

Rochester Township
Board Meeting Minutes
May 14, 2020

Meeting was called to order at 7:00 pm by Chairman Jamie Neisen.

Members present - Jeff Orth (telephone), Douglas Butler, Brian Mueller (telephone), Matthew Kitzmann (telephone), Jamie Neisen and Randy Staver

Guests - Mark Cochran, Deputy Dean Thompson, Ed Clark, Bill Tointon, Andrew Forliti, Roger Ihrke; other public participants either present or joining by telephone

Minutes – Brian Mueller moved to accept the April 9, 2020 minutes. Doug Butler seconded. All voted in favor and the motion carried.

Deputy's Report - Deputy Dean Thomson reviewed the call report of 63 calls.

Old Business:

Herring Property Brush Pile – Brian Mueller wished to comment on additional concerns he has heard regarding clean up of the brush pile located on the Herring property. Apparently, another entry point has been created, additional trees have been brought on site and the pile is attracting animals. Brian is recommending that the township revoke the Interim Use Permit (IUP) for a brush dump. Roger Ihrke informed the Board that the property owner must first be issued a notice of violation after which a public hearing is held to determine the status of the permit. Brian Mueller moved and Matt Kitzmann seconded to ask Roger to issue the violation notice and notify the property owner that the Board has requested a public hearing. All voted in favor and the motion carried.

New Business:

2019 Audit Presentation – Andrew Forliti presented the audit for fiscal year 2019. Andrew noted that the overall opinion is 'clean' which means that all information is fairly stated. He stated that all information requested had been provided and that the books are in very good shape. He noted that the limited number of personnel makes separation of duties difficult. Andrew went on to provide an overview of various demographic, fund, revenue and expenditure trends. Nothing unusual was noted. Doug Butler made a motion to accept the auditors report. Jeff Orth seconded. All voted in favor and the motion carried.

Woodlands Development – Jamie Neisen began the discussion by stating that the discussion at this meeting will focus only on the traffic report provided. There will be an opportunity for public comment at the Planning & Zoning Commission (P&Z) meeting in June after which the township board will take up the discussion.

Chad Jorgenson from SEH provided an overview of the project and reviewed traffic information based on anticipated development. Jamie Neisen asked SEH if they had received the email from Nick Sanford and Chad responded he had and had spoken to the individual.

Brandon Theobald from WHKS discussed their review of the traffic study. Jeff Orth asked what is the State standard / specification and stated that the township needs to be consistent across all roadways. He further suggested we may need a review by our attorney. Roger Ihrke provided input and stated that the adopted township access management ordinance is the same as the one for Olmsted County and that is where the standards come from. Roger said this is an area that requires further discussion and study. Roger noted a concern moving forward with this project is a potential conflict with the resolution adopted in 2018 (Res2018_09_01) and whether it will supersede the traffic study. From a procedural perspective, Roger said it is difficult to accept an application with the current resolution in force and he has previously denied requests that would increase traffic on Meadow Crossing Road. He said that the current recommendation to the P&Z would be for denial based on the resolution.

Doug Butler asked why the resolution had been adopted in 2018. Jamie Neisen responded that a development had been approved without performing a traffic study which led to some later concerns.

Jamie Neisen asked whether the Board could make changes to the resolution after the P&Z discussion. Roger responded that he must recommend denial based on the resolution. Jeff Orth expressed a need for further communication and that it doesn't make sense for the development proposal to go forward to P&Z so long as the resolution is in place. Roger Ihrke read a resolution he prepared for Board consideration that would simply rescind the 2018 resolution. The proposed resolution would not approve or deny the project but simply rescind the earlier resolution which will then allow consideration of the new traffic report. Jeff Orth moved to adopt resolution Res2020_05_01 as proposed. Doug Butler seconded. All voted in favor and the motion carried.

Ed Clark asked to speak and expressed concern about the time sensitivity for the project. He would like the Board to adopt the traffic study. He further stated that he has provided all requested information and that there has been adequate time to review. Board members expressed concern that the Board would be proceeding without benefit of the P&Z discussion and public input. Bill Tointon asked about the process for traffic study review. Roger Ihrke responded that a public hearing is not required; it is a Board decision. Matt Kitmann asked what would happen if the Board accepts the traffic study. Roger stated that the Board would simply be accepting the report and that no further information would be needed. Numbers contained in the report would be used subsequently to aid in the decision of whether to approve the project. Jeff Orth asked whether there is a reason not to accept the report. Roger stated that the public might argue there are errors in the report. He also said that the P&Z isn't the body to accept the report; it is not within their authority. Doug Butler said he thinks it is important to allow the public to provide input. Brian Mueller made a motion to accept the traffic report. Jeff Orth seconded. The motion carried 4-1 with Jamie Neisen voting nay. Doug Butler clarified that this would not exclude the public from commenting. He asked if the Board could invite written comments and made a motion to solicit written comments over the next ten (10) days. The motion failed for lack of a second. The Board will consider comments made at the upcoming P&Z meeting.

Annual Reorganization – Jamie Neisen stated that due to scheduling conflicts, it is difficult for him to fulfill the meeting requirements as the representative on TCPA and he asked that another board member take his place. Jeff Orth volunteered. Brian Mueller moved to accept the 2020 reorganization document with the noted change. Matt Kitmann seconded. All voted in favor and the motion carried.

ROW Maintenance – Discussion occurred regarding the Right of Way (ROW) ordinance. Draft versions of the ordinance have been found but no record that the ordinance was formally adopted. In addition, it was noted that we have learned that there are at least two Minnesota state statutes that may already guide ROW management. Matt Kitzmann noted a concern he has with headwall treatment and Jeff Orth stated that we should strive for consistency in administering ROW maintenance regardless of which document serves.

Mark Cochran said that he has put together a plan to address ROW issues and suggested that we could consider changes in the course of a normal road project and bring things in line at that time. Jamie Neisen said that the information should be placed on the township web site for ready access to the public for consideration. He also asked if someone should summarize the state statutes as part of the review. Brian Mueller commented that the Board might consider studying and adopting the ROW draft document in the interim given the amount of work and discussion that occurred at the time. Jeff Orth asked if the Minnesota Association of Townships (MAT) might have a draft ROW ordinance. Jamie Neisen said he would contact MAT to find out. The discussion will continue as the Board gathers information.

Audit Proposal – Clerk Randy Staver gave a brief summary of the 5-year audit proposal as provided by Smith Schafer. Andrew Forliti noted that Cascade Township had approved the same proposal contingent on mutual approval by Rochester Township. With no questions, Jeff Orth made a motion to accept the proposal. Brian Mueller seconded. All voted in favor and the motion carried.

Information Items – Multiple informational items were covered including:

- Local Board of Appeal and Equalization (LBAE): Clerk Randy Staver informed the Board that the township is currently not authorized to serve as the LBAE. As such, Olmsted County fulfills the role via the Open Book process. Approximately 6-10 of the townships in Olmsted county use the Open Book process. If Rochester Township wishes to once again serve as the LBAE, it must be re-certified ahead of next year's appeal process. Jeff Orth said that historically the township board has felt duty bound to fulfill the role to act as an intermediary and on behalf of township residents. He asked that the township pursue getting re-certified. Matt Kitzmann moved to re-establish the township board as the LBAE authority. Jeff Orth seconded. All voted in favor and the motion carried. Clerk Randy Staver will return at a future meeting with details as to how to achieve certification.
- Jaguar Communication: The completed and signed resolution was noted.

8th Street Project – Tree Replacement – A request was received via email from a resident along 8th Street for \$500 in reimbursement for tree replacement as was promised as part of the road project. The Board reviewed minutes from the June 2018 meeting and verified that had been the agreement. The Board instructed that the requested payment should be made out of the Roads & Bridges Miscellaneous fund.

Treasurer's Report – Jeff Orth moved to approve the Treasurer's report with a balance of \$657,619.90. Brian Mueller seconded. All voted in favor and the motion passed.

Rochester Township Claims – Jeff Orth moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #4529-4547 in the amount of \$58,459.62. All voted in favor and the motion carried. Jeff Orth had a question about amounts paid to Bergen and Mark Cochran listed the various work that has been completed.

JPB Claims –Jeff Orth moved and Brian Mueller seconded to accept and pay Joint Powers Board claims #5109-5138 and the Rochester Township share in the amount of \$31,116.72, and a payroll share of \$12,181.14. All voted in favor and the motion passed.

Mark Cochran noted that we are required to purchase at least 80% of the contractually agreed salt amount. Supplies are in good shape.

Clerk Randy Staver provided a new budget report for Board discussion. The report allows the township to track YTD actual versus budgeted amounts to see if revenues and expenditures are tracking as expected. It was noted that many categories are not equally spaced over the year so the variance at any given time for a budget category may not truly reflect activity and expected balances. The report is nevertheless a good checkpoint. Jeff Orth stated, and Doug Butler agreed, that it appears to be good information and suggested the report be presented on a quarterly basis. The report will next be presented at the July meeting.

Road Maintenance Supervisor Report – Mark Cochran reported.

- Progress has occurred on several road projects as expected.
- Doug Butler said that he and Matt Kitzmann had met with the Joint Powers Board personnel committee so that they are aware of some staff health issues. Time away from work has been approved and the committee will meet again in two weeks to check status.
- Mark reported that work related to MS4 has not been completed due to excessive amounts of storm water last year. It is time to provide the annual report for this year and Mark asked for some assistance. The deadline for submitting the report is June 30th. Jeff Orth and Matt Kitzmann volunteered to do some site visits to gather information that will then be provided to the Clerk. Historically, the township clerk has assisted in preparing and submitting the annual report.
- Mark said he had received some complaints of wet areas along 8th Street. He isn't sure anything can be done given that there is very little grade on the property in this area but just wanted the Board to be aware and perhaps take a look at the site.

TCPA Report – Did not meet this month. Under this topic, Roger Ihrke said he had received a request from Mr. Connelly to table his item at the Planning & Zoning Commission to the second meeting in June and asked if the Board had any objections. None were expressed. Roger further stated that the meeting on June 8th would likely be a call in meeting and then extended to June 12th. Roger expects that several people will want to comment and that a call in meeting may be cumbersome. As such, he intends to set up a separate email address for the Rochester Township Planning & Zoning meeting so that the public may submit questions / comments in writing ahead of the meeting.

Roger also stated that TCPA will be purchasing equipment to better facilitate the dial in meeting. It is equipment that Roger is familiar with and has used in the past successfully. The equipment could be made available for future township board meetings as well if need be.

Board of Adjustment Report – Nothing to report.

Planning and Zoning Commission Report – Did not meet.

Upcoming Meetings –

- May 21, 2020 – Olmsted Planning Advisory Commission – 7:00 pm – location TBD
- July 10, 2020 – Joint Powers Board – 9:00 am – Rochester Town Hall

Meeting Adjourned – Doug Butler moved and Jeff Orth seconded to adjourn. All voted in favor. Meeting adjourned at 9:45 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman