

**MINUTES**  
**MONTHLY ORONOCO TOWN BOARD MEETING**  
**NOVEMBER 7, 2016**

The Pledge of Allegiance was recited.

The monthly Oronoco Town Board Meeting was called to order on November 7, 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 October 3, 2016 minutes. Richard Lyke seconded. Motion carried.

The order of agenda was accepted as presented.

The Treasurer's report in written form showed the year to date "Statement of Receipts, Disbursements and Balances" as of October 31, 2016: Receipts \$1,071,748.63 and Disbursements \$1,036,395.15 with an ending balance of \$468,941.34. This reflected the funding from the State of MN for the Cedar Beach Septic. Mark Thein made a motion to approve the treasurer's report. Richard Lyke seconded, motion carried.

There was not any OPAC report. There was not a meeting in October.

First Responders reported two runs in the township.

The bills were presented for payment, a total \$228,468.19. This included the 2nd pay request to Ellingson for \$146,815.61. Neil Stolp a motion to approve the November bills. Richard Lyke seconded, motion carried.

Uncle John's and Fisherman's Inn requested renewal of their On Sale Liquor License. Mark Thein made a motion to approve both establishment's licenses and Neil Stolp seconded. Motion carried.

**OLD BUSINESS:**

**Utility Permits:** Following up - Mark Thein contacted Mike Sheehan and discussed the possibility of the County handling utility permits for the Township. He was directed to Kaye Bieniek, PE, Olmsted County Engineer, and she recommended the township get the software to do the applications on line. She added "*We cannot add additional permit administration duties, for the township, to our heavy workload*". Since it would involve field checking & inspections, the Board feels they are not qualified to do those tasks. Mark will contact them again about being the administrative body and charge the necessary fees to do the permits for the Township.

**Sheila Craig-**

**Kings Park Septic Project:** There was discussion on the O & M amount of \$425.00 being enough or should it be raised. The decision was made that \$425.00 covers expenses with some going into reserve for possible repairs. Sheila will send out a note that the O & M assessment will not be increasing.

**Cedar Beach Project**

- Mark Thein made a motion to amend the “Construction Assessment” Resolution #031416A to \$13,316.00 plus interest of 1% to PFA and .5% to Oronoco Township per homeowner. Neil Stolp seconded, motion carried 3-0. The deadline to prepay would be November 28, 2016 as Kim needs to report to Olmsted County by November 30, 2016. The O & M Resolution #071116A of \$475.00 per homeowner would not be prepaid. The residents will be advised by Sheila Craig.
- Ellingson Drainage, Inc. submitted their payment request #3 for \$109,459.24. Neil Stolp made a motion to approve and pay \$109,459.24 when the funds from the State are made available. Richard Lyke seconded, motion carried 3-0.
- Change Order No.1 from Ellingson Drainage, Inc. for an additional \$23,050.29 was presented for approval. After discussion, Neil Stolp made a motion to approve Change Order No 1 for the additional \$23,050.29. Richard Lyke seconded, motion carried 3-0. The expenses are still within the contingencies funds for the project.
- There will be a “Flush Party” and informational meeting for the Cedar Beach Sewer Project on November 10, 2016 at Lois Hackbarth’s at 6:30 pm.

**NEW BUSINESS:**

**Oronoco Town Board/Board of Adjustment**

Oronoco Township Variance #OR2016-002VAR by James Wibbens to allow a dwelling to be located within the bluff impact zone and possibly within a ½, ½ that already contains two non-farm dwellings. The property is located on Kings Park Road NW, east of the intersection of River Hill Ct NW and 14<sup>th</sup> Ave NW and south of the Middle Fork of the Zumbro River.

James Wibbens presented his argument for proceeding with the variance request. He had the property resurveyed, however, the drawing was not inclusive. He disagrees with the DNR that the bluff impact zone should be an issue. He was led to believe that the variance would be approved.

Kristi Gross, Olmsted County Planner, explained that the new survey does not coincide with the County. He would need the surveyor’s signature on the diagram to be able to dispute. 1984 is too long ago to allow those findings. The laws and restrictions have changed considerably since then. She presented the DNR and Staff findings based on the bluff impact zone regulations. Their recommendations would be to deny the variance.

Sheila Craig septic laws have changed considerably since 1984.

Dale Allen had concerns that there would not be enough room for septic.

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

After much discussion, Neil Stolp made a motion to deny Variance Request #OR2016-002VAR based on Olmsted County Staff Findings and the DNR recommendation. Mark Thein seconded, motion carried 3-0. (Mr. Wibbens was asked to provide more certified information and provided an opportunity to ask for a continuance, he declined. )

*The DNR recommends to deny the variance since the dwelling will be located within the bluff impact zone.*

**Staff Findings:**

Exceptional and Extraordinary Circumstances: The property is located within the shoreland district and as such the bluff regulations apply to any property within the shoreland district which does not make this property unique. This property is unique because the entire property is within the bluff impact zone and there is no location for a dwelling or septic system to be placed on it.

Preservation of Property Rights: A variance to the front yard setback was granted in 1984 which allowed a dwelling to be built 50' from the center of the road. Lots of record allow "non-conforming parcels" to be built on provided that any use that will be served with individual well or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirement of the Board of Health regulations. The topography of this lot prohibits the location of a mound septic system. The steepest slope a mound can be located on is 22%, consequently, the slope would be off the road and would require two locations. The potential area to build is also the same location that would be ideal for the septic system (125'x85'). The depth to bedrock eliminates the possibility of an in-ground system.

The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.

Detriment to Adjacent Property: Granting the variance could cause substantial detriment to adjacent property. According to the MN DNR "Setbacks from bluff tops for structures are needed in order to protect the bluff tops from adverse environmental impacts of development and construction activities".

General Nature: The situation of the specific property is unique in the relation to the river and the size and topography. The minimum variance request is the maximum amount that could be granted. The request is not a reduced setback to the top of the bluff, it is to allow the dwelling within the bluff impact zone.

Oronoco Township Variance #OR2016-003VAR by Arlie Hackman for Lois Hackbarth to allow construction of a detached accessory building with reduced setbacks. The property is located in the Special District known as Cedar Beach Zone A, address is 11355 Cedar Beach Dr. NW. Kristi Gross, at the applicant's request, asked for a continuance until December. Mark Thein made a motion to continue #OR2016-003VAR until the December 5, 2016 meeting. Richard Lyke seconded. Motion carried.

Oronoco Variance Request #OR2016-004VAR: by Ryan Booth to shoreland regulations regarding setback to top of bluff for an addition on a dwelling. The property is located in Kings Park of Oronoco Township, address is 10404 Tennis Lane NW.

Kristi Gross, Planner gave a review of the staff findings.

Ryan Booth explained their family is growing and need additional space. They are part of the new Kings Park septic project.

Tom Demarino-neighbor approves. It would improve the neighborhood.

Bradley Day-neighbor approves. Good for the family as they need the space.

After three times, Mark made a motion to close public hearing, Richard Lyke seconded. Motion carried. After discussion a motion was made by Mark Thein to approve Variance Request #OR2016-004VAR based on staff findings. Neil Stolp seconded, motion carried 3-0.

**Staff Findings:**

Exception Circumstances: The exceptional circumstances that do not apply to the same zoning district is that the dwelling was built on the property before the shoreland regulations were in effect. The entire house is within the bluff impact zone, however, it is on the top of the hill and on a completely level surface.

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 existing dwelling is very small and the family requires more bedrooms. The addition would add three bedrooms and a reconfiguration of the kitchen.

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 addition would not have a basement and would be further from the steep portion of the bluff than the rest of the dwelling. The addition would have no foreseeable negative impacts to the bluff.

The staff has concluded that the property meets the criteria for granting a variance.

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

There was discussion regarding a forfeited parcel in the township. Mark Thein made a motion to not act on it at this time and Richard Lyke seconded. Motion carried.

**Comments:**

- Richard Lyke represented the Town Board at a Planning Team meeting for the update of the Olmsted County Multi-Hazard Mitigation Plan. An assessment response was recommended as a participation assignment. Basically, if there is no participation, there most likely is no eligibility for funds. Mark will complete on-line and submit. The Association of Townships are working on suggestions for a Dog Ordinance. Some thought that each township should have their own ordinance, however, Lenny thought

they should all be similar. He was going to check into a "Joint Powers Agreement" with the City of Rochester, including the vet and pickup, etc.

Oronoco Township Meeting

November 7, 2016

Page 5

- Neil - Sheriff Dept had a report of a dog bite at 7859 Cedarcrest Lane NW.
- Tom Moyer – inquiring into guard rails on the Cedar Beach Road. Neil will call on guard rails being installed yet this year. —Ditches clean out in the spring - Cedar Beach Septic fan making loud noise. Sheila noted. – silt fence removal, Sheila explained landscaping will be done in the spring. –The residents would like an emergency contact number on the board. Sheila will provide info.

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

Respectfully Submitted

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