

Town of Holland
Town Board Meeting Minutes
Sheboygan County, WI
November 13, 2006

The regular meeting of the Town of Holland Board was called to order by Chairman Don Becker at 7:25 P.M. immediately following the Special Electors Meeting. The Clerk certified that the requirements of the Wisconsin Open Meetings Law had been met.

Roll call showed Ken Becker, Matt Sproehlich, Don Becker, Stan Lammers, Martin Elmer, Treasurer Craig Droppers, Clerk Sharon Claerbaut, and Deputy Clerk Allan Claerbaut present. It was also noted that Amanda Huibregtse was in attendance as part of her High School Civics Class.

Motion by Martin, seconded by Stan, to adopt the Agenda as the official order of business. Motion carried.

Minutes of the October 9, 2006 Board Meeting were posted on the web site and therefore were not read aloud. Motion by Stan, seconded by Ken, to approve minutes as presented. Motion carried.

Record retention: Record retention is up-to-date.

Public Input: None

Financial/Treasurer's Reports: Reports were presented by Craig Droppers. Motion by Ken, seconded by Stan, to approve the Financial Reports as presented. Motion carried.

Approval of Vouchers: There were a number of additions to the voucher list including Rural Insurance-\$6,789.00, Verizon (Fax)-\$30.94, State of Wis. (Assessing manufacturing property)- \$18.33, Cedar Grove Fire Dept.-\$20,000.00, and Adell First Responders-\$625.00. Motion by Stan, seconded by Martin, to approve the voucher list with additions. Motion carried.

Accounts Receivable: One fire call has been paid by the State. The other one has been billed a second time. Our Lady of the Lakes Catholic Church has paid their bill. There are three new bills to Claerview Shores, Cole Road, and Village of Oostburg – all for mowing roadsides.

Discuss/act on Amsterdam Park –possibility of Ordinances revision regarding launching of boats as it relates to a special event in the area: Tabled until next month.

Discuss/act on speed limit on Wittwood Drive and other roads: There was no formal request or representative present. Item was dropped.

Discuss/act on overpaid taxes: Motion by Martin, seconded by Ken that since the Board for the Town of Holland requested its attorney, Gerry Antoine, to review the property tax appeals by certain residents of the Town of Holland at its regular Town Board meeting in September 2006 with respect to what state law will allow in such matters, and

Since, after review of state statutes and appellate court decisions, and after discussions with Mike Grotta of Grotta Appraisals, the Town's assessor, and Kenneth Struck of the Wisconsin Department of Revenue, Mr. Antoine determined only three sections of state statutes address the matter or reimbursement of property taxes, and

Since Mr. Antoine identified specific reasons why the cases brought to the attention of the Town Board do not fall within any of the three sections of state law (s. 74.33, s. 74.35, and s. 74.37), and

Since Mr. Antoine concluded "...that the Town of Holland has no statutory or other legal basis for refunding real estate taxes to the four property owners..." And,

Since Mr. Antoine admonishes that “The Town Board cannot simply decide to refund taxes to the property owners regardless of compliance with the statutory requirements . . ., since to do so would violate the public purpose doctrine.” Now,

It is moved that the Town Board for the Town of Holland take no further action related to the property tax appeals heard at its September 2006 Board meeting.” Motion carried. A copy of Attorney Antione’s correspondence of this matter is attached to these minutes.

Long Range Plan was discussed.

Discuss/act on Elizabeth Maul situation at cemetery. More information is needed. Tabled until next month.

Discuss/act on bee situation: This is considered a safety hazard., but the bees in question are owned by a commercial operator and have been taken to Florida for the winter. The Board will wait until next year to see if they are returned.

Discuss/act on internet access for Sydney Rader: Motion by Stan, seconded by Martin, to go with Time Warner for this internet service. Motion carried.

Discuss/act on Plan Commission member terms: Motion by Stan, seconded by Martin, to accept the provided Document 11-13-06 which lists the Plan Commission members and the two alternates along with their terms as the official Plan Commission listing. Motion carried. This document will be attached to these minutes.

Discuss/act on new printer/copy machine for clerk’s office: Don suggested that the Board hold off with this item, because new machines will soon be on the market that will better address these needs.

Plan Commission Recommendations:

- A. Ordinance regarding rezoning property within the Town of Holland and modify the Zoning Map. Plan Commission recommends the adoption of the language changes. Motion by Ken, seconded by Matt, to adopt Ordinance number 5-2006 –“Ordinance Amending the Zoning Ordinance for the Town of Holland, Sheboygan County, Wisconsin”. Motion carried by unanimous vote. Motion by Matt, seconded by Stan, to adopt ordinance number 6-2006-“Ordinance Rezoning Property within the Town of Holland, Sheboygan County, Wisconsin”. Motion carried by unanimous vote. Copies of these ordinances will be attached to these minutes.
- B. Request from Grant and Karen H. Ringlein to partition their A-2 parcel into two parcels and to change the zoning on one of the resulting parcel from A-2 to A-5. The Ringleins would partition their 17.19 acre parcel into two parcels of 10 and 7.19 acres. The 10 acre parcel would remain A-2 while the 7.19 acre parcel would become A-5. Plan Commission recommends approval of the zoning change provided the required language is added to the CSM regarding 10 year moratorium of further subdivision. Motion by Stan, seconded by Matt, to concur with Plan Commission and grant division and zoning change (the required language has been added to the CSM). Motion carried.
- C. Request by TerMaat family for changes of zoning on four contiguous parcels to A-5. Three of the parcels are presently zoned A-1. The forth, one-acre parcel is presently zoned R-1. Plan Commission recommends approval of the three A-1 parcels part of the petition, but has tabled the rest of the request. Motion by Matt, seconded by Ken to approve the part of the request of the three parcels currently zoned A-1 to A-5. Motion carried.

Review Nyhof Custom Gutter & Aluminum Inc. snow removal bid: Motion by Stan, seconded by Martin, to approve the bid. Motion carried.

Adopt the final tax levy and the 2007 Budget: Motion by Ken, seconded by Stan, to adopt the final tax levy

for 2007 of \$560,365, and to approve the 2007 Budget as presented. Motion carried by unanimous vote. A copy of the 2007 Budget will be attached to these minutes.

Clerk's report: Sharon suggested having someone read over previous minutes to be sure that carried motions have been enacted. One example is the motion to charge 1.5% interest per month on any unpaid personal property tax.

Committee Reports:

Administration – Nothing to report.

Roads – Stan reported that projects are complete. No further information on Holland-Lima Road property purchases.

Public Safety – Martin reported that one of Cedar Grove's Fire trucks needs repairs of about \$8,000. He also reported 34.5 hours for October by the Sheriff Dept.

Sanitation – Nothing to report

Parks/Property/Amsterdam Park – Martin reported that at the Amsterdam Park Commission meeting there was no interest in changing the policy of boat launching during special events in the area., but would like that on the Board agenda next month.. He also reported that the Town Hall needs some electrical work because the plugs in the hall are not grounded.

Public Input: Craig mentioned Park Fund Monies which are no longer collected.

Correspondence: Sharon presented a few items that had just arrived. .

Motion by Matt, seconded by Ken, to adjourn. Motion carried. Meeting adjourned at 9:05 P.M.

Respectfully Submitted,

Allan Claerbaut, Deputy Clerk