

Becker Township Board
Regular Board Meeting
June 20, 2016

Present: Brian Kolbinger, Brad Wilkening, Jamie Johnson, Gary Hammer, Tanya Danielson, Lucinda Messman

Absent: Joe Danielson

Also Present: Damien Toven – Township Attorney, T. VanderEyck – Township Engineer, Marie Pflipsen – Community Development Coordinator and Zoning Staff, Sgt. Dan Franks – Sherburne County Sheriff’s Department, Mark Wimmer, Karla Scapanski, Dan Berning – Ziegler Custom Homes, Tom Hammer, Mark & Jamie Opatz, Arlo & Chandra Brower, Troy Dawson, Joel Muehlberg, Bob Miller

Chair called meeting to order by Chair Kolbinger

Quorum verified.

Consent Agenda use of and procedure to remove items from consent agenda explained to board members by Chair Kolbinger. Included in explanation was fact that a unanimous vote is recorded for all consent agenda items and any item on consent agenda that requires further information should be removed to normal agenda.

Motion by Johnson to use consent agendas when appropriate for Becker Town Board meetings. Second by Wilkening. Motion carried, all voting in favor.

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, May 2016

Town Board Minutes, Special Meeting May 24, 2016

Town Board Minutes, Special Meeting June 2, 2016

Resolution 2016: Resolution of the Town of Becker appointing Election Judges

Approval of SAFE Discount Liquor tobacco application with no comment

Approval of Holiday Station Store #598 tobacco application with no comment

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

Motion to approve agenda as presented with three amendments:

- 1. Dan Berning, Ziegler Custom Homes added to Open Forum section**
- 2. Removal of item 8d as road in question is County jurisdiction, not Township**
- 3. Under Supervisors reports add discussion item for Joint Planning Board alternates**

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

Sheriff’s Report

- 216 Calls for service
- 101 Traffic stops

Becker Township Board
Regular Board Meeting
June 20, 2016

- 5 dog complaints
- At last meeting Town Board asked about ability to participate in Don't Shoot Training. Sgt. Franks said he can arrange, Monday thru Friday, mid-afternoon times are best. Clerk to arrange dates.

Residential Concerns/Open Forum

1. Tom Hammer – Demolition of House. Supervisor Hammer stepped down from the table to avoid conflict of interest as Tom is his brother.
 - a. Request to build a new home on a lot with an existing primary residence
 - b. Clerk indicated to Mr. Hammer that the following conditions would most likely be required:
 - i. Copy of contract with builder showing the inclusion of demolition of existing primary structure within two weeks of completion of new primary structure OR escrow of funds to demolish existing primary structure after completion of new primary structure in the amount of 150% of estimate to demolish existing primary structure
 - ii. 10 days allowance between the issuance of the certificate of occupancy of the new house and demolition of the existing home
 - iii. Property owner to obtain and abide by all local, County, State, and Federal required permits, rules and regulations including, but not limited to, building permits for both the new structure and demolition of the existing structure, land use permit, and any applicable environmental permits.
 - c. Mr. Hammer plans to demolish the existing structure himself after completion of the new home.
 - d. Mr. Hammer presented an estimate for complete demolition and removal of existing house at 15633 122nd Street SE, Becker, MN in the amount of \$7,240 from Clint's Excavating in St. Cloud, MN. Board accepted this as a good estimate to base their calculations for escrow. Escrow set at \$10,860
 - e. One board member indicated that a previous applicant applied for an Interim Use Permit, however, the interim use permit process was never applied for in previous similar circumstances. Mr. Wimmer asked board if this is establishing precedent and allowing someone to avoid the IUP process or are the resolutions for this type of situation determined on a case by case basis.
 - f. Attorney Toven stated that each instance needs to be evaluated on an independent basis as every land parcel is different.
 - g. **Motion to approve Resolution 2016-06: A resolution Recommending Allowing Existing Home to remain on Property while new home is built [full text on file] by Johnson. Second by Wilkening. Motion carried, Johnson, Wilkening, and Kolbinger voting in favor. Hammer abstained. Danielson absent.**
 - h. Supervisor Hammer returned to his position.
2. Bob Miller – Peggy Place Staking for Brushing
 - a. Mr. Miller wanted to know if a time line was in place for brushing

**Becker Township Board
Regular Board Meeting
June 20, 2016**

- b. Board chair stated that tonight we were receiving the quote for service and that the board was not sure how much would be done as we needed to figure costs for the whole project before a decision is made. As far as timeline, work would be done this fall.
 - c. Mr. Miller asked that common sense be used when removing larger trees in the right of way. Could trees next to property lines – farther away from road edge be kept? There are some very nice Oak and Black Walnut trees they would like to see remain.
 - d. The brush needs to go, no question, but can the larger trees remain
 - e. Supervisor Hammer reviewed the liability issues on the township, size of tree, overhanging limbs and previous years town has cleared to the right of way
 - f. Mr. Miller stated he has lived there 20 years and other than the power company doing some topping, the road had not been done.
 - g. Mr. Miller presented a photo of a large tree in his right of way that is near his property line that he keeps trimmed back.
 - h. Board indicated they will check with their attorney prior to removal of any trees
3. Arlo & Chandra Brower – Secondary Approach
- a. Eyk looked at this location and map presented to board
 - b. Township has allowed for secondary driveways and approval here is requested
 - c. Their plan complies with all Township standards for secondary driveways
 - d. The planned secondary drive is 150 feet from the intersection
 - e. A minimum 15” culvert will be required
 - f. Township culvert and driveway standards will apply
 - g. **Motion to approve the secondary driveway permit by Wilkening, second by Johnson. Motion carried, all voting in favor.**
4. Troy Dawson – Secondary Approach
- a. Eyk reviewed this location and map presented to board
 - b. This secondary approach is 150’ from CSAH 23
 - c. There is no visibility issue with the area
 - d. Township culvert and driveway standards will apply.
 - e. **Motion to approve the secondary driveway permit by Hammer. Second by Wilkening. Motion carried, all voting in favor.**
5. Dan Berning, Ziegler Custom Homes
- a. Homeowners Mark and Jamie Opatz also present
 - b. Building permit applied for and approved
 - c. Zoning administrator issued stop work order due to groundwater and flood elevation issues
 - d. Duplex pumps and waterproofing solution will work for the groundwater issue
 - e. 100 year flood issue is the problem. Flood elevation levels were changed by FEMA in 2011.
 - f. Our Zoning ordinance requires low level to be 3’ above the 100 year flood elevation 912.5.

Becker Township Board
Regular Board Meeting
June 20, 2016

- g. Low opening was at 910.3, now revised to 915.3
 - h. Discussion regarding past (Bridgeview Subdivision in general. This is regarding Lot 8, Block 1)
 - i. The only way to allow this, by our ordinance, is by variance
 - j. Q: (Bob Miller): how are septic systems affected by this? A(Eyk): Septic designer will give the type necessary
 - k. 73" is mottling; grading plan is different; ground water is near grade for some lots
 - l. Various ideas discussed
 - m. Variance application to be turned in by tomorrow at noon. Then can make the July planning commission
6. Karla Scapanski introduced herself as she is running for the House of Representatives for our district. She has a degree in criminal justice, did childcare in her home and now wants to advocate for people.

Town Planning Commission/Joint Planning Board updates

- 1. Joint Planning board ruled regarding an sign application wondering if sign was an architectural element or a sign
- 2. First personal storage structure Conditional use permit was recommended by the Town Planning Commission and will go before the Joint Planning Board at their next meeting
- 3. Shouses returned to sheds were discussed

Engineer's Report

- 1. Legals of minimum maintenance roads presented to board. Eyk will send legals in word format to clerk to obtain a resolution for the board to pass next month
 - a. Another township road was found by the Bus Parts
 - b. Road found - 67th Street west of CSAH 11 is an 1/8th mile road
 - i. Came to light when building permit applied for
 - ii. Road order from 1912
 - iii. Oakwood Estates was platted without reference to the road
 - iv. Timber Tops subdivision in Santiago Township was platted and shows a 4 rod right of way as an old road no longer traveled
 - v. Can the township vacate this road? A(Attorney Toven): No, it is platted on both sides, but see if Kelli has any ideas with it
 - vi. Needs more research – clerk to review minutes from 1912 to present and roads book
 - vii. Title work could be done – by whom and costs?
- 2. Dust Suppression – Township total \$3,978.18; Total: \$6,394.18 Q(board): how did it go? A: 150th/122nd is ½ city ½ township – with the amount of traffic it is already beginning to washboard. Other roads turned out fine. Thank you from one resident presented to board
- 3. Subgrade correction at 82nds came out well. Excavated material went to build up a portion of minimum maintenance road 175th Ave
- 4. Pothole on 185th seems to be a sink hole and needs to be dealt with
- 5. 175th/77th will be paved tomorrow

Becker Township Board
Regular Board Meeting
June 20, 2016

6. 185th Ave SE – landowner originally agreed to allow us to stockpile materials, now wants compensation. Agreed to \$500. When negotiation of ROW alignment, will need to include that amount.
7. 137th Street is with MN Dot – mid September work, bid in August, work around Long-Eared Bat nesting period.

Supervisor Reports

1. Brushing quotes opened – need review
 - a. Trees – some have to come out, others don't
 - b. 170th Ave SE brushing needs to be above road. There is a three foot spite strip there
 - c. Mr. Wimmer: Township said that picking and choosing trees to stay/go from right of way wouldn't happen and all should go. Asked to be added to open forum for next month
 - d. Supervisor Wilkening asked Eyk to look at clear zone requirements prior to a decision next month.
 - e. Discussion regarding consistency with last year and this year
2. Fire Board
 - a. Reviewed budget – up 2.4%. Partially due to CIP fund contribution to keep up with cost of replacing equipment
 - b. Nothing glaring or outside a comfort zone
 - c. July is the Joint Meeting
3. No report for Parks/Trails or North Star
4. Joint Planning Board – alternates are Jamie Johnson and Joe Danielson. Supervisor Hammer cannot attend the next JPB meeting and asked if one of the alternates could. Supervisor Johnson said he could attend
5. Replacement for members on TPC/JPB. Supervisor Wilkening spoke with James Mecklenburg who indicated he would be interested in accepting an appointment to any vacancies on either of the boards.
 - a. Phil Knutson has indicated he will be resigning from the Joint Planning Board after the June meeting.
 - b. Board discussion regarding members. Discussion to see if Town Planning Commission at large member Mark Rask would accept an appointment to the Joint Planning Board if Phil Knutson resigns as Mark has experience in Planning Commission and an idea of how things work. Then see if James Mecklenburg would accept the appointment to the Town Planning Commission. Board members to talk to the individuals and report back next month.

Treasurer's report

1. Crack sealing total for the year is over the \$25,000 threshold for quotations. Treasurer requested board approval in paying the remaining \$22,675.20. **Motion by Hammer to pay the additional \$22,675.20. Second by Johnson. Motion carried, all voting in favor.**
2. **Motion to approve the treasurer's report as presented by Johnson. Second by Wilkening. Motion carried, all voting in favor.**

Becker Township Board
Regular Board Meeting
June 20, 2016

3. **Motion to pay warrants 13200-13217 and 13222-13229** [printer mis-feed so warrants 13218-13221 are blank and will be used next month] **and purchase orders 875608-875614 in the amount of \$144,244.56 by Johnson. Second by Wilkening. Motion carried all voting in favor.**

Other Business

1. Data Request Policy presented. **Motion to approve data request policy as presented by Wilkening. Second by Johnson. Motion carried. All voting in favor.**

Motion to adjourn by Johnson. Second by Wilkening. Motion carried. Meeting adjourned at 8:50 p.m.. All voting in favor.

Brian Kolbinger, Chair

Lucinda Messman, Clerk