

TITLE: Town of Berry Annual Meeting Minutes  
DATE: April 20, 2021  
TIME: 7:00 – 7:46 pm  
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560  
POSTINGS: Town Hall and Town of Berry Website  
RESIDENTS PRESENT: 18 residents

I. CALL TO ORDER. The meeting was called to order by Chairperson Anthony Varda at 7:00 pm.

#### II. APPROVE JULY 14, 2020 ANNUAL MEETING MINUTES

**Motion** Duane Haag/David Evert to approve the July 14, 2020 annual meeting minutes.  
Motion carried. Voice vote 15-0

#### III. 2020 ANNUAL REPORT

**Motion** Duane Haag/Joe Kruchten to accept the 2020 annual report. Motion carried.  
Voice vote 16-0

#### IV. SET ANNUAL MEETING FOR 2022

**Motion** Joe Kruchten/Duane Haag to hold the 2022 annual meeting on April 19, 2022 at 7:00 pm. Motion carried. Voice vote 16-0

#### V. ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

A. Would you support or oppose opening all town roads to ATV use

**Motion** Joe Kruchten/David Evert to put up for an advisory vote the question of supporting or opposing opening all town roads to ATV use.

\*Christy Maik, 5124 County Road P, in favor for all town roads to be open for ATV use.

\*Jeff Madigan, 5454 Schuman Road, definitely in favor of ATV use on all roads.

\*John Wille, 8995 Spring Valley Road, I am also in favor of all roads.

\*Troy Kalscheuer, 9065 Far View Road, in favor of the ATV route.

\*Alex Wille, 5487 County Road KP, in favor of UTV's on town roads.

\*Tom Helleckson, 5124 County Road P, definitely in favor of ATV's on town roads.

**Motion** to put up for an advisory vote the question of supporting or opposing opening all town roads to ATV use. Raised hand vote. In favor of opening roads to ATV use: 13

Opposed to opening roads to ATV use: 2

#### VI. OTHER ISSUES AS DESIRED BY ATTENDEES

\*Kendall Kahl, 9344 Spring Valley Road, golf carts are now getting signal lights, rear view mirrors and now looking at licensing them to drive on public roads. Spring Valley Road between Far View and the town line has deteriorated.

\*Jeff Madigan, 5454 Schuman Road, is it possible to fix the culverts on Otto Kerl Road and Schuman Road and is the town reconstructing any roads this year?

\*Chairperson Anthony Varda, every two years roads are reviewed, rated and given a number in the Paser program. No roads will be reconstructed this year, finishing Turkey Road and culvert replacements.

\*Florine Bayer, 8055 W Hillpoint Road, what is the next step on the ATV Ordinance?

\*Joe Kruchten, 6220 Matz Road, I was originally involved with drafting the first ordinance and reviewed numerous other municipalities ordinances, why did the town attorney question the town restrictions when there has been no knowledge of litigation?

\*Chairperson Anthony Varda, the State Statutes on ATV use on town roads require that the local ordinance be in strict conformity with the State Statutes. The town board voted to approve the use of ATV's on town roads subject to legal counsel review of the ordinance and statutes. The attorney reviewed the ordinance and talked with Wisconsin Towns Association and was concerned with the ordinance restrictions and was not enforceable because the ordinance was not in strict conformity with the State Statutes. Recommended the ATV club speak with legislature to correct any problems with the state statutes.

\*Christy Maik, 5024 County Road P, read from the clubs attorney review letter of the ordinance about a special permit to reduce town road speed limits for ATV use.

\*Duane Haag, 8691 State Highway 19, Sauk County and Iowa County may have all town roads posted at 45 mph, hence can run a 35 mph speed limit for ATV uses.

\*David Evert, 9242 Gorst Road, have a majority of town constituents that wish to open the roads to ATV use and the board will review the ordinance again once the State Statutes are revised.

\*Jeff Madigan, 5454 Schuman Road, why are other clubs, like tractor clubs, allowed to have rides on town roads?

\*Dale Kelter, Village of Cross Plains resident, Town of Mazomanie, Arena and other municipalities have passed an ATV ordinance and reduced speed limits, yet this is the only town worried about being sued.

## VII. ADJOURN

**Motion** Duane Haag/Joe Kruchten to adjourn until next Special Town meeting or next Annual Town Meeting. Motion carried. Voice vote 18-0

Brenda Kahl, Clerk/Treasurer  
April 21, 2021

Posted: 4/21/21