



REGULAR MONTHLY MEETING  
WEDNESDAY MAY 31, 2017 7:00 PM

The Orrock Township Board met in regular session, on Wednesday May 31, 2017 at 7:00PM, at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota. The meeting was called to order by Vice-Chair Adams and the Pledge of Allegiance was recited.

A quorum was present with Vice-Chair Bryan Adams, Supervisor Bob Hassett, Supervisor Corrie Silverberg, Treasurer Laura Jones, Clerk Brenda Kimberly-Maas in attendance. Supervisor Eric Peterson was absent. Town Engineer, Mike Nielson and Contractor, Darryl Waletzko, were also present. Several residents and observers were in the audience.

Chair Gotzian arrived after the pledge and the meeting was turned over to him.

APPROVAL OF MEETING AGENDA

Motion/Second to accept May Agenda by: Silverberg/Hassett. Approved: Adams, Gotzian, Hassett and Silverberg. Motion Passed. Meeting proceeded in accordance to the presented agenda.

APPROVAL OF MEETING MINUTES

Motion/Second to approve April Regular Meeting Minutes, as presented by: Hassett/Silverberg. Approved: Adams, Gotzian, Hassett and Silverberg. Opposed by: None. Abstaining: None. Motion Passed.

CLERK'S BUSINESS

GERARD VARIANCE REQUEST

James and Susan Gerard were not present. Marc Schneider had been in contact with the Clerk to let her know the Gerard's had withdrawn two of the three variance requests presented to the Board during the April Meeting. The Gerard's did wish to pursue the OHWL setback variance request, for the septic upgrade. The Board had already looked at the physical land, after the requests made in April. There were no concerns from Board members or the engineer on allowing the variance in the OHWL for the septic upgrade. Clerk will send comments to Sherburne County Planning and Zoning, stating same.

BIG EAGLE LAKE EASEMENT CONCERN

Clerk Kimberly-Maas informed the Board she had been contacted by Marlene Loehrs after the April meeting with regard to her concerns about the dedicated easement laying between her and Mary Ryan's property. She asked to be placed on the agenda to address the Board with her concerns. Mary Vanderweyst spoke on behalf of Marlene She gave a lengthy history of maintenance done to the area, by Marlene and the Ryan's. She also told the Board of Marlene's concerns of how the easement is being used by neighbors and their visitors, as an area to launch and dock boats, have parties and otherwise cause her concern. Marlene felt the Board should address the concerns by vacating the property, which would give ownership to Marlene and the Ryan's. Chair Gotzian responded to the concerns noting another incident when the Board was asked to trim the large cottonwood tree, on the parcel. At that time, the Board asked for guidance from the Town's lawyer. Legal counsel informed the Board it was under no obligation to maintain the area. Infact, because the dedicated easement had not been adopted or improved by the Town, the Town could not legally spend money on the

parcel. This information was also sent to the resident who had made the trimming request. Gotzian told Marlene she should call the County Sheriff's department, if there were people partying on the land, causing destruction or a disturbance. He also advised her to contact her own lawyer, to find out what she and the general public, is or is not permitted to do with regard to the easement. Chair Gotzian also told Mary Vanderweyst and Marlene, the Board doesn't have the authority to vacate any road or easement on their own. The process of vacation is done by the public. If Marlene wishes to pursue a vacation of the easement, a petition will need to be started by Marlene and presented to the Clerk. He also advised the process of vacating has a cost associated with it which will need to be paid by the petitioner - Marlene. Additionally, there is no guarantee the vacation would occur, as the public would have a say in the matter and the Board may determine vacation is not in the best interest of the Town.

Mary Ryan and other residents of the neighborhood requested the a moment to address the Board. They told the Board it was their understanding the easement was meant to give access to the lake to property owners who lived across the street from the lake. Mike Nielson addressed this with information he obtained from statutes on the Minnesota State Revisor website. Mike noted he is not a lawyer, but felt the law doesn't give the general public access/use of the parcel to get to the lake because of the way it was dedicated in the plat. He also suggested Marlene contact her lawyer to get legal clarification on the statutes as they pertain to this issue. Marlene told the Board she already has a meeting set with her attorney to discuss her rights and options, with regard to the easement and activities which have been occurring on it.

NO FURTHER ACTION TAKEN

#### BOARD BUSINESS/UPDATES/REPORTS

##### PARKING OVER DRAINS ON 253 ½ AVE

Chair Gotzian told the Board there is a resident who parks his vehicles over the drains on 253 ½ Ave, in the Lake Ann area. By parking there, he blocks access to the drains. He told the Board he felt NO PARKING signs should be installed to make the vehicle owner aware the drains need to be kept available to allow for rain to enter and cleaning to occur.

Motion/Second to install "NO PARKING" signs on 253 ½ Ave NW, by the drains, in the Lake Ann area by: Adams/Hassett. Approved: Adams, Gotzian, Hassett and Silverberg. Opposed by: None. Abstaining: None. Motion Passed.

##### BIG EAGLE SEDIMENT TRAP

Supervisor Adams informed the Board engineering has been done and bids to perform the work will be let and available for the Board to approve a contract at the June Monthly Meeting.

##### OMNIBUS BILL

Supervisor Adams informed the Board the OMNIBUS Bill presented by Rep. Newberger passed in both the house and senate. It was also signed by Gov. Dayton. The following will go into effect on 7/1/2017. There will be NO conversions of additional land to oak savanna. There will be NO conversions of oak savanna to non-forest land - unless it was part of a previous contract before July 2016. If any seeding needs to be done, it can only be from species native to Sherburne or Benton Counties. The DNR MUST comply with the MN Forest Resources Council's guidelines for aesthetics in residential areas. A 40-day notice must be given before ANY prescribed burns. This must be done in the local newspaper, to the Township and County in writing and all residents within 1/4 mile of the burn MUST be notified in writing. The DNR may continue to manage school trust lands as they have before. The DNR must grant an easement of 233rd AV to Orrock Township. This does not prevent the DNR, the county, the state or the township from cutting trees due to weather-related damage or for ditch work.

#### AIS VOLUNTEERS

Supervisor Adams informed the Board there was aquatic invasive species training offered by the MN DNR to residents and other volunteers. Both the Eagle Lake and Lake Ann Lake associations had members attend the training. Adams (Eagle Lake Assn.) and Jackie O'Hern (Lake Ann Assn.) were representing each of the associations, requesting permission from the Board to have representatives at the boat landings, to assist the DNR with inspections. They would NOT be able to touch any of the crafts going into or off from the lake, but would be able to distribute information and call in non-compliance. The Board had no concerns with this and thanked the volunteers for their efforts.

#### COUNTY P&Z UPDATE

Supervisor Adams informed the Board the County Planning and Zoning office is considering changing the common septic and well language within the PUD Ordinance. The proposed amendments would no longer allow common septic systems or wells within a Planned Unit Development.

#### DNR – STATE FOREST

Supervisor Hassett noted he will be meeting with John Korzienowski to check the roads traveling into the Sand Dunes State Forest. He also mentioned he will ask John what his thoughts are as far as the Town receiving grant money to maintain, repair, trim and brush the ROW, on the roads traveling into and through State Forest land. Especially the ROW on 233<sup>rd</sup> Ave. NW.

#### ANNUAL RECYCLE DAY

Supervisor Silverberg reported the Annual Recycle Day was successful. There were 229 residents from Orrock Township, Big Lake Township and the City of Big Lake who utilized the event. There were ten volunteers who assisted with traffic and collecting money during the event. He wished to thank the volunteers for their help. Even with the cold and wet weather, the residents and volunteers were in good spirits. The Recycle Day committee will continue to encourage and educate residents on how to responsibly dispose of debris and recyclables, throughout the year, instead of holding onto it until the Annual Event.

#### ROADS

##### 2017 ROAD PROJECTS

Engineer Mike Nielson informed the Board the pre-con meeting was held and the schedule and maps were uploaded to the Town website. ASTECH has cut out and patched on 257<sup>th</sup> Ave. ASTECH will begin laying the thin underlayment Thursday (June 1<sup>st</sup>) and Friday (June 2<sup>nd</sup>). The wear course will be laid the following Monday (June 5<sup>th</sup>). Shouldering will be done within the week after the wear course is done.

There has been some damage to the edges of 257<sup>th</sup> where logging trucks entered from DNR land. Mike advised the Board to hold the escrow money from the permit. He will get the areas measured and an estimate to correct the damage, for the June Meeting.

#### POTHOLES

Chair Gotzian received an estimate to repair the potholes found during the road tour. Erickson Asphalt will use their Infrared unit to repair 20 areas. The cost to repair is estimated at \$3,000.00.

Motion/Second to enter into contract with Erickson Asphalt to have 20 infrared patches installed to repair marked potholes by: Silverberg/Hassett. Approved: Adams, Gotzian Hassett and Silverberg. Opposed by: None. Abstaining: None. Motion Passed.

#### UNDERMINING 233<sup>RD</sup> AVE.

Mike Nielson informed the Board there are muskrats or another animal undermining 233<sup>rd</sup> Ave between the Livonia townline and 147<sup>th</sup> St. He found a culvert which had been blocked and is now cleared. Darryl has also

removed some of the debris in the ditches to allow for better water flow. The area will be reinspected, in the fall and if necessary, animals will be trapped during the winter.

BERMING ON 233<sup>RD</sup> AVE.

Supervisor Adams informed the Board a resident has installed material along the road edge at 18267 233<sup>rd</sup> Ave. near Eagle Lake. The resident has been to Township meetings in the past, voicing his concern of water from the road flowing to the lowest level in his yard, which is in front of his basement door. This has resulted in flooding of his basement. He has now installed woodchips and plants as a berm to redirect the water. The Board directed Clerk Kimberly-Maas to send a letter to the resident telling him the berm and shrubs are in the ROW and must be removed.

SIGN REPLACEMENT

Supervisor Hassett informed the Board there are 71 outdated and faded stop signs on the roadways. The Town has 15 in inventory. Last year the Town replaced 21  signs. Darryl mentioned the Orrock Town Hall sign was missing, after being blown down, during the tornado in March. He suggested a replacement sign also be ordered. The Board discussed the amount of money budgeted for sign replacement. Treasurer Jones informed the Board there was \$15,000.00 budgeted for sign replacement. Clerk will check on pricing of signs and update the Board.

Motion/Second to spend up to \$15,000.00 on signs and installation by: Adams/Silverberg. Approved: Adams, Gotzian Hassett and Silverberg. Opposed by: None. Abstaining: None. Motion Passed.

TRIMMING AND BRUSHING during the road tour, in need of trimming/brushing. Notes were not taken on trimming needs during the tour. The budgeted amount is \$25,000 – 30,000. Supervisor Adams noted Eagle Lake Shore 1, 2 & 3 were in need last year and we spent \$20,000 in the Lake Ann area in 2016. Supervisor Adams will tour the roads and bring areas for consideration, to the Board.

FOLLOW UP AT JUNE MEETING

CATCH BASINS

Supervisor Adams asked if the catch basins on Eagle Lake and Lake Ann were inspected and in need of cleaning. Darryl had been able to clean out those on Eagle, but was unable to access the one on Lake Ann where the resident has their vans parked. Supervisor Adams asked if the one in Woods of Eagle Lake was checked. Darryl will look at the one in Woods of Eagle Lake and Lake Ann and clean them out, if needed and if he can access them.

ROAD GRADING

Most of the gravel roads are in good shape. The ones on the west side of Eagle Lake need some attention, specifically 243<sup>rd</sup> Ave. Grading and possibly additional material may be needed.

Motion/Second to have grading done on as needed by: Gotzian/Hassett. Approved: Adams, Gotzian Hassett and Silverberg. Opposed by: None. Abstaining: None. Motion Passed.

TREASURER'S BUSINESS

APPROVAL OF CLAIMS/CONSENT AGENDA

Motion/Second to approve the Claims/Consent Agenda by: Adams/Silverberg  
Approved: Adams, Gotzian, Hassett and Silverberg. Opposed by: None. Motion Passed.

TREASURER'S REPORT

Treasurer Jones informed the Board she had opened savings and checking accounts at Sherburne State Bank. All of the institutions from which the Town receives money, have been contacted and updated with the new banking information. She closed the savings account at Klein Band and has left \$200,000, in the checking account at Klein Bank.

Treasurer Jones reported the fund Balances as of April 30, 2017:

General Fund: \$ 73,202.48	Road & Bridge: \$418,004.67
Fire: \$29,539.42	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 of 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 4/30/2017 by: Gotzian/Hassett.  
Approved: Adams, Gotzian, Hassett and Silverberg. Opposed by: None. Abstaining: None.  
Motion prevails

LAST CALL FOR REGULAR BUSINESS

NO FURTHER BUSINESS

ADJOURNMENT

Motion/Second to adjourn the May Regular Monthly Meeting at 8:30PM, on Wednesday May 31, 2017 by: Gotzian/Hassett. Approved: Adams, Gotzian, Hassett and Silverberg. Opposed by: None. Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday May 31, 2017 at 8:30PM.

Respectfully Submitted,  
Brenda Kimberly-Maas  
Orrock Township Clerk

Accepted this 28<sup>th</sup> day of June 2017, by the Orrock Township Board of Supervisors.

\_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Town Clerk