

TOWN OF HOLLAND BOARD OF SUPERVISORS
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
HOLLAND TOWN HALL, W3005 COUNTY ROAD G, CEDAR GROVE, WI 53013
Monday, November 11th, 2024
Immediately Following the Special Meeting of Town Electors

1. CALL TO ORDER:

Town Chair David Huenink called to order the Board of Supervisors monthly meeting at 7:16pm.

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 at the Holland Town Hall and on the Town's website.

3. 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.
- d. Members of the public that signed in: John Dickmann, Madeline Lubar, Scott Davies, Nicola Davis, John Patek, Larry Britton, Judy Britton, David Valenti, Annemarie Valenti, Kristen Sheeran, Kenneth MacKenzie, Judy MacKenzie, Sandy Rose, Gretchen Petraske, Jane Hamilton, Robert Mackey, Dorothy Bevans, Margaret Smies, Roy Ingelse, Kyle Ingelse, Jane Dederling, Amy Q Scott, Ann Bachrach, Greg Bachrach, Jeremy Cherny, Sara Cherny, Nancy Rathjen, and Bob Neeb.

4. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS:

Motion by Hamilton, seconded by Caswell, to adopt the agenda for the November 11, 2024 board meeting as presented during the November 11, 2024; the motion carried by unanimous voice vote.

5. DISCUSSION AND APPROVAL OF MINUTES:

Motion by Caswell, seconded by Hamilton, to approve the minutes from the October 14, 2024 board meeting as presented during the November 11, 2024 meeting; the motion carried by unanimous voice vote.

6. RECORD RETENTION CERTIFICATION:

Clerk-Treasurer Janelle Kaiser certified that everything is up to date.

7. INFORMATION EXCHANGE WITH SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT:

Sargeant Erik Linton of the Sheboygan County Sheriff's Department was present to exchange information with the Town Board and recap the department's 2024 special services contract season. Sargeant Linton reported a good year of enforcement and noted

that speeding on County Road D in the Town is a recurring issue addressed by the department. He answered a few questions from members of the public about enforcement procedures and whether there has been an uptick in speeding or other issues due to development in Oostburg, to which Sargeant Linton reported that expansion of residences or businesses typically leads to increased enforcement of issues in any area, however, any increased enforcement needed due to development in Oostburg is fairly low compared to other areas. Sargeant Linton also addressed a question about any incidents involving ATV-UTVs along the Town's route, to which he responded that ATV-UTV usage along the Town's route has been relatively uneventful from an enforcement perspective. Members of the public and the Town Board thanked Sargeant Linton for making himself available to attend the meeting.

8. PUBLIC INPUT:

The following is a summarization of public comment provided at this time:

- a. Members of the public thanked Clerk-Treasurer Janelle Kaiser for work performed to administer the 2024 General Election as well as previous elections. There was brief conversation about voter turnout in the Town of Holland and throughout Sheboygan County.
- b. Appreciation of the Plan Commission's time, patience, and attendance at their November 7, 2024 meeting was communicated.
- c. Comments and questions related to Draft Ordinance 2024-09, An Ordinance Amending and Creating Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin:
 - i. Opposition to amending the Town's zoning ordinance at this time was stated:
 1. Some members of the public said that an amendment to the Town's zoning ordinance at this time would be premature or a detour to distract the public.
 2. Some expressed specific opposition to a provision that would add hospitality services as a conditional use in the R-1 zoning district. The public asked the Town Board to consider safety and traffic issues that could be caused by dwellings with a primary use of hospitality services. Concerns were raised about how this type of use would change the nature of residential neighborhoods, and that people live in an R-1 district for security and the ability to know their neighbors.
 - ii. Inquiry about how dwellings with a primary use of hospitality services would benefit the community, as the benefits should outweigh the inconveniences.
 - iii. Inquiry about whether the definition of family proposed in the draft ordinance would be sufficient to prevent dwellings with a primary use of hospitality services such that this use would not need to be added as a conditional use in the R-1 zoning district. Comment that a hospitality services use belongs in a business district.
 - iv. Suggestion to consider that a dwelling with a primary use of hospitality services could require a variance to be granted, as variances often give the community an opportunity to provide feedback and improve a proposed project through suggestions to a developer.

- d. Comments and questions related to N2047 South Pine Beach Road, owned by American Orthodontics (AO):
- i. Comment that the people staying that the subject property being classified as a family is a stretch.
 - ii. AO has their own intentions that are inconsistent with the vision of the Town's established residential lakeside oasis which has been preserved for decades.
 - iii. Request the Town Board to regain the trust of the public and take responsibility for what has happened under their watch.
 - iv. If litigation is a possibility, the Town Board was asked to support the people of the community and their interests.
 - v. Concerns about road conditions on Pine Beach Road South. Some reported that the road is in disrepair due to construction of the dwelling at N2047 Pine Beach Road South and that AO has not made efforts to repair it, with AO reportedly saying that they will do so when construction is complete. There was also a report of road access issues due to construction of the dwelling.
 - vi. Comment that a prior version of a building plan for the dwelling at N2047 Pine Beach Road South showed a single-story structure, including whether the Town knew how many bedrooms were proposed in a prior version of the building plan and if the Town has a copy of it.
 - vii. Questions posed, some of which included inquiries about the Town's communications with American Orthodontics' (AO), AO's transparency about the proposed use of N2047 Pine Beach Road South, how the Town Attorney's legal opinion was obtained, Town processes followed to draft the proposed ordinance to amend the Town's zoning chapter, actions taken by the Town Building Inspector, whether any fire safety measures are required to be taken as part of the construction of N2047 Pine Beach Road South, septic requirements of N2047 Pine Beach Road South, and how to address road maintenance Pine Beach Road South and other private roads. Chair Huenink provided responses to several questions.
 - viii. Opposition to Town Attorney Eric Eberhardt's legal opinion about the proposed use of the dwelling at N2047 Pine Beach Road South was stated. Members of the public verbalized disagreement with the opinion that the proposed use of the dwelling is a residential use consistent with provisions of the Town's R-1 Single Family Residence District. Some stated that the use appears commercial in nature.
 - ix. Comment that an appeal of the Town's interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South complies with the Town's zoning ordinance will be heard by the Holland Board of Appeals at an upcoming Board of Appeals meeting. Only after that meeting, or if any litigation on the matter leads to a decision by a judge, will it be known whether the Town's interpretation is correct or incorrect.
 - x. Inquiry about whether a deposit being collected for use of a dwelling establishes that the use of the dwelling is commercial, to which Chair Huenink replied that it does not.

- e. Inquiry about whether the Town could advertise more about its current events. Chair Huenink recommended that property owners and residents visit the Town's website, maintained by Clerk-Treasurer Janelle Kaiser, regularly.
- f. Inquiry about the Town Building Inspector's lack of presence at the November 7, 2024 Plan Commission and November 11, 2024 Town Board meetings, respectively.

9. NEW CONSTRUCTION ON PINE BEACH ROAD SOUTH:

Chair Huenink reported:

- a. That a Board of Appeals application to appeal the Town Attorney's interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South complies with Holland Town Code §330-27 R-1 Single-Family Residence District was recently submitted by Attorney Ellen Andersen on behalf of David Valenti and Larry Britton.
- b. Holland Town Code § 330-96 gives the Board of Appeals the power to hear and decide applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, after the Town Plan Commission has made a review and recommendation.

The Town Board reviewed materials in the November 11, 2024 meeting packet, to include sections § 330-96, § 330-27., and § 330-9. of the Holland Town Code, a legal opinion from the Town Attorney about the proposed use of the property at N2047 Pine Beach Road South, and part of the aforementioned application recently submitted to the Board of Appeals.

Chair Huenink also reported that the Holland Plan Commission unanimously voted at their November 7, 2024, meeting, to recommend to the Board of Appeals that the Legal Opinion presented by the Town Attorney regarding this matter is correct in its interpretation and that:

- 1) The Owner's proposed use of the Property is not a commercial use.
- 2) That case law, general zoning principles, and public policy preclude the Town from prohibiting the Owner's proposed use of the subject property by its guests within the R-1 Zoning District.

A meeting of the Holland Board of Appeals is scheduled for December 4, 2024 at 7:00pm.

10. DRAFT ORDINANCE TO AMEND CHAPTER 330 ZONING:

The Town Board reviewed draft ordinance 2024-09, An Ordinance Amending and Creating Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin. There were no changes proposed to the draft ordinance as presented. No action was taken to adopt the ordinance, whereas the Plan Commission carried a motion to table action on the proposed ordinance at their November 7, 2024, meeting, and ordinances that amend or create provisions of the Town's zoning ordinance require a recommendation from the Holland Plan Commission prior to adoption.

11. FINANCIAL/TREASURER'S REPORT:

Motion by Lammers, seconded by Caswell, to approve the October 2024 financial/treasurer's report as presented during the November 11, 2024 board meeting; the motion carried by unanimous voice vote.

12. APPROVAL OF VOUCHERS:

Motion by Stapel, seconded by Caswell, to approve the November 11, 2024 voucher listing as modified during the November 11, 2024 board meeting to add per diem payments to Holland Town Board members that reported attendance at one or more eligible meetings since the October 14, 2024 board meeting; the motion carried by unanimous voice vote.

13. ACCOUNTS RECEIVABLE:

None.

14. ONION RIVER ELECTRICAL UTILITY UPDATE:

No new information to report.

15. PLAN COMMISSION RECOMMENDATIONS:

a. REQUEST BY KENNETH AND JODI HILBELINK FOR REZONINGS AT W4341 DEKKER ROAD AND PARCEL 59006061782 ON DEKKER ROAD:

Motion by Stapel, seconded by Caswell, to accept the recommendation of the Holland Plan Commission and approve the request for rezonings by Kenneth and Jodi Hilbelink as shown on the plat of survey submitted with the application, contingent upon Sheboygan County approval and execution of the boundary line adjustment as shown on the aforementioned plat of survey.

Motion carried by unanimous roll call vote. Douglas Hamilton: Y; David Huenink: Y; Stanley Lammers: Y; Brody Stapel: Y; Kelly Caswell: Y.

b. REQUEST BY BRIAN BRUGGINK OF BRIAN K AND JULIE K BRUGGINK LIVING TRUST FOR A MINOR LAND DIVISION AND REZONINGS OF PARCEL 59006060331 AND PARCEL 59006063682 ON KAPPERS ROAD:

Motion by Stapel, seconded by Lammers, to accept the recommendation of the Holland Plan Commission and approve the request for a minor land division by Brian Bruggink as shown on the draft certified survey map submitted with the application, and to approve the request to rezone the proposed 0.15-acre parcel on DeMaster Road from A-3 to P-2 and parcel 59006063682 from P-2 to B-1, contingent upon:

- i. Receipt of a signed and recordable certified survey map that matches the draft map submitted with the application.
- ii. Village of Oostburg approval of the certified survey map, and upon that certified survey map being approved and executed by Sheboygan County.

The Holland Town Board acknowledged that the resultant parcels shall not be prohibited from future land divisions for a period of 10 years, whereas the primary intent of the minor land division is to enable a public road right-of-way procurement by the Town of Holland.

The motion carried by unanimous roll call vote.

16. ADOPT THE 2025 TOWN BUDGET TO INCLUDE THE FINAL 2024 TAX LEVY (WIS. STATS. 60.40(4):

Motion by Lammers, seconded by Hamilton, to adopt the 2025 Town of Holland budget as presented at the November 11, 2024 board meeting, with a total budget amount of \$1,617,088.43, to include the final 2024 tax levy of \$800,786.00 to be collected in 2025; the

motion carried by unanimous roll call vote.

17. REPRESENTATION AGREEMENT TO HIRE OUTSIDE COUNSEL TO REPRESENT BOARD OF APPEALS IN TWO CURRENTLY PENDING APPEALS:

Motion by Caswell, seconded by Lammers, to approve the engagement letter as presented from Hopp, Neumann, and Humke, LLP, dated November 11, 2024, to represent the Holland Board of Appeals in two currently pending appeals, and to authorize Chair Huenink and Clerk-Treasurer Janelle Kaiser to sign the engagement letter; motion carried by unanimous roll call vote.

18. APPOINT HOLLAND BOARD OF APPEALS VACANT ALTERNATE POSITION(S) FOR A 3-YEAR TERM:

Chair Huenink recommended appointing two alternate members to the Holland Board of Appeals, and specifically recommended appointing Jeffrey Kritz of W2760 County Road G as first alternate and Ryan Wonser of N1432 State Road 32 as second alternate, for staggered 3-year terms commencing November 12, 2024 and ending on April 30, 2025.

Motion by Lammers, seconded by Caswell, to accept Chair Huenink's recommendation and appoint Jeffrey Kritz of W2760 County Road G as first alternate and Ryan Wonser of N1432 State Road 32 as second alternate of the Holland Board of Appeals for staggered 3-year terms commencing November 12, 2024 and ending on April 30, 2025; the motion carried by unanimous roll call vote.

19. 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 November 11, 2024 board meeting packet. A certified letter was sent to the property owners of N1099 Cole Road on October 24, 2024 which informed them of their requirement to obtain a short-term rental license, whereas the third-party monitoring software utilized by the Town showed two recent documented stays at this unlicensed property. No response from the property owner(s) has been received. The Town Board concurred that since the letter was sent less than 30 days ago, adequate time should be given for the property owners to respond and to apply for a license.

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

Chair Huenink and Supervisor Lammers will meet with the Sheboygan County Highway Department to discuss the addition of county roads to the Town's ATV-UTV route, whereas there are very few county roads that are not already part of the route.

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:

The Town Board reached consensus that an intergovernmental road agreement will be sent to the Town of Lima. An intergovernmental road agreement has been sent to the Village of Cedar Grove and is currently under their board's review.

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:

Chair Huenink provided information about new signage for the walk-in access areas.

20. COMMITTEE, CLERK-TREASURER AND CHAIRMAN REPORTS:

a. ADMINISTRATION AND FINANCE:

None.

b. PARKS AND PROPERTY:

i. PHRAGMITES AND JAPANESE KNOTWEED MANAGEMENT AND CONTROL:

No new information to report, as 2024 contract services have been provided by Glacierland Resource Conservation and Development Council to treat Japanese knotweed and phragmites. This topic will be removed from the agenda until further notice.

ii. REQUEST TO DONATE BENCH TO AMSTERDAM PARK:

The donated bench has been installed at Amsterdam Park. The project is complete. This topic will be removed from the agenda until further notice.

c. PUBLIC SAFETY:

i. RECOVERY OF EXTRAORDINARY EMERGENCY SERVICES COSTS INCURRED BY THE TOWN:

No information to report.

ii. A report provided by the Sheboygan County Sheriff's Department covering October 2024 was distributed to the Town Board at the November 11, 2024 meeting.

iii. Chair Huenink reported on various topics, including:

1. There was a joint meeting of the Town of Holland Public Safety Committee and the Village of Cedar Grove Fire, Law, and Safety Committee on October 30, 2024 to discuss the Cedar Grove Fire Department (CGFD) and Cedar Grove First Responders (CGFR) 2025 budgets. The committees also discussed CGFD's proposal to purchase new Air Paks and bottles in 2025.
2. CGFD's recent purchase of new helmets, funded partially by a grant and partially by an unrestricted donation.
3. Billing and payments between the Town of Holland and the Village of Cedar Grove for CGFD expenses. The Holland Town Board reached

consensus that, whereas a new agreement was adopted by and between the Town of Holland and the Village of Cedar Grove with an effective date of July 1, 2024, billing and payment procedures followed prior to the effective date of the agreement shall continue through December 31, 2024. Chair Huenink will discuss this with the Cedar Grove Village Board.

d. ROADS:

A monthly roads report prepared by Director of Public Works and Property was included in the November 11, 2024 board meeting packet. Supervisor Lammers reported that a utility permit application to install new electrical poles on Gibbons Road has been received by the Town. Whereas Gibbons Road is currently a three-rod road, the Town may consider purchasing road right-of-way to expand the road to a four-rod width, which is the existing standard road width, prior to the poles being installed. The Town Board reached consensus that this should be a topic on a future board meeting agenda.

e. CLERK-TREASURER:

i. ORDINANCE CHANGE APPLICATION PER TOWN FEE SCHEDULE:

Janelle Kaiser contacted the Wisconsin Town's Association to inquire about best practices for ordinance change applications. The WTA suggested that a procedure similar to that of rezoning applications could be followed, with a similar fee structure, with actual costs to the Town being built into the fee for the application.

ii. Janelle Kaiser reported:

1. On administration of the November 5, 2024 General Election. Town of Holland voter turnout consisted of 1,648 voters, 811 of which were absentee voters, and 90 Election Day registrations. Unofficial results provided by Sheboygan County reported a 98% voter turnout in the Town of Holland.
2. The logistics of in-person absentee voting (IPAV) and how wait times for IPAV in the Clerk's office could be reduced for future elections.
3. Reminder that regular monthly meetings of the Holland Town Board will begin at 6:30pm, effective 12/1/2024. Office hours of the Clerk-Treasurer will change to Monday through Wednesday from 9am until 12pm, effective 12/1/2024.
4. The office of the Clerk-Treasurer will be closed November 25, 26, and 27, 2024.

f. CHAIRMAN:

Chair Huenink reported that the Wilson Town Board recently carried a motion to withdraw from the Oostburg Fire Partners.

21. PUBLIC INPUT:

- a. Janelle Kaiser provided some additional comments about the logistics of in-person absentee voting at the Holland Town Hall.

22. CORRESPONDENCE:

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

23. ADJOURN:

Motion by Lammers, seconded by Hamilton, to adjourn the meeting at 10:23pm; the motion carried by unanimous voice vote.