

The Golden Rule

APRIL 2023



President's Message

GSHBA Members,

Thank you County Materials for sponsoring drinks at Anchor Bay last month. Chris Brooks spoke to the group about the new Plover Area Convention and Visitors Bureau. Pretty exciting things are happening in our area.

April 18th is our Scholarship Banquet at Sky Club. We present scholarships to deserving local students. This meeting is a favorite for many. If you haven't signed up yet, RSVP by April 13th.

The Hammer Down 5K is April 29th. Register on our website, share the Facebook event and invite your friends to join us at Lucke's. Thank you to everyone helping promote the event, volunteering and sponsoring. Let's make it another great Hammer Down this year!

Mark your calendar for the Parade of Homes Live Auction on May 9th. Come to the auction and bid on some unique advertising opportunities for the Parade.

Watch your email for more GSHBA summer events coming up, including the Rafter's Game and the Annual Jeff Nygaard Golf Outing.

Hope to see you on at Sky Club on the 18th,

Bruce Woyak



Bruce Woyak, Central Door Solutions

1430 Contractors Blvd. Plover, WI 54467

T (715) 342-4153 C 715-340-9884

bwoyak@centraldoorsolutions.com

www.centraldoorsolutions.com

CALENDAR *of* EVENTS

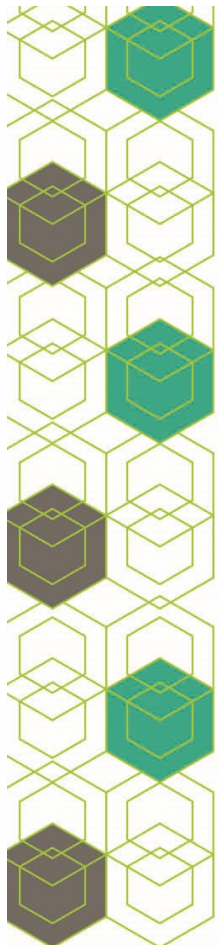
April 18— Scholarship Presentation Dinner

April 29 - Hammer Down 5K at Lucke's

May 9—Parade Auction and Board of Director/Officer Elections

June 15 — Rafter's Game in Wisconsin Rapids

July 21 - Jeff Nygaard Golf Outing - Glacier Woods in Iola



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End of the year all of the referrers will be in a grand prize drawing for \$1,000.



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Your invited to attend the Annual
Golden Sands Home Buildings Association

Scholarship Banquet

April 18, 2023 at



2202 Post Road Plover, WI

Cocktails at 6:00pm

Dinner at 7:00pm

*Pulled Pork and Baked Chicken with garlic red mashed potatoes, vegetables,
stuffing, gravy, tossed salad and assorted rolls*

Scholarship Presentations following Dinner.

One Free dinner per member and \$20 each additional guest

RSVP by April 13th



Saturday April 29, 2023

At Lucke's

3252 Mecca Dr. Plover

Event Schedule

- **9:00 am Registration/Check In**
- **Early Check In /Registration Available on April 28th from 4-6 pm at Lucke's**
- **10:00 am 5kish Run, 5 Kegger**

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Something for Everyone! Run, Walk or Hustle from your Car to the Bar and show your support by wearing your "I Paid NOT to Run" Participant Shirt.

Register online at www.gshba.org

Pre Registration Cost:

18+ = \$35. 12-17 = \$20.
5-11 = \$15. Under 5 is FREE.
Race Day Registration is \$5 more to each entry fee.

Pre Registered by April 9th to guarantee a Long Sleeve Shirt, Token for a Free Beer/Beverage and a Swag Bag with goodies. Race Day Registration shirts & bags will only be



Rafters Baseball Game

June 15, 2023

Game at 6:35pm

\$36 per Ticket

GSHBA reserved the Rat Trap, the elevated party deck along the 3rd baseline. The area will open when the gates, which is an hour before the game, and will have a food buffet with ballpark food that is filled until the 5th inning. Open bar with beer, cidars, seltzers and sodas until the 7th inning.

Seats are limited RSVP today!



**SAVE
THE
DATE**

July 21, 2023

Jeff Nygaard Golf Outing

More details to follow.



LOOKING FOR A WINDOW PARTNER? I CAN HELP!

Hi, I'm Brian Jeske. I am a 25 year veteran of Pella Windows and Doors of Wisconsin. My wife and I relocated from the greater Milwaukee area. I am a 5 time Pella Corporation presidents club winner. I work with residential builders, remodelers, architects, and homeowners to help select the right windows and doors for their projects. I take pride in my customer service, detail and accuracy. How can I help you with your project?

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**WISCONSIN
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Advocacy Digest | March 21, 2023

Brad Boycks, Executive Director

Reforms to TRANS 233 out for authors soon

Reforming the DOT rule regarding subdivision that abut a state highway (TRANS 233) is a provision on our advocacy agenda and an issue that we have been working on for a number of years. We have secured two authors for the bill, State Senator and Chair of the Senate Transportation Committee Cory Tomzcyk (R-Mosinee) and State Representative Dave Murphy (R-Greenville).

The major provisions in the bill draft are:

Setback Reduction: The Proposed Legislation modifies the setback area from 100 feet to 50 feet. The 50-foot setback is more reasonable than 100 feet to protect property owners' interests in free use of property. WisDOT still maintains the ability to condemn additional property if needed for future transportation needs.

Definition of "Structure" in Setback Area: The Proposed Legislation clarifies that a "structure" matches a common understanding: items that are "portable," i.e., movable. Examples include swing sets and bike paths. Non-movable items are prohibited in the setback area unless a variance is granted. The amended definition allows WisDOT to focus on safety of keeping a setback area free of non-movable objects, yet allows WisDOT to use its future planning tools to make decisions in order to avoid absurd results. The Proposed Legislation also recognizes WisDOT's obligation and privilege to determine what structures may create an "adverse affect" on public safety or a structure that will create adverse.

Using "Substantial Evidence" for Decisions: The Proposed Legislation requires WisDOT to make decisions based on "substantial evidence." This requirement allows WisDOT to focus on public safety based on data, reports and scientific standards, and future transportation plans, but reduces decisions based on opinions of what should be allowed in a setback area without any data to support that decision.

Variance Process. The Proposed Legislation sets forth a specific statutory variance process (the "Variance Process") to correct the confusion created by the various court cases and conflicting Wisconsin Administrative Rules. The Variance Process accomplishes the following:

WisDOT may still utilize its future plans, applicable data, and planning tools when considering a variance request.

By requiring "substantial evidence" to justify its decision, WisDOT will focus on actual plans and data to justify its decision, not just personal opinions.

The Variance Process allows for statewide policy standards, yet allows WisDOT flexibility in unique circumstances in which it makes sense to allow a structure within the setback area. The language presents a statutory solution for avoiding absurd results.

WisDOT's future plans and facility improvements are a priority in determining whether to grant a variance. WisDOT may require a property owner to waive future compensation for removal of the property within the setback area if WisDOT needs the area for its transportation facilities. This accomplishes the use of one's property while still protecting the public and taxpayers for future transportation facilities or required improvements.

Sets forth a review process, which is key because denial of a variance raises questions of due process in light of the loss of use of one's property without compensation.

The focus remains on public safety as the top priority. WisDOT may deny a variance if the use described in an owner's variance application poses a danger to public safety.

Correction of Public-Facing Information: The Proposed Legislation directs WisDOT to correct the errors currently set forth in its policies and website. While this type of information is not usually included in legislation, WisDOT's failure to fix the inaccurate and confusing information that it stated as current policy.

Once this bill is circulated by the bill authors for co-sponsors we will likely reach out to members via the VoterVoice system so you can contact your member of the state assembly and state senate and ask them to co-author the bill.

FROM NAHB: Biden WOTUS Rule in Effect in 48 States

The Biden administration's new "waters of the United States" (WOTUS) rule is in effect in 48 states across the nation, but the rule could be short-lived because the Supreme Court's upcoming ruling under *Sackett v. EPA* is squarely focused on the legality of the significant nexus test, which is a critical part of the final rule. The verdict could come anytime within the next few weeks.

Meanwhile, a Texas federal court has blocked the Biden WOTUS rule from taking effect in Texas and Idaho, and specifically cited serious concerns regarding the significant nexus text. NAHB and other groups had sought a nationwide injunction, but the judge in the case ruled that it would only apply to those two states.

There are also two other cases in Kentucky and North Dakota where states and businesses are challenging the rule. NAHB participated in the Texas lawsuit and has sought to intervene in North Dakota.

In practice, the significant nexus test has proven extremely difficult to apply consistently in the field, leaving developers and builders unable to discern for themselves which isolated wetlands, ephemeral streams or even human-made drainage features, like roadside ditches, are federally jurisdictional under the Clean Water Act.

The new WOTUS rule radically extends the areas in which home builders are required to get federal permits. This will result in continued regulatory barriers to affordable housing as single-family and multifamily developers struggle to find the developable land necessary to produce the new affordable housing units this nation desperately needs.

As of now, if a developer or builder approaches the U.S. Army Corps of Engineers seeking a jurisdictional determination or a federal wetlands permit, the now-effective final rule applies nationwide except for Texas and Idaho. If the same developer or builder had an approved jurisdictional determination under the prior Trump WOTUS rule but now wants to proceed and get a federal wetlands permit, they would have to move forward under the new Biden WOTUS rule.

On the legislative front, NAHB worked aggressively to get a bipartisan House resolution passed recently that would rescind the Biden WOTUS rule. A Senate vote on the same resolution is expected within the next week or two. If the Senate resolution is approved, NAHB will urge Biden to sign the measure into law. However, the president is expected to veto the measure if it reaches his desk.

NAHB will keep fighting on the legislative and legal fronts and continue to call on the president to heed the will of the people by signing this resolution into law if it passes the Senate and directing his administration to craft a new WOTUS rule that restores common sense and predictability to the federal wetlands permitting process while maintaining environmental protection of our nation's waterways.

BUILDER MEMBERS

ABILITY BUILDERS, INC

CAMALIERI, MARK & KAREN
6559 COUNTY RD. A AMHERST, WI 54406
www.abilitybuildersinc.com
Email: ABILITY@WI-NET.COM Phone: (715) 824-3988

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BERGMAN, KURT
1700 MANOR DRIVE STEVENS POINT, WI 54481 www.bergmanbuilders.com
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MELISSA ELLINGSON
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www.blenkerco.com Email: melissa.ellingson@blenkerco.com
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W. MUCH CONSTRUCTION

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N 3384 ALM LANE WAUPACA, WI 54981
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ASSOCIATE MEMBERS

Accounting & Tax

SALES TAX ADVISORY NETWORK, LLC

HOLLY HOFFMAN
205 WILSON ST. AMHERST, WI 54406
Email: holly@salestaxlady.com Phone (715) 498-4164 www.salestaxlady.com

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DONOVAN, STACEY
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Email: judah@alchemyconcrete.com

Phone (715) 824-3010

COUNTY MATERIALS CORP.

KIZEWSKI, MARTY

2000 PATCH STREET, P.O. Box 367 STEVENS POINT, WI 54481

www.countymaterials.com Email: marty.kizewski@countymaterials.com

Phone (715) 341-0991 Fax (715) 341-3765

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30 WILSON AVE, ROTHSCHILD, WI 54474

Phone: 715-252-3801 Email: ddmasonry7@gmail.com

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554 BRILOWSKI ROAD STEVENS POINT, WI 54482

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3336 LINDBERGH AVE STEVENS POINT, WI 54481-5447

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3737 MINNESTOA AVE STEVENS POINT, WI 54481

(715) 344-4970 Email: feltzlbr@sbcglobal.net**STONE INNOVATIONS, INC.**

LANSING, DAVE & MATT 3611 POST ROAD PLOVER, WI 54467

www.stoneinnovations.net Email: stoneinn@stoneinnovations.net

Phone (715) 345-1601 Fax (715) 345-1602

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WELLING, ARIEL

3701 PATCH STREET STEVENS POINT, WI 54481 www.wellingkbf.comEmail: bjwelling@wellingkitchens.com

Phone (715) 344-2688 Fax (715) 344-2689

WOODSTOCK HARDWOOD FLOORING & DESIGN CENTER

KERSTEN, PHILIP

360 US HIGHWAY 45 BIRNAMWOOD, WI 54414

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WOOD STREET RENTAL

WIESMAN, JEFF

2240 WOOD STREET, STEVENS POINT, WI 54481

Phone: 715-342-9099 www.woodstreetrental.com Email: jrwiesman@gmail.com

R.H. LIQUIDATION

HOFFERBER, RYAN N2598 HWY 22, WAUPACA, WI 54981

Phone: 715-258-8886 Email: ryan@rhliquidators.net

MEMBERS' ADVANTAGE CREDIT UNION

MELISSA KARA

1610 LINCOLN STREET PO BOX 1208 WISCONSIN RAPIDS, WI 54495

Phone: (715) 421-7702 Email: melissak@membersadvantagecu.com

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www.ibamherst.com Email: butch@ibamherst.com

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Email: jennifer@portagecountybank.com

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Phone (715) 344-6340 Fax (715) 344-4254

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PRO SEAMLESS OF WISCONSIN

TRZEBIATOWSKI, TONY

2010 26TH ST. N., WISCONSIN RAPIDS, WI 54494

Phone (715) 423-5616 Email: tony@pro-seamless.com; brodie@pro-seamless.com

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421 LORRY ST. AMHERST, WI 54406

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Email: office@pointheating.com Phone (715) 345-1979 Fax (715) 345-2199

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5474 HIGHWAY 10E, SUITE 2 STEVENS POINT, WI 54482

www.community-insurance.com Email: melissa@community-insurance.com Phone (715) 344-2222

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www.compassinsurance.net Email: mikhail.salienko@compassinsurance.net

Phone (715) 544-1586 Fax (715) 544-1587

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GLAVIN, RUSS

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Phone: 608-565-7800 Email: info@glavinsured.com

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www.aflac.com Email: brad_debot@us.aflac.com Phone (715) 343-2482 Fax (501) 694-5538

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JENNIFER ZINDA MANCL, STACY ZIMMERMANN

3205 POST ROAD PLOVER, WI 54467

PHONE: Office (715) 341-5808 Cell (715) 340-3879

Email: jzinda@ruralins.com szimmermann@ruralins.com

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2825 POST RD. STEVENS POINT, WI 54481
Phone (715) 315-3944 Email: afelckowski@ticinsurance.com

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VANDERHEI, GARY
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www.tricorinsurance.com Email: Gvanderhei@tricorinsurance.com
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www.designers2.net Email: brad@designers2.net
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FISHER, SCOTT

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345 MOORE ROAD PLOVER, WI 54467

Email: gthumb@charter.net Phone (715) 342-1700 Fax (715) 342-8099

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www.golandscapingllc.com Email: aaron@pointlogs.com Phone (715) 340-9884

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Phone: (608) 418-8204 Email: ekarsten@allamericancoop.com

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WOYAK, BRUCE

1400 INTEGRITY PARKWAY PLOVER, WI 54467

Email: bwoyak@centraldoorsolutions.com Phone (715) 342-4153 Fax (715) 342-1499

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NEWBY, CRAIG & BRENDA

124 MAIN STREET, P.O. BOX 25 ALMOND, WI 54909

Email: premierdoors4u@gmail.com Phone (715) 366-8860 www.premierdoorswi.com

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6193 COUNTY HWY Y HAZELHURST, WI 54531 Email: twjontulliberg@yahoo.com Phone (715) 366-7089

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EXCEL PLUMBING INC.

KERCHEFSKI, SCOTT

225 KRAMER AVE JUNCTION CITY, WI 54443 Email: info@excelplumbinginc.net Phone (715) 343-5882

FERGUSON ENTERPRISES, INC.

PEOTTER, TED

2425 NORTH 14TH AVE. WAUSAU, WI 544011892

Email: Ted.Peotter@Ferguson.com Phone (715) 675-3384

JG PLUMBING AND HEATING LLC

421 LORRY ST. AMHERST, WI 54406

Phone (715) 340-1720 Email: jgplumbingheating@gmail.com www.jgplumbingonline.com

RICHARD'S PLUMBING, HEATING & AC, LLC

WOJTALEWICZ, CORY

1520 DUBAY AVE, STEVENS POINT WI, 54482

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2200 POST RD PLOVER, WI 54467

EMAIL: skyclubsupperclub@gmail.com PHONE (715) 341-4000**WHITETAIL LANES**

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4125 LAKE EMILY ROAD AMHERST, WI 54406

www.steelroofingwi.com Email: coyotesteelroofs@wi-net.com Phone (715) 498-7811

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PO BOX 559 STEVENS POINT, WI 54482

www.acuantia.com Email: sfielder@acuantia.com Phone (715) 252-9285

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DURALUM BUILDING CENTER

LARSON, CAREY

3250 MECCA DRIVE. PLOVER, WI 54467

www.DuralumBuildingCenter.com Phone (715) 344-7363 Fax (715) 344-7464

PRO SEAMLESS OF WISCONSIN

TRZEBIATOWSKI, TONY

2010 26TH ST. N., WISCONSIN RAPIDS, WI 54494

Phone (715) 423-5616 Email: tony@pro-seamless.com; brodie@pro-seamless.com

Snow Removal

POINT MASONRY LLC

BACHER, JASON

3336 LINDBERGH AVE STEVENS POINT, WI 54481-5447

PHONE: (715) 344-8104 EMAIL: pointmasonry.jbacher@gmail.com

Solar Energy

NORTH WIND RENEWABLE ENERGY CORP

ROB PECK

1626 W PEARL ST STEVENS POINT, WI 54481

Phone (715) 630-6451 Fax (715) 952-4501 Email: rob@northwindre.com

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2926 POST ROAD PLOVER, WI 54467 PHONE: 715-342-4500

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www.maherwater.com Email: dani@maherwater.com sam@maherwater.com

Phone (715) 344-2900 Fax (715) 344-3047

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(715) 344-4970 Email: feltzlbr@sbcglobal.net

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EMAIL brodie@htglassmirror.com PHONE (715) 252-2494

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BRIAN JESKE

500 PILGRIM WAY, GREEN BAY, WI 54304

Email: bjeske@pellawi.com www.pellawi.com Phone (715) 496-4320

PRO SEAMLESS OF WISCONSIN

TRZEBIATOWSKI, TONY

2010 26TH ST. N., WISCONSIN RAPIDS, WI 54494

Phone (715) 423-5616 Email: tony@pro-seamless.com brodie@pro-seamless.com

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