

Rochester Township

Board Meeting Minutes

July 9, 2020

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

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

Guests – Mr. & Mrs. Herring, Bill Tointon, Ed Clark, David Meir, Roger Ihrke and several public members

Minutes – Jeff Orth moved and Matt Kitzmann seconded approval of the minutes from June 11, 2020. All voted in favor and the motion carried.

Jeff Orth moved and Brian Zmolek seconded approval of the minutes from June 30, 2020. All voted in favor and the motion carried.

Deputy's Report - Deputy Dean Thompson reviewed the call report of 81 calls.

Call for Other Agenda Items – Matt Kitzmann said that he would like to discuss whether COVID relief funds may be used to cover incidents of staff health issues.

Old Business:

Right of Way Maintenance – Jamie Neisen reported that he had received a few more emails on the topic from residents asking what will be happening. The Board affirmed that there will be no tree removal this year – largely due to budget constraints. Jeff Orth stated that residents prefer having a face to face conversation with the Board at the appropriate time.

New Business:

Herring RTIUP-17-01 Revocation – Kyle Herring spoke and summarized a letter he had provided listing the various changes he has made such as clearing bags of garbage. He said that Roger Ihrke had agreed to stop out to take a look. Mr. David Dripps spoke and stated that there have already been several warnings and in his opinion the problems just keep moving around. He stated that the materials on site are unnecessarily attracting animals and claimed that the county health department has said it is not a healthy situation. Jamie Neisen asked Roger Ihrke for comments. Roger stated that the Board essentially has three options. The Board could set new conditions and a timeline for mitigation, the Board could choose to do nothing, or the Board could revoke the permit and specify an amount of time for clean up. Roger stated that he has heard multiple complaints from several individuals. If the Board wishes to revoke the permit, Roger could bring an appropriate resolution to the next meeting. He suggested leaving the public hearing open so that staff could continue to work on a plan with the property owner which could be reviewed at the next meeting. Board members

acknowledged that the issues are not entirely the fault of the property owner given changes in the biomass and energy sourcing industry. Nevertheless, this topic has been before the Board several times and continues to be unresolved. Matt Kitmann commented that residents want a harmonious relationship but we need to be sure we are moving forward in a positive manner. He stated he would be open to considering additional stipulations and a timeline. Brian Zmolek commented that he does not want to shut down a business and would be open to rewriting the IUP. Mark Cochran stated that he thinks the issues can be mitigated if there are firm deadlines. Jamie Neisen asked Roger Ihrke if revised conditions and a timeline could be brought back to the next meeting. Roger said he would visit with Mr. Herring to solicit his ideas. Mrs. Herring spoke and asked for flexibility to meet with others and develop a plan. Jeff Orth warned that the operation is close to losing the permit and it is not acceptable to let the issues continue. Significant changes are needed including a detailed plan for resolution. Jamie Neisen said that the item will be continued to the meeting next month to allow time to develop a plan. Jeff Orth said that he would like to see the plan ahead of the meeting. Jeff Orth made a motion that Mr. Herring should work with Roger Ihrke to develop a plan and timeline and that the plan should be submitted by August 3rd. Brian Zmolek seconded. The motion carried 4-0 (Matt Kitmann had stepped out of the room).

Mr. & Mrs. Hutchins; driveway / farm entrance access - 4820 31st Ave SW - Mr. and Mrs. Hutchins spoke about a request for driveway access of 31st Avenue SW. Mr. Hutchins provided maps and photographs showing four possible access points and he feels access point #2 is the best option. TCPA staff have proposed using access point #3 since it would create a single access point for two adjoining pieces of property. Mr. Hutchins explained that access point #3 is a concern since it will isolate some land that would otherwise be farmed. Mark Cochran asked if the current access to the property (access point #1) could be removed. Given the proximity to 48th Street, which is a city street, there is some uncertainty. TCPA staff think that the proposed access point #2 is too close to 48th Street. Jeff Orth commented that he does not like to see a loss of farmland. Roger Ihrke stated that the recommended access point is being driven by county access management policies which are based on speed and roadway width. The county also has a goal of minimizing access points which is also why they recommend putting the access point #3 on the property line. The Board can make its own determination. There are different criteria for a driveway versus a farm field access (trips per day). A change in use from one to the other will require a permit. Matt Kitmann said that access point #2 makes sense. Jamie Neisen asked whether the Board would be comfortable deviating from county policy since it sets a precedent. Jeff Orth asked if there is a liability concern if the township deviates and an accident occurs. The Board will continue the discussion next month. Mr. Hutchins asked if it is ok to continue with construction of a home while he awaits a decision. No one on the Board expressed an opinion that construction should stop.

Annual Township Picnic – Jamie Neisen suggested that the picnic be cancelled this year due to COVID-19 concerns. Motion by Matt Kitmann to cancel the 2020 township picnic. Seconded by Brian Mueller. All voted in favor and the motion carried.

West Hill Rates for 2020 – Clerk Randy Staver presented the 2018 and 2019 rates for West Hill driveway maintenance. The amount was raised in 2019 from \$312.98 to \$350.00 per

household. Jamie Neisen suggested a 3% increase in keeping in line with other expenditure increases. That would move the rate to about \$360.00. Discussion ensued about the services provided by the township. Jeff Orth moved to increase the rate to \$360.00 for 2020. Seconded by Brian Zmolek. All voted in favor and the motion carried. The clerk will mail out invoices.

Emergency Preparedness Plan – The Minnesota Association of Townships (MAT) has put together sample documents for emergency preparedness plans. There are two versions – one for elected / appointed and one for employees. Rochester Township will only need to consider the document for elected / appointed. Brian Zmolek used the MAT sample document to draft a plan specifically for Rochester Township and it was distributed to the Board for comment. Part of the plan addresses practices when indoors versus outdoors. Mark Cochran asked whether the shop area is considered indoors. The response was that it is considered indoors. As such, if interacting with members of the public anywhere in the town hall, a mask must be worn. It was noted that the policy only affects elected / appointed. A policy for employees and the shop area will be discussed at the upcoming Joint Powers Board meeting. Jeff Orth made a motion to adopt the plan as presented by Brian Zmolek. Matt Kitzmann seconded. The motion carried 4-1 with Brian Mueller voting nay.

Federal COVID-19 funds for Townships – Rochester township is eligible to receive up to \$45,775 in CARES funding. Applications must be completed as part of the process. The clerk will initiate those forms. Jamie Neisen talked about things that funds may be used for such as procurement of PPE supplies and equipment (masks, sanitizer, cleaning supplies, etc.) and also said that we may be able to procure technology such as a telephonic system to be used to conduct remote meetings. Jamie said he would be willing to research systems. Matt Kitzmann moved to have Jamie Neisen research appropriate systems with an expenditure cap of \$2,000. Jeff Orth seconded. All voted in favor and the motion carried.

November Election – Mail-in Ballots – The question was asked whether we could permit only mail-in ballots for the August and November elections. In terms of the August primary, there is only one contest for U.S. Senate. Olmsted County is mailing out information encouraging people to vote via absentee ballot.

Polling Location – Legally, the designated polling location must open. Given space restrictions, we may need to queue voters up either outside the building or into the garage space.

Future Township Meeting Space – Discussion occurred regarding possible locations for meetings. MAT's website has offered information regarding room capacity guidelines during COVID. The townhall meeting room is able to set up to allow the social distance capacity of 15 people which includes supervisors/clerk. One suggestion is to see if we could use the Cascade town hall which has bigger space. The garage space could be used too although it is challenging to move heavy equipment and set up the space. In addition, climate control and acoustics are difficult to manage. The question was raised whether CARES funds could be used to offset the cost.

Mayowood Estates Preliminary Plat / Millie Meadows GDP & Re-zoning; Planning

Commission Feedback – Roger Ihrke reported to the Board updated comments from the Planning Commission. The latest plan, which incorporates Roger’s suggested changes, along with the staff analysis and engineering report were provided to the Board. Roger noted that if a preliminary plat is approved, some variances will be required. The Planning Commission was in favor of the preliminary plat including the variances. Brian Mueller moved to approve the preliminary plat and the variances. Jeff Orth seconded. All voted in favor and the motion carried.

Information Items – Multiple informational items were covered including:

- Open Board Seat: As was previously reported, Brian Zmolek was selected to fill the open seat vacate by Douglas Butler.
- MS4 Annual Report– Clerk Randy Staver stated that the annual report was submitted on time and has been accepted. Jeff Orth noted some concerns in maintaining certain areas (mowing, brush removal, etc.) in case access is needed for maintenance work such as pond work.

New Agenda Items – Discussion occurred whether CARES funds could be used to offset certain personnel costs due to health issues. It does not sound as though that is a viable option. Matt Kitzmann was asked about areas that need to be cleaned due to COVID. Matt stated that primarily we need to wipe down surfaces after each meeting and ensure that we have appropriate PPE supplies on hand. The clerk was asked to look into acquiring hand sanitizer and masks.

Treasurer’s Report – Treasurer Randy Staver reported and stated that the regular bank account exceeded its balance by \$28,497.21 which triggered a transfer from reserve funds. He stated that this is not that unusual this time of year as the township awaits the first tax payment. The township in fact just received a tax payment in the amount of \$509,788.95 which will be reflected in the August report. Jamie Neisen commented that the invoice received from Tiede for legal work on the Mayowood Estates project should be forwarded to Ed Clark for reimbursement. Jeff Orth moved to approve the Treasurer’s report with a balance of \$471,502.79. Brian Zmolek 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 #4567-4588 in the amount of \$141,320.52. All voted in favor and the motion carried.

JPB Claims – Brian Mueller moved and Jeff Orth seconded to accept and pay Joint Powers Board claims #5166-5191 and the Rochester Township share in the amount of \$20,907.55, and a payroll share of \$13,804.86. All voted in favor and the motion passed.

Road Maintenance Supervisor Report – Mark Cochran reported.

- Mark talked about a proposal he has been approached on to use an asphalt sealer product called Replay. Mark suggested it could be tried on Weather Hills Road SW and the cost is estimated to be \$16,775. The Board decided to not pursue the product this

year since it is not in the budget. Also, there is a desire to wait to hear how it works in other cities.

- Mark spoke about some ditch work that needs to be taken care of along 60th St. SW. Brian Mueller made a motion to provide up to \$10,000 for the work. Jeff Orth seconded. All voted in favor and the motion carried.
- Mark informed the Board that we should be receiving State disaster funds to help offset costs associated with the flooding in 2019.

TCPA Report – Nothing additional to report.

Board of Adjustment Report – Nothing to report.

Planning and Zoning Commission Report – Nothing to report.

Upcoming Meetings –

- July 10, 2020 – Joint Powers Board – 9:00 am – Rochester Town Hall

Meeting Adjourned – Jeff Orth moved and Brian Mueller seconded to adjourn. All voted in favor. Meeting adjourned at 10:30 pm

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman