

**Rochester Township**  
**Board Meeting Minutes**  
**May 11, 2023**

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

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

**Guests** – Pat McGowan, Dean Thompson, Roger Ihrke, Jered Staton, Brian Mueller and four members of the public.

**Minutes** – Jeff Orth moved to approve the minutes for the April 13, 2023 meeting. Michael Melford seconded. All voted in favor and the motion passed.

**Deputy's Report** – Deputy Dean Thompson reviewed the call report of 33 calls for service.

**Pavilion Estates / Rookery Lawsuit –**

- There was no new information to share.

**2630 Wild Rose Lane SW –**

- Jeff Orth asked whether we had researched other communities to see how they handle nuisance properties.

**Land Use Planning Workgroup –**

- Nathan Clarke reported and said they had met with Arthur Handleman to discuss the topic. There was some agreement that it would be more efficient to incorporate the discussion and information as part of other discussions such as the subdivision ordinance rather than have another independent group.

**Create Savings Account for Joint Powers – RES2023\_05\_01 –**

- Randy Staver said that the Joint Powers Board wishes to set up a savings account to achieve a greater interest rate than what is received on checking. Both Rochester and Cascade boards need to approve the change which can occur through a simple motion. Cascade has already approved the change. Jeff Orth moved to allow the Joint Powers Board the authority to set up a savings account. Matt Kitzmann seconded. All voted in favor and the motion passed.

## **Subdivision Ordinance –**

- Jered Staton reported and said that the Planning and Zoning Commission discussed the topic and he shared a document with several suggested changes or areas where more information is needed. Private roads, side paths and density are included in the discussion. An example of where a side path might be used is along 40<sup>th</sup> Street. The idea of something like a side path would not apply to developed property or developments already approved.
- Pat McGowan said that their equipment is designed to handle a path 8 feet wide versus the 10-foot width suggested. There were questions about appropriate maintenance. Jamie Neisen noted that the City of Rochester does not plow their paths in the winter. Based on a conversation with the MAT attorney, we may wish to post a sign saying that a path will not be maintained in the winter. Jamie posed the question of whether paths would be constructed with gravel or asphalt. For various reasons, asphalt is preferred.
- One person asked how we would keep snowmobiles off the unplowed paths. One person posed that the township should consider ways to expand pathways to areas already developed. Olmsted County is potentially planning a pathway connection close to the township and there is a close connection to the City of Rochester trail system.
- Jeff Orth talked about previous discussions related to funding through establishment of a transportation district. Those discussions did not progress due to various concerns such as access.
- Roger Ihrke spoke and outlined a potential process which begins with creating a plan and then determine affected properties. A public hearing would be required. Older developments would use an assessment process whereas the costs would be part of the overall cost for a new development. Based on a question, Roger said that it is unlikely that the annual budget could be raised enough to cover costs. Most likely some sort of bonding would be used and paid back through property assessments. Roger also posed that the township would need to determine how costs would be covered for properties that have not been developed.
- Roger asked whether another street classification is needed that would require pathways; something between a local and collector road. Jamie said there had been discussion about requiring a pathway along the longest local road in a development. Jamie posed adding language to section 6.5 to reflect that requirement.
- Roger encouraged the township to talk with county planning sooner rather than later. It is more difficult to amend a plan once the county has one established.
- Jeff asked whether there has been any determination of the costs involved.

- Michael Melford moved to add section 6.5 related to pedestrian paths / side paths, including the language change posed by Jamie related to the longest road and connectors to other subdivisions, to the subdivision ordinance. Further, that paths would be constructed using asphalt. Nathan Clarke seconded. All voted in favor and the motion passed.
- Jamie talked about the private road discussion. Part of the proposed language would establish road standards. There was discussion about private roads versus what would be considered a long driveway. What happens if there are only a couple properties on a private road? Michael stated that part of the discussion was whether to allow private roads at all or whether there would be a minimum number of properties before a road is no longer considered private.
- Jeff asked what precipitated the discussion about substandard private roads.
- In response to a question, Roger said that private roads are allowed in most other townships. It was posed that private roads should be constructed and inspected by the township engineer.
- Roger offered some history on how private roads started.
- Jamie asked Jered to incorporate language changes in the proposed subdivision ordinance based on the board discussion.

#### **Mailbox Ordinance –**

- Jered Staton reported and said that it was decided that the mailbox language should be embedded in the Subdivision ordinance rather than as a standalone ordinance.

#### **Land Use Plan –**

- Jered Staton reported and said that the Planning & Zoning Commission is reviewing the land use plan mainly related to minimal density and allowance for certain variances.
- Roger Ihrke noted that there is a minimal number of acres remaining. There are about 3,500 acres but we expect about 1,500 to be annexed leaving 2,000 remaining. Using a density 3.5 versus 2.5 would mean a differential (loss) of about 300 homes that could be built - which may or may not be desirable. He said that it depends on the goals of the township. Roger said an alternative approach is to allow a smaller lot size along with greater open space.
- Roger displayed maps showing the Olmsted land use plan and the Rochester growth management plan and how they interact. Roger suggested that if the township wants to preserve the option of large lot development, a strategy would be to petition the county to change a section currently denoted as resource protection to suburban development. He also noted that the pace of city development is based on how quickly the water and sewer systems can be constructed or upgraded.

- Roger offered to draft a resolution requesting county action to change a portion of resource protection land west of a line extending south on County Road 8 to suburban development. The board could consider the language at the next meeting.
- Jamie asked for a consensus of the board on 3.5 acre versus 2.0 acre density. Roger offered an alternative that would allow the township to set density as a goal versus within ordinance language. That would allow the board to evaluate proposed projects on individual merits. The township would also state that they will follow their land use plan versus abiding by a predetermined density value as defined in the letter to Olmsted County.
- Jeff Orth moved to ask TCPA to draft a resolution to enforce the use of the land use plan, increase the percentage of open space and affirm that the township will abide by the land use plan versus the earlier county letter. Michael Melford seconded. All voted in favor and the motion passed.

#### **Conditional Use Permit – Biermann house –**

- Jered Staton reported and said that the Planning & Zoning Commission reviewed the conditional use permit. The primary changes to earlier language relate to the number of required parking spaces and hours of operation. The commission passed the request unanimously.

#### **Nuisance Ordinance –**

- Nathan Clarke spoke to the draft ordinance as proposed by TCPA staff. Discussion surrounded whether all of the proposed language is warranted at this time or whether the focus should be on buildings. That would entail removing sections 1 through 4. There was also discussion whether to incorporate the nuisance language into the zoning ordinance versus as a standalone ordinance. Legal counsel has advised that incorporating the language in the zoning ordinance would not be a good idea and that any nuisance ordinance should be standalone. Nathan stated that there are portions of sections 1-4 that he likes but that those could be discussed at a later date.
- Roger suggested that the language could be adopted as a public safety ordinance which is a simpler process than amending the zoning ordinance. Roger also said that Peter Tiede had said that the township will need to undertake an inventory of all non-compliant properties and prioritize resolution.
- Nathan Clarke requested that the ordinance be adopted by the end of August.

#### **Sound System –**

- Matt Kitzmann reported and said he will be disassembling the sound system equipment and it will be stored.

### **Audit Status –**

- Randy Staver said that Smith Schafer delayed the draft audit meeting due to scheduling conflicts. The meeting will be rescheduled for a date this month so that the final report can be presented to the board at the June meeting.

### **Meadow Crossing Road Trail –**

- Pat McGowan presented a proposal from Elcor stating a cost of \$57,200. Pat said he is waiting on another quote. Jamie Neisen asked about the threshold for requiring a bidding process. Jamie also said that the project should be broken down so that it is easier to compare similar project components.
- Pat will bring additional information to the June meeting.

### **Speed Along 8<sup>th</sup> Street –**

- Nathan Clarke started the discussion and said he had heard from residents that there are still speed concerns along 8<sup>th</sup> Street. They said they appreciated the new speed signs but that too many people simply ignore them. Jamie asked Pat to pull data from the signs so that the board can better quantify the issue. Residents are asking whether the township should consider seasonal speed bumps or speed tables. Pat contacted the City of Rochester who said they are moving away from speed tables and using things like ‘choker’ modifications. The approximate cost to install a permanent speed table is about \$25,000. Pat also looked at a seasonal rubberized version which is about \$10,000 but there would be a cost to install and de-install.
- Jeff Orth asked why this particular road stretch seems to be an issue in recent time. A response was that this is reflective of the growth that has occurred in the township.

### **New Hire – Joint Powers –**

- Pat McGowan presented information on a potential full time new hire, Joshua Lein. He spoke highly of Joshua’s qualifications and asked for the board’s opinion. Cascade town board approves of the new hire.
- Matt Kitzmann moved to allow Pat to move forward on the new hire. Jeff Orth seconded. All voted in favor and the motion passed.

### **Property Tax Valuations –**

- Jamie Neisen shared information about property valuations in the township. He is concerned that the increases seemed high and that evaluations don’t seem to be consistent across the townships. He also noted that the township does not have a Board of Equalization which he feels was a good decision given the complexity involved.

- Jamie wanted to share the information in case supervisors receive questions from residents.

## **Reports:**

### **Treasurer's Report –**

- Treasurer Randy Staver reported. He stated that the Westhill invoices have been mailed. The required annual report detailing use of ARPA funds was submitted.
- The new office PC has been installed.
- Jeff Orth moved approval of the treasurer's report. Nathan Clarke seconded. All voted in favor and the motion passed.

**Rochester Township Claims** – Michael Melford moved and Nathan Clarke seconded to accept and pay Rochester Township claims #5285-5304 in the amount of \$40,010.41. All voted in favor and the motion passed.

**JPB Claims** – Matt Kitzmann moved and Michael Melford seconded to accept and pay Joint Powers Board claims #6176-6206 and the Rochester Township share in the amount of \$26,660.97, and a payroll share of \$15,440.62. All voted in favor and the motion passed.

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

- Crack filling on Weather Hill has been completed.
- Pat took care of a fertilizer spill that had been reported to the appropriate agencies by a township resident. The amount of the spill was about four pounds of granular material. We were contacted by the Rochester Fire Department hazmat team and the state department of agriculture. They were satisfied that the issue had been appropriately resolved.
- Pat said he had been contacted by the HOA for Lilly Farms 1 asking who is responsible for pond inspection. Pat is following up.
- Road work continues.

### **TCPA Report –**

- Jeff Orth reported and talked about the recent meeting. Finances are short primarily due to having three staff versus two. David is thinking of retiring sometime in 2024. Permits are on par with last year.
- Potential gift and/or celebration for Roger was discussed.

### **Board of Appeals & Adjustment Report –**

- No meeting this month.

**Planning and Zoning Commission Report –**

- No more information other than what was provided earlier.

**Board Chair Report –**

- Nothing else to report.

**Upcoming Meetings –**

- Planning and Zoning Commission – June 13, 2023 – 7:00 pm.

**Meeting Adjourned** – Nathan Clarke moved to adjourn the meeting. Michael Melford seconded. All voted in favor and the motion passed. Meeting was adjourned at 11:30 pm.

Respectfully Submitted,

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Randy Staver, Clerk / Treasurer

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Jamie Neisen, Chairman