

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
March 1, 2021 5:30 PM

This was a conference call meeting. The Board adopted Resolution 2020-05, Resolution Establishing the Ability to Conduct Open Meetings by Telephone at the April 6, 2020 meeting. The public can join meetings toll free by calling 844.855.4444, access code 841351#. This number remains the same for all township meetings. Meeting documents will be posted on the township's website, oronocotownship-mn.gov. To locate documents, click the star on the meeting date, the first Monday monthly at 5:30pm. **[Note that this call-in number has changed effective March 2, 2021. From a cell phone dial 978.990.5420 access code 841351#].**

The monthly Oronoco Town Board Meeting was called to order on March 1, 2021 by Chair Charlie Lacy. Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **agenda** was changed to add the Pine Island Fire District meeting report after OTPAC.

Agenda Topics

Information is from materials prepared by Olmsted CO Planning Staff. Kristi Gross, Olmsted CO Senior Planner was present as were Tom Walker, property surveyor, Bill Tointon from WSB representing the applicants, and John and Jeanne Kingsley, applicants. Kristi Gross presented the Planning Departments staff reports.

OR2020-003ZC, applicant John Kingsley

Request: The request is for a zone change from A-2 Agricultural Protection District to R- 1 Low Density Residential District.

Location: The property is located in the SW 1/4 of the NW 1/4 of Section 2 in Oronoco Township at 13036 and 13024 Sunset Bay Rd NE.

Background: The property is currently part of the original Kurth's Subdivision. Kurth's Subdivision was created in 1927. The Olmsted County General Land Use Plan identifies the property as Suburban Development. This is because of the historic plat designation on the property.

According to Chapter 5 of the General Land Use Plan, "Suburban Development Areas consist of large-lot residential development and very low-density cluster-style residential development."

The purpose of the zone change request is in conjunction with a preliminary plat request to re-subdivide the land to create six lots, two of which have existing dwellings located on them which will be reconfigured as part of the platting process.

The property is in the shoreland area for Lake Zumbro. There is bluff impact zone on the property that will affect where the new dwellings and septic systems may go.

OR2020-003ZC, applicant John Kingsley, continued

Analysis and Findings:

According to Article 4, Section 4, Subdivision H, "Amendment Findings:"

1. The request is consistent with the policies of the Oronoco Township General Land Use Plan. The property is already designated suburban development and the proposed development meets the requirements of that designation.
2. The proposed amendment is in the public interest because it is consistent with the surrounding land uses and consistent with the Olmsted County and the Oronoco General Land Use Plans.
3. The proposal is timely, it will allow infill development within an existing platted area.
4. The proposal is appropriate on the property within the proposed R-1 zoning district. The property is surrounded by existing small lots and the larger lots will allow for a nice balance of new dwellings within this older platted area.
5. The property is adjacent to existing R-1 zoning and will not result in spot zoning.
6. A general development plan is not required.

Staff Recommendation: The above stated findings support the zoning district amendment from the A-2 Agricultural Protection District to the R-1 Low Density Residential District.

OTPAC approved the zone change in January 2021.

OR2020-001PLAT, applicant John Kingsley

Summary - The Oronoco Township Planning Advisory Commission held a public hearing on January 25, 2021. The planning commission voted to recommend approval of the preliminary plat with the following conditions:

1. A lot combination form must be submitted to the Olmsted County Property Records Department with the Final Plat to combine Block 1 Lot 4 with Block 2 Lot 1.
2. A lot combination form must be submitted to the Olmsted County Property Records Department with the Final Plat to combine Block 1 Lot 6 with Block 2 Lot 2.
3. The preliminary plat shall be updated to clearly identify the top and toe of the bluff impact zone.
4. The alignment for Sunset Bay Road through the re-subdivision area shall be corrected to match the actual road location.
5. Lot 1 Block 2 is not buildable based on the current lot layout. A variance must be granted to the allow the non-conforming lot size prior to the final plat approval.
6. Lot 1 and 2 Block 2 should be renamed to Outlot A and B.

The applicant's representative concurred with items 1-3 and 5-6. Mr. Tointon requested item 4 be changed:

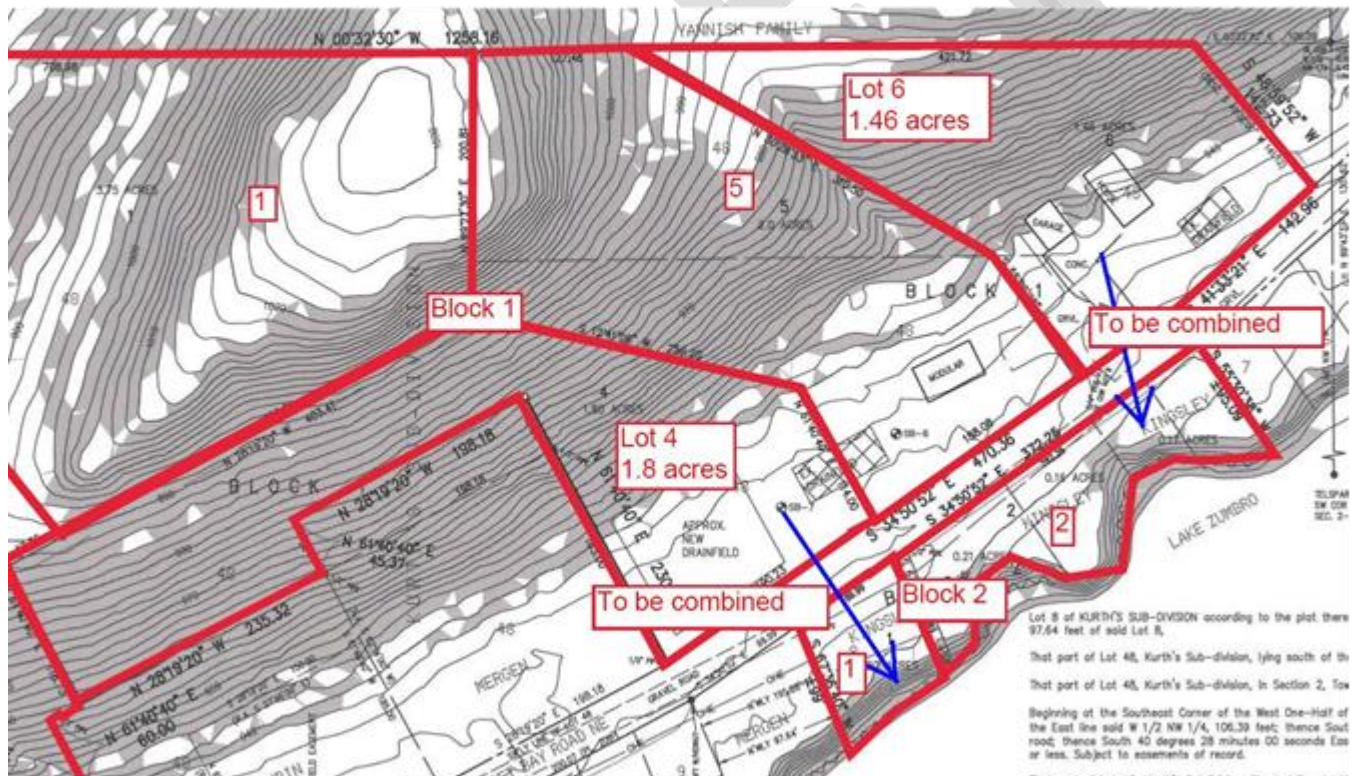
4. The alignment for Sunset Bay Road through the re-subdivision area shall be corrected to match the actual road location. **The applicant requests the township to re-align the road to match the platted right of way.**

OR2020-001PLAT, applicant John Kingsley, continued

Planning staff would like to clarify the purpose of the conditions. When the application was submitted the surveyor, Tom Walker, indicated the purpose of Block 2 was to be combined with Lots 4 and 6 in Block 1 because they are less than 2 acres. See Figure 1. [next page]

