

CITY OF BERLIN COMMITTEE OF THE WHOLE MEETING AGENDA

TUESDAY, AUGUST 2, 2022, 7:00 PM

COMMON COUNCIL CHAMBERS

<https://us02web.zoom.us/j/89319308907>

Meeting ID: 893 1930 8907 - Password: 123456

1 312 626 6799 US TOLL-FREE

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the July 5, 2022 Committee of the Whole meeting.
5. Market Square Presentation. RECOMMENDATION: Listen to presentation with recommendation to Common Council as appropriate.
6. UTV/ATV Presentation from Fox River Wheelers ATV Club. RECOMMENDATION: Listen to presentation.
7. Security Cameras on City Property Presentation. RECOMMENDATION: Listen to presentation.
8. Virtual Equipment Update. RECOMMENDATION: Discussion with recommendation to Common Council as appropriate.
9. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

To: Committee of the Whole
From: Sara Rutkowski
Date: 07/27/2022
RE: Market Square Presentation

I will be presenting an idea I have to help Berlin strengthen our sense of Community, to promote businesses in our area, provide activities for the public, and to serve as a tourist attraction and information station.

I have attached a map of the proposed idea. I have taken no steps besides talking to some governmental agencies about whether they thought this was a possibility.

I need permission to apply for grants or funding as they become available.



Senior Center

Water St

Water St

Water St

Historical Society

N Capron St

N Capron St

Water St

Water St

N Capron St

N Capron St

N Capron St

N Capron St

W Park Ave

Library

Fox River

Fox River

Picnic Area

Info Station

Habitat Restoration

ADA Restroom

Pop up Ice-skating Rink

Markets

Beer Garden

Movie Night/Projection

Downtown Shopping Promotion

North River
AllinOne
Insurance Group
Berlin Police Department
Berlin Community Development
Jelly on a Stick
Rendezvous
Bayside

To: Committee of the Whole
From: Sara Rutkowski
Date: 07/27/2022
RE: UTV/ATV History and Requested Information

Below is the recent history concerning ATV/UTV requests in Berlin, as well as additional information that was requested to be compiled.

Council History:

In June of 2018, the Waushara County ATV Association asked to be placed on the June COTW agenda. An Ad Hoc UTV/ATV Committee was formed and met five times in June, July and August of 2018. In September of 2018, it was decided to send the question to the public via referendum on the Spring Ballot. The referendum question was placed on the ballot for Tuesday, April 2nd of 2019, with the resulting public votes of 467 no and 391 yes.

I have attached relevant Council Minutes with ATV/UTV discussion highlighted, as well as the ATV/UTV Ad Hoc Committee Meeting minutes.

Per request, I have attached a map of surrounding counties ATV/UTV routes, with a DOT map preceding it as they get a little messy. I did not include our southern county neighbors (Columbia and Dodge Co) due to distance but can if requested.

Per request, I have also reached out to the DOT concerning ATV/UTVs on highways. They stated that Council would have to pass an ordinance, subject to DOT approval, that met the State Statute requirements and the speed limit cannot be over 35 mph.

Per request, the following are the municipalities that surround Berlin and whether or not they currently allow UTV/ATV routes. Please remember that all ordinances are not the same and some are more restrictive than others.

Town of Berlin – no
Town of Aurora – no


Per request, I have included the most recent DNR (2021) Wisconsin Recreational Vehicle Safety Education & Enforcement Report. To save paper, I removed any pages that did not have ATV/UTV information on it. The full report is available at:
<https://widnr.widen.net/s/ql5lspr7jc/2021-recreational-vehicle-annual-report>

City Council Minutes

MINUTES
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, JUNE 5, 2018
CITY HALL COUNCIL CHAMBERS

Mayor Schramer called the Committee of the Whole meeting to order at 7:00 p.m. Roll call present: Ald. Lehr, Boeck, Przybyl, Erdmann, Secora and Harke. Staff present: Lindsey Kemnitz, Matt Chier, Scott Zabel, Dennis Plantz, Jodie Olson and Susan Thom.

Michelle Vander Vegte, President of IKWE Development reviewed the recommendation of a midscale brand hotel with 39 rooms. Vander Vegte has scheduled the first investor meeting for June 6, 2018. The timeline would be up to 90 days to find investors. The estimate of the hotel project is \$4.6 million. Vander Vegte estimates 6 to 9 months to build. Mayor Schramer reminded the rezoning of the property is subjected to having plans approved by October 2018. Vander Vegte is hopefully to have plans finalized by August.



Next on the agenda was the Waushara County ATV Association's proposed ATV/UTV Ordinance for the City of Berlin. Brandon Bonfiglio indicated he was a member of the Waushara County ATV Club and was also a Waushara County Board Member. He reviewed the plans to open and maintain routes and trails throughout Green Lake, Waushara, Adams, Fond du Lac and Winnebago counties which would attract tourist dollars to the City of Berlin. Bonfiglio stated that the WI DNR and private companies have grant money available to develop and sign routes throughout Green Lake and Waushara County. Municipalities and private land owners are held to the standards of liability under Wisconsin State Statute 892.52 which holds immunity from liability for those who allow recreational activities as long as the land owner/municipality does not charge for the recreational activity use or there is a malicious failure to warn of an unsafe condition by a government body. Bonfiglio proposed an ordinance that included the speed limit not greater than 35 mph, person under the age of eighteen (18) must wear a DOT approved protective helmet, the hours of operation between 6:00 a.m to 10:00 p.m. daily and they must possess a valid driver's license. He indicated the noise level would be 96 decibels, which is less than some lawn mowers. He indicated they opened 100 miles of ATV routes in Waushara County last year. He further noted that ATV there has been a 30% increase in UTV activity in the last year and average age is 46.

Edmund Marks, 269 Mound St stated that OSHA safety bulletin indicated that ATVs are not intended for paved roads and never to ride on public roads. Marks indicated that ATV manufacturers have stickers on the machines indicating that they are not for paved roads. Marks voiced concern with the ATV exhaust being as loud as 96 decibels, because it is recommended at 80 decibels that a person should have hearing protection. Marks was concerned that ATVs would be able to use any streets in the City of Berlin. Marks stated that Berlin is not a proper place for this. Marks questioned enforcement including loud noise enforcement and if the PD has time for this enforcement. Also, he questioned if hearing protection should be a consideration. He further indicated that according to Green Lake County Code 257-9, the sponsor shall pay for 10 years of signage costs and maintenance. He questioned if there were connection points and why we were being compared to Jackson County with facts and figures, because we are much different and do not have the forested area. Marks felt this would create more noise issues, and there is a place for such an ordinance, but Berlin is not the place and asks that this proposal be rejected.

Felicia Page 191A Broadway stated that she is against ATVs running in town. Page was concerned the main route was Broadway and that 35 mph was a dangerous speed. She felt the hill on Broadway would be an issue. Page was concerned how the City of Berlin would be keeping them off the park. Page stated that the Town of Leon would not allow ATVs. Page stated that she does not approve of this ordinance.

Charlie Beard, 560 River Drive, stated that speed limit on River Drive is 15 mph and the average speed is 25+ mph and it is not enforced well at all. He doubted the ATVs would stay on the street and would go into the parks. He noted that the consumer product safety commission states that ATV's are not designed for paved roads. He questioned the financial information submitted as there are not footnotes or anything to back up the information. He does not trust the numbers and they have not been verified. Beard stated he is firmly against it and will be back if it passes.

Chief Plantz stated the police department could absolutely meet the challenge of enforcing this ATV ordinance even though it is one more thing on their plate.

Erdmann questioned the comparability to Black River Falls since they have a casino and a 1300 acre recreation lake front park with 6 hotels. ATVs come for bars and restaurants, but ATVs are not going to be shopping at stores downtown, such as buying flowers, shoes and antiques. She reviewed the 2002 traffic study that an average of 8300 vehicles uses the new bridge and projected in 2022 that an average of 10,900 vehicles would be using it. This would average 10,300 per day for 2018. The 2002 traffic study showed an average of 12,400 vehicles per day over the Main Street Bridge. It is also projected that in 2022 there would be an average of 17,000 vehicles per day. Using that logic, there are potentially 16,100 vehicles daily using main street in 2018. Erdmann is concerned over too much traffic to add ATV/UTV routes to city streets. She indicated she is totally against this ordinance and will vote no if there is a vote.

Brandon addressed some questions. He indicated the sticker on ATVs is for liability. The noise level cannot exceed the federal level and the PD can fine if it goes beyond that. He indicated the ATV Association pays and puts up the signs. Felicia Page noted that ATVs are not allowed all over Waushara County and are not allowed in the Town of Leon.

Brandon noted that there is always risk involved and they work to minimize the risk by setting hours, speed, and requiring valid driver license and ATV/UTV safety course. Charlie Beard commend that since all city streets would be open to ATV/UTVs that kids could bring them to school. Boeck indicated she is pro ATV and people she spoke to were in favor of it. The people she spoke to were 30-50 years old. Lehr reminded Council of the fight over the truck route situation over Wisconsin Street and stated no constituent wants to deal with that again.

Lehr made a motion to table this ATV/UTV ordinance for the City of Berlin indefinitely. Erdmann seconded the motion. Secora asked for clarification on what indefinitely meant. Chier clarified that the Mayor could put it back on the agenda whenever he wanted. Pryzybl indicated she hadn't heard anything negative. Harke stated the concern is the route. He is all for ATVs, but the route concern is "not by my house". A roll call vote results: Lehr (aye), Erdmann (aye), Secora (aye), Harke (nay), Boeck (aye) and Pryzybl (nay), which was 4-2. Boeck then requested she be able to change her vote to aye because she misunderstood what was being considered and thought roll call was being taken. With her vote change, the outcome was then 3-3. With a tie vote, Mayor Schramer broke the tie by voting nay. Motion failed.

Harke made a motion to recommend to Common Council to form an AD HOC committee to study the ATV route request and that this committee comes back within 30 days with a recommendation. Boeck seconded the motion. Lehr made a motion to amend the motion to appoint Charlie Beard to the committee. Erdmann seconded. A voice vote on the amendment resulted in six (6) ayes, zero (0) nays and zero (0) absent. A voice vote on the amended main motion resulted in Boeck, Secora, Lehr, Przybyl and Harke (5) ayes, Erdmann (1) nay and zero (0) absent. Motion carried.

The Mayor asked for Council members to volunteer, which Boeck and Secora agreed to. Mayor Schramer then suggested the committee be Charlie Beard, David Secora, Kristina Boeck and Chief Plantz. Erdmann questioned if Dennis Plantz was acting as an individual or as the Police Chief. Plantz indicated as the Chief of police. Erdmann then stated she believed Denny had a vested interest in this situation and would not be unbiased and was therefore not in favor of him being on the committee.

Next on the agenda was Municipal Court Agreement and Ordinance Updates. Jodie Olson reviewed that according to the Intergovernmental Agreement adopted in 2009 the Village of Rosendale hereby notifies the termination date is April 30, 2019 the last day of Judge Jaye's current term and that they will transfer of the "Rosendale matters" to their own independent court. Olson stated to review the amended draft of the ordinance for any changes.

Next was Vacant Building Registration Ordinance. Kemnitz recommended a \$75 fee for a vacant building inspection renewal fee. If the building continues to be in violation for the next 6 month inspection, the renewal fee will be increasing increments of \$150 at each renewal to a maximum of \$500. If the inspector is unable to gain access to the structure at the scheduled time there will be an additional fee of \$100. Erdmann stated the fees were in line with the Latest Landlords' Legislation, Act 317. Erdmann made a motion to recommend to the Common Council to adopt the vacant building registration ordinance with the fee structure as presented. Przybyl seconded the motion, which carried by voice vote.

Next was possible amendment to Sex Offender Child Safety Ordinance. Atty Chier stated after reviewing the ordinance his recommendation was to leave it as is. Chief stated that Atty Lloyd will continue the contract to house offenders at 120 E Huron Street.

Next was 2018 Federal and State Taxi Grant Contracts. Lehr made a motion to recommend to the Common Council to approve and authorize the Mayor to sign the 2018 Urban Mass Transit Assistance Contracts between the State of Wisconsin, Department of Transportation for Section 5311 and the City of Berlin for Calendar Year 2018, including the Federal Certifications and Assurances. Secora seconded the motion which carried by voice vote.

Next was 5311 Capital Assistance Taxi Grant Contract. Secora made a motion to recommend to Common Council to approve and authorize the Mayor to sign the 2018 Section 5311 Grant Agreement for \$41,440 for a mini-bus taxi. Lehr seconded the motion which carried by voice vote.

Next was authorizing Resolutions for Grant Funding Applications. Erdmann made a motion to recommend to Common Council to approve and adopt Resolution #18-07 Authorizing Jodie Olson to file applications for Financial Assistance from State of Wisconsin Environmental Improvement fund. Harke seconded the motion which carried by voice vote.

MINUTES

COMMON COUNCIL MEETING

TUESDAY, SEPTEMBER 11, 2018

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Schramer called the Common Council meeting to order at 7:00 p.m. Roll Call Present: Ald. Boeck, Erdmann, Harke, Lehr, Przybyl and Secora. Staff present: Jodie Olson, Scott Zabel, Matt Chier, Lindsey Kemnitz, Gary Podoll.

Under Public Comments the Mayor stated since all the public comments were there for the UTV/ATV item #13 on the agenda, he would call on all those who signed in to speak during that item discussion.

The following items were listed on the Consent Agenda for approval and adoption: 1)Waive the reading of ordinances and resolutions adopted at this meeting; 2) Review and place on file, the written reports from the City Clerk, Treasurer and Building Inspector; 3) Approve the minutes from the August 14, 2018 Common Council Meeting; 4)Accept the Committee of the Whole recommendation to approve the Special Agreement and Amendment to Collective bargaining Agreement relating to post-retirement health insurance issues; 5)Accept the Plan Commission recommendation of the Conditional Use Permit for a six (6) foot fence in the front yard to extend 6 feet from the front of the house for duration of one year at 327 SW Franklin Street, owner TCG Holdings 5 LLC, subject to possible renewal; 6) Accept the Plan Commission recommendation to approve the Certified Survey Map for 537 E. Marquette Street, owner Richard Hayes; 7)Accept the ETZA Plan Commission recommendation to approve the Certified Survey Map for N8720 Willard Road-Owners Wesley and Douglas Bratley; 8) Accept the ETZA Plan Commission recommendation to approve the Certified Survey Map for the Melissa Zamzow property at County Road X and XX; 9)Accept the Oakwood Cemetery Board recommendation to approve and adopt the revised Oakwood Cemetery Rules and Regulations & Fee Schedule and approve and adopt Resolution #18-12 Adopting the Oakwood Cemetery Fee Schedule Changes; 100 Approve the list of bills for payment. Erdmann made a motion to accept the consent agenda as presented. Secora Seconded the motion. A roll call vote resulted in 5 ayes with 1 abstention from item #10 on the Consent Agenda , zero (0) nays and zero (0) absent. Motion carried.

First on the regular agenda was the ATV/UTV Ordinance request. The Mayor thanked the AdHoc committee. Boeck gave an overview of the findings of this meeting, stating that all members of the Committee anonymously voted they would recommend to Council that an Advisory Referendum be held in 2019 for this issue. The Committee also recommends that the referenda questions be designed to ask the citizens if they are in favor of all streets being used or if they are in favor of designated streets to be

used. Boeck read off five (5) points the Adhoc committee would like to be considered for the referenda question or discussion of establishing the "Route" ATV/UTVs could potentially travel on.

At this time Mayor Schramer called Public Participants one by one. Mike Russell, Dorene Raabe, Rick Lambert and Selma Ceman all spoke in opposition to allowing ATV/UTV usage in the City of Berlin. Several stated that IF the Common Council were to vote today that at the very least they would like to see this as a Referenda item on the Spring election. Ed Marks, adhoc committee member spoke as well, he stated at first he was very much against this in the City of Berlin and after listening to all the speakers and experts, he definitely believes the citizens should have their say via referendum. Lastly, Charlie Beard also from the Adhoc Committee spoke against the ATV/UTV Citing growth and economics issues with ATV/UTVs. Ald Secora, also on the AdHoc Committee spoke stating towns already adopting ATV/UTV Ordinances did not cite any issues against ATV/UTVs, however, he did agree there was little to no economic impact reported. Attorney Chier stated the Council could make any recommendation they wished but suggested perhaps the Council members should direct Jodie and Matt to come back to the Council with a list of questions that other communities may have asked stating the questions and phrasing of them is important. It was determined that the end of January would be the deadline for getting it in the election as a referenda. Secora made a motion to direct staff to evaluate referenda questions that have been posed by other communities and to research this and come back to us at the next meeting of the Common Council. Boeck seconded the motion.

Lehr asked for a clarification of the motion Secora made that staff should look into this and come back to us but his motion in no way recommended or approved a referendum at this time. The Mayor confirmed this. Lehr stated he talked to a couple of citizens in his ward that were for this but dozens that were against this. He stated our community is peaceful and quiet and would like to keep it this way. We want families to come and live here, he stated he didn't think this was the way to go for a city on the rise.

The Mayor again reminded the council that there is a motion on the table. Boeck asked if she was able to make a motion regarding the referendum. Erdmann stated that there is a motion on the floor and we would need to vote on that first. Chier stated, if someone were to make an amended motion then that would be voted first.

Boeck stated she would like to make an amendment to have a vote on whether to have a referendum or not. Harke seconded the motion.

Secora asked for a restate of the amendment. Chier stated that your vote on this amendment does not mean there will be a referendum; it means that you want that decision as part of the main motion. So you are deciding whether or not to amend the main motion to include the requirement that we actually go forward with the referendum.

The amendment had 3 ayes (Harke, Pryzybyl and Boeck) 3 nays (Erdmann, Secora and Lehr) The Mayor voted Nay to the amendment to allow the proper time for staff to research.

The vote to allow the staff to come back to the next Council Meeting with a list of questions was passed by voice vote 4 to 2 with Erdmann and Lehr opposing.



Lehr stated, he would like special consideration be given to protect the parks and make sure these ATVs are not traveling anywhere near our beautiful parks.

Next on the Agenda, Lindsey Kemnitz gave an update on the Hotel project stating little to no changes since the last update. Kemnitz will give another update at the next Council meeting.

Next on the Agenda, was a motion made by Lehr to ratify the September 7, 2018 Mayoral Disaster Declaration Proclamation due to the flooding of the Fox River. The motion was seconded by Przybyl and carried by voice vote.

Emergency Director Gary Podoll spoke about the Flood and explained this is something new for us having a flood at this time of year and why that could be significant going forward. He gave an outlook on the days and weeks to come. Podoll gave high respect to the citizens of Berlin, working together to keep the water at bay by putting sandbags where they are truly needed. He gave high praise to the Berlin Fire Department and the Public Works department, working together to fill sandbags and to help the citizens to give them peace of mind. The water level gauge is now at 15.1 feet and when the water crests on Friday it should be at 15.3 feet.

Lehr added his kudos to all the City workers and volunteers and Gary Podoll for all the hard work they have been doing to keep the flooding under control as much as it is possible.

Next a motion was made by Secora to approve the following bartenders license applications; Sabeena Kaur Cheema, Evelyn June Yahr, Calvin L. Vesley, Jenna K. Liebe, Shanna E. Deffibaugh, Linda Diane Davidenko, Metin Dzelil, Timothy John Rusch, Kari A. Rusch, and Dava LeAnna Hoffman, which were approved by the Berlin Police Department. The motion was seconded by Harke and passed by voice vote.

There was no old business to discuss.

Under new business, a request was made by Boeck to put on the next agenda a discussion to review our Sidewalk café permit and our ordinance to consider allowing alcohol consumption with a Sidewalk café permit. She stated this was a request by Benjamin Cloyd, the owner of a new business in town.

Erdmann had a request from the Berlin Historical Society and asked Scott Zabel, director of the Public Works department to ring the bell on 11/11 in honor of Armistice day, stating this is a request from the WWI Centennial Commission they are asking municipalities to do this Nationwide. This is the 100 year anniversary of the war ending. Zabel asked Erdmann to get the details to him and he would determine if there is anything standing in the way of making her request happen. The Mayor stated they will discuss further at the next Committee of the Whole Meeting if necessary.

At 7:40 p.m. Przybyl moved to convene into closed session pursuant to Sec 19.85 (1)(e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or

Next was review of the Sidewalk Café Permit ordinance to allow alcohol consumption. Benjamin Cloyd, N619 24th Ave Neshkoro, WI 54960, owner of the Riverside Coffee Company LLC stated that he would like to serve beer and wine at the bistro tables along the river which the current sidewalk café permit does not allow. Lehr made a motion to recommend to the Common Council to change the language for the Sidewalk Café permit to allow alcohol to be served on the sidewalk and those patrons that are consuming alcohol be seated at a table served by the establishment. Przybyl seconded the motion, which carried by voice vote.

Jeremy Clark, W3114 Chicago Lane, Redgranite, WI 54970 stated that he is looking at purchasing the property at 674 NW Cumberland St and he intends on living there and that he is in a good financial position. Clark would like to request for assessment lien subordination for Gary Peterson's property. The Committee will discuss in closed session.

Tuesday October 2, 2018 COTW minutes

Next was draft ATV/UTV advisory referendum ballot questions. Olson reviewed the sample ballot questions for the potential spring advisory referendum on the ATV/UTV issue. Olson explained she is waiting on the Wisconsin Election commission to review the questions for the referendum. Lehr made a motion to table the ATV/UTV advisory referendum ballot questions. Motion failed for lack of a second. Secora made a motion to postpone the ATV/UTV advisory referendum ballot questions until we have the information from the Wisconsin Elections Commission. Harke seconded the motion which carried the voice vote.

Next was discussion on the Municipal Court Ordinance. Olson reviewed that the Village of Rosendale will be withdrawing from Lakeside Municipal Court effective May 1, 2019. Erdmann made a motion to recommend to Common Council to approve Ordinance #08-18 establishing a Municipal court for City of Fond du Lac, Villages of Brandon, Campbellsport, Fairwater, Oakfield and North Fond du Lac, Towns of Empire, Osceola, Ripon and Taycheedah in Fond du Lac County, and the Cities of Berlin, Green Lake, Markesan and Princeton in Green Lake County and the City of Berlin in Waushara County effective May 1, 2019. Przybyl seconded the motion, which carried by voice vote.

Secora made a motion to recommend to Common Council to approve the Intergovernmental Agreement for North Fond du Lac to provide Municipal Court Services to the City of Fond du Lac, Villages of Brandon, Campbellsport, Fairwater and Oakfield, the Towns of Empire, Osceola, Ripon and Taycheedah in Fond du Lac County, and the Cities of Berlin, Green Lake, Markesan and Princeton in Green Lake County and the City of Berlin in Waushara County to commence on May 1, 2019. Lehr seconded the motion, which carried by voice vote.

Next was property status update for 107 W Huron Street. Kemnitz reviewed that Mr. Aleman has started on the rear part of the roof and plans on having it closed up prior to winter.

Next was property status update for 130 W Berlin Street. Atty. Chier has proceeded with the raze order. The property owners did not attend the hearing. Atty Chier has received phone correspondence with Kresal regarding what they need to do.

Next was 2018 Street update. Zabel reviewed that the 5th ward utilities are complete. The concrete work and asphalt has a completion date of October 19, 2018.

MINUTES
COMMON COUNCIL MEETING
TUESDAY, OCTOBER 16, 2018 4:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Schramer called the Common Council meeting to order at 4:00 p.m. Roll call present: Ald. Lehr, Boeck, Erdmann, Secora and Harke. Absent: Przybyl. Staff present: Scott Zabel, Lenny Langkau, Gary Podoll, Lindsey Kemnitz, Dennis Plantz, Matt Chier, Jodie Olson and Susan Thom.

Under public appearances, Charlie Beard, 560 River Drive, stated that people are not happy with the ATV issue and it will not provide an economic impact on the City of Berlin. Beard asked that the Council simply vote this down and be done with it.

The following items were listed on the Consent Agenda for approval and adoption: 1) Waive the reading of ordinances and resolutions adopted at this meeting; 2) Receive and place on file the written reports from the City Clerk, Treasurer, and Building Inspector; 3) Approve the minutes from the September 11, 2018 Common Council meeting; 4) Accept the Park & Recreation Commission recommendation to update the Campground Fee Schedule and to set the campground fee rates as \$25/day and \$150/week; 5) Accept the Committee of the Whole recommendation to approve the budget transfer request to replace the Siren Radio Controls at Clay Lamberton and N. Washington Street and approve Resolution #18-13 Authorizing 2018 Budget Transfer of Contingency Funds for Siren Radio Controls; 6) Accept the Committee of the Whole recommendation to award the 2019-2023 Garbage & Recycling Contract to the lowest bidder, Advanced Disposal, and establish spring bulk pick-up parameters as limited to a 12'x 4'x4' area on the terrace to be policed by the Street Superintendent. After the 2019 Spring pick-up the Street Superintendent is to provide a review report and adjustments made as necessary; 7) Accept the Committee recommendation to direct staff to amend the language for the Sidewalk Café permit to allow alcohol to be served on the sidewalk and that patrons that are consuming alcohol be seated at a table served by the establishment; 8) Accept the Committee of the Whole recommendation to approve Ordinance #08-18 Establishing a Municipal Court for the City of Fond du Lac, Villages of Brandon, Campbellsport, Fairwater, Oakfield and North Fond du Lac, Towns of Empire, Osceola, Ripon and Taycheedah in Fond du Lac County and the Cities of Berlin, Green Lake, Markesan and Princeton in Green Lake County and the City of Berlin in Waushara County effective May 1, 2019; 9) Accept the Committee of the Whole recommendation to approve the Intergovernmental Agreement for North Fond du Lac to provide Municipal Court serviced to the City of Fond du Lac, Villages of Brandon, Campbellsport, Fairwater and Oakfield, the Towns of Empire, Osceola, Ripon and Taycheedah in Fond du Lac County, and the Cities of Berlin, Green Lake, Markesan and Princeton in Green Lake County and the City of Berlin in Waushara County to commence on May 1, 2019; 10) Approve the list of bills for payments. Erdmann stated there were a few typo errors in the minutes. Erdmann made a motion to approve the consent agenda with the corrections to the September 11, 2018 minutes. Secora seconded the motion. A roll call vote resulted in five (5) ayes, zero (0) nays and one (1) absent. Motion carried.

Next was the Raze or Repair Order for 130 W Berlin St. Kemnitz reviewed an e-mail request from Derek and Kristy Kresal requesting an 8 month extension on razing the home as they will work on the it and could hire a contractor to finish the tear down with their tax returns. Ald. Przybyl arrived and Secora made a motion to seat Przybyl. Lehr seconded the motion, which carried by voice vote. Kemnitz stated that their mortgage and taxes are current on the property. Harke made a motion that prior to the next council meeting the building needs to be secured and Atty Chier is to work on a fine structure if the

work is not carried out during the 8 month extension. Secora seconded the motion. Boeck abstained. Motion carried by voice vote.

Kemnitz next reported a status update on the property at 151 N Wisconsin Street indicating that the Building Inspector had last reviewed this property with the Council in May of 2014. The project started in 2007 and there have been multiple letters sent to the property owner over the past 10 years with concerns on the condition of the property. A letter was sent on December 30, 2017 informing the property owner that a building permit needs to be obtained within 5 days and to have the exterior work completed on or before March 1, 2018. A building permit was pulled on January 8, 2018 for residing the home and a final notice was sent August 10, 2018 to the owner. Kemnitz stated that on September 28th the building inspector conducted an inspection of the interior of the home and there were large concerns that needed to be addressed if people are permanently living at 151 N Wisconsin. Lehr made a motion to direct the staff to commence on the raze or repair order on 151 N Wisconsin St. Erdmann seconded the motion which carried by voice vote.

Next was review and discussion of the ATV/UTV advisory referendum ballot questions. Olson reported that the Wisconsin Election commission could not approve or disapprove referendum questions. The League of Wisconsin Municipalities reviewed the questions and did not see anything wrong with the questions, but again it is totally up to the city. Przybyl made a motion that we use question #1 for a referendum ballot question in the spring election including the preamble. Secora seconded the motion, which carried by voice vote. Secora made a motion to change the preamble language from "Highway" to "Street". Przybyl seconded the motion, which carried by voice vote.

Erdmann made a motion to approve the 2019-2024 Residential Waste and Recyclable Material collection contract between the City of Berlin and Advanced Disposal Services and authorize the appropriate signatures. Harke seconded the motion, which carried by voice vote.

Erdmann made a motion to accept the resignation of Lawrence Pelchat from the Committee of Aging effective September 26, 2018 and a letter of thanks for years of service be sent. Secora seconded the motion, which carried by voice vote.

Secora made a motion to grant the bartenders licenses for Benjamin J. Cloyd and Ryan David Krebs. Harke seconded the motion which carried by voice vote.

Przybyl made a motion to approve the original Alcohol Beverage Class C Wine retail license application for Riverside Coffee Company LLC for year expiring June 30, 2019. Secora seconded the motion, which carried by voice vote.

There was no old or new business.

At 4:50 pm Secora made a motion to adjourn. Lehr seconded the motion, which carried by voice vote.

Susan Thom, Deputy Clerk

MINUTES
COMMON COUNCIL MEETING
TUESDAY, APRIL 9, 2019 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Schramer called the Common Council meeting to order at 7:00p.m. Roll call present: Ald. Lehr, Boeck, Nigbor, Erdmann, Secora and Harke. Staff present: Lindsey Kemnitz, Scott Zabel, Atty Matt Chier, Jodie Olson and Susan Thom.

David Rux, 326 Canal Street spoke regarding the construction on S Washington St. Rux wants to be reassured that the city engineer is going to handle the drainage of the excessive water on his property.

The following items were listed on the Consent Agenda for approval and adoption: 1) Waive the reading of all ordinances and resolutions adopted at this meeting; 2) Receive and place on file the written reports from the City Clerk, Treasurer and Building Inspector; 3) Approve the minutes from the March 12, 2019; 4) Accept the Plan Commission recommendation to approve the Conditional Use Permit for an adaptive reuse of a church for 192 E Huron Street owned by Jerry Plockelman; 5) Approve the list of bills for payment. Secora made a motion to approve the consent agenda. Erdmann seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion carried

Next was the Public Hearing and Final Resolution Authorizing Special Assessments for N. Capron Street (W. Liberty to W. Cumberland) and River Drive (W. Cumberland to Park Lane). Mayor Schramer opened the public hearing at 7:06pm. Mayor Schramer asked if any questions for the public hearing. Ed Marks asked to clarify that the sewer assessment is for the sewer to the property line. Olson said that is correct. Mayor Schramer asked three (3) times if there was anyone here who wishes to speak in favor of the request. No response. Mayor Schramer asked three (3) times if there was anyone here who wishes to speak against the request. No response. Mayor Schramer closed the public hearing at 7:10 pm. Harke made a motion to approve the Final Resolution #19-05 Authorizing Public Improvement and Levying Special Assessments against Benefited Property in Berlin, WI for Work and Public Improvements in the following Designated Areas: N. Capron Street (W. Liberty to W. Cumberland) and River Drive (W. Cumberland to Park Lane). Secora seconded the motion. A roll call resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion carried.

Next was Review and Discussion on the Results of Advisory Referendum on Possible ATV/UTV Ordinance Pertaining to Waushara County ATV Association's proposed ATV/UTV Ordinance for City of Berlin. Ed Marks, 269 Mound Street recapped why the ADHOC committee was formed and the recommendation to have a referendum. Marks stated that the majority of the residents do not want the ATV/UTV in the City of Berlin. Janet Lambert, 452 River Dr. was happy that Berlin voted against the ATV/UTV and to respect our vote. It was a NO VOTE. Doreen Raabe, 183 Water St, stated that there was a formation of the Berlin ATV group and the ATV referendum still lost. Raabe stated to vote it down once and for all. Michael Russell, 183 Water Street is against the ATV and the vote came in as NO. Dan Hoppa, 235 S Wisconsin St wants to keep it open, sounds like it was against the route not be specific. It would benefit the City of Berlin as a sport. Erdmann made a motion to drop this subject and not go forward with the ordinance. Lehr seconded the motion. A roll call vote resulted in five (5) ayes (Boeck, Erdmann, Lehr, Nigbor and Secora), one (1) nay (Harke) and zero (0) absent. Motion carried.

ATV/UTV Ad Hoc Committee Minutes

MINUTES
CITY OF BERLIN
ADHOC COMMITTEE TO STUDY ATV/UTV ROUTE REQUEST
WEDNESDAY, JUNE 20, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. ROLL CALL

Kristina Boeck called the Adhoc Committee to Study ATV/UTV Route Request to order at 6:00 p.m. Roll call present: Kristina Boeck, Charlie Beard, Tom Yancy, David Secora and Ed Marks. Staff present: Jodie Olson, Scott Zabel and Dennis Plantz.

2. ELECTIONS FOR CHAIR AND VICE CHAIR

Charlie Beard nominated Kristina Boeck as Chair and asked that nominations be closed. Yancy seconded the motion which carried by voice vote. Beard nominated Ed Marks for vice-chair. Boeck seconded the motion which carried by voice vote.

3. OVERVIEW OF ATV/UTV ADHOC STUDY COMMITTEE PURPOSE & ESTABLISH MEETING GUIDELINES AS NECESSARY:

The purpose of the adhoc committee is to study the ATV/UTV route request submitted by the Waushara County ATV Association. Boeck suggested that the first order of business be to review if we should allow ATVs to go thru town at all prior to looking at modifying the route.

Boeck noted this issue will likely take longer than 30 days and council would need to be notified of that. A target length for meetings was set at one hour, with up to 1.5 hours if a topic needed to be finished. It was noted that Jodie Olson will serve as recording Secretary for the group. There was a consensus that public participation would be allowed at meetings at the discretion of the board. Marks questioned if public participation would be for residents and non-residents and what would the time limit be as there needs to be time for committee discussion.

4. GENERAL COMMITTEE DISCUSSION ON ATV/UTV ROUTE REQUEST FROM WAUSHARA COUNTY ATV ASSOCIATION TO INCLUDE:

a. Goals & Objectives

Safety was stated as the #1 priority and goal among committee members. The proposed route and the vastness of the request to open up all city streets were of concern. Charlie Beard voiced concern over the River Drive area by Riverside Park, where softball and volleyball creates a lot of traffic in that area already and visibility backing up is already difficult. Other goals and objectives would be to determine impact to roads and traffic, policing and enforcement ability, noise pollution to residents

b. Identify Specific Issues to Address:

Committee members identified the following as issues to be considered and addressed while reviewing the ATV/UTV route request:

- Safety
- Roads & traffic including effect on roads and other infrastructure
- Manufacture warnings
- Policing
- Enforcement ability
- Seasonality: Regulate the time of year ATV/UTV's be allowed
- Noise (Noise is limited by 96 decibels. Marks noted that for every 10 decibels noise level is doubled.)
- Cost to City of Berlin taxpayers to maintain patrol

Other member suggestions included:

- Review proposed ordinance in detail with the understanding that the proposed ordinance was not drawn up by the City of Berlin and any such ordinance would need to be of a city structure and design.
- Ensure discussion and community "comparables" that would be presented are fair comparables and are representative of the City of Berlin's situation.
- Try to determine what the economic development impact would be for the City of Berlin. How could this be done realistically? Should City Economic Development Team review the potential economic impact?

With so many concerns to address committee members felt more time would be needed to properly research this issue. Beard moved to recommend to Common Council that the ad hoc committee meet every other week for two months and be extended as necessary. Marks seconded the motion which carried by voice vote.

c. Identify Outside Informational Resources Necessary for Future Meetings

Suggested resources were: DNR Website, ATV Safety Institute, DNR, Staff such as Police, City Attorney, DPW and others as needed, www.fairwarning.org, wisconsinwatch.org, iowawatch.org

Suggested speaker choices included: DNR specialists on safety concerns, local and regional DNR wardens, various guest speakers with experience, and other communities. Yancy suggested Randy Harding, an insurance salesman from Sheboygan belonging to the WI ATV Association. Scheduling speakers would go thru the chair and information to be provided to the committee by its members and be submitted and circulated thru Jodie Olson.

Committee members would like to see maps of surrounding areas where ATV trails exist and connect. Yancy offered to provide mapped routes along with copies of ATV ordinances in other municipalities.

d. Other Related Discussion

- Various types of ATV/UTV's were discussed and the fact that not all are equipped the same. Questions arose relative to if all ATVs have turn signals. Yancy indicated that few do as they are not required to and that hand signals have to be used. Three wheelers are considered an ATV and are also allowed, but they are required to have headlights and

taillights. ATVs can have brake lights, but not always. Committee members questioned the stability and ability of ATVs to stop, slow down, and maneuver on pavement. The stability and maneuverability of 4-wheel units were of specific concern. It was noted that there are manufacturer warnings on ATVs for riding on pavement. There are special tires that can be used for roads; however, enforcement of this is a concern.

- Marks reminded of the past issues in the city relating to the truck route and the signage cluttering issue and yellow poles for truck routes. Felicia Page was in the audience and stated that even though there are truck route signs posted, there are trucks on WI Street all of the time and lots of noise.
- The concept of requiring a city ATV registration was discussed. It was noted that when registering with the DNR, the condition of the ATV or UTV being registered is not verified.
- Boeck indicated the route proposed was too extensive, and provided a preliminary map suggesting ATVs to two city parking lots, where ATV riders could walk to the downtown area destination.
- Yancy stated that disabled people are granted the privilege to ride on paved roads with ATVs and the general public should receive that same privilege.
- The WI legislature gave local municipalities the control to determine if they want ATV/UTVs on their roads. Waupaca County recently passed an ordinance granting municipalities the authority to designate routes on county roads to eliminate the red tape. Some municipalities have not allowed routes at this time because there isn't anything to connect to.
- Beard noted that all ATV riders are not the same and some will break the rules and we have to balance caution and safety with what is going to happen and consider the laws of unintended consequences.

5. SET FUTURE MEETING DATE

The next meeting date is scheduled for Monday, July 9 at 6:00 p.m.

6. ADJOURN

Secora moved to adjourn at 7:14 p.m. Beard seconded the motion, which carried by voice vote.

Jodie Olson, Acting Secretary

MINUTES
CITY OF BERLIN
ADHOC COMMITTEE TO STUDY ATV/UTV ROUTE REQUEST
TUESDAY, JULY 9, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. ROLL CALL

Kristina Boeck called the Adhoc Committee to Study ATV/UTV Route Request to order at 6:00 p.m. Roll call present: Kristina Boeck, Charlie Beard, Tom Yancy, David Secora and Ed Marks. Staff present: Jodie Olson, Scott Zabel and Dennis Plantz.

2. APPROVAL OF MINUTES

Beard moved to approve the minutes from the June 20, 2018 meeting. Marks seconded the motion which carried by voice vote.

3. COMMITTEE DISCUSSION AND ACTION ON MEETING PUBLIC PARTICIPATION

Chair Boeck noted that public participation would be allowed at these meetings if a *public participation form* was filled out and submitted prior to the meeting. Participation would be allowed at the end of the meeting as time permitted and residents would be given priority to speak over non-residents.

4. DISCUSSION ON SAFETY ASPECT OF ATV/UTV ROUTE REQUEST

John Schreiber, Local DNR Conservation Warden for Green Lake and Northern Dodge County, was present as a resource. He worked previously for Chippewa County where he gained knowledge and experience with ATV routes. Schreiber reviewed 2016-17 ATV/UTV Wisconsin death statistics indicating there were 22 fatalities in 2016 and 27 fatalities in 2017. In 2017, 13 crashes were alcohol related and 16 were roadway route related. Of those incidents, the majority of crashes involved drivers who did not complete the ATV safety course or had minimal experience.

Typical violations that the DNR encounters with ATVs are speed and alcohol use. The blood alcohol limit is .08 as with other motor vehicles; however, ATV violations are not attached to driver's licenses, but are just logged in the DNR file. A second alcohol offense is a criminal violation. The first offense is civil and drivers can be cited and released or put into jail depending on the case.

Other typical violations include not wearing helmets on roadways and noise complaints. If an ATV is noisy, it typically will always trigger a complaint. ATVs are required to be no more than 96 decibels, but if the exhaust gets altered it will likely go over the 96 decibels. An ATV that appears too loud, typically is too loud. There is a spark arrester, which is a screen in the exhaust to help inhibit exhaust sparks to reduce fires. ATV owners sometimes intentionally take them out to make the vehicle louder.

There are age requirements for ATV/UTV vehicles. Drivers that are ages 12-15 can drive an ATV with ATV safety course certificate, but cannot ride on the roadway unless they are accompanied by an adult who is within voice contact range. They do not have to be on the same ATV as the adults. Kids under age 12 can ride on trails, but not on the road at all. Ages 16 and up can operate ATVs on roadways without an adult if they have an active ATV safety certificate. UTV drivers have to be 16 and have an active ATV safety certificate.

There are typically darkness restrictions for drivers of no driving half hour before dark or half hour before dawn. Alcohol offenses are most commonly found at nighttime.

Users are required to have lights on at all times when operating on a roadway. ATVs are less visible than cars and are required to have working brakes, taillights, and headlights and an active registration and license on back.

Anyone under the age of 18 has to wear a helmet when operating an ATV on a trail or roadway unless they are actively engaged in an agricultural or hunting/fishing activity.

General contributing factors to ATV accidents are speed, alcohol and inexperience. ATV tires are intended to ride on dirt and rocks which is off-road. The higher rate of speed, the more air the tire gets and provides less adhesion to the road. At speeds greater than 35MPH is when drivers generally lose control.

When asked about the conflicting opinions of ATVs on roads, Schreiber indicated that with the nature of how ATVs are manufactured with low pressure tires, they are more unsafe on the roadways at a higher rate of speed. Generally speaking, if they operate at a lower rate of speed they are safer than operating at a higher rate of speed. The DNR will not advertise and cannot condone that one ATV is safer than another or that they do or do not want ATVs on the road.

Most ATVs are designed for one person, but the law does not prohibit passengers. Some have passengers riding on the racks. The DNR will cite for operating an ATV in careless manner that could cause harm or endanger someone else. UTVs are designed for more than one person, some seat four or more with cargo racks and seat belts. People get confused with helmets and seat belts on UTV's though. Because it is enclosed, they bypass helmets and seat belts and need to be reminded that they are still required. If two people are on an ATV, the DNR likely won't say anything as it is at the DNR discretion.

People cannot make their own homemade UTVs, such as installing seat belts and a roll cage on a gator or golf cart. A UTV has to be manufactured.

Drivers must have proof of taking the ATV safety certificate with them while operating. Proof can be in several forms including a "Go Wild" card, printed off version or the safety card itself. ATV and UTV operators born on or after Jan 1, 1988 who are at least 12 years old for ATV (and at least 16 years old for UTV) must complete an ATV and UTV safety certification course in order to operate on public ATV/UTV trails in WI. Drivers cannot operate with a driver's license and not have a safety certificate. Schreiber noted that most fatal crashes are those that have not taken ATV/UTV safety courses.

ATV/UTVs have to ride single file, can't ride next to each other or two wide, can't race down the road, and have to stay on the extreme right of the roadway side unless making a left hand turn. If making a left hand turn they would move to the center of the lane to safely make a turn. The right hand side of the road is defined as the paved or maintained area. A highway is the whole roadway plus the gravel and shoulder or ditch line of the road. Lights have to be on and speed, noise, and safety laws should be abided. It is a legal requirement that seatbelts be worn in UTV's.

When asked about enforcement methods, Schreiber indicated that routes are policed by spreading the responsibility among the jurisdictions of DNR, City and County. There is no one single authority monitoring. The DNR hotline can be used for complaints or calling into the sheriff's department or local law enforcement. As DNR warden, Schreiber has many other duties and responsibilities beyond ATV monitoring. He can be in any one of the state forests, parks or trail system within an hour drive as well as working fish/gaming and recreational responsibilities as well. In places like Chippewa County they took more of a proactive approach with ATV patrols than he would in a county without a trail system. If he would have spare time, he would work in area with known issues, but couldn't reasonably say at all that they would be able to respond to every ATV call or actively patrol the ATV routes 100% of the time. They would have to rely on 24 hour law enforcement agencies. He is unaware of any trails in Green Lake County at this point.

Beard indicated that with roughly 75 pages of information from various safety organizations, not one of them was a proponent of ATVs on highways and roads, yet we continually increase the area they can go into. Manufacturers print right on the vehicle that it should not to go on roads. With a majority of accidents being on paved roads, it is difficult to understand how we can do this. He questioned why the DNR is not pushing against these going on paved roads and asked Schreiber to take that back to the DNR.

Secora questioned if fatality statistic data could be standardized or put into terms of miles driven or if there is any way of comparing statistical data that could then be used to compare to safety standards of other vehicles. Schreiber stated that there are more statistics the DNR could provide relative to ATV accidents. There is self-reporting, non-fatal, and fatal accidents data which could be used. However, they do not have any miles driven data that could be used. They would have the number of registered machines, but some could be used on private land and not on trails or not even at all. Therefore, this would be a hard number to capture. More information could be provided to give a better picture though. ATV Administrative State Warden Gary Eddie is in charge of coordinating all local government agencies on ATV routes, safety standards, etc. and could be used as an additional resource. He suggested Heather Gottschalk might be good resource for it as well.

Marks referred to the 2017 DNR Annual Report. With the 27 fatalities that year, the number of safety certificates was very low and a majority was experienced with over 100 hours. He suggested maybe everyone riding on a road needs a certificate because these are scary numbers. Yancy indicated the idea behind Jan 1, 1988 rule is that everyone will eventually be required to have a certificate. He felt the more hours you put on and the further you go the more chance something would happen. Boeck indicated there is a risk with everything you do. Beard said that the more going on the streets, the more risk of something happening like accidents, and a blanket statement that there is risk with everything is not appropriate or germane to this situation.

Yancy indicated that the fatalities are not outpacing registrations. Marks voiced concern that people buy the machines knowing they shouldn't go on paved roads, the manufacturers say don't use them on paved roads, so the logic of putting them on paved roads just doesn't add up.

Boeck indicated she had confirmed with a local insurance agent that insurance would cover an ATV travelling on paved roads.

Marks read an e-mail regarding a recent near ATV accident witnessed in Neshkoro and further noted that there wasn't one piece of information sent in to review in the agenda packet that said this was a good idea.

With parked cars in Berlin, there will still be the requirement that ATV/UTVs should operate on the right side of the line of travel and not on curbside where parked cars are. They should not be in the lane of traffic, but are still obligated to operate on the right hand side. Marks inquired of the DNR if ATV has the same rights as an automobile. Schreiber indicated that the DNR only enforces operation on the extreme right hand side. Boeck noted you can purchase a street legal kit. However Yancy reminded that other areas might not require that so it would not be enforceable.

Yancy provide a police report for motor vehicle accidents on Water Street and River Drive for the past five years. There were two reportable property damage only motor vehicle accidents on River Drive. There were three non-reportable motor vehicle accidents and six reportable property damage only motor vehicle accidents on Water Street.

Dan Hoppa, 235 S. Wisconsin Street, spoke indicating that he has an ATV and would prefer to use it versus a motorcycle. He likes the smoothness of riding on the road. He would use it to go to the grocery store and not just barhopping. He noted there are higher deaths because of cell phone usage but they haven't been banned. He was interested to see how many accident-related deaths were from tire pressure and speed. He suggested higher lights and more mirrors required would help with safety.

Don Krause, 311 E. Waushara Street, has been on that street for 45 years now and noticed lots of change, most noticeably population increase. What he hasn't seen over the years is a decrease in the traffic flow or speed on Waushara Street, and enforcement is occasional, but rare. There is now semi-traffic from Willard to E. Waushara and more and more pedestrian traffic, mostly children. He questioned why we would want to now include ATVs on top of that and also why we would want vehicles that were not made for the roadway to be inherited on these roadways. There is a time and place for ATVs but why would we want them on Waushara Street, River Drive, or by our parks system. There are enough issues in the community without adding ATVs to it.

Jerry Downen, Fox River Shores, Town of Seneca stressed that with safety and education ATV/UTVs are no more dangerous than anything else on the road. He wants to be able to get to the gas stations with his UTV.

Mark Podoll, 203 McKittrick Street, spoke indicating that as the Green Lake County sheriff and an officer he has to be neutral. He noted that northern areas are less populated and have trails and the City of Berlin has more population on its highways. Marquette and Manchester passed

an ordinance to allow ATVs on some of their roads, but Columbia County doesn't allow at all, so a lot of the roads were cut out in that area. He would not be able to manage increased calls for this without adding on several more deputies. He stated that speaking as a City of Berlin citizen, it was not a good idea to open up all roads in the city to ATVs as this city has too much traffic in it. He is not against ATVs, but there is a place and a route for them, and he is opposed to opening the city up for this.

5. SET FUTURE MEETING DATE AND AGENDA TOPIC

The next meeting date is scheduled for Monday, July 23 at 6:00 p.m. Topics of discussion will include:

- Roads & traffic including effect on roads and other infrastructure
- Policing
- Enforcement ability
- Noise
- Liability to City
- Speakers to include Street Superintendent and Police Chief

6. ADJOURN

Beard moved to adjourn at 7:22 p.m. Marks seconded the motion, which carried by voice vote.

Jodie Olson, Acting Secretary

MINUTES
CITY OF BERLIN
ADHOC COMMITTEE TO STUDY ATV/UTV ROUTE REQUEST
MONDAY, JULY 23, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. ROLL CALL

Kristina Boeck called the Adhoc Committee to Study ATV/UTV Route Request to order at 6:00 p.m. Roll call present: Kristina Boeck, Charlie Beard, Tom Yancy, David Secora and Ed Marks. Staff present: Jodie Olson, Scott Zabel and Dennis Plantz.

2. APPROVAL OF MINUTES

Secora moved to approve the minutes from the July 9, 2018 meeting. Marks seconded the motion which carried by voice vote.

3. DISCUSSION ON ATV/UTV ROUTE REQUEST: TOPICS INCLUDE: POLICING, ENFORCEMENT ABILITY, LIABILITY, NOISE, ROADS/TRAFFIC, AND EFFECT ON INFRASTRUCTURE.

Chair Boeck expressed to the audience that discussion needs to stay on point and be relevant with no arguing or harping on an issue. She reiterated that the Common Council makes the decision on allowing or disallowing and this committee is just gathering information for them. Public comments will be held at the end of the meeting and will be limited to two minutes.

Scott Zabel, Street Superintendent indicated he did not see any concerns that ATV/UTVs would harm the road infrastructure, but does have safety concerns. He noted DNR Warden Schreiber had indicated that ATV/UTVs were required to stay on the extreme right of the road. With parking on city streets this will not be possible and he foresees the ATV/UTVs will be using the same lane as traffic as vehicles, which is quite problematic especially around turn lanes.

Secora questioned what guidance there was relating to how ATV signs are to be placed and the city's liability for them. At this time, Zabel doesn't have information regarding this but believes signage cannot be on stop sign posts. The proposed ordinance did indicate the Club would maintain the signage. Zabel suggested that it would be best to keep signage simple and place on existing posts, but he would need to do further research. Captain Block indicated state statute does not specify signage requirements, and only that it needs to be a certain size. Atty Chier indicated that recent ACT193 provides some guidance, but signage requirements differ if all streets are open vs is there is a route. He believes the DNR would provide further guidance and is likely working on developing it right now.

Yancy indicated that for left turns, an ATV would go into the right side of the turn lane, use hand signals to turn. He also indicated municipalities differ in how they want signage placed on posts. The municipality is ultimately responsible for the signage, but the Club would keep an eye on it as well. Yancy provided a sample ATV directional sign to view. The signs do have reflective coatings.

Captain Kevin Block stated he had spoken to Marquette County Chief Deputy Joe Conrath as they have had ATVs throughout the county for 4 or 5 years. From 1/1/16 to 7/23/18 there have been 18 complaints throughout the county. He recommended that if routes were designated that each town ordinance be as standard as possible as there are issues going from town to town when the rules differ. He noted that Poygan drafted a route specific ordinance but allows residents to go anywhere. Block did not know if Marquette County had active enforcement or if it was simply a reactive approach.

Sheriff Mark Podoll noted that there are two townships in Green Lake County that have certain roads open for ATV/UTVs, which are Kingston and Manchester. He stated it was important to understand if opening the roads up for this was for recreational or pleasure. They are dealing with issues by campgrounds and there are hazards to be addressed. He noted that Marquette and Green Lake County populations are similar, but the City of Berlin has a significant population for the county. As population and traffic become denser, it becomes more of an issue. He said ATVs are big up north and they are moving down, but as they move south there is more traffic and more problems. If the County would get complaints they would send the BPD out and if the PD officers were available they would go out. He indicated some towns are saying no to this, such as Marquette. The policing jurisdictions have pursuit policies that they would adhere to based on many different criteria such as traffic, weather, reason for pursuit, etc.

Beard noted that he believes this is likely a ploy to get around while being intoxicated. Block indicated that the same alcohol rules apply as they do to motor vehicles. However, Chier noted violations only go on the ATV record and not against the DMV records and do not affect Driver License points. Block also noted that there has to be reasonable suspicion to stop anyone on an ATV/UTV.

Chier indicated that it is ultimately the city's responsibility for the signage and the city could get sued for signage. ACT193 indicates that there needs to be posting at the beginning of the route, and at any intersection of a highway that not on a route another sign needs to be placed. A route needs to be signed and maintained well and kept free from obstructions such as trees or brush. He suggested the open intoxicants rule can be dealt with via city ordinances. Chier noted that an OWI for recreational vehicles do not have the same penalties as for cars and trucks, but the police can still arrest for an OWI.

Yancy had provided surveys from five communities that have ATV/UTV routes. Committee members voiced concern that the communities surveyed were not comparable to Berlin and more geographically accurate comparisons were needed. He had also contacted the Police Chief in Montello via telephone who indicated the ATV organization self-polices and there have been no accidents and a handful of tickets. Yancy will come back to the next meeting with more information on how other communities are handling seasonality of ATV routes and time of day issues.

Boeck noted some communities pass ATV/UTV ordinances on a one year trial basis to be reviewed annually. Yancy knew of communities who addressed it for several years and then decided to further address it only if issues arose. Marks indicated that the PD or Sheriffs Dept has the right to shut a road down if there is a major issue. Yancy noted that some ordinances are written with language including signage indicating "unless posted closed" if all streets are open.

PUBLIC INPUT

City of Berlin resident Sue Malnory, 645 Broadway, spoke in favor of opening up the streets to ATV/UTVs. She said that she has spoken to many people and posted on social media and most people responding are in favor of it. They could be used not just for bar hopping, but for family activities, going to the parks, restaurants and community events. If the PD can't keep up, volunteers can monitor and patrol.

City of Berlin resident Mike Trampf, 286 E. Berlin, spoke against any ATV route that would go up Broadway and noted it should not be used as a straight thru road, rather Hunter and other side roads should be used.

City of Berlin resident Jason Johanknecht, 478 River Drive, indicated safety is his main concern. They purchased a house in a 15 MPH zone for a quiet and safe place for their children to be in. With cars many times being on both sides of the road, adding 4-wheelers to the mix could prove dangerous especially since you can't see over pickup trucks. He is worried about someone driving into the back end of a car or into children going to the park.

City of Berlin resident Shirley Holtmeier, 559 N. Wisconsin Street, indicated her primary concern were the young drivers in the 16-18 year age bracket as she expected they would race. She stated that "signage" is good, but asked who is going to enforce it. She lives on Wisconsin Street which still has semi traffic despite "no truck traffic" signage.

City of Berlin resident Denise Yancy, 159 S. Swetting, spoke relative to her experience with the Marquette and Waushara ATV Clubs. The clubs want to keep the routes open so they have volunteer route patrols to monitor and check signs.

City of Berlin resident Mike Russell, 183 Water Street, indicated he was not in favor of this at all. He described the congestion and busy activity of Water Street and Riverside Park area. There is parking on both sides of the street for the Senior Center, there is a senior parking lot, apartment building and parking lot, a fur building with semi activity, Gneiser's business equipment in the area, walk bridge, and lack of people adhering to stop signs in the area. He noted these areas have bikers, joggers, women pushing children in strollers and it is a bus route for school. He was not in favor.

City of Berlin resident Doreen Raabe, 183 Water Street, questioned why there are petitions being circulated but none of the affected route area residents were asked to sign. She indicated that all petitions should be voided as not one home on Water Street or River Drive have been approached. She felt any petition associated with this ATV issue would get a resounding no from residents that would have to deal with ATV/UTVs 16 hours a day thru quiet neighborhoods.

City of Berlin resident Janet Lambert, 452 River Drive, spoke on behalf of herself and husband Rick. Lambert stated she lives by the North Shelterhouse by Riverside Park, which should be a quiet area, but is not. There have been times when they call the police and the police haven't shown up. She talks to the Chief and he tells her there was another priority. Other times, the police come hours later or they talk to people, but the problem remains. Lambert noted that Plantz says he can deal with this, but it (enforcement) isn't happening now. She questioned why ATV/UTVs need to go thru the downtown and doesn't understand why we would want this on Berlin Streets.

City of Berlin resident Selma Ceman, 348 River Drive, voiced concern over the safety and noise. She feels the traffic downtown is crazy already and to put more there doesn't make sense.

Town of Seneca resident Jerry Downen, W2607 Fox River Shores, Town of Seneca, wants to bring an ATV and 4-Wheeler out front of City Hall for the next meeting to show they are bigger than people think. He noted the Town of Seneca is waiting to make a decision based on what Berlin does. As far as noise, he says the factory puts an appropriate muffler on the machines and the DNR can check sound levels. He stated that there will be some that tear up and down the street.

City of Berlin resident Dan Hoppa, 235 S. Wisconsin Street, looks forward to if the city opening the streets to ATVs. He feels the BPD is over budgeted by \$200K and spends \$10k/month on overtime so there shouldn't be any additional tax dollars needed for this.

City of Berlin resident Robert Harding, 255 Frontier Street, suggested staying off the main drag and using only cross streets.

4. SET FUTURE MEETING DATE AND AGENDA TOPIC

The next two meeting dates are scheduled for Monday, August 6 & August 20 at 6:00 p.m. Topics of discussion will include:

- Review data and opinions on seasonality
- Proposed route review, criteria of routes, impact of all city streets vs designated route
- Guest Speaker from WI ATV UTV Association

5. ADJOURN

Yancy moved to adjourn at 7:36 p.m. Beard seconded the motion, which carried by voice vote.

Jodie Olson, Acting Secretary

MINUTES
ADHOC COMMITTEE TO STUDY ATV/UTV ROUTE REQUEST
Monday, August 6, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. ROLL CALL

Kristina Boeck called the Adhoc Committee to Study ATV/UTV Route Request to order at 6:00 p.m. Roll Call Present: Kristina Boeck, Charlie Beard, Tom Yancy, David Secora and Ed Marks. Staff present: Midge Seaman, Scott Zabel and Dennis Plantz.

2. APPROVAL OF MINUTES

Beard moved to approve the minutes from the July 23, 2018 meeting. Yancy seconded the motion. Secora stated he would like clarification on a comment in the minutes by Mike Russel regarding semi traffic on Water Street. He is not aware there is a reason to have Semi traffic. Other members stated there is a deer hide business being serviced by Semi's next door to the WPL apartment Building. Mike Russell stated they block the roadway at times while backing into the dock. Approval was then carried by voice vote.

Kristina called the first guest speaker, Randy Harden, President of WATVA . Randy distributed a packet of information to the committee and others in attendance. He stated he was at the meeting to support Tom Yancy who has been a member of his Statewide Organization for many years and local clubs in the area. Wisconsin ATV/UTV Organization is an organization supported by a number of local clubs (approximately 100) throughout the State. Randy gave an overview of the packet of information and offered himself as a resource for information and to answer questions anyone might have for them.

One item included in the packet is a brochure on the Annual VIP Ride and Workshops in Adams County coming up in September the 7th. All are invited, just let us know. We have Units there, we invite Local Tourism Directors, every State Lawmaker or staff, and Dept. of Transportation, DNR and Dept. of Tourism usually partake. If you want to come and talk to other towns or cities officials, there is normally a good amount at the event and you can come to speak with them. It is very casual, it is not structured, we provide a meal and hopefully our guest speaker this year will be Stephanie Klett, the Secretary of the State Tourism. You are invited, no obligation, no cost.

Harden closed his presentation by saying he is not trying to be influential, he just wants to be a resource to answer questions and provide as much information people are seeking on ATV/UTV usage. Harden opened himself up to questions. Boeck asked Harden if he is an advocate for the whole state. Harden answered yes. Do you know any towns approximately the size of Berlin? He stated Reedsburg, outside of the Dells. They are probably a little bit bigger. He went on to say there are a number of road routes that come out of Reedsburg, they are not all open but they have select roads open. That might be one that might be very close in size. Secora asked if there is any overall goal of having a network of routes throughout the state either at your level or the by the state? Harden stated that is the term we use "network" it consists of roads and trails in any combination. He stated you can already crisscross the State from East to West in the Northern half of Wisconsin. In the Southwest we have a trail network and

route's going to and from it. And then in this area, Juneau, Marquette and Adams County are starting to hook up as well. The answer is yes. There is no timeline on it, it just kind of evolves and develops. Marks asked how much pressure is put on the manufacturers to make their machines safer so there does not have to be a sticker on each machine that states "Not Safe for Road Use". Harden stated the new UTVs are already road safe, the sticker stems from 3 wheelers and ATVs back in the 80's and it just hasn't been challenged or removed due to the \$100M agreement way back then. Boeck asked if most of the areas begin by individual areas starting routes because residents have asked why we are even bringing this to Berlin when they have nowhere to go from here. How do these clubs form? Boeck asked if most of the areas begin by individual areas starting routes because residents have asked why we are even bringing this to Berlin when they have nowhere to go from here. How do these clubs form?

Next ATV/UTV Routes were discussed. Yancy started out by discussing ways to cut down the traffic crossing Main Street and basically keeping the issue of crossing Main St. to a couple locations, one being Pearl Street and the other being on the West Side of town. He stated he would hope the City would allow ATV/UTV parking on the lot they own by the new bridge and that would allow people to walk to Izzy's Dockside Diner.

Marks read from a statement he wrote; As the Common Council has already okayed the ATV/UTV Policy, it has been given to our group for discussion and input back to them. With our current info regarding safety that I received so far, I would totally be against this. Our next assignment then to gather information and next suggest a route and any conditions of said route. As with any new proposal there will be some happy folks and there will be some folks that will not be happy. I would suggest the route be a designated route only. Not for all streets in Berlin to be open to ATVs and UTVs. Also we need to discuss where the connecting streets are on the outskirts of the city and adjust those routes accordingly where we cannot plan a route in town if we don't know where the connecting routes are going to be. He went on to say he does not think they can give an informed suggestion to the Council until we know where the route will connect with other townships.

Boeck asked Yancy if he drew the map up and if the routes go anywhere? Yancy said he drew up the map but at this time nothing directly attaches to Berlin. His suggestion would be connecting with N. Hunter traveling North and then West onto Dakota Ave, traveling 1 mile to the west and then meeting up with the Town of Warren roads.

During the Route discussion Marks asked if anyone knew how this works on State Highways. Harden answered by saying there was just a new statute passed that any State Highway posted at 35 or less that is within a territorial boundary is eligible without DOT approval if the local unit of government wishes to make it.

Marks voiced his opposition to utilizing Main Street as a route. He stated the Library and Wyndgate and Market Square are all busy and does not think those roads should be used. We have a big parking lot on the S. Capron St. why can't ATV/UTV people park there and walk to those business on the square or near the square.

Yancy stated it would be no different than boaters who would park their boat and walk across streets if they wanted to get to the local businesses.

Secora stated he had some issues with Yancy's map because it contradicts the Police Captain's request at the last meeting. That was to keep it simple. Secora suggested one route through town and not cross Broadway at all until the far west of town, such as going South on SW Franklin and S Washington take SW Ceresco West until McKittrick. That does allow access to many of the businesses downtown and maybe they have to walk a block or two but it would get people used to the idea of having ATV and UTVs in town, increasing our traffic flow. Secora, piggybacking what Marks said that there are no connecting routes from the townships. He felt we are perhaps getting ahead of ourselves.

Yancy stated he spoke to people at the town of Nepeuskun with Harden and they were favorable but they wanted something to connect to. We also talked to the town of Berlin who invited us to present to them. We are visiting with the town of Aurora and we made suggestions for some designated streets to Berlin. They were for it; they spent the money for an ordinance and then put it on hold until Berlin makes a decision so that they can connect to Berlin.

Attorney Matt Chier was called upon to speak by Kristina Boeck. Matt stated he did not want to interrupt the discussion on routes; however, he wanted to make a clarification to something stated earlier. He asked Marks to re-read the start of his written statement. Marks said the Common Council approved the ATV/UTV and Chier corrected him stating No, they did not approve the ATV/UTV in town and he wanted to be sure the AdHoc Committee understood their mission. He stated one of the options is they could still go back and say No they do not want ATV/UTVs in the City of Berlin. I think the Council is going to really want the committee to say where the routes should be, but I wanted you to be clear that one of the options is to say it isn't feasible to have routes in the city.

Secora continued with his proposed route; Come in on Ripon Rd., then get over to S. Pearl by traveling on Union St., traveling on East Ceresco over the new bridge West on SW Franklin, South on S. Washington to SW Ceresco to McKittrick heading North to Broadway. That will then give access to the Greentree Mall businesses, Tractor Supply, West Side Garage, Walmart, Shell, Berlin oil and it does eliminate the risk of going through town and the line of sight by going through those intersections. It also keeps it simple. If this were the route approved by this committee and the Common Council it would give us a chance to see how the regular traffic flows with ATV/UTV vehicles in the mix. This is perhaps a slower step than having more complexity in the route. This seems to accomplish what many of the proponents have identified as wanting to be included while taking away some of the concerns citizens have brought to our attention during these meetings.

Marks offered a little different scenario than Secora and that was basically turning N onto S. Grove street so you could get to McDonald's and The Berlin Aquatic Center and then turning West onto Webster Street, following that West, turning North onto N. Kossuth St., next turning West onto NW Cumberland and when you get to the T Intersection at the end you could travel South to get to the business in the Mall or Walmart or you could head North to meet up with the township routes should they come to fruition.

Yancy stated one other opportunity would be to turn N onto Pierce St. to get to the one way street behind Clem's to get to those businesses then travel West to the McDonalds and Aquatic Center area as stated in Marks' route. Secora questioned how the driver gets back to the SE areas. He felt it would be too many busy intersections to cross by Yancy's description.

Boeck stated she liked Secora's route, she felt it was taking baby steps to help the residents get used to driving with ATV/UTV traffic and vice versa and that if it was successful, she did not see a reason the Council couldn't come back to it and review it again for either further opening the route or ending if there were problems.

Secora stated there were some other communities who have done just that. They opened one or two routes and then revisited it in a year or two and became more generous with the jurisdiction. Also we have several people in attendance who have voiced their concerns and maybe in a year or two with experience they may find they no longer feel there are issues or recognize there are still concerns and a need for more limited routes.

Marks stated Berlin is unique with the River running through it and making crooked streets as well as two bridges. That is good for the Parks system but when you come to something like this; you have to decide what the right choice, if there is a right choice.

Secora brought the topic of newly enacted ordinance in Green Lake County referencing County Trunks and having to go do some evaluation at the county level. Questions to Street Superintendent Zabel and City Attorney Chier, Are the County trunks in the City of Berlin under County Jurisdiction and therefore governed by County or are they considered City Streets and we have authority over how we use them? Chier and Zabel agreed that as long as they are within city limits we have the authority. Chier further stated it is different for the townships; they would need to get approval from the County.

Marks reiterated the need for uniformity. He used the example of if Waushara County allowed ridership of ATV/UTV until 10pm it would not work if we allowed a different timeframe. Secora stated that is what our law enforcement would like to see.

Yancy spoke about a town that had restrictions on road closures during certain times of the year. The City found out people were going around about way to get to the businesses and they decided to open the roads year round to alleviate that issue.

Secora made a point to remind the members that other areas to the North have both trails and roads and they have a different geographic location with an abundance of trail opportunity.

Marks brought up the idea of having a referendum on this topic to leave it up to the people to decide if this is truly what they want in their city. Beard believed this may be a good way to solve the issue.

Yancy spoke about concern in doing that due to the cost factor.

Boeck stated she thought the referendum would be a good idea because it would give everyone a voice.

Boeck told the public in attendance that we were limiting comments to two minutes. Boeck further told the audience there would be no public participation from this date going forward. The next meeting would be for the sole purpose of finalizing the Committee's findings to present to the Common Council.

Public Comments:

Brandon Bonfiglio introduced himself and said he spoke at the very first meeting that was decided it would go to an AdHoc Committee. Bonfiglio thanked everyone who was in attendance and said whether you are for or against, I am on the Waushara County Board and it is generally just crickets off in the audience and nobody is there to support the people making the decisions and it's just good to see everyone here. I hope to see you at future board meetings as well.

The second thing I have is based on what you talked about today. The routes keep coming from other areas town of Aurora obviously borders the City of Berlin and they have discussed a couple of different options in order to get into the City of Berlin and they said they would open up additional areas so one of them I think you already talked about is N. Hunter and it touches Cypress, I don't remember exactly what your route said but it is one of the routes to get into the City of Berlin. The route you chose today meets the criteria. Most of the townships in the area have already thought about what if the City of Berlin would adopt certain ordinances. The second thing has to do with Uniformity, GL CO has put together an ordinance already and the town of Warren, town of Aurora, Town of Poygan have already put together ordinances and maybe it's something you could take a look at for your uniformity.

Jason Johanknect - Introduced himself as living on River Dr. His main concern was for safety of the people and especially his family. He has two kids. He reported statistics he learned from a report on fatalities in Wisconsin on ATV/UTV's.

Dorene Raabe – Lives on River Drive/Water St. Dorene reported on the narrow roads and traffic all along Water Street on the way to River Drive. She spoke about the 15MPH speed limit and stated it is not well patrolled currently. She said she spoke to most people on both sides of the street and nobody, not one person, wants this. She said she is asking for a BINDING Referendum and emphasized it has to be a BINDING referendum.

Selma Ceman stated she lives on River Drive and she would definitely not be in favor of a route through her neighborhood. She again brought up the issue of not enough patrolling now. The conditions would be unsafe and would too, like to see this as a referendum.

Janet Lambert, resident of River Drive, thanked Attorney Chier for clarifying Marks comment about the Council already passing the ATV/UTV initiative. She does not want to see ATV/UTVs in Berlin, thinks it will be dangerous and unnecessary. We are not a resort town, and we definitely do not need this on River drive with the amount of traffic we get now, especially when there are functions at Riverside Park.

Minutes taken by: Midge Seaman, Deputy Clerk

MINUTES
CITY OF BERLIN
ADHOC COMMITTEE TO STUDY ATV/UTV ROUTE REQUEST
MONDAY, AUGUST 20, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. ROLL CALL

Kristina Boeck called the Adhoc Committee to Study ATV/UTV Route Request to order at 6:00 p.m. Roll call present: Kristina Boeck, Charlie Beard, Tom Yancy, David Secora and Ed Marks. Staff present: Jodie Olson, Scott Zabel, Matt Chier and Dennis Plantz.

2. APPROVAL OF MINUTES

Yancy noted changes relating to paragraph 3 on page 3 where Harden should be Randy Heise. Beard moved to approve the minutes from the August 6, 2018 meeting with noted changes. Secora seconded the motion which carried by voice vote.

3. GENERAL DISCUSSION ON ATV/UTV ROUTE REQUEST AND RECOMMENDATION TO COMMON COUNCIL

Atty. Chier provided an overview and direction to the committee on their recommendation(s) to Council and outlined possible appropriate topics for recommendations. He also clarified that the committee needed to be cognizant when using streets that border neighboring communities, such as Hunter and N. Wisconsin. These streets have different jurisdictional authorities on the east and west side in areas.

Beard indicated that this is a large enough issue where the public should be included. A referendum would involve all citizens and they can decide. Marks noted he agreed with Beard as this is an important issue and the people can decide. Boeck and Secora indicated they felt the same way. Yancy questioned the cost of a referendum. Jodie Olson noted the cost would be kept way down if it were part of a normal election and not a special election. An exact cost was not known but would include additional publication and coding fees for ballots and machines relating to the question. Olson discussed the difference between a binding and an advisory referendum. She noted that in speaking with the Wisconsin Elections Commission, ATV advisory referendums have been popular and she is currently seeking input from communities who have had them.

Yancy alternatively suggested passing an ordinance with a year trial basis. Boeck noted that some people don't hate the idea of ATVs, but they don't want them on their streets, so passing an

ordinance right away wouldn't work. Beard was not in favor of a one year ordinance. Marks noted he is in favor of a referendum to let the people speak and move forward.

Beard moved to recommend to Common Council an advisory referendum for voting up or down on an ATV ordinance in 2019. Marks seconded the motion. A roll call vote resulted in five (5) ayes, zero (0) nays and zero (0) absent. Motion carried.

Discussion was held on various route ideas and how specific recommendations should be to the Council. If a referendum question would conclude the citizens want ATVs on City of Berlin streets, then Council may send the issue back to the ad hoc committee to review a route. The decision of any route would get passed by Council and not this committee. If a route were to be looked at in the future, it was suggested that the surrounding jurisdictions should be contacted for feedback on what would make sense to connect with them. Yancy was prepared to discuss a potential route, but for now, the committee found too much hypothetical to discuss a specific route.

Beard moved to recommend that the referendum question be designed to ask if citizens are in favor of ALL City of Berlin streets being used for an ATV route or have a designated route in and through it. Secora seconded the motion which carried by voice vote.

Marks moved that the following five bullet points be relayed to the Common Council for consideration in any potential ATV ordinance or route:

1. Any ordinance should be consistent with the Green Lake County ATV ordinance.
2. Avoid using the segment of Hwy 49 on Huron/Broadway Street as a route.
3. Avoid busier streets and give preference to less busy streets.
4. If an ordinance were passed, an annual review take place for at least five (5) years.
5. Avoid problematic intersections.

Secora seconded the motion which carried by voice vote.

Boeck suggested that any members that would like to come to the Council meeting to discuss the findings of the committee were welcome. The agenda will note a potential quorum of the ad hoc committee.

4. ADJOURN

Secora moved to adjourn at 7:23 p.m. Beard seconded the motion, which carried by voice vote.

Jodie Olson, Acting Secretary

DATE: September 6, 2018

TO: Common Council

FROM: Jodie Olson

RE: ATV/UTV Ordinance Request

BACKGROUND: Attached are the minutes from the Ad Hoc ATV/UTV committee meetings as a review of the lengthy and in-depth discussions that were held. At the last meeting held on August 20, the committee made a unanimous recommendation to Council that an advisory referendum be held in 2019 for this issue. The Committee further recommended that the referendum question be designed to ask if citizens are in favor of ALL City of Berlin streets being used for an ATV route or have a designated route in and through it.

Unless there is a special election called, the soonest this can get on the ballot would be for the spring election. There is not enough time to meet the legal timing requirements for the November ballot. The first step is for Council to consider and decide if this item is worthy of being a question on a ballot. If so, the question(s) need to be developed and carefully worded with the help of legal counsel. Once the question(s) are finalized and approved by Council, I need to get the question(s) over to the County Clerk at least 70 days before the election.

I was informed by the State that referendums on this issue are popular. We could survey other municipalities that have had similar questions for wording ideas. However, council would need to determine specifically what information they want to garner from the public, and the question designed correctly and fairly in order to get that information.

In the event that an ordinance would be considered in the future, the Committee wanted the following five bullet points be relayed to the Common Council for consideration in any potential ATV ordinance or route:

1. Any ordinance should be consistent with the Green Lake County ATV ordinance.
2. Avoid using the segment of Hwy 49 on Huron/Broadway Street as a route.
3. Avoid busier streets and give preference to less busy streets.
4. If an ordinance were passed, an annual review take place for at least five (5) years.
5. Avoid problematic intersections.

RECOMMENDATION: Review recommendations from ATV/UTV Adhoc committee, discuss and action as appropriate.

ATV/UTV COMMITTEE:

Our objective was to study the ATV/UTV ordinance request. We held five meetings. At our first meeting we felt it was important to determine some key concerns:

Safety, Roads and traffic, manufacture warnings, policing, enforcement ability, seasonality, noise levels, cost to the city of Berlin. (taxpayers cost to patrol)

We listened to many speakers who were very informative. We allowed public comments to be placed and we tried to listen to all the different points of view. This topic is something that people feel very strongly about. It is not one sided as we heard many points for and against the use of ATV/UTV's.

With all the informative we collected we unanimously voted that we recommend to council that an advisory referendum be held in 2019 for this issue. The committee also recommends that the referendum question be designed to ask if citizens are in favor of all of City Street being used or a route being designated through the city.

If an ordinance would be considered in the future the committee would like the following bullet points relayed to common council for consideration in the ordinance.

1. Any ordinance should be consistent with the Green lake county ATV ordinance
2. Avoid using the segment of hwy 49 on Huron and Broadway as a route
3. Avoid busier streets and give preference to less busier streets
4. If an ordinance passed, review annually for 5 years.
5. Avoid problematic intersections