

TOWN OF HOLLAND BOARD OF SUPERVISORS
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
HOLLAND TOWN HALL, W3005 COUNTY ROAD G, CEDAR GROVE, WI 53013
Monday, September 8, 2025 6:30pm

1. Call to order:
Town Chair David Huenink called to order the Board of Supervisors monthly meeting at 6:30pm.
2. Pledge of Allegiance:
Town Chair David Huenink led attendees in the Pledge of Allegiance.
3. Certify Open Meetings 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 at www.townofholland.com on September 4, 2025.
4. Roll call:
 - a. Members Present: Town Chairman David Huenink, Town Supervisors Kelly Caswell, Douglas Hamilton, and Brody Stapel.
 - b. Members Absent: None.
 - c. Others Present: Town Clerk-Treasurer and Zoning Administrator Janelle Kaiser.
 - d. Members of the public that signed in: Christine Frank, Barb Dallman, John Dallman, Gordie Seegert III, Brian Bruggink, Kevin Bruggink, Jane Hamilton, David Valenti, Annemarie Valenti, Bill Rose, Sandy Rose, Bill Murphy, Jo Murphy, Ann Grittinger, Ann Bachrach, Greg Bachrach, Jeff Ray, Jane Dederling, Scott Siemon, Jim TeStroote, Lori TeStroote, Dan Madsen, Judy Britton, Larry Britton, Dana Mueller, Diane Meisser, Phil Marr, Cheryl Baldwin, William Bannier, Craig Droppers, and John Patek.
5. Adopt agenda as official order of business:
Motion by Hamilton, seconded by Caswell, to adopt the agenda for the September 8, 2025 board meeting as presented; the motion carried by unanimous voice vote.
6. Minutes of previous meetings addressed for approval:
Motion by Hamilton, seconded by Stapel, to approve the minutes from the August 11, 2025 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:
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. Chair Huenink provided two follow-up items from public input given at prior

meetings:

- i. The first follow up is regarding data previously submitted by Ann Bachrach which listed guest visits to N2047 Pine Beach Road South. The data was sent to the Town's attorney, who said he would contact an attorney representing American Orthodontics (AO), but attorney response has not been received by the Town at this time. Chair Huenink reported that he also looked at the data and observed the feasibility that the visitors were guests of the long-term tenants there. The data shows five times the tenants had guests over an eight-week period. Two of the times the guests had no vehicle, rather, the long-term tenants provided transport. Each visit lasted two to five days. Line number two guests returned for another visit in the next month on line number five and were joined by line six. Line seven's guest visit overlapped two days with lines eight, nine, and 10, which probably means they knew each other. Guests lines eight, nine, and 10 all arrived on the same day and all left on the same day. During summertime on the beach in Wisconsin, five guest visits seem reasonable.
- ii. The second follow up is redline version of proposed ordinances. As stated last month, the Town had previously posted redline versions of proposed ordinance on the website, but some people who were unfamiliar with reading redline were confused. The Town had switched back to posting just clean versions, showing the entries out of the proposed changes. Though that is less helpful to people that understand Redline. The Town will try posting both a redline version and a clean version of most proposed ordinances and include short instructions for those not familiar with redline format.
- b. Brian Bruggink. A representative of the Wisconsin Department of Natural Resources (WI-DNR) got back to him about the culvert height for Hoftiezer Road. The WI-DNR is working with the county liaison.
- c. David Valenti. I urge the Town Board to reject the proposed change to Ordinance 2025-Draft(E). The draft language will limit the due process rights of citizens to appeal zoning decisions to the Board of Appeals. The best place to start looking at that is the language of the Wisconsin Statute 62.23(7)(e)7.b., which defines the powers of local Board of Appeals: "The Board of Appeals shall have the following powers to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted..." The proposed Ordinance 2025-Draft(E) reads as follows "Errors: to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Town Building Inspector or Town Zoning Administrator." Nowhere does the state statute limit the review by the Board of Appeals to decisions made only by the town building inspector or the town zoning administrator. Rather, the Board of Appeals can review decisions by an administrative official. Administrative or quasi-judicial decisions by a plan commission or town board are reviewable by a board of appeals in Wisconsin. Wisconsin law provides property owners with substantial due process protections when an adverse zoning decision negatively impacts the value of the enjoyment of their property. A town board or plan commission can act in an

