

Town of Perry  
Minutes of Town Board Meeting  
Tuesday, May 12, 2009  
Perry Town Hall  
following Dark Sky Ordinance public hearing

1. Call to order. Chairman Pat Downing called the meeting to order at 8:10 PM, following a public hearing for the proposed Dark Sky Ordinance. Supervisors Roger Kittleson and Mick Klein Kennedy, Treasurer Judy Keller and Clerk Mary Price were present. Also in attendance: Alice Yaeger, David Mays, Doug King, Mordecai Fayas, Doug Dolan, Atty. Steve Ritt, Dan Frick, Brent Radke, Ann Windsor, George Sundstrom, Jeanette Sundstrom, Mark Haebig, Jeff Anderson, Walter Hamady, Mike Samuels, Dean Vogel, Kay Watson, Chris St. Clair, Dave Baumgartner, Ken Hefty, Atty. Glenn Reynolds.
2. Minutes of Previous Meetings – April 13, 2009. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meeting held on April 13, 2009 as published. Motion carried.
3. Financial Report:
  - a. Treasurer's Report. Treasurer Judy Keller presented the Treasurer's monthly report, including Lottery credit and Recycling grant.
  - b. Pay Bills due: The Board reviewed the invoice presented for payment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to pay the bills. Motion carried.
4. Comments by Town residents. Mike Samuels requested information about the Town's plat map published on the Town's website, and additional information about noxious weeds ordinances. Doug King commented that the Town's website is excellent and thanked the webmaster for his service to the Town.
5. Land Use:
  - a. Permit applications, not requiring site views – Dean Vogel, residential addition, 1271 CTH H. Clerk Mary Price and Dean Vogel presented the application. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to recommend approval of a setback variance for a residential addition as presented by Dean Vogel. Motion carried.
  - b. Ken and Diane Hefty – driveway construction permit, rezone 6.25 acres at approx. 1201 STH 78. Dean Vogel, Land Use Committee Chair, presented the Land Use Committee's recommendation and reported the Committee's discussion, site view, and applicable criteria considered. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the driveway construction permit, site plan, zoning changes – 2 acres from A1-Ex to RH-1; 4.25 acres from A1-Ex to A-2 and a deed notice to record no homesite available on this parcel; 33.75 acres from A1-Ex to A-4; and deed restriction/notice to record the final density unit as consumed. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to reconsider Ken and Diane Hefty's application for a driveway construction permit, site plan and rezone 6.25 acres at approx. 1201 STH 78. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the driveway construction permit, site plan, zoning changes – 2 acres from A1-Ex to RH-1; 4.25 acres from A1-Ex to A-2 and a deed notice to record no homesite available on this parcel; 33.75 acres from A1-Ex to A-4 if required by Dane Co. Zoning ordinances; and deed restriction/notice to record the final density unit as consumed. Motion carried.

- c. Ken and Diane Hefty – driveway construction permit, rezone 2 acres at approx. 1400 Savannah Rd. Dean Vogel, Land Use Committee Chair, presented the Land Use Committee's recommendation and reported the Committee's discussion, site view, and applicable criteria considered. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the driveway construction permit, site plan and zoning change for 2 acres from A1-Ex to RH-1 at approx. 1400 Savannah Rd. as presented. Motion carried.
- d. Ken and Diane Hefty – driveway construction permit, rezone 5 acres at approx. 1405 Savannah Rd. Dean Vogel, Land Use Committee Chair, presented the Land Use Committee's recommendation and reported the Committee's discussion, site view, and applicable criteria considered. Ken Hefty presented additional information. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the driveway construction permit, site plan and zoning change for 5 acres from A1-Ex to RH-1 at approx. 1405 Savannah Rd. as presented. Motion carried.
- e. Town of Perry garage, 1386 STH 78 – Conditional Use Permit, Communications Tower, lease agreement. The Board reviewed a letter received from Jeff Anderson.

Dean Vogel, Land Use Committee Chair, and Ann Windsor, Land Use Committee member, presented the Land Use Committee's recommendation to approve the cell tower site at the Town garage, a Conditional Use Permit, a fall-down radius variance as needed, and to enter into a lease agreement with Verizon.

Pat Downing presented an update on Dane County Zoning and Land Regulation Committee's intent to present a possible moratorium on cell tower siting at their next public hearing and the status of a county-wide cell tower survey.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve a Verizon cell tower siting on the Town's garage parcel and a Conditional Use Permit for the cell tower.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to amend the main motion to include a contingency that a revised site plan will be presented for Town Board approval. Motion carried.

Main Motion carried – 2 Yes, 1 No.

Roger Kittleson reviewed the neighbor notification process for this site.

Doug Dolan presented the structural engineer's letter describing the fall-down radius and the tower's design and indicated that a variance is not necessary due to the tower design.

Mick Klein Kennedy reviewed the overall criteria to site cell towers, including Town parcels as preferred sites; neighbor concerns; impact on Town garage operations.

Doug Dolan reviewed potential site adjustments.

The Town Board reviewed the lease agreement approval process and the Conditional Use Permit application review by the Land Use Committee.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to direct Atty. Mark Rooney to review the lease agreement, including a revised site plan and prepare a report to the Town Board by May 31, 2009. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to appoint Pat Downing, Fritz Mani and Ken Hefty to evaluate a revised site plan to be included in the lease agreement. Motion carried.

- f. George Sundstrom, 300 CTH H – Conditional Use Permit – Communications Tower, zoning change as needed.

Ann Windsor, Land Use Committee member, presented the Committee's recommendation to deny approval of this application due to siting on Choice soil and due to numerous neighbor complaints received.

Clerk Mary Price presented a letter received from Joe and Karen Hoff.

Walter Hamady presented a letter he forwarded to the Town Board.

Doug King commented that he supports cell service in the Town.

Mick Klein Kennedy presented a letter received from Dan and Sally Flood.

Mordecai Fayas presented additional information about the site.

Ann Windsor reminded the Board to consider information about this application only and approval should be denied based on Choice soils and the site will require a use variance.

Mick Klein Kennedy moved and Pat Downing seconded a motion to deny approval of this application due to siting on Choice soil and due to Town resident opposition. Motion carried – 2 Yes, 1 No.

- g. Obert and Marietha Jelle, driveway construction permit, rezone 2 acres from A1Ex to RH2 at approx. 425 Perry Center Rd. Dean Vogel, Land Use Committee Chair, presented the Land Use Committee's report that action was postponed on this application based on the applicants' request.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to postpone action on this application until a recommendation is received from the Land Use Committee. Motion carried.

- h. Dane Co. Zoning correction – Gary and Carol Larsen, 9593 Overland Rd. The Board reviewed information received from Roger Lane, Dane Co. Zoning Administrator and Dane Co. Board of Adjustment in order to correct zoning errors.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve Dane Co. Zoning Petition 10048, to correct zoning on Parcel

050601185013, owned by Joyce Powers, 7.7 acres, from A-1Ex to A-4; Parcel 050601180812, owned by Joyce Powers, 1.0 acres, from A-B to A1-Ex; and Parcel 050601189000, owned by Gary and Carol Larsen, 8.3 acres, from RH-3 to A-4. Motion carried.

- i. Review CSM/Dane County boundaries in Section 30. Dan Frick, Dane Co. Surveyor, presented information about Section 30 boundaries as mapped and monumented.
- j. Hauge Log Church Historic Park – Conservancy zoning, deed restrictions. Clerk Mary Price presented the Historic Commission’s report which indicated that the Commission has contacted Dane Co. Zoning Dept. for additional information.

6. Dark Sky Ordinance. The Board reviewed comments and suggestions received at the public hearing. Doug King will present proposed revisions for Town Board review. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to refer revisions to the proposed Dark Sky Ordinance to Doug King to develop recommendations. Motion carried.

7. Roads, Equipment, Facilities – reports; The Town Board reviewed comments received on the Road Tour. Road repair bids will be solicited and the Board will open the bids on June 2, 2009 at 7:30 PM.

- a. Grove Street – review vacating process. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to forward information received from Atty. Mark Rooney to Grove Street adjoining residents to begin the vacating process. Motion carried.

8. Closed and Open Sessions.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to convene to closed session to discuss negotiations of possible purchase of public property 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. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to reconvene to open session. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

9. Adjournment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to adjourn. Motion carried. The meeting adjourned at 1:05 AM.

Respectfully submitted,  
Mary L. Price, Town Clerk

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