

**Regular Meeting Sunrise Township  
Thursday, July 20, 2017  
Royal Wilcox Community Center**

Chair Carl Peter “Pete” Johnson called the Regular Sunrise Township Board Meeting to order at 7:00 p.m. Pledge of Allegiance was recited.

**Board Members Present:**

Carl Peter “Pete” Johnson, Chair  
Jeske Noordergraaf, Vice Chair  
Gerald Bjork  
Eric Leivian  
Deborah Graleske-Kelleher

Treasurer: Karen Anderson (absent)  
Clerk: Wendy S. Kowalke

**Others Present:**

Lynn Wolleat, Maintenance  
Charlotte Wilcox, Planning Commission Member  
Christina M. Mlejnek, PE Bolton & Menk, Inc.  
Greg Strom, Planning Commission Member  
Commissioner Rick Greene  
Lee Huenecke  
Douglas Engel

David Reichkitzer  
Wayn Blodgett, No. Branch Fire Dept.  
Bill Campbell  
Saneda Deming  
Larry Fredlund  
Anita Mohr  
David Enmark

**Approve Agenda:** Motion by Jeske Noordergraaf, second by Eric Leivian, to accept the July 2017 agenda. Motion carried.

**Meeting Minutes:** Motion by Jeske Noordergraaf, second by Gerald Bjork to approve the June 2017 minutes. Motion Carried.

**Clerk Update:** There will be a tractor parade coming through Sunrise on August 6 around 1:30 going to the Almelund Threshing ground. E-mail was sent to Kris at the State DNR for graveling their portion of Ferry Road – no response

**Treasurer Report:** Treasurer Anderson went over treasurer’s report. Motion by Eric Leivian, second by Jeske Noordergraaf to accept the treasurer’s report as presented with claims list 5160 through 5184 with additional claims. Motion carried.

Post Master (stamps).....\$49.00

Motion by Eric Leivian, second by Jeske Noordergraaf for Treasurer Anderson to keep track of the CenturyLink funds.

**Country Mutual Insurance Audit:** County Mutual Insurance is requesting information on the commercial audit from June of 2016 through June 2017. This is for liability insurance.

**Commissioner Update:** Commissioner Rick Greene seal coated CR 9, CR 57 and CR 11. Chisago County will be opening bids on CR 70 for blacktopping. CR 81 will have a double chip seal with bids being opened shortly by Chisago County.

**Thatka Chaupout (not present) – Karen Buddhist Association 58 acres – Larry Fredlund:** This is an accepted use according to Chisago County Zoning. Churches are an accepted use in the Agricultural zone. Dust Control is addressed on page 3 from the driveway North to CR 9. Parking is addressed in part of the application. There is up to 9 single day events during the year. The outdoor music is going to comply decibels levels. This is non-profit which would get taxed as a Christian Church. This is a 501C(3). This would not be taxed. The state determines what is tax exempt. Bought this property because of its buffer. It is mostly a presentation and meditation temple. Monks are not allowed to raise animals. They are not going to rent it out. Trees are being planted on the farm now and have a community garden.

Will have meditation pods in the woods, not intended for overnight, just for meditation and praying. Eventually they will be building a shrine. Very small church.

*Motion by Jeske Noordergraaf, second by Eric Leivian to recommend approval of the CUP with the following conditions that the applicants follow through with the dust control as specified in their application at their own expense. Motion carried*

**Dave Reichkitzer – 430<sup>th</sup> Road Issue:** The 1989 road order shows where 430<sup>th</sup> and Jess Avenue end. On May 24, 1921 both Jess Avenue and 430<sup>th</sup> came together which was established as a road. Cannot find where Jess and 430<sup>th</sup> portions were vacated. Charlotte Wilcox contacted the County Surveyors office and talked about the road. The Surveyors office said they went off of the aerials.

The Sunrise Planning Commission agrees as far as the Township books are concerned it was never vacated, but was abandoned which would be the same as vacated. Dave Reichkitzer wants the road maintained to the circle. The Town Board needs to address the issue where the town roads are and the maintenance issue.

If the township has not maintained these roads for 40 years then Township's interest in the road is voided which would be from 1977 until now. This road is almost 100 years old on paper. According to the MN Association of Townships Attorney, if someone wants to assert that this is a public road then they need to go to court.

*Road discussion July 20, 2017*

David Reichkitzer was present to discuss Jess Avenue, and Lee Huenecke and Anita (Huenecke) Mohr were present to discuss 430<sup>th</sup> Street. Charlotte Wilcox presented information from Township documents, correspondence with an attorney from the Minnesota Association of Townships, and conversations with the County Auditor and County Surveyor, as follows:

In 1921, the Township established what is now Jess Avenue south of County Road 9 and 430<sup>th</sup> Street west of Peaceful Valley Road as a single road going west one-half mile from Peaceful Valley Road on a westerly extension of what is now 430<sup>th</sup> Street, then turning north for one-half mile to meet what is now Jess Avenue. A road order was entered into the Township road record book. At this time it is not known whether it was filed with the County Auditor, which was the requirement per state law at that time. A map of the road presented during the discussion is attached.

Steven Fenske, Attorney with the Minnesota Association of Townships, stated that Township roads, even if properly established and recorded, are considered abandoned if not maintained by the Township for a continuous period of 40 years. After 40 years of non-use, the Township interest and public right-of-way is extinguished. Discussion focused on whether the Township had maintained the

road in the past 40 years. The consensus at the meeting was that the Township has never maintained 430th Street west of Peaceful Valley Road or Jess Avenue south of the southernmost dwelling on that road. The discussion included Board members, Lead Maintenance Lynn Wolleat, Planning Commission Chairman Greg Strom, David Reichkitzer, Lee Huenecke, and Anita Mohr. Therefore, due to 40 years of no maintenance, the road is assumed abandoned by the Township and the public right-of-way extinguished. There was discussion regarding the “Minimum Maintenance Road” sign that used to stand on the west side of Peaceful Valley Road at the termination of 430th Street. Lynn Wolleat does not know who placed the sign, nor does he know where it went. David Reichkitzer said it went up in the early 1990s and Lee Huenecke said it disappeared around 2012.

David Reichkitzer asked if the Township would maintain Jess Avenue down to the southernmost dwelling, which he stated is 20 feet south of the quarter-section line. He said he would provide a turnaround. He also stated that he would like to split a parcel of land situated south of that point, but in the absence of a Township road going to the south, he doesn’t think the county will allow the split. Lee Huenecke stated that the landowner adjacent to him on the southwest has been working on the road going west from the termination of 430th Street at Peaceful Valley Road. Lynn Wolleat stated that there is a private easement out to Peaceful Valley Road for access to that parcel.

Charlotte Wilcox stated that the County Auditor has Township road orders on file and she will make an attempt to procure copies of them. She also stated that the County Surveyor told her that the county GIS and other county maps used aerial photos to determine roads if no written records could be found. Greg Strom added that GIS maps, plat books, etc., are not official documents.

*Motion by Jeske Noordergraaf, second Eric Leivian for Charlotte Wilcox to work with the County Surveyor and Auditor on 430<sup>th</sup> Street. The segment of Jess Avenue that extends south of the 1989 description will be a distance of 20 feet to be included in the future revised road inventory. Motion carried.*

**Patricia Peters (not present) homes for Fiber Optic Internet:** Patti owns 7 parcels in Sunrise Township. The concern is the houses on the other side of Stepp Mfg. which are uninhabitable. There is 6 houses only 2 that have addresses and her place of business. Ms. Peters pays property taxes on every single one. Assessors Office, Lynn Regenauner, said that there is no value on the houses.

*Motion by Jeske Noordergraaf, second by Eric Leivian that the Town Board does not include Parcel Numbers 09.0065500 and 09.0065400 located on Mill Street in the Service Bond for CenturyLink SSD which Patricia Peters owns which are uninhabitable. Motion carried with 2 board members voting no (Carl Peter “Pete” Johnson and Deborah Graleske-Kelleher) as they have not seen the properties. The other 4 lots are just land which are not included in the SSD.*

**Border to Border Grant Program Form:** On July 21, Carl Peter “Pete” Johnson will be going to Nancy Hoffman’s office to meet with DEED, Attorney Ruppe, Attorney Briggs, and Morgan, CenturyLink and Ehlers the bonding company to

**Olson Road – Paving Request:** Gerald Bjork and Carl Peter “Pete” Johnson met with Manley Olson regarding paving Olson Road. There is talk about doing another SSD for paving Olson Road as most the people want the road paved. This is in the infant stages of inquiry. Olson Road is just about 2 miles.

**370<sup>th</sup> Street Paving:** Doug Engle would like to see what the process is to get 370<sup>th</sup> Road paved. 370<sup>th</sup> is off of Oriole. 370<sup>th</sup> is a little over quarter of mile. This would also be considered for another SSD

**Citizens Forum:** None

**Community Night Out:** Motion by Eric Leivian, second by Jeske Noordergraaf to accept \$250 donation from North Branch Fire for boys and girls bikes and helmets for community night out.

RESOLUTION NO. 2017-07-20-9

SUNRISE TOWNSHIP  
CHISAGO COUNTY, MINNESOTA  
RESOLUTION ACCEPTING DONATION

**WHEREAS,** Sunrise Township is authorized to accept and maintain donations of real and personal property pursuant to Minnesota Statutes section 465.03 for the benefits of its citizens; and

**WHEREAS,** The following entity has offered to contribute the donation set forth below to the Township:

North Branch Fire Relief Association (license Number 92238), PO Box 425, North Branch, MN 55056 for \$250.00.

Contributions will not be used for a pension or retirement fund.

**WHEREAS,** All such donations have been contributed to the Township for the benefit of its citizens, as allowed by law; and

**WHEREAS,** The Township Board finds it is appropriate to accept the donation(s) offered.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF SUNRISE TOWNSHIP, CHISAGO COUNTY, MINNESOTA, AS FOLLOWS:**

1. The donation described above is accepted and shall be used in accordance with noted terms or conditions either alone or in cooperation with others, as allowed by law.
2. The Town Clerk is hereby directed to acknowledge to the donor the Towns acceptance of the donors donation.

Adopted by the Town Board of Sunrise Township on July 20, 2017.

**Sunrise Township / Palmer Land Purchase:** Tax ID number provided and this will be forwarded on to Palmer's attorney and buying property as described by NSP.

**River Road / Mill Street:** Braun is still working on the report.

**Johnson Gravel Pit Lease Addendum:** Gerald Bjork and Eric Leivian will be meeting with Dianne Johnson on July 27.

**Ballfield Sign:** Received estimate for sign. Wade Olson will coordinate to have sign installed.

**Maintenance Update:** Bid on painting the town hall is approximately \$4,200.00.

Motion by Eric Leivian, second by Carl Peter “Pete” Johnson, to adjourn at 8:56 p.m. Motion carried.

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Clerk Wendy Kowalke

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Carl Peter “Pete” Johnson, Chair