

TITLE: Town of Berry Board Meeting Minutes  
DATE: June 20, 2022  
TIME: 7:00 – 8:40 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, Christine Molling and Travis Austin. Also present Clerk, Brenda Kahl.

II. APPROVE MINUTES OF MAY 16, 2022

**Motion** Statz/Molling to approve the minutes of May 16, 2022. 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.

IV. PATROLMAN REPORT

V. DISCUSSION/ACTION RE:

A. (D-2022-4) Andrew & Katie Denzin, Stone Valley Road, driveway permit application

**Motion** Varda/Austin to approve Andrew & Katie Denzin's driveway permit application. Motion carried. Vote 5-0

B. (R-2022-1) Jacob Niesen, 5729 Whippoorwill Road, zoning change of 9.31 acres from A-1Ex to RBB, 0.60 acres from A-1Ex to SFR, and 50.79 acres from A-1Ex to EA

**Motion** Varda/Austin to approve Jacob Niesen's zoning change of 9.31 acres from A-1Ex to RBB, 0.60 acres from A-1Ex to SFR, and 50.79 acres from A-1Ex to EA. Motion carried  
Vote 5-0

C. (CUP-2022-1) Jacob Niesen, Niesen & Son Landscaping, 5729 Whippoorwill Road, conditional use permit for landscaping and general construction contractor

**Motion** Varda/Austin to approve Jacob Niesen, Niesen & Son Landscaping, a conditional use permit for landscaping and general construction contractor

**Motion** Molling/Statz to amend the motion to add a Condition, Number 13. No more than 8 employees including the applicant and family. Motion carried. Vote 5-0

**Motion** Austin/Varda to amend the motion to amend Condition, Number 10. This CUP shall expire upon sale of the property or the LLC to an unrelated third party. Motion carried. Vote 5-0

**Motion** Varda/Evert to amend the motion that all conditions and terms of the conditional use permit includes Living Landscapes LLC. Motion carried. Vote 5-0

**Motion** to approve Jacob Niesen, Niesen & Son Landscaping, a conditional use permit for landscaping and general construction contractor as amended. Motion carried. Vote 5-0

D. (CUP-2022-2) Niesen Home Farm LLC, Madison Fence Company LLC, 5729 Whippoorwill Road, conditional use permit for landscaping and general construction contractor

**Motion** Varda/Austin to approve Niesen Home Farm LLC, Madison Fence Company LLC, a conditional use permit for landscaping and general construction contractor with a one year sunset. Motion carried. Vote 4-1. In favor: Austin, Varda, Molling and Evert. Opposed: Statz

VI. DISCUSSION/ACTION RE: APPROVAL OF FINAL CERTIFIED SURVEY MAP FOR JACOB NIESEN, SECTION 13

**Motion** Evert/Varda to approve Jacob Niesen's final certified survey map. Motion carried. Vote 5-0

VII. DISCUSSION/ACTION RE:

A. (R-2022-3) David Ward & Ann Hanson, Breezeway Drive, zoning change of 15 acres from A-1Ex to AG to become compliant for construction of a home

**Motion** Varda/Molling to approve David Ward & Ann Hanson's zoning change of 15 acres from A-1Ex to AG. Motion carried. Vote 5-0

B. (D-2021-10) David Ward & Ann Hanson, possible hearing on revoking or amending driveway construction permit application

No action taken.

VIII. DISCUSSION/ACTION RE: APPROVING A CLASS B BEER AND LIQUOR LICENSE AND OPERATOR'S LICENSES FOR THE WHIPPOORWILL

**Motion** Evert/Statz to approve a Class B Beer and Liquor License for the Whippoorwill and Operator's Licenses for Randall Laufenberg, Debby Hellenbrand, Hannah Laufenberg, Sydney Mueller and Nolan Smith. Motion carried. Vote 5-0

IX. DISCUSSION RE: DESIGNATE ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES ORDINANCE 201.2

**Motion** Evert/Austin to approve Designate All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles Ordinance 201.2

**Motion** Varda/Evert to amend the motion to remove letter B in Section IV. Motion carried. Vote 4-1. In favor: Austin, Varda, Molling and Evert. Opposed: Statz

**Motion** Austin/Varda to amend the motion to exclude all County Roads and Whippoorwill Road, contingent upon corresponding approval by the Town of Springfield. Motion carried. Vote 4-1. In favor: Austin, Varda, Molling and Evert. Opposed: Statz

**Motion** Varda/Austin to amend the motion that as part of this ordinance it will be subject to confirmation of approval at the Spring Election. Motion carried. Vote 5-0

**Motion** Austin/Molling to add Sections A, B H and N in Section IV of the proposed Ordinance dated August 17, 2020. Motion withdrawn

**Motion** to approve Designate All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles Ordinance 201.2 as amended. Motion failed. Vote 2-3. In favor: Austin and Evert. Opposed: Statz, Varda and Molling

**Motion** Austin/Evert to hold an advisory referendum on Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles Ordinance at the Spring Election.

**Motion** Evert/ to amend the motion that upon the ordinance being approved by a referendum then the ordinance would be automatically enacted. Motion failed for lack of a second.

**Motion** to hold an advisory referendum on Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles Ordinance at the Spring Election. Motion carried. Vote 5-0

#### X. DISCUSSION/ACTION RE: POSTING SIGNS ON INDIAN TRAIL TO PROHIBIT PARKING

**Motion** Varda/Statz to revise Regulate Stopping, Standing or Parking of Vehicles Ordinance 300.15 by adding Indian Trail to Section II. A. Motion carried. Vote 5-0

#### XI. DISCUSSION/ACTION RE: FUTURE ROAD PROJECTS AND SPECIFICATIONS FOR PAVING, WEDGING AND SEALCOATING

**Motion** Molling/Varda to reject Scott Construction's bid for sealcoating the parking lot. Motion carried. Vote 5-0

**Motion** Varda/Austin to post the highway construction specifications on the website. Motion carried. Vote 5-0

#### XII. BUDGETARY MATTERS

##### A. Discussion/action re: Payment of bills

**Motion** Varda/Evert to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 18380-18410

**Motion** Varda/Evert to approve the estimate from DH Repair Shop for replacing the starter on the 2017 Freightliner. Motion carried. Vote 5-0

#### XIII. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS

\*Broadband Expansion Report: PSC is currently reviewing the applications that were filed in March; FCC will rule on an order that would increase the annual funds that TDS would receive for providing broadband service in high cost rural areas; National Telecommunications and Information Administration announced the Notice of Funding Opportunity which will be used for expanding broadband in areas currently under 25 Meg down and 3 Meg up.

XIV. CLOSED SESSION: The Board may meet in closed session, pursuant to Wisconsin Statute 19.85(1)(c). Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

**Motion** Varda/Molling to meet in closed session at 8:05 pm pursuant to Wisconsin Statute 19.85(1)(c). Roll call vote: Austin-aye, Statz-aye, Varda-aye, Molling-aye, Evert-aye. Motion carried. Vote 5-0

XV. RECONVENE INTO OPEN SESSION PER WISCONSIN STATUTE 19.85(2)

**Motion** Varda/Molling to reconvene into open session at 8:32 pm. Motion carried. Vote 5-0

XVI. DISCUSSION OF FUTURE AGENDA ITEMS

\*Cemetery fence

XVII. ADJOURN

**Motion** Varda/Austin 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