

Oronoco Town Board  
Monthly Meeting Minutes  
August 14, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, August 14, 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, and Deputy Treasurer Kim Stanton, via phone during the treasurer's report

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

**Pledge of Allegiance**

**Clerk Shonyo administered oath of office to incoming Clerk Jody Schroeder.**

**Effective August 14, 2023 at 5:30pm, Clerk Shonyo resigned as clerk.**

**#OR2023-001TA, Interim Zoning Ordinance**

**Request:**

Oronoco Township Text Amendment #OR2023-001TA An Oronoco Township Planning Advisory Commission Text Amendment for an Interim Zoning Ordinance to limit multi-lot residential subdivisions, residential zoning district amendments and plats in the Township for a period of 1 Year.

**Location:** Township Wide

**Staff Findings:**

1. The purpose of this ordinance is to protect the health, safety, and welfare of the citizens of Oronoco Township to the extent possible. Concerns have been raised about the compounding effects multi-lot residential subdivisions have on the existing infrastructure of the Township, County, and State Highways.

2. The Oronoco Township Planning Advisory Commission believes that a temporary moratorium on multi-lot residential development, is appropriate. The Township needs to complete a comprehensive study of its Land Use Plan and zoning regulations to clearly define performance standards and locational criteria for where Suburban-Style development is appropriate.

3. Minnesota Statutes, Section 462.355 authorizes the Township to adopt interim zoning ordinances as an emergency measure applicable to all or a part of the Township for the purpose of protecting the health, safety, and general welfare of the public, which ordinance may classify and regulate any use or development within the County for a maximum period not to exceed one (1) year, with a possible extension up to an additional period of one (1) year thereafter.

4. It is hereby found and determined that it is in the best interest of the members of the public who live and work in the township that the authority granted by this Minnesota Statute be used by the Township to enact a temporary moratorium of the development new multi-lot residential developments.

**Staff Recommendations:**

Planning staff recommend based the above findings of fact, the Oronoco Township Planning Advisory Commission recommend the Oronoco Town Board to adopt the attached Interim Ordinance "Ordinance No 23-01".

**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, spoke to the fact that there is development pressure on the 18<sup>th</sup> Ave corridor. OTPAC decided to take a step back and create a moratorium on subdivision until July 10, 2024. This moratorium can be extended for a year if needed. There was no public comment at the Oronoco Township Planning Advisory Commission meeting, OTPAC.

**Supervisor Mergen opened the public hearing for OR2023-001TA.** Supervisor Mergen asked three times for comments for or against **OR2023-001TA.** **With no one wishing to be heard, Supervisor Mergen closed the public hearing.**

Supervisor Matzke noted that OTPAC is working on a land use plan.

**There was a motion by Supervisor Johanningmeier to accept OR2023-001TA based on recommendations from Olmsted County Planning, second by Supervisor Mergen. The motion passed unanimously.**

**OR2023-003 VAR, Rubin**

**Request:**

The applicant is requesting a variance to encroach into the front yard setback by 12 feet of the required 30 feet to replace an existing accessory structure (boathouse). The

structure will be 18 feet from the right of way (ROW). Also requesting a variance to encroach into the required setback of 100 feet to the ordinary high-water mark (OHWM), allowing it to be located 46 feet from OHWM.

The applicant is requesting a variance to side yard setback, encroaching 18 feet into the required 25 feet and a variance to the front yard setback encroaching 15 feet into required 45 feet for a new proposed detached accessory structure (garage) on the non-riparian portion of the parcel.

**Location:**

The address is 13127 Sunset Bay RD NE, Zumbro Falls MN: Located in the Kurth's Subdivision. Located in the SW 1\4 of the NW 1/4 of Section 2 T108N R14W, Oronoco Township.

