

Town of Grant
Special Town Board Meeting
(in conjunction with ATV/UTV Ordinance Public Hearing)
May 18, 2016
7:00 pm

Town Board members present: Sharon Schwab (Chairperson), Dale Winkler, Jim Yetter (Supervisors), Diana Luecht (Treasurer), Vicky Zimmerman (Clerk)
Plan Commission members present: Jim Wendels (Chairperson), Nathan Wolosek, Tom Reitter (Committee Members), Marty Rutz (Zoning Administrator), Katheen Lee (Secretary)

Chairperson Sharon Schwab opened the public hearing/special meeting at 7:00 pm. She explained the purpose of the meeting was to gather input on the proposed All-Terrain Vehicle (ATV)/Utility Terrain Vehicle Routes Ordinance. She described how the meeting would proceed. A decision by the board on the ordinance will be made at a future meeting. Members of the Plan Commission and the Town Board were introduced. Following the meeting, attendees are asked to return Preference/Comment forms.

PRESENTATION: Jim Wendels, Plan Commission Chairperson

The town first discussed the possibility of an ATV Ordinance in 2008, but it was not moved forward at that time. In 2015, the Plan Commission was approached by the ATV Club from Saratoga, Kellner business owners, the Town of Plover officials, the Town of Pine Grove, and other citizens to consider an ATV ordinance. This year, the Plan Commission conducted research and held several meetings to collect information. Input was obtained from the sheriff, DNR, local business owners, ATV Club members, and residents. The information was used to draft an ordinance. The Plan Commission has recommended approval of the ordinance to the Town Board.

J. Wendels reviewed the entire ordinance and the proposed Phase 1 and Phase 2 maps. He noted that the Commission learned that a residential access law does not exist in Wisconsin, therefore residents not living on a designated route would need to trailer to the route. The residential access provision was removed from the original draft. He explained the Saratoga ATV club is planning to form a joint club with the Towns of Grant and Plover. The ATV club will assume the cost of the signs and posts as well as installation and maintenance of the signs. All of the restrictions were reviewed as stated in the proposed ordinance.

- Chuck Hansen (Saratoga ATV Club acting president) clarified that the ATV club's trail patrol ambassador can talk to violators, but they have no power to arrest. They can record the license number and report the violator to law enforcement.

The Phase 1 map provides connectivity from the Town of Saratoga to the Towns of Pine Grove and Plover through the Town of Grant. The Phase 2 map would provide access to downtown Kellner business if Portage County approved travel on County Road U. J. Wendels stated that a formal petition has not been made to open county roads.

Questions regarding the presentation were submitted and answered.

- If I live a mile from the route do I have to trailer the machine to the route? If so, do other townships have to trailer to their routes? **Yes to both questions. Travel can only take place on designated and signed routes.**

- Does Section 23 require a valid driver's license? **It does not require a driver's license. Although, ATV operators born on or after Jan. 1, 1988 must complete a safety certification course.**
- If as a resident we have to trailer our ATV to the route, where would we park our trailer to get on the route? **Phase 2 parking can take place in the Wild Horse Saloon parking lot. There is no designated parking area for Phase 1.**
- How will this affect the Town's road upkeep? Grading/gravel etc... and who pays? **ATVs will cause less road surface damage than other motor vehicles. They should not create additional road management.**
- 90th Street is heavily traveled now and paving is rough. We don't need the extra road costs. Will ATVs compensate the town? Grand Rapids and Buena Vista will not allow ATVs. **No one could answer the question if clubs have compensated towns in the past. Damages could be charged to individuals violating the ordinance restrictions.**
- What is required to get permission from Portage County to run through town (County U)? **Corporate counsel and highway department is not interested in ATV travel on county roads. The short distance requested on County U could possibly be approved. Jim Garbe, Town of Plover Supervisor, stated Plover is interested in access to a 200 yard section of County R to complete their route. They have only made an informal request without results. They would like to see clubs and/or citizens become involved with a formal request.**

CITIZEN INPUT

- Chuck Hansen (Acting President of the Saratoga ATV Club) stated a written request had been made to Portage County Highway Department for county road access several months ago, but there has been no reply. The request was for travel on County Roads U and WW.
- Darcy Held (Grant resident – County Road W) – He is a former Plan Commission member and longtime ATV rider. He is concerned about what may happen in the future if there is a phase 3 and all roads would be opened. He is skeptical about the ability to enforce restrictions in general and noise levels specifically. ATVs can legally be 96 decibels, which is louder than a motorcycle. If all roads are open in the future, he recommends the Town have enforcement capabilities.
- Wayne Brody (Grant resident – 90th Street) - The phase 1 route does not help anyone in the Town of Grant unless 90th Street and a road into Kellner is also opened.
- Sam Wallner (Grant resident – 85th Street) – He is concerned about the lack of peace and safety. He previously worked in Rome at the golf course. The area was quiet until Rome passed an ATV road ordinance. He would not like to live there because of tire noise. He noted one individual was killed and three individuals required med-flight transfer in accidents near the golf course.
- Larry Wagner (Grant resident - Town Line Road) – He is concerned about the noise. He works shift work and the ATV noise would disturb his sleep.
- Donna Wagner – (Grant resident - Town Line Road) She is concerned about noise. Their bedroom is only 20 yards from road. Even at 35 mph, it will be noisy. Their dogs bark at cars, but there are few cars on the road. They should not have to change their life style and get rid of pets to accommodate out of town ATV riders. They moved there because their dogs would not bother others. She believes sunrise is too early to allow riding.
- Julie Carlstrom. (Grant resident - Griffith Ave) - Her road is already in poor condition which requires her to slow to 15 mph. She would like a better road. She realizes others are concerned about noise and that is why a shooting range was not placed in the Town. She is less concerned

about noise. Cranes and crop dusters already make early morning noise. She would support an ATV trail if her road was blacktopped.

- Mary Kiedrowski (Grant resident – Evergreen Ave.) – She wanted to inform non-residents that Grant does not have a road tax. Grand Rapids has told her that they do not want ATV routes. An increasing population with ATVs on the road is a concern. She is concerned that the Town Board will need to add a road tax. The ATVs will not provide a benefit towards road maintenance. She does not want a road tax and believes it will be looming in the future with ATVs.
- Two written comments that had been received were read by S. Schwab.
 - Jean Adams (Grant resident –Town Line Road) – She would prefer no ATV trails going down Town Line Road.
 - Keith Kardash (Grant resident – Quarry Rd) – The proposed route is adjacent to Buena Vista Wildlife Area. The land is managed by the DNR for grassland habitat and outdoor recreation. There are 7.5 miles of the land along the proposed route. Most of the land is not fenced making it vulnerable to trespass. Trespass issues have been a problem on a private golf course in the Town of Rome resulting in damage. Increased policing was needed in that area. Driving in ditches and on private timber land is also common in Rome. Driving in the ditches or off the road in the Wildlife Area would create a disturbance to wildlife habitat and destruction of bird nests. Creation of long lasting two track trails could occur and reduce cover for wildlife. Trespassing could be difficult to monitor because there is only one conservation warden for the area. The Kardash family uses 90th Street for bike rides because it is paved. He is concerned about safety when riding bikes on that road if ATVs are allowed.

A call for additional citizen comments was made.

- John Knoll (Grant resident – 90th Street) – is considered about how noise carries. He can hear dirt bikes $\frac{3}{4}$ of a mile from his house. Drivers do not obey the posted 45 mph speed limit and it is rarely enforced. He is concerned about the 10 % of individuals who will not follow the ATV regulations. He is opposed to ATV traffic on 90th Street.
- Randy Woodard (Grant resident – 85th Street) - There have been a lot of complaints about noise. The ball diamond is also noisy. If noise is an objection, the ball diamond should be closed.

S. Schwab invited law enforcement to comment

- Jon Scharbarth (Wisconsin DNR Conservation Warden) The sheriff's department and DNR could take enforcement action. State Patrol could also enforce, but they would likely not be in the area. The sheriff's department would provide the majority of the enforcement as Warden Scharbarth is the only warden in this area. He would most likely be involved in complaint driven enforcement. The sheriff's department would have more opportunity for patrol. He requested for questions.
 - There was a question about having exhaust checked about 5 times in several different counties since 2002. **Some counties (Jackson and Clark) are aggressively checking noise levels with a standardized sound meter. The standards for ATVs and motorcycles are different. If loud ATVs became a problem, checks could occur here.**
 - Bruce Kramer (Grant citizen – 86th Street) He has observed more road damage from 4 wheel drive pickups. **Enforcement of motor vehicle damage to the roads does not fall**

- under the jurisdiction of DNR unless it occurs off road on state lands. The sheriff's department would be responsible. He did agree that pickups cause more damage.**
- Chuck Hansen questioned enforcement on unpaved roads east of 90th street.
Enforcement will be done as best as it can be accomplished. It is likely that it will be complaint driven.
 - Warden Scharbarth reminded the citizens that roads must be signed to be a legal route. The DNR will review any ordinance.
 - Wayne Brody had a question for the County Sheriff. He had a concern about marks on the road being made by pickups and the speed of motor vehicle traffic on 90th street. He needed to get off the road when a tractor was coming down the road and using up the space. He was also concerned about semi-trucks coming off of Oak. **Concerns should be called to the Sheriff's Department with typical times the problem occurs.**
 - Is there an officer for ATVs? **No, the Sheriff's Department does not have a recreational officer. Calls are fielded as they come in. If a deputy observes a violation occurring, they are responsible for enforcing the ordinance.**

S. Schwab reminded citizens to complete and drop off comment sheets before they leave. There were no additional comments from the Town Board or Plan Commission members.

The hearing was closed by S. Schwab at 8:04 pm.

Respectfully submitted,

Kathleen D. Lee, Plan Commission Secretary

Approved 06-08-16