

Oronoco Town Board
Monthly Meeting Minutes
October 9, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, October 9, 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 Johannigmeier, Clerk Jody Schroeder, Treasurer Brandi Lind.

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

Pledge of Allegiance

The agenda was accepted with a change to move T&M Properties to OTPAC.

OR2023-005, Gingerich

Prepared by: Olmsted County Planning Department Staff

Requester: Oronoco Township Variance #OR2023-005VAR by Judy Gingerich, located at 2519 Lake Shady Ave S, Oronoco MN 55960.

Request: Allow to increase the density without the required 1-acre of soils with a crop equivalency rating of 55 or lower.

Location: The parcels are located on Lake Shady Ave S Oronoco, MN 55960 (Parcel IDs: 074202, 074203) in the NW 1/4 of NE 1/4 of Section 29, Oronoco Township.

Zoning: A-2, Agricultural Protection District

Staff Findings:

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 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; **MN Dot's Highway 52 project in 2005 (SP 5508-84) closed off direct access for ingress and egress off of highway 52 and built**

Lake Shady Ave S through the applicants property. The Applicant was then left with 3 disconnected/separated parcels bisected by Lake Shady Ave S and existing easement.

Per the applicant's narrative the soils have changed since the highway construction. Parcel 704203 was used for hay and additional pasture when needed. However, the lower most easterly portion seems to be wetter than in the past and so we have only been able to make hay on the higher elevation area. Parcel #074202 was used for pasture prior to the new road, but lack of access to water and electrical has been difficult to utilize pasture. In addition, the land is rocky making it difficult for tilling and making hay on this parcel.

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **Per the applicant's narrative Hwy 52 project, created the new conditions and circumstances.**

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; **Currently both parcels are not allowed to be developed for residential use. Granting of the Variance will allow two buildable lots. If the variance is granted the lots will allow a 9-acre and 5-acre parcel which is a similar lot size for this area.**

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 variance will not be materially detrimental to the public welfare as the surrounding area is comprised of other similar sized residential lots. The variance will also not be injurious to the neighbors and will not alter the character of the surrounding development.**

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. **The request is in harmony with the general purpose and intent of the ordinance, it is to allow the highest and best use of the property.**

6. The terms of the variance are consistent with the Comprehensive Plan. **The proposed use is for infill development which is consistent with the Comprehensive Plan.**

Staff Recommendation

Based on the above findings of fact Planning staff recommends approval of the variance to allow two non-farm buildable lots in the NW 1/4 of NE 1/4 of Section 29 of Oronoco Township, and a variance to the required one (1) acre of soils with a crop equivalency rating of 55 or lower for both parcels.

Condition

2. Any future dwelling or structure proposed on parcel 84.29.12.074203 shall meet Section 1.30 Yards How Measured (A, #2) in the Oronoco Zoning Ordinance.

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.

Ali Bosco, Olmsted County Planning, recommended approval of this variance based on fact and findings. There is one condition to the variance, any future dwelling or structure proposed on parcel 84.29.12.074203 shall meet Section 1.30 Yards How Measured (A, #2) in the Oronoco Zoning Ordinance.

Supervisor Mergen opened the public hearing for OR2023-005VAR, Gingerich. Supervisor Mergen asked three times for comments for or against **OR2023-005VAR.**

Steve Elliot, Lake Shady Ave S, spoke of potential concerns for the variance. Mr. Elliot's concerns are for water runoff and driveway access, he is not opposed to the variance but cautious of these factors. Mr. Elliot is also wondering who will maintain the gravel road if another house is added. Mr. Elliot currently maintains the gravel road to his residence.

Ms. Gingerich stated there is a driveway easement in place.

Planner Bosco stated the property was zoned A1 in 1986, this was the original access easement to allow all access to the road. The filed road agreement is private, the county does not do anything with that.

Supervisor Johanningmeier asked if there was a building permit would there be a grading plan. Planner Bosco stated that if there are known wet spots, there may be a grading plan required at the building stage.

Mr. Elliott stated he thought there was a minimum of 5 acres for a buildable lot. Planner Bosco said there is a 2-acre minimum for buildable lots.

Supervisor Mergen asked Planner Bosco about the Highway 52 corridor, was there frontage road access per the plan. Planner Bosco said frontage road access was a part of the original plan and could still happen but there is no timeline for this.

Tom Eberhart, land owner on Lake Shady Ave S, stated he doesn't have a residence there. He is not against the variance but will be selling his land in the next 2-3 years. He stated there is interest from potential buyers wanting to open a gravel pit on his property.

Supervisor Mergen again asked for comments for or against **OR2023-005VAR. With no one else wishing to be heard, Supervisor Mergen closed the public hearing.**

There was a motion by Supervisor Johanningmeier to accept OR2023-005VAR as written by Olmsted County Planning with the stated conditions, second by Supervisor Matzke. The motion passed unanimously.

OR2023-006VAR, Unverzagt

Prepared by: Olmsted County Planning Department Staff

Requester: Oronoco Township Variance #OR2023-006VAR by Laura and Bill Unverzagt, located at 5728 100th Street NW Oronoco, MN 55960.

Request: The variance is to increase density. As well as a variance from the minimum 1/4 mile requirement from feed lot for a new non-farm dwelling.

Location: The parcel is located on 100th Street NW Oronoco, MN 55960 in the NE 1/4 of SW 1/4 and NW 1/4 of SW 1/4 of Section 19, Oronoco Township.

Zoning: A-2, Agricultural Protection District

Staff Findings:

1. **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:

a. 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 36.98-acre parcel is irregularly shaped. The**

location of the proposed non-farm parcel is a small rectangular portion of the larger parcel that would be accessed off of 55th Ave NW.

Additionally, per GIS maps (historical and current) the location of the proposed non-farm parcel is a densely wooded area, this area has not and is not currently farmed. The CER soil rating is very low especial toward the portion of the parcel near the road.

b. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The landowner recently purchased the property. The parcel was already in this configuration prior to purchase.**

c. 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 property can be used in a reasonable manner without the variance. The property currently meets the A-2 farm parcel density standards. However, the variance is required to split a portion for a non-farm parcel.**

d. 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 variance will not be materially detrimental to the public welfare as the surrounding area is comprised of other similar sized residential lots. The variance will also not be injurious to the neighbors and will not alter the character of the surrounding development (See figure 4 below). Our recommendation is the remaining 29 +/- acres de designated non-buildable.**

e. 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. **The request is in harmony with the general purpose and intent of the ordinance, as the request for another non-farm lot will not disturb the current existing non-farmed parcels in this area.**

f. The terms of the variance are consistent with the Comprehensive Plan. **The parcel is designated Urban Service Area in the future land use map. The proposed use is for infill development which is consistent with the Comprehensive Plan.**

Staff Recommendation: Based on the above findings of fact Planning staff recommend approval of the variance to allow one additional non-farm buildable dwelling in the NE 1/4 of SW 1/4 of Section 19 of Oronoco Township and the remaining portion designated non-buildable. As well as a variance from the minimum 1/4 mile requirement from feed lot for a new non-farm dwelling.

Conditions:

1. Remaining 29 +/- acres shall be designated non- buildable.

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.

Ali Bosco, Olmsted County Planning, recommended approval of this variance based on fact and findings with a condition to the variance; that the remaining 29+/- acres shall be designated non-buildable.

Supervisor Mergen opened the public hearing for OR2023-006VAR, Unverzagt. Supervisor Mergen asked three times for comments for or against OR2023-006VAR. With no one wishing to be heard, Supervisor Mergen closed the public hearing.

There was a motion by Supervisor Mergen to accept OR2023-006VAR as written by Olmsted County Planning with the stated condition, second by Supervisor Johanningmeier. The motion passed unanimously.

Uncle John's Liquor License

Supervisor Matzke made a motion to approve Uncle John's Liquor License, second by Supervisor Johanningmeier. The motion passed unanimously.

Stonebrooke Engineering

Supervisor Mergen spoke with Mr. Turnberg, Aspen Ridge Development, there will be one billing at the end of work with Stonebrooke Engineering.

Supervisor Mergen made a motion to approve the contract with Stonebrooke Engineering for the Aspen Ridge Development, second by Supervisor Matzke. The motion passed unanimously.

Driveway Ordinance

There were changes made to the redline driveway ordinance document. Paige Collins, OTPAC, asked if the driveway ordinance should go with the zoning ordinance. Supervisors agreed, adding the driveway ordinance to the zoning ordinance would keep everything in one place.

There was a motion made by Supervisor Matzke to approve the driveway ordinance as amended and add it to the zoning ordinance, second by Supervisor Johanningmeier. The motion passed unanimously.

Road Report

Scott Schumacher said there is an issue with a driveway on Territory Lane. The driveway needs to be bladed, all of the rock is being washed onto the right of way. This homeowner also pushes snow onto the township road in the winter. Clerk Schroeder will draft a letter to address both issues and send to the homeowner.

Schumacher said that a lot of blading has been done because of the recent rains.

Schumacher stated that Olmsted County Public Works suggested a seasonal road closure on 125th St NW. The road is not highly traveled and the road closure would avoid high costs for both the township and the county to reconfigure the road way. The road would potentially close on November 15th and open again on April 15th. Supervisor Mergen will look into this and find out who needs to be contacted with seasonal road closures.

Schumacher will replace a small culvert and do some ditch work on 11th Ave.

The culvert for Cedar Beach Dr NW will be installed.

Scott Schumacher said the sumac needs cutting on Cedar Beach, they will take the brush cutter to it.

Supervisor Matzke said there are a few larger trees in Kings Park area, Arborists of Rochester will remove.

Supervisor Matzke said there is still a parking issue on Cedar Beach. A letter will be sent to the homeowner.

Supervisor Johanningmeier reminded the board of the review of Minnesota Ave S, with Joe Palen, Oronoco City Engineer, tomorrow, October 10, 2023 at 3:30pm.

Supervisor Mergen stated **Bargen** has not begun patch work yet. They will hopefully get started this week.

Chris, **Joint Powers Mowing**, has begun fall mowing.

O&M for Cedar Beach and Kings Park Septic Systems

Operation and Maintenance for Kings Park and Cedar Beach Septic Systems will be reviewed at the November 13, 2023 meeting as documentation was not received in time for the October meeting.

Oronoco First Responders

City Administrator Sunny Bjorklund Schultz addressed the board. There is no reimbursement from other sources, the Oronoco First Responders relies on funds from the City of Oronoco and Oronoco Township to operate. Administrator Bjorklund Schultz suggested an escalation clause in the contract stating that there is a disconnect on current services provided.

Chris Inman, Assistant Director, Oronoco First Responders, stated that this year they have 25 members. Last year at this time they had 9 members, new members are mostly nurses bringing in medical experience. The number of calls from Oronoco Township is increasing yearly, due to an aging population. There are escalating costs for medicines and medical equipment.

Supervisor Johanningmeier will begin work with City Administrator Bjorklund Schultz to review the contract and set a budget for 2024.

The budget for the Oronoco First Responders is generally set at the annual meeting. The Oronoco First Responders meet the first Monday of the month at 6:30pm at the Oronoco Fire Department.

IT Proposal

Supervisor Mergen made a motion to move forward with the proposal from BRITEE with the understanding that there could be some minor changes to the proposal based on current prices for chromebooks for the supervisors, second by Supervisor Matzke. The motion carried unanimously.

Minutes Approval

There was a motion by Supervisor Mergen to approve the minutes of September 11, 2023 monthly meeting, with a correction to the name Kisilewski, Supervisor Matzke seconded the motion. The motion was carried unanimously.

Treasurer's Report-Brandi Lind

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

Treasurer Lind stated that the 9-month term CD at Frandsen Bank ends on October 13, 2023.

Supervisor Matzke made a motion to move \$100,023.71 to ONB Bank to purchase a 12 month CD with a 5.25% APY, with additional signatures by the board, second by Supervisor Mergen. The motion carried unanimously.

The YTD Statement of Receipts, Disbursements and Balances as of September 30, 2023 shows: receipts \$554,950.32, disbursements \$641,661.62 with an ending balance of \$1,554,935.52.

ARPA

Treasurer Lind and Clerk Schroeder have been working with Nicole from MAT on ARPA. All ARPA funds must be spent by December 2025.

Supervisor Mergen made a motion to spend the remaining balance of ARPA funds on roads for fall work and maintenance, second by Supervisor Matzke. The motion was carried unanimously.

Approval to pay payroll and claims including electronic transfers

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

OTPAC

Land Use Plan

OTPAC has been focusing on T&M Properties. The next meeting, they will look at the land use plan for Oronoco Township.

Oronoco Auto Parts

Oronoco Auto Parts has been granted another extension. The next meeting will be in December if cleanup is not done, there will be fines issued. Supervisor Matzke will look into who gets the fine dollars to see if Oronoco Township would get a portion of this.

Temporary Pit Extraction, 100th Ave

Supervisor Matzke said fill is still being taken from this pit.

Mailboxes

There will be a section about mailboxes in the new driveway ordinance.

Aspen Ridge and Boelter Development Agreement for Snow Removal

Scott Schumacher asked about snow removal for Aspen Ridge and Boelter Estates Developments. Per Aspen Ridge Snow removal agreement, the township will assume plowing roads December 1, 2023-May 1, 2024. Supervisor Mergen will let Schumacher know at the November meeting about plowing for Boelter Estates.

Clerk Notes

MAT training

Clerk Schroeder attended MAT training on CTAS, September 18th in Rochester.

OCTOA meeting-Supervisor Johanningmeier

Kalmar Township will host the OCTOA meeting Nov 21, 2023 at the Byron Fire Hall. Supervisor Johanningmeier will purchase and bring refreshments for approximately 50 people.

The annual meeting will be held on December 19 in St. Cloud. A \$250 stipend is offered to the officers that attend.

Rochester Olmsted Council of Governments, ROCOG, addresses urban boundary for transportation. There are federal dollars available for transportation projects to improve Rochester-Olmsted County area.

Dave Dunn, Olmsted County Planning, spoke of the growth in Northwest Rochester and Oronoco.

The floodplain and shoreland ordinance written by the Township Cooperative Planning Association, TCPA, was rejected by the DNR, there is more planning and work on this for 2024.

There was a motion made by Supervisor Matzke to adjourn the meeting, second by Supervisor Johanningmeier. The meeting adjourned at 10pm.

Respectfully Submitted:

Clerk Jody Schroeder

Tammy Matzke

Ken Mergen

Joel Johanningmeier