Present: Brian Kolbinger, Brad Wilkening, Gary Hammer, Joe Danielson, Lucinda Messman

Absent: Jamie Johnson

Also Present: Kelli Bourgeois – Township Attorney, Jon Bogart - Township Engineer, Sgt. Dan Franks – Sherburne County Sheriff’s Department, Mark Wimmer, Dan Berning – Ziegler Custom Homes, Mark Opatz, Joel Muehlberg, Todd Schendzielos, Marilyn Danielson – representing Becker Fire Board, Gary Meyer – Citizen-Tribune; 7:50 pm – Doug Kolbinger, Tracy Bertram, Rick Hendrickson, Lori Keller arrived for Annual Joint Fire Board Meeting

Chair called meeting to order by Chair Kolbinger

Quorum verified.

Consent Agenda for this evening was presented to board members. Chair asked if there were any board member requests to remove items from the consent agenda so they could be discussed individually. No requests made.

Full text of all consent agenda items are on file. Chair asked if there were any objections to adopting the following items on the consent agenda:

Town Board Minutes, June 20, 2016

CPV Agreement for Township participating in state pricing

Treasurer’s Report (June YTD, Disbursements, Receipts, Cash Balance)

As there were no objections were made, **Consent Agenda items unanimously adopted.**

**Motion to approve agenda as presented with amendments indicated:**

1. **Weed Inspector discussion**
2. **Lester Olson Memorial**
3. **Joel Muehlberg – Open Forum re: brushing**

**By Wilkening. Second by Hammer. Motion carried, all voting in favor.**

Sheriff’s Report

* 164 Calls for service
* 57 Traffic stops
* Increase in traffic complaints – associated with Highway 10, not Town roads
* At last meeting Town Board asked about ability to participate in Don’t Shoot Training. Sgt. Franks has date set for Wednesday, July 27 at 2:00 p.m.. Meet in the lobby of the Sheriff’s department.
* They received a dog call and requested Patti (Dog Catcher) service. She responded rapidly to catch the dog.

Residential Concerns/Open Forum

1. Mark Opatz (regarding 16970 River View Circle SE, Big Lake) – Submission of a claim for payment sent to clerk as he feels the Township made a mistake in issuing his building permit. He would like the board to assume the approximate $31,060.25 in additional costs.
	1. Board asked Township Attorney Bourgeois for opinion:
		1. In issues with building permits, the Township has a statutory immunity indicated by case law.
		2. The issue should have been known by both the builder and surveyor
		3. Issuance of a building permit does not mean that the responsibility is completely on the township.
		4. This should be handled by insurance rather than using taxpayer dollars.
	2. Board asked what process should be followed and Attorney Bourgeois responded
		1. the board should deny the claim for payment
		2. the property owner would need to initiate legal action in order to send this to the next level
		3. Biggest issue at stake is taxpayer money. Using tax payer money for a private claim such as this would be inappropriate.
		4. Council recommendation is that we let the property owner utilize the recourse of legal action
	3. Board action on request: **Motion to deny the claim for payment in the amount of $31,060.25 by Hammer. Second by Wilkening. No further discussion. Motion carried – all voting in favor.**
2. Mark Wimmer – He feels public notices need to be adjusted. There seem to be a lot of special meetings close to board meetings. Can this be adjusted? Is better planning the solution? Taxpayers are paying board members $75 each time they meet and he want to be sure these meetings are necessary.
	1. Clerk responded that due to Contracting Law and recent contracts being sealed bids anticipated to be in amounts over $100,000; there are advertising schedules that must be followed in association with audit guidelines.
	2. The board does try to merge meetings as much as possible and will try to plan better next year, but sometimes avoid additional meetings cannot be avoided.
3. Joel Muelburg – He knows the Township’s Brushing project is coming up and wondered if the board has considered using clear zones rather than clearing entirely to the right of way. He has read that clear zones are smaller in areas where traffic is only moving at 30 miles per hour. Would the township consider a lower amount of area to clear? He believes it should save some money to tax payers as well, but understands some clearing needs to occur to increase safety.
	1. Board asked Engineer regarding snow stacks and amount of space required
		1. Ditch is good to stack snow. In a residential area it is good to have at least 5-6’ outside the road edge available for snow stack
	2. Board members have a concern here as to setting a policy and future road rebuilds in this area. Clerk pulled this area up on map
	3. Engineer gave further information to the board
		1. Clear zone vs. right of way was better defined
		2. Chapter 8820 on State Aid Roads can offer guidelines. Township has no state aid roads, but look at 8820.9922 for some guidance as to clear zones. Township does not need to use these, but these offer a good discussion starting point
		3. Clear zone chart is dependent upon ADT (# cars/day)
		4. Clear zone is measured from edge of bituminous
		5. See drawing 
		6. Often, approximately 10 feet (just beyond ditch) is enough. Engineer’s opinion – if there is a nice tree on backslope, not an issue. Trees in the ditch bottom or inslope are issues. Believes saving nice trees is a good idea.
	4. Board asked Mr. Muelhberg where his trees were located. He stated they start about 7 feet from road and then there are a series of trees in front of his house. Overhead map viewed 05-437-0130. Off 113th (1/2 mile north of Snake River). 7 homes on the street. Traffic volume is minimal and 30 mph
	5. Determination that going to the bottom of the ditch would reduce Mr. Muelhberg’s loss of trees by ½.
	6. Board stated that when this road is rebuilt (no time frame known at this point), this road will need to be fixed to follow Township standards. This particular area is one that the County did not allow comments from the Township so there are not any real ditches as there should be.
	7. Engineer’s additional comments
		1. This road is unshielded from sun right now (no trees on south)
		2. Keep the clear zone free
		3. Even under State Aid Standards, get 9-10’ clear for safety
		4. If no ditch bottom, control as far as ditch is there
		5. Recommends clear to bottom of ditch or 10’, whichever is farther. Be sure enough are removed to maintain the drainage
	8. Board asked how mature the trees are at this point. Mr Muelhberg replied they are 8-10” in diameter. Not real old, but definitely not brand new. Mr. Muelhberg replied some are in the inslope and he understands they need to go.
	9. Board discussed two options: 1) clear to Right of Way or 2) clear to at least 10 feet from edge of bituminous edge or far side of ditch, being consistent for the entire street
	10. Board members pointed out this is a Non-Standard road design and consensus is to have this road re-staked based on standard #2 above.
	11. Discussion among board – is this to apply to entire township of just this road
	12. Engineer pointed out as ADT increases, then clear zone increases
	13. **Motion by Wilkening to institute new Township brushing standard as follows: Standard for Becker Township when clearing and grubbing areas that are speed zoned at 30 mph and ADT is under 1000 to clear ten (10) feet from edge of bituminous to the back of the ditch or whichever is a greater distance. Second by Danielson. Motion carried, all voting in favor.**

Town Planning Commission/Joint Planning Board updates

1. Mr. Opatz variance has not yet been pulled, so it will go to Joint Planning for a final ruling.
2. Vonco II has submitted a license modification. They were asked to attend the JPB to update board on what they are looking to do. While they are in a rush to do this, Attorney Bourgeois feels this modification most likely fits within their existing CUP. She will get additional information to review prior to the JPB meeting on July 26th.
	1. Supervisor Hammer discussed the Host Community Agreement history with board members. Is this a time to discuss? Yes, especially if the CUP is opened/amended. Otherwise, can still ask but they do not need to discuss at this time.
	2. In discussions with Vonco Attorney Dan White, he has indicated the need to work on repairing relationships that have suffered in the past and move forward.

Engineer’s Report

1. Minimum Maintenance Road Discussion – tabled as a few questions came up over the weekend that Eyk would be best able to answer.
2. 185th Ave – Supervisor Hammer to help with reaching people for Right of Way Acquisition
	1. Stockpile needs fence or bio-roll. Maintenance Contractor Schendzielos recommends bio-roll as it has better eye appeal than fencing and cost is similar to fencing.
	2. Jon is waiting for Army core of engineers to get back to him with some information. Once they do, and ROW easements are complete, ready to get started.
3. 137th Street will be going ahead with bidding in Mid August. Plans to finish this fall
4. 175th/77th – there was an over-run on shouldering. **Motion to pay Hardrives $195,615.59 partial payment by Hammer. Second by Wilkening. Motion carried, all voting in favor.** $10,295.56 is being retained at this time.
5. Wildwood area boring are in process to see if alleged stumps are the issue

Supervisor Reports

1. Fire Board – in a few minutes
2. Parks/Trails – no meeting
3. North Star – no meeting
4. Mark Rask has submitted written notice of his resignation from the Town Planning Commission and indication he would be interested in serving on the Joint Planning Board. **Motion to approve Resolution 2016-08 [full text on file]: Appointing members to the Becker Joint Planning Board by Hammer. Second by Danielson. Motion carried, all voting in favor.**
5. Jim Mecklenburg has submitted written notice of his interest in serving on the Town Planning Commission. **Motion to approve Resolution 2016-09 [full text on file]: Resolution Appointing Members to the Town Planning Commission by Wilkening. Second by Hammer. Motion carried, all voting in favor.**
6. Weed inspector – Board believes Supervisor Johnson would be the most appropriate, but as he is not here, will wait to appoint at a later meeting.

Other business: Clerk updated board members on availability of GTS training and August 3rd training by Engineers.

**Motion to recess Regular Town Board meeting to allow meeting of Joint Fire Board meeting and resume after Annual Fire Board Meeting by Wilkening. Second by Danielson. Motion carried, all voting in favor. Becker Town Board meeting recessed at 8:01 p.m..**

Annual Joint Becker City and Becker Township Fire Board Meeting took place

**Town Board Meeting resumed at 8:15 p.m.**

Warrants for payment: Supervisor Danielson not voting as his business has submitted a claim for payment. **Motion to pay warrants 13230-13249 and purchase orders 875610, 875615-875622 in the amount of $254,570.92 by Wilkening. Second by Hammer. Motion carried, all voting in favor.**

Other

Lester Olson Memorial. When reviewing minutes it was discovered that this had not been completed. Clerk to find Lester Olson’s middle initial. Blue sign with white lettering (2 needed) to be ordered with text: “Lester \_ Olson and Family Memorial Snake River Crossing. Dedicated mo/da/yr” Clerk to get signs ordered and they will be put into place. Lester served on the Town Board for 44 years.

Attorney Bourgeois to research unimproved right of way named in minutes from 2007.

**Motion to adjourn by Danielson. Second by Hammer. Motion carried. Meeting adjourned at 8:22 p.m.. All voting in favor.**

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Brian Kolbinger, Chair

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Lucinda Messman, Clerk