TOWN OF PERRY, DANE COUNTY, WISCONSIN
HISTORIC PRESERVATION COMMISSION
***DRAFT* MEETING MINUTES for November 14, 2016**

1. Chair Doug Nelson called the meeting to order at 7:23 p.m.

2. Commissioners in attendance were Brad Grundahl, Don Mueller, Doug Nelson, and Renaye Leach. Gary Boley was unable to attend.

3. Other attendees were: Margaret Berg, Linda Bluschke, and Mick Klein Kennedy.

4. Doug moved to change the order of agenda items, placing item four – Brad Grundahl's report before item three – request for legal counsel. Brad seconded. Motion carried unanimously.

5. Don made the motion to approve the minutes of the September 26, 2016 meeting. Seconded by Brad. Motion carried. Approved minutes will be sent to the Town Clerk.

6. Brad reported on his attempt to reach out to the Association leadership to discuss possibilities on how both parties can find a way to reach agreement consistent with both organizations' responsibilities and duties with respect to the split rail fence. An email sent by Brad (on 10/01/16) to Rick Fredrickson requesting a meeting as well as the response letter from Mr. Fredrickson indicating there is no need for a meeting (sent 10/08/16) were both read aloud. Both letters are to be retained in the Commission records.

Discussion centered on the feasibility or usefulness of further requests for informal discussions with the Association in light of Mr. Fredrickson's letter rejecting Brad Grundahl's recent proposal for talks.

Doug moved that the secretary prepare a letter to Mr. Fredrickson expressing the Commission's appreciation for his attention to Mr. Grundahl's e-mail and conveying the Commission's continuing openness to discussions with the Association aimed at a mutually acceptable resolution of concerns related to the lack of a certificate of appropriateness covering the erection of the split rail fence without an approved certificate of appropriateness. Brad seconded. Motion carried unanimously.

7. Doug outlined his personal view of 4 critical issues relating to next steps to resolve the split rail fence issue as follows:

> 1) He believes there may be reasonable grounds for the owner of private property within a historic district to propose actions to demarcate or clarify their property boundaries or to propose building new structures, if needed, to secure or better manage the historical asset. Such a proposal should not necessarily be regarded as unreasonable nor necessarily likely to be disapproved by the Commission.
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> 2) He believes that the Town's historic preservation ordinance and Hauge Historic District Plan, as well as relevant state and county statutes, all clearly

suggest that the Commission has a legal responsibility to require a party proposing to build a new boundary marker or fence to apply for a certificate of appropriateness in order to enable the Commission to render an informed decision on the appropriateness of the specific characteristics of the structure proposed.

3) He believes that if the Commission determines, after thorough review of relevant law, that the builder of the fence is required by law to submit an application for a Certificate of Appropriateness, such a determination should not in any way be interpreted as a sign that Commission does not intend to approve part or all of the proposed fence.

4) If a majority of the Commission, after thorough review and after consultation with competent counsel, decide that it is bound by law to require an application in this instance, the failure to do so will amount to a dereliction of the Commission's clear legal responsibility and duty. Such a dereliction would likely undermine the Commission's authority and credibility in acting on any controversial matters that may come before it in the future.

Brad stated it is important to make a decision promptly and act on that decision. If we evade our responsibility we may be undermining the whole system of zoning at the municipal level.

Brad moved that we give Doug Nelson the authority to seek pro bono legal advice in a closed session meeting with the Commission regarding our responsibilities in regard to the fence. Such counsel will be sought only for advisory purposes and not for the purposes of retaining counsel to represent the commission in any future potential litigation of any kind. Don seconded. After further discussion, Brad called the question, and the motion carried unanimously.

8. Renaye reported on the Basic Training for Historic Preservation Commissions session she attended near the Wisconsin Dells on Friday, October 21 offered by the Wisconsin Historical Society on Local History and Historical Preservation Annual Conference. Highlights: Historic Commission is an arm of government vested with authority which may develop: bylaws, policies, procedures. Enforcement is essential: time is available to gain legal opinions, trust the Commission's sense, exercise authority and issue a notice. Public reporting and documentation is key. Consistent application crucial. Her report will be entered into the Commission records.

9. Comments by town residents were heard.

10. The next meeting date will be set up by email.

11. There being no further business, the meeting adjourned by mutual consent at 8:32 p.m.

Respectfully drafted by Renaye Leach, Commission Secretary
Respectfully submitted by Doug Nelson, Chair, Perry Historic Commission