

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**July 1, 2019 5:30 PM**

The **Pledge of Allegiance** was recited.

**The monthly Oronoco Town Board Meeting was called to order on July 1, 2019** by Chair Neil Stolp. Supervisor Charlie Lacy was present as well as Treasurer Kim Stanton and Clerk Lucy Shonyo. Supervisor Ken Mergen was absent.

The **order of agenda** was changed to add a discussion of **Oronoco Auto Parts flooding**. The Board by notified by Kristi Gross, Olmsted County Planner, that **OR2019-003VAR, applicants Jessiah and Shannon Astorino**, could not be heard tonight as the required notices were done incorrectly.

**A special meeting of the board will be held Monday, July 15, 5:30pm at the Oronoco Community Center to hold the public hearing for OR2019-003VAR.**

**Minutes Approval:**

**June 3, 2019 monthly meeting of the Oronoco Town Board** - Neil Stolp made a motion to approve the June 3 minutes. Charlie Lacy second, motion carried 2 – 0.

**June 18, 2019 Special Meeting** - Neil Stolp made a motion to approve the June 18 minutes. Charlie Lacy second, motion carried 2 – 0.

**Agenda Topics**

**Road Report - Scott Schumacher, Neil Stolp**

- Chloride application has been completed. Quality Propane's invoice did not indicate the percent concentration applied. More heavily traveled roads were to get a higher concentration. Lucy Shonyo will contact them.
- Neil Stolp posted "Road Closed" signs on Oronoco Auto Parts road after heavy rainfall and flooding. The road has reopened.
- The King's Park area has cars parked where they shouldn't be, encroaching on ROW or township owned property. Neil Stolp will research further.
- There is brush at 50<sup>th</sup> Ave NW / 90<sup>th</sup> St NW that needs to be cleared.
- Neil Stolp traveled township roads and identified where work was needed. He will discuss with Barga and the board will prioritize work based on funds available.

**OR2019-002VAR – applicant Greg Huey, continued from June.** These minutes are abbreviated and paraphrased from the published Olmsted County Planning Department's research and findings. The complete County Planning report can be viewed at

<https://www.co.olmsted.mn.us/yourgovernment/twp/oronoco/Pages/tb.aspx>

**OR2019-002VAR – applicant Greg Huey, continued from June; continued**

Kristi Gross, Olmsted County Planner, was present to discuss staff findings. This action was continued from June due to findings that there wasn't enough information to act on the variances requested. Specifically, a property survey was needed to determine that the dwelling would not encroach on the Bluff Impact Zone. The applicant did provide a certificate of survey. Exterior elevations requested were not supplied but they do not impact the remaining variances required to build the dwelling.

**The variances requested are**

1. Variance to allow a dwelling closer than the required 20' from the township road right of way.
2. Variance to allow a property with more than 25% of impervious surface.

**Analysis and Findings**

The findings of fact support approval of the following variances:

1. Approval for the variance to build a dwelling closer than the required 20 feet to the township road right of way.
2. Approval for the variance to allow up to 30% of impervious surface on the lot instead of the required no more than 25% impervious surface with the following condition:
  - a. The proposed rain gardens must be maintained according to recommended best management practices in order to maintain their function.

According to Section 4.08 in the Oronoco Township Zoning Ordinance, a variance from a provision of this zoning ordinance may be granted by the Board of Adjustment in those cases where the zoning ordinance is found to impose unnecessary hardship to a property owner. 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.

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; **The existing lot is a legal non-conforming riparian parcel. It is non-conforming**

**OR2019-002VAR – applicant Greg Huey, continued from June; continued**

due to its size and lot width. The required minimum lot size for a sewerer riparian lot is 20,000 square feet and the required lot width is 75 feet. It remains a buildable lot due to Section 1.29 of the Oronoco Zoning Ordinance which allows for lots of record that has been in separate ownership from abutting lands at all times since it became substandard to be buildable as long as sewage and setback requirements are met. The applicant has located the proposed dwelling on the lot so to conform to bluff and ordinary high water mark setbacks. The road in this location does not fall in the center of the right of way. If measured to the center of the road, the dwelling would meet the required setback. The size of the lot is the limiting factor which would not allow any additional impervious surface other than the dwelling. The applicant could install impervious pavers for the patio, but those fail if not properly maintained. The proposed rain gardens are consistent with Olmsted County Soil and Water Conservation District (SWCD) staff's recommended best management practices.

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The circumstances are unique to this property due to the alignment of the road in front of this dwelling.**

**The unique circumstances that would support the increased impervious surface requirement is that the applicant is proposing rain gardens to address runoff from the increased impervious surface. There are two rain gardens being proposed on the property to catch stormwater runoff. This rain gardens are consistent with best management practices suggested by the Olmsted County SWCD staff.**

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 variance is the least necessary to overcome practical difficulties on the site. The applicant is proposing the dwelling as close to the road as possible in order to maintain the sensitive shoreland requirements. If the applicant moved the dwelling any further back on the property more variances would be required.**

**The amount of impervious surface being requested is reasonable and the least amount necessary to utilize the lot in a reasonable manner for a single family dwelling. A patio is a reasonable alternative to a deck on a riparian lot. The deck would not meet required setbacks.**

**OR2019-002VAR – applicant Greg Huey, continued from June; continued**

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 requests will have no impact on adjacent properties.**

5. The variance is in harmony with the general purpose and intent of this ordinance; and **The variances are in harmony with the general purpose and intent of this ordinance.**

6. The terms of the variance are consistent with the comprehensive plan. **The requests are consistent with the comprehensive plan. The Oronoco Township and Olmsted County comprehensive plans support infill development of properties.**

Kristi Gross noted that the DNR recommended denial of variance 2 relating to the percent of impervious surface.

**Charlie Lacy made a motion to approve requested variances for OR2019-002VAR; variance 1, to build a dwelling closer than the required 20 feet to the township road right of way, and variance 2, to allow up to 30% of impervious surface on the lot instead of the required no more than 25% impervious surface with the condition that the proposed rain gardens must be maintained according to recommended best management practices in order to maintain their function. Approval of the variances are based on the findings of Olmsted County Planning. Neil Stolp second, motion carried 2-0.**

**OR2019-003TA to amend Article 10 Section 10.23 Swimming Pools**

**These minutes are abbreviated and paraphrased from the published Olmsted County Planning Department’s research and findings. The complete County Planning report can be viewed at <https://www.co.olmsted.mn.us/yourgovernment/twp/oronoco/Pages/tb.aspx>**

Kristi Gross, Olmsted County Planner, was present to discuss background information and staff findings. A zoning text amendment has been initiated by both the County and Oronoco Township Board to allow for mechanically controlled covers to be allowed in lieu of fencing requirements. Oronoco Township initiated this action in June. OT-PAC reviewed and approved this item in June.

**OR2019-003TA to amend Article 10 Section 10.23 Swimming Pools, continued**

**Amendment Findings:**

1. The proposal is consistent with the policies of the Oronoco Township General Land Use Plan; **The request is consistent with the policies of the Oronoco Township General Land Use Plan, technology has advanced which makes retractable covers more secure in many instances than fences.**
2. The amendment is in the public interest; **The proposed amendment is in the public interest because the retractable covers can be found to be more secure than fences based on fences being abused. Staff is proposing raising the minimum fence requirement to make it more difficult to access.**
3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure; **The proposal affects all properties in Oronoco Township.**
4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood; **The proposal does not change land uses.**
5. The proposal does not result in a spot zoning; **The proposal is not changing a zoning district.**
6. The proposal is consistent with a General Development Plan for the area, if one exists. **A General Development Plan is not required for the request. This is a text amendment and this does not apply.**

**Neil Stolp opened the public hearing.** There were no persons present who wished to speak for or against this action.

**Neil Stolp closed the public hearing.**

**Charlie Lacy made a motion to approve OR2019-003TA based on staff findings. Neil Stolp second, motion carried 2-0.**

**Oronoco Auto Parts Flooding**

Neil Stolp opened this discussion. Debris from Oronoco Auto Parts has gotten into the river due to recent flooding in the area. This property is in the township; the city and township will work together. It is important that citizens get involved to see if anything can be done to clean up this site. This discussion is about how to move forward, who to get involved.

### **Oronoco Auto Parts Flooding, continued**

Oronoco Auto Parts is a “legal nonconforming” business which existed before floodplain regulations were established, ie “grandfathered” in.

A 50-gallon barrel of gas was pulled from the river. It is believed it didn’t leak.

Terry Leary has documented debris from the site reaching the river, has called the MPCA and has notes about those conversations.

A long-term resident said there was a strong odor of gas and oil by the river after flooding, the first time he has experienced this.

Commissioner Mark Thein described the situation as “legal but terrible”.

A citizen had information that the property was being cleaned up in preparation for putting it up for sale.

The business is reportedly “staying open” by having an employee enter the property occasionally. It doesn’t appear the business is currently routinely staffed.

This business is a legitimate one, we need car recyclers and parts dealers, but it is in the wrong site. It would not be allowed at that site today.

How much is the property worth?

Are there back taxes? If yes, they would be paid if / when the property sells.

Buy-out? Are there MN Legacy / Superfund monies that could help clean up the site?

Is this a single or multiple site business?

It is reasonable to think that more heavy rainfalls and flooding events will occur.

Hard facts need to be gathered.

Contacting local and regional media outlets was discussed.

Charlie Lacy acting as a concerned citizen will draft a letter to be sent to lawmakers and others who may be able to help.

**This draft letter and who to send it to will be discussed at a special meeting of the Oronoco Town Board to be held Monday, July 15th, 5:30pm at the Oronoco Community Center.**

### **Ryan’s Bay Road**

Zumbro Township has been asked to prepay 50% of expected Ryan’s Bay Road expenses, about \$100,000. Oronoco Township is the paying agent and as such needs the cash available to pay 100% of invoices as they come in.

The Metes & Bounds application (OR2019-001MB) splitting the land to be purchased for the road into two parcels is in progress.

**Bargen** - This was discussed during the road report.

**Ditch and Weed Mowing, Wild Parsnip –**

The Lake Shady test patch mowed three times last year is again invested with wild parsnip. The mower will be instructed to mow one pass along township roads, making sure sight lines at intersections are clear.

**Hiring a Deputy** – Kim Stanton and Neil Stolp will contact area jurisdictions to see if they are interested in partnering with Oronoco Township in hiring a deputy.

**Evergreen Road Width** – Charlie Lacy will talk with Tom Rathmann, Schumacher's blade operator.

**Administrative Business**

**Treasurer's Report – Kim Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of June 30, 2019 shows: Receipts \$58,397.35 and Disbursements \$403,165.74 with an ending balance of \$161,252.79. June net payroll (paid in July) totaled \$2,109.86, bills totaled \$79,420.75. There are two outstanding checks from last year. Lucy Shonyo will research. Available cash is low, but tax receipts are due from the county soon. Kim Stanton is working with Anita Gallentine, PFA, about final a disbursement for Sunset Bay Septic expenses.

**Charlie Lacy made a motion to accept the Treasurer's report as presented. Neil Stolp second, motion carried 2-0.**

**Approval to Pay Bills** - Claims totaling \$79,420.75 and net payroll totaling \$2,109.86 were presented for payment. **Neil Stolp made a motion to approve claims and payroll payments. Charlie Lacy second, motion carried 2-0.**

**OT-PAC Report – OT-PAC met in June.**

- OR2019-003TA, related to swimming pool covers was approved.
- Sandy Goslee, Olmsted County Planning Dept, talked with them about updating Oronoco Township's Land Use Plan at the same time the County's is being updated.
- Al Stork was installed for a three year term, replacing Rachel Stanton.

**Township Records** – Lucy Shonyo will be working with records. Supplies have been purchased.

**Burn Permits** – On the recommendation of the Pine Island Fire District Oronoco Township is no longer issuing burn permits. They are available from the DNR website.

**Updates**

**An invoice was sent to MnDOT** for \$38,133.47 for reimbursement of repair of 11<sup>th</sup> Ave NE used as an unofficial detour during HWY 63 road construction during summer 2018. The amount initially requested was \$58,607.43.

**Cedar Beach Septic mound work** – Ellingson’s Drainage has completed work on two of the four mounds per Jesse Loomis, Gopher Septic. Pat Loomis will check for completion.

**Charlie Lacy made a motion to adjourn at 7:50pm. Neil Stolp second, motion carried 2-0.**

Respectfully Submitted

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Lucy Shonyo, Clerk

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Neil Stolp, Chair

