

Minutes of Town of Perry Board Meeting
Tuesday, October 9, 2012
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 Stephanie Zwettler and Clerk Mary Price were present. Also in attendance: Ed Sutter, Linda Bluschke, Margaret Berg, David Gehl, Susan Gehl, Katherine Kramer, Howard Kietzke, David Anderson, Erin Anderson, Ken Bartz, Gary Wegner, Brent Radke, Steve Ligler, Ryan Oehlhof, Linda Nelson, Doug Nelson, Jeff Anderson, Duane Iverson, Renaye Leach, Atty. Mark Steichen via teleconference, Atty. Glenn Reynolds via teleconference.
2. Minutes of Previous Meetings – Sept. 4, Sept. 11, Sept. 18;
Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meetings held on September 4, September 11 and September 18, 2012 as published. Motion carried.
Clerk's report: Clerk Mary Price processed Open Records requests; processed absentee ballots and voter registrations and met with equipment maintenance service for Nov. 6 election; provided info. for the Perry Center Rd. culvert replacement; arranged truck and tractor loans; provided information for legal cases; submitted DNR recycling grant application; resolved assessor error and submitted Statement of Assessment; polled Town Board for availability, prepared agenda, posted Notices, attended meetings, prepared minutes for additional Town Board meetings held on Sept. 11 and Sept. 18.
3. Financial Report:
 - a. Treasurer's Report. Treasurer Stephanie Zwettler presented the monthly report and announced receipt of Transportation Aids on Oct. 1 - \$20,984.76.
 - 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.
 - c. Loans and line of credit. Clerk Mary Price presented Peoples Community Bank loan documents for review and signing, and additional information to establish a line of credit.
Roger Kittleson moved and Mick Klein Kennedy seconded a motion to establish a line of credit at Peoples Community Bank. Motion carried.
Roger Kittleson and Mick Klein Kennedy seconded a motion to move the Town's operating account to Peoples Community Bank. Motion carried.
4. Land Use:
Wayne & Millicent Brattrud, 1187 CTH JG – deck. The Board reviewed the building permit application. Mick Klein Kennedy moved and Roger

Kittleson seconded a motion to approve the building permit application for a deck as submitted by Wayne and Millicent Brattrud. Motion carried.

David & Erin Anderson, 545 Drammen Valley Rd. – replace access. bldg. The Board reviewed the building permit application. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the building permit application to replace an accessory building as submitted by David and Erin Anderson. Motion carried.

C. K. Barber, 1079 STH 78 – addition. The Board reviewed the building permit application. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the building permit application for an addition as submitted by C. K. Barber, contingent on Dane Co. Zoning approval for setback variance. Motion carried.

5. Announcements. Chairman Pat Downing announced Dane Co. Executive's decision to include resurfacing CTH A in the 2013 budget; Southwest Dane Senior Outreach recognized Charlotte Hefty's contribution as the Town's representative; Ed Sutter presented the Mt. Horeb Fire Dept.'s monthly report.
6. Comments by Town residents. Ken Bartz requested a sample ballot to be placed on the Town's website; Gary Wegner thanked the Town Board for their efforts to obtain Dane Co. approval for resurfacing CTH A in 2013.
7. Dane Co. Farmland Preservation Plan – Comprehensive Plan amendments. The Board reviewed the amendments and will consider the amendments at the Nov. meeting.
8. Dane Co. Ord. Amend.12–define ag. uses; Amend. 13– revise A-4; Amend. 14-A-B. The Board reviewed the amendments and will consider the amendments at the Nov. meeting.
9. 2013 Agricultural Enterprise Area designation. The Board reviewed information and process.
10. Set Town Board and other meeting dates. By consensus the Board decided to hold their monthly meeting on November 13, 2012; and to call a Special Meeting of the Electors to authorize the 2012 Town tax levy and to hold a public hearing on the 2013 Town budget on November 27, 2012.
11. Committee reports: Parks and Open Space project updates; Ken Bartz reported meeting with Tyvand Landscaping; the Board reviewed submitted bids.
Daleyville playground equipment installation. Mick Klein Kennedy reported that the Friends of Perry Parks and Patrolman Fritz Mani prepared the site and installed playground at the Daleyville Park.

12. Roads, Equipment, Facilities – Roger Kittleson reported that State Highway 39 was recently resurfaced with 1 ½" overlay.

Recycling Center dumpsters – The Board reviewed the proposal submitted by Waste Management. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to solicit bids for waste hauling and recycling services, to be returned by November 13, 2012. Motion carried.

Perry Center Rd. culvert update and CDBG contract addendum – Clerk Mary Price reported that the culvert replacement project on Perry Center Road has been completed by the Dane Co. Highway Dept. and the CDBG has submitted a contract addendum to reflect anticipated cost reduction on the project. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the CDBG contract addendum. Motion carried.

DOT Local Road Certification and additions. The Board reviewed, amended the Local Road Certification map to add the Hauge Parkway, and signed the map.

13. Hauge Log Church Dist. Park - legal updates – Clerk Mary Price reported that Motions and Responses have been filed;

Roger Kittleson provided requests, proposals and other information presented at the settlement meeting with David Gehl – gravel the Parkway to the Voss parcel; approve building site; complete Parkway to Town Road standards; proposed reduction in interest - \$239,000.00, contingent on Town Board, Town Clerk and Town Treasurer's resignations; install stop sign at intersection of Parkway and CTH Z; attorney fees and interest not negotiable; legal proceedings are not completed.

Roger Kittleson stated that in his opinion an explanation is due to our constituents on how decisions were made about the legal cases; including a great injustice since the jury didn't see all of the evidence such as the appraisal and the completed parkway plan; that he voted for the Motions for Reconsideration and to pursue other opportunities – to right a wrong – an injustice.

He also advised that the community should work together to try to find funding instead of just one person who has been contacting people, corporations, businesses who have been watching this case for quite some time and waiting for the final decision.

He also indicated that the Town Board, the Town Clerk and the Town Treasurer should not resign, as Mr. Gehl has demanded, since these Town officials were elected to serve a term by the voters.

14. Closed and Open Sessions. Chairman Pat Downing announced that a closed session will be convened to discuss litigations under WI Stat. 19.85(1)(g).

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to convene a closed session during this meeting to discuss matters under WI Stat. 19.85(1) g. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

David Gehl stated that the jury award was based on access to a blacktop road and not a great injustice; if the Town makes the Parkway a town road, the jury award would be reduced by \$237,000.00. He also stated that he would not demand that the Town Treasurer resign, so checks could be signed.

Chairman Pat Downing convened the closed session.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to reconvene the open session. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

Chairman Pat Downing convened the open session.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion, in the absence of an accepted settlement, to authorize Atty. Mark Steichen and Atty. Glenn Reynolds to prepare and file a Petition by Oct. 31, 2012 to the WI Supreme Court to request a review of case 2011AP0492, and if needed, by the expected filing deadline, a review of case 2010AP2297. Motion carried.

Mick Klein Kennedy moved and Pat Downing seconded a motion to authorize Roger Kittleson to engage in further negotiations with David Gehl, between Oct. 9 and Oct. 30, to consider construction of a road in exchange for a reduction in the settlement amount, and to reject any proposal for resignations of duly elected officials and proposals that could compromise the Town's approved Land Use process. Motion carried.

15. Adjournment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:40 PM .

Respectfully submitted,

Mary L. Price, Town Clerk
