

TOWN OF HOLLAND BOARD OF SUPERVISORS  
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING  
HOLLAND TOWN HALL, W3005 COUNTY ROAD G, CEDAR GROVE, WI 53013  
Monday, October 14<sup>th</sup>, 2024 7:30pm

1. CALL TO ORDER:  
Town Chair David Huenink called to order the Board of Supervisors monthly meeting at 7:30pm.
2. PLEDGE OF ALLEGIANCE:  
Chair Huenink led 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 at the Holland Town Hall and on the Town's website.
4. ROLL CALL:
  - a. Members Present: Town Chairman David Huenink, Town Supervisors Kelly Caswell, Douglas Hamilton, Stanley Lammers, and Brody Stapel.
  - b. Members Absent: None.
  - c. Others Present: Town Clerk-Treasurer Janelle Kaiser and Town Attorney Eric Eberhardt.
  - d. Members of the public that signed in: Walter Ellis, John Dickmann, Bob Neeb, Judy Britton, Attorney Ellen Anderson, Joel Davies, John Dallman, Nancy Patek, John Patek, and Attorney Andrew Arena.
5. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS:  
Motion by Lammers, seconded by Caswell, to adopt the agenda for the October 14, 2024 board meeting as modified during the October 14, 2024 meeting to discuss agenda item 27c after item 7; the motion carried by unanimous voice vote.
6. DISCUSSION AND APPROVAL OF MINUTES:  
Motion by Lammers, seconded by Caswell, to approve the minutes from the September 9, 2024 and September 16, 2024 board meetings as presented during the October 14, 2024 meeting; 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. Attorney Ellen Anderson was present on behalf of and representing David Valenti and Larry Britton to contest the illegal building permit issued for new construction at N2047 Pine Beach Road South. She urged the Town not to issue an occupancy

permit for the new dwelling under construction on the property, stating that her presence at the meeting was to prevent a lawsuit against American Orthodontics, the Town of Holland, and the Town Building Inspector. Ellen said that single-family residential use is what is allowed in the R-1 zoning district, which allows for one single-family dwelling occupied by a family who must stay in the residence for some time, and that the dwelling under construction at N2047 Pine Beach Road South will not be used by a single family that lives together or a family of any kind for permanent or long-term use. Ellen went on to say that the dwelling is a corporate resort for American Orthodontics' employees and customers, and that the use will not be long-term residential. The intent is to use it as a marketing, recruitment, and retention tool for new and existing client accounts and to make American Orthodontics money. Ellen requested that the Town issue a stay on the building permit that is already in place and not issue an occupancy permit in violation of R-1 zoning; she strongly encouraged the opportunity to negotiate this issue to prevent a lawsuit.

9. NEW CONSTRUCTION ON PINE BEACH ROAD SOUTH:

Town Attorney Eric Eberhardt was present and gave a summary of his legal opinion about the proposed future use of the dwelling under construction at N2047 Pine Beach Road South, owned by American Orthodontics. Attorney Eberhardt presented a copy of the legal opinion to Town Clerk-Treasurer Janelle Kaiser for the Town's records. Chair Huenink stated that since it took quite some time to determine the legal interpretation of our current ordinance it's apparent some wording should be modified to clarify our intent. The town will probably proceed with at least discussing some proposed changes in November. Let these minutes show that Attorney Eberhardt left the meeting at 7:57pm.

10. FINANCIAL/TREASURER'S REPORT:

Motion by Caswell, seconded by Hamilton, to approve the September 2024 financial/treasurer's report as presented during the October 14, 2024 board meeting; the motion carried by unanimous voice vote.

11. APPROVAL OF VOUCHERS:

Motion by Lammers, seconded by Hamilton, to approve the October 14, 2024 voucher listing as modified during the October 14, 2024 board meeting to add per diem payments to Holland Town Board members that reported attendance at one or more eligible meetings since the September 9, 2024 board meeting; the motion carried by unanimous voice vote.

12. ACCOUNTS RECEIVABLE:

None.

13. PLAN COMMISSION RECOMMENDATIONS:

a. REQUEST FOR A MINOR LAND DIVISION AND REZONINGS BY GERALD DAVIES:

Motion by Lammers, seconded by Caswell, to accept the recommendation of the Holland Plan Commission and approve the request for a minor land division by Gerald Davies as shown on the draft certified survey map submitted with the

application, and the request to rezone the resultant 3.551-acre parcel and 8.044-acre parcel from A-5 to R-1, contingent upon:

- i. Village of Oostburg approval of the certified survey map submitted with the application.
- ii. The certified survey map submitted with the application being approved and executed by Sheboygan County.
- iii. Receipt of a signed agreement from the property owners stating that construction of a single-family dwelling on the proposed 3.551-acre parcel will begin within 18 months of the date that the agreement is signed, or that the existing structures on the proposed 3.551-acre parcel will be razed within 18 months of the date that the agreement is signed. The motion carried by unanimous roll call vote. Stanley Lammers: Y; Brody Stapel: Y; Kelly Caswell: Y; Douglas Hamilton: Y; David Huenink: Y.

14. ONION RIVER ELECTRICAL UTILITY UPDATE:

Noxious weeds at the utility continue to be monitored by Town Weed Commissioner Mike Kuffel. The Town Board concurred that an item should be added to the February 2025 Town Board meeting agenda to appoint a committee for the purpose of ensuring that Alliant Energy, a subsidiary of Wisconsin Power and Light Company, is following certain requirements of the Joint Development Agreement for the Onion River Solar Utility.

15. REQUEST BY OSMA KULAR OF AAA CG TRAVEL CENTER, INC. FOR A "CLASS A" LICENSE AND A CLASS "A" LICENSE TO SELL FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR FOR OFF-PREMISES CONSUMPTION AT CEDAR GROVE OASIS, LOCATED AT N905 SAUK TRAIL ROAD, CEDAR GROVE, WI 53013:

Motion by Stapel, seconded by Hamilton, to approve the request made by Osma Kular of AAA CG Travel Center, Inc. for a Retail "Class A" and a Class "A" license to sell intoxicating liquor and fermented malt beverages at Cedar Grove Oasis located at N905 Sauk Trail Road, Cedar Grove, WI, 53013, contingent upon the transfer of ownership of N905 Sauk Trail Road from Joel Accathara of Cedar Grove Oasis Holdings LLC to Osma Kular of AAA CG Transfer Travel Center, Inc. The licenses may be issued upon written evidence of the transfer of ownership being presented to the Town Clerk-Treasurer. The motion carried by unanimous voice vote.

The Town Board acknowledged a letter sent by Joel Accathara to surrender the current "Class A" and Class "A" licenses held by Cedar Grove Oasis Holdings, LLC, contingent upon the aforementioned ownership transfer to Osma Kular of AAA CG Transfer Travel Center, Inc.

16. CEDAR GROVE FIRE DEPARTMENT (CGFD) NEW TRUCK AND RELATED PAYMENTS:

Chair Huenink reported that CGFD's new fire truck is expected to be delivered soon and recommended that payment of the remaining amount due from the Town of Holland for the truck be made upon confirmation of the truck's delivery.

Motion by Stapel, seconded by Hamilton, to approve payment of invoice number 26216 from Fire Apparatus and Equipment, Inc. in the amount of \$195,816.25 upon receipt of confirmation that the fire truck has been delivered to CGFD; the motion carried by

unanimous voice vote.

17. REVIEW 2025 BUDGET:

The Town Board reviewed the Town's 2025 draft budget. Clerk-Treasurer Janelle Kaiser will notice a budget hearing and special elector's meeting to adopt the 2024 tax levy to be collected in 2025 in the Lakeshore Weekly, The Sounder, in 3 posting places throughout the Town, and on the Town's website. Budget detail will be posted on the Town's website and available for viewing in the office of the Clerk-Treasurer.

18. SCHEDULE PUBLIC HEARING TO PRESENT 2025 BUDGET:

Motion by Lammers, seconded by Caswell, to schedule a public hearing to present the 2025 budget on November 11, 2024 at 7:00pm at the Holland Town Hall; the motion carried by unanimous voice vote.

19. SCHEDULE SPECIAL ELECTORS' MEETING TO SET AND APPROVE 2024 TAX LEVY TO BE COLLECTED IN 2025:

Motion by Stapel, seconded by Lammers, to schedule a special electors' meeting to set and approve the 2024 tax levy to be collected in 2025 on November 11, 2024 to begin immediately after the public budget hearing scheduled to start at 7:00pm at the Holland Town Hall; the motion carried by unanimous voice vote.

20. SHEBOYGAN COUNTY 2025 INTERGOVERNMENTAL AGREEMENT FOR SALES TAX REVENUE-SHARING:

Motion by Lammers, seconded by Caswell, to approve and authorize Chair Huenink and Clerk-Treasurer Janelle Kaiser to sign the Sheboygan County Sales Tax Revenue-Sharing for Transportation Infrastructure Maintenance Intergovernmental Cooperative Agreement for the period commencing on January 1, 2025 and concluding on December 31, 2025, as presented, to include authorization for Clerk-Treasurer Janelle Kaiser and Director of Public Works and Property Nate Voskuil to complete Form A of the agreement; the motion carried by unanimous voice vote.

21. SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT 2025 JOINT POWERS AGREEMENT:

Motion by Lammers, seconded by Caswell, to approve and authorize the Chair Huenink to sign the 2025 Sheboygan County Sheriff's Department's Joint Powers Agreement for the period commencing on January 1, 2025 and concluding on December 31, 2025 as presented; the motion carried by unanimous voice vote.

22. SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT AGREEMENT 2025 AGREEMENT FOR SPECIAL LAW ENFORCEMENT SERVICES:

Motion by Caswell, seconded by Hamilton, to approve and authorize Chair Huenink to sign the Sheboygan County Sheriff Department's Agreement for Special Law Enforcement Services to the Town of Holland for the period commencing on January 1, 2025 and concluding on December 31, 2025 as presented; the motion carried by unanimous voice vote.

23. SHEBOYGAN COUNTY HIGHWAY DEPARTMENT 2025-2026 MAINTENANCE AGREEMENT FOR PERFORMANCE OF CERTAIN HIGHWAY-RELATED MAINTENANCE:

Motion by Stapel, seconded by Lammers, to approve and authorize Chair Huenink and Clerk-Treasurer Janelle Kaiser to sign the Sheboygan County Highway Department's 2025-2026 Maintenance Agreement for the period commencing on January 1, 2025 and concluding on December 31, 2026 as presented; the motion carried by unanimous voice vote.

24. AUDITOR SELECTION FOR 2024 FINANCIAL AUDIT:

Motion by Lammers, seconded by Caswell, to appoint Peterson, Corson, and Hamman, S.C., to perform the 2024 financial audit of the Town of Holland's financial records; the motion carried by unanimous voice vote.

25. FEE WAIVER FOR MINOR LAND DIVISION AND REZONING REQUESTS RELATED TO EXCHANGE OF TOWN-OWNED ROAD RIGHT-OF-WAY AT PARCELS 5900606331 AND 59006063682:

Motion by Lammers, seconded by Caswell, to waive the fee for a proposed future minor land division and rezoning application by Brian Bruggink to divide 0.15 acres from parcel 59006060331 and rezone those 0.15 acres from A-3 to P-2, and to rezone parcel 59006063682 from P-2 to B-1; the motion carried by unanimous voice vote.

26. ONGOING ISSUES:

a. MANAGING SHORT-TERM RENTAL (STR) LICENSES:

A report detailing short-term rental licenses and certain short-term rental activity was provided to the Town Board in the October 14, 2024 board meeting packet. A letter was recently sent to the property owners of N1099 Cole Road to inform them of the Town's short-term rental ordinance. Since the letter was sent, the Town's third-party lodging marketplace listing monitoring software showed 2 recent documented stays at this unlicensed property. No response from the property owner(s) has been received. The Town Board concurred that Clerk-Treasurer Janelle Kaiser should send the property owners a letter informing them of their requirement to obtain a short-term rental license for the property.

b. POSSIBLE UPDATES TO TOWN ATV-UTV ROUTE TO INCLUDE REQUEST FOR ADDITIONAL COUNTY ROAD LINKS:

No new information to report. Chair Huenink recently contacted the Sheboygan County Highway Department to begin the process of requesting that all county roads be added to the Town's route, whereas there are very few roads that are not already part of the route. At this time, the Town is awaiting response from the Sheboygan County Highway Department.

c. POSSIBLE ORDINANCE VIOLATION AT W3070 HOITINK ROAD:

No new information to report.

d. INTERGOVERNMENTAL ROAD AGREEMENTS WITH TOWN OF LIMA AND VILLAGE OF CEDAR GROVE:

A proposed intergovernmental road agreement was recently sent to the Village of Cedar Grove. Upon its return, an intergovernmental road agreement will be sent to the Town of Lima.

e. DEED RESTRICTIONS ON OBJECTS WITHIN TOWN ROAD RIGHT-OF-WAY:

No new information to report.

f. SIGNAGE, BARRICADES, AND CONDUCT AT WALK-IN ACCESS TO LAKE MICHIGAN LOCATIONS:

No new information to report.

27. COMMITTEE, CLERK-TREASURER AND CHAIRMAN REPORTS:

a. ADMINISTRATION AND FINANCE:

None.

b. PARKS AND PROPERTY:

i. PHRAGMITES AND JAPANESE KNOTWEED MANAGEMENT AND CONTROL:

Supervisor Hamilton reported that Glacierland Resource Conservation and Development recently treated phragmites per the 2024 contract. There are some additional properties where phragmites have been observed that Glacierland would like to request permission to access and treat next year.

ii. REQUEST TO DONATE BENCH TO AMSTERDAM PARK:

The bench and plaque have arrived and are expected to be installed at Amsterdam Park soon.

c. PUBLIC SAFETY:

i. RECOVERY OF EXTRAORDINARY EMERGENCY SERVICES COSTS INCURRED BY THE TOWN: No information to report.

A report detailing contract time provided by the Sheboygan County Sheriff's Department in September 2024 was emailed to the Town Board. A sheriff's deputy is expected to attend the November 2024 board meeting to exchange information and provide a 2024 contract summary to the Town Board.

d. ROADS:

A monthly roads report prepared by Director of Public Works and Property was included in the October 14, 2024 board meeting packet. Supervisor Lammers reported that the Barr Creek culvert improvement project, as well as most other major road projects slated for 2024, are complete. The Town of Lima would like to install "jake brakes prohibited" signs on both sides of Holland-Lima Road; the Town Board concurred that the signs could be installed as proposed by the Town of Lima. The Town of Lima will purchase the signs and the Town of Holland will install them.

e. CLERK-TREASURER:

Janelle reported that the Holland Board of Appeals will meet for a training session only on Tuesday, October 15, 2024 at 4:30pm.

i. ORDINANCE CHANGE APPLICATION PER TOWN FEE SCHEDULE:

No new information to report.

ii. 2024 GENERAL ELECTION:

The 2024 General Election will take place on Tuesday, November 5, 2024 at the Holland Town Hall. The polls will be open from 7:00am until 8:00pm.

f. CHAIRMAN:

Chair Huenink reported that a special meeting of the Wilson Town Board will be held on Wednesday, October 16, 2024 to discuss Wilson's possible withdrawal from the Oostburg Fire Partners.

28. PUBLIC INPUT:

- a. John Dickmann commented that the dwelling at N2047 Pine Beach Road has nine bedrooms with a possibility of 2 occupants per bedroom, which makes 18 strangers staying there for however many days they stay there over a period of 6 months. He said the Town is screwing us like crazy, plain and simple, and that the board wouldn't want it next to their place. He asked the board if they think about what they have approved.
- b. Chair Huenink said that the Town has to abide by what the laws and ordinances say are allowed. The legal opinion from the Town Attorney says that the proposed use of the dwelling at N2047 Pine Beach Road is consistent with Town ordinances. Dave commented on nearby short-term rental properties and their lack of presumed problems, where renters can stay on a short-term basis 12 months out of the year. He said that knowing how the Town's ordinance is legally interpreted allows the Town Board to consider whether to update the Town Code to clarify intent in certain areas.
- c. John Dickmann stated that the aforementioned dwelling does not meet Town Code.
- d. Ellen Anderson:
  - i. Reiterated her previous comments and strongly urged the Town not to issue an occupancy permit for the dwelling at N2047 Pine Beach Road South.
  - ii. Said that the earlier public comment period improperly preceded agenda item nine.
  - iii. Commented that the proposed use of N2047 Pine Beach Road South is commercial activity and does not conform with residential use. The test for whether something is commercial activity is how an occupant would use the property. She cannot recall ever providing a liability waiver, coupons, a tour of a corporate facility, or having a team on standby to take care of guests in her home. These are commercial activities, not residential activities, and that the single-family residence district's intent is for families. Ellen said that the Town has twisted the definition of a family to make the proposed use work, as everyone at this meeting would have to be considered a family when booking a stay at the property. The occupancy permit does not conform to R-1 use.

- e. Bob Neeb commented on movement of the panels at the Onion River Solar electrical utility. He asked for contact information of individuals to contact should something happen at the utility. Bob inquired about trucks parked at one of the gates at the utility as well as a review of the Joint Development Agreement regarding noxious weeds. He said that he has been attending meetings for years to ask about the future and future generations of people, saying that the future is now and we can't keep letting this go on. He said that the Town Board should go beyond what is being done or he will take care of it himself.

29. CORRESPONDENCE:

All relevant correspondence was included in the October board meeting packet or was previously sent to Town Board members by email.

30. ADJOURN:

Motion by Hamilton, seconded by Caswell, to adjourn the meeting at 9:12pm; the motion carried by unanimous voice vote.