

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**JUNE 4, 2018 7PM**

The **Pledge of Allegiance** was recited.

**The monthly Oronoco Town Board Meeting was called to order on June 4, 2018** by Chair Neil Stolp. Supervisors Ken Mergen and Charlie Lacy were present as well as Treasurer Kim Stanton and Clerk Lucy Shonyo.

The **order of agenda** was accepted as presented.

**Minutes Approval:** Ken Mergen made a motion to approve the May 7, 2018 minutes of the regular monthly Board meeting. This clarification was made: The culverts to be placed for the Lake Zumbro Improvement (dredging) project will be permitted by the County. Charlie Lacy seconded, motion carried 3-0.

**Agenda Topics**

**Public Hearing - Variance #OR2018-002VAR, applicants Blaine and Chelsie Bertsinger**

Neil Stolp moved to open the Oronoco Board of Adjustment Public Hearing OR2018-002VAR, applicants Blaine and Chelsea Bertsinger. Charlie Lacy seconded, motion carried 3-0. Kristi Gross from Olmsted County Planning was present to present the variance and staff findings. The applicants are requesting 2 variances to Sec 5.02 A-2 Agricultural District, Section C of Oronoco Township Zoning Ordinance:

- (1) to allow a non-farm parcel to be created and a dwelling built closer than the required ¼ mile to an existing registered feedlot, and
- (2) to create a buildable non-farm parcel with less than 1 acre of soil with a crop equivalency rating (CER) of 55 or below.

Staff Findings concluded that the criteria for granting the variances were met and recommends approval of both variance requests based on the following findings (abbreviated):

- The feedlot is owned by the applicant's father. The feedlot does not 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 60. The applicants are choosing the least obstructive area to agricultural production by selecting the area closest to the road. The applicant also states the area of the non-farm dwelling is not the highest yielding area and is not as productive as the CER scale suggests.

**Public Hearing - Variance #OR2018-002VAR, applicants Blaine and Chelsie Bertsinger, continued**

- 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 while meeting setbacks to the feedlot and including any acres of soil with a crop equivalency rating of 55 CER or below.
- The request is reasonable. This would be the only non-farm parcel within the SW ¼ of the NW ¼ of Section 8 T108N R14W.
- 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.
- The request is in harmony with the general purpose and intent of the ordinance. The proposed non-farm parcel would eliminate the need for a long driveway to cut through agricultural land and would keep the balance of the farmland intact. Also, the feedlot owner supports the variance to allow the dwelling in the proposed location.
- 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.

Neil Stolp asked 3 times for comments for or against these variances. Applicant Chelsie Bertsinger spoke in favor of granting the variances. No one spoke against the variances. Charlie Lacy made a motion to close the public hearing. Ken Mergen seconded, motion carried 3-0.

Charlie Lacy made a motion to approve the variance to allow a non-farm parcel to be created and a dwelling built closer than the required ¼ mile to an existing registered feedlot. Neil Stolp seconded, motion carried 3-0.

Charlie Lacy made a motion to approve the variance to create a buildable non-farm parcel with less than 1 acre of soil with a crop equivalency rating (CER) of 55 or below. Ken Mergen seconded, motion carried 3-0.

**Public Hearing - Variance #OR2018-003VAR, applicant Michael Ryan**

Neil Stolp moved to open the Oronoco Board of Adjustment Public Hearing OR2018-003VAR, applicant Michael Ryan. Charlie Lacy seconded, motion carried 3-0. Kristi Gross from Olmsted County Planning was present to present the variance and staff findings.

**Public Hearing - Variance #OR2018-003VAR, applicant Michael Ryan, continued**

The applicant is requesting 2 variances to Sec 10.22 B of Oronoco Township Zoning Ordinance:

- (1) to allow an accessory building to be 32' x 48' (1536 sq ft) instead of the permitted 1500 sq feet, which is a variance of 36 sq ft., and
- (2) to allow the accessory building height to exceed 15' to the midpoint of the roof.

Staff Findings initially concluded that the criteria for granting the variances were not met and recommended denial of both variance requests.

Neil Stolp asked 3 times for comments for or against these variances. Applicant Michael Ryan spoke in favor of granting the variances, noting that the outbuilding will be esthetically styled to their house, and storing a RV inside is more condusive to a nice neighborhood than storing it outdoors. No one spoke against the variances. Kristi Gross issued amended staff findings.

Amended Findings, abbreviated:

- The size, topography and vegetative cover of the property constitute the extraordinary conditions or circumstances, that do not apply to other lands within the neighborhood or the same class of zoning district.
- The extraordinary conditions or circumstance are unique to the topography, size and vegetative cover of the property and not created by the landowner.
- The request is reasonable given the size, topography and vegetative cover of the property.
- 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.
- The request is in harmony with the general purpose and intent of the ordinance. The proposed structure will not alter the character of the neighborhood.
- The comprehensive plan does not address accessory building sizes.

It was noted that the placement of the building must allow access to the shared well on the property.

Neil Stolp made a motion to close the public hearing. Charlie Lacy seconded, motion carried 3-0. The Board discussed and agreed that they saw no problems with granting the variances.

Neil Stolp made a motion to approve the variance to allow an accessory building to be 32' x 48' (1536 sq ft) instead of the permitted 1500 sq ft. Ken Mergen seconded, motion carried 3-0.

Neil Stolp made a motion to allow the accessory building height to exceed 15' to the midpoint of the roof. Charlie Lacy seconded, motion carried 3-0.

**Road Report – Scott Schumacher**

- Blading continues. Chloride application is complete.
- Culvert repair on Ash Road was done. This is a shared road with Pine Island, and they will cover 50% of costs. Next months invoice will show a credit for half of this expense.
- The culvert in the right of way at 8968 11<sup>th</sup> Ave NE was repaired.
- Ditch work is needed on 28<sup>th</sup> Ave.
- Mark Cocran from Cascade Township is the new contact person for mowing.

**Sunset Bay Septic – Sheila Craig was present to update the Board.**

- 21 out of 27 petitions (78%) and 18 out of 27 income surveys (67%) have been returned.
- The Geotech study was discussed. Ken Mergen made a motion to authorize Wenck to obtain bids to conduct the Geotech work for the Sunset Bay septic system. Charlie Lacy seconded, motion carried 3-0.
- Sheila Craig received 2 quotes to do the land appraisal. Ken Mergen made a motion to accept the quote from Blekre Appraisal Services, LLC for \$1,400.00 to conduct the appraisal, to be completed by June 29, 2018. Charlie Lacy seconded, motion carried 3-0. Sheila Craig will contact Mr. Blekre. The landowners would like to be present.

**Melissa Griggs – King’s Park Hyland’s Addition plat**

Melissa Griggs, 1838 King’s Dr. NW, bought this property in 2014. The property deed mentions owning 33 feet of the adjacent vacated road (formerly Castle Dr NW), but the plat (from 1968) does not reflect the vacated road. Per Ms. Griggs, the county does not have a record of this road being abandoned. Since her deed notes it, the action must have occurred. She asked for township records recording this road being vacated. Clerk Lucy Shonyo said she would search for the record. [The record was located and provided to Ms. Griggs. Castle Dr NW was vacated by Oronoco Township Board action on April 21, 1980 and recorded with Olmsted County on October 16, 1980.]

**Bargen Incorporated**

James Johnson from Bargen Inc was present to discuss blacktop repair and maintenance on select roads. Mr. Johnson spoke about the products and procedures Bargen uses. He presented proposals for select roads. The Board talked about the proposals presented and the Road & Bridge budget. Treasurer Kim Stanton noted that the first half of property taxes will be received in July, adding an estimated \$200,000.00 – \$240,000.00 to the Road & Bridge Fund.

**Bergen Incorporated, continued**

Charlie Lacy made a motion to accept the “acceptance of proposal” to repair 18th Ave NW from County Rd 12 (White Bridge Road) to the township line (not including Lakefront Drive NW) and South Minnesota St from Cedar Point SE to 100th St NW, at the cost of \$31,000.00. Neil Stolp seconded, motion carried 3-0. [Note that the 18th Ave address was partially incorrect on the “acceptance for proposal”. Lucy Shonyo will correct with Bergen.]

**Ryan’s Bay Road Update** – Lucy Shonyo spoke with Dori Klein, Zumbro Township Clerk. There are no further details about the road project. The Zumbro Board determined updated bids would be necessary from both bidders if the road is moved from the design originally bid.

**Noxious Weeds** – At the Annual Meeting held March 13, 2018, a motion was approved to conduct a test on a portion of township road ROW to learn about the control of noxious weeds. The selected ditch will be mowed 4 times during the growing season. To this end, a motion was made by Ken Mergen to mow Lake Shady Ave ditches, south of Hwy 112 / 100<sup>th</sup> St NW. Charlie Lacy seconded, motion carried 3-0. Charlie Lacy will take pictures before mowing. Neil Stolp will contact Mark Cocran, mowing contractor.

**Gary Sanford** – Gary and Joan Sanford, 1206 1<sup>st</sup> Ave SW, talked with the Board about a wet basement due to a blocked culvert they believe. Board members and Scott Schumacher will meet at their property on Wed. June 6, 4:30.

**Zumbro Haven** – No one from Zumbro Haven was present.

**Administrative Business**

The **Treasurer’s Report** in written form showed the YTD Statement of Receipts, Disbursements and Balances as of May 31, 2018: Receipts \$97,232.41 and Disbursements \$266,437.03 with an ending balance of \$228,653.86. April payroll totaled \$1,892.05, bills totaled \$125,412.66, with disbursements totaling \$127,304.71. Payment was received for a Cedar Beach construction payoff. Kim Stanton will contact Anita Gallentine about how to appropriate this payment. Ken Mergen made a motion to accept the Treasurer’s report as presented. Neil Stolp seconded, motion carried 3-0.

**Approval to Pay Bills** - The bills totaling \$125,412.66 were presented for payment. Neil Stolp made a motion to approve claims payment, Charlie Lacy seconded. Motion carried 3-0.

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**OPAC Report – Charlie Lacy** OPAC met in May to hear #OR2018-001CUP, applicant Alan Ihde, for the construction of a private wedding / civic gathering venue on the property on the southwest side of the intersection of 115 St NW and 25<sup>th</sup> Ave NW. The County recommended this Conditional Use Permit be approved. OPAC felt that the roads leading to this site would not support the traffic they would need to carry. OPAC denied the CUP. Javon Bea’s OPAC term has expired. Charlie Lacy made a motion to appoint Angela Smith to OPAC for a 3 year term. Ken Mergen seconded, motion carried 3-0.

**Resolution Creating a Policy Pertaining to Assessing the Cost of Road Improvements to Benefited Properties, Resolution 2018-08** – A motion to adopt this resolution was made by Neil Stolp, seconded by Ken Mergen, and carried 3-0.

**Minnesota Brightfield Initiative** – Oronoco Township has expressed interest in this initiative spearheaded by the MPCA and Metropolitan Council focusing on using capped landfill sites as solar sites. About 10 other cities and counties in MN are involved.

**Roadside Junk Pickup** - A person or company to do this task for the township hasn’t yet been found. The sticking point is the need for the person / company to carry a \$1.5 million liability policy. Lucy Shonyo will contact some businesses.

**Pine Island Fire Dept (PIFD)** – Ken Mergen and Kim Stanton attended the last meeting. An audit will be scheduled once it is determined what level of audit is needed. Incident reports are again being created. Billings will be done going back one year. There was discussion about the communication system being used.

**Comments from the Board or Public:**

- First Responders – no May report
- April Building Permits for single family homes – 3
- Next OCTOA (Olmsted County Township Officers Assoc) meeting is July 26.
- MAT Summer Short Course June 21 in Rochester.

Neil Stolp made a motion to adjourn at 9:55 pm. Charlie Lacy seconded, motion carried 3-0.

Respectfully Submitted

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Lucy Shonyo, Clerk

Neil Stolp, Chair

DRAFT