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## The Price Of Purity

### Town's Tab Is Soaring To Save Church View

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**By Eric F. Lipton Correspondent for The Capital Times\ The writer retains the copyright for this article**

Three years of wrangling over a historic church site have cost residents of this rural town a lot -- \$100,000 in legal fees and resulting higher tax bills.

While some say the fight remains worth it, others have begun to express concern.

Over the past three years, the town has been involved in four lawsuits related to the Hauge Log Church, a 152-year-old state and national historic site. All have been tied to efforts by adjacent land owner David Gehl to build his retirement home and a large pole barn that would disrupt a panoramic vista of the fields and the Blue Mounds in the distance.

Three of the suits were filed by Gehl and others, with their cost absorbed by the town's insurance, officials said.

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But the fourth, an appeal of a Dane County zoning decision that morphed into an open meetings case, was originally filed by the town, making the \$100,000 cost its financial responsibility.

The town was only able to cover \$35,000 with cash on hand and ended up taking out a \$65,000 loan to cover the rest, Town Chairman Patrick Downing said. The three-year loan will be repaid by 2005, at 3 percent interest.

That's on top of \$106,000 the town has separately shelled out in the past three years to buy land surrounding the church site, as a buffer zone from future development. All of the purchase price has since been recouped by grants from Dane County, the Hauge Log Church Preservation Association and the state of Wisconsin, but it initially was paid up front by the town.

"It's a lot of money for a small town," said Tom Curran, who lives close to the church on County Z and has for years maintained signs directing travelers to the church on his property. Curran said that while he supports the church preservation, he doesn't want it to "become a burden" to the town.

"I'm glad we're getting some support from the county," he said.

In the last three years, the town's annual tax levy has risen significantly, up from \$146,000 in 1999 to \$197,000 in 2004.

Downing says the lawsuits haven't led to reduced services such as snow plowing, and he said the levy should go back to normal after 2005.

"I can't say we relish the thought of spending the money this way, but it's not going to deter us," Downing said when asked about the financial impact of the lawsuits. "It's a big chunk, but it has not kept us from our duties."

\*

Simple house of prayer: The Hauge Lutheran Church, built by Norwegian immigrants in 1852, is named for Lutheran reformer Hans Nielson Hauge, who was imprisoned numerous times in Norway for defying the law that banned religious meetings without an ordained minister present. He formed a system of brotherhoods in which church members met for religious study and prayer.

The plain elements of the town of Perry church reflect that philosophy. It remains open from sunrise to sundown every day and continues to be a site for weddings and baptisms, though no longer for regular worship services.

Sentiments about the building run deep here, both among those supporting and those less concerned about the church.

Gary Boley, president of the Hauge Log Church Preservation Association, said his organization has received contributions from as far away as Norway and Hawaii, although the majority of funds come from within Perry itself.

"The people who have been here the longest have ties to the church," said Boley, who lives within sight of it. "My great-grandfather, great-great-grandmother and great-great-grandfather are all buried there."

Since the dispute began, the association's membership has swelled to 125, with \$100,000 of a \$150,000 fund-raising goal achieved so far, Boley said.

Boley attributes the church's popularity to more than its roots in the community.

"It's a sacred space. We each have our own reason why a particular site is sacred," he said. "Most rural towns just worry about taking care of the roads. We also take care of a beautiful piece of history."

But not everyone is so enamored.

"As a town of Perry taxpayer, I am disgusted that we are paying for this," said one resident, who asked not to be named. "It's going to bankrupt the town. It's just a small number of influential people. It's the people who've been here forever against the newer residents."

Town resident Fred Smith said his concern extends beyond the fact that he was the one who sold the disputed acreage to David Gehl in 2000.

Smith, who currently has a lawsuit pending against the town over the creation of the historic preservation ordinances, says if its expenditures on the church went to a referendum, it would fail.

Many of the decisions in the town, including the budget, are passed in open session where attending residents vote. The Jan. 8, 2002, vote to purchase land for the Hauge Historical District was adopted overwhelmingly, 63 to 7.

In a town of 671, that's less than 10 percent of the population, said Smith.

Downing said such votes are "certainly representative" and help it avoid the hearings and meetings that tie up larger cities, he said.

"We published notices in the paper to invite everyone to come on down and talk." Town meetings, Downing said, "are a special thing about small-town governance."

Smith disagrees.

"People in town meetings don't want to raise hands in front of neighbors," he said. "If you disagree with someone in power, it's looked down upon. If I could get the right money for my place, I'd be out of here tomorrow. It isn't worth getting sick over."

\*

Gehl speaks out: The man determined to build his house where he wants, whether it breaks up the church's vista or not, view or not, is standing his ground.

"I have nothing against the church or the town," David Gehl said in an interview, but he has "no choice" but to continue with the lawsuits.

"They're trying to take my land -- what would you do?"

Gehl said he has tried but failed to find a compromise, something town officials say as well.

Still, as the court costs rise, Gehl said he has no financial choice but to continue after spending what he claims to be more than \$300,000 in legal fees himself, both in filing and defending against various lawsuits and citations.

"I can't afford not to continue," he said. "The only way I can recoup my losses is to win."

Gehl said he's not worried that if he does ultimately build his house, he will be alienated from his neighbors.

"The town of Perry is a big open area," he said. "I never run into these people."