

Town of Perry
Minutes of Town Board Meeting
Tuesday, July 14, 2009
Perry Town Hall

1. Call to order. Chairman Pat Downing called the meeting to order at 7:55 PM. Supervisors Roger Kittleson and Mick Klein Kennedy, Treasurer Judy Keller and Clerk Mary Price were present. Also in attendance: Doug King, Mark Haebig, Craig Bluschke, Linda Bluschke, Richard Nygaard, David Mays, Ann Windsor, Wilbert Hefty, Mike Samuels, Jerry Keller, Jeff Anderson, Scott Bush, Jennifer Bush, Ken Hefty, Eric Olson.
2. Minutes of Previous Meetings – June 2 and June 9, 2009. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meetings held on June 2 and June 9, 2009 as published. Motion carried.
 - a. Town Board agenda notices – WI statutes, practices and policies. Clerk Mary Price presented information concerning meeting notice publication requirements. The Board reviewed information presented. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to elect to post Town Board meeting notices and Land Use Committee meeting and public hearing notices in accordance with WI statute 985.05(1) and 985.02 (2)(a) at the Town Hall, the Town Garage, the Daleyville Sign Post and the Town's website no later than the newspaper publication in which the notices appear. Motion carried.
 - b. Land Use applications neighbor notifications – practices and policies. Clerk Mary Price described the current policy and practice used for application neighbor notifications. Linda Bluschke suggested an addition to the neighbor notification letter to describe possible postponement.
3. Financial Report:
 - a. Treasurer's Report. Treasurer Judy Keller presented the monthly Treasurer's report.
 - b. Pay Bills due. The Board reviewed the invoices presented for payment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to pay the bills. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to draw on the Town's line of credit at the State Bank of Cross Plains in the amount of \$10,000.00. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the contract with Premier Co-op to provide 1,000 gallons of LP gas @ 1.299/gal. to be delivered by April, 2010. Motion carried.
4. Comments by Town residents. Craig Bluschke requested clarification on agenda item 5f, an update on court proceedings and information for the Town's website on Parks and Open Space committee activities.

5. Land Use:

- a. Permit applications, not requiring site views – Clerk Mary Price presented the following applications.
 - Scott and Jennifer Bush, 90 N. Hay Hollow Rd. – addition. The Board reviewed the application and information provided by the applicant. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to approve the building permit for a residential addition as presented by applicants Scott and Jennifer Bush. Motion carried.
 - Gerald and Judith Keller, 1439 Keller Rd. – deck. The Board reviewed the application and information provided by the applicant. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the building permit for a deck as presented by Gerald and Judith Keller. Motion carried.
 - Mick Klein Kennedy, 10921 Spring Creek Rd. – deck. Mick Klein Kennedy presented information and recused himself from the discussion and voting. Roger Kittleson moved and Pat Downing seconded a motion to approve the building permit for a deck as presented by Mick Klein Kennedy. Motion carried.
- b. Ken and Diane Hefty – driveway construction permit, review rezone 6.25 acres at approx. 1201 STH 78. Ken Hefty presented additional information received from Dane Co. Zoning. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the amendments to Petition 10046 to rezone Parcel A – 4.02 acres to RH-2. Motion carried.
- c. Obert and Marietha Jelle, approx. 425 Perry Center Rd. – revised site plan, driveway construction plan. Mick Klein Kennedy reported meeting with the applicants' agent and Dane Co. Hwy. Dept. employees to determine safe sight lines for the proposed driveway. Richard Nygaard requested additional information about the revised driveway plan. Clerk Mary Price reported that the Town Board Action report was submitted to Dane Co. Zoning.
- d. Town of Perry garage, 1386 STH 78 – cell tower site plan, lease agreement. Chairman Pat Downing presented information received from Atty. Mark Rooney and Doug Dolan. The Board reviewed the revised site plans.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to authorize Pat Downing to approve site plan Option 2 with the contingencies that future carriers will be located east of the building and the northwest corner will be revised; and to approve site plan Option 1 if contingencies to Option 2 cannot be negotiated. Motion carried.

The Board reviewed the lease agreement revisions proposed by Atty. Mark Rooney in Updates to Memo of June 8, 2009, dated July 13, 2009:

 - Point 3 – Fall Down Radius. Update should be included in the lease. Section 3a will have the following added to the second to last paragraph: “Before commencing installation of the equipment within the time frame described above, Lessee shall provide Lessor with a copy of detailed design drawings that have been reviewed and

stamped by a structural engineer licensed by the State of Wisconsin to verify that the latest EIA/TIA standards are being observed and that the tower to be constructed on the premises will support the antennas of two additional, possible future wireless co-locators at the heights shown in said drawings.”

- Point 4 – Rent. The rent will increase 3% every year.
- Point 8 – Insurance. Verizon to provide insurance coverage.
- Point 10 – Removal at End of Term. “Once Verizon has removed their equipment (except for the footings), they will substantially restore the property to its original condition.” Delete “substantially”; define “original condition.”; add “within one year”
- Point 13 – Signing Bonus and legal fees. Signing bonus should be \$5,000.00. Legal fees should be paid by Verizon.
- Point 14 – Lease Duration. Lease should be reviewed by Lessee and Lessor after 5 years.

e. Dane Co. cell tower siting moratorium support letter. The Board reviewed the basis for a support letter.

f. Hauge Log Church Historic Park – Conservancy zoning, deed restrictions. Linda Bluschke presented information received from Surveyor Thom Grenlie, Dane Co. Zoning and Hauge Historic District documents.

The Historic Preservation Commission recommended:

1. that a certified survey map be prepared depicting the Hauge Historic District and creating a complete legal description.
2. the Hauge Historic District be rezoned to “Historic”.
3. a deed restriction be drafted and recorded that states “No fires are allowed within the Historic District”. The purpose of this deed restriction is to clarify the previously approved legal descriptions meant to achieve the maximum protection for the historic Hauge Church.
4. the Historic District designation approved the Town Board on December 11, 2001 be recorded with the Dane County Register of Deeds as soon as possible.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to authorize Surveyor Thom Grenlie to prepare a certified survey map for the Hauge Historic District. Motion carried.

g. Dane Co. Ord. Amendment–on-premise permitted signage in zoning districts. The Board reviewed the proposed Dane Co. Ordinance Amendment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to disapprove Dane Co. Ordinance Amendment No. 1– on-premise permitted signage in zoning districts. Motion carried.

6. Dark Sky Ordinance revisions and adoption. The Board reviewed comments presented at the public hearings and revisions prepared by Doug King. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to adopt the Dark Sky Lighting Ordinance. Motion carried.

7. Committee reports and appointments:
 - a. Parks and Open Space report and recommendations – Hauge Log Church Historic District Park field road, grant applications, park plans. Mick Klein Kennedy reported that a combined meeting with the Historic Commission and the Parks and Open Space Committee is planned and will include a Hauge Park tour.

 - b. Historic Preservation Commission – Town papers review.

8. Roads, Equipment, Facilities – reports;
 - a. Review and award 2009 road repair contracts. Clerk Mary Price reported the request for a bid for additional repair work was sent to Payne and Dolan and no response has been received.

9. Announcements. The Town Board will meet on Monday, August 10, 2009 beginning at 7:30 PM.

10. Adjournment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to adjourn. Motion carried. The meeting adjourned at 12:25 AM.

Respectfully submitted,

Mary L. Price, Town Clerk