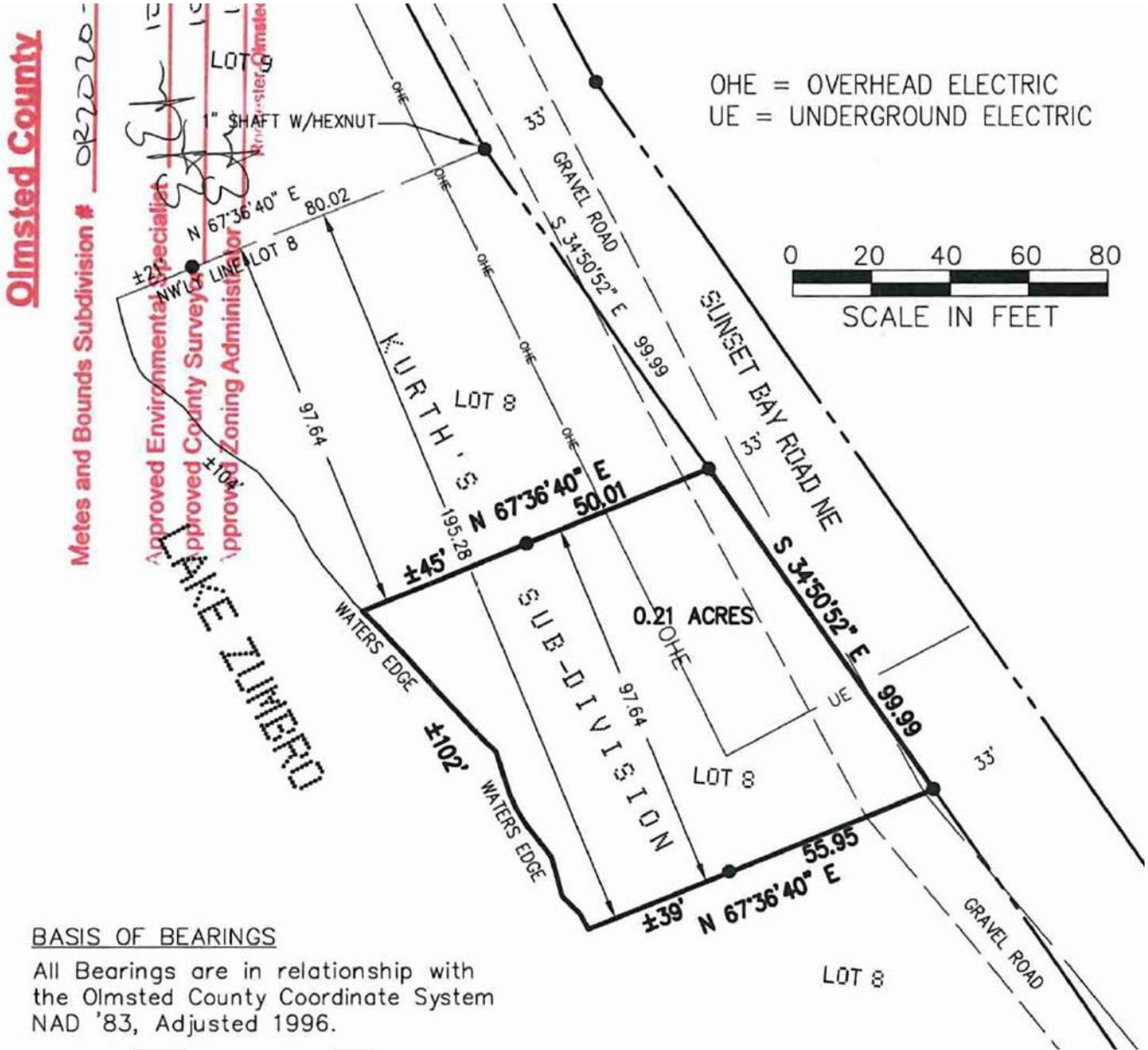
- Conditions 1 and 2 ensure that the parcels are combined so that they cannot be sold separately and distinctly from each other.
- If the lots were not combined into one parcel they could be sold to separate owners and lot 4 and 6 would be non-conforming parcels.

Figure 1



- Lot 1 Block 2 is not a legal stand-alone parcel. Lot 1 Block 2 was created by metes and bounds application OR2020-011MB in which it was to be combined with the property to the east, the minimum lot size of a riparian lot in the shoreland is 20,000 square feet and must be 100' wide at both the ordinary high water mark and the road right of way.

OR2020-001PLAT, applicant John Kingsley, continued



The preliminary plat as currently submitted indicates that lot 1 will be further reduced in size. See Figure 2 which is an excerpt from the approved OR2020-011MB survey. If Lot 1 would remain 100' a

OR2020-001PLAT, applicant John Kingsley, continued

The applicant's representative is assuming that outlots are not buildable and can be any size. Outlots as defined in MN Statutes 505.01 states "Outlot means a tract of land identified by a capital letter and is land that is not part of a block." There is no mention of outlot in the Oronoco Township Subdivision Ordinance. Therefore, the purpose of renaming Block 2 to Outlot A and B is for clearer understanding of the purpose of the lots, which is intended to be attached to Lots 4 and 6 in Block 1, and not become stand-alone lots.

If Lot 4 and Lot 6 in Block 1 met the minimum lot size requirement of 2 acres, condition 1 and 2 would not be required. There would be a condition that Outlot A and B be combined into 1 outlot because Outlot A cannot be a stand-alone parcel.

Planning Staff Recommendation

Approve the preliminary plat for Sunset Bay Ridge Subdivision with the Planning Commission recommended conditions:

1. Lot 1 and 2 Block 2 should be renamed to Outlot A and B.
2. A lot combination form must be submitted to the Olmsted County Property Records Department with the Final Plat to combine Block 1 Lot 4 with Outlot A.
3. A lot combination form must be submitted to the Olmsted County Property Records Department with the Final Plat to combine Block 1 Lot 6 with Outlot B.
4. THIS CONDITION WAS STRUCK as the preliminary plat was updated 2-11-2021 to include this information. The preliminary plat shall be updated to clearly identify the top and toe of the bluff impact zone.
5. The alignment for Sunset Bay Road through the re-subdivision area shall be corrected to match the actual road location.
6. If Outlot A will be reduced in size according to the proposed preliminary plat a variance to the shoreland ordinance lot width requirement will be required prior to approval of the final plat.

Charlie Lacy opened the public hearing for OR2020-003ZC and OR2020-001PLAT.

Mr. Tointon spoke on behalf of the applicant. They have no issues with condition 1. In lieu of conditions 2 and 3 they propose the use of deed restrictions to control tax increases and assessment costs. Condition 4 has been struck since the preliminary plat was updated with this information. Regarding Sunset Bay Road, the applicants would move the road at their expense with no cost to the township. Per the applicant the road realignment would provide more green space lakeside. Mr. Tointon noted the road would also be protected from erosion if moved farther inland. Per Kristi Gross the road is 26' to 30' off its platted course. Trees would need to be removed. Condition 6 requires a Lot1 Block 2 variance from shoreline standards before the final plat is approved.

Charlie Lacy asked Kristi Gross about road options. Ken Mergen asked if the road condition was struck now, could the road be moved at a later time? Yes per Kristi Gross. Ken Mergen also asked if deed restrictions would take care of conditions 2 and 3. Per Ms. Gross, enforcement is questionable. Mr. Tointon said deed restrictions are recorded with the deed, are used in other townships, and they work.

OR2020-001PLAT, applicant John Kingsley, continued

Tammy Matzke clarified how assessments against property work when property is sold. Charlie Lacy asked Ms. Gross if the township allowed the Kingsley's to move the road on their timetable, could the township require the work be signed off on by a township engineer? Yes, a grading permit will be required when the road is moved. Charlie Lacy suggests condition 5 be replaced with "Prior to any road realignment, the plan will be reviewed by a township engineer; and when finished, approved by a township engineer." Per Mr. Kingsley road realignment will happen 2021-2022.

Charlie Lacy asked three times if anyone wanted to speak for or against OR2020-003ZC or OR2020-001PLAT. No one responded and the public hearing was closed.

Ken Mergen saw no problem with the development. The ramifications of the use of deed restrictions are unknown. Strike condition 5. Charlie Lacy agreed to strike condition 5 if the township has rights of reviewal and approval of road work. Charlie Lacy believes the board should go with County Planning Staff recommendations relating to combining lots. Tammy Matzke agrees.

Charlie Lacy moved to approve OR2020-003ZC based on the findings and recommendations of county planning staff. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Tammy Matzke moved to approve OR2020-001PLAT, inclusive of Planning Staff Recommendations Conditions 1-3, striking condition 5 relating to Sunset Bay Road, and inclusive of condition 6; based on the findings and recommendations of county planning staff. Charlie Lacy second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Road Report – Ken Mergen

Ken Mergen got calls from a Fisherman Inn resident about damage caused by the grader and from a Cedar Beach resident about icy roads not being sanded. The area by 3rd Ave is especially bad. Ken Mergen will talk with Scott Schumacher.

Cedar Beach No Parking signs will go up this spring. Tom Rathman, (Schumacher's) will coordinate sign placement with Olmsted CO Public Works.

Bids for guard rails on Ryan's Bay Road will be sought this spring.

Broadband – Tammy Matzke compiled a report "Identifying Underserved Broadband Areas in Oronoco Township" to be distributed at the annual meeting. "Our goal in Oronoco Township is to assist our underserved population obtain high speed internet." The report summarizes strategies the township considered, provides statistics comparing Oronoco Township to the area, and compares area internet providers' speed and types of connections they provide.

Annual meeting – The agenda and reports were finalized. Kim Stanton agreed to moderate if no citizen present came forward.

Administrative Business

Minutes Approval – Tammy Matzke moved to approve the February 2021 Oronoco Town Board minutes. Charlie Lacy second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Ken Mergen moved to approve the 2021 Board of Audit minutes. Charlie Lacy second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Treasurer’s Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of February 28, 2021 shows: Receipts \$88,204.70 Disbursements \$138,497.41 with an ending balance of \$762,674.23. February net payroll (paid in March) totaled \$2,249.33. Claims totaled \$120,030.97.

Treasurer’s Report – Kim Stanton, continued

The township’s money market account is at .55% interest, the CD account .33%. The CD balance will be moved when it comes due.

The \$20 mismatch is the bank fee for the PFA wire transfer. This will be corrected next month.

The loans for Cedar Beach and Kings Park septic continue to decrease as residents pre-pay. The O&M balance for both systems is good.

The township balance is strong.

Receipts included the road payment of \$35,943.36 from Olmsted CO.

In April the board will discuss transfer of funds between accounts to more realistically reflect balances.

Ken Mergen moved to approve the Treasurer’s Report. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Approval to Pay Bills –

Claims and payroll as expressed in the Treasurer’s Report were presented for approval. The board decided to pay 100% of the CO. Public Works invoice for Ryans/Sunset Bay signs (claim 7305). Lucy Shonyo will get further details about the Kings Park reprogramming invoice from Gopher Septic (claim 7301). **Ken Mergen moved to approve payment. Charlie Lacy second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]**

OTPAC Report – Charlie Lacy - There was no February meeting. In March OTPAC will hear the zone change regarding the ARC zoning district in the Windemere Subdivision.

At this point Charlie Lacy paused the meeting to drive to a location with better reception.

PIFD Meeting Report – Charlie Lacy attended this meeting. PIFD had a balance of \$26,000 which was moved to the equipment fund. The asking from PIFD will go down 2.25%, the first time in many years it decreased. This will be reflected in the levy asking.

Oronoco Township Monthly Minutes

March 1, 2021

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Local Board of Equalization and Appeal – This will be held April 19, 2021 from 4:30 to 5:00. Country staff is not traveling; they will teleconference into the meeting. Citizens can come to Oronoco City Hall or call in. [Citizens should call from a cell phone: 978.990.5420, access code 841351 followed by #. Note this is a new call-in number for Oronoco Township meetings].

Bids / Quotes – Sealed bids for all-season road maintenance will be received at the April 5, 2021 monthly meeting. This will be an in-person only meeting. A public notice requesting road bids will be published March 13 and March 20 in the Post Bulletin. Quotes for road rock and chloride will be sought from vendors by Clerk Lucy Shonyo.

Message Board – The City will be purchasing a weather-proof display board for outside City Hall. The township was asked if we too would like to order one. The board declined, although noted the price was competitive.

Other Topics, Notifications

- a. Township Election Tues, Mar 9, 2021, 5-8pm, Oronoco City Hall, in-person
- b. Annual Meeting Tues, Mar 9, 2021, 8:15pm, Oronoco City Hall, in person, dependent on number of people in attendance
- c. The Reorg meeting will be Apr 5, 2021, after the regular monthly board meeting
- d. Oronoco City Hall is now open; postings will now be INSIDE instead of on the door
- f. LBAE is April 19, 4:30 to 5:00pm

Ken Mergen moved to adjourn at 7:35pm. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair