

Rochester Township

Board Meeting Minutes

July 20, 2023

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

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

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

Minutes – Matt Kitzmann moved to approve the minutes for the June 8, 2023 meeting. Nathan Clarke seconded. All voted in favor and the motion passed.

Deputy's Report – Deputy Dean Thompson reviewed the call report of 57 calls for service.

Pavilion Estates / Rookery Lawsuit –

- The township received news in June from legal counsel that this case has now concluded with the township prevailing in its arguments.

2630 Wild Rose Lane SW –

- It was noted at the last meeting that the requested fence is still not in place. The fence is meant to prevent trespassing and possible safety issues. Jamie drafted a new letter to be mailed, with the boards support, to the property owner providing 30 days to resolve the fencing issue and ensure that the building is secure. The board endorsed sending the letter.
- Nathan Clarke noted research he had done regarding a state statute related to nuisance structures if the township should choose to explore further.
- It was noted that given the current litigation, the letter should likely be mailed to Ms. Krebsbach's attorney.

Land Use Planning Workgroup –

- Nathan Clarke had forwarded information to the board that talks about use of professional planning services to create / update a land use plan and also provided samples of other plans. The information came from Bolton and Menk with an estimated rough cost of \$40,000. He encouraged the board to review the information for further discussion.

- Matt noted that the township doesn't have a lot of land left and that the exercise might have limited value.

Land Use Plan Amendment –

- This item had been tabled at the last meeting. Questions had been raised how soon the City of Rochester might wish to annex and develop the land and how quickly the township needs to take action.
- Matt Kitzmann commented that while there isn't necessarily urgency to adopting the resolution, his concern is that as time goes by the topic will be forgotten. The board will review again in November.

Nuisance Ordinance – Public Hearing –

- TCPA staff had earlier prepared a new nuisance ordinance at the request of the Board. Matt commented that the language is well written and covers township concerns.
- Jamie opened the public hearing. One member spoke and said she is in agreement with whatever the township can do. Jamie closed the public hearing. Nathan commented that a law is needed before it can be enforced and supports adoption.
- Jeff Orth moved to approve the nuisance ordinance as presented. Nathan Clarke seconded. All voted in favor and the motion passed.

Royal Oaks Farm Final Plat –

- Jered Staton presented the staff report for the final plat. Staff is recommending approval. There will be four phases. The Planning & Zoning Commission recommended approval.
- Jeff Orth moved to approve the final plat as presented. Nathan Clarke seconded. All voted in favor and the motion passed.

Glenwood Road SW Snowplowing –

- Pat McGowan talked about this area and the final lift of asphalt. The developer is not asking the township to take ownership. Pat feels the township should take responsibility for snowplowing given the proximity to other roadways and not charge the developer.
- Jeff Orth moved not to charge for snow removal on Glenwood Road from Meadow Crossing Road to Bamber Valley Road. Matt Kitzmann seconded. All voted in favor and the motion passed.

Annual Township Picnic –

- Randy Staver distributed information related to the 2021 picnic. The desired food items for the 2023 picnic are very similar. He also presented a draft

postcard that will be mailed to township residents. Suggestions to the menu and assignments were discussed. The township will attempt to persuade residents to sign up for website alerts so that the postcard could be eliminated. The board also discussed establishing a Facebook page to relay information.

- Randy noted that the approved purchase of a gas grill for the township has been completed at a total cost of \$1,229.72.

Subdivision Ordinance –

- Jered Staton spoke and said that revisions continue to be made. He also said the density goal needs to be moved from the land use plan to the zoning ordinance. Variances may not be issued for density changes given the current language in the land use plan but a variance could be issued within the context of the zoning ordinance. Discussion revolved around minimum lot size of 2.0 to 3.5 acres per lot and the various pros and cons.

Meeting Organization –

- Jamie opened the discussion talking about ways to efficiently conduct meetings. Discussion occurred regarding regular monthly township board meetings and possible ways to make sure meetings are conducted efficiently.
- Matt said that his company uses a timekeeper to announce time spent on a topic. Jeff mentioned that anyone can call the question to terminate discussion although people should be respectful. Times could also be listed for each item. Nathan talked about how meetings are conducted in a corporate environment where open meeting rules don't apply.
- Several ideas were mentioned such as use of a consent agenda item, establishing time limits for items, and setting a hard stop time.

Tax Law Changes –

- Randy Staver presented a summary document that relates some legislative changes that occurred in the last session that potentially affect townships. More information will be forthcoming.

Cannabis Legislation & Moratorium –

- Based on legislative action during the last session, cannabis sale and use becomes legal as of August 1st of 2023. Townships have a limited ability to regulate the legislation and may not prohibit outright use. However, townships may adopt certain regulations such as not allowing consumption in a public location or in areas where children are present. At a recent MAT meeting, it was suggested that government entities consider adopting a moratorium to study and discuss regulations that may be applicable to Rochester Township.

If adopted, the moratorium may not extend beyond January 2025 although it may be rescinded earlier.

- Comments were made that it might be more efficient if Olmsted County adopted a county wide moratorium rather than townships each adopting a moratorium. Commissioner Brian Mueller was in attendance and said he will carry that message forward.
- Nathan Clarke moved to call for a public hearing on a moratorium at the August meeting. Jamie Neisen seconded. Jered Staton stated that a request could come forward for a new business request which would start the process. Having a moratorium allows the township to delay the process.
- Motion failed 1-3 with Jamie Neisen voting aye.

Audio / Sound System –

- Matt Kitzmann reported that the approved purchase of a TV monitor for the board room has been completed and installed at a total cost of \$1,540.52. Cabling has been installed that allows up to three computers to connect for presentation purposes. The monitor also allows for wireless connection.
- The configuration of the furniture in the board room is being changed slightly to allow the clerk and TCPA staff to sit at a table that better supports use of the monitor and board / public interaction.

Speed Study – 8th Street –

- Jamie discussed recently obtained speed data from the monitoring devices. There was considerable discussion regarding the data. Matt suggested doing a similar data collection on some other roads in the township to see if the information is consistent.
- It was suggested to move the data collectors to Millie Meadows Road but turn the speed displays off – just collect speed data. The collection will occur over about 30 days. However, the data collectors will remain in their current location for another 30 days but with the speed display turned off for consistent data collection.

Laptops –

- Matt Kitzmann asked what the process is when laptops need repair. His laptop has been acting up. Jeff suggested that there should be a line item in the budget for repairs or purchase of new equipment.
- Jeff Orth moved to allow Matt to purchase a new laptop with a maximum cost of \$1,000. Nathan Clarke seconded. All voted in favor and the motion passed with Matt Kitzmann abstaining.

Reports:

Treasurer's Report –

- Treasurer Randy Staver reported. Randy noted that the higher-than-normal number of payments during the month is typical during road construction season.
- Jeff Orth moved approval of the treasurer's report. Nathan Clarke seconded. All voted in favor and the motion passed.

Rochester Township Claims – Jeff Orth moved and Nathan Clarke seconded to accept and pay Rochester Township claims #5319-5343 in the amount of \$339,529.34. All voted in favor and the motion passed with Matt Kitzmann abstaining.

JPB Claims – Jeff Orth moved and Matt Kitzmann seconded to accept and pay Joint Powers Board claims #6238-6272 and the Rochester Township share in the amount of \$26,373.21, and a payroll share of \$16,135.44. All voted in favor and the motion passed.

Road Maintenance Supervisor Report –

- The road crew is busy with planned seasonal road work. Work includes road rehabilitation, chip seal and striping.
- Pat obtained some quote information for asphalt work at the town hall which came in at about \$75,000.

TCPA Report –

- Nathan Clarke reported and talked about TCPA compensation. He offered a comparison on total compensation as compared to staffing changes that have occurred.
- Jered discussed the FEMA flood plain study and potential changes that may be coming. This coincides with requests and work with Olmsted County as well as potentially impacting flood plain designation areas and insurance.

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 – August 8, 2023 – 7:00 pm.

Meeting Adjourned – Jeff Orth moved to adjourn the meeting. Nathan Clarke seconded. All voted in favor and the motion passed. Meeting was adjourned at 10:25 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman