

## **Rochester Township**

### **Board Meeting Minutes**

**June 8, 2023**

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

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

**Guests** – Pat McGowan, Dean Thompson, Roger Ihrke, Jered Staton, Kali Lentz, Bill Tointon, Brian Zmolek, Brian Mueller and five members of the public.

**Minutes** – Jamie Neisen offered two corrections. The first change relates to path maintenance in the City of Rochester (Subdivision Ordinance). He corrected the statement to say that the city plows most but not necessarily all paths. The second change relates to the amount of open space (Land Use Plan). He wished to add that the Board asked Jered to increase the amount of open space from 1.5% to 5% in the subdivision ordinance. Matt Kitzmann moved to approve the minutes for the May 11, 2023 meeting with corrections. Michael Melford seconded. All voted in favor and the motion passed.

**Deputy's Report** – Deputy Dean Thompson reviewed the call report of 43 calls for service.

Pat McGowan distributed data collected related to the 8<sup>th</sup> Street speed study. He will continue to fine tune the data collection as well as analyze results. Residents spoke to ask if there are better placement options so that motorists are better alerted.

Nathan Clarke commented that there is clearly interest on the part of residents to solve the issue. He also stated that he is puzzled as to the perceived high cost of roughly \$25,000 to install asphalt speed bumps. Pat was asked to gather more specific cost information.

Matt Kitzmann commented that township decisions for installing speed barriers must be rooted in good information. He suggested that the devices should be moved around so that the township gains a comprehensive view.

One resident suggested sending out a letter to remind residents of the speed limits and to use more caution. Randy was asked to put together a mailing list.

Nathan suggested adding language to future development agreements to require developers to address potential traffic issues.

#### **Pavilion Estates / Rookery Lawsuit –**

- There was no new information to share.

#### **2630 Wild Rose Lane SW –**

- Jamie Neisen stated that legal action is still pending. The township attorney has responded as necessary to all requests for information in a timely manner.
- Jamie noted that the requested fence is still not in place. The fence is meant to prevent trespassing and possible safety issues. The township had mailed a letter giving the property owner 30 days to come into compliance and there are a few days still remaining.

#### **Land Use Planning Workgroup –**

- Nathan Clarke reported and said there was no new information to share.

#### **Annual Audit –**

- Kali Lentz from Smith Schafer provide a review of the 2022 financial audit for the township. The township again received a ‘clean’ audit. Nathan Clarke posed a question as to why population numbers differ from what are stated in the law enforcement contract numbers. Matt Kitzmann suggested that perhaps the law enforcement numbers are old data based on the previous contract.

#### **IntraFi Fund Protection –**

- Randy Staver presented information that came from our financial institution, ONB Bank. State law requires that all of the township’s financial assets (bank deposits) are insured in their entirety. Funds are otherwise insured up to the FDIC maximum of \$250,000. Since the township assets significantly exceed this threshold, the bank provides the additional coverage by purchasing bonds. There is an alternative path for coverage referred to as IntraFi. There is no tangible difference to the township but there is a benefit to the bank to spread risk. Randy had asked Andrew Forliti from Smith Schafer for his opinion. Andrew commented that this is a well-known practice that has existed for about 10 years. Kali Lentz commented that several other municipalities participate in IntraFi and they have not heard of any issues.
- Matt Kitzmann moved to approve letting ONB Bank use the IntraFi approach to providing coverage. Nathan Clarke seconded. All voted in favor and the motion passed.

### **2024-2025 Law Enforcement Contract –**

- The 2024-2025 contract for law enforcement services was presented at a total cost to the township of \$81,077 for 2024 and \$85,942 for 2025. This represents a 6% increase for each year.
- Nathan Clarke moved to approve the contract. Michael Melford seconded. All voted in favor and the motion passed.

### **Land Use Density Resolution –**

- Jered Staton presented a slightly revised resolution based on conversation at the Planning & Zoning Commission meeting.
- Roger Ihrke reiterated the importance of recognizing whether township land use goals will be met during the GDP step and not during later steps of the planning process. He also emphasized that ordinance changes should be vetted with planning (TCPA) staff to ensure proposed changes are not creating conflicts with other ordinances and/or state statute.
- Nathan Clarke moved to approve the resolution. Michael Melford seconded. All voted in favor and the motion passed.

### **Land Use Plan Amendment Resolution –**

- Roger Ihrke referred to the discussion at the meeting and action taken last month about redesignating a portion of resource protection land to suburban development in the land use plan. As a courtesy, Roger shared the township plan with the City of Rochester. It involves a total of 720 acres.
- Jamie Neisen expressed concern that 580 acres have already been designated for suburban development with several projects working through the development process and that adding additional suburban development land at this time may not be advisable. Roger noted that land designated as suburban development is perceived as being more valuable.
- Jamie suggested letting Roger meet with city staff and return next month to revisit the resolution.
- A challenge is that adopting the resolution, while perhaps not desirable at this time, preserves the ability to promote large lot development whereas if the city moves forward with annexing land and approving small lot development there may be no opportunity for the township to intercede.
- Nathan Clarke moved to table approval of the resolution until next month. Matt Kitzmann seconded. All voted in favor and the motion passed.

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

- The Nigon family is requesting that the township support a land use amendment that redesignates some land from urban service area to suburban development. The City of Rochester and Olmsted County will also need to

review and approve the requested change. It was also noted that not approving the request could lead to township development on one side of the road and city development on the other side. This would be similar to West Hill which is problematic with the shared service agreement and the township ownership of the road.

- Nathan expressed concern that approving the request almost guarantees that development will occur whereas it is unknown if the City of Rochester will actually develop the land and a timeline.
- Michael Melford moved to support the request for the land use change. Matt Kitzmann seconded. The motion passed 3-1 with Nathan voting nay.
- Randy was asked to draft a letter of support for the request.

### **Subdivision Ordinance –**

- Jered Staton provided an update and no action is requested this evening. He read through a list of suggested changes to the ordinance based on discussion at the last Planning & Zoning Commission meeting. Some questions were raised that will require some clarification and the board offered some additional suggestions. Two key areas involve the amount of setback from sinkholes and the width of bike paths which is desired to be 8 feet.
- Jered made reference to a standalone variance ordinance request which will require further discussion before any action is taken.

### **Nuisance Ordinance –**

- Roger Ihrke had sent suggested language for an ordinance and resolution for possible action. The topic will be revisited at the July meeting.
- Roger stated that he will forward a copy of the revised ordinance and that the Board needs to decide if they will hold a public hearing. The consensus was that a hearing should be held. The public hearing will occur during the July meeting sometime after 7:00 pm. Randy will publish notice on the township website as well as in the legal section of the newspaper. Randy said that the process is to begin the regular meeting and then at the appropriate time, recess the meeting and open the public hearing. Once the hearing has been closed then the regular meeting is brought back into order. This allows for public commentary but only on the specific topic.

### **Olmsted County Floodplain and Shoreland Ordinance –**

- Roger Ihrke spoke about a new floodplain ordinance and impact on development requests. If the township agrees to let Olmsted County continue to serve as the designee, then appropriate township ordinances will need to be updated to remove floodplain language. Alternatively, the township could

serve as the designee. Roger asked for discussion and then a decision at the July meeting with associated staff direction.

#### **Audio / Sound System –**

- Matt Kitzmann reported and talked about installing a monitor in the boardroom with an ability to connect to a computer and project desired information such as maps. Board members were supportive that Matt pursue the purchase.
- Nathan Clarke moved to allow Matt to pursue a purchase using ARPA funds. Michael Melford seconded. All voted in favor and the motion passed.

#### **Meadow Crossing Road Trail –**

- Pat McGowan presented two bids he received for construction of the trail. Elcor submitted a proposal stating a cost of \$57,200. Rochester Sand and Gravel submitted a proposal stating a cost of \$41,076. He recommends accepting the bid from RS&G. Jamie recommended that funding come from ARPA funds.
- Nathan Clarke moved to accept and approve the bid from Rochester Sand and Gravel for \$41,076 and use of ARPA funds. Michael Melford seconded. All voted in favor and the motion passed.

#### **Annual Township Picnic –**

- Randy asked the board to set a date and time for the annual picnic. August 15<sup>th</sup> from 4:00 to 7:00 pm at the town hall was chosen. It was suggested that the township purchase a grill to have on hand rather than borrow equipment.
- Nathan Clarke moved to purchase a grill at a cost not to exceed \$1,200 using ARPA funds. Matt Kitzmann seconded. All voted in favor and the motion passed.

#### **Building Maintenance –**

- Matt Kitzmann spoke about townhall maintenance (cleaning). Jamie suggested getting a clearer picture of what the current person does and time spent. Matt will contact Jeff to gather more information. Randy noted that we are paying the current individual \$50 per visit.

#### **Private Wells –**

- Nathan Clarke spoke about a resident contact concerning a private well issue. Four homes share a well but one resident is not contributing to well maintenance which is creating a burden for the other residents. The person asked if there is anything the township could do. A comment was made that unfortunately this is a private issue and little that the township can do.

### **West Hill Road –**

- Discussion ensued related to the Nigon land use plan amendment approval and the difficulty of maintaining a road where there is township development on one side and city development on the other. This is the situation with West Hill Road with the majority of homes located in the city. Roger Ihrke suggested that the township could simply ask Rochester Public Works to take over ownership and maintenance of the road.

### **Reports:**

#### **Treasurer's Report –**

- Treasurer Randy Staver reported. There was nothing out of the ordinary occurring the previous month.
- Matt Kitzmann moved approval of the treasurer's report. Nathan Clarke seconded. All voted in favor and the motion passed.

**Rochester Township Claims –** Nathan Clarke moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #5305-5318 in the amount of \$32,430.64. All voted in favor and the motion passed.

**JPB Claims –** Michael Melford moved and Nathan Clarke seconded to accept and pay Joint Powers Board claims #6207-6237 and the Rochester Township share in the amount of \$24,912.81, and a payroll share of \$15,028.86. All voted in favor and the motion passed.

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

- The road crew is busy with planned seasonal work.
- Chip sealing will begin later this month. Pat explained the process.
- Pat talked about a quote he received for striping roads from a company in the amount of \$12,609 to stripe Meadow Crossing Road.
- Nathan Clarke moved to accept the road striping bid using ARPA funds for the expense. Matt Kitzmann seconded. All voted in favor and the motion passed.
- Pat asked about purchasing a lawnmower to take care of the lawn immediately surrounding the town hall. Nathan Clarke offered to donate a used mower that he has.

#### **TCPA Report –**

- Jeff Orth was not present to report on TCPA proceedings.

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

- There was no action requested 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 – July 18, 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 11:50 pm.

Respectfully Submitted,

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Randy Staver, Clerk / Treasurer

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Jamie Neisen, Chairman