

**CITY OF ORONOCO, MINNESOTA
RESOLUTION 2018-29**

**FINDINGS, CONCLUSIONS, AND ORDER
OF ORONOCO CITY COUNCIL ON APPEAL OF A BOARD OF ADJUSTMENT
DECISION APPROVING A CONDITIONAL USE PERMIT WITH CONDITIONS**

WHEREAS, Riverwood Studio petitioned the Oronoco City Board of Adjustment (BOA) seeking a Conditional Use Permit to Oronoco City Code 617, which prohibits home business in R1 single-family residential zoning. The Applicant desires to establish an art studio in the Riverwood Hills Subdivision. The real property is located at 1190 Riverwood Dr. SW in the City of Oronoco, Minnesota, and is legally described in Exhibit A, which is attached hereto and incorporated herein by reference. The real property is zoned R1; and

WHEREAS, a copy of the petition presented to the Planning & Zoning Commission (BOA) is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, a reference map of the subject area is attached hereto and incorporated herein by reference as Exhibit C; and

WHEREAS, Oronoco City Code 617.05 provides as follows:

- (1) That the establishment, maintenance, or operation will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or Codes of other governmental agencies.
- (2) That each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and the use district wherein proposed.
- (3) That the use will not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the area.

- (4) That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district.
- (5) That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards.
- (6) That adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided.
- (7) That adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads.
- (8) That the use will conform to all applicable regulations of the district wherein proposed and with the City's comprehensive plan.

; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on October 11, 2018, and received public testimony regarding the requested conditional use; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning and Zoning Commission, at its meeting on October 11, 2018, approved the conditional use request; and

WHEREAS, the Oronoco City Council, at its meeting on October 16, 2018, denied the conditional use request in accordance with certain findings based on the City Code and state statute governing requests for conditional uses; and

WHEREAS, the City of Oronoco, following its meeting on October 16, 2018, issued an Order, dated October 17, 2018, denying the conditional use for 1190 Riverwood Dr. SW, Oronoco, Minnesota, as follows:

- Finding #1 The establishment is detrimental and endangers the public safety of residents due to concerns with parking on both sides of the street on a blind corner; even restricting parking to one side affects small children, young people, and people walking dogs. It's a family neighborhood and does not meet this criteria for safety.
- Finding #3 Oronoco City Council does not see a property value issue but does see a restricted enjoyment problem because of parking for those residents walking with kids and pets. It will affect their ability to do that.
- Finding #6 Establishment does not meet this criteria. The access road is not adequate because of the corner and on-site parking is a problem. The establishment does not have enough parking space in their driveway for loading or unloading. It has been found unsafe.

; and

WHEREAS, the Minutes of the October 11th, 2018, Planning and Zoning (BOA) meeting are attached hereto and incorporated herein by reference as Exhibits D, respectively; and

WHEREAS, on October 17th, 2018, the City received an appeal of the Order of the City Council to the BOA of Oronoco, Minnesota, a copy of the appeal is attached hereto and incorporated herein by reference as Exhibit E; and

WHEREAS, notice of this public appeal hearing before the BOA of Oronoco, Minnesota, was duly given pursuant to Oronoco City Code 617; and

WHEREAS, a public appeal hearing was held on November 8th, 2018, before the BOA to consider the appeal from the Order dated October 17th, 2018, of the Oronoco City Council.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ORONOCO, MINNESOTA, based upon the record, testimony, and evidence presented at said hearing, makes the following:

FINDINGS

1. Riverwood Studio petitioned the Oronoco City Board of Adjustment (BOA) seeking a Condition Use Permit to Oronoco City Code 617, which prohibits residential use of home business. The Applicant desires to establish a R1 zoned home business use of an art studio. The real property is located at 1190 Riverwood Dr SW in the City of Oronoco, Minnesota, and is legally described in Exhibit A, which is attached hereto and incorporated herein by reference. The real property is zoned R1.
2. A copy of the petition presented to the BOA is attached hereto and incorporated herein by reference as Exhibit B.
3. A reference map of the subject area is attached hereto and incorporated herein by reference as Exhibit C.
4. Oronoco City Code, Section 617 provides as follows:

617.06 Appeals Related To Conditional Use Permits

- (1) Appeal from Denial. The applicant for any permit denied under Section 618.04 and 618.05 may appeal, within ten days after the denial, to the Board of Adjustment for relief, which may be granted after holding a public hearing, with a 2/3 vote of the Board of Adjustment.
- (2) Appeal from Approval. An aggrieved party of the approval of any permit under Section 618.04 and 618.05 may appeal, within ten days after approval or imposition of additional conditions, which may be done after holding a public

hearing and notifying the applicant prior to said hearing to review permit approval. Reversal of permit approval shall require a 2/3 vote of the Board of Adjustment.

5. The BOA conducted a public hearing on November 8th, 2018 and received public testimony regarding the requested variance.
6. All required notices regarding the BOA public hearing were properly made.
7. The BOA, at its meeting held on November 8th, 2018 approved the CUP request in accordance with the certain findings based on the City Code and state statute governing requests for Conditional Use Permits with conditions:
 - a) No more than 3 art classes/day;
 - b) Art classes only;
 - c) Hours of operation are Monday thru Friday 9 AM to 5 PM with up to 2 off hour (weekend or evening) classes per month that don't go beyond 10 PM;
 - d) Parking for dropping off or picking up of students must occur in the driveway or South of the driveway on the East side of the street.
8. The Minutes of the November 8th, 2018, BOA meeting and Order are attached hereto and incorporated herein by reference as Exhibits F, respectively.
9. On November 9th, 2018 the City received the BOA minutes to the City Council of Oronoco, Minnesota, a copy of the appeal is attached hereto and incorporated herein by reference as Exhibit F.
10. At the regular City Council meeting on December 18th, 2018, held before the Oronoco City Council to consider the appeal from the Order dated October 17, 2018, of the Oronoco City Board of Adjustment.
11. The City Council of Oronoco, Minnesota has jurisdiction to hear the appeal and notice of the public appeal hearing before the City Council of Oronoco, Minnesota, was duly given, pursuant to Oronoco City Code 617.
12. The issue on appeal heard by the Oronoco City Council on December 18th, 2018, was the following: Should the November 9th, 2018 Order of the BOA to approve a CUP to Oronoco City Code Sections 617 be affirmed, amended, or overruled?
13. The individuals who testified at the public appeal hearing included representatives of the Appellant, the BOA and representatives of the public. Those individuals heard at the November 8th, 2018 public appeal hearing in this matter are shown in Exhibit G, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ORONOCO, MINNESOTA, based upon the record, testimony, and evidence presented at said hearing and the above findings, concludes and orders as follows ((X) of the following ALTERNATIVES):

CONCLUSIONS AND ORDER

 ALTERNATIVE 1: AFFIRMS THE ORDER OF THE BOA

1. That the Order of the Oronoco BOA dated November 8th, 2018 approving a CUP to Oronoco City Code 617 is hereby affirmed in its entirety based on the findings contained in Exhibit D.

 X **ALTERNATIVE 2: AFFIRMS AND AMENDS THE ORDER OF THE BOA**

1. That the Order of the Oronoco BOA dated November 8th, 2018 approving a CUP to Oronoco City Code 617 is hereby affirmed based on the findings contained in Exhibit D, which are in compliance with applicable provisions of law and City Code, except that the same are hereby amended to modify the findings, as follows:

Concern of the children exiting the vehicle on the street side. Do not exit street side.

 ALTERNATIVE 3: OVERRULES THE ORDER OF THE BOA

1. That the Order of the Oronoco BOA dated November 8th, 2018 approving a CUP to Oronoco City Code 617, is hereby overruled and the CUP requested for 1190 Riverwood Dr SW, Oronoco, Minnesota, is denied in its entirety.
2. That the findings and reason(s) for denying the CUP petition are as follows:
 - a. The CUP request is not in harmony with the general purposes and intent of the zoning ordinance because:
 - i. _____.
 - ii. _____.
 - b. The CUP is not consistent with the Comprehensive Plan because:

- i. _____.
- ii. _____.

c. The CUP does not puts the property to use in a reasonable manner because:

- i. _____.
- ii. _____.

d. There are unique circumstances to the property created by the property owner because:

- i. _____.
- ii. _____.

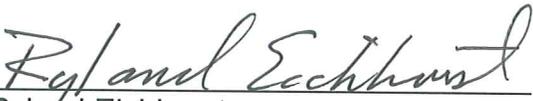
e. The CUP will alter the essential character of the locality because:

- i. _____.
- ii. _____.

f. The CUP request is based solely on economic considerations because:

- i. _____.
- ii. _____.

Dated this 18th day of December, 2018



Ryland Eichhorst
Mayor



Sandy Jessen
Oronoco City Clerk

EXHIBIT A

Legal Description – 1190 Riverwood Dr SW

Parcel 84.18.34.064581
SECT-18 TWP-108 RANGE-014
RIVERWOOD HILLS
LOT-001 BLOCK-003
LOT 1 BLK 3

EXHIBIT B

**Petition to the Oronoco City Board of Adjustment for a Conditional Use Permit to
Oronoco City Code 617**



City of Oronoco

CONDITIONAL USE PERMIT APPLICATION

Date: 8/29/18 Phone: _____ Application Fee: \$150-

Applicant Name: Jill Pearson

Mailing Address: 1190 Riverwood Dr SW, Oronoco, MN 55960

Address for Condition Use: same

Legal description of property: LOT 001 BLOCK: 003

PLAT/PARCEL# ? ADDITION: Riverwood Hills

Reason for Conditional Use Permit:

I run an art studio in which kids + adults take classes.
The studio is in my basement. Parents drop kids off, so there is not a
parking issue. Adults occasionally park (once a month) but never more than
5-6 cars.

Names and addresses of property owners abutting & within 350' of property described in application:

Pam + Craig Setera 1180 Riverwood Dr SW Kater Lee Kruger 1235 Istas Ln SW
John + Mindy Lechner 1185 Riverwood Dr SW
Nate + Amy Siebrecht 1275 Riverwood Dr SW

1. Will the use be suitable at the location so as not to create an excessive burden? yes no

COMMENTS: _____

2. Will the use be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

yes no COMMENTS: _____

3. Will the structure and/or site have an appearance that will not have an adverse effect upon adjacent residential properties? yes no

COMMENTS: It's my house

4. Will the use be appropriate as not to cause a traffic hazard or congestion? yes no

COMMENTS: _____

5. Does the site have adequate utilities, access roads, drainage and necessary facilities? yes no

COMMENTS: _____

SIGNATURE OF APPLICANT: JM Pearson

EXHIBIT C

Reference Map



December 27, 2018

1:1,706



Rochester-Olmsted County Planning Dept. GIS Division, Rochester Public Utilities and Rochester Public Works Dept.
 Rochester-Olmsted County Planning Dept. GIS Division, Rochester-Olmsted County GIS

EXHIBIT D

Planning and Zoning Minutes of the October 11th, 2018, Meeting



Planning & Zoning Commission Agenda

Thursday, October 11 at 7 p.m.

Commission Members:

Adam Brase, Orest Zasadney, Mark Johnson (Vice-Chair), Beau Hannenberger, Carl Krause, Paul Jannetto (Chair), Scott Sorenson

<i>Agenda/Topic</i>	<i>Discussion/Minutes</i>	<i>Recommendations</i>
Call to Order	7 p.m.	
Roll Call	<ul style="list-style-type: none"> • Present: Beau Hannenberger, Carl Krause, Mark Johnson, Scott Sorenson, Orest Zasadney • Absent: Paul Jannetto, Adam Brase 	
Approve Agenda	<ul style="list-style-type: none"> • 1st approval: Beau Hannenberger, • 2nd approval: Carl Krause • Motion passed with all members approving 	
Public Hearing 7:05 PM Conditional Use Permit- Jill Pearson	<p>CUP for home business (Riverwood Studio Arts) at 1190 Riverwood Dr SW</p> <ul style="list-style-type: none"> • Public hearing opened at 7:05 PM • Jill Pearson presented • Leanne Lokken, neighbor supports the CUP • Hearing closed at 7:08 PM • Discussion: <ul style="list-style-type: none"> ○ Summarized letters received from neighbors ○ Beau Hannenberger discussed concerns with traffic congestion related to the new River Bend development and letter of concern regarding parking on the street. Additionally, a review of daily classes' revealed traffic may be heavier on Wednesdays due to the number of classes offered and class timing. <ul style="list-style-type: none"> ▪ Jill commented that after talking with a neighbor – she has asked all customers to park on one side of the street. She will continue to monitor the parking to avoid causing traffic problems. • 1st approval: Beau Hannenberger • 2nd approval: Orest Zasadney • Motion passed with all members approving 	<p>Please forward CUP application to next City Council meeting for final approval consideration.</p>
Hilltop Camper (Schad Tracy)	Discuss sign permit for 2 wall signs (4'x71' and 10'x17') on	Please set public

EXHIBIT E

Appeal dated October 19th, 2018

Fw: CUP appeal for Riverwood Studio

1 message

Beau Hanenberger <oronoco@yahoo.com>
Reply-To: "oronoco@yahoo.com" <oronoco@yahoo.com>
To: Sandra Jessen <oronococity@gmail.com>

Fri, Oct 19, 2018 at 9:00 AM

FYI.....

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Jill Pearson" <jillpearson1111@gmail.com>
To: "oronocomayor@gmail.com" <oronocomayor@gmail.com>, "Patricia Shields" <oronocotrish@gmail.com>, "oronoco@yahoo.com" <oronoco@yahoo.com>, "carloronoco@gmail.com" <carloronoco@gmail.com>, "oronococonancy@gmail.com" <oronococonancy@gmail.com>
Sent: Fri, Oct 19, 2018 at 8:38 AM
Subject: CUP appeal for Riverwood Studio
Dear City Counsel of Oronoco,

I received an email yesterday indicating that the counsel had denied my CUP for my art studio. I was shocked and quite saddened by this as I had only ever considered my studio to be an asset to the community, giving many kids in Oronoco wonderful art experiences in my classes and summer camps. It also has brought many Rochester area families into Oronoco, and at least 5 of them have expressed to me that they are considering moving here because of their exposure to our beautiful neighborhood. Finally, the income my classes provide is integral in helping my family put 2 kids through college and a 3rd one in the near future.

My husband and I carefully read through the notice and the minutes from your meeting. I appreciate the difficult decisions you as a counsel have to make to protect our neighborhoods, and I certainly don't begrudge your reasoning. I very much care about being a good, conscientious, and kind neighbor. I and the families I serve also care deeply about safety for our kids.

Thank you for the opportunity to appeal the decision. We have brainstormed ways to address your concerns, and decided to share these with each of you prior to the appeal meeting so that you can carefully consider them and discuss them with us and each other as appropriate.

1. When I first received notice that I needed a city permit, I immediately talked to all my neighbors. None of them took issue with my art classes. Actually, they were all quite supportive. This, I assume, is why no one showed up at the hearing to dissent. Leann Lokken came to the hearing as a surprise to me in support. If anyone is going to take issue, it would be her as she cares deeply for preserving our neighborhood.
2. To address your concerns about my studio being a detriment to the neighborhood and an unsafe drop off/pick up situation, we propose to have all families drop off their kids in our driveway, which can fit 8 cars at a time. We will stagger the times so we never have more than that dropping off at the same time, which solves all traffic concerns. The families I serve LOVE my classes and will be amenable to doing whatever the city deems necessary.
3. My home is a considerable distance past the curve and blind spot, so that is a non-issue.
4. There is hardly any traffic in my neighborhood during the day since most people work. That is why I teach homeschool families in the late mornings and early afternoons and don't schedule classes after school when traffic picks up. Drop off and pick up takes about 3 minutes and does not block traffic.
5. I had no idea until recently that I needed a permit from the city. If I had known, I would have requested one right away. I have special insurance and pay local, state, and federal taxes on my business, and in the 2.5 years I've been running classes and summer camps, I have not had a single complaint, only support.

I will be personally calling Trish and Beau today to discuss our ideas and wanted to give you both a chance to digest this before the phone call.

Thank you for your consideration,
Jill & Dave Pearson

--



Jill Pearson, owner & instructor
Oronoco, Minnesota

Nov. 5, 2018

Re: Appeal to CUP Denial for Riverwood Studio

Dear Committee of Appeal,

For the last 2.5 years, I have worked hard to build a creative, wholesome, safe space that serves my beloved homeschool community and neighborhood. I have invested \$20,000 in basement renovations and classroom sets of art supplies. I spoke with all neighbors within 350 feet of my home prior to the first P&Z meeting, and determined they were all satisfied with how I run my studio. When I read the CUP denial statement that my business is "*detrimental to the safety of my neighborhood*," I was shocked and dismayed. Assets to my neighborhood include school busses, garbage service, road maintenance, home day cares, home parties and bible studies, and delivery trucks. Each of these may require a brief slowing of my car to pass. They are not detriments to public safety, they are valuable services. So is Riverwood Studio.

I appreciate the council's concern in keeping my neighborhood safe, and I think we can come to an agreement. I would like to address each of the CUP denial findings by City Council and what I've done mitigate concerns.

Finding #1:

The establishment is detrimental and endangers the public safety of residents due to concerns with parking on both sides of the street on a blind corner; even restricting parking to one side affects small children, young people, and people walking dogs. It's a family neighborhood and does not meet this criteria for safety.

Riverwood Studio response:

- Cars coming to my business do not park on both sides of the street. They are instructed to park only on the house-side of the street.
- I have cut down bushes near the street to further improve sight lines.
- In my 5 traffic studies, I noted a total of 0 walkers. It's rare for people to be walking in the middle of the day. One student rode his bike to my class.
- In my 5 traffic studies, there were between 0-5 vehicles not related to my business passing in the 15 minute time frames of drop off and pick up. Nearly all were service vehicles. They never met going both ways. They drove by at a rate of about 1 every 3 minutes. This indicates that I am not burdening my neighbors with traffic congestion. Most people are at work during the times I schedule my classes.

- This is not a “blind corner.” You can see my driveway entrance from 280 feet away (this is about the distance of a football field.) The green x within a circle indicates the point at which you can see my mailbox and end of driveway from either direction. The green star indicates my driveway.



- It's a family neighborhood, and I am a small business that *serves families*. As noted in the many letters the city has received, these families and neighbors highly value my business.
- According to my traffic studies, the scenario that best addresses these findings is having parents drop off and pick up kids in my driveway. My driveway accommodates up to 8 cars at once, and due to the natural distribution of pick up times, there is rarely more than 2-4 cars parked at once. Cars can safely pull in and out of my driveway because visibility is not an issue from either direction, and kids are not in the street at all.
- Because nearly all of my customers bring more than 1 student at a time due to carpooling and siblings coming to the classes together, we're dealing with 3-10 cars per class, spread over a 15 minute time frame. It's barely noticeable as extra traffic and you can hardly call it “parking” when drop off/pick up happens in an average of 1 minute.

Finding #3:

Oronoco City Council does not see a property value issue but does see a restricted enjoyment problem because of parking for those residents walking with kids and pets. It will affect their ability to do that.

Riverwood Studio Response:

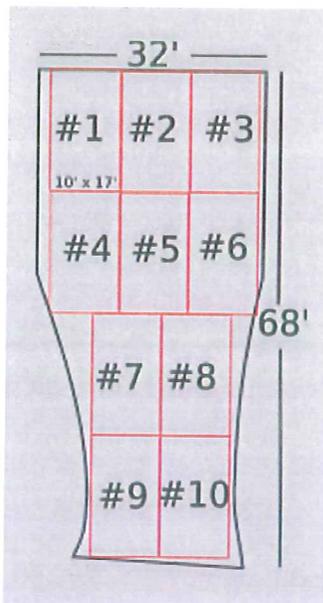
- Drop off and pick up in my driveway mitigates this concern.

Finding #6:

That adequate access roads, on-site parking, on-site loading, and unloading berths, and drainage have been or will be proved: establishment does not meet this criteria. The access road is not adequate because of the corner and on-site parking is a problem. The establishment does not have enough parking space in their driveway for loading or unloading. It has been found unsafe.

Riverwood Studio Response:

- My traffic studies indicate that there IS adequate on-site parking.
- The “corner” (better termed a curve) does not have visibility issues.
- Our driveway is 68 feet deep and 32 feet wide. This comfortably accommodates 8 cars with a maximum of 10. This is a diagram of my driveway indicating the number of spaces for parking.



Finding #7:

That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion on public roads: to Council's current knowledge nothing has been done to correct this issue.

Riverwood Studio Response:

- Experimenting with 3 different traffic flow scenarios (1. driveway only, 2. driveway/ street, 3. street only) indicates that the best way to address all concerns is by using my driveway for drop off/pick up. The first several minutes of the video show how well this works.

Video and Detailed Findings from Traffic Studies

You can find the traffic flow video of my 5 weekly classes using this Youtube link:

<https://www.youtube.com/watch?v=CO8HDFKvJGw>

We combined all the clips (initially totaling 90 minutes) into one video and edited out the stretches of times when no cars were coming. We sped up the video 10x to reduce the length to 7 minutes but it still give a clear illustration of the **absence** of congestion. Riverwood Studio is clearly not a detriment to public safety.

Below is the data I collected from observing all the drop off/pick up sessions. I have compiled it into a simple spreadsheet for your convenience. Please pay special attention to the last 4 columns of data, because they directly mitigate the concerns in the council findings.

Traffic Study of Riverwood Studio, Data from 5 Classes, Oct. 31-Nov. 2

Class	Time Frame	Total Cars	Total Students	Max cars in driveway at once	Max cars in street at once	Non art-related vehicles passing	Pedestrians passing
Wednesday, Oct. 31, 10-11:30 a.m, Driveway Only							
Drop Off	9:45-10:05	5	13	3	n/a	2	0
Pick Up	11:25-11:40	5	13	3	n/a	0	0
Wednesday, Oct. 31, 12:30-2:00, Street and Driveway							
Drop Off	12:15-12:35	7	12	2	2	2	0
Pick Up	1:55-2:05	7	12	2	3	4	0
Wednesday, Oct. 31, 2:30-4:15, Street only in straight-away							
Drop Off	2:15-2:35	6	14	n/a	1	0	0
Pick Up	4:10-4:55	6	14	n/a	4	1	0
Thursday, Nov. 1, 1:00-2:30, Driveway Only							
Drop Off	12:50-1:05	3	6	2	n/a	0	0
Pick Up	2:25-2:40	3	6	2	n/a	0	0
Friday, Nov. 2, 10:00-11:45, Driveway Only							
Drop Off	9:45-10:30	7	15	1	n/a	3	0
Pick Up	11:40-11:50	7	15	4	n/a	0	0

The consensus among neighbors and customers is that Riverwood Studio is a wonderful asset to the Oronoco community. Neighbors partake in my classes and camps throughout the year, people from surrounding areas enjoy bringing their kids to our beautiful neighborhood and several have looked here for properties to purchase, and because I am a home studio, I can keep my prices affordable for single-income homeschool families. This is entrepreneurship at its best.

Regards,
Jill Pearson

EXHIBIT F

**BOA Minutes of the November 8th, 2018, Meeting
and
City Council Minutes of the December 18th, 2018, Meeting**



Planning & Zoning Commission Agenda

Thursday, November 8th, 2018 at 7 p.m.

Commission Members:

Adam Brase, Orest Zasadney, Mark Johnson (Vice-Chair), Beau Hannenberger, Carl Krause, Paul Jannetto (Chair), Scott Sorenson

Agenda/Topic	Discussion/Minutes	Recommendations
Call to Order	7 p.m.	
Roll Call	Present: Adam Brase, Mark Johnson, Beau Hannenberger, Carl Krause, Paul Jannetto, and Scott Sorenson ; Absent: Orest Zasadney	
Approve Agenda		Motion to approve by Adam, seconded by Mark. It was then unanimously approved by the committee.
Public Hearing 7:05 PM Hilltop Camper (Schad Tracy) Sign Variance	Public Hearing for Variance/sign permit for 2 wall signs (4'x71' and 10'x17') on side of building, 2 entrance signs, and pole sign	<p>Public hearing opened at 7:05 PM. Public comments made by Brad Tracy from Schad Tracy in Oronoco, Dave Pearo from Hilltop, Blaine Stackhouse from Noble RV in Oronoco, and Mike Dukart from Illusion's in Oronoco.</p> <p><i>It is recommended that Mike Dukart (Illusion Game Call Systems) meet with the city clerk to discuss future plans for site including storage, signs, and entertainment venue.</i></p> <p>All speakers spoke in favor of variance for signs. Public hearing closed at 7:19 PM</p> <p>P&Z Recommendation: Motion to approve Hilltop variance/sign permit for 2 wall signs (4'x71' and 10'x17') on side of building and 2 entrance signs, plus a variance to exceed the maximum wall sign size for the 4'x71' sign made by Adam and seconded by Beau. It was then unanimously approved by the committee.</p> <p>Hilltop may return in the future for a pole sign request.</p>

