

July 14, 2020

Town Chair Bryce Black called the regular Town Board meeting to order at 6:37 p.m. on Tuesday, July 14, 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, Donna Juleff, Curt Stine and Richard McDermott.

Board member Josh Manor and Town Clerk Maureen Manore were present in the Town Hall and were signed into the meeting on-line.

No other citizens were present at the Town Hall. Town Zoning Administrator Dan Fedderly and Dairyland Power Representatives Rob Maly and Jessica Sandry attended the meeting remotely.

Special Hearing:

Amendment to the Town Zoning Ordinance – Permitted and Conditional Uses for Essential Services (including powerlines) in all Zoning Districts

The Chair called the special hearing to order. The draft amendment was reviewed. No objections to the amendment were heard either in person or in writing.

The Chair closed the hearing at 6:41 p.m.

Vote on Ordinance Amending Code of Ordinances Chapter 17 Ordinance No. 2013-3, Town of Frankfort Zoning

The Board received a written statement from Plan Commission Chair Don Gisch saying that the Plan Commission met on June 24th and reviewed and discussed the proposed amendment. No discrepancies were found and the Plan Commission voted to accept and recommend passage of the amendment.

Bryce Black explained that the amendment was needed to clarify and update sections in the Zoning Ordinance regarding essential services (including powerlines). For the Ag, Ag Res and Rural Residential districts, the amendment allows all essential services (including powerlines up to 69kV) in public rights of way as permitted. All powerlines greater than 69 kV (in any location), and all essential services outside the public right of way, would be listed as a conditional use in these districts. In the Lowland Conservancy and Steep Slope overlay districts, all essential services would be a conditional use.

Donna Juleff made a motion to amend the Zoning Ordinance as proposed and Curt Stine seconded. A roll call vote was called, the results as follows: Richard McDermott – yes; Curt Stine – yes; Donna Juleff – yes; Josh Manor – yes; Bryce Black – yes. Motion carried.

Discuss/Vote – Conditional Use Permit Request – Dairyland Power

Rob Maly explained that the purpose for the request was to replace transmission lines. Some of the lines are being rerouted due to environmental and safety concerns.

Town Zoning Administrator Dan Fedderly reported that all requirements of the Conditional Use Permit section in the Zoning Ordinance have been met as related to this project.

The Plan Commission had three meetings on the conditional use permit request, May 13th, May 27th and June 24th. At the June 24th meeting a public hearing was held for the request. There were no members of the public attending or submitting written statements. The Plan Commission voted to recommend that the Town Board grant the permit.

The Board discussed the application and added three conditions to the permit:

1. Dairyland Power will notify the Town prior to the use of any Town Roads, said use including hauling materials, equipment or use required for construction.
2. Dairyland Power will be responsible for all costs associated with inspection of the Town Roads prior to any construction activities as directed by the Town, said inspection to be completed jointly with Dairyland Power and the Town. Dairyland Power will be responsible for all costs associated with repairs required due to Dairyland Power construction activities.
3. Dairyland Power shall be required to notify the Town and the Zoning Administrator prior to the commencement of any construction activities and shall provide a schedule of construction activities with weekly updates.

Rob Maly asked who to contact about construction updates and road inspections. It was decided he would send Bryce Black the updates and a weekly email report.

Curt Stine made a motion to grant a Conditional Use Permit to Dairyland Power as requested in accordance with the recommendation of the Plan Commission with the conditions discussed. Josh Manor seconded. A roll call vote was called, the results as follows: Curt Stine – yes; Donna Juleff – yes; Josh Manor – yes; Bryce Black – yes; Richard McDermott – yes. Motion carried.

Minutes

The draft minutes from the June 9, 2020, meeting were examined. The minutes stood as drafted.

Financial Report

Treasurer's report for June was examined. The ending balance for June was \$253,775.04.

Citizens' Concerns

Bryce Black was contacted by Craig Bowron. Bowron asked about zoning concerning building a fence on his property along Elk Creek Road. He was told that there are no zoning restrictions, but the fence needs to be outside the road right of way which is 33 feet from the centerline. Black noticed that the fenceposts already put in might be within the right of way; he will follow up.

Bryce Black relayed that Tony Gates wants to expand the turnaround area at the end of Meyer Lane. The turnaround is not part of the town road. Black discussed the drainage problems that might affect the road with County Highway Department Foreman Dale Carothers. Black will meet with Gates to hear what he is proposing, get a cost estimate, and we will discuss at our next meeting.

Bryce Black reported he received a mailing from Ed Heit about two 5-acre parcels Heit owns on County Road N across from Dead Lake. Heit says when he bought the first parcel in 1990, there was a verbal agreement that he would have access to his property through a neighboring parcel. This parcel was sold about 2000, and the new owners have since refused to grant Heit access. Black will try to convey that the Town has no legal authority to settle this dispute.

Bryce Black received a call from Sally Baecker complaining about a pack of ATVs on Bear Pen on July 4th scaring her buffalo. She also said the riders used abusive language towards Greg Baecker when confronted. She called the Sheriff to register a formal complaint, as Bear Pen is not an official ATV route.

Bryce Black received a call from Brent King complaining that Greg Baecker was swearing at him while he used an ATV to search for a lost cell phone. King asked if the Board would consider a petition process to open specific roads as ATV routes.

Report on Other Meetings Attended

No other meetings were attended.

Road Reports

Bryce Black received an email from County Clerk Audrey Bauer sent on behalf of the Pepin County Highway Committee. The Highway Committee is asking municipalities for feedback on road work done for the municipality and satisfaction with the job.

Bryce Black contacted Interim Highway Commissioner Brent Bauer to find out about the progress on the Bear Pen Road blacktop project. The LRIP grant requires the blacktop portion of the job be bid; the Highway Commissioner has not yet advertised for bids. Bauer said they would try to do the work in August.

Plum Valley Road had erosion near the top of a steep hill. The culvert was extended and rip rap and fill added. There was a similar problem on McGrath Lane; the culvert was extended on the inlet side and rock added to the outlet side. A plugged culvert on Gilbert Lane was cleaned out. On Swede Ramble some logs were pushed out of the road ditch, and recycled asphalt patch material was put on the breaking-off pavement edges along the blacktopped curve. On Kallstrom Road, on the hill leading down toward Plum Creek, the ditching was extended. Parts of Goat Back Road and Gates Hill Road have been patched. There has been some mowing.

Wisconsin Election Commission CARES Subgrant Agreement and Certification

The Wisconsin Elections Commission (WEC) was awarded funds on April 6th to help prepare for the 2020 Federal election cycle. WEC produced a plan to distribute these funds to municipalities. The subgrant provides \$200.00 plus \$1.10 per registered voter. The municipality must keep track of reimbursable expenses and report these to WEC.

The Board discussed the subgrant. Donna Juleff made a motion to apply for the WEC CARES Subgrant. Richard McDermott seconded and a roll call vote was called, the results as follows: Donna Juleff – yes; Josh Manor – yes; Bryce Black – yes; Richard McDermott – yes; Curt Stine – yes. Motion carried.

Notice of Attorney Firm Change

Bryce Black received a letter from the Town's Attorney Scott Curtis. In the letter Curtis states that he is leaving the Law Firm of O'Flaherty Heim Birnbaum Kirchner and Curtis, LTD on June 30th. The Town was offered the option of keeping Curtis as their attorney or transferring to another attorney. The Board discussed the options and decided to move to Curtis Law Firm, LLC.

Approve Payment of Bills

The Chair examined and approved the payment of the July bills paid by check 10893 through 10902. The Board confirmed the approval with a roll call vote, the results as follows: Josh Manor – yes; Richard McDermott – yes; Curt Stine – yes; Donna Juleff – yes.

The next board meeting was scheduled for Thursday August 13, 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 Route Expansion/Closure Process, Report on Other Meetings Attended, Road Reports, and Pay Bills.

The Chair adjourned the meeting.

Time 8:10 p.m.

Maureen Manore, Clerk