

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 10th, 2025 6:30pm

1. CALL TO ORDER:
Town Chair David Huenink called to order the Board of Supervisors monthly meeting at 6:30pm.
2. CERTIFY WISCONSIN OPEN MEETING LAW HAS BEEN MET:
Chair David Huenink 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 at www.townofholland.com on February 7, 2025.
3. ROLL CALL:
 - a. Members Present: Town Chairman David Huenink, Town Supervisors Kelly Caswell, Douglas Hamilton, Brody Stapel, and Stanley Lammers.
 - b. Members Absent: None.
 - c. Others Present: None. Let these minutes show that Clerk-Treasurer and Zoning Administrator Janelle Kaiser was absent. Chair Huenink took notes and recorded the meeting to assist with the preparation of the meeting minutes. These minutes were prepared by both Chair Huenink and Janelle Kaiser.
 - d. Members of the public that signed in: John Dickmann, Kate Redmond, Deb Essenberg, Walter Ellis, Diane Ellis, Margaret Smies, David Valenti, Ken Tyler, William Bannier, Tom Benzmilller, Marlene Benzmilller, Susan LaBudde, Amy Q Scott, Julie DuMez, John DuMez, Gretchen Petraske, Cheryl Baldwin, Rita Harmeling, Al Harmeling, Annemarie Valenti, Raj Mallal, Kerry Mallal, Lynn Voskuil, J. Kastely, Glenn Lemmenes, Ken MacKenzie, Judy MacKenzie, Dave Blais, Grant Barthel, Ann Bachrach, Greg Bachrach, Judy Britton, Larry Britton, Janet Barthel, Plan Commission member Jack Stokdyk, Jane Hamilton, Tom Detienne, Nara Detienne, Dana Mueller, Robert Meisser, John Dallman, Mike Opland, and Dan Madsen.
4. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS:
Chair Huenink proposed addressing agenda item 13 after item 6.
Motion by Stapel, seconded by Hamilton, to adopt the agenda for the February 10, 2025 board meeting as modified during the February 10, 2025 board meeting; the motion carried by unanimous voice vote.
5. MINUTES OF PREVIOUS MEETING(S) ADDRESSED FOR APPROVAL:
Motion by Caswell, seconded by Lammers, to approve the minutes from the January 13, 2025, and the revised minutes from the January 8, 2025, board meetings as modified during the February 10, 2025 meeting; the motion carried by unanimous voice vote.

Revision to 1/8/2005 minutes: In Public Input, replace 'David' with 'Attorney Muth'.

Revision to 1/13/2025 minutes: Replace 'Ellen' with 'Attorney Anderson'.

6. RECORD RETENTION CERTIFICATION:

Chair David Huenink certified that everything is up to date.

7. PUBLIC INPUT:

Chair Huenink announced that comments from the public may be limited to three minutes per person, with a total public comment period that may be limited to sixty minutes.

- a. David Valenti commented on pending litigation. On January 16, 2025 American Orthodontics Corporation (AO) appealed a December 18, 2024 decision by the Holland Board of Zoning Appeals (BOA) to the Circuit Court in Sheboygan by filing a petition for a writ of certiorari. On January 23, 2025 a motion to intervene by David A. Valenti Declaration of Trust 10-9-15 and Britton Trust was filed; David clarified that this motion is in support of the BOA. On January 31, 2025 a motion to intervene was filed by the Municipal Law & Litigation Group on behalf of the Town Board of the Town of Holland to support AO's petition and to overturn the December 18, 2024 decision of the Holland Board of Zoning Appeals. David expressed shock and dismay that the Town Board would oppose the decision of one of the Town's governing bodies as well as the wishes of the citizens, and is troubled that Chair Huenink, during his update at the February 3, 2025 Plan Commission meeting about the aforementioned litigation, did not mention that the Town Board had intervened in support of AO; however, he did acknowledge that Chair Huenink mentioned the motion to intervene at tonight's meeting. David addressed the Town Board, saying that the members are all elected to represent the citizens of the Town of Holland, yet they have consistently acted against the wishes of all of the people who have been attending meetings for the last eight months. The Town Board's defense has always been that they are following the proper procedures and policies and that they are just following the law. Both Wisconsin and Town of Holland laws create a BOA to act as a quasi-judicial body to provide citizens with an option to have a hearing at the municipal level without having to file in circuit court. David acknowledged that the Town Board appointed the members of the BOA, held training for those members, and hired Attorney Michael Bauer to provide guidance to the BOA at their December 4 and December 18, 2024 meetings. The BOA decision needs to be treated with respect, and as the law, until the circuit court reviews their decision; the Town Board doesn't get to decide that the BOA was wrong. That decision is up to the judge. The BOA did their job and now the Town Board has a duty to accept and defend the BOA's decision. This should not be about ego and the fact that the BOA disagreed with the Town Board or Town Attorney Eric Eberhardt. The optics of the Town Board's support of AO against the will of the citizens and the BOA looks terrible. For eight months, the people have been asking the Town Board why they are backing AO as opposed to the wishes of the citizens and David does not believe that the people have received an honest answer yet.
- b. Board of Appeals member Kenneth Tyler asked when the Boardman and Clark law firm was added to the mix and how. The firm apparently received the Town's

approval of representing the BOA. Let these minutes show that Board of Appeals member Kenneth Tyler read a written statement during the meeting; that statement was provided in writing by Kenneth Tyler and is included in these minutes on page 17.

- c. Chair Huenink restated that the Town notified the insurance company of the litigation on January 31, 2025; the Town's insurance policy covers representation by legal counsel in matters of litigation. On February 6, 2025, the Town was informed by the Town's insurance company that the Holland BOA will be represented by Attorney Taylor Anderson of the Boardman and Clark law firm in Madison. The insurance company chose Boardman and Clark law firm to represent the Holland BOA.

- d. With regard to the aforementioned litigation, Larry Britton commented that there should not be communication between insurance adjusters for the Holland Town Board and the Holland BOA, respectively. The insurance adjuster for the Holland Town Board as intervenors in the case should only communicate with the Town Board, not the BOA, and the same would apply for the assigned adjuster for the Holland BOA. Larry asked for the name of the adjuster(s).

Chair Huenink clarified that Rural Mutual has only been involved to provide a defense attorney for the BOA, not an attorney for the Town Board in this matter, so at this time it is likely that only one insurance adjuster from the insurance company is assigned.

Larry Britton asked what Clerk Janelle Kaiser's procedure to notify the BOA of the litigation will be. Chair Huenink replied that Janelle will notify the BOA upon being served with a signed writ of certiorari for the case.

Larry asked why the Town Board intervened in the case, and why the Town Board is taking a position that David A. Valenti Declaration of Trust 10-9-15 and Britton Trust do not have standing in this action, when they are members on Pine Beach Road. Larry asked why the attorney representing the Holland Town Board has taken the position that David A. Valenti Declaration of Trust 10-9-15 and Britton Trust only represent themselves and not other members of this community, and that is why the Town is intervening in the action. Larry said this is not true.

- e. Susan LaBudde followed up on Larry Britton's comment. In the Town's motion to intervene, the issue David A. Valenti Declaration of Trust 10-9-15 and Britton Trust's standing in the case is raised. Susan inquired as to why the Town decided to intervene, who is paying the legal fees for said action, and why was the decision made to intervene on behalf of AO.
- f. Chair Huenink stated that the Town of Holland is to pay the legal costs associated with the Holland Town Board's motion to intervene, and that the Town of Holland Board chose to intervene in the case, but not on behalf of AO, and that the motion to intervene does not reflect that the Holland Town Board is supporting AO.
- g. Susan LaBudde commented that the motion to intervene by the Town Board essentially says that the Town Board disagrees with the BOA's decision because it is in error and that if that decision were to stand, it represents a significant threat to the Town's ability to enforce its regulations.
Susan asked whether the Town Board's position is that they do not support AO.

- h. Board of Appeals member Ken Tyler asked whether it would be possible for the BOA, to avoid the apparent conflict of interest with regard to attorneys hired by the insurance company, to request that a different legal firm to represent them in the relevant action.

Chair Huenink clarified that two different law firms are representing the Holland BOA and Holland Town Board, respectively, so there is no conflict of interest there. If a separate law firm were to be hired to represent the BOA that was not assigned by the Town's insurance company, the legal fees associated with hiring that separate law firm would likely be paid by the Town of Holland directly and not covered up to a certain amount by the Town's insurance policy.

- i. Larry Britton clarified that his concern with conflict of interest has nothing to do with Boardman and Clark law firm being assigned to represent the Holland BOA; the concern has to do with privileged information being shared with persons in such a way to create a conflict of interest. Larry went on to inquire why the Town Board is disagreeing with a decision of the BOA, a governing body of members that are appointed by the Town Board; the community disagrees with the Town Board's position on this matter. Larry asked why the Town Board is fighting their own process for checks and balances and spending taxpayer dollars to do so.
- j. Glenn Lemmenes stated that he has owned property in the Town of Holland for 38 years. Glenn expressed great dismay and disappointment over how this is all unfolding, stating that the Town Board has made some big mistakes. The granting of a building permit for a nine-bedroom and five-bathroom facility in R-1 zoning is beyond comprehension and unconscionable. Mistakes were made, and the honorable thing to do is to admit that a mistake was made and bear the consequences for that mistake and do the honest thing. If the Town Board is taking the position that they are not supporting the decision of the BOA is unconscionable and not honorable. Glenn said that it is time to acknowledge and honor mistakes before this goes any further as this is not a single-family residence.
- k. Board of Appeals member John DuMez stated that the BOA was asked simply to interpret the Town's zoning ordinance, not asked to solve the problem or discover how the situation occurred. They were asked to interpret whether the proposed building use at N2047 Pine Beach Road South met the permitted use definition of one single-family dwelling in the R-1 district. The BOA voted 4-1 that the proposed building use does not meet the permitted use definition. John stated that he stands by his vote.
- l. Susan LaBudde commented that the Town Board's motion to intervene describes that the BOA improperly overturned the applicable legal interpretation, and that their decision not only undermines the Town Board's authority, but also threatens the consistency and integrity of its zoning framework. The BOA's goal was to interpret a decision. Susan asked how the BOA performing that function can be characterized as improper, and how does it threaten the consistency and integrity of the zoning framework when they are just performing a function that they are accorded under the Wisconsin statutes.
- m. Kate Redmond spoke of former experience serving as a Board of Appeals member in a different municipality. In one instance in Kate's experience serving as a Board of

- Appeals member, a variance application was submitted. Kate said the process that municipality's Board of Appeals was to follow was as clear as day; they had to be able to check all three boxes on their form in order to be able to grant the variance. The Town Chair of that municipality wanted their Board of Appeals to grant the variance; that Board of Appeal's understanding was that anyone who goes against a Board of Appeals ruling, of which the Board of Appeals is supposed to have the final word, has standing to come after the Board of Appeals legally because an exception was made for one person and not another. Kate said that maybe some of that thought process should be implemented here.
- n. Chair Huenink noted that the Board of Appeals, in the case of variances, in part must identify why a property is unique when compared to other properties in the municipality and also take care not to set precedence.
 - o. Kate Redmond noted that the Town of Holland's zoning ordinance as it pertains to the R-1 zoning district doesn't allow a lot of wiggle room for interpretation and that it is pretty straightforward.
 - p. Nara Detienne commented that the Town Board became members of the board to serve a community that they love, however, tax-paying citizens have voiced their concerns over and over again and it seems to be falling on deaf ears. No one who looks at this situation should see anything but a huge mistake that needs to be corrected. The Town Board is an elected board, elected by private citizens; the needs and wants of a multi-million-dollar corporation are being prioritized over ours. AO touts itself as family-owned, and it was in 1968 and many years after that. One of the things that creates a strong family is a desire to protect and prioritize the well-being of everyone in the family. AO's actions are certainly not based upon the values and beliefs of these families; their actions are driven by money and profit. They have been buying up lakefront property for many years and are not done yet. The subject property at N2047 Pine Beach Road is an example of how far AO is willing to go to insult the families that have owned cottages and homes in this area, many of which have probably existed for over a century. This display of big business and deep pockets begs the question, who is benefiting from this relationship with AO? Who on this board is benefiting from this relationship with AO? Decisions remain. The Town's BOA agreed with the people and you are effectively trying to eliminate the checks and balances needed in government to stop this exact thing from happening. What else is this board willing to do for AO, and more importantly, why? If AO is allowed to prevail, what is going to prevent them from doing this again and again on other properties? You were elected to represent the people of this Township, not big business. We should all be able to admit mistakes were made and move forward to correct this. AO should be ashamed of buying small cottages only to turn them into mini hotels; what they are being allowed to do is a slap in the face to the families who call the Town of Holland home. The Town Board has the power and responsibility to protect the interests of the people, and you are the people too, you are one of us. I just need you to do so.
 - q. Larry Britton said that the only entity that is imposing an objection to David A. Valenti Declaration of Trust 10-9-15 and Britton Trust joining the lawsuit that AO has brought is the Town of Holland. AO has stipulated to David A. Valenti Declaration of

- Trust 10-9-15 and Britton Trust joining the lawsuit. The Town's attorneys are trying to put a roadblock in it, and that is wrong. As of today, AO agreed to allow David A. Valenti Declaration of Trust 10-9-15 and Britton Trust to intervene in the case, and the Town's attorneys objected to it.
- r. Julie Kuether asked when the two properties on Foster Road got up and running and renting to transient guests. Julie asked whether there was a zoning administrator at that time that would have allowed that permit to go through under R-1 and whether these were new builds. Julie suspects that AO has gotten away with this since 2019 and kept going because nobody stopped them. Julie thinks that AO pushed the board and asked whether anyone on the board said this can't happen.
 - s. Chair Huenink replied that AO didn't talk to the board prior to submitting building permit applications for the dwellings they have constructed. When the Town Board became aware that a building permit had been issued by the Town Building Inspector for the dwelling at N2047 Pine Beach Road South, they instructed Janelle Kaiser to contact AO to inquire about whether the proposed dwelling would be used for short-term rental purposes. As Chair Huenink understands, the dwellings owned by AO are allowing guests to stay with no compensation requirement, so they do not meet the definition of short-term rental.
 - t. Ken Tyler stated that Town Building Inspector Tom Huenink has taken a lot of flack for not speaking toward the use of N2047 Pine Beach Road South. Ken suggested that there be a question on the Town's building permit application which asks for the intended use of a proposed structure.
 - u. Jane Hamilton spoke to the job description of the zoning administrator; the description says the zoning administrator needs to speak directly to and understand the use of structures being built. Jane inquired how a zoning administrator could not speak with someone about use when they've gone through the building permit process, and why the zoning administrator doesn't speak with everyone that applies for a building permit to find out what they are going to put in this square box that meets the code. Jane commented that it is uncanny that the Town apparently doesn't have a piece of paper that identifies the use of a property. Jane asked whether there is something that is signed off that confirms that someone is building a house and that they are going to live there with their family or farm animals, since there is nothing which asks for the proposed use of a building on the building permit and it is not being observed by the zoning administrator. Jane asked who is in charge of determining use for every single building permit, and said there is no control over use here.
 - v. Susan LaBudde asked whether the Town would object to adding a line item to the building permit application what the intended use of a proposed structure is.
 - w. John Dickmann asked whether AO is going to be allowed to stay there. If so, tell me why. The Town is running up a hell of an expense with all of us with our attorney's fees, and you know who is going to end up paying them. The longer you push this off, the higher your bill is going to be. John asked for the Town Board's decision, are they going to stay or are they going away.
- Chair Huenink said that the proposed use at N2047 Pine Beach Road South is in question, not whether AO is allowed to own property in the Town.

- x. David Valenti asked for confirmation about whether AO can use N2047 Pine Beach Road as they have proposed at this time.
- y. Chair Huenink stated that AO's proposed use, as stipulated in the findings of fact as part of the BOA's decision on December 18, 2024, cannot be done on that property.
- z. Larry Britton asked who is advocating for the residents on this issue other than David A. Valenti Declaration of Trust 10-9-15 and Britton Trust and all the citizens and attorneys that are being hired. Larry asked who the advocate, agency, or board is that is advocating for the residents. The Town Board's role is to represent the will of the taxpayers and citizens of the community and to support the decisions and the desires of the residents. Larry said that he has not heard one resident say that they support the Town Board's decision on the matter regarding N2047 Pine Beach Road South, so how is the Town Board serving as an advocate for the Town's residents.
- aa. Amy Q Scott said that the people elect the Town Board to hold these meetings and asked that all board member phones be turned off for this meeting.
- bb. Grant Bartel appreciated prior meetings where there were microphones set up. Anyone that looks at the issue of the proposed use at N2047 Pine Beach Road South sees it as extremely simple because single-family is single-family, and whoever pays for a person to be in a hotel is paying for a hotel. Grant expressed fear that this could happen on his road or any other road. What isn't simple is that this issue might start a precedent throughout the state.
- cc. Judy MacKenzie asked the Town Board to consider adding a line item to the building permit application asking what the intended use of a proposed structure is. What's going on around us is important, as evidenced by the community's presence at recent meetings. Elected officials should listen to their constituents and support them when they have issues where it feels like big business is being supported more than the taxpayers.
- dd. Diane Holstrom-Meisser asked about how the definition of commercial use in Town Code Chapter 150 had no bearing on the use of the structure at N2047 Pine Beach Road South. There is a clear definition in code, and Diane inquired about how that definition did not apply to this decision. Diane clarified that she is referring to the definition of commercial use in the section of Town Code that discusses building permits and inquired why it doesn't apply to the subject property. Diane said that going forward, this is madness and needs to be reeled in, and that AO shot themselves in the foot when they built the monstrosity on Pine Beach Road South. AO's buildings are being used by employees for lodging to gather and meet; how does it not pertain to what went up and how is it not cross-referenced with this definition. Diane inquired about what is going to become of this because it is clear that this is a commercial property. With regard to the size and shape of N2047 Pine Beach Road, it is awful, oversized, a slap in the face to the residents and the lakefront. It does not belong there, no matter whether it is a single-family home. All of these things need to be considered for future amendments. The zoning administrator is also in charge of looking into these things, including the aforementioned definition. Diane said she doesn't know why the Town Board would go against the BOA because she thinks the Town Board needs to avoid a lawsuit at any cost.

- ee. Ann Bachrach asked whether any of the rest of the Town Board members have the ability to respond to questions and talk besides Chair Huenink. She asked for a poll of the board members as to what they view their responsibility is being a board member representing their constituency. If not to be an advocate for residents, what is your interpretation of your role as a board member?
- ff. Supervisor Brody Stapel said he wanted to be part of something local and part of the local government but doesn't lose sleep at night over the responsibility. As previously stated, Brody expressed empathy for the residents over their concerns and said that he has sided with residents in previous meetings on certain points. Brody feels his responsibility is to read the Town Code and understand it to the best of his ability and make decisions based on that.
- gg. Supervisor Kelly Caswell said that the Town Board must follow the ordinances that govern the Town. Matters such as these cannot be settled by a majority vote of 50 people, the ordinances must be followed as opposed to using majority rules practices with no checks and balances. Kelly reads and interprets the ordinances for the good of the entire town. If there is something that needs to be amended, it must cater to everyone, not the majority vote.
- hh. Supervisor Stanley Lammers said that the Town Board is here to represent the entire population of the Town of Holland, not just the 75 or 80 people that are sitting here. It doesn't mean that everyone feels the same way about the rules as the people here. The rules that are on the books and the way they are interpreted with the assistance of legal advice is what the Town Board has to go by. Pertaining to the matter at hand, a judge will likely have say over what happens.
- ii. Supervisor Doug Hamilton said that he ran for his position because he likes Wisconsin Town government. Doug said his job is to help manage the business of the Town, where each board member has their own respective responsibilities, and that the Town Board must do what they can within the limitations of the Town's own ordinances. Sometimes those ordinances need interpretation, and sometimes the Town Board has to seek legal advice on that. He sympathizes with the people present, as he lives along the lakeshore as well.
- jj. Ann Bachrach wishes the Town Board would speak up more often, because it would be good for everyone to know that they have a brain processing things while they are sitting in meetings, because it doesn't appear that way very often. If there is an opinion of the Town Board members that differs from Chair Huenink, Ann would like to hear it.
- kk. Ken MacKenzie commented on the Town's long-range comprehensive plan. The plan specifically addresses properties east of Interstate 43, which states that the goal of that area is to facilitate a single-family-type environment. He asked the Town Board to refresh the community's memory as to the long-term vision of the Town relative to properties east of Interstate 43 and then enlighten the community about how this AO use fits into that long-range comprehensive plan.
Chair Huenink said that he would need to view that specific section of the plan, but that he believes that the plan designates the east side of Interstate 43, as well as lands surrounding Villages, as an area for possible development, and not necessarily residential development only. A property's zoning is more indicative of what the

- expected and allowed use is in a certain area. When the Town's Plan Commission reviews applications, they consider whether a request is in alignment with the Town's comprehensive plan. Chair Huenink stated he will look at the plan and consider the wording.
- ll. Ken Tyler responded to comments of the public. He said to Diane Holstrom-Meisser: "Diane, I can think of at least three structures that you probably find questionable. John and Nancy Patek's house for example. Three small cottages that were called the three sisters. They tore it down, built a very modern house, lovely outside and inside. Similar house is on South Pine Beach Road, it's called the malibu house. Again, a very modern structure. We cannot go to, they painted their house that color, persimmon, or olive? What were they thinking? It's not our role as citizens and as a board to determine that. There are many homeowner associations who have rules that are way way way restrictive. You can't have a Marine Corps flag flying in some places, believe it or not. So, what you may find distasteful is other people's right to do what they want to with their resources. That house, yes, fits the structure of the size of the lot, it fits all of the setbacks. Yes, it's bigger than any house along the lake, but it does not break any of the laws as far as zoning in that regard."
- He said to John Dickmann: "Your comment was, what's the use of that property down the road. The board has a chance to, at some point down the road, put conditional uses on the AO house. If it chooses to, it can do a number of things. It could have it treated as a short-term rental property, for example. So, there are a number of possibilities that you could put. The number of vehicles that were allowed to be parked there, all the way through things that would help make neighbors more comfortable with that structure than perhaps what they feel right now."
- mm. Cheryl Baldwin commented on what happened at the Board of Appeals, and this idea of interpretation, and who understands the ordinance. Three lawyers, one of them being the lawyer that gave advice to the board, made their case for interpreting the ordinance by the law, enacting the law, and following the ordinances that exist. If you are to look at that record, neither the Town attorney nor the AO attorney, and they had eight attorneys here, could combat the definition that the BOA endorsed, which is that the AO use is not residential. So it doesn't have anything to do with collecting commercial fees, it doesn't have to do with anything; all of the arguments that you have been using about your ordinance have been overturned, and now you are not supporting the judicial process that gives the defining definition of use.
- nn. John Patek inquired about who is the majority that Kelly Caswell referred to in his comments. This crowd of people has been coming to meetings consistently, so is there another crowd of this same size or more that has a counterargument to us?
- oo. Dan Madsen commented that he recently reviewed a handful of statutes and ordinances from around the state, and it is clear that a consensus was formed some time ago that buildings used to house transient guests are to be approved and regulated at some level with licensure and periodic inspections. These buildings are recognized as materially different from homes. AO's structure appears to very

- closely align with the state's definition of a rooming house, which by the way is regulated and which would actually merge with the hotel definition due to its size. What AO has done is found a bit of a grey area where no money is exchanged. The use is clear, whereas it is to be used by transient guests. Dan could not find any statute that talks about the free use of a home for transient guests, and that's what this sort of loophole is that AO is counting on. Dan commented that he doesn't understand why the Town is trying to further this nonsense of allowing transient guests in a residential area where clearly the state identifies this as a use that needs to be regulated. He asked the Town Board to consider that and take a look at the statutes themselves.
- pp. Julie Kuether asked whether the public could interview guests of AO as to whether they are customers of AO purchasing product and present those interviews to the Town Board; if so, would the Town Board admit that they were wrong.
- qq. Chair Huenink said that AO has said that there is no obligation for their guests to buy anything or visit their factory for a tour.
- rr. Julie Kuether said that it is completely astounding that AO pays thousands and thousands of dollars to the City of Sheboygan's tax base, and now Saukville; the CEO lives in Hartland so he pays their tax base for his property, yet we've got all these people in here paying the Town of Holland thousands and thousands and thousands and thousands of dollars to support your tax base, but you're siding with AO? What's wrong with this picture? You don't care about us.
- ss. Chair Huenink said that we care, but as has been said earlier, the Town Board has to follow what the Town's ordinances are, per the letter of the law. Ordinances can be modified if it is determined that modifications are needed; recent proposed amendments to the Town's zoning code have been opposed by the community. Chair Huenink re-stated that AO's proposed use, as stipulated in the findings of fact as part of the BOA's decision on December 18, 2024, cannot be done on that property. Prior to litigation, Chair Huenink communicated his willingness to meet with all parties in mediation.
- tt. Larry Britton said that this week, the Town's attorney said no to a meeting with all parties, and that the Town Board is the only party that is not willing to mediate at this point; Larry told Chair Huenink to check with the Town's attorney.
- uu. Glenn Lemmenes asked if a building permit application identical to the one that was approved for N2047 Pine Beach Road South was submitted today, would it be approved?
- vv. Chair Huenink explained the Town's current building permit process.
- ww. Supervisor Caswell stated that this is public input, where the public addresses the Town Board. It is not supposed to be a back-and-forth communication.
- xx. Susan LaBudde asked why the Town has not added a line to the building permit application as to what the intended use of a proposed structure is. It was suggested before tonight.
- yy. Tom Reissen asked whether the meeting was being recorded.
- zz. Julie Kuether asked whether the Town Building Inspector should have coordinated with the Town Zoning Administrator prior to issuing the building permit for N2047

- Pine Beach Road South. Julie suggested that the Town Building Inspector and Town Zoning Administrator sign off on permits.
- aaa. Ken Tyler asked who is listening to what the Town's attorney is saying and giving feedback to the attorney. It sounds as if the attorney may be making decisions that the Town Board should be looking more closely at.
 - bbb. Amy Q Scott asked how to get added a line to the building permit application as to what the intended use of a proposed structure is.
 - ccc. Chair Huenink said that the Plan Commission could consider a change to the building permit application.

Motion by Stapel, seconded by Caswell, to close public input; the motion carried by unanimous voice vote.

8. FINANCIAL/TREASURER'S REPORT:

Chair Huenink suggested renaming 'Oostburg Ambulance' category to 'Oostburg EMR'. Motion by Lammers seconded by Caswell, to approve the January 2025 financial/treasurer's report as modified during the February 10, 2025 board meeting; the motion carried by unanimous voice vote.

9. APPROVAL OF VOUCHERS:

Motion by Lammers, seconded by Caswell, to approve the February 10, 2025 voucher listing as modified during the February 10, 2025 board meeting, to preapprove the invoice from Redemption Recycling for electronics recycling subject to Supervisor Hamilton's approval, and to add per diem payments to Holland Town Board members that reported attendance at one or more eligible meetings since the January 13, 2024 board meeting; the motion carried by unanimous voice vote.

10. ACCOUNTS RECEIVABLE:

None.

11. ONION RIVER ELECTRICAL UTILITY UPDATE:

Chair Huenink stated there was nothing to report. This agenda item will be removed as a recurring agenda item until further notice.

12. PLAN COMMISSION RECOMMENDATIONS:

- a. A REQUEST BY RYAN DEMASTER FOR REZONINGS AT N233 COUNTY ROAD LL (PARCEL 59006070180) AND AT PARCEL 59006070150:
Motion by Lammers, seconded by Stapel, to accept the recommendation of the Holland Plan Commission and approve the rezonings on parcels 59006070180 and 59006070150; the motion carried by unanimous roll call vote. Brody Stapel: Yes; Stanley Lammers: Yes; David Huenink: Yes; Douglas Hamilton: Yes; Kelly Caswell: Yes.
 - i. Contingent on the boundary line adjustments per the related plat of survey being approved and executed by Sheboygan County.

13. STATUS OF AN APPEAL TO CIRCUIT COURT OF THE HOLLAND BOARD OF APPEALS DECISION

DATED DECEMBER 18, 2024, REGARDING N2047 PINE BEACH ROAD SOUTH.

Chairman Huenink presented the following status:

The Board of Appeals (BOA) decision of 12/18/2024 reversed the Town Attorney's, Town Board's, and Town Plan Commission's interpretation of the Zoning Ordinance regarding the proposed use of the AO property at N2047 Pine Beach Rd South. On 1/16/2025 American Orthodontics Corporation appealed that decision to the Circuit Court in Sheboygan by a petition for a writ of certiorari against the Board of Zoning Appeals of the Town of Holland. On 1/23/2025 a motion to intervene by David A. Valenti Declaration of Trust 10-9-15 and Britton Trust was made by Attorneys David Muth and Ellen Anderson of the Quarles & Brady law firm. On 1/30/2025 a similar motion to intervene by The Town Board of the Town of Holland was made by Attorneys Remzy Bitar and Savanna Gain of the Municipal Law & Litigation Group law firm. As I explained last week, a "motion to intervene" is a request to the court to allow the requestor to be able to present their views and supporting information to the court. The court then decides whether or not to allow the requestor to be an intervening party.

The Town's insurance covers legal representation in defense of lawsuits, up to some limit. Although we had not been served with any paperwork from the court, on 1/31/2025 we notified our insurance company of the probable upcoming litigation. On 2/6/2025 the Town was informed that the Town Board of Appeals will be represented by Attorney Taylor Anderson of the Boardman and Clark law firm in Madison. As of today, the Town Board of Appeals Clerk has NOT been served with anything from the circuit court. Though we've heard a document was signed by the judge last Thursday 2/6/2025. Once served, the Town BOA Clerk will have some set time to provide certified versions of various documents to the court. We understand the court generally allows at least 14 days, typically up to 30 days, which will be specified in the document when served. To be ready, last week I visited the Circuit Court Clerk's office to learn the optional methods to submit the documents. We will probably choose to provide the documents to the BOA's attorney and have them electronically filed with the circuit court clerk. As you can tell, the case is currently working thru the court's process which will take a while.

Now that there is pending litigation, we have been advised that all communication on this matter be referred to the Town's Attorneys.

14. APPLICATION BY SHANE STUBBLEFIELD ON BEHALF OF SBA COMMUNICATIONS AND T-MOBILE FOR A CLASS TWO CO-LOCATION ON AN EXISTING COMMUNICATIONS TOWER AT N188 COUNTY ROAD LL:
Motion by Stapel, seconded by Lammers, that the proposed action is categorized as a Class 2 Co-location, is subject to the commercial building permit process, and the clerk is authorized to respond to the applicant appropriately for the project to proceed; motion carried by unanimous roll call vote.
15. AMEND 2025 TOWN BUDGET:
As discussed in the immediately preceding Administration & Finance Committee meeting, this is not urgent and the input of the Clerk-Treasurer would be beneficial. No action was

taken.

16. POLICY FOR PUBLIC NOTICES:

Chair Huenink stated this topic was for discussion only this evening. The Chair and the Clerk-Treasurer would then create a draft policy and propose its adoption in a future meeting. The Clerk provided an excellent summary of the types of public notices and possible options for notification. The board discussed the following types of notifications to decide which option is preferred.

Plan Commission / Public Hearings - OPTION 2

Post in legal posting locations and print in one or more local news sources (Lakeshore Weekly, The Sounder).

Board of Appeals / Public Hearings - OPTION 2

Post in legal posting locations and print in one or more local news sources (Lakeshore Weekly, The Sounder).

Cable Television / Public Meeting - OPTION 3

Post in legal posting locations, including the Holland Town Hall, at least 10 days prior to the meeting.

Special Assessments / Notice of Special Assessments - OPTION 2

Post Class 1 notice in legal posting locations and print in one or more local news sources (Lakeshore Weekly, The Sounder) and mail a copy of the notice, at least 10 days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence.

17. ONGOING ISSUES:

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

A report detailing short-term rental licenses and certain short-term rental activity was provided to the Town Board in the February 10, 2025 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. As of February 10, 2025, no response from the property owner(s) has been received. Chair Huenink reported that the Town Attorney has been contacted to request that a letter be mailed to the property owners of N1099 Cole Road.

b. EXPANSION OF TOWN ROAD RIGHT-OF-WAY TO INCLUDE LAND PURCHASES ON GIBBONS ROAD:

Stan Lammers reported they were validating fair market prices of the proposed land purchases and waiting on data from the assessor.

c. REQUIRED SETBACK FOR HIGH VOLTAGE ELECTRIC TRANSMISSION LINES FROM DWELLINGS:

Kelly Caswell had volunteered to research this topic. He provided two documents which will be included in the next month's meeting packet. One report proposed a 125-foot setback from any road or right-of-way.

- d. POSSIBLE UPDATES TO TOWN ATV-UTV ROUTE TO INCLUDE REQUEST FOR ADDITIONAL COUNTY ROAD LINKS:
In January, Chair Huenink submitted the appropriate application to the Sheboygan County Transportation Committee and he then attended their February 3, 2025 meeting. The application was approved. All county roads within the Town of Holland, except County Road RR from Palmer Road to County Road CC, may be opened as ATV/UTV Routes. Chair Huenink will work with the DPW to review current signage and implement signage changes after the ground thaws.
This agenda item shall be removed from ongoing issues.
- e. POSSIBLE ORDINANCE VIOLATION AT W3070 HOITINK ROAD:
Nothing to report at this time.
- f. INTERGOVERNMENTAL ROAD AGREEMENT WITH VILLAGE OF CEDAR GROVE:
The Village of Cedar Grove has returned a signed agreement and the Town Chair has also signed it.
This agenda item shall be removed from ongoing issues.
- g. SIGNAGE, BARRICADES, AND CONDUCT AT WALK-IN ACCESS TO LAKE MICHIGAN LOCATIONS:
Nothing to report at this time. No progress is expected until spring when the surveyor can get stakes in the ground.

18. COMMITTEE, CLERK-TREASURER AND CHAIR REPORTS:

- a. ADMINISTRATION & FINANCE:
 - i. 2025 TOWN BUDGET AMENDMENT:
There was an Administration & Finance Committee meeting earlier this evening to discuss amending the 2025 Budget.
- b. PARKS & PROPERTY:
 - i. TOWN HALL AUDIO-VISUAL SYSTEMS AND RELATED PURCHASES:
Supervisor Hamilton is researching the options. The company that implemented the existing A/V system estimates \$3,000 for an 86" TV mounted in the multipurpose room and \$5,000 to \$6,000 for two wireless microphones and their integration. Supervisor Hamilton will contact another local company next.
- c. PUBLIC SAFETY:
 - i. POSSIBLE LOCK BOX ORDINANCE:
The Village of Oostburg passed an ordinance regarding required lock boxes accessible by the fire department on various types of publicly accessed

buildings. The Oostburg Fire Chief was in attendance and stated that such an ordinance was less needed in the town due to the nature of our buildings. The town board decided not to adopt a lock box ordinance.

d. ROADS:

i. PUBLIC CONTRACT AWARD FOR LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) PROJECT TO PURCHASE A PREMADE BOX CULVERT FOR HOFTIEZER ROAD:

Supervisor Lammers reported that all the bids received were deemed unacceptable. Motion by Lammers, seconded by Hamilton, to reject all bids; motion carried by unanimous roll call vote.

e. CLERK-TREASURER:

i. 2025 OPEN BOOK AND BOARD OF REVIEW DATES:

Due to the revaluation, the open book and board of review will probably be later this year. We'll probably need to have a short initial BOR meeting and adjourn until a later date.

f. CHAIR:

Chair Huenink reported that the Village of Oostburg plans to hire a Code Enforcement Officer and would like to coordinate with other local municipalities and/or school systems to share one resource. Huenink reported this topic was on the Village of Cedar Grove board agenda. The Town Board decided the current contract with the County Sheriff Dept was sufficient.

19. PUBLIC INPUT:

- a. Dan Madsen reported a large 6 to 8-ft diameter drone overhead in the Stokdyk-Ingelse Road area east of Frontage Road at night about 100-ft above ground level. Large drones require a registration ID on the side but he could not see it. The 'drones scanner' application was mentioned to attempt to identify the drone's source.

20. CORRESPONDENCE:

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

21. ADJOURN:

Motion by Lammers, seconded by Hamilton, to adjourn the meeting at 9:25pm; the motion carried by unanimous voice vote.

Respectfully submitted,
David Huenink, Acting Clerk and Janelle Kaiser, Clerk-Treasurer
Town of Holland, Sheboygan County, Wisconsin

Comments Submitted by Public:

Town of Holland
Town Board Meeting
Feb 10, 2025

I am Dana Mueller. I reside at the end of N2205 Foster Rd S. I am the only full time resident of the 11 houses on the lakeside of the road. There are 7 other full time residents across the road. There are 3 AO properties on my road, 2 are lakeside. It has been my observation (and I have stated this at earlier meetings), that over the past two years, the two larger AO properties have rarely been occupied, The smaller "Carriage House" has been occupied by 1 person at a time, for usually 1 or 2 nights, maybe 3 times per month. I have not observed any need for an additional 9 bedroom property.

I was floored by the actions of the Town of Holland Board in its' siding with American Orthodontics.

If this filing did indeed happen on January 30th, then the report given by David Huenink at the February 3rd Plan Commission meeting, regarding Agenda Item 9e, (status of appeal to circuit court regarding N2407 Pine Beach Rd S), was deceptive, misleading and false. He essentially hid this information (and stifled further discussion), when he announced that there will be no voting on any changes to definitions or amendments to zoning ordinances related to R-1 Zoning until the court has ruled on this matter.

What happened to an earlier (mid January) observation/report that AO, Town of Holland Board and Concerned Citizens of Pine Beach Rd, (CoPBR) were "reaching a more collaborative dialogue"?

Is the ToH Board trying to avoid being sued by AO? Isn't the Board protected by municipal insurance for such an occurrence?

As one of the more than 80 residents having attended the ToH Zoning issues meetings for the past several months, I am galled by this deceptive action to reject the decision of your own Board of Zoning Appeals to protect our RI Single Family Residential zoned areas from nonconforming development and transient use. It seems that you have forgotten that WE are the community you've been elected to protect and serve.

I ask that my comments be included in the public record/meeting minutes.

Comments Submitted by Public:

To be read at the Town of Holland Board Meeting on Monday, February 10, 2025, and be included in the minutes of said meeting:

Most of you who are present have conscientiously followed the case of the Town of Holland in its struggle to address the issue with the American Orthodontics structure on South Pine Beach Road. I and the other members of our Board of Appeals sincerely thank you for your loyalty and interest in this matter.

As you most likely recall, on December 4th past, I, as a member of the Town of Holland Board of Appeals, with that board met to consider the merits of the case of the Town of Holland against American Orthodontics. Before that meeting started, I was pleasantly surprised to learn that our board was being represented by attorney Michael J. Bauer of the Hopp law group of Sheboygan.

At that meeting, our board, acting in our legal capacity representing the Town of Holland, found in a 4-1 majority decision that the Town Board, their attorney, and the Town Plan Commission had all acted against the best interests of the citizens of the Town of Holland. After initial feelings of having reached a notable landmark decision using our combined common sense to determine that the treatment of the AO structure as a "family" residence which was transient in nature and had acted against the Town's Zoning ordinances.

However, in recent days things were further complicated upon learning that the Town Board had retained the Municipal Law & Litigation Group of Waukesha. Their representation in this matter was unclear to many regarding whom they were representing, the Town Board, the Plan Commission, or our Board of Appeals.

Just a couple of hours ago, I learned that the Town Board will provide our Board of Appeals with legal representation by the firm Boardman & Clark from Madison, Wisconsin in This current matter. I take this opportunity to thank Chair Huenink and the Town Board for agreeing to provide that counsel. It is my hope that the representatives of the Town of Holland will present a united front in supporting our R-1 district and its zoning ordinances for the interest of the taxpayers of the Town of Holland who we represent in support of their basic property rights and interests.

Kenneth D. Tyler