

Rochester Township

Board Meeting Minutes

September 8, 2022

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

Members present - Matthew Kitzmann, Jamie Neisen, Brian Zmolek, Nathan Clarke, Jeff Orth and Randy Staver

Guests – Gene Peters, Dean Thompson and one member of the public.

Minutes – Brian Zmolek moved to approve the minutes for the August 11, 2022 meeting with one correction as noted by Jamie Neisen regarding the candidate for the Planning & Zoning Commission. Jamie Neisen seconded. All voted in favor and the motion passed.

Deputy's Report – Deputy Dean Thompson reviewed the call report of 31 calls for service. Dean noted speed concerns he has heard along 40th street SW. The idea was posed whether to install rumble strips. Jamie Neisen said he would not be in favor of installing rumble strips at this time without further research. Brian Zmolek agreed.

Rookery Lawsuit –

- Randy Staver reported based on information from Peter Tiede. There are two lawsuits. The first lawsuit appealing the township board decision on the GDP is still under advisement and the judge has until October 13, 2022 to render a decision.
- The second lawsuit relates to recent action based on the township decision approving the preliminary plat. MATIT has agreed to take on this case. Outside legal counsel is in process of responding to the complaint. It is not likely that this litigation will reach court until this winter with a decision not likely until spring.

2630 Wild Rose Lane SW –

- Based on information from Peter Tiede, the case has been dismissed as requested.
- Brian Zmolek spoke and said he is working with neighbors to host a couple of meetings to gather more information. Matt Kitzmann questioned whether the issue should be approached on multiple fronts including safety concerns, possible ordinance violations or other substantive issues. The purpose of the meetings will be gathering evidence which will then be presented to Peter Tiede

for his review.

- Nathan Clarke asked questions as to why two different law firms are involved for the Pavilion Estates matter versus the Wild Rose matter. It was explained that when the township is sued and MATIT agrees to cover the litigation, they decide on which outside legal counsel to be assigned. When the township initiates action not covered by MATIT then the township chooses the legal counsel.
- Randy Staver was asked to return with information at the next meeting as to how much has been spent for legal expense on this matter.
- A question was raised whether homeowner covenants exist that might prohibit what is happening with the property. Covenants do exist but it is uncertain whether this subject is covered.

Audio / Video System –

- Matt Kitzmann provided an update. He was expecting a presentation regarding a state of the art system but the individual / company was not present at the meeting. Matt will follow up. The proposed system is largely wireless and would have both audio and video capabilities. The system could easily be expanded to cover an overflow area in cases of a large meeting. Someone would need to be identified to operate the system. Estimated cost of the system ranges to \$35,000.
- Nathan Clarke asked questions whether other tools or services such as Zoom or Teams could accomplish the same goals, would be more easily usable, and less costly.

Annual Township Picnic –

- Randy Staver referred to a summary sheet for picnic details. A total of \$1,934.50 was spent which was over what was budgeted. Part of the reason is simply due to inflationary cost increases.
- Jamie Neisen suggested that the cost be explicit in the next annual budget. He also suggested perhaps using tickets to better manage quantities. He suggested that there be a point person such as perhaps the vice-chair to ensure that all aspects are covered.

Land Use Planning Workgroup –

- A group has not been formed yet. Roger Ihrke has asked if Planning & Zoning members should be included. Given open meeting rules, two P&Z members could participate. Nathan Clarke and Jamie Neisen agreed to represent the board. It was suggested that one or two members of the public should also participate.

Decorah Edge Approval Authority –

- The original township request and the county response was discussed. Essentially, the county is stating that the township serves as the road authority. Each entity, township, city or county are obligated to follow State rules and the township therefore needs to comply with language in the Wetland Conservation Ordinance or utilize defined exemptions.

Re-use of Historic Structures –

- Roger Ihrke sent an email to the board regarding the Biermann house and whether the board wants to consider adding language to the township zoning ordinance to allow for re-use of historic structures.
- Jamie Neisen moved to ask Roger to draft language to add to the zoning ordinance regarding re-use of historic structures. Brian Zmolek seconded.
- All voted in favor and the motion passed.

Speed Signs –

- Jamie Neisen presented a couple of cost proposals for electronic speed signs. Depending on the installation, some devices are more easily moved than others. He is not intending action at this meeting but only to continue the discussion. He has questions as to who installs and maintains the signs and various annual or ongoing costs. In response to a question, Jamie stated that the less costly sign could be upgraded if desired.
- A question raised is whether the device will be used for education (convey speed information) or collect data. Simply having the device may help people understand their speed and illicit the desired behavior. There was also a question what the township would do with any data collected.
- Jamie suggested we talk to Pat McGowan for his input.

Investments – Certificate of Deposit –

- Randy Staver said there was no new information to present this month. Jamie Neisen asked if the board is ok with considering non-local financial institutions and the general consensus was that would be advisable. Randy asked for any ideas that could be researched.

Reports:

Treasurer's Report –

- Treasurer Randy Staver reported. He noted additional detail provided for the main checking account to allow for significant designated funds including ARPA funds and funds designated for a road construction project. He also noted the return of some MATIT funds in the amount of \$6,564 that the township had mistakenly received. The funds should have gone to the law firm representing the township on the Pavilion Estates litigation. Finally, he noted an expenditure

of \$88,414 to Griffin Construction for the road project in Lilly 4.

- Jamie Neisen moved approval of the treasurer's report. Nathan Clarke 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 #5078-5125 in the amount of \$214,356.49. All voted in favor and the motion passed. There was a question raised as to whether the township should pay the carpet cleaning expense for the TCPA office space and it was felt TCPA should pay the expense.

JPB Claims – Jamie Neisen moved and Nathan Clarke seconded to accept and pay Joint Powers Board claims #5921-5942 and the Rochester Township share in the amount of \$18,093.77, and a payroll share of \$9,832.81. All voted in favor and the motion passed.

Road Maintenance Supervisor Report –

- Randy Staver reported on behalf of Pat McGowan who had provided written comments.
- Summer projects are winding down. Mowing is going well and the crew will start fall maintenance and finishing up smaller projects. Next month they will transition to tree removal using the State of MN 10/1 to 5/1 Emerald Ash Bore suggested guidelines. We may need to consider a larger tree budget as Rochester Township has a larger than usual impacted area of Emerald Ash Bore in the ROW.
- Luke Lentz has started as a part-time person to help with road projects. It has worked well and he has been working on back-fill of curbs and shaping of ditches.
- Pat wants to make sure the truck fleet is DOT compliant before snowfall. The F-450 would not have passed DOT inspection with belts showing so all six tires were replaced. He went with a different brand since the Continental tires only lasted 56,000 miles and performed very poorly in the winter.
- There is an issue in Woodlands III where the development adjoins a previous development and does not give the development drainage on the north side of the Galena and Glenwood intersection. Pat has spoken with Dave Adamson from Elcor and it will be addressed.
- The contractor will start work on the floor in the shop on Tuesday. Chris, Tim, and Luke will clear out the shop on Monday and there is a plan to protect the equipment from theft and environment conditions while the project takes place.

TCPA Report –

- Jeff Orth reported. He was unable to attend the meeting. The biggest issue

continues to be finding Roger's replacement.

Board of Adjustment Report –

- No meeting this month.

Planning and Zoning Commission Report –

- The September meeting is scheduled for September 20th.
- Nothing reported beyond what was stated earlier.

Board Chair Report –

- Jeff has received communications from various folks that are at times antagonistic and sometimes challenging to deal with.

Upcoming Meetings –

- Planning and Zoning Commission – September 20, 2022 – 7:00 pm.
- Joint Powers Board – October 21, 2022 – 9:00 am – Cascade town hall

Meeting Adjourned – Jamie Neisen moved to adjourn the meeting. Brian Zmolek seconded. All voted in favor and the motion passed. Meeting was adjourned at 10:05 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jeff Orth, Chairman