

TOWN OF WEST POINT
TOWN BOARD MEETING MINUTES
August 10, 2023

Pursuant to Wisconsin State Statute 19.84, the Town Board of the Town of West Point held their regular monthly meeting on Thursday, August 10, 2023, at the West Point Town Hall and via Zoom. The meeting was published in the Lodi Enterprise, the Star News, posted in the three designated places in the Town and on the Town's website.

The Town Board meeting was called to order by Ashley Nedeau-Owen - Town Chairman, at 7:00 p.m. The Town Board members present at the Town Hall were: Ashley Nedeau-Owen - Town Chairman, Kevin Kessler - 1st Supervisor, Scott Earnest - 2nd Supervisor, John Ungrodt - 3rd Supervisor, and David Lendved - 4th Supervisor. Also present were Taffy Buchanan - Town Clerk and Sharon Richmond - Town Treasurer.

The Pledge of Allegiance was said.

A motion was made by John Ungrodt to approve the agenda as presented, 2nd by Scott Earnest – motion carried unanimously.

Citizen Input – None

The Public Hearing in connection with the proposed amendments to Chapter 12 (Driveways and Town Roads) of the Town's Code of Ordinances, to designate All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes on Town Roads and to regulate the usage of ATVs/UTVs on those designated routes was opened at 7:02pm. John Ungrodt explained the process that was taken to put together the proposed amendments to Chapter 12 for the usage and regulation of ATVs and UTVs routes for Town Roads. Dan Tadysak, W11245 County Road V, stated he lives in the Town of Lodi and is "for" having ATV/UTV routes in West Point. Michael Kluetz, N2270 Pustaver Road, is "for" the ordinance, but it could be hard to enforce the age of 16 years old to operate an ATV/UTV. Lisa Kluetz, N2270 Pustaver Road, registered as "for" the ordinance change. Mike Ballweg, 305 Sunset Drive, stated he is "for" the ATV/ UTV routes. Aaron Ballweg, W12840 State Road 60, is "for" the ATV/ UTV routes. Alex Ballweg, W12790 State Road 60, is "for" the ATV/ UTV routes. Ben Larabee, N1172 Chrysler Road, state he is for having the ATV/UTV routes in West Point, but is opposed for under 16 years old not being able to drive;

he feels it is no different than driving snowmobiles and they are required to have a safety course also. The public hearing was closed at 7:15pm.

Copies of the July 13, 2023, Town Board Meeting minutes were emailed to each Town Board member prior to the meeting for their review. A motion was made by Kevin Kessler to approve the July 13, 2023, Town Board Meeting minutes with the addition of noting under Correspondence that John Ungrodt attended the Wisconsin Towns Association Columbia County Unit Meeting on June 22, 2023, 2nd by David Lendved - motion carried unanimously.

Treasurer Sharon Richmond had presented the following report: General Fund as of July 31, 2023 - \$496,519.37; Coronavirus Recovery Acct (ARPA Funds) - \$208,290.42; Park Fund \$2,727.00; Historical Society is \$6,988.20; and Savannah Tree is \$1,170.97 is in a 1-year CD (matures 5/24/24). The Town Treasurer and Town Clerk reconciled the bank accounts for the month of July.

Correspondence – A letter was received from Brooke Milde & Brock Binkowski about the restoration of the property where trees and brush were cut down in Ryan’s Haven. Columbia County sent a summary report for a rezone request for David & Diana Padley. The Town received and preliminary estimate of the January 1, 2023 population for the Town of West Point of 2070 from the Wisconsin Department of Administration. Columbia County Board of Adjustment held a public hearing on August 9, 2023 for a variance for Steven & Lisa Britt. The Town received Lodi Area Fire Department Chief Reports for June 20 and July 19, 2023. The Town Clerk received a phone call from Bob Koch, Columbia County Emergency Management Director concerning the Haz-mat Contract. The Wisconsin Towns Association magazine’s July issue had an article about joint Fire & EMS Districts.

The bills were reviewed by each town board member prior to the town board meeting. A copy of the bills, deposits, and budget for 2023 were given to each town board member for their information. A motion was made by Kevin Kessler to approve paying the bills as presented, 2nd Scott Earnest – motion carried unanimously.

Reports:

Columbia County Report – Doug Richmond stated they have started the budget process for 2024. The Planning & Zoning Committee approved the Helsdon CUP for a Tourist Rooming House. The ADRC of Columbia County, Reach Out Lodi,

and the Lodi Rotary Club has invited the Remember Project to Columbia County for two performances, of “Steering into the Skid” on August 16th in Lodi, and August 17th in Portage.

Lodi Fire Commission – David Lendved reported they met on July 25th, 2023, briefly to pay bills.

