

Oronoco Town Board  
Monthly Meeting Minutes  
July 10, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, July 10, 2023**, at 5:30 p.m. at the Oronoco Community Center, located at 115 Second Street SW, Oronoco, Minnesota.

Members Present: Supervisors Ken Mergen, Tammy Matzke, Joel Johanningmeier, Clerk Lucy Shonyo, Treasurer Kim Stanton, Deputy Clerk Jody Schroeder, Brandi Lind

Supervisor Ken Mergen called the meeting to order at 5:30 p.m.

**Pledge of Allegiance**

There is a change to the agenda. **OR2023-001TA, "moratorium" interim ordinance** will be continued on the agenda for the August 14, 2023 monthly meeting due to an error in notification. **Supervisor Mergen made a motion to approve the agenda as written with the correction, seconded by Supervisor Matzke. The motion was carried unanimously.**

**OR2023-001VAR, Lund**

This action was continued from the June 12, 2023 town board meeting. Ali Bosco, senior planner for Olmsted County was present and shared the updated findings for approval. She said there was an email from a local resident today, July 10,2023, against the variance.

**Request:**

The request is to allow for the construction of an oversized accessory structure of approximately 3,200 square feet in the R-1 District exceeding the allowable 1,500 square feet standard by 1,700 square feet. Lot 5, Block 3, River Ridge 1st Subdivision.

**Location:**

The property is located in the NW 1/4 and a portion NE 1/4 of the SW 1/4 of Section 26 of Oronoco Township at 8849 NW Fitzpatrick Ln NW. The property is zoned R-1.

**Findings {updated}:**

There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; The platted lots within River Ridge subdivision are smaller in size in comparison

to Mr. Lund's parcel. The abutting lots are smaller at 2.6 and 4.7 acres. The adjacent unplatted parcel and properties to the north across County Road 121 are larger in size ranging 35- 41 acres. The configuration and size of the subject parcel existed prior to the River Ridge 1st Subdivision Plat. The lot was part of a Meets and Bounds application in 1997 (#01997-054MB). And then included in the River Ridge 1st Subdivision (#OR1998-001PLAT). One parcel in the immediate vicinity and within River Ridge 1st Subdivision has requested a variance to exceed the allowable cumulative maximum size of a detached accessory structure- 1,500 square feet. Application #OR2012-02VAR was approved for a 2,596 sq ft accessory structure.

The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; Yes, extraordinary conditions or circumstances are present on the parcel. The owner's total acreage (between both parcels) are 47.7 acres, which sets this parcel apart from other residentially owned properties within the River Ridge 1st subdivision. The parcel is also very steep between the house and rear of the property, thus accessing an accessory structure in the rear of the property from the front driveway would be difficult. As of June 26, 2023, the applicant has applied to get an access permit with Olmsted County Public Works from County Road 121, application is in process.

The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance. Yes, the purpose of the variance application is to build an oversized accessory structure to store material to assist with the care and maintenance of the 35-acre parcel.

a. Between the front yard and rear yard of the parcel it is very steep. The proposed location is a flat area, thus access to the back of the lot is optimal. The applicant has submitted an access permit to Olmsted County Public Works from County Road 121 and it is in process.

The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area and will not alter the essential character of the locality; The request will not be materially detrimental to the public welfare or materially injurious to other property in the area. The request will not alter the essential character of the area or existing conditions of the property. The proposed location of the accessory structure on the 7.7-acre parcel would be situated between the house and the back portion of the property.

The variance is in harmony with the general purpose and intent of this ordinance; The variance is in harmony with the general purpose and intent of the accessory structure ordinance. The variance is a request for the construction of a detached accessory structure that exceeds the allowable 1,500 square feet as set in the Zoning Ordinance for R-1 Zoning District, however the parcel is the largest lot in the subdivision at 7.7 acres, the structure will be located in the in the back of the house, behind trees and will not be visible to the neighbors of the subdivision.

The terms of the variance are consistent with the comprehensive plan. The comprehensive plan does not speak to accessory structures or building sizes.

#### Referral Comments

- Public Works- Update: I have been in contact with Michael Lund at 8849 Fitzpatrick Ln NW, Rochester (PID 842631057835) regarding a shed he intends to construct on the north part of his property. The issue was how he was going to gain access to CR 121 for the shed. With this being a change in use for the property, an access application is required. We have worked out a solution for access to the property and he has now submitted the application. If there was a hold on issuing the building permit or variance due to access, he has completed the next step and we are processing the application.

**This information was taken from the Olmsted County Planning packet and is only a proportion of the document. The entire document can be found at Olmsted County Planning or the Oronoco Township Clerk, Lucy Shonyo.**

**There was a motion made by Supervisor Mergen to approve OR2023-001VAR, as written in the Olmsted County staff planning updated findings, seconded by Supervisor Johanninger. The motion was carried unanimously.**

#### **OR2023-001 PLAT, Jayrey LLC Boelter Estates**

Ali Bosco, Senior Planner with Olmsted County was present. Ryan Schonfelder and Jay Burke were present on behalf of the applicant. Planner Bosco stated that with the staff recommendations the final plat **OR2023-001 PLAT** is ready for approval.

#### **Request:**

Oronoco Township Final Plat Review #OR2023-001PLAT by JAYREY LLC. The request is for Phase One (1) of Boelter Estates final plat for the creation of twelve (12) low density, single family, rural residential lots.

#### **Location:**

The property is located in the W 1/2 of the NE 1/4, Section 34, Township 108, Range 14 of Oronoco Township. The property lies East of 18th Ave (County State Aid Highway 112) and West of 11 Ave NW; it is south of 85th St NW and North of Cedar Ridge Subdivision. The zone is R-1 Low Density.

#### **Staff Findings:**

- The final plat lot configuration conforms to the standards of the Oronoco Township Zoning Ordinance and Oronoco Township Subdivision Ordinance.

- Phase 1 North stormwater basin easement is identified on phase one (1) final plat. However, it is unclear who is assuming responsibility for maintaining the drainage easement. That shall be identified in a homeowner's association or covenants. Per the applicant there will be covenants for the subdivision, these covenants shall be provided to Olmsted County Planning Staff for review and must be recorded with Mylars.
- There is a conflict between County Access Management Standards and condition #13 (that access cannot be provided on 11th Ave NW). If the Township does not repeal condition #13, the final plat shall not be approved at this time. Olmsted County Public Works has indicated that the project will not receive an access permit on CR 112 if there is no access provided to 11th Ave.

### **Staff Recommendations:**

The proposed Final Plat for Boelter Estates Subdivision generally complies with the provisions of the Zoning Ordinance, Subdivision Ordinance, General Development Plan and Preliminary Plat. Staff findings recommend that the Oronoco Town Board approval of the final plat for #OR2023-001PLAT by with the following conditions:

1. Staff recommends Planning Advisory Commission strike condition #13 of the preliminary plat: the proposed Boelter Estates Dr NW shall be a cul-de-sac and have no access onto 11th Ave NW. Thus, allowing Boelter Estates access to 11th avenue.
2. According to the applicant, there will be restrictive covenants. Covenants must be provided to Olmsted County Planning Department for review prior to submission of mylars and must be recorded with the mylars for the final plat.
3. North Stormwater basin easement is identified on phase one (1) final plat. Maintenance of the drains and outlot A shall be identified in a homeowner's association or covenants.
4. A stop sign and intersection street name signs are required to be installed at the intersection of County Road 112 and Boelter Estates Dr. NW by Olmsted County and paid for by the applicant.

**This information was taken from the Olmsted County Planning packet and is only a proportion of the document. The entire document can be found at Olmsted County Planning or the Oronoco Township Clerk, Lucy Shonyo.**

**There was a motion made by Supervisor Mergen to approve OR2023-001 PLAT in accordance with staff recommendations, seconded by Supervisor Johanninger. The motion was carried unanimously.**

### **Boelter Development Agreement**

There was a phone conference with Oronoco township attorney, Bob Ruppe. Mr. Rupper spoke to details of the development agreement and why they were necessary. He recommended the Oronoco town board approve the development agreement and proceed with final plat approval for the Boelter Estates Development. Mr Schonfelder, applicant representative, questioned portions of the development agreement and asked why they were necessary.

**There was a motion made by Supervisor Matzke to approve Boelter Development Agreement contingent on our attorney review, seconded by Supervisor Mergen, The motion was carried unanimously.**

**OR2023-002VAR, Mattson**

Senior Planner, Ali Bosco was present. Planner Bosco reviewed the planning packet with the board. Olmsted County planning recommends approval of **OR2023-002VAR** with the stated conditions.

**Request:**

The applicant requests a variance to allow a third non-farm dwelling within the NE 1/4 of the SW 1/4 Section 30. And a variance from the non-farm dwelling CER soil standard to have at least one (1) acre of CER soils below 55.

**Location:**

Location of the parcel is 8848 60th Avenue NW Pine Island. Part of NW 1/4 & NE 1/4 of the SW 1/4 Section 30 T108N R14W. Zoning is A-2, Agricultural Protection District

**Findings:**

Criteria for Granting a Variance: A variance may be granted only when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Economic considerations do not constitute practical difficulties. The Board of Adjustment must find evidence that all of the following facts and conditions exist:

1. There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; The property consists of high-quality agricultural land. The location of the existing dwelling is located within the forested area of parcel. Allowing the dwelling to be split onto a smaller area of land would not affect the tillable agricultural land, as it would remain intact, and no other dwelling would be allowed.

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; The landowner originally built the dwelling where the

agricultural land was the least impacted. They were not considering the future split of the property in 1987. They have now aged out of their dwelling and would like to keep the agricultural land intact so that it can continue to be farmed.

3. The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance; The request is reasonable because the variance will not lead to an increase in density of the area, no new dwelling will be allowed on the 35 +/- acre parcel. As well agricultural land will be preserved for continual farming purposes.

4. The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area and will not alter the essential character of the locality; The variances will not negatively impact surrounding properties nor will it alter the essential character of the property. The purpose of the variance is to preserve the character of the property.

5. The variance is in harmony with the general purpose and intent of this ordinance; and the variance is in harmony with the general purpose and intent of the ordinance. No additional non-farm dwellings will be allowed to be split from the property; therefore, the density of the section will not change, and the integrity of the agricultural land will be maintained.

6. The terms of the variance are consistent with the Comprehensive Plan. The request is to preserve the agricultural land this is consistent with the goals and policies of the Resource Protection Land Use Designation.

**This information was taken from the Olmsted County Planning packet and is only a proportion of the document. The entire document can be found at Olmsted County Planning or the Oronoco Township Clerk, Lucy Shonyo.**

**Supervisor Mergen opened the public hearing for OR2023-002VAR, Mattson.** The applicant, Virginia Mattson was present but chose not to speak. Supervisor Mergen asked three times for comments for or against **OR2023-002VAR. It was noted that a public comment was received expressing disapproval of the variance. With no one wishing to be heard, Supervisor Mergen closed the public hearing.**

**There was a motion made by Supervisor Matzke to approve OR2023-002 VAR with stated conditions, second by Supervisor Johanningmeier. The motion passed unanimously.**

## **Aspen Ridge Development Agreement**

**There was a motion made by Supervisor Johanningmeier to approve the development agreement contingent upon attorney review, second by Supervisor Mergen, The motion passed unanimously.**

### **OR2023-001TA, "moratorium" interim ordinance**

**OR2023-001TA, "moratorium" interim ordinance** was continued to the August 14, 2023 monthly meeting.

### **Minnesota Ave., south of 100th**

The information received from Olmsted County grants the Oronoco township time to review the request for development. It also lets the county know that it is platted. There is work with OTPAC for a land use plan for this area.

## **Road Report**

Fitzgerald tried to reseed the ditch along 100th Ave South of the wastewater plant. Most of the seed washed away and is now in the culvert. The ditch isn't where it belongs. The west side of 100th doesn't drain and the water flow has been changed. The drainage doesn't follow the slope of the land, Supervisor Johanningmeier will be in contact with Joe Palen, City Engineer, again to discuss this. There is also a small tree at the end of one of the culverts. Scott Schumacher said that they would take care of removing this.

Cedar Beach culvert work, damaged due to an Oct 22 accident, has not begun. Per the court administrator's office, payment from Prigge has to be made before February 3, 2023. If there is no payment made, it would go to a collection agency.

**Supervisor Mergen made a motion that Schumacher's get culvert work and repair done on Cedar Beach, second by Supervisor Matze. The motion was carried unanimously.**

There is no chloride on the last ½ mile of 60th Ave. Schumacher said he thought this was because it doesn't get enough traffic. Clerk Shonyo noted that the board could request for next year that all roads get chloride with the exception of other townships' part of shared roads.

There was a question about quotes for Thunder Bluff, Sattre, Windermere, North White Birch and White Birch Roads. The quote is from Bergen and is roughly \$5000. It includes patching and repair of potholes.

ROW mowing is done.

## **Minutes Approval**

**There was a motion by Supervisor Mergen to approve the minutes of May 8, 2023 monthly meeting, as written, Supervisor Matzke seconded the motion. The motion was carried unanimously.**

**There was a motion by Supervisor Matzke to approve the minutes of May 22, 2023 special meeting, as written, Supervisor Johanningmeier seconded the motion. The motion was carried unanimously.**

**There was a motion by Supervisor Mergen to approve the minutes of June 10, 2023 monthly meeting, as written, Supervisor Matzke seconded the motion. The motion was carried unanimously.**

## **Approval to pay payroll and claims including electronic transfers**

PFA payments were made along with Quarter 2 payments.

Treasurer Stanton will add Aspen Ridge Development and Boelter Estates Development to the Schedule 1 to track township expenses for the attorney and engineering services.

**There was a motion made by Supervisor Mergen to approve the payroll and claims, second by Supervisor Matze. The motion was carried unanimously.**

## **Treasurer's Report-Kim Stanton**

There was The YTD Statement of Receipts, Disbursements and Balances as of June 30, 2023 shows: receipts \$548,493.33, disbursements \$533,030.75 with an ending balance of \$1,657,109.40.

discussion about additional investment opportunities.

**There was a motion made by Supervisor Matzke to take \$100,002.73 from the special savings fund and purchase a 12 month CD through Ameriprise at the current rate of 5.2%, Second by Supervisor Johanningmeier. The motion was carried unanimously.**

**There was a motion made by Supervisor Johanningmeier to take \$100,000.00 from the Frandsen Bank fund and purchase a 12 month CD through Ameriprise at the current rate of 5.2%, Second by Supervisor Mergen. The motion was carried unanimously.**



Olmsted County assessments went up but tax receipt income went down. The difference is about \$15,000.

**There was a motion made by Supervisor Mergen to accept the treasurer's report in written form, second by Supervisor Matzke. The motion was carried unanimously.**

**There was a motion made by Supervisor Mergen to pay the Deputy Clerk Shonyo [August incoming] a monthly stipend, with no meeting fee, for the months of August, September and October, and Deputy Treasurer Stanton a monthly stipend, for the months of August and September, with no meeting fee, second by Supervisor Matzke. The motion was carried unanimously.**

Treasurer Stanton will add Brandi Lind to the signature card at the bank.

**Effective July 10, 2023 at 8:30pm, Treasurer Stanton resigned as treasurer. He accepted the position of deputy treasurer.**

**There was a motion by Supervisor Mergen to appoint Brandi Lind as treasurer, second by Supervisor Matzke. The motion was carried unanimously.**

**Treasurer Lind appointed Kim Stanton Deputy Treasurer.**

**Clerk Shonyo administered oaths of office to Treasurer Lind and Deputy Treasurer Stanton.**

## **OTPAC**

**T & M Properties-** Their proposed land use does not fit with the zone the property is in. OTPAC did a continuation until the next meeting, July 17, 2023. T&M has decided to use the MNDOT driveways and eliminate the one they installed.

**MN Energy CAPX** lines were planned to run through Boelter Estates. Supervisor Matzke contacted Bill Tointion and he will work with them directly.

There needs to be something written into the developer agreement about stormwater retention ponds.

There is an orderly annexation agreement, signed in 2015, stating that residents can decide to go to the city of Oronoco. Attorney Ruppe is looking into this. Supervisor Matzke will discuss this at the OTPAC meeting July 17, 2023.

The temporary quarry permit at 100th St runs out on July 16, 2023. The county approved this for 90 days.

**There was a motion made by Supervisor Mergen to rescind the motion made, on June 13, 2022, for the allowance of temporary mineral extraction in the river corridor district as a permitted activity, second by Supervisor Matzke. The motion was carried unanimously.**

### **Road Items**

The driveway policy and application and mailbox discussion will be moved to the August 14, 2023 monthly meeting.

### **Clerk Notes**

The Cedar Beach, October 2022, incident was discussed with the road report. We are waiting on payment. Schumacher will begin work soon to repair this.

Ordinance Update was submitted. Ordinance 2020-01 was attributed to Oronoco City instead of Oronoco Township in the update. The board is waiting for this to be enforceable.

Clerk Shonyo and Deputy Clerk Schroeder will meet with Hemann and Grover to discuss tax filings on July 17, 2023.

Clerk Shonyo talked with Executive Administrative Assistant Stephanie Krunckenberg about minutes of county actions and what information is required. Minutes of county actions must include findings, recommendations and conditions and the action that is taken by the town board. Public hearings must be noted with speakers' comments. She also offered help and guidance with the transition of the new clerk.

**There was a motion made by Supervisor Johanningmeier to increase the monthly meeting fee from \$150 to \$200, second by Supervisor Matzke. The motion was carried unanimously.**

**Supervisors agreed to eliminate the "long meeting," 15 minute interval fee, due to difficulty in CTAS administration, established at the May 2023 Reorg meeting.**

### **Board Member Comments**

Sargent Rinn stopped by to see if the town board needed anything from him and ask how things were going.

On July 27, 2023, at 7:30pm, there is an OCTOA Meeting at Cascade Town Hall.

On July 26, 2023 there is a Pine Island Fire Department meeting.

Supervisor Johanningmeier will call the Pine Island City Clerk to find out when the Pine Island Community Development Committee meets.

Supervisor Mergen suggested getting a PO box for the new clerk instead of mail coming to her home address.

Jay Burke, Jayrey LLC asked where the developer's agreement came from. He said that everything was addressed in the covenants and by county requirements. If the builder were to default the township would have no involvement because the township does not enforce the covenants. He said the biggest problem he has with the developer's agreement is the financial piece. He will be in contact with Attorney Ruppe.

**There was a motion made by Supervisor Mergen to adjourn the meeting, second by Supervisor Matzke. The meeting adjourned at 9:50pm.**

Respectfully Submitted:

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Jody Schroeder, Deputy Clerk

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Lucy Shonyo, Clerk

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Ken Mergen, Chair

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Tammy Matzke, Supervisor

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Joel Johanningmeier, Supervisor