

May 14, 2019

Town Chair Bryce Black called the regular Town Board meeting to order at 6:36 p.m. at the Frankfort Town Hall on Tuesday, May 14, 2019.

Other Board members present were Richard McDermott, Curt Stine and Josh Manor. Town Clerk Maureen Manore and Town Treasurer Michael Albert were present. Donna Juleff arrived at 6:40 p.m. Also present were Sally Baecker, Mike Roberts and Debra Fisher.

#### Minutes

The draft minutes from the April 16, 2019, meeting were read. The minutes stood as submitted.

#### Financial Report

Treasurer's report for April was read. The ending balance was \$282,762.34.

#### Citizens' Concerns

Sally Baecker stated that the open meetings law was important and encouraged the Town Board to follow it closely. She urged the Town Board to keep the board a five-member board. With a three-member board two supervisors can't talk to each other without potentially violating the open meetings law. Also, two members could freeze out the third on decisions. She said that a five-member board has a better variety of people, and a three-member board may not have fair representation.

Debra Fisher wanted to pass on information about the County's historical site map and about the Little Plum School House. She said that the schoolhouse was the last remaining intact schoolhouse in the county and she and her husband were striving to preserve it.

Mike Roberts said that at the April Town Board meeting, he attempted to protect the open meeting law and was not heeded by the Town Board. The Town Board approved the ATV/UTV Route ordinance without validating his claim of a violation. Roberts alleged that the board approved the ordinance based on the word of a Town Board member practicing law without a license, and that anyone who accepts this behavior is complicit. Roberts stated that he is trying to protect the town government.

Curt Stine said that he was being accused of a criminal offense; that such an allegation could be considered libel; and Mike Roberts should contact the District Attorney if he wishes to pursue the matter.

#### Little Plum Lutheran Church Cemetery Report

Curt Stine reported that he received the title work today for the transfer of the cemetery, and that the Town Attorney has prepared a deed, but the deed needs to be signed by the President of the former congregation, Steven Peinovich. For the signed deed to be valid, the Town will need an official record of an action by the Church Board granting him authority to transfer the deed.

#### Report on Other Meetings Attended

Bryce Black attended the Durand Rural Fire Department annual meeting on April 24<sup>th</sup>. A budget was passed which now goes to the constituent towns to vote on. Also discussed was paying the Fire Chief and the secretary received a raise.

The Board of Review was held on May 1<sup>st</sup>.

The Road Tour was held on May 7<sup>th</sup>

Bryce Black attended the Wisconsin Towns Association Pepin County Unit meeting on May 13<sup>th</sup>. Bryce Black was elected Chair of the Pepin County Unit. State Senator Jeff Smith was present and spoke in favor of a bill that would reduce the penalties imposed on Towns who are late filing the Municipal Financial Report.

There will be a Wisconsin Towns Association workshop in Eau Claire on May 23<sup>rd</sup>.

#### Mining Agreement Report

There was nothing to report.

#### Road Reports

The Board toured the town roads on May 7<sup>th</sup>. Bryce Black prepared a spreadsheet with the data collected, including preliminary updates for the 2019 PACER ratings. Black prioritized the information gathered on the tour and suggested a main focus this year should be on correcting drainage and culvert

problems. The Board examined the information and discussed having an engineer look at some of the areas of concern. Bryce Black will ask the County Highway Department about engineering aspects. The Board authorized Bryce Black to contact Consultant Dan Fedderly for his initial thoughts if Bryce is not satisfied with the County's answer.

The Town does not have a stockpile of crushed rock purchased, as the Kraemer Company has not made any available in the Anderson Quarry. The Town will need to buy it by the truck load from the Durand Quarry or the Richardson Quarry.

#### ATV/UTV Route Sign Placement

The Board discussed how to proceed with putting up the ATV route signs on the designated routes. Maureen Manore will contact the Town of Pepin and ask how they placed theirs.

#### Approve Durand Rural Fire Department 2020 Budget

Bryce Black presented the budget and explained that if a majority of the towns voted it down then the Fire Department would operate off the previous year's budget with an adjustment for inflation.

Richard McDermott made a motion to approve the 2020 budget as written and Donna Juleff seconded. The motion carried. Josh Manor abstained due to being a member of the Fire Department.

#### Appoint Durand Rural Fire Department Representative and Alternate

The Chair appointed Bryce Black as the representative and Curt Stine as the alternate. The Board confirmed the appointments.

#### Open Meeting Law Discussion

The Board looked at the open meetings law statutes, in particular ss. 19.84(1)(b), which requires public notice of all meetings of a governmental body "to a news medium likely to give notice in the area". Bryce Black spoke to Wisconsin Towns Association Lawyer Jann Charette about that section and was told that at least one local news outlet needs to be notified to give them the opportunity to cover the meeting. This is a completely separate requirement in addition to the statutes requiring public notice by publication or posting. Maureen Manore called the Courier Wedge, and asked if they received this sort of notification from other municipalities; they said they had not.

The Board will continue its long-standing practice of publishing all notices and agendas, if the publication schedule allows time for placement in the weekly paper.

The Board decided that to ensure compliance with 19.84(1)(b), it will also provide the Courier Wedge with an informational notice about future meetings, including those meetings whose schedule does not fit into the timeline for publication.

#### Discuss Merits of a 3 Member Board vs. a 5 Member Board

This item was placed on the agenda due to a number of citizens at the Annual Meeting suggesting that we should consider returning to a three-member Board. The Board discussed the relative merits of each system. Points in favor of the three-member board include a small financial savings (two fewer salaries to pay), and potential ease of finding candidates. The five-member board allows for two members to meet outside of town meetings without the perception of violating open meetings law; the entire town board does not turn over at once, since the terms are staggered; and meeting quorums may be easier to achieve. When the Town went to a five-member board the levy was not raised, nor has it been raised since then. No action to change the current system was proposed.

#### Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for June 11, 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, ATV/UTV Route Sign Placement and Pay Bills.

The Chair adjourned the meeting.

Time 8:55 p.m.

Maureen Manore, Clerk