



REGULAR MEETING  
WEDNESDAY MARCH 27, 2019 - 7:00PM

The Orrock Township Board met in regular session, on Wednesday March 27, 2019, at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota.

In attendance were Chair Corrie Silverberg, Supervisors Paul Ellinger and Eric Peterson, Clerk Brenda Kimberly-Maas, Treasurer Gary Goldsmith. Absent were Vice-Chair Bryan Adams and Supervisor Bob Hassett. Mike Nielson – Town engineering firm, Darryl Waletzko – Town Contractor, eight audience members and Gary Meyer – West Sherburne Tribune.

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 agenda by: Peterson/Ellinger. All present Supervisors approved. Motion prevailed, and the meeting proceeded in accordance with the presented agenda.

#### Approval of Meeting Minutes

Motion/Second to approve the February Regular & Board of Audit Meeting Minutes by: Ellinger/Peterson. All present Supervisors approved. Motion Prevailed.

#### Acknowledge Presentation of 2019 Annual Meeting Minutes-DRAFT

Clerk Kimberly-Maas presented the Board with the DRAFT of the 2019 Annual Meeting Minutes. The Board acknowledged the receipt of the minutes.

#### Clerk's Business

##### Setback Variances -Mueller/Raimis

Ivan Farrera was present to request variances to build a deck at the property at 18207 233 ¼ Ave. NW. Big Lake.

Board recommended approval of the variance requests, providing all County requirements are met.

Clerk will provide comments to Elizabeth Dakin, Zoning Specialist at Sherburne County Planning and Zoning.

#### Heritage Trails 4<sup>th</sup> & 5<sup>th</sup>

Ms. Beverly Aubol was present to request the ability to add parcels to her previously approved with conditions to complete certain roads in the plat, before additional development could occur. Ms. Aubol asked how many lots the Board would allow her to add to the development without completing the roads. Bev had three scenarios she was asking for consideration. On Heritage Trails 4<sup>th</sup>, she wanted to add Out Lots A, B, C, D and E and on Heritage Trails 5<sup>th</sup> she wanted to add Out Lots A, B, C, D, E and F. She asked what the cul-de-sac diameter would need to be if she were to complete the stub roads. Mike Nielson told her the Town's standard is a 96' diameter and according to the current Developer's Agreement, she would be required to finish the roads named 196nd St. NW and 246<sup>th</sup> Ave. NW. After reviewing the plats, the Board asked why the lots were called Out Lots, as they appeared to be the correct size for a normal lot. Ms. Aubol stated it was done by her engineer.

Ms. Aubol asked if the Board would allow her to only final a couple of the out lots without finishing the cul-de-sacs. The Board did not offer an answer at the meeting. They felt additional time and information was needed to discuss the matter, before making a decision on Ms. Aubol's request. Clerk Kimberly-Maas remarked if the Board wanted to allow the Out Lots to be added to the Plat, an addendum to the Developer's Agreement would need to be written and adopted. Ms. Aubol explained that the land is in trust with her children and she would like to have conversation with them, before making a final decision on moving forward with a formal plan, for the Board. The Board requested Ms. Aubol to contact Mike Nielson after she speaks with her children, to discuss her plan(s).

#### Recycle Day 2019 Participation

Clerk Kimberly-Maas informed the Board the consensus from the Annual Meeting attendees, was to continue to participate in the Recycle Day event, until a time that the Town costs are not fully covered by receipts at the event and SCORE grant funding. She was looking for formal action from the Board to enter into contract with the Town of Big Lake, who coordinates the event and with Sherburne County for the SCORE grant funding.

Motion/Second to approve agreement with Town of Big Lake to participate in the 2019 Recycle Day event by: Ellinger/Peterson. Approved by: Ellinger, Peterson and Silverberg. Opposed: none. Motion Prevailed.

Motion/Second to approve entering into agreement with Sherburne County for SCORE grant fund by: Ellinger/Peterson. Approved by: Ellinger, Peterson and Silverberg. Opposed: none. Motion Prevailed.

#### Snow/Ice Control Policy

Clerk Kimberly-Maas brought the electorates recommendation to reduce the snow accumulation thresholds in the snow and ice removal policy, which dictates the dispatching of snow removal equipment, to the Board. The Board felt it would be in the best interest of the residents to wait to discuss the recommendation, until Supervisor Hassett, who made the motion, and Vice-Chair Adams were in attendance.

Item Tabled.

#### Encroachment Agreement for septic line to be run under 253 ½ Ave – Ann Lake Beach

Clerk Kimberly-Maas informed the Board she has had confirmation from Carolyn Larson, to withdraw application for License Agreement to run a septic line under 253 ½ Ave to a lot across from their home where the septic system is proposed to be located. The Larson's cited three reasons for withdrawal, which are written in the Agreement: 1. The need to carry the amount of liability insurance on the SSTS as is currently mandated by State Statute. 2. The ability of the Town to request the structure be removed, at will. 3. The License Agreement is recorded to the land. Clerk Kimberly-Maas needed the Board to direct if there would be a partial or full reimbursement of the escrow deposited with the Town. The Board felt that the stipulations of the Agreement should have been clarified prior to receiving the escrow and determined the full escrow amount should be returned.

Motion/Second to fully reimburse the \$750 escrow received back to the Larsons by: Ellinger/Silverberg. Approved by: Ellinger and Silverberg. Opposed: Peterson. Motion Prevailed.

#### Roads

##### SPRA Grant Updates – 233<sup>rd</sup> Ave & 168<sup>th</sup> St work

Mike Nielson informed the Board he had sent the clearing & grubbing and road project plans have been reviewed once, revisions to both plans have been made and were sent for review to the State. But he had not yet heard back from the State, accepting the plans and authorizing advertising for bids – 233<sup>rd</sup> Ave. & 168<sup>th</sup> St. NW. Expectation is to have the final approval and authorization to go out for bids in the next week or two.

Mike received the DNR description and CAD files to write the description the turn lanes on 233<sup>rd</sup> Ave. NW. However, when he overlaid the CAD files on the map, the road doesn't lie within the right-of-way, they're proposing to sell to us. Mike wants to make sure there is no issue in the future so he has requested clarification on the matter, from the State. The WSB survey crew has been to the location and the description will be written for the current location of the roadway, and Mike will send it to the DNR once it is complete.

## 2019 Road Project Areas

### Chip Seal

Bids were opened for the 2019 crack fill and chip seal projects on Monday, March 25, 2019. Estimated cost of the projects, including engineering was \$189,597. Mike gave each Board member a copy of the bid tabulations. Allied Blacktopping and Asphalt Technologies (ASTECH) submitted bids with the low bid received from Allied Blacktopping, in the amount of \$205,525.02. This is 8.4% over the estimated cost. There was an increase in oil prices from 2018 and the estimate for crack sealing was \$19,800 and the bid came in at \$54,000. Those were the areas where the estimate was significantly lower than the bids received. The estimate for crack filling was \$50/road station. The bid came in at \$108/road station.

WSB recommended the Board accept the bid from and award the 2019 crack fill and chip seal projects to Allied Blacktopping, in the amount of \$205,525.02.

Motion/Second accepting bids and the award of the 2019 crack fill and chip seal projects to Allied Asphalt in the amount of \$205,525.02 by: Peterson/Ellinger. Approved by: Ellinger, Peterson and Silverberg. None were opposed. Motion prevailed.

### 229<sup>th</sup> Ave. Joint Powers Agreement

Clerk Kimberly-Maas presented to the Board a Joint Powers Agreement for Bituminous Maintenance of 229<sup>th</sup> Ave. NW. The Agreement presented is for the 2019 construction project only. The agreement was written only for the 2019 bituminous project. The work was bid as a single project, with Orrock road standards and inspector being utilized for the segment of 229<sup>th</sup> that commences at CSAH 43 and terminates at 170<sup>th</sup> St. NW and Big Lake standards and inspector being utilized from 170<sup>th</sup> St. NW to 176<sup>th</sup> St. NW. The agreement also states that each Town will pay for 50% of the total cost. The Towns will be discussing the ongoing bituminous maintenance, summer maintenance of the right of way and winter maintenance of the road, at a later date. Brenda noted the length of the road described for the 2019 project was incorrect on the presented agreement. The correct total length is 6659.1' (1.26 miles). This will be corrected on the final agreement. Supervisor Ellinger asked how change orders would be handled. There had been language in the first draft that indicated both Boards would have to approve any change orders over \$5000.00. The project will likely only run one week and because Orrock only meets once a month, potentially holding up the project for a full board meeting, didn't make sense. The Board could name WSB as the Assign to authorize change orders that are in the best interest of the Town and the project. Mike Nielson suggested that any change orders be reviewed and authorized by the Road Authority and the engineer.

Motion/Second to enter into Road Maintenance Agreement By and Between Town of Big Lake and Orrock Township, contingent on the revision of language be made to reflect the correct road length of 6659.1' (1.26 miles) for the 2019 road construction project and to authorize any project change orders be reviewed and approved by Eric Peterson, Road Authority and Mike Nielson by: Silverberg/Peterson. Approved by: Ellinger, Peterson and Silverberg. None were opposed. Motion prevailed.

## Board Business/Updates – Committee Reports

Chair Silverberg attended the Livonia Zimmerman March Fire Board meeting. He reported that the construction of the new fire station is moving ahead faster than previously anticipated. The LZFD is working with the DNR on an agreement where the DNR would have an office and use of two truck bays in the new station. The DNR would then share costs for the construction of the station. The current station plans have offices for the LZFD & DNR, six (6) bays designated to the LZFD and two (2) for the DNR and a venue which could be rented for events. The department is hopeful they will break ground in the spring of 2020.

### Treasurer's Business

Claims Approval – Routine, Individual and Payroll

Claims and payroll presented for payment, were available on the Town's website for review, prior to the meeting. Gary noted an addition to the claims was added to the packet for approval. The additional claim was for reimbursement of a driveway escrow, received for a home in Shores of Eagle Lake.

February Payroll Claims: Motion/Second to approve February payroll claims by: Ellinger/Peterson. In favor: Ellinger, Peterson & Silverberg. Opposed: none. Abstained: None. Motion Prevailed.

#### Treasurer's Report

Treasurer Gary Goldsmith reported authorized fund transfers done at the February meeting, were not yet reflected in the February balances being reported. The March report will reflect those transfers. Town Funds balances as of February 28, 2019:

General Fund: \$ 164,106.66

Road & Bridge: \$689,417.51

Fire: <\$ 12,753.54>

Capital Reserve: \$139,373.68

Escrows were unchanged

Motion/Second to accept the Treasurer's Report date ending 02/28/2019 by: Silverberg/Peterson. All present approved. Motion Prevailed.

#### Deputy Treasurer Informational Items

Treasurer Goldsmith presented the Board with a historical report of tax receipts from the Shores of Eagle Lake development. Gary thought the Board might be interested in the amount of tax revenue that has been generated from the development, to date. He noted the lot prices increased in 2017-18 and again projects are for them to increase in price in 2019. There were an additional seven or eight homes built in 2018-current. The total amount of tax collections from the development, since it's platting has been \$76,000.00

Cash control statement was made available to the Board for review. Ending cash balance after reconciling the books with the bank statements: \$1,169,774.66

Treasurer Goldsmith recommended the Board terminate waste collection services with ACE Solid Waste. He noted the trash and recycling generated doesn't seem to warrant keeping the service. Darryl Waletzko stated he fills the bins during the summer months with packaging from signs and items he picks up from the ditches. Darryl would like to have the service continue. The Board decided to keep the service and monitor the need to continue, after the summer.

Item will be reviewed throughout the year to determine the need for service.

Treasurer Goldsmith reported to the Board that he had drafted Financial Controls for Receipt of Funds. Funds from the County and State are directly deposited into the Town's account via ACH. However, there are some items which are still received as checks. This is a formalization of the current practice, where both the clerk and the treasurer have record of receipts. Additional measures to ensure proper checks and balances are met, have been written into the procedures. Treasurer Goldsmith will also be drafting a Controls for the Receipt of Goods, to ensure three people or companies have reviewed items purchased, delivered and invoiced

Corey Boyer, from PMA was in attendance to present to the Board, information on the 4M fund investment option. The Fund is sponsored by the League of Minnesota Cities, but is available for investing to any Minnesota Government Entity. PMA is the Administrators of the Fund and US Bank is the Custodian of the Fund. He told the Board that PMA took over as the Administrator of the fund in 2008. Even with the recession, the investments in 4M didn't "break the buck". There are short-term and long-term investment options available. Two money market pools, 4M Liquid Fund, earning 2.14% and 4M Plus Fund earning 2.2% as of the date of the meeting. For comparison, our interest-bearing savings account is earning .95%. An additional longer-term funds are also available with terms of 90-397 days. These funds have fixed maturity dates, fixed rates with interest paid at maturity. Treasurer Goldsmith recommended the Board invest the Town's non-interest, bearing funds into the 4M Sweep fund, initially. He also recommended to review the long-term investments options and potentially allocate \$500,000 in long-term investments, consider those funds as Road & Bridge funds with the interest being allocated back to the Road & Bridge fund. Long-term investments would be researched by the full

Finance Committee, which would make recommendation to the Board. Supervisor Ellinger voiced his preference that two supervisors be named as authorizing agents on the Resolution and Chair Silverberg agreed. Supervisor Ellinger asked if there were any limits on entry deposits or need for more than one authorized person to make investment deposits or withdrawals? Corey informed him there are no limits on the entry deposits and PMA doesn't have the ability to require dual authorization, for withdrawals. Clerk Kimberly-Maas noted that in Big Lake Township, the Clerk, Treasurer and Chair are the positions that are authorized to make investments on behalf of the Town. She noted for auditing purposes, this ensures there is a division of financial responsibilities between the Clerk and Treasurer positions, which are meant to perform certain financial duties on behalf of the Town. Treasurer Goldsmith noted it still only takes one of the individuals named on the resolution to make the investment, transfer or withdrawal. That it is the Board who makes the decision on how the funds are invested. Supervisor Ellinger also noted he was surprised that PMA allowed for only one person to make investments and withdrawals. He noted the Board reviews and approves financial items, but the day-to-day operations of the Town are handled by the Clerk and Treasurer, he felt there should be some protection for those positions – as well as the Town. Corey noted the Internal Controls Policy of each governing body, is where this concern would be addressed. Treasurer Goldsmith also recommended he and the Chair draft an Internal Control Policy for any 4M investments, to ensure there are checks and balances on money transfers, should the Board decide to participate in the 4M fund investment program. Treasurer Goldsmith had prepared for consideration, Resolution to Participate in the 4M fund naming the Chair – Corrie Silverberg, Treasurer – Gary Goldsmith and Deputy Treasurer – Laura Jones, as authorized to the Town's account.

Motion/second to adopt resolution authorizing participation in the 4M fund naming Chair, Vice Chair, Treasurer and Deputy Treasurer as authorized agents for the Town by: Ellinger/Peterson. Approved by: Ellinger, Peterson and Silverberg. Opposed: none. Motion Prevailed.

Motion/second to direct the Treasurer to work with the Chair on Internal Control Policy for the 4M fund, for presentation to the Board at the April meeting by: Ellinger/Silverberg. Approved by: Ellinger, Peterson and Silverberg. Opposed: none. Motion Prevailed.

#### Announcements

Clerk Kimberly-Maas announced:

Weight restrictions went into effect on Tuesday March 19,2019. Orrock township roads are a 5-ton per axel limit during spring road restrictions.

Local Board of Appeal and Equilization will be held on Wednesday April 10, 2019 at 4PM at the Orrock Town Hall.

Sherburne Soil and Water Conservation District will be at the Big Lake Farmer's Market on June 26<sup>th</sup> and August 14<sup>th</sup>, 2019 performing nitrate testing on well water, for residents.

2019 Joint Road Project on 229<sup>th</sup> Ave. NW, bid opening will be held on Wednesday April 10, 2019 at 10AM at the Big Lake Town Hall. All interested persons are invited to attend.

#### Adjournment

Motion/Second to adjourn regular meeting by: Silverberg/Peterson. All present approved. Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday March 27, 2019 at 8:33PM.

Respectfully Submitted,  
Brenda Kimberly-Maas  
Town of Orrock, Clerk

Accepted this 24<sup>th</sup> day of April 2019, by the Orrock Township Board of Supervisors.

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Corrie Silverberg, Chair

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