

April 15, 2014

Chairman Bryce Black called the regular Town Board meeting to order at 7:15 p.m. at the Frankfort Town Hall on Tuesday, April 15, 2014, following the Town's annual meeting.

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

Also attending was Donna Gates, Kathleen Plunkett-Black, Dwight Jelle, Curt Stine and Attorney Brian Nodolf.

Appoint 2nd Supervisor

The Town Board received one application for the position of Second Supervisor, which has been vacant since the recent resignation of Richard Bignell. The applicant was Curt Stine. Curt Stine was asked to give a brief history about himself and then was asked several questions by the Board. Kay Hamilton nominated Curt Stine to be appointed to the position of Town Board Second Supervisor and Donna Juleff seconded. The Town Chair called for additional nominations. Hearing none, Denny Richardson moved to close the nominations and Kay Hamilton seconded. Paper ballots were distributed to the four Board members and the Town Clerk and collected by the Treasurer. The tally was 5 in favor of and 0 against. The oath of office was then administered to Curt Stine and he began his duties as Town Board Second Supervisor.

Minutes

The minutes from the March 18th meeting were read. Bryce Black asked that the words "per cubic yard by the truckload" be inserted instead of "per truckload" under Road Reports in the rock purchase discussion. Kay Hamilton made a motion to accept the minutes as amended and Donna Juleff seconded. The motion carried.

Financial Report

Treasurer's report for March was read. The ending balance was \$81,992.39. Tina Bee explained that the ending balance for February has been corrected to \$76,898.07, the discrepancy caused by the wrong amount for a check written in the register and not caught until March because the check had not been cashed in February. There was some discussion about the nature of perpetual care money for the cemetery. Denny Richardson made a motion to accept the Treasurer's report and Donna Juleff seconded. The motion carried.

Citizen's Concerns

None

Report on Other Meetings Attended

The Plan Commission hosted an All Towns meeting on March 25th. The discussions at this meeting included Senate Bill 632 and local zoning. The next meeting will concentrate on economic development. On March 26th Bryce Black and Donna Juleff attended a paving seminar in Menomonie, hosted by Monarch Paving. Wisconsin Towns Association Executive Director Rick Stadelman was in attendance, and he gave an overview of recent and pending highway bills. The Board members learned a lot about road construction, paving, and the differences between asphalt mixes.

Mining Agreement Report

Bechel has now paid in full the 2013 Personal Property Taxes owed. A check for insurance and legal fee reimbursement for the amount of \$8,937.86 was hand delivered to the Board by Attorney Brian Nodolf. There was brief discussion concerning the annual start date of the billing cycle for the Bechels and the Town's payment options for the Town's liability insurance. The Town Board directed Tina Bee to

change the liability insurance payment to annually instead of monthly if there was a charge for the monthly billing.

A brief recess was called and the meeting resumed at 8:06 p.m.

Kay Hamilton made a motion to accept the check, delivered by Attorney Brian Nodolf, as partial payment against amounts owed as reimbursement for attorney fees and liability insurance premium for the second year of the Mining Agreement, September 1, 2012 to August 31, 2013. Curt Stine seconded and the motion passed.

Bryce Black related that Cindy Schlosser is still waiting for someone to contact her about a water filter. Attorney Brian Nodolf said that he contacted a well driller a month ago and thought that it was taken care of. Brian will contact the well driller again. Denny Richardson pointed out that the owner of the property is Walter Sitka.

Bryce Black met last week with Town Attorney Gwen Kuchevar, Greg and Steven Bechel and Attorney Brian Nodolf. The Bechels disclosed that they are exploring the idea of changing their mining operation from an open pit to an underground mining operation. Their current idea is to start the tunnel from the bottom of the current pit; they would also need to construct another exit tunnel. The Bechels say there will be less dust and more frequent, but less powerful, blasting. Bryce said that there will need to be a renegotiation of the Mining Agreement and maybe a different reclamation permit.

Denny Richardson asked if this operation would go outside the current 43 acres. He was told that eventually, the mine does plan to extend their operation elsewhere on the Richardson property. The Bechels say they will continue the current policy of not extracting material below 100 feet above the water table.

Donna Gates asked if there will be a public hearing. She was told there will be.

