

## **Rochester Township**

### **Board Meeting Minutes**

### **February 9, 2023**

**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** – Pat McGowan, Dean Thompson, Brandon Theobold, Brian Mueller, Jason Kappers, Mark Hanson and Roger Ihrke.

**Minutes** – Jamie Neisen moved to approve the minutes for the January 12, 2023 meeting with a correction as offered by Nathan Clarke. Brian Zmolek seconded. All voted in favor and the motion passed. Jamie Neisen moved to approve the minutes for the January 26, 2023 meeting. Nathan Clarke seconded. All voted in favor and the motion passed.

**Deputy's Report** – Deputy Dean Thompson reviewed the call report of 23 calls for service.

#### **Pavilion Estates / Rookery Lawsuit –**

- There was no new information to share. Nathan asked that Randy forward the email from the attorney that talks about the timeline.

#### **2630 Wild Rose Lane SW –**

- A meeting was held with a potential buyer and his realtor to exchange information. After further investigation after the meeting, the buyer subsequently decided not to proceed with the purchase.
- Matt Kitzmann stated that it may be a good idea to meet with Peter Tiede to determine options. Matt and Nathan will be researching further. Nathan described a process where information may be gathered on behalf of the board. That information may then be shared with the entire board and the Board may subsequently decide, after public discussion, whether to form a committee to pursue any suggestions or recommendations.
- Matt stated that he is simultaneously trying to reach the homeowner to see if there is any update or options for resolution.
- Jamie Neisen moved to allow Matt Kitzmann and Nathan Clarke to work with Peter Tiede on behalf of the board. Brian Zmolek seconded. All voted in favor

and the motion passed.

### **Land Use Planning Workgroup –**

- Nathan Clarke reported and said he is still assembling information. He had asked what amount of land remains in the township as developable. Roger Ihrke provided a map that outlines the currently zoning and what has been approved and for what uses.
- Matt Kitzmann asked whether it is possible for the city to annex enough land such that the township ceases to exist. Roger said that it is possible.
- Nathan asked questions about length of total roads that the township owns.

### **Township Mailbox Policy –**

- Pat McGowan presented a draft mailbox policy for consideration. It is identical to the policy adopted by Cascade township. Pat stated that he feels a policy should be in place so that all residents are treated consistently and, ideally, that the policy should be consistent between the two townships. Pat talked about some scenarios where the absence of a policy has been problematic.
- Jamie Neisen offered some suggested language changes to the policy such as delineating damage created by direct contact of a township vehicle with a mailbox versus damage caused by snow being pushed into the mailbox which is what happens the majority of the time.
- Jamie Neisen moved approval of the policy with the additional language which he provided to Randy. Matt Kitzmann seconded. All voted in favor and the motion passed.

### **Storm Water Management Ordinances –**

- Roger Ihrke provided an overview of why this topic is coming forward for MS4 compliance purposes. He also stated that the board is not being asked to approve anything at this point but rather direct the Planning & Zoning Commission to advertise and hold a public hearing as the next step.
- Brandon Theobald gave an overview of the MS4 process and presented proposed ordinances for Stormwater Management, Illicit Discharge Detection Elimination and Non-Stormwater Discharges. Much of the language is standard text that comes from the Minnesota PCA. He also presented a revised Subdivision Ordinance which will reference the new stormwater ordinances. The ordinances are proposed for adoption as part of township compliance with MS4.
- Jamie Neisen asked about sinkholes and whether Olmsted County has any mitigation steps. Roger Ihrke stated that this is currently being discussed by the county and outlined some measures that can be taken. Jamie referenced a study that had been completed in 1993 and asked whether mitigation strategies have changed which might suggest waiting to approve the revised subdivision

ordinance. Brandon responded that the township should wait to see what the county is planning so that there isn't duplicate work created.

- Jamie asked about criteria for aggregate installation and whether it varies. Brandon responded that it can change based on factors such as the underlying soil. Additional information is now being included to give developers better direction.
- Jamie offered some additional edits to the subdivision ordinance. He will send the corrections to Roger.
- Jamie Neisen moved to have the three storm water ordinances presented to the Planning & Zoning Commission for a public hearing. Roger underscored that it will be important to approve all four ordinances to achieve compliance. The Planning & Zoning Commission will only review the subdivision ordinance. The three storm water ordinances need township board approval.
- Jamie retracted his motion and instead moved to table the item to allow another month to review the information. Nathan Clarke seconded. All voted in favor and the motion passed

#### **Millie Meadow Estates III Final Plat & Development Agreement –**

- Roger Ihrke presented the staff report for the Millie Meadow final plat. He stated that the Planning and Zoning Commission has approved. Staff is recommending approval. A development agreement for the project was also presented and Roger noted a couple of changes that will be made.
- Jamie Neisen asked about a statement regarding payment of certain fees for plan checking. Roger said that is an error and the statement will be corrected.
- Brandon Theobald spoke and stated he doesn't have any issues.
- Nathan Clarke asked about warranty funds in the form of irrevocable letters of credit and that he would like the board to revisit the topic at a future date. The board has been advised in the past not to use this form of warranty funding.
- Jamie Neisen moved to approve the final plat. Matt Kitzmann seconded. All voted in favor and the motion passed. Brian Zmolek moved to approve the development agreement. Jamie Neisen seconded. All voted in favor and the motion passed.

#### **Board of Appeals & Adjustment –**

- Roger Ihrke provided an overview and why the board was set up as a separate board. Randy Staver presented proposed subdivision ordinance language changes that would essentially allow the township board to act as the Board of Appeals. This is permitted by law. Currently, it is a separate board comprised of five members. The board rarely meets. Roger and staff have reviewed the language and have no concerns.
- Randy explained some of the complexity involved with evaluating variance

requests and that perhaps asking a volunteer board to render judgement may not be the best route. Roger reiterated that the Board of Appeals makes the final decision. Appeals of their decisions go to district court rather than the township board.

- With board approval, this topic will be sent to the Planning and Zoning Commission to hold a public hearing. Jamie Neisen moved to forward the proposed language to the Planning & Zoning Commission. Matt Kitzmann seconded. All voted in favor and the motion passed.

### **Annual Township Newsletter –**

- Randy Staver presented a draft of the annual newsletter. While important information is conveyed in the newsletter, its main purpose is to remind township residents of the annual meeting and spring election. For purposes of managing cost, Randy presented a draft of a postcard that would be mailed instead. The newsletter would continue to be published but would be placed on the township website.
- Matt Kitzmann moved approval of sending out postcards to township residents and placing the newsletter on the website. Nathan Clarke seconded. All voted in favor and the motion passed.

### **2023 / 2024 Budget –**

- Randy Staver presented a revised draft budget which is a result of the town board discussion held in January. Randy touched on a couple of very minor changes. If the board approves, the draft budget will be presented to the voters at the annual meeting.
- The board decided to set the annual picnic budget at \$1,500.
- Brian Zmolek moved approval of the proposed budget. Nathan Clarke seconded. All voted in favor and the motion passed.

### **Bank Change –**

- Randy Staver presented a status of the bank change from Premier to ONB. The change is in process with several steps completed. Completion of the change will take one or two months to allow for outstanding deposits and checks to clear. Approximately half of the township funds have been transferred.
- Randy distributed an aged outstanding check report. These are checks that, in some cases, have been outstanding for several years. As part of the bank change, these checks need to be voided since they will no longer be accepted. The Office of the State Auditor has advised on the process for voiding old checks in CTAS. They also stated that the board must be made aware since part of the process will edit the account beginning balances. The information is being documented so that the audit next year will have an explanation as to why the

balances changed.

### **TCPA House Plans –**

- Randy Staver said that TCPA staff recently completed sorting of all house plans that they have on file. TCPA will only retain plans for 2019 or more current. All older plans can be given to homeowners or destroyed. Randy suggested placing a notice on the township website alerting homeowners that the plans are available. Interested residents would contact Randy or TCPA staff. Randy also suggested that an announcement could be made at the annual meeting as well as the summer picnic. The board should set a deadline after which any remaining plans will be destroyed.

### **Minnesota Deferred Compensation Plan –**

- Randy Staver presented information from a recent discussion with Sara Rudquist regarding the MN deferred compensation plan offered through Empower. Board members and township employees are eligible to participate. Currently, Jeff Orth and Jamie Neisen are the only participants. There is an earlier plan that predates the Empower plan which still has three participants. The agent for that plan has since retired and we are unsure if individuals can be added to the old plan.
- The purpose at this point is to simply gauge interest on the part of Rochester and Cascade town board members and employees. If there is enough interest, Randy and Sara will work with Empower to schedule an education session.
- Matt Kitzmann, Brian Zmolek and Nathan Clarke expressed interest in learning more.

### **Reports:**

#### **Treasurer's Report –**

- Treasurer Randy Staver reported. He noted the cost of the shop floor repair was \$34,772.50. Randy also said that window blinds will be installed in the upstairs office based on a recommendation from Matt Kitzmann. They will be consistent with the ones recently installed in the TCPA offices.
- Jamie Neisen moved approval of the treasurer's report. Nathan Clarke seconded. All voted in favor and the motion passed.

**Rochester Township Claims** – Jamie Neisen moved and Matt Kitzmann seconded to accept and pay Rochester Township claims #5228-5245 in the amount of \$77,865.36. All voted in favor and the motion passed.

**JPB Claims** – Jamie Neisen moved and Nathan Clarke seconded to accept and pay Joint Powers Board claims #6069-6105 and the Rochester Township share in the

amount of \$26,094.22, and a payroll share of \$12,351.82. All voted in favor and the motion passed.

**Road Maintenance Supervisor Report –**

- Pat explained the MS4 process and the documentation that must be maintained.
- Jamie Neisen moved to send an invoice for maintenance of the Keith property roadway at the previously established rate for the season. Matt Kitzmann seconded. All voted in favor and the motion passed.
- They are beginning to think about early spring work which will involve tree maintenance.
- Pat is still looking for a replacement road crew member.

**TCPA Report –**

- Jeff Orth reported and talked about the financial status. January was a low month but reserves are in good shape. Jeff further stated that their next question will involve David Meir's position since he also wants to retire in the near future.

**Board of Appeals & Adjustment Report –**

- No meeting this month.

**Planning and Zoning Commission Report –**

- Jamie Neisen reported and said the next upcoming item will be the Ed Clark development for Mayo Woodlands 4.

**Board Chair Report –**

- Nothing else to report.

**Upcoming Meetings –**

- Planning and Zoning Commission – March 14, 2023 – 7:00 pm. Note: This date could change given that the township annual meeting is held at the same time. Notice will be placed on the township website.

**Meeting Adjourned** – Jamie Neisen moved to adjourn the meeting. Matt Kitzmann seconded. All voted in favor and the motion passed. Meeting was adjourned at 10:40 pm.

Respectfully Submitted,

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Randy Staver, Clerk / Treasurer

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Jeff Orth, Chairman