<p>Public Hearing 7:15 PM Noble RV (Michael Noble) Sign Variance</p>	<p>Public Hearing for Variance/sign permit for 2 wall signs</p>	<p>Public hearing opened at 7:24 PM. Blaine Stackhouse briefly spoke again from Noble RV. Public hearing closed at 7:26 PM.</p> <p>P&Z Recommendation: Motion to approve Nobel sign variance/permit for 2 wall signs on west and east side of building made by Beau and seconded by Scott. Unanimous approval by the committee. Nobel RV may return in the future for additional signage requests.</p>
<p>Public Hearing 7:25 PM Conditional Use Permit- Jill Pearson</p>	<p>CUP for home business (Riverwood Studio Arts) at 1190 Riverwood Dr SW</p>	<p>Public hearing opened at 7:30 PM. Public comments made by Jill Pearson at 1190 Riverwood Dr SW, Craig Setera at 1180 Riverwood Dr SW, Leanne Lokken at 1075 Riverwood LN SW, Steve McNamara at 1115 Riverwood Dr SW, Jeff Gisi at 1125 Riverwood Dr SW, Johnny Bauer at 1310 Shady Oak LN, Tammy Olson and Ingrid Olson at 107 River Bluff PL NW in Rochester, Mindie Lechner at 1185 Riverwood Dr SW, and Sonia Cushing at 9562 69th Ave NW in Oronoco Township in favor of CUP for art studio in R1 zoned home.</p> <p>P&Z Recommendation: Motion to approve CUP with the following restrictions/stipulations: 1) No more than 3 art classes/day; 2) Arts classes only; 3) Hours of operation are Monday thru Friday 9 AM to 5 PM with up to 2 off hour (weekend or evening) classes per month that don't go beyond 10 PM; 4) Parking for dropping off or picking up of students must occur in the driveway or South of the driveway on the East side of the street. The motion was made by Adam and seconded by Carl. It was then unanimously approved by the committee.</p>
<p>Review ordinances</p>		<p>Charts (see attachment Section 157.020, 157.021, and 157.022) were reviewed for items that are permitted or require conditional use permits. The committee will continue to review the ordinances and update/add B3 (neighborhood commercial) to the table later. However, it was recommended the initial table can</p>

City of Oronoco
Tuesday, December 18, 2018
Regular City Council Meeting @ 7:00 pm

I. CALL TO ORDER

Mayor Ryland Eichhorst called the meeting to order at 7 pm.

II. ROLL CALL

Present: Mayor Ryland Eichhorst, Councilor Trish Shields, Councilor Beau Hanenberger, Councilor Carl Krause, Councilor Nancy Quimby, Engineer Joe Palen, and Assistant Clerk Rebecca McGuire
Absent: none.

III. TNT (Truth and Taxation) Public Hearing

Mayor Ryland Eichhorst opened the TNT public hearing at 7:01 pm.

Council will be adopting the final tax levy of approx. \$843,875. It is a flat tax levy again, comparable to last year. No increase, no decrease.

(No public comment.)

Mayor Ryland Eichhorst closed the Public Hearing at 7:03 pm., Councilor Beau Hanenberger second; all in favor, motion carried 5-0.

IV. APPROVAL OF AGENDA

Councilor Beau Hanenberger motioned to approve the agenda with an addition under V1. P&Z (L.2.), Attorney summary received. Councilor Carl Krause amended the motion to add snow plowing on the frontage road under VI. Streets & Roads (K.1.), Mayor Ryland Eichhorst second; all in favor, motion carried 5-0.

V. PUBLIC FORUM

Jill Pearson at 1190 Riverwood DR. SW: Thank you to the City Council members who visited my home or talked to me on the phone. I was impressed by your commitment to work with me to find a solution, and I'm confident that between the work my husband and I did to provide traffic studies, along with the conditions set forth by the appeal board, that we've addressed all the concerns brought up in the permit denial.

For those of you who were not at the appeal meeting, I shared all the data that I recorded from a week of filming my art class traffic, which I believe mitigate the concerns of my studio being a detriment to the safety of the neighborhood, as stated in the permit denial.

At the appeal meeting, nine (9) people spoke passionately on my behalf, from several of my direct neighbors to several families who participate in my classes. No one presented concerns or opposition. And, no one has ever complained about my studio in two and a half years because I've taken care to be a conscientious neighbor, and because I'm providing a wholesome, delightful service to my community.

The conditions set forth by the board include that my studio can only be used for art classes, that cars should park primarily in our driveway or on the southeast side of the road past our driveway, and that I can only provide classes from 9-5, M-F, and twice monthly outside of those times. This is what I currently do and it has always worked well for my business and my neighborhood.

I hope that each of you feel that I have been an agreeable people to work with, that I care about my neighbors, that I have worked hard to address your concerns. I hope that you'll approve the permit and that perhaps you'll come out and take an art class sometime or send your kids or grandkids out for summer camp. Thank you!

Lynn McNamara at 1150 Riverwood DR. SW: I am a neighbor of Jill. First of all, my husband is the association president in Riverwood Hills Subdivision. No concern was voiced about this in two and a half years with the association. P&Z passed it and thought it should be fine. As a citizen, if they pass something, that should mean something to the City Council. That's my opinion. These are really conscientious people. If there is an issue, they will have already noticed it and figured it out before anyone else could point it out. They will abide by things that will be safe for our community.

Bradly Lee at 410 7th Ave., Byron, MN: for the whole year and a half that I have been taking art classes, it's been so much fun! Council: Thank you.

Grace Pearson: I am Jill's daughter. I just want to say that my mom is a really good art teacher. She loves the students and they love her and everyone would be devastated. I am a new driver and am very conscientious about that; the blind spot is way farther back. I am homeschooled, so I can see all the cars coming in and out. Homeschoolers are generally late or early, so one or two cars are in the driveway at a time. It is not crowded at all.

Mayor Ryland Eichhorst: thank you.

Daniel Keller at 410 7th Ave. NE, Byron, MN: I want to speak as a homeschooler parent. I am concerned about safety as well, we would do anything. We are willing to do anything with your concerns for the safety of everyone. We don't want to cause problems. The art studio is a blessing for the students and us. Thank you for the opportunity to speak.

Mayor Ryland Eichhorst: I want to acknowledge a gentleman. This certificate is presented to Councilor Beau Hanenberger for his many years of serving on Council, Planning & Zoning, Water & Sewer, Gold Rush, and the 1st Responder's. Thank you very much for your service to the City of Oronoco.

Mayor Ryland Eichhorst closed public forum at 7:12 pm.

VI. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Rick Carmack

1. Prosecution Services Agreement with the County. Mayor Ryland Eichhorst: We sign this every year. I did talk to Ostrom, for quarterly basis, they agreed to us paying quarterly. **Mayor Ryland Eichhorst motion to approve the Prosecution Service Agreement with the modification to write in for quarterly payment, Councilor Beau Hanenberger second; Councilor Carl Krause: I think they are doing a good job. All in favor, motion carried 5-0.**

B. FIRE DEPARTMENT* ~ Dan Sundt, Fire Chief

1. Runs 4 (12/9 lift assist, 12/5 OFR MVA (canceled en route), 11/30 OFR MVA (canceled en route), 11/27 smoke detector check)
2. Elections = Fire Chief (Dan Sundt), Assistant Chiefs (Cain Dolan/Adam Schaefer), EOC (Pat McGovern) **Councilor Beau Hanenberger motioned to accept the Fire Department's elections, Councilor Carl Krause second; all in favor, motion carried 5-0.**

C. FIRST RESPONDERS* ~ Jeff Allhiser, 1st Responder Director

1. Runs: 4; 2 city and 2 township

D. EOC ~ Pat McGovern, Director

E. PERSONNEL:

1. New Council member training & lodging \$225 and \$104.22. (FYI. Training is in January.)
2. Carryover PTO. **Mayor Ryland Eichhorst motioned to carry over employee PTO to 2019, Councilor Trish Shields second; Councilor Carl Krause asked how much can be carried over to the new year; I heard other towns getting in trouble for this. Mayor Ryland Eichhorst stated that the employees keep it at around 80 hours and everyone has been taking time off to reduce the carryover hours before the new year. They are all very mindful of their hours. All in favor, motion carried 5-0.**

F. ORDINANCES & RESOLUTIONS

1. Resolution 2018-29 CUP Riverwood Arts Studio. Councilor Beau Hanenberger: P&Z meet and came up with recommendations. No more than 3 classes per day, art classes only, do not go beyond 10 pm, and drop off and pick up conditions. Its all in the P&Z minutes in your packet. **Councilor Beau Hanenberger motioned to approve the CUP Resolution 2018-29 with P&Z's conditions, Mayor Ryland Eichhorst second;** (Discussion: Mayor Ryland Eichhorst: I did monitor the afternoon and it was very orderly. I watched the

video and there were only 2 cars. I think the driveway is the best place. One concern is the kids exiting the vehicle on the street side, try not to exit street side, I discourage that. I appreciate Jill and everyone coming forward tonight. Councilor Carl Krause: they did a great job and I'm sorry Jill had to go through all that. Councilor Trish Shields: thank you for being cooperative with us.) **Voice vote all ayes. Resolution 2018-29 passed 5-0.**

2. Resolution 2018-31 Designating Annual Polling Place. **Councilor Trish Shields motioned to approve Resolution 2018-31 Polling Place, Councilor Carl Krause second; Voice Vote all ayes. Resolution 2018-31 passed 5-0.**
3. Resolution 2018-32 Final Tax Levy \$843,875 flat. **Mayor Ryland Eichhorst motioned to approve Resolution 2018-32 Final Tax Levy at \$843,875, Councilor Beau Hanenberger second;** (Councilor Trish Shields; I think the public should be aware that the small increase is property tax evaluation and schools, and not anything the City has done.) **Voice vote all ayes. Resolution 2018-32 passed 5-0.**
4. Resolution 2018-33 Approving Wastewater Facilities Plan and Authorizing submittal of the Wastewater Facilities Plan. **Mayor Ryland Eichhorst motioned to approve Resolution 2018-33 Wastewater Facilities Plan and Authorizing submittal of the Wastewater Facilities Plan, Councilor Trish Shields second;** (Mayor Ryland Eichhorst; the presentation at the public hearing is in the packet. Councilor Carl Krause; we need to make it affordable. Engineer Joe Palen; we gave a projection based on scenarios, we don't know what the State will commit to. The discussion continued on percentages and possible funding for bonding.) **Voice vote all ayes. Resolution 2018-33 passed 5-0.**

G. DOWNTOWN ORONOCO GOLD RUSH DAYS* ~ Chair: Mayor Ryland Eichhorst,

H. PARKS & TRAILS* - Katie Dudley, Chair

1. Arborists: quote for Emerald Ash Bore treatment for next summer. Approach to treat those 14 trees to extend the life or the Emerald Ash Bore is not a concern and let them die out. **Mayor Ryland Eichhorst motioned to accept the Arborists bid for treatment, Councilor Beau Hanenberger second for discussion.** (Discussion: location, treatment, cost, the value of the trees, and maybe table the vote to talk to John first. Councilor Carl Krause: we are no big hurry, we have till June. Councilor Beau Hanenberger: there will be a lot of trees that will die because of this. I think it would be worthwhile to save them. Mayor Ryland Eichhorst: this is a nice group of trees and it would be good to keep them.) **Councilor Trish Shields, Mayor Ryland Eichhorst, Councilor Beau Hanenberger aye; Councilor Carl Krause and Councilor Nancy Quimby naye. Motion passes 3-2.** Councilor Trish Shields would still like to see John come to the next council meeting to give a presentation. Public Works Dan Howard will extend the invitation.
2. Bocce Court: up to \$1000 for Oyster Shell. Dan: There are 3 layers. We would like to remove the sand and replace it with Oyster Shell. **Councilor Trish Shields motioned to approve up to \$1000 for surfacing in the spring, Councilor Carl Krause second;** (it is in Cowden Park. Labor will be done by Public Works and the sand will go to Memorial Park.) **All in favor, motion carried 5-0.**
3. SMART (Southern Minnesota Association of Regional Trails) \$150 annual membership. Mayor Ryland Eichhorst went over the background. **Mayor Ryland Eichhorst motioned to approve the annual membership with SMART for \$150, Councilor Trish Shields second;** (Discussion: Councilor Beau Hanenberger: what do residents get out of this? Mayor Ryland Eichhorst: support for improving our parks and trails; advocate for parks. We will get the support as we move forward. It's another vehicle to be in front of the legislature. Councilor Trish Shields: parks really struggle. We are land heavy as far as the acreage we have. My personal interest is the funding opportunity, to be knowledgeable, and how to apply for them. Mayor Ryland Eichhorst: ZWT would be part of this effort.) **All in favor, motion carried 5-0.**
4. Zumbro River Water Trail (ZWT) – Update: Zumbro Watershed is being dissolved. There is no longer a board. The last member involved has reached out to an engineer who has had experience writing grant applications. They are waiting for the quote and the letter for permission to use the money left over by the group to gift to the ZWT by a resolution. That money would be donated to the ZWT project.

I. COMMUNITY CENTER

J. PUBLIC WORKS

EXHIBIT G

List of individuals who testified at the November 8th, 2018 public appeal hearing

<u>Name</u>	<u>Address</u>
Mindie Lechner – 1185 Riverwood Dr SW, Oronoco	
Sonia Cushing – 9562 69 th Ave NW, Oronoco	
Johnny Bauer – 1310 Shady Oak LN, Oronoco	
Tami and Ingrid Olson – 107 River Bluff PL NW, Rochester	
Jeffrey Gisi – 1125 Riverwood Dr SW, Oronoco	
Steve McNamara – 1115 Riverwood Dr SW, Oronoco	
Leanne Lokken – 1075 Riverwood LN SW, Oronoco	
Craig Setera – 1180 Riverwood Dr SW, Oronoco	
Jill Pearson – 1190 Riverwood Dr SW, Oronoco	