed the ordinance in detail prior to the public hearing and felt that the written registry required by the ordinance is invasive to guests. The owner feels that the ordinance has a vindictive tone.
- d. One property owner spoke in opposition to the ordinance, acknowledging the hard work of the community on this ordinance. The owner reported complete opposition to the ordinance, displaying recognition that many of the rental properties in the area are marketable because they are indeed rentable. They remarked on the community's opportunity to gain revenue as a result of renting out their properties. Feedback regarding the lack of rules listed at the entrance of public lake access points was also provided.
- e. Two property owners spoke in favor of the ordinance. One owner stated that this ordinance does not take away a property owner's right to rent, but instead creates accountability for renters. The owner recognized the changes made to the ordinance by the board and noted that the Town Board has worked hard to accept changes from those who both support and oppose the ordinance. The other property owner inquired about parking spaces for rentals, as the ordinance states that there be not less than one onsite off-street parking space for every 4 occupants based on occupancy. The owner feels that the ordinance is in the best interest of the Town.
- f. Another property owner spoke in favor of the ordinance and hopes that the ordinance sends a message to residents that it is in their best interest. The owner asserted that rentals are not being managed properly in the Township.
- g. Two property owners spoke in favor of eliminating the ordinance. One owner specified that their comments represent approximately 25 other residents of the Township. The owner does not feel that the ordinance is in the best interest of the Town and alleged that the other residents being represented feel the same way. The other property owner felt that a complaint form should be filed for every complaint received.
- h. A property owner opposed the ordinance and feels it is premature. The owner stated that complaint forms should be used more frequently by the Township, and that item 10 of the ordinance which details compliance with all state, county, and local ordinances should suffice.

Motion by Lammers, seconded by Becker, to conclude the public hearing at 8:16pm; the motion passed by unanimous roll-call vote. Stan Lammers: Y, Doug Hamilton: Y, Don Becker: Y, Dave Huenink: Y, Steve Jones: Y.

8. DISCUSSION AND APPROVAL OF MINUTES: Motion by Huenink, seconded by Jones, to approve the minutes from the September 10, 17, and 26, 2018 board meetings as presented; the motion carried by unanimous voice vote.
9. RECORD RETENTION CERTIFICATION: Clerk-Treasurer Janelle Kaiser certified that everything is up to date.
10. SHORT-TERM RENTAL ORDINANCE: Town Attorney Gerry Antoine read aloud a legal opinion he prepared for the Township regarding a board member's potential conflict of interest with the short-term rental ordinance as asserted by some property owners. He opined, after looking into the specific allegations, that he does not believe a conflict on interest exists in this instance. Motion by Lammers, seconded by Huenink, to adopt Town Board Ordinance 07-2018; Whereas the Town of Holland has received complaints from citizens and property owners concerning disturbances and trespassing in connection with some short-term rental properties; Whereas some residents have advocated for this ordinance, citing examples of various problems they have encountered with short-term rentals; whereas the Town Board has been made aware of cases where residents have had to change how they use their properties for security reasons, as related to short-term rental properties; whereas any local association of short-term rental property owners, whether an informal or a legal entity, has no ability to control the behavior and practices of other rental property owners, which is evidenced by the following observations:
 - Only about 3 rental properties of the 35 to 50 rental properties in the Town of Holland are registered with either the state or county as required by state statute,
 - Some rental property owners fail to notify their renters of the WDNR summary of private beach rights of lakeshore land owners
 - The association has no legal power over private property owners;Whereas state statutes allow townships in WI to regulate short-term rentals within the constraints in the state statutes; Whereas the Town of Holland Board requested and received a legal opinion regarding the consistency of the draft ordinance with respect to state statutes, and the legal opinion indicated compliance with state statutes; Whereas this ordinance will not prevent any person who currently uses their property for short-term rentals from continuing this practice, and; Whereas the Town of Holland Board has long had a practice of setting fees at a level intended to recover actual costs of a program or service, thereby avoiding using fees as a revenue source; Therefore, I move to adopt the current version of the Short-Term Rental Ordinance for the Town of Holland, Sheboygan County, Wisconsin.
The motion carried by a unanimous ballot vote. Dave Huenink: Y; Steve Jones: Y; Stan Lammers: Y; Doug Hamilton: Y; Don Becker: Y.
11. PERIODIC INFORMATION EXCHANGE WITH SHEBOYGAN COUNTY SHERIFF DEPARTMENT: A representative from the Sheboygan County Sheriff's Department was present to discuss various projects that were worked on throughout the 2018 contract between the Town of Holland and their department. The contracted hours for 2018 complete at the end of October and will resume in spring of 2019.
12. SHEBOYGAN COUNTY SHERIFF JOINT POWERS AGREEMENT: Motion by Huenink, seconded by Lammers, to approve the Sheboygan County Sheriff 2019 Joint Powers Agreement. This agreement will be signed by Chair Becker and sent to the Sheriff's Department via email by Clerk-Treasurer Janelle Kaiser.

13. FINANCIAL/TREASURER'S REPORT: Motion by Lammers, seconded by Jones, to approve the financial/treasurer's report as presented; the motion carried by unanimous voice vote.
14. APPROVAL OF VOUCHERS: Clerk-Treasurer Janelle Kaiser added one item to the voucher list. Motion by Jones, seconded by Lammers, to approve the modified voucher list; the motion carried by unanimous voice vote.
15. ACCOUNTS RECEIVABLE: The Town has one outstanding receivable for services provided by the Cedar Grove Fire Department in response to a fire call on I-43 in May 2018. The receivable is aged under 60 days, and Clerk-Treasurer Janelle Kaiser is currently working directly with the driver's insurance company to collect it.
16. PLAN COMMISSION RECOMMENDATION: None.
17. CLERK-TREASURER BONDING: The board acknowledged, with unanimous agreement, that there is an ordinance in place which would allow the Town Board to forgo the purchase of a tax collector bond for Clerk-Treasurer Janelle Kaiser. The ordinance was passed in 2003. Clerk-Treasurer Janelle Kaiser should obtain a copy of the ordinance from the Sheboygan County Treasurer and submit it to General Code.
18. COUNTY INTERGOVERNMENTAL AGREEMENT FOR 2019 SALES TAX REVENUE SHARING: No information to report. This topic will be discussed at the November board meeting.
19. REVIEW 2019 BUDGET: The 2019 budget was reviewed on the projector by the Town Board and Clerk-Treasurer Janelle Kaiser. A public hearing and electors' meeting will take place on November 12, 2018 to discuss and approve the 2019 budget.
20. TOWN HALL MAINTENANCE PROTOCOL AND CHECKLIST; INSPECTION RESULTS/ACTIONS TAKEN: No new information to report. Clerk Janelle-Kaiser should upload the related documents included in the October meeting packet to the Town's cloud-based filing system.
21. ONGOING ISSUES:
 - a. TOWN HALL RENOVATION:
 - i. NORTH WALKWAY LIGHTING: The light fixtures are expected to ship in mid-October and will be installed as soon as possible.
 - ii. PAINTING OF HANDRAILS: Chair Becker reported that painting should be completed by the end of the year.
 - iii. MALFUNCTIONING WATER COOLER: Chair Becker stated that the water cooler still needs to be repaired. He has contacted Matt McClelland and is awaiting an expected repair date.
 - iv. STRIPING OF PARKING LOT: Supervisor Lammers reported that the parking lot will be striped prior to the November 6, 2018 election.
 - b. DEMASTER ROAD RAILROAD CROSSING WARNING: A resolution was drafted by both the Village of Oostburg and the Town of Holland to petition for the installation of a railroad crossing warning on DeMaster Rd. Motion by Lammers, seconded by Jones, to approve Board Resolution 2018-05; the motion carried by unanimous voice vote. Clerk-Treasurer

- Janelle Kaiser will mail both resolutions, the traffic study conducted at that crossing, and a letter to the Wisconsin Railroad Commissioner by certified mail.
- c. SOUND RESONANCE IN TOWN HALL MULTI-PURPOSE ROOM: All panels were shipped and received prior to the October board meeting.
 - d. TOWN CODE VIOLATION AT PARCEL 59006078660: No new information to report. Supervisor Huenink will make contact with both the building inspector the parcel owner.
 - e. ELECTION LOGISTICS:
 - i. EMERGENCY POLL WORKER APPOINTMENT: Motion by Jones, seconded by Lammers, to appoint ten individuals as recommended by Janelle Kaiser to serve as election inspectors for the Town of Holland; the motion carried by unanimous roll-call vote. A listing of the individuals was provided by Clerk-Treasurer Janelle Kaiser in the October board meeting packet.
 - ii. SIGNS TO ASSIST WITH DIRECTING VOTER TRAFFIC: Motion by Lammers, seconded by Hamilton, to approve the purchase of two sandwich board sidewalk signs to assist with traffic direction during elections; the motion carried with unanimous consent. Clerk-Treasurer Janelle Kaiser will order the signs.
22. PUBLIC INPUT: Supervisor Hamilton reported that the structure reported to the Town Board at N1359 Cottage Drive will be taken down this fall.
Clerk-Treasurer Janelle Kaiser relayed that a Town Code violation report for the property owner of N951 Kneprath Road was completed by the building inspector. A letter and copy of the report will be sent to the property owner by Clerk-Treasurer Janelle Kaiser.
Clerk-Treasurer Janelle Kaiser requested that a refund be issued to a Town Hall renter who had trouble with the Town's keypad back in September 2018. The refund will be added to the November voucher list.
23. ADJOURN – Motion by Lammers, seconded by Hamilton, to adjourn at 10:41pm. The motion carried with unanimous consent.