

Regular Town Meeting
Monday, July 15, 2019
12165 Hancock Street

MEETING
MINUTES

Attending

- | | |
|--|--|
| <input checked="" type="checkbox"/> Township Chair Brian Kolbinger | <input checked="" type="checkbox"/> Township Supervisor Joe Danielson |
| <input checked="" type="checkbox"/> Township Vice Chair Brad Wilkening | <input checked="" type="checkbox"/> Township Clerk Lucinda Messman |
| <input checked="" type="checkbox"/> Township Supervisor Gary Gilbert | <input checked="" type="checkbox"/> Township Deputy Clerk Fran Seeley |
| <input checked="" type="checkbox"/> Township Supervisor Luke Babler | <input checked="" type="checkbox"/> Township Treasurer Tanya Danielson |

Absent Board Members: none

Attending Staff: Kelli Bourgeois – Township Attorney, Wes Davis – Township Engineer, Marie Pflippsen – City of Becker Community Development Director, Marilyn Danielson – Becker Joint Fire Board Secretary

Others Attendees: Tony Wruck – Wruck Excavating, Dan Frank – Sherburne County Sheriff, Carrie Rehborg, Richard Gulbrandsen, Matt & Casey Koester, Scott & Nicole Girard, Paul Muenzhuber, Jeannie Smallish, Tony Wruck, Adam Vee, Dan Butler

Meeting called to order and quorum verified by Chair Kolbinger.

CONSENT AGENDA

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

Consent Agenda Items:

- Regular Town Board Meeting Minutes June 2019
- 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
 - National Night to Unite City of Becker, District 7 Township Meeting Notice, Public Hearing Notice Sherburne County Ordinance Changes, CSW Notice of Termination 185th Ave South, Clean-up day 2019 Report to Sherburne County, MN Wage Theft Laws, Financial Statements Submitted Confirmation, Records Destruction Report, Data Requests, Gravel Road Management, All Night Grad Party Thank you, Demographic Report 2018 Population
- Approval of official designations/signatures
 - Letter to Sherburne County Public Works

Pledge of Allegiance

REGULAR AGENDA APPROVAL

Motion to approve agenda by Babler. Second by Gilbert. Motion carried, all voting in favor.

SHERBURNE COUNTY SHERIFF'S REPORT – Sgt. Dan Frank

- 96 Calls for service
- No unusual items at this time
- Hands free begins 8/1/2019 and ticketing will be active on that date due to the extensive campaign to let everyone know it is coming. Sheriff's department is also going hands free (not required for them, but for safety they are). Fine is \$50 for first offense. Second is \$225 and all go on driving record.

WOODBERRY FARMS CUL-DE-SAC'S (CDS)

TREES AND BOULDERS IN THE RIGHT OF WAY/CENTER AREA OF THE TWO CUL-DE-SAC'S.

- Emails came in from several residents and were provided to the Supervisors prior to the meeting via meeting packet. [Full text of each on file] Chair Kolbinger referenced these emails and asked if anyone present would like to comment before discussion.
 - Carrie Rehborg stated, in summary, their questions including
 - Re: Liability – would a reflective sign mitigate the Township's liability for these cul-de-sacs?
 - Paying to remove these cul-de-sacs seems impractical unless removal would increase savings to the township by decreasing liability insurance costs.
 - Can the Woodberry Farms plat be modified to allow these as an outlot?
 - Would maintenance costs per year decrease?
 - Does this have to be a Homeowners Association in order to have the group take on the liability for the area under discussion?
 - Chair Kolbinger reviewed some of the history that brought us to this point.
 - Supervisors concerns relate to liability placed on the Township and the exposure to the entire Township if they do not handle all areas with objects in the right of way as they are brought to the board's attention.
 - Our insurance provider has stated that a sign or lack of sign won't matter in this case as it gets to the physical obstructions in the Township's Right of Way.
 - These cul-de-sacs were dedicated to the Township, not a homeowners association. These are the only cul-de-sacs of this type in the township, however, not the only location that the Town Board has been removing obstructions. This is unusual in that the obstructions are in cul-de-sacs.
 - Anything that can be hit and do damage creates liability for the Township. This includes if a contractor's employee is injured while working (example of plow losing blade on a rock in another location this past winter in the township discussed).
 - This is not a round-a-bout, but a road with an obstruction built in the middle of the right of way.
 - The Township is willing to consider going through the re-platting process to dedicate the interior sections to an HOA after the formation of a Home owners association for Woodberry Farms. The area under discussion can only be dedicated to a Homeowners association.
 - Attorney Bourgeois: Right of way is dedicated with the plat. To change the dedication, everyone benefitting has to agree to the benefit received. Those present for Woodberry Farms stated that realistically, they cannot get a homeowners association created.
 - This is a known obstruction to the right of way. The center areas are dedicated right of way. These two cul-de-sacs are Township right of way for past/present/future liability concerns.
 - Discussion of various options took place/curbs/gutters/trees/rocks/etc.. Costs will fit under regular maintenance of town roads, this is not something to compare cost to remove vs. liability as Town Supervisors view removal of trees/rocks from right of way a maintenance item.
 - Township Supervisors agree they do not want to accept the liability of these cul-de-sacs in their current state with large rocks and trees. Future cul-de-sacs will not be allowed in this manner either. Planning when these were put in did not look very far to the future.
 - Supervisor Babler: If curb can remain and rocks/trees are removed, how about wildflowers/grass? Those present stated they would appreciate wild grass or nice looking centers as these cul-de-sacs have value to those living there and this is a nice looking

development. Question regarding repair to sign entering development. Homeowners present stated it was going to be done.

○ **Summary**

- Homeowners association won't work
 - Liability must be addressed – this is one of the highest liability issues at this time.
 - At this time, the concrete curb will stay until the road is replaced in the future. At that time, the cul-de-sacs are to have curbing/grass interiors removed and be paved like the other cul-de-sacs in the Township.
 - Supervisor Gilbert will work with a single contact from Woodberry Farms to have the trees or rocks placed at close locations for those who want the items. Rocks are not to be placed in right of ways at homes.
 - Carrie Rehborg will be the main contact for this. She will send information to the clerk.
- Swing Away mailboxes briefly discussed – goal is to have all mailboxes located outside the cul-de-sac – before entry. If they are placed at the exit, snow loads can damage/break them. Mailboxes to be 44” minimum height and located at the back of the shoulder.

Carefree Country Club Lot 197 Variance Request

- Applicants want to put a park model trailer on the lot
- There is already a deck in place – park model to be 11'x37'
- Carefree encourages residents to follow codes
- Variance is required due to location of Fredricks Slough
- **Motion to recommend approval as it makes no significant changes to the look of the area by Kolbinger. Second by Danielson. Motion carried, all voting in favor.**

Secondary Access Requests

- John Stich, applicant; Scott & Nicole Girard, homeowners. 17783 126th Street SE, Becker.
 - Scenic Hills
 - Drawing viewed/Beacon aerial viewed
 - Engineer Davis – opinion
 - They meet spacing requirements
 - They are outside the setback requirements
 - Recommendation for approval contingent upon final inspection matching plans, culvert design as discussed and no damage to the road surface.
 - **Motion to approve the secondary access permit application for Scott & Nicole Girard by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- Matthew & Cristy Koester, 17831 126th Street SE, Becker.
 - Scenic Hills
 - Drawing viewed/Beacon aerial viewed
 - Engineer Davis – opinion
 - They meet spacing requirements
 - They are outside the setback requirements
 - Recommendation for approval contingent upon final inspection matching plans, culvert design as discussed and no damage to the road surface.
 - **Motion to approve the secondary access permit application for Matthew & Cristy Koester by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Bridgeview Cul-de-sac Drainage

- Richard Gulbrandson sent photos into board showing high water levels/swamp located near his home 16998 175th Ave SE, Bridgeview Subdivision

- Continually pumping water from the basement
- Question/goal – he would like someone to meet at this place as he has an idea that may make things drain properly.
- History of this area discussed.
- Supervisor’s directive to send engineer out with road supervisor to see what ideas there may be and report back next month.
- Mr. Gulbrandson to contact Supervisor Gilbert next week. Clerk to assemble history for review.

7:59 pm Motion to recess at this time to allow the Annual Joint Fire Board meeting to take place. Becker Town Board Meeting will resume immediately after the Fire Board meeting in this same location by Danielson. Second by Babler. Motion carried, all voting in favor.

Recessed for Joint Fire Board Annual Meeting

Becker Town Board called back to order at 8:15 p.m..

TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Supervisor Wilkening

- University of Minnesota Experiment Station will be building at their new site. They are exempt from local permit requirements.
- Denial of IUP for The Hideout based on lack of compliance with prior one, current court case regarding parking, septic issues, and event was held before the Planning Commission had met.
- Pool Covers Building Code amendment recommended to Town Board. They have improved and the County now allows them. Town Board administers building code so would need to direct staff to review and prepare. Board Directive to staff – review and prepare ordinance amendment for August.

ENGINEER’S REPORT – Wes Davis

- 185th Ave North portion – mostly complete
 - Pavement, mailboxes, signs and striping later this week
 - Waiting for the 70% vegetation coverage so withholding retainage at this time.
 - Overruns due to shouldering and concrete driveway issues. Concrete will be additional cost next year – it is not in this payment.
 - Original estimate approximately 623,000. Currently at \$660,000
 - Punch list coming – mainly minor items. Ex: mailbox on fence post rather than mailbox stand.
 - Board member comments – looks nice – have heard positive comments since it now has a wider shoulder. High portions cut down, low ones brought up; cleared out culvert (new concrete one) and the water on the North side decreased 4’ once that was done. That should protect the sub base of the road better now too.
 - TS Dirtworks did a good job
 - Knife River did a good job
 - Despite rain delays – finishing on time.
 - Partial payment presented this evening is recommended.
 - **Motion by Wilkening to pay partial payment in the amount of \$409,498.19 to Knife River for the 185th Ave North project portion. Second by Danielson. Motion carried, all voting in favor.**
- Eagles Landing Cul-de-sac
 - Cul-de-sac had temporary easements noted in record, but nothing signed has been found to point.
 - Legals were drafted when temporary easements were put in place.
 - Need signed permanent easements at this point as the intent is to leave this as a cul-de-sac. There is now a house to the north.

- Clean up item
- Directive to engineer to work with the homeowners to get this cleaned up.
- Note: this is currently the largest paved surface area cul-de-sac in the township. If it is ever repaved, would want it done at current standards.
- Stop Sign Snake River Estates
 - Last meeting it was requested Engineering review intersection at 120th and 180th in Snake River Estates to see if an additional stop sign may be placed.
 - Review of MUTCD (Manual on Uniform Traffic Control Devices) by US Department of Transportation standards regarding use of stop signs for conditions warranting a second stop sign:
 - Intersections of 6,000 + per day vehicle traffic
 - Restricted view of the stop sign
 - Crash records indicate a second stop sign would decrease accidents by 3/year or 5 in a 2 year period
 - None of the above criteria are present at this intersection. No additional stop sign recommended. Plus, research has shown that increasing the number of stop signs at a location without at least one of the above situations present will not improve safety.
 - Board discussion
 - Is the stop sign very visible/easy to see? Yes
 - What about moving it to the opposite side? Will review and see if that may be a possible solution.

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- Regular meeting
- Lions donated \$1,000

Highway 25 Coalition – Supervisor Kolbinger

- Moving forward with search for a facilitator. Group will be renamed/rebranded
- RFP For land use plan with goals and strategies being developed.

Roads Report – Supervisor Gilbert

- Projects:
 - 67th Street rebuild of the 1 mile section of gravel is complete. Came in at \$1,000 under budget. Planning the other half next year.
 - 190th Ave – we are in the middle of the project.
 - Supervisor Babler – looking nice and has heard good feedback
 - Engineer Davis has checked it out as well and said it looks good
 - Chad Arthur driveway has been repaired and the silt fence removed. Restoration complete.
 - Grading and driveway approach work at Garden Grove Road completed today. Shaving and fixing approaches and leftover material went to 185th to fix driveways.
- Road Damage/Issues – repairs needed – board consensus fix now
 - 77th Street – west of CR 25
 - 114th Street Cul-de-sac
 - Hidden Haven Pothole
 - West end of 82nd Street – asphalt where the overweight loads destroyed pavement surface. Planning to try to tie into a recycle job with the county (or other LGU) if possible and run reclaim over the area.

- Right of Way issues
 - Jim Free is trimming trees in 4-5 locations throughout the township
 - 87th had a tree fall over and was removed
 - 82nd street (Anderson's Road) had a tree fall across on west end – removed
- Garbage/Vandalism
 - None this month
- Signs/Signing
 - Jeff is doing a great job for the township
 - About 20 more general street signs to finish
 - Found oldest road sign in Becker Township – our sign was in the wrong spot (was actually in Orrock Township). Has been removed and new sign placed where it should be.
 - Barricade and safety signs – ordered and will be installed when they arrive.
 - Fire signs are going in along 185th Ave
 - County Letter will go out – as approved in consent agenda
 - Double Cul-de-sac in Deer Ridge/Oak Crest Estates
 - Survey has been completed
 - Right of way signs will be installed on Outlot between the parcels
 - Fire Sign replacement south of Highway 10 will be the next section reviewed/worked.
- Miscellaneous
 - Board opinion – after speaking with maintenance contractor, Supervisor Gilbert requested ability to use additional contractors when needed. Procedures to get them approved and asking for names of local contractors.
 - Attorney Bourgeois: Reminder: it is ok to use various contractors unless the Township holds a specific contract with a contractor. Ex: General Maintenance items listed in that contract must go through the general maintenance contractor. Items outside that contract/not listed there are fine to contract with others. Reminder of current statutory municipal contracting law requirements (quotes/bids/levels/etc).
 - Necessary information before contracting (audit compliance side)
 - Insurance verification - Certificate of liability must be on file with office
 - W9 to be filed with office
 - IC 134 verification
 - Work Comp verification
 - Registered with the State as a business
 - Looking for names – Helmin has done some roads. Due to volume, looking for two more tree trimmers.
 - Board directive – obtain quotes/stay in budget/follow procedures/work with office staff to verify paperwork. Do what is needed to get the work done.
- Kenney Court – Survey reviewed
 - House is not in the right of way. Survey shows vertical wall, not the eve.
 - Homeowner has been working to clear the area that is in the right of way.
 - Clerk to mail a survey copy to go to homeowner. Other kept on file.
 - Will work with homeowner as some trees still need to be removed.
 - Gravel driveway in right of way – not an issue
- Speed signs/traffic signal quotes – tabled

Town Hall – Supervisor Babler/Supervisor Danielson

- Landscaping – being handled by Supervisor Danielson
 - Dirt has been brought in – getting things to right elevation so drainage happens correctly

- Basic plan is to be done by next meeting
- Building – woodpecker still around – cedar shakes have been purchased and both will be handled once we can rent the appropriate equipment.
- Lights – no action at this time.
- Interior painting – no action at this time.

Other

- Recycle Day results noted.
- Budget meeting set for Monday, October 28th at 7:00 p.m..
- Night to Unite – request received. Supervisors Babler and Danielson to attend, Supervisor Kolbinger as alternate
- Developers Agreement – Board members and Engineering to send edits to Attorney Bourgeois. Clerk has sent basic edits
- Mailboxes – clerk noted supply on hand down to 2 – board consensus to order a dozen more to keep on hand for residents.
- Broadband Grant – not at this time

Township Celebration

- Township is turning 150 in January 2021.

TREASURER’S REPORT - TANYA DANIELSON

- Treasurer presented claims list for approval and brought up that paying of all claims will put the township out of compliance with its current Fund Balance policy.
- In order to pay these bills, suggest editing the fund balance policy. Currently it reads that
 - *“Minimum Fund Balance: The Township will strive to maintain a minimum unassigned general fund balance of six months of operating expenses.”*
 - Recommendation – change unassigned general fund balance to unassigned township funds.
 - Budget still needs some work, but we are not doing that at this time. We did not pull retainage numbers out into different account for budgeting and that has caused an issue this year. We will do so for next year.
 - General Fund has an issue (includes permit fund and general fund) – need to look at closer for next year
 - **Motion to change fund balance policy text as suggested by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- **Motion to approve treasurer’s report as distributed by Gilbert. Second by Babler. Motion carried, all voting in favor.**
- **Motion to pay warrants 14305-14334 and PO 1150-1156, void PO 1155, in the amount of \$516,639.63 by Wilkening. Second by Gilbert. Motion carried, 4-0-1. Supervisor Danielson abstained from voting as his company submitted a claim for payment.**

CLERK’S ITEMS – LUCINDA MESSMAN

- Exterminator’s first visit –
 - New seals on bottoms of doors installed
 - Building sprayed – schedule for going forward needed – will bring recommendation next month.
 - Exterminator found areas where bugs were entering the building
- Website requests
 - Senior Living Help – Board denied
 - Tri-Cap – Board approved
- Training request

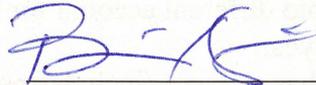
- GTS Public Participation techniques available as virtual course. Clerk to take 'online'.
Approved.
- Minutes found in files – will verify if additional or what once original minute books are back from ArcaSearch facility.
 - Special meetings 2/15/1979, 5/9/1978, 5/6/1975, 11/1/1986 (Road Tour).

Boulder Crossing – Attorney Bourgeois

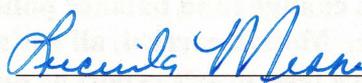
- Memo drafted to board 12/2018 reviewed and still accurate. Brief historical review.
- Crack sealing still a question. Board retained approximately 8,000. No need to accept roads until the crack filling that was to happen at that time occurs.
- Without photos of what to crack fill and the amount to do it is difficult to state any dollar amount as the cracks have gotten worse since then.
- If the cracks are filled, it will increase the life of the roads a bit.
- It is up to the board to figure out what to do. At the time of the original discussion, 8,000 would have done about 1 mile of road.
- Now is a good time to figure things out. There are currently about 2 miles of roads in Boulder Crossing
- Recommend Developer do the crack filling, and township can reimburse developer up to the amount held in escrow.
- Recommend after board members (Supervisor Danielson and Supervisor Babler said they will meet with Developer)
 - speak to developer, get a verbal agreement established
 - get a letter typed up and sent confirming the agreement
 - Board should act on this/establish a time line
- According to Developers Agreement – Certificate of Occupancy and road maintenance were to be done before roads are accepted for Township maintenance.

No other business

Meeting Adjourned 9:36 p.m.



Brian Kolbinger, Chair



Lucinda Messman, Clerk