

Rochester Township

Board Meeting Minutes

June 11, 2020

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

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

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

Minutes – Jeff Orth moved to accept the May 14, 2020 minutes. Matt Kitzmann seconded. All voted in favor and the motion carried.

Deputy's Report - Deputy Dean Thomson reviewed the call report of 89 calls for service. It was noted that there have been some complaints of excessive speeding in the area of 8th Street SW. The question was asked whether a temporary mobile speed trailer could be placed in the area. Deputy Thompson will check. Deputy Thompson also provided the board with a report related to a loose dog that had allegedly attacked some chickens of a close by neighbor. The report was turned over to the board animal control representative (Doug Butler) for follow up.

Call for Other Agenda Items – Jamie Neisen noted that he had received a request that the public be allowed to comment later in the agenda on the Mayowood Estates topic. Matt Kitzmann moved to allow public comment limited to 5 minutes per speaker. Jeff Orth seconded. All voted in favor and the motion carried.

Old Business:

ROW Maintenance – Jamie Neisen stated that he had contacted MAT for advice. The board was directed to two state statutes that govern ROW's. Roger Ihrke also provided information taken from the township guide. He further stated that it looks like a draft ROW resolution was drafted but never adopted. Jamie suggested that a subcommittee could be formed to review the item and that the board may wish to wait until the new board supervisor is seated in July. Jamie Neisen volunteered to be part of a review. Matt Kitzmann asked if we know of any discrepancies between state statute and the draft document. In discussion it was noted that there could be issues in how to deal with 'grandfathered' changes and how to enforce township responsibilities. Brian Mueller also volunteered to help. Jeff Orth noted that there are often concerns with designing roads and performing maintenance to specifications. He noted the impact on trees and emphasized that changes must be done with safety in mind.

New Business:

Mayowood Estates; GDP and Zone Change – No comments were mailed in but several individuals wished to speak. Questions or concerns raised included:

- Would like construction traffic to occur on the new road as opposed to the existing road.
- Does not wish to see additional traffic and if there is an increase there should be ways of mitigating; does not feel it is fair to pay to widen the road to serve the development expansion.
- Would like to see a resolution supporting development restrictions; still has questions regarding the traffic study.
- Development needs to be cognizant of safety.
- Mayowood home owners association representative said that they are frustrated that the township board seems to keep changing direction which leads to confusion. Feels the road improvements would be detrimental. The township board should decide what type of road Meadow Crossing should be and then adopt a permanent resolution. Consider future developments that might affect Meadow Crossing Road.
- Take into consideration the discussion at the Planning Commission; look at the cost / benefit of the roadway improvements. Can there be a bond to help protect township interests?

Jamie Neisen closed the public comment period.

Jamie Neisen responded to questions regarding construction traffic by referring to a letter provided by Bill Tointon at WSB. Bill said there are two separate issues. First is the road construction itself and access to build the road. That travel understandably needs to occur on the existing road. After the new road is constructed then activity to build new homes will take place on the new roadway. Bill asked that condition numbers 2 and 4 be reworded to reflect the desired use. Ed Clark also responded by saying appropriate language could be inserted in a development agreement. asked to meeting.

Jeff Orth asked whether extra fill could be used to mitigate certain roadway issues. Ed Clark responded that there can be issues with reconstructing ditches to meet standards which might be compromised by widening the road and using fill. Jeff noted that we should simply be looking forward. Bill Tointon said they will look at that more closely as they develop final construction plans.

Jamie Neisen spoke further about the question of bonding and liability and asked how it is set. Roger Ihrke responded that a bond amount is often set during the bidding process. Typically, the bonding requirement will go down as a project progresses and then remain at 25% for two years post-completion as insurance.

Roger Ihrke noted that there seemed to be some confusion based on the resolution adopted at the last meeting. Board action did not mean that the original resolution went away. Rather, the action only determined that this project would be evaluated on its own merits.

With reference to the GDP, Roger Ihrke said several changes had been made including reducing the number of lots from 66 to 48. Other changes were also made based on discussion at the Planning Commission. Roger also referred to conversations he had with legal counsel Peter Tiede and Nick Sanford from Olmsted county Public Works. Nick said their engineers use the MNDot manual for collector road design. The right of way of a collector road is 80 feet. When asked how certain intangibles such as topography are handled, Nick had said that many of the designs serve as guidelines and are not absolute. Roger noted that many current roadways would not meet current roadway design guidelines. However, design of Meadow Crossing Roadway should include a long term plan for improvements.

Jamie Neisen asked the developer if they had any other comments regarding conditions for approval besides conditions 2 and 4. Discussion ensued about roadway width and best designed include aspects such as bike lanes. A question was raised as to the designated speed limit. It was noted that a township may set certain speed limits but it is most often set to 30 mph in a situation like this. The Planning Commission wants the road constructed as close as possible to local collector standards. Within the 66 foot ROW there will be 24 feet of blacktop travel lane with 6 feet on either side (3 feet of blacktop and 3 feet of gravel) for a total roadway width of 36 feet.

Matt Kitzmann asked whether the ditch design will be ok given the intended road width. Discussion ensued about the merits of different travel lane and pedestrian lane widths.

Roger Ihrke recommended that the board approve the GDP consistent with the Planning Commission discussion and conditions. Jeff Orth moved to approve the GDP with the following conditions noting changes to conditions 2 and 4. Doug Butler seconded. All voted in favor and the motion carried.

1. The GDP is predicated on there being a minimum of one local collector road plus another local road, both connected to CSAH 8, to provide adequate traffic management and meet local and county roadway standards. At this time, neither Meadow Crossing Road nor the second access fully meet the standard of local collector. Thus, the commission strongly recommends that the town board work with the developer to guarantee that one or both of these roads are upgraded to meet the standard of a modified local collector to provide safe transportation now and going forward.
2. That the second access road be completed for construction traffic use prior to the issuance of residential building permits.
3. After initial grade, all construction traffic for Maywood Estates be required to enter from CSAH 8 at the second access.
4. That the Town Board and developer work toward providing for pedestrian/bicycle pathways on both connecting roads.
 - a. The Commission suggests that the requirement for open space in Maywood Estates could be satisfied by the provision of safe/usable pedestrian and bicycle pathways.
5. That the storm water management plan be clarified relative to responsibility (lot owner versus HOA). This would include maintenance (all areas) and understanding about existing owners' protections as development continues.

6. That the nature of the homeowner's association be defined (especially related to community/public and township/county spaces).
7. That the grading plan include all of phase 1 and 2, so that the build out can be done smoothly, and in consideration of all lot owners. (This may depend on scope of grading infrastructure versus driveways, etc).
8. That a wetlands evaluation be made prior to preliminary plat approval and construction.

Jeff Orth moved to rezone the entire development to R-1 based on staff findings. Matt Kitzmann seconded. All voted in favor and the motion carried.

Mayowood Estates; Metes & Bounds Subdivision – Roger Ihrke provided some background information for the request and the rationale. The conveyance involves about one third of an acre. Jeff Orth made a motion to approve the request. Doug Butler seconded. All voted in favor and the motion carried.

Herring RTIUP-17-01 Revocation – Mr. Herring had submitted a letter to the board requesting that this item be taken up at the township meeting on July 9, 2020. Jamie Neisen instructed that he would open the public hearing in case anyone wished to comment this evening. No one spoke. Matt Kitzmann move to continue the item to July 9th and leave the public hearing open. Brian Mueller seconded. All voted in favor and the motion carried.

Annual Township Picnic – Jeff Orth noted that approximately 100 township residents have attended this event in the past. It was noted that due to COVID-19 social distancing rules, it may be problematic to hold the event this year. The board decided to wait until the July meeting to make a final decision.

Olmsted County Equipment Rates – Jamie Neisen introduced the topic as being the routine agreement with Olmsted county for rates related to use of county equipment or services for 2020. Jeff Orth moved to approve. Brian Mueller seconded. All voted in favor and the motion carried.

Vacant Position – Douglas Butler – With Doug Butler's move outside of the township, a vacancy will be created. This is Doug's last meeting. Two individuals – Brain Zmolek and Arthur Handelman have expressed interest in serving. Both individuals were given an opportunity to provide some background.

Brian Zmolek – Is relatively new to the township but not new to the Rochester area. He spoke of past experiences such as working on a Malcolm Baldrige award initiative, helping with the ISD 535 strategic planning project and working with the Rochester Amateur Sports Commission. He also previously served as a reserve deputy for Olmsted county. He wishes to help the board address challenges facing the township and take advantages of opportunities.

Board members asked where is his place of employment and could he be available for sometimes urgent township requests. Mr. Zmolek responded that he works for Mayo Clinic in the Department of Radiology. He is an exempt employee and does not anticipate any concerns given Mayo's flexibility toward community service.

Arthur Handelman - Is a resident of the township going on 9 years. By profession he is an attorney. He sits on the board of directors of a small oil company and has a web-based energy consulting business. He is used to working remotely and has a high degree of flexibility. He is interested in local government and was involved in a neighborhood community program. One issue he is interested in is that as the township transitions and works more closely with the city of Rochester and Olmsted county, he wants to look out for the best interests of the township.

Information Items – Multiple informational items were covered including:

- **MS4 Report Status:** Clerk Randy Staver provided an update and noted that the deadline for submitting the annual report is June 30th. Jeff Orth noted that some board supervisors will do some site reviews in conjunction with preparing the report. Mark Cochran said that the format for the report is very similar to last year's report. He further stated that largely the exercise consists of making sure ponds are working as designed, not washed out, and not full of silt. Matt Kitzmann posed the question whether we should consider establishing a budget line item in the future and set aside dollars for issues that may arise.

Treasurer's Report – Clerk Randy Staver submitted the treasurers report, noting one large bill to Rochester Sand & Gravel in the amount of \$100,452 for road materials and work. He also noted that the cafeteria fund has been combined with the rest of the accounting system. Doug Butler moved to approve the Treasurer's report with a balance of \$603,338.40. Jeff Orth seconded. All voted in favor and the motion passed.

Rochester Township Claims – Brian Mueller moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #4549-4566 in the amount of \$133,867.86. All voted in favor and the motion carried.

JPB Claims – Matt Kitzmann moved and Brian Mueller seconded to accept and pay Joint Powers Board claims #5140-5164 and the Rochester Township share in the amount of \$19,639.79, and a payroll share of \$13,133.85. All voted in favor and the motion passed.

Road Maintenance Supervisor Report – Mark Cochran reported.

- Noted a complaint in the Millie Meadows area. Discussion occurred about use of speed tables. Mark said they work well but are hard on plow equipment.
- Mark noted he had heard of a speed issue on 8th St SW. Jamie Neisen asked if some speed limit signs might help. Mark said he hadn't really noticed any issues. Based on earlier comments Deputy Thompson will be making inquiries.
- Mark said that we are still waiting to hear a status on our request for state funds to aid in the resolution of the 100 year flood damages that occurred.
- Work continues on culvert repairs and ditch maintenance.
- Mark discussed access fees and whether the fee should be raised; permits are currently free. Fees could be set aside for use for future maintenance. Doug Butler said he had spoken to Mark about the idea of a fee and likes the idea. Matt Kitzmann asked how often this is an issue and Mark replied it is an issue mainly when accesses are reclaimed. Jeff Orth questioned whether establishing fees is a path the township wishes to go down. He said we need to be cognizant of equity.

- Doug Butler asked if there are any wood chips available. Mark Cochran responded not currently but probably in the next couple of weeks.

TCPA Report – It was noted that Jeff Orth will now serve as the township representative in place of Jamie Neisen.

Board of Adjustment Report – Did not meet this month.

Planning and Zoning Commission Report – Nothing further to report.

Upcoming Meetings –

- June 30, 2020 – Township board social gathering in acknowledgement of Doug Butler’s retirement – 6:30 pm – Jeff Orth’s home
- July 10, 2020 – Joint Powers Board – 9:00 am – Rochester Town Hall

Meeting Adjourned – Brian Mueller moved and Doug Butler seconded to adjourn. All voted in favor. Meeting adjourned at 9:40 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman