

March 12, 2019

Town Chair Bryce Black called the regular Town Board meeting to order at 6:30 p.m. at the Frankfort Town Hall on Tuesday, March 12, 2019.

Other Board members present were Richard McDermott, Curt Stine and Josh Manor. Town Clerk Maureen Manore was present. Town Treasurer Michael Albert arrived at 8:08 p.m.

There were twenty eight other people attending the meeting.

Minutes

The draft minutes from the February 19, 2019, meeting were read. The minutes stood as submitted.

Financial Report

The Board decided to defer the Financial Report until the Treasurer was present.

Citizens' Concerns

No citizen's concerns were brought to the Board's attention.

Little Plum Lutheran Cemetery Take-over Resolution

Curt Stine sent a copy of the signed resolution accepting the donation of the Little Plum Lutheran Cemetery to the Town Attorney.

Discuss/Action – ATV/UTV Ordinance

Curt Stine reported that the ATV/UTV Committee met on March 6th to revise the draft ATV/UTV Ordinance as directed by the Town Board at the February meeting. The Committee opted not to include a sunset clause, believing it is not necessary, as the ordinance calls for a yearly review and the board may cancel the ordinance at any time. Curt Stine presented a second draft ordinance he crafted on his own that does have the sunset clause.

After a brief summary of the history of the ATV route issue, Bryce Black opened the floor for a one hour period of citizen comments, allowing two minutes per speaker.

The comments are as follows:

- Don Gisch – April 1 to December 1 is too long for recreational purposes. Also, people can put street legal tires on ATVs and that would solve the roll-over problems.
- Dan Langlois – The ATV use in Tyrone tore up the land. The lower Chippewa River area is unique and valuable. Take your time when making this decision.
- Darrell Komro – The Town of Rock Creek passed an ordinance for limited road use and it went so well that they expanded it.
- Mike Roberts – Section 6 (Enforcement) is unenforceable. The Sheriff's Department is already stretched thin. I see ATVs going by over 35 mph without helmets on County Road D, called the Sheriff's Department, they didn't care. Section 3 (Authorized Routes), who on the Town Board lives on the route? Unlike a town-wide ordinance, like Zoning, this arbitrarily effects only those that do live on the routes. The landowners on those routes should be asked how they feel.
- Bruce Stafford – What do the people of the Town of Frankfort gain from this? Farmers can already ride from property to property. ATVs and pickup trucks are not compatible.
- John Newcomb – I live on the proposed route and am in favor of this.

- John Bennet – I live on Plum Valley Road. There are no issues right now with ATVs but there could be if opened up to all. Is there some reason that the club wants to open it all up to the public? The club needs to be responsible, put up their phone numbers so they can be called.
- Ron Hendrickson – I live on Elk Creek Road and worked in engineering. Concerned about safety, these machines are not built to go on the roads. Also concerned about the minimum age of 12 years old. If we save one life, we did the right thing.
- Carl Morsbach – I have a question about the Town's liability. How many of our roads meet state specifications? Many are too narrow. (Curt Stine answered that the Town is only liable if there is negligence on the Town's part. State statutes limit the liability to \$50,000.00 and the Town insurance covers this.)
- Dean Antilla – I am a 25 year resident and am satisfied with how the roads are maintained. But occasionally there are fallen trees, sometimes for an entire weekend, across the road around a corner. State laws don't mean anything if they have a high powered lawyer. Why do this for a handful of people? Why raise taxes?
- Linda Newcomb – I live on Byington Road and don't have a problem being on the route. We are asking for a one year trial. How many actual problems has the Town of Pepin had?
- Lilly Arbore – This is an outside effort to open up Frankfort so they can pass through. The Town of Frankfort citizens don't want it. What is in it for the rest of us? This is all about Polaris selling vehicles to people that have nowhere to ride. This should be sent to the Town Comprehensive Planning Board because it is a big change.
- Sally Baecker read emails from three people that couldn't be at the meeting.
 - Dwight Jelle – There are costs and risks involved, there should be a referendum.
 - Bethany Anderson Freidrichs – it would be unsafe with cars and other vehicles on the road, there should be a referendum.
- Doug Erler – I am a Town of Pepin resident. We went through this and it got passed. No one has the backbone to stop it. Towns are just passing it because others did.
- Sally Baecker – I spoke to Bruce Peterson who told me that 65% of ATV deaths are on roadways. This will not be safe for people. I had near misses with ATVs already. We should work on having trails. The insurance portion of the ordinance is unenforceable, as is all of the ordinance. There is only one cop on the weekends.
- Marie Berger – I live on Gates Hill Road and am concerned about safety. The neighborhood teenage boys race around without regard to others.
- Evan Mercer – I am the Pepin County ATV Club President and am here to represent town citizens. They want to ride on the roads, they are outdoorsmen. If it is safe for the farmers why not others. The December date is in the ordinance for the hunters. You should give residents the right to use the road they pay for.
- Larry Mercer – I am a Town of Waterville resident, was a long-time Town of Frankfort resident. I am working with the people of Pepin County trying to get a route through the Town of Frankfort. It's not that big a deal. The Town of Frankfort is in the middle and we want a route through. The riders would be mostly 40 to 60 years old because the machines are expensive. The club is willing to try and shut down bad behavior.

