



Regular Town Board Meeting
7:00 p.m.
Monday, July 20, 2020
12165 Hancock Street

Attending

- Township Chair Brian Kolbinger
- Township Vice Chair Brad Wilkening
- Township Supervisor Robin Boros
- Township Supervisor Luke Babler
- Township Clerk Lucinda Messman
- Township Treasurer Tanya Danielson (7:15-7:45 pm)

Absent Members: Township Supervisor Joe Danielson, Township Deputy Clerk Fran Seeley

Attending Staff: Kelli Bourgeois – Township Attorney, Jacob Sanders – City of Becker Planner;

Others Attendees: Craig Wensmann for Wes – Township Engineer; Tony Wruck – Township Maintenance Contractor; Sgt. Frank – Sherburne County Sheriff’s Department

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 utilize teleconferencing as requested so long as a health pandemic exists or a peacetime emergency is declared under Minn. Stat. Ch. 12. This meeting was held both in person and utilizing a remote system.

Meeting called to order at 7 pm. Clerk took roll call of those in attendance – no one called in this evening – all present in person. Quorum verified by Chair Kolbinger.

Pledge of Allegiance

CONSENT AGENDA

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

Consent Agenda Items:

- Minutes Approval: Regular Town Board Meeting June 15, 2020.
- 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 acknowledgement: CenterPoint Energy, NPO Litigation documents, Patriot Letter
- Resolution Approval: Becker Town Board Resolution 2020-24: Resolution Appointing Election Judges for the August 11, 2020 Primary Election.

REGULAR AGENDA APPROVAL

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

SHERIFF'S REPORT

- 191 Calls for Service – roughly doubled prior months. People are calling in when they see suspicious activity. Good thing to keep up.
- 7 Fraud – IRS calls again. IRS will not call you for credit card payments/money transfers.
- 44 Traffic stops – mainly speed related.
- Saturation patrolling occurring – distracted driving/speeding.

RESIDENTIAL OPEN FORUM –

- Woodberry Farms Entry/Exit Signing – paying for maintenance question
 - Maintenance of the signs is called out in the covenants of the development
 - Becker Township does not maintain covenants, cannot enforce covenants and should not do so.
 - It is up to residents in the developments to handle sign maintenance.
- Letter arrived from Mr. and Mrs. Vogel via email [full text on file].
 - They feel the revised parking ordinance has greatly limited/restricted and obstructed the street in front of their home, limiting the use and enjoyment of their property.
 - They feel the township should make their neighbor who drives a commercial semi home each night put in a driveway access designed for a semi.
 - They are unable to do customary and normal things that other homeowners do in front of their homes like park, have a mailbox and place garbage cans out.
 - They feel they are being discriminated against and singled out.
 - Diagram (also on file) accompanied the letter depicting
 - Mailbox at one drive only 13' away while their mailbox is 46' away from their driveway.
 - Statement regarding neighbors' choice to drive a semi home causing damage to them.

TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES

- Wilkening reviewed staff memo with board members
 - Planning Commission July 13
 - Andrea Kolbinger and Steven Kolbinger boundary line adjustment recommended for approval after right-of-way dedication along the south edge of the properties.
 - Stacie Johnson Addition preliminary and final plat recommended for approval. An existing CUP for a second home on a single parcel to remain on the larger unplatted parcel. Both were unanimously recommended for approval.
 - Joint Planning Board June 23rd
 - Two ordinance amendments approved

- Depth-to-width ratio of 2.5:1 was removed from the subdivision standards.
 - Language related to portable temporary storage units was updated to distinguish between use in commercial and residential areas.
- Enforcement letters have been sent to property owners and staff is currently working with others.

ENGINEER'S REPORT – Craig Wensmann for Wes Davis

- **Berm Structure – Big Oak Estates within drainage easement**
 - Site visit conducted at PID 05-441-0305
 - Survey conducted to analyze topography and surface water flow
 - Soil berm is located on the edge of the wetland to prevent water from approaching the walk-out entry.
 - Based on current elevations – there is not an increased chance of flooding property to the north.
 - There may be beaver dams or some other issues to the North causing flooding issues.
 - Two potential solutions recommended to the board
 - Relocate the soil berm outside the drainage and utility easement.
 - Allow berm to stay in place with encroachment agreement.
 - **Attorney Bourgeois**
 - The berm is an obstruction in the easement.
 - Understanding it protects the home from water, it is more appropriate to have located outside the drainage and utility easement.
 - If it stays there, an encroachment agreement could be put in place – this is not recommended.
 - **Town Board Discussion**
 - It is not common practice to set up encroachment agreements.
 - There is good reason to keep things out of the drainage and utility easements.
 - **Town Board Directive** – staff to send a letter to the homeowner directing them to relocate the berm outside the drainage and utility easement.
- **Concrete Quotes**
 - Two completed ones delivered to the board – Preferred Concrete (located in Becker Township) and Hoffman (located in Elk River).
 - Engineer had no preference in companies – similar estimates for the work.
 - Board was unsure why Preferred Concrete left a few blanks empty.
 - Directive to engineer to find out if the Preferred Concrete quote was a total project price rather than line by line/quantities.
 - **Motion by Wilkening to go with the Preferred Concrete if they will meet all the specs as determined by engineer. Second by Boros.**
 - Further discussion:
 - Supervisor Babler viewed 9787 185th approach and stated the slope needs to be adjusted before quotes are finalized. It is too steep as it sets now.
 - Board consensus fix

- **Motion amended to include the above address transition to be sure the slope is not too steep. Motion carried, all voting in favor.**
- 112th Street Cul-de-sac
 - It appears to extend beyond right of way
 - East end of road put in without any engineering
 - Survey recommended to see exactly what is in place and if more easement is required
 - 2 issues at this point
 - It was to have been a hammerhead design, but put in as a cul-de-sac
 - Need to figure out easements
 - Owner with gate at end needs to leave the gate open to facilitate snow removal
 - **Motion by Wilkening to have the area in question surveyed and have it brought in next month. Second by Boros. Motion carried, all voting in favor.**
- 164th Ave SE (Salida plat)
 - Plans prepared in 2010 distributed to the board [full text on file]
 - May be some drainage issue?
 - Need to verify current conditions with this plan

PUBLIC HEARING – BUILDING CODE ORDINANCE AMENDMENT

Section 6 of the Becker Township Building Code Ordinance requires that accessory structures not requiring building permits to submit a detailed site plan showing that the structure meets setbacks. This additional administrative review does not match the board’s intention. Goal of ordinance amendment:

- Removal of the language requiring submission of detailed site plan for exempt accessory structures
- Retain the requirements of meeting all setback, easement of record and zoning requirements
- Ordinance 2020-25 presented to the board
 - Section 6, Certificate of Survey Requirement, Subdivision 1, Exemptions, Item E, Accessory Structures Not Requiring a Building Permit shall be amended to read as follows:
 - E. Accessory structures not requiring a building permit *shall meet all setback, easement of record, and other zoning and site requirements of the applicable zoning district.* ~~but required to meet setback requirements shall require submittal of a detailed site plan showing the following items in place of a registered survey.~~
 1. ~~Scale of drawing, north arrow, and a legal description of the property~~
 2. ~~Dimensions of all lot lines, and all easements of record~~
 3. ~~Names of all abutting streets~~

~~4. Location and dimensions of all existing and proposed buildings, accessory structures, and future garage and deck locations on the lot~~

~~5. Outside dimensions of the proposed accessory structure~~

1. If necessary, Should the proposed structure be set close to an apparent lot line, and the Building Official and/or Zoning Administrator is not able to determine the setback, the applicant *property owner* is responsible (via property corners or a registered land surveyor) to prove the exact location of the existing lot line and that the structure will not encroach within the required setback area. Or the structure must be moved to a location that is clearly outside the required setback area.

No further comments.

Motion to close public hearing by Wilkening. Second by Babler. Motion carried, all voting in favor.

No further board discussion.

Motion to approve Becker Town Board Summary Ordinance 2020-25: AN ORDINANCE AMENDING SECTION 6, CERTIFICATE OF SURVEY REQUIREMENT, SUBD. 1, EXEMPTIONS, ITEM E. ACCESSORY STRUCTURES NOT REQUIRING A BUILDING PERMIT, OF ORDINANCE 2018-02, AN ORDINANCE AMENDING ORDINANCE 2010-01, ADOPTING THE STATE BUILDING CODE, CONSTRUCTION LICENSING, PERMITS AND REGULATION by Wilkening. Second by Boros. Motion carried. 4-0-0 (Supervisor Danielson absent).

Motion to approve Becker Town Board Ordinance 2020-25: AN ORDINANCE AMENDING SECTION 6, CERTIFICATE OF SURVEY REQUIREMENT, SUBD. 1, EXEMPTIONS, ITEM E. ACCESSORY STRUCTURES NOT REQUIRING A BUILDING PERMIT, OF ORDINANCE 2018-02, AN ORDINANCE AMENDING ORDINANCE 2010-01, ADOPTING THE STATE BUILDING CODE, CONSTRUCTION LICENSING, PERMITS AND REGULATION by Babler. Second by Boros. Motion carried, all voting in favor.

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- Since the Joint Fire Board will be meeting later this evening, no report at this time.

Central Mississippi River Regional Planning Partnership – Framework 2030 – Update by Planner Sanders

- Past few months – very busy working on Framework 2030
- Round 1 engagement is completed – reviewing what has been submitted/working on – over 7,000 responses received
- Review of planning area and showing where we are at in the process
- Interesting standouts noted

- Sherburne and Wright counties are the #2 and #3 fastest growing counties in the state
- People who live here go out other places to work. People who work here, come here from other places to work.
- The study really shows how interrelated the communities are and how much they all need each other (Becker, Big Lake, Monticello)
- Draft Resolution of understanding presented to the Town Board.
- **Motion to approve Becker Township Resolution 2020-25: Resolution of Understanding of the Framework 2030 July 2020 Update by Wilkening. Second by Babler. Motion carried, all voting in favor.**

7:59 pm Town Board recessed to allow Annual Becker Joint Fire Board meeting to take place. Becker Town Board meeting will resume approximately 5 minutes after the Annual Fire Board meeting adjourns in this same location at Becker Township Hall.

8:20 pm – Becker Town Board reconvened.

Roads Report – Supervisor Boros

- Several items fixed – potholes, trees down (storm this past Friday put trees across several roads).
- Cul-de-sac on 168th Street – 4 trees with oak wilt in the right of way and dead were noted on inspection. Letters sent to homeowners.
- Request for repair/overhaul of 70th street off CR 11. Potholes repaired. However, following inspection of the rest of the road, it is in better shape than many others. It will be discussed with the review of the CIP later this year

Recycle Days

- Moved to August 29th.
- **Motion to approve signing revised paperwork and have Becker Township participate jointly with City of Becker as in past years by Wilkening. Second by Babler. Motion carried, all voting in favor.**

150 Year Township Celebration

- Looking for logo
- A few ideas presented – clerk to submit ideas and get something back from an artist

TREASURER’S REPORT - TANYA DANIELSON

- **Motion by Boros to establish CARES fund for the CRF money received. Second by Wilkening. Motion carried, all voting in favor.**
- **Motion to note check 14584 was void by Wilkening. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve Treasurer’s report as submitted by Babler. Second by Boros. Motion carried, all voting in favor.**
- **Motion to pay PO 1253-1256 and warrants 14668-14697 in the amount of \$58,047.14 by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- Audit getting closer to finishing.

OTHER

- Clerk requested permission to purchase Adobe Acrobat for computer – rates presented. Board consensus to purchase stand-alone Pro version.
- Minutes amendment request presented to Town Board. **Motion by Wilkening to approve minutes of April 2020 be amended to include the following statement [full text of request on file]:**
 - *Supervisor Kolbinger asked Mr. & Mrs. Myers what they desired to know from Sgt. Frank. They replied that they want to know if Mr. & Mrs. Vogel park their cars in the street in a manner to interfere with the semi backing in/pulling out or if the garbage cans are out, will they be cited since the Vogel's would be in violation of the ordinances. Will this happen? Sgt. Frank replied, yes it will happen. Second by Babler. Motion carried, all voting in favor.*
- The Citizen newspaper no longer exists. Clerk has verified the Patriot newspaper is a qualified legal newspaper. **Motion by Wilkening to name the Patriot newspaper the official paper for Becker Township publications. Second by Boros. Motion carried, all voting in favor.**
- Becker Township Zoning Administrator is still listed as the Clerk. It was to have been changed. **Motion by Wilkening to name the Township Planner as Zoning Administrator. Second by Babler. Motion carried, all voting in favor.**
- Equipment failures and elections due to covid-19 environment and social distancing requirements/public safety:
 - With the covid-19 situation staying, the Township needs its own web-meeting solution. Someone had donated the first ones, but the clerk needs to be the one hosting/setting these up.
 - Due to having online meeting capabilities – we have some issues:
 - Sound is insufficient for those calling in to hear – microphones are needed.
 - A hearing loop would be needed if mask requirements get put into place.
 - Computer video of the room is coming from one that we were going to have destroyed, but pulled back into service due to covid-19 and online meetings being desired by the public for safety. A replacement is needed with appropriate camera.
 - Computer presentation and management of the meetings with the 8 year old surface pro system is difficult at best. System overheats with these demands (it did prior to this meeting as well). An updated system, complete with appropriate direct connections to our router is needed.
 - Elections – N95 masks are difficult to find – KN95 masks with the face shields are available. Also, due to having to move the polling location in order to accommodate social distancing guidelines, new signage is required.
 - Requesting permission to hire some people to come in and move the election equipment from the basement to the American Legion. Thinking cost will be around \$60.
 - The surface pros being used by board members work in the building, but unless a person operating them has understanding of the system, using outside town hall (if someone has covid-19 symptoms) is difficult at best.


The systems do not have required video capabilities. Clerk recommends the Town Board consider ipads instead due to simplicity of use. Board directive to clerk to obtain estimates for both ipads and surface pros for use for those board members who cannot meet onsite for meetings due to concerns/symptoms/safety related to covid-19. Prepare estimates for review at next month's Town Board meeting.

- **Motion to obtain appropriate service/signage/equipment/election items as necessary as listed above [not the ipads/surface pros at this time] with rules put in place due to COVID-19 and use CARES fund to pay for them by Wilkening. Second by Boros. Motion carried, all voting in favor.**

Meeting Adjourned 8:46 p.m.



Brian Kolbinger, Chair



Lucinda Messman, Clerk