

**ORONOCO TOWN BOARD**  
**Monthly Meeting Minutes**  
**November 14, 2022**

**The monthly Oronoco Town Board meeting was called to order on November 14, 2022 at 5:30 pm by Chair Ken Mergen.** Present: Supervisors Ken Mergen and Tammy Matzke; Clerk Lucy Shonyo and Treasurer Kim Stanton.

The **Pledge of Allegiance** was recited.

The **agenda** was accepted as presented, except to float the approval of Uncle John's liquor license.

**Public Hearing on Resolution Adopting Assessments for Phase 1A Wastewater System Improvements for Oronoco Estates Mobile Home Community (OEMHC)**

This public hearing was noticed and organized by Oronoco City Administrator Sunny Bjorklund Schultz on behalf of the City of Oronoco / Oronoco Township. Oronoco Township is the assessing authority since Oronoco Estates is in Oronoco Township. Oronoco Estates will be serviced by the wastewater system being constructed by the City of Oronoco. By a joint agreement, assessment monies will be funneled directly to the City of Oronoco by Olmsted County.

The public hearing was held on ZOOM. ZOOM attendees were Joe Palen, City Engineer; Stephen Wheeler, President of OEMHC (Oronoco Estates Mobile Home Community); Mike Flaherty, City Attorney. City Administrator Sunny Bjorklund Schultz was present in-person, as was Mayor Ryland Eichhorst. There were others present in-person.

Mr. Wheeler was not present at 5:30. Mayor Eichhorst called to remind him of the meeting. Mr. Palen noted Mr. Wheeler received proper notice and the meeting should resume. Clerk Shonyo asked Attorney Flaherty to advise. Mr. Flaherty noted he was the city attorney and could not advise the township as that could be a conflict of interest.

City Administrator Bjorklund Schultz introduced the first of two documents:

**Resolution Adopting Assessments for Phase 1A Wastewater System Improvements for Oronoco Estates Mobile Home Community (OEMHC)** [Oronoco Township Resolution 2022-11] In brief, this document (1) specifies that the document is accepted and constitutes the special assessment, (2) notes assessment is payable in equal annual installments over 20 years (unless prepaid); first installment is due the first Monday in January, 2023; interest of 2.249% from the date of the adoption of this resolution, (3) notes prepayment details, (4) indicates the Township Clerk and City Administrator shall transmit this assessment to the county auditor. Page 2 of this resolution shows the total assessment amount is \$841,486.00. Mr. Palen indicated that the cost and interest rate are the same as the previous estimated amount. The project is half-completed, and expected to be operational one year from now. City loans will start to come due next year.

**Public Hearing on Resolution Adopting Assessments for Phase 1A Wastewater System Improvements for Oronoco Estates Mobile Home Community (OEMHC), continued**

City Administrator Bjorklund Schultz spoke to the second of two documents:

**A Resolution Approving Joint Agreement with Oronoco Township for Oronoco Estates Mobile Home Community (MHC) Special Assessments Collected by Olmsted County on Behalf of the Township to be Paid Directly to City of Oronoco** [Oronoco Township Resolution 2022-12, City of Oronoco Resolution 2022-33] In brief, this joint agreement allows Olmsted County to direct assessment funds directly to the City of Oronoco.

**Chair Ken Mergen opened the public hearing at 5:46pm.** Supervisor Mergen asked for public comment for or against the special assessment resolution.

**Lynn Koenig**, 2088 Lake Shady Ave S, asked what happens if Oronoco Estate owners refuse to pay? Mr. Flaherty said the property would go through the tax forfeiture process.

**Mr. Wheeler**, President of OEMHC, apologized for being late. Mr. Wheeler is representing Oronoco Estate owners who have owned Oronoco Estates for two years. Oronoco Estates provides important affordable housing to the area. \$5.5 million has been invested in Oronoco Estates. This project is in the best interests of Oronoco Estates. Ownership is supportive of the wastewater project, and they will pay their share. His questions relate to the timing of the assessments, and he wanted to restate support.

**Mayor Eichhorst** responded that the assessment is to be paid in equal installments over 20 years, starting January, 2023. Assessments are paid in May and October.

**Mr. Wheeler** asked that as soon as possible, he gets information about how interest is calculated and when the interest period starts.

**City Administrator Bjorklund Schultz** responded interest calculation starts when the resolution before the town board is adopted. Ms. Bjorklund Schultz asked Mr. Wheeler if he had any questions about the Resolution before the town board tonight.

**Mr. Wheeler** responded his questions related to payment details.

**City Administrator Bjorklund Schultz** committed to have numbers from Olmsted County asap.

**Mr. Wheeler** reiterated his appreciation of township, city and community support. Mr. Wheeler asked when the project would be on-line and if there was another assessment when that happened.

**Mr. Palen** responded the anticipated activation date was October 2023, indicating that date was fluid but the project was on-schedule. Mr. Palen said he would keep Mr. Wheeler informed.

**Mr. Wheeler** asked about usage costs when up and running. Mr. Palen indicated nothing has changed from the estimates provided. Operational costs are not assessed, they are monthly costs, like the water bill.

Chair Mergen asked three times if anyone else wanted to speak for or against this assessment resolution. Hearing none, the public hearing was closed at 6:05.

**Public Hearing on Resolution Adopting Assessments for Phase 1A Wastewater System Improvements for Oronoco Estates Mobile Home Community (OEMHC), continued**  
**Chair Mergen moved to adopt Resolution 2022-11, Resolution Adopting Assessments for Phase 1A Wastewater System Improvements for Oronoco Estates Mobile Home Community (OEMHC). Supervisor Matzke second, motion carried 2-0.**  
**Chair Mergen moved to adopt Resolution 2022-12, A Resolution Approving Joint Agreement with Oronoco Township for Oronoco Estates Mobile Home Community (MHC) Special Assessments Collected by Olmsted County on Behalf of the Township to be Paid Directly to City of Oronoco. Supervisor Matzke second, motion carried 2-0.**

**OR 2022-003ZC, applicant Bassett**

[This information is from Olmsted County Planning Department documents but is not the complete document.]

Elliot Mohler was present from the Olmsted County Planning Dept.

**Request:**

The request is for a zoning district amendment from A-3 Agricultural District to R-1 Low Density Residential District for 34 acres.

**Location**

The property is located in the southwest ¼ of the northeast ¼ of Section 27 in Oronoco Township at the corner of 18th Ave NW (County Road 112) and 90th St NW (County Road 121).

**Background**

The property is located in the southwest ¼ of the northeast ¼ of Section 27 in Oronoco Township at the corner of 18th Ave NW (County Road 112) and 90th St NW (County Road 121).

The property is currently zoned A-3 Agricultural District with the underlying land use designation of Suburban Development. The property is adjacent to the River Ridge Subdivision to the south. The White Birch, Thunderbluff, and Windermere Subdivisions are located approximately half a mile to the northeast of this property. The applicant, Michael Bassett, is proposing to create 12 single family residential lots that will all be at least two (2) acres in size. Mr. Bassett is also proposing to have the subdivision gain access from 90th St NW (County Road 121) directly across from Miller PI NW, which serves as an access point to the River Ridge Subdivision.

**Land Use**

The underlying land use designation of the property is Suburban Development. The R-1 Low Density Zoning District is intended to be located within that land use designation. The location criteria of Suburban Development areas were reviewed along with the Land Use Plan Amendment that was approved by Olmsted County.

**OR 2022-003ZC, applicant Bassett, continued**

**Analysis and Findings**

According to Section 4.00 of the Olmsted County Zoning Ordinance the Planning Advisory Commission and the Town Board shall make the following findings when reviewing a General Development Plan.

1. The request is consistent with the Oronoco Township General Land Use Plan. The Olmsted County Board of Commissioners voted to redesignate the property as Suburban Development in July of 2022. The CLUES model shows similar scores to existing surrounding developments. A Land Use Plan Amendment was approved by the Olmsted County Board of Commissioners in July. The property is now designated as Suburban Development.
2. The property is in the public interest because it is being developed in accordance, and consistent, with the character of the area. There are several nearby subdivisions including River Ridge, White Birch, Thunderbluff, and Windermere.
3. The development is timely, there are several residential developments within the proximity of the proposed zone change. The County determined the site was consistent with the County Land Use Plan and amended the land use from Potential Suburban to Suburban Development to allow the development to go forward. The development is located and will be accessed from County Road 121. There is a future round-a-bout planned by MnDot for the intersection of 18th Ave (CR112) and Highway 63. The construction date is set for 2026.
4. The general development plan associated with this application shows 12 single-family residential lots on 34 acres. The development is utilizing the existing contours on the site and is similar in size and scope to other developments within the vicinity.
5. The proposal is not spot zoning because it is consistent with the underlying land use designation as well and other uses within the proximity of the development.
6. This request is being reviewed concurrently with a general development plan for the area.

**Staff Recommendation**

Planning staff's recommended findings support approval of the proposed zoning district amendment for 34 acres in the southwest ¼ of the northeast ¼ of Section 27 in Oronoco Township.

**OR2022-002GDP, applicant Bassett**

[This information is from Olmsted County Planning Department documents but is not the complete document.]

Elliot Mohler was present from the Olmsted County Planning Dept. Mr. Mohler recapped the zone change and general development plan in front of the board. He indicated OTPAC approved both actions, and reminded the board that a 1-1 vote fails in a 2- member board.

**OR2022-002GDP, applicant Bassett, continued**

**Request**

Olmsted County General Development Plan #OR2022-002GDP by Michael Bassett to develop 12 residential lots on approximately 34 acres.

**Location**

The property is located in the southwest ¼ of the northeast ¼ of Section 27 in Oronoco Township at the corner of 18th Ave NW (County Road 112) and 90th St NW (County Road 121).

**Zoning**

A-3 Agricultural District

**Background**

The property is located in the southwest ¼ of the northeast ¼ of Section 27 in Oronoco Township at the corner of 18th Ave NW (County Road 112) and 90th St NW (County Road 121).

The property is zoned A-3 and has the underlying land use of Suburban Development. The property is 34 acres in size. The property is adjacent to the River Ridge Subdivision to the south. The White Ridge, Thunderbluff, and Windermere Subdivisions are located approximately half a mile to the northeast of this property. The applicant, Michael Bassett is proposing to 12 single family residential lots that will all be at least two (2) acres in size. Mr. Bassett is also proposing to have the subdivision gain access from 90th St NW (County Road 121) directly across from Miller PI NW, which serves as an access point to the River Ridge Subdivision.

**Analysis and Findings**

**Soils and Topography**

Floodplain soils are located in the north part of the property and the applicant is aware that any construction of roads or dwellings on the floodplain soils will require a conditional use permit. The applicant has stated that they will plan to minimize any construction in this area. No hydric soils are identified on the property.

The property has soils with a mix of low and high Crop Equivalency Rating (CER).

Approximately 5 acres on the entire property are subprime farm soils. Subprime farm soils are those soils that score a 55 or less in Crop Equivalency Rating (CER) and prime farm soils are those that score a 55-100.

**Transportation**

The subdivision would gain access off of 90th St NW (County Road 121) across from Miller PI NW. Miller PI NW serves as an access to the White Ridge Subdivision. County Public Works suggested that the applicant allow for this future road to be a connection point for future development of either of the properties to the north or east. Oronoco Township has mentioned in previous LUPA and GDP applications that there are many traffic concerns from residents regarding 18th Ave NW (County Road 112) and 75th St NW (US Highway 63). There are future plans for a roundabout to be constructed at this intersection in 2026.

**OR2022-002GDP, applicant Bassett, continued**

**Environmental Analysis**

**Soils**

Floodplain soils are located in the north part of the property and the applicant is aware that any construction of roads or dwellings on the floodplain soils will require a conditional use permit. The applicant has stated that they will plan to minimize any construction in this area. The property has soils with a mix of low and high Crop Equivalency Rating (CER). Approximately 5 acres on the entire property are subprime farm soils.

**Shoreland**

The property does not contain shoreland.

**Decorah Edge**

The property does not contain Decorah Edge.

**Bedrock Geology**

The entire property contains Shakopee Formation as the bedrock geology. There is low to moderate pollution sensitivity for this bedrock geology. There is a low to moderate probability for sink holes occurring on this property. The nearest recorded sinkhole is approximately a ¼ mile to the west. The properties located to the west have a high probability of sinkhole occurrence.

**Referral Comments**

A 66-foot ROW easement shall be dedicated instead of the 33-foot easement that is shown for a public roadway in the northeast corner of the property. This is to ensure a full public roadway connection can be made to the property (as opposed to half of the roadway) to the east if/when that property develops. The 66-foot ROW easement shall be shown on the final plat.

An Olmsted County Access Permit will be required for the proposed access onto County Road 121.

A Right of Way Utility Permit will be required for the reconstruction of County Road 121.

Previous Olmsted County Public Works comments regarding lane width (from 11 feet to 12 feet) and flattening of the profile near the intersection (to -3.5%) were not addressed with the GDP submittal. Olmsted County Public Works is working with the consultant engineer on design changes to meet County standards and potential impacts.

**Staff Findings:**

The Olmsted County General Land Use Plan (GLUP) states that proposed map amendments must be compared to the land use policies and locational criteria for the requested land use category. In addition, the analysis of proposed map amendments must address the following policy questions, as evaluated below by Staff. Findings in **bold**.

1. In the review of General Development Plan, the Planning Advisory Commission and the Board of Commissioners shall make findings indicating that: 1. In the review of General Development Plan, the Planning Advisory Commission and the Board of Commissioners shall make findings indicating that:

**OR2022-002GDP, applicant Bassett, Staff Findings continued**

- a. Proposed land uses are in accordance with the Olmsted County General Land Use Plan and Zoning Map; **This GDP is proposed after the approval of Land Use Plan Amendment O2022-003LUPA to redesignate approximately 34 acres from Resource Protection-Potential Suburban to Suburban Development. If approved, the applicant, Michael Bassett will need to apply to rezone the 34-acre parcel. R-1 is consistent with a Suburban Development land use designation. The zone change application will be handled through Oronoco Township.**
- b. The street pattern is appropriate to serve properties under consideration; **Proposed local streets appear to be designed to benefit from the topography, discourage through traffic, and to provide the minimum number of streets necessary for safe access to adjacent properties. Olmsted County Public Works has been in conversation with Mr. Bassett regarding gaining access from 90th St NW (County Road 121). Mr. Bassett is aware of the requirements that are being placed on the development of this property by Olmsted County Public Works (see referral comments).**
- c. The proposal makes provision for planned capital improvements and streets based on the County Capital Improvement Plan and Thoroughfare Plan; **The Oronoco Township Planning Advisory Commission and the Oronoco Township Board have expressed concern over traffic issues at the intersection of 18th Ave NW (County Road 112) and 75th St NW (US Highway 63). MnDOT has plans to construct a roundabout at this intersection sometime between 2026.**
- d. The proposal makes adequate provision for surface water drainage, soil erosion control, water supply, and sewage treatment, consistent with State law and rule and County or Township ordinance; **A grading plan will be required with any future development of this site to prevent unwanted surface water drainage and to promote soil erosion control. Said grading plan should be included with the Plat application materials that will be administered through Oronoco Township. All 12 lots will be served by individual sewer and water.**
- e. The lot, block and street layout are consistent with the General Land Use Plan use, development, and resource management policy, and subdivision design principles; **The lot, block and street layout is consistent with the subdivision design principles and the General Land Use Plan. The applicant, Mr. Bassett, has agreed to include an easement on the northeast of the property to allow for future gain of access for development on the properties to the north and/or east.**

**OR2022-002GDP, applicant Bassett, Staff Findings continued**

**The road serving this development is proposed to be a public road maintained by Oronoco Township.**

- f. Unique natural resource features and sensitive areas are protected through the open space provisions and appropriate lot layout; **There are floodplain soils present on the property. The applicant has been made aware of this and has agreed to minimize construction on these soils. If construction on these soils is necessary, a conditional use permit will be required.**
- g. Development will occur in an orderly fashion; **Development will occur in an orderly fashion.**
- h. Connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies. **Oronoco Township has mentioned in previous LUPA and GDP applications that there are many traffic concerns from residents regarding 18th Ave NW (County Road 112) and 75th St NW (US Highway 63). There are future plans for a roundabout to be constructed at this intersection, but the timeline for this project falls anywhere between 2026.**

**Staff Recommendation**

Based on the above stated findings of fact County planning staff recommend approval of the General Development Plan for the development of 12 lots on approximately 34 acres with the following conditions:

1. A 66-foot ROW easement instead of a 33-foot ROW easement must be shown in the northeast corner of the property on the Final Plat.
2. Configuration of the lot layouts should ensure Lot 9 will maintain at least two acres if the 66' easement is to become right-of-way.
3. An Olmsted County Access Permit will be required for the proposed access onto County Road 121.
4. A Right of Way Utility Permit will be required for the reconstruction of County Road 121.
5. The applicant must adjust roadway lane width from 11' to 12' and flatten the profile near the intersection to 3.5% per comments from Olmsted County Public Works Department.

**Chair Mergen opened the public hearing for OR2022-003ZC and OR2022-002GDP.**

Supervisor Matzke noted that, regarding the floodplain issue, 90<sup>th</sup> St NW will be graded differently to optimize water control. [See Staff Finding 1.d.]

**Jasmina Polis, 8930 18<sup>th</sup> Ave NW**, noted neighbors have expressed concern about bringing in more traffic, that the intersection is not "safe and ok"; many take alternate routes. Ms. Polis disagrees with the flooding assessment. She claims a pond on their property overflows and crosses the road. Ms. Polis would like more information about the culvert and widening the road. There is a power pole 3' from the road on southeast side, that is there due to grandfathered property. She does not want trees removed.



**OR2022-002GDP, applicant Bassett, public hearing continued**

**Supervisor Matzke** noted that 90<sup>th</sup> St is County Road 121; the township has no control over this road.

**Planner Moehler** noted the post will be moved if needed; that decision will be made by the power company and Public Works. The existing culvert will be replaced with a longer one, 24'-26', to be determined by the county. He noted what was before the board tonight was the zone change and a development "concept".

**Supervisor Matzke** agreed that traffic is a concern, but the township "has no leg to stand on" in this regard.

**Planner Moehler** noted that insofar as flooding is concerned, a grading plan will be submitted as part of the development plan.

**Matt Polis, 8930 18<sup>th</sup> Ave NW**, stated the [proposed] development would encroach on their and their neighbors' property. People move out of the city so they can have horses, fish; not to look at more houses. The roundabout and more traffic will affect the area.

**Chair Mergen asked three times for additional comments for or against these two actions. With no one wishing to speak, the public hearing was closed.**

**Supervisor Mergen moved to approve OR2022-003ZC based on staff findings and inclusive of recommendations. Supervisor Matzke second, motion carried 2-0.**

**Supervisor Mergen moved to approve OR2022-002GDP based on staff findings and inclusive of recommendations. Supervisor Matzke second, motion carried 2-0.**

**Road Report**

Bargen has finished the work on Ridge Crest Ln NW, Ridge Crest Dr NW, Halloran Ln, Frederichs Dr and 85<sup>th</sup> by 18<sup>th</sup> Ave. It was noted there is more work to do. The area will be included in the spring road tour.

A citizen has reported overgrown trees on Sattre Dr. Supervisor Mergen called Jon at The Arborist for an estimate.

**Scott Schumacher** said Tom Rathman was on gravel roads now. Ryan's Bay Rd was cleaned up. Rock was added to a driveway on 102<sup>nd</sup> St. that was damaged in a summer washout. The driveway was widened also.

**Minnesota Ave south of County 112** - Supervisor Matzke talked with Joe Palen, City Engineer. Per Mr. Palen, MNDOT approved seed was used; seeding is not complete. He recommends patience. All things mentioned are on the punch list per Mr. Palen. Some of these punch list items are time-sensitive like plugged culverts and big rocks. Mr. Palen noted "there are no issues with the big rocks". It was noted that there are no cones at manholes, and "headwalls" are covered up. These are safety issues and the liability is the townships.

**Evergreen Dr** - The Arborist took care of blown over cedar trees.

**S&B Services** - Supervisor Mergen will meet with Dave Walters regarding the roads they are to service. We will share rocking costs 50/50 with Zumbro Township for Ryan's Bay Rd. S&B will split invoices.

**Cedar Beach Dr accident** – Clerk Shonyo filed a claim with the driver’s insurance company. She was told to expect a call regarding the claim. Supervisor Mergen recommended this call be referred to Scott Schumacher who can best answer questions about the repair estimate. Scott Schumacher described the broken culvert as a “box” culvert, from the early 90’s, 2’ or 3’ x 3’. Per Mr. Schumacher the estimate reflects costs to replace the culvert using current methods and materials for safety.

**20<sup>th</sup> Ave NE** is a shared road with Farmington Township. Other shared roads are 60<sup>th</sup> Ave NW with New Haven and Ryan’s Bay Rd with Zumbro Township (Wabasha County).

**Uncle John’s Liquor License – Supervisor Mergen moved to recommend the county renew the liquor license for Uncle John’s. Supervisor Matzke second, motion carried 2-0.**

**OTPAC** – Supervisor Matzke noted the Bassett zone change and general development plan the board heard tonight were heard at October’s OTPAC meeting. Traffic data doesn’t support local belief that the intersection is unsafe. OTPAC will be discussing what Oronoco Township wants to be in the future; our relationship with Urban Service Districts (Oronoco City and Rochester) and annexation agreements (Oronoco City and Pine Island). The lake and proximity to Rochester are desirable characteristics. Minnesota Assoc of Townships is studying annexation issues and lobbying the legislature in townships’ behalf.

**Oronoco Auto Parts** – There was no hearing in Ramsey County on Nov 4. MPCA subsurface investigation is starting now. The owners are still clearing surface debris. Supervisor Matzke will attend the next hearing scheduled for Dec 16. Oronoco Auto Parts has not applied for a zone change.

### **Administrative Business**

#### **Minutes Approval**

**Supervisor Mergen moved to approve the October 10, 2022 town board meeting minutes. Supervisor Matzke second, motion carried 2-0.**

#### **Treasurer’s Report – Treasurer Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of October 31, 2022 shows: receipts \$694,386.63; disbursements \$632,589.10 with an ending balance of \$1,337,127.84. Treasurer Stanton noted that the clerk’s CTAS, the treasurer’s CTAS and the bank balances match. Aaron Biederman paid off his River Hills assessment.

**Supervisor Mergen moved to approve the treasurer’s report. Supervisor Matzke second, motion carried 2-0.**

**Approval to Pay Bills**

October net payroll (paid in November) was \$6,666.70. General elections payroll was \$5,063.09. The City of Oronoco will reimburse 40%. Claims totaled \$54,323.85. **Supervisor Mergen moved to approve payment of claims and payroll. Supervisor Matzke second, motion carried 2-0.**

**Road Mileage Certification** – Providence Rd NW was added, and 66’ of Sunset Bay Ln was subtracted due to the Graner vacate action. Total township road mileage is 50.83. Supervisor Matzke moved to approve the mileage certification. Supervisor Mergen second, motion carried 2-0.

**Board Vacancy** – Joel Johanningmeier was present and is interested in serving on the board. He will be appointed to the board at the Dec.12 meeting.

**Plat books** are available, but the board decided they were not needed.

Supervisor Matzke will provide verbiage about OTPAC for the website.

**Supervisor Mergen moved to adjourn at 8:20pm. Supervisor Matzke second, motion carried 2-0.**

Respectfully Submitted,

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Lucy Shonyo, Clerk

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Ken Mergen, Chair