

Town of Perry  
Minutes of Town Board Meeting  
Monday, February 16, 2009  
Perry Town Hall  
7:30 PM

1. Call to order. Chairman Pat Downing called the meeting to order at 7:35 PM. Supervisors Roger Kittleson and Mick Klein Kennedy, Treasurer Judy Keller and Clerk Mary Price were present. Also in attendance: Doug Dolan, Jeff Anderson, Mark Haebig, Ken Bartz, Walter Hamady, Kay Watson, Ann Windsor, Dan Watson, Ed Sutter, Mike Fisher, Jack Markin, Deborah Dennis, Glenn Reynolds.
2. Minutes of Previous Meetings – January 13, 2009, January 29, 2009. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meetings held on January 13, 2009 and January 29, 2009 as published. Motion carried.
3. Financial Report:
  - a. Treasurer's Report. Treasurer Judy Keller presented the monthly Treasurer's report and a report describing the real estate tax payments and disbursements.
  - b. Pay Bills due. The Board reviewed the invoices presented for payment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to pay the bills. Motion carried.
4. Comments by Town residents. Kay Watson inquired about cell tower siting discussions. Walter Hamady requested additional information about a Dane Co. ZLR hearing. Ken Bartz requested the status of an ordinance option to allow transfer of development rights in the Town and in the County. Kay Watson requested distribution information for Dane Co. art posters.

Ed Sutter presented the Mt. Horeb Fire District report.
5. Land Use:
  - a. Permit applications, not requiring site views – Clerk Mary Price reported that no applications were submitted.
  - b. Survey/opinion poll – cell tower siting, possible moratorium. Ann Windsor presented the Land Use Committee's report – the Committee reviewed the current application process, ordinance requirements, and Land Use Plan criteria. Pat Downing reported the Wisconsin Towns Association's comment that a moratorium on cell tower sitings might be difficult to enforce. Ann Windsor distributed the CRS Report for Congress – The Siting of Wireless Communications Facilities: An Overview of Federal, State and Local Law. The Board reviewed the Land Use Committee's recommendation that the current process to consider each application for compliance with the Town's ordinances and Land Use Plan is sufficient.
  - c. Town of Perry garage, 1386 STH 78 – Conditional Use Permit, Communications Tower, lease agreement. Ann Windsor presented the Land Use Committee's recommendations - to recommend approval to site a cell tower

at the Town garage, to approve a variance for the fall-down radius, and to apply for a setback variance and to recommend approval of the Conditional Use permit to site a cell tower at the Town garage parcel currently zoned A2.

The Board requested new information or comments. Kay Watson requested a discussion of the siting criteria. Ann Windsor explained the Land Use Committee's discussion. Jeff Anderson requested additional information about sight lines and advised that the site should be denied because the cell tower will not benefit Town residents and would adversely affect land values. Doug Dolan and Mike Fisher indicated that the tower would benefit the Town by providing E911 enhanced service, high speed internet service, and property values will increase. Walter Hamady advised that Dane Co. should erect a tower for 911 antennas, real estate values are greatly reduced per a report to Congress, a proposed bill in the House will regulate towers, and communications industry proposals are unconstitutional.

Pat Downing reported that Dane Co. ZLR will discuss a county-wide study to minimize tower proliferation to be performed by the County's consultant, Evans Associates.

Mick Klein Kennedy reviewed neighbor concerns expressed at the public hearing and requested a build out map again. Roger Kittleson reviewed the benefits of cell service.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to postpone action on this application to obtain more information from Dane Co. and countywide tower study; to consider newly presented information; to provide neighbors more time to obtain information.

Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to support Dane Co. Zoning and Land Regulations' consideration of countywide cell tower study. Motion carried.

- d. George and Jeanette Sundstrom, 300 CTH H – Conditional Use Permit – Communications Tower, building permit, zoning change as needed. Clerk Mary Price reported Mordecai Fayas, Verizon agent's request to continue postponement. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to postpone action on this application. Motion carried.
- e. Joyce Powers/Gary and Carol Larson, Overland Rd., density unit determination. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to appoint the Clerk to present the Town's density unit calculation to the Dane Co. Board of Adjustment. Motion carried.
- f. Dane Co. Better Urban Infill Development program. The Board reviewed the Dane Co. Better Urban Infill Development program.

6. Assessor's contract. The Board reviewed and signed the contract presented by Accurate Appraisal, LLC and approved by the Town Board December 17, 2008.

7. Committee reports and appointments:

- a. Parks and Open Space report and recommendations – Hauge Log Church Historic District Park field road, grant applications, park plans. Clerk Mary Price reported the Alliant Energy grant was approved to subsidize equipment for the Daleyville park.

8. Roads, Equipment, Facilities – reports;

- a. Bridge Inspection report. The Board reviewed the bridge inspection reports presented by Dane Co. Highway Dept.
- b. Dane Co. Capital Improvement Plan 2010-2014. The Board reviewed the Plan for Town applicability.
- c. Culvert work. Dane Co. Highway Dept. will be contacted for updates.
- d. Grove Street – consider vacating. Clerk Mary Price reported that Atty. Mark Rooney is preparing a report.
- e. Dane Co. Hazard Mitigation Plan – Agreement to Participate. The Board reviewed the Plan for Town applicability.
- f. Dane Co. All-Hazard Radio proposal. The Board reviewed the Plan for Town applicability.

9. Announcements. The Board reviewed upcoming meetings and workshops.

10. Closed and Open Sessions. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to convene to closed session to discuss negotiations of possible purchase of public property under WI Stat. 19.85(1)(e) and 19.85(1)(g). Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to reconvene to open session. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to authorize Atty. Glenn Reynolds to file an appeal motion. Motion carried.

11. Adjournment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:45 PM.

Respectfully submitted,  
Mary L. Price, Town Clerk

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