

April 16, 2019

Town Chair Bryce Black called the regular Town Board meeting to order at 7:02 p.m. at the Frankfort Town Hall on Tuesday, April 16, 2019.

Other Board members present were Richard McDermott, Curt Stine, Donna Juleff and Josh Manor. Town Clerk Maureen Manore was present. Town Treasurer Michael Albert arrived at 9:00 p.m.

There were sixty seven other people attending the meeting.

Minutes

The draft minutes from the March 12, 2019, meeting were read. The minutes stood as submitted.

Curt Stine made a motion to suspend the agenda and move the ATV Ordinance, item 5, to be the next item addressed. Josh Manor seconded and the motion carried.

Discuss/Action – ATV/UTV Ordinance

Curt Stine reported that the ATV/UTV Committee met on April 13th to revise the draft ATV/UTV Ordinance. The Committee added language that prohibits use of the route until the Pepin County Highway Department certifies that the required signage is in place. They also added a sunset clause that will become effective the 13th month after the route is certified unless the Board votes to continue it.

The Chair called for a straw poll. Of the town electors present 43 were in favor of passing the ordinance and 9 were against. Of the non-resident landowners 7 were in favor and 0 were against. Bryce Black opened the floor for a one hour period of citizen comments, allowing two minutes per speaker. He asked to hear first from people who had not spoken on this subject yet at previous meetings.

The comments are as follows:

- Al Schilling – The Town of Rock Creek had meetings like this, it was a waste of time. You are going to pass it anyway, just skip the bull and get it done.
- Denny Richardson – Speaking as a highly taxed resident and someone who was on the Town Board for 12 years, I have been following the meetings in conversations. Not coming to the meetings doesn't mean that we don't care. Others are using scare and stall tactics to get their way. By not adopting the ordinance the Town Board is denying residents a privilege that others have.
- Mike Roberts – In the beginning the Town Board ignored the existing Plan Commission and created a new subcommittee. This action was imposed without agenda notice. All the meeting notices of the subcommittee were insufficient, inadequate and violated the open meeting law. This subcommittee violated the open meeting law at least 15 times and each member is liable for substantial monetary penalties. Please do not destroy the public trust in the Town Board, vote this mess out of existence. (note: a written statement was submitted and the full text is available upon request)
- Sally Baecker – You are all friends and neighbors and this is pitting neighbor against neighbor. Creating a new government body was not on the agenda. It was called "committee" and "subcommittee" which is confusing. The minutes are not in the correct form and not posted right. It was all done in an alarming fashion.
- Carrie Anderson – Friends and neighbors, there are just a few stirring them up.
- Jessica Bignell – We just took a vote and the majority want it. Will it happen or is this the end of it?

- Alexis Bignell – Democracy is how the Town runs, the Town Board represents us.
- Don Gisch – Question for the Board, what got us to the point of saying that we need this? We need a referendum of the whole Town.
- Jesse Richardson – How many people here were born and raised in Frankfort? This ordinance needs to be passed. If you are not from here you don't understand.
- Dave Anderson – We elected you to speak for us, you know what the numbers are, you need to vote on it now.
- Jason Unser – we brought this to the Board 3 years ago and were laughed at. Glad there are more here to support it.
- Lilly Arbore – You should ponder what Mike said. There should have been more transparency, the minutes were not posted.

Bryce Black asked the Committee and the Town Board what they thought about the allegations Mike Roberts made.

Donna Juleff stated that she has seen her neighbors driving their ATVs illegally and believes that laws should be changed if needed. The ordinance was crafted in a transparent fashion.

Curt Stine told Mike Roberts and Sally Baecker that there was a remedy for their allegations, call the County Attorney. Stine said that he was in favor of this ordinance, people enjoy riding their ATVs. The safety and liability concerns have been addressed.

Jeff Anderson said that the ATV Committee meetings were not that exciting, they mostly looked at the State Statute and made it apply to Frankfort without deviating, as much as possible.

Richard McDermott said that we need to take a look at what Mike said and that he was not happy with having the route published for all the country to see. He also asked how the Town's people would get from their home to an authorized route, could they drive over or were they expected to trailer it?

Bryce Black asked that if there was some doubt that correct legal process had been followed would going back to fix it help?

Curt Stine stated that he was not concerned.

Josh Manor made a motion to adopt the draft ATV/UTV ordinance as written. Curt Stine seconded.

Bryce Black called for a roll call vote results as follows: Donna Juleff – yes; Josh Manor – yes; Curt Stine – yes; Richard McDermott – no; Bryce Black- no. Motion carried 3 to 2.

The Chair call for a break at 8:11 p.m.

The meeting resumed at 8:20 p.m.

Richard McDermott made a motion to defer the Treasurer's Report until last, just before paying bills. Curt Stine seconded and the motion carried.

Citizens' Concerns

Sally Baecker was concerned that there would be an in surge of out of state ATV riders once the routes were opened.

Don Gisch asked if the Town could charge a permit fee for ATVs. He was told that Towns don't have the authority to do that.

Little Plum Lutheran Church Cemetery Report

Curt Stine has contacted the Town Attorney about the copy of the signed resolution accepting the donation of the Little Plum Lutheran Cemetery. The Town Attorney said he would send out materials, legal opinion as to the title, but has not done so yet. Curt Stine and Bryce Black will contact the Attorney this week.

Report on Other Meetings Attended

No other meetings were attended.

Mining Agreement Report

There was nothing to report.

Road Reports

Bryce Black said that there was a citizen report of a significant washout on Gates Hill Road and that a plugged culvert was partially to blame. There are four culverts on Gates Hill Road that are too short and too deep. They should be removed, then extended and reset, or replaced. About 2,400 yards of crushed rock need to be put down. Pepin County Highway Commissioner Kris Quandt estimated cost to haul, place and grade would run about \$12,000.00, assuming the Town supplies the rock.

Bryce Black has been getting estimates for rock prices. Kraemer won't be bringing the crusher to the Anderson Quarry this year. They will be crushing in the Durand Quarry and it would be possible to purchase by the load. Greg Bechel says he has 4,000 tons and will bring his crusher to the Richardson Quarry in June. The Board decided to get the money still owed by Greg Bechel in crushed rock and see how it works out.

The Road Tour was set for May 7th at 7:30 a.m. if a County Highway representative is available.

Appoint Alternate Board of Review Member

Bryce Black appointed Michael Albert for a three year term as an alternate for the Board of Review. The Board confirmed the appointment.

Appoint Plan Commission Member

Mike Roberts volunteered to be appointed to the Plan Commission. Maureen Manore stated she would resign from the Plan Commission if Mike Roberts was appointed. After some discussion Mike Roberts withdrew his name. Sally Baecker volunteered to be appointed to the Plan Commission. After some discussion Bryce Black appointed Sally Baecker to the Plan Commission and the Board confirmed the appointment.

Financial Report

Treasurer's report for March was read. The ending balance was \$306,443.36. The current bank statement was examined.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for May 14, 2019, at 6:30 p.m. The tentative Town Board meeting agenda will cover: Town Board Minutes, Financial Report, Citizens' Concerns, Town Insurance Review, Report on Other Meetings Attended, Mining Agreement Report, Road Reports, Little Plum Church Cemetery Report, Discuss Merits of 3 Member vs. 5 Member Board and Pay Bills.

The Chair adjourned the meeting.

Time 9:45 p.m.

Maureen Manore, Clerk