

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
DECEMBER 5, 2016

The Pledge of Allegiance was recited.

The monthly Oronoco Town Board Meeting was called to order on December 5, 2016 at 7:00 pm by Chairman, Mark Thein. Supervisors Neil Stolp and Richard Lyke and treasurer, Kim Stanton were present.

Neil Stolp made a motion to approve the November 7, 2016 minutes. Richard Lyke seconded. Motion carried.

The order of agenda was accepted as presented with the addition of Dave Meyer.

The Treasurer's report in written form showed the year to date "Statement of Receipts, Disbursements and Balances" as of November 30, 2016: Receipts \$1,259,983.54 and Disbursements \$1,264,863.34 with an ending balance of \$428,708.06. This reflected funding from the State of MN for the Cedar Beach Septic. Olmsted County distribution will be reflected in December's receipts. Kim was able to get the special assessments to the County on time for King's Park O & M and Cedar Beach O&M and construction. This will be the last special assessment for Postier Point. Richard Lyke made a motion to approve the treasurer's report. Neil Stolp seconded, motion carried.

There was not an OPAC report. There was not a meeting in November.

First Responders did not have a report.

The bills were presented for payment, a total \$150,615.88. This included the 3rd pay request to Ellingson for \$109,459.24. Mark Thein made a motion to approve the December bills. Neil Stolp seconded, motion carried.

Resident of River Ridge Development, Dave Meyer, inquired about initiating a noise ordinance specifically pertaining to a Dog Noise Ordinance. Apparently there is a need for an ordinance to alleviate a barking dog situation in the neighborhood. The sheriff has been supportive about responding to calls and has talked to the offending party. The sheriff has pointed out that Oronoco Township does not have a dog noise ordinance, which restricts the amount of action that can be taken. The sheriff has referenced Cascade Township's Ordinance, and Mr. Meyer is wondering if Oronoco Township could adopt a similar one. The Board agreed to check into Cascade's Ordinance and Mr. Meyer will do some checking as well. Will review again at the January meeting.

OLD BUSINESS:

Utility Permits: Following up - Mark Thein contacted Kaye Bieniek and no response. He contacted Mike Sheehan and he explained there are not enough employees to help the Township. Since it would involve field checking & inspections, the Board feels they are not qualified to do those tasks. Mark contacted Lenny Laures and he suggested MPCA. G-Cubed, Inc. an engineering service, was suggested as well.

**Sheila Craig-
Cedar Beach Project**

- Ellingson Drainage, Inc. submitted their payment request #4 for \$39,856.73. Since the change order had been approved at the November meeting, Mark Thein made a motion to approve and pay \$39,856.73 when the funds from the State are made available. Richard Lyke seconded, motion carried 3-0.
- Update on the blower noise. Eric w/Wenck and the supplier representative agreed that the blower was indeed too noisy. Covers have been ordered and should arrive in a week or so. Residents are concerned about the newly installed light being so bright. Could there be a switch.
- Alice Flood has agreed to become the liaison for the Cedar Beach residents.
- The MPCA has done a visual inspection of the entire project conducted October 18, 2016. They will do another when the job is complete. A Certificate of Completion is not ready at this time.

NEW BUSINESS:

Oronoco Town Board/Board of Adjustment

Oronoco Township Variance #OR2016-003VAR by Arlie Hackman for Lois Hackbarth to allow construction of a detached accessory building with reduced setbacks as well as a variance to the percentage of impervious surface permitted on the lot within the shoreland district. The property is located in the Special District known as Cedar Beach Zone A. the address of the request is 11355 Cedar Beach Dr NW.

Mark Thein made a motion to open the Board of Adjustment meeting. Neil Stolp seconded, motion carried.

Kristi Gross, Olmsted County Planner, explained that there are actually three variances involved. 1) A variance of three feet to allow an accessory building two feet from the East property line setback and a variance of ten feet to allow a front yard setback of ten feet from the road. 2) A variance to the impervious surface of 4% to allow 29% of impervious surface. 3) A building height variance of 1.5' to allow 16.5' at the front of the structure.

Applicant, Arlie Hackman the 30x28 size is the most beneficial for Lois.

Sheila Craig added that Lois had been very cooperative with the construction of the septic system in anticipation of her new addition.

After asking if anyone else had comments for or against three times, Richard Lyke made a motion to close the public hearing, Mark Thein seconded. Motion carried 3-0.

After much discussion, Richard Lyke made a motion to approve #OR2016-003VAR (all three variances) based on staff findings. Neil Stolp seconded, motion carried 3-0.

Staff Findings:

Exceptional and Extraordinary Circumstances: The exceptional circumstances that do not apply to the same zoning district is that the property is a small parcel with limited area available in the front of the dwelling. The lot is fifty feet wide. The dwelling is forty seven feet from the road. The existing built lot allows for limited expansion on the lot in order to meet the 25% impervious surface. The size of the garage is permissible for this size lot, but would put the impervious surface over the allowed amount by 4%.

Preservation of Property Rights: The granting of this variance request is necessary to preserve the applicant's property rights and enjoyment of the property. The owner has always wanted a garage, the location of the previous septic system prohibited the construction of the structure. The community sewage treatment facility has freed up the front of the dwelling to allow for an accessory structure. Adjacent properties contain accessory buildings.

Detriment to Adjacent Property: 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.

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 layout of the property.

Minimum Variance: The minimum variances that would be necessary to alleviate the alleged hardship would be:

- A variance of three feet to allow an accessory building two feet from the East property line setback and a variance of ten feet to allow a front yard setback of ten feet from the road.
- A variance to the impervious surface of 4% to allow 29% of impervious surface.
- A building height variance of 1.5' to allow 16.5' at the front of the structure.

Comments:

- Del Mergens wondering about culvert on Sunset Bay Road-will it be replaced? Schumachers were not present to answer his question. The Board will follow up.
- Lori Berg and Cindy Collins are concerned about the cars parked on Cedar Beach Road. Makes for dangerous driving conditions in the wintertime. Since there is an ordinance on parked cars on the roadways, Mark Thein will talk to the resident. If they do move their cars, The sheriff will be notified.
- Mark gave Neil the new Soil and Water maps. Olmsted County no longer has authority, MPCA is the authoritative body.

- River Hills Court NW paving project-the Special District has been established. There was not a petition filed in opposition. There will be a Public Hearing February 6, 2017 to authorize that special district to tax itself to put on the blacktop. Will need engineered specs and engineered estimates available for the Public Hearing.
- Mark followed up on a driveway for Scott Banks in River Ridge Development. Mark gave his approval and emailed the County with his approval.
- Oronoco Township Board members, Neil Stolp and Richard Lyke will be attending a joint informational meeting with Zumbro Township and the Wabash County Engineer on December 6 regarding the Ryans Bay hill and approach.
- It is with mixed emotions that the Board accepted the resignation of Mark Thein as Oronoco Township supervisor/chairman. He has been an asset to the township for many years and is now moving on as an elected Olmsted County Commissioner. We will truly miss him at our meetings, but proud of him and the work he will do for us as a commissioner. The resignation is effective following our meeting.
- A motion was made by Mark Thein to appoint Charlie Lecy to fill out Mark's term (Jan-Mar). Neil Stolp seconded and motion carried 3-0. Charlie accepted the appointment. Charlie will be out of town for the January meeting, but will be present for Feb and Mar meetings. Charlie has been on OPAC since it's existance, we are looking forward to working with him. Welcome aboard.
- Ted Kottem introduced himself as being interested in getting involved in township government. He lives in the Ryans Bay neighborhood. He is an OPAC member and is considering running for supervisor.
- Neil commented on the real estate tax reduction-why a reduction at this time?

Mark Thein made a motion to adjourn, Richard Lyke seconded. Motion carried.

Respectfully Submitted

Mark Thein, Chairman _____ Judy Haglund, Clerk _____