Sauk Fire District – no report

Sauk Prairie Ambulance – no report

Lodi EMS Commission – John Ungrodt reported on the July 20, 2023 meeting. They discussed the rental agreement for the old ambulance building with Lodi Shell and possibility of 2-year or 5-year lease.

Plan Commission – Kevin Kessler reported on the August 3, 2023, meeting. The Plan Commission held a public hearing for Dan Breunig, N600 Pulvermacher Road, for a rezoning request, but postponed action until they received the CSM and other information.

Transfer Site Report – no report

Park & Open Space Committee – David Lendved reported they met on August 1, 2023. They discussed Selwood Park; the landscaping & mulching of the playground is finished, it was more than expected, but hopefully it solves the issues. They also discussed the landscaping of the Town Hall & Ryan Park, but are not going to do anything this year because of lack of park funds. They are working on a process for “memorial trees.”

The following operator license applications were presented to the Town Board for consideration: Taylor Justman, Isabella Avila, and Tana Cone. All applicants presented have either held Operator Licenses in the Town of West Point before and / or attended Alcohol Awareness Classes. A motion was made by Kevin Kessler to approve the Operator Licenses as presented, 2nd by David Lendved – motion carried unanimously.

S&L Underground will start the Schoepp Road Project September 11, 2023. The Town Engineer & S&L will hold a pre-construction meeting at the Town Hall

on August 24th at 10:00 am. Darren Latham, N585 Schoepp Road, asked if anyone can attend and the Town Chairman said the public could attend.

Ordinance #2023-8-10 was drafted to amend Chapter 12 of the Town of West Point Code of Ordinances to designate Town Roads as ATV/UTV routes and to regulate the use of ATVs/UTVs on Town Roads. A motion was made by John Ungrodt to approve Ordinance #2023-8-10 to amend Chapter 12 Driveways & Town Roads, 2nd by Scott Earnest. A motion was made by Kevin Kessler to postpone the motion to amend the ordinance, 2nd by David Lendved – yes 1, no 4 – motion failed. A roll call vote was requested and taken on the original motion to approve Ordinance #2023-8-10 to amend Chapter 12 Driveways & Town Roads – David Lendved – yes, John Ungrodt – yes, Scott Earnest – yes, Kevin Kessler – no, Ashley Nedeau-Owen – yes – motion carried. A copy of Ordinance #2023-8-10 is attached to the minutes. John Ungrodt urged people to read the ordinance in its entirety.

Neal & Lynn Harrison addressed a letter to the Town Board about a concern about Pleasant View Park Road. Their property abuts the road and is the lowest point, so all the debris flows down the road and makes a mess at the end of their driveway. They would like a curb placed. The Town Chair will contact the Town Engineer to have him look at the issue and advise the Town.

A Town resident called and asked about a sign that was posted next to the Town boat landing off Lake Drive, she was unsure of what the sign meant and wanted clarification. The Town Clerk told the resident that the Town did not put a sign up there. The Town Chair will talk to the neighboring landowner to see if they put up a sign without Town permission.

It was reported that on Trails End Road there is a tree that looks like it is about to fall, it is unclear if it is in the Town right-of-way or on Muir's property. The Town Chair will talk with Muirs about it.

The Town Chair sent out a "Notice of Violation" to the landowners of the property in Ryan's Haven where there had been significant tree and brush clearing. Columbia County had been notified and are working on plans with the property owners, since it happened in the shoreline zoning area. The Town will wait and see what plans are approved before deciding if the Town needs to pursue anything more.

The Town Chair wrote a letter to send to residents affected by the “Promenade” to get the funding of an Assessor’s Plat started. The meeting will be August 23, 2023 at 7:00pm. The letters will be mailed tomorrow.

A motion was made by Ashley Nedeau-Owen to appoint Brooke Milde to the Plan Commission, 2nd by David Lendved – motion carried unanimously.

The Parks & Open Space Committee was given the authority to approve and manage the planting of trees on Town property for memorials. A “memorial tree process” was drafted by the Parks & Open Space Committee. A motion was made by David Lendved to approve the “memorial tree process,” 2nd by Kevin Kessler – yes 0, no 5 – motion failed.

Kevin Kessler drafted an amendment to Chapter 1 on the Town of West Point Code of Ordinances to have a policy on the maintenance of the Town Code. A motion was made by Kevin Kessler to have the Town Clerk schedule a public hearing and send the proposed amendments to the Town Attorney to review, 2nd by David Lendved – motion carried unanimously.

The Town Clerk drafted a resolution for an updated fee schedule. A motion was made by David Lendved to adopt the fee schedule resolution, 2nd by Scott Earnest – yes 0, no 5 – motion failed unanimously.

“Lodi Area EMS Inter-governmental Agreement” & “Sauk Fire District - EMS Inter-governmental Agreement” were postponed.

The next regular town board meeting will be on Thursday, September 14, 2023, at 7:00pm, on the agenda is: public hearing for amendments to Chapter 1, Sauk Fire IGA, LAEMS IGA, Tree Cutting on Centennial Court, Assessor’s Plat for Pleasant View and Weast Park, updated fee schedule, water/ debris issue at Pleasant View Park Road, Town roads, and any other business that can be legally added to the agenda.

A motion was made by Kevin Kessler to adjourn the August 10, 2023, Town Board meeting at 9:50pm, 2nd by Scott Earnest – motion carried unanimously.

Respectfully Submitted By
Taffy Buchanan
Town Clerk

Ordinance # 2023-8-10

**TOWN OF WEST POINT
ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE**

The Town Board of the Town of West Point, Columbia County, Wisconsin, does hereby ordain as follows:

WHEREAS, Wisconsin Statutes authorize Towns, at their discretion, to adopt ordinances designating Town roads as ATV (all-terrain vehicle) and UTV (utility terrain vehicle) routes and regulating use of ATVs and UTVs on Town Roads; and,

WHEREAS, the Town of West Point Town Board recognizes that surrounding towns permit the use of ATVs and UTVs on designated roadways; and,

WHEREAS, Section 9.13 of the Town of the Columbia County Code of Ordinances designates certain County roads as ATV/UTV routes; and,

WHEREAS, there is interest among some Town of West Point residents in designating Town roads as routes where the use of ATVs/UTVs would be allowed; and,

WHEREAS, the Town of West Point recognizes that if the use of ATVs and UTVs on designated Town roads is permitted, it is appropriate to provide for regulations for the protection of ATV/UTV operators, passengers, and the general public.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 12 of the Town of West Point Code of Ordinances is hereby amended as follows:

SECTION 12.01 is hereby amended to read:

SECTION 12.01. AUTHORITY.

The Town Board of the Town has the authority to enact the provisions of this ordinance pursuant to Chapter 86, Wis. Stats., Chapter Trans. 231 of the Wisconsin Administrative Code, and by the Town's adoption of Village powers under Sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats. Further, the Town has authority to regulate ATV and UTV routes and usage under s. 23.33 and s. 349.26, Wis. Stats.

Section 12.02 is hereby amended to read:

SECTION 12.02. PURPOSE.

The purpose of this Chapter is to regulate the access of driveways to town roads as well as the siting, construction and maintenance of Driveways and Shared Driveways. This

chapter is also intended to regulate parking on Town Roads and the naming of Town Roads. This Chapter is further intended to regulate the usage of all-terrain vehicles (ATVs) and Utility Terrain Vehicles (UTVs) on those Town Roads designated as routes for ATV/UTV use. This Chapter is adopted to promote the public health, safety, and general welfare of the community, provide adequate access for emergency vehicles, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town's Comprehensive Plan.

Section 12.45 is hereby created to read:

SECTION 12.45 USE OF ATVS/UTVS ON TOWN ROADS.

A. Adoption of State Regulations and Definitions. Pursuant to Sec. 23.33(1) (a), Wis. Stats., the regulations and definitions with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Sec. 23.33, Wis. Stats., Ch. 340 through 348, Wis. Stats., and NR 64, Wis. Adm. Code, and any future amendments or revisions, are hereby adopted by reference and incorporated by reference as if fully set forth herein.

B. Operation of All-Terrain Vehicles and Utility Terrain Vehicles only on Designated Routes. Pursuant to Wis. Stats. § 23.33(4),(d)(4), except as otherwise provided in § 23.33(4), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any Town highway or road in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance.

C. Designation of All-Terrain and Utility Terrain Vehicle Routes. All Town highways and roads are designated all-terrain vehicle and utility terrain vehicle routes in the town, except the following:

All all-terrain vehicle and utility terrain vehicle routes shall be subject to regular review by the Town Board, and designated routes may be adjusted or withdrawn if the Town Board determines that to be in the public interest.

D. Rules for Operation and Other Requirements.

1. Operation of all-terrain vehicles and utility terrain vehicles on Town highways and roads under this ordinance shall be subject to all provisions of § 23.33, Wis. Stats., which are hereby adopted as part of this ordinance by reference, pursuant to § 23.33(11), Wis. Stats.

2. The following additional restrictions are placed on operators and passengers pursuant to Wis. Stats. §23.33(11).

- a. All individuals under the age of 18, either operating or riding on an ATV/UTV, shall wear a helmet.
 - b. All occupants riding in or operating a UTV shall be required to wear a seatbelt when traveling on any town road in the Town of West Point.
 - c. No person shall operate an ATV or UTV on a Town Road unless that person is at least 16 years of age and possesses a valid motor vehicle operator's license. All operators shall have in their motor vehicle operator's license in their immediate possession and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.
 - d. No person who is born on or after January 1, 1988, may operate an ATV or UTV unless holding a valid WDNR safety certificate or a valid certificate from another state or Canada, shall carry the certificate while operating, and shall present the certificate to a law enforcement officer upon request.
 - e. All operators shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle and have proof of insurance.
 - f. No operator or passenger of an all-terrain vehicle or utility terrain vehicle may possess, in or on an all-terrain vehicle or utility terrain vehicle on any road or highway designated as an all-terrain vehicle or utility terrain vehicle route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
 - g. No person may engage in the operation while the person has an alcohol concentration of 0.08 or more.
 - h. No person may engage in the operation while the person has a detectable amount of illegal controlled substances in his or her blood.
 - i. The Wisconsin DNR registration number shall be in legible letters and clearly visible from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.
3. The following additional operating restrictions and vehicle requirements are adopted regarding all ATVs/UTVs being operated on designated Town Roads, pursuant to Wis. Stat. §23.33(11).
- a. Speed Limits. ATVs/UTVs shall not be operated at a speed greater than 35 miles per hour, or at speed limit posted if lower.

b. Hours. ATVs/UTVs shall not be operated on any town road between the hours of 10:00 pm and 5:00 am.

c. Lights. ATVs/UTVs shall not be operated on any town road without fully functional headlights, taillights, and brake lights. Headlights and tail lights must be turned on at all times.

d. Golf carts are not designed as ATVs or UTVs, and use of golf carts on Town Roads is not authorized by this ordinance.

e. Operations.

1. ATVs/UTVs shall operate on the extreme right side of the paved surface or travel.

2. ATVs/UTVs shall only operate on the paved portion of the town road right-of-way; unless yielding the right of way or lane if pavement does not exist.

3. Multiple units shall operate single file, providing sufficient distance between vehicles.

4. ATVs/UTVs may not harass or restrict travel for frightened or distressed animals used in transportation within the roadway, Wis. Stat. 346.11.

E. Road Signage.

1. The most recent versions of the US Department of Transportation (USDOT) Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), Wisconsin Supplement of MUTCD, and Wisconsin Administrative Code NR 64.12(7) shall govern the use of proper installation and location of signage. Any amendments or modifications to these shall be incorporated automatically into this ordinance.

2. Approval, installation and maintenance of ATV/UTV signs for the Town of West Point shall be conducted by Town of West Point or a Town contractor.

3. The quantity and location of signage in accordance with State law.

4. No person shall operate an ATV/UTV contrary to an authorized and official posted sign.

5. No person shall do any of the following in regard to signage marking an ATV/UTV route:

a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV sign, or,

- b. Possess any uniform ATV/UTV sign of the type established by the township for the warning, instruction, or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV/UTV sign creates a rebuttable presumption of illegal possession.

F. Administration, Enforcement and Penalties.

1. Authority Suspend Use of or Close Town Roads.

- a. The Town Board shall have the authority to close, terminate or temporarily suspend operation of ATVs/UTVs on any town road route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue it deems appropriate.
- b. Routes temporarily removed as an ATV/UTV route shall be posted on the town website.

2. Enforcement.

- a. Provisions of the Ordinance may be enforced by the Columbia County Sheriff's Office or any other law enforcement official as set forth in Wis. Stat. 23.33(12).
- b. Adoption of this Ordinance shall not prohibit any law enforcement officer or WDNR warden from proceeding under any other ordinance, regulation, State Statute, law or order that pertains to the subject matter addressed under this section.

3. Penalties. The penalties under Wis. Stat. 23.33(13)(a), are hereby adopted and incorporated herein, by reference.


G. Severability. If any provision in this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

H. Notifications. A copy of this ordinance shall be sent by the Town Clerk to the Columbia County Sheriff's Department and to the Wisconsin Department of Natural Resources.

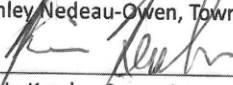
I. Effective Date. This Ordinance shall be effective upon publication and posting as provided by law. No Town roads, approved by the Board of the Town of West Point as an ATV and UTV route, shall be open for that use until the signage required under this Ordinance has been installed and the Town Board has approved the route to be open for that use.

Adopted this 10 day of August, 2023

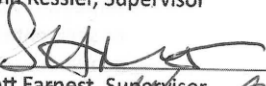
TOWN OF WEST POINT, Town Board



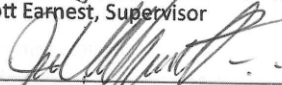
Ashley Nedeau-Owen, Town Chair



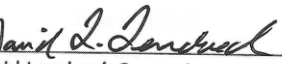
Kevin Kessler, Supervisor



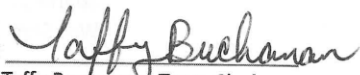
Scott Earnest, Supervisor



John Ungrodt, Supervisor



David Lendved, Supervisor

Attest: 

Taffy Buchanan, Town Clerk

Posted: August 24, 2023

Published: August 24, 2023