- administrative or quasi-judicial manner and does not always act in a legislative manner. For example, if this proposed amendment passes, the Town is limiting the ability of a resident to challenge a Plan Commission or Town Board interpretation before the Board of Appeals. The only recourse is for the citizen to go to circuit court, which is a very time-consuming and expensive process. The effect of this amendment would be to gut the power of the Board of Appeals and to force residents to go directly to circuit court. This would frustrate the intent of the state law creating boards of appeals. The discussion at the Plan Commission did not really explain how this amendment serves any public purpose or is a benefit to the residents of the town. So, for these two reasons, I urge you to reject the amendment, and I request that each member of the Town Board explain why they are voting in favor of this change, if they vote in favor of the draft ordinance, during the discussion of this agenda item later in the meeting. We deserve an explanation as to why you support this amendment.
- d. Kevin Bruggink. I represent the Oostburg School District. The school district requests signage on the north side of Foster Road, where the Town of Holland has a parcel, to improve the ability for school buses to safely turn around in that location. The request is for the Town to install signage prohibiting parking in that location from 6:30 to 8:30am and 2:30 to 4:30pm, only on school days.
 - e. Scott Siemon. I would like to comment on Ordinance 2025-Draft(E). State statute actually imposes a mandate on municipalities, and so I think there is a question of whether, as written, whether the Town would possibly be enacting something that is in violation of state mandates or not aligned to state mandates, at least whether it's the letter or the intent of the state law. Regarding point number four within Ordinance 2025-Draft(E), I really don't have an issue with interpretations being moved as in the previous wording of the ordinance, the interpretations were a power of the BOZA to grant, decide the initial determination. It's being changed to kind of do the appeals, which I really don't have an issue with. My concern is what is the process for how the initial determination of a zoning code language interpretation takes place. I think that's a fairly important decision, similar to conditional issues or variances or making regulatory code changes. It would benefit from a public hearing, from public comment, it would benefit from a group of people reviewing it, discussing it, deciding it, as opposed to an individual person. The wording here seems to create the impression that the Town Plan Commission doesn't get involved until there is an appeal brought. I think a better process would be for the Plan Commission, which is a body that is responsible for the intent of the code in the first place, to be the body kind of making a recommendation on this, and the Town Board as a group of individuals debating and deciding it, kind of how it actually took place in the AO case. It kind of didn't follow the code anyways, but it's what you guys did. So, I think it would benefit from that process. Also, if interpretation is just done in the back room by a zoning administrator as part of the permit and permit gets issued, how is the public even notified that this has taken place? How can something be appealed when it's invisible to the public? I urge the Town Board to think this through and perhaps create a process for how the initial

- decisions are made, that they're made in a way that's public, that benefits from a group body deciding it, and benefits from that.
- f. Dan Madsen. I lend my support to David Valenti and Scott Siemon's comments. I don't want to have changes to the board of zoning appeals as it's written. I would urge you also to think this through a little bit more and maybe table it and let us have more time to provide you some input.
 - g. Diane Meisser. I didn't fully from the beginning understand what the lawsuit was and all of that kind of stuff. I just saw what was there and couldn't understand how it could happen. But from the beginning, I understood that the Board and the Board of Appeals doesn't get anything with regard to building permits that go through the zoning administrator and Tom Huenink.
Chair Huenink commented that building permits are approved by the Town Building Inspector.
 - h. Diane Meisser. Janelle Kaiser also got involved at some point, because there was some communication with AO about the property, or was that just like a courtesy call to see if it was going to be short-term rental?
 - i. Chair Huenink. The building permit was issued and then there were questions raised about the use of the building, so the Town Board asked the Clerk/Treasurer to contact AO because it sounded like a short-term rental, and to find out what the proposed use was and how it matched up with the short-term rental ordinance. We found out that they were not requiring a fee of any kind and a short-term rental requires a fee, so that was the first contact.
 - j. Diane Meisser. As soon as I discovered the paragraph that has been in and out of discussion and in and out of the website, it was the paragraph cut and pasted onto your website about commercial permits. It was like a little red flag about if this is what's going on, then you better consider contacting the state because this makes it commercial. You said the language was confusing and you wanted to take it out. I don't know exactly at which point you did that, if it was before the court or after the court session. But to me, from the beginning, that was always the red flag that was bypassed. With all due respect to Janelle, and she has been very kind to me and has been very helpful to me, but with all due respect, if she put it in there, she was aware of that verbiage. I always thought between her and Tom, if they're the only two that have eyeballs on this thing, then it is their responsibility. The complaint is against them if it doesn't come from the board. I thought that from the beginning. So is that what you're spelling out now, that if they say this is all copasetic, we're going to give you the permit, and then we find out later after the thing is built or how it's used or whatever, it's like, wait a minute, if I'm correct, I would just turn to Janelle and Tom as your paid administrators. I would go to the Board of Appeals and say Tom issued a building permit. There's a line item on your Plan Commission agenda about issues from the building inspector. You might ask, why didn't you complain about the ones on Foster Road South? Those still look like houses, like someone lives there. It doesn't look like a hotel. AO has taken liberties on where they have put this thing. The bottom line is that paragraph explained from the beginning that the usage for that building was commercial. I looked recently, and unless it's in a different part, it's no longer on your website. It explains if you read it

points to how the AO property is being used.

The second issue I want to raise is the size and scope of that structure. Taking the two properties, using your accessory structures, using the law of footprint. If you're not 75 feet behind, you have to stay on the exact original footprint. But if you can build behind the 75-foot line, then you can do whatever you want. I don't think that's a good idea. I think the language of footprints and accessory structures and the fact that the leach field, the septic bed, is half the size of mine for 9 bedrooms and I have three. So, there were lots of liberties taken and this thing is squeezed into that lot. In West Bend, there is an ordinance that new houses cannot be less than 1,500 square feet, and it made me curious, can this township have an ordinance that says you cannot ruin the landscape with your structure? Because that is, in my opinion, that is a worse offense than AO having their own personal guests in the house. My neighbor said you can't decide just because you don't like it. It's not that I don't like it; I'm sure it's very tastefully appointed, but it was an absolute intrusion into the neighborhood and it is on a private road. You let a lot of things slide. I cannot trust the people that are running this community to make good decisions, so I have to keep showing up and at least maybe hopefully all of the boards will start to think maybe we better think a little harder before we let the next debacle unfold. Do we need the money with all of this progressive development, which is basically fast food and trash coming up and down 43? It looks like you're going in that direction already and it's terribly unfortunate. The history of the Town of Holland, the culture of the Town of Holland, the Stapel farm is a beacon for the Town of Holland. His business and what he's sharing out in the community is a beautiful thing. Are we about that or are we about McDonald's? Are we peaceful living on the lakeshore? We are beyond blessed to have the resources to live in this community, and to have a big dog like AO come in and not have me believe that you just did it for the money, it's just hard to stomach? As far as who's responsible, I would say it does fall with Tom and Janelle because that information was available at the time. You've eliminated that information from the website, and now you have zippity do da. I'm too old to start reading the code book and I'm afraid that we don't know what your next move is until the move is made and the damage is done. Years ago, when my kids were coming up to their school at a school board meeting, and one of the school board members, because there was an issue going on at the time with the principal, and the school board member said, we take a Jeffersonian approach. You put the right man in the job and leave him alone to do his work. And the question I have and continue to have is, do we have the right people in the job? Because I've got to start seeing some real vision coming out of somewhere.

Who is performing the Town's 2025 revaluation of Town property? How do we know what's coming next?

Chair Huenink replied that the Town's assessor, Associated Appraisal, will perform the assessment services. The Town Board encouraged Diane to come to meetings; the agendas and meeting minutes are public.

Diane Meisser. Board of Review members should be compensated regardless of the length of the meeting.

- k. Dana Mueller. Will the Town Board intervene in AO's appeal to appellate court?

- I. Cheryl Baldwin. I care about their neighborhood and the citizen's voices. I feel like the ordinance changes putting forward are being done so in almost a spiteful manner. Regardless of what we say at these meetings, it's almost impossible to be heard and it feels like an act of animosity as opposed to democratic leadership that takes us forward from where we are now.
 - m. Barb Dallman. I've asked at several meetings long before the court date to have an explanation about why this went forward to court, what was going on, what were the reasons with AO. I keep asking, but how are we supposed to get information when it isn't discussed?
 - n. Chair Huenink. Because a court case was pending, there's certain things we can and cannot say. It went to court because AO filed a court case petitioning that the Board of Appeals had made errors and made the wrong final judgment. I will discuss this later in the meeting.
- 9. Financial/Treasurer's report:
Motion by Stapel, seconded by Caswell, to approve the August 2025 financial/treasurer's report as presented; the motion carried by unanimous voice vote.
- 10. Approval of vouchers:
Motion by Caswell, seconded by Hamilton, to approve the September 8, 2025 voucher listing as modified during the September 8, 2025 board meeting to add an invoice payment to The Sounder in the amount of \$67.92 and an invoice payment to Adell Cooperative in the amount of \$360.00, and to add per diem payments to Holland Town Board members that reported attendance at one or more eligible meetings since the August 11, 2025 board meeting. The motion carried by unanimous voice vote.
- 11. Accounts receivable:
Nothing to report at this time.
- 12. Plan Commission recommendations:
None.
- 13. Ordinance 2025-Draft(E) to Amend Holland Town Code Chapter 330 – Zoning:
No action taken.
- 14. Ordinance 2025-Draft(F) to Amend Holland Town Code Chapter 252 – Parks and Recreation Areas:
Motion by Stapel, seconded by Hamilton, to adopt Ordinance 2025-05, An Ordinance Amending and Creating Provisions of Chapter 252 of the Code of the Town of Holland, Sheboygan County, Wisconsin, as presented; the motion carried by unanimous roll call vote. Kelly Caswell: Yes; Douglas Hamilton: Yes; David Huenink: Yes; Brody Stapel: Yes.
- 15. School bus accessibility at end of Foster Road:
The Town Board reached consensus that signs should be installed at the north end of Foster Road to prohibit parking from 6:30am to 8:30am and 2:30pm to 4:30pm on school days. The

signs should indicate that parking is prohibited for a school bus turnaround.

16. Potential high-voltage electric transmission lines:

Chair Huenink shared information about American Transmission Company's (ATC) proposed Ozaukee County Distribution Interconnection Project. He attended some informational sessions hosted by ATC and shared maps and details about the project, which is focused on expansion and upgrades of the local electric system that may include building new power lines, rebuilding existing power lines, and construction of new substations; this may involve some land located in the Town of Holland, depending upon the route chosen by the Wisconsin Public Service Commission (WI-PSC). Public comments regarding the proposed project may be submitted to the WI-PSC.

Motion by Stapel, seconded by Caswell, for the Town of Holland to draft a letter and submit it to the WI-PSC explaining the potential impact to the Town of Holland if the yellow (east) route is chosen, and recommending that the blue (west) route is the route to choose; the motion carried by unanimous voice vote.

Supervisor Stapel said that some statistics should be included in the letter and that it will affect two thirds of the dairy farms and over fifty percent of the animals in the Town.

Let these minutes show that if the WI-PSC chooses the blue (west) route as shown on maps produced by ATC, it is understood that the project would not involve land located in the Town of Holland.

17. Town Board Supervisor vacancy and appointment:

No action taken. Potential candidates to fill the Town Board Supervisor vacancy are expected to be interviewed during the Town Board's special meeting on Monday, September 15, 2025 at 6:30pm.

18. Sheboygan County 2026 Intergovernmental Agreement for Sales Tax Revenue-Sharing:

Motion by Stapel, seconded by Hamilton, 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, 2026 and concluding on December 31, 2026, 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.

19. Operator license application form revision:

Motion by Stapel, seconded by Caswell, to approve the operator license application form revision as presented; the motion carried by unanimous voice vote.

20. Ongoing Issues:

- a. Previous request by Brian Bruggink of Brian J and Julie K Bruggink Living Trust for a minor land division and rezonings of parcel 59006060331 on DeMaster Road and parcel 59006063682 on Kappers Road:

No action taken. A letter will be sent to the property owner of 59006060331 to document information discussed at the July 14, 2025 board meeting.

- b. Road right-of-way obstructions on Ebbers Road:
No action taken. A letter will be sent to the property owner of N2056 Ebbers Road to document information discussed at the July 14, 2025 board meeting.
- c. Possible ordinance violation at W3070 Hoitink Road.
No action taken. Chair Huenink has contacted the Town Attorney with regard to this matter.
- d. Signage, barricades, and conduct at walk-in access to Lake Michigan locations.
No action taken. The Sheboygan County surveyor is expected to conduct survey work at the Foster Road, Stokdyk-Ingelse Road, and Van Ess Road Lake Michigan walk-in access easement areas sometime in the future.
- e. Town code update for ordinances pending codification with General Code:
Motion by Caswell, seconded by Stapel, to direct General Code to codify all pending ordinances for the Town of Holland; the motion carried by unanimous voice vote.
- f. Managing short-term rentals and licenses.
A report detailing short-term rental licenses and certain short-term rental activity was provided to the Town Board in the September 8, 2025 board meeting packet. The Town Board directed Janelle Kaiser to send a letter to the property owners of N1099 Cole Road informing them of their requirement to obtain a short-term rental license, based on information observed within the Town's short-term rental licensing software.

21. Committee, Clerk-Treasurer, & Chair Items:

- a. Administration and Finance:
The Town Board will meet to begin drafting the Town's 2026 budget on Monday, September 15, 2025 at 6:30pm. Supervisor Stapel will again contact the Town's insurance agent for 2025-2026 quotes.
- b. Parks and Property:
 - i. Amsterdam Park historical marker:
Motion by Caswell, seconded by Stapel, to approve an expenditure not to exceed \$1,000 for the concrete base for the proposed Village of Amsterdam historical marker at Amsterdam Park; the motion carried by unanimous voice vote.
 - ii. Recycling Center compactor replacement:
Supervisor Hamilton reported that one of the trash compactors, which is approximately thirty years old, has rusted out and is probably beyond repair. As of late, the Town has been managing with its two remaining compactors but is considering options to prepare for instances when one of the compactors needs repair or is full. One solution is to move the existing open top dumpster next to the ramp so there is better visibility of it, as fees are

required for items disposed of in that dumpster that do not fit in the trash compactor. If the trash compactor needs repair or is full, the open top could be used to dispose of trash. If the recycling compactor breaks down or is full, trash and recycling may be co-mingled. Another option would be to place a recycling open top dumpster next to the ramp and not allow that to be used unless the recycling compactor needs repair or is full, but this may be difficult to monitor throughout the day, as the attendant would need to make sure that dumpster is not being used unless it is necessary. In addition, there may be a greater expense for picking up recycling from an open top dumpster. The Town is also looking into performance of recurring maintenance on the compactors.

Supervisor Hamilton reported that Japanese knotweed will be treated throughout the Town during the week of September 8, 2025. The herbicide used for the knotweed is very targeted towards that plant and has done a good job on past treatments. Supervisor Hamilton would like to follow up with the Town Weed Commissioner regarding some private properties where Japanese knotweed has been observed, and where permission to treat the knotweed has not been granted, so that appropriate action can be taken to ensure that the plant is addressed in those areas.

Chair Huenink encouraged property owners to report areas where they have observed Japanese knotweed.

c. Public Safety:

A report detailing contract time provided by the Sheboygan County Sheriff's Department in August 2025 was distributed to the Town Board during the September 8, 2025 meeting. Supervisor Caswell reported that a lot of warnings were issued last month; hopefully this month it will pick up a little bit, but they seem to be busy. Chair Huenink reported that the sheriff's department has been targeting speeding enforcement on County Road D near Knepprath Road.

Supervisor Caswell reported that the Oostburg Fire Partners met on August 14, 2025. The Town's portion of Oostburg Emergency Medical Responders expenses will be included in the 2026 budget and going forward.

i. Oostburg Emergency Medical Responders agreement:

Motion by Stapel, seconded by Caswell, to approve the Oostburg Emergency Medical Responders Agreement By and Between the Village of Oostburg, Town of Holland, and Town of Lima as presented at the September 8, 2025 board meeting, and to authorize Town Chair David Huenink and Town Clerk-Treasurer Janelle Kaiser to sign the agreement; the motion carried by unanimous voice vote.

d. Roads:

i. Utility right-of-way occupancy and excavation permitting process:

No action taken.

e. Onion River Solar Joint Development Agreement (JDA) Committee:

Supervisor Caswell reported that noxious weed control and vegetation management at the Onion River Solar Utility looks decent inside the fence. Supervisor Stapel said he drove around to observe progress and that it seems they have gotten everything done. There was some discussion of whether drones had been flown at the utility.

f. Clerk-Treasurer:

None.

g. Chair:

The Town Board will meet to begin drafting the Town's 2026 budget on Monday, September 15, 2025 at 6:30pm. Town Board committee members should send their budget info to Janelle Kaiser in advance of that meeting. Chair Huenink and Janelle will review budget information prior to the September 15 meeting.

The October Town Board meeting will be held on Wednesday, October 8, 2025. The November Town Board meeting will be held on Wednesday, November 5, 2025, with the public budget hearing held prior to the November board meeting to begin that evening at 6:00pm.

David Otte has been appointed to the Sheboygan County Board to fulfill the remainder of Stanley Lammers' term of office, who represented the Town of Holland and the Village of Cedar Grove on the county level. David Otte previously served on the Village of Cedar Grove board.

22. Status of appeal to circuit court of the Holland Board of Appeals (BOA) decision regarding N2047 Pine Beach Road South:

Chair Huenink reported that American Orthodontics filed an appeal on August 21, 2025. It will probably be at least six months before the appellate court hearing, more likely nine months to one year. Since there will be little to report until the appellate court sets any dates, the Town Board reached consensus that this item will be removed from the agenda until further notice. Future status updates may also be provided during the report of the Town Chair.

23. Public input:

- a. Chair Huenink provided the following comments, in response to questions received from the public during prior meetings:

The circuit court case appealing the Holland Board of Appeals (BOA) decision regarding N2047 Pine Beach Road South has been completed and is now going to appellate court. The case is ongoing, but there are some items we can discuss at this point. Here are responses to some questions that have been asked by the public:

Q: Can other companies do a similar thing on a different property?

A: Currently yes, because the related parts of the Town's zoning ordinance have not been changed. We discussed but did not adopt some related amendments in late 2024 and early 2025 but delayed most things until after the circuit court case ended. We definitely will make some code updates to clarify things, some of which may be to define the use. Last year, we proposed the term hospitality services to define and regulate that activity. I'm not saying we will do this, only that it's a possibility,

because right now it's basically unregulated other than for N2047 Pine Beach Road South and it's still in court. Since defining the use and regulating it is so closely related to what is now at appellate court, we will probably delay such amendments until after the appellate court ruling. Some other clarifications of the zoning ordinance should be adopted sooner that are less directly impactful.

Q: Did the Town join AO in the court case?

A: No, the Town did not join AO. Yes, the Town did file a motion to intervene so that information could be submitted to the judge for consideration. Similarly, the Valenti Trust and Britton Trust also filed motions to intervene, so their opinions could be considered.

Q: Why did the Town Board file to intervene in the circuit court case?

A: We all must follow the law. It's not just the general public; this applies to the Town as well. The Town also believes in upholding its ordinances. The Town prefers not going to court but does not hesitate to do so when our ordinances are challenged or violated. The Town Board's opinion is that the Board of Appeals made errors in determining their conclusion that AO's proposed use did not comply with R-1 zoning. We wanted the court to consider our views and needed to intervene in the case in order for that to occur. The Board of Appeals determined, after combining parts of two different dictionary definitions, that the meaning of residence is the act or fact of living in a given place or abode for some time that is more than temporary. They further determined that three to four days is temporary. Therefore, they reasoned that the proposed use is not a single-family dwelling. The Town's zoning ordinance does not mention any requirement that a structure must be occupied for any length of time to be considered a residence or dwelling. The zoning ordinance defines dwelling "a building designed or used as a residence, but does not include hotels, motels, tents or cabins." The Board of Appeals reasoning was based on imposing a durational requirement that does not exist in the ordinance. This is specifically not allowed by a judicial or quasi-judicial body per Wisconsin case law. If the legislative body that adopted the zoning ordinance wanted to impose a durational requirement, they could have done so.

Q: Did legal costs of the circuit court case cause other Town projects to be delayed?

A: No, it did not cause other town projects to be delayed.

Q: What happens if you exceed the Town budget for legal costs?

A: The Town creates a budget for each year. The budget is an estimate of what we reasonably expect to spend in each budget category. For the most part, we look at the prior year's final numbers, the current year-to-date numbers, and consider any anticipated non-recurring costs. The Town maintains undesignated reserve funds equal to about six months of expenses. When one budget category is over budget, the Town can handle it. The town's biggest expenses year after year are transportation and public safety.

Q: Town costs for circuit court?

A: The Town incurs legal costs for a wide variety of reasons. Some examples include review of proposed ordinances, legal advice for given situations, drafting and sending letters regarding conformance to Town Code, representing the Town for

traffic violations, drafting of legal opinions, assistance in defending the Town for lawsuits brought against the Town, and prosecuting for lawsuits the Town initiates for code violations. We do not track legal costs for a specific event, but total legal costs billed so far in 2025 are about \$65,000. Since the Board of Appeals meetings were held in early and mid-December 2024, most of the legal work performed in 2024 related to the AO situation and the related Board of Appeals application were billed in 2025. Although these expenses occurred in 2024, they hit the Town's 2025 budget. Approximate legal costs for Board of Appeals-related items in 2024 and paid in 2025 were \$32,000. That leaves about \$33,000 for all other legal matters billed in 2025; I estimate legal costs at approximately \$27,000 for circuit court case involvement and \$6,000 for other legal matters year to date. However, some legal billings may not have been received yet.

Q: Will the town file a motion to intervene in the appellate court case?

A: The appellate court case details appear to already have the three interveners listed that were allowed by the circuit court. The Britton Trust, the Valenti Trust, and the Holland Town Board, so the Town Board is already listed in this case. The Town Board would like the appellate court to consider their views, just like in circuit court. I understand the appellate court's review includes all information available to the circuit court. This should include all legal briefs already submitted by the three interveners. The Town Board will probably have a closed session to consult with the Town attorneys and discuss the situation and how to proceed. Until then, it's too early to state what the town will or will not decide.

- b. Larry Britton. I'm glad to hear you're not going to take any action on R-1 single-family zoning ordinances until after the court of appeals matter is done. Wisconsin Supreme Court precedent prohibits you from doing it. The Humble Oil case is one of them. The ordinance that's on appeal cannot be changed until after the court of appeals ruling is done based on the Wisconsin Supreme Court.
I don't think you needed to participate in the circuit court case as the Town. I certainly don't think the Town needs to participate in the de novo review by the court of appeals. It's totally briefed; they're going to look at it and it's just wasting taxpayers money. The Town can defer from doing it.
Larry also questioned the legal expenses presented by Chair Huenink and asked for clarifications. Chair Huenink offered further explanation and clarifications, which Larry agreed to disagree with.
- c. Amy Scott. Do you guys feel that you got your money's worth in your interventions?
- d. Chair Huenink. We needed our views to be heard by the judge. Without intervention, views and opinions are not provided to the court. Same as the Valenti and Britton Trusts; they also intervened in order for their opinions to be heard.
- e. David Valenti. I'm wondering how you can reach the conclusion that another corporate owner could come in and do the same thing that AO did, in light of the circuit court decision, which said that those guests do not constitute a family; what was held is that they're not a household under the current Town ordinances. Per the ruling, a group of professionals who work together or a group of employees who come and stay somewhere for three days can't be defined as a household or a

- family. I'm wondering why you feel that someone else could come in and set up a similar operation and that you would have to allow that.
- f. Chair Huenink. The judge specifically talked about the 9 bedrooms and that no single family has 9 bedrooms. So, I agree that if somebody built another 9 bedroom one, that's too close. I think if they build something smaller, 3 to 5 bedrooms, which is much more common, I don't think that is the same as what she ruled.
 - g. Larry Britton. The decision is broader than that. I was assuming when you said anybody could was pre-circuit court decision, she went into a lot of detail, a lot of basis that would apply to a 2-bedroom or 3-bedroom if it's used as a transient resident, as a guest house.
 - h. David Valenti. I'm just objecting vehemently to your decision. I think under the current case, if Sargento or someone came in and wanted to create some sort of a corporate large or corporate guesthouse, I think you would be required to turn that use down. It really goes to the question of how this got approved in the first place. I think that relates to Diane's whole question about if it impacts the Board of Appeals a little bit, but it really talks about the whole building permit process. I'm not going to get into specifics about the e-mail that Michele Keller on the road sent you in July of 2023, long before the building permit was issued in September of 2023. She wrote a very detailed email that raised issues of parking and you know, private one lane rail road and safety issues. She raised commercial use; she used that word exactly. She also raised the issue of the short-term rental ordinance, but she raised a lot more. What I'm wondering is whether you ever shared that email with the other board members. Did they ever see that? Or did you ever share it with the Plan Commission? It would have seemed that should have gone to the Plan Commission. And the only question that I'm raising is Diane's question about what's the process of when an application comes in that the town looks at the owner, the use the structure, the size of the building, what the use is going to be. And if Tom Huenink only looks at the plans and says, well, this meets the electrical code or the plumbing code or whatever, there seems to be a gap in the process that I think the Town needs to sit down and try to examine and make sure that there's a more robust process in place, so in the future you don't end up in a situation like this because notice is not given to the neighbors, just for granting a standard building permit. And so, yeah, so that's what I'm asking the town board to sort of look into. And I don't think the ordinances have to be changed because I think the circuit court decision protects would prevent what AO did. But I think the whole process, the building permit process has to be examined and strengthened in a situation so this doesn't happen again.
 - i. Diane Meisser. Again, commercial building permits. This is the paragraph that I have referred to dozens of times on the website. It was cut and pasted off of the state and put on to the Town of Holland. A commercial building permit applies to any new structure and I think ordinance-wise it would be so easy to say no property is built for the purpose of. If somebody wants to build a 10,000 square foot house, but they're building it for the purpose of lodging. Let me read on...applies to any new structure, structure use conversion to commercial, or alteration to a commercial structure. Commercial building is one that is used in whole or in part as a place of

- resort, assemblage, lodging, trade, traffic occupancy which we have discussed the terminology of occupancy. Or that the public or employees use or that has three or more. This building was built for employees and their associates, employees and their own families, but it was built by a corporation for corporate use, and to me, this is not confusing. This says any building builds for that purpose essentially, other than a residence where you live, is considered commercial and this should have gone to the state to have a look at before it was approved at the town level and you've changed something so that Tom Huenink is solely responsible unless there's a coordination with Janelle. He is the sole responsible person to say, do I have to question this or not? I think Janelle had an opportunity when she was talking to them about is it temporary or short-term rentals, but I don't know how this was overlooked. It was already on your website and this building was built for that purpose and I think that's an easy way out of future problems. A building cannot be built for the purpose of anything...a residential building cannot be built for the purpose...a residential building cannot be built for anything other than residential purposes. Now short-term rentals. I wasn't around when those things were coming up. I knew there were rentals down on the lake in our neighborhood for 20 years before somebody ruined it for the rest of the people. Then the ordinances came, and the rules and the regulations. To me, this is very clear; this is a property that was built for corporate and employee purposes. End of story really. I think it's black and white. I've brought this paragraph up 100 times. Can you answer how that building with that usage got past this on your own website? That's the question I've had since day one.
- j. Chair Huenink. The paragraph that was copied and pasted from the state brochure included confusing wording. What we were trying to do is help people identify when they needed to go to the state and when they didn't.
 - k. Diane Meisser. So, whose judgment? Because I think that was a judgement error.
 - l. Chair Huenink. The building inspector received plans for a building. He looked at the plans and said this meets the requirements for a single-family residence. We have no restriction on the number of bedrooms you can have in a house.
 - m. David Valenti. The footprint or size are not really the issue. The issue was they knew what the use was. All of your zoning ordinances have permitted uses. It doesn't define number of bedrooms. It's permitted uses and it's one single-family residence. There has to be some tightening up of not just does the building meet the electrical code or it's not over 35 feet in height. Someone needs to ask what's the use of the property and that has to be something that should be considered because the use was clear. Michele Keller laid it out, she gave you the AO destinations website in the e-mail, she pointed out how it was going to be used. That's where something has to be tightened up going forward. This should have probably gone to the Plan Commission or to the Town Board and it didn't, so here we are a year later unfortunately.
 - n. Chair Huenink. Michele Keller's email was provided to the Town Board. We asked the Clerk to inquire about whether it was a short-term rental because we don't have restriction on size or number of bedrooms. There are impervious surface regulations

- and other things that they met. The question was whether they needed a short-term rental license.
- o. Scott Siemon. I've seen permits that have either a requirement that the use be described or attached or check boxes that it's single-family and an attestation that they know they have to follow the rules of the Town in terms of permitted use. There are things that can be kind of added to the permit document that would strengthen the requirement that the person building it understands they have to follow the rules and if there's any kind of odd feature to their use then they have to describe it in detail so that an assessment could be done there. I guess I'm just following up on that. I've seen evidence that other municipalities try to do things to adjudicate whether it is a permitted use or not up front. You obviously don't want somebody to construct a building only to then find out that they can't use it the way they want to use it. That's obviously a bad outcome; it's very important to try to identify conflicts early and resolve them early and when the resolution process doesn't resolve things early, the impacts and the costs of resolving it go up overtime and it's obviously unfortunate.
 - p. Chair Huenink. The Town did modify the building permit application to add a check box for use and that person that's signing is attesting that's what they're going to use it for. As far as following all the laws, whether you sign a statement saying you attest you're going to follow the laws or not, you are liable to follow all the laws, including town, county, state and federal laws.
 - q. Scott Siemon. You're going to meet with some advisor on Ordinance 2025-Draft(E). Larry mentioned at the Plan Commission that a good local appeals process is good for the public interest. It's also good for the town resolving things locally rather than the courts. Resolving it sooner rather than later is a good thing. So, as you approach this issue, rather than looking at it from what's the bare minimum the town has to do here, why don't you look at it from the standpoint of what serves the public and the town as best you possibly can. A good appeals process is comprehensive and transparent. It also allows for the conflicts to go to a resolution process as quickly as possible. It has those elements and features, and I encourage you to look for ways to optimize those 3 elements so that you optimize the local appeals process, because I think it's a good thing.
 - r. Jane Dederling. When you're assigning a use to a building, that's usually done in the design phase before construction. When the permit is pulled, that's after all the design documents are already done, so that use should be identified during some kind of a review process. It feels as though there needs to be some ongoing dialogue with someone who wants to design something relatively unique on the lakefront early in the process, so that then there's a back and forth that happens between the design professional, the client with the intended use, and the Town. That way you can make sure that what they put into drawings and into the permit are exactly what's compatible with all the zoning requirements; it allows you to influence the design when it doesn't cost anybody money to because it's not under construction yet. There might be some other details of the design process that would benefit this entire conversation about how to get what's optimal for everybody. There would be more review to what the drawings are really telling us. If it really was something that

- was so out of the norm, that's when the review process would kick in and then you could ask for modifications before it is so far under construction.
- s. Larry Britton. Going forward, you changed the application and that's a good thing that you've got on there to explain the use. But I think it's got to go beyond the form that says this is what it is. When it jumps out at you that the structure size is the what the AO property is, somebody's got to say we need to look at this further and discuss this. When I put up an outbuilding years ago, I submitted binders to everybody and I got drilled a little bit at the Plan Commission about the use for about fifteen minutes. I think that's got to be done in the future to avoid this. No one really looked at the intent. You looked at short-term. You looked at the size but no one looked at the intended use. I think that would go a long way and have a lot of the people be much happier if that if that gets into place in new procedures.
 - t. Chair Huenink. We still do look at things when property owners come to ask with things they are considering. *Chair Huenink briefly explained some accessory building regulations.* When we get requests for these types of things we ask for more details and help with what they can and can't do. The building inspector also knows that.
 - u. Larry Britton. The same scrutiny needs to be done for a structure of any size.
 - v. Chair Huenink. The Town would need to figure out how to do that without adding full-time staff; we only have a very part-time person doing this now. If it's a normal residence and it meets code setbacks and other requirements, that request doesn't come to the Plan Commission. The building permit application and plans go to the building inspector. If there's something that you're asking for that doesn't meet zoning ordinance without a conditional use permit, it comes to the Plan Commission and it is reviewed and questions are asked. If the use is a permitted use, by definition it can be done without a permit as long as it meets the permitted use.
 - w. Jane Hamilton. On average, how many building permits does the Town of Holland receive in a week or a month?
 - x. Chair Huenink. A good average is probably eight or 10 per month and some of those requests are for multiple permits, such as electrical, plumbing, HVAC, etc. Less during the winter, more during the summer.
 - y. Jane Hamilton. Is this too many for the staff to handle?
 - z. Chair Huenink. I don't think it is necessary for staff to look at each and every permit that comes through. For example, a shed that's 8 feet by 16 feet shed that has no power and no heat. If it meets the setbacks and other requirements, the building inspector reviews that.
 - aa. Diane Meisser. There is no indication from the board that you were even interested in in addressing this going forward. Now we're waiting another year for this appellate court to be completed. You don't want to change anything. You can't change anything. But what are your ideas for changing it? What? What are your ideas? I mean, this was a bad thing. This is terrible. What's been going on here for the last year? What are your ideas about going forward to prevent this kind of thing? To me, it was really an imposition on the neighborhood down there and the lakefront, the resources and the whole nine yards. I don't think you would say no to the next one. I've not heard anything about putting some things in place to keep the

size and scope of it in check. It's not being built for a residence, no matter what you say. I would say the same thing would apply for something being built strictly for the purpose of short-term rentals. The short-term rentals came in because people had cottages; they're not there all year. It makes kind of sense. Well, somebody else can stay there. But now things coming in to be built for these purposes, that's a different ball game; that's no longer private residences. I've not heard in this last year or however long this has been going on of anything that indicates that you would be even interested in preventing this in the future.

At this point in the meeting, there was several minutes of back and forth discussion between members of the Town Board and the public regarding the aforementioned previous proposal to define hospitality services and to regulate that use within the Town's zoning ordinance. There was concern from the public that as previously proposed, the use would be allowed to expand rather than limiting it. The public asked for the process to be reviewed such that there would be grounds to deny someone who wishes to conduct the use that AO has proposed to avoid Board of Appeals or court hearings in the future. There was some discussion of what reasonable instances would be to escalate review of a structure's proposed use. There was also discussion about whether the size or design of the AO house on Pine Beach Road South is a concern and which members of the public are or were concerned about those aspects, versus or as well as focusing solely on the use of that structure.

- bb. Craig Droppers. I would like to commend the board for all the extra time that they have put it into the public input sessions. I think they went over and above for this AO project thing. They heard a lot of legitimate concerns. They also spend a lot of time answering the same questions over and over and over. Thank you for your time. I have been sitting here listening a lot and I think you guys deserve a big hand.

There were some questions from the public about the Town's 2025 Open Book and change of assessment notices as well as the budget meeting. Those questions were answered.

- cc. Dana Mueller. You were talking about permitting and said the amount of permitting and that we have very a part-time person in the position dealing with that.
Chair Huenink explained the part-time status of several Town employees.

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

24. Correspondence:

All relevant correspondence was included in the September board meeting packet, previously sent to Town Board members by email, or provided to the Town Board in person. The Town Board acknowledged receipt of a letter from the property owner at N1135 Cole Road, who expressed concerns about a fireworks permit that was previously approved for

the property at W1841 Cole Road. The property owner requested that the Town Board place a temporary moratorium on all fireworks permits associated with all properties located between Interstate 43 and Lake Michigan due to fire concerns related to dead ash trees. The Town Board acknowledged the property owner's concern and agreed that the Town may contact the chief of the first responding fire department prior to consideration of a fireworks permit approval if time allows.

Let these minutes show that the first responding fire chief and the Sheboygan County Sheriff's Department is already notified of fireworks permit issuances by the Town.

25. Motion to convene in closed session pursuant to §19.85(1)(c), Wis. Stats., for the purpose of reviewing employee compensation for all non-elected employees for 2026:

Motion by Hamilton, seconded by Caswell, to enter into closed session at 9:56pm; the motion carried by unanimous roll call vote. Brody Stapel: Yes; David Huenink: Yes; Douglas Hamilton: Yes; Kelly Caswell: Yes.

26. Reconvene into open session to take action relating to closed session deliberations, if any:

Motion by Hamilton, seconded by Stapel, to reconvene in open session at 10:26pm; the motion carried by unanimous roll call vote. Motion by Caswell, seconded by Stapel, to adopt the Employee Compensation Schedule as revised during the closed session, effective January 1, 2026; the motion carried by unanimous roll call vote.

27. Adjourn:

Motion by Stapel, seconded by Hamilton, to adjourn the meeting at 10:28pm; the motion carried by unanimous voice vote.

Respectfully submitted,
Janelle Kaiser, Clerk-Treasurer
Town of Holland, Sheboygan County, Wisconsin

Let these minutes show that these proceedings do not represent a transcript of comments submitted during the meeting, unless specified by quotation marks.