

Regular Town Meeting
Monday, May 13, 2019
12165 Hancock Street

MEETING MINUTES

Attending

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

Absent Board Members: Township Supervisor Luke Babler

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, Joanna Myers, Paul Kleinwachter, Shirley Kleinwachter, Bonnie Host, Cory Vogel, Jennifer Vogel, Janel Bitzan – KDV Audit Firm, Kevin Taajtes, Carrie Rehborg, Nicolle Hines, Brandon Hines, John Vecklund, Joe Holtz (arrived approx. 7:20 pm)

Meeting called to order and quorum verified by Chair Kolbinger.

Pledge of Allegiance

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

1. Minutes
 - a. Regular Town Board Meeting April 2019
 - b. Road Tour Minutes May 4, 2019
 - c. Roadside Public Hearing Minutes 77th Street SE
 - d. Roadside Public Hearing Minutes 112th Street SE
2. Upcoming electronic fund transfers/automatic payments approval
 - a. City of Becker – water/sewer
 - b. Xcel Energy – gas/electric
 - c. Ace Disposal – Twp maintenance
 - d. Advanced Disposal – container at Town Hall – no bill this month
 - e. Midco Business – phone and internet
 - f. Upcoming EFTS related to payroll: Federal taxes, State taxes and PERA - mandated rates. Totaling
 - g. State of MN for building permit surcharge fees
3. Correspondence
 - a. Sherburne County – Vacation of Snake River Trail Easements
 - b. Revised Quote – Helmin Construction 67th Street SE – Joint with Santiago Twp
 - c. Updated Recycle Day (City no longer wants it called Cleanup Day) prices/items they will take
 - d. Sherburne History Center Newsletter
 - e. Census Information
 - f. Ditch Cleaning Information
 - g. 2018 Audited Financial Statements

- h. 2018 Communications Letter - Financials
- 4. Approval of official designations/signatures
 - a. Annual Tobacco License Holiday Gas Station forwarded to Sherburne County with no comments

REGULAR AGENDA APPROVAL

Motion to approve agenda after addition of KDV Audit Report after the Assessment Public hearing by Wilkening. Second by Gilbert. Motion carried, all voting in favor.

SHERBURNE COUNTY SHERIFF'S REPORT – Sgt. Dan Frank

- 112 Calls for Service
- 13 Traffic Stops
- 5 burning complaints. Reminder to check the DNR Website for timing/restrictions.

PUBLIC HEARING OPENED – 16496 149TH STREET SE, BIG LAKE ASSESSMENT OF CHARGES

Clerk reviewed timeline of notices and findings with Board members as follows:

- Violation notices were mailed three times (8/12/2016, 12/4/2017, 12/19/2017).
- Invoices January and February of 2019.
- A message regarding owner's broken leg and request for extension to remove the sign came after first notice. At that time, owner was told we would allow a three month extension.
- Voice message contact that was left the evening prior to sign removal, no other contacts were received from the property owner. Zoning did try and contact owner day of sign removal.
- Resolution regarding public hearing passed 4/15/2019.
- Notice of the public hearing for this assessment plus required pages were mailed the following day to both the property owner and a copy to the renter.
- No response has been received (mail/email/fax/voice).

Chair called for anyone in the room who wished to speak to this issue. No one came forward.

Motion to close public hearing by Danielson. Second by Gilbert. Motion carried, all voting in favor.

Motion to approve assessment for removal of signs in the right of way for the property located at 16496 149th Street SE, Becker, MN by Wilkening. Second by Gilbert. Motion carried, all voting in favor.

PUBLIC HEARING OPENED – PROPOSED PARKING ORDINANCE

Interested Parties wished to speak immediately as the proposed ordinance was made available to those requesting.

Cory Vogel

- Submitted a letter to the clerk. Letter follows as was read at the meeting and submitted in time for inclusion in the board packet.
May 13, 2019

Subject: Ordinance 2019-01 Parking Ordinance

Dear Becker Board Members,

I have a serious concern with the *Parking Ordinance* draft. Specifically, Section 4. A. 2. What is the intent of 4.A.2. language? Under this section many residents would lose street parking. For example: A semi tractor and trailer or similar equipment in size needs roughly 300' of road access to safely ingress to and egress from a single-family residential lot. Under this section, as written, would allow for this. All parking access would be restricted in this 300' of road for the exclusive use and special privilege of said equipment. Furthermore, the use and storage of large commercial and industrial vehicles is neither incidental to, nor customary in a residential neighborhood and this section 4.A.2. grants them, exclusive use and special privilege. Most residential lots, in planned developments are 200' across or less, this will greatly diminish or eliminate the use of street parking access. It would be inappropriate to restrict such a large area of parking access for neighbors.

A high percentage of all single-family residents, in planned developments, in Becker Township, use their home in the usual and customary manner which does not obstruct their neighbors use of their property or parking access. When this type of large scale activity is allowed to happen daily in a planed residential neighborhood, it almost always creates ROW/parking conflicts. By adding section 4.A.2 you are allowing for existing and future use of property in this unusual manner. I am not aware of any other townships, cities, or the State of Minnesota that have adopted this ordinance that includes any language similar to 4.A.2. By adding 4.A.2 you are protecting an unusual and non-customary way of using residential property which would most likely lead to conflicts.

Big Lake Township, Livonia Township, Big Lake, Monticello, Elk River and the State of Minnesota have adopted this ordnance almost word for word under 4.A. except, they exclude 4.A.2. These are common, long established practices and I believe they leave out 4.A.2. language out for a reason.

Section 2. Purpose. The purpose of this ordinance should be to: To protect the health, safety and general well-being of the citizens of Becker Township and to ensure safe travel. To regulate the parking of trucks, trailers and other similar vehicles and equipment of a certain size upon roadways within residential neighborhoods.

In closing, we are asking you to change the language in 4.A.2. to "In any manner that obstructs the access to public properties." Doing so would further protect and safeguard

our neighborhoods and align the proposed *Parking Ordinance* with our neighboring communities. I strongly encourage our elected officials to support this change and follow standards to serve doing good for the majority of residents.

Sincerely,
Cory and Jen Vogel
16995 96th Street | Becker, MN 55308

- Request the Town Board change the language and referenced Big Lake, Livonia and other Township Parking Ordinances.
- Curious regarding the intent of this ordinance.

Ted Myers

- It takes 85' to back in his semi, not 300 feet.
- He and his wife filed a statement to the board.

Jennifer Vogel

- What is the purpose of Section 2? Curious how the board defines safe travel as she feels semi trucks don't = safe travel. They have photos and there have been calls to the Sheriff before the semi was there. They have photos of the semi backing in.

Joanna Myers

- Submitted a letter to the clerk. Letter follows as was read at the meeting and submitted in time for inclusion in the board packet.

5/20/2019

Dear Becker Board Members,

In rebuttal to the Vogel's letter attached to tonight agenda I have a few items to point out. Neighbors would not lose their parking in front of their homes, a semi-tractor and trailer or similar equipment in size needs roughly 100 feet of road access to safely ingress to and egress from a single family residential lot. Our residential lots in Enchanted thicket are approx. 250-265 feet wide. Furthermore the use and storage of large commercial and industrial vehicles is very customary across the nation and in Becker MN. There are many neighbors in our development who utilize and have commercial and industrial equipment so to say that is it not customary is an inaccurate statement. This is not considered a exclusive use or special privilege , it is being able to use our roadway to enter and exit our driveways which does not take 200-300 feet and that everyone else is allow to do to make their living.

I believe the purpose of this ordinance should remain stated as such and to define ROW and what is and what is not allow for parking.

Furthermore garbage cans continue to remain on the roadways 20-30 feet from the drive way mouth past the day of collection evening.

Just FYI. As it was discussed at the last meeting and letters were sent out indicating that was not allow and neighbors CAN move garbage cans as they do not belong to the homeowner, should they be in the way. As stated by the board at the 4/23/2019 meeting (see meeting minutes).

Sincerely,

Ted and Joanna Myers
16988 96th st se
Becker MN 55308

- Since the last meeting, trash cans have still been in the road past the day of collection.

Chair Kolbinger called for other comments, hearing none, accepted Motion to close public hearing by Danielson. Second by Wilkening. Motion carried, all voting in favor.

