

The Cutting Edge



Volume 14, Issue 3

April 2023

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CALENDAR OF EVENTS:

- May 10 MSHBA BOD Meeting Optimist Chalet, NH
5:30 pm BOD Meeting
- May 10 Spring Bust-up Cookout Optimist Chalet, New Holstein

PRESIDENT'S MESSAGE

By Kevin Schmitz, K & J Construction and Design, LLC

Hello fellow members,
First, I would like to Thank everyone who attended **Shop Talk 2023**. This was probably one of the longest meetings I have been in except for a budget meeting. There was a lot of really good information on Solar [Endries Solar], Building codes [Brian Witkowski], and Material concerns and lead times [Doug Schoen]. If you ever wondered what our association does for you, you should have been there. The question-and-

answer session went on for a very long time and was very informative.

We are again offering a \$500 scholarship to a graduating high school student from our area. High school students can access the application through their guidance department. There is also a lot of High School students on the CESA 6 apprenticeship program site looking for mentors and job opportunities. If you do not know how to access this, you can either contact our executive

officer or contact Dawn Grenzer at 920-236-0882.

Our next meeting will be our cookout and summer bust out meeting in New Holstein at the Optimist Chalet on May 10. Brats, burgers, and refreshments will be provided. Bring a guest and a dish to pass. Jason Vanderkin from Drexel Building Supply will be our speaker.

This will be our last general membership meeting until fall. We would love to see some new faces.

Kevin

Mid-Shores Home Builders Association, Inc.

Invites you to Join us for our last GMM until Fall

Spring Bust-up Cookout

All Members & Guests Welcome

May 10 at the Optimist Chalet

2200 Mason Street, New Holstein

- 5:30 p.m. Board of Director's Meeting
- 6:00 p.m. Join us for Cocktails
- 6:30 p.m. Cookout & General Membership Meeting
- Guest Speaker: Jason Vanderkin, Drexel Building Supply

Brats, hamburgers & refreshments are compliments of MSHBA

Please bring a dish to pass!





MSHBA Membership



2023 MSHBA OFFICERS

President: Kevin Schmitz
K & J Construction and Design LLC
920-849-8811

President-Elect: Matt Lefebber
Wrightway Home Improvements
920-923-0721

Treasurer: Julie Schmitz
K & J Construction and Design LLC
920-849-8811

Secretary: Denise Bangart
Envoy Mortgage
920-522-4345

Past-President: Ted Birschbach
Birschbach Builders LLC
920-238-9253

2023 DIRECTORS

Tommy Heiberger
Christel & Heiberger Builders, Inc.
920-898-2820

Jerry Mallmann
Chilton Furniture
920-849-9023

Dave Amel
Premier Properties Realty, LLC
920-980-4477

Gail Forster
Precision Floors & Decor
920-400-1123

WBA Directors
Dan Schneider

NAHB Delegate
Kevin Schmitz

NAHB Alternate Delegate
Tommy Heiberger



PO Box 125
New Holstein, WI 53061
www.midshoreshomebuilders.com

Executive Officer Tena Hartwig
2104 Mary Ave.
New Holstein, WI 53061
Phone (920) 898-5030
hartwigs1@charter.net

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Kraus Construction Inc.
Meyer Plumbing LLC
Pella Windows & Doors of WI
Precision Floors & Décor
Roffers Concrete Construction Inc.
State Bank of Chilton

Mid-Shores HBA offers a 3-Pay Dues Payment Program...

MSHBA offers an option to pay your dues in three consecutive monthly payments of \$150.00. Your membership will take into effect on your final payment. A 3-Pay Dues payment contract will be included with your renewal statement.

Mid-Shores HBA & WBA Scholarship Opportunities

Mid-Shores Home Builders Association, Inc. (MSHBA) would like to invite graduating students to apply for our annual MSHBA scholarship award. We will again be offering a \$500 scholarship to area high school students in the Calumet area continuing their education in the trades. Contact Tena or your high school guidance department for an application.

The deadline to enter is April 28.

In addition, the WBA is offering education scholarships. Applications and program information can be found at www.wisbuild.org/wb-foundation.

MSHBA Earns \$500 in 2022 Membership Drive!

MSHBA is proud to announce that we received \$500 from NAHB's 2022 Membership Drive. We had a net growth of 2 members during the drive period. Congratulations and thank you for your commitment in ensuring a strong and engaged membership!!! Contact me for a membership application to recruit a new member.

Wisconsin Builders Foundation Launches New, 4-Credit Continuing Education Course for Dwelling Contractor Qualifiers

In partnership with On3 Field Learning, the Wisconsin Builders Foundation has launched a newly created 4-credit online course that will satisfy the new continuing education requirements for Dwelling Contractor Qualifiers. Due to a recent law change, anyone renewing their DCQ credential will be required four of the 12 required credits in subject matter that includes construction laws and codes and contracts, liability, and risk management.

To register for the course, members or non-members can simply click the red "Register" button below. Members of record can access this course free of charge by entering the promo code provided on [this page](#) at checkout; note: WBA member login will be required to access this page. The course is available to non-members for \$55.00. Your DCQ number will also be required at the time of registration.

Directions:

1. Click the Red Register Button Below
2. Complete the required information and payment on checkout page (reminder to members of record to enter the **promo code** for free registration)
3. You will receive a confirmation that you have been registered. At this time, please watch your inbox - and spam folder - for an email from On3. Note: it may take up to 48 hours if registering on the weekend.
4. Follow the instructions in the email and complete the online learning (from smart phone, tablet, web browser, etc.) with 30 days
5. After you have passed the course with a 70%, WBF will receive confirmation of your exam from On3 and will submit your credits to DSPS!


REGISTER

2023 MEMBER SAVINGS PROGRAM | AT A GLANCE

nahb.org/savings



AUTO

	COMPANY	SAVINGS	PRODUCTS	INFO
	Goodyear	Members must log into NAHB.org to save 15% on Goodyear Tires	Goodyear Tires & Services	nahb.org/goodyear
	NISSAN	Save between \$2,500 - \$8,150 per vehicle. Must be purchased in member's company name. NOT stackable with most national offers. Member's company eligible.	Nissan	nahb.org/nissan

BUILDING MATERIALS

	COMPANY	SAVINGS	PRODUCTS	INFO
	LOWE'S	5% off* in store, plus 2% statement credit with Commercial Account (LCA) or Lowe's Business Advantage (LBA). 5-10% off online orders using any payment method	Building Materials	lowes.com/nahb 877-435-2440





FUEL

	COMPANY	SAVINGS	PRODUCTS	INFO
	VOYAGER	Save on Fuel with Voyager card for Business. Savings anywhere Mastercard is accepted.	Fuel Savings and Fleet Management	usbank.com/splash/corporate-payments/transportation/nahb.html

WIRELESS

	COMPANY	SAVINGS	PRODUCTS	INFO
	T-MOBILE	Savings of at least 10%	Cell Phones, Internet, Plans, & More	www.nahb.org/t-mobile

TRAVEL & ENTERTAINMENT

	COMPANY	SAVINGS	PRODUCTS	INFO
	AVIS	Save up to 30% off Avis PAY NOW rates when making a reservation with Avis Worldwide Discount (AWD) number G572900.	Rental Cars	avis.com/nahb 800-331-1212 AWD #G572900
	BUDGET	Save up to 35% off Budget PAY NOW rates when making a reservation using Budget Customer Discount (BCD) number Z536900.	Rental Cars	budget.com/nahb 800-283-4387 BCD #Z536900
	HOTELPLANNER	NAHB members can save up to 65% on hotel room rates at over 800,000 properties worldwide in more than 250 countries.	Hotels	nahb.hotelplanner.com 1-800-497-2175
	MEMBER DEALS	Up to 50% off.	Theme Parks, Movie Tickets, Concerts, Water Parks, Gift Cards	memberdeals.com/nahb/?login=1 (877) 579-1201

NAHB Members Saved
over **\$40,000,000** last year

2023 MEMBER SAVINGS PROGRAM | AT A GLANCE

nahb.org/savings



BUSINESS MANAGEMENT

COMPANY	SAVINGS	PRODUCTS	INFO
DELL	Up to 40% off Dell computers, servers, electronics & accessories.	Computers & Hardware	dell.com/nahb 1-800-757-8442
HOUZZ	25% Off Houzz Pro, free help with best practices, 10% trade discount on Houzz Shop purchases.	Marketing Solutions, Building Products	houzz.com/for-pros/nahb-discounts (888) 225-3051
ODP BUSINESS SOLUTIONS	Up to 75% off online regular prices on their Best Value List of preferred products. Plus, free shipping over \$50.	Office Supplies	officediscounts.org/nahb 855-337-6811 x2897
UPS SHIPPING	Flat-rate pricing, 50% discount for next day shipping, 30% for ground commercial/residential.	Business Shipping	1800members.com/nahb 1-800-MEMBERS
YRC FREIGHT	At least 75% off Less Than Truckload (LTL) shipping over 150lbs.	Freight Shipping	1800members.com/nahb 1-800-MEMBERS
RINGCENTRAL	Save 15% off monthly on a new RingCentral Office service. Receive \$50 off the list price on any RingCentral phone. Current NAHB RingCentral users are eligible for discounts by calling and re-signing a 24 month agreement.	Message, Video, Phone	ringcentral.com/nahb (800) 417 0930
HEARTLAND	Reduced fees and elevated customer service for NAHB members	Payment & POS Solutions	go.heartlandpaymentsystems.com/nahb 800-613-0148
CONSTRUCTIONJOBS.COM	20% discount on standard rates.	Job Postings	NAHB Career Center Portal 828-251-1344

INSURANCE

COMPANY	SAVINGS	PRODUCTS	INFO
FARMERS INSURANCE	Choose an insurance plan that fits you and save at least 10%	Personal & Business Insurance Needs	Coming Soon

NAHB ASSOCIATION DISCOUNTS

COMPANY	SAVINGS	PRODUCTS	INFO
NAHB INTERNATIONAL BUILDERS' SHOW®	Up to \$200 off show registration. Up to \$3.75 per sq. ft. off exhibit space.	Trade Show	buildersshow.com
NAHB CONTRACTS	Up to 30% off contract rates.	Legal	nahb.org/nahbcontracts
HOUSINGECONOMICS	\$100 off annual subscription.	Economic & Housing Data	housingeconomics.com
BUILDERBOOKS	10% off books. Up to 45% off research.	Books	builderbooks.com
ONLINE EDUCATION	Up to 30% off webinars; Up to 50% off online courses.	Education	nahb.org/education

Discounts are of 2/8/23 & subject to change at any time. Visit nahb.org/savings for latest deals & limited time offers.

**Kwik
TRIP**

Hey, WBA!


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Subject to credit approval. Some in-store exclusions apply. Kwik Trip Business Plus MasterCard is issued by Regions Bank, pursuant to a license by MasterCard Int'l Inc. MasterCard is a registered trademark of MasterCard Int'l Inc.



Questions? Contact Brayton Duin
 608-793-4708 or bduin@kwiktrip.com


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 Tomczyk (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 proper-

ty 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.

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Happy Anniversary

Advanced Custom Geothermal - 16 years

Atkins Building Group - 1 year

Birschbach Builders LLC - 10 years

Envoy Mortgage - 2 years

Great Midwest Bank - 17 years

Green Hammer Construction LLC - 1 year

Meggers Plumbing LLC - 10 years

Valley Cabinets Inc. - 12 years

Vande Hey Automotive Group - 8 years

Wrightway Home Improvements - 6 years

Zander Press Inc. - 16 years

Mid-Shores
Home Builders
Association, Inc.

Happy Anniversary

Alpine Insulation Co., LLC - Charter Member of 25 years!

Interior Woodworking LLC - 16 years

Jannette Trucking & Excavating Inc - 24 years

Kraus Construction Inc. - 14 years

Meyer Plumbing LLC - 18 years

Pella Windows & Doors of WI - Charter

Member of 25 years!

Precision Floors & Décor - 1 year

Roffers Concrete Construction Inc. - 18 years

State Bank of Chilton - 22 years

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