



REGULAR MEETING  
WEDNESDAY MAY 30, 2018 7:00PM

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The Orrock Township Board met in regular session, on Wednesday May 30, 2018 at 7:00PM, at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota.

In attendance were Chair Charlie Gotzian, Vice-Chair Bryan Adams, Supervisor Bob Hassett, Supervisor Eric Peterson, Supervisor Corrie Silverberg, Treasurer Laura Jones and Clerk Brenda Kimberly-Maas, Commander Steve Doran – Sherburne County Sheriff's Department, Mike Nielson – Town engineering firm, Darryl Waletzko – Town Contractor, local news reporter and several audience member. A quorum was present, the meeting was called to order by Chair Gotzian, at 7:00PM and the Pledge of Allegiance was recited.

Meeting Agenda Approval

Chair Gotzian requested the addition of "j" under Clerk's Business, for the purpose of hearing from audience member who had questions about the easement on the west end of 232<sup>nd</sup> Ave., in the plat of eagle point. Motion/Second to accept the amended Agenda by: Gotzian/Adams. All present approved. Motion Passed and the meeting proceeded in accordance with the amended agenda.

Approval of Meeting Minutes

Motion/Second to approve the April Regular Meeting Minutes by: Silverberg/Gotzian. All Supervisors present approved. Motion Prevailed.

Sheriff's Report

Commander Steve Doran presented the April calls-for-service Report. There were a total of 163 calls for service, since the last report made to the Board in April. The majority of the calls made were traffic stops.

Clerk's Business

Warnke Variance Requests – PID# 35-408-0110

Clerk Kimberly-Maas presented three (3) variance requests from Thomas Warnke. Ken Geroux, the builder for Mr. Warnke was present, as well. The variances were to the shoreland ordinance sec. 14 subd. 5:5B1 (impervious surface not to exceed 25% of lot), a 46' variance to the right-of-way setback and 49' variance to the OHWL setback. The purpose for the requests was to allow for a new home and SSTS to be constructed. The new home would use the existing foundation and an upgraded SSTS would be constructed on the lot across from the existing home. Brenda informed the Board they may wish to consider a license agreement for the SSTS since there would be pipe laid under the Town road ( 253 ½ Ave.) which would be used as the force main line. Mr. Geroux explained that he and Mr. Warnke were working to reduce the impervious surfaces, the new home will be using the same footprint as the existing home and the whole design is very conscientious of the environment. Bryan Adams asked how close the existing plan is to the 25% impervious surface requirement. Ken stated they are currently at 32%. Mike Nielson had talked to Lynn Wayteshek and she suggested the patio could be reduce to half the plan size or use pavers to reduce the impervious surface. Mike also suggested if the Board approved entering into a license agreement, the 2" force pipe be encased inside a 4" PVC pipe. Ken stated he has that in his plan and there will be a pacer wire, as well. Mike also recommended the Homeowner be responsible for potential damages to the road and the existing drainage system near the location of the home, should any occur when the construction is done or future septic problems arise.

Board approved a license agreement be made for the septic project and commented that all County recommendations and requirements be met on all variance requests. Brenda will get a license agreement written. She will contact Ken Geroux when it is complete and ready for signatures.

### Town Hall Maintenance

Brenda told the Board there are some items which need to be addressed with regard to the Town Hall and grounds. There are two irrigation heads which need to be replaced and potentially another installed. Darryl Waletzko will donate heads and time to fix this issue. The tractor needs new blades, belts and a tune-up. Brenda will purchase parts and Eric Peterson will install them. The shrubs need to be trimmed or removed and there are trees which need to be trimmed and some dead one which should be felled. The yard is also in need of fertilization, seeding and leveling if possible. Brenda will purchase materials and look for volunteers to help her with the work. The hand rails on the ramp entrance also need some attention. Bryan will look at the railing and do what he can to stabilize them.

### All-in-one color printer

Brenda told the Board the color ink-jet printer is gummed up, from lack of use. She would like to invest in a color all-in-one laser printer. She will research options and prices.

### Deputy Email

Brenda would like to set up two new email addresses for the incoming Deputy Treasurer and one for the future Deputy Clerk. The Board had no concerns with this.

### Zimmerman Fire Protection Contract

The Town received the updated Zimmerman Fire Contract. Brenda reviewed it to ensure section 36 is listed in the contract. It is listed and the contract is ready for signatures. Chair Gotzian and Clerk will sign it tonight.

### Recycle Day

Recycle Day was a success. The vendor and volunteers served 219 customers. The attendance is reducing as people are utilizing responsible options throughout the year. The amount of household trash was noticeable less than previous years. Also, the roads entering the gate was clear of traffic by 10:30AM.

### Thomsen Drainage Easement

Scott and Stephanie Thomsen were present to speak to the Board about the possibility of having a portion of the dedicated drainage easement, on their lot, vacated. Stephanie told the Board their home was built with the septic and well constructed within the drainage easement. When she and Scott applied for a building permit to replace their deck, it was denied because of this. They were told to contact the Clerk for possible resolution to the situation. Brenda contacted legal counsel and was informed a license agreement could be made for the Thomsen's. However, the Thomsen's were not comfortable with the language stating the Town could at anytime require the removal of their well and septic at the owners cost. The Thomsen's did a lot of research and found the 100-year flood plain has changed and the portion of the drainage easement where their well and SSTS are located, are no longer within the 100-year flood plain. They would like to find out if the Board would consider vacating the portion of the drainage easement which is NOT in the flood plain. The Board asked if the new flood plain map would affect other homeowners in their neighborhood, who may also be in the same predicament. Stephanie said there are others who are also affected. The Board stated the Thomsen's should start the vacation process. Brenda will work with the Thomsen's and counsel, to get the appropriate definition of the area to be vacated. She will also work with the Thomsen's throughout the process.

### Eagle Point Dedicated Easement

A potential buyer for Joe Ryan's home – 18939 232<sup>nd</sup> Ave. PID# 35-401-1495 was present to find out if the Board would vacate the easement between that home and Marlene Loehrs' - 18955 232<sup>nd</sup> Ave. PID# 35-401-1305. Brenda informed the Board this was the easement brought forth in 2017 by Eagle Point residents who wanted to know if the easement was open to public use. The interested buyer felt the easement should be vacated so he would always have access to the home, if he were to purchase it. The Board informed him that the process for vacating has to be initiated by current Township landowners. This is done by writing a petition and having at least 8 landowners within 3 miles of the property, to sign it. Marlene Loehrs was present and she stated the Clerk told her last year, that the easement could not be vacated. Clerk stated that she told Marlene the Board can't vacate the easement on its own, but residents can petition for the vacation. She also had stated that at the end of the process it is up to the Board if the road would be vacated. That the Board has the right to vote against the vacation. During additional conversation the question was asked if issuing a license agreement for the currently installed driveway to 18939 – 232<sup>nd</sup> could be done. The Board told the interested buyer and audience members there was nothing the Town could do with regard to the request of vacation or his request to have a license agreement written, as he is not currently a resident or landowner in the Township. If a current landowner wished to pursue the matter of vacation, they could do so. Mike Nielson suggested the Town's Lawyer be asked if the easement could

be designated a minimum maintenance road. Supervisor Peterson stated he recalls conversation about the dedicated easement and asked Clerk Kimberly-Maas to see if she could locate any minutes or documentation about the land. Brenda searched her electronic files but was unable to quickly find specific documentation. She will continue to look after the meeting adjourns. Brenda will also contact the Town's attorney to get additional information and questions answered about the dedicated easement.

#### Board Business/Supervisor Updates

##### Supervisor Adams

Bryan told the Board he had a request to install a "DEAD END" sign at 232<sup>nd</sup> Ave. & 188<sup>th</sup> St., on Eagle Point. He looked at the location and recommends installing one to inform motorists the road ends. Darryl will install the sign.

Motion/Second to install "DEAD END" sign at the intersection of 232<sup>nd</sup> Ave. & 188<sup>th</sup> St. by: Adams/Hassett. All Supervisors present approved. Motion Prevailed.

##### Supervisor Hassett

Bob told the Board legislation has been passed to grant easements be handed over to the Town for 168<sup>th</sup> St. in section 16 and 233<sup>rd</sup> Ave. in section 36 (School Trust Land). Bob also requested the Town contact the County to see if the improvements listed on the awarded grants could be coordinated to occur in conjunction with any County improvements, for a potential cost savings. Mike had contacted Dan Knaapek, Assistant County Engineer, who confirmed the County would be open to a joint effort.

Motion to have Mike Nielson begin engineering process, during the summer of 2018, for the improvement work listed on the awarded grants and planned for 168<sup>th</sup> St. and 233<sup>rd</sup> Ave. and have construction bids let out winter of 2018 by: Hassett.

DISCUSSION: The grant awarded for both roads was about \$705,000 of which 20% would be in engineering costs. The Town has five (5) years in which to complete the work. The awarded grants do not include funds to purchase the north section of 233<sup>rd</sup> Ave which connects to 146<sup>th</sup> St. and 142<sup>nd</sup> St. in section 36. Bryan asked the Board if they felt it was in the best interest of the Town to purchase the north 233<sup>rd</sup> easement, estimated cost of \$9000, so future Boards don't have to address the situation again. Supervisor Silverberg stated this Board had said they were not in favor in spending any money on purchasing easements. But he did feel it is in the best interest of the Town to get the situation taken care of, now. Charlie recommended the subject be brought forth at the Annual Meeting, so the Electorate can decide if they wish to have Town funds spent to purchase the easement for the north section of 233<sup>rd</sup>. Corrie also stated he would like to trim trees within the ROW of the portion of 233<sup>rd</sup> Ave., for which the grants were approved, before beginning any road improvements. Motion died, for lack of a second.

Mike will begin the process of creating a proposal for design work to be constructed in 2019.

#### Roads

##### Tri-City 1<sup>st</sup> Pay Claim

Mike Nielson presented the first pay claim from Tri-City, for the 2018 Overlay projects. Mike told the Board the company performed very well and he is pleased with the work.

Motion/Second to approve first pay claim from Tri-City paving for 2018 Overlay Projects in the amount of \$432,229.67 by: Gotzian/Hassett. All Supervisors present approved. Motion Prevailed.

#### Road Tour

The Board toured Town roads on May 9, 2018. The group identified areas in need of grading, shouldering and trimming, as well as potholes in need of repair. Darryl was given a map of the areas needing to have shouldering material added. Eric will call Rusty Pittman to get our gravel roads on his schedule for grading. Darryl and Bryan will review the trimming areas and present a request for quotes at the June meeting. Erickson Asphalt will be contacted for pothole repair. Charlie stated the Town should contact Livonia Township to let them know the roads in Mystic Ridge will be adopted this year and the maintenance agreement the two Towns have entered, should be withdrawn. The Board also would like to ask if Livonia would like to enter into a Plow Agreement for the same roads which are now defined in the Maintenance Agreement. Brenda will contact Livonia Clerk and draft a resolution to withdraw from the Agreement and a Plow Agreement. Mike stated the retaining walls constructed in the ROW of Mystic Ridge, had not yet been removed. He will contact the developer to let him know the structures need to be removed. Additionally, Mike noted 229<sup>th</sup> Ave is in rough shape and repair will need to be a joint effort with Big Lake Township, as the two Towns have a Joint Road Agreement on the town line road. The storm run-off systems need to be cleaned. Bryan will look into companies who perform this type of work and get quotes for the June meeting. Brenda asked if the tour made it through the Shores of Eagle Lake development to list the work needed before the Board would consider adopting the roads, as she was asked by Mr. Bev Harvey what was

work was needed to have the roads at Town standards. The tour did not involve Shores of Eagle Lake. The Board will not spend Town funds to perform inspection of unadopted roads. Brenda was instructed to tell Bev he will need to pay for an inspection of the developments roads.

Treasurer’s Business

Claims & Consent Agenda Approval

Laura addressed the Board telling them she offered the position of Deputy Treasurer to Gary Goldsmith and he has accepted her offer. She informed the Board she is appointing Gary Goldsmith to the position of Deputy Treasurer, tonight. Gary will take his oath after the meeting. Gary also intends to run for the office of Treasurer in November. Laura told the Board she is confident that Gary will serve the Town well as Deputy Treasurer.

Claims & Consent Agenda Approval

The claims were electronically sent to the Board for review prior to the meeting and were available for public review during the meeting. There were no questions or concerns with the claims presented. Motion/Second to approve the pay claims by: Gotzian/Peterson. All present were in favor. Motion Prevailed.

Treasurer’s Report

Laura reminded the Board that the first tax collection would be received in late June to early July. When the funds are received, the Fire Fund will have a positive balance and money available to pay the second half of 2018 Fire Bills. Laura reported the Town’s fund Balances as of April 30, 2018:

General Fund: \$ 118,237.77	Road & Bridge: \$647,645.58
Fire: <del>-\$24,423.51</del>	Capital Reserve: \$139,373.68
Escrows:	
Heritage Hills: \$0	Pine Cone: \$1,066.25
Woodlands of Livonia: \$4,653.75	Savannah Meadows: \$6,612.61
Shores of Eagle Lake: \$95,567.19	Woods at Eagle Lake: \$506.82
Pine Point: \$4,500.00	Lonesome Oak: \$500.00
Thunderbuck: \$4,182.50	Horseshoe Estates: \$20,700.00
Timberquest: \$20,160.00	Deer Crossing: \$1,000.00
Donahue Estates: \$3,161.25	Jacob’s Ridge: <\$11.25>
Harmony Village: \$0.00	Mystic Ridge: <\$1414.50>

Motion/Second to accept the Treasurer’s Report date ending 04/30/2018 by: Gotzian/Peterson. All present approved. Motion Prevailed.

Additional Business

Darryl told the Board he had replaced all of the signs on his list and was in need of a few additional signs.

Motion/Second authorizing the purchase of the additional signs needed and their installation be done by Darryl Waletzko, LLC. by: Hassett/Silverberg. All present Supervisors approved. Motion Prevailed.

Darryl told the Board an Ann Lake resident complained to him because a DEAD END sign had been removed. No Action needed at this time.

Supervisor Hassett told Brenda he had spoken with someone from Svea Hill Church, who stated the church’s basement could be used, for a future additional polling location. Brenda thanked them for the offer. However she declined it because accessing the basement can only be done via stairs inside the church and the basement door has no parking area adjacent. Handicapped voters would have to cross the lawn and park on the road.

Announcements

Sherburne County Coalition of Lake Associations will meet on Thursday, May 31<sup>st</sup> at the Big Lake Township Lions Community Park, from 6-8PM.

Guided Wildflower tour will be held on Saturday, June 9<sup>th</sup>, meeting at the Oak Savannah Learning Center, beginning at 10AM and will run until NOON. This is a free event.

Adjournment

Motion/Second to adjourn by: Gotzian/Silverberg. All present approved. Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday May 30, 2018 at 8:49PM.

Respectfully Submitted,

Brenda Kimberly-Maas  
Town of Orrock, Clerk

Accepted this 27<sup>th</sup> day of June 2018, by the Orrock Township Board of Supervisors.

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Charles Gotzian, Chair

Attest:

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Brenda Kimberly-Maas, Town Clerk