

Oronoco Town Board
Monthly Meeting Minutes
December 11, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, December 11, 2023** at 5:30 p.m. at the Oronoco Community Center, located at 115 Second Street SW, Oronoco, Minnesota.

Supervisor Ken Mergen called the meeting to order at 5:35pm.

Pledge of Allegiance

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

OR2023-008VAR, O'Brien

Prepared by: Olmsted County Planning Department Staff

Request: A variance to allow an additional non-farm dwelling within the NW 1/4 of NW 1/4 of Section 31 T108N R14W, Oronoco Township.

Location: The parcel is located on 60th Ave NW Oronoco, MN 55960.

Applicant: John O'Brien- located at 8484 60th Avenue NW Oronoco, MN 55960

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; *Staff Finding:* There are no extraordinary conditions or circumstances particular to this parcel. The parcel currently meets the required minimum lot size for a farm parcel in the A-2 zoning district, does not contain significant environmental features, and the parcel's configuration is similar to the surrounding parcels also zoned A-2. The absence of extraordinary constraints does not suggest increased density is warranted.

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; *Staff Finding:* Extraordinary conditions or circumstances were not identified on the property.

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; *Staff Finding:* The variance request is reasonable – one additional non-farm parcel would be created, plus an additional building site could be created from the remaining parcel.

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; *Staff Finding:* The variance would not be materially detrimental to the public welfare or materially injurious to other property in the area. The surrounding area is predominately one non-farm dwelling and farm within a quarter/ quarter section.

5. The variance is in harmony with the general purpose and intent of this ordinance; and *Staff Finding:* The request is not in harmony with the general purpose and intent of the zoning ordinance, which is to ensure lot size restrictions in the A-2 district, in order to keep density low for agriculture preservation and future orderly expansion.

6. The terms of the variance are consistent with the Comprehensive Plan. *Staff Finding:* Per Olmsted County General Land Use plan, encourages preservation of prime agricultural lands. Although, Urban Service Area allows for limited non-farms development, increased density of non-farm lots can negatively affect surrounding agricultural operations and farmland.

Staff Recommendations:

The Olmsted County Planning Team has reviewed the Variance request in accordance with the Oronoco Zoning Code Ordinance and based on Section 4.08 Based on findings required for variance approval, staff recommends **denial** of the requested variance. The Olmsted County Planning Team recommends that criteria #1 and #5 are not met. If the Oronoco Board of Adjustments chooses to approve this variance, staff recommends the following condition:

1. Prior to any building or zoning permit application for the “remaining parcel”, the applicant shall apply for a lot combination form to combine the remaining parcel and adjacent parcel (84.31.23.082585) both owned by the applicant, to meet A-2 farm parcel regulations.

Allison Sosa, Associate Director for Olmsted County Planning Department, presented to the board and stated that this is a unique parcel of property. The applicant has already subdivided the property to create a non-farm parcel within the quarter/quarter section of property. Since the non-farm parcel already exists in the quarter/quarter there must be a variance for the land to be subdivided again.

Supervisor Mergen opened the public hearing for OR2023-008VAR, O’Brien.
Supervisor Mergen asked for comments for or against **OR2023-008VAR O’Brien.**

John O’Brien, 8484 60th Ave NW, Oronoco, spoke for the variance. Mr. O’Brien stated that the request was never for another parcel to build on, he would like the property lines changed. He

stated he owns 65 acres of land. He has approximately 35 acres with the building site and an additional parcel of about 30 acres to the south. He would like the building site split from the farm land to make it easier for his son to purchase the property in the future. He would agree to making the farm land non buildable if the variance is granted as he has no intention of building on it.

Supervisor Johanningmeier asked how many acres are tillable. Mr. O'Brien stated that he has 43 acres of tillable land.

Olmsted County Planner, Ali Bosco, reminded the board that this variance is only looking at the 40 acres. The additional tillable acreage was not included in the variance. Planner Sosa stated that when you look at a zoning code you have to look at all aspects of it. Per the code, in an A1 zone, there can be one non-farm lot per quarter-quarter section.

Joan Ries, 5660 85th St NW, Oronoco, asked if the two large parcels were joined, would there need to be another variance. Planner Ali Bosco stated that there would still be a need for a variance.

Planner Sosa mentioned to the board that there would possibly be extra density because a farm building could go on the split site.

Supervisor Johanningmeier asked if there could be a condition to the variance. Planner Sosa said there could be, but it may get a bit messy.

Supervisor Mergen asked two more times for anyone to speak for or against **OR2023-008VAR, O'Brien**, hearing no further comment, the public hearing was closed.

Supervisor Mergen stated that we need to begin limiting access and stated he thinks we should deny the variance based on Olmsted County Planning recommendations.

Supervisor Johanningmeier made a motion to accept OR2023-008VAR, O'Brien that combines the two agriculture parcels, keeps them non buildable and low density, and make the smaller parcel the buildable lot, second by Supervisor Matzke. Supervisors Matzke and Johanningmeier voted to approve; Supervisor Mergen voted against the motion.

Driveway Permit Application

Supervisor Matzke developed the access permit and the driveway permit application. Supervisor Mergen suggested a change from distance to length on the driveway permit application. Clerk Schroeder will make this change and email it to the supervisors. Supervisor Mergen said he thought this should be added on to roads and he would take care of the permit and application process. Clerk Schroeder will send forms to residents upon request.

Road Report

Scott Schumacher said they have worked on 11th Ave and Cedar Beach. There was ditch work done in King's Park, dead oak and elm trees were cut down and will be removed. Trees along Wittlief farm road, 6-7, will be cut down by Schumacher and hauled away. Dead trees were also removed on River Hills Court.

The ditch on 14th Ave was completed, there was comment and concern from a resident who lives along the road about the work that was done. Schumacher addressed the concerns and the issue has been resolved since completion of the project.

Schumacher said Adam Rucker addressed concern with Schumacher since 125th St has closed. Mr. Rucker has had people driving in his driveway and turning around. Schumacher will post private drive signs and the end of Mr. Rucker's driveway and also dead-end signs on the road.

Ash trees on River Hills Court were removed.

If the weather holds, the next projects will be 11th Ave from Shenandoah to the north; ditches and trees. Also, 60th Ave. clean up.

Dave Walter, S&B Services, stated there were no issues with the last little bit of snow, they were out sanding hills.

Supervisor Mergen had a conversation with Brian Pike, HOA leader for Cedar Crest, Mr. Pike is wondering what will be done with roads as they start to fail. Mr. Pike stated that they are happy with the condition of the road now. Supervisor Mergen will contact Mr. Pike again after the road tour and road engineer recommendations in April or May.

Supervisor Mergen stated that the township is almost to the point where some roads can no longer be patched. He has concern about payment for redoing these roads. Schumacher stated a special assessment can be done for roads. Homeowners on the road frontage would then pay for the road.

Supervisor Matzke suggested that on the road tour we look at the worst roads and let the public know of possible assessments for the repair of roads.

Oronoco First Responders

Supervisor Johanningmeier sent a letter to Chris Inman requesting additional information about services provided to Oronoco Township Residents. Supervisor Johanningmeier has not heard anything back. Oronoco township will pay \$8000 to the Oronoco First Responders in January with the possibility of increasing payment after the annual meeting in March 2024.

Supervisor Matzke has begun to look into health care legislation changes. She has interviewed several responders from area departments and found volunteer first responder numbers are dropping across the entire area.

OR2023-002TA

Supervisor Johanningmeier requested OR2023-002TA be added to the agenda. He stated he was uneasy about giving up local control. He has done more research into the County Ordinance and feels more comfortable with decisions made last month. He stated the floodplain ordinance will be handled by the County. The shoreland ordinance will be handled by the township because of OTPAC. Supervisor Matzke stated that OTPAC is working on the land use plan to make the shoreland ordinance more restrictive than the county. OTPAC is looking at making the river corridor ¼ mile instead of the 1500ft it is currently.

Supervisor Mergen asked Allison Sosa, Associate Director of Olmsted County Planning, for an updated copy of the shoreland ordinance for posting and reference. Ms. Sosa stated she will get that updated and sent to Clerk Schroeder.

Resolution 2023-003, Designate Polling Location for 2024

Supervisor Mergen made a motion to designate the polling location as Oronoco City Hall, 1115 2nd St NW, Oronoco for the 2024 elections, second by Supervisor Matzke. The motion was carried unanimously.

Minutes Approval

Supervisor Mergen recognized an error on page 6 of the November 13, 2023 minutes. [There was a motion made by Supervisor Mergen and second made by Supervisor Mergen]. Clerk Schroeder will make this change.

