

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
OCTOBER 3, 2016

The Pledge of Allegiance was recited.

The monthly Oronoco Town Board Meeting was called to order on October 3, 2016 at 7:00 pm by Supervisor Neil Stolp. Chairman, Mark Thein arrived at 7:15 pm. Richard Lyke and treasurer, Kim Stanton were present.

Richard Lyke made a motion to approve the September 6, 2016 minutes. Neil Stolp 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 September 30, 2016: Receipts \$743,822.69 and Disbursements \$595,678.53 with an ending balance of \$581,73.02. This reflected the \$404,267.75 from the State of MN for Ellingson's 1st payment request. The CD's have been closed. Kim will start sending PFA invoices for reimbursement on the Cedar Beach Sewer Project. Road & Bridge account is short, but the 2nd half tax check from Olmsted County should make up the difference. Neil Stolp 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 September.

There was not a First Responders report.

The bills were presented for payment, a total \$440,716.62. This included the 1st pay request to Ellingson for \$404,267.75. Neil Stolp a motion to approve the October bills. Richard Lyke seconded, motion carried.

Mr. John Wayne Austinson, running for House District 26B in the State Legislature, stopped in to introduce himself and what his beliefs are and to encourage everyone to get out and vote November 8.

OLD BUSINESS:

Utility Permits: Kristi Gross with Olmsted County Planning indicated that the County does not handle Utility Permits. Public Works would be the department to check with. Mark Thein will contact Mike Sheehan and discuss the possibility of the County handling utility permits for the Township.

Sheila Craig-Cedar Beach Project

- Follow up on the discussion regarding moving structures on the Township property line for fence installation. Mark Thein talked to the property owners and it was decided that the

fence should be moved. The residents requested that the fence be straight. Mark will meet with Eric from Wenck to see if the fence can be moved and straight.

- Pay estimate #2 was submitted by Ellingson Drainage, Inc for payment in the amount of \$146,815.61. The request for reimbursement should go to the MPFA by October 15 for approval and the release of funds to pay Ellingson. Mark Thein made a motion to approve to pay Ellingson Drainage \$146,815.61 once the funds have been secured. The clerk will prepare a check at that time. Richard Lyke seconded. Motion carried 3-0.
- All but five have the electrical hooked up.
- Oronoco Township has been invited to apply for a Local Government Innovation Award . They are celebrating its 10th anniversary and are looking at past award winners to be selected as the Top Innovator. Sheila volunteered to complete the necessary application paperwork.

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 14th Ave NW and south of the Middle Fork of the Zumbro River.

James Wibbens presented his argument for proceeding with the variance request. In 1980 he had leveled an area and perk tests were done by Olmsted Co Health Dept for septic, no rocks detected. 1984 a variance to build 50' from center of the road was acquired and approved by Olmsted County and Oronoco Board. One house could have been built on the 7 acre parcel. He disagrees with the DNR that the bluff impact zone should be an issue.

Kristi Gross, Olmsted County Planner, presented the DNR and Staff findings based on the bluff impact zone regulations. Their recommendations would be to deny the variance.

Sheila Craig suggested finding out if a septic permit could be obtained first since the soil had been disturbed.

Dale Allen had concerns as to how this variance approval would affect him for building purposes in the future.

Wayne Dicke wanted to be informed about the process as a neighbor and land owner.

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

After much discussion, Neil would like to see new findings and more information on the septic. Mark would like to see more proof from the applicant to move forward. Richard had looked at the site and believes that it drops off quite sharply and would like proof that it is alright to proceed. With the applicant's consent, Mark made a motion to continue at the April 2017 meeting to give the applicant time to provide more information. Neil Stolp seconded, motion carried 3-0.

Oronoco Township Variance #OR2016-003VAR by Arlie Hackman for Lois Hackbarth to allow construction of an accessory building closer to the right of way than the required 20' feet setback. The request includes a variance to allow a "grinder tank" to be located closer to the property line than the required 10'. 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, Oronoco, MN. Kristi Gross, Olmsted County Planner, explained that the staff has received a continuation request for the accessory building because the owner would like to shift the location which was not within the original public notice. The grinder variance should be decided upon due to urgent issues. The staff is going to direct findings specifically to the location of the grinder and recommends a motion to continue the request for the variance to the accessory building setback requirements.

The applicant is requesting a variance to allow a grinder tank for five feet property line setback and five feet from an accessory building instead of the required 10' setback to either. The staff is in support of the request.

After asking three times for or against Mark made a motion to close hearing Neil seconded. Motion carried 3-0. After discussion, Mark made a motion to approve #OR2016-003VAR for the grinder tank and continue the accessory building at the November 7 meeting 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 property requires a grinder tank to be installed in the front of the dwelling. There is limited area available in the front of the dwelling. The lot is 50' wide. The grinder tank is approximately 8' in diameter. To place the grinder in a location that conforms to all setbacks, it would take 28'. If you add the additional five feet required for the side yard setback for the accessory building, that would leave 17' for an accessory building.

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.

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. A grinder must meet septic tank requirements found in the Olmsted County Subsurface Sewage Treatment Systems Ordinance. It could be detrimental if a well would need to be drilled within 50' of it, there is an existing shared well on the adjacent property so it is unlikely there would be a need to drill a well within 50' for the grinder tank.

General Nature: The 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 providing the existing layout of the property.

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Minimum Variance: The minimum variances that would be necessary to alliviate the alleged hardship would be: *a variance to Chapter 3400 the Olmsted County Code of Ordinaces of 5' to the propery line requirement for the grinder tank and 5' to a structure.*

Comments:

- Sheriff had a dog bite incident- Lori Bode, 650 Windermere Ct NW, Oronoco, MN
- Richard Lyke will represent the Town Board at a Planning Team meeting for the update of the Olmsted County Multi-Hazard Mitigation Plan.
- Neil reported the weeds will be mowed by the State of MN result of the CR12 project.

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

Respectfully Submitted

Mark Thein, Chairman _____ Judy Haglund, Clerk _____