

Town of Perry  
Minutes of Town Board Meeting  
Monday, August 7, 2006  
Perry Town Hall

1. Call to order. Call to order. Chairman Pat Downing called the meeting to order at 7:40 PM. Supervisors Larry Price and Roger Kittleson, Treasurer Judy Keller, and Clerk Mary Price were present. Also in attendance: Susan Kovacs, Kevin Kovacs, Sean Timmens, Johan Hoff, Mark Haebig, Dominic Haag, Larry Lindokken, Mick Klein Kennedy, Dennis and Darlene Cleary.
2. Minutes of Previous Meetings – July 10 and July 27, 2006. Roger Kittleson moved and Larry Price seconded a motion to approve the minutes of the Town Board meeting as amended. Motion carried.
3. Financial Report:
  - a. Treasurer's Report. Judy Keller presented the monthly report.
  - b. Pay Bills due. Larry Price moved and Roger Kittleson seconded a motion to pay the bills as approved. Motion carried.
  - c. Tractor loan. Clerk Mary Price presented the State Bank of Cross Plains bank documents for signing. Larry Price reviewed the loan terms with the Board.
  - d. Levy limit info. The Board reviewed information for the Dept. of Revenue concerning levy limits.
4. Comments by Town residents. None presented.
5. Land Use:
  - a. Permit applications, not requiring site views. Clerk Mary Price reported no applications were submitted.
  - b. Troy Grindle, approx. 1201 River Forks Rd., Site Plan, Driveway Construction Permit, Building Permit, Zoning Change. Mick Klein Kennedy, Land Use Committee Chair, presented the Committee's recommendation to postpone action on the application. Larry Price moved and Roger Kittleson seconded a motion to postpone action. Motion carried.
  - c. Sean Timmens, 10225 Spring Valley Dr. – Review Site plan, Conditional Use Permit, Zoning changes – A-1 to A-2, R2 to A2. Pat Downing reported to the Board why this review was placed on the agenda. In his opinion one neighbor had good reason to not attend the public hearings so he made the motion at the Co. Board meeting.

Larry Price explained that this application appeared on numerous Land Use and Town Board agendas, was published in the newspaper and on the website, the neighbor was notified by certified mail and he signed the receipt for the notice. He stated that the comment period is over. In his opinion the Town needs to be fair to the applicant. He reported that the neighbor's letter dated June 3, 2006, nearly two months after the Town Board approved the application on April 13, 2006, was received after the neighbor appeared at the

Dane Co. ZLR public hearing May 27, 2006. The Town Chairman could have included it on the agenda for the June 10<sup>th</sup> meeting, the Town Chairman could have scheduled a Town Board meeting and the neighbor could have appeared on the same date as the Board of Review in June to discuss his concerns. The Town Board met on July 10, 2006 and the issue was not on the Town Board's agenda. In his opinion the Co. Board's delay is unprecedented and was a unilateral action without Town Board approval. He explained that the Conditional Use Permit is issued by Dane County and that the Town advises but does not approve CUPs. He stated that the Town acted and there has been no reason presented to change that action.

Roger Kittleson agreed that Larry Price's assessment is absolutely correct and stated that in his opinion this review is unnecessary and unfair to the applicant and could set a bad precedent.

Larry Price moved and Roger Kittleson seconded a motion to reaffirm the Town Board's April 13, 2006 action to approve Sean Timmens' application.

Johan Hoff indicated his disappointment in the Board's action. Pat Downing commented that Town government can be most responsive and stated that in his opinion this application may affect a lot of people and long range land use. Roger Kittleson stated that he can sympathize with Mr. Hoff but if the Town reverses action a precedent is set.

Roll call vote: Roger Kittleson, yes; Larry Price, yes; Pat Downing, no.

Motion carried.

- d. John Doescher, Sunset Ave. road approval. Clerk Mary Price reported that the lien waivers were received and the security CD is still in place. Atty. Mark Rooney will prepare the legal description.
  - e. Mt. Horeb Municipal Court report/Dane Co. Board of Adjustments report – Joe Anderson bldg. citation. Clerk Mary Price reported that the citation will be prosecuted in the Mt. Horeb Municipal Court by Cindy Curtes; and Dane Co. Zoning Administrator determined that the changes ordered by the Board of Adjustments must be resolved by November 23, 2006.
  - f. Town of Black Earth Land Use Plan amendment. Larry Price moved and Roger Kittleson seconded a motion to amend the Dane Co. Farmland Preservation Plan with the Town of Black Earth Land Use Plan amendment.
6. Parks and Open Space – reports and recommendations. Mick Klein Kennedy, Chairman of the Parks and Open Space committee reported that Kay Watson's term has expired and she has resigned; the former Fink property, part of the Hauge Log Church Historic Park, has been hayed and there will be more mowing and seeding; the Friends group plans to meet with the County for grant reimbursement.
  7. Historic Commission – report, appointments. The Board directed Clerk Mary Price to place a classified ad in the local newspaper to recruit volunteers.

8. Town of Perry website – report; Clerk Mary Price reported that committee appointments were added to the website.
9. New Glarus Fire District EMS 2007 Budget. The Board reviewed the 2007 New Glarus Fire District EMS Budget and noted that the Town’s share remains unchanged. Larry Price moved and Roger Kittleson seconded a motion to approve the New Glarus Fire District EMS 2007 Budget as presented. Motion carried.  
Pat Downing announced that the Town’s representative at the New Glarus Fire District Obert Jelle has resigned. An announcement will be placed on the Town’s website.
10. Roads, Equipment, Facilities – Reports; Town Hall roof repairs, Truman Road bridge. Clerk Mary Price reported that the Town Hall roof repair contract was sent to the contractor; the Dane Co. Highway contract for the Truman Road bridge has been received; according to the Patrolman, B. R. Amon will begin sealcoating next week; Roger Kittleson, Larry Price and Mary Price reported comments and information presented at the DOT meeting held on July 27<sup>th</sup> to discuss Hwy 78 construction plans.
11. Dane County Towns Association report. Pat Downing attended the Dane County Towns Association annual meeting held at Cross Plains. Regional planning was discussed.
12. Southwest Dane Outreach quarterly report. The Board reviewed the quarterly report and suggested a link on the website.
13. Closed and Open Sessions. Larry Price moved and Roger Kittleson seconded a motion to convene closed session to discuss negotiations of possible purchase of public property, and to confer with legal counsel concerning strategy under WI Stat. 19.85(1)(e) and 19.85(1)(g); Roll Call vote – Pat Downing, Yes; Roger Kittleson, Yes; Larry Price, Yes; Motion carried. Closed session convened at 9:15 PM. Larry Price moved and Roger Kittleson seconded a motion to reconvene to open session. Roll Call vote – Pat Downing, Yes; Roger Kittleson, Yes; Larry Price, Yes; Motion carried. Open session reconvened at 9:50 PM.
14. Adjournment. Roger Kittleson moved and Larry Price seconded a motion to adjourn. Motion carried. The meeting adjourned at 9:52 PM.

Respectfully submitted,

Mary L. Price, Clerk

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