

## **Rochester Township**

### **Board Meeting Minutes**

**March 14, 2024**

**Meeting was called to order at 7:00 pm by Vice-Chairman Nathan Clarke.**

**Members present** - Matthew Kitzmann, Jeff Orth, Michael Melford, Nathan Clarke and Randy Staver. Absent: Jamie Neisen

**Guests** – Pat McGowan, Dean Thompson, Jered Staton, Bill Tointon, Brian Mueller and Steve Nigon.

#### **Open Comments**

- None.

**Minutes** – Jeff Orth moved to approve the minutes for the February 8, 2024 meeting with a minor edit (percent increase of budget). Michael Melford seconded. All voted in favor and the motion passed.

#### **Deputy's Report –**

- Deputy Dean Thompson stated that there were 77 calls for service over the last two months (there was no report the previous month).

#### **Treasurer's Report –**

- Treasurer Randy Staver reported. There was no unusual activity to report.
- Work continues on the annual audit with Smith Schafer. A site visit is scheduled for March 28<sup>th</sup>.
- Randy reported that he followed up with Eagle Rock regarding the interest rate we are receiving on the savings account based on commentary from Jeff Orth at the last meeting. Eagle Rock gladly moved the savings rate to 4.35%.
- Jeff suggested that Eagle Rock may, if they wish, make a presentation to other townships at an OCTOA meeting about possible benefits. Townships can decide on their own if they would like to pursue any changes. Jeff will research further.
- Randy noted a change in progress from CenturyLink to Clear Rate Communications for telephone service. This does not involve internet service which is provided by Spectrum. A second line, which had been used as a dedicated fax line but no longer used, has been removed.
- Jeff noted that the clerk for Oronoco township is new and he offered Rochester services if she has questions.

- Jeff Orth moved approval of the treasurer's report. Michael Melford seconded. All voted in favor and the motion passed.

**Rochester Township Claims** – Jeff Orth moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #5467-5480 in the amount of \$40,227.05. All voted in favor and the motion passed.

**JPB Claims** – Matt Kitzmann moved and Jeff Orth seconded to accept and pay Joint Powers Board claims #6488-6515 and the Rochester Township share in the amount of \$28,571.40 and a payroll share of \$13,958.75. All voted in favor and the motion passed.

**Road Maintenance Supervisor Report –**

- There have been minimal snow events so the road crew has been working on tree removals given the pleasant weather.
- Pat will be ordering 170 tons of salt for next year.
- Safety staff training is occurring as required.

**Land Use Plan Resolution –**

- Will be revisited in May 2024.

**2630 Wild Rose Lane SW –**

- No new information to report. Jered noted that TCPA has been dismissed from the CUP legal action. The plaintiff is the same for both lawsuits.

**Land Use Planning Workgroup –**

- No new information to report.

**Speed Study –**

- Randy Staver presented a letter written by Jamie Neisen to be sent to residents who live along the 8<sup>th</sup> Street corridor. The letter basically explains what the board has done to date to study speed issues and the plans to mitigate those concerns going forward. The board was asked to approve the letter. Nathan Clarke commented that there will be an absence at the April meeting and given the sensitivity of the topic, he suggested pushing the public hearing to the May meeting. Discussion continued on the topic. Michael Melford moved to approve the letter changing the date to May 9<sup>th</sup>. Matt Kitzmann seconded. All voted in favor and the motion passed.
- Randy presented a speed table study and possible resolution that had been written in 2005. Jeff Orth commented that residents may wonder why certain streets get mitigation measures and others do not. Pat McGowan commented that in talking with others who have installed portable speed tables, results have not

been universally positive. The speed tables shift and move. Pat also said it would be better to install asphalt tables with striping.

- The County and City have traffic engineers and it was suggested we ask them for comments. Jamie will be asked as chair to reach out to the county staff person, Nick Sandford to see if he would like to attend.

#### **Westhill Drive SW –**

- Randy Staver noted that the City of Rochester has remitted payment for 2024 as agreed upon.

#### **Subdivision Ordinance –**

- Jered Staton spoke and presented the most current version of the subdivision ordinance. Jered covered the most recent edits in sections 6.05, 6.06 and street layout exhibits.
- Michael Melford moved and Jeff Orth seconded to adopt the subdivision ordinance as presented which includes support for the associated stormwater language changes. All voted in favor and the motion passed.

#### **Lilly Farm 4<sup>th</sup> Final Payment – RES2024\_03\_01 –**

- Randy Staver presented a resolution that approves final payment to Griffin Construction in the amount of \$32,072.02 for the roadwork in Lilly 4. A portion of the resolution stipulates that the developer must now provide surety in the amount of \$142,031.94 for a six-year period. There remains \$68,718.05 from the original amount provided by the developer.
- Jeff Orth moved to approve the letter and Michael Melford seconded. All voted in favor and the motion passed.
- Matt Kitzmann moved to release the remaining amount of \$68,718.05 to the developer once the surety in the amount of \$142,031.94 has been received by the township. Jeff Orth seconded. All voted in favor and the motion passed.

#### **Passe Property Rezoning – Bolander – Sand / Gravel Mining –**

- Jered Staton presented information related to rezoning of a portion of the Passe property that Bolander Construction wishes to use for sand / gravel mining. Jered outlined concerns with the area.
- Jered stated that the petitioner has submitted paperwork to rezone the area which means planning has 60 days in which to respond.
- Jeff Orth commented that there is no restoration plan for the area once mining has ended. Board members were supportive of having a plan that ideally allows for some housing.
- Jered asked if the township would want a flood plain approval development plan prior to a rezoning being approved. Board members were supportive of having that plan approval.

- Jered asked if the township would want to see an access permit application before the rezoning and Conditional Use Permit is considered. The board was supportive.
- There was some discussion about the number of entrances required. There may be some disagreement with what the county is thinking. The Board feels that two accesses per resident should remain.
- Jered will go back to Bolander based on board direction.

#### **Nigon Land Use Plan Amendment –**

- The board was asked to sign a revised letter of support regarding a request by the Nigon family and a land use change. Steve Nigon spoke and said they would like to take their request to the County Board and it is helpful if the township is supportive.
- Mr. Nigon said that part of the land is in Cascade Township and that Cascade has endorsed the proposal.
- The topic was reviewed by the Rochester City Council in December where it was denied.
- Matt Kitzmann moved to endorse and sign the letter. Michael Melford seconded. All voted in favor and the motion passed.

#### **Mayo Woodland Setback Variance – VAR2024\_03\_01 –**

- Nathan Clarke opened the public hearing in the Boards capacity as the Board of Adjustment. Jered Staton reported that he has now contacted the remaining seven affected residents in the Mayo Woodland area that would be affected by the change in setback. There was no resistance to the change. Jered presented a variance for board consideration. Ten lots had been approved for the change in a previously adopted variance.
- No one from the public wished to be heard. Vice-Chair Clarke closed the public hearing. Nathan opened up for additional public comments. There were no comments.
- Jeff Orth moved to approve the variance and Michael Melford seconded. All voted in favor and the motion passed.

#### **Septic Systems –**

- Based on a septic system alarm heard recently, questions came up regarding when or if septic systems require inspection, how often, and who is responsible. Research determined that all community septic systems require annual inspection and generally the property owner, HOA or developer is responsible. GGG coordinates this annual process on behalf of the township.

#### **MAT Board and Organization –**

- Questions have been raised via other townships regarding issues with the MAT board of directors and the method used to update bylaws. Multiple articles and

emails have been distributed with objections to changes to the bylaws and the process for voting. Historically, voting on bylaw changes only occurred at the annual meeting so long as a quorum of townships were represented. A quorum was not met at the last meeting. The MAT board is moving forward with voting during the annual spring short course gatherings since those are well attended. Objections have been raised regarding use of this method for voting.

- Two Rochester Township supervisors are slated to attend the spring course in late March. The board discussed the topic and how or if the attending supervisors might vote. Members could choose to vote aye, nay or abstain. Members felt that they are not fully informed on the details of the matter and will likely abstain.

#### **Rochester Fire Department Contract –**

- Randy Staver informed the board that the Rochester Fire Department would like to begin discussions on the next contract. The current contract ends at the end of 2025. The reason for the early discussion is that rates need to be set such that the city can inform the township in February 2025 of the amount for 2026. That number is needed to prepare the 2026 budget for the annual meeting in March.
- It was requested that we obtain data regarding calls for service and a breakdown of service calls (structural fires, brush fires, accidents, medical calls, etc.) and response times. Matt Kitzmann also asked what respective costs are for other townships.
- Jeff commented on potential increases in property insurance.
- Nathan Clarke and Matt Kitzmann agreed to meet offline with fire department staff.

#### **HOA Discussion Regarding Izzak Walton –**

- Michael Melford updated the board on discussions regarding land owned by Izzak Walton that could be accessed as an environmental reserve.

#### **Land Bank Discussion –**

- Michael Melford wished to discuss establishing a potential land bank. Arkansas and Missouri have policies in place that add about 3% to all real estate transactions with funds going toward purchasing and maintaining a variety of environmental / recreational spaces. Michael volunteered to research the topic further.
- Matt Kitzmann wondered whether the percentage is too high. He also thought it could be viewed as regressive since new property owners would contribute versus established residents. He is not opposed to establishing a fund but thought adding it to the tax levy which may be more equitable.

#### **Election –**

- Randy Staver reported the results for the 2024 board supervisor elections. In seat 1, Trisha Adamson received 25 votes and Matt Kitzmann received 79 votes. In seat 5, Jamie Neisen received 90 votes and there was 1 write-in vote.

**Reports:**

**TCPA Report –**

- Jeff Orth said that TCPA met earlier this week. Jered stated that new software is being used that applies more rigor to the fees process.

**Board of Appeals & Adjustment Report (Township Board) –**

- There was no additional action requested this month.

**Planning and Zoning Commission Report –**

- There will be a meeting in April where it is anticipated that the solar ordinance will be discussed. Based on absences, Michael asked that two supervisors attend the meeting. Matt Kitzmann and Nathan Clarke can attend.

**Board Chair Report –**

- No information to report this month.

**Other Business –**

- None

**Meeting Adjourned** – Michael Melford moved to adjourn the meeting. Jeff Orth seconded. All voted in favor and the motion passed. Meeting was adjourned at 10:24 PM.

Respectfully Submitted,



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Randy Staver, Clerk / Treasurer

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Nathan Clarke, Vice-Chairman