

TOWN OF ST. GERMAIN
Non-Motorized Trails Committee
Minutes November 16, 2020

- 1) Meeting called to order at 5:33 PM
- 2) Roll call: Committee members present at meeting were Jim Swenson, Jimmy Vogel, Bob Schell, Penny McCormick, Anne Small. Absent was Lynn Upthagrove. Also present were Gary Penner, Jack Bourgeois, Holly Tomlanovich, Sherry Stecker, Tom Christensen, and three other community members.
- 3) Open meeting verification – meeting agenda posted Saturday, November 14, before noon.
- 4) Read and approve minutes of last regular meeting – Bob Schell made motion to approve the minutes from October 20th, meeting, Jimmy Vogel seconded motion. Motion carried.
- 5) Citizen Concerns – no citizen comments outside of the agenda item 6a.
- 6) Bike & Hike Trail
 - a) Discussion with ATV club about location of North-South ATV trail connector

- i) Anne Small described the location of the section of trail where the ATV Club would like to share part of the bike trail corridor as being across from Cathy' Ice Cream Shoppe. Anne Small stated that it is the hope of the Non-Motorized Trail Committee to keep the blacktop portion of the bike trail as strictly non-motorized. She said that the committee would be glad to work with the ATV club to have side-by-side trails. Of the 53 miles of the paved bike trail from St Germain to Mercer, she said that it probably wouldn't be the best thing to have our town be the only one with part of their trail being used by motorized vehicles. Anne Small asked if any other committee members would like to comment.

Bob Schell spoke and said that he is also in favor of allowing the ATV trail to run through that area, but that he would like to see some kind of barrier between the side-by-side trails. Bob suggested something like the split rail fence that you see along Hwy 70 in Arbor Vitae might be an option.

Jimmy Vogel stated that he also sees value of the ATV trail connector. He said he would also like to see the ATV trail off of the blacktop bike trail with some sort of barrier between the two trails. He also would like to see their trail be recycled black top to keep down the dust and keep the amount of gravel kicked onto the bike trail to a minimum.

Gary Penner from the St Germain ATV Club spoke next. He said that this connection trail is not an ATV club request, this is a request from the local businesses on the south end of town, including bars, restaurants, hotels and gas station, and also access to County J. He said safety is at the top of their list. They need a 12' trail and that their proposal is to expand the 8' blacktop to 12', so as to not cut into the property owners land as far. They already have to move sprinkler system on John Vojta's north property. The proposed trail would be 394' across John Vojta's north property, across Lakeside Lift & Docks property, then when they get to John Vojta's south property, the trail would utilize the easement driveway to cross and use the driveway shared by Cathy's and Mobil Station, then go across Mobil Station property to the south driveway, then across to Tiki Bar and then get back over to restaurants and bars and Highway J. He said their intent is to get away from eating up land owner's property. All of the property owners have product on display that they sell and they are not wild about having a fence or anything that would block their display. He said there is precedent for making this a multiuse trail. He stated there is a trail north of Eagle River that is ATV, horse, bicycle, pedestrian and snowmobile, and there have been no incidents there. Gary said that it is controlled with signage, speed limits of 10 mph. He said there is multiuse that isn't labeled as multiuse, the bikes use the ATV trail that goes through the town park. He said that they are seeing bikes using the ATV trail that runs up to Half Mile Rd. He said that ATVers are very respectful for other users.

Anne Small asked for clarification on whether they were saying that they are planning on expanding the current bike trail and using the bike trail itself. Gary Penner said yes, that was

correct. Anne Small stated that based on the survey map that we had for the easement she can't tell where the bike trail itself falls in the easement. She asked if there would possibly be room to keep the trail separate if the bike trail were moved all the way to the Highway 70 side of the easement and then putting the ATV trail next to it. Anne Small also noted that the Heart of Vilas Trail, which St Germain's trail is a part of, just received national recognition as a National Recreation Trail, and it would not look good to now make part of it motorized. She also stated that the bike trail that was planned for the 50' corridor to Half Mile Rd hasn't received funding go ahead from the town yet, which is why that hasn't been put in place, and that we were not designating any of the ATV trail for bicycle use except in the winter when the fat bike loop follows part of the ATV trail. She said this trail was originally laid out as a winter fat bike trail. She stated that she feels that the people who come up here and feel they can safely use our bike trail with small children and now encounter a vehicle on the bike trail would not be safe.

Jim Swenson asked Gary Penner to again explain the proposed route. Gary again stated the route across to Mobil station and that Tiki Bar has already put in a trail across their property to get to Parkway. Gary also stated that eventually the ATV trail down the highline will be in place. Jim Swenson asked for reason for crossing the highway. Gary stated that it is partly because they haven't been in contact with the property owner between Vojta and Thunderbird, and also to get the ATVs off of the bike trail quicker.

Jimmy Vogel asked if Gary was planning on coming down Sunrise Ln all the way and then have to take the bike trail gate down. Gary said they would be coming down Sunrise, but wouldn't widen that gate. They will be putting a separate access through Austen's property to get to Vojta's driveway. Jimmy Vogel asked if this would be on the pedestrian path. Gary Penner said, no they would be coming more straight off of the Sunrise onto Vojta's property.

Jimmy Vogel also said another concern is that if they start using this part of the bike trail, will they want access to Lynn Ann's Campground and Sister's Saloon. Will this make the ATVs want to be able to use bike trail to get to those roads that currently don't have access to the ATV trail system. Gary Penner said that west of town they already do have ways to access that area west of town on snowmobile trails. Gary said that would be discussion of future trails and that he understands that we are worried this would set a precedent. Jimmy Vogel said that ATVs are already riding on the bike trail in many places. Jimmy said that there needs to be better education, and rules on maps.

Anne Small asked if it would be possible to have just a small segment of the ATV trail be single wide and still fit that next to the bike trail. Gary said no, because when they meet they would swing over onto the bike path to get around each other. He said they require enough room for two 5' utvs to pass by each other safely. Anne said that right there is a good example of why this isn't safe, if you have two ATVs passing and a family with small kids. Gary said that the trail north of Eagle River shows the ATVs look out for other people. He said ATVs pull over and have to yield right of way.

Penny McCormick said that in the summer this area in question is the busiest place in St Germain with little kids. She said it is not a safe situation to have ATVs around them. She said even having bicycles and pedestrians in close proximity is sometimes a tricky situation and now you throw in heavy vehicles like ATVs. She said that is definitely not a safe situation. She stated that on a busy day in the summer it becomes a dodging situation as it is.

Anne Small said that the shared trail up north wider and it is a different trail situation because you have an expectation that ATVs will be on that. She said that our paved bike trail is non-motorized and people don't have that expectation and then all of a sudden you encounter an ATV. She said she didn't think this was a safe combination. She also said that allowing ATVs to use the bike trail in this segment will give ATVers the feeling that they can ride the bike trail in other areas, like along County C where they are already riding down the bike trail. She said she didn't feel this was a good precedent to set.

Jim Swenson said that the trail that the ATV trail is talking about is the trail that comes out of Eagle River and crosses G, not the Conover to Phelps trail, but this was a rail trail and is a wider trail. Jim also suggested that maybe we need to get the easements widened to 20' in the segment in question, giving the bike trail 8' and ATVs 12' and pave that whole 20 with a barrier in between

that allows no cross-traffic back and forth. He also said that safety needs to be priority and that there needs to be a lot of signage, especially that this is the only segment of the entire bike trail where ATVs are allowed.

Gary Penner said that their trail has to be 40' from the fog line of the state highway. Then he said right now its 30' but there is legislation to get that changed this winter. He said that there will be push back from the land owners that any kind of barrier will obstruct view of their product and that going farther into their properties would most likely not get approval of property owners. He said he was sure they would be able to get the 12' paved trail, but possibly it would be worth trying to consider putting a separate bike/pedestrian path further over toward highway 70 is something to consider.

Bob Schell said that it seems like the business owners are begging for this. He asked if they should have some flexibility. Bob asked how many avenues have been explored to get around this issue other than doubling up on trails. He asked can you cross at some other point and go down the other side. Gary Penner said they have looked at other options, but there is no room on the other side of the road. Gary also said that the two business owners whose property the trail will be crossing have no benefit from the trail. The businesses that benefit are not the properties being impacted. Bob Shell asked if there was a way for the ATVs to get from J to cross by Pub n Prime to Mobil and Cathy's. Gary Penner said that the only way is from the south and would have to go all the way around from O to D to J. Bob Schell suggested having an on site look with the ATV club at the trail location. Gary agreed that would be a good idea. Bob Schell said that he didn't think a split rail fence would impede on the businesses in that stretch.

Jim Swenson asked if the ATV trail were to cross by Cathy's and come back across at Pub n Prime, what would keep them from running the rest of that stretch on the bike trail beyond to Parkway. Gary Penner said that they would have signage to show the route.

Anne Small noted that in the summer, her husband has stopped ATV on the bike trail on many occasions and he also stopped and talked to one of the Vilas County sheriff officers who were in town and that officer told him that they have so many complaints about ATV violations that they can't keep up with them.

Tom Christensen said that ATVs are covered by a law that a certain date if you were born before that date you are required to take a safety class. Tom said that he doesn't think the ATV club has gotten permission from DOT to cross they way they are saying. He said that he highly doubted that the DOT would give that permission for two crossings on a corner with short site distance. He said that he has done a lot of snowmobile crossings since 1996 and have had to move a lot of crossings because they don't meet regulations. Tom said the only way can see to get a trail through there is to go all the way through just like the snowmobile trail goes to the road by Thunderbird. He also said that the bike trail is on the road from that point along J and then turns east along highline. He said that the trail is already on a motorized path there and feels as a town we can't get hung up on motorized versus non-motorized. He mentioned that he has seen and stopped people running along Highway 70. He said that there is no way to completely stop that. He said that we need this as a town and we need to make this work. Tom said he already spoke to John Vojta and he wasn't sure if John would go for a split rail fence. John Vojta already told Tom no to a light barrier. Tom said that hearing that the ATV club is willing to widen the path is great. Tom also said that maybe the pedestrian path could be moved over to the edge of Sunrise and let the ATVs go where the snowmobiles currently go, so they stay apart for even more of a distance. Then he said, but that screws up the bike trail further down by Holiday. He said that maybe the bike trail should be moved away completely off of where it is now and onto Sunrise and then making some pavement and going across to Vojta's property. He said there is going to be a point in time where the two will come together. Tom said that if there was any other way to do this. He said he has tried many different ways, but there wasn't another way to go through. He said that if the snowmobile trail got shut down we would be in big trouble. He said that is the most valuable piece of property as far as trail systems go. He said fortunately that the snowmobiles and bikers use the trail in different seasons. He said that the bike trail got put on top of the snowmobile trail. He said that snowmobiles have damaged the trail but that is part of life. Tom said that he would like us to keep our minds open and if a fence can't go in there, we can't do it on a trial as there are

too many dollars invested there. He said the town has been very supportive of getting the bike trail done. He said that the taxpayers on their backs have paid for half of the trail and the other half was done with some funding and grant programs. He said the taxpayers have made big investments in it and the town board diverts money for bike trail and have done so since it came into existence. He said we realize that the town, as an example, paid \$24,000 to fix where the roots damaged the trail by the elementary school. He said we want to also be supportive of ATVs. He said we want to have ATVs have access all through the town. He said that he is sorry, but there is a section of bike trail that just has to have ATVs go through it. He said there are ways we can make it better for both parties, but that trail has to go through there. Tom Christensen said that he doesn't want to offend anyone, but he said that the town has moved ATV/snowmobile trails out at Fern Ridge. He said that the ATV/snowmobile clubs didn't necessarily have to move those trails, but they got out of the area so that the trails can be utilized by silent sports people. He said they have been accommodating wherever they can be accommodating. He said he is really thinking, "We've gotta have a fence. We've gotta have this. We've gotta have that." He said that is not what we need here. He said we need here is, we are going to have it go through. Now let's make it the best we can and work with the land owners and the town board is there to support us. He said that the ATV trail up to Half Mile Road, we already have bikers using that trail that is just a dirt trail. Tom said that this is just his hope, his wish, his prayer, because it just needs to get done. He said everybody knew this is like trying to move the wall. He said the first reaction is and always will be 'It shouldn't be there. It isn't safe. It can't be on our the black top. All those things we have heard in other communities and other areas.' He said there is just so much land there. He said if the land owners will give up more land to make it wider, that would be great and that conversation should be had with them. He then said to the ATV guys, 'you are on that path all the way down to Parkway.' As a town board member, he said he wants to work with us to make it as palatable as possible, but we've got to realize that it's got go through. He said we just can't have demands, but it must be shared and it has to go through. He said he appreciates all the help of the committee and the ATV group. Tom said that a lot of the people he talks to in the side by sides are usually families, who aren't just groups of a bunch of guys out riding. He said that this is different than the 'cowboys' you see out on snowmobile side of things. Tom said thanks for the time and he plans to work with both sides.

Terry Duke addressed group next. He said that everyone is thinking about how to safely move forward. He said that combining motorized and non-motorized uses in this area is extremely marginal at best. He said that he remembered that there was a winter trail issue a few years back. He said that the issue went to a third party, Dale Mayo. He said that perhaps whatever the town decides, that maybe it is in our best interest for safety for doing our due diligence for whatever is presented, is looked at as far as engineering. Terry said that receiving that National Recreation Trail recognition is a very big kudos. He said all of these things need to be considered before we begin tearing up ground, removing or widening things. He said that all of these things need to be looked at methodically to make sure safety is our town's principle concern.

Gary Penner said that actually that DOT doesn't have anything to say about going from easement driveway to easement driveway and law says you can go from road across the state highway to a road or a road to an easement driveway, or driveway to a road. He said they would be going driveway to driveway and driveway to driveway. He said they would rather not cross twice, but so they can get off of the bike patch sooner, that is what they plan to do.

Tom Christensen said that the difference here is that that is a trail and that is where you are going to have a problem. He said, people leaving John's driveway over to the gas station aren't going to have a problem, but when you route the trail through there, that is where you will have a problem.

Holly Tomlanovich spoke next. She stated she is on the Vilas county board and is the chair of the Vilas County Land and Rec department. She said that when it comes to trail and route development, there is a plan in place. She said if there were any funds for the project that those funds would come from the Department of Natural Resources through the off-highway rec fund. She said there are strict guidelines from the DOT and the DNR about what signage has to look like, the signs, type of posts, and where they have to go. She said that it would be a good idea to have

someone with a pair of engineering eyes to go through. She said that if it were to be a full-blown engineering project that would cost about \$50,000, but someone with a good set of eyes and experience could handle that. She also said that the county Forestry Rec and Land Department has a process, even when a township is doing the work, that they have a process to make sure the trails and routes meet the guidelines set up by the DNR. She said the other rep that would be involved is Jason Molle, the Vilas County rec officer. She said he is a Vilas County deputy. She said he is very open to getting a phone call, understanding we have this area, it's new and prone to having some misunderstandings of how it would operate. She said he is literally willing to sit in an area with the assistance of another sheriff deputy, just to make sure things get started on the right foot, because once things go off the rails or out into the field, then it's kind of hard to reel it back. She said he is willing to take that extra step, takes the job seriously and does it 24 hours a day, seven days a week. She says there are fail safes in place. She said the only thing the county can't help either of these groups with is money, because she didn't think this project would be eligible for funding, but she would check into it. Terry Duke thanked her for explaining that. Holly gave everyone her contact phone number 715-617-4708. She said she is open to this issue or any other trail or lands issue.

Jack Bourgeois, secretary of St Germain ATV club, stated that he is the one who looks up the deeds, the rules, the regulations, the laws, on behalf of the club. First, he said that you will see the easement on the survey and see the number that refers to the 10' easement of the power lines on these properties. He said that back on September 12, in the board minutes, he said that is when the easements were put on some of the deeds. He said that not all of the deeds have the easement he was going to talk about. He said one of the deeds has an easement in there, maybe the Jim Austen property, that from an engineering standpoint, goes down to 15' are here with a longitude and latitude, and even when there is a curve, what the radius of that curve is. He said those are carved in stone in those deeds and if you are going to straighten out the bike trail or move the bike trail, you are confined within that 15'. He said that anything above that we would have to get lawyers to go in and change the deeds, and if the property owner is willing, then fine and dandy, but if he says no, then that is what we are confined to do. He said there is one curve by a telephone pole that should be straightened out and they have already moved the guy wire and he thought the snowmobile club paid for that. Anne Small stated that her question was where exactly the bike trail itself lies within that 15' easement based on the map because the bike trail isn't shown on the map. Jack said that the way the survey is shown is that there is an easement on Jim Austen's property that says there is a utility trail on his property that goes from point A to point B. Jack continued to say that there is another easement that is still in Jim Austen's property that is a 15' easement that sits right on top of the utility easement. He said that we have to keep in mind that we don't own these properties and if we want to widen the trail, we need to have the ok of the property owner. Anne Small said that she wasn't saying anything about moving the bike trail without knowing where the easement was. She said that her question was whether it would be possible to move the bike trail to the edge of the existing 15' easement to make enough room for a narrower ATV trail, but that she understood that the ATV trail width requirements wouldn't allow this to happen. Jack stated that in the minutes from Sept 12, 2007, a question came from a board member asking if all of the land owner use agreements were gathered, the answer from the chairman was yes he had them all, but in a freedom of information act request to the town clerk, there was no response and they couldn't find any of these documents to see what they actually say.

Jim Swenson asked if he could have a copy of the documentation that Jack Bourgeois would be giving to Tom Christensen regarding the DOT information about crossing the highway. Jack Bourgeois said that that documentation is the DOT handbook for snowmobile trails, ATV trails and what the rules and regulations are when crossing the state highway. Jack said that he would bring that down to Tom Christensen tomorrow. Tom Christensen said to Jack that the club would still need an access permit to Highway 70, and that he didn't think the DOT would give them a permit on the corner.

Anne Small asked the ATV club if the trail were not given permission for the trail to cross Highway 70 by Cathy's whether they had the last property owner's permission to use the

easement. Jack Bourgeois said that the only property they haven't been able to get a hold of Goffard property, which is between the Thunderbird property and Vojta's dock property. Jack said that the DNR has already approved the highline trail off of County J. Jack explained all of the access roads that will be put in off of the highline and that they could access Thunderbird from that side, but you would have to go all the way down to O first. Anne Small again asked what would happen if the ATV Club can't get permission from the DOT to have the trail crossing the highway by Cathy's and then the other land owner does not grant permission to use the easement. Jack said he can't see that happening, but if it does, then they would be land locked where they can't get form the north side to the south side.

Anne Small said that the ATV club and trail committee should schedule to meet on site to look at the trail location. Gary Penner agreed and said that he would like the land owners to be present, as well. Penny McCormick asked if their plan hinges on getting the permission from the Gafford property and if so, then there is no point in meeting until they have that permission. Gary stated that they don't plan on using it, but said that we should let Jack and Tom Christensen take a look at that this week. The date was set as, Friday, December 4, at 2:00 PM, to meet at the Mobil station parking lot. Gary Penner said he would get in touch with the land owners to make sure they can attend.

7) Awassa Trail

a) Work session discussion – Jimmy Vogel asked what we were planning on doing at the work session on Friday, November 20. Anne Small said that she was thinking to use the chipper to clean up the brush along the new loop. Jimmy asked if we needed the Gator. Anne said yes. Jim Swenson asked if we could also limb up the trees in the parking lot. Committee agreed to meet at Eaglewatch parking lot at 12:15 PM for the Friday work session.

8) Bob Schell made a motion to table to rest of the items on the agenda until a future meeting date. Jimmy Vogel seconded motion. Motion carried.

9) Schedule next Trails Committee meeting on November 24, 2020, at 5:30 PM

10) Anne Small adjourned the meeting at 7:01 PM