



REGULAR MEETING  
WEDNESDAY OCTOBER 31, 2018 - 7:00PM

The Orrock Township Board met in regular session, on Wednesday October 31, 2018, at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota.

In attendance were Chair Charlie Gotzian, Supervisors Bryan Adams, Bob Hassett, Eric Peterson and Corrie Silverberg, Treasurer Laura Jones, Deputy Treasurer Gary Goldsmith, Clerk Brenda Kimberly-Maas, Mike Nielson – Town engineering firm, Darryl Waletzko – Town Contractor and one audience member. A quorum was present, the meeting was called to order by Chair Gotzian, at 7:00PM and the Pledge of Allegiance to the United States of America was recited.

#### Meeting Agenda Approval

Deputy Treasurer Supervisor Hassett requested the addition of letter “a” under Roads to get an update on trimming and Mike Nielson requested the addition of letter “g” under Clerk’s Business, for the purpose of discussing Shores of Eagle Lake development. Motion/Second to accept the amended Agenda by: Silverberg/Hassett. All present Supervisors approved. Motion Passed and the meeting proceeded in accordance with the amended agenda.

#### Approval of Meeting Minutes

Motion/Second to approve the September Regular Meeting Minutes by: Silverberg/Hassett. Supervisors Adams, Gotzian, Hassett and Silverberg approved. Supervisor Peterson Abstained. Motion Prevailed.

#### Clerk’s Business

##### Presentation of Reconvened Annual Meeting Minutes

Clerk Kimberly-Maas presented the DRAFT of the Minutes for the Reconvened Annual Meeting. No Board action required.

#### Call for Board of Canvass Meeting

Clerk Kimberly-Maas requested the Board set the Board of Canvass meeting to canvass the results of the Town election. She noted canvassing must occur between the dates of November 9 – November 16, 2018. After checking their calendars, the Board set the Board of Canvass meeting for Friday November 9, 2018 at 1PM.

Motion/Second calling for the Board of Canvass meeting to be held on Friday November 9, 2018 at 1:00PM by: Silverberg/Hassett All present Supervisors approved. Motion Prevailed.

#### Call for Joint Community Meeting

Brenda informed the Board the Annual Joint Community Meeting – Orrock Township, Town of Big Lake, Sherburne County, City of Big Lake and ISD 728 – Big Lake School District, is normally held on the third Thursday of January. The date for the 2019 meeting has been set for Thursday January 17, 2019, to commence at 6PM and will be held in the City of Big Lake City Council Chambers. She requested the Board formally call for the meeting.

Motion/Second calling for the Annual Joint Community meeting to be held on Thursday January 17, 2019 at 6:00PM in the City of Big Lake Council Chambers by: Gotzian/Adams. All present Supervisors approved. Motion Prevailed.

#### Setback Variance to OHWL

Ken Geroux was present to request a 75’ variance to the OHWL of an unnamed natural environment lake (#7100-70). The reason for the application is for the upgrade of an existing septic system. The normal setback from a lake is 150’. Ken stated he is renovating a bathroom for the Wetschka’s at 25500 189<sup>th</sup> St. NW, Big Lake and the septic system needs to be upgraded to be compliant with the current septic standards. The upgrade also requires the variance as the setback requirements have also changed since the original system was installed.

Clerk Kimberly-Maas will send favorable comments to Sherburne County Planning and Zoning office, with the recommendation the variance be approved.

#### Setback Variance to Right-of-Way

Clerk Kimberly-Maas presented to the Board a request received in her office for a 42' variance to the right-of-way of 166 ½ St. NW. She explained that though she had not heard from the applicants, Theodore and Elaine Fillmore, she had been contacted by the Planning and Zoning office with an inquiry about a driveway permit. Brenda's presumption was the Fillmores were proceeding with their building plans, as she had also received a driveway permit from the Fillmore's builder. Brenda had no other information beyond the information received with the variance request, sent by Sherburne County Planning and Zoning office and distributed to the Board. Board members and Mike Nielson reviewed the information and asked the comments reflect their request to have the proposed location of the home be moved a minimum of 20' further back on the lot. The Town Board would be agreeable to a 22' (or less) variance to the required 67' setback to the right-of-way to 166 ½ St. NW.

Clerk Kimberly-Maas will send these comments to Sherburne County Planning and Zoning office, with the recommendation of other on the variance request.

#### Mailbox letters

Clerk Kimberly-Maas informed the Board she had written and sent letters to the residents whose addresses she had been given as those which were non-compliant to the Town's Mailbox ordinance.

#### Shores of Eagle Lake

Mike Nielson addressed the Board, telling them he had been in communication with Mr. Bev Harvey, one of the partners who are current owner/developers of the Shores of Eagle Lake (SOEL) plat. Mr. Harvey is looking for the acceptance of the streets in SOEL. Mike completed a full inspection of the roads and right of ways in the development and noted the roads are in need of a seal coat, at minimum. In their current state they have about ten (10) years before they would need to be milled and overlaid. Mike also provided a full memo from the inspection, noting three storm sewer catch basins which need to have the rings adjusted and regouted. The memo also noted that the developer's agreement states the Developer shall deposit cash with the Town, to have the roads within the development chip sealed. And the work shall be done by the Town. Mike's rough estimate to perform chip sealing in Shores of Eagle Lake is between \$50,000 - \$75,000. To get a more accurate measurement of the total area of the roads would cost an additional \$300-\$400 – not included in the estimate given to Mr. Bev Harvey. There are currently 6 homes occupied in the development, which has 100 lots.

Supervisor Gotzian stated that even if the roads were seal coated there will be a lot of heavy equipment and loads of construction materials traveling on the roads, before the development is completed. He didn't think it was in the Town's best interest to accept the roads, at this time. Supervisors Adams, Hassett, Peterson and Silverberg agreed.

Deputy Treasurer, Goldsmith informed the Board there will be \$92,000 left in SOEL escrow, after the cost of Mike's inspection is deducted from the fund. Mike suggested the town's counsel be asked if there was a method where the roads could be accepted in the future and if there were a number of lots which were vacant; any improvements be assessed to property owners and if a waiver of assessment for unsold lots be done for unsold lots.

A question if the original developer's agreement and addendum were still active, since ownership had changed. This question had already been posed to the Bob Ruppe, Town Lawyer and he had explained that all documents pertaining to the development stay with the land, no matter who owns it.

Mike noted that Mr. Harvey was very concerned about having the roads plowed & treated this winter. Clerk Kimberly-Maas reminded the Board they had offered plowing/sand & salt application at the cost of the Town, the past two snow seasons without the acceptance of the roads in SOEL. Mr. Harvey declined the offer. Brenda suggested the Board make the same offer to Mr. Harvey, for the 2018-19 snow season.

Motion/second to send Mr. Bev Harvey a letter stating the Town is not willing to accept the roads in Shores of Eagle Lake, at this time. The Board will also extend the offer to maintain the roads during the winter season by plowing and applying de-icing material, to the Town's standards at no cost to the developer by: Adams/Silverberg. Voting in Favor: Adams, Gotzian, Hassett, Peterson and Silverberg. Against: none. Motion prevailed.

#### Roads

##### 168<sup>th</sup> St. from CSAH to Lake Ann Campground Road

Mike Nielson reported the additional core samples taken from 168<sup>th</sup> St. indicated there is a need to add a wear course of bituminous on 500' of the road and additional 1" of bituminous on the rest of the ¼ mile closest to the campground road. His new estimate is the additional bituminous will add \$4,500 to the project. He will be looking to bid out the work for the SPRA grant projects in January 2019.

2019 Project Areas

Mike Nielson presented the Board with a map of locations for 2019 road projects. His recommendation for projects included 8 miles of chip seal, estimated at a cost of \$217,000. . Mike explained that some of the chip seal recommendations were for roads recently overlaid, because MNDOT standards chip seal be done as soon as possible after an overlay. Also listed on the map was the reconstruction of 229<sup>th</sup> Ave, the townline road which has shared responsibility with Big Lake Township. Mike and Charlie had met with members of the Big Lake township road committee to discuss possible work on 229<sup>th</sup> Ave. Big Lake Township representatives did not believe tha only the west ¼ mile needed a full reclaim/reconstruct and the rest needed an overlay. Mike’s estimate to reconstruct ¼ mile is \$288,000 and overlay the rest at \$145,000. If Big Lake township decides the project is not a priority for them in 2019, the money budgeted for it will be used for other Orrock projects.

Trimming Update

Supervisor Hassett asked about the status of the 2018 trimming projects and what the parameters are for the work to be done. He informed the Board there are dead trees – tree trunks are outside of the right-of-way, which have branches overhanging on 245<sup>th</sup> Ave. Darryl Waletzko reported trimming will begin in the next month, as the ground freezes and all leaves have fallen. The scope of the work is any limbs within 6’ of the road edge will be trimmed, including branches from the dead trees. The trees will need to be felled by the landowner.

Catch Basin Cleaning

Supervisor Adams asked if the catch basins had been cleaned. Clerk Kimberly-Maas will review minutes to ensure the work had been approved and follow-up with Supervisor Adams after the meeting.

E911 sign delivery & Mystic Ridge ROW compliance

Supervisor Silverberg informed the Board he had delivered several E911 signs & posts since the last meeting. When delivering them he noticed the residents in Mystic Ridge who had placed decorative retaining walls, boulders and shrubs within the right-of-way, had either removed them or were in the process of removing the items.

Treasurer’s Business

Claims Approval – Routine, Individual and Payroll

Claims and payroll were electronically sent to the Board for review prior to the meeting and were available for public review during the meeting. Three separate claim sets were presented for approval.

Motion/Second to approve routine claims by: Adams/Hassett. In favor: Adams, Gotzian, Hassett, Peterson & Silverberg. Against: none. Motion Prevailed.

Deputy Treasurer Goldsmith told the Board he requested that Mike Neilson create a separate project for all Shores of Eagle Lake work, as these claims will be paid from the SOEL escrow account. The cost to create the separate project was \$105.75. Gary presented this claim as a separate claim.

Motion/second to approve WSB claim in the amount of \$105.75, to set up Shores of Eagle Lake as its own project by: Silverberg/Hassett. In favor: Adams, Gotzian, Hassett, Peterson & Silverberg. Against: none. Motion Prevailed.

Gary presented the final pay claim for 2018 road projects to the Board. Gary noted all required paperwork – including the IC134, had been received and the payment will be made to Tri-City in the amount of \$23,742.06. As a matter of information, Gary told the Board Tr-City had been purchased by Knife River, after signing the contract with Orrock Township.

Motion/Second to approve the third and final pay claim made by Tri-City Paving for the 2018 projects in the amount of \$23,742.06 by: Adams/Silverberg. In favor: Adams, Gotzian, Hassett, Peterson & Silverberg. Against: none. Motion Prevailed.

Gary presented the Board with the payroll claims for the month of October.

Motion/Second to approve the pay claims by: Gotzian/Peterson. In favor: Adams, Gotzian, Hassett, Peterson & Silverberg. Against: none. Motion Prevailed.

Treasurer’s Report

Deputy Treasurer Gary Goldsmith reported the Town’s fund Balances as of September 3, 2018:

General Fund: \$ 142,477.37	Road & Bridge: \$510,794.53
Fire: \$2112.84	Capital Reserve: \$139,373.68
Escrows:	
Heritage Hills: <\$5,104.00>	Pine Cone: \$1,066.25
Woodlands of Livonia: \$4,653.75	Savannah Meadows: \$6,566.36

Shores of Eagle Lake: \$95,024.24  
Pine Point: \$4,500.00  
Thunderbuck: \$4,182.50  
Timberquest: \$19,910.00  
Donahue Estates: \$3,161.25  
Harmony Village: \$0.00

Woods at Eagle Lake: \$506.82  
Lonesome Oak: \$500.00  
Horseshoe Estates: \$20,700.00  
Deer Crossing: \$1,000.00  
Jacob's Ridge: <\$11.25>  
Mystic Ridge: <\$3023.75>

Motion/Second to accept the Treasurer's Report date ending 09/30/2018 by: Hassett/Adams. All present approved. Motion Prevailed.

#### Informational Items

Deputy Treasurer Goldsmith noted the escrow balance of Mystic Ridge and SOEL will be seen at the November meeting. The cash control statement reflects the total bank balance for the Town at \$960,000. Gary found a reasonably priced printer/copier/scanner for the Town. It has been installed and is ready to make copies. would be best for the Town. Further research will be done to find a suitable piece of equipment.

Gary also informed the Board the ordinance review committee had met and has some questions for the Town's attorney. He would like authorization for a committee member to be able to contact Bob Ruppe. The committee did discuss repealing the current mailbox ordinance, creating a new winter parking ordinance and adding penalties to the existing ordinances.

Motion/Second to authorizing Deputy Treasurer to contact legal counsel with questions on behalf of the Town Board by: Gotzian/Hassett. In favor: Adams, Gotzian, Hassett, Peterson & Silverberg. Against: none. Motion Prevailed.

#### Announcements

Myron Wilson requested the floor to address the Board and audience. Myron introduced himself as an independent candidate running for the State Representative in 15 B and gave his history and background to the attendees.

Clerk Kimberly-Maas reminded the Board and attendees the polls open on Tuesday November 6, 2018 at 7AM and close at 8PM.

#### Adjournment

Motion/Second to adjourn by: Gotzian/Hassett. All present approved. Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday October 31, 2018 at 8:07PM.

Respectfully Submitted,  
Brenda Kimberly-Maas  
Town of Orrock, Clerk

Accepted this 26<sup>th</sup> day of November 2018, by the Orrock Township Board of Supervisors.

\_\_\_\_\_  
Charles Gotzian, Chair

Attest: \_\_\_\_\_  
Brenda Kimberly-Maas, Town Clerk