

Rochester Township

Board Meeting Minutes

December 14, 2023

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

Members present - Matthew Kitzmann, Jamie Neisen, Jeff Orth (entered the meeting at 7:05), Michael Melford (entered the meeting at 8:00), Nathan Clarke and Randy Staver.

Guests – Pat McGowan, Dean Thompson, Ed Clark, Jason Kappers, Gene Peters, Mark Welch, Brian Mueller and one member of the public.

Open Comments

- None this evening.

Minutes – Nathan Clark moved to approve the minutes for the November 9, 2023 meeting. Matt Kitzmann seconded. All voted in favor and the motion passed (4-0).

Deputy's Report –

- Deputy Dean Thompson stated that there were 27 calls for service.

Treasurer's Report –

- Treasurer Randy Staver reported. There was no unusual activity to report.
- Jeff Orth moved approval of the treasurer's report. Matt Kitzmann seconded. All voted in favor and the motion passed (4-0).

Rochester Township Claims – Jeff Orth moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #5416-5430 in the amount of \$151,124.72. All voted in favor and the motion passed (4-0).

JPB Claims – Matt Kitzmann moved and Nathan Clark seconded to accept and pay Joint Powers Board claims #6388-6421 and the Rochester Township share in the amount of \$23,853.87 and a payroll share of \$13,311.31. All voted in favor and the motion passed (4-0).

Road Maintenance Supervisor Report –

- Not much snow plowing yet. Performing tree removal to clear for plows.

- Have been doing some bore samplings to assist with roadwork planning for next year.
- Pat responded to a concern about a headwall installation including use of several large boulders. Pat visited with the homeowner and informed them that the rocks will need to be removed. Pat will follow up next year by doing some ditch and culvert work to help resolve some drainage issues.

Land Use Plan Resolution –

- Will be revisited in May 2024.

2630 Wild Rose Lane SW –

- The township attorney received a telephone call related to this property but a formal letter has not yet been received. No action is required at this time.
- Jered Staton noted that there is a hearing on January 30th to ask for removal of TCPA from the CUP lawsuit.
- In discussion, the board reiterated its willingness to work with either the current or prospective property owners to find reasonable options that would lead toward completion of the project.

Land Use Planning Workgroup –

- Nothing new to report this month.

Speed Study –

- Jamie Neisen distributed new data for east and west bound traffic on 8th Street.
- Jamie asked if the signs could be moved to a comparable road to see if the data is consistent. Weather Hill was suggested. The signs will be moved in 30 days.

RES2023_12_02 – Designate Annual Polling Location –

- Jeff Orth moved to approve RES2023_12_02. Nathan Clark seconded. All voted in favor and the motion passed (4-0).

2024 Meeting Calendar –

- Randy Staver distributed a copy of the proposed dates for township meetings to be held in 2024. He commented that dates need to be set for the budget meeting and annual road tour.
- Jeff Orth moved approval of the 2024 meeting calendar as amended. Matt Kitzmann seconded. All voted in favor and the motion passed (4-0).

Notice of Township Office and Election for 2024 –

- Randy Staver distributed a copy of the notice that will be placed in the legal ads noticing of the 2024 township election.

Mayo Woodlands Third Variance Request –

- Jered Staton discussed. The variance essentially requests a reduction of the rear yard setback. This would have the effect of increasing the buildable area.
- Jamie opened the public hearing and asked for comments. There were none and the public hearing was closed.
- Matt Kitzmann moved approval of the variance request. Jeff Orth seconded. All voted in favor and the motion passed.
- Rather than entertain multiple variance requests, Jamie suggested that all of the remaining property owners be contacted and bring forward a single variance request. Jered said that he could contact the other owners and bring forward a new variance request to the Board of Adjustment next month.

Snow Plowing Policy –

- Randy Staver noted that calls are received from residents concerning when snowplows will be out. He distributed a copy of the snow removal policies used by the City of Rochester. Pat McGowan also noted Olmsted County policies. It is recommended that the township policy closely align with the city and county. Further, the policy should be posted on the township website as a reference. Pat and Randy will work on drafting language that could be placed on the website.

