

Oronoco Town Board
Monthly Meeting Minutes
November 13, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, November 13, 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 Jody Schroeder, Treasurer Brandi Lind.

At 5:15pm, Mr. Virgil Chilson, 9599 55th St NW Oronoco, MN, was concerned about his feedlot with the approval of variance OR2023-006, Unverzagt, last month. Supervisor Mergen stated that the variance addressed the concern that the property was to close to the existing feedlot. This will not change anything on Mr. Chilson's property and they cannot claim a nuisance on him because of the feedlot. Planner Kristi Gross, Olmsted County Planning, also assured Mr. Chilson that the approved variance will not affect his feedlot.

Supervisor Ken Mergen called the meeting to order at 5:45pm

Pledge of Allegiance

Supervisor Matzke made a motion to accept the agenda as written, second by Supervisor Mergen. The motion carried unanimously.

OR2023-007 VAR, Hawkins

Prepared by: Olmsted County Planning Department

Staff Request: Oronoco Variance OR2023-007VAR. The variance request is to allow an existing detached garage to encroach into the side yard setback by 15 feet of the required 25 feet. The structure is currently located 10 feet from the property line.

Requester: Michael Hawkins resides at 12402 White Bridge LN NE Rochester MN, 55960

Location: The property is located in the NW 1/4 of NW 1/4 of Section 12 T108N R14W Oronoco Township at 12402 White Bridge LN NE (Parcel ID #052511).

Zoning: The property is zoned R

Variance Request:

Oronoco Variance OR2023-007VAR. The variance request is to allow an existing detached garage to encroach into the side yard setback by 15 feet of the required 25 feet.

Staff Findings:

According to Section 4.08 of the Oronoco Zoning Ordinance, the Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variance are consistent with the comprehensive plan. The Board of Adjustment may not permit as a variance any use that is not permitted for the property in the district where the affected person's land is located. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

A. 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 Oronoco 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; **Majority of this parcel slopes downward toward 125th Street NE and White Bridge Lane NE. Only a portion of the parcel has a flat building area, as shown in Figure 5. In comparison to the other parcels in the subdivision, this parcel's flat area is considerably smaller. The request to allow the unpermitted detached garage to remain in its location is not unreasonable based on the limited flat area on the parcel.**
2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The topography of the site was not created by the homeowner.**
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, the existing house location and grade of the property does not allow for the detached garage to be located in other areas of the parcel. Additionally, the granting of this**

variance request would not be detrimental to the Oronoco Township Zoning Ordinance.

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 detached garage is close to the lot line; however, it is not close to any other structure or driveway on the adjacent parcel. The structure is also surround by mature trees, that block its appearance. It does not appear to be detrimental to the neighboring parcel or subdivision.**

5. The variance is in harmony with the general purpose and intent of this ordinance; **The intent of the RA zoning district is to provide suitable areas for low density residential development. All structures should meet all setback requirements. However, the location of the detached garage doesn't appear to intrude on the harmony of the neighborhood or immediate neighbor.**

6. The terms of the variance are consistent with the comprehensive plan. **The comprehensive plan does not speak to accessory structures.**

Referral Comments

Planning Septic and Well: No concerns with the variance. The Septic appears to meet the setbacks on the submitted site plan and the well meets the 3ft setback and is still accessible.

Conditions:

Applicant shall obtain an Olmsted County Building Permit for the detached garage within 60 days of November 13, 2023.

Staff Recommendation

Staff recommends approval with conditions for the variance request to allow the detached garage to encroach into the side yard setback by 15 feet of the required 25 feet.

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, Jody Schroeder.

Planner Ali Bosco, Olmsted County Planning recommended approval of the variance with the condition that the applicant shall apply for an Olmsted County Building Permit before November 13, 2023.

Supervisor Mergen opened the public hearing for OR2023-007VAR, Hawkins. Supervisor Mergen asked for comments for or against **OR2023-007VAR.**

There was a public comment from Jane Deering 12405 Cardinal Land NE, via email, to allow the variance request to pass.

Bonnie Maffitt, 12310 White Bridge Lane NE, Rochester, MN 55906, stated she had some questions about the variance. They did not receive notification about the meeting until last Friday, November 10, 2023, and there was no site visit done. They are concerned as they have the mature trees next to the property line. She is wondering, if a tree falls who is responsible for it since the variance is to allow the garage so close to the property line? If something happens to this building and it would need to be removed, does the variance stay with the property? If they had to put in a new driveway how would the variance affect that?

Supervisor Mergen suggested that the homeowners call their insurance company to ask about the trees. Planner Gross and Planner Sosa addressed the driveway concern and stated a variance would not affect a new driveway for the Maffitt's. Planner Gross also said the variance would remain with the property. Supervisor Johanningmeier asked about due diligence as the structure was requested after the fact. Planner Gross stated that some townships require double the fee obligation for request of a variance after the fact, but Oronoco Township does not have that fee. Supervisor Johanningmeier suggested double the fees in the future.

Supervisor Mergen asked two more times for anyone to speak for or against **OR2023-007VAR, Hawkins,** hearing no further comment, the public hearing was closed.

There was a motion by Supervisor Mergen to approve OR2023-007VAR, as written by Olmsted County Planning with the recommended condition, second by Supervisor Matzke. The motion was carried unanimously.

OR2023-002TA

Prepared by: Olmsted County Planning Department Staff

Request: Oronoco Township Text Amendment OR2023-002TA initiated by the Oronoco Township Planning Advisory Commission. The proposal is to repeal and replace all references in the Oronoco Township Zoning Ordinance in regards to Floodplain and Shoreland Regulations and Management.

Staff Findings: Staff findings support approval of the Zoning Text Amendment as follows:

1. The proposal is consistent with the policies of the Oronoco Township General Land Use Plan; **The proposal is consistent with the policies of the Oronoco Township General Land use plan because repealing and amending the floodplain and shoreland regulations within the ordinance allows the County to maintain jurisdiction of these sensitive lands. Allowing the County jurisdiction will ensure consistent administration of these regulations regardless of the underlying zoning authority. We also support the ability to act on conditional use permits within the shoreland areas, this ensure the goals and policies of the Township will be upheld within these specific situations.**
2. The amendment is in the public interest; **Allowing the County to maintain jurisdiction over the shoreland and floodplain regulations ensures that the County continues to be enrolled in the National Flood Insurance Program and alleviates the need for the Township to enroll individually.**
3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure; **This finding does not pertain to this request.**
4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood; **This finding does not pertain to this request.**
5. The proposal does not result in a spot zoning; **This finding does not pertain to this request.**
6. The proposal is consistent with a General Development Plan for the area, if one exists. **This finding does not pertain to this request.**

Staff Recommendation

Based on the Findings of Fact, Planning Staff recommend the Oronoco Township Planning Advisory Commission recommend the approval to the Oronoco Town Board the Zoning Ordinance Text Amendment OR2023-002TA repealing Sections 1.04.A, 1.22, 1.24, 1.29, 1.30, and all of Article 9; amending Sections 2.02, 3.06, 3.08 and 10.5.D.5; and adding Section 3.07.

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, Jody Schroeder.

Kristi Gross, Olmsted County Planning stated that with this change, Oronoco Township will be able to adopt Olmsted County's floodplain and shoreland regulations. This will provide protection to the township and makes sense to do it.

Supervisor Mergen opened the public hearing for OR2023-002TA. Supervisor Mergen asked three times for comments for or against **OR2023-002TA. With no one wishing to be heard, Supervisor Mergen closed the public hearing.**

There was a motion by Supervisor Mergen to approve OR2023-002TA, as written by Olmsted County Planning, second by Supervisor Matzke. The motion was carried unanimously.

King's Park Septic Operation & Maintenance (O&M) Assessment

King's Park community septic serves 14 parcels. Each parcel has been assessed \$425/yr since the systems inception. The board determined that the account balance plus insurance coverage was sufficient.

Supervisor Mergen moved to keep the King's Park septic assessment at \$425/yr, second by supervisor Matzke. The motion carried unanimously.

Cedar Beach Septic Operation & Maintenance (O&M) Assessment

Cedar Beach community septic serves 23 parcels. Each parcel has been assessed \$475/yr since the systems inception. The board feels given the age of the system and the current number of residents, there is a need to increase the current operation and maintenance assessment by 3 percent.

Supervisor Mergen made a motion to increase the Cedar Beach septic assessment by 3 percent, second by Supervisor Matzke. The motion carried unanimously.

Road Report

Scott Schumacher said the culvert and ditch work are complete on Cedar Beach Drive NW.

Schumacher did some blading maintenance following the rain.

Schumacher is working on 11th Avenue to remove dead pine trees and oak trees. They will shape the ditch and replace the culvert.

Supervisor Matzke said new road signs will be put up along Kings Park and the 125th corridor.

Supervisor Mergen told Planner Gross of a potential driveway permit needed by Dan Fitzpatrick in River Ridge Subdivision he suggested the homeowner talk to Olmsted County Planning. Planner Gross stated that the driveway would be done by Oronoco township with the new ordinance.

Scott Schumacher asked about snow removal for Aspen Ridge and Boelter Estates Developments. Supervisor Mergen stated to plow Aspen Ridge unless told otherwise.

Clerk Schroeder will draft a letter to send to residents and response teams about the temporary road closure on the East end of 125th Street NW. The closure will begin December 1, 2023 and reopen March 30, 2024.

Supervisor Johanningmeier made a motion to approve the temporary closure of the East end of 125th St beginning December 1, 2023 and opening March 30, 2024, second by Supervisor Matzke. The motion carried unanimously.

2023 Township Road Mileage Certificate

Supervisor Mergen made a motion to approve the road mileage certificate with Olmsted County, second by Supervisor Johanningmeier. The motion carried unanimously.

Olmsted County Maintenance Agreement

Supervisor Matzke made a motion to approve the maintenance agreement with Olmsted County, second by Supervisor Mergen. The motion carried unanimously.

LRIP Grant Application

Supervisor Mergen stated that this is just for gathering information at this time. The deadline for the LRIP grant is December 1, 2023, the township will not apply for this. Supervisor Mergen stated that the township would like to blacktop Cedar Beach Road to the septic system.

Xcel Energy Mankato-Mississippi Transmission Line

Supervisor Matzke has attended the open house meetings with Xcel Energy. Xcel doesn't have a definite plan as to where the new lines will be at this time. Supervisor Matzke will continue to monitor this and update the board as needed.

Oronoco First Responders

Supervisor Johanningmeier will work with Chris Inman, Oronoco First Responders, to find out the number of calls, the frequency of calls, and the cost associated with the calls for Oronoco Township.

Minutes Approval

There was a motion by Supervisor Mergen to approve the minutes of October 9, 2023 monthly meeting, as written, Supervisor Johanningmeier seconded the motion. The motion was carried unanimously.

There was a motion by Supervisor Johanningmeier to approve the special meeting minutes, Review of Minesota Ave S, for October 10, 2023, as written, Supervisor seconded the motion. The motion was carried unanimously.

Treasurer's Report-Brandi Lind

The YTD Statement of Receipts, Disbursements and Balances as of October 31, 2023 shows: receipts \$560,711.60, disbursements \$664,045.16, with an ending balance of \$1,538,313.26.

The treasurer's report was not approved as the treasurer and bank are not matching at this time. Treasurer Lind stated that she is feeling overwhelmed with this position and said it is taking more of her time than she had anticipated with her regular job. Supervisor Matzke will reach out to MAT to ask if there is someone that can assist Treasurer Lind with finding out where the discrepancies are between the bank and CTAS.

Approval to pay payroll and claims including electronic transfers

There was a motion made by Supervisor Mergen to approve the payroll and claims including electronic transfers for November 13, 2023, second by Supervisor Matzke. The motion was carried unanimously.

There was a motion made by Supervisor Mergen to approve the electronic transfers for Go Daddy, PERA, MN dcp, Google and the United States Treasury, second by Supervisor Matzke. The motion carried unanimously.

OTPAC

T&M Properties

Supervisor Matzke stated that OTPAC will review the amended CUP for T&M Properties Monday, November 20, 2023.

Goldberg Quarry

Supervisor Matzke stated that Goldberg Quarry is wonderful to work with. They let residents and Oronoco Town board know when activity will be going on, this is appreciated.

Clerk Notes

Driveway Ordinance filed October 27, 2023 and published November 4, 2023.

Ordinances updated and old ordinance will remain on the judicial branch for historic purposes. They will not be enforceable.

OCTOA meeting will be November 21, 2023 at the Byron Fire Hall. Supervisor Johanningmeier will work with Kalmar Township Clerk Keith Stanich on setup for the Fire Hall.

Clerk Schoeder recommended Deputy Clerk Shonyo to remain on Deputy Clerk to offer guidance and assistance to both Treasurer Lind and Clerk Schroeder. Clerk Schroeder suggested an hourly pay for Deputy Clerk Shonyo.

Supervisor Matzke made a motion to keep Lucy Shonyo as Deputy Clerk, and pay her monthly for hours worked, through July 2024 to assist Treasurer Lind and Clerk Schroeder, second by Supervisor Mergen. The motion carried unanimously.

School board Elections were held on November 7, 2023.

There was a motion made by Supervisor Matzke to adjourn the meeting, second by Supervisor Mergen. The meeting adjourned at 8:45pm.

Respectfully Submitted:

Clerk Jody Schroeder

Tammy Matzke

Ken Mergen

Joel Johanningmeier