

**Becker Township Board
Town Board Meeting
December 17, 2018**

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

Board Members Absent: none

Staff members present: Kelli Bourgeois – Township Attorney, Damien Toven – Township Attorney, Wes David – Township Engineer; Craig Wensmann – Bogart Pederson, Ben Wikstrom – Township Planning Consultant, Tony Wruck – Wruck Excavating

Others present: Chad Johnson – Sherburne County Sheriff's Department, Susana Kuche – Citizen Newspaper, Marie Pflipsen – City of Becker Community Development Coordinantor, Ryan Bruers Xcel Energy, Dan Pfeiffer – Xcel Energy, Brandon & Nicole Hines; Frank Kasowski – Boulder Crossing.

Meeting called to order and quorum verified by Chair Kolbinger.

Consent Agenda approved.

- 1) Minutes - November Regular meeting
- 2) 2) Upcoming electronic fund transfers/automatic payments approval – documentation will be available at meeting.
 - a. City of Becker – water/sewer
 - b. Xcel Energy – gas and electric
 - c. Ace Disposal – container for township maintenance
 - d. Midco Business – phone and internet
 - e. Upcoming EFTS related to payroll: Federal taxes, State taxes and PERA – mandated rates.
- 3) Resolutions
 - a. Becker Township Resolution #2018-24: Appointing the 2019 Absentee Ballot Board
 - b. TOWN OF BECKER RESOLUTION 2018-22: RESOLUTION APPOINTING MEMBERS TO THE TOWN PLANNING COMMISSION
 - c. TOWN OF BECKER RESOLUTION 2018-21: APPOINTING MEMBERS TO THE BECKER JOINT PLANNING BOARD
 - d. **Town of Becker, Sherburne County, Minnesota Resolution 2018-23: RESOLUTION DESIGNATING ANNUAL POLLING PLACE**
 - e. Adoption of Meeting Schedules for 2019: attached
 - f. Correction August 2017 Minutes to approve editing the January 25, 2009 Town Board minutes ordinance number that currently reads:
 - i. Adult Use Ordinance - Attorney Schieffer reviewed the ordinance and explained the zoning ordinance would confine business to certain areas, and licensing will regulate controls on clubs. If there is no ordinance there could be a challenge in litigation when denied. Limpert moved, second K. Johnson to adopt Ordinance 09-04 Providing for the Regulation of Adult Establishments in the Town of Becker. Motion carried all voting for.
 - ii. To edit the ordinance number from 09-04 to 10-02 so the text will now read: Adult Use Ordinance - Attorney Schieffer reviewed the ordinance and explained the zoning ordinance would confine business to certain areas, and licensing will regulate controls on clubs. If there is no ordinance there could be a challenge in litigation when denied. Limpert moved, second K. Johnson

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to adopt Ordinance 10-02 Providing for the Regulation of Adult Establishments in the Town of Becker. Motion carried all voting for.

- 4) Correspondence
 - a. Wetlands Delineation Letter
 - b. 2020 Census Plan and Newsletter Note: the 2020 Census Plan is a 192 page document. It is available online or for viewing at Town Hall. It is not included in the individual printed packets unless requested.
 - c. Palmer Township Minimum Maintenance Road Notification
 - d. Christmas Card
 - e. MN LTAP Classes
 - f. Notice to County Auditor - March Election
 - g. IRS 2019 mileage rate
- 5) Public Notices
 - a. Filing for office of Supervisor January 2-15, 2019
 - b. Winter Parking Ordinance Yearly Publication
 - c. Joint Planning Board Ordinance Amendments

Regular Agenda Approval

- **Motion to approve agenda as amended by Babler. Second by Gilbert. Motion carried, all voting in favor.**

Chad Johnson from Sherburne County Sheriff's department presented a report for the month:

- 137 Calls for service
- 34 traffic stops
- Rest was routine.
- Questions by those present
 - 175th Avenue – north end we have a lot of garbage being dumped – Sheriff will put up a camera
 - Vandalism of roadway on 163rd/Cedar Crest Acres
 - Clerk to email details

Residential Open Forum – none

Orderly Annexation Agreement

- Resolution was passed by the City Council. No discussion
- **Motion to approve City of Becker Resolution 18-71: IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY OF BECKER AND BECKER TOWNSHIP PURSUANT TO MINNESOTA STATUTES§ 414.0325 in conjunction with Orderly Annexation Agreement between City of Becker and Becker Township, annexing the following 643.3 acres of Northern States Power Company parcels into the City of Becker:**
 - **Tract A:**
 - **The Northwest Quarter of Section 35, Township 34 North, Range 29 West, Sherburne County, Minnesota; and**

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- The Southwest Quarter of Section 35, Township 34 North, Range 29 West, including Government Lot 1, Sherburne County, Minnesota, except that part lying Southerly of the centerline of the traveled County Highway No. 53, Sherburne County, Minnesota;
- and That part of Government Lot 2, Section 2, Township 33 North, Range 29 West, Sherburne County, Minnesota, lying North of the centerline of the traveled County Road No. 53, also known as I 15th Avenue Southeast, now vacated. Sherburne County, Minnesota.
- Tract B:
 - The Southeast Quarter of Section 35, Township 34 North, Range 29 West, Sherburne County, Minnesota.
- Tract C:
 - The Northeast Quarter of Section 35, Township 34 North, Range 29 West, Sherburne County, Minnesota, except the north 440 feet of the West Half
- Tract D:
 - Beginning at the northwest corner of the Northeast Quarter of Section 35, Township 34 North, Range 29 West; thence North 89 degrees 07 minutes 33 seconds East along the north line of said Northeast Quarter of Section 35 (assumed bearing) a distance of 495.01 feet; thence. South 00 degrees 10 minutes 53 seconds West a distance of 440.07 feet to the south line of the north 440 feet of the Northwest Quarter of the Northeast Quarter; thence South 89 degrees 07 minutes 33 seconds West a distance of 495.02 feet to the west line of the Northeast Quarter of Section 35; thence North 00 degrees 10 minutes 53 seconds East along said west line to the point of beginning, and there terminating
- Tract E:
 - Commencing at the northwest corner of the Northeast Quarter of Section 35, Township 34 North, Range 29 West; thence North 89 degrees 07 minutes 33 seconds East along the north line of said Northeast Quarter of Section 35 (assumed bearing) a distance of 819.97 feet to the point of beginning of the land to be described; thence continuing North 89 degrees 07 minutes 33 seconds East a distance of 497.96 feet to the east line of the Northwest Quarter of the Northeast Quarter of. said Section 35; thence South 00 degrees 11 minutes 30 seconds West along the east line of said Northwest Quarter of the Northeast Quarter a distance of 440.07 feet to the south line of the north 440 feet thereof; thence South 89 degrees 07 minutes 33 seconds West a distance of 495.00 feet; thence North 00 degrees 11 minutes 31 seconds East a distance of 440.07 feet to the point of beginning and there terminating.
- Tract F:
 - That part of Government Lot 1, Section 35, Township 34 North, Range 29 West, Sherburne County, Minnesota, lying South of the centerline of the traveled County Road No. 53, except a portion previously annexed into City Of Becker

By Wilkening. Second by Kolbinger. Role Call Vote:

Babler – No

Kolbinger - Yes

Danielson – Yes

Wilkening - Yes

Gilbert – No

Motion carried 3-2.

Town Planning Commission/Joint Planning Board Updates – Ben Wikstrom – Township Planning Consultant

- Ordinance Amendments cleanup

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- Lean-to – TPC recommended allowing up to 50% of building size and that lean to's are not to be counted in accessory structure size limits.
- Occasional Special Events
 - limit of 8 per year with max of 2/month in General Rural Districts
 - limit of 16 per year in Agriculture Districts
 - 3 consecutive days discussed
 - CUP will be required
- Temporary Residence vs. Residence, Temporary
- Cell Towers requiring CUP in Agriculture and General Rural Districts
- Clarity for side setback language
- Administrative Permits for mobile uses like food trucks
- Striking LFE language from zoning as Building Code covers.
- Still working through
 - Farm Related Business Definition
 - CUP Qualifications/benchmarks for occasional special events

Engineer's Report – Wes Davis

- 2 final payments for 185th – Knife River still has some retainage.
- Timing for bids for the North portion of 185th should still be good
- TEP report
- **Motion to pay remaining \$12,569 to Sherburne County for 185th Ave by Babler, Second by Danielson. Motion carried, all voting in favor.**
- Boulder Crossing Roads
 - Attorney Bourgeois reviewed memo sent to Board Members regarding cracks in the road.
 - 2012 – no documents on file that state crack filling was done at that time. Developer indicated he had no records either.
 - Anything since 2012 is outside the warranty period and developer is not accountable once the warranty period has ceased.
 - The Township should do no maintenance until the development reaches 50% occupancy. That can occur when 50% of the lots have been issued certificate of occupancy.
 - Frank Kasowski stated that Clear Lake also has a development that is cracking like this. Knife River's representative suspects it is due to lack of use.
 - Attorney Bourgeois asked Township Engineer if any records from 2012 indicate how much/amount of crack filling that was needed?
 - Supervisor Wilkening suggested checking Google Earth aerials might assist
 - Mr. Kasowski stated in 2012 that regular sealing would likely have been adequate
 - Attorney Bourgeois: Accepting the roads started the warranty period. This is unusual due to the market crash that created this situation. Usually buildout finished during the warranty period.
 - Attorney Bourgeois
 - 11/19/2012 Township Engineer at the time identified three items

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- Driveway/Culvert issues – those were handled/completed
- Crack sealing/filling – no record exists that this was done. The township released all but approximately \$8,000 that was held for crack filling
- Buildout is not yet complete
- Roads have been accepted, but are not yet maintained by the Township.
- Mr. Kasowski stated that \$10,000 was paid into the escrow for seal coat, but it was never done. He stated to check the last page of the Developers Agreement. He also spoke with Jeff Rhodes who said the cracks could be filled for approximately \$11,000 now rather than the \$80,000 for which the township received an estimate.
- Engineer Davis: mileage for the roads in the development has never been claimed under the Road Mileage Certification submitted each year.
- Board wants to find a reasonable way to solve this. More quotes required. They also don't want this to happen again and do not want to have funds released until occupancy is reached. Maintain the current cash escrow requirement in the developer's agreement.

Supervisor Reports

- Fire Board – Supervisor Babler
 - Slow moth
- Sherburne County Parks/Recs/Active Living – Supervisor Danielson. The Township has no opinion regarding the Snake River trail – if the county wishes to move it, they can. It is their trail.
- Highway 25 Coalition – Supervisor Kolbinger
 - Support memo requested by Sherburne County. **Motion to approve signing the support memo by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**
- Road Report – Supervisor Gilbert
 - Procedure in regards to removal of vehicles in the right of way during snowplowing. Attorney stated the Sheriff's office should be called and the vehicles should be ticketed. This should eliminate the behavior.
 - Reminder – Fiberglass poles need to be 1' back from edge of pavement for safety. Otherwise they are hazardous.
 - Bus Garage road will be plowed, but Contractor to skip if they did it themselves already.
 - 175th Minimum maintenance road is completed as far as trimming leaners/hangar trees
 - 77th/Anderson's farm road – took a week to clear. Complete
 - School Bus Superintendent met with Road Supervisor – they have a list of overhanging trees that Jim Free will begin trimming.
 - Tires are now going to Accurate Automotive for disposal rather than Jeff holding and turning in at cleanup days. Accurate Automotive to bill the township as appropriate.

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- Couch along road was taken to Goodwill – other ideas for roadside dumping?
- 190th – clearing to start on north end. No feedback at this time
- 117th will be on the Annual Meeting Agenda to begin road recording/alteration procedure
- Shared Road Agreement with City of Becker – still being worked on
- Development Agreement – coming along
- Town Hall
 - Gutters on order
 - Shakes/Woodpecker hole – Supervisors Danielson and Babler will handle.

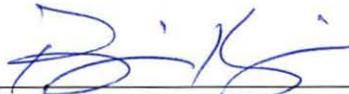
Treasurer's Report

- Wruck Reimbursement/City of Becker Dust Control – clerk working through with City Staff.
- Billing issues relating to TPC/JPB – clerk is working with the city on these.
- **Motion to accept Treasurer's Report by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- **Motion to pay warrants 14086-14115 and pay PO 1071-1078. Total of all items \$73,418.61 by Wilkening. Second by Gilbert. Motion carried, 4-0-1. Supervisor Danielson abstained as they had submitted bills for services to the Township.**

Other:

- Local Board of Appeal and Equalization – Date of 4/9/19 – does this work? Yes.
- Township Attorney:
 - Attorney Kelli Bourgeois has accepted the position of City Manager with Columbia Heights. Due to this, she will no longer be able to attend Town Planning Commission or Joint Planning Board meetings due to conflicts. While she is still interested in continuing as Township Attorney, she wanted to inform the board and will understand if they choose to look elsewhere.
 - She has spoken with Dove Fretlund (Paul Dove and Damien Toven) and they are willing to continue to fill in at meetings she cannot attend. They have been doing this in the past.
 - Board – maintain her history and continue the same agreement. Leave to Attorneys to determine who can attend which meeting.
- Reminder of Sherburne County Association of Townships meeting on 1/16/19. Becker Township is hosting meal.

Meeting Adjourned 9:18 p.m..



Brian Kolbinger, Chair



Lucinda Messman, Clerk