

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
October 5, 2020 5:30 PM

This was a conference call meeting. The Board adopted Resolution 2020-05, Resolution Establishing the Ability to Conduct Open Meetings by Telephone at the April 6, 2020 meeting.

The monthly Oronoco Town Board Meeting was called to order on October 5, 2020 by Chair Charlie Lacy. Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **agenda** was accepted as presented.

Agenda Topics

OR2020-002ZC, Kuehn

Kristi Gross, Olmsted County Planner, was present.

This info is condensed from the Olmsted County Planning Department's staff report.

Request: The request is for a zone change from A-2 Agricultural Protection District to SD-MJK Warehouse Properties Special District with the underlying zoning district of Highway Commercial.

Location: The property is located in part of the North ½ of the SE ¼ of Section 19, Oronoco Township. The address is 5200 100 St NW

Zoning: A-2 Agricultural Protection District

Background Info: The property is located at the corner of 50th Ave NW and County Highway 12. The structure located there was built in 2014 as an equestrian center with a conditional use permit. Mr. Kuehn purchased the property in 2018. The equestrian center conditional use permit lapsed because it hasn't been used for more than one year. Mr. Kuehn would like to reuse the structure for multiple businesses. The property is within an Urban Service Area. Highway Commercial is supported in the Urban Service Area with an interim development agreement. Planning Staff has not received an interim development agreement for the property, but an email stating the City of Oronoco did not oppose the proposal because the building was already existing.

The proposed special district would allow for different uses to be permitted within the structure. Any structures over 10,000 square feet will require a conditional use permit. Therefore, if the zoning district is amended and the special district language is approved the next step for Mr. Kuehn would be to apply for a conditional use permit.

When the equestrian center was built an erosion control/runoff plan was required. Olmsted County Public Works stated in this application that the property cannot access County Highway 12. This comment was not incorporated into the approval of the permit at that time, and a driveway was constructed to County Highway 12. This driveway did not receive a driveway access permit which is required per the County Access Ordinance.

An [OTPAC] public hearing was held for the request on August 17, 2020. Concerns were raised about the existing access on County Highway 12 (100th Ave). The neighbors were opposed to commercial use of the driveway accessing 50th Ave. The request was tabled and staff was asked to get information on future road projects that are planned for the area.

Olmsted County Commissioner Their provided the issue of the driveway along CSAH 12 to the Olmsted County Physical Development Committee on September 1, 2020. That committee, by motion, approved the use of the unpermitted driveway to access CR12.

Analysis and Findings:

Findings:

1. The property is located within an area designated as the Urban Service Area on the Olmsted County General Land Use Plan. It is in the City of Oronoco's Urban Service District. The existing structure that would change use is already constructed. The proposed (amended) language will require a conditional use permit to address the uses within the structure. The special district allows for less permitted uses than those allowed within the existing Highway Commercial District.
The proposal is also consistent with the policies of the Urban Service Area within the Olmsted County General Land Use Plan.
2. The proposed amendment is in the public interest because it is an adaptive reuse of the existing structure that is was constructed as a commercial structure.
3. The proposed zoning district is compatible with the surrounding land uses. The property is in the Urban Service Land Use Designation. There is commercial development within the city diagonally across from the subject property. The property to the south is residential. Conditions that will be required in the future conditional use permit should mitigate conflicts between the proposed zoning district and the southern property.
4. The special district language limits uses to less intensity than what are allowed by the Highway Commercial Zoning district. The granting of this variance would not be a detriment to area properties or the public welfare.
5. The proposal is not spot zoning because it is consistent with both Oronoco Township and Olmsted County's Land Use Plans.
6. The City of Oronoco has stated they do not object because the structure is already built. The proposal is an adaptive reuse for an existing structure.

Staff Recommendations:

Based on the above stated findings of fact planning staff recommends the Oronoco Planning Advisory Commission recommend approval of the zoning district amendment from A-2 Agricultural District to SD-MJK Warehouse Properties Special District.

Planning Staff also recommends the Oronoco Township Planning Advisory Commission recommend approval of the associated special district language with the amendment to Section C Subdivision 1 to delete "Any permitted retail or service use over ten thousand (10,000) square feet of floor area" and replace it with ""The cumulative gross floor area of structure(s) on the property exceed 10,000 square feet."

Kristi Gross spoke of the variance request, staff recommendations and findings.
Mark Welsh, G-Cubed Engineering, present on behalf of the applicant, had nothing to add.

Charlie Lacy opened the public hearing for OR2020-002ZC. No one wished to speak for or against the zone change after being asked three times. The public hearing was closed.

Tammy Matzke asked about the property being both in Oronoco Township and in the City of Oronoco's Urban Service District. Kristi Gross noted that the City of Oronoco did not voice opposition since this is an existing building.

Ken Mergen moved to approve OR2020-002ZC based on staff findings and recommendations. Tammy Matzke second. Motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

OR2020-011MB, Mergen / Kingsley

This info is condensed from the Olmsted County Planning Department's Staff Report.
Ken Mergen, the applicant, will abstain from voting on this action.

Request: The request is to trade lake frontage for non-lake frontage.

Location: The property is located in the SW ¼ of the NW ¼ of Section 2 of Oronoco Township. The property is located on Sunset Bay Road NE.

Zoning: R-1 Low Density Residential District and A-2 Agricultural Protection District

Background Information:

Mr. Mergen would like to divide approximately 9,300 square feet from his parcel (840223046263). John Kingsley would in turn divide the same amount of property from his parcel (840223084656) to be attached to Mr. Mergen's property.

Mr. Mergen's property is zoned R-1, Mr. Kingsley's property is zoned A-2.

Staff Recommendation: The proposed metes and bounds is in compliance with the requirements of the Olmsted County and Oronoco Township zoning ordinance requirements. Planning staff recommend approval for the parcel boundary shift with the condition that the remnant of parcel 046263 be combined with the adjacent property.

OR2020-011MB, Mergen & Kingsley, continued

Charlie Lacy moved to approve OR2020-011MB based on staff findings and recommendation, inclusive of the condition that the remnant of parcel 046263 be combined with the adjacent property. Tammy Matzke second, motion carried 2-0. [Lacy-aye, Matzke-aye, Mergen-abstain]

Road Report – Ken Mergen

Ryan’s Bay Road – Mike Zillgitt held the pre-construction meeting September 25th. Construction will start October 12.

Bargen work – Bargen will patch in these areas: Frederichs Dr NW, Kuisle Ln NW, Shenandoah Ln NW, Ridge Crest Ln NW and Pine Crest Ln NW, Kapler Ln NW, Zumbro Haven, Gossman Ln NW (entire culdesac) at a cost of \$7,975.00.

Fahrner work – it looks like this work will not happen this year.

Providence Dr NW - A homeowner asked about winter snow removal. Scott Schumacher confirmed that the township does not maintain this road as it is in a recent subdivision with roads not yet accepted by the township. Ken Mergen will contact the resident. He may be able to contract with Schumacher’s as an individual.

Intersection of Cedar Beach Dr and 14th Av NW – trees need to be cut.
The township will look for a new arborist.

Cedar Beach Septic Update – Charlie Lacy read an email from Eric Blasing, Wenck (project engineers). An Ellingson (contractor who constructed the mounds) project manager met on-site with a Wenck engineer to discuss the regrading plan. Per Mr. Blasing, “we believe this is a warranty item and the work will be performed likely within the next month.”

It was suggested the board hold a special meeting with Pat Loomis from Gopher Septic, the maintenance provider, to explain the issues with the system. This meeting will be scheduled and posted.

King’s Park Septic Update - Lucy Shonyo was notified that the control panel replacement costs will be covered by MATiT insurance coverage. About \$9,300 will be reimbursed.

Parking Ordinance – The town attorney recommends we focus on Cedar Beach Dr. Captain Satzke has retired from the sheriff’s dept. Charlie Lacy is waiting for a response from Captain Satzke’s replacement, Captain Chris Wallace. The township will ask the town attorney to converse with the sheriff’s dept if there are enforcement problems with the ordinance.

Uncle John's liquor license – Ken Mergen moved to recommend the renewal of Uncle John's liquor license by Olmsted County. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Broadband – Kim Stanton asked Bevcomm for an example of the agreement Oronoco Township would sign and for a map of the area to be covered. The township is committed to broadband expansion but prefers not to spend money on what providers would do without township funds. Our dedicated funds need to cover remote areas, the underserved. Kim Stanton and Tammy Matzke will be in contact with John Sonnek from Bevcomm and hope to have township specific info by the November meeting.

Administrative Business

Minutes Approval - September 8, 2020 - Ken Mergen noted the Sept 8 minutes incorrectly stated he and Scott Schumacher visited Mr. Thornton on Cedar Crest Lane, the property owner whose wall was damaged by the plow last winter. It should have said "Charlie Lacy and Scott Schumacher...." **Ken Mergen moved to approve the Sept 8 minutes with the above noted correction. Tammy Matzke second, motion carried 3-0 [Lacy-aye, Mergen-aye, Matzke-aye]**

Special Meeting – September 21, 2020 – These will be approved in October.

Treasurer's Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of September 30, 2020 shows: Receipts \$573,416.42, Disbursements \$426,107.93 with an ending balance of \$746,276.79. September net payroll (paid in October) totaled \$2,039.37 (Board) plus \$415.57 (reissue of lost election judge check 7058). Total net payroll was \$2,454.94. Claims totaled \$39,498.56.

CARES funds were received from the state. These dollars will be transferred to Olmsted County November 2.

Charlie Lacy moved to approve the treasurer's report. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Approval to Pay Bills –

Claims totaling \$39,498.56 and net payroll totaling \$2,454.94 were presented. **Tammy Matzke moved to approve claims and payroll payments. Ken Mergen second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]**

OTPAC Report – Charlie Lacy – OTPAC heard **OR2020-002CUP**, Bruce Beck, All Craft Exteriors, in September. OTPAC approved the requested CUP. **OR2020-004CUP**, Oronoco MHC, Oronoco Estates, was deferred. **OR2020-002ZC**, Kuehn, was heard. OTPAC approved the requested zone change.

Charlie Lacy recommends the town board look at the Highway/Commercial zone and its potential impact on township roads.

Election Judges – Lucy Shonyo presented a list of potential election judges to serve at the November 3 general election. Service depends on completion of required training and polling place need. **Tammy Matzke moved to appoint the recommended election judges. Ken Mergen second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]**

2020 Township Road Mileage Certification – Ken Mergen moved to accept the 2020 Township Road Mileage Certification from the county. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye].

Road Records – Kim Stanton and Lucy Shonyo will work on this project through the winter. A spring 2021 all-road review is planned as part of compiling a comprehensive record of township roads and their attributes.

Other –

Oronoco Auto Parts - Tammy Matzke got confirmation from Jason Hawksford, MPCA, that the owner is removing debris from the OAP site.

Charlie Lacy moved to adjourn at 7:00pm. Tammy Matzke second, motion carried 3-0. [Lacy-aye, Mergen-aye, Matzke-aye]

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair