

Town of St Germain
Non-Motorized Trails Committee
Special Committee Meeting Minutes
March 2, 2021

1. Meeting called to order at 6:45 by Jim Swenson.
2. Roll call: present Jimmy Vogel, Bob Schell, Anne Small, Jim Swenson, Penny McCormick. Absent was Lynn Upthagrove. Others in attendance were Ted Ritter, With 9 other people in attendance via zoom.
3. Citizen Comments:
 - a. Ted Ritter read a letter from Leslie Hiller voicing concerns against allowing a shared trail between bikes and ATV's. Her letter stated that the ATV traffic would be detrimental to her businesses which are directly across from the area in question. Ms Hiller's concerns also included safety of the non-motorized users.
 - b. Jim Swenson read a letter from Len Larsen voicing opposition to a trail with shared usage between ATVs and non-motorized users. Mr Larsen brought up safety concerns and suggested some kind of barrier between the two user groups. Mr Larsen also noted that the property owners along Sunrise Lane might also see a negative affect of property value and should be notified of the trail proposal.
 - c. Terry Duke spoke, reminding people that the St Germain Bike Trail as a part of Heart of Vilas Trail System received recognition as a National Recreation Trail. Mr Duke said that any kind of co-mingling might jeopardize the trail designation. Mr Duke said that the co-mingling of uses.
 - d. Kelly McGill pointed out that, even though it isn't the part of trail the discussion will focus on tonight, she mentioned that several times during the summer they have to stop people who are riding their ATVs or UTVs on the bike trail. She said that the people seem to be confused about where they should be riding. Ms McGill feels that people who ride ATVs on the shared trail in town may be under the impression that they can use the bike trail in other parts of the town.
4. Gary Penner from the St Germain ATV Club presented information on their proposal to connect south and north ends of town. He said club wanted to provide a safe passageway for everyone. He said that once highline trail is in place, this will allow to connect to all the residents and businesses along that section. Gary said they are getting calls from people complaining about ATVs riding along the segment in question, as well as liability concerns from the property owners. He said that without a formal ATV trail there is no signage or speed limits, making it a risk to bikers and riders. He said that having a designated trail would protect the property owners with the "Berry Pickers" Law.

Mr Penner said they met with property owners along Sunrise Lane from Holiday Dr to J&J Services property. Mr Penner said that they would prefer to have the ATVs on the other side of the trees rather than right on Sunrise Lane. Mr Penner also said that Austen, the property owner at the end of Sunrise Lane, will not grant an easement from Sunrise Lane to the J&J Services property, but he will grant an easement along the highway side of his property.

Gary Penner said the proposed plan had the following details:

- Include ATV's on multi-use trail for ~950'
- Per National Recreational Trails System entire 52 miles of 'bike/hike' trail is already designated as a 'multi-use' trail (12 miles in St. Germain)
 - Obtain 20' easement from property owners on top of existing 15' easement across 2 J&J Services properties and 29September property
 - Widen the multi-use trail to be 16' (additional 8') for ~950'
 - Asphalt blended into existing 8' path to be seamless
- At the request of property owners install split rail fencing along west side of multi-use trail to protect J&J Services irrigation system and 29September business signage (~375')
 - Add signage to impose 10 mph speed limit
 - Add signage to indicate this is a multi-use trail
 - Until passage of fog-line law revision, install signage to identify this section as dawn-to-dusk for ATV usage
 - Preliminary cost estimate - \$35K - \$45K – funding solution to be driven by St. Germain ATV Club

Gary Penner stated that they did have the bike trail easement surveyed after the December meeting on site. They displayed the map at the meeting.

Jack Bourgeois gave examples of shared usage trails, which they say are operating in a safe manner. He also showed examples of safety signage in use on those trails. Jack said he spoke with Jeff Pennuchi who is in charge of the grants at the DNR and he said the St Germain Bike Trail grant was originally designated as multi-use.

Gary Penner stated that between 2015 and 2020, there was only one reported incident involving ATVs and pedestrians or bicycles, and no incidents in Vilas County on shared use trails. He also said that the other multiuse trails are not as wide as what they are proposing here.

Wally Geist brought up four points. First, he sees many riders who do not have registration stickers. Second, he said many people use these on farms and do not realize you need a sticker. Third, he said that UTV/ATV owners do not need to carry liability insurance, so how do you protect the bikers and walkers in the even of accident. Fourth, he said that the town did have an accident where a pedestrian was hit by a UTV by the elementary school.

Jack Bourgeois said that the accident Wally referred to was the one they mentioned. Jack also said that the Town of St Germain can change their ordinance to require all riders to have liability insurance.

Wally Geist responded that it would be very difficult for the town to have a liability ordinance since we don't have a means of enforcement.

Bob Schell asked for the club to go over how wide the trail would be and how it would be divided. He asked if the trail would have a division.

Gary Penner said that there would not be a divided trail. He said it would be a 16' multiuse trail and that we couldn't widen the trail enough to have a divided trail because of the stones at the 29 September property.

Jim Swenson asked if they were indeed going for a 20' easement on the properties.

Gary Penner said that they would be asking for 20' easement on J&J Services properties and on the 29 September property, but not on the Goffard property, runs into the highway right of way.

Anne Small said that she had talked with Jeff Penucci from the DNR, who is in charge of grants. She said that he said that a user group can be added to the existing trail, but that no user group could be removed from said trail based on the grant stipulations for the trail.

Anne Small also noted that the examples of multi-use trails are not used frequently by bikers or walkers. She said that there aren't small children and families using those multi-use trails for the most part. Ms Small also noted that she frequently sees ATVs and UTVs doing things that are against the rules and speeding. Anne Small also noted that the designation of the St Germain bike trail as multi-use under the original grant, was due to the fact that it could be used by multiple non-motorized user groups, including walkers, bikers, roller bladers, and also during the winter by snowmobiles. She said it wasn't multi-use with the thought that there would be motorized use of the trail during the non-snow season. Anne Small said that if there isn't a separation between the two user groups on this trail segment, then it should be required that the ATVs and UTVs stop for pedestrians. Ms Small noted that the triangle right of way safety signs shown during the slide presentation by the ATV club were not easy very clear or easy to understand, especially when driving past on the trail.

Gary Penner said that people along Sunrise Lane didn't want the trail along there because of the noise. Gary said that delineators on the trail would mean this couldn't be a multiuse trail. He said that going away from the multiuse trail, would put constraints on the bikers and hikers that wouldn't work. Gary said the ATV trail has to be 12' wide, which would only leave 4' for bikers and pedestrians.

Diane Deter said she no longer feels that delineators would be a safer option on the trail separating the user groups. She said that she thinks a wider trail would allow more room for users to avoid accidents.

Jimmy Vogel said he is concerned that ATV use of this section would promote users to feel like they can ride any other part of the bike trail, to get to Sisters or Lynn Ann's Campground, as examples. Mr Vogel also mentioned that there isn't any enforcement.

Gary Penner said he doesn't know if it will be any worse than it is right now on the rest of the bike trail.

Jimmy Vogel asked, if we have major issues, then do we stop the trail, or what do we do?

Jim Swenson suggested putting a sunset clause on it. Mr Swenson also said that he found the triangle right of way signs are hard to figure out. Mr Swenson said that users need to get educated about it. Mr Swenson said he realizes importance of the trail, but he wants it done in the safest possible way.

Jim Swenson asked for the visual to be put back on the screen of the proposed area and asked for clarification of the trail width across each of the properties.

Gary Penner stated that the trail will be 16' across Vojta's two properties, the 29 September property and the trail crosses just the south east corner of Goffard's property. Gary said that they will skirt along the Goffard property and that the DOT said they could use the right-of-way for the trail as long as it is 40' off of the fog line.

Brian Cooper pointed out that when the land owner has a problem with a snowmobile trail issue, the trail gets shut down.

Terry Duke asked whether the National Recreation Trail designation stated that there were comingling of uses anywhere on the trail.

Jack Bourgeois said that it was referred to as a multi-use trail in the NRT designation.

Anne Small stated that the original grant received for the pedestrian trail portion of the trail does not allow for the removal of an original user group from the trail for which the grant was given. She said that she received this information from Jeff Penucci from the DNR. Ms. Small said she would like to see a sunset clause put in place so that we can revisit the shared trail issue. Anne Small also asked if it could be put into writing that this would be the only section of bike trail where they would want to have shared use between motorized and non-motorized user groups during the non-snow season.

Gary Penner stated that he doesn't know of another instance where they would need to share the trail. Gary restated that they would love to find an alternative, but they haven't been able to find an alternative.

Jack Bourgeois said that in response to Jimmy Vogel's point of getting to Sister's, they already have a plan in the back of their minds that involves private land owners and has nothing to do with the bike trail. Jack said that they do have the ok from the DOT to ride along the highway on the bridge by Sister's, and the reason they couldn't do that in the case of this segment is because of the curve by Pub n Prime, which the DOT said would be a blind spot.

Ted Ritter said that his understanding is that private land owners would be granting the easements for the trail up for discussion. Ted asked that if the land owners did not want to have the trail running through their property, would they be able to shut the trail down like they can do with snowmobile trails?

Jack Bourgeois said that no, they couldn't shut down the trail because it is written into the property deed.

Tom Christensen said this is different than the land use agreement, which is used in the case of the snowmobile trail.

Ted Ritter said why couldn't this be a land use agreement instead of an easement. This would allow owners to say that if they don't want the ATVs to use the trail any further, if there are problems that occur.

Jack Bourgeois said that the club is spending a lot of money to make this happen with the pavement and it wouldn't make sense to allow the trail to get shut down if there is an incident. He said that would be a big cost to their club.

Tom Christensen said that the biggest land owner would be the Town of St Germain from Holiday Dr to the Austen property at the end of Sunrise Ln. Tom said there still would be control by any future town board.

Ted Ritter asked if the town board would have ultimate control.

Tom Christensen answered yes and said that the town won't be giving an easement for this trail. Tom said that the trail can always be reevaluated by the town. Tom Christensen said that the business owners and land owners are asking for it. Tom said that we shouldn't think of one user group as being more irresponsible than another group and that the ATV group is trying to make it as safe as it can be. Tom also said that they are not removing a user group from the pedestrian trail, but we will need to contact the DNR to discuss that. He said that we are moving the pedestrians, just like we moved the snowmobile/atv trail at Fern Ridge.

Bob Schell said that we all agree about responsible people in all the user groups, but what we are worried about is the 5 year old kid because that we can't control. Bob Schell asked if it would be allowed to do single-file only, as some snowmobile trails have.

Jack Bourgeois said that yes we can have signs that say single file only, but he said we can put signs directly on the pavement.

Brian Cooper asked if we could sign Sunrise Ln as 10 mph since we will have bikes and pedestrians over there. Jack Bourgeois said yes they could.

Jim Swenson asked committee what they wanted to do tonight. Gary Penner said they need a yes or no tonight. Tom Christenson said he assumed committee would have a vote tonight.

Bob Schell asked about the distance the trail needs to be from the fog line. Gary Penner said there wasn't enough room to build the trail further toward the highway as ATV trail needs to be 10' off the fog line during the day and 40' off the fog line at night, though they are trying to get that distance requirement reduced.

Jimmy Vogel made a motion to approve the ATV Club proposal of utilizing the portion of the pedestrian trail from Holiday Dr E to the south end of Sunrise Lane, moving the pedestrians over to Sunrise Lane, and then building a 16'-wide multi-use paved trail from Sunrise Ln to Parkway Rd, with proper safety signage to indicate the right of way of users. Lynn Uphagrove seconded motion. Motion discussion: Penny McCormick suggested that the Non-Motorized Trail Committee should approve of signage of the multi-use segment of trail. Tom Christensen said that he didn't feel one committee should be directing another committee. Jimmy Vogel did not change his motion. Roll call: motion carried with all members voting yes.

Bruce Weber stated he was impressed by our community that we can sit down and talk to each other over issues.

Meeting adjourned by Jim Swenson at 8:18 PM