

Rochester Township

Board Meeting Minutes

September 14, 2023

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

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

Guests – Pat McGowan, Dean Thompson, Bill Tointon, Jenni Faulkner (Bolton & Menk), Mojra Hauenstein (Bolton & Menk), Jason Kappers, Mark Welch, Gene Peters and one member of the public.

Minutes – Jeff Orth moved to approve the minutes for the August 10, 2023 meeting with the correction that Michael Melford was present. Matt Kitzmann seconded. All voted in favor and the motion passed.

Deputy's Report –

- Deputy Dean Thompson stated that he has no report for this meeting due to an IT system failure.
- Nathan Clarke asked about how many speeding tickets have been issued. Dean would have to research to find an exact number.
- Jamie Neisen asked how many officers and hours are assigned to the township. Approximately 84 hours are spent over a two-week period but it is difficult to determine a hard quantity of FTE's assigned. Dean explained that the county is divided into four quadrants. At any given time, there may be five squad cars and five 'power' cars roaming the county. Even though Dean is assigned to three townships, including Rochester Township, actual coverage can come from Dean or other officers depending on activity occurring throughout the county.

2630 Wild Rose Lane SW –

- Jamie Neisen said that he and Nathan Clarke had noticed that the gate has been open. Nathan contacted the county and discovered that there are other issues associated with the property such as unpaid taxes. There is a forfeiture process but that can take several years to resolve. In speaking with the MAT attorney, Nathan talked about an administrative warrant to further investigate in ways such as having a contractor survey the property to determine demolition costs. Jamie asked if a warrant should be sought now or wait until a future date such as January 1st. There would likely be a fee associated with a comprehensive cost analysis. A neighbor spoke to say that she has noticed more people loitering on the property. Nathan will look into the administrative warrant process before the

next meeting. The group is trying to determine what options and recourse the township has.

Land Use Planning Workgroup –

- Jenni Faulkner and Mojra Hauenstein from Bolton & Menk made a presentation about community planning and the planning services that a company like Bolton & Menk could offer. They defined community planning, who participates, and expected outcomes. They defined more specifically their approach and provided examples of work performed for other communities. Costs can vary depending on the type of planning desired and depth of a study. They proposed a plan that would take about 6-8 months to complete at a cost of \$44,000. The scope and various options could change the timeline and/or cost.
- Nathan Clarke said that he would like to get a better idea of what land remains in the township given development approvals that have occurred over the last couple of years.
- It was noted that the longevity of a plan is about ten years.
- Jered pointed out that Olmsted County already has a county-wide land use plan. Any plan developed by the township would need to mesh with the county plan or discrepancies resolved. Gene Peters noted that if the township pursued a plan, they should be cognizant that the county will need to be persuaded to change their land use plan. The township plan was last developed in 1996 and is dated when compared to the county plan.
- Matt asked what the goal would be to work on our own plan versus working with the county.

Speed Study –

- Data collected as part of the speed study was distributed to the Board. Areas analyzed include 8th Street, Weatherhill Road, Hamlet Road, Heritage Drive, Mayo Woodlands Road and Millie Meadows Drive. Summary information was also distributed by Nathan Clarke and Matt Kitzmann.
- Jamie Neisen introduced the topic by talking about the data that has been collected. Nathan Clarke stated that 8th Street appears to be the most problematic.
- Matt discussed his summary. Discussion ensued about the appropriate way to review the data; whether average, median, percentages or actual counts are most informative.
- Michael Melford asked about use of speed bumps. Nathan responded that he would like to see better cost information. Pat McGowan was asked to gather cost information for temporary speed bumps.

Emergency Warning Siren –

- Randy Staver reported and said that based on a conversation he had with Capt. Jon Jacobson earlier in the day, they agreed that there was no need for discussion

at this time. The question relates to a warning siren (siren #16) installed in the township in close proximity to Autumn Ridge. The siren was damaged in a storm earlier this year and as part of the repair process, a question came up as to whether the township owns the siren. There is some memory that the siren was installed in perhaps 1993 in response to township resident requests.

- To date, no evidence has been found that establishes ownership. The county has procured repair parts and will be making the necessary repairs. The vendor, Federal Signal, is searching their records as well but so far have not found anything.
- If no clear documentation can be found to verify ownership, Capt. Jacobson is thinking that the siren will simply be taken over with ownership split between the county and City of Rochester. This is consistent with how ownership works for most other sirens. It was also noted that the boundaries for the city have expanded considerably over the past 30 years since installation and the siren is probably better owned and served by the city. More information will be presented as it becomes available.

Mayo Woodlands 4 Trail Expense and Repair –

- Pat McGowan reported that repairs have been made to the trail. The township had agreed, as part of the approval of the development agreement, to share in the cost of the construction of a trail. However, the Board did not stipulate where funding would come from.
- The township previously agreed to pay \$41,076 for the asphalt material. ARPA funds were designated for that amount. The township also agreed to share in the cost of construction of what is an 8-foot-wide trail. The shared cost is \$15,862.50. It was suggested that ARPA funds could be used for this too but instead road and bridge funds will be used.
- Michael Melford moved to have the entire expenditure come from the road and bridge fund rather than use any ARPA funds. This would preserve ARPA funds for road projects next year. Nathan Clarke seconded. All voted in favor and the motion passed.

Local Road Improvement Program (LRIP) –

- LRIP provides funding for local agencies for purposes of local road construction and/or maintenance. This is a grant program administered by MNDot with applications due by December 8, 2023. Of the funds committed by the state legislature, at least \$6 million must be granted to townships. Selection of awards will occur by about March of 2024. Proposed projects must be construction ready for 2024, 2025 or 2026.
- Rochester Township submitted an application in 2020 for a project involving Meadow Crossing Road but it was not selected.

- Jamie spoke about the about the last application and the criteria used for selection. His opinion is that a new application for any project would likely not be successful for selection. The Board decided not to take any action at this time.

Subdivision Ordinance –

- Jered Staton said that the latest version of the revised subdivision ordinance was discussed at the September 12th Planning & Zoning Commission meeting. The revised language is still under discussion. They may choose to address critical habitat areas.

Development Moratorium –

- Jamie Neisen presented to the Board a proposed ordinance that would establish a moratorium on further development in the township for a period beginning with ordinance adoption and lasting for six months.
- There was discussion that passage should be held off while the subdivision ordinance revisions and land use plan changes continue to be discussed.
- Mark Welch asked what the rationale is for feeling a need for a moratorium; whether there is a problem of some sort that needs resolution.
- Jeff Orth reiterated that there isn't a lot of land left in the township to be developed so the township should be cognizant of the time and resources used.
- Michael Melford moved to adopt the ordinance language as presented. Matt Kitzmann seconded. The motion passed 4-1 with Jeff Orth voting nay.

Joint Powers Board Meeting –

- Since the meeting schedule for 2023 has already been published, a motion is required to move the next meeting scheduled for October 20, 2023 to November 10, 2023.
- Matt Kitzmann moved to change the meeting date as proposed. Nathan Clarke seconded. All voted in favor and the motion passed.

State Election Funding –

- Randy Staver reported and said that the MN Secretary of State has provided \$1.25 million in funding to help offset costs of election administration. Olmsted county was awarded \$31,118.90. There is an allocation formula whereby Rochester Township would receive \$119.35. There are certain criteria for reporting how funds are used. If funds are not accepted by a township, they will revert to the county. Randy is recommending that the township forego the allocation since the county provides the majority of resources and equipment for elections. The township expense is primarily limited to compensation for election judges.
- The Board decided to let the funds remain with the county.

Development Agreement – Escrow Policy –

- Randy Staver described the current process for payment of certain bills associated with a development project. In addition to a performance bond equal to 125% of the project value, typically a \$5,000 amount is collected and held in escrow to help ensure timely payment of expenses on behalf of the developer which has been the past practice. As the escrow fund is depleted, developers are invoiced for an additional amount. In reality, the township only receives bills for engineering (whks) and legal (GDO Law), makes payment and then invoices the developer for reimbursement. The escrow fund essentially sits idle and remains during the warranty period for a project. Once the warranty has been satisfied, any remaining funds are returned.
- Randy recommended that all billings should go to the developer directly, much like any other expense, and remove the township from the process. The \$5,000 amount would still be collected and held in escrow primarily to serve during the warranty period. The proposed process change is consistent with the process used by Cascade Township.
- The Board affirmed the process change.

Reports:

Treasurer's Report –

- Treasurer Randy Staver reported. There was no unusual activity to report other than this is typically a month where the township sees the most roadway expense given the conclusion of the construction season.
- Jeff Orth moved approval of the treasurer's report. Matt Kitzmann seconded. All voted in favor and the motion passed.

Rochester Township Claims – Nathan Clarke moved and Michael Melford seconded to accept and pay Rochester Township claims #5361-5386 in the amount of \$276,486.50. All voted in favor and the motion passed.

JPB Claims – Jeff Orth moved and Michael Melford seconded to accept and pay Joint Powers Board claims #6304-6334 and the Rochester Township share in the amount of \$18,483.87, and a payroll share of \$11,498.95. All voted in favor and the motion passed.

Road Maintenance Supervisor Report –

- Several projects are wrapping up including roads and trails.
- There are some issues related to the Mayowood Estates area project.
- There was some road damage from a project that will be repaired by DeCook.
- Pat was asked to prepare snow plow contracts for review at the meeting next month. The cost was established at \$0.82 per foot for next year.
- Pat suggested using ARPA funds next year for the Ettenmoor road project since it will likely be more costly.

TCPA Report –

- Jeff Orth reported. He reported on the financial status. There is a possible candidate as a replacement for David Mier who wishes to retire relatively soon. There is a desire to have TCPA join the Chamber of Commerce.

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 –

- Jamie talked about the annual picnic which was viewed as a success.

Other Business –

- Fire Safety: Randy Staver spoke about a call he received from a resident concerned about fire safety. Jeff Orth has also spoken with this person. She would like more emphasis placed on communicating with township residents the proper handling of fires such as brush and recreational burning.

Upcoming Meetings –

- OCTOA – September 28, 2023 – Dover town hall – 7:00 pm.
- Planning and Zoning Commission – October 17, 2023 – 7:30 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 10:40 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman