

Rochester Township

Board Meeting Minutes

October 8, 2020

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

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

Guests – Eight people in attendance including Mark Cochran, Dean Thompson, Chris Wallace, Bill Tointon, Ed Clark and Roger Ihrke.

Minutes – Brian Mueller moved and Matt Kitzmann seconded approval of the minutes from September 10, 2020 with the following corrections. All voted in favor and the motion carried.

Under the Road Supervisor report, language was edited to refer to removing the headwall and restoring the area to a 4 to 1 slope.

Under Right of Way Maintenance, removed two sentences. Removed: 'Homeowners will be informed via the HOA when activity is to occur.' and 'Similarly, homeowners will be notified by letter of other projects occurring in the ROW.'

Deputy's Report – Deputy Dean Thompson reviewed the call report of 52 calls for service. He further discussed an email he had sent the Board about a suggestion to purchase a Shield 15 Speed Display at a cost of about \$5,500. The sign could be a joint powers item, is portable and solar powered. Jamie Neisen said he followed up by calling the company and discovered there is an annual subscription charge of \$1,500 for wireless connectivity to retrieve data. Alternatively, the sign has a USB port for physical connection.

Jeff Orth said that this would be an item not used that often and it becomes something else to maintain. His opinion is that the county should provide these kinds of devices for township use. This could perhaps be discussed during review of the next annual security contract.

Deputy Thompson introduced Captain Chris Wallace as the new Sheriff's department supervisor.

Call for Other Agenda Items –

- Hiley Letter
- 2020 Road Mileage Certification
- Weed Maintenance

Old Business:

Herring RTIUP-17-01 Revocation – Roger Ihrke provided an update. Roger visited the site and noted all the material has been ground up although the chips are fairly large and not usable yet for landscaping. He also stated that Mr. Herring has not been able to obtain a bond or letter of credit so he will not be able to fulfill that part of the agreement. Brian Mueller stated he leans

toward revocation of the IUP. Roger responded that it depends on whether the Board would consider new application in the future. If they would then it may be better to simply amend the current agreement and reduce the space allowed. Matt Kitzmann suggested that a moratorium could be issued until the current materials are gone. Roger responded that the current agreement already states that no new materials may be brought in.

Brian Zmolek commented that a majority of any bond would cover the cost of chipping which has already occurred so he isn't overly concerned about the lack of a bond. Roger commented that the materials should be disposed of before issues of combustion or deterioration arise. March Cochran said he had spoken with the county who could take some of the material for use at Chester Woods or Oxbow but not all.

Brian Mueller moved and Matt Kitzmann seconded that in lieu of Mr. Herring not obtaining a bond that he will remove all of the material within 30 days from today's date or the township will remove. All voted in favor and the motion passed.

Future Township Meeting Space / Telephone System – Jamie Neisen stated that he is still looking at options for telephone equipment but good systems seem to cost several thousand dollars. He reminded the Board that prior permission was granted that would allow him to spend up to \$2,000 if he finds a suitable system. He further requested permission to spend up to \$1,200 for a laptop since a computer is needed for most telephonic meeting systems. Matt Kitzmann moved to allow spending up to \$1,200 for a laptop. Brian Zmolek seconded. All voted in favor and the motion passed.

Roger Ihrke stated that he has seen relatively inexpensive systems at around \$1,000 that could be suitable that are portable, have small microphones and allow plugging in a telephone. Matt Kitzmann said he will check into a system he is aware of. Clerk Randy Staver reminded the Board that any CARES funds used must be expended by November 15th. That would mean any requests needing Board approval would need to be entertained at the November meeting.

New Business:

Road Construction Projects – 2021, 2022, 2023 – Mark Cochran spoke and provided the Board with an overview report of various road projects planned for the next couple of years. Much of the work focuses on cleaning up ROWs, driveway alignment, road alignment and expanding cul-de-sacs to correct standards. Most of this work will be along 34th St SW, Valley View Rd SW, East Meadow Ridge Dr SW, West Meadow Ridge Dr SW and Oak and Ln SW. With Board approval year 1 would include tree removal to allow culvert replacement, driveway alignment, regrade ditches and add width to cul-de-sacs. Years 2 and 3 would reclaim surfaces and place base lift of bituminous. Year 4 would allow for installing final lift of bituminous.

Jamie Neisen reminded the Board that several neighbors wished to address the Board in person regarding certain maintenance but there has been an inability to meet due to COVID restrictions. This has in turn created some delays. He further said that this has resulted in redirecting resources to other projects. Jeff Orth stated that neighborhood concerns notwithstanding, the township would not allow a development to occur this way today and that the township should have been mowing and maintaining the ROW to a minimal specification all

along. Jamie will reach out to some neighborhood contacts to see if they would like to attend the next Board meeting for some discussion.

Snow Plowing – Unaccepted Township Roads – Jamie Neisen discussed a proposal that would allow the township to take care of snowplowing maintenance for roads being developed that are not yet under the townships responsibility. He proposed two resolutions modeled along a resolution passed by Cascade township. Cost of the snowplowing would be billed to the developer. Matt Kitzmann moved to approve RES2020_10_01 proposing snow removal for Millie Meadows and RES2020_10_02 for Lily Farm 3 each at an annual cost of \$1,500. Brian Zmolek seconded. All voted in favor and the motion passed.

Telephone / Internet – Clerk Randy Staver updated the Board on cost information for township telephone and internet services. Rochester township uses a combination of CenturyLink (telephone) and Spectrum (internet) at a total monthly cost of \$277. For comparison, Cascade township has a bundled package through Spectrum for both telephone and internet at a monthly cost of about \$78. In contacting Spectrum, Randy reported that their rationale is that Rochester township has had an account for several years whereas Cascade only started their account this year and are receiving new customer discounts. Spectrum was not open to negotiating a lower cost. Randy said that based on a recommendation from Matt Kitzmann he is researching options through MetroNet (formerly Jaguar). MetroNet is in process of putting together a quote.

Townhall Expansion – Matt Kitzmann spoke to the Board about what he learned regarding cost if the township were to consider expanding the town hall – presumably about the same time as the TCPA expansion so that certain construction efficiencies could be gained. Unfortunately, he learned that construction costs would range from \$300-350 per square foot leading to a total cost of about \$150-175,000. Jamie Neisen said he had contacted both the MAT attorney as well as our attorney at TG. He was advised that CARES funds could be used for the project. However, Board members felt that the project would not be cost justifiable since the township only has about \$45,000 in CARES funds to use.

A better thought noted by Board members is to work in concert with the TCPA expansion and include HVAC changes that could also be included as a CARES project. Matt Kitzmann asked for permission to work with TCPA to try to include upgrades in the project ahead of the November 15th CARES deadline. Jeff Orth made a motion to allow expenditures up to \$5,000 and to have TCPA send the township a bill before the deadline. Brian Zmolek seconded. All voted in favor and the motion passed.

Final Plat – Mayowood Estates – Roger Ihrke updated the Board about both the final plat and EAW. The EAW is not completed yet and without a completed EAW, the final plat cannot be approved. The Planning & Zoning Commission did approve the final plat. The developer has asked that this item be continued and addressed in two weeks when the EAW is complete. Roger said that the Board could choose to recess the meeting to a date in two weeks to consider both items.

Roger noted a few questions he has and asked the Board for guidance and/or whether the items should be included in the development agreement. 1) Would the Board agree to take

over maintenance of the road once 30% of the development has been completed as opposed to the customary 50%? There is precedent for doing this. This can be handled as a policy resolution. 2) Based on our attorney's comments, Roger asked about the developer providing a performance bond as opposed to a letter of credit. This can be handled as a policy resolution. 3) Should the township take responsibility for road maintenance (snow plowing) prior to accepting the roadway? This can be handled as a policy resolution. 4) May building permits be issued prior to the roadway being built? This can be handled as a policy resolution. 5) The county would like a bypass lane included at the intersection of county road 8 and Meadow Crossing and would like this requirement added to the development agreement. The developer does not wish to see this condition added since the condition already exists in another development agreement (Mayo Woodlands) which would add confusion.

Jamie Neisen presented information from the Planning & Zoning meeting. He also referred to a report written by whks. His opinion is that the road should be identified as a local road. He referenced the Rochester Township Subdivision Ordinance that refers to the minimum street standards for local and collector roads. There was considerable discussion whether the roadway should be considered a local or collector road. It is currently designated as a collector road on the preliminary plat. Bill Tointon and Ed Clark spoke, saying they disagree identifying the road as a local. The developer was adamant that the road will be constructed to a higher specification than a local road for future purposes. They further stated that they feel the township is protected since any future developments would require traffic analysis. Jamie said that the Planning & Zoning Commission said that it doesn't meet collector standards and asked why the developer wants to call it a collector especially when there are no collector roads in the entire township. Mr. Clark feels strongly that it should be labeled as a collector. He noted that he is providing a wider road in lieu of 3.4 acres of open space. Jamie doesn't think this warrants changing the road designation. Roger stated that the Planning & Zoning Commission wants the road constructed as close to collector standards as possible. Further, it doesn't meet the standard of a local collector but is meant to be close. Planning & Zoning would rather have the Board decide how it should be labeled. Mike Herman had said that he didn't think it needed to be called a local and suggested calling it a modified collector since it has attributes of both road standards. Jeff Orth moved to approve the development agreement with the language change to modified collector. After further discussion the Board decided they would continue the item and recess the meeting to two weeks to allow time for the EAW to be completed and read the edited development agreement. Jamie Neisen moved not to include the county road 8 / Meadow Crossing bypass in the development agreement. Brain Zmolek seconded. All voted in favor and the motion passed.

Environmental Assessment Worksheet (EAW) – Mayowood Estates – The EAW was discussed as part of the final plat discussion. It is not yet complete but expected to be completed in the next week or so.

Information Items – Multiple informational items were covered including:

- OCTOA Meeting: Clerk Randy Staver informed the Board that he and Brian Zmolek attended the recent OCTOA annual meeting. Materials from the meeting were provided to the Board. Of note, annual dues for townships will remain at \$400 and the OCTOA

Board will revisit next summer plans for a possible annual banquet to be held in the fall of 2021.

New Agenda Items

Hiley Letter – Matt Kitzmann made a motion to send out the letter provided to the Board letting Mr. Hiley know that he must remove the headwall discussed and restore the driveway. Jeff Orth seconded. All voted in favor and the motion passed. Clerk Randy Staver will send out the letter.

2020 Road Mileage Certification – The annual road mileage certification was presented for Board approval. The form must be signed and returned to the county. A change was noted on the list of roads in that 43rd St SW should actually be 42nd St SW (item T-156). Clerk Randy Staver will ask the county for a revised list. Brian Mueller moved to approve the road certification with the road change. Jeff Orth seconded. All voted in favor and the motion passed.

Weed Maintenance – Jamie Neisen presented information he had found on the MAT website that talks about how townships may apply for grant funds to assist with weed removal. He asked if there were any objections if he inquired further. None were expressed.

Treasurer's Report – Treasurer Randy Staver reported that there was nothing particular noteworthy for the previous months financial activity. He stated that payments for the West Hill maintenance have been coming in with one left to be received. A reminder has been sent. He also noted an expenditure of \$9,332.50 for engineering services related to Mayowood Estates. Ed Clark has been invoiced for reimbursement of the expense. Finally, Randy noted that CARES funds receipts totaling \$47,869 have been deposited. He reminded the Board that any unused funds will need to be returned in December. Brian Mueller moved to approve the Treasurer's report with a balance of \$734,798.76. Jeff Orth seconded. All voted in favor and the motion passed. Randy was directed by the Board to purchase a large supply of PPE including masks, sanitizer and face shields while the county PPE funds are still available.

It was noted that Pat McGowan has taken over cleaning responsibilities for the town hall and stated that he should be paid for the month of September. Treasurer Randy Staver said that he would take care of the payment.

Treasurer Randy Staver informed the Board that all of the development escrow accounts have now been consolidated into a single savings account. He provided a new report that illustrates how funds are still able to be tracked separately. He further noted that based on conversation with Roger Ihrke a couple of the escrow funds balances may be returned. Jamie requested that funds not be returned yet to the developer for Alderock Ln SW off Headland Ct SW since there is still some work to be completed.

A question was also asked who physically has administers any performance bonds. These are supposed to be in the possession of the township clerk. Clerk Randy Staver said he would research further.

Treasurer Randy Staver updated the Board on the previous month's discussion about obtaining a credit card for the township. The card has been obtained and has a maximum limit of \$1,000.

Rochester Township Claims – Brian Mueller moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #4636-4652 in the amount of \$65,697.77. All voted in favor and the motion passed.

JPB Claims – Randy was asked to follow up on an expenditure of \$76.97 to Charter Communications. Jamie Neisen moved and Brian Mueller seconded to accept and pay Joint Powers Board claims #5250-5271 and the Rochester Township share in the amount of \$17,446.67, and a payroll share of \$10,455.56. All voted in favor and the motion passed.

Road Maintenance Supervisor Report – Mark Cochran reported.

- Mark updated the Board on efforts to receive State disaster funds for the 2019 storms. All reports have been submitted. The requested amount is approximately \$84,000 of which we would expect to receive 75% or about \$63,000. The county also submitted a request for \$10,000 of which we would expect to receive \$7,500. The amounts to be received are less than what he had hoped but will certainly help. The Board expressed appreciation to Mark for a great job of record keeping that allowed the detailed reports to be submitted.
- Mark noted that procurement of the 2021 truck has been delayed due to COVID issues at the plant.
- Mark commented that mowing is considerable work and will continue up until first snowfall.

TCPA Report – Nothing to report.

Board of Adjustment Report – Nothing to report.

Planning and Zoning Commission Report – It was noted that the commission passed the Mayowood Estates final plat.

Upcoming Meetings –

- October 23, 2020 – Joint Powers Board – 9:00 am – Cascade Town Hall

Meeting Recessed – Matt Kitzmann moved to recess the October board meeting to Tuesday, October 20th at 7:00 pm at Rochester townhall. The main item to be discussed will be the Mayowood Estates final plat, EAW and development agreement. Brian Mueller seconded. All voted in favor. Meeting recessed at 10:48 pm

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman