

Minutes of Town of Perry Board Meeting  
Tuesday, September 11, 2012  
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 Stephanie Zwettler and Clerk Mary Price were present. Also in attendance: Linda Bluschke, Margaret Berg, Norbert Haag, Ken Bartz, *Mt. Horeb Mail* reporter Kath. Kramer, Doug King, Duane Iverson, Lynn Bliss, Brent Radke, Gary Wegner, Steve Ligler, Gamze Ligler, Barrett Browning, Alice Yaeger, Ed Sutter, Doug Nelson, Lynette Gebben, Bird Cupps, Jeff Anderson, Atty. Mark Steichen, Gary Karls, Renaye Leach, Atty. Glenn Reynolds.
  
2. Minutes of Previous Meetings – Aug. 9 and Aug. 27, 2012; Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Town Board meetings held on August 9 and August 27, 2012 as published. Motion carried.  
Clerk's report. Clerk Mary Price attended the status conference held in Judge Remington's court on Sept. 6; processed open records requests for the Recall election, Atty. John Kassner and Barrett Browning; supervised Aug. 14 Primary election; initiated Nov. 6 General election – ordered ballots, processed three permanent overseas absentee ballot requests and eighteen absentee ballots requests; provided info. for the Perry Center Rd. culvert replacement, arranged truck and tractor loans, provided equalized valuations for three fire departments, arranged insurance coverage for Daleyville playground equipment, provided information for legal cases.
  
3. Financial Report:
  - a. Treasurer's Report. Treasurer Stephanie Zwettler presented the monthly report and announced plans to attend mandatory Treasurer's training provided by the Dane Co. Treasurer in October.
  
  - b. Pay Bills due. The Town Board reviewed the invoices presented for payment. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to pay the bills. Motion carried.
  
  - c. Truck and tractor loans. Clerk Mary Price presented loan proposals and other information received from Peoples State Bank, State Bank of Cross Plains, BMO Harris Bank, and Anchor Bank.  
Mick Klein Kennedy moved and Roger Kittleson seconded a motion to borrow \$129,000.00 from Peoples Community Bank at 2.09% for five years to finance the Town's 2012 Truck and equipment and the 2012 Tractor. Motion carried.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to obtain more information and a proposal for a line of credit from Peoples State Bank. Motion carried.

4. Announcements. Clerk Mary Price recognized Kay Watson's extraordinary assistance provided to a young Town resident at the Recycling Center on Sept. 1, 2012. The Town Board concurred and thanked Kay for her intervention.
5. Forest Tax Law Master File review. The Town Board reviewed the Forest Tax Law Master File.
6. Dane Co. Farmland Preservation Plan – Comprehensive Plan amendments. The Town Board reviewed the public hearing schedule for proposed amendments.
7. Mt. Horeb Fire Department annual meeting. Ed Sutter presented an overview of the proposed budget. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to authorize the Town Board members in attendance at the Mt. Horeb Fire Department annual meeting on September 26, 2012 to act on behalf of the Town. Motion carried.
8. WI Towns Assoc. Annual Convention. The Town Board reviewed the schedule and agenda to be presented at the WI Towns Assoc. Annual Convention.
9. Committee reports: Parks and Open Space project updates; recommendations. Parks and Open Space Committee member Lynette Gebbens reported that the swing set and picnic table are scheduled to be delivered to the Daleyville Park; the committee is researching flag pole options; and requested further information about an old fence to be removed from the Hauge Park.
10. Roads, Equipment, Facilities – Recycling Center dumpsters; Ken Bartz advised that a stop sign should be installed at the end of Sunset Ave., and Chairman Pat Downing will review with the Town's Patrolman; Clerk Mary Price expects further information about replacement recycling dumpsters from Waste Management;  
Town Hall retrofitting – Clerk Mary Price presented Strand, Inc.'s proposal to develop grant applications.  
Cell tower update; Clerk Mary Price reported information received from Dane Co. Zoning and Central States Tower Co. indicating that the cell tower will be operational in October, 2012.  
Perry Center Rd. culvert update; Clerk Mary Price reported that Dane Co. Hwy. Dept. began installation of the Perry Center Road culvert on Sept. 10.  
CTH A road repairs; Chairman Pat Downing presented Gary Wegner's request for repairs on County Highway A and comments received from Dane Co. Hwy. Dept. Roger Kittleson moved and Mick Klein Kennedy seconded a

motion to send a letter to Gerald Mandli, Director, Dane Co. Dept. of Public Works and Robin Schmidt, Dane Co. Highway Dept. to request CTH A road repairs during the 2012 autumn. Motion carried.

DOT Local Road Certification. The Town Board reviewed the DOT Local Road map for certification. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to add the Hauge Parkway to the DOT Local Road map. Motion carried.

11. Hauge Log Church Historic Dist. Park - legal updates, communications & planning. Doug King presented several comments and recommendations – that the Chairman not run for re-election to a full term – if the Motion to Reconsider is rejected before the election, the Chairman should delegate the Town meetings to Supervisor Kittleson; if the Motion to Reconsider is accepted before the election, the Chairman should consider a short-term ending when the case is decided, since the Land Use Plan and the National Historic site have been protected with a public park; the Chairman should stay until the case is decided, for continuity; the Town's Land Use Plan has been upheld intact. Doug King reported a list of veterans buried at the Hauge Historic Log Church cemetery and described comments received from a disabled Marine veteran who visited the cemetery recently. Chairman Pat Downing indicated that he will consider the comments and recommendations.

Chairman Pat Downin introduced Atty. Mark Steichen, explaining his background in eminent domain, land use and zoning. Atty. Mark Steichen reported that he is recommending a Motion for Reconsideration after reviewing the Court of Appeals' decision and is available to assist the Town.

Steve Ligler advised against a Motion to Reconsider due to costs.

Jeff Anderson reviewed brief and commented that it appeared to be mishandled by the Town Board and the Town's atty. and additional Motions could be costly.

Doug Nelson noted the disdain and impatience in the decision.

Atty. Mark Steichen indicated that the Court of Appeals did not decide several issues presented and these issues should be decided and Motion to Supplement the Brief should be submitted.

David Gehl asked a question. Atty. Mark Steichen reminded him that he is represented and cannot answer directly.

Barrett Browning asked if posting a bond would abate interest accruing interest and Atty. Steichen indicated that the bond would not stop accrued interest.

Roger Kittleson reported meeting with David Gehl in settlement negotiations on Sept. 1 and Sept. 11. Several questions were presented for further clarification for the next meeting scheduled on Sept. 18.

Chairman Pat Downing reported that Judge Remington ordered mediation. Attys. Erbach and Reynolds will contact mediators for availability, fees, and experience in eminent domain cases.

Bird Cupps asked if the Town has attempted to negotiate and Pat Downing reported that the Town attempted to negotiate many times.

Barrett Browning advised an offer should be given to David Gehl.

Roger Kittleson reported that David Gehl refused to discontinue accruing interest.

Steve Ligler advised the Town to approve a building site for Mr. Gehl.

Duane Iverson requested clarification on town road and parkway. Atty. Glenn Reynolds reported Dane Co. Corporate Counsel's opinion that the parkway fulfills Dane Co. Zoning ordinance requirements for frontage on a public road.

Mick Klein Kennedy indicated that the right to construct a Town road in the easement area was included in the Jurisdiction Offer.

Atty. Mark Steichen advised the Town Board to discuss options to meet deadlines.

Renaye Leach observed that over the past twelve years, the Town Board researched each option available to the Town and made good decisions and advised the Town to continue with careful, prudent decisions and to adhere fairly to the Town's Land Use Plan; and thanked the Town Board for their service to the Town.

12. Closed and Open Sessions. Closed and Open Sessions. Chairman Pat Downing announced that a closed session will be convened to discuss litigations under WI Stat. 19.85(1)(g).

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to convene a closed session during this meeting to discuss matters under WI Stat. 19.85(1) g. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

Supervisor Mick Klein Kennedy found two digital recorders, recording, on Town Hall chairs. Ken Bartz returned to retrieve them.

Chairman Pat Downing convened the closed session.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to reconvene the open session. Roll call vote: Pat Downing, Yes; Roger Kittleson, Yes; Mick Klein Kennedy, Yes. Motion carried.

Chairman Pat Downing convened the open session.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to authorize the Town's attorneys to file a Motion to Stay for sixty days in the Court of Appeals case 2011AP0492, to allow all parties to pursue mediation and settlements. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to authorize Clerk Mary Price to calculate an amount for the loan application sufficient to negotiate a settlement within 60 days. Motion carried.

Barrett Browning requested an update on the loan application. Clerk Mary Price reported that the loan application will be completed when a loan amount is determined.

13. Adjournment. Mick Klein Kennedy moved and Roger Kittleson seconded a motion to adjourn. Motion carried. The meeting adjourned at 12:45 AM.

Respectfully submitted,

Mary L. Price, Town Clerk

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