

December 11, 2018

Town Chair Bryce Black called the regular Town Board meeting to order at 6:35 p.m. at the Frankfort Town Hall on Tuesday, December 11, 2018.

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 8:00 p.m.

Also present were Steven Peinovich, John Newcomb, Evan Mercer, Lily Arbore, and Jim Schiller.

Bryce Black asked for the order of the agenda to be changed to move the ATV Route Liability report to follow Little Plum Lutheran Cemetery Take-over Request. Curt Stine made a motion to move the ATV Route Liability report to follow Little Plum Lutheran Cemetery Take-over Request. Donna Juleff seconded and the motion carried.

Minutes

The draft minutes from the November 13, 2018, meeting were read. The minutes stood as corrected.

Financial Report

Treasurer's report for November was read. The ending balance for October was \$256,553.15. The current bank statement was examined.

Citizens' Concerns

No citizen's concerns were reported.

Report on Other Meetings Attended

Bryce Black attended the Little Plum Lutheran Church Board meeting on November 26th. The Church Board discussed what to do with the cemetery.

Little Plum Lutheran Cemetery Take-over Request

Steven Peinovich, representing the Little Plum Lutheran Church Board, spoke to the Town Board. He said that the October 1st church service was the last one to be held and the church was officially dissolved after the service. The Church Board had previously voted to spend some of the remaining church funds to repair and reset the headstones in the cemetery. At this point there is \$8,654.67 left in their funds and \$1,164.56 in capital credits due from the Pierce Pepin Cooperative Service. The Church Board wants to purchase a historical plaque to describe the cemetery.

The current owners of the former church and school property have given public access to the cemetery. The Town Board asked if this easement was official. Peinovich will check on this.

Steven Peinovich made a formal request for the Town of Frankfort to take over management of the Little Plum Lutheran Cemetery. If approved, all remaining assets in the church checking account would be transferred to the Town.

The Board discussed the request and decided the action should be done by resolution and overseen by the Town Attorney. They also questioned if a deed was available. Curt Stine will contact the Town Attorney.

ATV Route Liability: Report on Legal Discussion

Curt Stine summarized the report. He had spoken to Steve Berger, Rural Mutual Insurance Agent, and Jann Charette, Wisconsin Towns Association Lawyer. Stine learned that State Statute 23.33(11) allows municipalities to pass an ordinance for ATV/UTV routes, and the Town would have no liability for simply passing an ordinance as long as it strictly conforms to this statute. If an ordinance is passed and a person is injured because of use of an ATV or UTV, the Town may be liable if the injury was caused by the Town's negligence in building or maintaining the road. In such case the liability of the Town is limited by statute to \$50,000 for each person injured by its negligence. The Town's casualty insurance specifically covers losses caused by the Town's negligence. Steve Berger said that the most likely source of liability for negligence was signage for ATV routes. Berger recommended that the Town should not let the Pepin County ATV/UTV Club put up the signs. Jann Charette said that the Town could accept money from outside sources to pay for purchasing and installing signs.

Mining Agreement Report

There was nothing to report.

Road Reports

Pepin County Highway Department Foreman Doug Gruber told Bryce Black that the Town should think about which roads need brush removal. The board agreed Beaver Slide Road and Cut Off Road were in need of brushing.

2019 Road Maintenance Schedule

The Board examined a list of roads for potential maintenance in 2019 and ranked them in order of importance. Crack sealing and/or sealcoating Sunnybrook Road, Goat Back Road and Beaver Slide were at the top of the list. They also discussed the need to purchase crushed rock in 2019 and a blacktopping schedule.

Bryce Black spoke to Town of Maiden Rock Chair Jerry Duden about which municipality is responsible for the blacktopped portion of Maple Lane Road. Jerry Duden stated that his municipality was responsible.

Durand Rural Fire Department By-Laws Resolution

Donna Juleff made a motion to adopt Resolution 2018 2-R, "Durand Rural Fire Department By-Laws Adoption Resolution". Richard McDermott seconded and the motion carried.

Assessor Contract Renewal

Donna Juleff made a motion to accept the contract for Chimney Rock Appraisal. Curt Stine seconded and the motion carried.

Command Central Hardware Maintenance Agreement

Richard McDermott made a motion to approve the Command Central Hardware Maintenance Agreement. Josh Manor seconded and the motion carried.

Durand Ambulance Contract

The Board examined the contract and decided that item 2 needed to be reworded as it included all of the Town's population instead of just that portion not covered by Pepin Ambulance Service. The Board authorized the Chair and Clerk to sign the reworded contract if it needed to be done before the end of the year provided the rewording met the Chair's approval.

Board of Adjustment Appointment

Bryce Black re-appointed Brad Anderson to serve a three year term on the Board of Adjustment beginning December 31, 2018 and running to December 31, 2021. The Board confirmed the appointment.

Set Caucus Date

The caucus date was set for January 8, 2019 to begin at 6:30 p.m. in the Frankfort Town Hall.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for January 8, 2019, following the caucus. The tentative Town Board meeting agenda will cover: Town Board Minutes, Financial Report, Citizens' Concerns, Report on Other Meetings Attended, Mining Agreement Report, Road Reports, Little Plum Cemetery Take-over, ATV Route Community Opinion/Referendum Question, Durand Ambulance Contract and Pay Bills.

The Chair adjourned the meeting.

Time 9:05 p.m.

Maureen Manore, Clerk