

November 13, 2018

Town Chair Bryce Black called the regular Town Board meeting to order at 6:52 p.m. at the Frankfort Town Hall on Tuesday, November 13, 2018.

Other Board members present were Richard McDermott, Curt Stine and Josh Manor. Town Clerk Maureen Manore was present. Town Treasurer Michael Albert arrived at 8:00 p.m.

Also present were Linda Newcomb, John Newcomb, Roger Sabelko, Evan Mercer, Dwight Jelle, Kay Hamilton, Carl Morsbach, Sally Baecker, Kathleen Plunkett-Black, Diane Millner, Nancy Gisch, Isabella Manor, Charles Thomas, Kurt Walker, Sharon Erler, Dale Erler, Lily Arbore, Carrie Anderson and Jeff Anderson.

#### Minutes

The draft minutes from the October 9, 2018, meeting were read. The minutes stood as corrected.

#### Financial Report

Treasurer's report for October was read. The ending balance for October was \$242,698.47. The current bank statement was examined.

#### Citizens' Concerns

Sally Baecker asked what the plan was for completing the blacktopping of Bear Pen Road. The Board will address the road maintenance schedule at the December Board meeting.

Linda Newcomb asked who to contact about property removal for property tax purposes. She was told to contact the Town Assessor Mark Garlick.

Sally Baecker asked if a tree that is in the road right of way died could one be planted in its place. She was told no, but Bryce Black will go out and measure to see if the tree was in the right of way.

#### ATV Route Discussion

Bryce Black summarized the ATV discussion from October and stated the rules for participation in tonight's discussion.

Evan Mercer, Vice-President of the Pepin County ATV Club, presented three proposals for ATV/UTV routes in the Town. He suggested a one year trial period for any ordinance adopted concerning ATV routes. The first proposal was to open the following roads for ATV/UTV use; Beaver Slide in its entirety; Boyd Springs Road in its entirety; Byington Road to Town line; Elk Creek Road between County Road SS and Beaver Slide Road; Gates Hill Road in its entirety; Vosker Road in its entirety. Proposal two lists all the same roads plus Plum Valley Road in its entirety and Plummer Road in its entirety. Proposal three was to open all Town roads. Mercer stated that there were over 12,000 miles of roads available for ATV use in Wisconsin and over 384,600 ATVs registered as of March of this year by the DNR.

Bryce Black took a straw poll of those present asking who was in favor, against and neutral about opening Town roads to ATVs. Five were in favor, six were against and three were neutral.

Linda Newcomb said that she and her husband have no objection to the ATV's. Their son lives in the Town of Pepin and has to come through their fields on his ATV to their house instead of using the Town road.

Charles Thomas stated he was concerned about safety, the roads by his house are too narrow and there is no cell service if someone needs aid. Motorcycles are designed for roads and ATVs are for off-road use.

Carrie Anderson said there are many motorcycle accidents in the summer, also lots of bicycles on the road. The Town needs to get with the times. There are tests for ATV riders and they wear helmets.

Sally Baecker said that her daughter is an ICU nurse in Minnesota and has seen many injuries involving ATV riders from broken bones to decapitations. She pointed out that ATVs don't have mirrors or turn signals.

Jeff Anderson said that they have a cabin up north and ride all the time. How can over 300,000 people be wrong about riding? Riders have to take a safety course, and have to use hand signals which is in the rule book. He would like to be able to use his vehicle from his house like other people can.

Dwight Jelle stated that when he was the County Board Chair he had voted against ATV routes because he knew the Town of Frankfort was against it from the petition that was presented and because of the liability. Lawyers may be able to sue the Town because the Town roads are not up to design standards. He suggested that the Town Board have a referendum on the issue.

John Newcomb asked if people could ride horses, bikes and motorcycles why not ATVs?

Lilly Arbore commented that one serious accident could wipe out the Town budget for years and that should be looked into more.

Nancy Gisch read the warning found on her ATV "never operate on public roads or paved surfaces". Sharon Erler, Town of Pepin resident, stated that an ATV ordinance did pass in the Town of Pepin, to her great disappointment. She barely missed hitting an ATV on Jahnke Hill Road; the rider was deliberately swerving and had no helmet.

Kurt Walker wanted to know who enforces the laws and stated he was worried about vehicles hitting ATVs. Even Mercer responded that state statutes allow police officers and DNR wardens to enforce local ATV ordinances.

Roger Sabelko stated that he was in favor of ATV routes and trusted people to use common sense.

Kay Hamilton said that anything in life has safety concerns but when the vehicles say right on them "don't use on paved roads" there might be a reason. She thought an advisory referendum was a good idea.

Carl Morsbach stated that we live in the Driftless Area and our topography is not comparable to other parts of the state.

Diane Millner, Town of Pepin resident, pointed out that the roads in our area are very curvy and people go fast in their cars.

Evan Mercer addressed some of the concerns saying that the Town's liability insurance covers negligence. If the roads are too narrow, it is up to the driver to see to safety. There are from 12,000 to 14,000 miles of ATV routes in the state and in 2017 there were 10 fatalities on the routes; none of the people involved had ATV training. He pointed out that the town citizens could be spared paying fines for illegal operation of an ATV if an ordinance was passed.

The Board discussed the proposal, focusing on safety, liability and enforcement. They also discussed the best way to determine what the majority of the citizens would want.

Motion by Curt Stine, seconded by Richard McDermott, to seek a legal opinion from the Town Attorney about the potential liability if an ordinance is adopted opening the Town roads to ATVs. The motion carried. It was agreed that if the cost of the opinion was going to be greater than \$600.00, Curt Stine would return to the Board for approval.

#### Report on Other Meetings Attended

Bryce Black attended the Town of Maiden Rock town board meeting October 10<sup>th</sup> in order to discuss Maple Lane Road.

Richard McDermott attended a meeting on broadband in Pepin on November 9<sup>th</sup>.

Curt Stine attended a Durand Rural Fire Department meeting on October 18<sup>th</sup>.

Josh Manor attended a joint meeting of Wisconsin Towns Association Pierce and Pepin County Units in Plum City on October 18<sup>th</sup>.

### Mining Agreement Report

There was nothing new to report.

### Road Reports

The Pepin County Highway Department asked for permission to sand icy roads on Goat Back Road and Boyd Springs Road on November 11<sup>th</sup>.

Maple Lane Road care discussion with the Town of Maiden Rock resulted in an agreement to continue with the Town of Frankfort maintaining the north half of the road despite the WISLR map denoting the opposite. Bryce Black will contact them again to determine who is maintaining the black topped portion.

The Kraemer Co. moved 2000 cubic yards of crushed rock from the Books Quarry to the Anderson Quarry to fulfill the balance of the contracted amount they owe the Town from our 2016 purchase of 5000 yards. Bryce Black had some initial concerns about the quality of the rock, as it contains a high proportion of fines and clay, but it appears to be holding up on Swede Ramble, Plum Valley Road and Elk Creek Road, where about 1800 yards was applied.

The lower part of Kallstrom Road has been ditched in order to give the water on that part of the road a way to drain off. Richard McDermott was concerned that there may be some erosion now since grass will not have time to regrow before spring runoff. He also had concerns about farmers and grain haulers using the road right of way for harvesting operations.

Bryce Black talked to Pepin County Highway Department Foreman Doug Gruber about placing snow fences on Goat Back Road and Gates Hill Road.

### Durand Rural Fire Department By-Laws Review

The Board studied the by-laws. Bryce Black stated that the only concern that he had was in section 2.1.4. which has been shortened to eliminate the specific functions of the officers of the Board of Directors. It was noted that the by-laws need to be adopted by resolution.

### Adopt 2019 Budget

Curt Stine made a motion to adopt the 2019 Budget. Richard McDermott seconded and the motion carried.

### Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for December 11, 2018, at 6:30 p.m. 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, ATV Route Liability, Durand Rural Fire Department By-Laws Adoption Resolution, Durand Ambulance Contract, Assessor Contract, Command Central Hardware Maintenance Agreement and Pay Bills.

The Chair adjourned the meeting.

Time 9:25 p.m.

Maureen Manore, Clerk