



Regular Town Meeting
Monday, June 17, 2019
12165 Hancock Street

MEETING MINUTES

Attending

- Township Chair Brian Kolbinger
- Township Vice Chair Brad Wilkening
- Township Supervisor Gary Gilbert
- Township Supervisor Luke Babler
- Township Clerk Lucinda Messman
- Township Deputy Clerk Fran Seeley
- Township Treasurer Tanya Danielson

Absent Board Members: Township Supervisor Joe Danielson

Attending Staff: Kelli Bourgeois – Township Attorney, Wes Davis – Township Engineer, Marie Pflippsen – City of Becker Community Development Director

Others Attendees: Tony Wruck – Wruck Excavating, Dan Frank – Sherburne County Sheriff, Ted Myers (8:30 pm), Paul Poore, MacKenzie & Dan Butler, Adam Vee, Jacob Zierden, Mark Kolbinger – Citizen Tribune Newspaper, Kevin Taatjes, Rick Johnson, Brandon & Nicolle Hines

Meeting called to order and quorum verified by Chair Kolbinger.

CONSENT AGENDA – REMOVAL OF MINUTES FOR CORRECTION. MOTION TO APPROVE REMAINING ITEMS BY WILKENING, SECOND BY BABLER – MOTION CARRIED

Consent Agenda Items:

- 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
 - ArcaSearch Job Plan
 - Danish Cemetary Thank you
 - Xcel Energy Notices
- Approval of chair signing forms for:
 - Charitable Gambling – Hideout
 - Liquor License – Hideout Liquor (was Safe Discount Liquor)

Motion to approve minutes from May 2019 after correcting a typo in the public hearing section. Both addresses should state 16496 by Babler. Second by Gilbert. Motion carried, all voting in favor.

Pledge of Allegiance

REGULAR AGENDA APPROVAL

Motion to approve agenda after striking item 6 and adding items 7f and 12e by Gilbert. Second by Babler. Motion carried, all voting in favor.

SHERBURNE COUNTY SHERIFF'S REPORT – Sgt. Dan Frank

- 90 Calls for Service
- 14 Traffic Stops
- No outstanding items this month – routine calls
- Parking complaints no longer coming. Now it has become trash can complaint. There haven't been violations when we have been there and there is nothing we can do at this time.
 - Question by resident – if the garbage cans are physically in the road, and often left there 2 days after (Monday is trash day), can anything be done? No violation has been noted in the times viewed.
- Garage door opener theft question by resident – has not occurred in Becker Township

RESIDENTIAL OPEN FORUM

RICHARD JOHNSON – 10801 185TH AVE SE

- Cement driveway being removed due to the 185th Ave SE project. A driveway section was cut out and then broke the driveway. Would like the cement replaced.
- Engineer Davis: Township has been trying to limit the amount of cement removed. Issue here is that culverts need to go in. This one is on a hill that is being cut down, so more concrete needs to be removed to make a good slope. It was cut at a joint. The contractor didn't cut all the way through the rebar that is in the concrete, missed and a slab ripped up – then it was dropped. The end of Mr. Johnson's driveway has chips missing. Ordinance states a 3' saw cut then replace with bituminous, however, with the cut down on the road and culvert now needed for this driveway, more than 3' needed to be removed for the project.
- Attorney Bourgeois: Ordinance 500 establishes that 15' from centerline is the right of way, but says nothing about culverts needed in the right of way and so this instance is outside of what the ordinance addresses. The board should be sure to state what and why whatever plan is enacted occurs. In this case, there could be a justification made to replace the material outside of the 3' back from road with like for like, but the 3' from road should follow the ordinance. The board needs to establish reasons for whatever action they take as this is likely not the only time this will occur (change in elevation or additional culvert).
- Discussion by Town Supervisors
 - Sherburne County replaces like for like
 - Understand the like for like for areas outside of the 3' to the road.
 - Investment by homeowners should be recognized and like for like would be good
 - If we do like for like in this case, it will be gravel for the rest of this year and into next since we are only putting the first lift of bituminous on this year. Second lift will occur in 2020. After the final layer of bituminous is in, the concrete could go back.
 - The 3' next to the road surface needs to stay bituminous to provide smooth path to road
 - Replacing the area beyond the 3' needs individual decisions as every case is different
 - Board consensus:
 - This project requires immediate action
 - The first 3' from road will be bituminous as stated in ordinance 500
 - After the first 3', it will be like for like for this project
 - This particular Township road project is causing a need for the driveways to be cut further back than the 3' standard. If the cut is greater than 3' back, that portion that is beyond 3' back will have like for like replacement (concrete if concrete existed)

prior to start of road project, bituminous if bituminous existed prior to road project, gravel if gravel existed prior to start of road project).

- Engineer provided estimate that additional cost of approximately \$3,000 per concrete driveway using 6" of concrete and 15' of replacement. Asphalt driveway costs are approximately \$400 each.
- **Motion to approve**
 - replacing like material with like material for the 185th Avenue North phase for those driveway sections requiring more than a 3' cut due to the project specifications; and
 - like for like will only be replaced for those areas beyond the 3' area next to the road; and
 - like for like replacement will occur in 2020 when the second layer of bituminous is placed
 - like for like material is determined by what existed for the driveway surface prior to the start of the 185th Ave North phase (5/20/2019)
 - by Gilbert. Second by Wilkening. Motion carried, all voting in favor.

96TH STREET

- Mr. Taatjes spoke with the deputy this evening and doesn't understand why a trash can on the road way is not a right of way violation. Right now the trash can stays in the roadway 2-3 days after everyone else has brought theirs back up to their homes.
- Board Chair – at this point, the Town Board has done all it can and officials are monitoring the situation. We have cleaned up our ordinance in order to assist and the most we can do at this point is to make sure the ordinances are in good order.

CAREFREE COUNTRY CLUB VARIANCE REQUEST

- Paul Poore, Lot 750 [application text on file]
 - Desire to replace existing park model with one that is 1' narrower and 4' longer also add decks and MN Room.
 - Existing home is 10' into the setback. Requesting same variance as 2 years ago. The home will be no closer, but the screened porch will be 5' past the front of the house.
 - Goal is 400 sq ft park model home with 400 sq ft screened in areas (similar to ones shown in photos to the sides).
 - **Motion to recommend approval/favorable comments to Sherburne County to grant the variance request as the further build looks to conform to the images shown by Wilkening. Second by Babler. Motion carried, all voting in favor.**

WOODBERRY FARMS CUL-DE-SAC'S (CDS) WITH TREES AND BOULDERS IN THE RIGHT OF WAY/CENTER AREA OF THE TWO CDS.

- Township Attorney letter presented to those present
- Comments by Board
 - The attorney's letter makes it clear all things should be removed to decrease township liability
 - Homeowner talked about an association – has that happened?
 - Homeowners present:
 - Waiting to find out if this is a viable option – would the board go along with this?

- What would be our safety/maintenance options?
- What can we do to keep these – they are assets to us as they provide privacy and are unique to our cul de sacs.
- What is the cost for the Township's liability insurance for this?
- Township Attorney:
 - A homeowners association requires that 100% of the development agree to this
 - You will need an attorney to draft things up
 - Once a HOA is established, the township could plat out those center sections and deed them to the HOA
 - Liability is on the township at this point. If the HOA has the property deeded to them, they would require landowners to sign off on acceptance of the liability as well.
- Homeowners: We understand the liability portion, but don't understand how these cul de sac circles are different than roundabouts being established now with items in them. (asked multiple times)
- Supervisors: Using the one in Big Lake as an example: the centerpiece belongs to the lot owners and not the township.
 - Woodberry Farms is not being singled out, however they are the only ones with this type of Cul de sac. The Board is trying to clean up all right of way liability issues. Started in other developments – this one is the current one under review.
 - None of these right of way clearings have been popular, but they are necessary.
 - We know this is here and an issue. We need to make a decision soon.
 - Invite neighbors and discuss this. This is not an issue we are leaving open ended – be ready next month to have a conversation with the board:
 - Will a homeowners association be formed? If one homeowner won't sign on – it is a deal breaker.
 - Realize that this may require redrawing of lines/certifications to mortgage companies.
 - This is not a stalling tactic – it is the board's willingness to leave this option open, but it is not forever. Based on the timings you prepare/present next month, and exactly what the homeowners are willing to do, we will then make the decision of how we move forward.

MISSY – SNAKE RIVER STOP SIGN

- intersection of 120th/121st/180th Viewed and discussed
- People blow through the area, including school buses. Residents have called the bus companies and talk to neighbors they see driving too fast.
- 121st and 180th both go to dead ends. 180th has a stop sign. Even turning the stop sign the other direction would help.
- Can we get a stop sign?
- Clerk to notify Sherburne County Sheriff of issues they are having.

- Engineer Davis will check into the intersection. Also see if MUTCD recommendations indicate an additional stop sign, flipping the stop sign to the other road or what may be happening.

TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Supervisor Wilkening

- Planning Commission reviewed Sherburne County request to see if Carefree Country Club's CUP should be reopened/amended. Reopening would be a lengthy and difficult process. Reason Sherburne County felt it should be reopened – their minutes from the 1981 meeting say that 400 lots would be present. There are 404 lots. The condition of number of lots is not in the CUP. Planning Commission recommended the CUP not be amended.
- Violation notices/checkups are mainly complaint driven. Several to be done at this time.

ENGINEER'S REPORT – Wes Davis

- 185th Ave North portion – moving forward.
 - Concrete driveway issues already discussed.
 - Class 5 starting today
 - Bituminous planned the beginning of July. So far, so good.
 - Culverts later this week
 - Partial payment requests
 - Kraemer – silt fence is gone and 70% vegetation has been established. Recommend the release of the retainage funds.
 - Motion by Wilkening to pay final retainage of \$28,093.14 to Kraemer Excavation for the 185th Ave South project portion. Second by Babler. Motion carried, all voting in favor.
 - Knife River – all on budget and a bit ahead of schedule. Recommend the release of the first partial payment.
 - Supervisor Gilbert: TS Dirtworks did a very good job.
 - Motion by Gilbert to pay first partial payment in the amount of \$ 223,387.31 to Knife River for the 185th Ave North project. Second by Babler. Motion carried, all voting in favor.
 - Once 185th is finished, there will be a lump sum analysis of signs and bituminous ratings throughout the township by Engineer and Supervisor Gilbert. Goal is to get this step finished prior to Engineer Davis heading out for bridge inspections in September.
- Kenny Court survey has been completed – will get a drafted version to clerk and homeowner

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- Regular meeting
- Prepping budget cycle for July 15
- Last year BNSF made a 10,000 donation for wildfire gear. Actual cost is \$11,000, voted to purchase.

Highway 25 Coalition – Supervisor Kolbinger

- Pulled back together and now looking at a regional study for economic development.
- Next step – bringing in a third party for the study

- Looking at the overall economic development of the region including Becker, Big Lake and Monticello
- Process is continuing and back on a regular schedule

Roads Report – Supervisor Gilbert

- Tree trimming on 67th Street is complete
- 77th Street – Jim Free still working there and on assorted others
- Vandalism three times in various locations in the township this past month – chairs/garbage/tires
- Jeff Peterson took out 100 signs that do not need to be replaced
 - 95% done with those that do need to be replaced
 - On track for finishing
 - 5 barricades to put up
 - Fire numbers after regular sign work
 - County is not responding on the bent signs. Other townships have held them to their responsibility. How does the township want to proceed? Board consensus – Clerk will send a formal letter to the county listing out the damaged signs.
- Road Projects
 - 67th Street/Townline road – to start any day now
 - 190th Street – starting anytime now
 - 77th Street – starting after 190th is complete
 - 112th Street – after 77th street is complete
 - 185th Ave South end – dirt pile at Chad Arthur’s silt fence to be removed and driveway need to be fixed
 - Board Consensus for areas to be staked/surveyed using the permanent green right of way stakes:
 - 2 cul de sacs & Township right of way in Monticello area
 - 172nd Ave cds in Oak Crest Estates
 - 172nd Ave cds in Deer Ridge
 - Township parcel 05-422-0110
 - Township Right of way that is from
 - Oak Crest Estates Third Addition from 168th Street SE (S27 T33 R28)
 - connecting to Cedar Crest Acres 166th Street SE (S22 T33 R28)
 - 164th Ave SE (S16 T34 R28) Mr. Peterson doesn’t feel the plat is correct. He is looking for some documentation that shows where his parcel is located. We will give him some time to locate his documents before proceeding on this road.
 - Boulder Crossing
 - 22 Certificate of Occupancies issued at this time (30 required for Twp to take over road maintenance). 6 are very close
 - Frank Kasowski, Jr., has requested what is expected of him at this time
 - Attorney Bourgeois – responsibility for the cracks/improvements are likely on the Township as they already accepted the roads. Final take on this situation will be issued in writing after review of materials
- Snow/Ice Control Contract – clerk presented draft of the pricing page for review prior to sending out for bids/advertising. Board wrote down the edits for underbody blades. Ads to go out for bid opening in July.

Town Hall – Supervisor Babler

- Landscaping – being handled by Supervisor Danielson
- Building – woodpecker still around – cedar shakes have been purchased and both will be handled once we can rent the appropriate equipment
- Lights – need more by file cabinet and planning to remove the three large white ones. Chandelier discussed but no action.
- Foundation has been painted.

Fee Schedule Revisions

- Minor Extractions/Major Extractions/Parking ordinance fees and utility fees reviewed
- **Motion by Wilkening to approve Resolution 2019-10: A Resolution setting fees and charges effective June 21, 2019 with the following:**
 - Minor Extractions \$500
 - Major Extractions \$700
 - Parking violations \$100 each
 - Utility permits \$150 each
 - **Second by Gilbert. Motion carried, all voting in favor.**

Developers Agreement

- Draft agreement presented to the board
- This is a working document, so changes likely desired
- Still includes a cash escrow as it is safest for the township and helps insure the development is completed and meets township standards.
- Cleanup has occurred for parts
- Discussion of past history
- Item #10 since Township is handling its own planning and zoning now, needs review
- Staff requested to send digital comments to Attorney Bourgeois

Township Celebration

- Township is turning 150 in January 2021. Clerk asked if the board wants a celebration planned? Yes

TREASURER'S REPORT – TANYA DANIELSON

- Treasurer requested Supervisors evaluate/vote on claim submitted by clerk on 6/3/2019. Claim was for lunch at Mongo's grill but didn't indicate who ate and also mileage was in the clerks claim - Treasurer unsure either should be paid. Clerk mentioned it involved in taking the minutes and road record books to Arcasearch for scanning and had checked with Chair first. Chair stated he had told this clerk he thought these actions would be fine. Board handwritten votes: Disallow Babler, Gilbert and Wilkening. Approve Kolbinger. Claim/mileage denied and clerk to return the funds for both the township.
- **Motion to pay warrants 14272-143044 and PO 1138-1149, in the amount of \$354,073.47 by Gilbert. Second by Babler. Motion carried, all voting in favor.**

CLERK'S ITEMS – LUCINDA MESSMAN

- Computer has been installed.

- One issue, did not realize support for the Adobe Acrobat software the Deputy Clerk uses daily had been ceased and the version is no longer available free of charge. Request for permission to purchase a copy of Adobe Acrobat 2017. Estimate stated as \$264 for a single license. Purchase authorized.
- Missing Minutes – After reviewing minutes from 1871 to present for metadata, Clerk has verified that several sets of minutes are missing from the record. They are as follows:
 - May 31, 1979 Closed meeting minutes
 - June 26, 1979 Special meeting minutes
 - April 7, 1980 Road Tour Findings
 - Clerk will continue searching for the missing documents as there are still many boxes of documents to go through and if they come to light, will notify board.
- New printer estimates discussed, Purchase approved through Data Success, Inc.
- Bugs are an issue – exterminator approved.
- Mortgage holdups occurring for 77th and 112th street road projects. Attorney Bourgeois recommended the board consider not letting these delays hold up the project as the easements have already been recorded.
- Speed limit sign – clerk missed email with estimates sent. Supervisor Gilbert: proposals are between \$3,000 and \$4,000. County only has one sign – sharing is tough and if we are lucky we can get one road a summer. If we set up the sign and go pull the info it tracks dates and information. Otherwise if we set up the sign and use a service, it runs about \$1500 per year for the subscription. Will discuss next month.

Mr. Myers was working and couldn't arrive earlier. He asked for an update on 96th Street.

- Board has done all they can do at this point
- Sheriff has been going out there
- There is only so much the board can do

No other business

Meeting Adjourned 9:05 p.m.



Brian Kolbinger, Chair



Lucinda Messman, Clerk