



Regular Meeting  
Wednesday May 22, 2024 - 7:00PM

The Orrock Township Board met in regular session, on Wednesday May 22, 2024 at 7PM at the Orrock Town Hall, 26401 – 180th St. NW, Big Lake, Minnesota.

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 were Commander Ben Zawacki, Kevin Kruger – Township Engineer, three 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**

Supervisor Ellinger asked that speed limits be added as Agenda Item 7F and that the funds to support purchasing 35MPH signs be added as Agenda Item 7G.

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

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

#### **Approval of Consent Agenda**

##### **Treasurer's Consent Items**

All treasurer's items were electronically sent to the Board for review and were available for public review during the meeting.

##### **A. Routine Claims**

The amount of May routine claims was \$28,079.99.

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

##### **B. Payroll Claims – May 2024**

The May payroll claims were in the amount of \$1,858.28.

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

Motion/Second to approve the Consent Agenda Items listed above and as sent to the board by: Felber/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None.

#### **Regular Meeting Agenda**

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

Commander Ben Zawacki reported that there were 116 traffic stops in Orrock Township in April of 2024, compared to 58 traffic stops in April of 2023. There were 219 total calls for service in April of 2024 and 171 total calls for service in

April of 2023. There were two fraud complaint crimes in April. The first was an individual was convinced to withdraw own cash, convert it into cryptocurrency and send the cryptocurrency to the suspect. The second attempted fraud was the suspect had posed as Windstream trying to get into a computer.

### **Open Forum**

Steve Mockenhaupt, Ann Lake Improvement Club President, thanked the board for adding Class 5 gravel and grading the Ann Lake boat landing.

### **Approval of Meeting Minutes**

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

### **Regular Business**

#### **Application for Exempt Gambling Premises Permit for a One-Day Event at The Getaway Bar – Sherburne County Swampbucks**

Eric Waldoch from the Minnesota Deer Hunters Association – Sherburne County Swampbucks requested the approval of an application for exempt gambling premises permit for a one-day fundraising firearms raffle event to be held at the Getaway Bar on September 7, 2024. There will be a gun dealer onsite to do the transfers and background checks.

Motion/Second to approve the application from Minnesota Deer Hunters Association – Sherburne County Swampbucks for an exempt gambling premises permit for a one-day fundraising firearms raffle event to be held at the Getaway Bar on September 7, 2024 by: Goldsmith/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

#### **Tobacco License Renewals – M & A Liquor Sales, LLC DBA Sand Dunes Spirits and Sand Dunes Food and Fuel**

Clerk Weber presented an application for Tobacco License Renewal from Sand Dunes Food and Fuel. State compliance was unable to check the compliance reports on the tobacco licenses. Sherburne County will be returning the licenses to state compliance. If Sand Dunes Food and Fuel would happen to have a compliance check fail, Sherburne County will reach out to the township.

Motion/Second to approve the Sand Dunes Food and Fuel License Renewal by: Ellinger/Hassett. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

Clerk Weber presented an application for Tobacco License Renewal from M & A Liquor Sales, LLC DBA Sand Dunes Spirits. State compliance was unable to check the compliance reports on the tobacco licenses. Sherburne County will be returning the licenses to state compliance. If Sand Dunes Spirits would happen to have a compliance check fail, Sherburne County will reach out to the township.

Motion/Second to approve the Sand Dunes Spirits Tobacco License Renewal by: Hassett/Goldsmith. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

### **Recycle Day Recap**

Clerk Weber told the board that recycle day went well. It was a slow start with the road cleared at 8:37 and the yard cleared by 8:45. There was concern that the attendance would be really low but beginning around 10:30 - 11:00 there was another steady flow of attendees. Total number of customers that were served (a few came through more than once) was 236. Last year's attendance was 243. Orrock maintained their 2023 attendance numbers with 47 residents, City of Big Lake's resident visitor count was 71 - up by 3 from 2023, and Big Lake Township's resident visitor count was 113 - down 12 from 2023. There were 5 attendees who attended from other jurisdictions. Three came from Livonia/Zimmerman area and two from the City of Elk River.

The people representing Orrock Township were Supervisors Ellinger and Goldsmith and Clerk Weber. Weber thanked Supervisors Ellinger and Goldsmith for their volunteer service. Without volunteers, the township would not receive grant money for recycle day.

#### Resolution 2024-10 Resolution Accepting Donations

Clerk Weber presented Resolution 2024-10 Resolution Accepting Donations to the board. Weber had purchased two canvas prints – one of the old town hall and one of the new town hall – and donated them to the township.

Motion/Second to adopt Resolution 2024-10 Resolution Accepting Donations by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

#### Summons to Those Claiming Right in Real Estate

Clerk Weber told the board that the township had received a summons that was sent to all properties abutting 23550 183<sup>rd</sup> Street NW. The current legal description of the Plaintiff's Property is ambiguous, creating an apparent overlap or gap in the boundary lines between the Plaintiff's Property and the Westerlind Property. The current legal description may have erroneously retained in favor of Defendants Enger Family Limited Partnership and Diane M. Kinnard, due to use of an error in the legal descriptions. Bogart, Pederson and Associates, Inc. surveyed the property and in conjunction revised the current legal description and proposed a new legal description to adequately describe the boundary lines of the property. Clerk Weber had contacted Bogart, Pederson to review the proposed property map and description to ensure that the property line did not change at the road easement. After review, Bryan Adams agreed that the proposed property description change does not affect Orrock Township's interest in 183<sup>rd</sup> Street NW and no response to the summons was needed.

Chair Adams told the board that he had met onsite with the building contractor, who is building a new home on the property, to ensure that their driveway does not impede the road right-of-way.

#### Township Road Speed Limits – Designating Rural Residential Roadway District (35 MPH)

Supervisor Felber stated that she feels that is unfair to move forward with designating the 35MPH speed limits without citizens being able to have input. Supervisor Ellinger stated that speed limits were discussed over the course of several months last year where citizens had plenty of input and, since the legislature did not move forward with changing the speed limits, the speed limit signs should be put in place in order to follow state statute, even though he does not agree with increasing the speed. Ellinger also stated that Supervisor Felber had stated at the October 2023 meeting that, if the legislation does not pass, she would have no other option other than to approve the speed limit recommendations. Felber responded that she is doing further research on the subject and that speed limits is a topic on the May 31<sup>st</sup> MAT Town Law Review. Supervisor Goldsmith stated that he would support placing this item to next month's agenda so that the motion could be passed at that time, and that he agrees with the designation of 35MPH speed limit zones. Supervisor Felber stated that the citizens need to be heard. Supervisor Goldsmith stated that the board had heard from citizens at past meetings and the board knows the citizens' opinions on the matter.

Motion/Second to have this item placed on an official agenda so that the citizens can be heard by: Felber. Motion failed for lack of second.

Motion/Second to follow the state statute and adopt the Resolution Designating a Rural Residential Roadway District with the map that was presented at the October 2023 meeting by: Ellinger/Hassett. In favor: Adams, Ellinger, Goldsmith and Hassett. Opposed: Felber. Abstained: None. Motion Prevailed.

Motion/Second to purchase the 35MPH signs at a maximum cost of \$3,000.00 and have Darryl Waletzko install them under the handyman services contract by: Hassett/Adams. In favor: Adams, Ellinger, Goldsmith and Hassett. Opposed: Felber. Abstained: None. Motion Prevailed.

Clerk Weber noted that, in late October after the board declined to act on the posting of 35MPH speed limits, township attorney, Bob Ruppe had contacted her. Kathleen Heaney, Sherburne County Attorney, had contacted Bob Ruppe inquiring as to why the board chose not to post 35MPH speed limits, according to state statutes, and as was requested in the letter that was mailed to Sherburne County townships. Mr. Ruppe had told the clerk that, as the township's attorney, he would have advised Orrock Township to comply with state statute.

#### Roads

##### Sinkhole on 251<sup>st</sup> Avenue NE– Information

On Monday, April 30th, Darryl Waletzko performed the work on the sinkhole on 251st Ave NW. There were buried trees underneath the road that had decayed and were causing the sinkhole. Darryl dug out the sinkhole and refilled the hole. The road was patched by OMG Midwest when they were completing the road improvements project.

#### Pothole Repair – Discuss/Action

Supervisor Bob Hassett told the board that he received a quote in the amount of \$3,450.00 for pothole repairs from Erickson Asphalt. Chair Adams reported that he had received a call from a resident in Ann Lake regarding a pothole and there may be another pothole that needs to be patched.

Motion/Second to approve up an amount up to \$4,000.00 to have Erickson Asphalt repair potholes by: Goldsmith/Adams. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

#### Road Projects – Update

The road improvements project began on Thursday, May 9th and is expected to be completed by Memorial Day. Shouldering and seeding are being completed this week.

Kevin Kruger told the board that a couple of sprinkler heads were paved over and that a driveway needs some cleanup work. The sprinkler heads were uncovered by the contractor and the residents may need to swap out their sprinkler heads. The sprinkler heads were in the road right-of-way. The overall contract price should come in close to the bid amount. The board should see the payment voucher at next month's meeting.

#### Curb Damage – Shores of Eagle Lake

On May 15, 2024 the Shores of Eagle Lake management company notified the clerk to damage to the curb in a center island in Shores of Eagle Lake. Kevin Kruger reviewed the damage and recommended that the township repair the damaged curb to alleviate any further damage to that curb. Darryl Waletzko believes that he can complete the repair, he needs to come up with the process and price.

Clerk Weber told the board that she had contacted the DNR regarding dredging of the culvert where the Beaver Dam is located. Up to 5 cubic yards can be removed without a permit. Kevin Kruger had recommended that their water resources people inspect that site, as they may be able to determine a plan. They are meeting onsite on Thursday, May 30<sup>th</sup> at 1PM.

#### Supervisor Updates / Committee Reports

Supervisor Adams – None

Supervisor Ellinger – will drive to the legal seminar.

Supervisor Felber – Citizen correspondence. Thanked Kevin for meeting with the Olsons.

