

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
July 6, 2020 5:30 PM

This was an in-person meeting.

The monthly Oronoco Town Board Meeting was called to order on July 6, 2020 by Chair Charlie Lacy.
Present: Supervisors Charlie Lacy and Ken Mergen, Treasurer Kim Stanton, and Clerk Lucy Shonyo.
Supervisor Tammy Matzke was absent.

The Pledge of Allegiance was recited.

The **agenda** was accepted as presented.

Agenda Topics

OR2020-001VAR, Cassie Peterson

Elliot Mohler from Olmsted County Planning was present to present the application and findings to the board.

This information is from the Olmsted County Planning Dept document.

The applicant is requesting a variance to Section 10.22 of the Oronoco Township Zoning Ordinance to allow for the construction of an accessory structure on a residential property prior to the construction of a principal structure.

The property is located at 868 Territory Ln NW, in the Oronoco Territory Subdivision; located west of 2nd Ave NW and at the end of Territory Ln in the SE ¼ of the NE ¼ of Section 7 of Oronoco Township. The property is zoned R-1.

Initial Staff Findings recommended denial of this application.

1. There are no exceptional or extraordinary circumstances or conditions barring the applicant from building the principal structure prior to the accessory structure. However, the applicant has stated that they will be constructing the principal structure without hiring a home builder. The accessory structure would serve as protection from the elements for the building materials that will be utilized.
2. There were no conditions or circumstances identified by the applicant in their application that would traditionally support the necessity for a variance. However, as previously stated, the applicant is not planning to hire a home builder and would desire a place to store building materials for construction of the proposed home.
3. No substantial detriment would be incurred to adjacent properties. The applicants have put in writing their intent is to not utilize the proposed accessory building as a dwelling and that it would solely be used for the storage of building materials.
4. Property owners of adjacent properties to the subject property have not made a similar request. Most often, property owners hire home builders or find alternative ways of storing building materials during construction that do not require a variance for the construction of an accessory structure prior to the construction of the principal structure.

OR2020-001VAR, Cassie Peterson, continued

5. No traditional hardship was found to be presented through this variance application.

The Board discussed the application and County Planning's recommendation of denial. The Board expressed that they believed there are exceptional circumstances in that the property owners are building the house themselves, and that if they cannot build the out-building before the house, their property rights would be hampered. It was noted there are many outbuildings in area lots, that this would not be a detriment to area properties.

Charlie Lacy opened the public hearing.

Dustin Peterson spoke in favor of granting the variance, stating he and Cassie Peterson had hoped to build their home themselves. It was not realistic to carry tools and materials from off-site to the building site. No neighbors opposed their plans. The building would be 30'x 48', 1,440 SF, built on a slab. Their timeline is to order the building asap, with home construction next spring.

Charlie Lacy asked 3 times for comments for or against granting the variance.

There were no additional comments for or against.

Charlie Lacy closed the public hearing.

Kristi Gross and Elliot Mohler indicated the board could find alternate findings and grant the variance based on those findings, and that conditions could be imposed.

Conditions on OR2020-001VAR:

1. The applicant shall apply for a building permit prior to any construction associated with the accessory structure and include a detailed site plan to ensure that the future house will have adequate room to be built in the future.
2. The accessory structure shall not be connected to any well or septic on or off the property to ensure the accessory structure is not used as a dwelling.
3. The applicant shall apply for a building permit prior to the construction of the principal structure

OR2020-001VAR Alternate findings:

1. The applicant has stated that they plan to construct the principal building themselves without hiring a homebuilder. This would require them to store building materials in a safe, secure, and weatherproof location that would preferably be on the subject property.

OR2020-001VAR, Cassie Peterson, continued

Alternate findings, continued

2. This variance would allow the properties owners to enjoy their substantial property right as neighboring properties contain both a dwelling and an accessory structure of the same size. The only difference being that the property owners of the subject property are planning to construct the home themselves without hiring a homebuilder. Thus, would require storage for construction materials that would be safe, secure, and weatherproof.
3. No substantial detriment would be incurred to adjacent properties. The applicants have put in writing their intent is to not utilize the proposed accessory building as a dwelling and that it would solely be used for the storage of building materials directly related to the construction of their future home. Additionally, there were no concerns from adjacent property owners during the meeting and when the applicants discussed the issue with their neighbors privately.
4. Property owners of adjacent properties to the subject property have not made similar requests, nor have most property owners in Oronoco Township. Most often, property owners hire home builders or find alternative ways of storing building materials during construction that do not require a variance for the construction of an accessory structure prior to the construction of the principal structure.
5. This variance request is the minimum variance which would alleviate the hardship.

Charlie Lacy made a motion to approve OR2020-001VAR based on alternate findings and with the conditions outlined by County Planning. Ken Mergen second, motion carried 2-0.

OR2020-002VAR, Lori Glabe

Kristi Gross from Olmsted County Planning was present to present the application and findings to the board.

This information is from the Olmsted County Planning Dept document.

The applicant is requesting a variance to create a non-farm parcel that does not contain 1 acre of soil with a crop equivalency rating (CER) 55 or below.

The property is located at 5147 White Bridge Rd NW. It is located in the NE 1/4 of the NE 1/4 of Section 7; north of County Highway 12 (White Bridge Road).

The property is zoned A-2 Agricultural Protection District.

The property is currently owned by Leland and Lori Glabe. The tax parcel is 17 acres but is considered a farm parcel because they own the adjacent 36 acre parcel that is divided because of the section line, therefore the lot in total is 53 acres. Leland and Lori's son Cody Glabe built a second farm dwelling in 2017.

OR2020-002VAR, Lori Glabe, continued

Cody [Glabe] would now like to split the second farm dwelling onto a separate tax parcel to be able to homestead it. The proposed split would result in three tax parcels, but two parcels that meet the Oronoco Township definition. The main farmstead would remain with the remnant tax parcel in Section 7 and in joint ownership with the tax parcel in Section 8 which results in a farm parcel.

The newly created parcel will be the only non-farm parcel within the NE ¼ of the NE ¼ in Section 7. The balance of the property will become the farmstead parcel and the parcel in the adjacent section will remain the non-farm parcel.

The variance was originally notified for a variance to the feedlot setback as well. However, the feedlot is less than 30 animal units so it is not actually a defined feedlot. Therefore, there is no need for a variance for the feedlot setback for a non-farm parcel at this time.

The applicant requires a variance because there are no soils CER less than 55 in the parcel. The applicant has stated that the soil isn't as prime as the CER states. The renters have tested the soil and it isn't as productive as the soil ratings indicate.

Findings:

1. The feedlot is owned by the applicant's father. The feedlot does meet the number of animal units required to be a feedlot that requires it to meet setbacks, but since it is a registered feedlot allowing the variance will allow the feedlot to exceed 30 animal units in the future without the need for another variance.
None of the property has a crop equivalency rating below 55 The applicants are choosing the least obstructive area to agricultural production by selecting the area closes to the road. The applicant also states the area of the non-farm dwelling also is not the highest yielding area and is not as productive as the CER scale suggests.
2. The extraordinary conditions or circumstance are not created by the landowner. There is no area within the current farm parcel to create a non-farm parcel including an acre of soil with a crop equivalency rating of 55 CER or below.
3. The request is reasonable. This would be the only non-farm parcel within the NE ¼ of the NE ¼ of Section 7 T108N R14W.
4. The granting of this variance request would not be of substantial detriment to adjacent properties and does not appear to be detrimental to the public welfare. There are no other non-farm parcels within the NE ¼ of the NE ¼ of the Section 7.
5. The request is in harmony with the general purpose and intent of the ordinance. The applicant has indicated the location the second farm dwelling is located in is not as high quality of soils as the CER indicates. The applicant shares the well with the farm dwelling. The two dwellings also share a driveway.

OR2020-002VAR, Lori Glabe, continued

6. The request is consistent with the goals and policies of the Oronoco Township Land Use Plan because the proposed non-farm parcel would be minimal and will allow for the remainder of the farmland to remain intact.

Based in the findings of fact and recommendations, planning staff recommend approval.

Charlie Lacy opened the public hearing and asked for comments for or against granting this variance. No one spoke for or against the variance after being asked 3 times. Charlie Lacy closed the public hearing.

Ken Mergen made a motion to approve OR2020-002VAR based on the findings and recommendation of county planning staff. Charlie Lacy second, motion carried 2-0.

Road Report – Ken Mergen, Scott Schumacher

Scott Schumacher: the culvert damaged by Jaguar Communications on 11th Ave was repaired and it looks good. It was extended about 10’.

Ken Mergen:

Three dead end signs were placed at King’s Park.

The guard rail on Sunset Bay Road was damaged. It is thought the car owner’s insurance will pay for repairs.

Placing a snow fence on 18th Ave was discussed. Scott Schumacher thought there were other roads that were worst, specifically 60th Ave, 28th Ave, 55th Ave. In many places the ditches are too shallow. Sometimes Tom (blade operator from Schumacher’s) builds berms but this is only possible when the ground is frozen.

Placing guard rails on Cedar Beach Drive and at King’s Park was discussed.

“SLOW Children” signs were requested on Evergreen Drive of 11th Ave, north of 121.

Jim Johnson from Barga Inc was present to present an asphalt maintenance proposal:

Nuvo Gap (\$25,000) and Chip Seal (\$30,000) for Sattre Road NW, Thunder Bluff Road NW, Carey Court NW, Windmere Court NW, White Birch Court NW.

“Crack Repair Procedure” on 102 St NW, \$14,000.

Mr. Johnson indicated there are cost savings by doing roads in one area at the same time.

Charlie Lacy noted that the township has contracted with engineer Mike Zillgitt to advise on road maintenance matters and will consult with him before committing to road work. Jim Johnson stated that we are dealing with 30mph roads, not state highways, and that it’s important we know the quality of the mix applied to roads.

Road Report – Ken Mergen, Scott Schumacher, continued

Per Mr. Johnson the warranty work on Sattre Drive was done soon after it was asked of them. The spring road tour identified Sattre Drive as a road in need of additional repairs. Mr. Johnson believes thin asphalt is the cause of some township road issues. For chip sealing to work the base must be good.

Revising the Oronoco Township road policy was mentioned.

Cedar Beach O&M – The board discussed the Operation & Maintenance (O&M) guidelines originally put into place by Sheila Craig and the Board, specifically when homeowners are responsible for repair or maintenance costs as opposed to charging it to the O&M fund. Documents show that these guidelines are in place: (1) Anything inside the home is the responsibility of the homeowner. (2) Property that is “seasonally occupied” that requires attention after a period of non-use is the responsibility of the homeowner. No change was made to these guidelines.

Cedar Beach Repairs – There was no new information.

King’s Park Septic repairs – The board was made aware of needed repair or replacement of the control panel. Last year the township purchased an insurance rider (\$10,000 coverage, \$250 deductible) to cover both King’s Park and Cedar Beach systems. Charlie Lacy and Lucy Shonyo will be point people for Gopher Septic for Cedar Beach and King’s Park septic matters that come up.

Ryans Bay Road Update – The 10-day window Mr. Hornseth and Mr. Sawinski had to contest the public purpose of the Ryan’s Bay road project has expired. Charlie Lacy will give Mike Zillgitt, Construction Engineer, the OK to proceed. We are still within the 40 days Mr. Hornseth and Mr. Sawinski have to file suit in District Court to contest damages paid.

Resolution 2020-09, Resolution to Appoint Election Judges for the Aug 11 Primary Election – Charlie Lacy made a motion to adopt Resolution 2020-09. Ken Mergen second, motion carried 2-0.

CARES Act (Coronavirus Aid, Relief and Economic Security) – This is a program whereby governments can apply for reimbursements for COVID-19 expenses. To be eligible these expenses had to be unbudgeted and directly linked to COVID-19. Future expenditures do not qualify. Protective equipment for election judges as well as cleaning supplies needed for the election would be covered, but the county is supplying these items. It was determined that the township had no qualifying expenses and would not apply for any reimbursement.

Utility Permitting – Tammy Matzke – This was not discussed.

Adopt Olmsted County Maintenance Agreement – Ken Mergen made a motion to adopt Olmsted County Public Work Maintenance Agreement effective July 1, 2020 – June 30, 2021. Charlie Lacy second, motion carried 2-0. Charlie Lacy and Lucy Shonyo signed the document via DocuSign.

Administrative Business

Minutes Approval –

Ken Mergen made a motion to approve the **June 1, 2020 monthly meeting minutes**. Charlie Lacy second, motion carried 2-0.

Charlie Lacy made a motion to approve the **May 8, 2020 special meeting minutes**. Ken Mergen second, motion carried 2-0.

Charlie Lacy made a motion to approve the **May 15, 2020 Ryans Bay Road Project public hearing minutes**. Ken Mergen second, motion carried 2-0.

Treasurer’s Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of June 30, 2020 shows: Receipts \$52,341.42, Disbursements \$354,646.78 with an ending balance of \$296,662.94. June net payroll (paid in July) totaled \$2,631.69, claims totaled \$14,920.19 + \$5000 (Frutiger easement paid 6/9/2020), \$19,920.19 total.

The \$157.00 adjustment is a \$7 bank fee counted twice plus MNSRS (457b) overstatement of \$150.

The CD due in August will rollover. Tax receipts were at 91% so the cash is not needed.

[Voided checks: 7004 issued 2/3/2020, \$3,500 for Frutiger easement, reissued for \$5000, check 7111, 6/9/2020; check 7112 issued 6/16/2020, \$760 for Hornseth/Sawinski easement, check was issued by town attorney Bob Ruppe for same amount.]

May, June error in 457b withdrawal – Lucy Shonyo

Lucy Shonyo explained the error made in a board member’s 457b withdrawal over 2 months, and how it was fixed. The payments were EFT’s (electronic funds transfers) so there are no paper checks. Claims and disbursements for the incorrect amount were voided in CTAS and redone correctly. The correction was approved by Mark Albarado, Office of the State Auditor. The documentation is with the clerks July 2020 claims and payroll file. Voided claims and disbursements are: May 2020, \$850 EFT, corrected in July 2020 CTAS; June 2020, \$850 EFT, corrected in July 2020 CTAS.

Ken Mergen made a motion to approve the treasurer’s report as presented. Charlie Lacy second, motion carried 2-0.

Approval to Pay Bills –

Claims totaling \$19,920.19 and net payroll totaling \$2,631.69 were presented for payment. Payroll included payment for board members' extra meeting salaries not paid during the time of tele-conference meetings. Ken Mergen made a motion to approve claims and payroll payments. Charlie Lacy second, motion carried 2-0.

OTPAC Report – Charlie Lacy – There was no June meeting.

Documents from past months, during the time of tele-conference meetings, were signed by board members.

Charlie Lacy made a motion to adjourn at 8:10pm. Ken Mergen second, motion carried 2-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair