

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
October 4, 2021 5:30 PM

The monthly Oronoco Town Board meeting was called to order on October 4, 2021 by Chair Charlie Lacy. Present: Supervisors Charlie Lacy, Ken Mergen and Tammy Matzke, Treasurer Kim Stanton, Clerk Lucy Shonyo.

The **Pledge of Allegiance** was recited.

The **agenda** was accepted as presented.

Agenda Topics

Sergeant Chambers was not present.

Public Hearing on a Petition to Vacate a Portion of Sunset Bay Ln NE submitted by Kevin Graner and Jay Burke

Mr. Graner gave Clerk Shonyo a check for \$1,000 to cover expenses related to this action. Mr. Graner previously provided the Affidavit of Personal Service.

Chair Lacy opened the public hearing, and asked Mr. Graner, the applicant, to brief those present.

Mr. Graner, 13419 Sunset Bay Ln NE, explained the road doesn't go anywhere; it ends between his and Mr. Burke's property. It is unused property that would give him more space.

Chair Lacy read a letter submitted via email from **James Judisch II, 13437 Sunset Bay Ln NE**. Mr. Judisch spoke in favor of granting the vacation: "I strongly support their plans to improve their property as I believe it will be of benefit to the neighborhood." Mr. Judisch also noted his support for "...Jay Burke, (The Freshman Group, LLC), with his development efforts on land adjacent to the Graner's land and directly across the road from my residence."

Jay Burke, 4201 Manorview Dr NW, Rochester, spoke in favor of granting the vacation, saying it would improve the end of the roadway.

Del Mergen, 13331 Sunset Bay Ln NE, spoke in favor of granting the vacation. "Adding property to landowners is always a good thing." It is unused land.

Betsey Johnson, 13359 Sunset Bay Ln NE, questioned the "cul-de-sac" (turnaround) and asked where the Graner's would park.

Chair Lacy noted that people don't typically use township roads / ROWs for long term personal parking. The township has not received complaints about this; the township did not know this was an issue. If parking hinders emergency vehicles or snow removal equipment the township can enact a parking ordinance.

Chair Lacy asked Mr. Burke to discuss the cul-de-sac (turnaround) referenced. Mr. Burke noted it will be entirely on his property, as he owns adjacent property to the north, south and east. Mr. Burke stated he would be willing to deed property to the township if needed for a turnaround.

Sean Kettelkamp, 13359 Sunset Bay Ln NE, provided some history of the area. Ms. Kettelkamp told of a past lawsuit involving encroachments on her property. Per Ms. Kettelkamp the Graner's have used the property as though they own it. Ms. Kettelkamp parks on her own property. Del Mergen winters in Florida, sold his house to Ken Mergen. He doesn't own property on Sunset Bay Ln NE. Why is he so interested? Del Mergen was acting like an agent for Mr. Burke. Ms. Kettelkamp stated she heard Del Mergen will be the homeowner of the property Mr. Burke is developing.

Chair Lacy asked participants to restrict their comments to the road vacate action before us.

Sean Kettelkamp said she was "vigorously against vacating any portion of Sunset Bay Ln NE."

Steve Houdek, 13359 Sunset Bay Ln NE, asked about the south border of the vacate action. It was clarified that the south border will be at the Houdek property line. It does not go as far south as the first map distributed shows.

Sean Kettelkamp said it was disingenuous to say the road was on Mr. Burke's property. [Referring to the "traveled gravel road" noted on the map to the north and east of the road portion petitioned to be vacated.] Ms. Kettelkamp noted the "traveled gravel road" was for school buses.

There was **general conversation** about when the "Platted Road - Vacated" shown on the map to the west of the portion petitioned to be vacated, was vacated. This was a platted roadway, but there was never a road there. It is believed beneficiaries of that vacate action were Tom Whiting, Houdek / Kettelkamp and Bob Kuehn.

Supervisor Mergen, 13331 Sunset Bay Ln NE, [public hearing participant, resident of the area and a town board supervisor] stated the situation is that the Graner's want to vacate; the "traveled gravel road" is on Mr. Burke's property and was never platted as a turn around.

Kevin Graner, applicant, noted that the former vacate action is not at issue here. He parks on the road because there is nowhere else to park. Half of the property [if vacated] will be yard, the other would be parking and garage access. Currently people drive in front of the Graner's house to turn around. The turnaround Jay Burke is proposing as part of his development will help everyone.

There was **general discussion** about possible runoff issues with Mr. Burke's driveway / turnaround.

Chair Lacy asked three times for additional comments for or against the vacate action. Hearing none, **the public hearing was closed.**

Town Board discussion:

Supervisor Mergen noted Mr. Burke's future cul-de-sac (turnaround) and his willingness to deed property in front of lot 46 for a turnaround for snow removal equipment. There is a culvert at the middle of the Kettelkamp property. He notes one side is full of ashes and debris. The "traveled gravel road" on the map is on Mr. Graner's property. It was never platted as a turnaround.

Sean Kettelkamp stated the culvert works.

Chair Lacy reminded all that the public hearing was closed but could be reopened.

Supervisor Matzke said improper grading could cause water problems.

Clerk Shonyo stated this action could be continued to November's meeting if further research or consideration are needed.

Tammy Matzke moved to reopen the public hearing. Ken Mergen second, motion carried 3-0.

Chair Lacy asked Mr. Burke if a grading plan is required by the county [before construction begins on his adjacent property]. Mr. Burke responded "yes, his driveway cannot contribute to any water issues."

Sean Kettelkamp noted the tradition of naming houses in earlier days.

Chair Lacy asked three times for additional comments for or against the vacate action. Hearing none, the public hearing was closed.

Town Board discussion:

Supervisor Matzke suggested a site visit.

Chair Lacy noted he is inclined to continue this matter until November.

Donated land for a turnaround cannot be tied to this vacate action.

He stated he is not an expert on water runoff and drainage and will want experts to advise on this matter.

He will talk with the township attorney Bob Ruppe.

The road property, if vacated, would go 50:50 to Mr. Graner and Mr. Burke.

Supervisor Mergen moved to continue this vacate action until the November 1, 2021 meeting. Tammy Matzke second, motion carried 3-0.

The board will conduct a site visit at Sunset Bay LN NE on Friday, October 22 at 4:00pm. Citizens are welcome.

Possible appeal of OR2021-003VAR

Chair Lacy stated information was received from the county regarding the possible appeal of OR2021-003VAR, applicant Jay Burke.

Road Report – Ken Mergen

A tree fell on the west side of 60th Av, the boundary between New Haven and Oronoco Townships. Per an agreement between New Haven and Oronoco, if the base of the tree was on the west side, New Haven will take care of it; east side is our responsibility.

Mowing was done at 60th Av and 75th St as the view was limited to the east.

Clerk Shonyo received an invoice from Quality Propane for chloride. Scott Schumacher confirmed it was applied on Cedar Beach Dr and 28th Av by the cemetery.

Supervisor Matzke noted the King's Park area needs regrading.

The traffic counter is on order.

Evergreen Dr was fixed, regraded.

MNDOT will place a new reflective devise at 75th St and 20th Av NE.

Street signs were replaced at Cedar Crest Rd and Lion's Ct.

Arne Nelson development update – Chair Lacy attended a meeting attended by Olmsted County, the City of Rochester and Planner Logan Tjossem representing Mr. Nelson regarding the planned development at 75th St and 18th Av in Oronoco Township. Oronoco Township must enter into an Orderly Annexation Agreement with the City of Rochester for this development to go forward since it is in Rochester’s urban service district. The site’s proximity and access to 75th St is concerning. Per Mr. Baker, MNDOT, a roundabout is scheduled in 2026. The church to be located there has driveway access, but a driveway is not a roadway, and a permit will not be issued. The City of Rochester requires 80 acres to consider annexation, so the property annexed would have to include neighboring property owned by the Diocese of Winona. The site is planned to have 3 highway/commercial lots and 5-6 residential lots.

Oronoco Auto Parts Update – Supervisor Matzke attended the Ramsey County hearing on September 17. The earlier preliminary hearing determined Oronoco Auto Parts has not fully cleaned up the Oronoco Township site. None of the 3 owners were present at the preliminary hearing. At this hearing the judge gave Oronoco Auto Parts 30-60 days to do cleanup. MPCA is hopeful more cleanup will happen.

King’s Park Septic – adding new properties

Oronoco Township cannot add new properties to the King’s Park septic system. Per Resolution 2018-06 from May 7, 2018, the system is only for the 14 original homes. The resolution allows for an additional 7 bedrooms in the original 14 properties. One of these bedrooms has been added.

Administrative Business

Minutes Approval – The September minutes will be reviewed in November.

Treasurer’s Report – Kim Stanton

The YTD Statement of Receipts, Disbursements and Balances as of October 1, 2021, shows: receipts \$773,868.08; disbursements \$656,486.02 with an ending balance of \$930,349.00.

The document camera has been received.

Fitzgerald Excavating has cashed the check for Ryan’s Bay Road construction.

The CD has been renewed.

Schedule 1 dollars match the bank, and the clerk and treasure accounts match.

The township will owe Bevcomm \$35,000 [this amount is actually \$40,000] in December. Part will be taken from the broadband levy account and the remaining from ARPA funds. Treasurer Stanton will contact Bevcomm about what areas might be in phase 2.

Supervisor Matzke moved to approve the treasurer’s report. Supervisor Mergen second, motion carried 3-0.

Approval to Pay Bills –

September net payroll (paid in October) totaled \$2,054.98. Claims totaled \$18,864.78.

Supervisor Mergen moved to approve payment of claims and payroll. Tammy Matzke second, motion carried 3-0.

Mark Kuehn – unpaid fire call fees

Treasurer Stanton sent Mr. Kuehn notice that two unpaid fire call fees from 2018 totaling \$3,112.50 would be added to his taxes if not paid. In a conversation with Treasurer Stanton Mr. Kuehn stated he is not liable for those fees because he had a burn permit and he was not the one who called the fire dept. He offered to make a donation to the PIFD, but not pay the total charges. Treasurer Stanton will take this back to PIFD.

OTPAC Report – Charlie Lacy

The CUP (Conditional Use Permit) for Mark Kuehn's property on 50th Av (former horse arena) did not include the provision to not allow business truck traffic on 50th Av. The driveway from the property to 112 is unpermitted (by the previous owner), and Olmsted County did not want it used. Due to intervention by Commissioner Thein, Mr. Kuehn can use it to access 112. Mr. Kuehn will be asked why he doesn't use the driveway to 112 instead of 50th Av.

All Craft Exteriors is building a new structure on their property on 11th Av NW. Per Tom Rathmann (Schumacher's) there has been no excessive road wear. The new agreement between All Craft and the township is that, based on Schumacher's determination, All Craft will pay for excess road wear on 11th Av NW caused by their business. There is no dollar cap.

Uncle John's Liquor License – Supervisor Matzke moved to endorse the renewal of Uncle John's on sale/off sale liquor license. Supervisor Mergen second, motion carried 3-0.

King's Park and Cedar Beach Operation and Maintenance (O&M) fees

Treasurer Stanton hasn't heard back from Gopher Septic about potential upcoming costs with the septic systems that O&M fees would need to cover. **Supervisor Mergen moved to continue the King's Park and Cedar Beach O&M discussions to the November meeting. Supervisor Matzke second, motion carried 3-0.**

American Rescue Plan Act (ARPA) – Kim Stanton

Supervisor Mergen moved to endorse "A Resolution in Support of Goodhue County ARPA Funds Being Utilized for Fire Department, First Responder, and EMS Mobile and Portable Radio Purchases" sent by the City of Pine Island. Supervisor Lacy second, motion carried 3-0. This is Oronoco Township Resolution 2021-02.

American Rescue Plan Act (ARPA), continued

Treasurer Stanton researched the “lost revenue” option, one of the categories that ARPA funds can be used for. It is assumed that incomes increase 4.1% annually. Simply put, if more than 4.1%, ARPA funds can be used to fund increases in expenses. In this scenario these funds could be added to the general fund and used for any otherwise legitimate expense. There is a calculation that determines eligibility each year, 2021-2024. There was discussion about what “income” is to be included in calculations. Treasurer Stanton will contact MAT for answers.

MNDOT maps, updated in 2020 are available to review. They will be emailed to the board.

Supervisor Mergen moved to adjourn at 8:50pm. Supervisor Matzke second, motion carried 3-0.

Respectfully Submitted,

Lucy Shonyo, Clerk

Charlie Lacy, Chair