

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, April 18, 2022
12165 Hancock Street



Attending,

- ❖ Board members: Chair Brian Kolbinger, Vice Chair Brad Wilkening, Luke Babler, Robin Boros, Joe Danielson, Treasurer Tanya Danielson, Clerk Lucinda Messman Deputy Clerk Fran Seeley, Deputy Treasurer Marilyn Danielson
- ❖ Absent: none
- ❖ Others: Joel Brott – Sherburne County Sheriff’s Department, Wes Davis – Twp. Engineer, Kelli Bourgeois – Twp. Attorney, Ben Wikstrom – Township Planner, Jacob Sanders – Planner, City of Becker, Mark Kolbinger – *The Patriot*; Tony Wruck – Township Maintenance Contractor, Dave Anderson, Leroy Weeves, Dennis Barthel, Nellie Sipson, Ron Simpson, Don Hansen, Jeff O’Neil, Deb Johnson, John Riebel, Mark Swanson, Kyle Waltor, Jeff Peterson, John Blowers, Chad Kolstad, Chuck Meyer
- ❖ Zoom platform was available for anyone who wished to call in virtually. One online, Mark – no other name.

Meeting called to order at 7 pm. Quorum verified by Chair Kolbinger.

Pledge of Allegiance

CONSENT AGENDA ITEMS APPROVED

Minutes

- a. Special Town Board Meeting Bid Opening Minutes – February 4, 2022
- b. Special Town Board Meeting Bid Award Minutes – March 4, 2022
- c. Regular Town Board Meeting Minutes – April 4, 2022
- d. Local Board of Appeal and Equalization Minutes – April 5, 2022
- e. Regular Town Board Meeting Minutes – March 21, 2022

Upcoming electronic fund transfers/automatic payments approval

- a. City of Becker – water/sewer
- b. Xcel Energy – gas/electric
- c. Ace Disposal – Twp maintenance
- d. Advanced Disposal –container at Town Hall
- e. Midco Business – phone and internet
- f. Upcoming EFTS related to payroll: Federal taxes, State taxes and PERA - mandated rates
- g. State of MN for building permit surcharge fees

Correspondence/Information

- a. True-Up Adjustment Xcel Energy
- b. Xcel Energy Minor Alteration of 115kV Transmission line 0827
- c. Recycle Day Notice
- d. MN PUC Public Hearing Notice – Xcel Transmission Lines for Sherco Solar Project/EAW
- e. Sherburne County Gopher Bounty 2022
- f. Actual Tax Capacity Values 2022

- g. Actual Tax Rates 2022
- h. Nature Talks - SWCD
- i. Attorney Ordinance Validation

Motion to approve consent agenda as listed above by Babler. Second by Boros. Motion carried all voting in favor.

Motion to approve a regular agenda by Wilkening. Second by Danielson. Motion carried, all voting in favor.

Annual Sheriff's Report [presentation attached to minutes] – Sheriff Brott

- Review of 2021 and comparison with past years
- Crisis Intervention Co-Response Initiative discussed – working well
- Several Accreditations due to following best practices/policies. Continuous improvement
 - Commission on Accreditation for Law Enforcement Agencies
 - Commission on Accreditation for Corrections
 - American Correctional Association Re-Accreditation
 - National Commission on Correctional Health Care
- Board: Thank you – we appreciate what the Sheriff's department does for the Township.

Residential Open Forum

- Kyle – ICS – re: New Becker Public Schools Transportation Facility
 - Plans shown, location, and mentioned working through Annexation at this point so will be applying to the Town Planning Commission
 - Drawing of Transportation facility presented to the board as well as showing location on the township zoning map and a certificate of survey.
 - Wikstrom reviewed the processes we are following as the facility is not a fit in General Rural at this point
 - Amendment of General Rural District Ordinance to allow the facility
 - Conditional Use Permit will be required
 - Preliminary and Final Plat required. Ingress/Egress will be on the county road, not 107th Street SE
 - O'Neil (Interim City of Becker Administrator) stated it is up to the school if the facility will remain in the township or request annexation into the city. The city has spent nearly 1,000,000 on that corner to serve the region.
 - City will be meeting with the school district to figure this out.
 - Looking at the use of city services, such as water.
 - While it is not adjacent to the City limits, the property to the North of this one is owned by the City of Becker. Since they own the parcel, they can annex. Then, this parcel would be adjacent to city limits and could be annexed on its own.
- Deb Johnson – Variance Application Comments – Carefree Country Club
 - Wikstrom reviewed packet from Sherburne County with the Town Board.
 - A 77' setback variance from the Ordinary High Water Level has been requested.

- Review of site photos and packet materials [full text on file] from Sherburne County
 - This is a typical request for Carefree Country Club Residents. Today requirements would be different, but Carefree was built when things were allowed at their current locations.
 - Looking at the specific photos, she is not requesting a larger setback than the location has already.
 - **Motion to recommend approval of the variance request by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- American Legion Post 193
 - John Riebel, Commander
 - Would like a long term lease on the building from the City of Becker
 - At issue, the Township owns the land where the offices are located
 - This creates a stumbling back
 - Post started 101 years ago – Veterans may have changed, but we are still here
 - Can the land be leased from the Township?
 - They care for the building, but roof needs replacing. They should qualify for grant assistance, but without a long term lease they do not.
 - Building is used as site for many community events including voting for the Township.
 - Attorney Bourgeois
 - Would like to see a lease as an expired lease could force a building to be sold or cleared.
 - Clerk reviewed minutes
 - The original lease, according to minutes, started in 1908. Text reads, “The village council appeared before the Board asking for a lease out that covers of the Township lot laying between Hancock St, Central Ave, and the Town Hall on the Southwest side of the Hall. It was moved second and carried to lease said ground to the Village for a period of ninety nine years from the date for the enception [sic] of a fire house and maintenance of other fire apparatuses and that when said Village ceases to use said ground for said purposes said lease is void.”
 - Technically the lease ended approximately 2003 when the new fire station was built.
 - No lease exists in Township records. Recall that the Village and Township both used the upstairs of the original Town Hall as offices. In 1911, the Town Hall burnt down in the Becker Fires that year. Minutes and Treasurers books were at the homes of the respective officers. This is the reason we have them. There were a few odds and ends of documents in the books, but no lease. Neither entity has such document. Many things done on handshake back in the early 1900’s.
 - Legion has a month to month lease with the City of Becker at this time.
 - Mark Swanson

- It will cost approximately 180,000 to remove the building
 - The American Legion was the only bid quite a few years back when the City offered it up for purchase
- Does the building on Township land have value? Yes, that is where the Legion meetings are held.
- Latest with the City of Becker? They spoke last week. Maybe a planning meeting could be done, but they need to hear from the Township or they will not agree to anything.
- O'Neil – it is quite a conundrum. There are mixed reviews on what the City wants to do with the building. Is there a vision for the parcel? Can a committee make a recommendation?
- Babler
 - It is important to form a committee made up of both Town Supervisors and City Council members to determine what should be done.
 - He is willing to be on the committee and help out.
 - Look at what the veterans have done for us. The least we can do to help them is make sure they have a building in which to meet.
 - The building also houses Boy Scouts and other community groups as well as Township Elections.
 - We cannot replace this building for 250,000
 - Want to see this facility used for the community
 - The Township won't hold things up due to land ownership.
 - Township is not planning to say get rid of the building.
- Q: if the Township gives the Legion a 99 year lease, would that help? A: the land is not the issue for this board. This board is willing to lease. It is the building use at issue.
- Becker Township will commit to a meeting to try and solve this issue for the American Legion
- O'Neil – The City of Becker will commit to a meeting.
- Boros – How soon can we start a process?
- Bourgeois – the board cannot make a motion at this time, but can come to consensus
- Town Board Consensus: Willing to provide a long term lease to the American Legion if we can work out something regarding the building for the Legion (old fire hall) that is located partially on our property.
- Babler and Boros will facilitate getting this meeting going with the city
- American Legion would like to continue the lease for the entire area where the building is located as the whole thing is used.
- 2 emails given to clerk for contacts

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- March Joint Planning Board
 - G & M Outdoor Site Plan was approved. It was required by their CUP that any changes go through the approval process.
- April Planning Commission
 - Xcel Energy – public hearing continued again

- 60 day rule in play so it was extended, in writing, for 60 days
- Xcel wants to change powerlines from Vonco along and down County Road 11, moving them out of the ROW and onto private property.
- Planning Commission/Joint Planning Board has no control over towers, only can require that Xcel come to agreements with private land owners.
- Xcel hasn't talked to all the landowners yet
- Planning Commission cannot approve at this time and they are not negotiators for this CUP.
- Home Business Ordinance Amendments – continued with public hearing. Improves ordinance and allows some businesses in the township while keeping primary use as residential
- Hickman Acres Preliminary and Final Plats
 - 40 acre parcel and outlot of Big Oak Estates. Splitting the two to form a new roughly 3 acre parcel for a single family home.
- May
 - Becker Public Schools Transportation Facility

Other Planning Related – O'Neil

- Solar update provided
- Public hearing on the 20th
- Brian Kolbinger, Tracy Bertram, Mary Roe, Phil Knutson, Jeff O'Neil met with Sherco Solar's Chris Clark at a luncheon.
- Sherco wanted a Joint Resolution to pull out the 250 acres from the original application and the City of Becker Agreed
- It is important to note that Sherco Solar is about 1/3 of the solar coming
 - What are impacts to community
 - What are impacts to feel of the community
- One question was asked at luncheon - if the City and Township would do an overlay of where solar should go/guide it in the community, would Xcel support these restrictions? Xcel representative stated it was a good idea. We are all in unchartered territory here due to size and scale and community support would be appreciated.
- Goal – form a committee to decide solar planning with the City of Becker providing a starting point for the discussion. A subcommittee with a proposal to the Joint Boards would get things going and ID the stakeholders. Then various paths would be explored. If we can shape a good document, we can go to the legislature and possibly make some changes so the PUC isn't 'running' over everyone, but considering the community planning efforts. Where to put solar? Agree it is good, but lets put thought into the process and make solid plans for good locations without causing harm to community.
- Discussion of many leases throughout the township now
- Board: while we are unsure how the results will work, we need to try.
- Sanders: remember, when we say we, we mean both the City and the Township, not just the city. We are stronger together.
- Kolbinger: we need to move fast on this. If the board is supportive.
 - Board reactions
 - Unaware Kolbinger had met and talked about the 250 acres.
 - Support of venture

- Is there a size where we can/cannot give input/say over location?
 - We want this guided if at all possible
 - Need to protect local interests
 - 50Megawatts is the size – once that point, PUC is in charge
 - Concerns that Xcel is telling us what we want to hear
- O’Neil – due to supply chain issues, installation is moving back approximately 1 year. Keep in mind that 1MW requires approximately 7 acres.
- Integrated resource plan – get word out at state level to have representatives sponsoring a bill to give more authority.
- First meeting is to be the two boards.

ENGINEER’S REPORT – Davis

- 2022 projects – pre-construction meetings are coming up
- 164th Street – Peterson is working on the planting timeline
- 97th Street Update
 - Attorney Bourgeois: LRIP response did arrive.
 - It is very expensive to plat property. Purchase agreements have been negotiated. Permanent easements are recommended rather than platting
 - MnDOT does allow ROW by permanent easement for this grant
 - Many roads are easements anyway so it works fine
 - Even Sherburne County has gone to permanent easements when possible
 - Which does the board want? Platted or permanent easement? You will get adequate right-of-way either way
 - **Motion to obtain permanent easements for the 97th Street project rather than platting the entire road by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- Township’s quantifying and rating of roads was reviewed with auditor. Various stress levels shown in booklet handed out. It gives instructions on how to quantify the roads.

Supervisor Reports

Fire Board – Supervisor Babler

- Becker Lions donated \$5,000 to fire department
- Conversations about processes
- ARPA funds – the Chief asked for ARPA funds for a response vehicle SUV. When calls are cancelled, someone still has to check. 600 calls last year with 5-10 being false alarms. Need to look at ordinance for charges if they are called for numerous alarms to try and force some fixes.

Central Mississippi River Regional Planning Partnership – Supervisor Kolbinger and Planner Sanders

- Meeting postponed. There will be a report in May regarding where the group will be heading.

Roads – Supervisors Boros and Danielson

- **Motion to award J & L Services the Fire Sign Contract as they had the low quote by Boros. Second by Wilkening. Motion carried, Boros, Babler, Kolbinger and Wilkening voting in favor. Danielson abstained from bidding as his company had provided a quote.**
- Cluster signs at ends of roads. There are multiples of these in the township, result of shared driveways/easements/access/private roads. Had to remove from private property. Emergency Services and Supervisors would like to place new at end of road and move the old ones up to the houses or where driveways split to better guide emergency personnel. Legally, can we do this? Attorney Bourgeois to review.
- Autumn Ridge is a private road, but most have signs by their homes and the cluster isn't at the end of the road as it should be. Consistency is a goal with this project.
- Babler – please keep everyone up to date on problems. Also, aware there is a pile of old signs at Jeff Peterson's. The board has never said what to do with them. The fire sign contract is specific that signs are to be returned to the Township. What do we want to do with the old ones? Board directive to Peterson – you keep the signs to scrap. The old signs at your place are yours. All future contracts will spell out what is to become of old signs.
- Peterson – if replacing stop signs posts, do you want me to use only new posts, or is it ok to use good straight, used posts? Board: good old ones are fine.
- Spring Road Tour
 - Garden Grove held up
 - Davis – do we get a quote for another layer?
 - Wruck – first few times it was plowed with pickup truck, used the regular plow after that
 - Dates – Saturday, April 30th. Leave town at 7:30 am
- Dust Control
 - Getting quotes to get some done
 - Bonding agent for gravel roads discussed
- Garden Grove Chip seal – do overlay? Wes is getting information to protect our investment
- Quotes on 67th Street in packets. Joint Project with Santiago Township. While not stated, both include installation and cost of the culvert
 - MN Paving at \$89,539.
 - Knife River at \$112,715.
 - Santiago has not accepted either one yet, they want us to accept first.
 - **Motion to award the contract to MN Paving in the amount of \$89,539.00 by Danielson. Second by Wilkening. Motion carried, all voting in favor.**
- Trees and potholes are being handled by general maintenance contractor

Town Hall

- Painting will occur between Monday, May 23 and be wrapped up by June 10th. Will need all furniture moved to center of room.
- Shed has been started

Other

- Animal Control Contract
 - If board approves, new contract is here to execute
 - **Motion to approve using Monticello Animal Control again by Danielson. Second by Babler. Motion carried, all voting in favor.**
- Joe's Bobcat owns a piece of equipment the Township could use to help with post removal. Equipment rental is not in the contract, so amendment required.
 - **Motion to approve amendment of Joe's Bobcat and More Contract to include equipment rental by Wilkening. Second by Boros. Motion carried, voting in favor Babler, Boros, Kolbinger and Wilkening. Danielson abstained as it is his company.**
 - **Motion to approve Resolution Authorizing Contract with Interested Officer under Minn. Stat. §471.88, subd. 5 by Wilkening. Second by Babler. Motion carried, voting in favor Babler, Boros, Kolbinger and Wilkening. Danielson abstained as it is his company.**

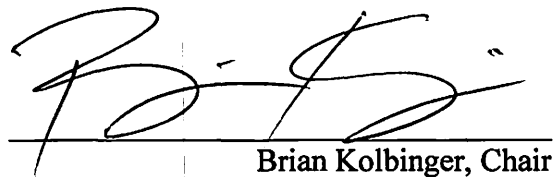
Treasurer's Report

- **Motion to approve Treasurer's Report as presented by Babler. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve payment of Warrants 15441-15473 and PO's 1447a-1454, in the amount of \$87,205.72 by Wilkening. Second by Babler. Motion carried. Voting in favor: Babler, Boros, Kolbinger and Wilkening. Danielson abstained as his company had submitted an invoice.**
- Outstanding Checks from 2021 that are over one year old
 - Per auditor recommendation (MN Statute §345.41) would like to
 - Re-issue Monticello Animal Control (3 checks mailed to wrong address and never received). They have been verified unpaid.
 - Void check for \$54 from 2019 that has never been cashed.
 - **Motion to approve handling checks as indicated above by Babler. Second by Boros. Motion carried, all voting in favor.**

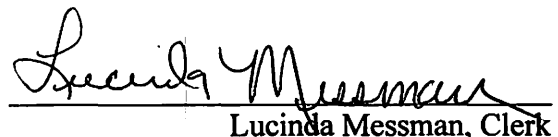
Other

- Board consensus for Clerk, Deputy Clerk and Deputy Treasurer to attend training on May 25th. The Town Hall office will be closed that day.

Meeting Adjourned 8:52 pm.



Brian Kolbinger, Chair



Lucinda Messman, Clerk