

**Attending,**

- ❖ Board members: Chair Brian Kolbinger, Vice Chair Brad Wilkening, Luke Babler, Robin Boros, Clerk Lucinda Messman
- ❖ Absent: Joe Danielson, Treasurer Tanya Danielson
- ❖ Others: Deputy Clerk, Fran Seeley, Sgt. Frank – Sherburne County Sheriff’s Department, Wes Davis – Twp. Engineer, Tony Wruck – Twp. Contractor, Jacob Sanders – City of Becker Planner (Zoom), Kelli Bourgeois – Twp. Attorney (Zoom), Mark Kolbinger – *The Patriot*, Joseph & Denise Brenteson, Craig Schwarzkopf, Pete Neu, Joani Neu
- ❖ Zoom platform was available for anyone (other than Town Board Supervisors) who wished to call in virtually.

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

Pledge of Allegiance

**CONSENT AGENDA ITEMS APPROVED**

- Minutes
  - October 4, 2021 Regular Town Board Meeting Minutes
- Upcoming electronic fund transfers/automatic payments approval
  - City of Becker – water/sewer
  - Xcel Energy – gas/electric
  - Ace Disposal – Twp maintenance
  - Advanced Disposal –container at Town Hall
  - Midco Business – phone and internet
  - Upcoming EFTS related to payroll: Federal taxes, State taxes and PERA - mandated rates
  - State of MN for building permit surcharge fees
- Correspondence/Information
  - 2020 Census Data
  - Executed Prosecution Agreement with Sherburne County
  - 2020 Proposed Tax Capacity Values
  - 2021 Tax Values for 2022 Tax Notices
  - October 19<sup>th</sup> Open House invitation – Bridgeview Park Reserve
  - Nature Talks Newsletter
- Approvals/Signatures
  - none

**Motion to approve consent agenda after removing Road Tour minutes to the regular agenda for discussion by Boros. Second by Babler. Motion carried all voting in favor.**

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

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**Sheriff’s Report – Sgt. Frank**

- 210 Calls for service

- 70 traffic stops
- Increase in Fraud complaints. Do not email debit cards, contact the Sheriff's office. Do not send bail money without contacting the Sheriff where the bail is due.
- Mental health program is working well. Could use more people in this capacity.

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**Public Hearing – Easement Vacation Application  
Joseph & Denise Brenteson**

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Attorney Bourgeois reviewed information with the Board. [full text on file]

- When applying for a building permit, it was noted that two encroachments on Lot 9, Block 1 of Eagles Landing existed. Address: 8470 175<sup>th</sup> Ave SE, Becker. Both were in place prior to current owners purchasing the property.
- Encroachment on the north side for a retaining wall. Encroachment south of the house is a septic system in the drainage easement.
- Last month they were in to request an encroachment agreement, which was granted by the board. However, they were worried about an encroachment agreement for the septic location.
- After the meeting staff discussed additional ideas that may work. The Township Engineer and County were contacted regarding this option. Both expressed agreement that a vacation of the specific area where the septic is located would be possible. Recommendation was for the Brenteson's to request a vacation for the portion of the drainage easement where the septic is located. This would clear up any title or sale issues with the septic. It also allows for future work, if needed, for the septic.
- There was a petition presented to the board on October 4, 2021. The board called for a public hearing at that time. The notices required have been published and posted. The final action is to be this evening.
- Survey of septic location viewed.
- Call for further comments. None.
- **Motion to close the public hearing by Wilkening. Second by Boros. Motion carried, all voting in favor.**

Discussion:

- Attorney Bourgeois: the retaining wall will still be handled with an encroachment agreement. That still applies and was completed following the September Town Board meeting.

**Motion to approve Resolution 2021-18: Resolution Vacating a Drainage and Utility Easement within the Boundaries of Lot 9, Block 1, Eagles Landing Subdivision by Boros. Second by Wilkening. Motion carried, all voting in favor.**

The Township will have this recorded, along with a copy of the survey.

Question about this application and wondering if this would flood another property. Supervisor Wilkening explained that only a small portion of the easement was vacated. The part where the septic was located. The rest of the easement remains. Since the County was ok with this vacation and the ditch is not located near the portion where the septic was placed, this is a good solution. The wetland is much further to the west. Only the part over the septic system has been removed. Certificate of Survey viewed. This is a good solution for the homeowner. This vacation won't change drainage. The work was completed the beginning of the summer before the current homeowner purchased.

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**Residential Open Forum**

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- None this evening.

## **PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES** – Memo/Wilkening reviewed

- G & M Outdoor Services approved for a CUP for sales of farm equipment at their new location on 157<sup>th</sup> Street. Site was also rezoned to commercial from agriculture. Site plan preliminarily previewed.
  - Town Board item – 157<sup>th</sup> Street upgrades/improvements. Later in the meeting
- Definition of Outlot approved and added to zoning ordinances.
- Montague CUP was denied but applicant can re-apply at a later date
- River Street Rezoning was completed
- Zac Johnson Boundary Adjustment Subdivision
- Rousseau Variance – front yard setback
- Messman Variance – lot size and front yard setback
- Maas request to allow after the fact CUP for personal storage structure without providing acceptable septic locations for a future home as the property is large enough (40 acres) to accommodate many locations.
- Quality Bus site discussion regarding current CUP and possibility of amending existing CUP or obtaining more land from the Hegge area.

## **ENGINEER'S REPORT** - Davis

- 142<sup>nd</sup> Street update – from CR 11 to Town Line past Buck Lake
  - Mailboxes should be in the next week or so
  - Striping – approximately 9,000. Outrageous so looking for other quotes.
- Garden Grove Road
  - Allied was the prim, New Look was the sub.
  - End product = rough road
  - Application of double chip seal portion looks good, but was placed on subpar grading.
  - Edge of driveway issues
  - Communicating with Allied to tie in feathering for the driveways
  - Partial payment
    - Asking what amount should be held back?
    - Surface prep was \$3,636.50 – ask to hold that all back
    - 5% of total is \$1,895.05 – retain
  - Options if issues
    - See if it lasts. Place another layer of double chip seal. Makes bumps a bit better but does not solve the issue
    - Remove the surface, regrade, add more gravel, redo
  - Biggest concern now – feathering driveways for winter. Goal: Allied pay for the feathering
  - Supervisor Babler:
    - More should be held back. They left windrows on the sides of the road. The sub-contractor created this mess.
    - When we were on site and talked about that this is the first time we have completed this type of double chip seal process.
    - Next year we could saw cut and ‘pave’ driveways as they maybe residual lip issues from the base a few years back.
    - Need to review process.
  - Supervisor Boros:
    - Can we legally withhold more?
  - Attorney Bourgeois:
    - Given what documents say, we cannot withhold more than what you feel is substandard.

- Even though the base is the issue, can only withhold the amount for the base. Only withhold the part that is not good (plus typical retainage).
    - Recommendation for a firmer contract document in the future
  - Engineer Davis: Excess rock in the cul-de-sac is still there. They placed it into the ditch. Could justify withholding the amounts for the excess rock, approximately \$1,600
  - Question – Resident Neu: Wasn't there an inspection after the grading? A(Davis): there was inspecting while grading, then a rain event happened and it was regraded between rain and Engineer back on site.
  - Engineer Davis: There was an expectation was not to spell out everything and use language they recommended. This will change if we do this again in the future.
  - Partial payment to be withheld suggested as grading, rock and 5%. Table this until next month after talking more with the contractor.
  - Two residents did contact the town hall to say they like the new road surface. Chair and Road Supervisors have heard the same thing.
  - Concern is what will happen when the road is plowed this winter. -
- 157<sup>th</sup> Street (Bus Garage Road)
  - Right of way staking is coming
  - Permanent right-of-way stakes are to be placed. Work with Jeff Peterson
  - Rezoning Comments with plat
    - Consider improved turn around for maintenance and emergency purposes
    - As it is a landscaping business with various trucks, it may require an increased quality of road
  - Board: yes, once the survey stakes are placed, need to discuss with the resident who lives on the road and dialogue if it becomes a cul-de-sac, a hammerhead/what exactly will work best.
- 67<sup>th</sup> Street – the one mile stretch on the north line of Becker Township's S4, T34N, R28W needs a motion to be officially minimum maintenance road. It is used occasionally for commercial and passenger traffic.
  - **Motion to approve Resolution 2021-19: A Resolution Designating a Portion of 67<sup>th</sup> Street as a Minimum Maintenance Road by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- 127<sup>th</sup>/153<sup>rd</sup> townline road between city and township
  - Plan set at table and project sheet
  - 153<sup>rd</sup> has 15-24" of class 5 – better design here
  - 127<sup>th</sup> has 3-4" of class 5 – design entails adding more structure added to this segment
  - Create an intersection at 153<sup>rd</sup> and 127<sup>th</sup>
  - City of Becker has requested a light at the intersection
    - This is beyond township standards
    - Supervisors: no, Township will do stop-signs
  - Process
    - Estimates and plans to Phil tomorrow.
    - City has to approve these as well before we can go out for bids.
    - Go out for bids early in 2022
  - Road Supervisors to meet with Engineer on Wednesday and go over comments from the City.
- 97<sup>th</sup> Street – LRIP project
  - Our portion for wetland boundary/type is completed. Will go to county now.
  - City had BPA do theirs as well so we can submit one application
  - LGU for the wetland conservation act review is the County for Townships and he offered to include the City as well. City agreed and this keeps things to one set of reviews.
  - Right of way acquisition exhibits prepared.

- Soil borings for a lot created would be required to verify buildability, but it will end up becoming a three acre lot rather than a substandard size.
- Supervisors have met with landowners.
- Project update spreadsheet
  - 164<sup>th</sup> avenue is complete – turf establishment coming this week. Erosion control fabric in catch basins
  - 82<sup>nd</sup> Street is finished. No invoice received from the County yet
  - 67<sup>th</sup> – east portion with gravel – Santiago Township is handling. Funds approved in the spring, have not heard start date yet.
  - 2022 projects
    - 67<sup>th</sup> – west portion with cul-de-sac (townline)
    - 127<sup>th</sup>/153<sup>rd</sup>
    - 82nd from Hwy 25 to CR 127 (north of E/W Beatrice) reconstruct. Roughly 1.25 miles.
      - Wetlands on east end. Need go-ahead from board so TEP can review yet this year and complete survey on 82<sup>nd</sup> street.
      - Directive from the board – yes, complete the survey for 82<sup>nd</sup> and get the wetlands delineated ASAP
    - 164<sup>th</sup> paving
    - Consider going on County Contract
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## Supervisor Reports

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### Fire Board – Supervisor Babler

- Standard meeting
- Open house for fire prevention – about 400 people went through
- Three new fire fighters hired to fill retired spots
- Looking at a grass rig for 2022

### CMRP – Supervisor Kolbinger and Planner Sanders

- Regular meeting last month
- Working through how to move forward
- Bill Kemp hired to facilitate working through goals and actions

### Roads – Supervisor Boros

- Covered a lot of the items in Engineering
- Road tour went well. Road Supervisors to meet with clerk regarding the verbiage of the minutes before approval. Push approval to next month.
- Tree trimming in December

### Town Hall

- Decorating Gazebo for Christmas has been asked – ideally do via contract or waiver of liability. It is ok to allow people who volunteer do this, but best is contract.
  - This is up to the Town Board – whatever you choose to do is fine. It is not prohibited to have volunteers do the work.
  - Attorney could draft a waiver. There is potential liability, but the board can decide if they will accept it or not.
- Bathroom renovations still on track

- Repaint after bathrooms are completed
- School shop for small shed
  - Need to create the design with Country Lumber
  - Country Lumber will drop supplies at the school
  - Township will pay for materials
  - The school shop class will build
  - Directive to start the process
  - Someone asked about a donation for the school shop class. Attorney will research if this is allowed in statute.
- Gazebo repair – need contractors in restoration/preservation. Until the tin and stucco are removed – no idea how far the rot goes.
- Air purifier/cleaner for furnace – what is this called?
- Cameras/lights for outside – anyone know a contractor


**Treasurer’s Report**

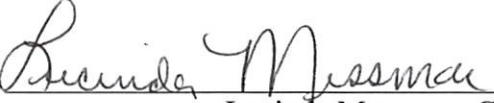
- **Motion to approve Treasurer’s Report as presented by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- **Motion to approve payment of Warrants 15236-15261 and PO’s 1399-1410, in the amount of \$172,116.09 by Babler. Second by Boros. Motion carried, all voting in favor.**

**Other**

- Voting location – keep as American Legion for all elections moving forward. Discussion regarding moving township elections back to Town Hall and back for primary/general. Consensus – keep voting at the American Legion.

Meeting Adjourned 7:55 pm.

  
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 Brian Kolbinger, Chair

  
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 Lucinda Messman, Clerk

