Town of Berry Board Meeting

March 16, 2026, 7:00 pm, 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 February 16, 2026
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. Discussion/action re: 2025 Audit
6. Patrolman Report
7. Discussion/action re: 2026 Road Projects and Bid Notices
8. Discussion/action re: Rental agreement for storing chipper and mower
9. Discussion/action re: Tree and brush cutting quotes for Old Settlers Road
10. Discussion/action re: Soil boring proposal for South Valley Road
11. Discussion/action re: Revising Ordinance 103.1, Appointing Alternate Members for Board of Review
12. Discussion/action re: Revising Ordinance 103.2, Town Plan Commission
13. Discussion/action re: Revising Ordinance 500.4, Nonmetallic Mining
14. Budgetary Matters
    A. Discussion/action re: Payment of bills
15. Discussion/action re: Committee reports/Correspondence/Communications
    A. Fire Districts
    B. EMS Districts
    C. Other
16. Discussion of future agenda items
17. Adjourn

Persons requiring additional services to participate in a public meeting should contact the Town Clerk at the Town Hall, 9046 State Highway 19, Mazomanie, WI 53560. Call 608-767-4152 or email clerk@tn.berry.wi.gov

Posted: 3/9/26 Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Joint Meeting of the Town Board and Plan Commission Minutes
DATE: February 16, 2026
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 – 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. Plan Commission members present: Duane Haag, David Evert, Joe Kruchten, Chris Schwoerer and Travis Richards. Also present Clerk, Brenda Kahl, GEC Assistant Zoning Administrator, Mitchell Bortz and Attorney, Mark Hazelbaker via zoom.

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.

PLAN COMMISSION MEETING

III. CONSIDERATION OF APPLICATION of Scott & Dawn Evert, 8916 State Highway 19, to rezone 119.74 acres from A-1EX to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel. The applicant will present its proposal and answer questions from the Plan Commission and the Town Board.

The applicant Scott Evert spoke about Tri-County testing the property for the proposed site. Tri-County representatives, Terry Wenger, Dustin Gradel, Pat Cadigan and Neil Pfaff from Vierbicher presented information about the pit extraction, processes, approximate amount of materials that will be produced, traffic, and end results.

IV. DISCUSSION/ACTION RE: RECOMMENDATION TO THE BOARD:
A. (R-2026-2) (CUP-2026-2) Scott & Dawn Evert, 8916 State Highway 19, to rezone 119.74 acres from A-1Ex to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel
**Motion** Richards/Haag to recommend approval to the Town Board Scott & Dawn Evert's zoning change of 119.74 acres from A-1EX to EA conditional upon consolidation of parcels 0807-092-8500-9 and 0807-092-8000-4 with a certified survey map. Motion carried. Vote 5-0

**Motion** Haag/Richard to recommend approval to the Town Board Scott & Dawn Evert's conditional use permit with all conditions and findings to allow construction of a nonmetallic mining operation to extract sand and gravel. Motion carried. Vote 4-1. In favor: Schwoerer, Richards, Haag and Evert. Opposed: Kruchten

V. ADJOURN THE JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
**Motion** Evert/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

TITLE: Town of Berry Town Board Meeting Minutes
DATE: February 16, 2026
TIME: 7:47 – 9:12 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, Patrolman, Lucas Danz, GEC Assistant Zoning Administrator, Mitchell Bortz and Attorney, Mark Hazelbaker via zoom.

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 JANUARY 20, 2026
**Motion** M Statz/Schwoerer to approve the minutes of January 20, 2026. 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.

V. PUBLIC HEARING BY THE TOWN BOARD on the application of Scott & Dawn Evert, 8916 State Highway 19, to rezone 119.74 acres from A-1EX to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel
Public hearing opened at 7:48 p.m.
During the public hearing there were comments and discussions on the following items:
*Noticed as a zoning change to AG and then Plan Commission recommending a zoning change to EA instead of AG. Government bodies may amend zoning districts during a meeting.
*The proposal is not consistent with the comprehensive plan. The comprehensive plan is a guide.
*In what way will the town or the residents financially benefit from this proposal?
*Additional traffic and noise. Dangerous driveway access.
*Reclaiming the land as a pond which will not benefit the residents. Questioned if there is instead an option to reclaim the land as a field.
*The proposal will lower the value of adjacent properties
*Pond and weight house is within the floodplain and will this push wetlands onto adjacent properties.
*Will a portion of the sales tax stay within the town?

VI. CLOSE THE PUBLIC HEARING
Public hearing closed at 8:43 p.m.

VII. DISCUSSION/ACTION RE:
A. (R-2026-2) (CUP-2026-2) Scott & Dawn Evert, 8916 State Highway 19, to rezone 119.74

acres from A-1Ex to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel
**Motion** Haag/ to approve Scott & Dawn Evert's zoning change of 119.74 acres from A-1EX to EA with the consolidation of parcels 0807-092-8500-9 and 0807-092-8000-4 with a certified survey map and approval of the conditional use permit with all conditions and findings to allow construction of a nonmetallic mining operation to extract sand and gravel contingent upon approval of all governmental permits and payment of town permit fees and consultant services required to process this application. Motion failed for lack of a second.

**Motion** Evert/Haag to approve Scott & Dawn Evert's zoning change of 119.74 acres from A-1EX to EA with the consolidation of parcels 0807-092-8500-9 and 0807-092-8000-4 with a certified survey map and approval of the conditional use permit with all conditions and findings to allow construction of a nonmetallic mining operation to extract sand and gravel contingent upon approval of all governmental permits and payment of town permit fees and consultant services required to process this application. Motion carried. Vote 3-1. D Statz abstained. In favor: Evert, Haag and Schwoerer. Opposed: M Statz

B. (R-2025-14) Juliann Fick, 5596 Enchanted Valley Road, to rezone 5.01 acres from A-1EX to AG and approval of the final certified survey map
**Motion** Evert/M Statz to approve Juliann Fick's rezone of 5.01 acres from A-1EX to AG and approval of the final certified survey map. Motion carried. Vote 5-0

C. (R-2026-1) (CUP-2026-1) Mark Stegbauer & Jennifer Boyd, 9440 Blackberry Road, to rezone 5.044 acres from A-2(4) to SFR and for a conditional use permit for an art studio
**Motion** M Statz/Evert to approve Mark Stegbauer's & Jennifer Boyd's rezone of 5.044 acres from A-2(4) to SFR and a conditional use permit with all conditions and findings for an art studio. Motion carried. Vote 5-0

D. (D-2026-1) Kris & Megan Laufenberg, 9315 Turkey Road, driveway permit application
**Motion** Haag/Evert to approve Kris & Megan Laufenberg's driveway permit application. Motion carried. Vote 5-0

VIII. PATROLMAN REPORT
Working on numbers for road projects; skid steer was delivered; and weight limits will become effective by the end of the week.

IX. DISCUSSION/ACTION RE: RESOLUTION 2026-3, DISCONTINUATION OF A PUBLIC WAY – PUBLIC HEARING
**Motion** M Statz/Schwoerer to approve Resolution 2026-3, Discontinuation of a Public Way – Public Hearing. Motion carried. Vote 5-0

X. DISCUSSION ACTION RE: REVISIONS TO THE CROSS PLAINS AREA EMS AGREEMENT
Discussion only. The EMS Board is still finalizing the revisions.

XI. DISCUSSION/ACTION RE: CONFIRMING OPEN BOOK AND BOARD OF REVIEW DATES

**Motion** Schwoerer/Haag to approve holding Open Book on July 1, 2026 from 2-6pm and July 2, 2026 from 10am-2pm and hold Board of Review on August 6, 2026 from 6-8pm. Motion carried. Vote 5-0

XII. 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 4573-4574 & 20048-20097

XIII. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS

*District 1 EMS: Held a special meeting to approve payment for a generator that stopped working

*Cross Plains-Berry Fire District: New truck will be arriving this year; received a list of fire calls

XIV. DISCUSSION OF FUTURE AGENDA ITEMS

*Road bids

XV. ADJOURN

**Motion** Evert/D Statz 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

Agenda Item #7, 2026 Road Projects and Bid Notices

Attached is the road work bid notice for the newspaper

Chip seal bid form for Enchanted Valley, Spring Valley and Danz Rd

Paving project bid form for Scherbel Road

The excavating/culvert bid form will be ready for the meeting

# TOWN OF BERRY NOTICE
## ROAD WORK BID

The Town of Berry, Dane County, will be accepting bids for Chip Sealing, excavating/culverts and Paving on various town roads. For specifications and project list contact Lucas Danz at 608-370-2790. Bids shall be mailed or delivered to the Town Hall, 9046 State Road 19, Mazomanie, WI 53560. Bids are due by 7:00 pm on Monday, April 20, 2026 and will be opened at the meeting. The town reserves the right to accept or reject any or all bids.

Publish: 4/9/26; 4/16/26 Brenda Kahl, Clerk/Treasurer

# *Town of Berry*

## *Dane County*

## *Chipseal Projects 2026*

Bids Due on Monday April 20th at 7PM to be opened and discuss during Board Meeting

A copy of this list must be filled out as is and included in bid to be considered

Contractor must supply town with proof of insurance.

The Town reserves the right to accept or reject any or all bids.

The completion date deadline is September 11th, 2026

Contact with Lucas Danz required prior to bidding (608) 370-2790

Contractor shall supply all labor, material and equipment to sign work zone.

Flaggers to be used on project for traffic control

Clean existing surface with power broom immediately prior to applying the Emulsified Oil

Apply CRS2 Emulsion Oil at a rate of 0.40 gals per Sq. Yd

Cover with a 3/8" dark granite chip using a full width 24' chip spreader at 25lbs per Sq. Yd

Roll with two pneumatic rollers to embed stone.

Company Name-_____

Representative-_____

# Chipseal Road Projects 3/8 Dark Granite and Emulsion Oil

Enchanted Valley -Hwy K to Hill Point Road Approx. 6,600 Ft (As Marked)

Chipseal Cost $

Spring Valley - Scherbel Rd to Pine Rd Approx 6,000 Ft (As Marked)

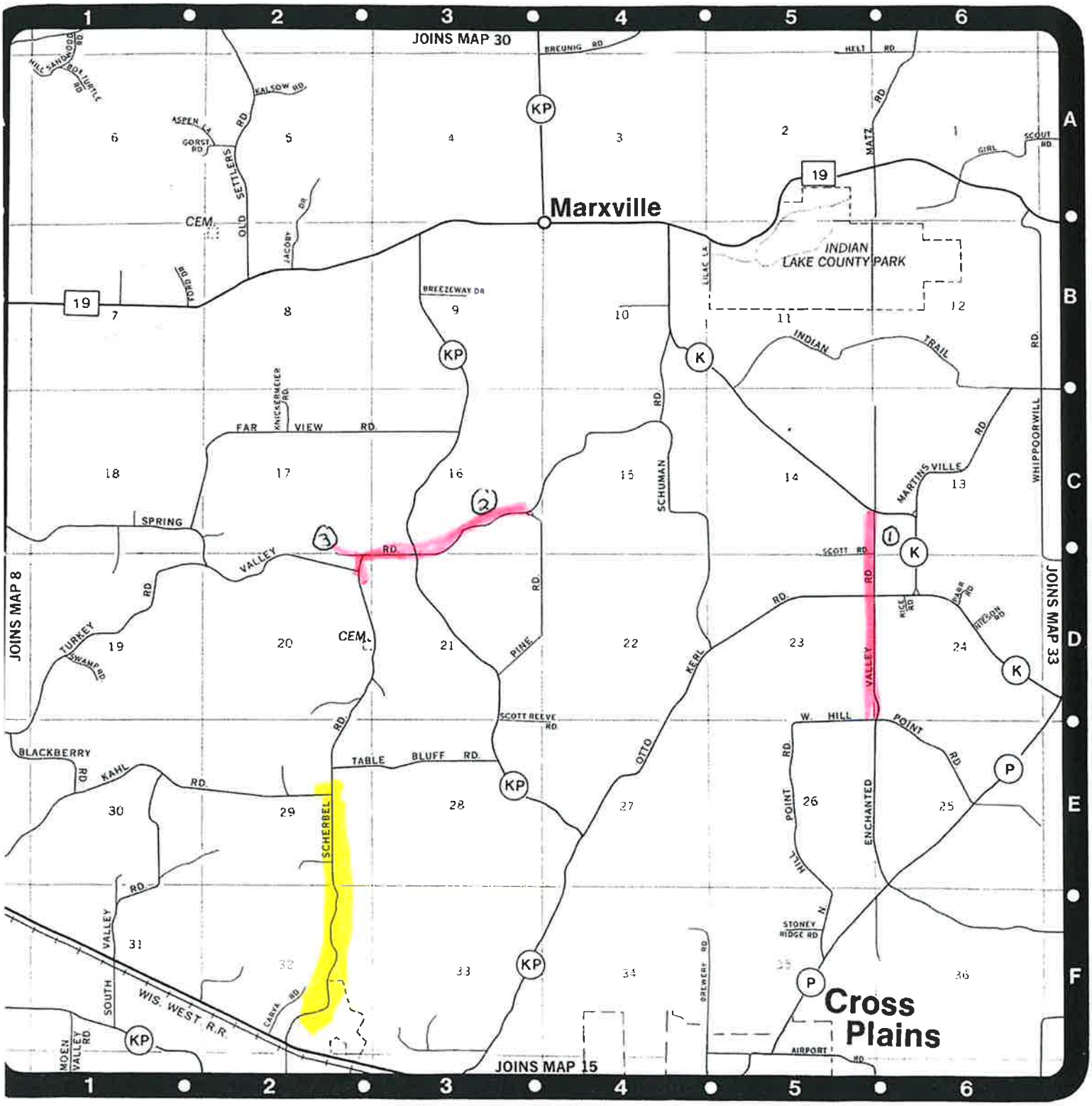
Chipseal Cost $

Danz Rd – Spring Valley to Dead End Approx 600 Ft (As Marked)

Chipseal Cost $

GRAND TOTAL $_____

# BERRY TOWNSHIP 2026




© MILWAUKEE MAP SERVICE, INC.

0 ½ 1 2 Miles

0 .5 1 2 Kilometers

NORTH

Chipseal Projects

Pave Project

# *Town of Berry*

# Dane County

# Paving Projects 2026

Bids due on Monday April 20th at 7 PM to be opened and discuss during Board Meeting

A copy of this list must be filled out as is and included in any bid to be considered

Contractor must supply town with proof of insurance

The Town reserves the right to accept or reject any or all bids.

The completion date of November 20th, 2026

Contact with Lucas Danz required prior to bid - (608) 370-2790

Contractor shall supply all labor, material and equipment to sign work zone.

Pulverize Existing Asphalt, Saw Driveway, And End Joints, Fine Grade, And Compact Gravel

Install A 3" L of New Asphalt and Roll with Steel Wheel Rollers

Install A 2' Wide Shoulder on Both Sides of the Road

Company Name-_____

Representative-_____

# Asphalt Projects - Pulverize, 3 in Hot Mix Mat and Shouldering

## SCHERBEL ROAD-FESTGE PARK TO KAHL ROAD (AS MARKED)

| | Unit | Unit Price | Total |
|---|---|---|---|
| Pulverize existing asphalt, saw driveways and end joints, fine grade and compact gravel | 1LS | $ | $ |
| Pave 3" Hot Mix Asphalt Surface | 2,900 TON | $ | $ |
| Install a 2" wide shoulder on Both side of the road | 800 TON | $ | $ |

BASE BID TOTAL PRICE _____

EXTRA COST IF NEEDED

| | | | |
|---|---|---|---|
| Install 1" Gravel Over Entire Surface | 1,100 TON | $ | $ |

Agenda Item #8, Rental agreement for storing chipper and mower

The garage has limited room for equipment and these two items are currently stored outside year around.

2004 Morbark Chipper
2025 Woods BW13.74 Mower

Fran Tourdot who lives on Otto Kerl Road has room in one of his buildings and the equipment would be accessible to Lucas whenever needed. The fee would be $500 per year.

If the board approves Rural Insurance will also be notified of the address that the equipment will be stored and therefore be insured.

Agenda Item #9, Tree and brush cutting quotes for Old Settlers Road

Attached are two quotes. Both carry liability insurance.

Matt Ballweg Farms = $19,000

Tim Andrews = $30,000

If approved Lucas will contact the property owners.

**Matt Ballweg Farms**
8162 Ballweg Road
Dane, Wisconsin 53529
(608) 219-6084

CUSTOMER ORDER NO. DATE 2-24-26

NAME TOWNSHIP OF BERRY

ADDRESS

PURPOSE OF PAYMENT ☐ RENT ☐ DEPOSIT ☐ GOODS ☐

| PAYMENT METHOD | | AMOUNT DUE | |
|---|---|---|---|
| ☐ CREDIT CARD | ☐ CHECK | THIS PAYMENT | |
| ☐ MONEY ORDER | ☐ CASH | BALANCE DUE | |

| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCOUNT |
|---|---|---|---|---|

| QTY | DESCRIPTION | PRICE | AMOUNT |
|---|---|---|---|
| | — QUOTE — | | |
| | OLD SETTLERS RD FROM HWY 19 TO TOWN LINE. | | |
| | CUT / CHIP TREES AND BRUSH | | |
| | FROM ROAD RIGHT OF WAY. | | |
| | LARGE TREES WILL BE REMOVED | | |
| | SMALL TREES AND BRUSH WILL | | |
| | BE CHIPPED ~~BLOWN~~ INTO RIGHT | | |
| | OF WAY WITH NO PILES MORE | | |
| | THAN 5 INCHES DEEP. | | |
| | $19,000.00 | | |
| | Matt Ballweg | | |
| | PROOF OF INSURANCE WILL BE PROVIDED | | |

No. 1051 TOTAL

**TIM ANDREWS**
HORTICULTURIST LLC
9751 WILKINSON RD
MAZOMANIE, WI 53560
(608)795-9948 www.tahort.com

# ESTIMATE

Tim Andrews
**Horticulturist LLC**

Town of Barry Lucas Danz
9046 Wisconsin 19
Mazomanie, WI 53560

**Service Address**
Town of Barry Lucas Danz
9046 Wisconsin 19
Mazomanie, WI 53560

| | |
|---|---|
| Estimate # | 21700 |
| Estimate Date | 03/05/2026 |
| **Estimate Total** | **$30000.00** |

| Item | Cost | Quantity | Total |
|---|---|---|---|
| **Tree Work - Bucket** | $30000.00 | 1 | $30000.00 |

Old Settlers road is being replaced and the ditches are being re done from Hwy19 to 6390.

Clear trees on high banks 33 feet from the centerline.

This does not include trees in residential yards or the trees on the opposite side of the power lines near Seston Ct. There are 3 old Norway Spruce near the intersection with hwy 19. These trees need to be preserved and only minimal pruning for clearance should be done.

Walnuts at 6360 should be pruned over the road and away from the service line.

Cut stumps low, haul away wood and blow chips onto the right of way.

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**Notes**
**If your estimate totals over $5000.00, we require a 40% down payment.**
**Payments can be made on our website: https://tahort.com/make-payment**

| | |
|---|---|
| **Subtotal** | **$30000.00** |
| **TAX EXEMPT** | $0.00 |
| **Estimate Total** | **$30000.00** |

****Important (please review)****
*In compliance with Wisconsin law and rules of the Department of Agriculture, Trade and Consumer Protection, Tim Andrews Horticulturist LLC will provide you, at your request, the following in writing prior to the application of any pesticide to your lawn, trees or shrubs. The common chemical or brand name of each pesticide that may be applied. A copy of the pesticide label for each pesticide that may be applied. The label will tell you the pesticide active ingredient, use directions, and safety precautions. Each date on which pesticides will be applied. A contact name, address, and telephone number where you can obtain further information about the pesticide application. Please be assured that if you do not request the above information, Tim Andrews Horticulturist LLC will continue to provide you, at the time of each pesticide application, specific information about the product(s) applied, as well as any pertinent post-application precautions as stated on the pesticide label. As always, you may contact us anytime at (608) 795-9948 for information about the products we use. Thank you for choosing Tim Andrews Horticulturist LLC.

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Please take a moment to read through our Terms of Service, which covers all aspects of our work. (https://tahort.com/terms)

Soils & Engineering Services, Inc.

February 21, 2026

Proposal 913.5924

Mr. Duane Haag, Town Chairman
Town of Berry
9046 State Road 19
Mazomanie, WI 53560

Subject: Geotechnical Drilling and Sampling Services
Proposed Road Reconstruction
South Valley Road
Town of Berry
Dane County, Wisconsin

Greetings Mr. Haag,

We are submitting this proposal in response to our telephone discussion. The requested work scope is to drill and sample a series of soil borings on South Valley Road with the purpose of obtaining information regarding the existing roadway profile including the subgrade soils. The project extends from Kahl Road to CTH KP, which is approximately 1.74 miles.

We propose to drill through the pavement and base course and measure the thickness of each. We are not including pavement coring in our scope of services. We propose drilling and sampling one 5-foot soil boring every 1,000 feet or so along the length of the project, for a total of nine soil borings.

We propose to mobilize a truck-mounted drilling rig to access and perform the soil borings. We assume that Town of Berry personnel will patch the pavement penetrations at the soil boring locations and will provide traffic control, if needed.

We will review the field logs and classify the soil samples in our laboratory and then prepare computer-generated soil boring logs, perform geotechnical laboratory tests and prepare a geotechnical engineering report. The report will include a discussion regarding the soil types encountered, recommended pavement design parameters, and site preparation recommendations related to the proposed improvements.

We propose to complete this work based on the unit rates provided on the following pages.

1102 Stewart Street
Madison, WI 53713-4648
Phone: 608-274-7600
soils@soils.ws
Fax: 608-274-7511
www.soils.ws

Geotechnical Engineers Since 1969

## A. GEOTECHNICAL EXPLORATION

| | | |
|---|---|---|
| 1. | Drilling rig, equipment and crew mobilization. | $850.00 per trip |
| 2. | Underground utility marking coordination. The proper locating and marking of public underground utility lines will be coordinated through Diggers Hotline. The proper locating and marking of private utility lines and structures including septic systems, private water lines, and private electric lines is the responsibility of the site owner. Soils & Engineering Services, Inc., therefore, will not be held liable for damages caused to underground structures due to inadequate or improper marking of such structures. | $125.00 lump sum |
| 3. | We will use a smart phone GPS application to obtain the relative locations of the soil borings. | |
| 4. | We will use hollow-stem augers to drill the soil borings. We will obtain soil samples using a split-barrel sampler (ASTM D 1586) at 2½-foot intervals to a depth of 5 feet below ground surface. Boreholes that encounter auger refusal due to boulders or other subsurface obstructions will be charged at the standard footage rates provided. | |
| | a. Soil borings to 5 feet. | $80.00 per boring |
| | b. Surcharge for drilling in dense soils or bedrock with blow counts of 50 or more per foot. | $12.00 per linear foot |
| 5. | Pavement penetrations and patches. | |
| | a. Coring through pavement up to 8 inches thick (6-inch diameter core). | $10.00 per inch of thickness |
| | b. Drilling through concrete pavement up to 8 inches thick. | $75.00 per hole |
| | c. Asphalt patch with commercial cold mix. | $55.00 per patch |
| | d. Concrete patch with quick-set material. | $95.00 per patch |
| 6. | Traffic control during the drilling and sampling operation will be provided by Town of Berry. | |

| | | |
|---|---|---|
| 7. | We can perform laboratory tests to determine general strength and settlement characteristics of the soils encountered, to assist in proper soil classification, and to determine soil parameters.<br><br>The tests will be performed at the following unit rates: | |
| | a. Moisture content. | $10.00 per sample |
| | b. Atterberg limits, liquid and plastic. | $65.00 per sample |
| | c. Gradation analysis (sieves through No. 200 mesh), with computer plot. | $65.00 per sample |
| | d. Gradation analysis (sieves and hydrometer), with computer plot. | $145.00 per sample |
| | e. Percent organics by loss on ignition. | $60.00 per sample |
| | f. Unit weight of cohesive soil. | $25.00 per sample |
| 8. | Laboratory classification of the soil samples by a geologist or professional engineer, and computer-generated Soil Boring Records. | $65.00 per boring |
| 9. | We will prepare a geotechnical engineering report based on the soil boring information and lab testing results.<br><br>The report will include a summary of the pavement thicknesses, base; course thicknesses; subgrade soil types and groundwater levels encountered by the soil borings; recommended pavement design parameters based on the field and laboratory test results; discussion regarding whether or not excavation below subgrade (EBS) may be required; and site preparation recommendations. | $1,640.00 allowance |
| 10. | Questionable soil conditions encountered at the budget depth of borings will require obtaining approval to proceed deeper. We reserve the right to charge $285.00 per drill rig hour for this delay. | |
| 11. | This proposal assumes access with a truck-mount drilling rig. No allowances are made for special site preparations to gain access with drill rigs including: furnishing of barges for work over water; use of a chainsaw; tree removal; snow removal; special blocking or cribbing; or traversing very soft soils. No allowance is included for equipment to convey the drilling rig exhaust to an exterior door. | |

Access delays for the drilling crew will be charged at $265.00 per drill rig hour. This access includes placing construction matting for the drilling rig.

## B. SUMMARY OF CHARGES

| | |
|---|---|
| Drilling rig mobilization | $850.00 |
| Underground utility marking coordination | $125.00 |
| 6 soil borings at $80.00 each | $720.00 |
| Soil classification for the soil borings at $65.00 per boring | $585.00 |
| Laboratory testing allowance | $550.00 |
| Summary report | $1,640.00 |

The charge for the scope of work presented is $4,470.00.

## C. CLOSING

Town of Berry (CLIENT) understand that SES's services under this proposal are limited to geotechnical engineering and that SES will have no responsibility to locate, identify, evaluate, treat or otherwise consider or deal with hazardous materials. The discovery of hazardous materials will constitute a changed condition under this proposal.

Hazardous materials are defined in this proposal as any toxic substances, chemicals, pollutants, or other materials, in whatever form or state, that are known or suspected to adversely effect the health and safety of humans or of animal or plant organisms, or which are known or suspected to impair the environment in any way whatsoever.

SES will perform its services consistent with that level of care and skill ordinarily exercised by other professional engineers under similar circumstances at the time the services are performed. No warranty, expressed or implied, is included or intended by this proposal.

We have insurance coverage for professional liability, pollution liability, general liability, automobile liability, bodily injury, property damage, and completed operation, to protect the subject property, CLIENT, and our workers during the performance of the field work. We require written authorization to proceed with the work for this project for our insurance coverage to be in effect.

If you have any questions regarding this submittal or if you need additional information, please contact us at (608) 274-7600.

Respectfully submitted,

**SOILS & ENGINEERING SERVICES, INC.**

Duane E. Reichel, P.E.
DER:JAJ:wsr

## APPROVAL OF PROPOSAL

Signature: _____

Name: _____

Title: _____

Date: _____

## 103.1 Appoint Alternate Members for Board of Review Ordinance

I Purpose
II Adoption
III Appointments
IV Effective date

**SECTION I – PURPOSE**
Whereas, Wisconsin Statute 70.47(6m)(c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

**SECTION II - ADOPTION**
Pursuant to Wisconsin Statutes 70.47(6m) (c) and 70.46(1) the town board hereby provides for appointment of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.

**SECTION III - APPOINTMENTS**
The following electors of the Town of Berry are hereby named as alternates in the order indicated to serve as an alternate board of review members:

Alternate 1: Joe Kruchten

Alternate 2: Robert Agee

**SECTION IV - EFFECTIVE DATE**
The appointments made in this ordinance are for the year 2026 Board of Review proceedings and shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 16th day of March, 2026

Attest: _____ _____
Brenda Kahl, Clerk/Treasurer Duane Haag, Chairperson

Posted: _____ _____
David Evert, Supervisor

_____
Michael Statz, Supervisor

_____
Nichole Schwoerer, Supervisor

_____
Derek Statz, Supervisor

Agenda Item #12, Revising Ordinance 103.2, Town Plan Commission

Only the sentences highlighted yellow are suggested revisions. The reason for the revisions are:
1. It is hard to find people to fill the positions.
2. Since we are currently in the process of updated the comprehensive plan and changing from legacy to current zoning on all of the town's parcels, it would be best to have the same plan commission members working on these two projects during these next couple years.
3. One of the Plan Commission members term expires in May and it would be beneficial to the town to keep all five current members working on these projects until they are finished.

So, should the "three year term" be longer and/or delete the sentence that states "After serving two consecutive terms, a citizen must wait for three years before reappointment to the Plan Commission."

I would also recommend deleting the highlighted sentence in Section III (A), since the Plan Commission never has held a public hearing every January for public comments on revising the comprehensive plan.

## 103.2 Town Plan Commission Ordinance


I Establishment
II Membership
III Organization
IV Powers and Duties
V Referrals
VI Compensation
VII Additional Powers and Duties
VIII Severability and Conflict
IX Effective Date


**SECTION I – ESTABLISHMENT**

The Town Board of the Town of Berry has been authorized by the Town meeting under State Statute 60.10(2)(c). To exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, Wisconsin Statute 990.01(29). The Town Board hereby exercises village powers under State Statute 60.22(3), and establishes a five member Plan Commission under State Statutes 60.62(4), 61.35 and 62.23. The Plan Commission shall be considered the "Town Planning Agency" under State Wisconsin Statute 236.02(13) and 236.45, which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

**SECTION II – MEMBERSHIP**

The Plan Commission is to consist of five members.

Two members, the Town Chairperson and one additional member, shall be from the Town Board. The three additional members shall be appointed from the town citizens. All appointments are made by the Town Chairperson and require approval of the Town Board by a majority vote.

The Town Board members shall serve for a two-year term of office corresponding to their term of election. Each of the three citizen members will be appointed the third Monday of May to serve a three-year term. Whenever a vacancy shall occur in the term of any citizen or Board member, the Town Chairperson shall appoint, subject to approval by the Town Board, a citizen or Board member to fill such expired term. After serving two consecutive terms, a citizen must wait for three years before reappointment to the Plan Commission. The Town Chairperson shall serve as Chair of the Plan Commission and the Clerk/Treasurer shall serve as recording Secretary.

**SECTION III – ORGANIZATION**

The Town Plan Commission shall organize and adopt rules for its own governance in accordance with the provisions of this ordinance.

A. Meetings of the Plan Commission shall be held monthly, and additionally as called by the Chairperson or scheduled by vote of the Commission. In addition, the Commission shall hold a public hearing each January to receive public comments and suggestions for

revisions of the Town Comprehensive Plan. Notice of the time and location of each meeting shall be posted and/or published in compliance with the state open meetings law.

B. Quorum. A quorum shall be three (3) members for the Plan Commission, with all actions requiring a majority vote of the quorum present.
C. Written record. The Plan Commission shall keep a written record for all meetings showing all actions taken, findings, determinations, transactions, and recommendations made; a copy shall be filed with the Town Clerk as a public record.

**SECTION IV – POWERS AND DUTIES**

The Town Plan Commission shall have the following powers, functions and duties.

A. Conduct site reviews and liaison with property owners and other members of the public as appropriate for all zoning changes, building or driveway applications.
B. Provide recommendations to the Town Board concerning all driveway request and all zoning and land division requests.
C. Assess the need for changes in the Town Comprehensive Plan and Zoning Ordinance and recommend such changes as are appropriate to the Town Board.
D. The Plan Commission may employ experts and incur other expenses as required, with the approval of the Town Board.

**SECTION V – REFERRALS**

The Town Board or other office of the Town having authority shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

A. Location, acceptance, extension, altercation, vacation, abandonment, change of use, sale, acquisition, or lease of land for any roadway or park or playground.
B. All annexations, incorporations or consolidations affecting the Town.
C. All divisions of land within the Town's platting jurisdiction according to the Town's Comprehensive Plan.
D. All proposed or requested changes and amendments to the Town Plan, Ordinance and Town subdivision regulations.

**SECTION VI – COMPENSATION**

To be decided upon by the Town Board.

**SECTION VII – ADDITIONAL POWERS AND DUTIES**

The Town Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by other Town Ordinances or regulations. All the powers and duties granted or assigned by the Wisconsin Statutes to Plan Commission and amendments thereto are hereby granted and assigned to the Commission and such Statutes are hereby adopted by reference.

**SECTION VIII – SEVERABILITY AND CONFLICT**

If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**SECTION IX – 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 16th day of March, 2026

Attest: _____ _____

Brenda Kahl, Clerk/Treasurer

Duane Haag, Chairperson

Posted: _____ _____

David Evert, Supervisor

_____

Michael Statz, Supervisor

_____

Nichole Schwoerer, Supervisor

_____

Derek Statz, Supervisor

Agenda Item #13, Revising Ordinance 500.4 Nonmetallic Mining

The proposed revisions are in reference to the Plan Commission holding the public hearing instead of the Town Board so the ordinance is in compliance with the Town's Zoning Ordinance procedures.

I am also including an email from Derek, on some suggestions he had.

Gmail

Brenda Kahl <clerk@tn.berry.wi.gov>

# Re: March Town Board Agenda

1 message

**Derek Statz** <derekstatztownofberry@gmail.com> Mon, Mar 2, 2026 at 3:31 PM
To: "twnberry@chorus.net" <twnberry@chorus.net>
Cc: "David, Evert" <d.evert@yahoo.com>, "Michael, Statz" <michaelstatz@ymail.com>, "Nichole, Schwoerer" <nichole.schwoerer.tob@gmail.com>, devert <devert@veridianhomes.com>

I need to read more through the ordinance more closely. In my experience. Would like to make sure that there is language in there to upkeep the weed control around the scale and scalehouse along with the birm around the quarry itself to be mowed down. In theory grass should be seeded on that birm around the quarry. These things can be let go easily and would like to keep it looking respectable.

We also at Wingra have a couple quarry's that have strict conditional use permits as well. It has language of fines and being shut down if operation exists out of the allowed hours of operation. I think it would be a good idea if that is allowed in the ordinance as well.

Thank you,
Derek Statz
Town of Berry Board Supervisor 4
Derekstatztownofberry@gmail.com

On Mon, Mar 2, 2026 at 12:52 PM twnberry@chorus.net <twnberry@chorus.net> wrote:

> Hello,
> If you have an item to add to the agenda, please send it by Friday, March 6th.
>
> Brenda Kahl
> Town of Berry Clerk/Treasurer
> 9046 State Road 19
> Mazomanie, WI 53560
> 608-767-4152
> www.townofberry.org

## 500.4 Nonmetallic Mining Ordinance


I Preamble
II Intent
III Interpretation
IV Definitions
V Nonmetallic Mining
VI Procedures
VII Exceptions from Ordinance
VIII Enforcement and Penalties
IX Effective Date


**SECTION I – PREAMBLE**

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the Town and set forth the rules and procedures for this municipality regarding nonmetallic mines within the Town. This ordinance is adopted pursuant to the Town's village and police powers under Wisconsin Statutes 60.10(2)(c) & 61.34.

**SECTION II – INTENT**

The general intent of this subchapter is to regulate the location, construction, installation, alteration, design, operation and use of all nonmetallic mines so as to protect the health of residents and transients; secure safety from disease and pestilence; further the appropriate use and conservation of land and water resources; preserve and promote the administration and enforcement of this subchapter and provide penalties for its violations.

**SECTION III – INTERPRETATION**

In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**SECTION IV – DEFINITIONS**

A. Metallic Mining or Mining. Operations or activities for the commercial extraction from the earth of merchantable metallic minerals or the exploration or prospecting for such minerals and includes operations, processes or activities related to that extraction.
B. Nonmetallic mining and mining. All of the following:
    1. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops,

ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

2. Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals or chemicals, blasting, grading, crushing, screening, scalping and dewatering.

**SECTION V – NONMETALLIC MINING**

A. Nonmetallic mining in the Town shall be allowed only as provided for in this ordinance.

B. The applicant shall apply for a Town permit for a nonmetallic mine prior to starting work on any mining structure or facility and prior to operating any nonmetallic mine in the Town. The application shall be submitted on a form provided to the applicant by the Town Clerk, a copy of which is attached hereto as Appendix A.

C. The Town Board shall be the sole determining body of whether to issue the permit, after review and recommendation by the Town Plan Commission, and after a public hearing has been held by the Plan Commission, with notice given by US Mail to all adjoining landowners to the proposed nonmetallic mine. The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

D. The Town permit shall be void if the permittee violates any conditions of the permit or any conditions of any required Federal, State, or County permits.

**SECTION VI – PROCEDURES**

A. The applicant shall complete a Town of Berry Nonmetallic Mining Permit Application, Appendix A, and pay the required application fee.

B. After receiving the application and the application fee, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed nonmetallic mining site with the date and time of the public hearing being held by the Town Plan Commission Meeting.

C. The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting.

D. The Plan Commission shall hold a public hearing, review and consider the application and make a recommendation to the Town board. After a decision has been rendered by the Plan Commission, the application shall be placed on the agenda of the Town board.

E. The Town board shall consider the recommendation of the Plan Commission. Before making a decision on the application, the Town board shall determine whether the application is complete, and whether the applicant has applied for or received any required Federal, State, and County permits for the proposed mine.

F. The Town Board shall grant the permit, either with or without conditions, if it is

determined that the development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

G. The Town board may conditionally approve the permit and may attach conditions to protect public health and safety and promote the general welfare of the Town. Such conditions may include, but are not limited to, restrictive provisions and proof of financial security for reclamation, restrictive provisions and proof of financial security for town road maintenance and repair, restrictions on hours of operation, restrictions on truck routes on town roads, restrictions on truck and traffic volume into and out of the mine site, restrictions to protect groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations, and any other restrictions deemed necessary or appropriate by the Town board to protect public health and safety and promote the general welfare of the Town and its citizens.

**SECTION VII – EXCEPTIONS FROM ORDINANCE**

A nonmetallic mining permit is not required from the Town of Berry for nonmetallic mines in existence prior to the effective date of this ordinance or for the activities listed in Wisconsin Admin Code Section NR 135.02(3). However, if a pre-existing nonmetallic mine is expanded after the effective date of this ordinance in a manner that requires a nonmetallic mining reclamation permit from Dane County, the expansion shall be subject to the permitting requirements of this ordinance.

**SECTION VIII – ENFORCEMENT AND PENALTIES**

Any violation of this ordinance shall be punishable by a forfeiture of not less than $100 nor more than $2000 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation. The Town's Attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense. The town board or its designee may inspect the mine site at any time for purposes of monitoring or enforcement of this ordinance.

**SECTION IX – 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 16th day of March, 2026

Attest: _____ _____

Brenda Kahl, Clerk/Treasurer — Duane Haag, Chairperson

Posted: _____ _____

David Evert, Supervisor

Published: _____ _____

Michael Statz, Supervisor

Nichole Schwoerer, Supervisor

Derek Statz, Supervisor

| 3/9/2026 | | List of bills to be approved at the March 16, 2026 board meeting | |
|---|---|---|---|
| **Date** | **Check #** | **Payee** | **Amount** |
| | 20098 | Void - printing issue | |
| | 20099 | Void - printing issue | |
| 2/24/2026 | 20100 | Brenda Kahl | 1,961.37 |
| 2/24/2026 | 20101 | Lucas Danz | 1,745.38 |
| 3/10/2026 | 20102 | Brenda Kahl | 1,961.37 |
| 3/10/2026 | 20103 | Duane Haag - plow snow | 258.58 |
| 3/10/2026 | 20104 | Jaeger Schoenemann - plow snow | 138.52 |
| 3/10/2026 | 20105 | Lucas Danz | 1,745.38 |
| 3/16/2026 | 20106 | Accurate Appraisal - contract | 1,200.00 |
| 3/16/2026 | 20107 | Alliant Energy | 319.10 |
| 3/16/2026 | 20108 | Bellin Health - annual administrative fee for random drug testing | 60.00 |
| 3/16/2026 | 20109 | Brenda Kahl - mileage | 50.75 |
| 3/16/2026 | 20110 | Burke Truck - part and plow blades | 5,289.36 |
| 3/16/2026 | 20111 | Dane County Towns Association - dues | 1,797.30 |
| 3/16/2026 | 20112 | Dane County Treasurer - tax bill envelopes and DaneCom | 572.72 |
| 3/16/2026 | 20113 | Debra Belongea - February election inspector | 120.00 |
| 3/16/2026 | 20114 | Dixie Johnson - February election inspector | 105.00 |
| 3/16/2026 | 20115 | Finger Publishing - election notices | 46.68 |
| 3/16/2026 | 20116 | Gordon Flesch - fee for copies printed per month | 109.86 |
| 3/16/2026 | 20117 | Joan Paar - February election inspector | 210.00 |
| 3/16/2026 | 20118 | Kalscheur Implement - parts | 157.40 |
| 3/16/2026 | 20119 | Kenneth Felz - February election inspector | 105.00 |
| 3/16/2026 | 20120 | Lake Ridge Bank - postage, supplies, election meals, etc | 752.57 |
| 3/16/2026 | 20121 | Laurie Statz - February election inspector | 105.00 |
| 3/16/2026 | 20122 | Lucas Danz - cell phone | 25.00 |
| 3/16/2026 | 20123 | Lynda Ketelboeter - February election inspector | 105.00 |
| 3/16/2026 | 20124 | M Susan Dickert - February election inspector | 105.00 |
| 3/16/2026 | 20125 | Marc Winzenried - February election inspector | 105.00 |
| 3/16/2026 | 20126 | Mazo Hardware - supplies | 10.50 |
| 3/16/2026 | 20127 | McFarlane - supplies | 53.99 |
| 3/16/2026 | 20128 | Pellitteri Waste Systems - solid waste and recycling | 11,752.10 |
| 3/16/2026 | 20129 | Robert Agee - February election inspector | 120.00 |
| 3/16/2026 | 20130 | Sloan Implement - filters | 302.48 |
| 3/16/2026 | 20131 | TDS Telecom - phone and internet | 203.87 |
| 3/16/2026 | 20132 | TrollBytes - March IT services | 70.00 |
| 3/16/2026 | 20133 | US Cellular - chair cell phone | 53.70 |
| 3/16/2026 | 20134 | Weld Riley - Evert Pit and zoning | 2,559.65 |
| 3/16/2026 | 20135 | Wingra Stone Company - screenings | 145.39 |

Additional bills will be handed out at the meeting