

OTTAWA TOWN BOARD

Meeting Minutes March 11, 2024

The meeting of the Ottawa Town Board was called to order by Chairman Rupp.

Roll call attendance was taken and Town Supervisors Graham, Jones, Smukowski and Wiedenman were present.

Supervisor Smukowski made a motion to go to public comment first and address item number eight on the agenda directly following public comment. His motion was seconded by Supervisor Wiedenman and carried.

Chairman Rupp announced for public comment that if you have already voiced your opinion, we have heard you, we have taken record. If you have new information, we would be happy to hear that. We have a lot of input. Also to remind everyone that this is not a time for questions and answers with the Town Board. This is simply for you to have a quick comment. It is not a time for anyone else in the audience to talk to each other either. She will give each person 3 minutes, but again, if you've already been heard, whether you are for or against, we appreciate it, you can give your name and address and simply say for or against and not have the whole description of why you are for or against it. During public comment, the following residents spoke:

William Bosenbecker, Parry Rd, provided a handout and spoke to the positions of SVIA and ROHVA organizations opposing ATV/UTV's road routes.

Randy Schumacher, Parry Rd, stated that Parry Rd and Waterville Rd have many commuters, Waterville is a main artery for traffic and very busy, people all speed. The Town has no enforcement. For 6 months, Waterville also has many bicycle groups, a lot of motorcycle traffic and does not need more traffic, congestion and noise. He owns an ATV, and does not agree they should have road routes. They would like peace and serenity.

Chris Kuehl, Ridgeway, opposes ATV routes due to safety and noise. 96 decibels is loud and a group of ATVs would be louder. Compare to average road traffic which is 70 decibels. Ottawa roads are hilly and hard to see. Does not like that 12-year-olds can ride on the roads and aren't aware of all rules of the road. No insurance required, potentially 100's of ATVs with no economic impact to Ottawa but damage to our roads. Town already constrained to pay for road work. He would like the board to choose taxpayers over the Okauchee ATV club.

Darryl Connell, Willow Springs, feels that ATVs are great for farming and hunting, lake ice fishing – not roads. No insurance, No driver's license required, only a certificate, open intoxicants allowable, how to enforce, OWI has no effect – just a ticket, Sherriff and EMT's are very busy. This is taxpayer funded as registration fee for ATVs go to trails not roads. In Asshipun they drive everywhere, hard to see, they ignore stop signs. It's a real problem.

Adam Wrass, Waterville Rd, opposes. He echoes the opposition of ATVs on the roads.

Jeff Schleuter, Glacier Dr, enjoys the quiet surroundings. Their property up north is not quiet anymore with ATVs on the roads. They ride in large groups, increase traffic, noise, ride all day and night. Law enforcement has given up. Traffic has increased greatly. The Town is in a fragile environment. Too late to change up north, but not too late for Ottawa.

Amy Schumacher, Parry, opposes roads as recreational trails. Our roads are curvy, narrow country roads with no shoulders. Difficult for pedestrians already. Spring keeps getting busier with noise and traffic. There will be accidents. Consider safety of our residents.

Paul Mainz, Dolmar Park, said the Village of Oconomowoc and Town of Oconomowoc passed allowing golf carts. A UTV is safer than a golf cart.

Bruce Moore, Glacier Dr., opposes. Worried about the environmental corridor, the club will travel in groups, others will too. Ottawa has great features and campgrounds, bringing in many from outside the area here. Safety for these vehicles that are not designed for roads, on our hilly with sharp curves, unlit roads with high pedestrian and bicyclist use. Waterville traffic doubles in summer already. The rustic road brings large group rides and campground brings in out of state visitors. Noise, air pollution, limited enforcement. Numerous accidents because people do not observe signs. Why add to the problem we already have. DNR acknowledges the issues with the group oriented recreational sport. Keep this area and the Kettle Moraine State Forest rustic and safe.

Jill Vento, Kingdom dr., opposed. Echoes previous statements. Also concern with parking on Waterville, campground, hunters, guns, campers in non-camp areas. South Waterville has many curves, bicyclists don't move. If there is a medical emergency, they don't move. ATVs can't go on shoulders as it will destroy them. This is a recipe for disaster.

Tom Kolander, Glacier, opposed. Lack of insurance, no liability. There have been at least 6 deaths in Ottawa by speeding, motorcycles, corvettes, cars. These cars go so fast, 80-90 mph. Small motorcycles also speed like crazy. Town doesn't have enforcement for this now, how are they going to enforce ATVs? Don't need to add ATVs to the problem. ATVs are not allowed to use the roads, why change the law?

Doroty Crocket, Waterville, opposed. Echoes previous statements. As a horseback rider, the horses get spooked with the motorcycles speeding like crazy. Huge safety issue, with increased touring traffic.

Bob Mabeus, Laak Ln., in favor. Would like to limit some roads and reduce speed limits in some areas. Just close Waterville.

Bruce Reinhold, Needlepoint, in favor. Parry Road group is against, don't include Parry Road and Waterville where there are a lot of car crashes. 12-year-olds driving are up to their parents.

Karen Walker, Pretty Lake Rd., in favor. Rides all the time in Dodge County. Likes to go to restaurants. Haven't seen any accidents.

Charles Walker, Pretty Lake Rd., in favor. Zero problems on Pretty Lake. Homeowners insurance covers the ATV.

Krista Tilliton, Shangri-La Dr., opposed. People attracted to this area, treat the area like a race track. No enforcement, we need to protect kids, pets, wildlife on these roads. With all the current traffic and extreme speeding and blind spots, it will be the ATV riders that suffer, the bicyclists that suffer and the pedestrians that suffer.

Shane Schlieve, Pretty Lake Rd., in favor. Would be good for his small engine business.

Michelle Kuehl, Ridgeway, 1/3 of fatalities on ATVs involve alcohol. Only 8% wore helmets. Most do not currently follow the safety rules. She and a friend were pinned under an ATV when an underage driver, delivering pizzas, threw the ATV into reverse instead of drive. Her friend suffered shoulder surgery and could not return to her job. Many statistics on serious ATV accidents on roads.

Janice Stewart, Hwy. C, in favor. She rides trails up north. It is an expensive hobby; owners are not reckless. The Town can lower the speed limits if concerned.

Donavan Morgan, Scuppernong Cr., in favor. Posted a QR code online.

Zach Hammil, Carriage Dr., in favor. ATVs are designed to ride on roads. Freedom for guns and ATVs. If many here are concerned, maybe you should move.

Mr. Nowak, Shangri-La Dr., all Town roads are a dead end to County and State roads. Residents can only drive their own streets. Adding unknown risk to our roads and schools, kids riding bikes. We trust the board to do right by the residents, not outside ATV groups. Dousman businesses are not dead, and this would not double their business. It is an increase in traffic.

Jean Bosenbecker, Parry Rd., opposed. Nothing against ATVs, but a few of us went door to door. Many residents don't even know about this. Drivers licenses are not required to drive these. DNR Supervisor also stated that there is no use allowed on State parks, forest or parking lots. No turn signals – and hand signals cannot be seen at night. This request is from and outside group to Ottawa. Don't bow to outside pressure.

Steve Spak, Pretty Lake, ATVs work on Pretty Lake. ATV club is not invading the Town.

No more public comment.

The next item on the agenda was for State of WI DNR Final CSM and any necessary waivers. Chairman Rupp recused herself from this agenda item. Supervisor Graham chaired this item. He explained the request of the DNR to split off a parcel of land to sell. Supervisor Jones made a motion to approve the Final CSM and necessary waivers for the DNR property. The motion was seconded by Supervisor Wiedenman and carried.

Chairman Rupp returned to the table.

Supervisor Graham made a motion to address item #6, request for ATV/UTV on town roads next. The motion was seconded by Supervisor Wiedenman and carried.

Chairman Rupp explained that the Town received auto-surveys from an outside source. This was not something that was approved by the Town. We have heard from everybody here, we've had petitions, emails, comments at the Town Hall from many. In the future, do not set up a survey to come to our Clerk. We don't know what can come in that survey, if there are any bots or anything. That is not an acceptable way to get signatures for anything to the Town. The Clerk has been more than accommodating in hearing residents, we've had people in the parking lot on Saturdays, and we allowed the club to have an informational meeting at the Town Hall.

Chairman Rupp shared some board decisions to consider could be if the board wishes to move forward with this, have a workshop, decline this, wait and see what happens in the other communities.

Supervisor Graham stated that he opposes the request. We have no way of enforcing this. We already cannot enforce traffic laws, and adding another layer to that is reckless. Without County's approval on their roads it seems unnecessary at the moment, at this point he is opposed.

Supervisor Smukowski asked if it was verified if ATVs could cross Hwy 67 or County roads? Supervisor Graham answered yes, you can cross if it's straight across, but most of our roads are not straight across. Supervisor Jones stated that you can go from a road, across a County Hwy. to a road. Supervisor Smukowski said he was thinking on Waterville road. Supervisor Jones stated that he was summarizing what he thinks Supervisor Graham said. Supervisor Smukowski stated that he does have one hangup with this whole thing. Where do we stop and limit people from using the roads. We allow motorcycles, and I get that they are dangerous. We let motorcycles, horses, pedestrians why not ATVs. I don't see the concern with a slow moving 4-wheeler or UTV, they can go 60 mph. I know that they hopefully wouldn't. If they are going 15mph, it's no different than slowing down to drive around bicycles, or slow-moving campers, a car, a jogger, a tractor. Where do we limit this? Can a kid ride a scooter on the road, skateboard down the road, can a UTV drive down the road? I don't know. I would be in favor of allowing ATV/UTV routes, and those routes would have to be defined by the Town. He thinks there should be a time when they all get together to determine what makes sense. All roads, some roads, any roads? I don't know.

Supervisor Jones asked Chairman Rupp that sometimes she doesn't share her thoughts, does she have a thought? She stated she is not in favor of opening the whole Town up.

Supervisor Wiedenman stated that he is going down that same path. We've heard from a lot of individuals, constituents, members of the community and outside the community. He's been to the informational sessions here and in Summit, read the emails, the trade groups that are not in favor of road use, yet continue to sell the machines. Many roads throughout Wisconsin have been approved throughout the state, around 52-55,000 miles in the last 6-7 years. Clearly, we

have people on both sides of the fence here. Safety is a concern, but safety is always a concern. You take your life into your own hands whether walking, on a horse, on a bike, scooter, in a car, on a motorcycle or an ATV. It's a valid concern, absolutely. It's a concern regardless of what type of machine you're operating or if you are a pedestrian. A lot of people from Waterville Rd. and Parry Rd. area say they are opposed to this. He could see a path forward perhaps, for ATV road usage, most likely with the exception of certain roads in this municipality. He thinks there is a lot more work to be done to determine that. Of all the people he has spoken with, it is just about fifty-fifty. He's also not sure of the timeline on this, but it would be beneficial to know, not a yes or no option on a ballot, but for informational purposes to see who is for or against ATV/UTV routes on town roads as a ballot measure. The Chairman stated that this does not qualify as an allowable referendum question. Supervisor Wiedenman stated that it is challenging, in that even though we have a lot of people in the audience, we have only heard from a small subset of the population here that is being represented.

Supervisor Jones appreciates all the comments from everybody here, all the emails and information and the insight he has. Like Supervisor Smukowski, he has some angst as he looks at it like we open up the roads to every other taxpayer. To add to the list, he's seen people with roller blades and cross-country skis and we don't limit the roads to anybody, they're public use. Pretty Lake has had ATV road routes for 10 years, we approved that and he's not aware of complaints and no negative comments from some of those residents he spoke with. People go see their neighbor instead of driving their car, or walking or riding a bike they use an ATV or UTV. No sound or noise level issues. They use it as a utility to go fishing in the winter, go to their recycling, dump leaves. A live example in our Town that has worked for 10 years. He also has a cottage up north and he lives in an area with heavy ATV/UTV usage and they have road routes. Many people use them to get to trails but also many use them to get to local bars and everything else. It can be hard to be patient to go around them, that community has a limit on speeds, he thinks they're all 15 mph, but he sees responsible people using them. Kids are wearing helmets; kids are with adults. Because he reads the laws and 12-15 yr. olds have to be accompanied by a parent. He thinks of it as just another means of transportation. Is it fair to limit people? If someone wanted a horse and buggy to go down the road, would we be limiting that? They are public roads, and with some evidence that supports safe usage, then he stated, we are going to have screw-ups. We are going to have people driving in other things with alcohol. We're not promoting any of that use. If this was approved, we would be promoting safe and legal use. He hears people from Waterville and Parry Road, then he thinks, well, we approved Pretty Lake because a majority of people wanted it on Pretty Lake. Many times, as a representative of the people, I think I'm voted to represent the majority. But here, it is hard to determine the majority because we can't have a referendum on this. We have to hear from how many residents come in, and ping us this information and it's kind of 50/50. If you pull some of the areas out and say maybe this area, we should just not do it. Maybe we should try other areas. Waukesha County is not going to approve this unless they see results from the Towns and Villages, so we can't wait for the County to make a decision first. We have heard that 33 other counties have legalized it in the state. Other Counties have legalized it and he hasn't seen big articles that they regret those decisions, because they could take that ordinance and turn it off. Eagle has been doing it for a year now. We got feedback from Eagle; they didn't rescind that. He thinks law abiding, responsible use is okay. He is in favor of some type of use. Maybe that's a preliminary trial, and then later it becomes more as it's consistently law-abiding citizens. He bumps into

unlawful citizens all the time, or hear about them. He was an EMT in Dousman for 10 years, so he went to lots of car accidents and lots of motorcycle accidents and saw lots of illegal use. That doesn't mean we should restrict the legal use by law abiding citizens.

Supervisor Jones made a motion that we consider an ordinance to consider certain road routes to become UTV/ATV acceptable following an agreed upon ordinance by the board, and full signage, for wherever that is, being in place. Motion was seconded by Supervisor Smukowski. Supervisor Wiedenman asked Chairman Rupp for some sort of trial period. He realizes we would be developing this all together. Supervisor Jones answered, everything is sort of a trial period in an ordinance because we've rescinded ordinances all the time. Chairman Rupp asked if the board would like a workshop for working through this or at a town board meeting? Supervisor Jones stated it's difficult at a town board meeting to have a workshop. Supervisor Smukowski thinks it would be useful to get more information from the attorney. Chairman Rupp asked if Supervisor Jones would like to add to his motion to consider certain roads to be ATV/UTV compatible and full signage be at a workshop and then bring it back to the board? To add a workshop so that we have that in the motion so that people know what we're going to do? Clerk Geyman read what she had as the motion. She also asked if Supervisor Jones would like to add to that motion? Supervisor Jones stated that he doesn't need to add to that. Chairman Rupp is wanting to make sure the intent of his motion is clear. Supervisor Jones said okay, the intent is that we consider ATV/UTV road use, following an agreed upon ordinance and agreed upon roads and agreed upon signage all in place before it starts, if it takes us a year and a half to do that. Clerk Geyman wants to know what the motion is. Supervisor Jones stated it is to consider certain ATV/UTV road routes, following an agreed upon ordinance and road signs in place. Chairman Rupp asked is this seconded by Supervisor Smukowski? Supervisor Smukowski stated yes, he did. Chairman Rupp stated that we have a motion and a second – and began to read the motion back – Supervisor Jones added if we just can't agree on anything then it just won't happen. Clerk Geyman stated this was hard to follow, because of adding and changing things. Supervisor Jones specified again, pending or following an agreed upon ordinance, road routes and signage in place. Supervisor Rupp asked if Supervisor Smukowski also seconded that. He said yes, he seconds that. Chairman Rupp read the motion back, The motion is to consider certain roads to allow ATV/UTV road routes with agreed upon roads and signage pending agreed upon ordinance. Supervisor Jones stated that covers the intent. A vote was taken and carried with 4 in favor and 1 opposed.

The next item on the agenda was the Treasurer's monthly financial activity report. A motion was made by Supervisor Graham to accept the Treasurer's report as presented. The motion was seconded by Supervisor Smukowski and carried.

Supervisor Graham made a motion to accept the Building Inspector's monthly activity report as presented. His motion was seconded by Supervisor Smukowski and carried.

Chief Bowen from the WLFM gave his report. He would like Ottawa to work on a draft burn ordinance, and will forward the Clerk some information. Burn permits through WLFM work great, free for a permit through the year, and then they have contact information to reach out to those residents when there may be a burn ban in place.

The next item on the agenda was for Payne & Dolan, Conditional Use and Site Plan/Plan of Operation request for a temporary/portable asphalt plant. Supervisor Graham explained that it will help Payne & Dolan when they get a project for local work. Supervisor Wiedenman also stated that it is better environmentally to be closer to a project. Chairman Rupp stated that they use materials that are on site. Supervisor Jones made a motion to approve the request for Payne & Dolans CU/SPPO for a portable asphalt batch plant per the Planner's report. Supervisor Wiedenman seconded the motion and it carried.

The next item on the agenda was for Elizabeth and Borislav Sucevic, request to amend the Town's CDP map. Supervisor Graham explained that they currently have a shared driveway with 2 other parcels. They wanted to give the back 3 acres to their daughter and building a house on it, making it then 4 access points on the shared driveway. Planner Scherer has recommended denying this request. Supervisor Graham made a motion to deny the request to amend the Town's CDP map. The motion was seconded by Supervisor Smukowski and carried.

Clerk Geyman went through the proposed budget amendments from the accountant. Supervisor Graham made a motion to accept the budget amendments as presented on the spreadsheet from the accountant, Howard Jeanson. The motion was seconded by Supervisor Wiedenman and carried.

The next item on the agenda was to revise section 9.01(2) Regulating Hunting and Discharge of Firearms. Supervisor Graham made a motion to table this item until the April meeting. The motion was seconded by Supervisor Wiedenman and carried. Supervisor Jones will research to clarify what existing laws are out there. Supervisor Jones stated that he will BCC email everybody with his findings.

The next item on the agenda was for roadside brushing considerations. Supervisor Jones made a motion to have JMG services do 150' free of charge. The motion was seconded by Supervisor Wiedenman and carried. Supervisor Smukowski made a motion to have Northwest Services brush areas #5-10 and #1 on the map, at Supervisor Smukowski's direction, to see how far that gets us, not to exceed 80 hrs., one man @\$145/hr. When there's extra time, Supervisor Smukowski will direct the next area. The motion was seconded by Supervisor Graham and carried.

The next item on the agenda was to consider having Delta 3 look into the ARIP grant. Supervisor Graham made a motion to deny sending this to Delta 3. The motion was seconded by Supervisor Jones and carried.

The next item on the agenda was to consider crack filling for 2024. Supervisor Graham made a motion to have Delta 3 submit a bid proposal for crack filling roads for the 2024 road project and to give us a list of recommendations for which roads to consider. The motion was seconded by Supervisor Smukowski and carried.

The next item on the agenda was for outbuilding maintenance plan. Clerk Geyman shared one quote for painting from Schlueter Brothers and is waiting on one or two more. She also shared a

quote on a new recycle sign from Accurate Graphics. She stated that she is waiting on two quotes for the park sign as well. No action was taken.

The next item on the agenda was for Town Hall maintenance. Supervisor Jones made a motion to follow Supervisor Smukowski and Building Inspector Marks recommendation and spend \$400 and put new gutters up on the corner of the building by the Clerks office. The motion was seconded by Supervisor Graham and carried.

The next item was for consideration of an alternate holiday for Good Friday, March 29,2024 due to the Clerk being required to hold early voting until 5:00 p.m. that day. Chairman Rupp suggested that in the future, holidays can be worked out between the Chairman and the Clerk. Supervisor Jones made a motion that going forward, any holiday or non-holiday exchanges be worked out between the Chairman and the employee. The motion was seconded by Supervisor Graham. Supervisor Jones clarified it's trade, not compensation. Supervisor Graham included that in his second and the motion carried.

There was no new information from Supervisor Jones on the park sign.

Under lakes update, Supervisor Jones shared there is a push to avert the recommendation. The recommendation was that we talked to the lake leadership and gave them direction years ago to extend information to all the residents and get those opinions, talk amongst themselves, the three lakes, and then bring us a request for an action. He stated they have not done that. Supervisor Jones said he can tell them in an email, send it to Mr. Kraeger and Mr. Stekar, and copy Supervisor Wiedenman, who can then forward to School Section Lake, and say here's what we want. We told them how to be successful, they've pushed back, and therefore we're not hearing anything on this.

There was no park update.

Supervisor Graham made a motion to approve the minutes from the February 12, 2024 meeting. The motion was seconded by Supervisor Jones and carried.

Under correspondence, an agenda from County Park & Planning considering Benidt CU/SPPO request, thankyou card from Mukwonago Schools appreciating our time allowing him to speak about the school referendum, OASC.

Supervisor Graham made a motion to pay bills as listed, in addition to payroll and associated withholding payments for L Geyman, M Barnhart, cardmember services and WE energies. His motion was seconded by Supervisor Wiedenman and carried.

A motion was made by Supervisor Jones and seconded by Supervisor Smukowski to adjourn. Motion carried unanimously.

Respectfully submitted,
Lori J. Geyman, WCMC
Clerk/Treasurer, Town of Ottawa