



Regular Meeting  
Wednesday November 18, 2020- 7:00PM

The Orrock Township Board met in regular session, on Wednesday November 18, 2020, at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota.

In attendance were Chair Corrie Silverberg, Supervisor Paul Ellinger, and Clerk Brenda Kimberly-Maas. Also, in attendance were Deputy Clerk Chris Weber, Darryl Waletzko – Town Contractor, and four audience members. Tele-conferencing into the meeting were Supervisors Bob Hassett and Bryan Adams, Treasurer Gary Goldsmith and Town Engineer Mike Nielson. Absent was Supervisor Eric Peterson. Roll Call was taken by Chair Silverberg.

A quorum was present, the meeting was called to order by Chair Silverberg, at 7:00PM and the Pledge of Allegiance to the United States of America was recited.

#### **Meeting Agenda Approval**

Motion/Second to accept the presented meeting agenda by: Adams/Ellinger. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None.

Motion prevailed, and the meeting proceeded in accordance with the presented agenda.

#### **Approval of Meeting Minutes**

Motion/Second to approve the October Regular Minutes by: Silverberg/Ellinger. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None Motion Prevailed.

Motion/Second to approve the November Board of Canvass and Special Meeting Minutes by: Hassett/Adams. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None Motion Prevailed.

#### **Sheriff's Report**

No sheriff's report was given

#### **Open Forum**

There were no open forum items.

#### **Clerk's Business**

##### **Ann Lake Variance/CUP - Mockenhaupt**

Deputy Clerk Weber presented Applications for a Setback in Road Variance and CUP for a Personal Storage Structure from Steve and Cindy Mockenhaupt for their property at 253 ½ Ave NW, Ann Lake Beach, PID 35-408-0270. The Mockenhaupts are requesting a 57' variance in setback from the right-of-way on 253 ½ Ave. NW for a personal structure. The required setback is 67'. They are also requesting a Conditional Use Permit (CUP) for the personal storage structure.

Supervisor Adams stated that the proposed shed will be set back 20' from the road easement and the shed cannot be set back any further, due to the placement of their septic. Bryan stated that he has no issues with the variances and recommended board approval, based on meeting county requirements. Steve Mockenhaupt confirmed that their existing shed will be removed. The board recommended approval of the variances, contingent upon meeting and following county guidelines.

#### WSB Rate increase

Deputy Clerk Weber presented the 2021 WSB Rates. WSB is increasing their engineering rates an average of 1.4%.

Motion/Second to approve the 2021 WSB Engineering rates by: Silverberg/Adams. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None Motion Prevailed.

#### Trimming Contract

Deputy Clerk Weber presented a Contract for Trimming/Brushing Services with Darrell Waletzko, LLC for board approval. The Trimming/Brushing contract was originally awarded to North Metro Tree, the lowest bidder, in August. North Metro Tree declined the contract. The board will need to rescind the contract with North Metro Tree Services.

Motion/Second to Rescind the North Metro Tree Contract for Trimming/Brushing Services by: Ellinger/Silverberg. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed

Motion/Second to award the Contract for Trimming/Brushing Services in the amount of \$30,000 to Darrell Waletzko, LLC by: Adams/Hassett. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed.

#### Resolution designating polling location – required to be done annually by 31st of December

Deputy Clerk Weber presented Resolution NO. 2020-10 Resolution Designating 2021 Polling Location. The resolution designates Orrock Town Hall as the 2021 polling location. This is required to be done annually by December 31

Motion/Second to adopt Resolution No. 2020-10 Resolution Designating 2021 Polling Location by: Silverberg/Ellinger. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed

#### SoEL Snow Plowing Agreement with JP Brooks

Deputy Clerk Weber presented a One-Year Snowplow Agreement to snowplow roads for SoEL (Shores of Eagle Lake). As of October 23, 2020, JP Brooks became the Declarant of the Shores of Eagle Lake (SoEL) Homeowners Association and Owner (both in Fee Title and Contract for Deed) of the remaining 86 lots within the SoEL. They are requesting the township assume snow plowing responsibilities for certain roads within the SoEL Community.

Clerk Kimberly-Maas stated that the concern with the contract is ownership of the development. If the landowner is not only JP Brooks, but also Eagle Lake Development, she believes the board would want to enter the contract with both JP Brooks and Eagle Lake Development, LLC, for liability reasons. Brenda had sent the JP Brooks purchase agreement along with the revised Snowplow Agreement to the township attorney for review. Brenda is waiting for feedback from the township attorney.

Chair Silverberg stated that Bryan Adams and he had a meeting with Kevin Clark from JP Brooks and Kevin is under the impression that they, JP Brooks, have all rights to the septic, the well, the roads and the homeowners association. In the spring, JP Brooks plans to chip seal the roads to bring the roads up to township standards.

Bryan Adams recommended that the township enter into the agreement, contingent upon township attorney approval. Treasurer Goldsmith stated that his concern is that Kevin Clark is signing the agreement as a board member and wants to ensure that the person signing the agreement has the authority to bind the corporation, JP Brooks, in an agreement. Supervisor Ellinger agreed that that Kevin Clark's title on the signature page should be VP of Land Development

Motion/Second to approve the proposed One-Year Snowplow Agreement to snowplow roads for SoEL for the snowplow season of 2020-21 with the change in Kevin Clark's title to vice president of land development and contingent upon township attorney approval by: Ellinger/Adams. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed

#### Location for Local Board of Appeal and Equalization Meeting

Deputy Clerk Weber told the board that Shelly Maloney from the Sherburne County Assessor's office had asked if the board wants to conduct the 2021 Local Board of Appeal and Equalization Meeting virtually or in person. Clerk

Kimberly-Maas stated that another township recommended to have the meeting in person with the option for residents to meet virtually. The board agreed to hold the Local Board of Appeal and Equalization meeting in person and remotely.

#### Method of Receiving Building Permits (from Sherburne County)

Deputy Clerk Weber asked the board if they would like to continue to receive building permits in the mail from Sherburne County Planning and Zoning or if they would want to receive the building permit data monthly via a spreadsheet. Sherburne County Planning and Zoning reached out to all townships in the county for their preference. The spreadsheet would be printed out and kept on file. This spreadsheet would be for building permits only. The township maintains the list of driveway permit that are issued within the township.

Supervisor Adams asked when Public Works gives the address to the township so that the township can order their fire signs. Clerk Kimberly-Maas stated that Public Works automatically notifies the township when a new address is issued. Sherburne County Planning and Zoning serves as the township planning authority.

Motion/Second to accept the receipt of building permits via spreadsheet by: Silverberg/Hassett. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed

#### Update on Security System

Deputy Clerk Weber told the board that the security system was installed on October 22. The locks were not able to be installed. WH Security will be completing the installation on Monday, November 30<sup>th</sup>. User accounts and passwords have been set up and the board will be trained on the use of the security system.

#### **Roads**

##### Proposed Culvert Policy

Road Engineer Mike Nielson presented a revised culvert policy. This revised policy is attached to the minutes. He stated that the township wants a ditch to be able to hold the water without over-topping the driveway or encroaching into the roadway. This agreement does not require the developer to attempt a “no culvert” system prior to installing a full culvert ditch. Mike stated that if the board wanted to promote ground-water infiltration, they could implement that into the policy. Supervisor Hassett stated that he likes to idea of ground-water infiltration but does not want the water to kill the vegetation. Supervisor Adams stated that he did not think requiring the developer to attempt a “no culvert” system would be worth the extra effort.

Motion/Second to approve the Township Road Ditch Drainage Policy by: Adams/Ellinger. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: None Abstained: None Motion Prevailed.

#### **Supervisor Updates / Committee Reports**

Supervisor Adams told the board that Darryl Waletzko and he are continuing to research the purchase of an ice breaker and will update the board at December’s meeting.

Supervisor Hassett updated the board on the traffic control spreadsheet. The spreadsheet has been updated. Bryan Pittman, from WSB, created a KMZ file that can be uploaded into Google Maps. The road signs are then pinned on the google map. Supervisor Hassett stated that the spreadsheet will be labeled by quadrant to plan the future sign replacement schedule. The data cannot be updated in Google Maps, it needs to be updated in the spreadsheet. As signs get replaced, it is the clerk’s responsibility to maintain and update the spreadsheet. The board agreed to use the spreadsheet to manage the road signs project. The board thanked Supervisor Hassett for his work on the spreadsheet.

Supervisor Ellinger reminded the board that the MAT Conference is being held virtually on Friday and Saturday, November 20-21.

#### **Treasurer’s Business**

##### Claims Approval – Routine, Individual and Payroll

Claims and payroll were electronically sent to the Board for review and were available for public review during the meeting.

##### Routine Claims

Treasurer Goldsmith confirmed with Mike Nielson that the final pay claim for OMG Midwest is to be paid.

Motion/Second to approve routine claims by: Ellinger/Hassett. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None. Motion Prevailed.

#### Payroll Claims – November 2020

Treasurer Goldsmith presented the Board with the payroll claims for the month of November for regular employees and the election judges.

Motion/Second to approve the regular payroll claims by: Silverberg/Hassett. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None. Motion Prevailed.

Motion/Second to approve the election judge payroll claims by: Adams/Ellinger. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None. Motion Prevailed.

#### Treasurer's Report

Town Funds balances as of October 31, 2020:

General Fund:	\$95,474.18	Road & Bridge:	\$626,354.49
Fire:	\$29,140.44	Capital Reserve:	\$191,125.52
CARES:	\$22,879.74		

The finance committee will be meeting on December 1 to review the driveway escrows process.

Motion/Second to accept the Treasurer's Report date ending 10/31/2020 by: Silverberg/Hassett. Approved by: Adams, Ellinger, Hassett and Silverberg. Opposed: None. Abstained: None. Motion Carried.

#### Cash Control Statement and Investment Update

Treasurer Goldsmith presented the Board with the Cash Control statement. Ending cash balance after reconciling the books with the bank statements: \$ 1,144,667.32.

Motion/Second to accept the October Cash Control Statement: Silverberg/Adams. Approved by: Adams, Ellinger, Hassett and Silverberg. Opposed: None. Abstained: None. Motion Carried.

Supervisor Ellinger asked if it would benefit the township to move funds from the 4M fund to an account that is earning a better interest rate. Treasurer Goldsmith stated that Sherburne State Bank checking account has the best interest rate and that money could be moved into the Sherburne State Bank Checking Account from the 4M account. The township would want to leave some money in the 4M fund so that the 4M account can remain open.

Motion/Second to move \$150,000 from the 4M Account to the Checking Account by: Ellinger/Silverberg. Approved by: Adams, Ellinger, Hassett and Silverberg. Opposed: None. Abstained: None. Motion Carried.

#### CARES Act Final Report

Treasurer Goldsmith presented the final CARES Act report, showing the total grant amount received \$93,975 and the total amount expended and awarded as \$93,975, with a zero-balance remaining in the fund. Treasurer Goldsmith has filed reports with the state through October and will file the final report after November 30th.

Motion/Second to accept the final Cares Grant Report by: Ellinger/Hassett. Approved by: Adams, Ellinger, Hassett and Silverberg. Opposed: None. Abstained: None. Motion Carried.

#### Other Business

##### Announcements

Chair Corrie Silverberg announced that they have sold their house and will be moving out of the township. He stated that this happened after he filed for candidacy of office. They close on their house on December 2 and Corrie will be submitting his letter of resignation effective December 1<sup>st</sup>. Supervisor Ellinger requested that Corrie submit his resignation after the sale of their house is finalized, as the board needs to have three supervisors present at a meeting to have a quorum. The board thanked Chair Silverberg for his service.

Clerk Kimberly-Maas stated that once Chair Silverberg submits his letter of resignation the letter will be presented to the board for acceptance. Brenda informed the board that it will be the board's decision on how to fill the vacancy. The board can choose to fill the position via special election or board appointment.

**Adjournment**

Motion/Second to adjourn the regular meeting by: Silverberg/Adams. In favor: Adams, Ellinger, Hassett & Silverberg. Opposed: none. Abstained: None.

Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday November 18, 2020 at 8:17PM.

Respectfully Submitted,  
Chris Weber  
Town of Orrock, Deputy Clerk

Accepted this 16th day of December 2020 by the Orrock Township Board of Supervisors.

\_\_\_\_\_  
Bryan Adams, Chair

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

# Road Ditch Drainage Policy

All new subdivisions shall provide a drainage system adjacent to roads that meet the Township Road Construction Standards and the requirements of Section 17.1 – STORMWATER MANAGEMENT AND EROSION CONTROL ordinance. Ditches shall have a 1:4 inslopes from the roadway and at all driveways and shall have a minimum depth of 3-feet. All driveways shall have a minimum of a 15” culvert under each driveway or as required by the drainage design to prohibit the spread of stormwater onto the public roadway.

Exceptions to the culvert requirements may be approved by the Board if during the plat review process the grading plan and drainage calculations indicate that culverts are not required at all driveway locations. The board approved grading and drainage plan may not be altered by the homeowner during driveway construction. All ditch/drainage systems must meet the following criteria.

1. The runoff from all sub catchment areas draining to a ditch shall be contained within the ditch without overtopping the driveway or encroaching onto the road shoulder for storms with a flood frequency in accordance the following table. The ADT or average daily traffic will be assumed to be 10-trips per day per household within the development plus any pass-through traffic from adjacent developments.

<u>Projected ADT</u>	<u>Overtopping Flood Frequency</u>	<u>Minimum</u>
0-10	2 year	
11-49	5 year	
50-399	10 Year	
400-1499	25 year	
1500 and up	50 year	
1500 and up	50 year	

In addition to meeting the flood requirements due to rain events the overtopping requirements shall be met during the 10-day snow melt as defined in the MnDOT Drainage Manual.

2. Storm events and flood frequency shall be as defined in the current MnDOT drainage manual.
3. Where no culverts exist, water shall infiltrate, leaving no standing water in ditches within 48-hours following any rain event.
4. The Developer through the Developers Agreement shall be responsible for all ditch maintenance until the roadway is adopted and taken over by the Township.
5. Homeowners shall assume all maintenance and liability for erosion control and turf establishment within public right of way adjacent to their property after the developer’s commitment has been met.