Kay Hamilton suggested that the Town Board have a meeting before the public hearing to learn the information and be able to answer questions at the public hearing.

Attorney Brian Nodolf stated that his clients wanted to run a pilot program on the underground mining for six months to a year to see how it would work and the Mining Agreement could be re-done early summer to midsummer and that they plan to have public meetings in May. He said that some of the benefits to this type of mining would be that they don't have to remove huge quantities of limestone overburden, and they can work during the winter.

Negotiations on the (still uncompleted) Fine Materials Handling Plan would need to start over, as underground disposal has not been part of the plan to date. Fine materials from the Muskie processing plant are currently being trucked to a site in Pierce County; this would probably continue during the pilot plan phase.

Bryce Black asked if another Town Board member would be willing to be a part of the preliminary discussions. Denny Richardson agreed to do this and Donna Juleff will fill in for him when he can't attend.

Mining Agreement Well Testing

Town Attorney Gwen Kuchevar and Attorney Brian Nodolf have not reached an agreement as to whether the money the Town spends for well testing is included in the \$15,000.00 cap on reimbursements. Kay Hamilton made a motion to start and complete the first well testing for 2014 and for Bryce Black or Maureen Manore to contact Scott McCurdy with these instructions. Curt Stine seconded and the motion carried.

Plan Commission Ordinance Revision

The Board reviewed the draft ordinance and made changes to Section 13 (e) for clarification. After further discussion it was decided to postpone further work on the ordinance until the next meeting.

Nonmetallic Mining Operators License Ordinance Revision

Plan Commission Chair Dwight Jelle reviewed the changes to the current ordinance recommended by the Plan Commission and by Town Attorney Gwen Kuchevar. Donna Juleff made a motion to adopt the amendments to the Town of Frankfort Ordinance 2012-1, titled "Nonmetallic Mining Operator's License," as approved by the Town's attorney, and Denny Richardson seconded. The motion carried.

Appoint Plan Commission Members

Plan Commission Chair Dwight Jelle submitted the names of Donna Gates and Richard McDermott to be reappointed to the Plan Commission as their terms are due to expire on April 30.

Town Chair Bryce Black appointed Donna Gates and Richard McDermott to the Plan Commission for a three year term and the appointments were approved and confirmed by the other Town Board members.

Road Reports

Bryce Black was contacted by Sarah Sabelko about a tree removal problem near her residence. A large silver maple is within the right of way along Cut-Off Road, and Sarah wanted to know if it was the Town's job to remove it. Denny Richardson suggested that the Board needs to find out if this is a right of way or an easement. The Board decided to contact the WTA to find out the Town's responsibility and to ask for suggestions.

Bryce Black will contact the Pepin County Highway Department to get some possible dates for a road tour.

Bryce Black and Denny Richardson will meet with Kenny Anderson to inspect the bridges on Glen Lane. Anderson plans to do a streambank erosion control project and has asked the Town to provide riprap along the banks in the road right of way.

Denny Richardson will give the Pepin County Highway Department a date to begin the blacktopping work on Bear Pen Road. Dan Fedderly will be able to do the engineering work required for the project.

Denny Richardson gave Troy Gates the go-ahead to bury a groundwater heat exchanger line under Porcupine Lane. Denny said installation will require about a two foot wide trench, the pipe will be buried at least ten feet deep, and that Porcupine Lane is a dead end road with little traffic.

Ganoe Lane needs a couple of loads of rock once all the frost is out.

Rock Purchase

The Board discussed costs and benefits of purchasing a pile of crushed rock in advance, versus buying by the truckload as needed. Denny Richardson agreed to bring figures for different options in to the next Town Board meeting.

Set Board of Review Date

The Board of Review was set for May 14th from 7:00 p.m. to 9:00 p.m. The Open Book will be on May 14th from 5:00 p.m. to 7:00 p.m.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for May 13, 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, Mining Agreement Report, Mining Agreement Well Testing, Plan Commission Ordinance Revision, Road Reports, Rock Purchase, ATV Route and pay bills.

Donna Juleff made a motion to adjourn the meeting and Kay Hamilton seconded.

Time 10:25 p.m.

Maureen Manore, Clerk