

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**August 5, 2019 5:30 PM**

The **Pledge of Allegiance** was recited.

**The monthly Oronoco Town Board Meeting was called to order on August 5, 2019** by Chair Neil Stolp. Supervisors Charlie Lacy and Ken Mergen were present as well as Treasurer Kim Stanton and Clerk Lucy Shonyo.

The **order of agenda** was changed to place minutes approval after the Oronoco Auto Parts discussion.

**Chair Stolp turned the Oronoco Auto Parts discussion over to Cathy Rofshus, Public Information Officer, MPCA.** These MPCA officials were also present: John Elling, Supervisor, Industrial Division; Jason Hawsford, Environmental Specialist, Industrial Division; Heidi Kroening, Solid Waste Mgmt Unit Supervisor, Resource Management & Assistance Division. Also present were Mark Thein, Olmsted County Board of Commissioners; Mike Sheenan, Deputy County Administrator; Ben Griffith, Olmsted County Planning.

**Ms. Rofshus, MPCA, outlined the process for the discussion.**

**Mr. Hawksford is the lead enforcement officer in this case.** He provided an overview and history of Oronoco Auto Parts. The business has existed on the current site since the 1950's. In Fall, 2017 an administrative penalty order was issued based on a complaint. The penalty was not paid but the business did comply with requests. Owners were told to move waste indoors or to higher ground and to clean the ditch of flood deposits. Long term goals are to deal with the solid waste on site (tires, vehicle scraps). Vehicle fluids must be identified, containerized or removed. The case is pending so not all information can be shared at this time. Once the case is closed information will be public. MPCA is the lead agency. Partners in this case are Olmsted County, Oronoco City and Oronoco Townshi

**A floodplain map was available.** Citizens questioned the date of the map as it seemed not current. Mr. Griffith noted that a current floodplain / floodway map is available online on the FEMA website. Oronoco Auto Parts was given a floodplain / floodway map in 2018 and told to remove hazardous materials. No CUPs (Conditional Use Permits) exist for the business. The County has encouraged them to apply for a CUP. The business has made voluntary changes such as hours of operation and noise levels.

**About 15 citizens addressed the MPCA, Olmsted County officials and Oronoco Town Board.** The following remarks were made, many of the points being made by many speakers. To reduce redundancy these meeting minutes reflect compiled remarks.

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Since 1991, the road has flooded at least 2 times a year. High water in this area is not a rare event.

Cleanup never happened after the 2010 flood.

Many citizens have many pictures of Oronoco Auto Parts (OAP) refuse that has floated downstream during high water events. This is jeopardizing the safety of water and shores.

Many spoke of oil slicks on the water.

There are reports from past employees of OAP burying batteries during the 80's and 90's.

Many remarked that surface cleanup is needed on the OAP site and downstream, and soil boring and testing needs to happen to ensure ground water safety. Excavation is needed. Dig under the crusher.

Beyond cleanup, the threat of future contamination from OAP needs to be eliminated.

Citizen lake and river shore property owners are currently paying for Lake Zumbro dredging.

Lake Zumbro is the only recreational lake in SE Minnesota. It deserves cleanup and protection.

Fish and wildlife also depend on clean water. Citizens have called the DNR in the past.

It is no longer feasible for property owners to manage cleanup.

There are reports of staph infections and parasites from the unclean water.

What is underneath the water must also be cleaned up.

Questions were asked about permits OAP has, and future use of the property.

How can this business exist at this site?

If I don't pay my taxes my house gets repossessed. Why not this business?

Ms. Rofshus, MPCA, noted for the record that OAP is not in bankruptcy.

Can OAP be bought-out?

Frequent heavy rains contribute to pollution and erosion.

Can I call someone to remove the OAP refuse from my downstream property?

Mr. Hawksford, MPCA, recommended citizens catalogue refuse they have and let him know by email ([jason.hawksford@state.mn.us](mailto:jason.hawksford@state.mn.us)).

The "smelter" is also a problem. [The property with the furnace is in Oronoco City not Oronoco Township. Per Ben Griffith, Olmsted County Planning, there is no evidence this furnace has been used.]

Do records exist of OAP's handling of hazardous materials?

Who is in control of the situation? DNR, MPCA, County, State?

Government has had multiple opportunities to clean up; citizens have been ignored.

Some citizens' livelihood depend on clean, unpolluted water and soil. Organic farmer can't sell produce that was flooded.

Polluted water is preventing swimming, fishing, general recreation on the water.

Salvage yards serve a purpose but OAP is in the wrong location.

There were reports of failed sewer systems due to flooding.

“Really clean it up, not just move to higher ground”.

The current OAP business is not the same business that existed 15 years ago.

What are we cleaning up for? Another business like OAP?

The power of government in this instance are fines, getting cleanup bonds.

Close OAP due to non-compliance.

No one wants to own this property due to cleanup costs, but we must do the right thing, not the easy thing.

Vehicles are not cleaned out of pollutants before crushing (fluids like antifreeze, oil, and stuff left by previous owner).

It is a tragedy that this beautiful area is polluted.

Many expressed disappointment that the DNR was not present. Mr. Hawksford, MPCA, responded that because they are not present doesn't mean they aren't involved.

Many thanked officials for their presence tonight.

Mr. Hawksford, MPCA, thanked citizens for their input. Civil (as opposed to criminal) enforcement action is in the MPCA's toolbox. It is an on-going process. Site cleanup is easier to fix than the sub-surface concerns mentioned. Sub-surface investigation with OAP owners is possible. Immediate concerns are to get pollutants out of the floodplain and waste materials off the property. OAP enforcement action could include conditions of cleanup. Creative solutions could be investigated, like asking a garbage company to take OAP refuse from property owners. But “tires are everywhere” and it would be difficult to say what was OAP refuse and what was not.

Sewer by-passes were discussed. Pine Island recently released partially treated water into the river to prevent wet basements. MPCA is not required to inform citizens of when this is happening.

Whether or not this cleanup would qualify for any superfund sites was discussed.

MCPA committed themselves to report back to the township on a regular basis as we move forward.

The meeting recessed.

The regular monthly board meeting resumed.

**Minutes Approval:**

July 1, 2019 monthly meeting of the Oronoco Town Board - Charlie Lacy made a motion to approve the July 1 minutes. Ken Mergen second, motion carried 3 – 0.

**Minutes Approval continued:**

July 15, 2019 Special Meeting - Charlie Lacy made a motion to approve the July 15 minutes. Neil Stolp second, motion carried 3 – 0.

**Agenda Topics**

**Road Report - Neil Stolp**

Scott Schumacher compiled an estimate of \$23,000 for road repair as a result of the July 20-21 storms. This was submitted to FEMA / Captain Mike Bromberg. It is not yet known if damage totals for the County will be high enough to qualify for reimbursement.

Reflector signs will be placed on the edge of Evergreen Drive.

Zumbro Haven needs to be patched and resurfaced. A motion was made by Ken Mergen to hire Barga for this job for \$49,000. Neil Stolp second. Motion carried 3-0.

**Ryan's Bay Road - Ken Mergen**

Century Link has contacted Wabasha County engineer Dietrich Flesch for permission to move utilities in Oronoco Township ROW. Oronoco Township doesn't have a utility permit procedure at this time. Ken Mergen will call Mr. Flesch.

A motion was made by Charlie Lacy to declare the Vacant Land Purchase Agreement signed at the June 18, 2019 Board meeting null and void due to a change in the legal description of the land in the Mets & Bounds process. Ken Mergen second, motion carried 3-0.

Ken Mergen has determined Rochester Title will do the deed research and closing for the land purchase.

A motion was made by Ken Mergen to execute the (revised) Vacant Land Purchase Agreement. Charlie Lacy second, motion carried 3-0. Neil Stolp will contact land owners.

Zumbro Township received an invoice from Dietrich Flesch / Wabasha County for about \$10,000 for engineering expenses. Oronoco Township will pay half of this invoice.

**MnDOT Resolution for 11<sup>th</sup> Ave NE reimbursement** – Ken Mergen made a motion to execute "Unofficial Detour Agree No. 1034688" and Resolution 2019 – 05, accepting \$38,133.47 from MnDOT for repair of 11<sup>th</sup> Ave NE. Charlie Lacy second, motion carried 3-0.

**Administrative Business**

**Treasurer's Report – Kim Stanton**

The YTD Statement of Receipts, Disbursements and Balances as of July 31, 2019 shows:

Receipts \$452,750.55 and Disbursements \$484,696.35 with an ending balance of \$474,075.38.

July net payroll (paid in Aug) totaled \$2,290.09, bills totaled \$26,577.85.

**Treasurer's Report – Kim Stanton continued:**

The first half of tax receipts totaling 392,121.32 were received.

Kim Stanton continues work with Anita Gallentine, PFA, on final disbursements for Sunset Bay Septic expenses. Some expenses must be reimbursed to us from Zumbro Township. Ms. Gallentine will talk with Zumbro Township.

Neil Stolp made a motion to accept the Treasurer's report as presented. Charlie Lacy second, motion carried 3-0.

**Approval to Pay Bills** - Claims totaling \$26,577.85 and net payroll totaling \$2,290.09 were presented for payment. Charlie Lacy made a motion to approve claims and payroll payments. Neil Stolp second, motion carried 3-0.

**OT-PAC Report** – The July meeting was cancelled.

Ken Mergen made a motion to adjourn at 10:10pm. Charlie Lacy second, motion carried 3-0.

Respectfully Submitted

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Lucy Shonyo, Clerk

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Neil Stolp, Chair