At the end of the comments the Board allowed questions to be asked.

- Is the sunset clause included or not?
- Will the annual review include statistics of incidents?
- If there is a death or accident will it be shut down right away?
- If we know that ATVs are running right now and do nothing are you more liable?
- Why allow 12 year olds?

- Why would the Board approve this if they have to adopt the State statutes?
- The County ordinance says 16 and above, why can't we?
- Farm registered ATVs can't operate on trails. (these are routes, not trails)

The age limit is determined by State statute which the town must be in strict conformity with.

The Chair called for a straw poll. Of the citizens and landowners still present 2 were in favor of passing the ordinance and 12 were against. Of the non-residents 5 were in favor and 2 were against.

The Board discussed how to proceed.

Curt Stine stated that it is the Board's decision to make, that this has been discussed for a while and that there was no potential for liability and any danger was to the user.

Bryce Black said that Wisconsin Towns Association Lawyer Jann Charette said that a referendum is appropriate when there is controversy. Black wanted a referendum as there are strong feelings on both sides. Black is friends with the Town of Rock Creek Chair who said that their ATV ordinance was a contentious issue, but it was passed and there are no problems so far. The Town of Pepin also has reported no problem with their ordinance.

Richard McDermott stated that he has heard from more people against it than for it. McDermott was not happy with the authorized routes.

Josh Manor stated that he knows people that live on ATV routes who were against it at first. But now they have seen that there was not much ATV traffic, mostly neighbors and a half dozen on weekends. Manor asked firefighter colleagues from across the State if they had a lot of accidents. The majority did not, most of the problems they did have were on private property.

Curt Stine stated that the full Board should make this decision and made a motion to table until next month. Josh Manor seconded. After discussion, Curt Stine stated that he wanted to withdraw the motion. Josh Manor agreed.

Curt Stine made a motion to refer the ordinance back to the subcommittee and bring it back for vote next month. Josh Manor seconded and the motion carried. Richard McDermott will meet with the subcommittee to discuss the routes. The Board decided to add "does not take effect until signs are installed" to the ordinance. The Chair requested that the sunset provision be added.

Report on Other Meetings Attended

No other meetings were attended.

The Frankfort Zoning Board of Adjustment will meet on March 15, 2019 at 7:00 p.m. for a variance request.

Financial Report

Treasurer's report for January was read. The ending balance was \$310,910.88. The current bank statement was examined.

Mining Agreement Report

There was nothing to report.

Road Reports

Bryce Black spoke to Jeff Brenden of the Kraemer Company and was informed that they don't plan to bring a crusher into the Anderson Quarry this year. Brandon claimed that it cost thousands of dollars to move the crusher and that Kraemer would like to have orders totalling 20,000 tons to make it worthwhile. They might consider moving it for 10,000 tons. Purchasing this amount would cost the

Town approximately \$61,000.00. Black has sent an email to Pepin County Highway Commissioner Kris Quant asking about the price the County is charging for rock.

Richard McDermott said that lower Kallstrom Road on the east side may become impassible, as the melting snow has nowhere to go but the roadway. McDermott suggested closing the road to through traffic.

Set Board of Review Date

The Board of Review was set for May 1st from 6:00 p.m. to 8:00 p.m. Open Book will be on April 24th from 1:00 p.m. to 3:00 p.m.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for April 16, 2019, following the Annual meeting which begins 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, Little Plum Cemetery, ATV/UTV Route Ordinance, Appoint Alternate Board of Review Member, Appoint Plan Commission Member and Pay Bills.

The Chair adjourned the meeting.

Time 9:10 p.m.

Maureen Manore, Clerk