

Becker Township Board
Town Board Meeting
April 16, 2018

Board Members Present: Brian Kolbinger, Brad Wilkening, Gary Gilbert, Joe Danielson, Luke Babler, Lucinda Messman

Board Members Absent: Tanya Danielson

Staff members present: Fran Seeley – Deputy Clerk, Kelli Bourgeois - Township attorney, Ben Wikstrom – Township Planner, Wes Davis – Township Engineer

Others present: Sgt. Dan Franks – Sherburne County Sheriff’s department, Tony Wruck – Wruck Excavating, Zack Johnson

Meeting called to order by Chair Kolbinger at 7:00 p.m., quorum verified.

Clerk issued Oath of office to Supervisor elected in March: Joe Danielson, Brian Kolbinger, and Gary Gilbert.

Consent agenda presented.

1. Minutes for approval, March Regular Meeting Minutes
2. Upcoming electronic fund transfers/automatic payments approval: City of Becker – water/sewer, Xcel Energy – gas and electric, Ace Disposal – container at Jeff’s, Advanced Disposal – container at Town Hall, Midco Business – phone and internet, PERA – mandated state retirement program, Payroll taxes – mandated Federal taxes, Payroll taxes – mandated State taxes
3. Acknowledgement of receipt of reports: Vonco Permit

Sheriff’s Report

- 221 Calls for service
- 122 Traffic Stops
- April 1 – August 1 – no ATV’s allowed in ditches. This is an enforcement period.
- CR 11 speed enforcement near 102nd – no more complaints

Public Hearing Opened – Winter Parking Ordinance

Wikstrom reviewed changes from last draft of Winter Parking Ordinance with Board members. Improved rights of way vs roads were discussed. Goal of the ordinance is that people cannot park vehicles on township roads nor can they store trailers and such in township right of way so that during snow plowing operations, plows can get through and the ditches are clear for snow ‘storage’.

- If it snows, all of the right of way should be cleared of vehicles and trailers/etc..
- Discussion if this captures intent of board? Yes, two parts – one for no parking on road surfaces and if it snows outside the dates listed, now parking anywhere within the right of way.

Motion to close public hearing by Wilkening. Second by Danielson. Motion carried, unanimous.

Board discussion – the word trailers should appear in sub 2.

Motion to approve ORDINANCE 2018-01: WINTER PARKING ORDINANCE; AN ORDINANCE ENACTING WINTER PARKING RESTRICTIONS IN BECKER TOWNSHIP after addition of the word trailers in Section 4, Subd 2 by Babler. Second by Gilbert. Discussion: we aren’t going to adjust this at all? No. Motion carried, unanimous.

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Motion to approve Summary Ordinance 2018-01: WINTER PARKING ORDINANCE; AN ORDINANCE ENACTING WINTER PARKING RESTRICTIONS IN BECKER TOWNSHIP as presented by Wilkening. Second by Danielson. Motion carried 5-0. All voted in favor.

Open Forum

- Zach Johnson Secondary Access request
 - 12331 177th Ave SE
 - Township Engineer has viewed, location would be appropriate.
 - **Motion to approve secondary access permit application for access to township road for Zach Johnson by Wilkening. Second by Babler. Motion carried, unanimous.**

Planning Commission and Joint Planning Board Updates

- Metro West new contract presented. Their rate has increased from prior contract (2010). **Motion to approve Town Board Chair signing/executing the Metro West Contract contingent upon legal recommendation by Wilkening. Second by Gilbert. Motion carried, unanimous.**
- Wikstrom – Planning Commission held public hearing for an automotive sales/service facility. It received a unanimous recommendation for approval.
 - One of the conditions is to either remove the sign in the Township Right of way or see if some type of agreement can be obtained.
 - Attorney Bourgeois drafted an encroachment agreement for the board to review. A few passages required rewording – these were highlighted for the board, though not in the document they were reviewing.
 - Originally a lease was considered. For this instance, a lease is not the recommended instrument.
 - An Encroachment Agreement for the existing, freestanding sign that is partially in the township’s right of way is more appropriate in this case.
 - No property rights are being conveyed. There are six (6) conditions:
 - The area of encroachment includes the sign structure itself and an area 10 feet surrounding the sign.
 - The encroachment agreement is non-transferable.
 - Accurate Automotive or other representatives of BN Holdings, LLC are responsible for all maintenance and upkeep of the sign and the surrounding property.
 - Said encroachment agreement shall run from the date of this resolution and continue until the earliest of a period of ten years, or the right of way is needed for public road and/or utility purposes. If it is determined the right of way is needed for public road and/or utility purposes, BN Holdings, LLC must remove the sign and all appurtenant structures within 60 days of notice from the Town. If the sign is not removed within 60 days of notice, the Town has the right to remove the sign and all appurtenant structures and assess the cost of removal to the property owner.
 - If the sign is damaged more than 50% of its value, improved to more than 50% of its value, or removed by the property owner for any purpose, it may not be replaced within the Town right of way. Any new sign must be

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- built on the property owner's property and in accordance with all applicable ordinances and regulations in place at the time of construction.
- The property owner shall provide the Town, at owner's cost, a certificate of insurance indemnifying the Town of Becker from any suit, action, or cause of action arising out of the existence of the sign on the right of way. Said insurance limits shall be set at \$1,500,000 per occurrence. The certificate of insurance shall name the Town as an additional insured.
 - This should prove to be both good for business and protect the township right of way. There is a public benefit for this
 - #4 was edited from original draft to state right of way. That frontage is not a township road.
- **Motion to approve Resolution 2018-10: A RESOLUTION PROVIDING FOR AN ENCROACHMENT AGREEMENT BETWEEN THE TOWN OF BECKER AND BN Holdings, LLC ON RIGHT OF WAY BETWEEN LOT 2, BLOCK 1, SALIDA CROSSING SECOND ADDITION AND COUNTY ROAD 11 with changes recommended by Township Attorney as they are not substantive by Babler. Second by Danielson. Motion carried, unanimous.**

Engineer's Report - Davis

- 185th Avenue
 - North ½ preliminary design and wetland impacts are underway
 - Looking at the 90 degree curves and right of ways to see about flattening them out
 - Craig Wensman, Bogart-Pederson brought to board's attention that the 66' right of way is based on centerline. Board's intent at the time this was done needs to be verified (L. Olson was on the board when this occurred). Nothing was recorded, just the survey ordered by previous Board member. Now we have legal 66' width, we would need easement or ROW to flatten curves. Clerk to send copies of road orders in file to Engineer.
 - Design speed discussed
 - Board expects specifications for review/drawings for 30 and 40 mph designs in May.
 - Rough road signs are out
 - MPCA was on site and noticed erosion control was missing. NPDES permit was not properly pulled. All requirements of MPCA have now been submitted and completed. The township will not be billed for anything relating to the MPA issue.
 - In December, Geyer signal went bankrupt and communication issues occurred (many other LGU's experienced this issue too). New signs were placed. Many items have affected this project from the start, but things are back on track.
- LFE/Certificate of survey – Craig Wensman, Bogart & Pederson was asked for opinion on building code. Topics discussed:
 - Township requirement of 3' separation between mottling and LFE. History as relating to Bridgeview development and asking if Township would consider 1' separation.
 - House staking Certificates vs. Certificate of Surveys.
 - As Built Certificate of Surveys and requirements for <5 acres; not required >5 acres. Need to improve the language requiring soil borings as there is nothing to 'associate' those LFE numbers to at this time if >5 acres. Or consider as built's for all properties even if survey is for house area rather than entire property for those > 5 acres.

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- 112th Street SE – no road order on file. Supervisors pointed out it was called Becker-Orrock Road. Clerk was unaware of this name so will do more searching for a road order (had searched 46th Avenue). Only thing on 46th avenue – in 1987 grading was over 1 mile in length.
 - 9 button is close to end
 - Nick Anderson, Bogart Pederson will check USGS photos
- Updated CIP Map
 - Roads are colored by pavement age as requested by Town Board
 - Lengths will list on spreadsheet – verification to take place at road tour
 - Inventory is still being reviewed

Supervisor Reports

- Fire Board – Supervisor Babler
 - Reviewed training program for EMS and Firefighters
 - New Pump Transmission was less than estimated
 - Insurance has decreased
- Parks – no report
- Highway 25 Coalition – no report
- Roads
 - Orrock agreement for plowing is good to go. **Motion to have chair execute the Orrock Plowing Agreement by Danielson. Second by Gilbert. Motion carried, unanimous.**
 - 185th is being graded once per week. We will grade until work resumes.
 - Mailbox information now with building permits
 - Emergency tree fix required for 67th Street due to branch hanging low/dangerous.
 - 92nd Street Broken fence post with culvert removed
 - 67th Street is not in good shape. Santiago Township claims it is our fault. View on Road tour
 - Asphalt damage by Snowplow contractor to be resolved later this summer
 - Aspen Ridge – still a car parked on road
 - NE of 175th and 137th Street/Sherburne - trash that Jeff handled
 - No overweight permits are allowed in Township
 - Discussion of road by CR 50/Highway 10 – view road on road tour
 - Jeff Peterson, Township Signing/Cleanup
 - Asked if board had any questions or concerns about signs/signing progress. Supervisor Danielson wants to see nylon washers used rather than rubber.
 - Asked about 9 button signs going into yards – should that occur? Board consensus – yes – follow legal requirements
 - Asked about sign inventory/replacement program – should he still follow what Eyk had given him last year? Some curves were changed and another page was added. Yes.
 - Board asked if signing will be finished this year – Yes
 - Wes will keep the sign inventory updated
 - Jeff asked who he should speak with for questions. Board stated to work through Road Supervisor
 - Stickers for Becker Township signs were ordered. These track sign age/replacement information.
- Reorganizational matters

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- **Motion to appoint Brian Kolbinger chair by Danielson. Second by Babler. Motion carried, unanimous**
- **Motion to appoint Brad Wilkening vice chair by Danielson. Second by Gilbert. Motion carried, unanimous.**
- **Motion to continue using Citizen Tribune as legal newspaper by Wilkening. Second by Danielson. Motion carried, unanimous.**
- **Motion to continue using Sherburne State Bank as depository by Kolbinger. Second by Babler. Motion carried, unanimous.**
- **Motion to**
 - **appoint Brian Kolbinger and Luke Babler to fire board, alternate Joe Danielson**
 - **appoint Joe Danielson to Sherburne County Parks, Trails, and Active Living board, alternate Gary Gilbert**
 - **appoint Brian Kolbinger and Brad Wilkening to Highway 25 Corridor**
 - **by Wilkening. Second by Danielson. Motion carried, unanimous**
- **Motion to designate official posting places as Town Hall, City Hall and the Township website (www.beckertownship.org) by Danielson, second by Babler. Motion carried, unanimous.**
- **Motion to approve Resolution 2018-11: RESOLUTION AUTHORIZING CONTRACT WITH INTERESTED OFFICER for Joe's Bobcat and More by Wilkening. Second by Babler. Motion carried, 4-0-1. Supervisor Danielson abstained due to conflict of interest.**
- Revisions to the following documents are planned by end of year:
 - Electronic Fund Transfer policy
 - Capital Improvement Plan
 - Modified approach to depreciation policy
 - Revisions to Data Request Policy
- New training manual's distributed
- 60 day rule is being followed in planning and zoning – compliance confirmed
- Tabled as Treasurer was absent: do we wish to change from cash basis to accrual software?
- Compensation effective 4/17/2018:
 - **Motion to set Supervisors pay at \$100 per meeting and \$23/hour by Kolbinger. Second by Wilkening. Motion carried, unanimous.**
 - **Motion to set Clerk pay at \$24.50 per hour by Wilkening. Second by Gilbert. Motion carried, unanimous.**
 - **Motion to set Treasurer and Deputy Clerk pay at \$24.50 per hour by Wilkening. Second by Gilbert. Motion carried, unanimous.**
 - **Motion to set Mileage reimbursement rate at Federal Standard by Danielson. Second by Wilkening.**
 - Question regarding official office hours? Clerk responded posted hours are Monday and Wednesday 8 am – 5 pm and other hours by appointment. However, clerk is often there approximately 30 hours during the week based on workload. Board consensus to continue this as hours were discussed last year. Deputy Clerk hours to continue and increases are fine whenever necessary. Board likes that more information is becoming easier to access as it is digitized.
- Donation Requests

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- **Motion to make the donations as follows:**
 - Snake River Cemetery \$750
 - Danish Cemetery \$700
 - Becker Cemetery Association \$800
 - City of Becker Parks and Rec \$10,000
 - All Night Grad Party \$1,000
 - Safety Camp \$800
 - **Totaling \$14,050 by Wilkening. Second by Danielson. Motion carried, unanimous**
- Gopher feet. County has increased reimbursement to \$1.00 per pair of feet. Clerk reminded board members that W-9's are required prior to sending gopher bounties out as Township is required to file 1099's for anyone earning over \$600 in bounties. **Motion to increase gopher bounty to \$2.50 per pair by Wilkening. Second by Danielson. Motion carried, unanimous.**

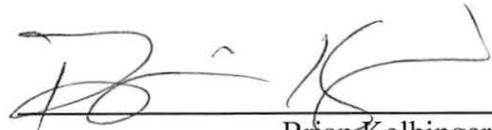
Treasurer Reports

- Supervisor Wilkening asked about receipt 13833. Clerk reviewed and noted it was not our bill, but should have gone to City of Becker. **Motion to pay warrants 13831-13851, eft's 1006-1014, void check 13852 and disallow warrant 13833 by Wilkening. Second by Gilbert. Motion carried unanimous.**
- **Motion to create fund 290: Escrow funds held by Wilkening. Second by Gilbert. Motion carried, unanimous.**
- **Motion to approve 2018 budget as distributed by Wilkening. Second by Babler. Motion carried, unanimous.**

Other

- Developers Agreement is being updated by Attorney Bourgeois
- Newsletter draft distributed
 - Add cleanup price list
 - Feedback is due by end of week so it can be distributed prior to cleanup days
- Website will be undergoing revisions. Any comments to changes distributed, send by end of week.

Meeting adjourned at 8:59 pm.



Brian Kolbinger, Chair



Lucinda Messman, Clerk