Lilly Farm Development Agreement –

- Gene Peters and Mark Welch addressed the board. They talked about certain ambiguity in development agreements as it relates to road acceptance and the performance / warranty timeframes.
- Mark said that it usually takes a year to complete road construction which includes installation of the final lift of asphalt. He thinks road acceptance by the township should start once construction is completed and the warranty period then commence.
- There was discussion that the township does not want to accept a roadway until 50% or more of the development is completed (houses occupied or certificates of occupancy issued). An issue arises if a development takes longer than expected to reach the 50% threshold.
- Salley Hill was mentioned as an example where construction has taken longer than expected. As such, the roadway has not been accepted and the developer continues to be responsible for all maintenance even though the township is already collecting property taxes for the completed homes.

- Jamie asked what would happen if additional construction causes road issues. Mark said that language could be put in the development agreement to prorate maintenance if the threshold hasn't been met yet. Nathan Clarke asked if the language would replace the 50% threshold language. Jeff Orth noted that the 50% threshold language has been in place for several years. Gene Peters commented that the current language used in development agreements is vague especially as it relates to when the performance and warranty periods start and end.
- Jamie stated that the agreement should include language that talks about maintenance after a road is accepted but before the threshold has been met. He said that the warranty period typically lasts for two years but in cases where a project takes longer than expected, the warranty could be reassessed annually until such time as the threshold is met.
- Nathan commented that the township should ask for letters of credit versus bonds.
- Jamie will follow up with MAT to see if they can offer guidance on this topic.
- Randy Staver commented that as part of the process clean up, escrow funds that were collected historically for incidental project expenses could probably be rescinded.

RES2023_12_01 – Roadway Acceptance –

- Jeff Orth moved to adopt the resolution and accept the roadway. Nathan Clark seconded. All voted in favor and the motion passed.

RES2023_11_05 – (Royal Oaks Estates) – Snow Plowing –

- Nathan Clark moved approval of the resolution. Matt Kitzmann seconded. All voted in favor and the motion passed.

RES2023_11_01 – (Mayo Woodlands Third) – Snow Plowing –

- Pat stated that after some discussion with the developer, the roadway length was adjusted. This means the resolution approved at the November meeting has been modified and needs to be approved again. Michael Melford moved approval of the resolution. Nathan Clark seconded. All voted in favor and the motion passed.

Westhill Drive –

- Randy Staver and Pat McGowan updated the board. Pat met with city staff onsite to review the roadway. The city is appreciative of the road standards and Pat conveyed his plans for upcoming maintenance. Those visiting the site could not see indications of water runoff issues.

- Randy said that he has been in contact with the city and the solution that seems to be evolving is that the city will pay the entire amount for all 13 residents. Randy will continue working with the city to draft an agreement.

Reports:

TCPA Report –

- Jeff Orth reported. Further discussion occurred about David’s impending retirement which will be the end of 2024. They have identified a person that could fill the role. He was interviewed and offered a position and will begin work with TCPA the first of January 2024. Compensation was established and there will be a review after 6 months.
- Jered noted that CMS is changing their approach to the permitting and inspection process. It will become much more automated.

Board of Appeals & Adjustment Report (Township Board) –

- There was no additional action requested this month.

Planning and Zoning Commission Report –

- No more information other than what was provided earlier.

Board Chair Report –

- No information to report this month.

Other Business –

- None

Upcoming Meetings –

- Planning and Zoning Commission – December 19, 2023 – 7:30 pm.

Meeting Adjourned – Nathan Clark moved to adjourn the meeting. Michael Melford seconded. All voted in favor and the motion passed. Meeting was adjourned at 9:45 pm.

Respectfully Submitted,

Randy Staver, Clerk / Treasurer

Jamie Neisen, Chairman