

Rochester Township Supervisors Meeting
Rochester Town Hall
Thursday, May 11, 2023
7:00 PM
AGENDA

- I. Call to order Town Board Meeting (Pledge of Allegiance)
- II. Minutes of the April 13, 2023 Board meeting
- III. Deputy Report – Dean Thompson
- IV. Call for additional agenda items
- V. Old Business
 - A. Pavilion Estates / Rookery
 - B. 2630 Wild Rose Ln SW
 - C. Land Use Planning work group
- VI. Tabled Items
 - A. Storm water ordinances
- VII. New Business
 - A. Resolution to create savings account for Joint Powers
 - B. Subdivision Ordinance (depending on P&Z Commission)
 - C. Mailbox ordinance / policy (depending on P&Z Commission)
 - D. Land Use Plan – density (depending on P&Z Commission)
 - E. Conditional Use Permit – Biermann house – information – P&Z Commission
 - F. Nuisance ordinance
 - G. Sound system
 - H. Information items:
 - i. Audit status
- VIII. Reports
 - A. Treasurer’s Report – Randy Staver
 - B. Road Maintenance Supervisor Report – Pat McGowan
 - C. TCPA Report – Jeff Orth
 - D. Planning & Zoning Commission Report
 - E. Board Chair Report
- IX. Adjourn

Rochester Township

Board Meeting Minutes

April 13, 2023

Meeting was called to order at 7:00 pm by Chairman Jeff Orth.

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

Guests – Pat McGowan, Dean Thompson, Ed Clark, Jason Kappers, Jered Staton, Roger Ihrke, Kevin Torgerson, Brian Mueller, Arthur Handleman and four members of the public.

Minutes – Nathan Clarke moved to approve the minutes for the March 9, 2023 meeting. Jamie Neisen seconded. All voted in favor and the motion passed.

Deputy's Report – Deputy Dean Thompson reviewed the call report of 43 calls for service. There was some discussion about ways to control the deer population. A question was also asked about the amount of dumping that occurs. Pat McGowan said that the road crew will often take care of those items. Sheriff Torgerson was present and provided an update for the board. He discussed the high-level organization of the department and 21 recent staff changes which were partially driven by retirements. He introduced Brian Howard, Chief Deputy, and Kelly Lee, Captain of Patrol Division, who also gave brief reports. The sheriff also noted that the law enforcement contract is coming up for renewal and Brian Howard will be in touch with Randy.

Pavilion Estates / Rookery Lawsuit –

- There was no new information to share.

2630 Wild Rose Lane SW –

- There was no new information to share.

Land Use Planning Workgroup –

- Nathan Clarke reported and said there was no new information to share this month. He did note that Michael Melford is a member of the group along with Nathan and Jamie Neisen. Since Michael is now elected, that will mean there will be a quorum of supervisors whenever the group meets. As such, the meeting must be posted. The meetings will be posted on the website and townhall bulletin board at least three days ahead of the meeting date. The

supervisors will meet physically at the townhall. Other public participants can attend in person or join by telephone if the conference service is used.

- Roger Ihrke pointed out that any decisions made, because of the quorum, essentially become town board actions. Given the complexity created, Jamie Neisen agreed to step off the group so that there would no longer be a quorum.

Mailbox Issue –

- Matt Kitzmann talked about a fairly expensive mailbox that had been damaged and the homeowner was asking for the township to replace it. After review at the site, it was determined that the mailbox post was about ten years old and fairly rotted. The homeowner understands and will replace the mailbox with guidance from Pat on perhaps a better location.

Stormwater Ordinance –

- This item remains tabled since it must be addressed at the same time as the revised subdivision ordinance is addressed.

Mayo Woodlands 4th Final Plat –

- Jered Staton reported with an overview of the project and said that the Planning & Zoning Commission approved the final plat at their last meeting. There is still some discussion ongoing about placement of mailboxes. Current policy would require placement in an outlot and one parking space provided. It was noted that the development agreement for the project must also be approved. Jamie Neisen moved approval of the development agreement. Matt Kitzmann seconded. All voted in favor and the motion passed. Jamie Neisen moved approval of the final plat. Matt Kitzmann seconded. All voted in favor and the motion passed.

Subdivision Ordinance –

- Jered Staton reported and said that the Planning & Zoning Commission tabled this item at their last meeting. Jamie noted that one desired change is that preliminary plats will also be heard by the township board as well as the Planning & Zoning Commission.

Mailbox Policy –

- Jered Staton reported and said that the Planning & Zoning Commission tabled this item at their last meeting. The commission feels that the language should be incorporated into section 6 of the subdivision ordinance versus as a standalone ordinance.

Board of Adjustment – Revision –

- The board reviewed revised language proposed for the zoning ordinance relative to the Board of Adjustment. The revision would establish the township board as the Board of Adjustment versus it being a standalone body. Nathan Clarke moved to approve the revised language. Jamie Neisen seconded. All voted in favor and the motion passed.

Road Tour Report –

- The annual road tour occurred on March 27th and a report has been provided separately. Jamie Neisen moved approval with a minor change to say ‘reconstruction of 45th Avenue SW / Ettenmoor’. Nathan Clarke seconded. All voted in favor and the motion passed.

Annual Reorganization –

- Randy Staver provided a draft copy of the reorganization document. After discussion, Jamie Neisen was selected as chair for 2023-24. Other changes are reflected in the 2023 reorganization document.
- Jamie Neisen moved approval of the 2023 reorganization document. Nathan Clarke seconded. All voted in favor and the motion passed.

West Hills 2023 Amounts –

- Randy Staver provided a history of West Hill payments from previous years. The rate for 2022 was \$400 per household. Matt Kitzmann moved to set the 2023 rate at \$440 per household. Nathan Clarke seconded. All voted in favor and the motion passed. Matt Kitzmann asked that a brief rationale be documented for any year-to-year changes.

Snow Plowing – RES2023_04_01 – Woodland Valley Estates –

- Jamie Neisen moved approval of the resolution. Matt Kitzmann seconded. All voted in favor and the motion passed. Sara Rudquist will do the invoicing on behalf of Joint Powers.

Clerk / Treasurer Job Description –

- The Board had previously discussed the idea of appointing an assistant clerk / treasurer. Randy Staver distributed a copy of the current clerk / treasurer job description and a supporting task list.
- Randy noted a discussion he had with Sara Rudquist on the topic. Sara does not feel having an assistant is very workable. Instead, she has agreed with the Cascade board that whenever she decides to quit, she will provide six months’ notice which would allow her to work with the new clerk / treasurer for three months and then serve as a resource for another three months.
- Randy’s recommendation was to leave the position as is and not pursue an

assistant position.

Sound System –

- Given the expiration of the Governor's emergency order related to COVID, remote meetings for township supervisors are no longer an option. The town board meetings must be in person. In addition, use of the dial in feature of Free Conference has waned significantly.
- Jamie Neisen moved to formally require in person meetings and to stop usage of the dial in feature. Nathan Clarke seconded. All voted in favor and the motion passed. Matt Kitzmann said that he will disassemble the sound equipment and store it.

Willow Creek Area Transportation Study –

- Jeff Orth presented a brief overview of a transportation study being conducted by ROCOG. There is a desire for Rochester Township individuals to participate in the work group study.

Nuisance Ordinance –

- Matt Kitzmann and Nathan Clarke gave an overview of discussions they had with Peter Tiede regarding creating a nuisance ordinance. They asked permission from the board to ask Peter to draft an ordinance. Jamie Neisen asked whether the board should first ask TCPA to see if they could draft language.
- A concern was noted that any ordinance adopted might be viewed as targeting properties currently being discussed. Peter had said that any properties currently being discussed could be given a grace period before the ordinance would apply.
- Nathan Clarke moved to investigate drafting an ordinance and giving Nathan Clarke and Matt Kitzmann authority to work with TCPA and, as necessary, MAT and Peter Tiede. Jamie Neisen seconded. All voted in favor and the motion passed.
- Randy Staver had provided some sample language used by the City of Rochester. He was asked to forward that information to Peter.

Certificate of Election / Oath –

- Randy Staver reported that the 2023 annual election process has been completed with certificates issued and oaths taken by newly elected / re-elected board supervisors.

Reports:

Treasurer's Report –

- Treasurer Randy Staver reported. He stated that the change in banks from Premier to ONB Bank has been completed. All Premier accounts have been

closed. He noted that interest income increased significantly as was expected with a little over \$3,200 received last month.

- The external audit is nearly complete with the onsite review completed earlier in the week. Once Smith Schafer has the draft report, a meeting will be set up to review. One or two supervisors along with the treasurer participate in that meeting. The formal public presentation to the entire board will likely occur at the June meeting after which Smith Schafer formally submits the township audit to the State. Nathan Clarke indicated that he would like to be involved in the draft audit review.
- Randy reported that he and Sara Rudquist met to discuss the division of Joint Powers clerk / treasurer duties as requested by the boards. Tasks have been divided and the split work began this month.
- Randy reported that the new office PC has been delivered and is in process of being set up.
- Jamie Neisen moved approval of the treasurer's report. Michael Melford seconded. All voted in favor and the motion passed.

Rochester Township Claims – Matt Kitzmann moved and Nathan Clarke seconded to accept and pay Rochester Township claims #5264-5284 in the amount of \$56,959.55. All voted in favor and the motion passed.

JPB Claims – Jamie Neisen moved and Nathan Clarke seconded to accept and pay Joint Powers Board claims #6141-6175 and the Rochester Township share in the amount of \$34,291.64, and a payroll share of \$17,824.64. All voted in favor and the motion passed.

Road Maintenance Supervisor Report –

- Spring cleanup work has begun including tree trimming.
- Pat brought in a part time person to help out.
- Several signs were replaced.
- Preparing for construction season.

TCPA Report –

- Jeff Orth reported and provided some historical financial information.

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 – May 9, 2023 – 7:00 pm.

Meeting Adjourned – Jamie Neisen moved to adjourn the meeting. Michael Melford seconded. All voted in favor and the motion passed. Meeting was adjourned at 11:45 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jeff Orth, Chairman

PUBLIC NUISANCE
ORDINANCE
FOR

ROCHESTER
TOWNSHIP

OLMSTED
COUNTY

MINNESOTA

ADOPTED: XX/XX/XXXX

EFFECTIVE: XX/XX/XXX

The following regulations are in effect for residential properties in Rochester Township, specifically for properties with a primary use as a residential dwelling. From and after the effective date of this ordinance and subsequent amendments, the use of all land and buildings within a residential zone shall be in conformity with the provisions of this ordinance. Any existing building or property shall have 180 days from the date of this ordinance to bring the property into compliance and will be subject to the Abatement Procedure in Section Seven of this ordinance.

SECTION ONE: PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following are declared to be nuisances affecting public peace and safety:

- (A) All wires and limbs of trees that are so close to the surface of street as to constitute a danger to pedestrians or vehicles.
- (B) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.
- (C) All unnecessary and annoying vibrations.
- (D) Obstructions and excavations affecting the ordinary public use of streets, alleys, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
- (E) Radio aerials or television antennae erected or maintained in a dangerous manner.
- (F) Any use of property abutting on a public street or any use of a public street that causes large crowds or people to gather, obstructing traffic and the free use of the street.
- (G) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
- (H) Wastewater cast upon or permitted to flow upon streets or other public properties.
- (I) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so

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accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.

- (J) Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
- (K) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
- (L) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.
- (M) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- (N) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.
- (O) All other conditions or things that are likely to cause injury to the person or property of another.

SECTION TWO: NOISE VIOLATIONS

(A) Prohibited noises

The following are declared to be nuisances affecting public health, safety, peace, or welfare:

- (1) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- (2) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- (3) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

(B) Hourly restriction of certain operations

(1) Domestic power equipment

No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) Refuse hauling

No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00

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a.m. and 9:00 p.m. on any weekend or holiday.

(3) Construction activities

No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(4) Radios, music devices, paging systems, and the like

The operation of any device referred to in subdivision (A) (6) between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(C) Noise impact statements

The Town Board may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Town Board. The Town Board shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

SECTION THREE: NUISANCE PARKING AND STORAGE

(A) Declaration of nuisance

The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage

- (1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.
- (2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
- (3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 - (a) No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the Township because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests

who do not reside on the property.

- (b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.
- (c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

SECTION FOUR: INOPERABLE MOTOR VEHICLES

(A) Declaration of nuisance

Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) Inoperable motor vehicles

It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time.

(C) Screening

This section does not apply to a motor vehicle enclosed in a building.

SECTION FIVE: BUILDINGS

Buildings which have not been maintained in a safe and healthy condition under the Minnesota State Building Code. Any one of the following shall be prima facie evidence of failure to maintain a building in a safe and healthy condition.

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place to be capable of resisting natural or artificial loads of one and one-half the original designed value.

- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (8) Any building or structure has been constructed, exists or maintained in violation of any specific requirements or prohibition applicable.
- (9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned to constitute such building or portion thereof as an attractive nuisance or hazard to public.
- (12) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- (13) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- (14) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- (15) Foundation systems that are not firmly supported by footings, are not plumb, and free from open cracks one-half inch or greater and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (16) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effect, and all roof drainage systems that are not properly anchored;
- (17) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (18) Exterior stairs, decks, porches, balconies and all similar appendages attached thereto, including guards and handrails, which are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all

- load effects, and a flight of stairs which has four or more risers lacking handrails designed and installed in accordance with the MN State Building Code;
- (19) Chimneys, cooling towers, smokestacks and similar appendages not structurally sound, not in good repair or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 - (20) All exterior finishes including joints between building envelope and the perimeter of windows, doors and skylights, stucco, wood, vinyl, aluminum, steel, or cement board siding, which are not weather resistant or watertight and free of decay, cracks, rot, tears, holes, gaps, or breaks;
 - (21) any building or structure that has been damaged by fire to the extent it is no longer habitable;
 - (22) mechanical appliances, fireplaces, solid-fuel burning appliances, cooking appliances and water heating appliances not properly installed or maintained in a safe working condition or capable of performing the intended function;
 - (23) the lack of a safe, continuous and unobstructed path of travel from any point in a building or structure to the public way; or
 - (24) egress doors which are not readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

SECTION SIX: DUTIES OF TOWNSHIP OFFICERS

Township officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated Township official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated Township official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry

SECTION SEVEN: ABATEMENT PROCEDURE

(A) Procedure

Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the Township, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the Town Board. Thereafter, the Town Board may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Town Board, the Township may seek injunctive relief by serving a copy of the Town Board order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) Notice

Written notice of the violation; notice of the time, date, place, and subject of any hearing before the Town Board; notice of the Town Board order; and notice of motion for summary enforcement hearing shall be

served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

(C) Emergency procedure; summary enforcement

In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the Town Board may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the Township and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Town Board may order summary enforcement and abate the nuisance.

(D) Immediate abatement

Nothing in this section shall prevent the Township, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) Unlawful parties or gatherings

When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(F) Judicial remedy

Nothing in this section shall prevent the Township from seeking a judicial remedy when no other adequate administrative remedy exists.

SECTION EIGHT: RECOVERY OF COST

(A) Personal liability

The owner of the premises on which a nuisance has been abated by the Township, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the Township of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Township clerk or other Township official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Township Clerk.

(B) Assessment

After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Township Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other

charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The Town Board may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Town Board may determine in each case.

SECTION NINE: PENALTY

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SECTION TEN: SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION ELEVEN: EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

May 2023
Treasurer's Report

Period: 04/01/2023 - 04/30/2023

Checking

Deposits

Accounts:

Opening Balance - ONB	#5320	\$ 99,740.70
Opening Balance - ONB	#0201	\$ 1,374,686.46
Checks / Withdrawals		\$ (63,779.90)
Deposits (incl. interest)		\$ 20,071.38
Closing Balance		\$ 1,430,718.64
- Reserve (1/2 of Est. Bud).	#0201	\$ (500,000.00)
- Designated ARPA funds	#0201	\$ (197,839.50)
- Designated Griffin road project	#0201	\$ (144,024.57)
Available to Spend		\$ 588,854.57

Interest Earned	0.50%	\$ 49.32
Interest Earned	3.00%	\$ 3,311.14
Cafeteria plan		\$ 208.33
TCPA rent		\$ 500.00
Developer reimbursement		\$ 8,907.79
Developer reimbursement		\$ 3,722.00
Culvert parts reimburse		\$ 971.00
Culvert parts reimburse		\$ 2,401.80
TBD		\$ -
TBD		\$ -
TBD		\$ -
TBD		\$ -
Total		\$ 20,071.38

PROJECT

- West Hill Road SW - Bill for road care annually - 2023 invoices have been mailed. \$ -
- Total ARPA funds received is \$207,964.10.
- The first half of 2022 tax levy receipts totaled \$637,878.95; second half \$525,597.98.
- Griffin Construction (restricted funds):

