

August 19, 2014

Chairman Bryce Black called the regular Town Board meeting to order at 6:39 p.m. at the Frankfort Town Hall on Tuesday, August 19, 2014.

Board members present were Bryce Black, Denny Richardson, Curt Stine, Donna Juleff and Kay Hamilton. Town officials Maureen Manore and Tina Bee were present.

There were 25 citizens attending and Attorneys Brian Nodolf and Michael Steininger.

Minutes

The draft minutes from the July 8th meeting were read. Denny Richardson made a motion to accept the minutes as presented and Kay Hamilton seconded. The motion carried.

Financial Report

Treasurer's report for July was read. The ending balance was \$66,966.78. Kay Hamilton made a motion to accept the Treasurer's report with a correction in the deposits line and Curt Stine seconded. The motion carried.

Citizen's Concerns

Mike Roberts reported that on August 13th dump trucks from the Bechel mine were traveling on Plummer Road going much faster than 55 mph. He asked the Town Board to ask the Sheriff's Department to enforce the speed limit. He also said that trucks were using jake brakes on County Road D and that the Chair should not change the agenda without the Boards consent.

Bruce Stafford stated that he has never seen a more courteous group of drivers than the truck drivers for the Bechel mine and that it would be discriminatory to ask the Sheriff's Department to enforce the law on one particular group.

Shirley Porrazzo stated that she had needed an ambulance to come to her residence and thought that she would get the Pepin Ambulance but got one from Durand which took 30 minutes.

Tina Bee asked if the Kannel semis are going to the Bechel mine. She was told that they are allowed if they are not hauling frac sand.

Fence Viewer's Report

Denny Richardson and Donna Juleff reported on the fence viewing held on July 14, 2014. The fence line is shared by Hubert Bauer and Troy Tabor. Tabor agreed to repair the spots that needed it on his portion. Both parties wanted a survey done to determine the placement of the fence, but one party has backed out. The section with the creek still needs to be completed.

The Chair explained that he would like to change the order of the agenda to put Report on Other Meetings Attended before the ATV Route Ordinance because there may be relevant information. Denny Richardson made a motion to change the order of the agenda and Donna Juleff seconded. The motion carried.

Report on Other Meetings Attended

Kay Hamilton attended the ATV Route informational meeting held in the Town of Pepin on July 10th. A proposed draft ordinance was handed out at that meeting by members of the Pepin County ATV Club. Topics discussed included signage; grass height; curvy roads; bicycle road races. Proposed ordinance additions included time restrictions of April 15-October 30 and dawn to dusk; adding and deleting routes; and a sunset clause. Hamilton brought up the idea to the Pepin Town Board of having a joint town meeting to discuss the issues. No meeting has been set at this time.

Kay Hamilton attended the Town of Waterville's Board meeting held on August 11th. The Board passed an ATV route ordinance at that meeting for two town roads, which had no time constrictions, a maximum speed limit of 45 mph and required riding in single file. This ordinance expires on December 31, 2016 and will be reviewed at that time.

Kay Hamilton and Bryce Black attended the Town of Pepin's Town Board meeting on August 18th. The Pepin County ATV/UTV Club gave them a draft ordinance to consider and explained the state statutes. The Pepin Town Board may send the ordinance to their Plan Commission for further consideration, and may consult with neighboring towns. They will have a public hearing when an ordinance is ready.

ATV Route Ordinance

Bryce Black explained the rules for citizen comments during this portion of the meeting.

Jennifer Lindahl asked what benefits there were to the Town in passing an ATV Route ordinance. She stated that there are many negative aspects to it such as noise, accidents, road wear and introduction of exotic plant.

Ron Hendrickson stated that he had an example of an ATV route ordinance with an opt in/out provision and presented the Board with a petition to exempt Elk Creek Road with 25 signatures.

Rick Lind stated that his experience as a trial lawyer led him to believe that supporting a special interest group would result in the town losing immunity to liability.

Cindy Schultz said that last year her husband almost took out two bicyclists on Goat Back Road with his farm machinery because of the curves and hills on Goat Back.

Mike Roberts stated that the Comprehensive Plan does not allow for ATVs and any discussion of this sort should be done at the Plan Commission level. He also asked what the rush was.

Craig Bowron stated that the Sheriff's Department has poor coverage in this area and the ordinance would not be enforceable. He said that the ATV Club was asking for an aesthetic privilege, one that is not necessary.

Bruce Stafford said he was concerned about safety, there would be a mix of vehicles on the road that did not belong together, they won't obey the speed limit and who is going to enforce the ordinance.

Sally Baecker stated that younger children do not have the abstract thinking ability needed for driving on the roads. She presented a petition to the Board of residents opposed to the designation of ATV routes on town roads signed by 101 citizens.

Carl Morsbach asked how the Frankfort proposed routes join up with the neighboring towns. He was concerned about the liability issue.

Rich Bignell stated that he disagrees that there would be a lot of outsiders riding the route.

Dean Antilla stated that the Town has a limited budget for road repair.

Ed Saas, Pierce County resident, stated that they had little ATV traffic, mostly just the people that live in Pierce County.

Lily Arbore stated that the DNR website has money available for ATV activities.

Jason Unser stated the routes are proposed and can be changed and that if the town roads are dangerous they should be fixed.

Nick Frank stated that he thought there would be drinking involved and who would enforce the curfews.

Donna Juleff stated (as a citizen) that she used to live on an ATV route and did not see a mad rush to use them.

Shirley Porrazzo thanked the Board for listening to the citizens and stated if the route was made legal the information would go out on ATV site maps.

Jessica Bignell stated that most people want to ride on trails, not roads and that this would be mostly for the locals.

Vic Komisar stated that one of the benefits would be to increase the hunting value of land. He said that the club would not push the routes as tourism until after the sunset clauses have run their course.

Kay Hamilton stated (as a citizen) that she had concerns about liability, safety, lack of licenses and that the WI ATV site has a map online.

Curt Stine stated that he saw the speed differential as a concern.

The Board took a ten minute break at 9:50.

The Board discussed how to proceed with this item. They discussed the issues brought up and their opinions of these issues. It was decided to conduct further research and take the matter up at a later date.

Plan Commission Report

July 22nd meeting- The Plan Commission meeting held on July 22nd was reviewed.

Mining Agreement Report

The Bechel mine Annual Report was received on August 19, 2014. The Chair pointed out that proof of insurance should be submitted with the Annual Report.

Brian Nodolf stated that his client may want to modify the Mining Agreement in the future due to lower takes, possibly in October.

Road Reports

A bill for the Bear Pen Road project for \$75,000.00 has been submitted. There will be one more bill for shouldering for \$3,250.00.

The Chair has requested an inspection of the bridge on Swede Ramble.

Emergency Management Procedure Draft

Kay Hamilton presented an updated draft of the Emergency Management Procedure. The discussion was postponed to a later date.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for September 16, 2014 at 6:30 p.m. at the Frankfort Town Hall. The Town Board meeting agenda will cover: Town Board Minutes, Financial Report, Citizen's Concerns, Report on Other Meetings Attended, Plan Commission Report, Mining Agreement Report, Road Reports, Emergency Management, Durand Ambulance Contract, DOR Equalization Report and pay bills.

Denny Richardson made a motion to adjourn the meeting and Curt Stine seconded.

Time 10:15 p.m.

Maureen Manore, Clerk