

Becker Town Board Meeting  
Regular Meeting 7:00 p.m.  
Monday, March 20, 2023  
12165 Hancock Street

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### **Attendance**

Board members: Chair Brian Kolbinger, Vice Chair Brad Wilkening, Joe Danielson, Robin Boros, Clerk Lucinda Messman, Treasurer Tanya Danielson, Deputy Clerk Fran Seeley, Deputy Treasurer Marilyn Danielson

Absent: Luke Babler

Others: Sherburne County Sheriff's Department – Sgt. Frank, Wes Davis – Township Engineer, Ben Wikstrom – Township Planner, Jacob Sanders – City of Becker, Mark Kolbinger – The Patriot Newspaper, Tony Wruck – Wruck Excavating, Kelli Bourgeois – Township Attorney, Ron and Mary Kay Hirsch, Justin Hoffman, Greg LaRude, Aaron Jurek

*Zoom platform was available for any member of the public who wished to attend virtually.*

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

Pledge of Allegiance

### **CONSENT AGENDA ITEMS APPROVED**

Approval of Minutes as listed

- a. Regular Town Board meeting minutes for
  - a. February 2023
  - b. Board of Audit March 6, 2023
- b. Upcoming Electronic Fund Transfers/Automatic Payment Approvals
  - a. City of Becker – water/sewer
  - b. Xcel Energy – gas/electric
  - c. Midco Business – phone/internet
  - d. Payments Related to payroll:
    - i. Federal payroll taxes
    - ii. State payroll taxes
    - iii. PERA, etc.
  - e. State of MN for building permit surcharge fees

Correspondence/Information

- a. Record Destruction Report February 28, 2023
- b. Tax Capacity Information from Sherburne County
- c. Tax Rate Information from Sherburne County
- d. Gopher Bounty Resolution
- e. World Water Event Day at Sherburne History Center

Approval/Acceptance - none

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

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

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**SHERIFF'S REPORT – Sgt. Frank**

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Typical month, nothing out of the ordinary

- 119 calls for service
- 45 traffic stops
- Good to see fewer accidents.
- Calls for shooting have increased, expected. Anticipate increase next month as well.

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**OPEN FORUM**

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- None

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**PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom**

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- Activity
  - This month ordinance revision – subdivisions. Public Hearing next month, anticipate adoption in April.
  - Variance application – Fantails and Flags Outlot A – Aaron & Kelly Jurek.  
Proper path not entirely sure
    - Board viewed outlot A
    - Applicants want 2 lots, CR 11 on right, existing conditions survey viewed.
    - No action on variance at this time because of substandard width.
    - When Plat, that is the opportunity for right of way acquisition.
    - Note subdivision at Oakwood Estates, 163<sup>rd</sup> Coming South
    - It was the County's intent to obtain ROW when this would plat.
    - Survey of current conditions of driveway to the west reviewed.
    - History discussed – recorded document from County reviewed.
    - Danielson: right now is that a driveway?
      - The current standard for township ROW is that a property owner must build a road in the ROW that is being platted. We do not have a waiver process for this.
      - While it doesn't make much sense for a few hundred feet of road, if the road is not required now, the Township will have to pay to build it later.
    - Attorney Bourgeois: as a driveway, it can be used. It is not buildable, but they can use it to get onto the driveway at this time.
    - Clerk: when this was platted in 2004, the county would not allow access from County Road 11. They will now.
    - Wilkening: When property is platted, parcels without immediate use is often made into outlots. Outlots are not buildable. Need to replat in order to make buildable. Since the County now allows access from CR 11

which they would not do at that time. Typically plats and roads are completed at the time of platting.

- Kolbinger: what is the uniqueness here that makes this different than other unbuildable properties? In the past we have made landowners make concessions, when necessary, why would it not be required here? How is this lot, that has access now, different than other landlocked parcels?
- Wilkening: Can plat as one lot and outlot with right of way and get one buildable lot. Cannot plat as two lots without a road.
- Kolbinger: Have other landowners been asked about interest in building road?
- Wikstrom: One idea is to plat one lot on the east for now, get the one lot, and leave the rest as an outlot, not needing road immediately. Then when ready, plat the other ½.
  - Maybe cost share road with the landowner to the west or north?
- Question from person present: Why would anyone sell the back of their properties? There is no need for a road clear through. A: if the owners want to split, the road could go through.
- Kolbinger: Example – when a developer comes in, we expect them to build the roads. Goal is to allow them to use their land without benefiting them at the cost of the rest of the taxpayers in the Township.
- Attorney Bourgeois
  - This was purchased as an outlot. Outlots are not buildable.
- Kolbinger:
  - This board is considering/commenting only on the road, correct? Yes.
  - Are there any other reasons? They are benefiting from additional access that the County is willing to provide at this time that typically would not be granted.
- Danielson: Wrench is that this is an outlot, and those are not buildable. Correct? Yes.
- Davis: estimate for 700 feet of paved road, ballpark, is 80,000
- Flip side, if road is built, Township has to maintain.
- Aaron Jurek: why is the township putting the burden on us to build this road? A: because you want to develop the property. Can check with surrounding owners to see if they wish to participate in building the road.
- Discussion of parcel 05-104-4300 and details of its boundary adjustment
- Jurek: why didn't they build the road at that time? They should have built it and addressed it then.
  - Wikstrom – it was already 2 lots.
    - We did a boundary adjustment to move that line, making 05-104-4300 the size it is now, and increasing the size of the other lot.
    - It did not make the non-conformity worse.

- It did not add any additional lots.
- Attorney Bourgeois: title Transfer of ownership isn't impacted by the ordinance to require the road to be built.
- On flip side, that property cannot subdivide without a road either.
- Danielson: recommend talking to neighbors.
- Wilkening: there is no mechanism for the board to say we want the road but no need to build now and reserve this for later.
- Town Board – do we want a road there now? No mechanism to not require the road. There are no outstanding circumstances here
  - Platting requires roads
  - Plat as lot plus outlot with the lot access from CR 11 gets to one lot.

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**ENGINEER'S REPORT – Davis**

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- 97<sup>th</sup> Street
  - Official submission last week.
  - Work until Sherburne County puts this out for bids
  - Hope bids in May

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**SOLAR OVERLAY GROUP - Sanders**

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Next meeting next month

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**SUPERVISOR REPORTS**

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**Fire Board – Supervisor Babler**

- Routine meeting
- Greg Lerud put together an RFP for accounting services for the fire board. Going out.
- Old firehall acquisition - Boros
  - Working through with the city
  - Revised – escrow agreement is back
  - Map is in the packet
  - T-Town 2<sup>nd</sup> addition
  - All outlined in the agreement
  - Attorney Bourgeois: good to act upon if the board wishes.
  - **Motion to approve the Purchase agreement of the old fire hall from the City of Becker by Boros. Second by Danielson. Motion carried, all voting in favor.**

**CMRP – Sanders/Kolbinger**

- Meeting Thursday

## Roads – Supervisor Boros and Supervisor Danielson

- 97<sup>th</sup> is Moving forward
- Still snowing
- Potholes are starting
- CR 73 maps online for changes coming this summer
- CR 93 – maintenance costs discussed if Twp would take over the road
  - Cost approximately \$1,000 per year per mile currently
  - Crack seals cost approximately 5,000/mile
  - Chip seals about 5,000/mile
  - This segment measures 2.2 miles – approximately 2,000 per year in maintenance only cost. Not including plowing or mowing ditches
  - Wilkening: if 25 years between reclaim and follow regular maintenance schedule of
    - 5 years crack seal
    - 7-10 year chip seal
    - Year 15 treatment
    - Year 20/25 overlay at \$110/mile
    - Easily looking at 10,000/year cost of the road plus mowing and plowing
    - Overlay depends on state of the road and the subsoils in that area are not the greatest.
- Road Tour schedule – table to next month.

## Other

- City of Becker letter received regarding building official and permits.
  - Building official has been hired and permits were discussed. 30 day notice from April 7, 2023.
  - Met on Wednesday and discussed various items.
  - Boros: read letter and likes response.
  - Town Board drafted a return letter – is everyone still in agreement with response, yes.
  - Reviewed the options.
  - Town Board will go with option 2.
  - Wilkening: the township taking on building permits seems to be a natural step in the progression of things.
  - Attorney Bourgeois: Option 2 is outlining that the City will do building permit review. It was her understanding the township planned on taking over all, not parts.
  - Town Board: that is correct, option C rather than Option 2. The Town Board wishes to take over all permitting process items.
  - Sanders: this opens a bigger conversation regarding planning services and current agreements.
  - No change in board opinion.
  - **Motion to discontinue building permits with the City of Becker, including planning and zoning review and permit processing effective on the 30 day notice with the planning agreement and authorizing the Chair to sign the letter and establish in the letter that the data associated with township**

properties be provided to the township by Wilkening. Second by Danielson. Motion carried, all voting in favor.

- Motion to send response as indicated in the letter by Danielson. Second by Boros. Motion carried, all voting in favor.


**Treasurer's Report**


- Motion to approve Treasurer's Report as presented by Boros. Second by Wilkening. Motion carried, all voting in favor.
- Motion to approve payment of
  - Warrants 15925-15954
  - PO's 1525-1529
  - in the amount of \$113,861.63 by Wilkening. Second by Boros. Motion carried 4-0-1. Danielson abstained as his company had submitted an invoice

**Other**

- Reorganizational meeting April 3.
- Local Board of Appeal and Equalization April 11.

Meeting Adjourned 7:55 pm.

  
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Brian Kolbinger, Chair

  
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Lucinda Messman, Clerk