



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

Original Post Date: 06/09/2021

Amended* Post Date: 06/14/2021

The following documents are included in the packet for the Multi Use Path Governing Board on June 16, 2021:

- 1) Amended Agenda
- 2) Minutes from April 21, 2021 and May 19, 2021
- 3) Amendments to the Memo of Understanding
- 4) ***Memorandum from Corp Counsel: Definitions of Interest**



**GREEN LAKE COUNTY
OFFICE OF THE COUNTY CLERK**

*Elizabeth Otto
County Clerk*

*Office: 920-294-4005
FAX: 920-294-4009*

***MULTI USE PATH GOVERNING BOARD
Meeting Notice***

***Date: June 16, 2021 Time: 1:00 PM
The Green Lake County Government Center, County Board Room
571 County Road A, Green Lake WI***

Amended AGENDA*

**Committee
Members**

*Barry Rogers, Chair
Scott Weir, Vice-Chair
Barry Mashuda
Todd Sharp
Lisa Meier*

Elizabeth Otto, Secretary

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Minutes: 04/21/2021 and 05/19/21
5. Memo of Understanding Updates
6. Use of Electric Assisted Bicycles
7. *Discussion of "Friends of the Trail" Group
8. Committee Discussion
 - Future Meeting Dates: TBD
 - Future Agenda items for action & discussion
9. Adjourn

Due to the COVID-19 pandemic, this meeting will be conducted and available through in person attendance (6 ft. social distancing and face masks required for individuals who are **not** vaccinated) or audio/visual communication. Remote access can be obtained through the following link:

Topic: Multi Use Path Governing Board
Time: Jun 16, 2021 01:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/92171054641?pwd=WktpU1lUjlGeUNobUZqQzQ2K2h0dz09>

Meeting ID: 921 7105 4641

Passcode: 228107

Dial by your location

- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

Kindly arrange to be present, if unable to do so, please notify our office.
Elizabeth Otto, County Clerk

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the County Clerk's Office, 294-4005, not later than 3 days before date of the meeting.

MULTI USE PATH GOVERNING BOARD
April 21, 2021

The meeting of the Multi Use Path Governing Board was called to order by County Clerk Liz Otto on Wednesday, April 21, 2021 at 1:00 PM, in the County Board Room and via Zoom format at the Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present (in person): Barry Mashuda
 Scott Weir
 Barry Rogers
 Todd Sharp

Other County Employees Present: Liz Otto, County Clerk; Dawn Klockow, Corporation Counsel (Zoom); Cathy Schmit, County Administrator (Zoom); Harley Reabe, County Board Chair

ELECTION OF CHAIR

Motion/second (Weir/Mashuda) to elect Barry Rogers as Chair. No other nominations. Motion carried with no negative vote.

ELECTION OF VICE CHAIR

Motion/second (Weir/Rogers) to elect Barry Mashuda as Vice Chair. Mashuda declined. *Motion/second (Mashuda/Rogers)* to elect Scott Weir as Vice Chair. No other nominations. Motion carried with no negative vote.

CITIZEN AT LARGE APPOINTMENT

Discussion held on citizen at large appointment as outlined in the current Memo of Understanding. Chair Rogers will approach citizen members of the Parks Commission to find out if anyone is interested and report back at the next meeting.

STUART'S LANDSCAPING – ADJOINING PROPERTY OWNER SAFETY CONCERNS

Scott Weir stated he received notice from Stuart's Landscaping on Hwy 23 that they are concerned with a portion of the bike trail crossing at the entrance/exit near their business. Discussion held. *Motion/second (Weir/Sharp)* to direct the Highway Department to put up a guardrail at the area in question and Green Lake Greenways will reimburse up to a cost of \$300.00. Motion carried with no negative vote.

DISCUSSION REGARDING PATH FUND

Discussion held regarding the establishment of a segregated path fund as outlined in the current Memo of Understanding. This fund would hold contributions made by Green Lake Greenways for major maintenance such as resurfacing, etc. Corporation Counsel Dawn Klockow suggested amending the Memo of Understanding to state the county is fiscally responsible for the path fund. Klockow will review the MOU and provide her updates at the next meeting.

LIABILITY INSURANCE FOR ACCIDENT OR INJURY

County Clerk Liz Otto stated she is waiting for clarification from Wisconsin County Mutual regarding the county's liability. This will be discussed at the next meeting.

EASEMENTS RECORDED BY THE REGISTER OF DEEDS

County Clerk Liz Otto stated she obtained copies of 6 easements currently on file for the multi use path. Barry Rogers informed the committee that Green Lake Greenways is seeking 5 more easements to complete Phase II of the project.

COMMITTEE DISCUSSION

- **Future meeting dates: Regular meeting – May 19, 2021 @ 1:00 PM**
- **Future agenda items for action & discussion:** appointment of citizen at large member, multi use path maintenance responsibilities, update on liability insurance

ADJOURNMENT

Motion/second (Weir/Mashuda) to adjourn the meeting at 1:47 PM. Motion carried with no negative vote.

Submitted by,

Liz Otto
County Clerk

DRAFT

MULTI USE PATH GOVERNING BOARD
May 19, 2021

The meeting of the Multi Use Path Governing Board was called to order by Chair Rogers on Wednesday, May 19, 2021 at 1:00 PM, in the County Board Room and via Zoom format at the Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present (in person): Barry Mashuda Absent: Todd Sharp
 Scott Weir
 Barry Rogers

Other County Employees Present: Liz Otto, County Clerk; Dawn Klockow, Corporation Counsel (Zoom); Cathy Schmit, County Administrator (Zoom); Harley Reabe, County Board Chair

APPROVAL OF 04/21/21 MINUTES

Minutes of the 04/21/21 meeting were not included in the packet. Approval of these minutes will be included in the next meeting.

CITIZEN AT LARGE APPOINTMENT

Chair Rogers stated that Lisa Meier of the Green Lake Chamber of Commerce is interested in serving on the Board. *Motion/second (Weir/Rogers)* to appoint Lisa Meier to the Multi Use Path Governing Board. Motion carried with no negative vote.

MULTI USE PATH MAINTENANCE RESPONSIBILITY

Maintenance Supervisor Scott Weir outlined the maintenance responsibilities in the Memo of Understanding and recommended additions and/or changes.

UPDATES TO MEMO OF UNDERSTANDING

Discussion held regarding the recommendation by Corporation Counsel Dawn Klockow to change the language concerning the Multi-Use Path Fund. The changes to the MOU will be incorporated by Klockow and sent to all members in the next meeting packet for final consideration.

UPDATE ON LIABILITY INSURANCE FOR ACCIDENT OR INJURY

County Clerk Liz Otto read an email from Wisconsin County Mutual stating that the County would have premises liability in the case of an injury as a result of county negligence. Per State Statute, the county would have Recreational Immunity that could apply depending on the incident and circumstances.

COMMITTEE DISCUSSION

- **Future meeting dates: Regular meeting – June 16, 2021 @ 1:00 PM**
- **Future agenda items for action & discussion: changes to Memo of Understanding including maintenance updates, use of electric assisted bicycles on county paths to include state guidelines, minutes for the last two meetings**

ADJOURNMENT

Motion/second (Weir/Mashuda) to adjourn the meeting at 1:30 PM. Motion carried with no negative vote.

Submitted by,

Liz Otto
County Clerk

**AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
GREEN LAKE COUNTY, TOWN OF BROOKLYN
AND GREEN LAKE GREENWAYS, INC.**

WHEREAS, Green Lake County, the Town of Brooklyn and Green Lake Greenways, Inc. (the “Parties”) executed a Memorandum of Understanding (the “MOU”) concerning the parties’ obligations for the construction, funding and maintenance of a proposed multi-use path along State Highway 23; and,

WHEREAS, over the course of time, the Parties have realized that changes the proposed project have occurred that necessitates the amendment of the original MOU.

THEREFORE, the Parties agree that the MOU dated July 25, 2013 shall be amended as follows:

- I. Section 3. Scope, paragraph two shall be amended to read:

Construction of the multi-use path shall begin at the southeast corner of Parcel #231-00621-1100 and Commercial Avenue, in the City of Green Lake. The path will continue along the east property line, then Continue along the north property line, crossing the driveway of Parcel #231-00621-1200, continuing along the north side of the driveway to CTH A, to the intersection of STH 23.

- II. Section 3. Scope, paragraph three shall be amended to read:

The multi-use path shall then cross STH 23 via a controlled crosswalk on the east side of the intersection connecting to the multi-use path.

- III. Section 6. Agreement, sub paragraph b. is amended to read:

b. Construction of the multi-use path along CTH A from Commercial Avenue to the STH 23 right-of-way.

(1) The path will be located on the right-of-way and on private property on the east side of CTH A and funded by private donations and grants. Contracts for construction of the path will be sought from local firms.

(2) The Green Lake County Highway Department will grant permission for the construction of the multi-use path.

IV. Section 6. Agreement, sub paragraph c., is deleted in its entirety. It currently reads:

c. Design and construction of controlled crosswalks at the STH 23/49 intersection

(1) WisDOT will be responsible for 100% of the engineering design costs and constructing traffic controlled crosswalks for bicycles and pedestrians at the STH 23 and CTH A intersection and the STH 23 and STH 49 intersection.

V. The parties affixing their signatures below state that they have the proper authorization to bind their respective entity.

VI. The balance of the MOU, not affected by this Amendment No. 1 remains in full force and effect.

BY: Green Lake County

BY: Green Lake Greenways, Inc.

Catherine Schmit
County Administrator
Date: _____

Lauree Renaud, President
Date _____

By: Town of Brooklyn

Mike Wuest
Chairman
Date: _____

Marian Mildebrandt
Town Clerk
Date: _____

**AMENDMENT NO. 2 TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
GREEN LAKE COUNTY, TOWN OF BROOKLYN
AND GREEN LAKE GREENWAYS, INC.**

WHEREAS, Green Lake County, the Town of Brooklyn and Green Lake Greenways, Inc. (the “Parties”) executed a Memorandum of Understanding (the “MOU”) concerning the parties’ obligations for the construction, funding and maintenance of a proposed multi-use path along State Highway 23; and,

WHEREAS, over the course of time, the Parties have realized that changes the proposed project have occurred that necessitates the amendment of the original MOU.

THEREFORE, the Parties agree that the MOU dated July 25, 2013 shall be amended as follows:

I. Paragraph 7. Multi-Use Path Management shall be amended to read:

A Multi-Use Path Governing Board is to be established immediately upon review and agreement signature of the MOU by all partners. The Multi-Use Path Governing Board shall consist of the following members:

- The Green Lake County Highway Commissioner.
- A member of the Green Lake County Parks and Recreation Department.
- Green Lake Greenways Inc. - since Green Lake Greenways Inc. is a countywide organization it is recommended that 2 members appointed by the Greenways Board will serve on the Multi-Use Path Governing Board.
- A citizen at-large elected and approved by the 4 members of the Path Governing Board.

Other major contributors may also request to have a representative on the Multi-Use Path Governing Board. Such appointments will be at the discretion of the Multi-Use Path Governing Board members.

The Multi-Use Path Governing Board will meet monthly during the grant acquisition and funding phase as well as the construction phase of the multi-use path project. The Board will be responsible for planning and overseeing the path construction, acquiring grants and path maintenance. The Multi-Use Path

Governing Board will determine the use of the remainder of the Community Sensitive Solutions monies for the future multi-use path.

The County shall initiate a Multi-Use Path Fund for costs associated with construction of the path, future maintenance and repairs of the path surface and for any other routine path maintenance issues. The Multi-Use Path Fund shall be held in trust by the County and invested for the benefit of the Path Fund following the County's current investment guidelines. Guidelines for making contributions to and for taking expenditures from the Path Fund shall be created by the Multi-Use Path Governing Board consistent with any grant and governmental accounting requirements.



GREEN LAKE COUNTY
OFFICE OF CORPORATION COUNSEL

Dawn N. Klockow
Corporation Counsel

Office: 920-294-4067
FAX: 920-294-4069

MEMORANDUM

TO: Multi-Use path Governing Board

CC: Elizabeth Otto, County Clerk
Harley Reabe, County Board Chair
Cathy Schmit, County Administrator

FROM: Dawn N. Klockow

DATE: June 14, 2021

RE: Definitions of interest
Our file: Multi-purpose Path STH 23, CR17-0064

Honorable Members,

At the last meeting discussion came up about electric bikes and other non-motorized uses on the multi-use path along STH 23. Below please find definitions from Wis. Stat. §340.01 for your information. I believe that using statutory definitions to guide decisions is the best course of action.

(2g) "All-terrain vehicle" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.

(3) "Authorized emergency vehicle" means any of the following:

- (a) Police vehicles, whether publicly or privately owned, including bicycles being operated by law enforcement officers.
- (b) Conservation wardens' vehicles, foresters' trucks, or vehicles used by commission wardens, whether publicly or privately owned.
- (c) Vehicles of a fire department or fire patrol.
- (d) Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire

department while en route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer.

(dg) Privately owned motor vehicles being used by an organ procurement organization, or by any person under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation.

(dh) Privately owned motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee declaring the transportation to be an emergency, to transport medical devices or equipment to a hospital or ambulatory surgery center, or to pick up medical devices or equipment for immediate transportation to a hospital or ambulatory surgery center, if the medical devices or equipment are to be used for human implantation or for urgent medical treatment immediately after the transportation.

(dm) Privately owned motor vehicles that are all of the following:

1. Designated or authorized by an ambulance service or rescue squad chief in writing annually.
2. Used by an emergency medical services practitioner licensed under s. 256.15 or an ambulance driver or emergency medical responder authorized by the chief of an ambulance service or rescue squad.

(e) Emergency vehicles of municipal or county departments or public service corporations that are designated or authorized by the local authorities to be authorized emergency vehicles.

(f) Emergency vehicles of state departments that are designated or authorized by the heads of those departments to be authorized emergency vehicles.

(g) Publicly owned ambulances that are designated or authorized by local authorities to be authorized emergency vehicles.

(h) An emergency vehicle authorized by the county board of supervisors of any county for use by the county coroners or medical examiners for traveling to the scene of a fatal accident or a death and on any other occasions that are authorized under par. (e).

(i) Privately owned ambulances that are operated by their owners or by their owners' agents and that are authorized in writing by the sheriff or others designated by the county board as emergency vehicles. The authorization is effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate those ambulances as authorized emergency vehicles. The written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of authorizations made under this paragraph in the sheriff's office for public inspection, and all other persons permitted to issue authorizations under this paragraph shall file a copy of all authorizations issued with the sheriff.

(j) Vehicles operated by federal, state or local authorities for the purpose of bomb and explosive or incendiary ordnance disposal.

(3m) “Autocycle” means a motor vehicle that has 3 wheels in contact with the ground, is designed with seating that does not require operators or any occupants to straddle or sit astride it, has a steering wheel, and is originally manufactured to meet federal motor vehicle safety standards for motorcycles under 49 CFR part 571.

(5) “Bicycle” means every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels any 2 of which are not less than 14 inches in diameter.

(5e) “Bicycle lane” means that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and pavement markings.

(5s) “Bicycle way” means any path or sidewalk or portion thereof designated for the use of bicycles, electric scooters, and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

(15ph) “Electric bicycle” means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

(a) Class 1 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(c) Class 3 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(15pm) “Electric personal assistive mobility device” means a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(15ps) “Electric scooter” means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Electric scooter” does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

(29m)

(am) "Moped" means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

1. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.
2. A motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

(bm) "Moped" does not include a motor bicycle or electric bicycle.

(30) B means a bicycle to which a power unit that is not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator. "Motor bicycle" does not include an electric bicycle.

(32) "Motorcycle" means a motor vehicle originally manufactured with motive power, a seat or saddle requiring the rider to sit astride, not more than 3 wheels in contact with the ground, steering controlled by handlebars, and acceleration and braking controlled with handlebar and foot controls and that is capable of speeds in excess of 30 miles per hour.

(38m)

(a) "Off-road utility vehicle" means any of the following:

1. A motor vehicle that is designed and constructed to carry no more than 2 persons and to be used for collecting residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or incidental street maintenances; that is not certified by the manufacturer for on-road use or that is certified by the manufacturer as meeting the equipment standards for a low-speed vehicle under 49 CFR 571.500; and that satisfies the equipment standards for a Type 2 automobile or autocycle under ch. 347 or the equipment standards for a low-speed vehicle under 49 CFR 571.500.
2. A Kei class vehicle.

(b) "Off-road utility vehicle" does not include any motorized construction equipment or any motor vehicle that falls within another definition under this section.

(43g) “Person with a disability that limits or impairs the ability to walk” means any person with a disability as defined by the federal Americans with disabilities act of 1990, 42 USC 12101 et seq., so far as applicable, or any person who meets any of the following conditions:

- (a) Cannot walk 200 feet or more without stopping to rest.
- (b) Cannot walk without the use of, or assistance from, another person or a brace, cane, crutch, prosthetic device, wheelchair or other assistive device.
- (c) Is restricted by lung disease to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.
- (d) Uses portable oxygen.
- (e) Has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American Heart Association on May 3, 1988.
- (f) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.

(43m) “Play vehicle”:

- (a) Means a coaster, skate board, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (b) Does not include in-line skates or electric scooters.

(58a) “Snowmobile” means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:

- (a) A vehicle that has inflatable tires.
- (b) A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

(74) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, a personal delivery device, an electric scooter, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute.

I hope that these definitions assist you in your deliberations regarding what matter of human conveyance will be allowed on the multi-use path.