

**Regular Meeting Sunrise Township
Thursday, September 21, 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
Commissioner Rick Greene
Douglas Engel
Dan R. Calhoun
Reed Miner
Greg Strom
Joe Raschke
Manley Olson
Peggy Pearson

David Reichkitzer
Kevin Mann
Joel Peterson
Denise Calhoun
Trish O’Neal
Charlotte Wilox
Vince Charles
Shane Stepp
Cristina M. Mlejnek, PE Bolton & Menk, Inc

Anita Mohr
Lee Huenecke

Approve Agenda: Motion by Jeske Noordergraaf, second by Eric Leivian, to accept the September 2017 agenda with the addition of North Branch Fire Donation. Motion carried.

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

Clerk Update: Thank you received from Seven County Senior Federation for donation. Notice given by Couri & Ruppe that as of January 1, 2018 their hourly rate will be increasing to \$190.00 per hour for all general legal work and to \$210 per hour for all development work.

Treasurer Report: Chair Carl Peter “Pete” Johnson went over treasurer’s report. Motion by Jeske Noordergraaf, second by Eric Leivian to accept the treasurer’s report as presented with claims list 5209 through 5238 with additional claims as follows: Motion carried.

Couri & Ruppe, P.L.LP.\$1,341.25
Bolten & Menk\$1,099.20

Commissioner Rick Greene Update: Chisago County set preliminary levy at 3.5%. CR 70 getting ready for blacktop. CR 81 is a double chip seal. Commissioner Walker we present at the County Board meeting on Wed., Sept 20.

North Branch Fire Donation: Wayne Blodgett, North Branch Fire, presented a check in the amount of \$500 for a donation out of the gambling money. The Sunrise Town Board expressed how appreciative they are of the donation.

Vince Charles – Vacating Road in Sunrise (Minnesota Street): .

Vince Charles – Lot Re-alignment: The Sunrise Town Board informed Mr. Charles that he needs to start out at the Chisago County Zoning and apply for a variance.

430th Street – Vince Stevens representing Kevin Mann: Mr. Mann states it is essential that 430th Street have access. Mr. Mann purchased the property with a road that could be used. Understanding that this road has not been technically vacated. Due process procedure would need to be followed.

Joe Raschke: Mr. Raschke is talking about a road 96 years ago. It is off center from the property line. This property has been in his family since 1939. It has been posted ever since he was a child. Gates and culverts were put in by Rehbein himself to block. Piles of dirt were put in by Rehbein as well. Any maintenance that was completed on 430th was by Mr. Joe Raschke mowing the grass. There is not a public easement or right-of-way. Abandonment by the marketable title act was brought up. There was a 1989 legal document road order a member of the community road grader testified that he had never graded the road. 430th is solid sand. Joe Raschke does not want it used for a driveway for Kevin Mann.

Lee Huenecke. There is a lot of conflict and wants this solved. I don't remember 430th being maintained or graded. Used it primarily to check on the cattle. Mr. Huenecke had a number of conversations with Mr. Mann. Asked if he was going to use 430th for his personal use or business. If it is proved to be a public road – Mr. Mann will not widen it. Mr. Huenecke wants a resolution before something more negative happens.

David Reichkitzer: Mr. Reichkitzer stated he has lived here since 1968. Used the road for a farm road. By 1976 Glenn Rehbein put a gate to prevent people from going back there. In 1987 there was an agreement to put a lock on the gate. 3 weeks ago the pile of dirt was removed and can go through.

Kevin Mann: Gate was put up because of trouble by Don Reichkitzer going through. Mr. Mann purchased the farm and had to have a legal road for the bank. Mr. Mann used the road and cleared trees. This accesses his whole farm. Mr. Mann wants the road left open.

Charlotte Wilcox: By advice of the Township Attorney, Robert Ruppe, the Township should not take any action on this road. 430th was established in 1921 and the Chisago County Auditor's copy which is hand written. A lot of the confusion has to do with the fact that the road is abandoned which is true, an abandoned road is not the same as a vacated road. An abandoned road by virtue of no maintenance of 25 years. To vacate a road has to have a formal action which has not happened. Sunrise Township is not responsible for maintaining the road. Sunrise Township cannot abandon the public right of way.

Liability on Road: Sunrise Township Attorney Robert Ruppe said that Sunrise Township is not liable for anything on the road. Public cannot be barred from using that road. It is a 2 part road 430th goes west and Jess Avenue came south and met at that road.

- Attempt to have the county correct mapping issues.
- If there is disagreement between citizens they may need to get a judge's order to resolve issues if need be.
- Narrow part of the road – there is a statute on the books that prohibits people from obstructing township road ditch.
- Use – not township's affair.

- The township does not have to make any motions, nothing to do with township.
- Sunrise Township's attorney is advising township not to vacate the road. Property owners can petition to vacate the road, at least 8 voting citizens must sign, then it will go to public hearing.
- Other possibilities can take action in district court to correct dispute.

Attorney Vince Stevens: Attorney Stevens has no dispute at this tie. The public road remains open for public right of way that can be used by the public.

Anita Mohre: Ms. Mohr voice that the road has never been graded.

Attorney Vince Stevens – Attorney Stevens is in disagreement on if this road has been maintained. Read letter from Mr. Asklund stating it has been graded. Technically this still a public road.

Charlotte Wilcox: This road would not appear on abstracts prior to 1976. In 1976 It was only at the county auditor now it is required to be recorded at county recorder. Sunrise Township has abandoned 430th for maintenance purposes and not for road right-of-way. Sunrise Township does not intend to maintain 430th. In the document it is 66 feet.

Vince Charles – Lot Re-alignment. Advised Mr. Charles that he needs to start out at the Chisago County.

Vince Charles – Vacate roads in sunrise: Vince Charles would like to see Minnesota Street vacated. The Sunrise Township attorney advised Sunrise Township not to initiate upon request to vacate road without a petition. Sunrise citizens need to be able to vote in Sunrise Township. There is a public right-of-way on Minnesota Street. There is a road on paper. The original plat says that the road is 100 feet. Vince has a survey from a surveyor that says 50 feet.

Lead Maintenance Review: Motion by Eric Leivian, second by Gerald Bjork to give 4% increase starting on his anniversary date and payout 3 weeks of unused vacation for 2017, but going forward vacation payout will only be 40 hours week if unused. Health insurance will continue to be paid up to \$900.00. Motion carried.

Citizens Forum: None

Funding Opportunities – Cristina Mlejnek, Engineer: Ferry Road waiting on letter from Kris from the DNR and Township Letter. Carl Peter “Pete” Johnson signed Township Letter for be submitted. Application due November 1, find out in April.

River Road / Mill Street – Shane Stepp: Shane Stepp changed his position since last meeting on what the Sunrise Town and Mr. Stepp agreed upon. There are clay pockets that need to be dug out. Mr. Stepp does not want to lose the asphalt. At the August meeting Shane Stepp said he was willing to accept gravel. Sunrise Township is obtaining an estimate to remove the blacktop, sub-cut the clay to repair the Mill Street

Ferry Road State Park Side: No action taken. Remove from agenda.

Land – Shane Stepp: No action taken. Remove from agenda.

Sunrise Township / Palmer Land Purchase: Check received from attorney to finalize the purchase of the property.

Ziegler Service Agreement: Motion by Jeske Noordergraaf, second by Gerald Bjork to renew the 2-year maintenance contract. Motion carried

CenturyLink Assessment for County Auditor: Business subsidy agreement has not been signed by CenturyLink. Money cannot be disbursed. Assessment information for the county needs to be provided.

T-shirts, Sweat Shirts, Caps: Deborah Kelleher-Graleske gathered information on pricing.

Sign Program Update: No update. Commissioner Rick Greene said it will start in the Spring of 2018.

Keystone Ave. Graveling – North Star: Carl Peter “Pete” Johnson to contact North Star regarding reimbursement for graveling.

Johnson Gravel Pit Lease Addendum: Diane Johnson agreed to an extended agreement approval which was signed.

Building Painting Update: Old Town Hall is painted. Motion by Deborah Graleske-Kelleher, second by Jeske Noordergraaf to have Royal Wilcox Community Center painted for \$4,300.00 Motion carried.

Maintenance Update: Rented a brush cutter.

Motion by Gerald Bjork, second by Eric Leivian to adjourn at 9:03 p.m. Motion carried.

Clerk Wendy Kowalke

Carl Peter “Pete” Johnson, Chair