

Minutes of Town of Perry Board Meeting
Tuesday, January 10, 2012
Perry Town Hall

1. Call to order – Chairman Pat Downing called the meeting to order at 8:45 PM. Supervisors Roger Kittleson and Mick Klein Kennedy, Treasurer Stephanie Zwettler and Clerk Mary Price were present. Also in attendance: Dan Watson, Kay Watson, Alice Yaeger, Doug King, Joyce Powers, Andy Mlsna, Angele Mlsna, Gary Karls, Tom Brant, Linda Nelson, Doug Nelson, Paul Linstroth, Reynold Anderson, David Gehl, Fred Smith, Lynette Gebbons, Michael Gebbons, Howard Kietzke, Renaye Leach, Jeff Anderson, Peter Strube, George Sundstrom, Barbara Lange, Larry Lange, John Hunt, Bob Thompson, Kath Kramer, Richard Keller, Ed Sutter, Ken Bartz, Barrett Browning, Hildegard Browning, Brent Radke, David Mays, Ann Windsor, Dan Frick, Gerry Burns, Ryan Anderson, Pat O’Neil, Brad Tisch, Sarah Monigold, Phoebe Blackman.
2. Minutes of Previous Meetings – December 13, 2011. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meeting held on December 13, 2011 as amended. Motion carried. Clerk Mary Price provided upcoming election information – primary election will be held on Feb. 21, election supplies and equipment maintenance were delivered; election training will be scheduled in February.
3. Financial Report:
 - a. Treasurer’s Report. Stephanie Zwettler presented the monthly Treasurer’s report and reported that the 2012 real estate tax bills were mailed by Dec. 19, 2011, and the tax collections are being processed.
 - b. Ken Bartz representing the Friends of the Parks of Perry Township, presented grants to the Town - \$300.00 for the Daleyville Park and \$10,600.00 for the Hauge Historic District Park.
 - c. Pay Bills due. The Town Board reviewed invoices presented for payment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to pay the bills. Motion carried.
3. Land Use:
 - a. Land Use Plan – adopt amendments. The Town Board reviewed the comments presented at the public hearing. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to postpone adoption of the Land Use Plan amendments in order to obtain clarification of the effect of a TDR easement from Dane County. Motion carried.
 - b. Alliant Energy planned rebuild – Drammen Valley Rd. Mike Schmid, project manager - Alliant Energy, presented information about the proposed 2012 rebuild along Drammen Valley Rd. due to age and condition and number of outages. Tom Brant and Paul Linstroth requested information about

options to save more trees and to meet with Alliant Energy to discuss. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to postpone action on the Alliant Energy proposed 2012 rebuild. Motion carried.

- c. Joyce Powers, approx. 9695 Overland Rd., soils map correction. Clerk Mary Price reported that proposed map changes were submitted to Pat Sutter, Dane Co. Conservation and a reply has not been received. Joyce Powers will contact Pat Sutter for more information.
- d. Dane Co. Ordinance amend. – poultry on residential lots. The Board reviewed the proposed amendment.

4. Comments by Town residents.

Gary Karls requested information about the North Perry Road maintenance agreement with the Town of Blue Mounds.

Ken Bartz reported the results of the Friends of the Parks of Perry Township's euchre parties and presented the door prize gift certificate to Dan and Kay Watson.

Ed Sutter presented the Mt. Horeb Fire District report and requested information for the District's driveway survey.

- 5. Peter Strube, Mt. Horeb School District Board member, explained changes to District operations, \$1.2 million deficit, proposed operating referendum, and update on drug abuse in the schools.

- 6. Hauge Log Church Historic District Park update; review status of legal cases. Chairman Pat Downing presented a recap of the process used to acquire parcels within the Hauge Log Church Historic District Park and the Town's efforts to defend the Town's Land Use Plan and the Town's ordinances over the past twelve years. Town residents and others presented comments:

Brad Tisch - Town's leadership should consider risk mitigation.

Jonathan Marsh – appeals have 20% success rate.

David Gehl – just wanted a farmhouse.

Barrett Browning – letter was sent to Town residents because planning for judgments and accrued interest and other concerns are not being addressed by Town.

Howard Kietzke – concerned about tax bill effect.

Barbara Lange – requested per household special tax.

Ryan Anderson – excessive tax effect not fair.

John Hunt – requested background information.

Fred Smith – field road comments.

Pat O'Neil – Town did the right thing to defend ordinances, but should not have used eminent domain.

Doug King – presented photos depicting potential effects, and his opinion that the Town should not distribute financial info., sensational headlines in *Mt. Horeb Mail* have been damaging, Town and Town Board members

personally were sued to be punished, Park was created, spite fences were built, appeal cases will be successful, the Town should 'stay the course', rich men should not be more equal, 'might does not make right', rich men could do anything if Land Use Plan is not upheld.

David Gehl – misrepresentations were presented, fences were built due to new ordinance and on atty. advice, questioned number of visitors to Hauge site.

Angele Mlsna – tide has changed, if the cases are dropped, what is cost?

Barrett Browning - \$905,000.00 + \$158.00/day interest.

Kay Watson – realtor indicated that potential judgments would have to be disclosed to buyers.

Renaye Leach – supports Town Board actions, Hauge belongs to all, sometimes big tax bills are necessary.

Mick Klein Kennedy – court transcript reported fences were erected for spite.

Sarah Monigold – if the Town does not win appeals, what happens?

Larry Lange – can awards be billed to each household?

Phoebe Blackman – the Town should defend the Land Use Plan and Town ordinances so all can enjoy the Town.

Dan Frick – no opportunity to be heard about litigation.

Brent Radke – letter sent to residents was not intended to scare residents, awards payments might not be ready for 2012, is Town negotiating?

Bob Thompson – cases could go on forever, what is settlement number?

Dan Frick – advised a negotiated settlement.

Ken Bartz – what are potential outcomes of the appeals?

Doug Nelson – Town's values and purposes are honorable, errors or missed opportunities were not due to malice by the Town, eminent domain was based on unmistakable public interest, capitulating to extortion is cowardly, the Town could lose by surrendering or the Town could lose by court decisions at cost of \$151.00/day, incremental loss is small, there should be business planning with pro-active options and for worse-case scenario.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to contact the Town's attorney to obtain a cost estimate for an opinion on the process required for a loan authorization to finance potential awards. Motion carried.

Roger Kittleson invited all residents to attend the next Town Board meeting for updates.

7. Committee reports: Clerk Mary Price reported that Stewardship signs were provided by the DNR at no charge and the Historic Preservation Commission will consider a Certificate of Appropriateness at their next meeting.

8. Roads, Equipment, Facilities – CDBG culvert contract; truck and tractor bids.

The Board reviewed the estimate submitted by the Dane Co. Highway Dept. to replace the Perry Center Road culvert. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the estimate submitted - \$139,000.00, to be financed with a CDBG grant in the amount of \$139,000.00. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to solicit bids to replace the oldest Town truck and the tractor. Motion carried.

9. Discussion – possible Vacant Properties ordinance. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to postpone action on a possible Vacant Properties ordinance. Motion carried.

10. Dane Co. Towns Assoc. survey. Supervisor Mick Klein Kennedy will complete the survey requested by the Dane Co. Towns Association.

11. Announcements. A potential grant opportunity from Dane Co. will be forwarded to the Parks and Open Space Committee for consideration.

12. Adjournment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to adjourn. Motion carried. The meeting adjourned at 12:15AM.

Respectfully submitted,

Mary L. Price, Town Clerk
