

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**August 2, 2021 5:30 PM**

**The monthly Oronoco Town Board meeting was called to order on August 2, 2021 by Chair Charlie Lacy.** Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **Pledge of Allegiance** was recited.

The **agenda** was accepted as presented.

**Agenda Topics**

**Sergeant Chambers** was not present.

**OR2021-003VAR, applicant Burke.** [See Minutes from the July 15, 2021 special meeting for details of three variance requests contained within this variance request.] The board approved this variance on July 15, 2021, and directed Kristi Gross, Olmsted County Planner, to create findings to support the board's decision. Planner Gross presented these findings supporting the three variance requests.

1. The property is located on Lake Zumbro. There is a plateau in the area of the proposed dwelling that would allow a fairly level driveway to be built. The building site would be following the contours of the adjacent road and minimal grading will be necessary to create a building pad. Adversely a long driveway to the other buildable sites on the property would cause more impacts to the Bluff Impact Zone than the proposed dwelling and associated driveway.
2. The plateau is of sufficient size to support the dwelling. The proposal is about 30 feet above the water and would not create negative impacts to the shoreline.
3. Building a dwelling on the property is reasonable. The property is a lot of record.
4. The variance will not be materially detrimental to the public welfare. The applicant will do the minimum amount necessary to create a building site and driveway. The proposed driveway location would be less impactful than running one up the steep slope to get to a building site at the top of the bluff. Vegetation management standards will require the minimum amount of vegetation removed for the building.
5. The request is in harmony with the general purpose and intent of the ordinance as it is written and interpreted. The property is designated Resource Protection-Potential Suburban. This district is to identify areas that are suitable for future development.

**When deciding a variance to the Shoreland District or the River Corridor District regulations, the following additional factors shall be considered:**

1. A dwelling with a driveway is a permitted use and the request would not allow a use that is not permitted in the zoning district.
2. The proposed dwelling site is not impacted by the floodplain. The request would not lower the degree of flood protection.

**OR2021-003VAR, applicant Burke, continued**

3. The request is varying the standard in State law to allow the exception of the Bluff Impact Zone to 24% slope for this property.
4. The property to the south has a dwelling closer to the OHWL than the proposed dwelling. The OHWL setback variance will only be necessary if the dwelling is permitted in the Bluff Impact Zone.
5. The location of the plateau is such that it requires a variance to the OHWL setback.
6. The request is not for a septic system to be located closer to the OHWL at this time. Sewage treatment systems cannot be located on slopes greater than 18%.
7. The applicant has stated if a sewage treatment system cannot be located near the dwelling due to slope, it can be located on the adjacent property to the south. Planning Staff has estimated the septic would be over 500 feet from the proposed dwelling location.
8. The request is not to allow the dwelling to be located lower than the Regulatory Flood Protection Elevation.

**Staff Recommendation**

Planning Staff recommends approving the above-mentioned findings to be attached to the actions of the July 15, 2021 meeting.

**Tammy Matzke moved to accept the revised findings for OR2021-003VAR as presented by Planner Gross. Ken Mergen second, motion carried 3-0.**

**OR2021-001TA, updates to the shoreland section of Olmsted County Zoning Ordinance**  
OTPAC thoroughly reviewed the document at their last meeting. No substantive changes were made. Planner Gross presented a summary of changes to the board. Changes are minimal, basically modernizing the ordinance to state rules and statutes. Article 9 has the most changes: "Tables of shoreline classifications has been added. A land use table has been created. The updates include the addition of a mitigation section. Another new section is subdivision procedures for the shoreland district. The article now includes shoreland Planned Unit Developments (PUDS). This has been used in the past for special districts that do not conform to minimum lot size requirements within the shoreland district."

Planner Gross also noted that the DNR will now be a referral agency instead of the approval agency. Unnamed tributaries are not covered as that would make some uses non-conforming. These updates apply statewide. Local jurisdictions can be more restrictive but not less restrictive. Updates will happen as legislative changes are made. Article 4 has updates yet to be made.

Supervisor Lacy opened the public hearing. He asked three times for comments for or against OR2021-001TA. Hearing none the public hearing was closed.

**OR2021-001TA, Shoreland Standards Update, continued**

**Tammy Matzke moved to approve OR2021-001TA, Shoreland Standards Update, inclusive of the changes to be made in Article 4. Charlie Lacy second, motion carried 3-0.**

**Dan Fitzpatrick – road easement, River Ridge I**

Dan Fitzpatrick, 8560 11<sup>th</sup> Ave NW, requests to build a driveway on ROW owned by the township. Bill Tointon was present representing Mr. Fitzpatrick.

The River Ridge I plat was approved January, 1999. It has not been developed.

At that time Olmsted County was doing Oronoco Township's planning and zoning. The plat shows a platted public ROW under the control of Oronoco Township. Per Supervisor Lacy, if that had happened now, the township would not have taken the ROW. With the sale of some of Mr. Fitzgerald's property for the Providencia development, Mr. Fitzgerald lost access to part of his property, and is requesting permission to put in what he referred to as a driveway at his expense.

The County has recommended no improvement until a plan is submitted.

The Township attorney has recommended (1) a development plan with the road, (2) township engineer will review and approve the road plan, (3) create a development agreement to be paid for by the applicant with money in escrow to cover costs, (4) letter of credit for 125% of construction costs.

Mr. Tointon and Mr. Fitzgerald indicate they do not know if there will be a development; that this seems a complicated solution to a driveway request. All they want is driveway access to Mr. Fitzgerald's property. Mr. Fitzgerald indicated he needed a way to show property to potential future buyers.

If built, a road / driveway would be a public driveway / road as it is on public ROW (public until it reaches Mr. Fitzgerald's private property).

Vacating the ROW was mentioned but it will be needed if future development happens. Also, a release of township responsibility / liability was mentioned.

Mr. Tointon and Mr. Fitzgerald agreed to speak with the township attorney with one supervisor present. It was decided that Supervisor Lacy would discuss these options with the town attorney.

This item was continued until next month's meeting.

**Kent and Lorraine Wittlief, 3767 110<sup>th</sup> St NW, were present wanting to know who is responsible for noxious weeds in the ROW.**

Mr. and Mrs. Wittlief are agreeable to spraying so long as the herbicide doesn't harm bees. It was noted that not all township residents would agree with spraying.

**Kent and Lorraine Wittlief, continued**

The board will ask the county for recommendations as to qualified contractors, using 110<sup>th</sup> St NW as a test area. Properties that want to opt out need to be identified.

**Road Report – Ken Mergen**

**28<sup>th</sup> Av was graded.** When the corn is gone, grading will go further.

**Cedar Ridge** – A resident noted that rubber seal is coming out of road cracks.

**Ridge Crest Dr** – Two potholes are developing that need attention before winter. Supervisor Mergen will ask Rochester Sand & Gravel to repair them. The board agreed with this action.

**Kapler Ln, Gossman Ln, 18<sup>th</sup> Ave NW, Cedar Ridge Dr NW – Ken Mergen moved to approve the “optional bid items” on Rochester Sand & Gravel’s proposal for Kapler and Gossman Ln, and to request they also repair the potholes on Cedar Ride Dr NW and 18<sup>th</sup> Av NW. Tammy Matzke second, motion carried 3-0.** [“Base Bid Items” for Kapler and Gossman Ln were approved July 15.] Supervisor Mergen will contact Rochester Sand & Gravel.

**60<sup>th</sup> Av + 75<sup>th</sup> St** – a downed tree was reported; Arborists were called.

**Cedar Beach Dr** – “Loads” of dirt were removed from ditches. Ditches were seeded. Two catch basins were installed. A citizen concern was received about materials being graded to the spillway which go into the lake. Supervisor Lacy will walk the area with the citizen.

Another citizen expressed concern about plants being ruined with Cedar Beach Dr repair work in an area beyond the ROW. **Charlie Lacy moved to reimburse Michelle Sands \$75.**

**Tammy Matzke second, motion carried 3-0.**

**Ryan’s Bay Rd guardrails** – no new information.

**Bevcomm / Cedar Beach Septic** – Bevcomm asked Pat Loomis, Gopher Septic, to mark lines in preparation for fiberoptic digging in the area. Supervisor Lacy gave Mr. Loomis the go-ahead. Cost will be \$75/hour. A Cedar Beach site map prepared by Wenck was provided.

**Administrative Business**

**Minutes Approval – Tammy Matzke moved to approve the July 6 Oronoco Town Board minutes. Ken Mergen second, motion carried 3-0.**

**Ken Mergen moved to approve the July 15 special meeting minutes. Tammy Matzke second, motion carried 3-0.**

**Treasurer’s Report – Kim Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of July 31, 2021 shows: receipts \$771,814.63; disbursements \$478,268.86 with an ending balance of \$1,106,512.71.

We are still off .01 due to an error made by Think Bank that Pine Island Bank needs to correct.

**Treasurer’s Report – Kim Stanton, continued**

The CD (\$34,574.13) will not be transferred to the money market account as rates have recovered. Available cash will be moved into the money market account.

The first draw of American Rescue Plan Act (ARPA) funds was received, \$121,742.49. These dollars are in general fund for now but will be moved to a dedicated account to aid tracking. Interest on ARPA funds will go into MMDA (money market deposit account). Interest earned on these dollars stays with the township.

A Rural Broadband fund was established to aid tracking those levy dollars. Treasurer Stanton noted board discussion of subsidizing connections of non-Bevcomm citizens in more remote locations should continue.

**Ken Mergen moved to approve the treasurer’s report. Tammy Matzke second, motion carried 3-0.**

**Approval to Pay Bills –**

July net payroll (paid in August) totaled \$2,166.76. Claims totaled \$53,044.18. **Charlie Lacy moved to approve payment of claims and payroll. Tammy Matzke second, motion carried 3-0.**

**MATiT Insurance Renewal –** Clerk Shonyo noted 2021-2022 insurance policy and premium notice was received. There is no change in coverage or premium from last year. **Ken Mergen moved to accept MATiT insurance coverage. Tammy Matzke second, motion carried 3-0.**

**OTPAC Report –** Charlie Lacy

OTPAC will consider a CUP application from Emmanuel Lutheran Church.

**Oronoco Town Board monthly meeting date change –** Clerk Shonyo noted that moving the meeting to the first or second Tuesday would conflict with elections. Other options will be investigated.

**Other Topics, Notifications**

- **The Sept meeting is TUESDAY, SEPT 7 due to Labor Day.**
- Couri & Ruppe legal seminar is Sept 18 at New Haven town hall, 9-4.

**Ken Mergen moved to adjourn. Tammy Matzke second, motion carried 3-0.**

Respectfully Submitted,

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Lucy Shonyo, Clerk

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Charlie Lacy, Chair