Town of Berry Board Meeting
June 16, 2025, 7:00 p.m., at the Town Hall, 9046 State Road 19, Mazomanie, WI 53560
Agenda

1. Call to order
2. Confirmation of Compliance with Open Meetings Law
3. Approve minutes of May 19, 2025
4. 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.
5. Patrolman Report
6. Discussion/action re:
   A. (R-2025-5) Jacob Niesen, 7985 County Road K, rezone 14.424 acres from A-1Ex to EA (lot 1 – 7.416 acres) and SFR (lot 2 – 4.51 acres) and SFR (lot 3 – 2.498 acres) and approval of final certified survey map
7. Discussion/action re: Request for Proposals for Assessment Services
8. Discussion/action re: Request for Proposal for Garbage/Recycling Services
9. Discussion/action re: Class B Beer and Liquor License and Operator's Licenses for the Whippoorwill
10. Discussion/action re: Spring Valley Road paving project
11. Discussion/action re: Adopt a policy for planning and spending funds on road projects
12. Budgetary Matters
    A. Discussion/action re: Payment of bills
13. Discussion/action re: 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
Posted: 6/9/25 Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Town Board Meeting Minutes
DATE: May 19, 2025
TIME: 7:00 – 7:44 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: Duane Haag, David Evert, Michael Statz, Nichole Schwoerer and Derek Statz. Also present Clerk, Brenda Kahl and Patrolman, Lucas Danz.

II. CONFIRMATION OF COMPLIANCE WITH OPEN MEETING LAWS
The Clerk confirmed that the agenda was posted at the town hall and on the town website.

III. APPROVE MINUTES OF APRIL 21, 2025
Motion Evert/D Statz to approve the minutes of April 21, 2025. Motion carried. Vote 5-0

IV. 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.
*Renee Schlick commented that she spoke at the April 21st meeting about drainage issues on Far View Road and Patrolman Lucas Danz met with her and he is aware of her concerns. Also commented about a boom that happened around April 19th and if residences can be notified of explosion before they occur. This incident was in the Town of Black Earth.

V. MIKE THEIS, UPDATE ON TDS BROADBAND DEPLOYMENT IN THE TOWN
TDS fiber broadband expansion will begin in June 2025 for the Black Earth and Middleton exchange areas and 2026-2027 for the Cross Plains exchange area.

VI. PATROLMAN REPORT
The materials and oil tank were delivered and plan to start chip sealing next week. One issue is that Delmore measured N Hill Point Road as 1.11 miles but is actually 1.8 miles so Scott's most likely will not have enough materials for all of that potion of the road. The mower arrived. The Amish buggy wheels create a track in the road which is to be considered when repair South Valley Road.

VII. DISCUSSION/ACTION RE:
A. (R-2025-3) Jeff Sarbacker, 9274 Kahl Road, rezone 3.55 acres from A-1Ex to SFR and approval of the final certified survey map
Motion Evert/D Statz to approve Jeff Sarbacker's rezone of 3.55 acres from A-1Ex to SFR and approve the final certified survey map. Motion carried. Vote 5-0

B. (R-2025-4) Adam Mueller, 9008 Far View Road, rezone 32.39 acres from A-1Ex to AG and 3.05 acres from A-1Ex to SFR and approval of the final certified survey map

Motion Evert/Schwoerer to approve Adam Mueller's rezone of 32.39 acres from A-1Ex to AG and 3.05 Acres from A-1Ex to SFR and approve the final certified survey map. Motion carried. Vote 5-0

C. (D-2025-3) Adam Mueller, 9008 Far View Road, driveway permit application
Motion Evert/Haag to approve Adam Mueller's driveway permit application. Motion carried. Vote 5-0

D. (D-2025-2) Scott & Kathryn Easton, 9244 Far View Road, driveway permit application
Motion Evert/M Statz to approve Scott & Kathryn Easton's driveway permit application. Motion carried. Vote 5-0

VIII. DISCUSSION/ACTION RE: APPOINTMENT OF PLAN COMMISSION MEMBERS
Motion D Statz/M Statz to appoint Duane Haag, David Evert, Joe Kruchten, Chris Schwoerer and Travis Richards as Plan Commission members. Motion carried. Vote 5-0

IX. DISCUSSION/ACTION RE: CONVERSION OF PORTION OF PLAYING FIELD TO PRAIRIE
Motion Evert/M Statz to table. Motion carried. Vote 5-0

X. DISCUSSION/ACTION RE: REVIEW THE REQUEST FOR PROPOSALS FOR ASSESSMENT SERVICES
Motion Haag/Evert to approve the request for proposals for assessment services contingent upon removing item number nine. Motion carried. Vote 5-0

XI. DISCUSSION/ACTION RE: REVIEW THE REQUEST FOR PROPOSAL FOR GARBAGE/RECYCLING SERVICES
Motion Haag/Schwoerer to approve the request for proposal for garbage/recycling services. Motion carried. Vote 5-0

XII. DISCUSSION/ACTION RE: ELECTION SECURITY EMAIL DOMAIN SUBGRANT WI.GOV EMAIL TRANSITION
Motion Evert/Haag to contract with Momentum Computer Solutions to set up the Town's wi.gov email domain. Motion carried. Vote 5-0.

XIII. DISCUSSION/ACTION RE: PROCESS TO CONVERT PARCELS FROM LEGACY TO CURRENT ZONING
Motion Haag/Evert to give Clerk Brenda Kahl authority to proceed with the process to convert parcels from their legacy zoning to the Town's current zoning district with a budget of $750. Motion carried. Vote 5-0

XIV. BUDGETARY MATTERS
A. Discussion/action re: Payment of bills
Motion Haag/Evert to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 19741-19769

XV. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS
*Cross Plains Fire District: Plans are to order a water tender vehicle by 2026 to be delivered in 2027 but the Village of Cross Plains wants to extend these dates; there was a 20% increase in fire calls from last year
*District 1 EMS: Posted the Chief's job position
*Black Earth Fire District: Merger with Black Earth and Mazomanie Fire Districts is going well
*Cross Plains EMS: Everything is going well

XVI. DISCUSSION OF FUTURE AGENDA ITEMS

XVII. ADJOURN
Motion D Statz/Schwoerer to adjourn until the next regular meeting or the call of the chair. Motion carried. Vote 5-0

Brenda Kahl, Clerk/Treasurer

Duane Haag, Chair

ZONING CHANGE APPLICATION

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

PERMIT #:	2025-5
Permit Fee: $_____	Fee Paid: ☐
Approved By:	
Approval Date:	/ /

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

OWNER	AGENT (Contractor, Coordinator, Other)
NAME Jacob D. Niesen	CONTACT NAME same
BUSINESS NAME or CO-OWNER'S NAME (if applicable) —	BUSINESS NAME (if applicable) —
MAILING ADDRESS 5729 Whippoorwill Rd	MAILING ADDRESS 5729 Whippoorwill Rd
CITY, STATE, ZIP Cross Plains, WI 53528	CITY, STATE, ZIP Cross Plains, WI 53528
DAYTIME PHONE # 608/235-9523	DAYTIME PHONE # 608/235-9523
EMAIL jakeniesen@tds.net	EMAIL jakeniesen@tds.net

LAND INFORMATION

Town: Berry Parcel Numbers Affected: 0807-244-8570-1
Section: 24 Property Address or Location: 7985 County Hwy K CP, WI
Zoning District Change (To / From / # of acres) lot 1 EA/A-Tex/7.416
lot 2 SFR/A-Tex/4.51 lot 3 SFR/A-Tex/2.498
Soils classification of area (percentages) Class I Soils: ____ % Class II Soils: ____ % Other: ____ %

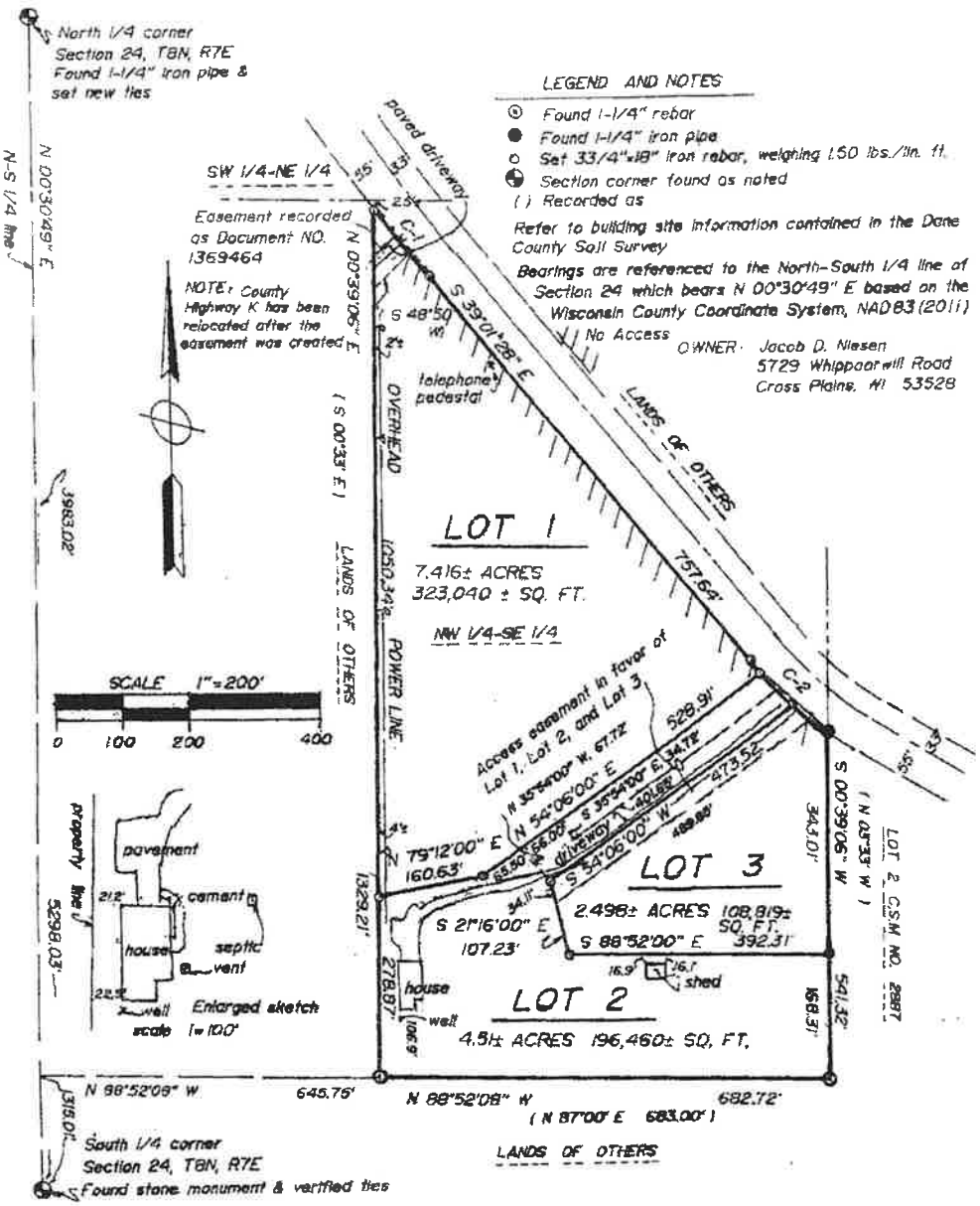
Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland
- ☐ Compliance for existing structures and/or land uses
- ☑ Creation of a residential lot
- ☐ Other

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: Jacob D. Niesen Date: Mar. 12, 2025

Revised 11/14/2017


North 1/4 corner
Section 24, T8N, R7E
Found 1-1/4" iron pipe &
set new ties
N-S 1/4 line
N 00°30'49" E 1983.02'
SW 1/4-NE 1/4
Easement recorded
as Document No.
1369464
NOTE: County
Highway K has been
relocated after the
easement was created
N 00°30'49" E 1050.34'
S 00°33' E 1050.34'
1983.02'
LANDS OF OTHERS
OVERHEAD
POWER LINE
paved driveway
55'
33'
25'
C-1
S 48°50' W
2'±
telephone pedestal
S 39°01'28" E
LANDS OF OTHERS
No Access
LEGEND AND NOTES
Found 1-1/4" rebar
Found 1-1/4" iron pipe
Set 33/4"x18" iron rebar, weighing 1.50 lbs./lin. ft.
Section corner found as noted
( ) Recorded as
Refer to building site information contained in the Dane County Soil Survey
Bearings are referenced to the North-South 1/4 line of Section 24 which bears N 00°30'49" E based on the Wisconsin County Coordinate System, NAD83 (2011)
OWNER: Jacob D. Niesen
5729 Whippoorwill Road
Cross Plains, WI 53528
LOT 1
7.416± ACRES
323,040 ± SQ. FT.
NW 1/4-SE 1/4
757.64'
C-2
528.91'
Access easement in favor of Lot 1, Lot 2, and Lot 3
N 35°54'00" W 67.72'
S 35°54'00" E 34.72'
N 54°06'00" E 55.00'
S 54°06'00" W 489.85'
473.52'
S 00°39'06" W 343.01'
LOT 2 CSM NO. 2887
N 00°33' W
55'
33'
79°12'00" E 160.63'
55.00'
driveway
LOT 3
2.498± ACRES 108,819± SQ. FT.
S 21°16'00" E 107.23'
S 88°52'00" E 392.31'
34.1'
16.9'
16.1'
shed
house
well
278.87'
106.9'
LOT 2
4.5± ACRES 196,460± SQ. FT.
541.32'
168.31'
1329.21'
property line
5298.03'
pavement
cement
212'
house
septic
vent
22.5'
well
Enlarged sketch
scale 1"=100'
SCALE 1"=200'
0 100 200 400
N 88°52'08" W 645.75'
N 88°52'08" W 682.72'
(N 87°00' E 683.00')
315.01'
South 1/4 corner
Section 24, T8N, R7E
Found stone monument & verified ties
LANDS OF OTHERS

Sheet 1 of 3

General Engineering Company
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901

608-742-2169 (Office)
608-742-2592 (Fax)
gec@generalengineering.net
www.generalengineering.net

Engineers • Consultants • Inspectors

ZONING ADMINISTRATOR REVIEW REPORT

TO: Town of Berry Plan Commission, Town Board, Town Clerk/Treasurer

FROM: Kory D. Anderson, P.E., Town of Berry Zoning Administrator
Mitchell Bortz, Assistant Town of Berry Zoning Administrator

DATE: (for) June 2, 2025 Plan Commission Meeting

SUBJECT: Zoning Change/CSM for Niesen
Tax Parcel 0807-244-8570-1

GEC NO.: 2-0125-36G

Background Information

Applicant: Jacob Niesen
5729 Whippoorwill Road
Cross Plains, WI 53528

Agent or Surveyor: Halverson Land Surveying
501 Oak Street
Arena, WI 53503

Location: 7985 County Road K
In part of the NW ¼ of the SE ¼ of Section 24, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change/CSM Approval

Existing Zoning:

Tax Parcel 0807-244-8570-1	A-1 (EX)		13.70 Acres
		Total	13.70 Acres

Existing Land Use: Tax parcel 0807-244-8570-1 currently has a home on the property with a long driveway that connects the home to County Road K. There looks to also be a small accessory building on the property as well. There are steep slopes on the property near the County Road with the highest point near the southwest section of this parcel. This parcel has no wetlands and is not located near any floodplain.

Adjacent Land Uses: North: Agricultural
West: Agricultural
East: County Road K
South: Agricultural

Proposal

Zoning Change:

Proposed CSM Lot 1	EA		6.80 Acres
Proposed CSM Lot 2	SFR		4.50 Acres
Proposed CSM Lot 3	SFR		2.40 Acres
		Total	13.70 Acres

Applicant submitted information for a zoning change of Tax Parcel 0807-244-8570-1 from zoning A-1 (EX) Exclusive Agricultural Zoning District to Proposed CSM Lot 1 to EA Exclusive Agricultural District in the newer zoning ordinance and Proposed CSM Lot 2 to and CSM Lot 3 to SFR Single Family Residential District in the newer zoning ordinance. The intent of the proposal is for the creation of a residential lot in the southeastern portion of the property. A recorded CSM will follow the rezone to solidify the boundary of the rezoned areas.

Submittals/Attachments

1. Zoning Change Application, received May 13, 2025.
2. Jurisdictional Review Form, received May 13, 2025.
3. Preliminary CSM from Halverson Land Surveying, received May 13, 2025.

GEC reviewed the attachments and the information submitted by the applicant/agent and has the following comments outlined below:

Comprehensive Plan

The planned land use for this parcel is Agricultural and Rural Lands Preservation Area and has Soils with Building Limitations for the Proposed CSM Lot 1, CSM Lot 2, and CSM Lot 3. I'll always defer to the Town on the history of a property meeting the density requirements and the Agricultural and Rural Lands Preservation Area policy in the Town's Comp Plan. It does not appear there is extraterritorial review by another municipality.

Town Ordinances

1. **General**
   The map provided does not provide the location of the footprint of the future home on the new CSM Lot 3. When applying for the land use permits, required setbacks will need to be verified and to show it is not in the area of steep slopes. Depending on the location of the new house, Dane County may need to review stormwater management and erosion control plans.
2. **Driveway Permit**
   Prior to issuance of a land use permit for a new house on the proposed lot, the applicant will need approval of a new driveway from the Town of Berry.
3. **Driveway Access Agreement**
   A permanent joint driveway access agreement between the two new lots will need to be provided for review and approval.
4. **Well & Septic**
   Prior to issuance of a land use permit for any proposed house on Lot 1, the applicant will need approval of a septic system from Dane County Public Health.
5. **Preliminary CSM**
   Preliminary CSM appears to meet the Town's land division ordinance. The CSM and the acreage associated with this parcel do not match. Town Zoning Map shows the property to have 13.7 acres and the CSM indicates there are 14.4 acres when adding up the acreage for the 3 new lots. Most likely the easement along County Road K was not taken into consideration when the CSM was created or due to the note on the CSM showing that County Road K was relocated after the easement was created.
6. **General – Farmland Preservation**
   By rezoning out of Exclusive Ag, the property owner will no longer be eligible for Farmland Preservation credits in Proposed CSM Lot 2 & Proposed CSM Lot 3.

Recommendation

GEC recommends that the Plan Commission conditionally approve the proposed zoning change of Tax Parcel 0807-244-8570-1 from zoning A-1 (EX) Exclusive Agricultural Zoning District to Proposed CSM Lot 1 to EA Exclusive Agricultural District in the newer zoning ordinance and Proposed CSM Lot 2 to and CSM Lot 3 to SFR Single Family Residential District in the newer zoning ordinance, contingent on the following:

1. Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.
3. The applicant shall provide a copy of the recorded certified survey map to the Clerk within ten (10) days after the certified survey map is recorded.

Agenda Item #10, Spring Valley Road paving project

The .84 miles stated on the bid form was a little short of the actual length. Scott Construction estimates it will take around 2 more loads of asphalt at an estimated cost of $3,000

Agenda Item #11, Adopt a policy for planning and spending funds on road projects

1. Fall of 2025 the board decides on which road projects to bid in 2026
2. Bids are advertised February/March of 2026
3. Board approves the bids March/April 2026
4. Board also approves in March/April 2026 crack filling amount and any other items not bided
5. After board approval a document is created which will include the total 2026 road construction budget amount less the projects approved by the board to show any remaining balance.

6/9/2025		List of bills to be approved at the June 16, 2025 board meeting	
Date	**Check #**	**Payee**	**Amount**
5/20/2025	19770	Brenda Kahl	1,830.70
5/20/2025	19771	Lucas Danz	1,678.23
6/3/2025	19772	Brenda Kahl	1,830.70
6/3/2025	19773	Lucas Danz	1,678.23
6/16/2025	19774	Void	0.00
6/16/2025	19775	Brenda Kahl - mileage	58.80
6/16/2025	19776	Cross Plains-Berry Fire District - payment 2 of 3	13,303.03
6/16/2025	19777	Dresen Lawn Care - hall, garage, park and cemetery mowing	835.00
6/16/2025	19778	GFC Leasing - printer lease	178.37
6/16/2025	19779	Gordon Flesch - fee for copies printed per month	45.87
6/16/2025	19780	Heritage Concrete & Cemetery Restoration - cemetery stones	6,000.00
6/16/2025	19781	Insight FS - fuel	4,625.67
6/16/2025	19782	Jefferson Fire & Safety - annual fire extinguishers maintenance	134.75
6/16/2025	19783	Lake Ridge Bank - postage and supplies	339.45
6/16/2025	19784	Lucas Danz - cell phone	25.00
6/16/2025	19785	Mazo Hardware - supplies	229.99
6/16/2025	19786	MSA Professional Services - Whippoorwill Road	2,417.90
6/16/2025	19787	Scott Construction - cold mix	4,326.09
6/16/2025	19788	TDS Telecom	207.44
6/16/2025	19789	TrollBytes - May IT services	60.00
6/16/2025	19790	Dane County Treasurer - dog licenses settlement	960.00
6/16/2025	19791	Dane County Treasurer - property tax - correction of error	589.82
6/16/2025	19792	Alliant Energy	221.45
6/16/2025	19793	Group Health Cooperative - medical insurance	2,583.00

Additional bills will be handed out at the meeting