

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
September 7, 2021 5:30 PM

The monthly Oronoco Town Board meeting was called to order on September 7, 2021 by Chair Charlie Lacy. Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **Pledge of Allegiance** was recited.

The **agenda** was accepted as presented.

Agenda Topics

Sergeant Chambers was not present.

Frazer Construction – CUP status, driveway

Kristi Gross, Olmsted County Senior Planner, was present to discuss.

Rick Penz (not present) owner of Frazer Construction on 85th St NW has applied for an additional driveway access to his mineral extraction facility. It was discovered that the conditional use permit (CUP) first issued in 2002, and amended in 2004, had expired in 2007. Mr. Penz would like to build a storage shed on a 5 acre parcel. Mr. Penz will re-apply for a CUP. OTPAC will hear the CUP request October 18, 2021.

Bill Tointon from WSE & Massey was present representing Mr. Penz. Per Mr. Tointon the 85th St mineral extraction facility will shut down 12/31/2021. There will be no mining on site. Restoration is happening now. The site will do crushing and recycling of road materials enabling materials to be reused. Mr. Penz would like to build a storage shed for machinery used for recycling and have a driveway to it. No retail sales will happen from this building. A traffic count showed 365 daily trips, reduced due to no mining activity.

Supervisor Lacy expressed concern that three properties each with a driveway, entering near Oronoco Estates and Ryan Siding was a safety concern for the township (85th St is a township road). The county would prefer one driveway for all three properties.

Mr. Tointon indicated it was a low-volume road and Mr. Penz cannot sell parcels without access to them. Everyone wants a safe road.

Mr. Tointon will consult with Olmsted County..

Planner Gross indicated that one driveway could be a stipulation in the CUP.

Mr. Tointon indicated that references to mining will be deleted from the new CUP. Hours of operation would be 7am to 7pm, with limited Saturday hours. These are standard hours for facilities of this type in Oronoco Township.

Dan Fitzpatrick, road easement, continued from August

[See August 2021 minutes for more information and background.]

Supervisor Lacy showed Mr. Fitzpatrick a copy of a draft letter from township attorney Bob Ruppe. Per Mr. Ruppe, township signatures on the final plat do not constitute acceptance of the road.

Dan Fitzpatrick, road easement, continued from August, continued

Oronoco Township never maintained the road or passed a resolution accepting it. Vacation of the road would give the road / ROW to neighboring property owners, not Mr. Fitzpatrick, not in Mr. Fitzpatrick's interest.

Per Mr. Ruppe, Mr. Fitzpatrick is free to improve the road at his expense and at his risk. Oronoco Township is not involved at this point and will take no action. Mr. Fitzpatrick will receive a copy of Mr. Ruppe's letter.

Mike Zillgitt, Consultant Engineer to Oronoco Township, will be instructed not to comment on road improvement plans.

Road Report – Ken Mergen

Kapler Ln, Gossman Ln, and Cedar Ridge Dr NW road repairs were completed. Pothole repair on **18th Ave NW, and Ridge Crest Dr** are also done. The 18th Ave repair is bumpy. Scott Schumacher will look at it to ensure road maintenance equipment won't be damaged. **Cedar Beach Dr** looks great after recent rain. No water runoff problems were reported.

Supervisor Lacy met with Bill Tointon from WSB & Assoc representing **Bill Boelter** about a potential development that may impact township roads.

Vacate Road Petition – A petition to vacate a portion of Sunset Bay Ln NE was presented to Clerk Shonyo by petitioners Kevin and Marilyn Graner. [Jay Burke is also a petitioner].

Ken Mergen moved to accept the petition and hold a public hearing at the October 7, 2021 meeting. Tammy Matzke second, motion carried 3-0.

Clerk Shonyo will consult with attorney Bob Ruppe about the process.

Ryan's Bay Rd guardrails – Supervisor Mergen received a price quote from Steve Richardson, Mattison Contractors for approximately 850 feet of guardrail ranging from \$41,010 to \$47,385 depending on whether 6 or 9 foot posts are used. Supervisor Mergen will consult with Zumbro Township. Zumbro Township and Oronoco Township will share costs 50/50.

Ken Mergen moved to accept the quote from Mattison Construction pending approval by Zumbro Township. Charlie Lacy second, motion carried 3-0.

Supervisor Mergen noted that materials have been in short supply but hopefully guardrails can be in place by winter.

King's Park Septic – The question of whether the township has the authority to add new properties to the community septic system it owns was raised. Supervisor Lacy will contact Sheila Craig, Southern MN Wastewater Initiative septic consultant during the planning and building of the system. It is thought the answer is no new properties can be added.

King's Park property owned by Oronoco Township – Vehicles in the road ROW have been moved from the turnaround on 105th St NW.

King's Park property owned by Oronoco Township, continued

Neighboring property owners have asked about using or buying the property owned by the township at 208 105th St NW. There are significant deed restrictions that prohibit the sale of the property.

Oronoco Auto Parts Update – Supervisor Matzke attended the virtual preliminary hearing in September. It was determined Oronoco Auto Parts has not fully cleaned up the Oronoco Township site. Supervisor Matzke reached out to the MPCA expressing safety concerns with the Oronoco Township site. Per MPCA, there are no contaminants left on site. The property is still for sale. Any buyer would assume all liabilities associated with the property.

Administrative Business

Minutes Approval –Ken Mergen moved to approve the August 2, 2021, Oronoco Town Board minutes. Tammy Matzke second, motion carried 3-0.

Treasurer's Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of September 1, 2021, shows: receipts \$773,488.01; disbursements \$533,479.80 with an ending balance of \$1,052,975.15.

Pine Island Bank has corrected the .01 discrepancy.

Fitzgerald Excavating has not cashed the check for Ryan's Bay Road construction.

In October the board will determine whether O&M assessment changes are needed for King's Park and Cedar Beach septic users. Treasurer Stanton will provide information.

Bevcomm is progressing with the fiberoptic project. They expect to complete the contracted work by December at which time we will owe them \$35,000.

American Rescue Plan Act (ARPA) – Treasurer Stanton was approached by Pine Island Fire District about giving some township ARPA funds to them. Per MAT attorney Steve Fenske, that is not a legitimate use of our ARPA funds. PIFD was notified of Mr. Fenske's opinion. Supervisor Lacy noted that using the "lost revenue" avenue may allow us to add some of our ARPA funds to the general budget. Computers and technology equipment are allowable uses.

Ken Mergen moved to approve the purchase of a new computer for the treasurer, in the same amount as was authorized for the clerk, \$2,500. Charlie Lacy second, motion carried 3-0. [The board approved a new computer for the clerk Jan 4, 2021.]

Treasurer Stanton noted a useful piece of equipment would be a projector that would allow large format maps and documents to be shown on a screen for the benefit of citizen attendees and the board.

Ken Mergen moved to approve the purchase of an overhead camera/projector, a portable printer and a storage cabinet for a maximum of \$1,500. Tammy Matzke second, motion carried 3-0.

Tammy Matzke moved to approve the treasurer's report. Ken Mergen second, motion carried 3-0.

Approval to Pay Bills –

August net payroll (paid in September) totaled \$1,896.51. Claims totaled \$121,109.71. Clerk Shonyo noted that the check written to PERA was a handwritten check, not computer printed. PERA and the Pine Island Bank will be notified that this is a legitimate check. The PERA total is reflected in financial reports. Treasurer Stanton viewed the check and compared amounts to the claim. They were correct. **Charlie Lacy moved to approve payment of claims and payroll. Tammy Matzke second, motion carried 3-0.**

OTPAC Report – Charlie Lacy

OTPAC considered a CUP application from Emmanuel Lutheran Church, 18th Av and 75th St (Hwy 63). At this time, a picnic shelter and parking were considered, not the church building. Traffic is a concern at that intersection. The use of a traffic counter now could provide information useful for future decisions.

Charlie Lacy moved to allocate \$1000 to purchase a traffic counter. Tammy Matzke second, motion carried 3-0. Supervisor Mergen will purchase it and be reimbursed.

Olmsted County Maintenance Agreement –

Charlie Lacy moved to accept the Agreement as submitted. Tammy Matzke second, motion carried 3-0. Supervisor Lacy and Clerk Shonyo will sign via DocuSign.

Oronoco Town Board monthly meeting date change – Mayor Eichhorst rearranged city meetings to make it possible for the township to meet on the second Monday monthly.

Ken Mergen moved to move monthly Oronoco Town Board meetings to the second Monday effective January 2022, with time and location remaining the same. Tammy Matzke second, motion carried 3-0.

Other Topics, Notifications

- Supervisor Matzke has applied with the FCC to receive a Broadband Across America whitebox which will provide information about broadband use and speed.
- A citizen asked about replacing damaged cluster mailboxes. These are maintained by the postal system.

Tammy Matzke moved to adjourn at 8:25. Ken Mergen second, motion carried 3-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair