

Town of Berry Board Meeting  
January 17, 2023, 7:00 p.m., at the Town Hall, 9046 State Road 19, Mazomanie, WI 53560  
Agenda

1. Call to order
2. Approve minutes of December 19, 2022
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
5. Discussion/action re:
  - A. (D-2020-6) Nick & Katie Bybee, 4968 Scherbel Road, final driveway approval
6. Discussion/action re: Revise Land Division Document to add a home site to Carl & Donna Ketelboeter's property
7. Discussion/action re: Broadband Grant
8. Discussion/action re: Sunning Hill Cemetery surveying
9. Discussion/action re: Update on property at 8785 State Road 19
10. Budgetary Matters
  - A. Discussion/action re: Payment of bills
  - B. Discussion/action re: Resolution to transfer and designate funds within the 2022 budget
11. Committee reports/Correspondence/Communications
  - A. Fire Districts
  - B. EMS Districts
  - C. Other
12. Discussion of future agenda items
13. 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: 1/10/23

Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Board Meeting Minutes  
DATE: December 19, 2022  
TIME: 7:00 – 8:29 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, Michael Statz, Christine Molling and Travis Austin. David Evert was late. Also present Clerk, Brenda Kahl.

## II. APPROVE MINUTES OF NOVEMBER 21, 2022

**Motion** Austin/Statz to approve the minutes of November 21, 2022. Motion carried. Vote 4-0

David Evert is present.

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.

\*Mike Statz mentioned that Orlin Danz had in his records town bills that he had paid personally.

\*Roger Evert commented that the turnaround at the end of Enchanted Valley Road may be a designated bus drop off/pick up area.

## IV. UPDATE ON BROADBAND GRANT

TDS is interested in an upgrade but no current specific plans. Charter/Spectrum's proposal involving 433 locations would cost around 3.7 million. There will be additional funding sources in the future. The board will discuss options at the January meeting.

## V. PATROLMAN REPORT

The last two significant snowfalls went well; will be winging snow this week; large brush pile on Spring Valley Road needs to be burned and will see if fire department will assist; next year consider hiring a part-time person to assist with patching and brush cleanup.

VI. DISCUSSION/ACTION RE: Resolution 2022-2, Calling for an Advisory (non-binding) Referendum question to solicit public input regarding the adoption of an ordinance permitting the use of ATV/UTV's on town roads

**Motion** Austin/Evert to adopt Resolution 2022-2, Calling for an Advisory (non-binding) Referendum question to solicit public input regarding the adoption of an ordinance permitting the use of ATV/UTV's on town roads. Motion carried. Vote 5-0

## VII. DISCUSSION/ACTION RE: CEMETERY SIGN DESIGN AND PURCHASE

**Motion** Varda/Austin to approve the cemetery sign design and quote. Motion carried. Vote 5-0

## VIII. DISCUSSION/ACTION RE: GARAGE ADDITION

**Motion** Varda/Molling to proceed with getting estimated prices for the garage addition. Motion carried. Vote 5-0

IX. DISCUSSION/ACTION RE: UPDATE ON PROPERTY AT 8785 STATE ROAD 19  
Discussion only. Add to January agenda.

X. DISCUSSION/ACTION RE: UPDATE ON ENDRES PERMIT FOR WORK IN TOWN  
RIGHT-OF-WAY  
Dane County is pursuing violations and permits.

XI. BUDGETARY MATTERS

A. Discussion/action re: Payment of bills

**Motion** Varda/Molling to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 18576-18601 & 4551

XII. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS

\*Cross Plains EMS: Held a meeting to discuss advertising for a new chief

XIII. DISCUSSION OF FUTURE AGENDA ITEMS

XIV. ADJOURN

**Motion** Austin/Molling 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

TITLE: Town of Berry Plan Commission Meeting Minutes  
DATE: January 9, 2023  
TIME: 7:00 – 7:46 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, Michael Theis, Duane Haag and Travis Austin. Joe Kruchten was excused

II. APPROVE MINUTES OF NOVEMBER 7, 2022

**Motion** Haag/Theis to approve the November 7, 2022 minutes. Motion carried. Vote 4-0

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.

\*Travis Austin asked about the progress of the Barman field road

\*Duane Haag commented that the trees have been removed on Hillsandwood Road and Box Turtle Road

IV. DISCUSSION/ACTION RE:

A. (D-2020-6) Nick & Katie Bybee, 4968 Scherbel Road, final driveway approval

**Motion** Varda/Haag to recommend approval of Nick & Katie Bybee's final driveway and to extend the driveway permit expiration date to February 1, 2023. Motion carried. Vote 4-0

V. DISCUSSION/ACTION RE:

A. Garen & Melissa Pletzer, 5007 Enchanted Valley Road, initial consultation about a zoning change and conditional use permit for expansion of current business

Discussion of amending the current conditional use permit. Once the application is submitted, it will be reviewed to see if a zoning change is needed. The applicant will need a driveway permit to extend the driveway.

B. Carl Ketelboeter & William Kluender, County Road KP, initial consultation about a zoning change for a single family residential lot and revise land division document to add a home site to Carl Ketelboeter's property.

Discussion of purchasing enough acreage from the neighbor to clean up the lot lines and an area for a septic system.

**Motion** Varda/Haag to recommend correcting the Town's Land Division document for Carl and Donna Ketelboeter to show a building right on lot 1 csm 7396. Motion carried. Vote 4-0

VI. ADJOURN

**Motion** Haag/Austin to adjourn until the next regular meeting or the call of the Chair. Motion carried. Vote 4-0

2020-6



www.townofberry.org

9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

**DRIVEWAY CONSTRUCTION PERMIT APPLICATION**

**Applicant:** Name: Nick + Katie Bybee

Street Address: 7460 Summit Ridge Rd

City, State, Zip: Middleton, WI 53562

Phone Number: 608-332-9938 Email: nbybee@gmail.com

Specific Site Location / Nearby Roads: Scherbul Rd.

Parcel #: 004/0807-321-9690-0

My signature below indicates that:

**I have received** a copy of the Driveway, Field Road and Right-of-Way Ordinance 301.1 and the Applications Guide, and that

**I have attached** the information as requested for a driveway permit, and that

**I agree to construct** the driveway in accordance with the Driveway, Field Road and Right-of-Way Ordinance and to follow any additional requirements as approved by the Town Board, and that

**I have paid** the application fee of \$300.00 to the Town Clerk/Treasurer, and that pd

**I hereby give permission** to the Town Board and/or their representative which could be the Plan Commission or other inspector authorized by the Town Board to enter the property in order to evaluate the site of the proposed driveway and to verify compliance with and/or to enforce the Driveway, Field Road and Right-of-Way Ordinance.

**Applicant Signature:** [Signature] Date: 9 / 29 / 2020

**Board decision:** Approve X Deny \_\_\_\_\_ Date 11 / 5 / 20

Culvert required in right-of-way Yes X No \_\_\_\_\_ Size 18" x 30'

