

Rochester Township
Board Meeting Minutes
June 13, 2024

Meeting was call to order at 7:00 pm by Vice Chair Jamie Neisen.

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

Guests – Pat McGowan, Dean Thompson, Jered Staton, Brian Mueller, Travis Gransee, Bill Tointon, Kali Lentz and four members of the public.

Open Comments

- There were no public comments.

Minutes – Jeff Orth moved to approve the minutes for the May 9, 2024 meeting. Michael Melford seconded. All voted in favor and the motion passed.

Deputy's Report –

- Deputy Dean Thompson stated that there were 70 calls for service over the last month.

Treasurer's Report –

- Treasurer Randy Staver reported. A final payment has been prepared for Cascade Creek Development related to the road project in Lilly Farm 4. Release of payment is dependent upon receiving the requested depositor control agreement. The agreement was presented to the Board. Randy is able to verify as needed that the principal funds remain on deposit. Funds were deposited on June 12th at Eagle Rock bank.
- Aspen Waste Services began service on June 1st.
- 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 approval to accept and pay Rochester Township Claims #5523-5542 in the amount of \$123,177.29 with the exception of claim #5526. Michael Melford seconded. All voted in favor and the motion passed. At a later point in the meeting, a question was resolved related to the supplemental and depositor control agreements. Based on that resolution, Matt

Kitzmann moved to approve the agreements and claim #5526. Michael Melford seconded. All voted in favor and the motion passed. Randy will proceed with getting the documents signed. Once they are fully executed, the release of previously posted funds can occur.

JPB Claims – Jeff Orth moved and Michael Melford seconded to accept and pay Joint Powers Board claims #6571-6599 and the Rochester Township share in the amount of \$29,150.71 and a payroll share of \$14,774.13. All voted in favor and the motion passed.

Road Maintenance Supervisor Report –

- Riley Viker has been working out well.
- Pat noted several tree damages due to recent storms.
- There have been some issues with the chipper.
- Road work continues as planned.

2630 Wild Rose Lane SW –

- We have heard that property ownership may be transferred to Ms. Krebsbach's former husband who intends to complete the project. We are still awaiting further information.
- The Board had moved at the last meeting that they wished to be engaged in review and approval of steps taken to complete the project. After further discussion and in consultation with the township attorney, it was determined that appropriate controls are already in place. Matt Kitzmann moved to rescind the motion approved at the last meeting. Jeff Orth seconded. All voted in favor and the motion passed.
- There was a hearing on June 7, 2024 related to the litigation initiated by Ms. Krebsbach on the denial of the conditional use request. It was reported that at the conclusion of the hearing the Court issued an order from the bench granting summary judgment in the Townships favor.

Land Use Planning Workgroup –

- No new information to report.

Land Use Plan Amendment – RES2024_05_01 –

- Jered Staton reviewed the original intent of the resolution which was to proactively preserve land for township development. Jamie Neisen noted that the Board had earlier decided to review the topic in June and November of each year. Jered noted that it will be very difficult for the City of Rochester to

extend utilities into the area. While immediate action is not needed, this is topic that should continue to be reviewed by the Board. The Board decided to hold off approval of the resolution.

- Matt Kitzmann asked that Jered provide a map for future reference that clearly delineates the area in question.

PNP Reimbursement –

- Nothing has been heard from the State yet indicating whether our reimbursement request will be approved.

8th Street Speed Study –

- Jamie Neisen shared additional speed data that has been collected for 8th Street.

Annual Audit Report –

- Kali Lentz from Smith Schafer reviewed the annual township audit. A detailed report was provided and the required reports have been filed with the State. The township was issued a clean audit meaning there were no deficiencies found.
- Matt Kitzmann asked if there were any suggestions or recommendations for change. Kali mentioned the staffing segregation but noted the practicality concern. She further noted that Rochester Township is comparable with other townships. Matt asked if the township should increase the reserves above 50% and Kali advised that is not necessary.

Stop Sign – Millie Meadows Road / Millie Meadows Drive –

- Several residents in the area are asking for an additional stop sign at the intersection. Pat McGowan is aware of the concern and will work with Olmsted County Public Works to install the second sign. The township will pay for the sign.

Pavilion Estates –

- The township received a formal letter of complaint regarding signage and items on display on adjoining neighbor's property. In essence, the complaint states that the displayed items are causing lost sales of development lots.
- The Board, in consultation with Peter Tiede, determined that there is not an explicit violation of any township ordinance. The adjoining properties are zoned A3. As such, it is considered a private party issue or civil matter.
- Jeff Orth and other members expressed that the issue is certainly not desirable and Jamie reiterated that there is little that the township can do.
- Jamie also noted the nuisance ordinance but again said it doesn't relate to what is being seen in this instance.

- Jeff noted that there are offenses in other parts of the township where the township is equally limited in a response.
- Bill Tointon spoke and indicated there will likely be further legal action. A sales representative also noted that sales have been difficult, and in some cases lost, because of what has been posted.
- Viki Morris spoke about previous issues related to the rookery and that perhaps people felt they were not being listened to. Perhaps they are sending a more general message which may be the reasoning for placement of signs.
- A member of the public spoke about the effect of the development on the rookery and the birds, which have actually relocated. She is more angered by the posting of offensive signs and images under the guise of freedom of speech.
- Michael Melford stated that unfortunately the township is not in a position to do anything based on current ordinance language.
- Walé Elegbede with the local chapter of NAACP noted the racial implications of the imagery and his organizations concerns.
- Jamie Neisen and Matt Kitzmann volunteered to have a conversation with the adjoining property owners.

Flood Plain, Shoreland and Memorandum of Understanding –

- Jered Staton presented information on the updated county plans and provided a detailed review of a memorandum of understanding. Jered noted that it is a confusing process. He stated that although the current process is not ‘broken’, he has several questions and areas of follow up. Other townships that have heard the presentation were somewhat surprised to learn of the proposed changes.
- Jered is in process of gathering input to take back to the County.
- Jamie suggested that the board members review the county ordinance language contained in chapter 3750. He said the Board can continue the discussion at the meeting next month.

Solar Ordinance & Solar Farm Ordinances & Pool Ordinance Amendment – RES2024_06_01 –

- Jered Staton presented proposed ordinances related to solar farms and modifications to the pool ordinance. The Planning & Zoning Commission reviewed the language at their last meeting and approved the changes.
- Jeff Orth moved to approve the resolution and associated ordinance changes. Matt Kitzmann seconded. All voted in favor and the motion passed.

City of Rochester Growth Management –

- Jered Staton presented information on anticipated plans for growth in the City of Rochester. The city is trying to determine where funds will be dedicated. Much of the information is rooted in sewer management and similar resources

and resource constraints. Jered reviewed a presentation that has been made to the Rochester City Council.

- There are five options being consider, two of which could affect Rochester Township. Each option identifies a developer cost per acre. The options most potentially affecting Rochester Township include the Simpson Road Option with an estimated developer cost of \$19,190 per acre and the South Zumbro Option with an estimated developer cost of \$42,294 per acre.

180 Degrees Von Wald Youth Shelter –

- Travis Gransee and Brian Mueller presented information on proposed financing for the youth shelter facility. They would like to expand the facility from 12 to 15 beds. The facility is licensed through the State Department of Human Services.
- Matt Kitzmann noted past resident concerns toward facilities such as Von Wald as development encroaches on the facility.
- The facility is in process of obtaining some conduit bond financing through the City of Eyota to fund the project. The County is assisting with some of the financial analysis.

Noxious Weed Spraying –

- Pat McGowan presented information on weed spraying. Weather and spraying practices largely dictate when spraying occurs.
- Pat noted that marker flags cause problems with mowing equipment. Pat thinks that removal of the flags should be part of the permitting.

Annual Township Picnic –

- The Rochester Township annual picnic will be held on Tuesday, August 20th. The Cascade township picnic will be held on Tuesday, August 27th.

Reports:

TCPA Report –

- Jamie Neisen reported. Certain billing practices have been adjusted. Dave will be retiring and leave at the end of 2024.
- TCPA bylaws changes were drafted and presented. Jeff Orth moved to approve the changes on behalf of Rochester Township. Matt Kitzmann seconded. All voted in favor and the motion passed. Other member townships will need to equally endorse the changes.

Board of Appeals & Adjustment Report (Township Board) –

- There was no additional action requested this month.

Planning and Zoning Commission Report –

- There will not be a meeting in June.

Board Chair Report –

- No 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 9:50 PM.

Respectfully Submitted,



Randy Staver, Clerk / Treasurer

Jamie Neisen, Vice Chair