

January 7, 2010

#### TOWN BOARD

##### Chair

Anthony Varda , 798-9999

##### Supervisors

Tim Henneman, Sr., 798-4690

Chris Upper, 798-2286

Jim Laubmeier, 798-1235

Sue Studz, 798-4410

#### TOWN OFFICE

Brenda Kahl, Clerk/Treasurer

9046 State Road 19

Mazomanie, WI 53560

767-4152

Fax: 767-3015

Hours: 7:30 – 4:30, except

Wednesday 7:00 – 11:00

Email: [townberry@chorus.net](mailto:townberry@chorus.net)

Web: [www.townofberry.org](http://www.townofberry.org)

#### TOWN GARAGE

Orlin Danz, Patrolman

767-3308 (Cell) 444-0359

Hours: 7:00 – 3:30

#### FIRE WARDENS

Brenda Kahl

767-4152, during office hours

Mike Diebold

798-3000

Anthony Varda

798-9999

#### BUILDING INSPECTOR

Dean Eppler

Independent Inspections, Ltd.

(800) 422-5220

Town Hall Hours: Fridays, 10:30-11:30

#### DANE COUNTY SHERIFF

255-2345, Non Emergency

#### LEGAL NOTICE POSTING LOCATIONS

Festge Park, DH Repair, Town Hall

## FIRST INSTALLMENT TAX BILLS DUE 1/31

The first installment of your 2009 tax bill is due on or before January 31, 2010. If you prefer to pay in person, taxes are being collected at the Town Hall Monday, Tuesday, Thursday and Friday from 7:30 – 4:30 and on Wednesday from 7:30 – 11:00.

## CANDIDATES FOR TOWN BOARD POSITIONS

Two of the five Town board seats, #3 and #4 currently held by Jim Laubmeier and Sue Studz, are up for election next April. Unless there are write-in candidates, incumbent Jim Laubmeier will run unopposed for another term and Bill Carlson will run unopposed to replace two-term supervisor Sue Studz who is not seeking reelection.

## CIVIL WAR TREES AND HOPS IN THE MEDIA

Both the November 2009 issue of "Country Extra" Magazine and the Fall, 2009 issue of "Wisconsin People & Ideas" (the magazine of the Wisconsin Academy of Sciences, Arts and Letters), featured long articles about Berry's Civil War Trees in front of Mibs Ewald's home. Mibs was interviewed for the articles written by Carol Roche.

Gorst Valley Hops made the front page of the Wisconsin State Journal December 28. Berry residents and Gorst Valley Hops partners James Altweis, Christine Molling and Thad Molling were featured. The article also appeared on the website, Midwestagnet.com. Gena Kittner, reporter for the State Journal, had read an article in Berry News which (long story short) led to the article about this interesting Berry agribusiness. –*Sue Studz*

## BOARD VOTES THUMBS UP TO AMEND COUNTY ZONING ORDINANCE CREATING TDR DISTRICTS

In December, the Berry board approved a draft amendment to the County zoning ordinance to support transfer of development rights (TDR) programs. A majority of towns must approve before the amendment takes effect. For current and comprehensive info on TDR, visit the Dane County Towns Association website [www.danecotowns.net](http://www.danecotowns.net). – *Sue Studz*



## LICENSED TO BURN!

Have you gotten your 2010 annual burning permit yet? Residents are required to have a burning permit to conduct open burns (like a brush pile) or to use burn barrels whenever the ground is not completely covered by snow. Unlike in years past, burning permits are now good for an entire calendar year, so it pays to get one now before you need it. You can get your burning permit from any of the town fire wardens. See page 1 of this newsletter for their names and contact info.

Read and follow all instructions on your burning permit. Before a burn, you must check if there are fire restrictions in your county. Either visit the DNR's burn restrictions web site at [dnr.wi.gov/forestry/fire](http://dnr.wi.gov/forestry/fire), click on "View Burning Permit Restrictions" and click on Dane County, or call the DNR burn information line at 1-888-WIS-BURN. When using this method, you will need to spell the first 4 letters of your county with the number keys: DANE=3263.

To protect air quality, the DNR allows you to burn only natural materials (brush, grass, etc.), untreated/unpainted wood, and non-recyclable paper and cardboard. You may not burn garbage, plastics of any kind, rubber, painted or treated wood, or any petroleum-based materials.

Complete information can be found on the DNR website listed above. You may also pick up a brochure about burning regulations at the town hall.  
- Christine Molling



## WAYS TO HELP THE TOWN DEAL WITH SNOW

**Don't plow snow onto the road or the immediate right-of-way.**

It can turn into ice chunks which can lead to equipment damage, down time, delays, more taxes and a very frosty plowman. **Please direct your snowplowing service to not plow or shovel snow into or across the roadway.** Be sure to inform the people you contract to do your driveway about the rules. Fines may be levied if "your" snow impedes Town plowing efforts.

**Keep turnarounds clear 24/7.** Emergencies happen. For your safety as well as the safety of responders, prioritize clearing your turnaround.

- Sue Studz

## TOWN OF BERRY 2009 POLICE CALL SUMMARY

Deputy Josalyn Longley provided the list of calls answered by the Dane County Sheriff's Office in 2009. The reason for these calls is summarized as follows:

- 27 Assistance (14 agency and 13 citizen)
- 26 Accident (14 vs. deer and 9 with no injury)
- 21 EMS Assist
- 20 Informational
- 22 Safety Hazard
- 16 check area property
- 16 emergency 911 Calls (including 13 disconnected, silent or misdialed)
- 9 traffic incident
- 9 traffic stop
- 5 intoxicated drivers
- 4 criminal damage to property
- 1 traffic arrest

Additional calls were for a variety of reasons including traffic stops, unfounded alarms, or theft.  
-Linda Leetch

## TOWN CONSIDERING ALLOWING ADVERTISING FOR BERRY BUSINESSES ON TOWN WEBSITE

At its December meeting, the Town board began discussing the possibility of allowing small ads exclusively for Berry residents and businesses, either in the Town newsletter or on the Town website. Given the logistics, the initial focus may be on providing a website opportunity for residents to advertise their goods and services either through small display ads with links to the local business, or with classified listings.

The board has consensus that promoting Berry business is a good thing, and that the Town is not trying to make money as an advertising medium.

The next steps will be to determine the program's structure, guidelines, pricing, and process that will accommodate those looking to sell a few dozen eggs or ears of sweet corn as well as those with larger, more established businesses.

-Sue Studz

## MORE ON “WORKING LANDS INITIATIVE” CONVERSION FEES FOR REZONES OUT OF AG

Since 1981, Dane County has participated in the State’s Farmland Preservation Program which is administered by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). The program is designed to preserve agricultural land as a resource for current and future generations and has been useful in helping Dane County towns implement their land use plans and maintain their rural character.

As part of the 2009-2011 Wisconsin State budget, the State Agricultural Preservation Program was revised in various ways. The farmland preservation tax credits were increased and a program (PACE) was created to provide matching grants to local units of government to fund the purchase of agricultural conservation easements. To help fund the PACE matching grant program, the state is applying a conversion fee to land rezoned out of the A-1EX Exclusive Agriculture zoning district for non-farm development.

**Beginning January 1, 2010, any landowner who changes the zoning of their property from a certified agricultural preservation zoning district (A-1EX or A-3) to another zoning district will be required to pay a conversion fee for each acre rezoned.** Counties are required to collect the fees on behalf of the state, which in turn will be made available for local purchase of agricultural conservation easement programs.

Dane County Zoning realizes that this change to the rezoning process may entail significant conversion fees for applicants. To ease the transition, Dane County will be collecting the state-mandated fees at the end of the rezoning process rather than at the time of the application. Rezoning petitions out of the A-1EX district will include a condition of approval requiring payment of the conversion fee within the “delayed effective date” (90 day period following county approval). A letter will be sent to applicants informing them that the zoning change will not become effective until the payment is made.

The conversion fees are calculated based on the highest average value of tillable cropland for each township. Following is a chart of the conversion fees that will apply for each acre (to the 1/10th of an acre) of land rezoned out of A-1 Exclusive or A-3 Zoning District for Berry and surrounding Towns.

## 2010 CONVERSION FEES FOR BERRY AND SURROUNDING TOWNS

(\* Dollars per acre)

Town of Berry	\$1003
Town of Black Earth	\$1012
Town of Cross-Plains	\$1012
Town of Roxbury	\$1012
Town of Springfield	\$1018
Town of Vermont	\$1018
Town of Mazomanie	\$1021

\*Based on the Wisconsin Department of Revenue Use Value Guidelines for Agricultural Land Assessment. The per-acre fee is calculated by multiplying the Grade 1 Agricultural Land Assessment value (highest class of tillable land) by 3. The shown value also includes an additional \$55 per acre fee charged by Dane County Planning & Development to cover the administrative costs associated with DATCP’s new initiative.

–Roger Lane, Dane County Zoning Administrator  
266-9078; email: lane.roger@co.dane.wi.us.

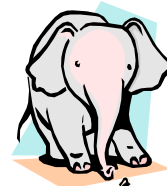
## ANNUAL CHILI DAY IN BERRY SATURDAY, FEB 20

Join Berry neighbors for an afternoon of food and fun at the Town hall, Saturday, February 20, starting at noon.



**FREE FOOD!** Chili potluck prepared and donated by residents.

### WHITE ELEPHANT EXCHANGE!



Wrap up something *almost* nice from your stash of unwanted stuff. Bring it to Chili Day, turn it lose, and see who goes home with it.

**DOOR PRIZES!** Win prizes and gift certificates contributed by local businesses.

**Want to help?** Contact clerk Brenda Kahl, twnberry@chorus.net, or communications chair, Sue Studz, cinemon@chorus.net.

## DID YOU KNOW?

Statewide, more than 21 percent cast absentee votes in the November, 2008 general election, compared to 6 percent in 2000.

## DECEMBER 21, 2009 TOWN BOARD MINUTES SUMMARY

(A summary of the minutes not yet approved by the Town Board.) Members present: Anthony Varda, Jim Laubmeier, Chris Upper, Tim Henneman and Sue Studz

### Public Comments

\*Carla Wright commented that the town should announce to residents when the Working Lands Initiative will be on the board agenda

### Driveways

Donald & Patricia Kerl's, 9157 State Road 19, final driveway was approved. Vote 5-0

### Rezones

Onno & Stefanie Brouwer's, 5170 Enchanted Valley Road, rezone of 13.30 acres from A1-ex to RH-2 to form 2 lots was approved with reservation and in turn to Dane County that we are approving this because of an ambiguity and inconsistent past enforcement and trust Dane County will allow us to approve our Comprehensive Plan as amended to clarify this situation so it does not reoccur. Vote 3-2 In favor: Varda, Laubmeier & Henneman Opposed: Upper & Studz

### Allowing/encouraging placement of ads for town businesses on the town website and A) Posting items for the Good Neighbor Committee on town website

\*The board approved that Chris Upper draft guidelines for when a Town of Berry business and/or resident requests an ad be placed on the town website and wait to discuss a fee until the town has a new web host and guidelines in place. Vote 4-0. Chris Upper recused himself

\*The board approved to post items on the Town's website as recommended by the Good Neighbor Committee if the items are of interest to Berry residents. Vote 5-0

### Draft Nuisance Ordinance

\*The board considered adopting in Section V letters B. Unburied animal carcass areas; C. Noxious or polluted or waste areas; E. Rat or vermin areas; F. Unauthorized human burial areas; G. Hazardous, toxic, or solid waste facility or site areas; H. Dangerous wild animal areas; I. Dangerous or dilapidated building areas; K. Fire hazard areas; M. Junked vehicle and junked part areas; N. Junkyard and junked vehicle, appliance, and machinery areas;

and O. Unlicensed or unregistered vehicle area. Vote 5-0

\*The board considered adopting Sections VI, VII & VIII in their entirety. Vote 5-0

**Creation of a committee charged with considering:** 1. Promotion of agricultural businesses in Berry, 2. Diversification of agricultural businesses in Berry, 3. Encouraging new agricultural businesses in Berry and 4. Appropriate Town involvement in these processes Chris Upper was appointed by the Board to explore the possibilities of forming a committee of individuals in the Town for the purpose of discussing points indicated here and bring these names back to January board meeting. Vote 5-0

**Resolution Supporting Agreement between the Town and the Government Accountability Board regarding use of the statewide voter registration system** and Dissolution of Memorandum of Understanding between the Town and Dane County was approved. Vote 5-0

**Cross Plains-Berry District False Alarms by Alarm Systems Policy** was approved. Vote 5-0

**Ordinance Amendment #44**, 2009-10 amending chapter 10 Dane Co. Code of Ordinances, creating a planned unit development (PUD) district was approved. Vote 5-0

**Ordinance Amendment #45**, 2009-10, amending chapter 10 Dane Co. Code of Ordinances, creating transfer of development rights (TDR) zoning districts was approved. Vote 5-0

**Ordinance Amendment #46**, 09-10, amending Chapter 10 Dane Co. Code of Ordinances, regarding copy area signs was approved. Vote 5-0

### Committee Reports

\*Black Earth Fire District: A new fire chief will be announced in 2010 because current chief is retiring.

\*Dane County Towns Association Meeting on Interoperable Radio System: Town will need to budget for maintenance/operations beginning 2013.

### Future agenda items

\*Discuss/action on draft updated Comprehensive Plan re: Dane County ZLR comments

\*Discussion of use of the town hall for local groups

\*Discuss/action on approval of PSC petition

**Adjourn:** 10:30 pm

- Brenda Kahl

## TOWN OF BERRY BOARD MEETING

Tuesday, January 19, 2010, 7:30 p.m. at the Town Hall, 9046 Hwy. 19, Mazomanie, WI 53560

### Draft Agenda

1. Call to order
2. Approve minutes of December 21, 2009
3. Public Comments: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item marked with an asterisk (\*) or at the discretion of the Town Chair.
4. Discuss/action on draft Nuisance Ordinance
5. Discuss/action on options and selection of new website host
6. Discuss/action on guidelines and fees for placement of ads on the website for Town businesses
7. Discuss/action on discontinuing publishing agenda in the NSA
8. Discuss/action on Resolution to Oppose DOR County Assessment Proposal
9. Discussion/action on appointing members to a committee for promoting and diversifying agricultural businesses
10. Discuss/action of amending driveway ordinance to deal with the issue of converting recently constructed field roads to driveways and additional regulations of field roads
11. Discuss/action on approval of PSC petition
12. Discuss/action on use of the Town hall for local groups
13. Discuss/action on replacing fence at 9284 Spring Valley Road, which was removed during road construction on Far View Road
14. Budgetary Matters
  - A. Payment of bills
  - B. Resolution to transfer funds within the 2009 budget, if needed
  - C. 2010 WTA District meeting registration
15. 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 Hwy 19, Mazomanie, WI 53560. 767-4152 [twberry@chorus.net](mailto:twberry@chorus.net)

As of January 14, 2010 the final agenda will be posted on the website and the town's three posting locations. The board attempts to finalize the agenda prior to the distribution of the newsletter

## GARBAGE PICK-UP SCHEDULE

Monday, Jan 11- Garbage and Recyclables  
Monday, Jan 18- Garbage Only  
Monday, Jan 25- Garbage and Recyclables  
Monday, Feb 1 - Garbage Only  
Monday, Feb 8- Garbage and Recyclables  
Monday, Feb 15- Garbage Only  
Monday, Feb 22- Garbage and Recyclables  
Monday, Feb 29- Garbage Only

## BERRY BREAKFAST GROUP MEETS SATURDAY, JANUARY 9

Come to the monthly Dutch treat breakfast Saturday, January 9, 9a.m at Luckenbooth Café, Black Earth. No agenda, no membership, no expectations, no politics, no work. Just a chance for new residents and long timers to meet and connect with each other. Look for a table of people on the left side of the café.

–Sue Studz

## CALENDAR

All meetings are at the Town Hall, 9046 Hwy 19, Mazomanie, unless otherwise noted.

<b>January 2010</b>	
Monday, Jan 11, 7:00 pm	Middleton - Cross Plains Area Board of Education Meeting, District Administrative Center
Monday, Jan 11, 7:00 pm	District 1 EMS, Membership Meeting, Black Earth Fire Station
Monday, Jan 11, 7:30 pm	Wisconsin Heights School District Board of Education, Middle School Auditorium
Thursday, Jan 14, 7:00 pm	Communications Committee Meeting
Tuesday, Jan 19, 7:30 pm	Town Board Meeting
Wednesday, Jan 20, 7:30 pm	Good Neighbor Meeting
Saturday, Jan 23, 7:30 am	Plan Commission Site Visits, on location
Monday, Jan 25, 6:00 pm	Middleton - Cross Plains Area Board of Education Meeting, District Administrative Center
Monday, Jan 25, 7:30 pm	Wisconsin Heights School District Board of Education, Middle School Auditorium
<b>February 2010</b>	
Monday, Feb 1, 6:00 pm	Middleton - Cross Plains Area Board of Education Meeting, District Administrative Center
Monday, Feb 1, 7:30 pm	Plan Commission Meeting
Monday, Feb 8, 7:00 pm	Middleton - Cross Plains Area Board of Education Meeting, District Administrative Center
Monday, Feb 8, 7:00 pm	District 1 EMS, Membership Meeting, Mazomanie Public Safety Building
Monday, Feb 8, 7:30 pm	Wisconsin Heights School District Board of Education, Middle School Auditorium
Thursday, Feb 11, 7:00 pm	Communications Committee Meeting
Monday, Feb 15, 7:30 pm	Town Board Meeting
Tuesday, Feb 16, 7 am – 8 pm	Spring Primary
Wednesday, Feb 17, 7:30 pm	Good Neighbor Meeting
Saturday, Feb 20, 7:30 am	Plan Commission Site Visits, on location
<b>Saturday, Feb 20, 11:00 am – A Chili Day in Berry - VI</b>	
Monday, Feb 22, 6:00 pm	Middleton - Cross Plains Area Board of Education Meeting, District Administrative Center
Monday, Feb 22, 7:30 pm	Wisconsin Heights School District Board of Education, Middle School Auditorium

This calendar is advisory only. Consult the *News Sickle Arrow* or the 3 legal posting locations for legal notices.



[www.townofberry.org](http://www.townofberry.org)

**9046 State Road 19  
Mazomanie, WI 53560**

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Black Earth, WI 53515**

CHILI FEST VI



Saturday, Feb 20th