There was a motion by Supervisor Matzke to approve the minutes of November 13, 2023 monthly meeting, with the change to page 6 of the minutes, Supervisor Mergen seconded the motion. The motion was carried unanimously.

Treasurer's Report-Brandi Lind

The YTD Statement of Receipts, Disbursements and Balances as of November 30, 2023 shows: receipts \$962,080.86, disbursements \$793,601.18, with an ending balance of \$1,810,126.50.

The treasurer's report was not approved as the treasurer and bank are not matching at this time. Treasure Lind will reach out to Michele from Hemann and Grover as she believes the discrepancies are between EFT for PERA and MN dcp.

Supervisor Matzke stated that she feels we should cut ties with Ameriprise as renewals come along, they have been difficult to work with. Supervisor Matzke suggested that each supervisor look into options with other banks. Supervisor Mergen will look into Premier Bank, Supervisor Matzke will look into Home Federal, Supervisor Johanningmeier will look into Think Bank. Treasurer Lind suggested asking questions as to services provided, interest rates, funds, access to funds and if the funds are kept local. Discussions will continue on this at the January 8, 2024 meeting.

Supervisor Johanningmeier made a motion to maintain \$5,000 in the business checking account after the monthly expenditures are paid, with the remaining funds going into to the money market account, second by Supervisor Mergen. The motion carried unanimously.

ARPA

Treasure Lind is not able to access the SAM.gov website. The paperwork had been submitted to this site by previous Treasurer Kim Stanton. Treasurer Lind reached out to Minnesota Association of Townships Trainer Nicole Schluter for assistance with this as documents need to be submitted by December 20, 2023.

Approval to pay payroll and claims including electronic transfer

Supervisor Matzke will look into bill from Couri and Ruppe, she is unsure of the Lake Zumbro Violations.

There was a motion made by Supervisor Mergen to approve the payroll and claims including electronic transfers for December 11, 2023, second by Supervisor Matzke. The motion was carried unanimously.

OTPAC

T&M Properties

Supervisor Matzke stated that Olmsted County Planning passed everything for T&M properties. She has spoken to Daren Meyer, Widseth Engineering, about the bill from November 13, 2023, and getting a report about driveway placement. Once the report is received, from Widseth, the township will know the best placement for the driveway at T&M properties. Recommendations can be made to G-cubed for the driveway access. T&M Properties will have to submit a driveway permit with Oronoco Township.

Allison Sosa, Olmsted County Planning stated that the building permit will not be released until the driveway is approved by the town board.

Supervisor Johanningmeier stated concern with the CUP, for restricting vehicles. Supervisor Matzke stated that OTPAC has reviewed the amended CUP for T&M properties.

Clerk Notes

Olmsted County Planning Department Power Point Presentation

Allison Sosa, Associate Director Olmsted County Planning Department, would like to do a presentation to the board. She stated that this would show the board the presentation mode that is used in other meetings. She said this would give time to meet and discuss plan for the future with Director Dave Dunn. Supervisor Matzke suggested adding this to the February agenda.

Milestone Quarry

Milestone Quarry sent an update of activities at the 85th St Quarry. Supervisor Matzke stated that Milestone is very good about updating the township of activity to the site.

Website

Tresure Lind met via zoom with Andrew Lacovara, Catalis. Mr, Lacovara suggested website redesign that would range from \$1500-\$2500. The current website will be sunsetting in the next 2 years. The fees for website maintenance will increase by 6% annually. Treasure Lind told Mr. Lacovara the township would like to keep things the way that they are currently. The current contract is done in February 2024 with Catalis.

Clerk Schroeder suggested to the board that the website be redone. The site is not user friendly and doesn't really contain pertinent information. Clerk Schroeder suggested looking into help with website reconstruction from BRITEE, (Brown, Rose IT Experts and Engineers).

Supervisor Mergen made a motion to authorize Clerk Schroeder to hire BRITEE to setup a new website for up to \$2500.00 with an annual expenditure of \$500-\$600 per year, second by Supervisor Matke. The motion carried unanimously.

There was a motion made by Supervisor Mergen to adjourn the meeting, second by Supervisor Matzke. The motion was carried unanimously. The meeting adjourned at 9:55pm.

Respectfully Submitted:

Clerk Jody Schroeder

Tammy Matzke

Ken Mergen

Joel Johanningmeier