

**MINUTES – PUBLIC HEARING
ORONOCO TOWN BOARD
JUNE 15, 2020 5:30 PM**

Chair Charlie Lacy opened the public hearing on June 15, 2020 at 5:40pm. The public hearing was held at the Oronoco Community Center/City Hall, the township's usual meeting location. Also present: Supervisors Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo and Town Attorney Bob Ruppe.

The Pledge of Allegiance was recited.

This public hearing was to get citizens' input on altering Sunset Bay Road NW, (known as the Ryans Bay road project), to adopt a resolution to obtain the needed right of way easements, and to award damages to property owners for easement taking. [The damage award is part of the resolution.]

[Property owners Dennis Hornseth and Robert Sawinski; and Bruce and Katherine Frutiger were personally served with the "Petition to Vacate Road" and "Notice of Public Hearing" on May 22, 2020.]

Charlie Lacy noted that the Frutiger easement was obtained June 10, 2020. This public hearing relates to the Hornseth/Sawinski property only.

Charlie Lacy asked Mr. Ruppe to provide a summary of recent events:

- Roger Stahl, attorney for Mr. Hornseth and Mr. Sawinski, contacted Mr. Ruppe about settling the matter by the township purchasing the easement for \$2,600. It was agreed Mr. Ruppe would prepare a draft Vacant Land Agreement and Warranty Deed for review. Mr. Ruppe indicated the Oronoco Town Board would open the scheduled public hearing, then table the matter giving parties time to obtain the right of way through the purchase of the property. Mr. Ruppe told to Mr. Stahl he would advise the Town Board to approve the purchase transaction for \$2,600.
- Mr. Stahl objected to language in the draft Purchase Agreement indicating that the purchase of the easement for \$2,600 included land and "all trees, shrubs and trees", and that acceptance of \$2,600 was inclusive of damage claims. Mr. Stahl indicated their intent was to reserve that claim.
- Mr. Ruppe replied that it was the township's intent to settle the matter with the \$2,600 purchase. If that was not acceptable, he would prepare the resolution to establish the road over Mr. Hornseth and Mr. Sawinski's property and recommend damages of \$760 as determined by the appraiser.
- Mr. Stahl and Mr. Ruppe agreed that the party's intents differed, and each had to take the course of action deemed appropriate.

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Charlie Lacy asked for citizen comments for or against this road project.

Del Mergen, 13331 Sunset Bay Lane NE, Zumbro Falls, spoke in favor of the road project noting he was a long-term resident and had seen many problems with the road's safety (rollovers, ice, school bus issues). "We need an improved road."

Ken Mergen, board supervisor and a resident (13043 Sunset Bay Road NE, Zumbro Falls), also spoke in favor of an "improved road."

Charlie Lacy asked three times for comments for or against this road project.

No one present spoke against the road project.

Charlie Lacy closed the public hearing.

Mr. Ruppe spoke of the process going forward:

- The resolution and damage award will be done tonight. He recommends the board award the appraised amount of \$760.
- Mr. Hornseth and Mr. Sawinski have a 10 day appeal window that would stop the project (if they disagree the road is for a public good). They have 40 days to refute the damage amount.
- If the township is sued, our case would be turned over to MATiT attorneys. (MATiT is the township's insurance carrier). He will bring that attorney "up to speed".

Charlie Lacy noted that it has been the township's goal through this process to be fair. The township hired separate appraisers for the land and trees.

Ken Mergen made a motion to adopt Resolution 2020-08: Resolution Approving the Alteration of Sunset Bay NW in the Town of Oronoco, including the damage award of \$760 to Mr. Hornseth and Mr. Sawinski. Tammy Matzke second. Motion passed unanimously.

The Board decided that July 5 would be the first day action could be taken on-site, after notification to proceed is given by Mike Zillgitt, Construction Engineer.

Ken Mergen made a motion to adjourn. Tammy Matzke second. Motion carried unanimously.

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair