

PLAN COMMISSION
MEETING MINUTES
TOWN OF GRANT
February 9, 2016

PRESENT: Jim Wendels (Chairman), Nathan Wolosek, Ron Becker, Lori Ruess, Sharon Schwab (Committee Members) Marty Rutz (Zoning Administrator), Kathy Lee (Secretary)

CITIZENS PRESENT:

DNR: Jon Scharbarth

Town of Grant: Susan Alft, Jean Anhalt, Mark Anhalt, Russ Brody, Wayne Brody, Lee Chipman, Dave Hanneman, Kathi Havitz, Jerry Hilliard, Jane Jackan, Frank Johnson, Lois Johnson, Lesa Kardash, Mary Kiedrowski, Terry Kramer, Bob McDonald, Mike Molepske, Lee Nelson, Dennis Olson, Elaine Olson, Hank Raatz, Cody Rosenthal, Dean Rosenthal, Dylan Rosenthal, Kurt Rosenthal, Marcus Shaw, Duane Steinke, Jeff Van Dreel, Randy Woodard, Sandra L. Wood, Mitch Zimmerman, Shirley Zimmerman, Kathy *from Bancroft*

Town of Carson: Jan Nelson,

Town of Plover: Pat Conley, L'Oree Conley, Joe Firkus (Supervisor), Barb Karcheski, Tim Karcheski (Chairman), Mike Langlois (Supervisor), Mike Schoenhotz

Town of Port Edwards: Helen Sparks,

Town of Saratoga: Marlene Gaden, Bill Hall, Sally Hall, Dave Kester, Doug Schneider, June Schneider

Wisconsin Rapids: Victor L Bertotto, Chuck Hanson

CALL TO ORDER

The meeting was called to order at 6:31 pm by Jim Wendels, Chairman.

STATE OF PUBLIC NOTICE

It was stated that the agenda was posted at two posting stations (Grant Town Hall and the Grant transfer station) and on the town's website.

ALL TERRAIN VEHICLE (ATV) ORDINANCE

- Copies of a draft ordinance regarding ATVs and a map were made available to those in attendance.
- Nathan Wolosek provided a summary of a meeting in the Town of Plover regarding ATVs. The T. of Plover is attempting to get a county road accessible to ATVs. They would also like to open sections of Town Line Road that are under the jurisdiction of other towns, including the T. of Grant. The representatives from the Portage County Highway Department and the Portage County Sheriff's department were in attendance. The Highway Commission has not formally addressed the topic of ATVs, but the Safety Commission is not supportive of ATVs on county roads. The Stevens Point Area Visitor's Bureau was represented by Sara Brish. They are in support of ATVs on county roads. They would like to see ATV access to business at the I-39 and Wis Hwy 54 intersection.
- Jim Wendels provided highlights of our ordinance draft including proposed routes, speed limits and restrictions. Downtown Kellner was not included in the proposed routes because of the lack of support from Portage County for ATV traffic on county roads. An alternate route proposed by the Saratoga ATV club was described that would bring traffic closer to Kellner (Juniper & CTH U intersection) and would bypass portions of Town Line Road that are not accessible with the currently proposed routes.
- J. Wendels: Additional recommendations for the ordinance were received from Gary Eddy of the DNR. These include taillights being turned on in addition to the headlight. "No straddling" should be emphasized. Routes must be officially signed in accordance with NR64.12 and NR 64.12.7c. Routes would not become opened until signed. ATV clubs should not be allowed to put up own signs.

Most common complaints regarding ATVs received by the DNR are noise, erratic driving, trespassing, and not obeying rules of the road. Rules of the road are enforced by state patrol, sheriff, and DNR conservation warden. Not all items in the ordinance are able to be enforced by the DNR warden.

- Key points from the Wisconsin ATV/UTV Safety & Enforcement 2014 Annual Report Safety report were summarized by J. Wendels.. Of the 27 deaths occurring in 2014, 44% deaths occurred on roads and 52% involved alcohol. There were 275 accidents with injury or death, but the percent occurring on roads is not known. The ATV is not designed to be driven on the road based on the tires and high center of gravity.
- Jon Scharbarth (DNR Warden): Operating while intoxicated (OWI) charges do not cross between different types of recreational vehicles or between recreational vehicles and driver's license.
- N. Wolosek stated 96% of individuals killed on an ATV were not wearing a helmet. Most were not certified (93%). The insurance industry views ATVs and motorcycles in a similar manner. J. Wendels added that Gary Eddy stressed taking certification courses even if the individual has been driving them for a long time.
- J. Wendels: Cargo loads can be a problem. Items can blow off. How to secure the load is covered in certification courses. Speed limits for cars/trucks may be different than the 35 mph speed of the ATV. Drivers need to be aware when passing an ATV.
- R. Becker questioned if Nathan Check (Portage County Highway Commissioner) indicated whether the county would allow ATV travel on county roads. J. Wendels stated Mr. Check said they have not been pressured to discuss it. It has not come to the level of the Highway Committee yet. N. Wolosek added the Highway Department has never been petitioned by an ATV club. There is no ATV club in Portage County. Residents living in Portage County were encouraged to start a club
- Item E on the draft ordinance allowing for residential access was discussed. Jon Scharbarth (DNR Warden) stated there is no residential access law for ATVs like there is for snowmobiles. To travel on a road, it must be a signed route or there is no access at all. Item E will be removed from the next draft of the ordinance.
- Chuck Hansen was not able to state how much travel could be anticipated because of multiple clubs in the area. He did talk with Mr. Check and was under the impression that there was no interest in moving forward on the topic allowing travel on county roads. A request was never made in writing. N. Wolosek stated a written request is needed for it to be considered.
- Tim Karcheski (Plover) said his group has not formally petitioned access to CTH R in the T of Plover.
- Joe Firkus (T of Plover Supervisor): It would be better for a club to make a petition than just a few individuals. Having a larger number of individuals would more likely get action.
- Mitch Zimmerman (resident on proposed route / Mill Road) spoke against the Mill Road section of the proposed route. He lives in country for the quiet, but ATVs were heard last summer a mile from his home. He does not believe it is realistic that the speed limits would be followed. The route does nothing to support the economy of the area. Mill Road is currently graded about 3 times per year and he believes it would not be safe for ATV travel. Dust is also a concern.
- Mike Molepske (resident on 90th street) supports ATVs on 90th Street. The current speed limit is often not obeyed by motor vehicle traffic. Some people will obey laws and others will not.
- Marcus Shaw (resident at F and Mill). Operates the two cranberry marshes in that area. He drives Mill Road frequently. He stated there are already problems with quads and snowmobiles on the road. He is very concerned about safety. Safety concerns include people trespassing and riding on the huge sand piles on his property and into the frozen flooded drainage ditches in the winter. Patrol in the area is limited. Mill road is very rough. He questioned what would be done to fix the road prior to the route going in and what can be done if people go off property. J. Wendels responded that the town does not have a constable and would not do the enforcement of the ordinance. The sheriff's department, DNR conservation warden, and state patrol would be the departments that would enforce it. Jon Scharbarth stated the sheriff's department has a Municipal ATV Control deputy. The area would have increased patrol if there is a route. Citizen complaints would also lead to increased patrol. He added that state law would protect property owners from liability if someone was killed on their property, but damages to the property would need to be addressed in civil court.
- Lee Chipman (resident on Mill road): Private property is not respected. People do not stay on trails. People stop at corners and have picnics on his property in T. of Pine Grove where they allow ATVs.

Many property owners are closing their property to snowmobiles because people do not stay on the trails. If damage is done, the amount of time and money to pursue a civil recourse makes that not a reasonable option.

- Mary Kiedrowski (resident – Evergreen Ave) – Snowmobile clubs worked hard to get rights to access to private property; the ATV clubs could do the same. If ATVs want road access this should pay a fee to get some type of licensing for the roads. It would be better to have ATV routes into Kellner and not out in the country. Noise and lack of law enforcement in the country are concerns.
- Jane Jackan (resident - Deer Road) Concerned the ATV drivers would not stay on the designated routes. Many snowmobilers are disrespectful. Trucks are driven down Deer Road at high rates of speed. She is concerned that ATV drivers would show the same disrespect. She believes money should be spent to maintain the roads prior to investing any funds into ATV routes.
- Lesa Kardash (resident – Quarry Road) Four miles of the proposed route pass the Buena Vista Grassland Area that supports a lot of wildlife species. There are no fences and ATV drivers could easily enter the grasslands causing damage to the species. She previously lived in the Town of Rome and observed many tracks leaving the roadway and entering the ditches. The ATV drivers did not respect speed limit. This was particularly a concern when walking or biking with children.
- Lee Nelson (resident – Juniper Lane). Roads are torn up by farm equipment. ATVs are lighter. He does not view ATV road damage as a concern.
- Russ Brody (resident - 90th Street S.) Lives on route and spoke in support of ordinance. He stated having routes does not mean there will be a lot of traffic. Based on his observations he has not seen a lot of ATV traffic in the T of Saratoga.
- Dave Hanneman (resident - Pine Street) More damage is caused to roads by cars and trucks than ATVs or UTVs. He has always been considerate of others and the majority of ATV drivers are respectful. Many people have an inaccurate idea of the ATV drivers. Others agreed with Dave that 4-wheel-drive trucks are tearing up the roads.
- Jerry Hilliard (resident – Lake Road) – Owns a place in Winter WI and has not heard of problems in Sawyer county since they have allowed ATVs on the roads.
- Mitch Zimmerman (resident – Mill Road) Agrees with those who have said ATVs should be limited to paved roads.
- J. Wendels: Some towns have limited travel to paved roads including the T. of Saratoga. N. Wolosek: There would be no way to get to Town Line Road through the T. of Grant using only paved roads.
- Sandy Wood (resident - 90th on the proposed route) She is worried about noise. Concerned that there are no time constraints or seasonal constraints. Many people ride horses in the area and nothing regarding safety as it relates to horses is included in the ordinance.
- An ATV Club member stated daybreak to sunset are common time constraints. Signs are posted “stay on the black top.” When there is no blacktop, an ATV driver should stay out of the ditches. He would like to see 90th Street opened all the way to CTH WW to increase access to Kellner and then possibly gain access to Kellner via private land. Would like to see a route on 130th that would bypass the section of Town Line Road that is not available.
- Kathy Havitz (resident and Kellner business owner – Chat-R-Box Cafe). She would like to see the route come into Kellner. She recognizes that not everyone follows the rules, but believes most do. If there is an ATV club in the area, the likelihood of following the rules increases and fewer people would be riding around on people’s hills and personal property. Having a set route would increase safety. The current proposed route does nothing for Kellner and tourism because people are only driving through the town.
- Bob McDonald (resident and Kellner business owner – Mickey’s Tip-up). It would be nice to have a community spirit that embraces this type of ordinance. The businesses were brought in during the sesquicentennial celebration. Since that time the businesses have held the Corn Fest and other activities. The ordinance does nothing to support the businesses and therefore has no value. He would like to see ATVs have access to Kellner similar to the access that snowmobilers have.

- Mary Kiedrowski (resident) – She has supported the snowmobile access to Kellner in the past by allowing them to cross her land. It creates a great feeling to be able to support local businesses. We have forgotten about local business by having the route so far from town and leading to Plover.
- Dave Kester (Saratoga & ATV/UTV club board of directors) stated in any type of club there are a few bad apples giving a bad name to the other members. Clubs are trying to educate others how to drive, to operate safely, and to insure their ATVs. The ATVs are licensed through the state. They club is trying to expand the routes in Saratoga. Some areas in northern Wisconsin are very welcoming to ATV riders and treat them well. He would like to see the same welcome occur locally where our taxes are paid.
- Bill Hall (Saratoga) While there could be a few irresponsible individuals, common sense leads to proper driving and treatment of the ATVs so tires do not need to be replaced. An ATV is not cheap to run. The club members understand the traffic hazards and they try to enjoy the recreation without causing injury/death to self or others.
- Pat Conley (Plover) – Drives a UTV at rates less than 35 mph and does not produce more dust than any other vehicle on the same road. He posed a question to Jon Scharbarth regarding noise and Jon confirmed there is a noise statute. P. Conley and his wife would be interested in driving to Kellner for a meal if a route were available. While his impact on tourism may be limited, he believes people would come into the area. He and his wife joined Monroe Prairie ATV Club in the Town of Rome. He found people who respect the laws. He has seen young drivers up north speeding down trails. While there may be some irresponsible drivers, the UTV owner tends to be older and responsible.
- S. Schwab questioned the Saratoga club regarding agreements with land owners, self-patrolling, and club formation in the area. Vic Bertotto (Saratoga ATV Club President) responded. The Saratoga club does not have agreements with private land owners, but the Monroe Prairie Club does. The club does use Plum Creek. Through the Wisconsin State ATV/UTV Association, a trail patrol exists. He is one of the patrolers for the state of Wisconsin, but he is the only one from their club. Plover has attempted to start a club, but has not found anyone to run it. Individuals outside of Saratoga could join the Saratoga club.
- Frank Johnson (resident) is trying to organize a club. A meeting was held the past Saturday and a series of meetings are planned.
- J Wendels questioned Jon Scharbarth regarding sending the ordinance to the DNR and regarding license plates. J. Scharbarth stated part of the process for any recreational vehicle ordinance is to run it through the DNR office to ensure that there is no language contrary to state law. Once it goes through the process and the ordinance passes, they are notified. They prefer to be involved while the ordinance is being written. The state statute does state the DNR must be notified after the ordinance is passed.
- Jon Scharbarth: All ATVs/UTVs must have a license plate with their registration number. That number can be used to report trespassers and other violators. Infringements can be enforced later. The State ATV Association is the group who pushed for license plate so riders could be held responsible.
- N. Wolosek inquired about trail passes for ATVs. Snowmobile clubs have a \$30 trail pass, is something similar being considered for ATVs? J. Scharbarth explained there is a non-state resident trail pass, but the passes are for trails, and not routes. This is similar to the snowmobile trail pass that is not required for routes or frozen bodies of water, but is required for trails. Money collected goes back to clubs. The law was created by the snowmobile clubs. A law could potentially be passed for ATVs, but the clubs would need to push for it and not the DNR. N. Wolosek stated he is concerned about the cost to the town when roads are being beaten up and requiring additional grading. If ATV clubs would encourage the development of a similar law for ATVs, the town could potentially request money from the clubs to recoup some of the cost to the town.
- Gas tax goes to the state transportation fund. There is not a specific amount from ATVs. The town receives approximately \$250,000 per year for roads in general transportation aid for 116 miles of road.
- A citizen stated trucks are doing donuts at the intersections leaving black marks and not the ATVs. Dust is being produced by cars and trucks. The ATVs should not be blamed.
- A citizen challenged the desire for reimbursement from trail passes for road maintenance. He asked what are the farmers and potato farms doing besides paying taxes to support road maintenance.

- Discussion ensued regarding the need for approval to travel on CTH U. This road is shared by Portage County and Wood County. While CTH WW is the dividing point to designate which county is responsible for road maintenance, the right-of-way is split down the center of the road. There could be liability issues for a county even if they were not responsible for the maintenance of that section. The counties' corporate councils could clarify the liability and what is allowed on the right-of-way. Both counties would need to give approval for ATV travel on the road. Doug Passineau – Wood County Highway Commissioner should be contacted by the ATV club. Regarding liability, an ATV club only needs insurance if they are doing their own grooming. It would not make sense for the T. of Grant to have a route that dead-ends at Juniper and U. A route into Kellner using town roads does not exist. The possibility of using the snowmobile club route was mentioned, but snowmobile regulations are not the same as those for ATVs.
- Town of Grant residents will need to trailer to the routes.
- In response to safety concerns, trail cams can be used. An ATV club put up trail cams after damage was done to a golf course in the T. of Rome; this helped identify 4 wheel drive trucks causing damage.
- Preferred routes could be marked to assist out-of-town riders. Those routes would be used by visitors, while other roads could be used by residents.
- Without approval to use county roads, it may not pay for us to entertain the ordinance and routes at this time.
- Bob McDonald would have trailer parking space available at Mickey's TipUp, but the ATVs would still need to be able to get to the route from there. There is no residential access law for ATVs like there is for snowmobiles.
- Tim Karcheski (Plover - chairman) recommended that the T. of Plover and T. of Grant partner to contact the Portage County regarding routes on county roads. J. Wendels responded that he does not know if our Town Board would be interested in making that type of petition. The Plan Commission is doing information gathering. T. Karcheski continued by stating the T. of Plover does not have much experience with ATV/UTVs on dirt roads. Damage to dirt roads is caused by cars, trucks, and farm equipment. They did not consider a daybreak to sunset clause in their ordinance. Others responded that some ordinances include the time limit, but they felt daybreak to 10:00 pm would be more reasonable. The county sheriff would be responsible for enforcement, not the DNR. Portage County does have a municipal patrol for ATV/UTV. It is funded by DNR. The Sheriff's Department needs to record number of hours worked and may be expected to issue a certain number of citations per patrol hour.
- Frank Johnson (resident, ATV club member) stated he had previously given J. Wendels copies of letters of support from the Towns of Saratoga and Rome indicating they had no problem with ATV traffic on the roads. The letter from the T. of Rome came from the police department and the letter from the T. of Saratoga came from the clerk.
- Mike Molepske – asked “what are you thinking?” Jim Wendels gave his personal thoughts that we have a good start, but he is hesitant to take it to the Town Board unless Portage County would allow travel on county roads and therefore provide access to Kellner. It is not achieving what was intended. N. Wolosek added that we would achieve contributing to tourism in Portage County as a whole if we provided a route through the town. He had spoken with officials from the T. of Buena Vista (Paul Cieslewicz – chairperson and Bert Trzebiatowski – supervisor). They are not in favor of ATVs at this time and do not anticipate an ordinance being developed. They had a negative experience with ATV drivers illegally riding in their town because the drivers were not aware of the town line. Neither individual was present at the meeting. It was recommended that the ATV club contact Paul Cieslewicz.
- Vic Bertotto (president of Saratoga ATV club) asked about sending letters to the highway commissioner. He has not written a formal request because he was reportedly told by N. Check that he would need to include an approved map.
- It was noted that ATVs can drive into Pittsville, Neillsville, and Warrens.
- N. Wolosek suggested that the Kellner Area Business Association send a letter to Portage County to petition for ATV travel on county roads in the Town of Grant.

- J. Wendels reported that Frank Johnson has proposed an alternate map. It goes up 90th Street to Lake Road, on Lake Road to 100th Street, to Elm Street, to 100th Street, to Birch Street, and then connects to the T. of Plover. Comments regarding the route included the need to get input from the residents along the route, it would promote county-wide tourism, it does not include a route to Kellner, a question still exists regarding the desire to use only paved roads, and there is no way to connect to Town Line Road using only paved town roads. This route would put the majority of the route on paved roads, but Lake Road has been identified as the most traveled town road and therefore makes its use concerning.
- Wayne Brody (resident – 90th Street) At this time we are asking that we would be able to get out of town to Saratoga and Plover. Going down Tower Road, would provide access to Bancroft.
- The Plan Commission needs to review the proposed alternate maps. In the meantime it is recommended that the ATV Club and the Kellner Area Businesses should formally pursue travel on Portage County Roads. Regarding the alternate map, Frank Johnson stated the southern link on Tower Road would connect to Bancroft/Pine Grove.
- Discussion ensued regarding the connection to Saratoga. At this time, the only possible connection to Saratoga is via Evergreen Ave. Tower Road could be used if considered as a route by the T. of Saratoga. This would allow us to avoid Mill Road. Some negotiation with Saratoga may be needed.
- The next time the ATV ordinance will be on the Plan Commission meeting agenda is March 8, 2016 @ 6:30 pm. It will be a working group meeting to revise the ordinance language using input from the DNR, citizen comments, and the proposed maps. It could then be forwarded to the Town Board for consideration with a public hearing.
- Mike Langlois (Plover – Owner of Ridgewood Campground) Believes expanding ATV routes would positively contribute to tourism. More people could be drawn into Kellner, including those staying at the campground. He believes there are many responsible, high-quality people interested in expanded routes.
- J. Wendels – The town could close routes at any time if they were misused.

APPROVAL OF MINUTES

It was moved by Ron Becker and seconded by Sharon Schwab to approve the January 20, 2016 minutes as revised for a spelling correction. The motion was approved with unanimous ayes. Today, Kristen Johnson emailed documents for discussion at the 2-17-16 meeting. K. Lee will forward those documents.

FARMLAND PRESERVATION

N. Wolosek reported on the 1-27-2016 meeting of the Portage County Farmland Preservation Ad-Hoc Steering Committee and distributed an outline for their plan (Vision Statements and Key Vision Ideas). Portage County is in the planning stage. Their original map includes so much land because according to Wis Statute 91, they must consider all land that may include undeveloped natural resources. While they are considering all of the undeveloped land, they have not begun working on a map. If prime farmland is too close to a subdivision, it would not be included in the plan and therefore is not being considered. Land that is planned for non-farm development in the next 15 years cannot be included. Therefore the open natural resource areas can be considered as they will not be developed in the next 15 years. While those lands must be considered, all of the land will not be included in the plan. Their next meeting is 2-23-2016. We could potentially submit our plan with the county plan, but their plan will not be an overlay. Their zoning will include a Farmland Preservation Zoning District. We need approval from DATCP to use our overlay approach to farmland preservation. We would also need approval from the county and the Town Board. If we joined the county's plan, they would have jurisdiction. We would like to maintain our own jurisdiction. The plan and ordinance are two different things. We would need our own plan if we proceeded completely independently. We may not be able to get DATCP approval without a complete plan. We need to ask Scott Karel if Portage County has a plan whether we can have our ordinance be different than Portage County's. Two other townships plan to go with the county's plan and just tweak it and make it their own. Nathan read portions of Stat 91 related to permitted uses (agricultural uses, accessory uses, agriculture related uses, nonfarm residences constructed in a rural residential cluster development, undeveloped natural resources and open space uses, transportation/utility/communication uses and other uses allowed by rule) and conditional

uses (agricultural uses, accessory uses, agriculture-related uses, nonfarm residence that meet more restrictive standards, residential clusters, transportation/communications/pipeline, governmental/institutional/religious/nonprofit, nonmetallic mineral extraction, oil/gas exploration, and other use allowed by department rule). We will need to review our ordinance with that in mind. We allow lot averaging, which would be the same as clusters.

ACTION:

R. Becker recommended adding the Farmland Preservation Ordinance to the 3-8-16 agenda.

N. Wolosek recommended contacting Scott Karel and asking if the town can have its own ordinance with map and still use the county's plan. Sharon Schwab will develop a draft of an email to send to S. Karel.

TOWN BOARD REPORT

- Committee members can attend Land Use Planning and Zoning WisLine meetings. The brochure was shared.
- The newsletter for the North Central Wisconsin Regional Planning Commission was circulated.
- A correspondence was received from the Town of Plover regarding their response to proposed zoning text amendments. This issue does not affect us.
- Patty Dreier from the Groundwater Citizen's Advisory Committee is requesting input into a new groundwater plan.
- Lori Ruess is resigning from the committee as soon as a replacement can be found. Suggestions for a replacement should be forwarded to S. Schwab. Qualifications would include a background in agricultural and conservation. N. Wolosek recommended the individual have a general ag perspective.
- On Monday, February 15 @ 5:00 pm, J. Wendels is hosting a meeting between Upper River Gun Club (URGC) and Portage County Communications. S. Schwab mentioned the ongoing concern regarding the "Expanding Responsibilities for the Communication Systems" policy being discussed by the Portage County Public Safety Communications and Policy Board. The URGC should be aware of this policy and the possibility that emergency services servicing the Town of Grant, but located outside of the county could be considered discretionary. A CUP for the tower should address the concern. A building could be located on the property at the property owner's risk. The county is interested in placing the tower on the west side of the property. J. Wendels will be available to discuss design standards.

ZONING ADMINISTRATOR REPORT

- A copy of the report for building permits/fees issued for the month of January 2016 was distributed. A total of \$215 was collected. Permits were issued for three accessory buildings, one razing, one utility accommodation polices (UAP), and two Certified Survey Maps (CSM).
- M. Rutz plans to follow-up on a recent email sent by S. Schwab regarding legislation governing demolition of commercial structures and the need for a pre-inspection for asbestos.

ADJOURNMENT:

It was moved by N. Wolosek and seconded by R. Becker to adjourn. The motion was approved with unanimous ayes. The meeting adjourned at 9:05 pm.

Respectfully submitted,
Kathleen D. Lee, Plan Commission Secretary