

Town of Perry  
Minutes of Land Use Committee Meeting  
Tuesday, July 3, 2007  
Perry Town Hall

1. Call to Order. Chairman Ken Hefty called the meeting to order at 8:05 PM. Committee members present: Ann Windsor, Bird Cupps, Gary Baumgartner, and Clerk Mary Price. Others in attendance: Ken Bartz and Jason Monigold.
2. Minutes of Previous Meeting – June 5, 2007. Ann Windsor moved and Bird Cupps seconded a motion to approve the minutes of the Land Use Committee meeting held on June 5, 2007 as amended. Motion carried.
3. Applications\* – Public Hearings and recommendations.
  - a. Jason Monigold, 10844 CTH A – setback variance, detached garage. Jason Monigold presented additional information and soils maps as requested. The Committee reviewed the soils map and determined that the site plan placed the proposed building on poor soils.

Ann Windsor moved and Gary Baumgartner seconded a motion to recommend that the Town Board approve the building permit application and driveway construction application as presented by Jason Monigold. The Committee reviewed the Dane Co. Zoning Ordinance building size requirements for residential accessory buildings and determined that the proposed building will comply with the ordinance. Motion carried.
4. Review Land Use Committee Ordinance and revisions draft. The Committee reviewed proposed revisions to the Land Use Committee Ordinance. Bird Cupps moved and Ann Windsor seconded a motion to recommend that the Town Board adopt the proposed amendments. Motion carried.

D R A F T  
Revised 6/5/07 and 7/3/07  
By Land Use Committee

TOWN OF PERRY  
LAND USE COMMITTEE ORDINANCE  
~~Approved May 30, 1989~~

PURPOSE:

~~The Land Use Committee of the Town of Perry is established for the purpose of reviewing present zoning status and applications for change in zoning classifications, granting of conditional uses or special exceptions (sometimes called variances).~~

The purpose of this ordinance is to establish a Town of Perry Land Use Committee and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town.

**MEMBERSHIP:** The Land Use Committee consists of five (5) citizen members, who shall be persons of recognized experience and qualifications. The Town Clerk shall serve on the Committee as a non-voting member and as the recording secretary.

**MEETINGS:** The Committee will meet monthly or as needed to consider applications and other Town business referred to the Committee by the Town Board, according to the number of requests for change, provided that no more than one meeting shall be held in any calendar month, without prior consent to the Town Board. No applicant for a change, without express consent of the applicant will ever have to wait more than two months for a committee meeting.

**COMPENSATION:** The Town Board of the Town of Perry hereby sets a per diem allowance per meeting for citizen members of the Land Use Committee and Town Board members, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.  
Committee members will be compensated by the Town of Perry. Pay for the time served shall be \$15.00 per committee meeting. (If the committee designates one person to inspect the property where the change request was made, that person shall receive \$15.00 per diem. Payment by the Town Board would ordinarily be approved following submission of a voucher from committee member(s), detailing the times or expense basis.

**EXPENSES:** Mileage incurred for the purposes of property inspection, training or education expenses (including mileage and meals), and for events previously approved by the Town Board will be reimbursed at \$0.10 per mile and full costs of courses and materials.

**NUMBER:** The Committee will consist of five members and the Town Clerk as a non-voting member and recording secretary.

**TERM:** The term of office for the Land Use Committee Chairperson and each Committee member shall be a period of two years, ending on April 30 of the odd-numbered years.  
The term of each committee member expires the second Tuesday in April of the odd-numbered years, except that a member previously authorized to vote on a specific issue at the County committee or Board meeting has the power to do so. Appointment in future years will be made by the Town Board accepting power of said date.

**APPOINTMENTS:** Applicants to serve on the Land Use Committee are recruited via announcements in the Town's official newspaper and on the Town's website. Applications will be sent to the Clerk by the deadline set by the Town Board and presented to the Town Board at the next scheduled Town Board meeting. The Town Chairman is authorized to appoint citizen applicants to the Land Use Committee subject to Town Board confirmation. (Wis. Stats.)  
Land Use Committee members will be re-appointed by the Town Chairman subject to confirmation by the Town Board at the first Town Board meeting held after April 30 of odd-numbered years, unless written resignation notices are received. (Wis. Stats.)  
Any member's resignation may be accepted by the Town Board upon written or verbal notice. Vacancy shall be filled by the Town Board for the remainder of the term, in accordance with the appointment process.

**REMOVAL:** Removal of any Committee member by the Town Board may occur for cause, following prior notice to the member concerned. Mail notices shall be sufficient, to the last known address. Cause for removal may include, but is not necessarily limited to, violations of the Committee structure set forth, excessive absences from meetings, refusal to follow Committee or Town Board rules or directions, or voting on an issue in which the member has a direct interest in the outcome by virtue of ownership, easement, or lease rights.

AGENDA:

The Committee shall, at its first meeting after April 30 each year, and on an annual anniversary thereafter, choose a chairperson by open vote or secret ballot under sec. 19.88(1), Wis. Stats.

The Chairperson shall, subject to Town ordinances and Committee rules:

- a. provide leadership to the Committee;
- b. set Committee meeting and hearing dates;
- c. provide notice of Committee meetings and hearings and set their agendas, personally or by his or her designee;
- d. preside at Committee meetings and hearings; and
- e. ensure that the laws are followed.

The Clerk will publish the agenda in ~~be responsible for ensuring agenda~~ compliance with the Open Meeting laws.

The Clerk will provide the Town’s Applications Guide, copies of Town ordinances, permit application forms as requested by applicants, and comply with the Town’s applications policies.

~~The Clerk shall ensure the applicant has sufficient prior notice of the meeting date, time, and place and provide any forms adopted by the Committee or Town Board to be filled out for informational purposes.~~ Each Town Board supervisor may refer to the Clerk an item for the following agenda, with which the Clerk will comply. Any member of the Committee may refer an agenda item to the Clerk, who shall add that item to the agenda.

REPORTING:

The Clerk serves as the Recording Secretary for the Committee meetings and hearings. The Clerk prepares minutes of meetings and hearings in draft form and provides these drafts to the Committee for amendment and approval at the next Committee meeting and to the Town Board for informational purposes. Minutes will be kept at each Committee meeting by the Clerk or ~~in their absence~~ or, if absent, a member chosen by the Committee who will ensure that ~~a copy of the draft~~ minutes of that meeting are furnished to the Town Clerk before the Town Board meeting, whenever possible, to allow for Town Board review. ~~The Clerk or~~ A member designated by the Committee shall appear at each monthly Town Board meeting immediately following a Committee meeting.

VETO by Town Board:

All decisions and recommendations of the Town Land Use Committee are to be viewed as the official position of the Town of Perry unless vetoed at the Town Board meeting. In the event of a Town Board veto, the Board shall schedule a joint meeting to discuss these differences. ~~unless a quorum of Committee members are present at the Town Board meeting and agree to proceed immediately for the purpose of discussing the issue.~~ In the event no agreed settlement is reached between the parties at the joint meeting, the Town Board’s position will be the official position of the Town.

COUNTY REPRESENTATION:

If a Land Use Committee member is directed by the Town Board to appear and express the Town’s position or vote on a related issue at the county level, such representative shall in all cases vote in accordance with the Committee’s majority or the Town Board position if a veto occurred, and shall explain the rationale behind the Town’s official position. The Committee representative will be chosen by its members. An alternative representative shall be chosen, when the designated person is unable to appear.

FEES:

~~Application fee for zoning classification change, for a special exception, for conditional use or for a change in exclusive agricultural use status shall be \$20.00.~~

**Section 14: Effective Date.**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this \_\_\_ day of \_\_\_\_\_, 2007.

Adopted this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Attest: \_\_\_\_\_  
Mary L. Price, Town Clerk

5. Schedule meetings. The Committee will hold site views on Saturday, August 4 and will hold the public hearing and meet on Tuesday, August 7, 2007.
6. Adjourn. Ann Windsor moved and Gary Baumgartner seconded a motion to adjourn. Motion carried. The meeting adjourned at 8:50 PM.

Respectfully submitted,

Mary L. Price, Clerk