

August 13, 2020

Town Chair Bryce Black called the regular Town Board meeting to order at 6:35 p.m. on Thursday, August 13, 2020. Due to precautions being taken for the Covid 19 virus pandemic, remote attendance for this meeting was an option.

Board members attending remotely were Bryce Black, Richard McDermott, Curt Stine and Josh Manor. Donna Juleff signed in at 6:40 p.m.

Town Clerk Maureen Manore was present in the Town Hall and was signed into the meeting on-line.

Citizens attending remotely Lily Arbore, Dean Antilla, Debra Fisher and Ann Dumas. Also attending remotely was Evan Mercer. Sally Baecker was present at the Town Hall.

Minutes

The draft minutes from the July 14, 2020, meeting were read. Corrections were made to add Curt Stine as attending, add the title of Foreman in the Road Reports and change the word "meeting" to "hearing" under Special Hearing. The minutes stood as corrected.

Financial Report

Treasurer's report for July was examined. The ending balance for July was \$271,814.57.

Citizens' Concerns

Bryce Black has been receiving weekly reports from Dairyland Power regarding their powerline upgrade. They began working at the Ella Substation on Ganoe Hill on July 20th. Bryce Black measured the distance from the Elk Creek Road centerline to the fence posts installed by Craig Bowron. The road right of way is 33 feet from the centerline and the fence posts were about 27 feet from the centerline. Black asked Bowron to move them out of the right of way. Bowron agreed. Bryce Black spoke to Ed Heit's neighbor, Ted Martinson, about the claim Heit makes that Martinson has refused to grant Heit access to his property through Martinson's land. Martinson said he has tried to work with Heit, and that he did grant access via a route following the Dairyland power lines. Heit claims this route is too steep for the loggers he needs to hire to fulfill his forestry contract. Martinson does not want his own trees cut or logging trucks on his property. Black sent Heit a letter saying there is nothing the Town can do to change his situation.

Discussion on ATV Route Change Process

Bryce Black said that he added this agenda item because there have been requests to amend the ATV Route ordinance to add or remove routes, and that this discussion was a "brainstorming" session to begin a conversation about how to structure a process for evaluating our ordinance.

Curt Stine said that the ordinance is scheduled to sunset in April 2021, unless the Board votes to renew it. He also said that the ordinance calls for a yearly review.

Bryce Black agreed that a comprehensive review is needed before any changes are made. He suggested that any proposed changes to ATV routes should be considered once a year during the annual review, which ideally would happen when the routes are closed for the winter season.

Sally Baecker said that most of the ATV traffic on her road, which is not an official ATV route, is usually not a big problem. But on 7/4/20 there was a certain individual with an unusually loud ATV who drove by repeatedly at high speed, and that scared her buffalo and a newborn calf was lost because of this. The Baeckers have also found trespassers' ATV tracks in their fields. Also, addressing the reading of the July minutes, Sally Baecker said that they did call the Sheriff, but no arrests were made and that they will reach out to the neighbors.

Evan Mercer, Pepin County ATV Club President, said that they do occasionally run into issues in the Town of Pepin regarding bad behavior and that it is just a few people causing the problems. He suggested the Town open all the Town roads to locals only. Bryce Black said he did not think the Town had legal authority to open routes for only specific groups of people.

Donna Juleff said that several local people have expressed to her concerns about legal access to routes without having to trailer their ATV.

Lily Arbore asked how the review would be conducted.

Ann Dumas had the same question and about the process for opting in or out of routes.

Bryce Black said that the Board was just beginning the process and still needs to decide on the details, but that the requests of residents and landowners along any proposed route need to be taken into consideration.

Josh Manor said that this discussion should wait until the off season and Richard McDermott agreed.

Donna Juleff stated that the Board needs to decide what is being reviewed and how and should start at the next meeting.

Report on Other Meetings Attended

As Chair of the Pepin County Unit of the WTA, Bryce Black attended (remotely, via Zoom) the WTA Council meeting held in Stevens Point on July 31 through August 1. The topics of discussion included changes to the General Transportation Fund; Routes to Recovery Grants; PFAS contamination in ground water; review of Livestock Siting regulations; and a court case involving town road weight limits.

Road Reports

Bryce Black met the new Pepin County Highway Commissioner Bob Platteter. Platteter was the Buffalo County Highway Commissioner and has experience in working with rural towns. He is familiar with the LRIP program and will place the required ads for the bids for blacktop on the Bear Pen Road project

The Bear Pen project was discussed. The most recently blacktopped section is 22 feet wide, but the blacktopped section adjoining County Road N is only 20 feet wide. It was decided to continue the 22' width around the first corner, then reduce the width to 20' for the rest of the construction. Carl Morsbach will be invited to share his ideas on contouring of ditches next to his property.

A recent WI Supreme Court decision has voided Gov. Evers' 2020 budget line item veto which created the MLS Grant. The Department of Transportation has transferred most of these grants to the Local Road Improvement Program's Discretionary grant category. Frankfort will still receive the original amount of the MLS grant, and will get a new State-Municipal Agreement to sign. The 6-year timeline for the project will remain the same. We are still planning to use this grant to reconstruct the bridge on Swede Ramble Lane in 2021.

The Highway Department has been hauling rock on Town roads from our stockpile at the Anderson Quarry. There are about 3700 cubic yards remaining in the Town rock pile. The County will begin crack filling town roads where needed.

Bryce Black received a complaint about cryptic graffiti painted on Bear Pen Road in several places. He called the Sheriff's Department, and Deputy Matt Roesler gave him the name of the person he believed was responsible. Black called the alleged graffiti artist, who admitted to doing the painting. Black asked him to buy a can of driveway sealer and paint over his graffiti; the graffitist said he would do so.

Bryce Black reported that Meyers Lane has been re-rocked and the too-high culvert was reseated. Black paid a visit to Tony Gates to discuss the snowplow turnaround for this dead end road; the turnaround is on Gates' property. Gates said that there is not adequate room for the plow truck to turn around, and that every winter it ruts up his lawn. He also said that water coming off the hill runs

down the Town road, causing erosion. Gates asked that the turnaround be widened and a drainage ditch constructed; he said he would remove the trees if the Town works the area.

Black proposed the Town split with Gates the cost of upgrading the turn-around; Gates has said he is open to this idea. Black would get an estimate first. The rest of the Board agreed but Curt Stine asked if the Town had the authority to do this. Black will check into it.

Bryce Black received a call from Bob and Jackie Stutesman regarding highway access to their property off Anderson Lane. They are selling part of their property and had a survey done, which found that the last 50 feet or so of their driveway is on their neighbor's property. The neighbor is now refusing to grant them access. After consulting with several attorneys, the couple has decided that legal action would be too expensive and time consuming. They plan to hire a contractor to construct a new highway access onto County Road D. This will entail crossing a wide and deep drainage ditch, and will require hundreds of yards of fill and at least a 48" diameter culvert.

Appoint Representative and Alternate to the Durand Rural Fire Department

Bryce Black stated that he was willing to continue as the Town representative on the Durand Rural Fire Department Board. Curt Stine agreed to continue as the alternate.

Motion by Donna Juleff to approve the appointment of Bryce Black to the Durand Rural Fire Department Board and Curt Stine as the alternate. Richard McDermott seconded and a voice vote was called. Josh Manor – yes; Curt Stine – yes; Bryce Black – yes; Donna Juleff – yes; Richard McDermott – yes. Motion carried.

Approve Payment of Bills

The Chair examined and approved the payment of the August bills paid by check 10902 through 10915. The Board confirmed the approval with a roll call vote, the results as follows: Josh Manor – yes; Richard McDermott – yes; Donna Juleff – yes. Curt Stine abstained.

The next board meeting was scheduled for Tuesday September 8, 2020 at 6:30 p.m. at the Frankfort Town Hall. A tentative Town Board meeting agenda will cover: Town Board Minutes, Financial Report, Citizens' Concerns, ATV Ordinance Review Process, Dairyland Power Update, Report on Other Meetings Attended, Road Reports, and Pay Bills.

The Chair adjourned the meeting.

Time 8:36 p.m.

Maureen Manore, Clerk