

**Rochester Township**  
**Board Meeting Minutes**  
**May 13, 2021**

**Meeting was called to order at 7:00 pm by Chairman Matt Kitzmann.**

**Members present** - Matthew Kitzmann, Jamie Neisen, Brian Zmolek, Brian Mueller, Jeff Orth and Randy Staver

**Guests** – Mark Cochran, Dean Thompson, Peter Tiede, Roger Ihrke, Bill Tointon, Ed Clark, Gene Peters, Mark Welch, Jeff Broberg, five members of the public

**Minutes** – Jeff Orth moved to approve the minutes for the April 8, 2021 meeting. Jamie Neisen seconded. All voted in favor (5-0) and the motion passed.

**Deputy's Report** – Deputy Dean Thompson reviewed the call report of 59 calls for service.

**2022-23 Law Enforcement Contract** – Deputy Dean Thompson presented the contract for 2022-23. Jeff Orth moved to accept the contract as proposed. Jamie Neisen seconded. All voted in favor and the motion passed.

**Old Business:**

None

**New Business:**

**Preliminary Plat Millie Meadows Estates Second –**

- Roger Ihrke presented. The Planning Commission has seen it. Some questions still remain such as whether there will be a connecting roadway to undeveloped land to the east; will roadways be used or just designated easements. The engineer believes they should be platted as roadways; direction is being requested from board.
- Gene Peters and Mark Welch were present. A checklist has been offered to aid in the process. The Planning Commission felt that a preliminary plat was ready to move forward.
- Jamie Neisen stated that our engineer, Brandon recommended the roadway for this project be 4" bituminous over 10" class 5 vs. 3.5" bituminous over 9" of class 5. Jamie asked if this should be addressed in the development agreement until the ordinance can be updated. Roger said he believes that the current ordinance language suffices. He also stated that he thinks it would be difficult to enforce something not codified in the ordinance. Peter Tiede was in attendance and

agreed. The ordinance was last modified in 2003. The Planning Commission will likely take up the matter soon and will be considering multiple changes. Roger said the board will likely not see a revised ordinance until fall at the earliest.

- Gene Peters and Mark Welch explained roadway construction in more detail based on requirements of the ordinance. Jamie asked that Brandon (whks) be present in future meetings in which preliminary plats and final plats are brought forward to allow for questions that might arise regarding his recommendations.
- Roger Ihrke spoke and stated that the development agreement as drafted dedicates certain areas to the township, e.g. play area. In the past the township has wanted those items dedicated to the home owners association. Brian Mueller moved to approve preliminary plat including that the HOA accept the dedicated areas. Brian Zmolek seconded. All voted in favor and the motion passed.

#### **Preliminary Plat Mayo Woodlands Third and Fourth –**

- Roger Ihrke presented an overview and acknowledged that Ed Clark, Bill Tointon, and Chris Barber were present for questions. The developer has been working with the home owners association. The Planning Commission had suggested adding a bike / walking trail and to work with the developer to accomplish. They are also in support of development of phase 3 and the transfer of phase 4 to another developer. Any path would be maintained by the township but would not include snow removal. Jeff Orth moved to adopt the preliminary plat. Brian Mueller seconded. All voted in favor and the motion passed.

#### **Metes & Bounds Splitting Mayo Woodlands Third and Fourth –**

- Jeff Orth moved to approve the metes and bounds request. Brian Mueller seconded. All voted in favor and the motion passed.
- Direction from the Board was requested on the trail. Chris Barber spoke and said that design and cost sharing should be worked out. Roger Ihrke stated that there could be work required in the culvert area. Ed Clark spoke and said that design aspects need to be worked out. Roger also said there are concerns about getting to trails from housing since roads need to be crossed. Matt Kitzmann asked about pros and cons of putting a trail in the ROW versus in home owner area. Jeff Orth moved that the township proceed with creating a path in the public ROW. Brian Zmolek seconded. Roger clarified that the board isn't approving a final design and cost – only that the township wishes to further explore. All voted in favor and the motion passed.

#### **Pavilion Estates – Environmental Assessment Worksheet –**

- Peter Tiede spoke to provide context on the topic and stated that the decision before the Board is whether to request an EAW. He further stated that a decision on the actual project will come later.
- Dan Hoyle spoke representing the developer and stated that the developer has voluntarily agreed to engage in an EAW. An EAW will be required assuming Olmsted County decides to move forward with the application for land use change. He has read the proposed resolution and agrees with the language although he is not prepared to discuss specifics of the project at this meeting. That will come at a later date.
- Leal Segura spoke and said that it is worthwhile saving the rockery and the environmental habitat. She requested that an EAW move forward using an independent, unbiased third party approved by both parties.
- Seeta Goyle spoke and underscored the importance of the habitat to the area and neighborhood.
- Brett Ostby spoke and stated that an EAW is a prudent and reasonable step and he encouraged an independent evaluation along with options to consider including avoidance of the area and mitigation strategies.
- Matt Kitzmann asked Peter to clarify the process. Peter described the process and said that it begins with the developer completing a form. He further stated that there will be opportunity for public input.
- John Rust spoke, also encouraging an independent study. He stressed the importance of the habitat given there are few left. He also cautioned that any development would potentially direct water toward the rookery.
- Questions about the process were raised again and Jamie Neisen referred people to the EAW process diagram in the agenda and reiterated that there will be an opportunity for public input.
- Jeff Broberg spoke representing the developer and stated that this will be a very transparent process.
- Jeff Orth moved to adopt resolution Res2021\_05\_01. Jamie Neisen seconded. All voted in favor and the motion passed.

### **Information Items –**

- Records Archiving – Randy Staver reported progress on records archiving and distributed a report showing items that have been discarded as well as a list of retention information. It was noted that the History Center needs to be contacted to see what materials were delivered to them previously.
- Audit Status – Randy Staver reported that a pre-review of the annual audit was conducted with Smith Schafer. Jamie Neisen, Jeff Orth and Randy Staver participated. No concerns were raised. The annual audit will be presented by Smith Schafer at the June meeting.

### **New Agenda Items:**

- **Custom Alarm.** Matt Kitzmann spoke regarding a proposal to add automatic locks to doors. The proposed system would require a computer. Matt noted that there is possibly another proponent. The topic will be further discussed at a later date.
- **Kyle Herring.** The current deadline for disposal of the wood chips expires on 6/20/2021 after which the IUP is revoked. Mr. Herring has made a request for a one year extension. Jamie Neisen asked if there is still a fire hazard. It was noted that an expert opinion would be needed. Roger Ihrke stated that once the material has begun the compost process then the material becomes much less usable. He also stated the product really isn't small enough to use as mulch. Matt Kitzmann moved to have Roger work with Mr. Herring on a remedy. Brian Mueller disagreed and thinks the township should move forward. It was determined that a formal motion is not required and Roger was given permission to contact Mr. Herring regarding a remedy.
- **Noxious Weeds.** Jamie Neisen talked about emails received recently related to garlic mustard and he contacted the State for some advice. They said it should be mowed before plant budding. Mark Cochran stated that mowing has already been completed. A specific herbicide could be applied in the fall and the patch is fairly small. However, the township doesn't have a license to apply herbicide products. Jamie Neisen suggested that it might be worth having a staff person obtain a license for Joint Powers purposes since it is cost prohibitive to hire someone for such a small area.

### **Reports:**

#### **Treasurer's Report –**

- Treasurer Randy Staver reported. He noted one claim for \$5,070.23 to Rob Gregory which closes out the escrow account for Cairnbrae Stables and a claim for Bargaen for road materials in the amount of \$50,000.
- Jamie Neisen moved approval of the treasurer's report. Brian Mueller seconded. All voted in favor and the motion passed.

**Rochester Township Claims** – Jamie Neisen moved and Brian Zmolek seconded to accept and pay Rochester Township claims #4775-4799 in the amount of \$97,385.67. All voted in favor and the motion passed.

**JPB Claims** – Brian Mueller moved and Jeff Orth seconded to accept and pay Joint Powers Board claims #5455-5481 and the Rochester Township share in the amount of \$22,551.66, and a payroll share of \$14,106.94. All voted in favor and the motion passed.

### **Road Maintenance Supervisor Report –**

- Mark Cochran sent an email earlier to the Board outlining the various road projects. With an early start due to nice weather, this will be a busy season.
- Mark asked the Board for direction on repairs to the garage doors and asked whether it would be a township or Joint Powers expense. It will be a township expense. Mark talked about two quotes, from Quality and Thompson, where one door would be replaced and sections of the old door used to repair the bottom section of other doors. Total cost will be around \$4-5,000. Jamie Neisen moved to accept the quote from Quality Overhead Door. Matt Kitzmann seconded. All voted in favor and the motion passed.

### **TCPA Report –**

- There was no report. New siding is almost complete and bulletin board will be installed next week. A couple minor things left on the punch list. Toilets (2) need replacing – waiting on a plumber.

### **Board of Adjustment Report**

- There was no meeting. Roger mentioned that a variance request is being brought forward soon.

### **Planning and Zoning Commission Report –**

- Meeting next Tuesday, April 13<sup>th</sup>. Jamie Neisen had no additional comments.

### **Upcoming Meetings –**

- None

**Meeting Adjourned** – Brian Mueller moved to adjourn. Jamie Neisen seconded. All voted in favor and the motion passed. Meeting adjourned at 9:20 pm.

Respectfully Submitted,

---

Randy Staver, Clerk / Treasurer

---

Matt Kitzmann, Chairman