

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**August 3, 2015**

The Pledge of Allegiance was recited.

The monthly Oronoco Town Board Meeting was called to order on August 3, 2015 at 7:00 pm by Chairman Mark Thein. Supervisors Neil Stolp, Richard Lyke and treasurer, Kim Stanton were present.

Neil Stolp made a motion to approve the July 6, 2015 minutes, Mark Thein seconded. Motion carried.

The order of agenda was changed to move Donna Stanger to the 1<sup>st</sup> order of New Business.

The Treasurer's report in written form showed the year to date "Statement of Receipts, Disbursements and Balances" as of July 31, 2015: Receipts \$299,805.50 and Disbursements \$355,723.47 with an ending balance of \$394,940.80. The outstanding check for Marci Nagel for \$45.00 has been voided. Mark Thein made a motion to accept the Treasurer's report as presented. Richard Lyke seconded. Motion carried.

There was an OPAC meeting in July. Richard Lyke reported that there was a Conditional Use Permit #OR2015-001CUP by Trevor and Helen Distad to allow for construction of an access road across floodplain soils within the A-3 Agricultural Zoning District located at 303 90<sup>th</sup> St NW, Oronoco, MN.

First Responders reported that there were three township runs in June and four in July.

The bills were presented for payment, a total \$21,148.96. Mark Thein made a motion to approve the August bills. Neil Stolp seconded, motion carried.

**OLD BUSINESS: Sheila Craig Cedar Beach Sewer Project**

**PUBLIC HEARING: Tabled from the July meeting** - Resolution #6115A-Resolution calling a hearing on a petition to establish a Subordinate Service District. Mark Thein made a motion to reopen the Public Hearing, Neil Stolp seconded. Motion carried. Sheila Craig explained that the public hearing was about the Cedar Beach residents joining the septic project or withdrawing from the project. After asking three times for and no response, the public hearing closed. Of the 25 parcels, there will be 23 parcels involved in the project. Jeremiah Flotterud and Debbie Nelson are excluded from the District. Mark Thein made a motion to approve Resolution No #080315A: *Resolution to Establish a Subordinate Service District to Provide Wastewater Services to Certain Properties in and Near the Plat of Cedar Beach*, amending page 2 to remove Tina Trihey & Dwight Porter and amending Exhibit A to remove the "X" for Tina & Dwight. The map will be amended to show the two properties being removed from the Subordinate Service

District and also correct the map to include the parcel ID number and name for Joel Thoreson. Richard Lyke seconded. Motion carried. Mark Thein made a motion to approve Resolution No 080315B: *Resolution Approving Summary Publication of a Resolution Establishing a Subordinate Service District*. Neil Stolp seconded, motion carried. A motion was made by Mark Thein to approve Resolution No 080315C: *Resolution to Establish a Subordinate Service District to Provide Wastewater Services to Certain Properties in and Near the Plat of Cedar Beach*. Neil Stolp seconded, motion carried. Mark Thein made a motion to approve Resolution No 080315D: *Resolution Authorizing Oronoco Township to Submit a Point Source Implementation Grant Application to the Minnesota Public Facilities Authority (PFA) and to Authorize Township Officials to Execute a Grant Agreement on Behalf of Oronoco Township for the Cedar Beach Project*. Neil Stolp seconded, motion carried. Mark Thein made a motion to sign Minnesota Public Facilities Authority Point Source Implementation Grant Program, Form 4 – Compliance with Laws, Rules and Regulations. Neil Stolp seconded, motion carried.

## **NEW BUSINESS**

Donna Stanger along with Thorn Mangle with Edina Realty requested a Metes and Bounds split on Donna's property to do a lot line adjustment. The lot line presently runs through her home and is necessary to change so she can sell her property. Neil Stolp made a motion to approve, Richard Lyke seconded. Motion carried.

Kevin Venega did an audit report on the townships accounting. He had met with Kim Stanton and Judy Haglund in June and reviewed the procedures and books. He had discussed the payroll and backup persons knowing passwords, etc. He commented that the board had good procedures in place. He suggested that salaries should be part of the annual meeting agenda.

**ORONOCO TOWNSHIP VARIANCE REQUEST #OR2015-1VAR:** By Pam Torgrimson to allow for the construction of decks that will not meet Shoreland District provisions and may not meet the R-1 (Low Density Residential) Zoning District provisions. The property is located at 348 105<sup>th</sup> St NW, Oronoco, MN. Mark Thein made a motion to open the Public Hearing. Neil Stolp seconded. Stephanie Rouse, Planner with Olmsted County, explained that there are five decks be constructed without permits. The construction has been halted and to proceed, there are eight variances that need to be addressed.

1. A variance of 63' to 12' from the required 75' to permit construction of deck 1.
2. A variance of 39' to 36' from the required 75' to permit construction of deck 2.
3. A variance of 39' to 36' from the required 75' to permit construction of deck 3.
4. A variance of 50' to 25' from the required 75' to permit construction of deck 4.
5. A variance of 60' to 15' from the required 75' to permit construction of deck 5.
6. A variance of 7' to 1' from the required 8' setback within the side yard to permit construction of proposed platform.

7. A variance of 3' to 2' from the required 5' setback within the side yard to permit the construction of an accessory building
8. A variance of intensive removal of vegetation within the shore impact zone.

Pam Torgimson explained she has planted seeds & grasses and the platform is for a Rubber Maid shed for lake items. She is trying to make her home look nice and enjoy the view of the lake with the decks.

Neighbor-Constance Angelondous at 338 105<sup>th</sup> St NW is not happy about her view with the trees gone. With the erosion, the water runs into her fire pit and she would rather not have the privacy fence. Concerned about the flood plain.

Neighbor-Linda Gammell at 211 105<sup>th</sup> St NW is concerned about the steep slope and erosion and will the variances set a precedence in the future for other homes and decks.

Neighbor-Bev Koperski at 366 105<sup>th</sup> St NW has had a deck for over 30 yrs and no problem with erosion or high water. She witnessed Pam planting seeds & grasses for vegetation.

Lyle Plumoff with Olmsted County-Pam had a permit for the porch on the front of her house. The decks require an engineer due to state building codes for footings, etc. The stairs, retaining wall and the privacy fence are in compliance.

After asking three time for comments for or against Mark Thein made a motion to close the public hearing. Neil Stolp seconded, motion carried.

After much discussion, **Richard** Lyke thought Pam should have followed protocol before building. If Pam could prove all or some of the construction is built to code then it would be ok. **Neil** was firm on his thoughts that Pam should have gone to the county first and followed the rules. She had a non-licensed contractor, no silt fence to the lake, violated the setback, and the chance that the construction is unsafe. He would like to see residents come to the Board and be up front about their projects first. Neil Stolp is not in favor of the variance requests.

**Mark** wished she could do some things and get a fine by not following the rules, but it does not work that way. You cannot vary from the state building codes. Options could be to tear everything down, or everything but the decks attached to the house & shed deck or the other decks nearer to the lake must meet code. After more discussion, **Mark Thein made a motion to approve all the variances with a note that all construction must meet building code approved and signed by engineering and erosion control signed by the Soil & Water Commission. There must be an erosion and construction plan before starting construction again. Richard Lyke seconded. Neil Stolp opposed. Motion carried 2-1. Findings:**

**Exceptional Circumstances:** There are exceptional and extraordinary circumstances that would apply to this parcel of property.

**Preservation of Property Rights:** The granting of this variance request is necessary to preserve the applicant's property rights and enjoyment of the property.

**Absence of Detriment:** The granting of this variance request would not be of substantial detriment to adjacent property and does not appear to be detrimental to the public welfare.

**General Nature:** This variance request would not appear to be general or recurrent in nature to require an amendment to the zoning ordinance.

**Minimum Variance:** The variance requested is the minimum variance which would alleviate the hardship

**ORONOCO TOWNSHIP VARIANCE #OR2015-002VAR:** By Bruce Ryan to allow for the construction of a commercial building addition that will not meet the Highway Commercial (HC) Zoning District standards. The property is located at 3754 85<sup>th</sup> St NW Oronoco, MN Mark Thein made a motion and Neil Stolp seconded to open the public hearing. Motion carried. County Planner Stephanie Rouse explained the purpose of the variance. Bruce Ryan explained his need for the addition. After Mark asked three times for comments for or against, Neil Stolp made a motion to close the public hearing. Mark Thein seconded, motion carried. After discussion Neil Stolp made a motion to approve variance request #OR2015-002VAR based on staff findings. Mark Thein seconded, motion carried 3-0.

**Findings:**

**Exceptional Circumstances:** There are exceptional and extraordinary circumstances that would apply to this parcel of property that would not apply generally to other property in the HC zoning district or vicinity. The existing office building is constrained on the north by a side setback requirement or 25', to the east by an existing parking and drive aisle, and to the south by a drain field. The only option for expansion without a major alteration of the existing site layout would be to the west or north, into required setbacks.

**Preservation of Property Rights:** The granting of this variance request is necessary to preserve the applicant's property rights and enjoyment of the property. In order to expand operations of the business in line with growing demand, the variance request is necessary.

**Absence of Detriment:** The granting of this variance request would not be of substantial detriment to adjacent property and does appear to be detrimental to the public welfare. The front setback proposed at the northwest corner of the addition is 38'6" and 30'2" on the southwest. This will still maintain adequate separation and visibility along 85<sup>th</sup> Street NW. The property is not located at an intersection of two streets and therefore will not inhibit traffic visibility.

**General Nature:** This variance request would not appear to be general or recurrent in nature to require an amendment to the zoning ordinance. This request is unique to this property provided the existing location of the office building and the site constraints outlined above.

**Minimum Variance:** The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to Section 8.04 of 15' to front yard requirement for the proposed office expansion.

**ORONOCO TOWNSHIP ZONING ORDINANCE TEXT AMENDMENT #OR2015-001TA:** Related to solar energy farms in Oronoco Township. The amendment will address the standards that will apply to solar energy farms in all zoning districts and within Article X of the Oronoco Township Zoning Ordinance. Olmsted County staff explained that the Township could be more restrictive

or could use the county amendment. After discussion a motion was made by Mark Thein to table until the September 8, 2015 meeting to have time to think about it. Richard Lyke seconded, motion carried to table.

**ORONOCO TOWNSHIP ZONING ORDINANCE EXT AMENDMENT #OR2015-002TA:** Related to standards for a marina use within Oronoco Township. The amendment will address specific standards that shall apply to marina use within the relevant section of the Oronoco Township Zoning Ordinance.

After discussion, Richard Lyke made a motion to approve #OR2015-002TA. Mark Thein seconded and motion carried 3-0.

Comments:

- Kim Stanton has been doing some checking into possibly adding some type of benefits for the town board members. A 457B plan is similar to the 401K plan managed by Minnesota State Retirement System and available for state and municipal workers. He will continue to work on benefits.
- Scott Schumacher asked about seal coating-not happening yet.
- George Vallejo has turned in a termination for the township website effective the end of the year. However, the website has been down. Mark and Kim are checking into alternative possibilities for the website manager.

Neil Stolp made a motion to adjourn, Mark Thein seconded. Motion carried.  
Respectfully Submitted

Mark Thein, Chairman \_\_\_\_\_ Judy Haglund, Clerk \_\_\_\_\_