

**Rochester Township**  
Board Meeting Minutes  
November 10, 2021

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

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

**Guests** – Mark Cochran, Roger Ihrke, Dean Thompson, Bill Tointon, Jeff Broberg, Steve Connelly, Ed Clark, fifty-one members of the public.

**Minutes** – Brian Zmolek moved to approve the minutes for the October 14, 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 37 calls for service. Dean noted that the county received a grant for two speed trailers. He will receive training once they arrive.

**Old Business:**

**Pavilion Estates – EAW**

- There were no updates at this time. The township was advised that it could take several months to resolve the legal proceedings.

**Engineering Consulting Support Work Group**

- Brian Zmolek reported. He stated that they have not been able to meet yet with Jeff Orth and Roger Ihrke.

**2630 Wild Rose Ln. SW**

- Randy Staver reported that our lawyer requested an affidavit which has been provided. There were no other updates at this time.

**New Business:**

**Pavilion Estates - GDP –**

- Brian Zmolek spoke and first reiterated that the preservation of the rookery, related EAW legal proceedings, and GDP are separate topics. He said he has appreciated the input from several interested individuals.
- Bill Tointon spoke and reiterated that the zone change had been approved earlier

and that the GDP had been tabled until this meeting. Bill went on to speak to the amended GDP and stated that some improvement has been made on encroachment into the nesting area. He noted additional changes that have been made to the amended GDP. Bill stated that he believes the proposed plan meets the criteria for approval of the GDP.

- Jamie Neisen asked whether a traffic impact study is required. Bill responded that the ordinance sets thresholds for when a study is required and that this project does not meet those thresholds.
- Jeff Orth referred to the GDP map and asked about the status of adjoining properties to the west. There is no construction on those parcels at this time. Development on any of the parcels being discussed or in the future may impact some roadway alignments.
- Roger Ihrke provided a report on behalf of TCPA. He said that in further discussion with the engineering team they determined that the current proposed roadway placement is still optimal. He reviewed the criteria for acceptance and stated that the proposal still meets the criteria and that staff believes the proposed GDP should be approved. Roger stated that if the Board moves to deny the GDP then the meeting should be continued to allow time for staff to write up appropriate findings.
- Matt Kitzmann stated he had spoken with legal counsel who advised that the Board should move forward in discussing the GDP on its own merits and not consider the EAW legal action.
- Brian Zmolek moved for approval of the GDP with staff findings. Brian Mueller seconded. All voted in favor and the motion passed.

#### **RES2021\_11\_01 – Mayo Woodlands Third (Glenwood Rd. SW) Snowplowing –**

- Jeff Orth moved approval of the resolution. Jamie Neisen seconded. All voted in favor and the motion passed.

#### **RES2021\_11\_02 – Lilly Farm 3 and 4 Snowplowing –**

- Jamie Neisen moved approval of the resolution. Brian Mueller seconded. All voted in favor and the motion passed.

#### **RES2021\_11\_03 – Millie Meadow Snowplowing –**

- Jamie Neisen moved approval of the resolution. Jeff Orth seconded. All voted in favor and the motion passed.

#### **Residential Uses – Air BNB / Camping –**

- Randy Staver stated that this topic arose based on a concern raised by a resident. Matt Kitzmann said he had visited the property and didn't see any issues.

- Randy Staver noted that the City of Rochester recently adopted language clarifying short term rentals. That information has been shared with the Board.
- Jamie Neisen noted that these kinds of uses are pretty scarce in the township.
- No further action will be taken at this time.

### **Information Items:**

- ARPA Fund Uses – Randy Staver provided an information summary that outlines uses for ARPA funds. The information can be used as a guide for possible future expenditures.
- 2021 Road Mileage Certification – Randy Staver informed the Board of this year’s road mileage information received from Olmsted County. Mark Cochran noted that any new roads accepted by the township should be added to this list. A couple of road sections were noted as missing. Randy will work with Mark to get them listed and notify the county.

### **Additional New Agenda Items:**

#### **Metes and Bounds – Dennis and Sharon Bowe –**

- Roger Ihrke spoke and stated that staff supports the request. Brian Mueller moved approval of the request. Jeff Orth seconded. All voted in favor and the motion passed.

#### **Joint Powers Membership Agreement & Refund –**

- Jeff Orth spoke and stated that the Joint Powers Board had discussed the current agreement and made some edits. New Haven is being added as a member.
- When TCPA was originally formed each member contributed seed money. At this point the original seed money (\$3,000 for Rochester Township) is being returned to the townships.
- Jeff Orth moved to accept the revised agreement. Jamie Neisen seconded. All voted in favor and the motion passed.

#### **Olmsted County – Density Definition –**

- Matt Kitzmann spoke and stated that this topic came up as the Planning and Zoning Commission discussed minimal lot densities recently.
- Olmsted County is revisiting their definitions as part of the land use plan updates. Both the county and township currently use the same standard of 2 acre parcels although the county land use plan makes reference to a county-wide 3.5 acre average.
- Discussion occurred whether the Board should make a motion to give the

Planning and Zoning Commission some explicit direction. Jamie Neisen suggested waiting until the county updates their land use plan since there may be other changes as well. Jeff Orth stated that the Board should at least provide some clarification to P&Z in the interim.

- Jeff Orth moved to direct the Planning Commission to use the 2 acre minimum as defined in the township ordinance as a 'floor' but that they should use discretion and be flexible in considering parcel size as large as 3.5 acres. Brian Muller seconded. All voted in favor and the motion passed.

### **Joint Powers Employee Benefits –**

- Mark Cochran spoke and said the Joint Powers Personnel Committee met and selected Pat McGowan as his replacement. An employment agreement has been drafted and signed by Pat and was presented to the Board for acceptance. Mark noted that several training items are outlined in the document that will be required to complete.
- Matt Kitzmann noted how difficult it is to find skilled staff. Matt stated that he has had some discussion whether the township should provide a healthcare plan. He has been informed that the cost could run around \$50,000 of which Rochester Township would pay half. Coverage would include all Joint Powers staff.
- It was also suggested that the staff could join a union; something that has been discussed in the past. Further research will be done and the topic discussed again next month.
- Brian Zmolek moved approval of the employment contract with Pat McGowan. Jeff Orth seconded. All voted in favor and the motion passed.

### **Reports:**

#### **Treasurer's Report –**

- Treasurer Randy Staver reported. Brian Mueller moved approval of the treasurer's report. Jeff Orth seconded. All voted in favor and the motion passed.

**Rochester Township Claims –** Jamie Neisen moved and Brian Mueller seconded to accept and pay Rochester Township claims #4898-4909 in the amount of \$44,019.33. All voted in favor and the motion passed.

**JPB Claims –** Jamie Neisen moved and Brian Mueller seconded to accept and pay Joint Powers Board claims #5624-5650 and the Rochester Township share in the amount of \$30,210.50, and a payroll share of \$14,757.54. All voted in favor and the motion passed.

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

- Mark Cochran talked about potential ordinance changes that Cascade Township

has adopted for construction and maintenance of driveways / approaches, headwalls, culverts, access management, etc. Mark distributed copies of the documents for the Board to review. Mark suggested that it would be simplest if Rochester Township adopted identical or very similar language for their respective ordinances. The topic will be discussed further.

- The road crew is wrapping up seasonal activities and completing equipment maintenance.
- Mark said he will be updating the 20 year road plan for presentation at the December meeting. The plan was last updated in 2019.
- Mark asked if anyone knew why the building has two water meters and no one knew other than perhaps how the building may have been perceived as being used in the future. The township must test the backflow annually which adds about \$150 to the total cost because of the second meter. The Board will discuss how to proceed. The backflow testing must be completed by February 2022.

#### **TCPA Report –**

- Jeff Orth reported. He reported that things are in very good shape financially. They have no debt. The process to find Roger's replacement continues but the candidate pool is limited.
- There was some discussion whether the current planning department form should be restructured. Further discussion is needed.

#### **Board of Adjustment Report –**

- No meeting this month.

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

- No meeting this month.

#### **Board Chair Report –**

- Nothing additional beyond what was reported earlier.

#### **Upcoming Meetings –**

- Planning and Zoning Commission – December 14, 2021 – 7:00 pm

**Meeting Adjourned** – Jamie Neisen moved to adjourn the meeting. Brian Mueller seconded. All voted in favor and the motion passed. Meeting was adjourned at 9:40 pm.

Respectfully Submitted,

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Randy Staver, Clerk / Treasurer

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Matt Kitzmann, Chairman