

Town of Berry Board Meeting  
February 17, 2020, 7:00 p.m., at the Town Hall, 9046 State Road 19, Mazomanie, WI 53560  
Agenda

1. Call to order
2. Approve minutes of January 21, 2020
3. Public Comments: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed. Comments are generally limited to three minutes.
4. Patrolman Report, if necessary
5. Presentation by David Stanfield, re Black Earth Electric exploring the costs and benefits of installing a solar generation facility
6. Discussion/recommendation to the Board of Zoning Appeals re:
  - A. (V-2020-1) David & Candace May, 5403 Otto Kerl Rd, variance to permit a reduced setback from 50' to 49'
7. Discussion/action re: Climate Action Workshop, be listed as a supporter of the workshop
8. Discussion/action re: Request from Empire-Sauk Chapter of the Prairie Enthusiasts to waive town hall rental fee for prescribed fire basic training class
9. Discussion/action re: Ordinance Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles
10. Discussion/action re: Property located at 8785 State Road 19
11. Discussion/action re: Confirming Open Book and Board of Review dates
12. Budgetary Matters
  - A. Discussion/action re: Payment of bills
  - B. Discussion/action re: Purchase a torque multiplier and wrench
13. Committee reports/Correspondence/Communications
  - A. Fire Districts
  - B. EMS Districts
  - C. Other
14. Discussion of future agenda items
15. Adjourn

Persons requiring additional services to participate in a public meeting should contact the Town Clerk at the Town Hall, 9046 Hwy 19, Mazomanie, WI 53560. 767-4152 [twnberry@chorus.net](mailto:twnberry@chorus.net)

Posted: 2/10/20

Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Board Meeting Minutes  
DATE: January 21, 2020  
TIME: 7:00 – 8:57 p.m.  
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560  
POSTINGS: Town Hall and Town of Berry website

I. CALL TO ORDER – ROLL CALL: The meeting was called to order at 7:00 p.m. Board members present: Anthony Varda, David Evert, Michael Statz, Joe Kruchten and Duane Haag. Also present Clerk, Brenda Kahl.

II. APPROVE MINUTES OF DECEMBER 16, 2019

**Motion** Haag/Kruchten to approve the minutes of December 16, 2019. Motion carried. Vote 5-0

III. PUBLIC COMMENTS: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed.

\*Dave Lucey asked the town if they are interested in supporting the Climate Action Workshop

IV. VILLAGE OF CROSS PLAINS INFORMATIONAL PRESENTATION ON PROPOSED SUBDIVISION ALONG COUNTY ROAD P AND NORTH HILL POINT ROAD

Presentation of proposed development and urban service area amendment process

V. DISCUSSION/ACTION RE: PROPOSED ALL-TERRAIN AND UTILITY-TERRAIN VEHICLE ROUTE ORDINANCE

**Motion** Evert/Kruchten to prepare a draft ordinance for action at the February meeting. Motion carried. Vote 5-0

VI. PATROLMAN REPORT, IF NECESSARY

Having an issue with property owners plowing snow across the roads.

VII. DISCUSSION/ACTION RE: AUSTIN/BOWAR ROAD DAMAGE

**Motion** Varda/Haag to get an estimate for the potential repair in the spring of the worst of the damage and make a request for payment from Austin for that damage. Motion carried. Vote 4-1. In favor: Haag, Statz, Varda and Kruchten Opposed: Evert

VIII. DISCUSSION/ACTION RE: PATROLMAN'S LOG REVIEW PROCESS

Discussion only

IX. DISCUSSION/ACTION RE: PRE-TRIP AND POST-TRIP VEHICLE INSPECTIONS

**Motion** Haag/Kruchten to use the first page of the WIDOT Appendix 2.E form as the pre-trip and post-trip inspection form and fill out on vehicles each day used and purchase a torque multiplier and 250 foot pound torque wrench. Motion carried. Vote 5-0

X. DISCUSSION/ACTION RE: ADD MEETING PACKETS TO THE WEBSITE

**Motion** Varda/Kruchten to add the meeting packets to the website on a pdf basis as soon as the web contractor can incorporate it. Motion carried. Vote 4-0. Haag abstained

XI. DISCUSSION/ACTION RE: PROPERTY LOCATED AT 8785 STATE ROAD 19

On the agenda for review. Discussion only.

XII. DISCUSSION RE: CONTRIBUTION TO COUNTY FUNDING PROGRAM

Discussion only.

XIII. BUDGETARY MATTERS

A. Discussion/action re: Payment of bills

**Motion** Varda/Kruchten to approve the payment of bills. Motion carried. Vote 5-0  
Check numbers 4526-4529 and 17235-17289

B. Discussion/action re: Resolution to transfer and designate funds within the 2019 budget

**Motion** Varda/Kruchten to approve Resolution 2020-1. Motion carried. Vote 5-0

C. Discussion/action re: WTA Town Advocacy Council Membership

No action taken

XIV. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS

\*Black Earth Fire District: District received \$47,614.61 from FEMA; nine more firefighters had swift water training; the State will be auditing for the 2% dues and bookkeeping; fire station roof may need replacing; having wiring issues with the vehicles due to the flood waters

\*Cross Plains EMS: Received eight applications for the full time Chief/EMT position

\*District 1 EMS: Taken delivery of new ambulance which was totally funded by the sinking fund maintained by the district; old ambulance will be traded in

\*Had an appeal to the Dane Town Board of Zoning Appeals and Adjustment from Meinholz LLC about enlarging their quarry and have now appealed to the Dane County Circuit Court

XV. DISCUSSION OF FUTURE AGENDA ITEMS

XVI. ADJOURN

**Motion** Varda/Kruchten to adjourn until the next regular meeting or the call of the chair. Motion carried. Vote 5-0.

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Brenda Kahl, Clerk/Treasurer

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Anthony Varda, Chair

2-10-20

Agenda Item #5, Presentation by David Stanfield, re Black Earth Electric exploring the costs and benefits of installing a solar generation facility

See attached email and letter

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**Black Earth Electric**

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**From :** J DAVID STANFIELD <jdstanfi@wisc.edu>

Fri, Dec 27, 2019 05:19 PM

**Subject :** Black Earth Electric

📎 1 attachment

**To :** Brenda <twnberry@chorus.net>

**Cc :** Warren Gaskill <wgaskill@rapid-improvement.com>, Barbara Borns <prairiebarbara@gmail.com>, pantonie antonie (pantonie@msn.com) <pantonie@msn.com>, Karen Carlock <karen.carlock@gmail.com>

Hi Brenda,

Thanks for your time this afternoon. It is a busy time of the year for Town Government.

As I mentioned, I am a member of the Town of Vermont Advisory Committee on Energy Planning. We are trying to help our Town residents improve the efficiency of their electricity usage, and to increase the proportion of lower cost, renewably generated electricity which we use.

About 113 of our Town residents are customers of Black Earth Electric. We are fortunate that Black Earth Electric owns the grid and equipment which provides electricity to those Vermont customers as well as to customers in the Town of Berry.

Having a community owned electric grid with its equipment enables Black Earth Electric to consider installing a solar plus battery facility for feeding into its grid. As demonstrated in other communities such a facility might provide electricity at a lower cost than what Alliant presently charges BEE.

It could be more resilient than huge transmission grids, and would reduce usage of costly fossil fuel generated electricity.

Might the Town of Berry join the Town of Vermont in requesting Black Earth Electric to explore the costs and benefits from installing a solar plus battery facility to feed into its grid?

Attached is a draft of the letter from the Town of Vermont.

I would be happy to attend the February 17, 2020 meeting of your Board to discuss these ideas. Let me know what you think.

David Stanfield

J. David Stanfield, Town of Vermont Advisory Committee on Energy Planning

Email: [jdstanfi@wisc.edu](mailto:jdstanfi@wisc.edu)

Skypename: jdstanfi

Telephone: 1-608-767-3449

Date:

To: : President of the Village of Black Earth  
1210 Mills Street  
Black Earth, Wisconsin 53515

Peter Huebner, Administrator of the Village of Mazomanie  
133 Crescent Street  
P.O. Box 26  
Mazomanie, WI 53560

On July 19, 2019, the Board of the Town of Vermont, Dane County, approved the following goal for the Town's Energy Plan:

*The goal of this Energy Plan is to support current and future Town of Vermont residents to adjust to a rapidly changing economy and environment, and to transition away from fossil-based fuels to more renewable energy sources.*

To help us reach this goal, we ask you to consider creation of a local solar generation facility (or facilities) for Black Earth and Mazomanie. Black Earth Electric serves 113 customers in our Town.

While taking advantage of recent technological advances for local generation of renewable energy at potentially lower costs, such facilities would also increase the proportion of reliable and renewably generated electricity to benefit your customers, including those in our Town, and our environment.

On behalf of our Board of Supervisors, as you and the Vanguard Electric Commission explore options for satisfying this request, please keep us informed.

Thank you for your consideration of this request.

Sincerely,

Karen Carlock, Chair of the Board of Supervisors of the Town of Vermont

TITLE: Town of Berry Plan Commission Meeting Minutes  
DATE: February 3, 2020  
TIME: 7:00 – 7:31 p.m.  
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560  
POSTINGS: Town Hall and Town of Berry website

#### I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. Members present: Anthony Varda, Joe Kruchten, Mike Theis, Christine Molling and Robert Agee

#### II. APPROVE MINUTES OF DECEMBER 2, 2019

**Motion** Kruchten/Theis to approve the December 2, 2019 minutes. Motion carried.  
Vote 5-0.

III. PUBLIC COMMENTS: You may address the Commission on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda either now, or at the time the agenda items is to be discussed, or at the discretion of the Chair at the time the agenda item is discussed.

#### IV. DISCUSSION/RECOMMENDATION TO THE BOARD OF ZONING APPEALS RE:

A. (V-2020-1) David & Candace May, 5403 Otto Kerl Rd, variance to permit a reduced setback from 50' to 49'

Anthony Varda recused himself

**Motion** Molling/Agee that because the owners have indicated that they will be putting cabinetry on the side of the building closest to the line which will take up at least a foot therefore keeping animals more than 50 feet away from the lot line that we recommend that the variance be approved for David and Candace May at 5403 Otto Kerl Road, reduced setback from 50 to 49 feet. Motion carried. Vote 4-0

#### V. ADJOURN

**Motion** Varda/Molling to adjourn until the next regular meeting or the call of the Chair. Motion carried. Vote 5-0

2-10-20

Agenda Item #6, Discussion/recommendation to the Board of Zoning Appeals re:

A. (V-2020-1) David & Candace May, 5403 Otto Kerl Rd, variance to permit a reduced setback from 50' to 49'

Application is attached. Instead of reprinting all the maps, refer to the copies you received in the site visit packet

# APPLICATION FOR VARIANCE

TOWN OF BERRY • 9046 STATE ROAD 19 • MAZOMANIE, WI 53560  
PHONE (608) 767-4152 • FAX (608) 767-3015 • [www.townofberry.org](http://www.townofberry.org)

PERMIT #:

Permit Fee: \$ 450.00 Fee Paid:

Approved By: \_\_\_\_\_

Approval Date:     /     /

## GENERAL INFORMATION

APPLICANT NAME

Candie or Dave May

MAILING ADDRESS

5403 Otto Kerl Road

DAYTIME PHONE #

608-577-8950

EMAIL

cmay823@gmail.com

Property Address: 5403 Otto Kerl Road, Cross Plains, WI

Legal Description of Property (Name of CSM, Subdivision, Block and Lot): CSM 11031 LOT 1

Section: \_\_\_\_\_

Tax Parcel Number: 080722381800

Lot Area and Dimensions: 32.29 ACRES.

Existing/Proposed Zoning District: RH-4

## EXISTING AND PROPOSED USES

Current Principal Use: Home

Accessory or Secondary Uses: Horse Stall barn -> Building which relates to the Area Variance request.

Proposed Use: Horse Stall Barn.

Ordinance section from which variance is being sought: 500.3 - General Variance Ordinance.

What specific departure from the ordinance is being proposed (refer to the standards of the ordinance)? Building site location has been found to be nonconforming with Town Ordinances. We are immediately seeking an area variances to permit a reduced setback from 50' to 49'. Seeking minimum area variance needed of 1'.

Have you been granted any variances in the past for this property?

Yes     No    If yes, describe: \_\_\_\_\_

Names of adjoining property owners, if known: Wolcott Brown Hansen, Nathan Breunig, Hillside Horse Farms LLC.

## CRITERIA

Address each of the following criteria for granting a variance.

1. Unnecessary hardship is present because:

Although the property is 32.29 acres, suitable and buildable land is prohibitively impacted by the physical and natural features of the property (Visuals D & E). Furthermore, due to the larger setback imposed upon Animal Containment Structures by the Zoning Ordinances, compliance unreasonably restricts the owners of the property for a permitted use and renders conformity with those ordinances unnecessarily burdensome (Visuals E, F and G). Furthermore, the limiting physical features of this property are not generally shared by other properties in the immediate vicinity (Visual D \*notice the unusual concentration/density of severe grade and lack of flat grade). Furthermore, natural topography includes a rain water drainage which further limits suitable buildable lands. +

2. Unique features of this property prevent compliance with the terms of the ordinance; they include:

1) Concentrated/high density of steep grade.

Occupy a significant percentage of total acreage unique to this property.

Unnecessarily financial burden due to significantly higher construction costs.

Inadequate access to a structure unnecessarily burdens the owner from using the property for its permitted uses.

Unnecessarily restricts and burdens access to pasture and grazing areas needed for the animals. +

2) Two large and deep ravines

3. A variance will not be contrary to the public interest because:

A minimum area variance of 1' will not impact public safety. Due to the location of the Non-Conforming Nuisance Fence located near the West adjoining property line, the neighbor most directly impacted by the 1' area variance has unequivocally and with intention previously obstructed any ability to visually or otherwise be impacted by this variance. Furthermore, the shed cannot be made to comply with current ordinances without first disassembling the structure, moving the foundation 1' and rebuilding the entire structure which is prohibitively expensive and creates an unreasonably financial burden upon the owners. The infringement on the setback was done in error and with no +

## PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale with all dimension figures, showing accurately property lines, easements and required building setbacks, the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

If relevant to the variance request, the plan should also show contour lines (2-ft interval), the ordinary high water mark, floodplain and wetland boundaries, utilities, driveways and streets (include street names), and the location of filling/grading and/or erosion control measures.

## CONDITIONS

The Town of Berry Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind and supply ALL pertinent information. If the variance is granted, no construction shall begin until a building/zoning permit has been issued.

**APPLICANT STATEMENT**

I, the undersigned, do hereby make an application for a variance for work described and located as shown herein. I agree that all work shall be done in accordance with the requirements of the Town of Berry Zoning Ordinance and with all other applicable ordinances and the laws and regulations of the State of Wisconsin. I declare that the information that I am supplying is true and accurate to the best of my knowledge and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application, I am also granting permission to the Zoning Department Staff to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

**PRINTED NAME OF APPLICANT(S)**

Candie or Dave May

**SIGNATURE OF APPLICANT(S)**

*Candace May*

**DATE**

1/12/2020

**TO BE COMPLETED BY THE TOWN OF BERRY**

Date Filed: January 13, 2020

Date Fee Received by Town: \_\_\_\_\_

Date Set for Board of Zoning Appeals Hearing: \_\_\_\_\_

## **1. Unnecessary hardship is present because:**

Although the property is 32.29 acres, suitable and buildable land is prohibitively impacted by the physical and natural features of the property (Visuals D & E). Furthermore, due to the larger setback imposed upon Animal Containment Structures by the Zoning Ordinances, compliance unreasonably restricts the owners of the property for a permitted use and renders conformity with those ordinances unnecessarily burdensome (Visuals E, F and G). Furthermore, the limiting physical features of this property are not generally shared by other properties in the immediate vicinity (Visual D \*notice the unusual concentration/density of severe grade and lack of flat grade). Furthermore, natural topography includes a rain water drainage which further limits suitable buildable lands.

Furthermore, considerable time, cost and effort were invested into the project by the owners as a result of the prohibitive grade of the property. Beginning in 2015, the owners invested in surveying services and ground/site studies to professional determine suitable buildable lands on their property for the Stall Barn. Based on studies conducted in 2015, transit grade measurements in 2018 and 2019, cost and with consideration to Non-Conforming Nuisance fence; the current building site was selected. Additionally, the obstruction created by the Non-conforming Nuisance fence formed a physical and visual limitation to the property not shared by any other properties in the surrounding area. Please reference visuals B, C, F, H.1, H.2, H.3, H.4.

Due to these physical limitations of the property and ordinance requirements, the buildable lands of this property are severely and uniquely limited. This renders conformity an unnecessary and unique burden upon the owners not shared by the surrounding properties and as such, prevents permitted usage of the property.

**2. Unique features of this property prevent compliance with the terms of the ordinance; they include:**

1) Concentrated/high density of steep grade.

Occupy a significant percentage of total acreage unique to this property.

Unnecessarily financial burden due to significantly higher construction costs.

Inadequate access to a structure unnecessarily burdens the owner from using the property for its permitted uses.

Unnecessarily restricts and burdens access to pasture and grazing areas needed for the animals.

2) Two large and deep ravines.

Occupy a significant percentage of total acreage and are uniquely found on this property in high concentration.

Are not suitable for building any structure safely or without incurring unreasonable or burdensome costs.

3) Natural topography has a natural circumstantial rain water drainage dividing and limiting buildable lands.

Not suitable or buildable area.

Building here would potential blocks natural rain water drainage.

4) Non-Conforming Nuisance Wall adjacent to the property

Creates a unique physical and visual limitation on the property.

A physical feature unique to this property in the immediate area.

### **3. A variance will not be contrary to the public interest because:**

A minimum area variance of 1' will not impact public safety. Due to the location of the Non-Conforming Nuisance Fence located near the West adjoining property line, the neighbor most directly impacted by the 1' area variance has unequivocally and with intention previously obstructed any ability to visually or otherwise be impacted by this variance. Furthermore, the shed cannot be made to comply with current ordinances without first disassembling the structure, moving the foundation 1' and rebuilding the entire structure which is prohibitively expensive and creates an unreasonably financial burden upon the owners. The infringement on the setback was done in error and with no purposeful intent to gain or otherwise take advantage of public interest or safety. Furthermore, the area variance request is for a discreet amount and implicates approval of the variances would generally go unnoticed and cause no impact or otherwise disturb public interest or safety.

2-10-20

Agenda Item #7, Climate Action Workshop, be listed as a supporter of the workshop

# WHAT CAN WE DO?



## CLIMATE ACTION WORKSHOP

Starting February 25

Wisconsin Heights Middle/High School, 10173 Hwy 14, Mazomanie



Come prepared to share what you have learned, take advantage of what makes sense in your home or business, and think about your own needs between the sessions.

Three related meetings focused on actions you can take at your home, your business and in our community today to help reduce our impact on our environment.

Learn what others are doing today, locally and nationally. Get practical advice about energy efficiency, adding renewable energy sources, and available incentives.

This 3-step workshop will unfold over three months, with meetings on three Tuesday evenings, 7-9 pm (gather at 6:30) - February 25, March 31 and April 28.

For interested residents and businesses in Cross Plains, Black Earth, Mazomanie, Mount Horeb and neighboring townships.

**Sign up today—space is limited.**

[www.vermonttownship.com/community/energy](http://www.vermonttownship.com/community/energy)

### 3-STEP ACTION WORKSHOP

**Tuesday, Feb. 25: *Actions Being Taken Now*** - Highlight what is happening today in Dane County and elsewhere to mitigate climate impacts. View 60-minute documentary: "*From Paris to Pittsburgh*" Share reactions, suggestions.

**Tuesday, March 31: *Getting More Energy Efficient***— Practical steps and incentives for any business, farm and/or home to reduce energy costs. Examples of what steps your neighbors have done. Learn about Focus on Energy financial incentives.

**Tuesday, April 28: *Adding Renewables*** – Learn from your neighbors who have done it and from experts on adding renewable energy to your power supply. Learn about available financial and tax incentives, steps involved and more.

**SUPPORTERS** Town of Vermont • Dane County Office of Energy & Climate • Gateway to the Driftless • Black Earth Creek Watershed Association • Legacy Solar Cooperative • Town of Cross Plains • Wisconsin Focus on Energy • Cross Plains Sustainability Committee

Contact: Warren Gaskill to support or for information: [wgaskill@tds.net](mailto:wgaskill@tds.net)

2-10-20

Agenda Item #8, Request from Empire-Sauk Chapter of the Prairie Enthusiasts to waive town hall rental fee for prescribed fire basic training class

**Prairie Enthusiasts request to use Town Hall for burn school 2020**

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**From :** Robert Baller <robertballer@outlook.com> Mon, Jan 27, 2020 03:09 PM  
**Subject :** Prairie Enthusiasts request to use Town Hall for burn school 2020 📎 1 attachment  
**To :** Town of Berry <twnberry@chorus.net>

Greetings Town of Berry

I request use of the Berry Town Hall for our 3<sup>rd</sup> annual Prescribed Burn Class. Our chosen date is Sat, March 28, 2020, from 9-5 pm. The Prairie Enthusiasts class will involve all indoors lecture as before. I believe I can talk with Denny Connor about burning your town prairie in exchange for letting us use the room again, like last year. I understand you will not be able to review my request until the board meeting in mid Feb.

Attached is a draft 2020 Burn flyer, not used yet.

Thank you for considering  
Rob Baller

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 **ESC flyer spring 2020.docx**  
385 KB

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# The Prairie Enthusiasts - Prescribed Fire Basic Training 3/28/2020



**Saturday March 28, 9 AM – 4:30 PM**

**Town of Berry - Town Hall, 9046 State Road 19, Mazomanie, WI 53560**

Space is limited to 30 students. **Advance registration required.** No fee this year. **Donations** gratefully accepted.

Email for registration : \_\_\_\_\_

The Empire-Sauk Chapter of *The Prairie Enthusiasts* is offering free prescribed burn training. This 1-day class is for people without previous burn experience or who want a refresher. The training will follow the guidelines of the Wisconsin Prescribed Fire Council. Successful participation in this training, **plus** helping on two TPE burns as an apprentice, provides qualifications to be a new crew member on TPE burns.

Class taught by Scott Fulton and Rob Baller of TPE.

Town of Berry Hall is on HWY 19, west of intersection with County KP, (west of Marxville, west of Indian Lake). To facilitate carpooling, we would like to share your general location and email with fellow participants in advance of class.

### **Bring your own sack lunch**

The class will be held inside and consist of lecture with slides.  
Come prepared; we may try on/ try out burn equipment outdoors.

Sample of topics addressed:

Why burn? Fire dependent natural communities

Fire behavior

Prescribed burn planning

Fuels and firebreaks

Safety on the fire line

Weather considerations

Tools and equipment

Executing a burn plan

**A field burn practicum may be conducted the same day, to be announced. BE PREPARED. To participate in the burn practicum you must wear non-synthetic clothing – such as denim, long sleeved cotton shirt or sweatshirt, cotton hat or baseball cap, leather boots, leather gloves, safety glasses/eye glasses/sun glasses. TPE will provide back cans, drip torches, flappers, radios and other fire equipment. We may stay later than 4:30 pm.**

Questions? Contact [robertballer@outlook.com](mailto:robertballer@outlook.com) or 608-370-9064

2-10-20

Agenda Item #9, Ordinance Designating All-Terrain Vehicle Routes and  
Regulating the Operation of All-Terrain Vehicles

The revised and reformatted ordinance is enclosed.

## **201.2 Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles**

- I Intent
- II Statutory Authority
- III Routes
- IV Conditions
- V Enforcement
- VI Penalties
- VII Severability
- VIII Effective Date

### **SECTION I – INTENT**

The Town of Berry, Dane County, adopts the following all-terrain route for the operation of all-terrain vehicles listed in Section III. Following due consideration of the recreational value to connect opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route has been created.

### **SECTION II – STATUTORY AUTHORITY**

The Town Board of the Town of Berry, Dane County, Wisconsin has the specific authority to adopt this ATV/UTV Route Ordinance under Wisconsin Statute 23.33(8)(b) and 23.33(11).

### **SECTION III – ROUTES**

The following roads are designated as routes:

- A. North Hill Point Road and West Hill Point Road.
- B. Enchanted Valley Road from County Road P to County Road K.
- C. Martinsville Road from County Road K to intersection of Whippoorwill Road.
- D. Whippoorwill Road from intersection of Martinsville Road to State Road 19.
- E. Said routes are further described and identified by attached map.

### **SECTION IV – CONDITIONS**

As a condition for use of this route, the following conditions shall apply to all operators and passengers.

- A. No person shall operate an ATV or UTV on a town road unless the town road has been designated as an ATV/UTV route by the Town of Berry Town Board, except for operation that is allowed under state statute or administrative code.
- B. No person shall operate an ATV or UTV on a town road designed as an ATV/UTV route if the town road is closed for any reason.
- C. Operators of ATV or UTV vehicles shall abide by all traffic laws, include the rules and operation and equipment requirements contained in Wisconsin Statute 23.33 and Wisconsin Administrative Code Chapter 64, unless further restricted by this ordinance.
- D. ATV and UTV vehicles may only operate on an approved ATV/UTV route between the hours of 8:00 a.m. and 10:00 p.m.
- E. ATV and UTV vehicles shall operate at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise by this ordinance, by law or roadway conditions.

- F. All ATV/UTV operators shall slow to a safe and prudent speed when there are pedestrians, cyclists or animals on or near the roadway.
- G. All ATV/UTV vehicles must operate with fully functional headlights, taillights and brake lights.
- H. All ATV or UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the road. Operation on the gravel shoulders, grassy in-slope, ditches or other road right-of-way is prohibited. Left turns may be made from any part of the road when it is safe given prevailing conditions.
- I. Crossing should be made only at a place where no obstruction prevents a quick and safe crossing. Obstruction includes, but is not limited to, impairment of view and potentially hazardous roadway conditions.
- J. No person under the age of 16 may operate an ATV or UTV on any segment of a town road that is designated ATV/UTV route.
- K. Every person who operates an ATV or UTV on any segment of a town road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any enforcement officer, state patrol officer, inspector under State Statute 110.07(1), conservation warden or municipal peace officer.
- L. All ATV and UTV equipment is required to have applicable liability insurance and proof of insurance when on a town road designed as a route.
- M. Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c. All required designed route signs and posts shall be paid for by and ATV/UTV Club, with approval, installation and maintenance of the signs by the Town of Berry. Any damaged or vandalized signs will be paid for the ATV/UTV Club. No ATV/UTV designated route will be open for use until properly signed.
- N. The Town of Berry Chairperson shall have the authority to temporarily close or terminate any ATV/UTV route enacted by the ordinance for a period of 30 days or less due to an emergency situation or condition, as designated by the Chairperson. Closures for duration of greater than 30 days shall be reviewed by the Town Board.

#### **SECTION V – ENFORCEMENT**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Pursuant to Wisconsin Statute 23.33(1)(b), if a town adopts an ordinance regulating all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send a copy of the ordinance to the DNR, the State Patrol and to the office of any law enforcement agency having jurisdiction over any of the roads or highways to which the ordinance applies

#### **SECTION VI – PENALTIES**

Wisconsin State All-Terrain Vehicle penalties as found in Wisconsin Statute 23.33(13)(a) are adopted by reference.

#### **SECTION VII – SEVERABILITY**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Berry would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the

application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

**SECTION VIII – EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 17<sup>th</sup> day of February, 2020

Attest: \_\_\_\_\_  
Brenda Kahl, Clerk/Treasurer

\_\_\_\_\_  
Anthony Varda, Chairperson

Posted: \_\_\_\_\_

\_\_\_\_\_  
David Evert, Supervisor

Published: \_\_\_\_\_

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Michael Statz, Supervisor

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Joe Kruchten, Supervisor

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Duane Haag, Supervisor

2-10-20

Agenda Item #10, Property located at 8785 State Road 19

Same information as last month. On the agenda in case the board needs to take action.

2-10-20

Agenda Item #11, Confirming Open Book and Board of Review dates

Will the following dates work for you?

Open Book

Monday, May 11th from 5:30-7:30

Board of Review

Thursday, June 4th from 6:00-8:00

**2/10/2020****List of bills to be approved at the February 17, 2020 board meeting**

<b>Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>
1/28/2020	4530	Peoples Community Bank - Freightliner vehicle loan payment	23862.31
2/10/2020	4531	Dane County Treasurer - February property tax settlement	185920.14
2/10/2020	4532	Middleton-Cross Plains Dist - February property tax settlement	259223.74
2/4/2020	17290	Brenda Kahl	1157.65
2/4/2020	17291	Craig Wagner - part-time highway employee	364.12
2/4/2020	17292	Orlin Danz	1177.04
2/4/2020	17293	Tyler Danz - part-time highway employee	842.92
2/3/2020	17294	Dane County Treasurer - payment in lieu of tax settlement	1060.31
2/3/2020	17295	Madison Technical College - payment in lieu of tax settlement	282.03
2/3/2020	17296	WI Heights School District - payment in lieu of tax settlement	3424.52
2/10/2020	17297	Madison Technical College - February property tax settlement	48805.96
2/10/2020	17298	Public Health Dane Co - septic fee maintenance settlement	4439.04
2/10/2020	17299	Sauk Prairie School District - February property tax settlement	6636.25
2/10/2020	17300	WI Heights School District - February property tax settlement	309500.59
2/17/2020	17301	Alliant Energy	276.11
2/17/2020	17302	Brenda Kahl - mileage	118.45
2/17/2020	17303	Burke Truck & Equipment - 2012 Dodge, 2017 Freightliner	1327.32
2/17/2020	17304	CNA Surety - public official bond	550.00
2/17/2020	17305	Cross Plains-Berry Fire District - payment 1 of 3	12741.57
2/17/2020	17306	Dane County Treasurer - DaneCom cost for July-Dec 2019	520.00
2/17/2020	17307	Decker Supply - road sign, road markers	221.90
2/17/2020	17308	General Engineering Co - building permits, zoning	1247.56
2/17/2020	17309	GFC Leasing - copier lease	190.31
2/17/2020	17310	Gordon Flesch - fee for copies per month	35.81
2/17/2020	17311	Group Health Coop - medical and dental insurance	4638.00
2/17/2020	17312	John Deere Financial - tractor repairs	2494.43
2/17/2020	17313	Kayser Chrysler - 2012 Dodge truck maintenance	398.86
2/17/2020	17314	Lakeside International - 2004 International truck repairs	2422.08
2/17/2020	17315	McFarlane - supplies and tractor tires	1684.97
2/17/2020	17316	News Publishing - election notice	17.82
2/17/2020	17317	Northwestern Stone - chips mix	3367.99
2/17/2020	17318	Orlin Danz - reimburse for supplies	15.00
2/17/2020	17319	Pomp's Tire Service - International and Freightliner truck tire repair	1300.00
2/17/2020	17320	Prairie Plumbing & Heating - supplies	86.80
2/17/2020	17321	State Bank of Cross Plains - postage and supplies	267.70
2/17/2020	17322	TDS Telecom - internet and phone	196.01
2/17/2020	17323	Town & Country Sanitation - garbage & recycling	5904.40
2/17/2020	17324	Truck Country - 2017 Freightliner repairs	3252.07
2/17/2020	17325	US Cellular - patrolman's cell phone	54.82
2/17/2020	17326	Wisconsin Dept Revenue - fee for assessing manufacturing prop	29.70
2/17/2020	17327	Dane County Treasurer - January dog licenses settlement	647.75
2/17/2020	17328	George Jelak - Property tax overpayment	87.82
2/17/2020	17329	Gregory Landretti - Property tax overpayment	83.43
2/17/2020	17330	James Parry - Property tax overpayment	116.92
2/17/2020	17331	Joseph Neumaier - Property tax overpayment	61.62
2/17/2020	17332	Louis Vandenberg - Property tax overpayment	182.97
2/17/2020	17333	Marcus Chang - Property tax overpayment	179.30
2/17/2020	17334	Mark Griesbach - Property tax overpayment	610.81
2/17/2020	17335	Montana Lefebvre - Property tax overpayment	109.87
2/17/2020	17336	Snjwatt Rev Tr - Property tax overpayment	108.79

2/17/2020	17337	Theresa Ballweg - Property tax overpayment	66.13
2/17/2020	17338	Yahina Avila Vargas - Property tax overpayment	63.67

Additional bills will be handed out at the meeting

2-10-20

Agenda Item #12 (B), Purchase a torque multiplier and wrench

Received the attached estimates from Matco Tools

Also, Duane received a verbal estimate for a ½” square input drive, ¾” square output drive torque multiplier, brand name X4 for a cost of \$425 which includes shipping



TP Quote  
**Invoice:** 114459  
**Date:** 02/05/2020  
**Page:** 1 of 1

**Kurt Mezera**  
**Authorized Distributor of Matco Tools**

**Customer:**  
 BERRY TOWNSHIP(1664)  
 Mobile Number:6084440359  
 Walts Garage(MLOC000001)  
 1117 State St.  
 Black Earth, WI 53515

**Distributor;**  
 Kurt Mezera  
 2244 E CARLY CT  
 MILTON, WI 53563  
 Business Phone: (608) 770-1885  
 Email:kurt.mezera@yahoo.com

Item	Qty	Item Description	Amount	Comment
MQC4D600F	1	3/4DR TORQUE WRENCH DETACHABLE	0.00	Ordered
TRC250K	1	1/2"DR. 50-250 FT-LBS TRQ WR	345.00	S/N 50-250ft lbs
		You saved:	62.68	

Purchases: 345.00  
 Freight/Labor: 0.00  
 Tax: 18.98  
**Invoice total:** 363.98 **363.98**

Subtotal: 363.98

I have read and agree to the terms and conditions above.

Signature \_\_\_\_\_

LIKE/FOLLOW ON FACEBOOK FOR WEEKLY DEALS WHILE THEY LAST, LATEST AND GREATEST NEW TOOLS, ALONG WITH CURRENT NEW/USED TOOL STORAGE!!!

FACEBOOK : KURT MEZERA MATCO TOOLS



TP Quote  
**Invoice:** 114365  
**Date:** 02/03/2020  
**Page:** 1 of 1

**Kurt Mezera**  
**Authorized Distributor of Matco Tools**

**Customer:**  
 BERRY TOWNSHIP(1664)  
 Mobile Number:6084440359  
 Walts Garage(MLOC000001)  
 1117 State St.  
 Black Earth, WI 53515

**Distributor;**  
 Kurt Mezera  
 2244 E CARLY CT  
 MILTON, WI 53563  
 Business Phone: (608) 770-1885  
 Email:kurt.mezera@yahoo.com

Item	Qty	Item Description	Amount	Comment
MQC4D600F	1	3/4DR TORQUE WRENCH DETACHABLE	650.00	ORLIN-GARAGE
		You saved:	25.64	
ADJUSTMENT	1		0.00	200-600 FT LBS

Purchases: 650.00  
 Freight/Labor: 0.00  
 Tax: 35.75  
**Invoice total:** 685.75

Subtotal: 685.75

I have read and agree to the terms and conditions above,

Signature \_\_\_\_\_

LIKE/FOLLOW ON FACEBOOK FOR WEEKLY DEALS WHILE THEY LAST, LATEST AND GREATEST NEW TOOLS, ALONG WITH CURRENT NEW/USED TOOL STORAGE!!!

FACEBOOK : KURT MEZERA MATCO TOOLS



TP Quote  
**Invoice:** 114460  
**Date:** 02/05/2020  
**Page:** 1 of 1

**Kurt Mezera**  
**Authorized Distributor of Matco Tools**

**Customer:**  
 BERRY TOWNSHIP(1664)  
 Mobile Number:6084440359  
 Walts Garage(MLOC000001)  
 1117 State St.  
 Black Earth, WI 53515

**Distributor;**  
 Kurt Mezera  
 2244 E CARLY CT  
 MILTON, WI 53563  
 Business Phone: (608) 770-1885  
 Email:kurt.mezera@yahoo.com

Item	Qty	Item Description	Amount	Comment
ADJUSTMENT	1		200.00	3/4 RE-CALIBRATING
ADJUSTMENT	1		100.00	1/2 RE-CALIBRATING

Purchases: 300.00  
 Freight/Labor: 0.00  
 Tax: 16.50  
**Invoice total:** 316.50 **316.50**

Subtotal: 316.50

I have read and agree to the terms and conditions above.

Signature \_\_\_\_\_

LIKE/FOLLOW ON FACEBOOK FOR WEEKLY DEALS WHILE THEY LAST, LATEST AND GREATEST NEW TOOLS, ALONG WITH CURRENT NEW/USED TOOL STORAGE!!!

FACEBOOK : KURT MEZERA MATCO TOOLS