

Oronoco Town Board  
Monthly Meeting Minutes  
September 11, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, September 11, 2023** at 5:30 p.m. at the Oronoco Community Center, located at 115 Second Street SW, Oronoco, Minnesota.

Members Present: Supervisors Ken Mergen, Tammy Matzke, Joel Johanningsmeier, Clerk Jody Schroeder, Treasurer Brandi Lind.

Supervisor Ken Mergen called the meeting to order at 5:30 p.m.

**Pledge of Allegiance**

The agenda was accepted as presented.

**OR2023-004 VAR, Bower Trust**

**Request:** Oronoco Township Variance #OR2023-004VAR by Bower Trust. The variance variance to allow another non-farm dwelling within the NE 1/4 of the NE 1/4 of Section 3, Oronoco Township. The request includes a variance to allow the property to be divided without the required 1 acres of soils with a crop equivalency rating of 55 or less.

**Location:** The parcels are located on Postier Dr NW Oronoco, MN 55960 (Parcel IDs: 084117, 069182, 074338), in NW 1/4 and NE 1/4 of NW 1/4 of Section 03 T108N R14W Oronoco Township.

**Zoning:** A-2, Agricultural Protection District

**Staff Findings:**

**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 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 property is the last non-built parcel in the 1/4, 1/4. Many other properties in the 1/4, 1/4 received variances to the non-farm density, and the property should have been**

**rezoned many years ago when the splits were occurring rather than variances granted to individual lots. The property is currently land locked with floodplain and shoreland overlay districts. The field slopes toward the water.**

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The extraordinary conditions are unique to this site and other parcels adjacent to Bowers property and the Lake area. The topography is naturally occurring terrain. By fronting all three parcels onto Postier Drive NW they will all have public road frontage; house sites can be closer to Postier Drive which shortens the length of the paved driveway; and septic/drainfield sites will be further set-back from the shoreline area. The new proposed plan will have less degradation to the environment.**

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 proposed Metes and Bounds Split will contain three buildable lots. There currently are three parcels but only two are allowed to be developed for residential use. Granting of the Variance will allow three buildable lots. If the variance is granted the lots will average 4 acres each which is a reasonable lot size for the area, this variance will supersede the previously approved variance for these parcels.**

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 Variance will not be materially detrimental to the public welfare as the surrounding area is comprised of other residential lots. The size of most of the surrounding lots are less than one acre whereas the new lots are closer to 4 acres in size and to not injurious to the neighbors and will not alter the character of the surrounding development.**

5. The variance is in harmony with the general purpose and intent of this ordinance; and the variance is in harmony with the general purpose and intent of the ordinance. **The request is in harmony with the general purpose and intent of the ordinance, it is to allow the highest and best use of the property.**

6. The terms of the variance are consistent with the Comprehensive Plan. **The proposed use is for infill development which is consistent with the Comprehensive Plan.**

#### **Staff Recommendation**

Based on the above findings of fact Planning staff recommend approval of the variance to allow the increase in the non-farm density in the A-2 zoning district to allow for Parcel B of the proposed metes and bounds subdivision to be a buildable parcel and to allow the non-farm parcel to be configured without the required 1 acre of non-prime soils with a crop equivalency rating of 55 or less.

**This information was taken from the Olmsted County Planning packet and is only a proportion of the document. The entire document can be found at Olmsted County Planning or the Oronoco Township Clerk, Jody Schroeder.**

Kristi Gross, Olmsted County Planning recommended approval of this variance based on fact and findings. There are no conditions to the variance.

**Supervisor Mergen opened the public hearing for OR2023-004VAR, Bower Trust.** Supervisor Mergen asked for comments for or against **OR2023-004VAR**.

Bill Tointon, WSE Engineering and Surveying, said that there is a pending sale of the property. He requests approval of the variance as submitted by Olmsted County Planning.

Citizen, Mary Kisilewski, of Postier Point Drive, asked if it would remain strictly residential and no commercial. Supervisor Mergen said it would remain residential as there was no zone change.

Supervisor Mergen asked two more times for anyone to speak for or against **OR2023-004VAR**. Hearing no further comment, the public hearing was closed.

Supervisor Matzke stated approval of this variance as it keeps with the rest of the residential area. Supervisor Mergen said that the zoning will still remain agricultural.

**There was a motion by Supervisor Mergen to approve OR2023-004VAR, as written by Olmsted County Planning, second by Supervisor Johanningmeier. The motion was carried unanimously.**

Supervisor Mergen asked Planner Gross if there was a noise ordinance for construction. Planner Gross said that there is no County noise ordinance that places specific times on construction activity. Supervisor Mergen will reach out to Developers for Boelter Estates and Supervisor Matzke will reach out to Developers for Aspen Ridge to ask that they be respectful of noise beginning before 7am and remind them that there is increased activity with kids and school buses on 18<sup>th</sup> Ave.

Supervisor Matzke will discuss with Developer Turnberg extending the blacktop to the end of the driveway of citizen at 90<sup>th</sup> St and County Road 121. Supervisor Matzke has talked to Olmsted County Public Works.

## **Road Report**

Scott Schumacher said that they are still working with the Olmsted County Public Works on 125<sup>th</sup> St NW. The County will talk with neighboring land owners. Supervisor Mergen asked that Scott Schumacher come up with an estimate for the board as soon as possible.

Reseeding and grading of ditch on 115<sup>th</sup> St will be done this fall.

There was gravel put down by Roberson Rock on Safari Court, Tennis Lane and 25<sup>th</sup> Ave NW, and 115<sup>th</sup> St NW.

There is a potential development on Safari Court. Supervisor Matzke attended the preliminary meeting.

**Fahrner** has completed work on River Hills Court, Kings Park Road and Kings Run. There was also crack sealing done on Cedar Crest Road NW and Cedar Crest Lane.

**Bargen** will be starting to fill holes soon. Supervisor Mergen stated there may be extra expense because of the late start time.

Supervisor Johanningmeier asked if the developers are using 11<sup>th</sup> Ave. Supervisor Matzke talked with the developer and said they are not using it currently. Neighbors would like to see a barricade or something so construction crews are not able to use it at all. Supervisor Matzke mentioned that per Phase 1, the developer would be breaking the Development Agreement if 11<sup>th</sup> Ave was used.

Supervisor Matzke said there is a potential commercial development on 75<sup>th</sup> and Hwy 63. This would be presented to OTPAC first and then come before the town board.

Supervisor Mergen said that future development agreements should include no construction start time before 7am. OTPAC will add this to the development agreement.

Chris, **Joint Powers Mowing**, will begin fall ditch mowing this week.

There was concern with sumac growing in the ditch of White Birch and Sattre Drive. Supervisor Mergen said, Arborists of Rochester will take care of removing the sumac.

Supervisor Matzke said there is a row of trees planted in the township right of way. Clerk Schroeder will send a letter to home owner asking for removal of the trees.

Supervisor Johanningmeier will work with Joe Palen, Oronoco City Engineer, to set a date for the board to meet and address concerns on 100<sup>th</sup> Ave.

### **Minutes Approval**

**There was a motion by Supervisor Matzke to approve the minutes of August 14, 2023 monthly meeting, as written, Supervisor Johanningmeier seconded the motion. The motion was carried unanimously.**

### **Payroll**

There is a change in the MN dcp for August as incorrect amounts were recorded. Payroll checks for September will reflect changes to MN dcp for August. Clerk Schroeder said to review checks for errors. Hemann and Grover began payroll for the month of September. Paper checks will be issued for the month of October. Transition to direct deposit will likely begin in November.

### **Treasurer's Report-Brandi Lind**

The YTD Statement of Receipts, Disbursements and Balances as of August 31, 2023 shows: receipts \$533,169.36, disbursements \$583,399.76, with an ending balance of \$1,611,416.42.

**There was a motion made by Supervisor Mergen to accept the treasurer's report in written form, second by Supervisor Johanningmeier. The motion was carried unanimously.**

### **ARPA**

All ARPA documents need to be updated and resubmitted. Treasurer Lind has been working with Deputy Treasurer Stanton on this transition. She will continue work on this.

### **Aspen Ridge**

Treasurer Lind received a \$2500.00 escrow payment from Aspen Ridge. Treasurer Lind suggested opening a second account to keep track of these funds and make sure all Aspen Ridge claims are paid through this account. **Supervisor Mergen made a motion to line-item Aspen Ridge Development as tracking entities, Supervisor Johanningmeier second. The motion was carried unanimously.**

Supervisor Matzke said that Attorney Ruppe has agreed to meet with OTPAC via phone to discuss development agreements and conditional use permits and make sure they are written correctly. Attorney Ruppe would also like to meet to have a workshop and training to work on these items with Oronoco town board, OTPAC and Olmsted County Planning. Supervisor Matzke will mention this at the September 18, OTPAC meeting to begin working on dates.

Supervisor Matzke received an email from Dave Dunn, Olmsted County Planning Department Director, explaining the zoning enforcement process.

Treasurer Lind made a recommendation to retire Kim Stanton as Deputy Treasurer. **There was a motion made by Supervisor Mergen to remove Kim Stanton as Deputy Treasurer for Oronoco Township at the September 11, 2023 meeting, second by Supervisor Matzke. The motion was carried unanimously.** Treasurer Lind will contact Bob Figy to be Deputy Treasurer for Oronoco Township.

#### **Approval to pay payroll and claims including electronic transfers**

**There was a motion made by Supervisor Mergen to approve the payroll and claims including electronic transfers for September 11, 2023, second by Supervisor Matzke. The motion was carried unanimously.**

### **OTPAC**

#### **Land Use Plan**

OTPAC is looking at the land use plan for Oronoco Township. OTPAC extended shoreland and bluff land restriction to ½ mile on either side of shore or bluff.

#### **Gingerrich**

There will be a public hearing for the Gingerrich property at the September 18, 2023 OTPAC meeting.

#### **T&M Properties**

Olmsted County sent a letter requesting no further work be done by T&M Properties. Work continues on the property.

Citizen Lynn Koenig said that the building pad has been put in and is not in the correct location. Supervisor Mergen stated the township is concerned with the driveway not the buildings. The building site and location would follow County guidelines.

Supervisor Mergen will stop at Olmsted County Planning and talk with Planner Gross to get the CUP and grading permits for T&M Properties.

### **Driveway Policy and Application**

The driveway policy and application will be discussed with Attorney Ruppe at the September 18<sup>th</sup> OTPAC meeting, Supervisor Matzke should have driveway policy and application for the town board by October 9<sup>th</sup> meeting.

### **Orderly Annexation with City of Oronoco**

Attorney Ruppe will look into the Orderly annexation agreement with the City of Oronoco. Supervisor Matzke said we need to protect the township and residents. Citizen Lynn Koenig said the orderly annexation agreement expires December 31, 2035.

### **Lake Zumbro Forever Incorporated**

Attorney Ruppe has to prove the tax code 509C3 of Lake Zumbro Forever Incorporated, LZFI for Kings Park land to be donated.

### **Oronoco Auto Parts**

Supervisor Matzke said there is a meeting about Oronoco Auto Parts next week, more information will be provided at the October 9<sup>th</sup> meeting.

### **Temporary Pit Extraction, 100<sup>th</sup> Ave**

Supervisor Matzke said fill is still being taken from this pit. There should be no activity at this pit as the extraction permit expired on July 17, 2023. Supervisor Matzke contacted the Minnesota Pollution Control Agency on September 11, 2023 regarding this violation.

### **Planning and Zoning**

OTPAC will work on Planning and Zoning at the September 18<sup>th</sup> meeting. Supervisor Matzke will present to the town board when they have everything ready.

### **Mailboxes**

Supervisor Mergen said they should develop a resolution to have swing boxes.

### **Clerk Notes**

### **Voter Account Funding**

**Supervisor Mergen made a motion to approve voter account funding from the State of Minnesota and leave the funds with Olmsted County, second by Supervisor Matzke. The motion carried unanimously.**

### **Deputy Clerk**

Lucy Shonyo was appointed Deputy Clerk on August 15, 2023.

### **Aspen Ridge Development Agreement**

The mylars and final Development Agreement were signed by Supervisor Mergen and Clerk Schroeder at Olmsted County Planning Offices.

### **Chromebooks and IT hiring**

Treasurer Lind and Clerk Schroeder are still trying to find an IT person to help create a secure a domain and make documents more accessible.

### **Retired Treasurer Stanton and Retired Clerk Shonyo**

**Supervisor Mergen made a motion to send retired Treasurer Stanton and Clerk Shonyo \$250 each gift cards in gratitude to their service to Oronoco Township, second by Supervisor Matzke. The motion carried unanimously.**

There is a MNDOT meeting on September 12<sup>th</sup> about the roundabout. Some supervisors may attend this.

There is a meeting on September 19<sup>th</sup> with Xcel Energy, Supervisor Matzke will attend this.

### **OCTOA meeting**

Clerk Schroeder contacted Kalmar Township Clerk Stanich. Kalmar Township will host the OCTOA meeting Nov 21, 2023 at the Byron Fire Hall. Supervisor Johanningmeier will confirm with OCTOA secretary and vice president the meeting location for November 21, 2023 meeting. Oronoco township will provide refreshments.

The next OCTOA meeting is September 28<sup>th</sup>.

### **LRIP Funding**

Supervisor Mergen is working to see if Cedar Beach, Ryan's Bay and Kings Park to get funding from LRIP, Local Road Improvement Program.

### **Election Resolution**



**Supervisor Matzke made a motion to approve Resolution 2023-002 appointing election judges, second by Supervisor Mergen. The motion was carried unanimously.**

**There was a motion made by Supervisor Mergen to adjourn the meeting, second by Supervisor Matzke. The meeting adjourned at 8:10pm.**

Respectfully Submitted:

---

Clerk Jody Schroeder

---

Tammy Matzke

---

Ken Mergen

---

Joel Johanningmeier