

Town of Perry
Minutes of Town Board Meeting
Tuesday, March 11, 2008
Perry Town Hall

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: Gerald Keller, Michele Keller, Ed Sutter, Fritz Mani, Glenn Reynolds (9:30PM).
2. Minutes of Previous Meetings – February 12, 2008. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meeting held on February 12, 2008 as presented. Motion carried.
3. Financial Report:
 - a. Treasurer’s Report. Treasurer Judy Keller presented the monthly report.
 - b. Pay Bills due. The Board reviewed the invoices presented for payment. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to pay the bills. Motion carried.
4. Comments by Town residents. Ed Sutter presented Mt. Horeb Fire District reports.
5. Land Use:
 - a. Brad Grundahl, review and sign CSMs. None presented.
 - b. John and Michele Keller, Site Plan, Driveway Construction, Building Permit, Zoning Change, 1439 Keller Rd. Clerk Mary Price reported the Land Use Committee’s recommendation to approve the application as amended. Gerald Keller presented additional information. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the Site Plan, Driveway Construction permit, Building permit and Zoning change submitted by Gerald and Judith Keller and John and Michele Keller, as amended. Motion carried.
 - c. Troy Grindle, Site Plan, Driveway Construction Permit, Building Permit, Zoning Change - approx. 1201 River Forks Rd. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to postpone action. Motion carried.
 - d. Land Use Committee Ordinance and Outdoor Burning Ordinance amendments – review status, set public hearings. The Board reviewed amendments suggested by Atty. Mark Rooney.
 - 1) Land Use Committee Ordinance amendments.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to amend Section 4 with addition: “All appointments to the Committee are subject to confirmation by the Town Board.” Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to add amendment to Section 7: “The Town Clerk shall solicit Town residents and owners of real property within the Town to serve on the Land Use”

Committee by placing advertisements in the Town's official local newspaper and on the Town's official website." Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to present approved amendments to the Land Use Committee Ordinance at a public hearing on April 8, 2008. Motion carried.

2) Outdoor Burning Ordinance amendments.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to add amendments to Sections 2.2 through 8.3:

Section 2.2. "This ordinance does not apply to burning in a properly installed stove, furnace, fireplace or other heating device..."

Section 4.4. "'Confidential papers' means printed material containing personal identification or financial information that the owner thereof wishes to destroy." Motion carried.

Section 6.1. "The Town of Perry will not issue a permit for burning any of the following materials without adequate air pollution control devices and a written copy of an approval by the Department of Natural Resources."

Section 7.7. ". Open burning shall be constantly attended and supervised until the fire is completely extinguished and is cold."

Section 8.3. "If there are any residences within five hundred (500) feet of the furnace, the chimney shall also extend at least as high above the ground surface as the height of the highest roof of all such residences."

Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to amend Section 8.5, "By enacting this Ordinance, the Town of Perry intends to remediate and control the effects of all Outdoor and Refuse Burning occurring within the Town starting on the day after its enactment. To accomplish that end, the Town of Perry intends this ordinance to have retroactive effect to the extent reasonably needed to accomplish its intended purposes, including the modification or replacement of all existing outdoor wood-fired or biomass-fueled furnaces located in the Town as needed to bring them into full compliance with the Ordinance's requirements." Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to amend Section 8.6, "Variance – The Town Board shall have the following power: to authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done." Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to present approved amendments to the Outdoor Burning Ordinance at a public hearing on April 8, 2008. Motion carried.

6. Committee reports and appointments – None received.

7. Roads, Equipment, Facilities – reports; 2008 truck and tractor bids. Fritz Mani presented road reports and additional information received from truck and tractor bidders. The

Board reviewed the revised bids received from V & H, Inc. Trucks and Ritchie's Implement.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the purchase of a 2009 Sterling truck from V & H, Inc. for the net total, after the 2000 truck trade-in, \$22,851.00, to be delivered by July 1, 2008. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the purchase of a new Case I H tractor and loader from Ritchie's for the net total, after the tractor trade-in, \$13,000.00. Motion carried.

8. Announcements. The Board reviewed upcoming meetings and seminars.

9. Closed and Open Sessions. Roger Kittleson moved and Mick Klein Kennedy 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; Mick Klein Kennedy, Yes; Motion carried. Closed session convened at 9:40 PM. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to reconvene to open session. Roll Call vote – Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes; Motion carried. Open session reconvened at 10:30 PM.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to direct Atty. Glenn Reynolds to successfully acquire approx. 12.13 acres in Parcel 050606497020 for the Hauge Log Church Historic Park. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to authorize Town Chair Pat Downing and Town Clerk Mary Price to sign recording documents to successfully acquire approx. 12.13 acres in Parcel 050606497020 for the Hauge Log Church Historic Park on behalf of the Town. Motion carried.

10. Adjournment. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:40 PM.

Respectfully submitted,
Mary L. Price, Town Clerk