Board Discussion re: Proposed Parking Ordinance

- 4.A2 is a standard statement. Legal has reviewed proposed ordinance.
- No ordinance in place now, so the Town Board is not able to stop people from parking in front of someone else's driveway. Purpose of this is to let people in and out. This is a typical ordinance.
- This ordinance states the obvious
- Attorney Bourgeois: Ordinance is very general. Most items are in state statute. Local ordinance is to follow state statute and increases/improves the ability for ordinance enforcement. State Statutes are minimal. Local Government Units can do more. The board's stated goal was to address some items as specifically as possible and include some general language. This addresses General Parking, Winter Parking, Plowing/Maintenance, Commercial Vehicles, – there are many pieces in this ordinance, it is not focused to a single area of the township.
- Neighboring Township ordinances were reviewed. Some of this language was in our Winter Parking ordinance. Baldwin and Big Lake Townships are similar to us. Ours also addresses non-working cars left on cul de sacs and other road surfaces that are left sitting. This gives us the ability to move those vehicles.
- Goal here is not to tow cars – it is to enable the board to tow cars if owners will not remove them.
- Emergency vehicles cannot fit into some areas of the township if ANY vehicles are on the road surfaces.
- School bus cannot turn around in some cul de sacs if there are parked cars in them.
- 4A2 makes sense in the scope of this ordinance
- Section 2 Purpose states we need to ensure safe travel – if a 12' lane is what is in place, no one expects parked cars on a regular basis. Example of a car ½ in driving lane and near accidents. The road is expected to be open.
- Safe Travel requires that the road needs to be clear, there are going to be big vehicles moving fast on many township roads.
- Discussion of reasons for the reasons behind keeping the right of way clear and open – provides safe travel.
- 100'/300' information from letters addressed vs. what the ordinance states.

Motion to approve Ordinance 2019-01: Parking Ordinance, An Ordinance Enacting Parking Restrictions in Becker Township by Gilbert. Second by Wilkening. Motion carried, all voting in favor.

2018 BECKER TOWNSHIP FINANCIAL AUDIT REPORT – JANELLE BITZAN, BERGAN KDV REPORTING

- A copy of the 2018 Financial Statements and Communication Letter were distributed in the Board Packet. Janelle Bitzan reviewed the following with the Town Board Supervisors
 - Overall things are good
 - Adverse opinion had to be issued to do the change in reporting method. The Township is at a size requiring a policies and procedures to be in place as a basis for condition scoring and

how that scale is used to report condition of the infrastructure assets (roads/signs/etc.). This process began over a year ago and while progress has been made, until the final policies, procedures, etc. are in place, an adverse opinion must be issued. The Township has elected to use a modified approach for infrastructure assets. She has been made aware the board is partially through the policy determination and hopes to have policies in place by end of year.

- Recommendations for implementation of this system include:
 - Maintain an up-to-date inventory of eligible infrastructure assets.
 - Perform condition assessments of the eligible infrastructure assets and summarize the results using a measurement scale.
 - Estimate each year the annual amount to maintain and preserve the eligible infrastructure assets at the condition level established and disclosed by the government.
 - Complete condition assessments of eligible infrastructure assets are performed and documented in a consistent manner at least every three years.
 - The results of the three most recent complete condition assessments provide reasonable assurance that the eligible infrastructure assets are being preserved approximately at (or above) the condition level established and disclosed by the government. The financial statements are fair in all material respects.
- Page 20 of the financial statements was reviewed with all present.
- Overall, expenses were 27,000 under budget.
- Net change in fund balances was down by \$106,000. This is a significant spend down, but Township still remains in compliance with their Fund Balance Policy. Caution not to spend too far down and fall out of compliance.
- Review of all reports with Town Supervisors.
- Other noted items
 - There was a prior period adjustment for unrecorded infrastructure capital assets (Clerk: Boulder Crossing Roads were not included in last year's inventory). This resulted in an adjustment to the beginning net position of the Statement of Activities of \$1,074,150.
 - BergankDV found zero instances of non-compliance with the MN State Auditor's Minnesota Legal Compliance Audit Guide for Towns. This guide contains seven areas of compliance testing. BergankDV did not do any compliance testing for tax increment financing (TIF) as Becker Township did not have any TIF districts as of 12/31/2018. Township Compliance was tested in the remaining six areas:
 - Contracting & Bidding
 - Deposits & Investments
 - Conflicts of Interest
 - Public Indebtedness
 - Claims & Disbursements
 - Miscellaneous provisions
 - Deficiency in internal controls noted as a material weakness due to lack of the number of staff required to properly segregate all accounting duties. For an entity of this size, it is not cost effective to segregate the duties further. Becker Town

Board is aware of this situation and continually monitors the accounting system. In addition to the board review of all financial information, the board hires an outside accounting firm review all financial information.

- No issues were encountered during the audit and all staff members were cooperative and helpful.
- Changes coming to GASB requirements overview presented. 2020 will be the first year of impact.
- Thanks to the Board for the opportunity to work for the Township and with the staff.

RESIDENTIAL OPEN FORUM

PAUL KLEINWACHTER,

- Cul-de-sac (cds) by his home was upgraded. Now water runs into driveway
- Tried sandbags at end of drive to prevent water
- Only issue he has is water
- Township was out and did a survey
- "Speedbump" installed at end of his driveway. He wants a better solution
- Inherited this issue. As he didn't cause, requests the Township figure something out.
- Supervisors viewed the Beacon image aerial of the area. The CDS is in the wrong spot. The platted right of way/road was never built connecting this cds (Oak Crest Estates, Third Addition) to the one to the north (Cedar Crest Acres).
- Someone has to fix this mess – the easements should have been completed when this was built.
- Attorney Bourgeois: there will be easements required for the Township to do any work here. Without review, cannot specify permanent or temporary at this time.
- Long term, we have an issue. Grass is over the tar as well
- Township will be in Communication with you.
- Town Road Supervisor and Engineer will meet on-site to come up with a plan to address the water drainage issue and present to the board.

BONNE HOST

- other side of road from Kleinwachters
- found out 2 years ago about road possibly going through. Why did company put in csd crooked?
- Their driveway was cut 2' in
- Supervisor Wilkening explained the process of road reclamation and how shaping of the road before the pavement may have had an impact on what may have occurred. This is a different board, so this is speculation.

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

- Motion to table a decision on this until June by Danielson. Second by Wilkening. Motion carried, all voting in favor.

JOE HOLTZ

- Stated he was unable to attend public hearing so didn't speak at that time. Board informed him that the public hearing was held and a vote was taken to assess charges. He may speak at this time if he likes.
- Mr. Holtz stated the following
 - The parcel in question was one piece at one time

- He refaced previously permitted signs
- Hero's split into 2 locations and he owns North of the sign
- Letters went came from the township and he told them the sign was a previously permitted sign.
- Property owned to the North has different signs
- The signs cost about \$1,800 and he doesn't believe the board could take down the sign
- Signs were destroyed and Element Arms had no issue with the signs
- Doesn't understand how sign was in violation of right of way
- Why did the board take the sign down
- It is not an off premise sign
- Accurate Automotive has a sign on their property that is not off premise because of a shared parking lot agreement. This is the reason he and Element Arms didn't remove any of the signs.
- Attorney Bourgeois:
 - The assessment has been moved by the board so nothing can be done.
 - This was an off premise sign
 - More notices were sent than required by law
 - These issues should have been addressed/asked when any of the notices were sent.
- Board Chair stated the issue was decided and there will be no further discussion.

TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Supervisor Wilkening

- Easy month – 1 cup request pulled from docket, other was tabled due to requirement for further information.

ENGINEER'S REPORT – Wes Davis

- 185th Ave – Official start date of north portion was this morning.
 - Mailboxes have been regrouped
 - Future schedule – Thursday at 9:30 am, TS Dirtworks should start reclaim
 - Clearing/Grubbing looks good
- 117th Street – County Administrator Steve Taylor sent a letter regarding proposed alteration
 - County will grant the 66' right of way for their parcel if the township will vacate the old part of the road that is no longer used.
 - Board consensus to have Davis draft the vacation
- Other
 - Engineering Standards are coming along.
 - Looking at county section designs for 7/9 ton roads
 - Kraemer
 - Spoke with them regarding removing erosion control
 - Gave notice that it needs to be removed or retainage will be held
 - Secondary Driveway Application – Keith Justin
 - Placement looks good
 - Will work with him to ensure Township Standards are followed
 - Motion to approve secondary access for Keith Justin by Wilkening. Second by Danielson. Motion carried, all voting in favor.

SUPERVISOR REPORTS

Fire Board – Supervisor Kolbinger

- Regular meeting
- Prepping budget cycle for July 15

Sherburne County Parks/Rec/Active Living – Board disbanded, new will be forming

Highway 25 Coalition – Supervisor Kolbinger

- Next meeting 5/30/2019
- All parties agreed to a more regional development approach

Roads Report – Supervisor Gilbert

- Boulder Crossing
 - Quotes for reconstruction cost – holding off for now
- Kenny Court
 - Surveyed
 - Appears line on Beacon is right
 - Ran out of room for snow last winter
 - Legal will be needed
 - Owner will receive copy of survey once Township does
 - It is a non-conforming lot
- Tree Work – Jim working next week on 67th 153rd & more
- Vandalism & trash on 175th Avenue again – camera may be a way to find out culprits
- Signs
 - Need 5 barricades
 - All signs that need to have been removed have been. New street signs are going up
 - Haven't heard back from County regarding the signs they bent. Spoke with other townships and they held the County responsible when it happened to them
 - Shared roads signs have not been updated – more info coming.
 - Fire numbers will be fixed later this fall. Currently many are a plowing menace.
 - Joe Holtz's signs that were removed need to be held onto for a while longer yet.
- Road projects
 - 190th North – hoping to start this week
 - 77th street
 - 67th Street – revised quote
 - 112th Street – east end is ready to go
 - 117th Street – long way off
 - Bus Garage Road/157th Street SE [name found and added here after meeting]
 - Haven't used, may not need to
 - Board ordered to proceed and have clerk check minutes.
- Electronic Speed limit signs – possible township purchase – will get costs and bring back information next month. Right now we are on a list waiting for the 1 the County has and we share its use with all 10 townships and all the cities.
- Snow Policy changes reviewed. They are designed to match the Parking Ordinance dates. Motion to approve snow policy changes by Danielson. Second by Gilbert. Motion carried, all voting in favor.
- Snow and Ice Control Contract

- List vehicle under-bodies as a separate item.
- Supervisor Danielson to provide exact text for pricing sheet to clerk.
- **Motion to approve contract as presented with changes stated by Danielson. Second by Gilbert. Motion carried, all voting in favor.**
- Goal – July meeting will be bid opening for snow and ice control contract with awarding to occur at August meeting.
- **77th Street**
 - **Motion to approve Resolution 2019-08: A resolution altering a Town Road by Danielson. Second by Wilkening. Role Call Vote:**
 - Kolbinger – yes
 - Wilkening – yes
 - Babler – absent
 - Danielson – yes
 - Gilbert – yes
 - **Motion carried, all voting in favor**
 - **Motion to approve the Order the Altering a Town Road [currently known as 77th Street] by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**
- **112th Street**
 - **Motion to approve Resolution 2019-09: A resolution altering a Town Road by Wilkening. Second by Danielson.**
 - Note from Engineer Davis – on the west end, it is not a full 66' wide right of way as the owners of the parcels indicated on the survey wouldn't sign an easement to the township.
 - **Role Call Vote:**
 - Kolbinger – yes
 - Wilkening – yes
 - Babler – absent
 - Danielson – yes
 - Gilbert – yes
 - **Motion carried, all voting in favor**
 - **Motion to approve the Order the Altering a Town Road [currently known as 112th Street] by Gilbert. Second by Danielson. Motion carried, all voting in favor.**

Town Hall – Supervisor Danielson

- Jim Free removed the trees needed and will grind the stumps out as well
- Painting foundation/sides of Town hall estimate at \$600. After the paint is completed dirt comes in and grading will occur.
- To fix roof/woodpecker hole, need to rent some equipment
- Lights will be complete by next time.

TREASURER'S REPORT –

- **Motion to approve Treasurer's report as distributed by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**
- **Motion to pay warrants 14236-14271 and PO 1128-1137, in the amount of \$115,057.76 by Gilbert. Second by Wilkening. Motion carried, all voting in favor.**

DEVELOPER'S AGREEMENT

- Legal is reviewing – draft model should be ready next month.

SALIDA PLAT

- Legal review of history requested.
 - Attorney Bourgeois:
 - typically, a plat is not accepted until the roads are brought to township standard
 - At issue here are 164th Street SE and the Service Road as indicated on plat
 - Easements have been granted at this time
- Motion to accept 164th Street and the Service Road as Township Roads by Danielson. Second by Gilbert. Motion carried, all voting in favor.

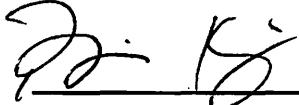
CLERK'S ITEMS – LUCINDA MESSMAN

- Minor Extraction needs to have a fee in the fee schedule – not sure what to use as the fees are all over when reviewing other LGUs. Board stated to use 500 for a minor extraction and 700 for other. Bring draft back next month.
- New Computer with revised memory/hard drive space is good as long as it is no higher than last estimate. Clerk to install as much of the software as comfortable.
- Printer is on its last legs. Board ordered multiple estimates be brought in for next month.
- Clerk presented article request for website. Board stated no as it does not fit with policy.
- Legion notice of late night noise presented to board

Mr. Myers asked for clarification of item 4H in Parking Ordinance as pertaining to vehicle idling. He doesn't leave his semi idling overnight, but does allow 5-10 minutes in the morning when getting ready to leave. Board stated the intent is not to stop 5-10 minutes or so warm ups required, but to prevent vehicles being left running all night.

No other business

Meeting Adjourned 8:47 p.m.



Brian Kolbinger, Chair



Lucinda Messman, Clerk