**Zoning:**

R-1 Low Density Residential zoning district (riparian portion of the property) & A-2 Agricultural Protection District

**Staff 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;

**a. Boathouse- The existing dwelling is located closer to the OHWM than the proposed accessory structure (boathouse). The applicant is utilizing the size of the lot to the fullest by bringing the structure close to the road right of way and keeping as big of a setback as possible to the water.**

**b. Detached Accessory Garage- The rear of the property is very steep. There is bluff that encompasses the rear portion of the parcel. The front of the property is the flattest area of the property. In addition, the applicant's drainfield is located in the middle of property. The location proposed for the accessory structure will be set farther away from the bluff and directly in**

**facing the applicants home and not directly facing the neighbor's (to the north) home.**

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

**a. Boathouse- There is not a way to replace the existing accessory structure while meeting required setbacks to both the water and the road. The proposed location minimizes the OHWM setback as much as possible while preserving a location for an on-site sewage treatment system.**

**b. Garage- There is not a way to locate the accessory structure while meeting required setbacks to both the bluff and the drainfield. The proposed location minimizes the bluff setback while preserving the location drainfield.**

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;

**a. Boathouse- The accessory structure request would be necessary to overcome practical difficulties. The request is common amongst small lots located within the shoreland district, however shoreland rules are derived from Minnesota State Statutes, which municipalities and jurisdictions are required to comply.**

**b. Garage- The accessory structure request would be necessary to overcome practical difficulties. The request is common amongst parcels located near bluffs within the shoreland district.**

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;

**a. Boathouse- The proposed accessory structure should not have any detrimental effects to adjacent property. The neighboring house to the south (south) sits closer to the OHWM.**

**b. Garage- The proposed detached accessory structure should not have any detrimental effects to adjacent property. As, shown in Figure 5, the neighboring property has a garage that sits about 32 feet from the property line.**

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.

**a. The variance is in harmony with the general purpose and intent of this ordinance.**

**b. The variance is in harmony with the general purpose and intent of this ordinance.**

6. The terms of the variance are consistent with the Comprehensive Plan.

**A. Shorelands and steep slopes (bluffs) are critical to resource management and protection. Both variances will encourage these structures to be rebuilt/ built closer to the right of way and away from these sensitive environmental areas.**

**B. When deciding a variance pertaining to Sections 9.02, 9.04, 9.06, and 9.08 Floodway, Flood Fringe (FFA and FFB) and the Flood Plain Districts, the following additional factors shall be considered:**

1. That the granting of such variance will not increase flood heights, create additional threats to public safety, necessitate extraordinary public expense, create nuisances or increase the threat of damage to property or the environment from the volume or velocity of runoff. **The proposed boathouse will not increase flood heights or volume or velocity of runoff. Per our records the boathouse has been in that location as far back as 2011.**

When deciding a variance to the Shoreland District or the River Corridor District regulations, the following additional factors shall be considered:

2. No variance to the standards of the shoreland district or river corridor district shall have the effect of allowing in any district uses prohibited in that district. **The variance for either accessory structure will not permit uses prohibited in that district.**

3. No variance in the shoreland district shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area. **The variance for either accessory structure will not permit a lower degree of flood protection than the Regulatory Flood Protection Elevation.**

4. No variance in the shoreland district or river corridor district shall permit standards lower than those required by State law. **The variance for either accessory structure will not permit standards lower than those required by State law.**

5. In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks. **Two dwellings exist on either side of the subject parcel.**

6. In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property. **The proposed garage on Lot 48, if the variance is approved, will be set back as far as the existing garage on the neighboring parcel to the south. And will be located on flat area away from the steep slopes.**

7. Where homes incorporate a method of sewage disposal other than soil absorption, water setbacks may be reduced by one-third (1/3). **Not Applicable**

8. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. **Not Applicable**

9. No variance in the shoreland district shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area. **The variance for the boathouse will not permit a lower degree of flood protection than the Regulatory Flood Protection Elevation.**

**Staff Recommendation:**

Based upon all the above findings being met staff recommends approval of the following variances:

1. Variance to encroach into the front yard setback by 12 feet of the required 30 feet to replace an existing accessory structure (boathouse). The structure will be 18 feet from the right of way (ROW). And a variance to encroach into the required setback to the ordinary high-water mark, allowing it to be located 46 feet OHWM.

2. Variance to side yard setback, encroaching 18 feet, into required 25 feet. And front yard setback, encroaching 15 feet, into required 45 feet for a new proposed detached accessory structure (garage) on the non-riparian portion of the parcel.

Ali Bosco, Senior Planner with Olmsted County was present. Planner Bosco stated that with staff recommendations approval of **OR2023-003VAR**.

**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.**

**Supervisor Mergen opened the public hearing for OR2023-003VAR.** Supervisor Mergen asked three times for comments for or against **OR2023-002VAR.** **With no one wishing to be heard, Supervisor Mergen closed the public hearing.**

**There was a motion by Supervisor Matzke to appoint Jody Schroeder as clerk, second by Supervisor Mergen. The motion was carried unanimously.**

### **OR2023-001CUP and Driveway Permit, T&M Properties**

Krisi Gross, Olmsted County Planning, said that OTPAC approved the CUP at the July 17, 2023, OTPAC meeting. If anyone wants to file an appeal it has to be written within 30 days and has to be brought before Olmsted County and then comes before the township.

Supervisor Matzke mentioned the MN DOT driveway will not be removed as OTPAC recommends leaving both driveways. The driveway has been approved by the township.

Lynne Koenig said that the information provided by G-cubed about the driveway is not right. The egress and ingress are too tight. The vehicle turning into the driveway would leave the roadway. The driveway is not at 90 degrees and the wheel base is too narrow.

Bev Wittlief spoke and said that the driveway should not be put there. The road was not built for that much traffic.

Ali Bosco, Olmsted County Planning, said that documentation for the driveway was reviewed by Olmsted County Public Works. If the township rescinds the driveway then the CUP is changed as well as the land use plan.

**Supervisor Mergen made a motion to rescind the removal of the MNDOT driveway as a condition to previous approval, second by Supervisor Johanningmeier. The motion was carried unanimously.**

Supervisor Mergen will call Logan Tjossem, Widseth Engineering, to look at the width and turning radius and offer recommendations to the township.

### **Boelter Estates Development Agreement**

**There was a motion made by Supervisor Matzke to approve Boelter Estates Development Agreement, seconded by Supervisor Mergen. The motion was carried unanimously.**

### **Aspen Ridge Development Agreement**

David Turnberg spoke about the Aspen Ridge Development Agreement. Mr. Turnberg said they are ready to sign the development agreement following changes to section 6A

and a not to exceed construction observation cost cap of \$12,400. He would like the township to consider using Stonebrooke Engineering and Surveying or another firm to get the fairest price possible. Mr. Turnberg said that if the township agrees to these conditions, he can get the revised Aspen Ridge Development Agreement sent to Attorney Ruppe for review and this this will be approved without another meeting, per Attorney Ruppe's advisement.

**Supervisor Mergen made a motion to approve Aspen Ridge Development Agreement with a not to exceed construction observation value of \$12,400 and recommendations from Attorney Bob Ruppe per section 6A, second by Supervisor Johanningmeier. The motion was carried unanimously.**

The snowplow agreement per the Aspen Ridge Development states the township will assume the road for snow removal. Scott Schumacher asked if this was to be the new standard. Supervisor Mergen said they would assume responsibility for snow removal in Aspen Ridge and Schumacher should clean up snow as stated in the development agreement.

Mr. Turnberg stated that if the Aspen Ridge Development Agreement is signed work would begin on Monday August 21, 2023.

### **Road Report**

Lynn Koenig stated that the driveway for T&M Properties was approved without knowledge of how it would exist. The issue is safety. The vehicles will not be able to stay on the road way because of the turning radius. The township needs to be careful about extending driveway permits and look at the current and future use of the driveway. If the width of the T&M property driveway needs to be changed then it has to be done by August 17, 2023, the 60 day deadline.

Scott Schumacher said that the work on Cedar Beach is ready to begin when the culvert arrives. The culvert was damaged in an Oct 2022 accident.

Scott Schumacher said that the hill on 125<sup>th</sup> St NW is a problem. He said there was discussion about taking down the hill years ago, nothing was done because of a neighboring landowner. The neighboring property has been sold and the current owner would like the hill shaved down. The county has had washout and would like it redone as the township road meets with a county road. Supervisor Mergen asked that Scott Schumacher get an estimate to rebuild the road. Schumacher will work with Olmsted County Public Works on this.

Reseeding ditch on 115<sup>th</sup> St will be done this fall.



Supervisor Mergen will meet with Logan, Widseth Engineering, to see if Cedar Beach, Ryan's Bay and Kings Park to get funding from LRIP, Local Road Improvement Program.

Supervisor Matzke said that signs need to be replaced on 125<sup>th</sup> St and Kings Park, the signs are not reflective. She will order sign replacements. There is also a stop ahead sign missing on 100<sup>th</sup> Ave. It was in the ditch and was hit when mowing. Supervisor Johanningmeier with contact City of Oronoco Engineer, Joe Palen about this.

Supervisor Johanningmeier spoke with Joe Palen. He said that things will be put back to standard on 100<sup>th</sup> Ave. The excavation is done. The seeding and erosion will be addressed this fall. There will be a walk-through late September or October to address other concerns that have not been addressed, the township board can be a part of this if they want to.

### **Hemann and Grover**

Clerk Schroeder and Treasurer Lind asked the board to consider having Hemann and Grover take over payroll along with filing taxes. Hemann and Grover would also process withdrawals to PERA and MN DCP.

**There was a motion by Supervisor Matzke to have Hemann and Grover take over payroll, PERA and MN DCP to begin in September, second by Supervisor Johanningmeier. The motion carried unanimously.**

**There was a motion by Supervisor Matzke to change the November 11, 2024 meeting date to Wednesday, November 13, 2024, second by Supervisor Mergen. The motion carried unanimously.**

### **Minutes Approval**

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

### **Treasurer's Report-Brandi Lind**

The YTD Statement of Receipts, Disbursements and Balances as of July 31, 2023 shows: receipts \$550,855.53, disbursements \$564,986.69, with an ending balance of \$1,627,515.66.

### **Ameriprise**

There is a change in value with the latest certificate. This is an unrealized gain or loss. The value will still be \$100,000 when mature.

## **Signature cards**

Treasurer Brandi Lind was added to the signature card at Fandsen Bank & Trust.

**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.**

## **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.**

## **Road Items**

### **Driveways**

OTPAC will start looking at driveway policy as part of their land use plan.

### **Mailboxes**

Mailboxes should be the county approved boxes with the swinging posts.

## **OTPAC**

### **Kuehn Ponds**

Kuehn Ponds will be in Olmsted County jurisdiction.

### **Temporary Pit Extraction, 100<sup>th</sup> Ave**

Olmsted County did receive notice that the township rescinded the motion made, on June 13, 2022, for the allowance of temporary mineral extraction in the river corridor district as a permitted activity. There has been no activity at the site. Lynn Koenig asked who enforces the pit closure and makes sure it is closed down properly. Supervisor Matzke will look into this.

### **Orderly Annexation**

Attorney Ruppe will look into the Orderly annexation agreement with the City of Oronoco. Things to consider are: how to protect the citizens and tax base and how to proceed with the land use plan.

### **Lake Zumbro Forever Incorporated**

Attorney Ruppe went through the deed for the Kings Park land, 208 105<sup>th</sup> St NW, to be donated to Lake Zumbro Forever Incorporated, LZFI, the land can be transferred. John Taylor, LZFI is working with Attorney Ruppe on this. LZFI will pay attorney fees.

### **Oronoco Auto Parts**

Per Supervisor Matzke Oronoco Auto Parts went before the Ramsey County court. The vapor report came back ok, the water test will be done in September. Supervisor Matzke will have more to report at October meeting.

### **Board Member Comments**

#### **OCTOA meeting**

Supervisor Johanningmeier attended the OCTOA meeting July 27, 2023. The main topic was cannabis laws. The City of Rochester approved a moratorium on cannabis startups until January 2025.

There is new overlay and culvert at 75<sup>th</sup> St.

The next OCTOA meeting is September 28<sup>th</sup>.

#### **OCTOA meeting November 21, 2023**

Kalmar Township would like to have Oronoco Township host the OCTOA meeting November 21, 2023. Kalmar Township would provide refreshments. Clerk Schroeder will see if Oronoco City Hall is available.

### **Demarino Development**

Supervisor Matzke attended a predevelopment meeting on Friday August 11, 2023 for applicant Thomas Demarino, requesting replat of his parcel.

### **Clerk Notes**

Clerk Schroeder recommended the purchase of Chromebook or laptop for supervisors. This would make meeting documents more accessible and meetings more efficient. Also mentioned, was hiring an IT person to create a domain, this would make the website and emails more secure.

**There was a motion made by Supervisor Mergen to authorize Clerk Schroeder and Treasurer Lind to hire an IT person and purchase devices, for**

**supervisors, not to exceed \$2000, second by Supervisor Matzke. The motion carried unanimously.**

**There was a motion made by Supervisor Mergen to adjourn the meeting, second by Supervisor Matzke. The meeting adjourned at 9:32pm.**

Respectfully Submitted:

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Clerk Jody Schroeder

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Tammy Matzke

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Ken Mergen

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Joel Johanningmeier