



Regular Meeting  
Wednesday August 23, 2023 - 7:00PM

The Orrock Township Board met in regular session, on Wednesday, August 23, 2023 at the Zimmerman Livonia Fire Department, 26140 136th St NW, Zimmerman, MN 55398.

In attendance were Chair Bryan Adams, Supervisors Paul Ellinger, Gary Goldsmith, Bob Hassett, Treasurer Janine Arnold and Clerk Chris Weber. Attending via Webex from 13000 Gulf Blvd., Suite 208, Madeira Beach, Florida was Supervisor Anne Felber. Supervisor Felber was out of town and unavailable to attend the meeting in person. Also, in attendance in person were Kevin Kruger - Town Engineer, Sergeant Austin Turner, four audience members and the Patriot News.

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

#### **Meeting Agenda Approval**

Motion/Second to accept the agenda as presented by: Hassett/Felber. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None.

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

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

Motion/Second to approve the July Regular Meeting Minutes by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Motion/Second to approve the August Special Meeting Minutes by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

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

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

Sergeant Austin Turner reported that there were 58 traffic stops in Orrock Township in July of 2023, compared to 104 traffic stops in July of 2022. There were 39 security checks and 18 medical calls. There has been a lot of activity in the campground area and the primary issue has been thefts from vehicles.

#### **Open Forum**

None

#### **Regular Business**

##### **Township Speed Limit Signs**

Kevin Kruger did some volunteer time to do a quick review of roadways that may be of concern regarding speed limits. 271<sup>st</sup> Avenue NW, 168<sup>th</sup> Street NW, 241<sup>st</sup> Avenue NW into 181<sup>st</sup> Street NW and 233<sup>rd</sup> Street NW (DNR Road) are the roads that Kruger had identified that would have to go to 55MPH speed limit posting, if the board chose to follow state statute regarding speed limit postings. The other township roads meet the requirements for 35MPH. Kruger would be comfortable in stating that the entire stretch of 229<sup>th</sup> Avenue NW could meet the 35MPH requirement. 241<sup>st</sup> and 181<sup>st</sup>

would be of concern as far as speed limit posting at 55MPH. There are curves on 181<sup>st</sup> so it should be difficult to get up to 55MPH. Supervisor Felber received some information from Sherburne County and stated that Sherburne County is not currently dismissing these speed limit cases. The county attorney does not have any issues with enforcing those speed limits. Lisa Fobbe wrote the law and she stated that the intent was not to raise the speed limits in the townships. Sergeant Turner would like to discuss the issue with the county attorney and stated that, for the most part, the department has been issuing speed limit warnings, not tickets. When Sergeant Turner discussed the speed limits with county administration and he stated that administration's concern is that the state speed limit statute states that, for speed limits to be enforceable, the road speed limits need to be posted at the beginning and end of each section and posted at 35MPH. Supervisor Goldsmith stated that it does not appear that there is a rush to change the speed limit signs. Goldsmith stated that those roads that would need to be posted at 55MPH should have the signed removed, rather than posting at 55MPH speed limit. Supervisor Ellinger would like to keep the speed limit signs posted at the current posted speed limits and, if the county begins dismissing the cases, the township can address the situation. Supervisor Ellinger recommended replacing road signs with 30MPH signs when they are due for replacement. Supervisor Goldsmith requested that this be referred to the road committee as an open meeting.

Variance Request – Brad and Terri Morrow – 18707 232<sup>nd</sup> Ave NW (PID 35-439-0145)

Brad and Terri Morrow were present at the meeting to request approval of a 7-foot variance in setback for the proposed house addition to be located 50 ft. from the right-of-way of 241st Ave NW. The required setback from the road right-of-way is 67 feet. Chair Adams viewed the property and had no issues with the variance request.

The Morrows just acquired the property and want to build an addition on the house.

The board recommended approval of the variance request provided all county requirements are met. Clerk Weber will send the comments to the county.

Variance Request – Matthew and Alyssa Nelson – 18707 232<sup>nd</sup> Ave NW (PID 35-492-0605)

Matthew and Alyssa Nelson were present at the meeting to request approval of a 12-foot variance in setback from the right-of-way of 187<sup>th</sup> St NW for building a 12' x 20' accessory structure. The required setback from the road right-of-way is 67 feet.

The homeowner's association has approved the building of the structure. There should be no issues with drainage behind the structure. Supervisors Adams, Ellinger and Goldsmith viewed the site and had no issues with the variance request.

The board recommended approval of the variance request provided all county requirements are met. Clerk Weber will send the comments to the county.

Devries/Schumacher Encroachment Agreement

Clerk Weber presented an encroachment agreement with William Devries and Donald Schumacher to the board for consideration. The agreement is required due to the installation of a 2,000-gallon septic tank that will partially encroach on the right-of-way of 232<sup>nd</sup> Avenue Northwest on Eagle Point. Township attorney, Bob Ruppe, had reviewed the agreement.

Motion/Second to enter into the encroachment agreement with William Devries and Donald Schumacher by: Feler/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Mid-Year Orrock Township Sherburne County/Orrock Township Violations Report

Clerk Weber presented the mid-year Orrock Township mid-year violations report. The Sherburne County Planning and Zoning Department administers and enforces the Sherburne County Solid Waste Management Ordinance, Sherburne County Zoning Ordinance, and Wetland Conservation Act throughout most of Sherburne County (*excluding the zoning for Baldwin Township, Becker Township, and the northwest portion of Haven Township*). The Department recognizes the importance of keeping townships informed on the general status of the complaints and violations within their borders

and has developed this report to be sent out semi-annually to every township. In the future, reports will go out in January and July of each year. The report contains general data as it pertains to complaints and violations. There are currently twelve active violations in Orrock Township.

#### Recycle Day Grant Reimbursement - Information

Clerk Weber presented the 2023 Recycle Day final report to the board. The 2023 Orrock Township recycle day expenses were \$6,860.80 and the grant reimbursement was \$6,297.82. The net recycle day cost to Orrock Township \$562.98. 47 Orrock Township residents participated in the 2023 Recycle Day Event.

#### Town Hall Building Project

##### Construction Update

Footings were poured in on Wednesday, August 23<sup>rd</sup>. Foundation will be put in on Thursday, August 23<sup>rd</sup>. The estimated completion date for the project is January 4<sup>th</sup> with the final lift of asphalt to be completed in the spring of 2024.

##### Color Selections

Supervisor Felber, Treasurer Arnold and Clerk Weber had selected the Kitchen Counter, Bathroom Counter, Cabinet, Entry Door and Window Colors. Those color selections were presented to the board.

##### Brick Color Selection

Brick colors were presented to the board for selection.

Motion/Second to approve the Ferrous Sculpted Ashlar stone by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

##### Construction Change Directive

Clerk Weber presented Construction Change Directive Number 1 to the board for approval. Due to the location of the HVAC ducting, Chair Adams, as board liaison to the project, approved the removal of one window on the north side of the building. The three remaining windows will be centered within the meeting room. The change is to delete one window on the North side and shift the remaining three to be centered on the wall. The cost add for infill (additional siding, insulation, gypsum board and finishing) minus the credit for the deleted window resulted in a net deduct of \$145.00 (material).

Motion/Second to approve Construction Change Directive Number 1 for a lump sum decrease of \$145.00 by: Goldsmith/Adams. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

##### Project Budget

An updated project budget was presented to the board. The current project budget estimate is \$751,433.58. The board is closely monitoring the budget. There should be no further major changes in the budget as most materials have been confirmed for the project. The total allowable budget, as approved by the electorate at the March annual meeting, is \$823,000.00.

#### **Roads**

##### Tree Trimming RFQ

Chair Adams presented the Tree Trimming request for proposal and map showing all the areas that should have trees trimmed. The proposal is to request two quotes – one for the east side of Eagle Lake and a second alternate quote for trimming all the other areas shown on the map.

Motion/Second to solicit tree trimming proposals with a request for two quotes – one for the east side of Eagle Lake and a second alternate quote for trimming all the other areas shown on the map by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Pavement Management Plan

Kevin Kruger presented the draft pavement management plan to the board. WSB rated all the roads in the township from 0 to 100. The overall PCI rating has increased from an 81.6 in 2018 to an 83.3. 83.3 is a considered fantastic number. The township has been doing a lot of overlay projects, which are cheaper in relativity to a reconstruction project. There are going to be some expensive road projects in the future. The lake roads will be expensive and more difficult to complete. Those projects will eat into the road and bridge budget. The report did a 5-year budget projection. The board would like to see a 20-year budget projection. Supervisor Goldsmith was comfortable with a 5-year projection and believed that the road committee should determine if the township should begin the reconstruction projects sooner rather than later. Supervisor Hassett believed the board should begin planning the completion of projects around the lakes and Chair Adams replied that there are drainage issues that will need to be fixed on those projects. Supervisor Ellinger told the audience that the board plans and levies the road and bridge fund to save money for future projects. The pavement management plan will be reviewed by the road committee prior to the September meeting.

Supervisor Updates / Committee Reports

Supervisor Adams – Darryl needs to fix the shoulder erosion problem that has been caused by ATVs on the north side of Ann Lake. There was a complaint regarding water sitting in the road on 251<sup>st</sup> Avenue Northwest. Adams reviewed the site and does not see that area as an issue that warrants repair. There is, however, vegetation growing in that roadway. At the planning and zoning meeting, he received a hard copy of the Draft Comprehensive Use Plan.

Supervisor Ellinger - None

Supervisor Felber- Attended Nite to Unite and Coffee with the Mayor in Elk River. The Big Lake Fire and Elk River Fire departments are working together to possibly create a fire taxing district. Received speeding concerns from residents and referred those to Sergeant Turner. Attended the Adult-Use Cannabis and Local Government Presentation by Sherburne County. The townships should try to be unified in the approach to cannabis regulation and enforcement. Sat in on the county board workshop on the Draft Comprehensive Use Plan.

Supervisor Goldsmith - None

Supervisor Hassett – Viewed the Adult-Use Cannabis and Local Government Presentation and meeting recording.

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 Arnold presented the board with routine claims in the amount of \$110,020.32.

Motion/Second to approve routine claims in the amount of \$110,020.32 by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

*These claims will be retained as a part of the Official Minutes, which are available in the Clerk’s Office.*

Supplemental Claims

Treasurer Arnold presented the board with supplemental claims in the amount of \$4,084.87. These claims were from WSB for July services in the amount of \$3,455.25 and Beaudry Propane Pre-Buy in the amount of \$629.62.

Motion/Second to approve the supplemental claim in the amount of \$4,084.87 by: Goldsmith/Hassett. In favor: Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: Adams. Motion Prevailed.

*These claims will be retained as a part of the Official Minutes, which are available in the Clerk's Office.*

### Payroll Claims – August 2023

Treasurer Arnold presented the Board with the payroll claims in the amount of \$2,152.76 for the month of August. Motion/Second to approve the August payroll claims in the amount of \$2,152.76 by: Ellinger/Goldsmith. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

*These payroll claims will be retained as a part of the Official Minutes, which are available in the Clerk's Office.*

### Cash Control Statement

Treasurer Arnold presented the Board with the Cash Control statement. Ending cash balance after reconciling the books with the bank statements: \$ 1,791,569.02. This amount included 4M fund balance.

Motion/Second to accept the July Cash Control Statement by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

*Financial Reports are retained as part of the Official Minutes, which are available in the Clerk's Office.*

### Investment Update

As of July 31, 2023, the Sherburne State Bank Checking was earning 1.41%, the Sherburne State Bank Debit Card Checking earned 1.41%, the money market account was earning 5.12%, the CD was earning 3.938%, and the 4M fund was earning 5.041%.

### Treasurer's Report

Town Funds balances as of July 31, 2023:

General Fund:	\$ 127,834.47	Road & Bridge:	\$ 710,159.44
Fire:	\$ 87,526.14	Capital Reserve:	\$ 417,002.17
ARPA Fund:	\$ 322,756.48	Driveway Escrows:	\$ 24,000.00
Pine Crest Estates Escrow	\$ 3,550.56	SOEL Escrow:	\$ 24,684.91

All remaining escrows are unchanged.

Motion/Second to accept the Treasurer's Report date ending 07/31/2023 by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

*Treasurer's Reports are retained as part of the Official Minutes, which are available in the Clerk's Office.*

### Report of July Sherburne State Bank Securities Pledge Validation

Treasurer Arnold presented the Report of July Sherburne State Bank Securities Pledge Validation to the board. The required pledge amount was \$1,328,567.53. The securities pledge amount was \$1,762,513.36 which was \$433,945.83 over the required pledge amount.

*This report will be retained as part of the Official Minutes, which are available in the Clerk's Office and are attached to the minutes.*

Treasurer Arnold requested that the board authorize the transfer of \$100,000 from the money market account to the checking account.

Motion/Second to direct the treasurer to transfer \$100,000 from the money market account to the checking account by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

### Announcements

Clerk Weber Announced:

- September Board Meeting – Wednesday, September 27<sup>th</sup> @ 7PM at Zimmerman Livonia Fire Department

- Draft Comprehensive Use Plan – County is seeking input from the Township Officials on the draft Plan by September 1, 2023.

Motion/Second to adjourn the regular meeting by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Absent: None. Motion Passed, adjourning the Regular Monthly Meeting, on August 23, 2023 at 8:08PM.

Respectfully Submitted,  
Chris Weber  
Town of Orrock, Clerk

Accepted this **27<sup>th</sup>** day of September 2023 by the Orrock Township Board of Supervisors.

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

Attest: \_\_\_\_\_  
Chris Weber, Town Clerk