Supervisor Goldsmith – None

Supervisor Hassett – None

#### Treasurer's Business

##### Supplemental Claim – Supervisor Hassett Reimbursement

Treasurer Arnold board with a supplemental claim in the amount of \$30.16. This claim was from Supervisor Hassett for reimbursement of the purchase of marking paint for marking potholes.

Motion/Second to approve the supplemental claim in the amount of \$30.16 by: Goldsmith/Adams. In favor: Adams, Ellinger, Felber and Goldsmith. Opposed: None. Abstained: Hassett. Motion Prevailed.

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

#### Report of April Disbursements Not Paid Through the Claims Process

Treasurer Arnold presented to the board a memo and documentation regarding two transactions that occurred in April. The first transaction was payment to Menards for fence post materials in the amount of \$902.13 and the second transaction was payment to Menards for fence posts in the amount of \$92.64. These disbursements occurred after the approval of April routine claims and did not go through routine claims. The total amount of these disbursements was \$994.77.

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

Clerk Weber thanked Supervisor Ellinger for helping her pick up the fence materials. Darryl Waletzko installed the fence the following week and Weber thanked him for the job well done.

#### Cash Control Statement

Treasurer Arnold presented the Board with the Cash Control statement. Ending cash balance after reconciling the books with the bank statements: \$ 1,403,573.19. This amount included 4M fund balance.

Motion/Second to accept the April Cash Control Statement by: Ellinger/Goldsmith. In favor: Adams, 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 April 30, 2024, the Sherburne State Bank Checking was earning 1.09%, the Sherburne State Bank Debit Card Checking earned 1.08%, the money market account was earning 5.12%, the CD was earning 3.938%, and the 4M fund was earning 5.264%.

#### Treasurer's Report

Town Funds balances as of April 30, 2024:

General Fund:	\$ 178,124.94	Road & Bridge:	\$ 988,536.39
Fire:	\$ 64,112.80	Capital Reserve:	\$ 80,994.45
Driveway Escrows:	\$ 21,000.00	Pine Crest Estates Escrow:	\$ 1,860.06
SOEL Escrow:	\$ 24,394.91		

All remaining escrows are unchanged.

Motion/Second to accept the Treasurer's Report date ending 04/30/2024 by: Hassett/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 April Sherburne State Bank Securities Pledge Validation

Treasurer Arnold presented the Report of April Sherburne State Bank Securities Pledge Validation to the board. The required pledge amount was \$866,115.89. The securities pledge amount was \$1,569,967.75 which was \$703,851.86 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.*

#### Confirmation of Reinvestment of CD and Interest Deposit into Money Market Account

Treasurer Arnold told the board that the Sherburne State Bank CD in the amount of \$250,000.00 was reinvested into a 13-month 4.25% APY CD at Sherburne State Bank as per board direction. There was additional value on the matured CD in the amount of \$10,860.63 (the interest on the CD) which was deposited into the Money Market account at Sherburne State Bank.

Treasurer Arnold requested that the board approve the transfer of \$25,000.00 to the checking account and \$1,500.00 to the debit card checking account.

Motion/Second to approve the transfer of \$25,000.00 to checking and \$1,500.00 to the debit card checking account from the money market account by: Goldsmith/Ellinger. In favor: Adams, Ellinger, Felber, Goldsmith and Hassett. Opposed: None. Abstained: None. Motion Prevailed.

#### 2023 Audit Update

Treasurer Arnold reported that the field audit has been completed and that no issues were found. The auditor will submit the 2023 financial reports to the state by the June 30<sup>th</sup> deadline. The audit report will be presented to the board at the June or July meeting.

Treasurer Arnold told the board that the first 2024 property tax payment, in the amount of approximately \$400,000.00, should be received next month.

#### Announcements

Clerk Weber Announced:

- June Board Meeting – Wednesday, June 26<sup>th</sup> @ 7PM
- Township Legal Seminar – June 13, 2024 – 9AM – 4PM – Albertville City Hall (Pre-registration required)
- MAT Town Law Review – May 31, 2024 - 8AM – 3:30PM - Rockwoods Event Center, Otsego, \$65 registration

Supervisor Felber stated that state statute 4405.0600 states that “No matter may be voted upon at a regular or special board meeting unless it has been placed on the agenda as required under subparts 4 and 5. Discussion or informational items for which no decision will be made at the meeting may be added to the agenda at the meeting” and does not believe that the vote on the speed limit signs is a valid vote. She asked that the vote on the speed limits be retracted.

(Note: State statute 4405.0600 is Minnesota administrative rule governing the Environmental Quality Board, not townships.)

#### Adjournment

Motion/Second to adjourn the regular meeting by: Hassett/Goldsmith. In favor: Adams, Ellinger, Goldsmith and Hassett. Opposed: Felber. Abstained: None. Absent: None. Motion Passed, adjourning the Regular Monthly Meeting, on Wednesday May 22, 2024 at 7:55PM.

Respectfully Submitted,  
Chris Weber  
Town of Orrock, Clerk

Accepted this 26<sup>th</sup> day of June 2024 by the Orrock Township Board of Supervisors.

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

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