Engineering Plan required? Yes \_\_\_\_\_ No X

Additional Requirements? Yes \_\_\_\_\_ if yes see attached requirements No X

Driveway construction must begin by Date 11 / 5 / 21

Driveway Permit expiration Date 11 / 5 / 22

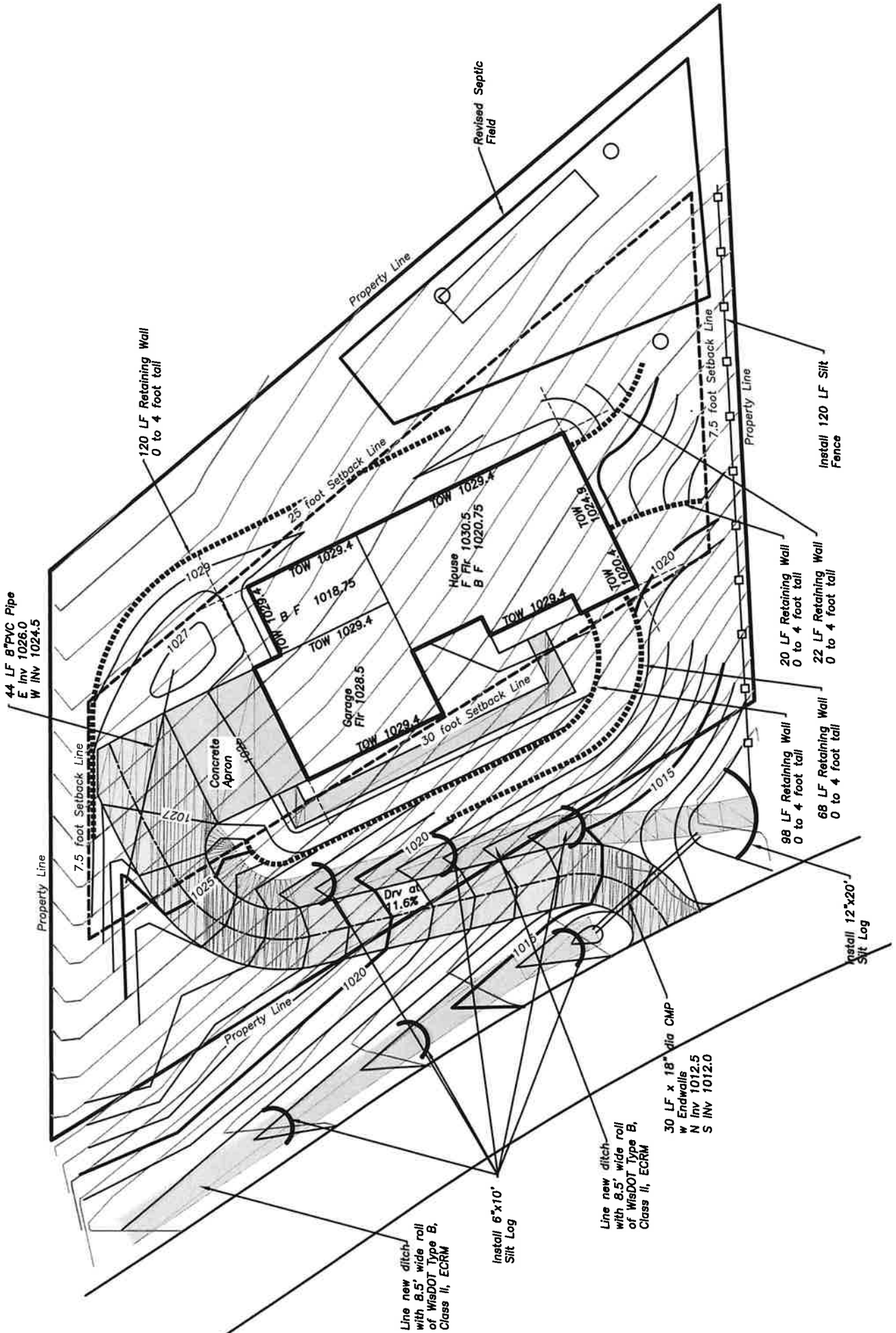
Permit issued by: Chair Signature [Signature] Date 11 / 5 / 20

Permit issued by: Clerk Signature [Signature] Date 11 / 5 / 20

**Permit is not valid unless signed by the Applicant, Town Chair and Town Clerk**

Final inspection approval by: Chair Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

11-2-20



44 LF 8" PVC Pipe  
E Inv 1026.0  
W Inv 1024.5

120 LF Retaining Wall  
0 to 4 foot tall

7.5 foot Setback Line

25 foot Setback Line

Property Line

Revised Septic Field

30 foot Setback Line

Property Line

7.5 foot Setback Line

Property Line

Install 120 LF Silt Fence

20 LF Retaining Wall  
0 to 4 foot tall

22 LF Retaining Wall  
0 to 4 foot tall

98 LF Retaining Wall  
0 to 4 foot tall

68 LF Retaining Wall  
0 to 4 foot tall

Install 12'x20' Silt Log

Line new ditch with 8.5' wide roll of WisDOT Type B, Class II, ECRM

Install 6'x10' Silt Log

Line new ditch with 8.5' wide roll of WisDOT Type B, Class II, ECRM

30 LF x 18" via CMP w Endwalls  
N Inv 1012.5  
S Inv 1012.0

**4968 Scherbel road drive way**

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**From :** Nick <nbybee9@gmail.com>

Tue, Nov 15, 2022 02:49 PM

**Subject :** 4968 Scherbel road drive way 2 attachments**To :** twnberry@chorus.net

Attached are some photos of the end of the driveway (let me know if they did not work for some reason). It's hard to tell from the photos, but the driveway was regraded so that it goes back towards the house. I have watched it when it rains, and the water that does make it down the driveway, stops where it was re-graded and flows into the ditch.

Nick Bybee

Sent from my iPhone

Sent from my iPhone

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1-10-23

Agenda Item #6, Revise Land Division Document to add a home site to Carl & Donna Ketelboeter's property

Plan Commission recommended correcting the Town's Land Division document for Carl and Donna Ketelboeter to show a building right on lot 1 csm 7396.

Attached is the csm showing a home on the property.

Exhibit D

# WILLIAMSON SURVEYING COMPANY

SET RR SPIKE  
AT THE W 1/4  
CORNER OF  
SECTION 3,  
T8N, R7E.

104 A WEST MAIN STREET  
WAUNAKEE WISCONSIN 53597

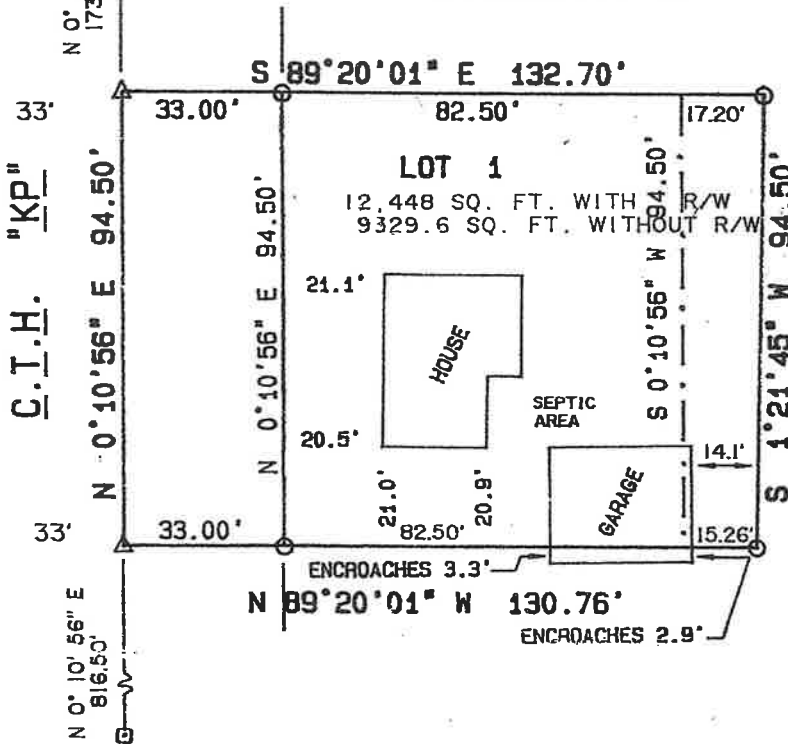
SCALE 1" = 40'



NOTE: All existing structures are to be removed by January 1, 1995.

### LEGEND

- △ - SET PK NAIL
- = SET 1 1/4" x 24" IRON PIPE WEIGHING 2.27 LBS/LIN. FT.
- FORMER LOT LINE



Refer to building site information contained in the Dane County Soil Survey.

Approved for recording per Dane County Zoning and Natural Resources Committee action of

March 22, 1994

*Norbert Scribner* #5515  
Norbert Scribner  
representative

FOUND 3/4" ROD SET IN CONC. AT THE SW CORNER OF SECTION 3, T8N, R7E.

### SURVEYOR'S CERTIFICATE

I, Ronald E. Williamson, Registered Land Surveyor hereby certify that in full compliance with the provisions of Chapter 236.34 Wisconsin Statutes, the Subdivision regulations of Dane County and by the direction of the owners listed below I have surveyed, divided and mapped a portion of the SW 1/ of the SW 1/4 of Section 3, T8N, R7E, Town of Berry, Dane County, Wisconsin to-wit:

Commencing at the Southwest corner of said Section 3; thence N 0° 10'56" E, 816.50 feet to the point of beginning.

Thence continue N 0°10'56" E, 94.50 feet; thence S 89°20'01" E, 132.70 feet; thence S 1°21'45" W, 94.50 feet; thence N 89°20'01" W, 130.76 feet to the point of beginning. This parcel is subject to a road right of way of 33.00 feet over the most westerly part thereof.

Date March 14, 1994

*Ronald E. Williamson*  
Ronald E. Williamson  
Registered Land Surveyor S-1264



DOCUMENT NO. 2585207

**TOWN OF BERRY  
RECORD OF LAND DIVISIONS SINCE 1981**

Updated 1/25/22 Name	Year	Section #	1981 Acres	Current Acres	Home Sites Allowed-Remain	Comments
Kerl, Orville & Delbert & Elfriede	1999	27		3.95	0	lot 3 csm 2027 – vacant land
	2014	27		190.3	6	acreage in annual report inherited from Gerald Kerl
Kerl, Oswin, Walter & Gerald	2017	27		190.792	6	homestead – received 6 home sites
	1988	27	0.492	0.492	0	inherited 0.492 acres from Gerald Kerl – school house
	2014	27		0.0	0	school house inherited 0.492 acres to Orville & Delbert Kerl
Kerl Rev Tr, Rubert	1981	18, 19	165.5		5	3 homesteads – 1 a trailer home
	1999	18		90.5	5	3 sold 75 acres to Gregory Hartig
Kerl, Walter	2007	18		80.348	3	vacant land - received 2 home sites
	2007	18		74.775	3	sold 10.152 acres to Vincent White
	1981	27, 28	193.2		6	lot 1 csm 11945 - homestead
	1981	27		193.2	6	acreage in annual report
	1999	27		190.3	6	homestead
Kerr, William & Amy Jo	1999	27, 28		0.0	6	lot 3 csm 2027 – vacant land
	2001	06		17.81	1	lot 3 csm 2027 – vacant land
Kessenich, Steve	2009	06		0.0	1	sold 190.3 acres to Gerald Kerl
	1996	28		25.47	1	homestead - received 6 home sites
	2002	28		0.0	1	homestead - received 6 home sites
Ketelboeter, Arlan	1981	02, 11	2.0		0	vacant land - received 1 home site
	1999	11		15.0	0	vacant land - received 1 home site
Ketelboeter, Carl & Donna	1981	03, 10	0.5		0	vacant land - received 1 home site
	1995	03		0.8	0	vacant land - received 1 home site
Ketelboeter, Donald	2005	10		76.5	2	vacant land - received 1 home site
						homestead - received 2 home sites

1-10-23

### Agenda Item #8, Sunning Hill Cemetery Surveying

I have received 2 estimates for surveying the cemetery. Note, both are estimates so there could be additional costs if extra line staking is needed in addition to the lot corners.

Williamson Surveying and Associates - \$1,650 with about a 3-4 weeks out schedule

Grothman & Associates - \$2,750 with a start date of approximately January 19

1/10/2023

**List of bills to be approved at the January 17, 2023 town board meeting**

<b>Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>
1/9/2023	4552	Madison Area Technical College - January property tax settlement	83985.86
1/9/2023	4553	Wisconsin Heights School - January property tax settlement	656577.56
12/20/2022	18602	Brenda Kahl	1422.65
12/20/2022	18603	Lucas Danz	1391.10
12/20/2022	18604	Roger Evert - part-time employee	359.47
1/3/2023	18605	Brenda Kahl	1422.65
1/3/2023	18606	Lucas Danz	1441.10
1/3/2023	18607	Roger Evert - part-time employee	678.05
1/9/2023	18608	Dane County Treasurer - January property tax settlement	355601.11
1/9/2023	18609	Middleton-Cross Plains School - January property tax settlement	479460.11
1/9/2023	18610	Sauk Prairie School - January property tax settlement	11838.93
1/17/2023	18611	Accurate Appraisal - assessor contract	4100.00
1/17/2023	18612	Alliant Energy	270.09
1/17/2023	18613	Bear Graphics - pre-addressed envelopes	144.21
1/17/2023	18614	Black Earth Fire District - payment 1 of 4	4646.40
1/17/2023	18615	Brenda Kahl - mileage	113.44
1/17/2023	18616	Burke Truck & Equipment - blades, shovel holders, lights	3030.10
1/17/2023	18617	David Evert - base pay and meetings	554.10
1/17/2023	18618	District 1 EMS - payment 1 of 4	4647.81
1/17/2023	18619	Duane Haag - Plan Commission meetings	106.20
1/17/2023	18620	General Engineering - farmland preservation reports	253.75
1/17/2023	18621	GFC Leasing - copier rent	178.37
1/17/2023	18622	Gordon Flesch - fees for copies printed per month	73.33
1/17/2023	18623	Joe Kruchten - Plan Commission meetings	106.20
1/17/2023	18624	John Deere Financial - tractor pto seal	583.03
1/17/2023	18625	Lucas Danz - cell phone reimbursement	25.00
1/17/2023	18626	McFarlane - new tires and supplies	2428.97
1/17/2023	18627	Michael Statz - base pay and meetings	600.27
1/17/2023	18628	Michael Theis - Plan Commission meetings	106.20
1/17/2023	18629	MSA Professional Services - Spring Valley Rd culvert project	4745.80
1/17/2023	18630	Northwest Dane Senior Services - annual donation	6000.00
1/17/2023	18631	Peterson Sanitation - garbage/recycling and tonage fee	7028.68
1/17/2023	18632	State Bank of Cross Plains Visa - postage, fuel, software	216.55
1/17/2023	18633	TDS Telecom	196.39
1/17/2023	18634	Town of Berry - tax bill - septic fee maintenance	9.54
1/17/2023	18635	Travis Austin - base pay and meetings	600.27
1/17/2023	18636	Dane County Treasurer - December dog license settlement	856.00
1/17/2023	18637	Dane County Treasurer - Spring Valley culvert erosion permit	593.10

Additional bills will be handed out at the meeting

**TOWN OF BERRY**

**RESOLUTION 2023-1**

**TITLE: Transfer of Funds Within 2022 Budget and Designating Funds to Reserves**

WHEREAS, at the January 17, 2023 Town Board meeting Resolution 2023-1 was approved and adopted by a two-thirds majority vote of the entire membership of the Town Board.

THEREFORE BE IT RESOLVED, by the Town Board of the Town of Berry as follows:

To transfer \$86,700 into the 2023 Road Construction Budget Line

To transfer \$116,000 into the Highway Contingency Reserve

Adopted this 17<sup>th</sup> day of January, 2023

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

\_\_\_\_\_  
Anthony Varda, Chair

Posted \_\_\_\_\_

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

\_\_\_\_\_  
Michael Statz, Supervisor

\_\_\_\_\_  
Christine Molling, Supervisor

\_\_\_\_\_  
Travis Austin, Supervisor