



Regular Meeting  
Wednesday September 27, 2023 - 7:00PM

The Orrock Township Board met in regular session, on Wednesday, September 27, 2023 at the Zimmerman Livonia Fire Department, 26140 136th St NW, Zimmerman, MN 55398.

In attendance were Chair Bryan Adams, Supervisors Paul Ellinger, Anne Felber, Gary Goldsmith, Bob Hassett, Treasurer Janine Arnold and Clerk Chris Weber. Also, in attendance in person were Kevin Kruger - Town Engineer, Darryl Waletzko – Town Contractor, Sergeant Austin Turner, six 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 August Regular Meeting Minutes by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

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

##### August Sheriff's Report

Sergeant Austin Turner reported that there were 69 traffic stops in Orrock Township in August of 2023, compared to 89 traffic stops in August of 2022. There were 34 security checks and 7 medical calls. There has been a lot of activity at the Ann Lake area with the primary activities due to visitors from other areas bringing in drugs. Thefts have been reported in that area as well. Law enforcement assisted with a truck and trailer that went into the water at the landing on the north side of Ann Lake. There was a pursuit that went through Orrock Township.

#### **Open Forum**

Lori Schleif, 25435 162<sup>nd</sup> Street NW, Big Lake, MN spoke regarding the speed limit recommendations. They already have issues with people driving 50MPH in their cul-de-sac and do not want to see the speed limits posted at 35MPH.

Christina Olson, 25303 162<sup>nd</sup> Street NW, Big Lake, Mn spoke regarding the speed limit recommendations. She is opposed to raising the speed limit on their road to 35MPH. She is requesting that the road receive increased patrols.

#### **Regular Business**

##### Township Speed Limit Signs

Kevin Kruger presented his recommendation for speed limits within Orrock Township. The speed limit requirements are set by the state and the township should follow the statute as closely as possible. There would be four

speed zones within the township – 25MPH, 30MPH, 35MPH and 55MPH. If the township does nothing, all speed limits would revert to 55MPH. Supervisor Felber stated that she had received many comments from residents in opposition of the speed limit signs increase recommendation. The estimated cost to place speed limit signs would be \$7,500.00. The road committee is recommending the placement of the signs according to state statute. Approximately half of the replacement/new signs would not be able to be installed until next spring due to the timing of the delivery of the signs and winter weather. Supervisor Ellinger does not like the increase in speed limits. Supervisor Felber would like to see speed studies completed. Kevin Kruger would be surprised if speed studies would decrease the statutory speed limits. Supervisor Goldsmith stated he would like to see the township start with signing roads that are not currently signed. Goldsmith asked if speed bumps are legal and wondered if there is another way to help control speeds. Speed bumps would complicate snow removal. Kruger stated that the most effective method to slow down speeds is to make the road feel “tighter”, which could be done by striping the road centerlines and fog lines. Adams stated that by signing the roads according to state statute it would give law enforcement the authority to enforce the speed limits. Sergeant Turner stated that he brought the speed limit issue to the attention of the board to avoid not being able to enforce speed limits. If this issue is tabled and nothing happens, he will discuss this issue with his captain to determine the ticketing process going forward. Turner stated that law enforcement cannot enforce a 30MPH speed limit if they are not posted according to state statute. Supervisor Ellinger requested that this be a topic on the October 4th SCAT meeting agenda.

Motion/Second to table for further study and ask the residents to contact their state legislators by: Ellinger/Felber. In favor: Ellinger, Felber and Goldsmith. Opposed: Adams and Hassett. Abstained: None. Motion Prevailed.

#### Variance Request – Gary Goldsmith / Alexander Stolzka – 17160 245<sup>th</sup> Ave NW (PID 35-028-1201)

Gary Goldsmith was present at the meeting to request approval of a 9-foot variance in rear setback for the proposed house addition. The required setback is 100 feet. Goldsmith told the board that, in his design, he tried to minimize the need for the variance.

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

#### Justin and Brenda Davis – 18237 233 ¼ Ave NW – Oak Tree Died after 2022 Trimming

Justin Davis, 18237 233 ¼ Avenue NW addressed the board regarding an oak tree that is on their property that died after township trimmed the tree in 2022. The Davis’s now need to remove the tree because the tree is dead and would not be covered by insurance if it fell on the house. The tree was trimmed in late October which was within the allowed time for trimming oak trees. Chair Adams stated that there are neighboring trees that have oak wilt. The township policy is to trim trees straight up from a property line, as they cannot enter the property to trim trees. Davis told the board that if he knew that tree was on the trimming list, he would have paid a trimmer to trim the tree, rather than have the township trim the tree. Waletzko stated that they cannot make exceptions when they are trimming as this is the procedure that is used for trimming and noted that this is the second time that that tree has been trimmed. The township had sent a courtesy letter to all areas in the township that were to be trimmed.

#### Email Management and Retention Policy

The Email Management and Retention Policy was presented to the board for approval and adoption. The policy was previously reviewed by the Policy Committee.

Motion/Second to adopt the Email Management and Retention Policy with an adoption date of September 27, 2023 by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

#### Legal Cannabis

There were township representatives at a meeting held by Sherburne County regarding the recently enacted Adult Use of Recreational Marijuana, legislation. The statute gives the Local Govering Agencies (LGA) – counties, townships and cities, the authority to regulate the adult use of cannabis.

There are two ways in which LGAs can approach these matters. The first would be to solely rely on the County's ability to regulate using MN statutes Chapter 145A (Public Health Statute. Chapter 145A) for the use on/in county, township, and city public spaces, dispensary matters - including zoning. This would be a "top down" approach. The second approach would be to enact our own ordinances and enter into a Joint Powers Agreement with the county for permitting, compliance, and enforcement of the policies or hire our own staff to complete these tasks. MN statute Chapter 152 (Drugs & Controlled Substances Statute. Chapter 152)

The county's preference is to have all LGAs meet and hopefully come into agreement with the use in/on all public lands, the total number of dispensaries we think is appropriate for the county, and appropriate dispensary location(s).

This item will be discussed at the October SCAT meeting. Supervisor Goldsmith stated that he agreed that this should be handled at the county level and would like the ordinances to be as restrictive as possible.

#### Couri & Ruppe 2024 Legal Service Rate

Clerk Weber told the board that, effective January 1, 2024, Couri & Ruppe's hourly rate will be increasing to \$265 for all general legal work and to \$290 per hour for all development work. The 2022 hourly rates were \$250 and \$275 respectively. Felber asked if we have ever compared these rates to what other townships are paying. Weber replied that this was in line with what Big Lake Township's attorney rates are.

Motion/Second to continue to use the legal services of Couri & Ruppe and accept the 2024 Couri & Ruppe Legal Services Rates by: Goldsmith/Hassett. In favor: Adams, Ellinger, Goldsmith and Hassett. Opposed: None. Abstained: Felber. Motion Prevailed.

#### Town Hall Building Project

##### Construction Update

Shingling began on September 27<sup>th</sup>, asphalt is scheduled to begin on September 28<sup>th</sup> and electrical rough is scheduled for October 3<sup>rd</sup> through the 9<sup>th</sup>.

##### Installation of Camera Facing the Shed

Clerk Weber asked the board if they wanted to install a security camera facing the shed. There is a blind spot facing the shed. The estimated cost to install the camera would be \$500.00. Supervisor Ellinger stated that he feels that a camera should be installed.

Motion/Second to install a camera facing the shed by: Hassett/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

##### Electrical Change Order for Security, Camera and Sound System Installation

Clerk Weber presented an electrical change order in the amount of \$451.16 for board consideration. The change order is for providing material and labor to wire up one additional receptacle and circuit dedicated to the card access system and to install a flag light and associated wiring to be mounted on the bell box feeding the well to shine up at the flag. Weber told the board that the electrical is scheduled to begin on October 3<sup>rd</sup> and asked for authorization to approve any additional outlets that may need to be installed.

Motion/Second to approve the electrical change order in the amount of \$451.16 and authorize the clerk to approve any additional outlets that may need to be installed at a cost not to exceed \$500.00 by: Adams/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

##### Purchase of Clerk and Treasurer Desks/Other Furniture

Clerk Weber asked the board for approval to purchase two corner standing desks for the clerk and treasurer. Office Furniture Solutions found two used Steelcase Workrite standing corner desks. The cost per desk is \$650.00 and is within the amount that Clerk Weber had budgeted for the clerk and treasurer's desks.

Sherburne County had office furniture available at no cost to townships and non-profits. Clerk Weber had procured approximately 50 burgundy stacking chairs for the meeting area as well as a storage cabinet for the storage room. The cost savings to the township is approximately \$2,000.00.

A preliminary office furniture budget was presented to the board. The furniture budget is approximately \$3,205.00 and allows for the purchase of two desks for the office and two nesting training tables. Optional items included in the budget are a storage cabinet for the office and new chairs for the board.

Motion/Second to approve the purchase of two corner standing desks at a cost of \$1,300.00, the purchase of two nesting training tables at a maximum cost of \$740.00 and a storage cabinet at a maximum cost of \$200.00 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 project budget estimate as of August 31, 2023 was \$751,288.58. The board is closely monitoring the budget. This amount does not include the electrical change order. The total allowable budget, as approved by the electorate at the March annual meeting, is \$823,000.00.

#### Sherburne County Hazardous Waste Survey

Clerk Weber asked for supervisor input on the Sherburne County Hazardous Waste Survey. The supervisors gave their input and Clerk Weber will submit the survey to the county.

#### 2023 Year-to-Date Treasurer's Budget Review

Treasurer Arnold presented a review of the 2023 year-to-date budget. The general fund disbursements are projected to come in \$23,917.00 under budget and revenues \$56,378.14 over budget. Interest earning income in the general fund is estimated to be over the budgeted estimate by \$56,879.14. The general fund is expected to be approximately \$80,295.14 favorable to budget. The road and bridge expenditures are projected to come in at \$16,240.00 under budget and revenues are projected to be \$9,500.00 over budget. The road and bridge projected variance to budget is \$25,740.00 favorable. The fire fund is projected to be on budget.

#### Roads

##### 2023 Tree Trimming Quotes

Clerk Weber told the board that one tree trimming quote was received. The RFQ was published for two weeks in the Patriot News and Star News and was posted on the posting board at town hall and on the township's website. Waletzko, LLC's quote was \$32,000.00 for area 1 and \$19,500.00 for area 2. The total cost to trim both areas would be \$51,500.00.

Motion/Second to accept the proposal to complete the tree trimming in area 1 from Waletzko, LLC in the amount of \$32,000.00 and authorize that the stumps north of Ann Lake be ground at a cost not to exceed \$750.00 by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

##### Resident Tree Trimming Letter

Clerk Weber presented a Tree Trimming Letter to be mailed to the properties that are in the tree trimming areas for board consideration.

Motion/Second to have Clerk Weber mail the letters to the property owners by: Goldsmith/Felber. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

### 2023 Road Improvement Projects – Final Pay Voucher

Kevin Kruger presented the final pay voucher in the amount of \$15,832.07 for the 2023 road improvements project. He told the board that the amount came in \$30,000.00 under bid primarily because there were no big issues that came up in the project.

Motion/Second to approve final pay voucher in the amount of \$15,832.07 for the 2023 street improvements by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

### Pavement Management Plan

Chair Adams stated that the road construction around the lakes will occur within the next five years and those will be expensive projects. Adams would like to have Kevin Kruger put together a study to determine the plan for road construction around the lakes. Hassett would like to start with some of the problematic roads around Eagle Lake.

Kruger presented a recommendation for the 2024 road improvement project. The project would be similar in size to the 2023 project. After 2024 the road improvements are completed, the township would focus on the areas around Eagle Lake. Hassett asked why the roads that were selected are the focus for the 2024 projects. Kruger stated that they would like to see the numbers around the lakes deteriorate to maximize the value the road project, as there will be some re-construction within those projects.

Adams stated that there has been discussion of letting a couple of roads go back to gravel – 232<sup>nd</sup> on the southeast side of the township and 180<sup>th</sup> going south off 253<sup>rd</sup>. If the roads get turned back to gravel there would need to be regular grading and maintenance and Kruger recommended letting those roads remain as is until they deteriorate. Kruger would be hesitant to turn a paved road back to gravel.

Motion/Second to have WSB move forward with preparing the specifications for the 2024 proposed road project by: Goldsmith/Adams. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Motion/Second to have WSB put together a cost proposal to complete an analysis and plan for the roads on Ann Lake and both sides of Eagle Lake by: Adams/Goldsmith. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

### Supervisor Updates / Committee Reports

Supervisor Adams – Planning and Zoning recommended approval of the comprehensive plan. The Board of Adjustment approved both Orrock Township variance requests. Two variances on Birch Lake were denied because they exceeded the 25% impervious surface requirement.

Supervisor Ellinger - None

Supervisor Felber – Attended the Hope Lutheran Church 50<sup>th</sup> anniversary celebration.

Supervisor Goldsmith - None

Supervisor Hassett – None

### 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 \$177,966.56.

Motion/Second to approve routine claims in the amount of \$177,966.56 by: Ellinger/Goldsmith. 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.*

Payroll Claims – September 2023

Treasurer Arnold presented the Board with the payroll claims in the amount of \$2,322.91 for the month of September.

Motion/Second to approve the September payroll claims in the amount of \$2,322.91 by: Adams/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: \$ 1,736,262.79. This amount included 4M fund balance.

Motion/Second to accept the August Cash Control Statement by: Goldsmith/Felber. 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 August 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 5.14%.

Treasurer’s Report

Town Funds balances as of August 31, 2023:

General Fund:	\$ 136,414.09	Road & Bridge:	\$ 704,280.45
Fire:	\$ 58,581.71	Capital Reserve:	\$ 417,002.17
ARPA Fund:	\$ 252,333.52	Driveway Escrows:	\$ 21,000.00
Pine Crest Estates Escrow:	\$ 3,550.56	SOEL Escrow:	\$ 24,394.91
William Devries Escrow:	\$ 750.00		

All remaining escrows are unchanged.

Motion/Second to accept the Treasurer’s Report date ending 08/31/2023 by: Felber/Goldsmith. 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 August Sherburne State Bank Securities Pledge Validation

Treasurer Arnold presented the Report of August Sherburne State Bank Securities Pledge Validation to the board. The required pledge amount was \$1,263,205.67. The securities pledge amount was \$1,713,229.60 which was \$450,023.93 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.*

Transfer of Funds from the Money Market Account to the Checking Account

Treasurer Arnold requested that the board authorize the transfer of \$150,000.00 from the money market account to the checking account.

Motion/Second to direct the treasurer to transfer \$150,000.00 from the money market account to the checking account by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Announcements

Clerk Weber Announced:

- October Board Meeting – Wednesday, October 25th @7PM, Zimmerman Livonia Fire Department
- Sherburne National Refuge FREE Wildlife Festival - Saturday, September 30 from 10AM to 2PM, Oak Savanna Learning Center
- SCAT Meeting – Wednesday, October 4th – 6PM meal, 7PM meeting – Sherburne History Center

Darryl Waletzko will order salt/sand product.

Motion/Second to adjourn the regular meeting by: Felber/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Absent: None. Motion Passed, adjourning the Regular Monthly Meeting, on September 27, 2023 at 8:54PM.

Respectfully Submitted,  
Chris Weber  
Town of Orrock, Clerk

Accepted this 25<sup>th</sup> day of October 2023 by the Orrock Township Board of Supervisors.

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

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