

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**March 2, 2020 5:30 PM**

The **Pledge of Allegiance** was recited.

**The monthly Oronoco Town Board Meeting was called to order on March 2, 2020 by Chair Charlie Lacy.** Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton and Clerk Lucy Shonyo.

The **agenda** was changed to place OR2020-002MB before OR2020-001ZC, to move minutes approval to Administrative Business and put item 4b before item 3.

**Agenda Topics**

**OR2020-002MB, applicant Mathy Construction** (information from Olmsted County Planning Staff Report)

**The request** is to split an approximate 14.8 acre piece from approximately 63.5 acres with a residual of +/- 48.73 acres. The property is located in the SW ¼ of the SW ¼ in Section 36 of Oronoco Township, north of Hwy 63 (75<sup>th</sup> St NW), north of County Rd 133 (West River Rd NW). It is zoned A3 Agricultural Zoning District.

**The purpose** of the split is a land swap for land Milestone Materials will be using for the Goose Rock quarry north of this parcel. The applicant has not indicated that the purchaser intends to build a dwelling on the parcel, however the county reviews all splits as if they are for a building site. The proposed area will be challenging to build on due to road access, topography, floodplain, and required setbacks.

**Per Oronoco Township Zoning Ordinance Section 5.04, Subdivision 3, Standards for non-farm parcels:**

- The proposed split would be the second non-farm lot within the ¼, ¼. The remnant parcel is 48.73 acres and qualifies as a farm parcel.
- Zone A covers the property. No home will be allowed in Zone A without a conditional use permit.
- The entire parcel contains soils with a CER rating at or below 55.
- No feedlot is within ¼ mile of the proposed split.

**County Planning Staff recommends approval for a 14.8 acre non-farm parcel with the condition that the applicant be aware there are challenges to building a future dwelling on the parcel.**

**Ken Mergen made a motion to approve OR2020-002MB based on Olmsted County planning staff findings and recommendations. Tammy Matzke seconded. Motion carried 3-0. A township action form was completed indicating approval.**

**OR2020-001ZC, applicant Elcor Construction** (information from Olmsted County Planning Staff Report). Kristi Gross, Senior Planner with Olmsted County Planning Dept presented the request. **The request** by Elcor Construction is to change the zoning district from A-2 Agricultural District to A/RC/AER Agricultural/Resource Commercial District-Aggregate Extraction and Reuse for a 36.15 acre mineral extraction facility.

**The property** is in the NE ¼ of the NW ¼ of Section 33, Oronoco Township. It is located south of 85<sup>th</sup> St NW (County Rd 154) and west of 31<sup>st</sup> Ave NW.

The property is currently zoned A-2, Agricultural Protection District.

**The proposed use** for the area where the zoning district amendment is applied will be for mining and aggregate extraction of sand and gravel. The property is located within the Urban Service Area for the City of Rochester and the proposed use is consistent with the Olmsted County Land Use Plan.

**The findings for approval** of this request according to Section 4.00 Amendments, Subsection H are:

- **The proposal is consistent with the policies of the Oronoco Township General Land Use Plan;** The property is located within an area designated as the Urban Service Area on the Olmsted County General Land Use Plan. It is in the City of Rochester's Urban reserve beyond 2050. The proposed use will not impede future development of this property. The Oronoco Land Use Plan only addresses mineral extraction and quarries within the water resource area. Based on the zoning for the property and the underlying county (sic) we conclude that the request is consistent with the Oronoco Township General Land Use Plan.
- **The amendment is in the public interest;** The proposed amendment is in the public interest because it is consistent with the goals and policies of the Land Use Plan. Geologic resources, including sand, gravel, and rock dictate the location of extraction facilities. Such facilities are considered a reasonable use in the Urban Service Area.
- **The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure;** The proposed zoning district is compatible with the surrounding land uses. The west and south the property are mineral extraction facilities, and the north and east are agricultural. The property is located on two county roads and is an approximate 1.5 miles from the HWY 52 interchange.
- **The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood;** The west and south of the property are also zoned for aggregate extraction. The property to the northeast is a manufactured home village, Oronoco Estates, and is zoned R-2. The north and east of the property are zoned A-2.
- **The proposal does not result in spot zoning.** The proposal is not considered spot zoning because the A/RC/AER is an agricultural zoning designation. It is adjacent to similar uses.
- **The proposal is consistent with a General Development Plan for the area, if one exists.** A conditional use permit is required if the zoning change is approved. It is not subject to a general development plan.

**OR2020-001ZC, applicant Elcor Construction continued**

**Staff Recommendations:** Based on the above stated findings of fact staff recommends approving the zoning district amendment for A-2 Agricultural District to A/RC/AER Agricultural/Resource Commercial District-Aggregate Extraction and Reuse for a 36.15 acre mineral extraction facility in the NE ¼ of the NW ¼ of Section 33, Oronoco Township.

**Bill Tointon from wsb spoke on behalf of applicant Elcor Construction.** The soils support sand extraction. The parcel has the least probable sinkhole probability. The area is consistent with the Land Use Plan in that it preserves areas of aggregate extraction. There are mineral extraction sites to the west and south. This will not be a commercial operation. Aggregates extracted will be used by Elcor Construction for projects to the north. It will minimize trucks hauling sand and gravel long distances. Site operation will be periodic, not continuous. When operating it will be Monday-Saturday. Crushing activities will happen 2x yearly. There are no plans for buildings. Their operation will meet set-back requirements. They are across from ag land, not residential.

Charlie Lacy opened the public hearing for OR2020-001ZC. No one spoke for or against this action after being asked three times. The public hearing was closed.

The board noted that OTPAC approved this action, that it was not a commercial venture and blasting would be periodic only.

**Tammy Matzke made a motion to approve OR2020-001ZC based on Olmsted County Planning staff findings and recommendations. Ken Mergen second, motion carried 3-0.**

**Road Report**

**Discussion about road safety at the end of 18<sup>th</sup> Ave NW** – Property owner Jeremy Adams, 10457 18th Ave, have had two recent incidents of motorist driving into their yard, one hitting their home. To an inattentive motorist, it looks like the road goes straight instead of turning. The property owner's driveway looks like an extension of the road. The homeowners and the board discussed possible solutions. Dead end signs are posted. It was decided to erect three chevron signs on the left and a large arrow sign on the right, 6-10 feet from their driveway. Ken Mergen will call the county to install these signs.

**Traffic counters** – Ken Mergen researched traffic counters. They are available for purchase ranging from \$270 to \$600. The decision to purchase was tabled. Tammy Matzke will contact MAT (MN Assoc of Townships) to see if they have any recommendations.

### **Light at 5<sup>th</sup> St and CR12 (White Bridge Rd)**

The City of Oronoco has asked us to install a light (one that goes on at night, not a stop light) at the corner of 5th St and CR12. Charlie Lacy will call Olmsted County Public Works.

### **Road Report – Scott Schumacher, Ken Mergen**

Scott Schumacher reported usual maintenance.

### **Ryan’s Bay Road Update**

The board discussed the outstanding Frutiger and Hornseth/Sawinski right of way easements. The Frutiger easement needed is .348 acre; the Hornseth/Sawinski easement .194 acre. Hornseth/Sawinski want to sell the parcel instead of granting the ROW easement. Their asking price is \$18,500 which the board has rejected. The board reviewed the statutory process outlined in Minnesota Statute 164.07. This statute provides a method allowing townships to acquire right of way easements for needed road projects.

**A motion was made by Charlie Lacy to initiate the statutory process outlined in MS 164.07, enabling Oronoco Township to acquire the right of way easements necessary to do the planned Ryan’s Bay Road project. Tammy Matzke second, motion carried 3-0. Ken Mergen will collect the needed petition signatures as outlined in MS 164.07.**

**A motion was made by Ken Mergen to grant Charlie Lacy approval to spend up to \$5000 to hire an independent appraiser to value the Hornseth/Sawinski property. Tammy Matzke second, motion carried 3-0.**

### **Parking Ordinance Update**

Residents of Cedar Beach Drive were present to hear updates. A sample ordinance was received from our attorney. It is a winter only ordinance pertaining to Cedar Beach Drive only. The CBD citizens present thought a year-round ordinance was preferable to a winter only one. Winter is especially hazardous, but junk cars are a year-round problem on the road. Charlie Lacy will proceed with the year-round ordinance and will review it with Olmsted County Sheriff Dept to make sure it is enforceable once adopted.

### **Administrative Business**

**Minutes Approval** - Ken Mergen made a motion to approve the February 3, 2020 monthly meeting minutes. Tammy Matzke second, motion carried 3-0.

Ken Mergen made a motion to approve the February 3, 2020 Board of Audit meeting minutes. Tammy Matzke second, motion carried 3-0.

Ken Mergen made a motion to approve the February 18, 2020 special meeting minutes. Charlie Lacy second, motion carried 3-0.

The Board decided minutes approval would be part of Administrative Business going forward.

**Treasurer's Report – Kim Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of February 29, 2020 shows: Receipts \$51,400.90 and Disbursements \$111,673.45 with an ending balance of \$538,731.75. February net payroll (paid in March) totaled \$1,938.51, bills totaled \$102,455.87. The 2019 PIFD dues were paid, about \$86,000. The Fire Fund will show a deficit until tax revenues are received.

Tammy Matzke made a motion to approve the treasurer's report as presented. Ken Mergen second, motion carried 3-0.

**Approval to Pay Bills** - Claims totaling \$102,455.87 and net payroll totaling \$1,938.51 were presented for payment. Ken Mergen made a motion to approve claims and payroll payments. Tammy Matzke second, motion carried 3-0.

**OTPAC Report – Charlie Lacy** – OR2020-001ZC, applicant Elcor Construction, was heard and approved. Cheri Roshon and others representing Tiny Homes gave a presentation. They spoke to the possibilities of composting toilets as opposed to septic systems, and to the possibility Tiny Homes could be a low-cost housing alternative.

**Appointment of Lori Berg to OTPAC** – Ken Mergen made a motion to appoint Lori Berg to OTPAC to fulfil the term of Al Stork, the term expiring June 2022. Tammy Matzke second, motion carried 3-0.

**2020 Annual Meeting**

The board approved the annual meeting agenda and levy line items' proposed funding. A rural broadband line will be added to the levy.

The annual meeting is Tues, March 10, 8:15pm. Voting is from 5 – 8pm, both at Oronoco City Hall.

**Sealed Bids and Written Quotes Discussion** – Clerk Lucy Shonyo distributed information about which services require sealed bids and which written quotes based on the money spend on these services in the past year. The board reviewed and approved the legal notice to be published. Lucy Shonyo will ask Mike Zillgitt for information about chip sealing and how that is to be described in the legal notice. Bids and quotes will be taken at the April 6 meeting.

**Spring Road Tour** – Tentative dates are April 17 or April 23. Lucy Shonyo will contact Mike Zillgitt about his availability. Scott Schumacher will provide his list of "hot spots" to view.

**Reorganization Meeting** – The board decided to hold this meeting after the regularly scheduled April 6 meeting.

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Tammy Matzke made a motion to adjourn at 8:30pm. Ken Mergen second, motion carried 3-0.

Respectfully Submitted

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Lucy Shonyo, Clerk

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Charlie Lacy, Chair

DRAFT