

**CITY OF STURGEON BAY
PARKING & TRAFFIC COMMITTEE AGENDA
MONDAY, March 22, 2021
4:30 p.m.
COUNCIL CHAMBERS, CITY HALL
421 MICHIGAN STREET**

1. Roll call.
2. Adoption of agenda.
3. Public comment.
4. Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point
5. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

3/18/2021
10:00 a.m.
ckd

Committee Members: Kirsten Reeths, Chr.
Gary Nault, Vice Chr.
Spencer Gustafson

RECOMMENDATION

TO THE HONORABLE MAYOR AND COMMON COUNCIL:

We, the Parking & Traffic Committee, hereby recommend approving ATV/UTV use on N. Duluth Avenue between Elm Street and Bullhead Point, to be reevaluated by the Parking & Traffic Committee in January 2022.
Respectfully submitted,

PARKING & TRAFFIC COMMITTEE
By: Kirsten Reeths, Chr.

RESOLVED, that the foregoing recommendation be adopted.

Dated: January 25, 2021

* * * * *

Moved by Alderperson _____, seconded by Alderperson
_____ that the said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2021.

421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2900
Fax: 920-746-2905
Website: www.sturgeonbaywi.org

01/22/2021

To: Highway Commissioner John Kolodziej,

We the Parking & Traffic Committee of the City of Sturgeon Bay are requesting the County of Door Highway & Airport Committee to approve the continued ATV/UTV trail by opening County Road C from Park Drive to Duluth Avenue and the section North of Duluth Avenue in the township of Nasewaupsee.

The City of Sturgeon Bay's Parking & Traffic committee and the Sturgeon Bay Common Council upon approval of the County of Door Board of Supervisors would then open the cities portion at North Duluth Avenue to Bullhead Point which is part of the city's limits. The City of Sturgeon Bay would be responsible for all maintenance of the road trail along with any required signage as with the Township of Nasewaupsee would be responsible for theirs. We feel County Road C is wide enough to which an ATC/UTV can safely travel and it includes a bike path and the posted speed limit of 45 MPH. All requirements of county & city laws will be enforced. We ask for a one-year trial basis and a review upon then.

The purpose is to have residents and visiting outdoor enthusiasts enjoy access to the waters of Sturgeon Bay and provide economic benefits to both local and state levels. As this recreation has become a huge part of our state and a growing number of followers, we ask that you approve this request and we thank you for your time and consideration.

Sincerely,

Parking & Traffic Chairman – Kirsten Reeths

A handwritten signature in black ink that reads "Kirsten Reeths". The signature is written in a cursive style.

Parking & Traffic Co Chairman – Gary Nault

A handwritten signature in black ink that reads "Gary Nault". The signature is written in a cursive style.

421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2900
Fax: 920-746-2905
Website: www.sturgeonbaywi.org

01/10/2021

TO: Chairman Sullivan & Town Board of Nasewaupée,

We the Parking & Traffic committee of the City of Sturgeon Bay are requesting the township of Nasewaupée to continue the ATV/UTV trail by opening County Road C from Park Drive to North Duluth Avenue and the section of North Duluth Avenue in the township of Nasewaupée.

The City of Sturgeon Bay's Parking & Traffic committee and Sturgeon Bay Common Council upon approval would then open the cities portion at N Duluth Avenue to Bullhead Point which is part of the city's limits. The City of Sturgeon Bay would be responsible for all maintenance of the road trail along with any required signage as with the Township of Nasewaupée would be responsible for theirs.

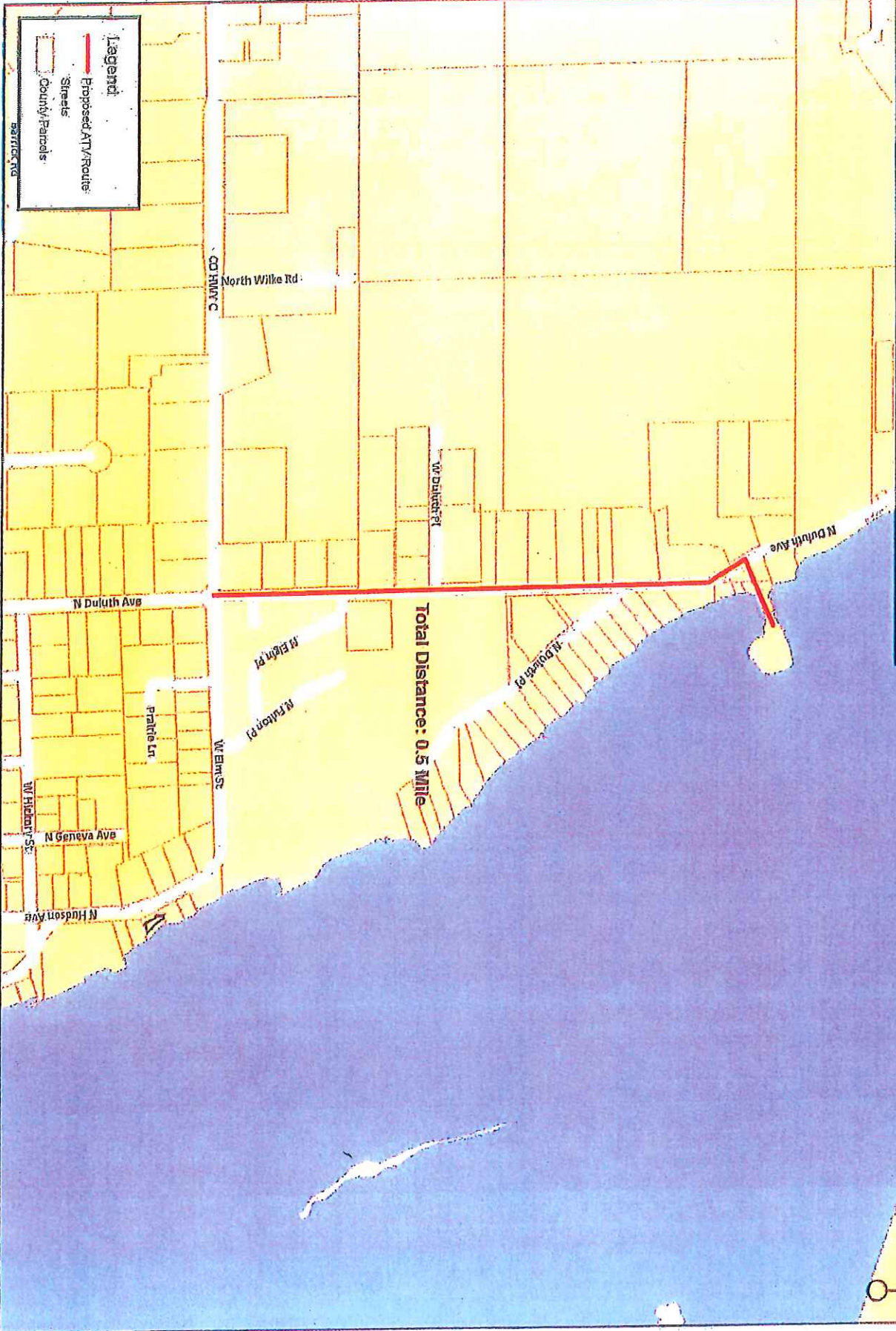
The purpose is to have residents and visiting outdoor enthusiasts enjoy access to the water of Sturgeon Bay and provide economic benefits to both local and state levels. As this recreation has become a huge part of our state and a growing number of followers, we ask that you approve this request and we thank you for your time and consideration.

Sincerely,

Parking & Traffic Chairman - Kirsten Reeths

Parking & Traffic Co Chairman - Gary Nault

Sturgeon Bay ATV Route Extension



DeGrave, Colleen

From: VanLieshout, Josh
Sent: Friday, February 12, 2021 11:58 AM
To: Barker, Michael; DeGrave, Colleen
Cc: Reinhardt, Stephanie
Subject: FW: Proposed ATV/UTV Trail

Please place the correspondence below in the Parking and Traffic folder for March.

Thank you,

Josh

From: Mary Lou Allen <beachstones1@charter.net>
Sent: Friday, February 12, 2021 10:07 AM
To: SBMayor <sbmayor@sturgeonbaywi.org>; SBDistrict1 <sbdistrict1@sturgeonbaywi.org>; SBDistrict2 <SBDistrict2@sturgeonbaywi.org>; SBDistrict3 <SBDistrict3@sturgeonbaywi.org>; SBDistrict4 <sbdistrict4@sturgeonbaywi.org>; SBDistrict5 <sbdistrict5@sturgeonbaywi.org>; SBDistrict6 <sbdistrict6@sturgeonbaywi.org>; SBDistrict7 <sbdistrict7@sturgeonbaywi.org>; nasewaupeeclerk@gmail.com
Cc: VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>; Reinhardt, Stephanie <reinhardt@sturgeonbaywi.org>
Subject: Proposed ATV/UTV Trail

February 12, 2021

TO: City of Sturgeon Bay Mayor and Common Council
Nasewaupee Town Board

We have just learned of a request made by 2 members of the City's Parking and Traffic Committee to the Town of Nasewaupee to continue an ATV/UTV trail on County C from Park Drive to North Duluth Avenue and the Town's section of North Duluth Avenue, with the intent of the City to create an ATV/UTV trail on North Duluth Avenue to Bullhead Point.

As owners of a home in the City of Sturgeon Bay at 720 N. Duluth Avenue (immediately adjacent to Sunrise Shores Mobile Homes), we request that this extension be denied by both Nasewaupee and the City.

For those who do not regularly use North Duluth Avenue, this is not a quiet rural type of street but a very narrow and busy one used by many residents, resort guests, Waterfront Mary's patrons, walkers, bikers, motorcyclists, vehicles with boat trailers, etc. especially on weekends. Our concerns

are for the safety of all these users. Adding ATVs/UTVs will only create more congestion and safety issues.

Additionally, there is considerable faster than usual traffic on County C / Elm Street in both directions making exiting from stop signs at North Duluth Avenue/County C interesting at times. Adding this trail would certainly create more safety issues in the area.

We don't have an issue with ATV/UTV users but feel this is not the proper place to extend the trail.

Thank you for considering our request for denial.

Eddy and Mary Lou Allen

Mailing Address:
867 S. 15th Court C-2
Sturgeon Bay, WI 54235

DeGrave, Colleen

From: Barker, Michael
Sent: Tuesday, March 9, 2021 6:18 AM
To: DeGrave, Colleen
Subject: FW: ATV Access and the Ice Age Trail

Please include this in the P&T package as well.

Thanks,
Mike

From: VanLieshout, Josh
Sent: Monday, March 8, 2021 4:01 PM
To: Barker, Michael
Subject: FW: ATV Access and the Ice Age Trail

From: James Anello <barimsc1@gmail.com>
Sent: Monday, March 8, 2021 3:47 PM
To: VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>
Subject: ATV Access and the Ice Age Trail

Dear Josh:

Thank you for calling me to acknowledge receipt of my concerns about allowing shared use of a portion of the Ice Age Trail with ATVs.

As I stated in my original message, I am against allowing ATV access on the portion of the Ice Age Trail on Duluth Avenue. Several things about the proposal concern me. First, I am concerned with the erosion and general wear and tear on the trail that will come with the inclusion of ATVs on the trail. Second, allowing ATVs on the trail will bring unwanted noise pollution. Last, I am concerned about the increased potential for ATV/Pedestrian accidents, especially considering that the proposed change would provide easier access to a nearby bar.

I have hiked in the Sturgeon Bay area several times, and I have always immensely enjoyed myself. If this change is adopted, I will most likely chose another area to visit in order to hike in nature's solitude, to eat a good meal after my hike, and to spend the evening in a local hotel.

Thank you,

James Anello
3710 N. Oakland Avenue#408
Shorewood, WI 53211
414-759-1234

03/08/21

To: Parking and Traffic Committee City of Sturgeon Bay

Re: Proposed City Atv/UTV Route from the corner of Elm Street, north along N. Duluth Ave. to Bullhead Point. Parking and Traffic committee meeting and Public Hearing, March 22, 2021 4:30pm

Cc: Sturgeon Bay City Council, Mayor, and City Administrator

Dear Parking and Traffic Committee:

I respectfully request that this letter is entered into the public record as part of the Public Hearing portion of the above referenced meeting.

OPENING STATEMENT

When we purchased our first, then second condominium at Cliff Dwellers we did so with full knowledge of the existing traffic conditions on the street. We were also aware of the fact the street is the termination (or commencement) of the Ice Age Trail and a bike route. If there was an ATV Route on the street at the time we would not have purchased there.

I believe that when someone requests permission to do something that is not already their right to do, the applicant must receive permission from people affected by their action. The applicant also has the burden of proof that what they wish to do does not and will not create circumstances objectionable to people affected by their actions. This a fundamental tenant of Democracy, Consent of the Governed.

We and our North Duluth Neighbors DO NOT consent to an ATV trail/route on any part of North Duluth. It is amazing this topic has even gotten to this point considering the citizen opposition and flaws in the process. I would like to discuss the flawed process. Others will speak to safety, traffic, noise, Ice Age Trail and other objections.

If the City wishes to have ATV routes it must be done in a more inclusive and comprehensive way. Our neighborhood will not be a "test" of what problems ATV/UTV routes may cause. Our neighborhood will not be burdened by this.

The citizens in the City who have expressed interest in ATV/UTV routes should be encouraged to have their neighborhoods be test areas. Ultimately, any "test" can only be after everything else has been addressed. The Parking and Traffic committee proposed a logical approach at its October 26 meeting but seems to have ignored its own recommendations.

The following pages refer to minutes of meetings at Parking and Traffic, the Town of Nasewaupee, and Parking and Traffic's January 10, 2021 letter to the Town and County

August 31, 2020 Parking and Traffic Committee meeting minutes: (attached)

Two members of the public, who live in Sturgeon Bay but not near the Duluth side of the channel asked P/T to "look into a UTV/ATV ordinance allowing those recreational vehicles access within the city". A third member of the public, who lives in the Town of Nasawaupsee, said that "the Town of Nasawaupsee has a similar allowance for ATV/UTVs that works well."

It is common for communities who wish to create ATV/UTV routes to establish an ordinance prior to determining routes. This is what Casco, Door County, Bailey's Harbor and other communities we researched did.

*AT THIS MEETING, NO MENTION OF ROUTE/TRAIL ON N. DULUTH

October 26, 2020 Parking and Traffic Committee meeting minutes (attached) : also to Community Protection & Services (CP&S) committee for further consideration

At this meeting Jeff May, a member of the public (who does not live on the Duluth side of the channel) offered his support on helping come up with a route for the city. He said he helped Nasawaupsee on their routes and there was lots of support from people within the city and outside the city to connect Sturgeon Bay to the rest of the trail systems. Note that Mr. May is an ATV dealer.

Other significant points:

- *Ald. Gustafson said his constituents wanted them "kept out of neighborhoods"*
- *Ald. Nault wanted "the safest routes"*
- *Ald. Reeths wished to see DNR and WDOT laws and regulations so they could be good tools "for the City to use to develop our own rules and routes"*
- *Police Chief Henry "mentioned that the use of the highway 42/57 bridge may be the best option to be able to keep the UTVs/ATVs out of neighborhoods"*
- *The city Administrator said that P/T should continue research and determine if this is really "What the City wants"*
- *Mr. May said he would "meet up with other citizens that are in support of this and get some ideas on paper prior to the next meeting."*

*AT THIS MEETING NO MENTION OF ROUTE/TRAIL ON N. DULUTH

In my opinion, much of the minutes show a normal and considered process. It is clear from the subsequent Parking and Traffic minutes and County/Town information that items above have not been addressed up to this point. One omission is there is only a discussion of "support" and no discussion of possible opposition or even communicating with residents and property owners in a proposed route area.

- A) The minutes of the Community Protection and Services Committee never show referral from Parking and Traffic as recommended above
- B) As will be seen in future actions, a proposed trail was not kept out of neighborhoods and there was no enabling legislation for ATVs/UTVs for the city as a whole.
- C) The question of "what the city wants" was never answered
- D) Mr. May (not a council person) was empowered to *meet up with other citizens that are in support of this and get some ideas on paper prior to the next meeting.* Was this ever done? And whom did he talk to?

Regarding Police Chief Henry's comments (if he is accurately quoted): The citizens of North Duluth Ave., and North Duluth Place actually do consider themselves part of a "neighborhood". We are sure that residents of Elm, Hickory, Juniper, Nicolet and other streets on our side of the channel consider themselves to be in "neighborhoods", just like residents on the other side of the bridges.

1/10/2021

Letter from Parking and Traffic to Town of Nasewaupee (attached):

In this letter the Parking and Traffic committee asks the Town to go forward with a N. Duluth Ave. trail even though there is no mention of N. Duluth in the minutes of their prior meetings.

"requesting the township of Nasewaupee to continue the ATV/UTV trail by opening County Road C from Park Drive to North Duluth Avenue and the section of North Duluth Avenue in the township of Nasewaupee"

"the City of Sturgeon Bay 's Parking and Traffic committee and the Sturgeon Bay common council upon approval, (emphasis added) would then open the cities portion at N. Duluth Avenue to Bullhead Point which is part of the city's limits"

"the purpose is to have residents and visiting outdoor enthusiasts enjoy access to the waters of Sturgeon Bay and provide economic benefits to both local and state levels. As this recreation has become a huge part of our state and a growing number of followers, we ask that you approve this request"

- This letter was sent before any of the recommendations in the Parking and Traffic committee October 26 meeting were acted upon .
- There is ambiguity in the words upon approval which may refer to upon approval of the City's Parking and Traffic Committee and Council or just approval by the Town to continue the ATV/UTV trail?
- It seems to me that the City should have completed its due diligence and ATV regulations and codes as discussed in Parking and Traffic's October 26 meeting before approaching the Town (and by extension the County)

***THIS IS THE FIRST TIME THAT THERE IS ANY MENTION OF THE SPECIFIC ROUTE TO BE OPENED IN THE CITY (DULUTH). WHEN DID THE COMMITTEE DETERMINE THIS WOULD BE THE TEST ROUTE?**

January 26, 2021 Parking and Traffic committee meeting (attached):

Note that the P&T meeting was probably on 1/25/21 (Monday) but the minutes say 1/26/21 (Tuesday). This is the first time a Parking and Traffic Committee meeting mentions N. Duluth specifically.

- A statement that ATV routes was brought to P&T in November —it was actually October 26
- Reference was made that the City would extend from Elm to Bullhead point (along N. Duluth)
- Reference was made that the County was requested to open County C from N. Duluth to county PD and this would make *“it possible to go from Nasewaupée to Green Bay.”* and *“that the city portion is from N. Duluth to Bullhead Point and is .5 mile long”*
- It was moved *“to approve ATV/UTV use on N. Duluth Avenue between Elm Street and Bullhead Point, to be re-evaluated by the Parking & Traffic Committee in January 2022. All in Favor-carried”*

This is the first time that P&T establishes an additional goal that *it possible to go from Nasewaupée to Green Bay.”* This is actually incorrect since there are no connecting routes in Brown County or Kewaunee County.

The minutes refer to a request made to the County Highway Department. The County portion is in Town and such a request would need to come from the Town to the County. I do not have a copy of any request from City to County.

The approval of “ATV/UTV use” would be subject to council approval which is not stated here.

Again, none of the specific due diligence, citizen input and City ATV own rules regulation and routes have been addressed.

Although the January 10 letter from the committee to the Town is ambiguous it appears that the Parking and Traffic committee did not even move to this approval until after the Town was asked to approve.

The City refers to Elm to Bullhead Point. In the Town’s agenda and minutes in February the Town goes further to go all the way to Potawatomi Park and also include Grondin Road,

***ONLY AT THIS POINT, AFTER THE JANUARY 10 LETTER TO THE TOWN, DOES PARKING AND TRAFFIC COMMITTEE DISCUSS THE DULUTH ROUTE**

Town of Nasewaupsee Board Meeting February 18, 2021 (attached)

At this meeting the Town agenda calls for: *"Extension of ATV.UTV Route –North Duluth Avenue, Grondin Road and County C from County PD to north Duluth Avenue"*

In this meeting there was significant citizen opposition. Only three (none who live in the affected section of North Duluth) spoke in favor. To add insult to injury, the Town proposed going all the way to Potawatomi Park on N. Duluth , not just stopping at Bull-head Point which was inferred by the City's original positions.

The three proponents were Mr. May (who sells ATVs/UTVs), the owner of Waterfront Mary's who could benefit from a route and a resident of the city.

A significant ATV/UTV experience touted to by the proponents was *"access to the ice"*. A statement was made by a supporter that *"there would only be a few ATV riders"*

After being told by Mr. May that the proposal has passed the City's Parking and Traffic Committee and after the Chairman read the City's Parking and Traffic Committee minutes of Jan. 26, the Chairman said "I could live with that" and put it to a vote.

The Town board on a two to zero vote (a third Board member was absent) voted to approve their route subject to review in a year.

THE MINUTES OF THE FEB 18 MEETING HAVE NOT YET BEEN POSTED TO THE TOWN WEBSITE

Please see the following photos taken on 03.06.21 which show the huge impact ATVs/UTVs already have on parts of Door County. These impacted neighborhoods are generally vacation homes occupied in the summer, do not have the population density of North Duluth, are not heavily traveled by vehicles at any time, are generally wider and straighter, have shoulders for parking for unloading and passengers and have homes located far from the road surface. All of these conditions are opposite of what is on North Duluth.

THESE PHOTOS, TAKEN ON 03/36/2021 ILLUSTRATE THE IMPACT OF ATVS/UTVS FOR ICE ACCESS. THESE DIRECTLY OR INDIRECTLY SHOW THE DENSITY OF ATVS/UTVS THEIR TRUCKS AND TRAILERS AND SUPPORT VEHICLES. THIS IMPACT IS TOTALLY UNACCEPTABLE FOR NORTH DULUTH. THERE ARE NUMEROUS ICE/WATER ACCESS POINTS ALONG EXISTING ATV ROUTES . POTAWATOMI PARK'S BOAT LAUNCHING AREA IS POPULAR FOR LOADING ATVS ON TO THE WATERS OF SAWYER HARBOR WHICH, BY EXTENSION PROVIDES ICE ACCESS TO THE CHANNEL AND RESTAURANTS THAT ARE ALONG THE CHANNEL



Potawatomi Park launch area. Trailered and launched . Access to Sawyer Harbor and beyond. This is properly constructed and useful. Why add another option on Bullhead Point and beyond?



Just one example of many. Vehicles servicing ATV ice access. Town of Gardner. There were hundreds of vehicles parked. Some roads were marked "no parking" and "no ATVs between May and September". Note the wide, flat, straight street with no residences close to the road



Note that to clear the ATV service vehicles the vehicle on the left had to use the opposing lane and cross the yellow lines



ATV rider with toddler. We saw several examples of this. N. Duluth has large trucks, septic trucks, blind corners, no shoulder and narrow pavement width, homes very close to the road.



Taken in Potawatomee Park on 03/07/21 this is 8 feet wide, half the width of N. Duluth in places. In addition to the width, the articulated movement of the trailer makes it much less safe on tight corners (like the curved slope at Bullhead Point)



DOOR COUNTY

AMENDATORY ORDINANCE 2021-05

**AMENDMENT OF CHAPTER 11.05 DOOR COUNTY CODE
ALL TERRAIN VEHICLES & UTILITY TERRAIN VEHICLES ROUTES**

THE DOOR COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GAUGER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
RUSNAK			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve Adopted

1st _____ Defeated

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 23rd day of February, 2021 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Countersigned

David Lienau, Chairman
Door County Board of Supervisors

Effective Date Upon enactment and publication.

1 The Town of Nasewaupée, with an endorsement by the City of Sturgeon Bay has requested that
2 portions of CTH C, from CTH PD to North Duluth Avenue, located within their territorial boundaries, be
3 designated as an all-terrain vehicle route and utility terrain vehicle route.

4
5 The Door County Highway & Airport Committee has considered the request and recommends approval
6 of, and amendment of Chapter 11.05 Door County Code to effectuate, the same.

7
8 The Door County Board of Supervisors does hereby ordain an amendment to Chapter 11.05 Door
9 County Code as follows:

COUNTY HIGHWAYS, OR PORTIONS THEREOF, DESIGNATED AS ATV AND/OR UTV ROUTES.

A. The following routes are designated as ATV / UTV routes:

1. The portion of County Highway(s) DK, N, D, Y situated within the Town of Union.
2. The portion of County Trunk Highway W situated within the Town of Washington.
3. The portion of County Trunk Highways M, SB, and PD situated within the Town of Nasewaupée
4. The following segments of County Trunk Highways in the Town of Gardner: All of CTH CC, CTH C from CTH CC to Stevenson Pier Road, CTH C from Meadowlark Lane to Lime Kiln Road, and CTH N from Fox Lane southerly to the Gardner Town Line.
5. The portion of County Trunk DK in the Town of Brussels.
6. The portion of CTH H from STH 42 west to Stone Road in the Town of Forestville.
7. The portion of CTH J from Mill Road to the easterly Forestville Village Limits.
8. CTH C from CTH SB to Stone Road, Town of Nasewaupée
9. CTH EE from Red Cherry Road to CTH F, and CTH F from STH 57 to Meadow Road, and CTH E from CTH A to Red Cherry Road, Town of Baileys Harbor.
10. CTH E from CTH A to Baileys Harbor Town Line and on CTH EE from Red Cherry Road to North Maple Road.
11. CTH F from CTH A to West Meadow Road, Town of Gibraltar
12. CTH C from CTH N to Riley's Bay Road, Town of Gardner
13. CTH C from CTH PD to North Duluth Avenue, Town of Nasewaupée

31
32 Chapter 11.05 Door County Code shall remain unchanged and shall continue in full force and effect
33 except as amended by this ordinance.
34 This ordinance shall become effective upon enactment and publication.

35
36 The Door County Clerk shall transmit a certified copy of this ordinance to the Wisconsin Department of
37 Natural Resources and the Door County Sheriff's Department.

SUBMITTED BY: HIGHWAY & AIRPORT COMMITTEE

Roy Englebert, Chairperson

Kenneth Fisher

Joel Gunnlaugsson

David Englebert

Laura Vlies Wotachek

Town of Nasewaupée
Door County
Sturgeon Bay, WI 54235

Town Board Meeting
February 18, 2021 – 7:00 p.m.
3388 Park Drive, Nasewaupée Town Hall

Agenda

1. Call to Order
2. Establish a Quorum/Members Present
3. Approval of Agenda
4. Approve Minutes of the January 14, 2021 Regular Board Meeting
5. Fire Protection
6. Tax Parcel 020-01292725114B – 2427 County Road MM – Raze Order
7. Request for a Variance to the Setback from the Centerline of a Town Road – Tom Karkos, 4250 Island Circle Drive
8. Request to Vacate a Portion of Howards Avenue – 4119 Elms Road
 - a. Resolution – Howard Avenue Vacation
9. Extension of ATV/UTV Route – North Duluth Avenue, Grondin Road, and County C from County PD to North Duluth Avenue
10. Parking Issues / No Parking Cliff View Road – West Side of Roadway
11. Ordinance – Amendment of Regulation of Noxious Weeds
12. Roads, Park, and Cemetery
13. Permits
 - a. Administrative
 - b. Building
 - c. Driveway
 - d. Sign
14. Licenses
 - a. Mobile Home Park
15. Correspondence
16. Public Comment
17. March Agenda Items
18. Presentation and Approval of Bills
19. Next Meeting Date:
 - Thursday, March 18, 2021 – 7:00 p.m.
20. Adjourn

Discussion and action may occur on any agenda item unless otherwise noted. Public comment will be allowed on each agenda item. This agenda is subject to change prior to the meeting with notice.

**Parking & Traffic
January 26, 2021**

A meeting of the Parking & Traffic Committee was called to order at 4:30 p.m. by Chairperson Reeths in Council Chambers, City Hall, 421 Michigan Street.

Members Kirsten Reeths, Gary Nault and Spencer Gustafson were present. Also present: Municipal Services Director Mike Barker and Municipal Services Assistant Colleen DeGrave.

Moved by Ald. Gustafson, seconded by Ald. Nault to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Public comment.
4. Discussion of: Parking on 3rd Avenue.
5. Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point.
6. Adjourn.

All in favor. Carried.

Public comment. None

Discussion of: Parking on 3rd Avenue:

Ald. Nault explained he had spoken with the owner of Ace Hardware regarding her concerns about parking around the hardware store location. Currently there are 17 parking spaces allotted for the hardware store, and 12-15 spaces are being used for their employees. He stated he had also spoken with two other 3rd Avenue business owners regarding a lack of parking on 3rd Avenue. Ald. Nault suggested it is a concern that could possibly be addressed by the City in the future, but at this point there are not a lot of options. Ald. Gustafson suggested the owner of the hardware store look into a possible agreement with the buyer of the Nicolet Bank lot. Ald. Reeths stated she felt it is an issue that could be brought back to the committee at a later date.

Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point: Ald. Reeths stated this had been brought to the Parking & Traffic Committee back in November. Ald. Nault explained that making this section ATV/UTV usable, and the request sent to the Door County Highway Commissioner to approve a ATV/UTV trail by opening County Road C from Park Drive to Duluth Avenue and the section North of Duluth Ave. in the township of Nasewaupée, would make it possible to go from Nasewaupée to Green Bay. The City portion is from N. Duluth Avenue to Bullhead Point and is .5 mile long.

Moved by Ald. Gustafson, seconded by Ald. Nault, to approve ATV/UTV use on N. Duluth Avenue between Elm Street and Bullhead Point, to be reevaluated by the Parking & Traffic Committee in January 2022. All in favor. Carried.

Motion to Adjourn:

Moved by Ald. Nault, seconded by Ald. Gustafson. Meeting adjourned at 4:53 p.m.

Respectfully Submitted,

Colleen DeGrave
Municipal Services Administrative Assistant

5

421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2900
Fax: 920-746-2905
Website: www.sturgeonbaywi.org

01/10/2021

TO: Chairman Sullivan & Town Board of Nasewaupée,

We the Parking & Traffic committee of the City of Sturgeon Bay are requesting the township of Nasewaupée to continue the ATV/UTV trail by opening County Road C from Park Drive to North Duluth Avenue and the section of North Duluth Avenue in the township of Nasewaupée.

The City of Sturgeon Bay's Parking & Traffic committee and Sturgeon Bay Common Council upon approval would then open the cities portion at N Duluth Avenue to Bullhead Point which is part of the city's limits. The City of Sturgeon Bay would be responsible for all maintenance of the road trail along with any required signage as with the Township of Nasewaupée would be responsible for theirs.

The purpose is to have residents and visiting outdoor enthusiasts enjoy access to the water of Sturgeon Bay and provide economic benefits to both local and state levels. As this recreation has become a huge part of our state and a growing number of followers, we ask that you approve this request and we thank you for your time and consideration.

Sincerely,

Parking & Traffic Chairman - Kirsten Reeths

Parking & Traffic Co Chairman - Gary Nault

**Parking & Traffic
October 26, 2020**

A meeting of the Parking & Traffic Committee was called to order at 4:30 p.m. by Chairperson Reeths in Council Chambers, City Hall, 421 Michigan Street.

Members Kirsten Reeths, Gary Nault and Spencer Gustafson were present. Also present: City Administrator Josh VanLieshout, Police Chief Clint Henry, and Municipal Services Director Mike Barker.

Moved by Ald. Nault, seconded by Ald. Gustafson to adopt the following agenda:

4 and #5 from original agenda was swapped

1. Roll call.
2. Adoption of agenda.
3. Public comment.
4. Consideration of: **UTV/ATV City street trails to CP&S Committee for further consideration**
5. Consideration of: **"No Parking Zone" on the south side of W. Walnut Drive between S. Elgin and S. Fulton Ave.**
6. Adjourn.

All in favor. Carried.

Public comment. None

Consideration of: UTV/ATV City street trails to CP&S Committee for further consideration:

Jeff May offered his support on helping come up with a route through the city for UTV/ATV riders. He stated that he helped Nasewaupée develop their plan to allow UTV/ATVs on their roads. He stated that there is great interest from folks from within the City and outside the City to connect Sturgeon Bay to the rest of the trail systems. Ald. Gustafson stated that from his dealings with his constituents he would like to see them kept out of neighborhoods. He also mentioned that he had mixed responses when he posted this topic on social media. Ald. Nault spoke of his support and how this would be a nice thing for the residents as long as we could come up with the safest routes. Ald. Reeths spoke about different laws that the DOT and WI DNR have for UTV/ATV riders and that they could be good tools for the City to use to develop our own rules and routes. Police Chief Henry mentioned that use of the Highway 42/57 bridge may be the best option to be able to keep the UTV/ATVs out of neighborhoods. City Administrator stated that no ad hoc committee is needed to help with this; the Parking and Traffic committee should continue to research and determine if this should be allowed. He also mentioned that it should really be determined if this is what the City wants, also mentioned that the public safety departments should have input on their concerns/ideas. Jeff May said that he would meet up with other citizens that are in support of this and get some ideas on paper prior to next meeting. This will be discussed at next meeting.

(112612)

Consideration of: "No Parking Zone" on the south side of W. Walnut Drive between S. Elgin and S. Fulton Ave.:

Ald. Gustafson proposed a "No Parking Zone" as outlined due to a high amount of large vehicles parked in the area. There are often large trucks, trailers, and vans parked on W. Walnut on both sides of the street thus leaving the street just wide enough for one vehicle to pass at a time. Ald. Nault mentioned that a small portion of that area already had two "No Parking Between Signs" posted and that we could simply extend the no parking area. Mike Barker mentioned that there was a complaint earlier this summer from a resident of the abundance of parking and how children were entering the street between the cars and it was a safety concern. He also verified that there was an unusually high amount of large vehicles and trailers parked this summer.

Moved by Ald. Gustafson, seconded by Ald. Nault, to **"Extend existing No Parking Zone to the corner of S. Fulton and add an additional sign in the middle of the extended No Parking Zone"**. All in favor. Carried.

Motion to Adjourn:

Moved by Ald. Gustafson, seconded by Ald. Nault. Meeting adjourned at 4:53 p.m.

**Parking & Traffic
August 31, 2020**

A meeting of the Parking & Traffic Committee was called to order at 4:31 p.m. by Chairperson Reeths in Council Chambers, City Hall, 421 Michigan Street.

Members Kirsten Reeths, Gary Nault and Spencer Gustafson were present. Also present: Community Development Director Marty Olejniczak, Planning/Zoning Administrator Chris Sullivan-Robinson and Municipal Services Assistant Colleen DeGrave.

Moved by Ald. Nault, seconded by Ald. Gustafson to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Public comment.
4. Consideration of: Bike & Pedestrian Advisory Board motion to recommend the date of Saturday, May 22, 2021 for the Bike Rodeo.
5. Consideration of: Bike & Pedestrian Advisory Board motion to combine the Bicycle & Pedestrian Advisory Board with Parking & Traffic, which meets on the last Monday of every other month at 4:30 p.m.
6. Adjourn.

All in favor. Carried.

Public comment. None

Consideration of: Bike & Pedestrian Advisory Board motion to recommend the date of Saturday, May 22, 2021 for the Bike Rodeo.

Ald. Reeths stated she has spoken with Police Captain Dan Brinkman and the Police Dept. would be on board with participating in the Bike Rodeo. Ald. Gustafson expressed that he would like to be involved with the Bike Rodeo as well. He said Door County Silent Sports Alliance and Habush, Habush & Rottier had been involved and provided donations in the past, such as bike helmets. Discussion took place regarding a sticker or certificate, or free ice cream cone coupon upon completion of the rodeo.

Moved by Ald. Nault, seconded by Ald. Gustafson, to approve Saturday, May 22, 2021 as the next Bike Rodeo. All in favor. Carried.

Public comment was opened back up per Ald. Reeths

Steve Wiegand, 109 N. 16th Dr. and David Davis, 812 Belmar Pl., spoke in favor of the Parking & Traffic Committee looking into a UTV/ATV ordinance allowing those recreational vehicles access within the City. Jim Simonar, 6848 Meadow Lane, stated the town of Nasawaupee has a similar allowance for UTV/ATVs that works well.

Consideration of: Bike & Pedestrian Advisory Board motion to combine the Bicycle & Pedestrian Advisory Board with Parking & Traffic, which meets on the last Monday of every other month at 4:30 p.m.

Discussion took place on whether to combine the Bike & Pedestrian Advisory Board with the Parking & Traffic Committee, or whether they would be kept separate. Mr. Olejniczak stated there would be a need for an ordinance change if the two were to be combined.

Moved by Ald. Reeths, seconded by Ald. Gustafson, to combine the Bike & Pedestrian Advisory Board with the Parking & Traffic Committee for meetings, but the board/committee would still act as two different bodies. All in favor. Carried.

Meeting adjourned at 4:53 p.m.

Respectfully Submitted,

Colleen DeGrave
Municipal Services Assistant

March 12, 2021

To: Sturgeon Bay Common Council and Parking and Traffic Committee

From: Steve and Sally Krueger 129 W. Juniper St. Sturgeon Bay 246-1162 or 246-1829

Re: Proposed ATV Trail

Dear Members,

If access to Otumba Park is considered please access on west side of Juniper St. The east side runs by our and four other houses. During the summer cars are parked on both sides of the street in front of the houses making for a very narrow lane for cars. People, especially children are continually running between cars. Many people walk down the middle of the street, especially people taking their Kayaks to the beach.

Thanks for addressing our concerns regarding this proposal.

Steve and Sally Krueger

A handwritten signature in black ink, appearing to read "S. R. Krueger", with a large, stylized loop at the end of the signature.

To whom it may concern,

I am writing in regards to the proposed ATV/UTV route for North Duluth Avenue in Sturgeon Bay. I wanted to reach out to express my concerns over the proposed route and to ask that it be thoughtfully reconsidered.

My family owns a place on North Duluth Avenue, and thus knows the intricacies of the area well. Over the years we have enjoyed its quiet and scenic beauty. For anyone who lives on or has traveled down North Duluth Avenue, it seems almost a moot point to bring up the issue of safety on the street with regards to adding an ATV trail. The street is lined with residential properties, with Waterfront Mary's Bar and Grill and Resort near the end of the street, just before the street ends with access to Potawatomi State Park. Midway down the street is Cliff Dwellers Resort, in which many families own a lakefront cabin or condo unit, sometimes renting them out to traveling visitors. As such, the area gets many tourists, often with young children, who specifically seek out the area as a refuge due to its peace, quiet and natural beauty.

At the top of the street where North Duluth meets Hwy C there is a hill and the road winds, creating poor visibility. Cars already go down this street much too fast given the poor visibility and the fact that residential homes and a resort lie just up ahead, with many people, including young children, crossing back and forth across the street to get to the pool, lakefront, and main office.

There are also often utility and septic trucks coming up and down the road as well to service the properties residing there. The road is unusually narrow (16 feet in places, 18 feet on average) especially around Cliff Dwellers Resort, where the roadway comes within just a few feet of cottages as well as the pool on the opposite side of the street. The resort dates back to the 1930s, "updated" in the early '70s, with no regard to proper setbacks. Much of the road is cut at the edge of the limestone ledge, with no shoulder to speak of. There are also no sidewalks anywhere along the entire road. Thus, it is very difficult to get out of the way of approaching vehicles, as there is nowhere to go. It is already difficult to walk or bike down the street, especially with children, without feeling the need to remain constantly vigilant about approaching vehicles.

The street is not a through street, as it ends with a parking area and entryway into Potawatomi State Park. Potawatomi State Park is designed mainly for pedestrians and bicyclists. As such, motorized vehicles are not permitted throughout much of the park. This means the traffic that comes down North Duluth Avenue not only comes down it, but also must go back out the way it came, essentially causing double the amount of traffic passing through. With Waterfront Mary's Bar and Resort located near the end of the road with its' restaurant, bar, resort, and public waterfront area, North Duluth already sees plenty of traffic. Adding an ATV/UTV route to this road would only encourage more traffic on a road which already has a hard time accommodating the amount of traffic it gets and already nearly pushes its' pedestrians off the road.

The above mentioned points make it obvious that from a safety standpoint, North Duluth Avenue is a very poor choice to create an ATV/UTV trail. It is dangerous enough already without adding further congestion.

North Duluth Avenue is also part of the Ice Age Scenic Trail, one of only eleven national scenic trails in the country. According to the Ice Age Trail website, the "Ice Age Trail is more than a path through the woods. It's a place for mental and physical rejuvenation. More than 2.3 million people use the ice age trail each year to hike and snowshoe, to backpack, to disconnect, and reconnect." This makes the area rare and unique--a place that should be protected.

There is a place for everything, and given the information provided above, it should become clear that North Duluth Avenue is not the place for opening an ATV/UTV route. There are plenty of other ATV routes throughout Door County and Sturgeon Bay that are much better suited for this purpose. In this case, by creating an ATV trail on North Duluth Avenue, you will welcome and encourage more vehicle traffic on a street which simply cannot safely accommodate it, will encourage the eventual decline of the natural beauty, peace, and serenity of the area, and will also potentially create the need for more work and funds from the town in order to monitor the increased flow of traffic and potential safety hazards. In addition, tourists who come to the area for its beauty, peace and quiet may search for another location to visit, though they are becoming more and more difficult to find.

A human life is short in comparison to how long these natural landscapes have existed. It is up to those in positions of authority to listen to the voices of the people of the community, particularly the people who know the street and area well, in order to protect rather than exploit the area to ensure it retains its natural, beautiful and unique qualities for generations to come.

Thank you for your time and consideration in reading my concerns. I hope it has created some new awareness regarding the issue at hand.

Best Regards,


Nicole Selbo

Fwd: Ice Age Trail in Sturgeon Bay

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:38 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

 2 attachments (701 KB)

Sturgeon Bay -Atlas Map.pdf; image001.gif;

Sent from my iPad

Begin forwarded message:

From: Kevin Thusius <kevin@iceagetrail.org>
Date: March 10, 2021 at 4:45:39 PM CST
To: SBMayor <sbmayor@sturgeonbaywi.org>
Cc: Mike Wollmer <mike@iceagetrail.org>, Amy Lord <amy@iceagetrail.org>, Kevin Quinn <quinnkj@hotmail.com>
Subject: Ice Age Trail in Sturgeon Bay

Hello Mayor Ward and Common Council Members (bcc'd to avoid quorum issues),

First, please let me congratulate you on recently becoming an Ice Age Trail Community. On my first day working for the Ice Age Trail Alliance in 2000, my coworker and I made it to Sturgeon Bay and Potawatomi State Park. I have been quite fond of both ever since. Our organization looks forward to working with you for many years to come.

I was recently contacted by several individuals related to ATV/UTVs on N. Duluth Avenue. There were some question and confusion about the Ice Age Trail location and plans for the future. This message is intended to answer these questions and ensure that you all hear directly from the Alliance on this matter. Even though individuals may surely share their own opinion and may be supporters/members of the Alliance, any official comments on this matter will come from me or our Executive Director.

Please see the attached map. It shows that the official signed Ice Age Trail route is along N. Duluth Ave and has been there since approximately 2003/4 when I personally helped City staff install the signage around the City. Generally, it is our goal to get the Ice Age Trail off roads (outside of municipalities of course) as much as possible. However, because both sides of N. Duluth Ave have many small lots, its is unlikely the Trail will ever be routed off road between from CTH C to Potawatomi SP, and, therefore, will remain on N. Duluth Ave for the long-term. The road is fairly narrow and the shoulder falls off quickly in areas. Therefore, it would be helpful and increase safety if there was a widened road and/or shoulder for Ice Age Trail users. We ask that the City consider this option in the future. We have no specific comments about the ATV/UTV proposal on N. Duluth Ave.

If you have any questions, please do not hesitate to contact me.

3/18/2021

Mail - Kerry Reeths - Outlook

Respectfully submitted,
Kevin

Kevin Thusius
Director of Land Conservation

Ice Age Trail Alliance

2110 Main Street, P.O. Box 128, Cross Plains, WI 53528
608-798-4453 x 224 (o) • 608-220-3930 (c)

March 8, 2021

Margaret LeBrun

P.O. Box 515, Sturgeon Bay, WI 54235

**Proposed ATV/UTV Route:
CONCERNS OF NORTH DULUTH NEIGHBORS**

Many of our North Duluth Neighbors from both the town and the city of Sturgeon Bay attended the Feb. 18 Town of Nasewaupsee meeting to express opposition before the town board voted to approve the ATV/UTV Route along North Duluth Avenue, from County C to the dead-end at Potawatomi State Park and Waterfront Mary's.

The proposed route along North Duluth Avenue is entirely dependent upon approval by the City of Sturgeon Bay, which encompasses North Duluth Avenue to Bullhead Point. (The Town of Nasewaupsee encompasses the stretch from Bullhead Point to the dead-end.)

OUR MAIN CONCERNS:

- **Safety – not only of ATV users but also of pedestrians, bicyclists, runners, hikers, homeowners and tourists.**
 - **The hill just south of Bullhead Point creates serious visibility issues.** Vehicles in either direction tend to speed up, just as they round the curve at the foot of the hill with its short sight distance. There is a house at the foot of the hill just a few feet from the roadway.
 - **The road is unusually narrow** (16 feet in places, 18 feet on average) especially around Cliff Dwellers Resort, where the roadway comes within *just a few feet* of cottages as well as the pool on the opposite side of the street. The resort dates back to the 1930s, "updated" in the early '70s, with no regard to proper setbacks. Much of the road is cut at the edge of the limestone ledge, with no shoulder to speak of. Visitors at the 21 cottages and condos cross the road continually from the townhouses to the office or pool, and back their cars out in either direction. The resort is open and busy year-round.

- **Traffic – A traffic survey we conducted in July 2020 found that more than 5,100 vehicles passed along North Duluth Avenue in a three-day period.**
 - **North Duluth is designated part of the Ice Age Scenic Trail**, which is heavily used by pedestrians, bicyclists and hikers, who continue to Potawatomi State Park at the end of the road.
 - **Waterfront Mary's Bar and Resort draws heavy traffic year-round**, but particularly in the summer months, and often into the early hours of the

morning after the bar closes at 2 a.m., as well as before dawn at 5 a.m. or earlier, when fishermen make their way to the boat launch there.

- **Utility trucks and septic trucks** use the road to service the residences and resorts. In the summer, septic trucks park along the narrow road for 2-4 hours, creating a hazard particularly on narrow stretches.
- **People frequently cross the street.** In particular, residents and guests at Cliff Dwellers Resort continually cross to the office, swimming pool, kayak launch and waterfront picnic areas. They also frequently back their cars into the street from the parking area under the townhouses.
- **Noise – North Duluth Avenue is a long-established road, where residents and visitors come to enjoy the serenity of the waterfront at the edge of the wilderness of Potawatomi State Park.**
 - **More than 44 homes and condominium units are on North Duluth**, which is heavily populated with year-round residents and year-round visitors. This does not include another 19 homes along North Duluth Place or the trailer park at North Duluth and Elm Street. The avenue is in the town, but the population density is similar to city streets in Sturgeon Bay.
 - **ATVs/UTVs typically emit decibels of 80 or higher.** (For comparison, a car horn is rated at 110. Lawn mowers can clock 85, city traffic 70.) This does not include those that may be retrofitted to create louder mufflers or when drivers rev their engines at very high RPMs. A typical ATV is louder than a lawn mower. The engines are typically uncovered; they don't have much sound insulation installed.
 - **This is a busy street – but nestled in the wilderness between the ledge and the water of the Sturgeon Bay ship canal.** We see fox, pileated woodpeckers, screech owls, deer, muskrats, raccoons, bald eagles, turkeys, pheasants – all would be affected negatively by the noise of ATVs. So, too, would the hikers, snowshoers, skiers, bicyclists and runners who enjoy the road on the way to Potawatomi Park.
- **Potential for the route to become congested as a big attraction with ATVs.**

Established routes are marked on the streets, but also on maps used by enthusiasts.

 - **The existing local business, Waterfront Mary's, is already a big attraction** at the end of North Duluth Avenue, with its beautiful waterfront dining and boat launch popular with fishermen year-round. Designating North Duluth Avenue an ATV/UTV route will most certainly draw these vehicles to the street.
 - **ATV clubs organize rallies**, where numerous ATV/UTV riders gather to ride along marked routes. The weekend of March 6-7, we saw literally hundreds of ATVs and UTVs on the ice of Green Bay, and many on the roads, west of Potawatomi Park,

and nearly as many trucks and trailers parked along the roads near the bay in the towns of Nasewaupée and Gardner.

- In Oconto, ATVs on city streets have created an ongoing headache for residents tired of the noise, parades of 20 or more ATVs at a time, at all hours of the day ("Police to Crack Down on Loud 4-Wheelers in Oconto," Green Bay Press-Gazette, July 14, 2020).

- In Moab, Utah, a popular tourist destination, local residents are moving away since ATV tourists and ATV rental businesses have overrun their community ("Why Noise From Off-Road Vehicles is Making Life Miserable in Moab," The Salt Lake Tribune, Feb. 25, 2021)

- **North Duluth itself is part of the Ice Age National Scenic Trail.** It's one of only 11 National Scenic Trails in the country, which include the Appalachian Trail. From the website, the 1,000-mile Ice Age Trail "is a place where all people can enjoy and embrace the unique natural landscapes and cultural histories of Wisconsin, while finding physical and mental renewal in a peaceful setting and an enduring spiritual connection to the land."
 - **The vast majority of the trail is designed for hikers** and motorized vehicles are not allowed, except on connecting routes such as from the Ahnapee Trail through the west side of Sturgeon Bay to Potawatomi State Park.
 - **In August 2020, Sturgeon Bay was named an Ice Age Trail Community.** It's now one of 13 Wisconsin communities in the Ice Age Trail Community Alliance. In requesting the designation, the Sturgeon Bay Ice Age Trail Committee (which includes three city council members) indicated that they believe the trail is about to experience a dramatic increase in popularity. "Interest in hiking the IAT is on the cusp of taking off and becoming popular in a way that will increasingly parallel the nation's two most recognized trails: the Appalachian Trail and the Pacific Crest Trail," according to the letter.

We hope you keep all this in mind as ATV routes come before the Sturgeon Bay City Council. Please respect our desire for safety, and to maintain peace and tranquility on North Duluth Avenue.

Sincerely,

Margaret LeBrun

Margaret: mlebrun1920@gmail.com (920) 450-1205

Fwd: ATV/UTV Route on Duluth Street

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:30 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: Becky Bodmer <sandhillsbodmer@yahoo.com>
Date: March 14, 2021 at 6:32:31 PM CDT
To: SBDistrict7 <sbdistrict7@sturgeonbaywi.org>
Subject: ATV/UTV Route on Duluth Street

Dear Alder Reeths,

I'm writing you about the proposed ATV/UTV route on Duluth Street. I am against have ATVS/UTVs driving on public streets anywhere in Sturgeon Bay. Duluth is a winding road which is beautiful but narrow, its is dangerous enough just with cars and pedestrians walking on it. I also feel empathy for the residents who would have to endure the noise. Please don't allow ATV/UTVS access to Duluth street

Thank you so much for the work you do for us,

Rebecca Bodmer
Sturgeon Bay resident

Fwd: Call about ATV usage on Ice Age Trail

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:31 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: "Reinhardt, Stephanie" <sreinhardt@sturgeonbaywi.org>

Date: March 11, 2021 at 10:59:57 AM CST

To: SBDistrict7 <sbdistrict7@sturgeonbaywi.org>, SBDistrict5 <sbdistrict5@sturgeonbaywi.org>, SBDistrict4 <sbdistrict4@sturgeonbaywi.org>, davidjward2@gmail.com

Cc: "VanLieshout, Josh" <jvanlieshout@sturgeonbaywi.org>

Subject: Call about ATV usage on Ice Age Trail

I received a voicemail from Marsha Weldon for each of you. She stated that she is against the ATV trail. It is against the spirit of the Ice Age Trail and she doesn't want to see it happen.

Stephanie L. Reinhardt
City Clerk/HR Director
421 Michigan Street
Sturgeon Bay, WI 54235
920-746-2900
www.sturgeonbaywi.org

Fwd: ATVs on Duluth Avenue

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:31 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: Kris Van Handel <kvanhandel@gmail.com>**Date:** March 8, 2021 at 12:44:23 PM CST**To:** SBMayor <sbmayor@sturgeonbaywi.org>, SBDistrict7 <sbdistrict7@sturgeonbaywi.org>, SBDistrict5 <sbdistrict5@sturgeonbaywi.org>, SBDistrict4 <sbdistrict4@sturgeonbaywi.org>**Subject: ATVs on Duluth Avenue**

Mr. Ward,

I heard that the Sturgeon Bay Parking and Traffic Committee is holding a public hearing in regards to allowing ATVs to drive on N. Duluth Avenue. I am not a resident of Sturgeon Bay, but I am an avid Ice Age Trail hiker who visits your community. I have section hiked the entire trail two times and I'm working on my third completion. I plan to continue to hike the trail for many years to come, so I will continue to visit your community. I feel that allowing ATVs to drive on N Duluth Avenue would be extremely dangerous. This is already a very congested section of road and adding more traffic would be a danger to all using the road, especially to those who are biking, walking, or hiking. If you have never walked on this section of road, I recommend you give it a try. This is obviously the slow time of year, so there won't be a lot of traffic, but to give you an idea of what it's like, ask 5 or 6 people to drive by you continuously at a speed 10 mph above the speed limit. How safe do you feel? Think about what it would be like with a bunch of ATVs driving by. I think it's very important that the committee considers all who use this road and take everyone into consideration. ATV users are only one small group. They can get to the bar by walking, driving their car, or riding a bike. They really don't need to drive an ATV. Like I said, I will continue to visit your community to hike the trail; however, I won't be spending any money in your community if the safety of all groups isn't considered.

Thanks,
Kris Van Handel

Fwd: Proposed ATV/UTV Route

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:32 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: Paul Waite <pauldwaite1@gmail.com>**Date:** March 6, 2021 at 3:24:31 PM CST**To:** SBMayor <sbmayor@sturgeonbaywi.org>, SBDistrict1 <sbdistrict1@sturgeonbaywi.org>, SBDistrict2 <SBDistrict2@sturgeonbaywi.org>, SBDistrict3 <SBDistrict3@sturgeonbaywi.org>, SBDistrict4 <sbdistrict4@sturgeonbaywi.org>, SBDistrict6 <sbdistrict6@sturgeonbaywi.org>, SBDistrict7 <sbdistrict7@sturgeonbaywi.org>**Subject: Proposed ATV/UTV Route**

Dear City Council Member,

I strongly disapprove of the proposed ATV route on North Duluth Ave. ATVs are noisy, smelly, dangerous, and not street legal machines that do not belong on busy roads or residential neighborhoods. The route would pass through a section of the city to access Bullhead Point and beyond to Potawatomi State Park. My properties are beyond the city limit on Duluth Ave. and include units at the Cliff Dwellers Resort. I urge you to please vote against allowing these machines in our neighborhood.

Thank You
Paul Waite

Fwd: Opposition to ATV use of North Duluth Ave.

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:32 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: Elizabeth Spaude <sjb5kspaude@gmail.com>**Date:** March 3, 2021 at 4:09:18 PM CST**To:** SBDistrict7 <sbdistrict7@sturgeonbaywi.org>, "Sullivan-Robinson, Christopher" <csullivan-robinson@sturgeonbaywi.org>**Subject: Opposition to ATV use of North Duluth Ave.**

Kirsten and Chris, as chairman and vice chairman of the bike and pedestrian committee I would like to make you aware of our opposition to ATV use of North Duluth Ave. We use North Duluth as bikers and pedestrians to access Potawatomi State Park year round from our home on 702 W. Hickory Street. North Duluth, north of Cty. trunk C is narrow road with no shoulder, has a downhill with a blind corner, and busy two way car traffic. We feel adding ATV's to an already unsafe roadway would compound the problem for bicyclists and pedestrians who frequently use this route to the park. Please pass our concerns on to the staff that will be deciding this issue.

Thank you,
Steve and Elizabeth Spaude
702 W.Hickory Street
Sturgeon Bay, Wi.
Ph. 743-2513

Fwd: ATV/UTV Trail on N. Duluth Ave.

SBDistrict7 <sbdistrict7@sturgeonbaywi.org>

Thu 3/18/2021 6:32 AM

To: Kerry Reeths <kreeths@hatcocorp.com>

Sent from my iPad

Begin forwarded message:

From: Peter Jackson <peterjackson@tds.net>**Date:** March 2, 2021 at 4:32:27 PM CST**To:** SBDistrict7 <sbdistrict7@sturgeonbaywi.org>, SBDistrict6 <sbdistrict6@sturgeonbaywi.org>, SBDistrict5 <sbdistrict5@sturgeonbaywi.org>, SBDistrict4 <sbdistrict4@sturgeonbaywi.org>, SBDistrict3 <SBDistrict3@sturgeonbaywi.org>, SBDistrict2 <SBDistrict2@sturgeonbaywi.org>, SBDistrict1 <sbdistrict1@sturgeonbaywi.org>**Subject:** ATV/UTV Trail on N. Duluth Ave.

The City of Sturgeon Bay Aldermanic Committee Members...

I was shocked to find out, through my nephew in Minnesota, that the City of Sturgeon Bay Parking and Traffic Committee (Chairman Kirsten Reeths, Ald. Gary Nault and Ald. Steven Gustafson) had proposed and passed a motion to allow an ATV/UTV trail from CTH C along N. Duluth Ave. to Bullhead Point, and the Town of Nasewaupee approving the Trail to run from PD down CTH C along N. Duluth Ave. all the way to Potawatomi State Park.

As many of you are probably aware, N. Duluth Ave. is also part of the Ice Age Trail, one of America's eleven National Scenic Trails list and is home to year-round hikers, joggers, walkers, cyclists and many dog walkers of all ages, all either going to or coming from the State Park.

The road carries a 25mph speed limit, which is rarely adhered to, and changes from 33 feet wide to less than 18 feet in some places. In addition to the public using the trail, the road is frequented daily by garbage/recycle trucks, septic haulers, food and beer delivery trucks, construction vehicles, utility vehicles, UPS, Fedex and USPS vehicles, all making their appropriate stops narrowing the roadway to other traffic, pedestrians and others as mentioned above.

The road also leads to two resorts and Waterfront Mary's, a very popular habitat especially in the summer months, which I too enjoy. Adding ATV/UTV vehicles to the mix will be a potential nightmare and an accident waiting to happen. So, who will bear the burden of any possible lawsuit by a pedestrian or their family, the ATV/UTV driver or their family? Will the liability lay with the City or Town, or both? Will it also extend to the individuals

3/18/2021

Mail - Kerry Reeths - Outlook

who proposed and passed the trail in the first place?

A traffic study on N. Duluth Ave. now, and again in the summer months, should be undertaken together with traffic speed enforcement which would serve the community better than adding to the safety concerns of road users by adding an ATV/UTV trail.

It is my hope, and maybe yours too, that the T&PC has a change of heart and abandons the trail idea and considers the safety of all current users, residents and tax payers of N. Duluth Ave./N. Duluth Place.

Sincerely

Peter Jackson
3453 N. Duluth Ave., Sturgeon Bay, WI 54235

P.s. A similar email was sent to the Mayor, David J. Ward, last night

To the Mayor and Honorable Common Council,

I want to bring to your attention that the approval process of the ATV trail that the Parking and Traffic Committee has moved forward was done in a flawed matter.

The letter dated January 10, 2021 sent to the Town of Nasewaupee by the Parking and Traffic Committee, stated the Parking and Traffic Committee and the Common Council support the ATV trail. To date I have not been able to find any documentation that the Parking and Traffic or Common Council had further discussion or action taken regarding the ATV trail prior to the letter sent on January 10, 2021. I also haven't been able to find in the minutes that action was taken or direction given to city staff to draft the letter dated January 10, in fact the action taken by Parking and Traffic for approval of the ATV trail happened at their January 25th meeting.

My concerns are many,

1. From an ethics standpoint, did the Parking and Traffic Committee have undisclosed conversations regarding this item ultimately reaching this conclusion via a walking quorum, something that I believe is against the open meetings law.
 - a. If my findings are correct and there was no further public discussion of the ATV issue by Parking and Traffic or Common Council prior to the January 10 letter, the public was not given the opportunity for input before the County took this issue up.
2. Did the lack of proper process from the City of Sturgeon Bay spur the County to move forward without Common Council approval, under false assumptions that the Common Council had approved this?
3. There is no dedicated bike path on County C as stated in both letters from Parking and Traffic dated Jan 10th and Jan 22nd, rather it is a County Bike Route.
4. The City agreed to be responsible for all maintenance of the City's portion of the road without council approval.

Timeline of Events:

- Oct 26 Parking and Traffic Meeting

Consideration of: UTV/ATV City street trails to CP&S Committee for further consideration:
Jeff May offered his support on helping come up with a route through the city for UTV/ATV riders. He stated that he helped Nasewaupée develop their plan to allow UTV/ATVs on their roads. He stated that there is great interest from folks from within the City and outside the City to connect Sturgeon Bay to the rest of the trail systems. Ald. Gustafson stated that from his dealings with his constituents he would like to see them kept out of neighborhoods. He also mentioned that he had mixed responses when he posted this topic on social media. Ald. Nault spoke of his support and how this would be a nice thing for the residents as long as we could come up with the safest routes. Ald. Reeths spoke about different laws that the DOT and WI DNR have for UTV/ATV riders and that they could be good tools for the City to use to develop our own rules and routes. Police Chief Henry mentioned that use of the Highway 42/57 bridge may be the best option to be able to keep the UTV/ATVs out of neighborhoods. City Administrator stated that no ad hoc committee is needed to help with this; the Parking and Traffic committee should continue to research and determine if this should be allowed. He also mentioned that it should really be determined if this is what the City wants, also mentioned that the public safety departments should have input on their concerns/ideas, Jeff May said that he would meet up with other citizens that are in support of this and get some ideas on paper prior to next meeting. This will be discussed at next meeting.

○

- Nov. 3

- 10/26 Parking and Traffic minutes approved by Common Council
 - Nov 3 Common Council Meeting

- Jan. 10

- A letter on official City of Sturgeon Bay letterhead and signed by Chairperson Reeths and Vice Chairperson Nault was sent to the Town of Nasewaupée stating Parking and Traffic and the Common Council support the ATV trail.
Parking and Traffic packet- Jan 25

- Jan 21

- The chairperson of Nasewaupée sends a letter to John Kolodsozie stating the town of Nasewaupée is interested in working with the City of Sturgeon Bay and County of Door to open up County Rd C to ATV/UTV
See attachment at end of email "Letter 2"

- Jan 22

- *The Parking and Traffic Committee sent the same letter dated Jan 10 to Nasewaupée only to John Kolodziej, the County Highway Commissioner*
- ***See attachment at end of email "Letter 1"***

- Jan. 25

- The Parking and Traffic
 - Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point: Ald. Reeths stated this had been brought to the Parking & Traffic Committee back in November. Ald. Nault explained that making

this section ATV/UTV usable, and the request sent to the Door County Highway Commissioner to approve a ATV/UTV trail by opening County Road C from Park Drive to Duluth Avenue and the section North of Duluth Ave. in the township of Nasewaupee, would make it possible to go from Nasewaupee to Green Bay. The City portion is from N. Duluth Avenue to Bullhead Point and is .5 mile long. Moved by Ald. Gustafson, seconded by Ald. Nault, to approve ATV/UTV use on N. Duluth Avenue between Elm Street and Bullhead Point, to be reevaluated by the Parking & Traffic Committee in January 2022. All in favor. Carried.

- o Jan 25 Parking and Traffic Minutes

I believe this item deserves more in-depth traffic study as County Highway C is a very busy roadway and is an established Door County bike route and this would be adding to the traffic flow and safety concerns of users without (to my knowledge) a dedicated bike lane.

Thank you for your time in clarifying these oversights for me,
Paul Anschutz
920-743-6331

CHAPTER 11 HIGHWAYS

11.05 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

TITLE.

- A. This Ordinance shall be known as the Door County All Terrain Vehicles ("ATV") and Utility Terrain Vehicles ("UTV") Ordinance, and shall be codified as Chapter 11-05 Door County Code.

AUTHORITY.

- A. This ordinance is enacted under the authority granted by Sections 23.33(8)(b) & (11), and 59.02 Wisconsin Statutes.
- B. All references to the Wisconsin Statutes or Wisconsin Administrative Code include the Statute or Code in effect at the time of enactment of this Ordinance or as subsequently amended or revised.

PURPOSE.

- A. The purpose of this ordinance is to regulate the operation of ATV's (as defined in Section 23.33(1)(b) Wisconsin Statutes) and UTV's (as defined in Section 23.33(1)(ng) Wisconsin Statutes) under Sections 23.33(8)(b) and (11), Wisconsin Statutes.

OPERATION OF ATV's AND UTV's.

- A. Pursuant to Section 23.33(4)(b), Wisconsin Statutes, except as otherwise provided in Section 23.33(4), Wisconsin Statutes, no person may operate an ATV or UTV on any part of a Door County ("County") highway except those portions of County highways that are designated as ATV and/or UTV routes by this Ordinance.
- B. The operation of ATV's or UTV's on any portion of a County highway designated as an ATV and UTV route hereunder is authorized:
1. In strict conformance with and subject to all applicable laws, orders, regulations, restrictions and rules, including Section 23.33 Wisconsin Statutes and Chapter NR 64 Wisconsin Administrative Code.
 2. If, and only if, the highway is signed in accordance with Section 23.33(8) Wisconsin Statutes and rules promulgated by the DNR. The creation, placement, maintenance, repair, or replacement of ATV/UTV route signs may not require the expenditure of County funds or other County resources.
 3. Only during periods of the year designated, and is prohibited during all other periods of the year, consistent with Section 23.33(8)(d) Wisconsin Statutes and Section NR 64.12(4) Wisconsin Administrative Code.
 4. Subject to the following:
 - a. All ATV/UTV operators shall observe a speed limit of twenty five (25) miles per hour, or the applicable speed limit of the highway, or the speed limit(s) set forth in Section 23.33 Wisconsin Statutes, or the speed limit(s) set forth in Chapter 64 Wisconsin Administrative Code, whichever is lower.
 - b. ATV/UTV operators are required, at all times, to display a lighted headlamp (white light) and tail lamp (red light) on the ATV or UTV.
 - c. ATV/UTV operators shall ride single file.
 - d. ATV's/UTV's shall be operated during daylight hours only.
 - e. No person under twelve (12) years of age can operate an ATV/UTV under any circumstances.

CHAPTER 11 HIGHWAYS

COUNTY HIGHWAYS, OR PORTIONS THEREOF, DESIGNATED AS ATV AND/OR UTV ROUTES.

- A. The following routes are designated as ATV / UTV routes:
1. The portion of County Highway(s) DK, N, D, and Y situated within the Town of Union.
 2. The portion of County Trunk Highway W situated within the Town of Washington.
 3. The portion of County Trunk Highways M, SB, and PD situated within the Town of Nasewaupée
 4. The following segments of County Trunk Highways in the Town of Gardner: All of CTH CC, CTH C from CTH CC to Stevenson Pier Road, CTH C from Meadowlark Lane to Lime Kiln Road, and CTH N from Fox Lane southerly to the Gardner Town Line.
 5. The portion of County Trunk DK in the Town of Brussels
 6. The portion of CTH H from STH 42 west to Stone Road in the Town of Forestville.
 7. The portion of CTH J from Mill Road to the easterly Forestville Village Limits.
 8. CTH C from CTH SB to Stone Road, Town of Nasewaupée
 9. CTH EE from Red Cherry Road to CTH F, and CTH F from STH 57 to Meadow Road, and CTH E from CTH A to Red Cherry Road, Town of Baileys Harbor.
 10. CTH E from CTH A to Baileys Harbor Town Line and on CTH EE from Red Cherry Road to North Maple Road.
 11. CTH F from CTH A to West Meadow Road, Town of Gibraltar
 12. CTH C from CTH N to Rileys Bay Road, Town of Gardner
 13. CTH C from CTH PD to North Duluth Avenue, Town of Nasewaupée

ADMINISTRATION.

- A. This Ordinance shall be administered by the Door County Highway Commissioner.

ENFORCEMENT.

- A. This Ordinance may be enforced in accordance with Section 23.33(12) Wisconsin Statutes, including the issuance of a citation under Section 66.0113 Wisconsin Statutes.

PENALTIES.

- A. Penalties for violation of this Ordinance shall be as set forth in Section 23.33(13) Wisconsin Statutes.

SEVERABILITY.

- A. If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

EFFECTIVE DATE.

- A. This ordinance shall become effective upon enactment and publication.
B. The County Clerk shall transmit a certified copy of this Ordinance to the DNR and the Door County Sheriff's Department.

(Ord. 2012-26; 12/11/12) (Ord. 2014-02; 02/25/14) (Ord. 2016-04; 02/23/26) (Ord. 2016-08; May 24, 2016)
(Ord. 2017-02; 04/18/17) (Ord. 2017-12; 11/14/17) (Ord. 2017-15; 12/19/17) (Ord. 2018-09; 4/17/18) (Ord. 2018-12; 5/22/18) (Ord. 2020-01; 2/25/20) (Ord. 2020-09; 9/22/20) (Ord. 2021-05; 02/23/21)



State of Wisconsin
Department of Transportation

All-Terrain Vehicles and Utility Terrain Vehicles

State ROW permits

Highway maintenance

State ROW permits

ATVs/UTVs

Utility permits

Utility accommodation
policy

Utility coordination

STH connection permits

Work on highway ROW
permits

Utility permits on
WisDOT railroad
property

STH detour permits

Environmental
coordination

[Route definition](#) | [Routes on state highways](#) | [Trails](#) | [Route and trail crossings](#) | [Registration](#) | [Ordinances](#)
[Sign permitting](#) | [Special signing](#) | [Signing FAQs](#) | [Safety](#)

Introduction

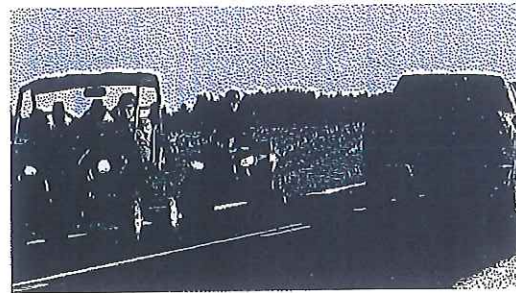
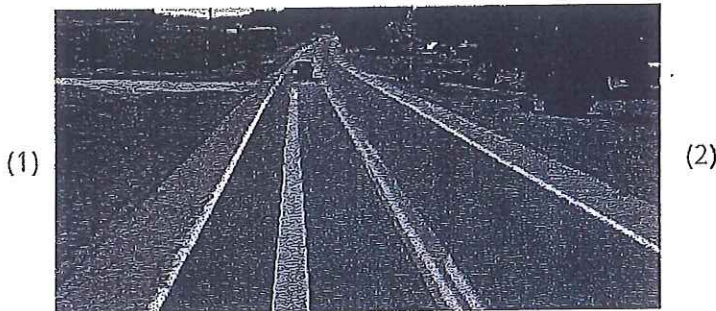


Photo courtesy of the Wisconsin ATV Association

Wis. Stat. s. 23.33 allows all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) to operate on a state highway in certain cases, which are detailed in sections A - C below. An ATV ordinance must be enacted by a municipality and/or county before operation may occur. For the remainder of this webpage, ATVs and UTVs will be labeled collectively as ATVs. Since ATVs are not allowed to operate on interstate highways, none of the information on this webpage applies to interstates.

ATV routes — definition

ATV routes by statute are on the roadway portion of a highway and not the shoulder or other parts of the right-of-way (ROW). A roadway is defined in Wis. Stat. s. 340.01(54), as the, "portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder." On a 2-lane rural highway, the "roadway" is the area between the fog lines (white lines) as shown in picture (1). In an urban area, it is the area between the curbs in picture (2).



► It is important to understand that a roadway is not an ATV route until there is a signed ordinance and the roadway is signed/posted according to law.

ATV routes on state highways

The following information is divided into three sections based on current Wisconsin statutes.

A - ATV route designation on state highways

A town, village, city or county may enact an ordinance under Wis. Stat. s. 23.33(8)(b)1. to designate a highway not under its jurisdiction as an ATV route. In this case, ATV operation on a state highway or connecting highway is allowed only if WisDOT approves the route. WisDOT's approval consists of an ATV route order that is issued for the designated segment of state or connecting highway. WisDOT will review an ATV ordinance to verify that the termini of the designated route is what WisDOT and the municipality or county agreed upon prior to issuing the route order.

B - ATV operation on state highways with speed limits of 35 mph or less within municipal boundaries

A town, village or city may enact an ordinance under Wis. Stat. s. 23.33(11)(am)4. to authorize the operation of ATVs on a highway that has a speed limit of 35 mph or less and is located within the territorial boundaries of the town, village or city regardless of who has jurisdiction over the highway. In this case, ATV operation on a state highway is not subject to WisDOT approval. WisDOT will review an ATV ordinance to verify that the statute language "authorize the operation" has been correctly used instead of "designated."

Much of the state highway system operates with speed limits above 35 mph, and these higher speed highways remain off-limits to ATV use without approval from WisDOT. Speed limits on any highway are set after careful consideration to enhance safety and facilitate traffic flow for the traveling public and are typically not based on a specific type of vehicle. Anyone interested in how speed limits are established is encouraged to view WisDOT's [ATV pamphlet](#) on the topic.

C - ATV operation over state highway bridges 1,000' in length or less

Under Wis. Stat. ss. 23.33(4)(d)3.b. and 11(am)3., ATVs may be authorized to operate on the roadway or shoulder of a highway to cross a bridge 1,000 feet or less in length that is located within the territorial boundaries of a county, city, village or town, regardless of who has jurisdiction over the highway, and only if a county and a city, village or town **both** enact ordinances that apply to the bridge. In this case, ATV operation on a state highway bridge is not subject to WisDOT approval.


Under the law, ATVs must exit the highway as quickly and safely as practicable after crossing the bridge. WisDOT defines this as the first available road designated as an ATV route on either side of the bridge that is not a dead end, or an ATV trail on WisDOT right-of-way that is established after crossing the bridge in which ATVs may use. A bridge is any structure (bridge, box culvert, etc.) over a navigable waterway, highway or railroad.

WisDOT reviews both municipal and county ATV ordinances developed under the two bridge statutes to verify that:

- The ATV route has the appropriate termini on each side of the bridge (the first available road or ATV trail as described above) and that both ordinances mention the same roads or trails.
- All five items listed in s. 23.33(11)(am)3.(a)-(e) are also included, which is required by the statute.

- The statute language "authorize the operation" has been correctly used instead of "designated."

The term "jurisdiction" in sections A - C above refers to maintenance jurisdiction instead of the right-of-way (fee title) owner or highway easement owner.

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ATV trails on state highway ROW

WisDOT may authorize an ATV trail within the ROW of a state highway if sufficient space is available, and the proposed trail does not affect the safety, maintenance and operation of the highway. ATV trails on state highways require a [WI DT1504](#) permit from WisDOT, and a municipality or county must be the applicant. For more information on the permitting process, go to the [STH connection permits](#) webpage.

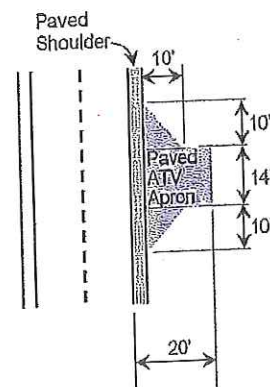
ATV route or trail crossings of state highways

Under Wis. Stat. [s. 23.33\(4\)\(d\)1](#), ATVs are allowed to cross roadways when traveling on an existing roadway. Also, most existing driveways have been issued a permit. Therefore, WisDOT permits are not required in the following situations because vehicular crossings already exist:

- At town, village, city or county road crossings. For example, ATV routes and trails crossing state highways.
- From a driveway on one side to a local road on the other side (or vice-versa).

- From a driveway on one side to a driveway on the other side.

ATV Paved Apron Detail



WisDOT permits are required in the following situations:

- Where no current vehicular crossing currently exists. For example, a new trail crossing from public/private property to public/private property.
- At a T-intersection where a new trail on public/private property would cross a state highway to a local road.

When ATV trails connect to the roadway of a state highway, construct a paved apron to prevent maintenance issues such as gravel or mud deposits on the roadway surface and damages to wing blades when plowing snow. WisDOT may waive or temporarily suspend this requirement if appropriate. See detail for apron dimensions. Consult with WisDOT for apron requirements in urban areas that have curb and gutter.

ATV registration

All ATV registration is handled by DNR not WisDOT. See DNR's [website](#) for more information.

ATV ordinances

WisDOT does not have approval authority of local government ordinances, nor can WisDOT offer legal advice on how ordinances should be written. WisDOT only reviews ATV ordinances prior to processing traffic signing permit applications for ATV routes to verify that a town, village, city or county has referenced the appropriate sections(s) in s. 23.33 as described in sections A - C above.

The Wisconsin DNR does have sample ordinance language in Appendix A of its publication *ATV Route Guideline and Suggestions (A Community Official's Handbook)*. If necessary, consult your local government's corporation counsel or legal representative for advice.

ATV route sign permitting

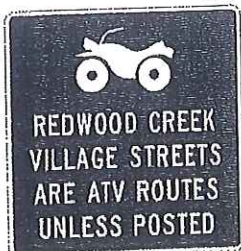


ATV route signs are required on state highways in order for ATVs to legally operate

on them. A traffic signing permit is also required from WisDOT. The application [form](#) may be filled out by a local government elected official or employee, or a county highway department may fill it out for the local government. Send the completed permit application to the [transportation region office](#) along with a copy of the approved ATV ordinance(s).

The permit application must include a map or sketch showing the general location of the signs. Once approved, the permittee orders the signs and related materials. County highway departments typically install signs on state highways since they have expertise with the [Wisconsin Manual of Uniform Traffic Control Devices](#) (WMUTCD) and install many WisDOT signs. A municipality may install the signs or hire a licensed contractor with WMUTCD expertise upon prior WisDOT approval. All signs erected must comply with the WMUTCD.

Special ATV route signing



Under Wis. Stat. [s. 23.33\(8\)\(e\)3.](#), a town, village, city or county may erect a

sign on any highway that crosses its territorial boundary to alert motorists that all highways under its jurisdiction have been designated as ATV routes. On state highways, WisDOT approval is not needed, but a traffic signing permit is still required. The D11-10A sign — similar to the

one shown on the left — may be used. The sign size on state highways is 36" x 36." WisDOT will review a town, village, city or county ATV ordinance to verify that it has designated all of its roads as ATV routes prior to granting permit approval to erect the sign on a state highway.



Smaller sign sizes may be used on local highways. A white sign with black letters

(regulatory sign) may also be used as shown on the right. Consult the person in charge of road maintenance or a county highway department for more information on local road signing.


It is important to understand that these signs only apply to town, village, city or county roads **under its jurisdiction** — not all roads within a municipality or county. For example, a sign with the message, "ALL ADAMS COUNTY ROADS ARE ATV ROUTES EXCEPT AS POSTED," only applies to county-maintained roads — not all town, village or city roads located within Adams County. ATV routes within those jurisdictions would require separate signing at their boundaries.



If the D11-10A sign is used, a "NO ATV TRAFFIC" sign (R5-51) may be displayed on any highway where ATVs are prohibited. Since it is a regulatory function, a white sign with black letters must be used. An example is shown on the right. The size on state highways is 24" x 24."



Note: At this time, the ATV symbol is not approved for use on regulatory signs in the Federal MUTCD. WisDOT is working with the Federal Highway Administration to combine the ATV symbol, the red "No" circle, and the words "No ATV" as shown at the left for use on Wisconsin highways.

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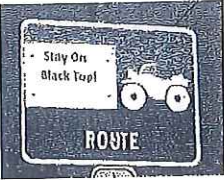
ATV route signing - Frequently asked questions (NEW)

WisDOT has received many questions regarding ATV route signing both on state and local highways. To guide local units of government and ATV clubs on appropriate ATV route signing, this "frequently asked questions" webpage has been established. As more questions are asked of

WisDOT, the questions and answers will be posted.

1. Do local units of government have to follow the WMUTCD for ATV route signing?

A> Yes, the WMUTCD must be followed on all state and local highways. Per Wis. Stat. s. 349.065, local authorities shall place and maintain traffic control devices upon highways under their jurisdiction to regulate, warn, guide or inform traffic. The design, installation and operation or use of new traffic control devices placed and maintained by local authorities after the adoption of the uniform traffic control devices manual under Wis. Stat. s. 84.02(4)(e) shall conform to the manual. After January 1, 1977, all traffic control devices placed and maintained by local authorities shall conform to the manual.


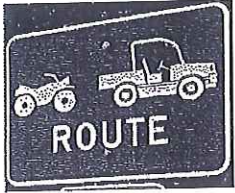
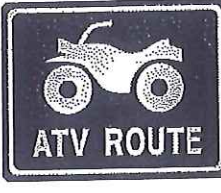
2.  W  Why is it important to only use signs that are

recognized in the WMUTCD?

A> It provides consistency for all motorists that travel on all highways throughout the United States. Homemade signs may be hard to read or confuse some motorists. Most importantly, these signs may not be deemed as official if their validity was challenged in court.

3. May the ATV/UTV word signs or ATV/UTV symbol signs shown in pictures (1) or (2) be used on state or local highways?

A> No. Neither one of these signs is recognized in the WMUTCD. Only the D11-10 sign in picture (3) may be used. It is also applicable to UTVs.

(1)  (2)  (3) 

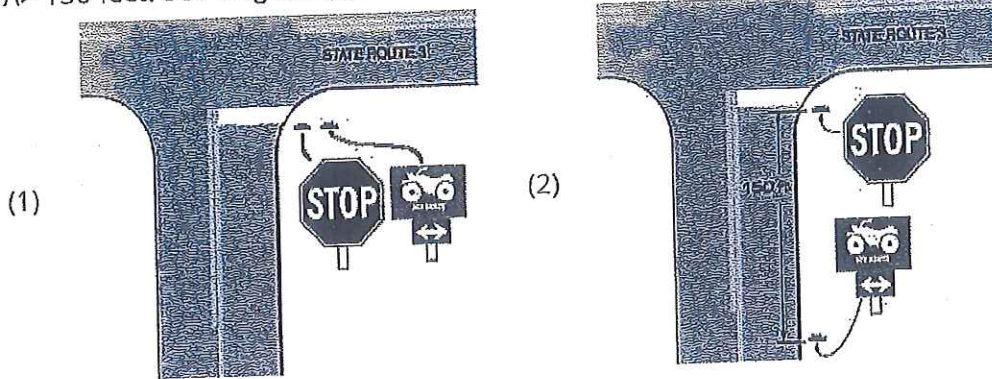
4. May an ATV route sign be erected on the same post as a STOP sign?

A> No. It must be on a separate post. No other sign should interfere with the regulatory importance of a STOP sign. Mount ATV route signs on their own post — not on an existing sign post, utility pole, fence post, etc.

5. May an ATV route sign be placed next to a STOP sign?

A> Yes. See diagram (1) below.

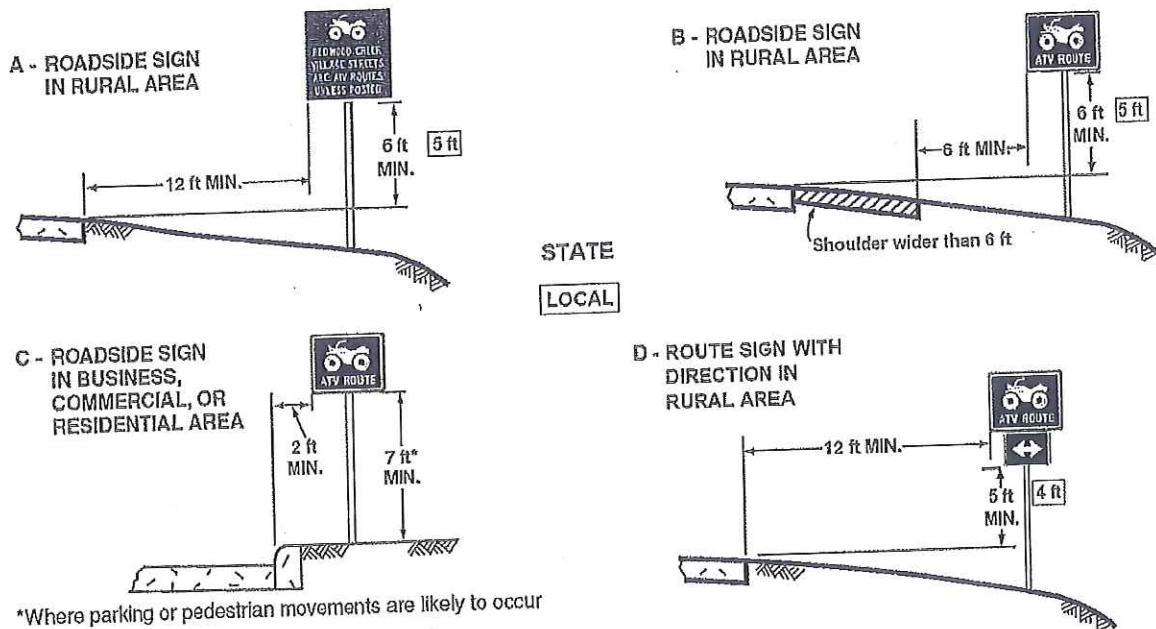
6. How far in advance of a STOP sign should an ATV route sign be placed?
 A> 150 feet. See diagram (2) below.



7. What is the offset from the edge of pavement that an ATV route sign should be placed?
 8. What height should an ATV route sign be placed?
 9. What height should a ATV route sign with an arrow assembly be placed?
 A> For questions 7-9, see the diagrams in Figure 2A-2 below (amended from the Federal MUTCD).

Figure 2A-2. Examples of Heights and Lateral Locations of Sign Installations

Note: Height and offset tolerance is $\pm 6.0"$



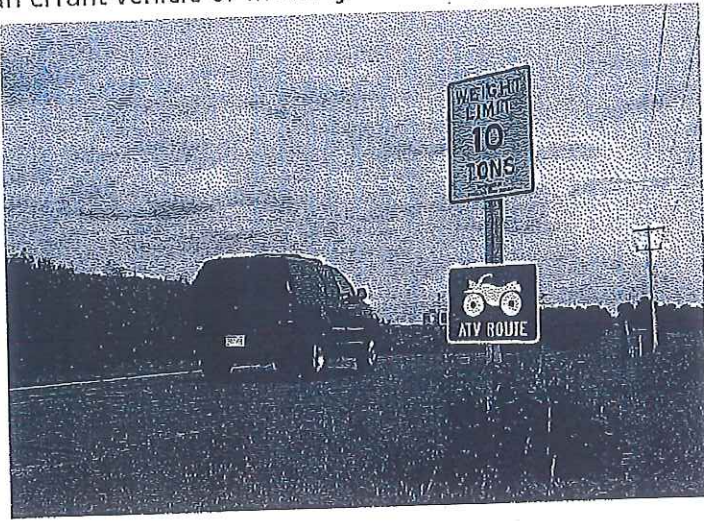
*Where parking or pedestrian movements are likely to occur

Exception: On conventional roads in areas where it is impractical to locate a sign with the lateral offset prescribed by Section 2A-19 of the 2009 MUTCD, a lateral offset of at least 2 feet may be used. Minimum of 3 feet is preferred on rural roads due to snow plowing.

Signs are to be mounted so as to project 1" to 1-1/2" above the top of the post.

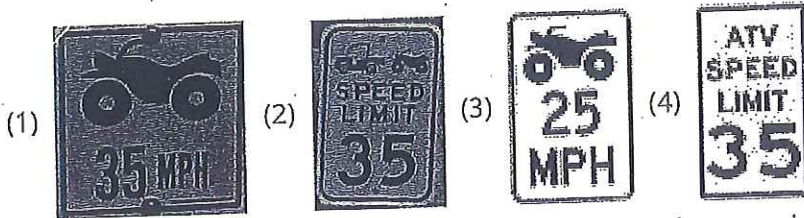
In the picture below, the ATV route sign is placed too low and may pose a hazard if struck by

an errant vehicle or motorcycle. The sign must be on its own post too.



10. May the ATV symbol be used on an ATV speed limit sign?

11. May an ATV speed limit sign have green letters on a white background?



A> No for questions 10 and 11. The ATV symbol is only recognized in the WMUTCD for guide signs (white lettering on a green background). A speed limit sign is a regulatory sign. It must have black lettering on a white background. The correct design for an ATV limit sign is (4) above.

12. Where does the D11-10A sign need to be placed, i.e., at a municipal or county border, or at the beginning of the ATV route?

A> Near the border. Under Wis. Stat. s. 23.33(8)(e)3., "[a] town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county."

13. May a town, village or city install ATV route signs on a county road?

A> Maybe. The maintaining authority of the highway decides who erects ATV route signs on its roads.

14. Do I need a permit to put up ATV route signs?

A> On state highways, yes. The WisDOT region office will issue the permit. On municipal and county highways, contact the maintaining authority of the highway.



15. If a route on a local road continues straight at an intersection with a state

highway, can you just erect the up arrow, or do you need an ATV route sign and the arrow?

A> While an ATV route sign in addition to the up arrow is preferred, on local highways the

up arrow by itself would be adequate. On a state highway, the arrow cannot be by itself.

16. Do you have examples of ATV route signing diagrams?

A> Yes. Click on any of the examples below.

[Example 1](#) - Bridge crossing

[Example 2](#) - 35 mph speed limit or less and D11-10A signing

[Example 3](#) - Bridge crossing, 35 mph speed limit or less, and D11-10A signing

[Example 4](#) - Close-up of Example 3

17.  When should the PREFERRED sign be used with an ATV route sign?

A> Wis. Stat. s. 23.33(8)(e)5. allows a municipality or county to designate a preferred route and erect signs marking the route over highways under their jurisdiction that have been designated as ATV routes.


18. Are U-channel posts okay to use to mount ATV route signs?

A> Yes, if installed in accordance with the MUTCD. The WMUTCD did not change the language from the Federal MUTCD. From Section 2A.19, Paragraph 2: "Post-mounted sign and object marker supports shall be crashworthy (breakaway, yielding, or shielded with a longitudinal barrier or crash cushion) if within the clear zone."

Section 1A.13 of the MUTCD defines crashworthy: "Crashworthy—a characteristic of a roadside appurtenance that has been successfully crash tested in accordance with a national standard such as the National Cooperative Highway Research Program Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features."

FHWA has issued eligibility letters for sign supports that have passed National Cooperative Highway Research Program Report 350 (NCHRP 350). These letters may be found at this [link](#).

Starting January 1, 2020, NCHRP 350 will be superseded by the Manual for Assessing Roadside Hardware (MASH). FHWA is issuing eligibility letters for sign supports that pass MASH. These letters may be found at this [link](#). There are only two letters currently published there. WisDOT's understanding is that both perforated square steel tube post and U-channel posts have passed MASH, and that FHWA just needs to get the letters written and published.

19.  Our municipality is developing an ATV ordinance that prohibits ATV

operation during the hours of 12AM to 7AM, and proposes ATV speed limits on highways. Understanding the route signing requirements under Wis. Stat. s. 23.33, may signs be erected that would also include these hour restrictions and speed limits as part of the signs?

A> No. A municipality or county has the authority to impose hours of operation and speed

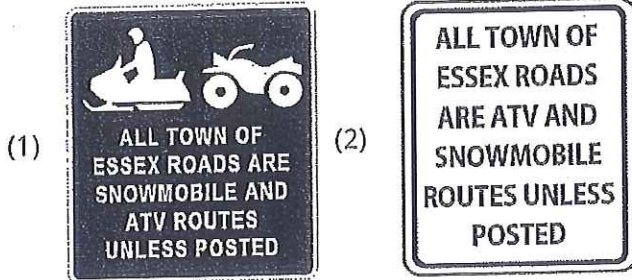
restrictions in their ordinance. However, those restriction messages, if used, should be posted on supplemental signs using the correct regulatory color scheme - black letters on a white background. They cannot be included as part of a D11-10 (top right) or D11-10A sign.



Generally, guide signs and regulatory signs should be on separate posts. In this case, it may be better to place the hours' restrictions underneath the D11-10 sign as a plaque, but still black-on-white so it is regulatory like the example (bottom right). The ATV speed limit sign shown in question 11 (4), may be on a separate post to the right of these signs.

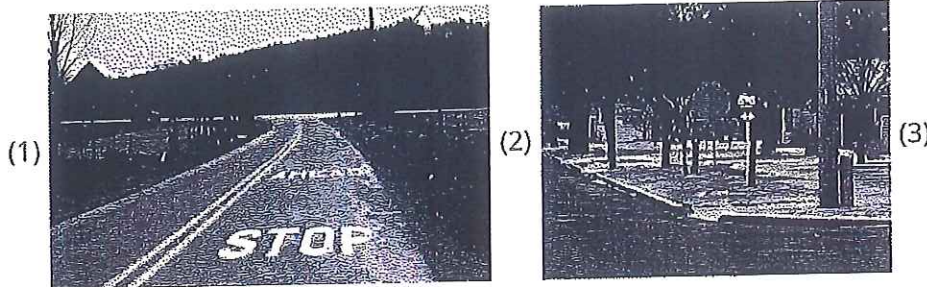
20. Our municipality has an ordinance that designated all of our highways as ATV and snowmobile routes. Can the D11-10A sign be modified to include this message as shown in picture (1)?

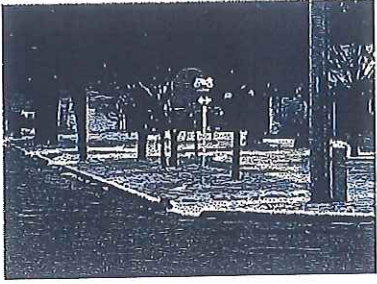
A> No. That particular sign is not allowed in the WMUTCD. However, a white sign with black letters (regulatory sign) could be made without the symbols as shown in picture (2).



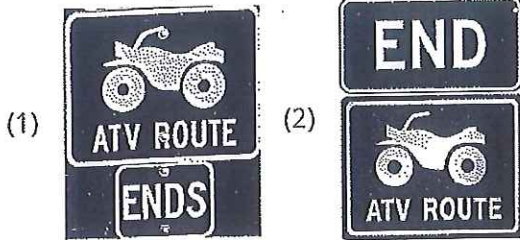
21. We have several roads with double STOP signs, e.g., signs on both sides of the road as shown in picture (1). Is it okay to place ATV route signs as shown in pictures (2) and (3) below?

A> Yes to both situations. This is similar to question 5 only the ATV sign is facing the opposite direction.





22. Should the END sign go on top of or underneath the ATV route sign?
 A> On top as in picture (2). Also, the MK4-6 sign is "END" not "ENDS."



23. Our town has designated all of its roads as ATV routes and wants to use the D11-10A sign on all town roads. If we erect a D11-10A sign near the boundary, what signs would we need to install on the other side of the town road if the neighboring town does not allow ATVs on its roads?

A> You would need to erect the MK4-6 sign and the D11-10 sign as shown in question 22, picture (2).

24. Are NO ATV TRAFFIC (R5-51) signs required on a highway that is not designated as an ATV route if it intersects a road that is designated as an ATV route?

A> No. However, if ATVs are operating on the non-designated highway, NO ATV TRAFFIC signs should be erected. This is referenced in Wis. Stat. s. 23.33(8)(e)4.

25. A county highway department is requiring the use of the NO ATV TRAFFIC sign in combination with placing a D11-10A sign on every county highway at the mutual county/town boundary since ATVs are not allowed on county roads. Is this permitted? Doesn't Wis. Stat. s. 23.33(8)(e)6. state that, "If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county."

A> Under s. 23.33(8)(e), subd. 3. was developed to allow a municipality or county to erect a sign on each highway that crosses its territorial boundary to alert motorists that all highways in the municipality or county have been designated as ATV routes. If D11-10 signs are erected, then a municipality or county does not have to erect signs on all ATV routes as required in subd. 2. Subd. 6., however, does not refer to the R5-51, which is a regulatory sign prohibiting ATV operation. In addition, "the department" refers to the Department of Natural Resources, not a county highway department (CHD). Since the CHD has jurisdiction over the county highways it maintains, it may require R5-51 signs on those highways.

Green Bay Press Gazette.

KEWAUNEE COUNTY

Use of ATVs, UTVs on Kewaunee County roads is up to the communities governing the roads

Matt Joski Special to USA TODAY NETWORK-Wisconsin

Published 3:08 p.m. CT Jun. 30, 2020

Over the past few years we have seen an increase in the use of all-terrain vehicles and utility terrain vehicles (ATVs and UTVs) throughout many communities.

As a young boy on the farm, I can still remember when I purchased my one and only ATC (they called them all-terrain cycles back then because they only have three wheels versus four). I purchased it with the money I had saved up, as well as selling my young bull that I had raised.

Back then these units were meant for strictly off-road use and I took advantage of the many open fields and pastures around our farm to challenge the laws of physics.

These units have advanced to the point where they are more like motor vehicles, and their use has expanded greatly as well. Many communities throughout the state have created entire trail systems to advance the use of these vehicles and in the process benefit their local economies.

Here in Kewaunee County we don't have the national forests or vast wooded areas that would serve as such trail routes, but we have seen an increased interest in the opportunity to operate these vehicles on some of our local roads.

When the idea of opening up public roadways to these units was brought to my attention, I have to be honest, I had some concerns, in fact I still have concerns in regard to co-mingling recreational vehicle traffic alongside motor vehicle, commercial vehicle and implement of husbandry traffic.

That being said, I was very proud that our communities got together and created a standard for ordinances that would govern the use of these units on our roads and provide the safest possible environment for all.

I want to take this opportunity to share with everyone where we are in regard to those towns, villages and cities that have passed ordinances allowing the use of ATVs/UTVs and those that have not.

It is important to note that the authority for allowing these vehicles on a road rests with the respective governing body for that road. Primarily, the allowance of these units on roads is at the town or village level.

To date, the cities of Algoma and Kewaunee have *not* passed an ordinance allowing these units on their roads, nor has the village of Luxemburg. The village of Casco has approved use of these units on the streets of their village.

The following townships have passed ordinances and erected the appropriate signage, which is part of this process. Ahnapee, Carlton, Pierce, Casco, Montpelier, Red River and West Kewaunee. The town of Luxemburg has passed an ordinance and their signs will be going up in the near future.

The following towns have not passed an ordinance allowing the use of these vehicles on their roads: Franklin and Lincoln.

Please make note of those roads that are and are not allowing the use of these vehicles and be respectful of that decision. Any operation of ATVs or UTVs on roadways not authorized is illegal and penalties will be enforced. It is the responsibility of the operators to know the requirements and restrictions relative to the operation of their units.

If anyone has any questions regarding this topic, please feel free to contact me and we can discuss further. Thank you and stay safe!

Matt Joski is Kewaunee County sheriff.

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NEWS

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ATV riders revving up

Posted Yesterday At 7:32pm by Tim Kowals

The beginning of spring could bring more ATV riders to roadways in Kewaunee County. It has been almost a year since Kewaunee County passed its ATV/UTV ordinance. It has been adopted by 10 townships and the Village of

Casco since then with only the Village of Luxemburg, the cities of Algoma and Kewaunee, and the Town of Franklin not allowing ATVs and UTVs on their roadways. Kewaunee County Sheriff Matt Joski says they have had zero issues with riders violating the ordinance. That could be attributed to the type of riders taking advantage of the ordinance.

0:00 / 0:11

In the municipalities that have approved the ordinance, ATV riders using the roads have to be at least 16 years old with a valid driver's license and stay away from areas with a posted speed limit above 35 miles per hour. You can learn more about the subject from Sheriff Joski below:

With the warmer weather upon us and the start of the recreational season soon to begin, I thought it may be a good idea to provide an update regarding local ATV/UTV ordinances. I have written on this topic numerous times, but due to the fact that this is a local authority issue which rests with the various Towns, Cities and Villages, I wanted to make sure everyone is updated on where you can and cannot operate these units here in Kewaunee County.

First let's go over what roads are involved when a community passes such an ordinance. If a Town, City or Village authorizes the use of ATVs on their roads, then all of their respective town, city or village roads are able to be traveled with these units. In addition, if a county or state road runs through that community and those sections of county or state roads are posted 35mph or less they too are authorized for use by ATVs. Once those county or state roads leave that jurisdiction, or the posted speed limits of those county or state roads elevate above 35 mph, those roads are no longer authorized. It is also important to note that for any section of road to be authorized those roads must first be posted by that local authority with signage indicating such authorization.

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Thus far, the communities that have authorized use of ATV/UTV units on their local roads are as follows: The Towns of Ahnapee, Casco, Carlton, Lincoln, Montpelier, Pierce, Red River, Luxemburg, and West Kewaunee. In addition, the Village of Casco has also authorized the use of ATV/UTV units on their Village streets. Please note that as of this time, the Cities of Kewaunee and Algoma, along with the Village of Luxemburg and the Town of Franklin have not authorized the use of these unit on their respective streets and/or roads. Please respect these decisions and refrain from using their roads with these units, until such time that they authorize their use.

Some of the most frequent questions I get are from residents who live on a state or county road and want to travel on those roads to get to a town road. This is not authorized unless those sections of roads are posted less than 35mph.

Another question I receive is related to the age of operation. By state law you can operate an ATV at the age of 12 on private property and local trails, however in creating safety parameters within the local ordinances, the minimum age for operation on an authorized public roadway was set at 16 years of age with a valid driver's license. Aside from the obvious concerns surrounding the operation of an ATV on a roadway shared with motor vehicles, the other concern was that of those who do not qualify for a license using these ordinances as a way to circumvent the law.

Just as it is the case with equipment on motor vehicles, there are also requirements related to the equipment of ATVs operating on the roads. The main one of course is the requirement to wear a helmet, but also the requirement of an unmodified, functioning exhaust as we did not want to create an environment where modified units are able to disrupt the tranquility of our communities.

I want to thank those communities who have embarked on this endeavor of allowing these units on their roads. While I will be the first to acknowledge that such co-mingling of recreational vehicles with standard motor vehicles is not my ideal public safety traffic environment, we can be proud that we created consistent and common sense criteria surrounding such use throughout Kewaunee County. If you would like to view our county ordinance, please go to our website at: www.kewauneeeco.org

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POLL

If you receive a \$1,400 stimulus check, how are you spending it?

- Springing for something nice
- donating it
- Investing it
- Putting it towards bills
- I'm not getting one
- Other (list in comments)

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How far will the Badgers go in the NCAA Tournament?

- Lose in the first round to North
- Carolina
- Second Round
- Sweet Sixteen
- Elite Eight
- Final Four

National Championship but lose

**Parking & Traffic
January 25, 2021**

A meeting of the Parking & Traffic Committee was called to order at 4:30 p.m. by Chairperson Reeths in Council Chambers, City Hall, 421 Michigan Street.

Members Kirsten Reeths, Gary Nault and Spencer Gustafson were present. Also present: Municipal Services Director Mike Barker and Municipal Services Assistant Colleen DeGrave.

Moved by Ald. Gustafson, seconded by Ald. Nault to adopt the following agenda:

1. **Roll call.**
2. **Adoption of agenda.**
3. **Public comment.**
4. **Discussion of: Parking on 3rd Avenue.**
5. **Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point.**
6. **Adjourn.**

All in favor. Carried.

Public comment. None

Discussion of: Parking on 3rd Avenue:

Ald. Nault explained he had spoken with the owner of Ace Hardware regarding her concerns about parking around the hardware store location. Currently there are 17 parking spaces allotted for the hardware store, and 12-15 spaces are being used for their employees. He stated he had also spoken with two other 3rd Avenue business owners regarding a lack of parking on 3rd Avenue. Ald. Nault suggested it is a concern that could possibly be addressed by the City in the future, but at this point there are not a lot of options. Ald. Gustafson suggested the owner of the hardware store look into a possible agreement with the buyer of the Nicolet Bank lot. Ald. Reeths stated she felt it is an issue that could be brought back to the committee at a later date.

Consideration of: ATV/UTV on N. Duluth Avenue between Elm St. and Bullhead Point: Ald. Reeths stated this had been brought to the Parking & Traffic Committee back in October. Ald. Nault explained that making this section ATV/UTV usable, and the request sent to the Door County Highway Commissioner to approve a ATV/UTV trail by opening County Road C from Park Drive to Duluth Avenue and the section North of Duluth Ave. in the township of Nasewaupée, would make it possible to go from Nasewaupée to Green Bay. The City portion is from N. Duluth Avenue to Bullhead Point and is .5 mile long.

Moved by Ald. Gustafson, seconded by Ald. Nault, to approve ATV/UTV use on N. Duluth Avenue between Elm Street and Bullhead Point, to be reevaluated by the Parking & Traffic Committee in January 2022. All in favor. Carried.

Motion to Adjourn:

Moved by Ald. Nault, seconded by Ald. Gustafson. Meeting adjourned at 4:53 p.m.

Respectfully Submitted,



Colleen DeGrave
Municipal Services Administrative Assistant