

TOWN OF HOLLAND BOARD OF SUPERVISORS  
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING  
HOLLAND TOWN HALL, W3005 COUNTY ROAD G, CEDAR GROVE, WI 53013  
Monday, February 8<sup>th</sup>, 2021 7:30pm

1. CALL TO ORDER:  
Town Chair Donald Becker called to order the Board of Supervisors monthly meeting at 7:30pm.
2. Pledge of Allegiance:  
Chair Donald Becker led the attendees in the Pledge of Allegiance.
3. 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.
4. ROLL CALL:
  - a. Members Present: Town Chairman Donald Becker, Town Supervisors Stanley Lammers, Douglas Hamilton, David Huenink, and Stephen Jones
  - b. Members Absent: None
  - c. Others Present: Clerk-Treasurer Janelle Kaiser
  - d. Members of the public that signed in: Jack Stokdyk, Ted Scharl, Craig Droppers, Reuben Rex, M.T. Garofalo
5. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS:  
Chair Becker suggested that agenda item 16 be discussed after item 13 on the February 8<sup>th</sup>, 2021 board meeting agenda. Motion by Jones, seconded by Lammers, to adopt the agenda for the February 8<sup>th</sup>, 2021 board meeting as modified; the motion carried by unanimous voice vote.
6. DISCUSSION AND APPROVAL OF MINUTES:  
Motion by Huenink, seconded by Hamilton, to approve the minutes from the January 11<sup>th</sup>, 2021 board meeting as presented; the motion carried by unanimous voice vote.
7. RECORD RETENTION CERTIFICATION:  
Clerk-Treasurer Janelle Kaiser certified that everything is up to date.
8. PUBLIC INPUT:
  - a. Ted Scharl of Droppers and Scharl Realty was present on behalf of Robert Lammers, a property owner in the Town of Holland. Robert Lammers intends to sell his property at the corner of County Road A South and County Road KW; in order to sell the land as intended, a boundary line adjustment will be performed by Sheboygan County Planning. Ted Scharl presented a recordable copy of the certified survey map showing the proposed land area to the Town Board with the purpose of obtaining a signature from the Town Board. The Town Board reviewed the resultant parcels and determined that the transaction would not violate the Town's zoning ordinance. The board noted that one resultant parcel will have split zoning but will conform with the requirements of the applicable zoning districts. Motion by Huenink, seconded by Lammers, to authorize Chair Don Becker and Clerk-Treasurer Janelle

Kaiser to sign the certified survey map for Robert Lammers; the motion carried by unanimous voice vote.

9. FINANCIAL/TREASURER'S REPORT:

Motion by Lammers, seconded by Jones, to approve the January 2021 financial/treasurer's report as presented; the motion carried by unanimous voice vote.

10. APPROVAL OF VOUCHERS:

Janelle Kaiser presented a voucher list at the February board meeting that was revised after the February board meeting packet was sent to the Holland Town Board. The revised February voucher list as presented at the February meeting will be included in the March board meeting packet. Janelle Kaiser revised one invoice amount on the revised listing. Motion by Becker, seconded by Jones, to approve the February voucher list as modified; the motion carried by unanimous voice vote. The motion included authorization to pay the January 2021 Sheboygan County Highway Department invoice after review by Transportation Committee Chairman Stanley Lammers and Director of Public Works and Property Nate Voskuil.

11. ACCOUNTS RECEIVABLE:

An accounts receivable report to show receivables of \$1,050.00 for fire services provided by the Cedar Grove Fire Department at an incident on Interstate 43 was included in the February 2021 board meeting packet. Clerk-Treasurer Janelle Kaiser will follow standard billing procedures for collection of this receivable.

12. PLAN COMMISSION RECOMMENDATIONS:

a. ORDINANCE TO AMEND HOLLAND TOWN CODE §330 ZONING TO INCLUDE CLARIFICATION OF ORDINANCE INTENT AND TO ADD B-1 CONDITIONAL USES:

Motion by Huenink, seconded by Lammers, to accept the recommendation from the Holland Plan Commission to adopt Town of Holland Ordinance 2021-01 Amending Provisions in Chapter 330 of the Code of the Town of Holland; motion carried by unanimous roll call vote. Douglas Hamilton: Y; David Huenink: Y; Stephen Jones: Y; Stanley Lammers: Y; Donald Becker: Y.

b. ORDINANCE COMPLIANCE DETERMINATION FOR PARCEL 59006074660:

The parcel at 59006074660 has been under review for ordinance compliance with the Town of Holland's zoning ordinance. The zoning ordinance requires that no more than one dwelling unit exist on a single parcel in the Town. A dwelling unit used as a single-family residence, as well as a smaller structure used for short-term rental activity, exists on the parcel at 59006074660. A review of interior pictures provided by the property owner to determine whether the smaller structure should be classified as a second dwelling unit on the parcel was performed at the February Plan Commission meeting as well as the February Town Board meeting.

Motion by Huenink, seconded by Lammers, to accept the recommendation from the Holland Plan Commission and determine that parcel 59006074660 is not in violation of Holland Town Code §330, as the information that is currently available shows that the property is in compliance with the Holland Town Code. The second structure on the property was determined to be a compliant accessory structure on the property, containing both a bathroom and sleeping quarters, because it does not contain a food preparation area as defined by Holland Town Code §330. The motion carried by roll call vote. Stanley Lammers: Y; Stephen Jones: N; David Huenink: Y; Douglas Hamilton: Y; Donald Becker: Y.

13. REVIEW HOLLAND TOWN CODE §330 26.4D(6) (AGRICULTURAL TOURISM):

The Holland Town Board discussed Holland Town Code §330 26.4D(6), which addresses agriculturally related structures to be used for conditional uses listed in subsection E within the agricultural tourism (A-T) zoning district. The board reviewed certain definitions provided by the ordinance, such as agritourism activities and rural character, to guide their discussion. A specific point of discussion addressed the lack of definition for interior space within the ordinance. Holland Town Code §330 26.4D(6)(a) states that agriculturally related structures in which activities considered to be conditional uses within the A-T zoning district that require interior space must meet certain requirements, such as allowable size. The general consensus of the Town Board is that if a structure has walls, regardless of a permanent or temporary nature, it is considered to contain interior space. Since the A-T ordinance does not address requirements for open-air structures, it was noted that the Town Board could amend the A-T ordinance to address the difference between interior space and open-air space. The board agreed that this topic should be discussed at the Plan Commission level and that interior space and possibly open-air space should be defined within the A-T zoning ordinance. Supervisor Jones expressed concern about increased noise levels from activities that may take place in an open-air space as opposed to an interior space.

14. PLAN OF OPERATIONS FOR REQUEST BY JEFFREY FREUND FOR A REZONING TO A-T AND A CONDITIONAL USE PERMIT TO CONDUCT AGRITOURISM RELATED ACTIVITIES NOT LISTED IN §330 26.4E(2) THROUGH (16):

A conditional use permit request has been submitted by Jeffrey Freund, the owner of W1841 Cole Road, to rezone his property to the A-T zoning district and conduct agritourism activities on the property that require a conditional use permit. Don Becker has volunteered to provide consultation to Jeffrey about the plan of operations document that is required to be submitted with the application for a conditional use permit. Don asked the Town Board to provide feedback about Jeffrey's request to build a 2,880 square foot open-air structure to conduct agritourism activities, as the plan of operations must be approved by the Town Board prior to the final submittal of the application for a conditional use permit to be reviewed and approved or denied by the Holland Plan Commission. The A-T ordinance currently provides that conditional uses listed in subsection E that require interior space shall only be housed in structures (if completed after May 19, 2020) on lots with existing agriculturally related structures and new structures should not exceed 25% of the square footage of the existing agriculturally related structures on the lot as of May 19, 2020 or 4,000 square feet, whichever is less. Jeffrey is proposing an open-air structure, which is not currently addressed by the ordinance. The Town Board noted that there are limits on operating hours and noise levels provided by the ordinance to protect quality of life for neighbors. However, the Town Board did express concern about the size of the open-air structure and the noise that could be produced as compared to an enclosed structure. Further, several board members indicated that they would be unlikely to support a plan of operation that seeks a significant variance (expansion) from the interior space requirements specified in the A-T ordinance, stating that temporary or removable walls on an open-air structure would create interior space.

Don Becker also mentioned that Jeffrey has expressed an interest in conducting activities on his property that are not listed within the A-T ordinance. The Town Board discussed the importance of focusing on the intent of the activity and how it may or may not fit with the intent of the ordinance if the use is a non-agritourism use or is not listed specifically as a permitted or conditional use in the zoning district. This thought process could be applied as opposed to listing every possible use or conditional use within the ordinance.

15. REVIEW HOLLAND TOWN CODE §330 Article XVI – BOARD OF APPEALS:

The Holland Town Board reviewed §330 Article XVI and did not find that any actions or amendments

are required at this time. Chair Becker stated that board members always have the option to review the section and raise any points of discussion or proposed changes at future board meetings.

16. **ORDINANCE TO AMEND §280 SHORT-TERM RENTALS AND §298 STREETS AND SIDEWALKS:**  
Motion by Huenink, seconded by Lammers, to adopt Town of Holland Ordinance 2021-02 Amending Provisions in Chapters 280 and 298 of the Code of the Town of Holland; motion carried by unanimous roll call vote. Donald Becker: Y; Douglas Hamilton: Y; David Huenink: Y; Stephen Jones: Y; Stanley Lammers: Y.
  
17. **DRAINAGE ISSUES AT N960 SAUK TRAIL ROAD TO INCLUDE HYDRAULIC STUDY AND CULVERT SOUTH OF THE PROPERTY:**  
A hydraulic study was conducted by Sheboygan County on the culvert south of N960 Sauk Trail Road. The study produced results showing that the existing culvert is properly sized, therefore, the Town of Holland will take no further action at this time. Supervisor Lammers or Department of Public Works and Property Director Nate Voskuil will communicate this information to the property owner. The Town Board preferred that Supervisor Lammers be present or have a discussion with the property owner if a verbal discussion is the chosen method of communication.
  
18. **BARR CREEK FLOWAGE ISSUES LOCATED NEAR N960 SAUK TRAIL ROAD:**  
No new information to report. This item will be moved to ongoing issues to be discussed at a future board meeting.
  
19. **PROPOSED NEW PRIVATE ROAD:**  
Andy Gronik has proposed converting a long driveway into a named private road for his property, which abuts both Hawe Road and Cole Road, in order to create a new road address. The Town of Holland has no jurisdiction over private roads in the Town as there is no ordinance currently in effect to allow for or prohibit this action. However, for public safety purposes, the road name must be unique in both the Town of Holland and Sheboygan County because the address will be registered for emergency medical services (EMS), the sheriff's department, and local fire departments. Sheboygan County will be responsible for assigning the specific address to the property if a new private road is created.  
Motion by Huenink, seconded by Lammers, to approve the designation of a new private road in the Town of Holland to be named Milford Track Lane. The motion includes authorization for Nate Voskuil to procure and install a new road sign at the location of the new private road and direction for the Town Board or Clerk Janelle Kaiser to inform Brett Zemba and Tyler Betry at Sheboygan County Planning, Postmaster Raquel Hill, Cedar Grove Fire Department Chief Greg Navis and Secretary Larissa Wille, Oostburg Fire Department Chief Nate Voskuil, Sheboygan County Sheriff Sergeant Randy Haag, and Department of Public Works and Property Director Nate Voskuil. An invoice should be sent to the property owner from the Town of Holland to reimburse the Town for the road sign and installation costs. The motion carried by unanimous voice vote.
  
20. **ZONING ADMINISTRATOR COMPENSATION AND RECRUITMENT:**  
Chair Don Becker recused himself from the conversation and left the meeting room at 9:24pm. The remaining board members discussed the position structure and ultimately agreed that the position should be classified as hourly due to the possibility of an extremely variable work schedule. They discussed a proposed pay rate of \$40 per hour. The board members agreed that the position should be advertised starting in late March 2021.

**21. SALARY COMMITTEE FOR ELECTED OFFICIALS:**

The Town Board authorized Janelle Kaiser to move this agenda item from the February board meeting template to the July board meeting template. The salary committee would present their findings at the meeting of electors that occurs in November of each year in which they approve the annual property tax levy limit.

**22. OOSTBURG FIRST RESPONDERS – RESPONSIBILITIES AND ORGANIZATION:**

Motion by Huenink, seconded by Lammers, to entertain that the Oostburg Fire Department continue their investigation purposed with researching and planning for oversight of a new first responder unit to serve the Village of Oostburg, Town of Lima, and Town of Holland, conditioned upon execution of a new written operating agreement between the Village of Oostburg, Town of Lima, and Town of Holland for the creation, operation, and funding of a new jointly owned and operated first responder unit and further conditioned on the understanding that all financials will be completely separate between the existing Oostburg Fire Department services and the proposed first responder unit. The motion carried by unanimous roll call vote.

The Holland Town Board acknowledged that the Oostburg First Responders would be funded by the Village of Oostburg through December 31<sup>st</sup>, 2022, and thereafter the costs would be shared by the Village of Oostburg, Town of Lima, and Town of Holland either on a mutually agreed upon percentage basis or a rolling average based on call volume and history. The Holland Town Board also discussed that legal and liability issues could be an important factor for consideration potentially affecting the cost of insurance and should be part of the budget discussions if the proposed first responder unit is established.

**23. ONGOING ISSUES:**

**a. MANAGING SHORT-TERM RENTAL LICENSES WITH HOST COMPLIANCE:**

Clerk-Treasurer Janelle Kaiser provided an update regarding the status of short-term rental license application management between the Town of Holland and Host Compliance. A report detailing the license status of each known short-term rental property in the Township was drafted by Janelle and included in the February meeting packet.

Town Attorney Gerry Antoine drafted and sent final enforcement warning letters to the property owners at N2211 N Pine Beach Rd and N2353 Cardinal Lane on January 29<sup>th</sup>, 2021. The letters stated that a complete license application and applicable fees and penalties must be received by the Town of Holland within 30 days of the letter date or enforcement action would follow. An update will be provided at the March board meeting.

**b. CONDITIONAL USE PERMITS (CUP) FOR SOLAR FARMS UNDER 100 MEGAWATTS:**

At a prior board meeting, the Town Board requested that Supervisor Jones determine where a requirement to obtain a conditional use permit for a solar farm under a certain number of megawatts would be added to Town ordinances if an ordinance were to be adopted. At the February board meeting, Supervisor Jones reported that the ordinance to require a CUP for solar projects under 100 megawatts could appear within the Town's zoning ordinance, though Town Attorney Gerry Antoine did advise that the board would need to determine which districts would list solar farms under 100 megawatts as a conditional use. The Town Board authorized Supervisor Jones to request that Town Attorney Gerry Antoine create a very basic rough draft of the ordinance revision. The board discussed that they may need to consider a megawatt cutoff above and below a certain level because some homeowners will have a smaller array that could still produce enough energy to be sold back to the grid and the purpose of this conditional use permit would be to address larger solar arrays for which the primary purpose is to generate power intended for offsite consumption as opposed to

regulating residential solar panels. The Town Board agreed that a potential template for the conditional use permit could closely follow portions of the Joint Development Agreement adopted in 2020 by Onion River Solar LLC, Sheboygan County, and the Town of Holland in regards to the Onion River Solar Project.

c. SOLAR ELECTRICAL UTILITY:

A special meeting of the Town Board will be held on February 15<sup>th</sup>, 2021 to draft a letter that the board intends to send to the Wisconsin Public Service Commission (WI-PSC). The letter would be submitted as a comment for the public hearing to be held by the WI-PSC on March 10<sup>th</sup>, 2021.

d. REVIEW/UPDATE THE FEE SCHEDULE:

Motion by Becker, seconded by Lammers, to adopt Resolution 2021-01 Setting Fees, to update the Town of Holland's fee schedule effective March 18<sup>th</sup>, 2021; the motion carried by unanimous roll call vote.

e. IMPROVE FIRE BILLING FOR CEDAR GROVE FIRE DEPARTMENT:

No new information to report. This matter will remain on the agenda to be discussed at a future board meeting.

f. NEW POLICY FOR PROBATIONARY NEW-HIRE EMPLOYEES OF THE TOWN:

Motion by Jones, seconded by Hamilton, to adopt the new policy to base the starting rate of compensation on a percentage basis for probationary new-hire employees of the Town of Holland as the policy presented in the February board meeting packet states; the motion carried by unanimous voice vote.

g. TOWN HALL AUDIO-VISUAL UPGRADE UPDATE:

Supervisor Huenink reported that the project is nearly complete, however, there are still a few technical issues being worked out with the system.

24. COMMITTEE REPORTS:

a. ADMINISTRATION AND FINANCE:

None.

b. PARKS AND PROPERTY:

Supervisor Hamilton reported that the siding of the Holland Town Hall would be cleaned when the weather allows it.

c. ROADS:

None. A road status report from Nate Voskuil was included in the January board meeting packet.

d. Public Safety

None.

25. PUBLIC INPUT:

- a. The Holland Town Board decided that there would not be a meal at the annual meeting in April and that the meeting would be conducted in person without an option to call in. Janelle Kaiser will present the financials.

- b. The members of the 2021 Board of Review confirmed that they could produce a quorum on May 19<sup>th</sup>, 2021 from 4:00-6:00pm. The Town's assessor will be holding a virtual Open Book session prior to Board of Review, but the Town's annual Board of Review meeting will be held in person on that date.
- c. Jack Stokdyk inquired about accessory structures within the A-T zoning classification. He wondered how a cabin, pavilion, garage, etc. would be classified under the requirements and if Holland Town Code Section 330-12 (Use Regulations) would apply in terms of accessory structure allowances for number of structures and footprint. The Town Board agreed that they would have to determine how accessory structures in A-T fit within the Town's use regulations as they pertain to agricultural or residential uses of accessory structures.
- d. Craig Droppers was present to thank Supervisor Huenink for his level of involvement and knowledge about Oostburg Ambulance and first responder unit developments and changes within the community. Craig expressed concern about the potential switch from 2 ambulatory vehicles to 1 ambulatory vehicle with the addition of each responder having equipment in their personal vehicle as the potential switch from an ambulance service to a first responder unit is made in the community. He also expressed concerns about the response time and said he hoped that the individual responders are equipped well enough to provide necessary services while waiting for a transport unit, if necessary, on emergency calls. He stated that Oostburg Ambulance never missed a second call. He also inquired about whether each responder vehicle with equipment in it would be classified as an emergency vehicle.

26. CORRESPONDENCE:

All relevant correspondence was provided in the February board meeting packet.

27. ADJOURN:

Motion by Lammers, seconded by Hamilton, to adjourn the February board meeting at 11:12pm. The motion carried by unanimous voice vote.