Beginning balance	\$710,159.69	<u>Date Pd.</u>
Payment	(\$88,414.00)	9/6/2022
Payment	(\$318,968.03)	10/8/2022
Payment	(\$158,753.09)	11/5/2022
Payment	(\$1,838.25)	1/7/2023
Payment	\$0.00	
Payment	\$0.00	
Current balance	\$142,186.32	

- ARPA Expenditures (restricted funds):

Beginning balance	\$207,964.10	<u>Date Pd.</u>	
JPB staffing	(\$2,549.19)	11/6/2021	Essential workers
JPB staffing	(\$2,549.19)	12/4/2021	Essential workers
LED lighting upgrade	(\$2,407.00)	4/15/2022	Revenue replacement
Office equipment - printer	(\$899.99)	4/15/2022	Revenue replacement
Backflow preventer work	(\$1,719.23)	5/7/2022	Revenue replacement
Speed signs	(\$9,392.00)	11/5/2022	Revenue replacement
Repair shop floor	(\$34,772.50)	2/9/2023	Revenue replacement
Office equipment - computer	(\$1,899.98)		Revenue replacement
(e) TBD	\$0.00		
(e) TBD	\$0.00		
(e) TBD	\$0.00		
(e) TBD	\$0.00		
(e) TBD	\$0.00		
Current balance	\$151,775.02		

Note: ARPA expenditures must be obligated by 12/31/2024 and spent by 12/31/2026.



975 34TH AVE. NW, ROCHESTER, MN 55901
Ph. 507-280-0621

Return Service Requested



ROCHESTER TOWNSHIP
4111 11TH AVE SW
ROCHESTER, MN 55902-1508

PERIODIC STATEMENT

Date: Apr 30, 2023
Period: Apr 01, 2023 to Apr 30, 2023
(30 days)

Enjoy the convenience of digital payments! To enroll in a digital payment option, choose your preferred digital wallet and follow the prompts on your phone. It's a quick and simple way to make secure purchases! Go Green and Sign Up for E-Statements!

Your Account(s) at a Glance

Deposit Account(s)	Account #	Interest Earned YTD	Balance as of 04/30
ONB Comm Checking -	CK-1000005320	71.12	120,000.00
ONB Community Saving	SV-0700000201	8,267.04	1,310,718.64

ACCOUNT #: CK - 1000005320 ONB Comm Checking - Int

ONB Community Checking

ROCHESTER TOWNSHIP

Enclosures: 15

Beginning Balance	
as of 04/01/23	99,740.70
Deposits & Other Credits	84,088.52
Charges & Fees	0.00
Checks & Other Debits	63,829.22
Average Balance	120,000.00
Ending Balance	
as of 04/30/23	120,000.00

For the Period : 4/1/2023 To 4/30/2023

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$1,055,176.36	\$13,179.11	\$25,066.05	\$1,043,289.42	\$0.00	\$1,403.85	\$1,044,693.27
Road and Bridge	\$30,539.09	\$3,372.80	\$35,967.92	(\$2,056.03)	\$0.00	\$104.05	(\$1,951.98)
Federal Programs - ARPA	(\$44,164.50)	\$0.00	\$1,899.98	(\$46,064.48)	\$0.00	\$0.00	(\$46,064.48)
Cafeteria Fund	\$624.99	\$208.33	\$0.00	\$833.32	\$0.00	\$0.00	\$833.32
Escrow Fund - Development	\$19,525.05	\$0.00	\$0.00	\$19,525.05	\$0.00	\$0.00	\$19,525.05
General Reserves	\$562,360.19	\$3,311.14	\$0.00	\$565,671.33	\$0.00	\$0.00	\$565,671.33
Sheriff Protection	(\$6,319.40)	\$0.00	\$0.00	(\$6,319.40)	\$0.00	\$0.00	(\$6,319.40)
Fire Protection	(\$173,633.64)	\$0.00	\$0.00	(\$173,633.64)	\$0.00	\$0.00	(\$173,633.64)
General Capital Projects	\$29,517.16	\$0.00	\$0.00	\$29,517.16	\$0.00	\$0.00	\$29,517.16
Electric	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
INTERNAL SERVICE FUNDS (701 through 799)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Clearing	(\$1,551.99)	\$0.00	\$0.00	(\$1,551.99)	\$0.00	\$0.00	(\$1,551.99)
Total	\$1,472,073.31	\$20,071.38	\$62,933.95	\$1,429,210.74	\$0.00	\$1,507.90	\$1,430,718.64

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
Jamie Neisen	Town Supervisor				Date		
Jeff Orth	Chair, Town Supervisor				Date		
Matthew Kitzmann	Town Supervisor				Date		
Michael Melford	Town Supervisor				Date		
Nathan Clarke	Town Supervisor				Date		

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/30/2023	Gopher Septic	Jet cleaned culverts	5285	\$690.00	201-43120-235-	Road Maintenance	\$690.00
04/30/2023	Charter Communications	Invoice 0794079042423	5286	\$129.99	100-41940-325-	General Government Buildings and Plant	\$129.99
04/30/2023	Beer Farms	Invoice 3299	5287	\$1,280.00	201-43120-237-	Road Maintenance	\$1,280.00
04/30/2023	Pat McGowan	Reimbursement for mailbox for Dr. Carey	5288	\$305.00	100-43138-230-	Misc Road Work	\$305.00
04/30/2023	Smith Schafer & Associates LTD	2022 Audit - progress billing	5289	\$2,550.00	100-41530-301-400	Accounting	\$2,550.00
04/30/2023	Tonna Mechanical	Invoice 139195036	5290	\$285.00	100-41110-229-	Council/Town Board	\$285.00
04/30/2023	Crystal Lammers	Town hall cleaning	5291	\$100.00	100-43201-100-	Town Hall Custodian	\$100.00
04/30/2023	GDO Law	Invoices 12422	5292	\$1,090.50	100-41110-304-	Council/Town Board	\$1,090.50
04/30/2023	Olmsted County Public Works Dept.	Sign parts - March statement	5293	\$584.97	201-43138-233-	Misc Road Work	\$584.97
04/30/2023	WHKS	Invoices 48033	5294	\$660.00	100-41110-314-817 100-41110-314-807	Council/Town Board Council/Town Board	\$152.00 \$508.00
04/30/2023	Rochester Township	Reimbursement to petty cash - fuel	5295	\$250.42	201-43126-238-	Road and Bridge Equipment	\$250.42
04/30/2023	Visa	April statement - envelopes, paper, label tape, toner	5296	\$293.20			

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
					100-41110-204-	Council/Town Board	\$293.20
04/30/2023	Olmsted County PRL	RP 64.13.44.043054 property taxes	5297	\$78.00			
					100-41940-230-	General Government Buildings and Plant	\$78.00
04/30/2023	People's Energy Cooperative	Electric bill for outdoor lights - April statement	5298	\$78.00			
					100-43160-386-	Street Lighting	\$78.00
04/30/2023	Rochester Township Cafeteria Acct	April 2023 paycheck cafeteria deposit	5299	\$208.33			
					100-41110-103-	Council/Town Board	\$208.33
04/30/2023	Joint Powers Board	April claims and payroll	5300	\$26,660.97			
					201-43127-310-	Joint Powers	\$26,660.97
04/30/2023	Empower - MN Deferred Comp Plan	April 2023 Deferred Income	5301	\$2,700.00			
					100-41110-103-102	Council/Town Board	\$1,000.00
					100-41110-103-103	Council/Town Board	\$700.00
					100-41110-100-104	Council/Town Board	\$1,000.00
04/30/2023	Federal Government	May payroll taxes - Q2, #2	5302	\$1,017.52			
					100-41110-103-	Council/Town Board	\$286.62
					100-41425-103-	Clerk	\$730.90
04/30/2023	PERA	April 2023 payroll deductions	5303	\$941.21			
					100-41110-103-	Council/Town Board	\$479.06
					100-41425-103-	Clerk	\$462.15
04/30/2023	State of Minnesota	May payroll taxes - Q2, #2	5304	\$107.30			
					100-41110-103-	Council/Town Board	\$1.24
					100-41425-103-	Clerk	\$106.06

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$40,010.41			\$40,010.41

Jamie Neisen	Town Supervisor					Date
Jeff Orth	Chair, Town Supervisor					Date
Matthew Kitzmann	Town Supervisor					Date
Michael Melford	Town Supervisor					Date
Nathan Clarke	Town Supervisor					Date

Rochester Township

Gross Pay Report

For the Period 5/1/2023 to 5/31/2023

Employee Name	Title	Gross Wages
Clarke, Nathan	Supervisor	1,127.27
Kitzmann, Matthew	Supervisor	1,127.27
Melford, Michael	Supervisor	1,127.27
Neisen, Jamie	Supervisor	1,127.27
Orth, Jeff	Supervisor	1,409.08
Staver, Randy R	Clerk/Treasurer	3,301.10
Staver, Sheila	Record Keeping	262.50

Joint Powers Board Report May meeting **Claims: April 2023**

Rochester and Cascade Townships

	Total	Rochester Township	Cascade Township
Payroll:			
Pay: Payroll Claims	\$ 19,090.54		
Deductions & Township FICA	\$ 10,809.38		
	\$ -	\$ -	\$ -
Employee Ded HSA	\$ 981.31		
Total	\$ 30,881.23	\$ 15,440.62	\$ 15,440.62

Non- Payroll Disbursements:			
Road Claims (51% / 49%)	\$ 12,432.96	\$ 6,340.81	\$ 6,092.15
Salt / Sand (46% / 54%)	\$ -	\$ -	\$ -
		\$ -	\$ -
Total Disbursements	\$ 43,314.19	\$ 21,781.42	\$ 21,532.77

Claims List	\$ 24,223.65		
Net Pay Dist.	\$ 19,090.54		
	\$ 43,314.19		
Equipment 1/12 of Amt. Budget	\$ 9,583.34	\$ 4,791.67	\$ 4,791.67
Sick Leave Escrow	\$ 175.76	\$ 87.88	\$ 87.88
Amount owed by each townsh	\$ 53,073.29	\$ 26,660.97	\$ 26,412.32
	\$ 53,073.29		
Should be 00	\$ -		

**2023 equipment budget = \$115,000

2023 Cascade	28.49 mil	49.10%
2023 Rochester	29.61 mil	50.90%
	5.52 miles gravel	
	24.09 miles paved	
total	58.1	
	52.58 paved	

	Amount	
6200	\$ 15.00	Premier
6184	\$ 99.00	Forum
6195	\$ 1,085.60	CHS
6189	\$ 3,305.46	Little Falls
6190	\$ 439.53	Sanco
6188	\$ 60.00	Earls
6191	\$ 458.89	Roch Ford
6192	\$ 60.00	Farrell
6193	\$ 330.00	Cat Personal
6194	\$ 178.53	Ronco
6196	\$ 169.15	Linde Gas
6187	\$ 297.90	MenardsN
6186	\$ 56.94	MenardsS
6201	\$ 2,754.58	DEED
6198	\$ 270.76	Pat McGowan
6176	\$ 110.70	Pat McGowan
6197	\$ 59.14	Chris L
6199	\$ 132.97	C-Charter
6185	\$ 343.42	Century Link
6179	\$ 454.00	R-Peoples
6178	\$ 259.00	C-Peoples
6180	\$ 63.76	RPU
6183	\$ 368.52	R-Waste Mgt
		C-Waste Mgt
6181	\$ 782.99	C-Mn Energy
6182	\$ 277.12	R-MN Energy
Total	\$ 12,432.96	
		Olm Aggregate
		Compass
Total	\$ -	Salt/Sand
6206	\$ 1,240.74	STATE
6205	\$ 3,184.42	PERA + Admin Fee
6177	\$ 16.00	NCPERS
6204	\$ 6,368.22	FED
Total Payroll	\$ 10,809.38	
Cafeteria Payments		
6203	\$ 650.00	Deferred Income
6202	\$ 331.31	CL HS A
	\$ 981.31	
Total	\$ 24,223.65	
Payroll	\$ 19,090.54	
	\$ 43,314.19	

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/30/2023	Pat McGowan	Mileage	6176	\$110.70	201-43111-331-	Fuel	\$110.70
04/30/2023	NCPRS Group Life Ins	Chris Lien ID 1156 - May 2023	6177	\$16.00	201-41970-365-300	Insurance	\$16.00
04/30/2023	People's Energy Cooperative	Cascade Township	6178	\$259.00	100-41940-381-200	General Government Buildings and Plant	\$259.00
04/30/2023	People's Energy Cooperative	Rochester Township	6179	\$454.00	100-41940-381-201	General Government Buildings and Plant	\$454.00
04/30/2023	Rochester Public Utilities	2009272 - RT water only	6180	\$63.76	100-41940-382-201	General Government Buildings and Plant	\$63.76
04/30/2023	Minnesota Energy Resources	Cascade 04/21/2023	6181	\$782.99	100-41940-383-200	General Government Buildings and Plant	\$782.99
04/30/2023	Minnesota Energy Resources	Rochester 04/27/2023	6182	\$277.12	100-41940-383-201	General Government Buildings and Plant	\$277.12
04/30/2023	Waste Managememt	Rochester trash	6183	\$368.52	100-41940-384-201	General Government Buildings and Plant	\$368.52
04/30/2023	Olmsted Medical Center	Random drug screening - Pat McGowan	6184	\$99.00	201-43102-305-	Road Salary	\$99.00
04/30/2023	Century Link	507-282-6488	6185	\$343.42	100-41940-386-201	General Government Buildings and Plant	\$343.42

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/30/2023	Menards - Rochester South	cold patch	6186	\$56.94	201-43115-221-	Shop & Equipment Supplies	\$56.94
04/30/2023	Menards - Rochester North	rack system tools	6187	\$297.90	201-43115-221-	Shop & Equipment Supplies	\$297.90
04/30/2023	Earl's Small Engine Repair, Inc.	sharpen chains	6188	\$60.00	201-43115-221-	Shop & Equipment Supplies	\$60.00
04/30/2023	Little Falls Machine, Inc	replaced plow mount	6189	\$3,305.46	201-43116-229-103	Heavy Equipment Repairs	\$3,305.46
04/30/2023	Sanco Equipment	cutting edge for broom	6190	\$439.53	201-43115-221-	Shop & Equipment Supplies	\$439.53
04/30/2023	Rochester Ford	2019 F450 repair window motor	6191	\$458.89	201-43116-229-105	Heavy Equipment Repairs	\$458.89
04/30/2023	Farrell Equipment & Supply Co, Inc.	gloves	6192	\$60.00	201-41940-219-	General Government Buildings and Plant	\$60.00
04/30/2023	Cat Personal Safety Training	MSHA & CPR training	6193	\$330.00	201-41940-308-	General Government Buildings and Plant	\$330.00
04/30/2023	Ronco Engineering Sales, Inc.	air hose	6194	\$178.53	201-43115-221-	Shop & Equipment Supplies	\$178.53
04/30/2023	CHS	April fuel and DEF	6195	\$1,085.60	201-43111-212-	Fuel	\$1,085.60
04/30/2023	Linde Gas & Equipment Inc	5 year lease renewal - Argon and Oxygen tanks	6196	\$169.15	201-43115-221-	Shop & Equipment Supplies	\$169.15

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/30/2023	Chris Lien	Reimbursement - kerosene	6197	\$59.14			
					201-43115-221-	Shop & Equipment Supplies	\$59.14
04/30/2023	Pat McGowan	reimbursement - kerosene and boot allowance	6198	\$270.76			
					201-43115-221-	Shop & Equipment Supplies	\$37.02
					201-41940-219-	General Government Buildings and Plant	\$233.74
04/30/2023	Charter Communications	Cascade phone and internet	6199	\$132.97			
					100-41940-386-200	General Government Buildings and Plant	\$132.97
04/30/2023	Premier Bank Fees	May ACH processing fee	6200	\$15.00			
					100-41940-210-	General Government Buildings and Plant	\$15.00
04/30/2023	Minnesota Unemployment Insurance DE	Tim Haltom	6201	\$2,754.58			
					201-43102-101-	Road Salary	\$2,754.58
04/30/2023	Premier Bank	Chris Lien HSA	6202	\$331.31			
					201-41440-173-361	Chris Lien HSA	\$331.31
04/30/2023	Empower	Deferred Income - Chris L and Pat M	6203	\$650.00			
					201-41440-175-	Chris Lien HSA	\$250.00
					201-41450-175-	Pat McGowan HSA	\$400.00
04/30/2023	United States Treasury	May 2023 payroll taxes Q2 payment 2	6204	\$6,368.22			
					201-43102-171-	Road Salary	\$4,319.60
					201-43102-122-	Road Salary	\$2,048.62
04/30/2023	PERA	May 2023 payroll contributions	6205	\$3,184.42			
					201-43102-121-	Road Salary	\$1,705.94
					201-43102-174-	Road Salary	\$1,478.48

Date Range : 4/1/2023 To 4/30/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/30/2023	MN Department of Revenue	May 2023 payroll taxes Q2 payment 2	6206	\$1,240.74			
					201-43102-172-	Road Salary	\$1,240.74
Total For Selected Claims				\$24,223.65			\$24,223.65

Date