

## **Rochester Township**

### **Board Meeting Minutes**

### **September 9, 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, Roger Ihrke, Dean Thompson, Bill Tointon, Gary Hayden, Mike Neubeck and twenty-two members of the public.

**Minutes** – Jamie Neisen moved to approve the minutes for the August 23, 2021 meeting. Brian Zmolek seconded. All voted in favor (5-0) and the motion passed.

**Deputy's Report** – Deputy Dean Thompson reviewed the call report of 44 calls for service.

**Introductions** – Dr. Mike Neubeck introduced himself as the new superintendent for the Byron school system.

#### **Old Business:**

##### **Pavilion Estate – EAW**

- Roger Ihrke reported and provided a report on behalf of TCPA. He noted that all comments have been assembled and responses collected. The staff recommendation is for a negative declaration meaning a full Environmental Impact Study (EIS) is not warranted.
- Jeff Orth moved to accept resolution Res2021\_09\_01. Brian Zmolek seconded. The motion passed 4-1 with Brian Mueller voting nay.

##### **Engineering consulting support work group**

- There was no update to report. Roger Ihrke will be following up with Jeff Orth and Brian Zmolek.

#### **New Business:**

##### **Lilly 4 Development –**

- Roger Ihrke spoke. He has spoken with the developer regarding potential issues with the current plan. He recommended that the developer meet with Olmsted county soil and water staff which they intend to do. That may lead to modifying the proposed development. Roger recommended that the Board take no action at this point.

### **Metes & Bounds – Section 21 – Clark –**

- Roger Ihrke provided an overview of the request. The main purpose is to sub-divide the land for purposes of selling portions. Bill Tointon spoke and offered further reasoning for the request. Jeff Orth spoke and expressed concern whether there should be more coordination with the city to ensure good development. Roger thought that a meeting with the city would be a good idea although he expressed reservations whether those conversations would be productive based on past experiences. He also stated that the request meets the criteria for approval. Brian Zmolek expressed concern if the Board denies a request that meets criteria for approval. Brian Zmolek moved to approve the Metes & Bounds request to sub-divide the land. Brian Mueller seconded. All voted in favor and the motion passed.

### **Metes & Bounds – Section 33 – Hayden –**

- Roger Ihrke provided an overview of the request. The Hayden's wish to split the land such that a small parcel can be given to their neighbor. The neighbor needs the land to provide access to a portion of his land. The entire parcel was previously jointly owned by the two neighbors. Jeff Orth moved to approve the Metes & Bounds request to sub-divide the land. Jamie Neisen seconded. All voted in favor and the motion passed.

### **2630 Wildrose Ln SW –**

- The property owner spoke and expressed extreme displeasure with the process and stated she had not been informed of proceedings. She further claimed that her attorney had not shared the letter that was sent dated June 23, 2021. Roger Ihrke provided background and stated the townships desire to resolve the issue. A petition has been circulated by neighbors asking for assistance as well. The Board directed the clerk to ask Peter Tiede to re-send the first letter as well as send a second letter he has drafted that outlines options going forward. (It was subsequently determined that Mr. Tiede cannot communicate directly with the property owner – only through her attorney.)

The meeting was recessed at 7:53 due to an odor of natural gas. The fire department cleared the call and the meeting was reconvened at 8:06.

### **Information Items –**

- MAT Annual Conference – Randy Staver informed the Board of the annual conference to be held September 9<sup>th</sup> – 11<sup>th</sup> (Thursday – Saturday). Registration is not required if only attending the Thursday and Friday sessions. The conference will be held virtually.

### **New Agenda Items:**

- 2498 Hawk Hill. Matt Kitzmann noted a concern with some bushes that have been planted at this address within the ROW. Rather than sending a letter, Matt Kitzmann instead spoke with the property owners who were unaware that the plantings had been done incorrectly. The work was performed by a professional firm. They will be contacted to remedy the infraction.
- Dog Restraint Complaint. A complaint was registered by a township resident that their neighbors German shepherd dog runs loose. We are waiting for further information from the complainant before following up.

## **Reports:**

### **Treasurer's Report –**

- Treasurer Randy Staver reported. Brian Mueller moved approval of the treasurer's report. Brian Zmolek seconded. All voted in favor and the motion passed.
- It was noted that we went a little over budget on the picnic funds. Funds will be increased slightly for next year during the budget process.
- Brian Mueller asked for a summary of performance bonds held by the township for development projects.

**Rochester Township Claims** – Jamie Neisen moved and Brian Mueller seconded to accept and pay Rochester Township claims #4852-4876 in the amount of \$33,270.09. All voted in favor and the motion passed.

**JPB Claims** – Jamie Neisen moved and Brian Zmolek seconded to accept and pay Joint Powers Board claims #5562-5589 and the Rochester Township share in the amount of \$20,686.74, and a payroll share of \$11,954.72. All voted in favor and the motion passed.

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

- Mark Cochran introduced Kyle Funk as the new staff person. The crew has started the third mowing and continues with pothole repair, shoulder repair and tree removal.
- Mark will be requesting that Joint Powers replace a mower that has reached its end of life. Mark is working with Brian Mueller on assessing the remaining value of the current tractor as well as finding an appropriate replacement.
- Randy Staver wanted to clarify the Boards response to a request from a resident to remove two dead trees from the ROW along Meadow Ridge. The Board had earlier decided based on resident wishes to postpone road reconstruction. The trees will be removed at such time as the road is reconstructed which won't occur for about 4-5 years. At that time the ditches will also be reconstructed and all of the trees removed. Interim work will not be done unless required, e.g. tree falling on roadway.

- Jeff Orth talked about a seal coat process he has seen MNDot using. Mark described the process.

**TCPA Report –**

- Jeff Orth reported that the individual hired to replace Roger didn't work out. The search committee has begun looking again.

**Board of Adjustment Report –**

- No meeting this month.

**Planning and Zoning Commission Report –**

- The meeting is scheduled to occur next week.

**Board Chair Report –**

- No report this month.

**Upcoming Meetings –**

- Planning and Zoning Commission – September 14, 2021 – 7:00 pm
- Planning and Zoning Commission – October 12, 2021 – 7:00 pm
- Joint Powers Board – October 22, 2021 – Cascade town hall – 9:00 am

**Meeting Adjourned** – Jamie Neisen moved to adjourn the meeting. Brian Zmolek seconded. All voted in favor and the motion passed. Meeting was adjourned at 8:55 pm.

Respectfully Submitted,

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Randy Staver, Clerk / Treasurer

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Matt Kitzmann, Chairman