

Meeting minutes for Joint Hull ATV/UTV Task Force and Hull Roads Committee – Wed. 11-13-19

Task Force Members In Attendance: Jan Way – Task Force Vice Chairperson, Larry Barikmo – Co-Vice Chair, Mary Olson, Brett Boehnlein, Madelin Petz, Victor Cejka, Jon Wroblewski, Bill Glodowski, Jim Kalpinski, Matt Johnson, John Koshnick, Dan Dieterich, Pete Kaminski, Barb Brilowski.

Task Force Member Excused: John Holdridge, Madelin Petz

Others in attendance: Numerous Hull Citizens

CODE: C = CITIZEN SPEAKING

T = TASK FORCE/ROAD COMMITTEE MEMBER SPEAKING

1. **Call to order.** Meeting called to order by Vice Chair Jan Way at 5:30 p.m. on Wednesday, November 13, 2019.
2. **Minutes – October 9, 2019.** Jan Way shared some highlights from the October 9th meeting minutes. The minutes of the October 9, 2019 ATV/UTV Task Force meeting were approved. Motion to approve 10-9-19 ATV/UTV meeting minutes. Motion seconded. Motion approved.
3. **Public Comments.** None.
4. **Announcements.**

Jan Way said that Nathan Sandwick with the County has some ideas on how the Town can get the word on via different ways of communication. Jan will follow up with Nathan on that. Other ideas include mass e-mails, newsletters, and updates. Barb shared some possible problems with emails as people move and change email addresses.

The Sheriff's Dept. is having a training for ATV Safety Class beginning December 2. The Safety Class is required if you were born after 1988 and have/use an ATV.

5. **Feedback from citizens living where ATV/UTV usage is being considered.**

Feedback from a Hull citizen in the Granite Ridge area was received in writing saying ATV/UTV's were already using the road. They commented, these are allowed and operate during much of the day and rarely seem to obey speed limits. These citizens appreciated 'silent sports' in the Town and quoted from the Town website which says, "The Town is made up exclusively of single-family residential areas with some agricultural land but preservation of our neighborhoods has been the major unifying theme running through recent Town government operations." These citizens felt unlimited use of these vehicles on Town roads would be detrimental to the neighborhoods that we seek to preserve.

C I have an ATV, as do neighbors and the sound is very quiet. Some owners may choose to have them modified and even snowmobiles can be modified. Would like to open the roads up on a trial basis for 1 year.

C Since North Second is being done, they cannot even get the Sheriff's Department to enforce the speed limit out there. So where are they going to find the extra time to enforce the ATV/UTV's.

Comments back and forth about the Sheriff being out on that road and others saying they have not seen anything yet.

T The Town has worked out an agreement with the Sheriff Department to get more help out in the Town on certain roads to control speeding. North Second has had extra enforcement out for the last two weeks with an extra 2 days per week. The Sheriff Department will share their findings and make recommendations to the Town so modifications can be made.

General comments about how loud is an ATV going past as opposed to other loud noises like the garbage truck going by, tractors out in the field, lawn mowers which can last a longer time. Some motorcycles are loud too.

C Wanted to know how many in Hull have had the experience of living in areas that allow ATV's on roads. They live up north where because of tourism, ATV's are allowed year round everywhere. It is rarely just one going by, usually more like 4 to 6 going by as they like to travel in groups. On gravel and dirt roads, a lot of dust is produced and the dust can move into the houses along the routes. With groups traveling together, it can be distracting and even more so with other vehicles of other types already on the roads. North Second Dr. shoulders are still pretty narrow and the ditches pretty deep. With people walking dogs, running, walking, biking, a busy road with a lot of traffic, adding ATV's needs to have a lot of things to think about and consider.

T Although the Task Force can come up with recommendations, only the Town Board can make final decision.

C The Pok-a-Snoz originally proposed this idea for short routes on limited Hull roads within the Town, not all roads. That was about a year ago. Now Town residents are asking about ATV/UTV routes. The Task Force was formed to take information, study it and make recommendations to the Town Board. Hull has areas that are very busy and some areas not so busy.

T We want to bring the Hull citizens out to discuss this topic. Also wants to take the Sheriff's recommendation to either enforce all the roads, or have no ATV's on any roads.

T The Wis. DOT would need to approve some roads for ATV even if the Town approves ATV use on them.

T Hull will be responsible for signage for any ATV roads, and maintenance of those signs. The Pok-a-Snoz group did volunteer some possible cost sharing of the signs.

T There are a lot of rules and regulations involved with ATV use on roads. It could cost more to allow use on a limited number of roads than it would cost to allow it on all roads.

Comments/discussion about pros and cons of benefits of ATV use. Some felt there was no benefit to the Town. Others felt it had recreational benefits for citizens as well as benefits for local bar and restaurant owners.

C A DNR officer had stopped them once to let them know they were doing a great job with their ATV in following the speed limit.

T Jan Way shared information from the WI DNR regarding ATV statutes. The DNR is responsible for patrolling the roads/routes but very limited time is actually available to the DNR wardens to do this task. Although some grant money is available for enforcement, only \$70,000 is available for the whole state.

T The DNR works with the local State Patrol for enforcement as well as the County Sheriff's Department. These other departments can write a ticket, but do so on behalf of the DNR who has the primary responsibility.

C Pointed out the rules for use of ATV on roads is different from ATV on private land by the landowners. To be on a road, you have to be 16 years old or older, must be licensed, and must have gone through the training class.

C In checking with a deputy, he found there had only been one complaint about an ATV and that was in Plover, that this particular deputy had anything to do with.

T Spoke with Waupaca County who recently instituted ATV use and so far have had no complaints or issues.

T Jan Way shared that if you are operating an ATV near a walker/runner/bicyclist or within 150 feet of a private home, the ATV needs to slow down to 10 mph.

T There are many liability issues. Ditches, branches overhanging the road, etc. Would the Town have to pay for attorney fees every time someone had a liability issue on Hull roads with these vehicles? That could be a huge expense to the Town. One claim could cost the Town a lot.

C It boils down to common sense and respect to the community.

C Although people from the formal groups are respectful, there are others who do not care and there was someone speeding 60-70 mph down Jordan Road.

Comments about where ATV clubs are allowed and there are many areas around Hull all the way down to Madison that allow ATV's. Although ATV use is banned on City of Stevens Point streets, some of which are in and out of areas of Hull. Not all the towns in our area allow ATV's. Hull is somewhat different in that it abuts the City and share many boundaries with the City.

C From their experience up north, they see a lot of litter and noise from ATV users. Enforcement is difficult for lack of officers and their time up in that area. There does not seem to be any time restriction for use up there.

T Tried for years to get enforcement of speed limit on North Second Drive. If we cannot successfully enforce speeding of vehicles/cars, how much harder will it be to enforce ATV/UTVs? What happens if

someone is killed or a turnover happens with a child? How will we feel about that having been on this Task Force? This group needs to decide whether to have this and make sure everything is correct if we do, or else say no. There is no grey area. We either open everything and pay a lot of money for signage and their maintenance along with the roads. If we say no, all this will go away, and we will not have to worry about it. The first time someone gets hurt, there will be a problem.

T Dewey allows ATV's from 5 am until 10 pm. Up north, it is unlimited.

Comments about how limiting the hours could get rid of issues with bar hopping.

T Have seen ATV use in various rural places and Rib Mountain area but it seems a little odd in areas with homes. Has seen some with children on board at slow speeds within residential areas. If all the roads are open, then it would not be congested to just a few Town roads and it would be spread out more. They currently ride just within their neighborhood and all the neighbors do it, visiting back and forth.

C Asked about definition of an ATV. He uses something more like a UTV to go back and forth to his hobby farm down the road. He asked the Sheriff's Dept. when he bought it and was told since it goes under 17 mph, if they put a triangle sign on the back, it was fine to drive down the road.

T Can be found on-line at Wisconsin Go Wild.com and other on-line places can answer questions.

Comments about how current use of ATV/UTV on roads, in subdivisions, visiting neighbors, going between close by properties is technically illegal but we could change that and make it legal.

Comments about gas tax, registration taxes that are paid by these vehicles that goes into the DNR funding. Most of the people abide by the rules and respect them.

C Not familiar with ATV's. Do they have lights on them? Signal lights? Break lights? This is a safety issues if they are driving down the road in the lane of traffic. If there is a home close by and they can only travel 10 mph, who gives the right-of-way? With all the subdivisions in Hull, it does not just seem reasonable to make way for people that have ATV's while a car is going to work.

Comments about how ATV's have lights. Not all have turn signals and so hand signals must be used. However, some do have turn signals, backup lights, wipers, horn.

T Town of Hull is not considered a 'destination' area for riding on designated trails. No open trails through the woods like up north. More like agricultural use, traveling from farm to farm, hunting, driving deer out of the woods, used during storms to help cut up trees over/on the roads.

C Wanted to know if anyone had looked into the cost of signage and Task Force member said they have not looked into that yet.

Comments that small stamped out signs are \$35 to \$55 apiece or more.

C Some roads in Hull, like Reserve Street, do not have a shoulder. Where is that traffic going to go? It is not wide enough. Who is going to have the right-of-way?

T If this is approved for ATVs on all roads, the ATV's cannot drive on the shoulder, they must stay on the road.

T With the new ditches along North Second Drive and the bike lanes, will ATVs drive in the bike lane? Will they go down into the ditches in front of his house? They have to follow the same rules of the road as other vehicles. There are safety issues with the wheels of ATV.

C You cannot make every road open to these. You have to take into account safety of the vehicles driving on the road, the ATVs on the road, pedestrians and bicyclists. North Second would be inappropriate for ATVs because of the amount of traffic on that road going to and from the Casimir Interchange. That road is only semi-rural. There are many residences along there, particularly along the southern part where ATVs would have to go 10 mph while cars are trying to drive into work. That creates a hazard. It also creates a hazard at night. The Northwood's Bar opened up and in the last year, snowmobiles have been going there even though there is no place for the snowmobiles to ride. That is a new hazard that did not exist before last year. These vehicles are not bicycle width. They are much wider.

T There are roads that would be inappropriate just because of cars speeding on certain roads.

C Do not think it would be a good idea to limit it to some roads. Could cause congestion on those limited roads. As an ATV rider, would not take a route they did not feel safe riding on. If there is no shoulder and cars are speeding, do not want to use that road for my ATV.

T Cannot compare Hull to rural towns like Dewey, New Hope. Hull is more urban being right next to Stevens Point and very heavy residential. If Jordan Road were open to ATVs, people in the subdivision behind him would cut across his property to get to Jordan Road. Why create the problems if you do not have to? If you open it up, open it up to all the roads so that ATVs go on the roads and not cut across on people's personal property.

Comments about finding out how many ATVs there are in the Town of Hull to get an idea of the possible usage on roads. Many people use their ATVs on their own property or to go help out their neighbors, or cut trees.

Recent vehicle counts show 850 cars per day on North Second, the north end, and on the south end, 1057 per day.

C Experienced ATVs recently along DB in the Town of Dewey seeing 30 or more ATVs in a row on that road at the same time. It happens and how would we handle a large amount of ATVs on a street?

C Just like bike or jogging events, you would wait until the appropriate time to pass them. Do the proper thing. Slow down and wait your turn. It does not happen every day so I am not going to make an issue out of it.

C I live along there too and I am used to that with all the users of the road because of the University and SPASH. Need to use common sense, yield.

C Felt that 4-wheelers wait until after hours to be on the roads to avoid the rush hour of cars. Other areas in the state that have this have adjusted to it.

6. Original intention of proposal and stated intention of Committee.

T Mary Olson shared how originally the Pok-a-Snoz in October 2018 came to the Hull Board and requested certain roads on a map they provided be open for ATV use. The Hull Board discussed it and decided to let the Hull Road Committee talk about it to try to come up with ideas on what the ATV's would look like on Hull roads and how it would affect our roads. The Road Committee discussed it, both pros and cons. John Holdridge at a Board meeting suggested a Task Force be formed to come up with a plan for Hull for ATV usage on Hull roads. Sheriff Lukas came to one of our meetings. He talked about safety, rules and regulations, enforcement and tried to answer some the questions from the Town. He said to minimize the number of Town roads that can use ATV's makes it more difficult to enforce and can make it more dangerous. He suggested if we decide to have ATV use on roads, to open up all the roads. The first Task Force meeting discussed either all the roads or only some. They decided to open either all or none of the roads. That has brought us to today. Part of the Task Force's responsibility is to hear what different Hull citizens have to say. The idea is to share your opinions respectfully but not to argue back and forth. This is to find out how Town of Hull citizens feel about this issue.

7. Identifying banned areas, if any.

There are some roads that go in and out of the City. Wherever the City has ownership/control of portions of the road, ATVs could not travel those areas even if Hull opens up all of Hull's portions of Town roads to ATVs. Brilowski and Torun Roads are like that.

T I do not think we can get into specific areas until we know where the committee stands.

T I actually think we do need to look at what areas should be banned because of dual ownership of roads and how do you stop and start a route within a road. Sheriff Lucas brought to our attention, if you live on a road that was not open to ATV's, I would have to put it on a trailer to get to a road that is open. Enforcement is easier and accessibility is easier so people are not breaking the law. We do have to discuss this so we know what it will look like before we can say yes or no. That is part of the recommendation we are bringing to the Board. Do we want to ban roads and which ones are they?

T Wasn't a motion made to open all the roads?

T Yes!

T Do we need to modify that motion?

T Yes we do. There are simply some roads that cannot be used because of dual ownership. You can say all roads but certain roads are not feasible to use. There is also the cost to consider. We would need signs to say ATV usage and then further down the road the sign says ATV route stops here. That will not work. We do need to look at each road for usage. Enforcement and accessibility are key issues. You do not want people breaking the law in one place in order to comply with the law in another place.

T There are some people who will say you are discriminating against them. Maybe they just want to go a block away to visit their neighbor.

T That is possible.

T We mentioned Brilowski Rd., Torun Rd., & Country Club Dr. Are there many more?

T The more we narrow this down the more banned areas there will be. The harder it is going to be to enforce and the more expensive the signage is going to be. If we do not open to everyone, we are limited and restricting other people which is not fair. This is about community and decide if this is right for everyone.

T This is a topic that we as a Task Force need to get together and look at a map because the motion presented to us does not supersede Wisconsin State Statute. There are some areas that cannot be allowed due to safety issues.

T Even if we put hours of operation on, maybe 7:00am to dusk, someone has to enforce it.

T When talking about some areas that are an island; that spot in the Town of Hull that is surrounded by the City of Stevens Point. You are right; you do not get access to anything else. Too bad. If we are saying all the roads in the Town of Hull are open, it is not our responsibility to find you a path. If you live in a subdivision where you do not have outside access, either stay there are put it on a trailer and drive to an access area.

T The three choices we have are (1) leave it the way it is, do nothing (2) part of the roads (3) or all of them. Right now, we have nothing. It is a big hurdle to convince anyone that we can open all of the roads for all the reason we have been discussing. So what are ATV owners looking for? Are they looking for recreational trails? Are they looking to get to their back forty? Is there a problem we need to solve? Those people that just want to get to their neighbor's house or to the back forty, I don't think they are getting complaints from their neighbors about noise or getting tickets from the DNR for riding on the road for a quarter of a mile.

8. Highlight basic areas.

Jan W. - Do not need to discuss this now.

9. Identify unique areas and roads that are City and Town of Hull.

Jan W. - We have already identified a few unique areas in Hull. I am sure we will find more.

10. DNR legal opinions.

Jan W. - I have provided you with this information. The Review of State Law and local ordinances.

- The town board has broad authority to open its highways to ATV/UTV routes, or all highways as routes. A vote by electors at the annual meeting or even a referendum is not binding, but advisory only. The amount of public participation in the process is discretionary.
- A town may enact an ordinance to designate a highway as an ATV route. In this case, ATV operation on a state highway or connecting highway is allowed only if the WisDOT approves the route.

- A recent law change granted towns limited authority to open highways to ATVs/UTVs even if the highways are not under their jurisdiction. Act 87 provides that towns may enact an ordinance to establish an ATV/UTV route on a highway not under its jurisdiction, but within its territory, if the speed limit is 35mph or less. This means the town could potentially open a county highway or state highway to ATVs and would not be subject to WisDOT approval.
- If the town opens all town highways to ATVs, it can post signs at all entrances to the town indicating that all town highways are open to ATVs/UTVs. If the town has opened most highways to ATVs/UTVs but only a handful are closed, then the town may post signs at all entrances to the town stating all highways are open, unless otherwise indicated.
- Children between the ages of 12-15 must be accompanied by an adult when riding on designated road routes.
- ATVs and UTVs are clearly required to be commercially manufactured and designed by a manufacturer. No homemade vehicles can be registered.
- Machines that otherwise meet the ATV definition except that they exceed the ATV weight limit may be registered as a UTV if they weigh between 900 and 2000lbs.
- In addition to low-pressure tires, ATVs and UTVs can legally be equipped and operated with non-pneumatic tires.
- All operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet.
- It is illegal to operate an ATV/UTV under the influence of alcohol or other drugs while on any property that is open to the public.
- If a public road is restricted, there is no residential access allowance that permits you to ride on a roadway from a dwelling to the nearest trail or route. You will need to haul your machine.
- Operate at the extreme right side of the roadway surface. Left turns can be made from any part of the roadway surface as long as it is safe.
- You must operate single file.
- You must have your headlamps and tail lamps on.
- You must slow your ATV/UTV to 10 mph or less when:
 - You are riding within 100 feet of a person who is not on a motorized vehicle. This includes, but is not limited to slowing for anglers, hikers, bicyclists, joggers, horses, etc.
 - When you are riding within 150 feet of a home or dwelling.
- You must obey all regulatory signs, such as stop signs, yield signs and speed limit signs.

- Your machine must be equipped with a functioning muffler that prevents unusual or excessive noises.

11. Legal requirements for licensing.

- Jan W. – All UTVs and ATVs required to register for Public Use shall have a plate attached to the rear of the vehicle.
- All ATV operators at least age 12 and born on or after January 1, 1988, must possess a valid ATV safety certificate issued by the state. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request. Certified operators may transport other passengers. NEW - All children age 12-15 must be accompanied by an adult while operating on a designated ATV Route regardless if they possess an ATV Safety Certificate.
- All UTV operators at least age 16 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by this state and be in possession of it while operating in areas open to the public.

C Do they inspect your vehicle when you license it? Do they inspect snowmobiles?

T They inspect snowmobiles. I have been checked at checkpoints in Wisconsin and Michigan. I believe the decibel level is 88 decibels. Your lawn mower and leaf blower would be higher. You can get a fine for it. They do test you.

C Will they do the same thing with ATV's?

T I do not see why not. There are places in Wisconsin that do enforce their decibel laws. They also enforce the width requirements on ATVs and UTVs as well.

C Do they check safety features? Brakes?

T When is the last time a sheriff pulled you over to check your brakes/ washer fluid, etc.? If law enforcement feels there is an issue, they will check you.

T I did contact a manufacturer of one of the ATV's. I asked if any manufacturer recommends the usage of ATV's/UTV's on a hard surface road. Their answer was NO. That is as far as I got with it. As far as the tires, lights, etc. it is the responsibility of the user, not the manufacturer.

12. Insurance – How is an ATV/UTV insured?

C I have to carry insurance on my vehicle. If an ATV pulls out in front of me, would they require insurance as well?

- Jan – Every insurance company is different. Some will insure your ATV or UTV with a rider. Some write a separate policy. Each owner would have to check on this with their Individual Insurance Co. of choice.
- Generally speaking, the town is not liable for any accidents just because it chose to open its roads to ATVs/UTVs. Opening roads falls under a legislative immunity statute. This is not absolute, however. If the town does not properly maintain required signs or does not fix an extremely unsafe condition, it could be liable for an accident.
- Failure to sign the route, yet allowing ATVs to operate, sets a dangerous stage for litigation to follow any ATV accident that occurs on the unsigned route.

T I believe they have to carry the minimum requirement, which is \$100,000 per state statute.

13. Next meeting.

T Identify roads for usage. Determine if we move forward, and if so, will there be a probationary period?
 Barb will provide maps.
 Cost of signage.
 Request DNR officer be present.
 Have a joint meeting again of the Road Committee and ATV/UTV Task Force.

Next meeting: December 4, 2019 – 5:30pm.

14. Adjournment.

Mary Olson: Motion to Adjourn

Larry Barikmo: Second

Motion approved.

Respectfully submitted:

PA
 BB