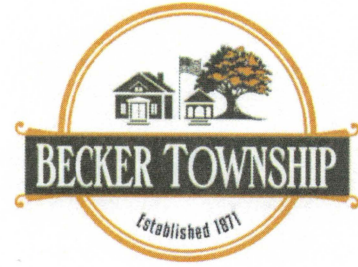


Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, June 17th, 2024
12165 Hancock Street



Attendance

Board members: Brian Kolbinger, Brad Wilkening, Joe Danielson, Robin Boros, Luke Babler, Clerk Lucinda Messman, Treasurer Tanya Danielson, Deputy Clerk Megan Schmidt, Deputy Treasurer Marilyn Danielson

Absent: None

Others: Sargent Dan Frank - Sherburne County Sheriff's Department, William Tessmer - Township Engineer, Ben Wikstrom – Township Planner, Kelli Bourgeois – Township Attorney (online), Tony Wruck – Township Engineer, Mark Kolbinger – The Patriot Newspaper, Jacob Sanders -City of Becker Community Development Director (online), Austin Peterson - City of Becker Community associate planner (online), Jim Mortensen(representing Amy Legatt)

Zoom platform was available for any member of the public who wished to attend virtually.

Meeting called to order at 7 pm. Quorum verified by Chair Kolbinger.

Pledge of Allegiance

Consent Agenda Items

1. Minutes
 - a. May 2024 Minutes
 - b. Spring 2024 Road Tour Minutes
2. Upcoming electronic fund transfers/automatic payments approval
 - a. City of Becker – water/sewer, Xcel Energy – gas/electric, 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, monthly credit card reader fee.
3. Correspondence/Information
 - a. City of Becker Newsletter
 - b. BSSA Info
 - c. Demographic Data
 - d. Dodge Newsletter
 - e. MN LTAP Newsletter
 - f. Nature Talks Newsletter
 - g. Thank you letter, Danish Cemetery
 - h. Age Friendly Event
 - i. PHN Environmental Assessment – Big Stone South – Alexandria – Big Oaks Transmission Project
 - j. Pollinator Event
4. Approval/Acceptance –
 - a. MN PERA Resolution

Motion to approve consent agenda as listed above by Boros. Second by Danielson. Motion carried all voting in favor.

Motion to approve a regular agenda after a by Wilkening. Second by Babler. Motion carried, all voting in favor.

SHERIFF'S REPORT

Typical month.

185 calls for service. 9 motor vehicle accidents people are not paying attention and speeding. The Sheriff's department does have a state grant for speed enforcement, and this will continue through the rest of the summer.

There was an incident that happened in the Elk Wynd Development in the City of Becker. An individual approached small children and began talking with them and asking them personal questions and giving them personal information of themselves to the children. This individual then gave the children money for pizza and told them that next time they could have pizza together. A grandparent at that time noticed money being exchanged and stepped in. The Becker police department were notified immediately.

The sheriff's department was not aware of this incident. Sgt Frank will reach out to the Becker Police department to get this information and pass it on to our office.

Amber Alerts vs. this type of incident were discussed.

Open Forum - Residential Requests

Public Hearing Metes and Bounds – Legatt 7:08PM

Wikstrom revied the packet materials [full text on file]

- Amy Legatt owner of a parcel at the northeast corner of County RD 11 and 87th Street, just under 80 acres. She has applied to split via metes and bounds.
 - Application meets all the requirements and qualifies for a metes and bounds split as both resulting parcels will be over 20 acres.
 - One question Does the township want easement dedication for 87th Street at this time? Typically, during parcel splits is when it is required. A: Yes.
- **Public comments**
 - Jim Mortensen appeared representing Amy Legatt. She was unavailable this evening. He stated that there is an entrance on the south side of 87th Street. The south end is buildable, the upper 2/3 of that is all lowland and non-buildable, so there was an access point made on the south point.
- Board chair called for further comments. None
- **Motion to close public hearing at 7:12PM by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Supervisor discussion

- Is there easement in place now? No, only the road order. Can they dedicate it as right of way if it is only a certificate of survey? A: An easement dedication is a separate document.

Motion to approve Resolution 2024-13: [full text on file]: A RESOLUTION PROVIDING FOR A METES AND BOUNDS SUBDIVISION. WITH THE ADDITION OF AN EASMENT DOCUMENT ON THE PARCELL NUMBER 05-00110-3200. BY WILKENING. SECOND BY BABLER. Motion carried, all voting in favor.

Sandra Weise:

- Carefree Country Club Building Permit
- Building Inspector Complaint
- Clerk talked with the owner of Metro West. The owner of the company was going to call her and talk with her.
- It is our understanding that she started with a 14x 14 shed and by the time the permit came through, the 14x14 shed became a shed with a bathroom, kitchen and living quarters. State building code is much different for living quarters than a shed.
- **Supervisor discussion** There are a lot more requirements to meet building code if there is plumbing and living area rather than a cold storage shed. Keep us informed as necessary.

Messman property, 13595 170th Ave SE, Becker:

- Lucinda Messman approached board regarding a new septic system. Discovered that old septic is in ROW for the road.
 - a. When verifying setbacks with a survey, discovered that the road is way off from where the road order shows the location to be. The existing drain field and tank are in the right of way.
 - b. There are power poles down the road that are technically where the roadbed should lie. The new system needs to encroach on the right of way, but the drain field will be relocated outside the right of way. She asked the board what she should do.
 - c. She would like to know if the existing system needs to be completely moved or if the tanks that are in good condition and planning to be reused can stay where they are currently located and have her/husband sign an encroachment agreement for the new pump tank that needs to be added along the others.
- **Supervisor's discussion:**
 - What is the road order description based on? It is a 4-rod road order, it is not centered on the section line. There is a 3-foot gap between the section line and where the road starts.
 - Is the whole road order is on your parcel? Yes, along the entire front line. Part of it is on parcels to the north and south as well
 - Your house was there before the road was put in? Yes, it was.
 - So, this just doesn't affect you? Correct, the property next doors is almost as close to road as I am.
 - Did Craig Wensmann with Bogart Pederson review this information? Yes.
- **Attorney Bourgeois:**
 - I don't believe the board intends to move the road
 - I do believe that the road order is still valid.

- We can look at if there's a potential to amend the road order. To correct it and make it follow the road would be the cleanest thing to do. Encroachment Agreements have been done at other properties. It's not doing something special for this property as this is the clerk.
- Unless you have a plan to expand or move that roadway, recommend an encroachment agreement that will allow Messman's to put in their septic as soon as possible.
- Amending the road order is going to take a fair amount of time, if the board chooses to do so.
- If you would like I can draft an encroachment agreement. Board chair, I think that would be appropriate. Board Discussion continued:
- **Board Discussion**
 - Cannot imagine a scenario where we would ever pay for the power company to move the power lines. The power lines are a natural barrier to us doing anything. An encroachment would be fine, as long as it is behind the power poles.
 - The downside if the road order is not amended would be that you may have to write an encroachment agreement for each person who comes in on this road.
 - If we were to do anything with the road order it would be to center the 66 feet on the existing road, which then we would basically have to purchase right away from whoever's across the road. It would be lengthy and complicated. but maybe someday.
 - Board chair, Consensus - encroachment agreement now, anyone that comes in from the other three houses are welcome to one also. Until we look at long term fix for that.
 - *Attorney Bourgeois:* There's merit in looking at amending or updating the road order, but if it gets overly complicated, it is probably easier to just deal with encroachments as they come up.
 - **Motion authorizing an encroachment agreement for that property for the area between the power lines and the property line north of the house by Wilkening. Second by Boros. Motion carried, all voting in favor.**

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- Planning Commission
 - Public Hearing this month include recommendation of the following:
 - Home-based dog grooming business recommended approval. A question came up if they are allowed to have a second drain field for their property. Wikstrom has never had this question, but he doesn't see any reason why they can't. Board agreed.
 - Stockpiling material for the township projects. recommended approval
 - Boundary line adjustment between two parcels. recommended approval
 - Drop yard was tabled for more information and came back to the planning commission.
 - Wikstrom also completed a site visit last month, he reported back the planning board that they are out of compliance.

- The Planning Commission recommended denial, until MNP comes into compliance with some of the conditions from their site plan and existing CUP.
- They can re-apply once they are in compliance.
- CUP for a secondary farm related dwelling on a parcel – recommended approval.

ENGINEER'S REPORT – Tessmer

- Construction season is in full swing.
 - Bridgeview and Eagles Landing have been paved. There were a few issues in Eagles Landing where the contractor said there was core showing. They patched the spots that they clipped through, and put the inch and a half over it.
 - Next time recommend we take the core samples ourselves instead of taking someone else's word for it.
 - Shouldering should have been on July 17th, 2024, but due to the rain they couldn't. The mailboxes should be put in on July 17th-18th 2024.
 - There were a lot of complaints from Bridgeview related to concrete driveways. There were some changes of what was originally bid. Instead of 4 inches of unreinforced concrete we put in 6 inches of reinforced concrete. Recommend following ordinance which states ends of driveways will be bituminous from now on.
 - 97th street put in the last two signs for the reduced speed ahead and end 30 when you are leaving the city. And they are scheduled for paving on Thursday. Shouldering and stripping come after this.
 - 137th, still no response from Knife River on when they are going to start that.

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- No new business.

River Crossing Group – Sanders/Supervisor Kolbinger

- No new information.

Roads – Supervisor Boros and Supervisor Danielson

- Driveway ordinance We have it written that the township would replace with bituminous regardless if they had concrete or not. We switched that when we were on 185th Ave SE and went for like for like. As a board – do we want to change ordinance and do like for like. Or if we want to leave it how it is and we may end up getting a few more calls or complaints.
- Moving forward, if we follow our ordinance as it exists now , we should send out notifications or letters referencing ordinance. Clearly state if driveway is concrete then end will be replaced with bituminous.
- Once the board comes to a consensus most driveways will get some sort of radius instead of bringing the concrete right to the blacktop. it will give them a foot or two buffer between the bituminous and the concrete. That way we have something to feather into.
- Tessmer

- When you overlay the road, it goes up an inch and a half. When you reclaim the road, it goes up three and a half inches and you need to be able to tie that in. So do we go back with what they had or go with the ordinance and replace it back with three feet of bituminous. This was brought up before this project. Plan was to replace concrete with concrete to reduce complaints, but we still got a lot of complaints. Complaints are on file.

If money wasn't an issue we would go to the right of way and radius the blacktop in. if it was concrete we would bring the concrete up so we can feather it in the proper way. A lot of times were fighting funds, trying to make it all work, going through elevations and are pretty close.

- The ordinances right now calls out 3 foot bump out to tie into elevation of the road, that would give plenty to get a relatively smooth driveway.
- Q) What was the most expensive driveway repair. An extra 40 to 50 yards total, less than \$1,000.00
- Everything is moving forward already, we're already locked in so this is something for the future. This will need to be talked about more in depth and have it on paper.
- Driveway standards are on the website and reviewed with every house/secondary access.
- Clerk found the 2014 engineering standards when cleaning files – not all are correct, but Road Supervisors will review and see how things look.
- 92nd and 157th Ave directive needed, do we want to fix this?
 - There was right of way that was never vacated and it needs to be fixed.
 - To do this the board needs to call for a meeting of the electors.
 - We are suggesting August 19th at 8:01 PM because there is a fire board meeting at 8PM in July. Also, at that time we need to fix the levy. There needs to be a \$26,000 increase.
 - **Motion to set Electors meeting on August 19th, 2024, at 8:01 PM by Wilkening. Second by Boros. Motion carried, all voting in favor.**

Stockpiling agreement

This goes along with the IUP for Becker Township and John & Ruth Babler. To stockpile millings from various road projects.

Motion to approve the stockpiling agreement on the Babler property by Boros. Second by Danielson. Babler abstained as it is his parents property. Motion carried, all voting in favor. 4-0-1.

Facilities

- **Town Hall & American Legion**
 - Flooring, still haven't gotten ahold of a flooring person.
 - French drain behind the basement door is still needs to be installed, the water is destroying the stucco. **Motion to approve Joe's Bobcat & More doing the work for the drainage near the building by Wilkening. Second by Babler. Danielson abstained as it was his company. Motion carried, all voting in favor. 4-0-1.**

- Cardboard container will be moved back to the front of the American Legion building next time it is dumped.

Treasurer's Report

- **Motion to approve Treasurer's Report as presented by Danielson. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve payment of**
 - **Warrants 16496-14524**
 - **PO's 1634- 1639**
 - **in the amount of \$43,304.39****by Wilkening. Second by Babler. Danielson – abstained as his company had submitted an invoice. Motion carried all voting in favor. Motion carried 4-0-1.**

Other

- Juneteenth is a State recognized Federal holiday; the office will be closed Wednesday June 19th, 2024.
- Joint Planning Board will be on Tuesday June 25th, 2024
- Town board will recess, Town Board Chair Kolbinger read the following:
The next agenda item for this meeting is to discuss terms of an insurance settlement. This portion of the properly noticed meeting of the Becker Township Board will be closed pursuant to Minnesota Statutes under the attorney- client privilege to discuss current settlement options regarding insurance litigation as indicated in Minnesota Open Meeting Law, Pursuant to Minnesota Statute Section 13D.05 Subd 3(a)(3). The need for confidentiality outweighs the purposes served by the open-meeting law in this case based on the following: Confidentiality is necessary to protect the Township's negotiating position and interests as to insurance settlement negotiations.
- The purpose of the closed meeting is not to make decision behind closed-doors, but instead is to determine what actions are appropriate with respect to the settlement negotiations.
- The only business to be discussed in this portion if the meeting are the insurance settlement negotiations, and what action, if any, should be taken.
I will now entertain a motion to close this portion of the meeting.

Motion to go into closed session for the June Town Board meeting by Babler second by Wilkening. Motion carried all voting in favor.

- Board chair Kolbinger announced that that the meeting is now closed at 7:46PM
- Only the officials and consultants of the Township Board who reasonably require access to this data may be in attendance at any portion of the meeting for this agenda item. The minutes of this portion of the meeting should reflect only that a meeting was held with its date, time and location; who was present at the meeting; and the purpose of the meeting.
- Board chair Kolbinger announced, Members of the Township Board , following the completion of our business, I will entertain a motion to adjourn the closed portion of the meeting and go back into session.


8:15 p.m. Motion to end the closed session portion of the Becker Town Board meeting and return to open session by Danielson. Second by Boros. Motion carried, all voting in favor.

8:15 PM resumed open meeting.

Meeting Adjourned 8:15 PM.



Brian Kolbinger, Chair



Lucinda Messman, Clerk