Town of Berry Board Meeting

May 18, 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 April 20, 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. Patrolman Report
6. Discussion/action re:
   A. (R-2026-3) Robert Kalsow, 9111 Kalsow Road, rezone 1.83 acres from A-1Ex to SFR and 34.67 to EA and approval of final certified survey map
7. Discussion/recommendation to the Board of Zoning Appeals re:
   A. (V-2026-1) Scott and Dawn Evert, 8916 State Road 19, variance application
8. Discussion/action re: Appointment of Plan Commission Members
9. Discussion/action re: District 1 EMS purchase of vacant lot
10. Discussion/action re: Donation to the Black Earth Creek Watershed Association's model of the Black Earth Creek watershed
11. Discussion/action re: Proposals for garage overhead door concrete
12. Discussion/action re: Revising Town Hall Resident Use Policy 113.5
13. Budgetary Matters
    A. Discussion/action re: Payment of bills
14. Discussion/action re: Committee reports/Correspondence/Communications
    A. Fire Districts
    B. EMS Districts
    C. Other
15. Discussion of future agenda items
16. 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: 5/11/26 Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Town Board Meeting Minutes
DATE: April 20, 2026
TIME: 7:00 – 8:56 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 MARCH 16, 2026
Motion D Statz/Evert to approve the Town Board minutes of March 16, 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.
*Peter Dykman and Carla Wright requested that the Plan Commission agendas and minutes be emailed to residents.
*David Ohnstad asked when the comprehensive plan survey results would be presented.

V. PUBLIC HEARING BY THE TOWN BOARD ON THE DISCONTINUANCE OF A PUBLIC WAY IN SECTION 24
Public hearing opened at 7:03 pm.
David Lucey asked for the location of the public way and if it had a name.

VI. CLOSE THE PUBLIC HEARING
The public hearing closed at 7:04 pm
Motion Evert/M Statz to discontinue the public way. Motion carried. Vote 5-0

VII. MIKE THEIS, UPDATE ON TDS BROADBAND
Construction of the broadband expansion started in 2026. The multi-year effort will affect approximately 1,080 addresses. TDS has until 2028 to finish the expansion.

VIII. PATROLMAN REPORT
Currently working on tree removals on Old Settlers Road. Will be receiving estimates for a concrete pad in front of the new garage door. Had very little storm damage. Discussed with the board if should rent Roxbury's boom mower or continue with Gary Endres.

IX. DISCUSSION/ACTION RE:
A. (T-2026-1) Ice Age Trail Alliance, Indian Trail, trail permit application

Motion Schwoerer/M Statz to approve Ice Age Trail's trail permit application on Indian Trail. Motion carried. Vote 3-2. In favor: Schwoerer, M Statz and Haag. Opposed: D Statz and Evert

X. DISCUSSION/ACTION RE: AWARD 2026 ROAD PROJECT BIDS
Motion Haag/Evert to award Fahrner Asphalt Sealers the chipseal bids for Enchanted Valley Road, Spring Valley Road and Danz Road at a total cost of $67,606.00. Motion carried. Vote 5-0

Motion Haag/Evert to award Northwestern Stone the Scherbel Road paving bid at $245,629.00 and the ditching/culvert bid at $85,930.75 for a total cost of $331,559.75. Motion carried. Vote 3-2. In favor: M Statz, Haag and Evert. Opposed: D Statz and Schwoerer

Motion Haag/M Statz to award Boehnen Inc the ditching/culvert bid for South Valley Road from Kahl Road to Highway 14 at a total cost of $91,051.66. Motion carried. Vote 5-0

XI. DISCUSSION/ACTION RE: DESIGNATING THE USE OF THE 2025 SUPPLEMENTAL SHARED REVENUE
Motion Haag/M Statz to use $50,919 of the 2025 supplemental shared revenue toward the 2026 road construction budget. Motion carried. Vote 5-0

XII. DISCUSSION ACTION RE: SUNDANCE DEVELOPMENT AGREEMENT AND PROPOSAL ON BREWERY ROAD
Motion Evert/Haag that the Town Board authorizes the Plan Commission to proceed with the Sundance Development agreement and proposal on Brewery Road. Motion carried. Vote 5-0

XIII. DISCUSSION/ACTION RE: AWARD PROPOSAL FOR MAINTENANCE OF THE HALL/GARAGE GROUNDS AND SUNNING HILL CEMETERY
Motion M Statz/Schwoerer to award Jeff Dresen the maintenance of the hall/garage and Sunning Hill Cemetery. Motion carried. Vote 5-0

XIV. DISCUSSION/ACTION RE: DATA CENTER MORATORIUM ORDINANCE
Motion Haag/M Statz to have the Town Attorney create a Moratorium Ordinance on Data Centers. Motion carried. Vote 5-0

XV. DISCUSSION/ACTION RE: APPOINT A NOXIOUS WEED COMMISSIONER
Motion Schwoerer/Evert to appoint Lucas Danz as the Noxious Weed Commissioner. Motion carried. Vote 5-0

XVI. DISCUSSION/ACTION RE: TOWN COMMITTEES AND APPOINTMENTS
Motion M Statz/Evert to accept the committees and appointments as presented. Motion carried. Vote 5-0

XVII. DISCUSSION/ACTION RE: REVISING ORDINANCE 300.15, REGULATE STOPPING, STANDING OR PARKING OF VEHICLES ORDINANCE
Motion Haag/Evert to revise Regulate Stopping, Standing or Parking of Vehicles Ordinance 300.15 as revised by the Town Attorney. Motion carried. Vote 5-0

XVIII. DISCUSSION/ACTION RE: REQUESTING DANE COUNTY TOWNS ASSOCIATION TO WORK WITH TOWNS TO COMPILE A PUBLIC LIST OF CLASS B ROADS AND NON-TRUCK ROUTES IN EACH TOWN
Discussion only. Derek Statz will contact Dane County Towns Association.

XIX. DISCUSSION/ACTION RE: CHAIN SAW PURCHASE
Motion Schwoerer/D Statz to purchase a Stihl 25" chain saw from Niendorf Enterprises at a cost of $780. Motion carried. Vote 5-0

XX. BUDGETARY MATTERS
A. Discussion/action re: Payment of bills
Motion Haag/M Statz to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 4575 and 20143-20193

XXI. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS
*Cross Plains EMS: The contract has been revised for review; trying to figure out how to compensate the volunteers when using their own vehicles for community services
*Black Earth Fire District: Fire engine is being built; offices are being remodeled with FEMA funding; the merger could take 1-2 years and at that time the nearest engine will go to the call
*Park Committee: The bird netting has been installed on the inside roof of the shelter; recommend revising the rental agreement to include a statement that you are not allowed to attach anything to the netting
*Schedule a free shred event with Pellitteri
*WTA request for the Town to pass a resolution that supports sustainable transportation funding in Wisconsin
Motion M Statz/Schwoerer to approve Town Board Resolution 2026-4 Supporting a Comprehensive and Sustainable Transportation Funding Solution. Motion carried. Vote 5-0
*Town received TRIS funding from WIDOT for Whippoorwill Road for 69.72% of the total eligible project costs.

XXII. DISCUSSION OF FUTURE AGENDA ITEMS
*Rental of boom mower

XXIII. 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

ZONING CHANGE APPLICATION

PERMIT #:	2026-3
Permit Fee: $	Fee Paid: ☐
Approved By:	
Approval Date:	/ /

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

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 ROBERT KALSOW	CONTACT NAME
BUSINESS NAME or CO-OWNER'S NAME (if applicable) —	BUSINESS NAME (if applicable)
MAILING ADDRESS 9111 KALSOW Rd.	MAILING ADDRESS
CITY, STATE, ZIP MAZOMANIE, WI. 53560	CITY, STATE, ZIP
DAYTIME PHONE # HOME / CELL 608 767-2377 / 608 740 0376	DAYTIME PHONE #
EMAIL ABKALSOW@GMAIL.COM.	EMAIL

LAND INFORMATION

Town: T 08N Parcel Numbers Affected: 0807-052-9500-5

Section: 5 Property Address or Location: 9111 KALSOW Rd.

Zoning District Change (To / From / # of acres) RES FROM AG. 1.83 ACRES
SFR/A-1EX + remaining 34.67 to EA

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: Robert Kalsow Date: 3-13-26

TOWN OF BERRY JURISDICTION REVIEW FORM

COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION

If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.

Applicant/Agent/Contractor: Robert & Alice Kalsow Email: ABKalsow@gmail.com

Address: 9111 Kalsow Rd. City/State/Zip: Mazomanie Wi. 53560 Phone: 608 767-2377

Parcel ID Number(s): 0807-052-9500-5

CSM or Plat Information, if any: _____

Proposed activity on the property: New Home

Is the property enrolled in CRP or any other farm programs? ☒ No ☐ Yes

If "Yes" is checked, identify the program and file identification number(s): _____

JURISDICTIONAL QUESTIONS

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?
   ☒ No ☐ Yes
2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?
   ☒ No ☐ Yes
3. Is your proposed project located within a floodplain? ☒ No ☐ Yes
4. Is your proposed project located within a wetland? ☒ No ☐ Yes
5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?
   ☐ No ☒ Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)
6. Do the maps showing wetlands, floodplains and shorelands at https://dcimapapps.countyofdane.com/lwrviewer/ indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?
   ☒ No ☐ Yes

STATEMENT OF APPLICANT

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: 3-13-2026 By: Robert Kalsow

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

DETERMINATION BY DANE COUNTY

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: _____ By: _____

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: Mitchell Bortz, Assistant Town of Berry Zoning Administrator

DATE: (for) May 4, 2026 Plan Commission Meeting

SUBJECT: Zoning Change/CSM for Kalsow
Tax Parcels 0807-052-9500-5

GEC NO.: 3-13004-004

Background Information

Owner/Applicant: Robert Kalsow
9111 Kalsow Road
Mazomanie, WI 53560

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

Location: 9111 Kalsow Road
In part of the SE ¼ of the NW ¼ of Section 5, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change/CSM Approval

Existing Zoning:

Tax Parcel 0807-052-9500-5	A-1 (EX)		36.50 Acres
		Total	36.50 Acres

Existing Land Use: Tax parcel 0807-052-9500-5 is primarily open agricultural field but does appear to have some existing agricultural accessory buildings located in the northeast portion of this parcel. Access to this parcel is currently from a paved driveway along 9111 Kalsow Road but technically passes through Tax Parcel 0807-052-8380-3. There are steep slopes located in the southwest portion of this parcel. There do not appear to any shoreland/ wetland/ or floodplain concerns in the area of the new proposed parcel.

Adjacent Land Uses: North: Kalsow Road, Residential
West: Old Settlers Road
East: Agricultural, Residential
South: Agricultural

Proposal

Zoning Change:

Proposed CSM Lot 1	SFR		1.83 Acres
Remnant Parcel	EA		34.67 Acres
		Total	36.50 Acres

Applicant submitted information for a zoning change of Tax Parcel 0807-052-9500-5 from zoning A-1 (EX) Exclusive Agricultural Zoning District to Proposed CSM Lot 1 to SFR Single-Family Residential District in the newer zoning ordinance. The intent of the proposal is for the creation of a residential lot. A recorded CSM will follow the rezone to solidify the boundary of the rezoned areas.

Submittals/Attachments

1. Zoning Change Application, received April 10, 2026.
2. Jurisdictional Review Form, received April 10, 2026.
3. Preliminary CSM from Halverson Land Surveying, received April 10, 2026.

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 for the Proposed CSM Lot 1. 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 1. When applying for the land use permit, required setbacks will need to be verified.
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. **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.
4. **Preliminary CSM**
   Preliminary CSM appears to meet the Town's land division ordinance.
5. **General – Farmland Preservation**
   By rezoning out of Exclusive Ag, the property owner will no longer be eligible for Farmland Preservation credits.

Recommendation

GEC recommends that the Plan Commission conditionally approve the proposed zoning change of Tax Parcel 0807-052-9500-5 from zoning A-1 (EX) Exclusive Agricultural Zoning District to Proposed CSM Lot 1 to SFR Single-Family Residential District in the newer zoning ordinance, contingent on the following:

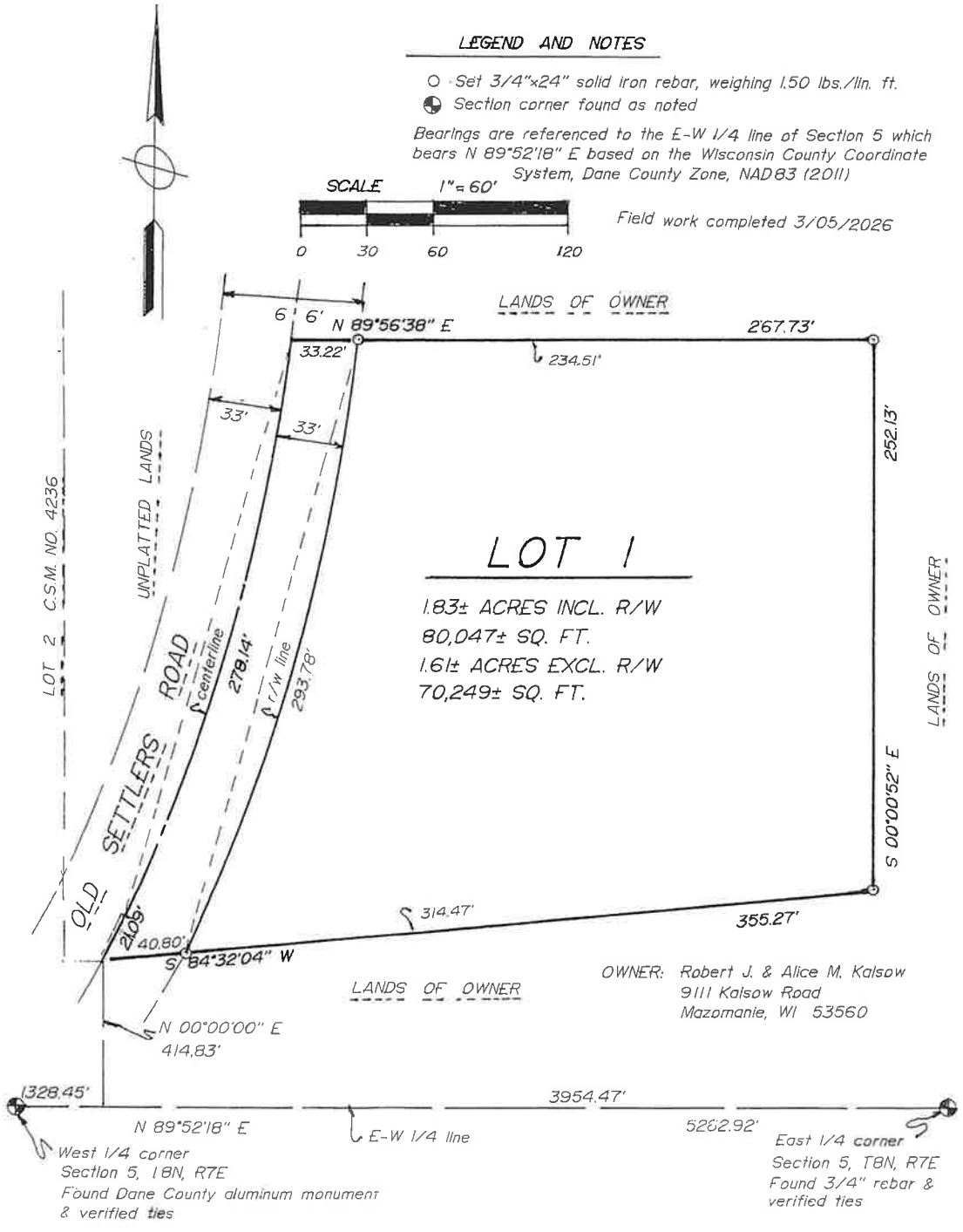
1. Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.
3. The applicant shall provide a copy of the recorded certified survey map to the Clerk within ten (10) days after the certified survey map is recorded.

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 5, TOWN 8 NORTH, RANGE 7 EAST, TOWN OF BERRY, DANE COUNTY, WISCONSIN.

CURVE DATA TABLE

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD DISTANCE	TANGENT BEARING	TANGENT BEARING
C-1	662.27'	21.99'	01°54'08"	N 30°36'37" E	21.99'	N 31°34'41" E	N 29°40'33" E
C-2	900.00'	278.14'	17°42'25"	N 15°38'00.5" E	277.03'	N 24°29'13" E	N 06°46'48" E
C-3	933.00'	293.78'	18°02'29"	N 15°33'28" E	292.57'	N 24°34'42.5" E	N 06°32'13.5" E



DANE COUNTY CERTIFIED SURVEY MAP NO._____

LOCATED IN THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 5, TOWN 8 NORTH, RANGE 7 EAST, TOWN OF BERRY, DANE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, John M. Halverson, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land located in the Southeast ¼-Northwest ¼ of Section 5, Town 8 North, Range 7 East, Town of Berry, Dane County, Wisconsin, more particularly described as follows:

Commencing at the West ¼ corner of said Section 5; thence N 89°52'18" E, 13238.45 feet along the E-W ¼ line of said Section 5; thence N 00°00'00" E, 414.83 feet to a point in the centerline of Old Settlers Road and the point of beginning; thence Northeasterly, 21.99 feet along the arc of a curve to the left having a central angle of 01°54'08" and a radius of 662.27 feet, said arc also being the centerline of Old Settlers Road, the long chord of which bears N 30°36'37" E, 21.99 feet; thence Northeasterly, 278.14 feet along the arc of a curve to the left having a central angle of 17°42'25" and a radius of 900.00 feet, said arc also being the centerline of Old Settlers Road, the long chord of which bears N 15°38'00.5" E, 277.03 feet; thence N 89°56'38" E, 267.73 feet; thence S 00°00'52" E, 252.13 feet; thence S 84°32'04" W, 355.27 feet to the point of beginning, containing 1.83 acres, more or less.

That such certified survey map was completed at the request of Robert J. Kalsow.

That I have complied with the provisions of Section 236.34 of the Wisconsin State Statutes and the Town of Berry Land use Regulations to the best of my knowledge and belief. That such certified survey map is a true and correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

_____
John M. Halverson
Professional Land Surveyor
6381 Coon Rock Road
Arena, WI 53503
Dated this_____day of_____, 2026

OWNER'S CERTIFICATE:

As Owners, We hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as shown on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the Town of Berry for approval.

_____ _____
Robert J. Kalsow Alice M. Kalsow

Personally came before me this_____day of_____, 2026. The above named Owners to me known to be the persons who executed the foregoing instrument and acknowledged the same.

STATE OF WISCONSIN)
County of Dane)

_____
Notary Public
My Commission Expires_____

TOWN BOARD APPROVAL AND ACCEPTANCE

"Resolved that this Certified Survey Map, which has been duly filed for approval of the Town of Berry, Dane County, Wisconsin, be and the same hereby acknowledged and accepted by the Town of Berry." I hereby certify that the above is a true and correct copy of a resolution adopted by the Town of Berry on this _____ day of _____, 2026.

_____
Brenda Kahl
Town of Berry Clerk

REGISTER OF DEEDS CERTIFICATE:

Received for recording this_____day of_____, 2026 at_____.M. and recorded in Volume_____of Certified Survey Maps on Pages_____as Certified Survey Map No._____and Document Number_____.

_____
Kristi Chlebowski
Register of Deeds

APPLICATION FOR VARIANCE

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

PERMIT #: 2026-1
Permit Fee: $ 950.00 Fee Paid: ☐
Approved By: _____
Approval Date: / /

GENERAL INFORMATION

APPLICANT NAME
Scott and dawn Evert

MAILING ADDRESS
9515 State Road 19 Mazomanie WI 53560

DAYTIME PHONE #
(608) 513-8338

EMAIL
sdevert@gmail.com

Property Address: 8916 State Road 19 Mazomanie WI 53560

Legal Description of Property (Name of CSM, Subdivision, Block and Lot): _____

Section: 9

Tax Parcel Number: 0807-092-8500-9

Lot Area and Dimensions: _____

Existing/Proposed Zoning District: A1 Ex

EXISTING AND PROPOSED USES

Current Principal Use: Cow yard

Accessory or Secondary Uses: _____

Proposed Use: Cow yard

Ordinance section from which variance is being sought: 1.0312

What specific departure from the ordinance is being proposed (refer to the standards of the ordinance)?
County want the rain water to not run through cow yard and into the creek

Have you been granted any variances in the past for this property?
☐ Yes ☒ No If yes, describe: _____

Names of adjoining property owners, if known: Katy Laufenburg Carl Evert

CRITERIA

Address each of the following criteria for granting a variance.

1. Unnecessary hardship is present because:

Taking lean off shed and building a larger one.
Can't move cow yard

2. Unique features of this property prevent compliance with the terms of the ordinance; they include:

Too close to the highway

3. A variance will not be contrary to the public interest because:

County wants the cover to be larger over the cow yard

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale with all dimension figures, showing accurately property lines, easements and required building setbacks, the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

If relevant to the variance request, the plan should also show contour lines (2-ft interval), the ordinary high water mark, floodplain and wetland boundaries, utilities, driveways and streets (include street names), and the location of filling/grading and/or erosion control measures.

CONDITIONS

The Town of Berry Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind and supply ALL pertinent information. If the variance is granted, no construction shall begin until a building/zoning permit has been issued.

APPLICANT STATEMENT

I, the undersigned, do hereby make an application for a variance for work described and located as shown herein. I agree that all work shall be done in accordance with the requirements of the Town of Berry Zoning Ordinance and with all other applicable ordinances and the laws and regulations of the State of Wisconsin. I declare that the information that I am supplying is true and accurate to the best of my knowledge and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application, I am also granting permission to the Zoning Department Staff to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

PRINTED NAME OF APPLICANT(S)

Lane Evert (Agent)

SIGNATURE OF APPLICANT(S)

Lane Evert

DATE

4/10/26

TO BE COMPLETED BY THE TOWN OF BERRY

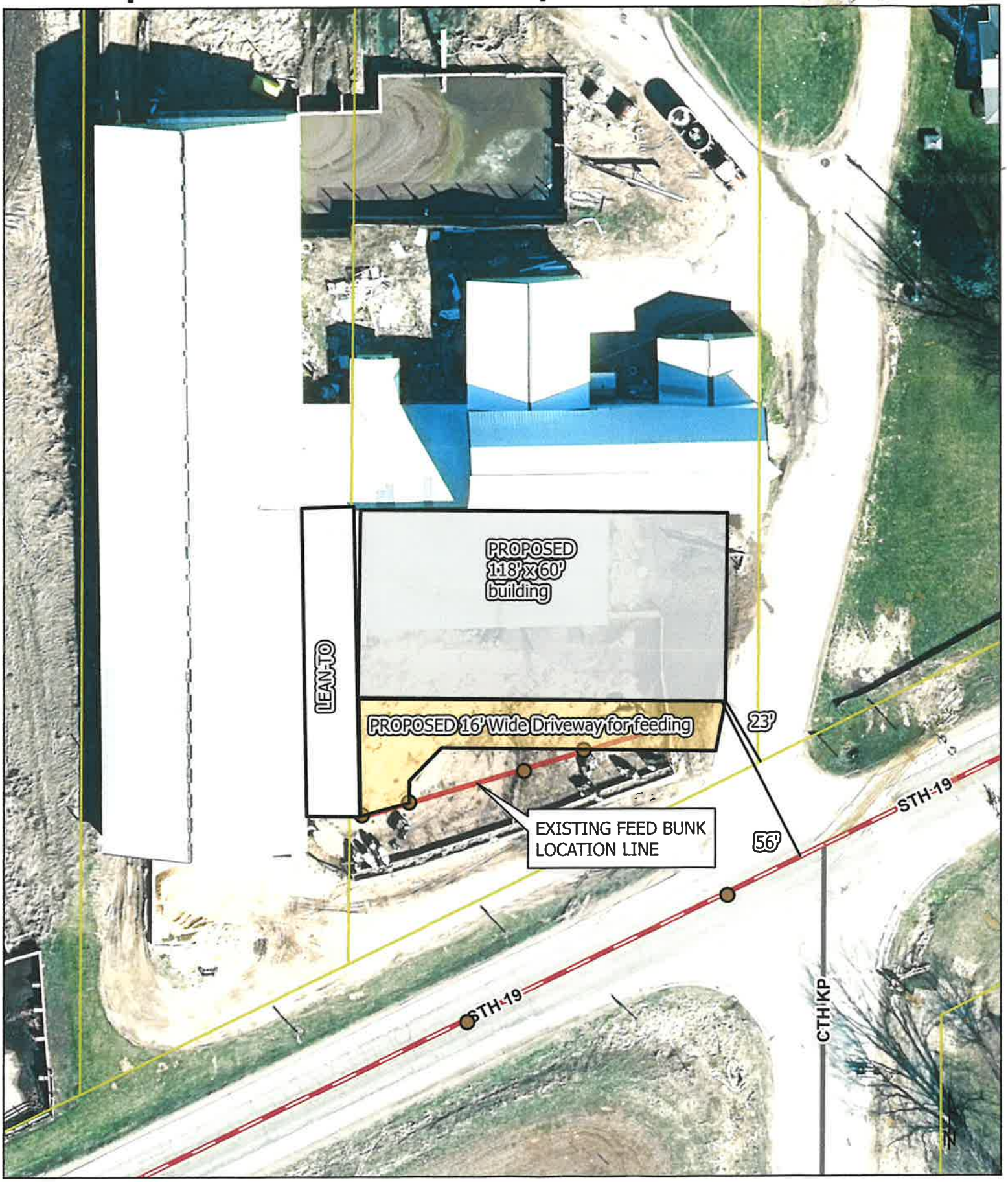
Date Filed: 4/10/26

Date Fee Received by Town: _____

Date Set for Board of Zoning Appeals Hearing: _____

Site Map / Conservation Plan Map

Date: 3/19/2026



Landowner:
Town:
Created by:

0 20 40 60 Feet

DANE COUNTY LAND&WATER RESOURCES DEPARTMENT

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

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ZONING ADMINISTRATOR REVIEW REPORT

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

FROM: Mitchell Bortz, Assistant Town of Berry Zoning Administrator

DATE: (for) May 4, 2026 Plan Commission Meeting

SUBJECT: Variance Request for Evert
Tax Parcel 0807-092-8500-9

GEC NO.: 3-13004-003

Background Information

Owner / Applicant: Scott & Dawn Evert
9515 State Highway 19
Mazomanie, WI 53560

Agent or Surveyor: N/A

Location: 8916 State Highway 19
In part of the NW ¼ of the NW ¼ of Section 9, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Variance Approval

Existing Zoning:

Tax Parcel 0807-092-8500-9	A-1(EX) (Legacy)*	2.30 Acres
	Total	2.30 Acres

* Applicant did apply to rezone this parcel to EA in February of 2026, with the consolidation of parcels 0807-092-8500-9 and 0807-092-8000-4 with a certified survey map because the minimum lot size in EA is 5 acres.

Existing Land Use: Tax Parcel 0807-092-8500-9 is currently a small 2.30-acre parcel that has a large agricultural structure with fenced area for cattle. The entire structure is not fully located on the parcel and crosses over into the other parcel located to the west. There are shoreland, floodplain and wetland indicators on this parcel. There are wetlands, streams, floodplains on the property.

Adjacent Land Uses: North: Agricultural
West: Agricultural
East: Residential, Agricultural
South: STH 19, Agricultural

The owner is applying for a variance for not meeting the standards in Section 1.0312 of the Town of Berry Zoning Ordinance. For the non-metallic mineral extraction operation they have applied for, the County now wants them to construct an addition to the existing agricultural structure in order for the rainwater to not flow through the cattle yard and into the creek that is located nearby. A variance from the front yard setback requirement for State Roads is 42 feet from the right-of-way or 100 feet from the centerline, whichever is the greater of these distances. In February of 2026, the applicant submitted information for

a zoning change of Tax Parcel 0807-092-8500-9 from zoning A-1(EX) Exclusive Agricultural District in the old Legacy Zoning to EA Exclusive Agricultural District in the newer ordinance.

Submittals/Attachments

1. Variance Application, received April 10, 2026.
2. Property Map/ Site Plan/ Image Descriptions, received April 10, 2026.

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 & Rural Lands Preservation Area. I'll always defer to the Town on the history of a property meeting the density requirements and the policies in the Town's Comp Plan. It does not appear there is extraterritorial review by another municipality.

Town Ordinances

1. **Variance**
   The applicant is applying for a variance for not meeting the standards in Section 1.0312 of the Town of Berry Zoning Ordinance. The applicant has submitted a drawing of the proposed addition that shows the setbacks will end up only being 23 feet from the right-of-way and 56 feet from the centerline of State Highway 19. A separate evaluation report for the variance request will be provided for the Dane Towns Board of Adjustment meeting.

Recommendation

GEC recommends that the Plan Commission conditionally recommend approval of the variance request to the Dane Town Board of Adjustment for Tax Parcel 0807-092-8500-9, 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 Town Plan Commission/Town Board shall make a recommendation of their approval/disapproval of the variance request to the Dane Towns Board of Adjustment.

Agenda Item #8, Appointment of Plan Commission Members

Plan Commission

Duane Haag, Chair
David Evert, Board Member
Travis Richards, Citizen Member, term ends April 2027
Chris Schwoerer, Citizen Member, term ends April 2028
Joe Kruchten, Citizen Member, term ends April 2029

Agenda Item #9, District 1 EMS purchase of vacant lot

The village of Mazomanie asked to discuss the sale of the vacant lot next to the EMS building. There's an interested buyer that wants to put a 5 bay retail building there (similar to the one across from Subway). EMS chief's concern with this is the shared driveway. The state isn't willing to give the lot its own driveway to the highway and Cam feels the increased traffic could hinder the ambulance leaving the building as quickly as they can now.

The board proposed coming back to the municipalities asking for $15,000 each to buy that vacant lot so it is owned by the EMS.

The $15,000 would either come out of the general fund or the Fire/EMS Reserve which was allocated for future equipment purchases, but could be moved and used for purchase of land. This fund currently has a balance of $23,904.

Request for Village Agenda Item from Black Earth Creek Watershed Association

From : Michelle Harris <mhmaharris@gmail.com> Fri, Apr 24, 2026 04:14 PM

Subject : Request for Village Agenda Item from Black Earth Creek Watershed Association 2 attachments

To : chairtnberry@gmail.com, twnberry@chorus.net

Cc : Mary Devitt <marymdevitt74@gmail.com>, Dylan Helmenstine <dylan.helmenstine@gmail.com>

Hello Duane and Brenda,

My name is Michelle Harris, and I am the Secretary for the Black Earth Creek Watershed Association (BECWA). I am writing to let you know that BECWA is working on a new project designed to help all stakeholders learn and communicate about the Black Earth Creek (BEC) Watershed. The Town of Berry is a uniquely important part of the BEC Watershed, as it includes Indian Lake as well as good portions of the Halfway Prairie Creek and Wendt Creeks, which both empty into the focal point of our Watershed: the Black Earth Creek. (Please see attached watershed map.)

BECWA proposes to build a tabletop-sized (~3x4 ft) 3D model of the BEC watershed which could be shared by a variety of Watershed stakeholders such as the Town of Berry Board and residents. The model would be portable, and can appear at events or meetings as requested. The model would be managed by the local libraries (Cross Plains, Black Earth, and Mazomanie). I've attached a pdf document here which provides more information.

We are wondering if you would be willing to host us at a Town Board meeting to discuss the project and any potential donation that the Town of Berry could make to the project. We are working to secure regional support for the project. So far, we have secured the following commitments:

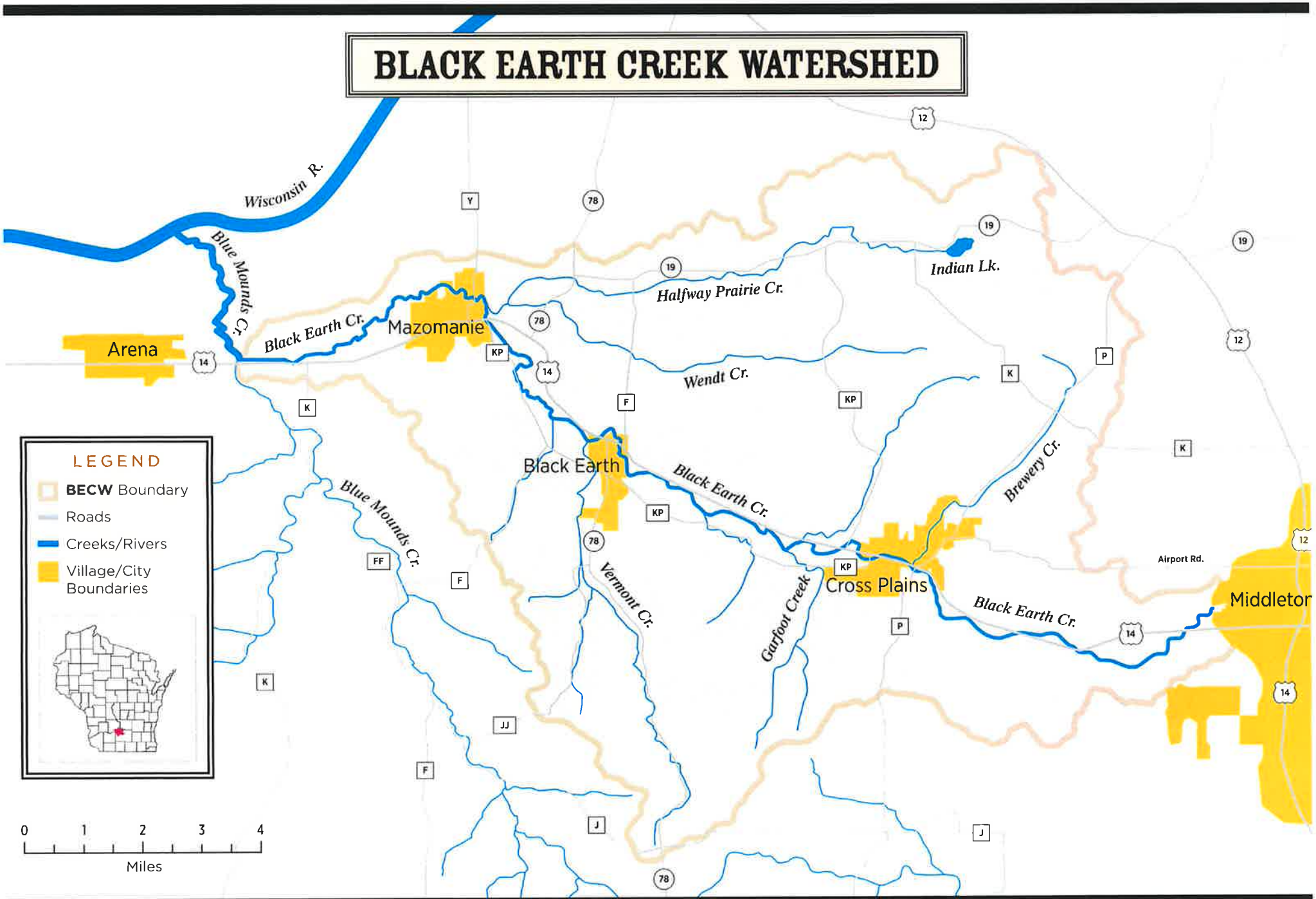
- BECWA has committed to $5,000
- Village of Black Earth has committed $1,500
- Town of Cross Plains has committed $1,500
- The Friends of the Black Earth Public Library have committed $2,000
- The Friends of the Rosemary Garfoot Library have committed $1,000

The support of the Town of Berry would be incredibly valuable in making this project a reality.

Thank you for considering our request,

Michelle Harris
mhmaharris@gmail.com
(608)535-2809

BLACK EARTH CREEK WATERSHED



Become a champion of Black Earth Creek Watershed!

Join the Black Earth Creek Watershed Association (BECWA) in sponsoring the creation of an engaging educational tool to help expand awareness of the pressures—and opportunities—facing the watershed. The watershed now attracts hikers, anglers, paddlers, and other tourists who support our local businesses and communities. However, many of us may not know how our decisions impact the watershed, how big it is, or even what a watershed is.

BECWA envisions building a portable, table-sized 3D physical model with accurate depiction of our watershed's elevations, waterways, land use, roads, villages and towns. The traveling 3D model will act as a powerful birds-eye tool for helping a variety of stakeholders and local leaders make informed land use and water management decisions which impact watershed health and neighbors. Teachers, librarians, and conservation organizations can use the model to help learners connect ideas that textbook or slideshow presentation images may miss or struggle to convey.

This 3 x 4 ft model will be easily transported to libraries, schools, local government meetings, museums, community events (e.g., Trout Days) and other locations, where users will interact with the watershed to simulate and evaluate real-world environmental scenarios.

Model users will visualize how the watershed works by:

- Exploring its natural resources and dynamics
- Make and test their own predictions about watershed water movement after precipitation events by pouring water onto the model
- Imagining future land use and conservation scenarios

Example of 3D topographical model by WhiteClouds

The 3D model can serve as a springboard to a future companion project: an interactive website model that will allow users to easily navigate around the watershed, turn on and off landscape features, track and analyze stream monitoring data, learn about successful local restoration projects, and see how changes to the landscape impact the watershed.

BECWA's goal is to have the 3D model completed in summer 2026. BECWA will host a community event in fall 2026 to introduce the model, celebrate watershed supporters, and promote a sense of shared stewardship among watershed stakeholders.

Please consider a contribution to help us meet our goal of a 3D watershed model; your support will have a far-reaching impact on the health of the Black Earth Creek Watershed and our communities!

learn more at becwa.org

Agenda Item #11, Proposals for garage overhead door concrete

Received one proposal from K & M Concrete for $15,925.00

Since the cost is between $10,000.01 and $50,000 the Town needs to publish a Class 1 notice. Contracts valued between $10,000.01 and $50,000 still do not require sealed bids, but they do require the town to give a Class 1 at least 7 days before the contract is executed, which can be posted in one physical location and on the town's official website.

WTA recommends that the notice include: 1) the name of town; 2) a description of the project(s) to be completed and the estimated cost; 3) the date of the posting or publication, and 4) the name of the official(s) (such as the clerk and/or chair) posting the notice on behalf of the town. If the board knows who they plan to hire for the work to be performed, that information may also be included. If they don't have a vendor in mind, the Class 1 notice may be used to solicit quotes for the work and information about where to submit such quotes, the submission deadline, etc. should then also be included in the notice. In this price range, ask for quotes and do NOT ask for "bids" as the bidding rules are not applicable. If the Class 1 notice uses bidding terminology, you will accidentally make the project or purchase subject to the bidding laws and have to award the "bid" to the lowest responsible bidder, etc.

PROPOSAL

K & M Concrete, Inc.

7556 West Old Sauk Road
Verona, WI 53593
Phone (608)833-6900 • FAX (608)833-4527

WI Building Contractor Registration ID: 1107004

TO Town of Berry
9046 State Road 19
Mazomanie, WI 53560

DATE 4/23/2026
JOB Concrete Flatwork
Town Garage

Phone ***Fax***

We hereby submit specifications and estimates for:

1,150 sqft of 6" Driveway: 6 bag with fibermesh, Cure 'N' Sealed
Sawcut and break out strip in front of overhead door to level and allow for overhead door to seal.

Total $15,925.00

*$95 per hour per man extra labor charges for miscellaneous work, extra trips or extra digging.
*Excavation must conform to OSHA Code.
*Excavation to be within 1" of bottom of footing.
*No frost protection or hay included.
*If conditions require the use of a concrete pump, air hammer, crane, loader, water pump, sand or gravel, it will be charged above the proposed total.
*A charge for heated concrete, 1% or 2% Calcium Chloride will be added from Nov 1 to Apr 15.
*The use of salt and deicers is damaging to concrete and should not be used for at least one year.
*Sealing exterior concrete after 60 days is advised.

AS REQUIRED BY WISCONSIN CONSTRUCTION LIEN LAW, CONTRACTOR HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES PERFORMING, FURNISHING OR PROCURING LABOR, SERVICES, MATERIALS, PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO K & M CONCRETE INC, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST PERFORM, FURNISH OR PROCURE LABOR, SERVICES, MATERIALS, PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO PERFORM, FURNISH OR PROCURE LABOR, SERVICES, MATERIALS OR SPECIFICATIONS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. K & M CONCRETE INC AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to stardard practices. Any alterations or deviations from above specifications may be charged over the proposed amount. All agreements contigent upon delays beyond our control. Owner to carry fire, tornado and other necessary incurance. We carry Workmen's Compensation Insurance. PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS.

ACCEPTANCE OF PROPOSAL The above price, specifications are hereby accepted. You are authorized to perform the work as specified. Payment will be made within 30 days of being billed, past due balances will be charged 18% APR interest.

SIGNATURE_____ DATE_____

113.5 Berry Town Hall and Shelter Use Policy

The Town Hall and Shelter, 9046 State Road 19, Mazomanie, is available for rent. They may be rented for meetings and get-togethers in accordance with the schedule below:

A. Between the hours of 7:30 a.m. and 11 p.m. any day of the week if contracted for in writing in advance, except for periods when in use for town business. For example, Town Board and Committee meetings.
B. The hall and shelter may be reserved at least three days in advance for one-time or occasional events expecting 50 persons or less by making a reservation with the Town Clerk. For recurring events or events expecting 50 or more persons, the Clerk will collect information about the event and obtain approval from the Town Chairperson or the Board Member designated by the Chair before a reservation and contract with the User will be accepted. If more than one reservation is received for the same time period, reservations will be accepted on a first come-first served basis.
C. Reservations may be for up to 6 consecutive hours. Events lasting longer than 6 consecutive hours shall require multiple reservations.
D. Non-resident reservations may be taken more than thirty days in advance but are subject to competing reservations by a resident taking priority. The deposit will not be collected from a non-resident until thirty days in advance.
E. The Town Board reserves the authority to reduce or eliminate use charges for reoccurring town hall use by groups of multiple residents upon application and approval.
F. User must sign a Use Agreement prior to the event.
G. The Town's business hours are 7:00 a.m. to 4:30 p.m., Monday through Friday, with exceptions. The User shall not disrupt the Town Clerk if the event is during business hours. No amplified sound is allowed in the hall during business hours.
H. Users will be provided contacts to call in case of emergency.
I. For events outside of business hours, the User must obtain a key and directions for turning off the security system upon opening the hall and re-arming the security system upon closing the hall; and a temporary 4-digit security code, from the Town Clerk during the week prior to the event. The User must return the key and security system directions within five business days following the event or the User will be charged a $25 fee. The key shall not be duplicated.
J. A deposit of $250.00, paid in advance by the User no later than the end of the business day at least 24 hours preceding the event, will be collected for all events. The deposit will be returned to the User within five business days after the event. If the User has not returned an issued key to the Town Clerk, the deposit will not be returned until the listed fees have been paid and the key returned. Notify the Town Clerk of the loss or theft of the key immediately.
K. A use charge per event, to cover the Town's costs and risks, paid in advance by the User no later than the end of the business day at least 24 hours preceding the event, will be collected for all events as follows:

Use Charge	Resident	Non-Resident
	$100	$200

L. The User is expected to collect and remove all trash, clean, and leave the hall and shelter in the same condition as prior to the event. Hanging items on the shelter netting is prohibited. Any cleaning or repair by the Town required as a result of the User's use of the facilities will be charged to the User without limitation. Cleaning supplies will be available.

M. Evening events, including clean-up, must be completed no later than 11 p.m. sharp.
N. Charges for clean-up, repair, or replacement by the Town due to the User's use of the hall and shelter may be deducted from the User's deposit, however, the Town must provide the User an itemization of such deductions. The Town's right to charge for clean-up, repair, or replacement is not limited to the amount of the deposit.
O. No kegs. Cans and bottles only.
P. Serving alcohol to minors is prohibited.
Q. Smoking in or near the hall and shelter is prohibited.
R. For cancelations at least 24 hours prior to the start of the event and must be submitted during business hours, a full refund shall be issued. For cancelations less than 24 hours prior to the start of the event, a full refund of the use charge and a half refund of the deposit shall be issued. Notice of cancelations must be provided in writing.

This Policy shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 18th day of May, 2026

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

Posted: _____ _____
David Evert, Supervisor

_____
Michael Statz, Supervisor

_____
Nichole Schwoerer, Supervisor

_____
Derek Statz, Supervisor

5/11/2026		List of bills to be approved at the May 18, 2026 board meeting	
Date	**Check #**	**Payee**	**Amount**
4/20/2026	20194	Brenda Kahl	1,961.37
4/20/2026	20195	Jaeger Schoenemann	55.41
4/20/2026	20196	Lucas Danz	1,745.38
5/5/2026	20197	Brenda Kahl	1,961.37
5/5/2026	20198	Lucas Danz	1,745.38
5/18/2026	20199	Accurate Appraisal - contract	1,200.00
5/18/2026	20200	Alliant Energy	201.77
5/18/2026	20201	Brenda Kahl - mileage and election	104.33
5/18/2026	20202	Dane County Clerk - election ballots and coding	368.02
5/18/2026	20203	Decker Supply - no parking and tow away signs	191.40
5/18/2026	20204	Finger Publishing - election and road project notice	235.38
5/18/2026	20205	General Engineering - zoning and building permits	7,826.10
5/18/2026	20206	Gordon Flesch - fee for copies printed per month	100.75
5/18/2026	20207	Group Health Cooperative - medical insurance	2,730.00
5/18/2026	20208	Lake Ridge Bank - postage, supplies, parts, election meals	721.69
5/18/2026	20209	Lucas Danz - cell phone	25.00
5/18/2026	20210	Pellitteri Waste Systems - solid waste and recycling	12,147.35
5/18/2026	20211	TDS Telecom - phone and internet	207.67
5/18/2026	20212	TrollBytes - May IT services	70.00
5/18/2026	20213	US Cellular - chair cell phone	53.68
5/18/2026	20214	Weld Riley - Matz property and zoning	1,950.07
5/18/2026	20215	Wingra Stone Company - recycled asphalt	262.47

Additional bills will be handed out at the meeting