

**Regular Town Meeting  
Monday, April 20, 2020  
12165 Hancock Street**

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**Attending**

- Township Chair Brian Kolbinger - video
- Township Vice Chair Brad Wilkening - phone
- Township Supervisor Robin Boros - phone
- Township Supervisor Joe Danielson phone
- Township Supervisor Luke Babler - phone
- Township Clerk Lucinda Messman - video
- Township Treasurer Tanya Danielson - phone 7:56 pm

**Absent Members:**  Township Deputy Clerk Fran Seeley

**Attending Staff:** Kelli Bourgeois – Township Attorney - phone, Sgt. Frank – Sherburne County Sheriff’s Department – phone (7:19 pm until conversation with residents ended), Mary Roe – City of Becker Planner – phone; Wes Davis – phone

**Others Attendees:** Ted & Joanna Myers – video; Cory & Jennifer Vogel – phone; Nicolle Hines – video; Mark Kolbinger – Sherburne Citizen Tribune – phone

Tuesday, April 7, 2020 The Becker Town Board passed Resolution 2020-15: A Resolution Establishing The Ability Conduct Open Meetings By Telephone. The Town Board of Becker Township, Sherburne County, Minnesota, will conduct meetings through teleconferencing so long as a health pandemic exists or an emergency is declared under Minn. Stat. Ch. 12. This meeting was held using a video/teleconferencing system.

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Meeting called to order at 7 pm. Clerk took roll call of those in attendance. Quorum verified by Chair Kolbinger.

**CONSENT AGENDA**

**MOTION TO APPROVE BY WILKENING, SECOND BY DANIELSON – MOTION CARRIED**

Consent Agenda Items:

- Minutes Approval: Regular Town Board Meeting March 2020, Local Board of Appeal and Equalization April 7, 2020 9 am, Special Town Board Meeting April 7, 2020 8:50 am
- 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: Windstream Bankruptcy Notice, Sherburne History Center, SWIFT Contractor Information, Midwest Asphalt Information, Center Point Energy Spring Flood Plan, Gopher Bounty Resolution – Sherburne County, Sheriff’s Report – via email this month, if questions, let clerk know ahead to request, Sheriff’s Annual Report, Assessor’s Notice, Sherburne County Overlay Schedule 2020

**REGULAR AGENDA APPROVAL**

**Motion to approve agenda by Babler after addition of sprinkler system permitting and hot water heater issues to agenda. Second by Danielson. Motion carried, all voting in favor.**

**OPEN FORUM**

- Ride for Hope – Charitable Gambling Acknowledgement. **Motion to approve chair signing required paperwork by Danielson. Second by Babler. Motion carried, all voting in favor.**

- Attorney Bourgeois recommendations regarding procedure to assure transparency for votes/motions as long as telephone meetings continue to be allowed due to Pandemic Declaration and Peacetime State of Emergency.
- Ted & Joanna Myers – discussion of what has taken place the past 7 years in front of their residence. The Myers stated the following:
  - Summary: vehicles/trailers/trash cans obstructing right of way in a manner that prevents Mr. Myers from pulling his truck out of his driveway without difficulty.
  - Originally wanted a secondary access to avoid these issues and told of new ordinance coming so decided to wait.
  - Trash Cans –discussion of history/removal/staying on road. When pulling out, it has been knocked over before due to being so far out in the road. Mr. Myer did pick it up after hitting and replace at side of road.
  - Ordinance has been passed and it seems it is not being enforced. Past instances discussed. He tries to make sure he leaves after 6 am so as to not disturb people.
  - Have been told that parking tickets have been issued to the Vogels.
- Cory & Jen Vogel stated the following:
  - No tickets received to date.
  - Parking ordinance standards are not fair. The parking ordinance has restricted their use of their property. They feel they are not allowed to use the road as others do in order to accommodate the semi and are bearing the entire loss/use of their property.
  - Mr. Myers drives a large semi that takes up the entire road
  - If a citation is coming, he has just been issued a citation for using the road in front of their home.
  - Feel Mr. Myers is violating the Shipping Container ordinance as they have a shipping container on their property [Mr. Myers stated it is on wheels/bed of semi]
  - Requested last year for specific measurements for where they can park on the street as they need to park there occasionally. Requesting again to be given exact measurements of where vehicles are allowed on the street.
- Board Response
  - This is an enforcement issue. The board passed ordinances required for enforcement. They have done what they feel is most appropriate/can be done when looking at township as a whole. The ordinance is to give law enforcement the tools they need to be able to enforce
  - Attorney Bourgeois: The ordinance gives the Sheriff the option to take action or not parameters for taking action. If the Town Board enforces, there are multiple notices and then assessing – a long process. The Town Board relies on the Sheriff’s department for their interpretation and enforcement the way they feel is most appropriate in each instance.
  - Concerns need to be forwarded to the Sheriff’s Department.
  - Board feels ordinance is appropriate. Stated to Mr. & Mrs. Vogel to leave mailbox where it is located now.
  - Directed clerk to email a copy of the parking ordinance to Mr. & Mrs. Vogel.
- 7:19 p.m. Sgt. Dan Frank was able to join the meeting by phone.
  - Discussion of what has occurred.
  - Confirmation that citation has been issued – later than normal due to ordinance not being in the computerized system. It is being mailed to the Vogels.
  - Trash cans issue – when viewed, they have been no further out in the road than neighbors’ trash cans.
  - 5:45 am he drove by and verified there was nothing on the road (no trash cans or vehicles) and the semi was not running.

- 10 am, he and Deputy McKay were on site due to calls/vehicle and trailer on the road. Talked with Mr. & Mrs. Vogel as to why the vehicles were now on the road. Deputy McKay took pictures.

#### **TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES**

- Fee Schedule direction? At this time State Building Code requires review for new front doors. Our fee schedule does not have as an over the counter permit. Should it? If not, permit fee is based on valuation. Board consensus to research and decide next month. Supervisor Wilkening will research.
- Memo reviewed. Full text on file.
  - The ordinance was amended to allow metes and bounds “nominal 40 acre” parcels. Authority is with Joint Planning Board.
  - The Corrine Anderson subdivision was approved by the Planning Commission and Joint Planning Board. This was the first “nominal forty” approval.
  - Brian Dodd – Theco, Inc. was approved for a variance to allow a larger pylon sign.
  - Preferred Concrete was granted a front yard setback variance.
  - Accessory structures ordinance amendment passed, allowing larger structures.
  - A CUP for Brad and Lisa Hiltz on 117th Street to allow occasional special events (weddings) on their property was unanimously approved. A condition of approval was that the property’s driveway be directly connected to the 117th Street roadway if the road is ever realigned within the ROW.
  - The April meetings were canceled; two applications for the May meeting cycle have been received.

#### **ENGINEER’S REPORT – Wes Davis**

- Memo reviewed. Full text on file.
  - Joint Powers Agreement with Sherburne County for the Overlay project on 185<sup>th</sup> Ave SE needs approval. Recommended by Engineer. There is not a pre-con set yet and may not be normal due to pandemic. Will let board know details as he does. Tentative Start Date/Work is 6/15/2020-6/19/2020. **Motion to approve Joint Powers Agreement with Sherburne County for the 185<sup>th</sup> Avenue SE Overlay project by Wilkening. Second by Danielson. Voting aye: Kolbinger, Wilkening, Danielson, Babler, Boros. Voting nay: none.**
  - Utility permit discussion due to number that came in.
    - For fiber optic/internet utilities
      - Would board be open to permitting by development?
      - Currently allow to permit by road rather than address.
      - Q: do they typically do entire development at once? A: yes
      - Attorney Bourgeois: Was this all apps by a single entity? Yes
      - Attorney Bourgeois: recommendation is that grouping for administrative permits is not an issue and would be adequate, but concerns regarding processing permits and being sure time lines are managed well.
      - Board – it makes sense, but how likely is it this will happen again? Low likelihood.
      - Clerk and Engineer to review form to see if anything can be altered to streamline process.
  - CIP – originally it was planned that during road tour each road would be rated. Since pandemic doesn’t allow groups, is it ok to allow Engineer to get started?
    - Wilkening - good idea for Engineer to do this in a somewhat short time frame

- Danielson – can we get interns to help? Engineer: yes – 1 is returning and they have another. Having them to some parts will help on costs.
- Kolbinger – consistency is important – comparison between roads is ok if by interns overseen by Engineer.
- Now that signs are complete, would the board want survey/georeferenced of the signs? It can go into the GIS Mapping database with type/age/location of signs.
  - Wilkening – great idea, but would like estimate of costs on this. Also include every culvert that goes under a road.
  - Engineer: Long term goal would be for the Township to have maps with everything as appropriate and have them available on Supervisors phones.

## **SUPERVISOR REPORTS**

### **Fire Board** – Supervisor Babler

- 4 donations – Charlies, Women of Today, Faith Lutheran, Becker Lions – donations for whatever the fire department sees fit/need.
- Bills are going out to Northern Metals and they are paying them.

### **Central Mississippi River Regional Planning Partnership – Framework 2040** – Supervisor Kolbinger

- No meeting – 30<sup>th</sup> of this month is next one.
- Clerk will forward most recent email to all Supervisors.
- Jacob Sanders works with the liaison team. They have been reaching out to stakeholders.
- Currently checking socio-economic studies.
- Survey response so far – 4 Township, 5 City of Becker.

### **Roads Report** – Supervisor Danielson

- Brushing is done, moving to stump grinding.
- Snow plow damage – Contractor is going around and cleaning up damage
- Some potholes are showing – they are being taken care of as noted
- Roads are in pretty good shape
- Road Tour: All to drive individually and take pics/send comments to clerk. Will set date for a separate meeting – playing by ear for now due to COVID-19.
- Get data to clerk prior to next meeting.

### **Town Hall** – Supervisor Babler

- Sprinklers – permit – who should obtain? Mary Roe will verify with Building Inspector and City if an encroachment permit is required.
- Dumpster – no limit on size – location behind Town Hall
- Water Heater – Joe will look and bring back next month for approval

### **Animal Control**

- Animal control – fortunate as one dog had an owner, so owner paid the fees rather than township. 1<sup>st</sup> time in 8 years. No changes to procedure for now.

## **TREASURER'S REPORT - TANYA DANIELSON**

The Becker Town Board Supervisors discussed handling of check payments given the current state of emergency and pandemic declarations by the Governor of Minnesota. The following finding were made:

1. March 13, 2020 Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2.
2. The Center for Disease Control has labeled COVID-19 as a pandemic illness.
3. COVID-19 poses a risk to the health, welfare, and safety of the public.
4. The Minnesota Department of Health has issued guidelines and recommendations to slow the spread of COVID-19 that include limiting social interaction.
5. The Township Chairperson finds it is not practical or prudent to hold Township Board meetings in person because of pandemic and public health emergency.
6. The Township Board issued Resolution 2020-15 on April 7, 2020 Establishing the ability to conduct open meetings by telephone as attendance at a meeting is not feasible due to health pandemic and public health emergency.
7. The Township Board will not have any member, counsel, or administrator present at the regular meeting location.

The board decided on the following procedures:

- 1) That the Town Board of Becker Township, Sherburne County Minnesota will not require three signatures on checks as long as the health pandemic exists or an emergency is declared under Minn. Stat. Ch. 12.
- 2) A copy of all claims for payment will be incorporated into the meeting packet. Payroll claims will be available for viewing at Township hall if requested in accordance with data privacy laws.
- 3) Motion by Wilkening to have Treasurer Tanya Danielson as the sole signatory until the health pandemic exists or an emergency is declared under Minn. Stat. Ch. 12.. Second by Babler. Motion carried:
  - a. Votes: Brian Kolbinger: Aye
  - b. Luke Babler – Aye
  - c. Robin Boros – Aye
  - d. Joe Danielson – Aye
  - e. Brad Wilkening – Aye
- 4) Prior to approval of payments, the board will request the Township Treasurer’s statement regarding sufficient or insufficient funds to cover claims submitted for approval.
- 5) Payments will be authorized using roll-call voting.
- 6) Clerk Lucinda Messman will attest that these statements have been made and are documented in the Township Record.

**Motion to approve Becker Township, Sherburne County Minnesota, Resolution 2020-16:  
RESOLUTION ESTABLISHING THE ABILITY TO HAVE A SINGLE SIGNER ON CHECKS  
DURING PEACETIME EMERGENCY AND PANDEMIC**

Whereas, on March 13, 2020 Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2; and

Whereas, the Center for Disease Control has labeled COVID-19 as a pandemic illness; and

Whereas, COVID-19 poses a risk to the health, welfare, and safety of the public; and

Whereas, the Minnesota Department of Health has issued guidelines and recommendations to slow the spread of COVID-19 that include limiting social interaction; and

Whereas, the Township Chairperson finds it is not practical or prudent to hold Township Board meetings in person because of pandemic and public health emergency; and

Whereas, The Township Board issued Resolution 2020-15 on April 7, 2020 Establishing the ability to conduct open meetings by telephone as attendance at a meeting is not feasible due to health pandemic and public health emergency; and

Whereas, The Township Board will not have any member, counsel, or administrator present at the regular meeting location.

Now Therefore, Be it Resolved,

- 1) That the Town Board of Becker Township, Sherburne County Minnesota will not require three signatures on checks as long as the health pandemic exists or an emergency is declared under Minn. Stat. Ch. 12.
- 2) A copy of all claims for payment will be incorporated into the meeting packet. Payroll claims will be available for viewing at Township hall.
- 3) Becker Township Supervisors unanimously moved that the Township Treasurer, Tanya Danielson, be appointed as sole signature required on checks.
- 4) Prior to approval of payments, the board will request the Township Treasurer’s statement regarding sufficient or insufficient funds to cover claims submitted for approval.
- 5) Payments will be authorized using roll-call voting.
- 6) Clerk Lucinda Messman will attest that these statements have been made and are documented in the Township Record.
- 7) The requirement of a single check signer to authorize payment will continue so long as a health pandemic exists or an emergency is declared under Minn. Stat. Ch. 12.

Votes	Yes	No	Other
Supervisor Brian Kolbinger, Chair	_x_	_____	_____
Supervisor Brad Wilkening, Vice Chair	_x_	_____	_____
Supervisor Luke Babler	_x_	_____	_____
Supervisor Robin Boros	_x_	_____	_____
Supervisor Joe Danielson	_x_	_____	_____

Adopted this 20th day of April, 2020.

By the Becker Township Board  
 Brian Kolbinger, Chair

Attested by Lucinda Messman, Clerk

- Following the adoption of the resolution, the board requested a statement verifying funds. Treasurer Danielson certified that there is sufficient money in the accounts to pay the claims.

- **Motion to pay PO 1228-1239; warrants 14584-14607 (includes payroll = \$5,789.03) as noted in the claims list for approval and net payroll distribution in the amount of \$67,206.97 by Babler. Second by Boros. Motion carried, 4-0-1. Votes recorded below.**
  - Supervisor Kolbinger – Aye
  - Supervisor Babler – Aye
  - Supervisor Boros – Aye
  - Supervisor Wilkening – Aye
  - Supervisor Danielson abstained from voting as his company has submitted a claim.
- The remaining funds in the Fire Bond fund have been transferred to the General Fund as directed.
- **Motion to approve Treasurer’s report as submitted by Babler. Second by Wilkening. Voting Aye: Kolbinger, Babler, Boros, Wilkening, Danielson. Voting Nay: none.**
- Donations requests reviewed:
  - **Motion to approve donations as follows:**
    - **Becker Cemetery in the amount of \$700.00**
    - **Becker All Night Graduation party in the amount of \$1,000.00**
    - **Danish Cemetery in the amount of \$750.00**
    - **City of Becker Parks and Recreation in the amount of \$15,000.00 and use of Town Hall during Freedom Days celebration**
    - **Snake River Cemetery in the amount of \$750.00**
  - **by Danielson. Second by Wilkening. Voting Aye: Kolbinger, Wilkening, Danielson, Babler, Boros. Voting Nay: none. Motion carried.**

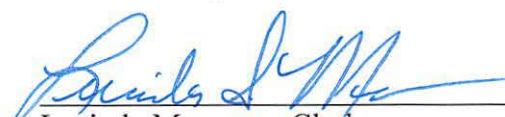
**OTHER ITEMS**

- With the COVID-19 Situation – possibly issues finding election judges. All depends. Clerk requested all Supervisors consider taking election judge training. Agreed.
- Approval of the 2021 levy is required. Can be lower than approved at the annual meeting, but not higher. Approval at the annual meeting as follows:
 

▪ General Fund	175,000
▪ Road and Bridge Fund	950,000
▪ Fire Fund	100,000
▪ Town Hall Fund	15,000
- **Motion to approve 2021 levy as indicated by Danielson. Second by Babler. Voting Aye: Kolbinger, Wilkening, Danielson, Babler, Boros. Voting Nay: none. Motion carried.**

Meeting Adjourned 8:36 p.m.

  
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 Brian Kolbinger, Chair

  
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 Lucinda Messman, Clerk