

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, May 17, 2021
12165 Hancock Street



Attending,

- ❖ In Person Supervisors: Chair Brian Kolbinger, Vice Chair Brad Wilkening, Luke Babler, Robin Boros, Joe Danielson
- ❖ In Person Clerk/Treasurer: Clerk Lucinda Messman, Deputy Clerk Fran Seeley
- ❖ Absent: Treasurer Tanya Danielson
- ❖ In Person Others: Sgt. Frank – Sherburne County Sheriff’s Department, Wes Davis – Twp. Engineer, Tony Wruck – Twp. Contractor, Jacob Sanders – City of Becker Planner, Ben Wikstrom – Twp. Planner, Tom Zerwas, Waytashek, Tony Wruck – Twp. Contractor
- ❖ Zoom Attendees: Kelli Bourgeois – Twp. Attorney, Mark Kolbinger – *The Patriot*, Betsy Armstrong

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.

Meeting called to order at 7 pm. Clerk took roll call of those in attendance. Quorum verified by Chair Kolbinger.

Pledge of Allegiance

Consent Agenda Items Approved

- 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:
 - Municipal Fee and Expense Report Filed as required
 - RoadGroom.Com information
 - COVID Preparedness Plan revisions to meet current executive order status updates

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

Motion to approve a regular agenda with after adding Tobacco License and Mr. Waytashek discussions, by Wilkening. Second by Danielson. Motion carried, all voting in favor.

Sheriff’s Report – Sgt. Frank

- 171 Calls for service
- 63 traffic stops
- Toward Zero Deaths speed enforcement this month has additional hours.

Encroachment into Town Right of Way Request - Zerwas

Planner Wikstrom reviewed documents [full text on file].

- Septic application. When viewing the lot with flood area and drainage and utility easements, the better location is in front of the house where the drainage area would encroach on the Township Drainage and Utility easement and right-of way.
 - Mr. Zerwas – the septic cannot be located in the backyard without going into the 100 year flood area.
 - Planner Sanders – there is a 3:1 slope in the design towards the right of way. This lengthens the distance out over the standards 2:1.
 - Engineer Davis – What is the reason for the 3:1 rather than 2:1?
 - Board Discussion
 - Less of an issue as there isn't a drainage swale or ditch on the property line
 - Do not wish to cover up drainage and utility easement
 - View with flood overlay shows how little space there is for a septic system
 - These days, two septic locations are required when platting. This done prior to our requirements so that could be why we are in this spot now.
 - Only location available with proper setback from the well.
 - Encroachment for septic is to allow for proper sewage treatment. Makes sense.
 - Process: approval of encroachment agreement is required. Homeowner needs to understand if the Township does work in the easement, the Township has no responsibility for replacement of what needs to be removed.
 - **Motion to approving the encroachment agreement for parcel identified as 05-423-0150, Lot 10, Block 1 of Pebble Creek Pines in the Northwest corner as depicted on the site plan for a septic system as submitted by Babler. Second by close the public hearing by Wilkening. Motion carried, all voting in favor.**

Encroachment into Town Right of Way Request - Wayatashek

Planner Sanders – Mr. Waytashek wishes to build a 30x40 accessory structure on the North side of the house.

- Since this is the edge of the plat, there is a 12' drainage and utility easement rather than a 6' drainage and utility easement as is typical on the sides of lots.
- They are moving the shed so it is outside the 12' drainage and utility easement, but it will move up to the line, not over.
- No large slope in the area.
- Some grading work will need to occur in the drainage and utility easement.
- Lot 7, Block 2, Enchanted Thicket.
- If location is close to house (often 10' but that number hasn't been verified yet), fire code may require a type of fire wall barrier. Building inspector will assist in understanding of this requirement and if fire suppression materials are required. That is the only impact with moving the accessory structure closer to the house.
- Why can't the building go back farther? Or could the building be 28' wide rather than 30'?
 - Owner doesn't wish to remove any trees.
 - Owner wishes to keep the building front in line with front of house.
- No issue with grading in the easement, but the building must not be in the easement at all.
- Attorney Bourgeois: if the building is in the easement at all, the easement needs to be vacated and requires public hearing. As long as the grading does not impact the drainage or utility access in that easement would be allowed if the board decides to do so.

- As long as the building is 12' from the property line, no action is required by the Town Board. The grading is allowed as long as it doesn't impact the drainage or utility access.
- Homeowner asked about sprinkler system – how close can he be to the road?
 - Best way to know where the right of way line is – have surveyor stake it for you
 - If the sprinklers are in the right of way and snowplowing damages the sprinklers in the right of way, it is the homeowners responsibility, not the contractors or township's.

67th Street – portion that intersects with 190th – John Growthe

- Platted Right of Way – accepted as dedication, but never built as road.
- Discussed a bit last month.
- Image viewed with his parcel 05-101-2002.
- Is it allowed for owner to use it as a publically dedicated right of way (similar to Salida where the right-of-way was used prior to Township acceptance for maintenance).
- Currently owner uses an easement through parcel 05-489-0110 to access his parcel. He would like to use the 190th Right of Way.
- Attorney Bourgeois: this is a platted right-of-way, not accepted roadway.
 - The Town is not required to build a roadway through the access. Since this is a publicly dedicated right of way via plat, the owner of 05-101-2002 could use this.
 - It is doable
- Questions
 - Is there an issue if he wants to construct driveway on the right of way? A: you will want to grant formal access and liability document so if he is working in the area the liability is on the property owner. Or, the township can do the work and bill the property owner. Know the township cannot build a driveway for a private property owner.
 - Owner: would I purchase that? A: No, it belongs to the township, it will not be a private road, but you can be granted access.
 - Atty: The homeowner can build a driveway there and hold the township harmless for any liability. This is not a private road. It would be a driveway in a public area – the public could use it up to your private property.
 - Summary
 - Document to be created (at owners expense)
 - Granting access to the owner to use the area of township right of way
 - Holding the township harmless for any accidents/injuries during construction
 - Owner to pay construction costs
 - If Twp Attorney writes the document the homeowner would have to pay for her services. It can be done, but everyone needs to know the Town Attorney always represents the Township.
 - Recommendation: The homeowner would be benefited most by having their own attorney write up the document and submit for review/consideration to the Township. Homeowner: yes, if you can help me know what all needs to be in the document.
 - Are the dark areas seen in Beacon wet? Homeowner: yes
 - Driveway with hold-harmless clause to township would need to be in the right of way area. Driveway does not need to be the full 33' wide.
 - This area is already marked from back when we upgraded 190th a few years back. Leave the right of way signs in place.
 - Let property owner know type of document and the homeowner will find someone to create the document.

- Coordinate through the clerk – please provide email/contact information to her.

2A Defender Resolution

- Looking for Town Board Support
- Rally on May 22 – Supervisor Babler will be there for the ATV training so maybe can go after. All depends on timing.

JPB/TPC Updates

- **Sherco Solar Project**
 - 2nd comment period ends tomorrow at 4:30 pm
 - Letter needed – reiterate transportation piece
- Variance for Chad Dahlheimer at a special meeting
- Landlocked parcels, draft ordinance – it should help a number of the parcels
- So far no single item can fix all parts.

Engineer's Report – Wes Davis

- Borings on 67th presented concerns
 - From 4'-12' there is peat under the road. If the road is reclaimed, there are some stability concerns.
 - Need to pull the reclaim from the county contract and work with Santiago on a more structurally sound option
 - Plan B – similar to a chip seal. Use a blanket overlay. Big Lake has done these a lot. As long as you don't mill it works. Use the pavement that exists there for structure. About 800' long
 - June 9th the Road Supervisors will go talk to Santiago Township again
- 164th in Salida needs to be pulled from the County – we are not ready at this time
 - Concerns
 - Size of vehicles used on the road
 - Working on a better grading the base
 - Pave the following year
 - Do the dirtwork and storm sewer this fall
 - First thing in the spring – pave. This should be a better plan for this segment.
- **Motion for Engineer to pull both 67th Cul-de-sac and 164th located in Salida Plat from the Sherburne County Contract by Danielson. Second by Babler. Motion carried, all voting in favor.**
- 127th is a shared road. Both City of Becker and Becker Township need to move forward with any maintenance.
 - We hav preliminary numbers with gravel and fines and chip seal
 - Need to go through the process to cost share appropriately
 - City of Becker is working with legal and developer – more information coming next month
- Gerogia Circle/Garden Grove – start date will be known in a few days
- 142nd – TS Dirtworks plans to start 7/19/2021. Pre-con is coming up.

Supervisor Reports

Fire Board – Supervisor Babler

- Clear Lake Lions donated 10,000 to equipment

CMRP – Supervisor Kolbinger and Planner Sanders

- Most recent email re: work plan was discussed

- Upcoming meeting May 27 = draft actions, June 24 = goal to adopt plan

Roads – Supervisor Boros and Supervisor Danielson

- Working closely with the Engineer
- Dust Control – not in stone yet. **Motion to allow Road Supervisors to acquire quotes and arrange for dust control as long as the total is under \$15,000 by Babler. Second by Wilkening. Motion carried, all voting in favor.**
- 97th – School Bus sign distance may be needed. Engineer to verify with MUTCD Manual

Town Hall

- Concrete pad, fence under 7' and building under 200 sf = over the counter permits. Clerk has, just need timing for submission.
- Tower – city owned, township property. City does not wish to be involved with taking down. No decision at this time.
- Boulevard options discussed. Concrete is not allowed. Pavers or rock or sprinklers possible. Board consensus - pavers where grass is dying in boulevard

150th Celebration

- Flag – Supervisor Babler will hang
- Float – tractor/trailer
- Inside building – serve food
- Clerk to verify Legion is not serving hot dogs

Treasurer's Report

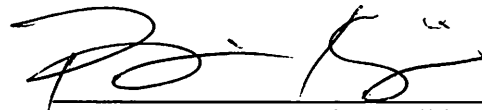
- **Motion to approve Treasurer's Report as presented by Babler. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve payment of Warrants 15039-15050, 15102-15128, PO 1368-1374, Void 15024-15038, in the amount of \$92,299.65 by Wilkening. Second by Babler. Motion carried, 4-0-1. Supervisor Danielson abstained as his company had presented a claim for payment.**
- Credit Card Policy
 - **Motion to approve Credit Card Policy as submitted by Wilkening, second by Babler. Motion carried, all voting in favor.**
- Credit Card Resolution
 - **Motion to approve Resolution 2021-13: Resolution Authorizing the Use of Credit Cards by Babler. Second by Danielson. Motion carried, all voting in favor.**

Other

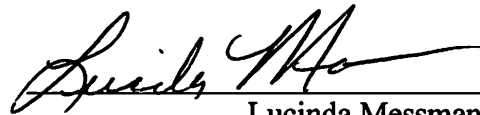
- Tobabcco License Comments – Holiday
 - **Motion to authorize chair to sign the document as requested and forward a favorable recommendation for approval to the county by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- Capital asset policy
 - Auditors found a few typo's clerk requested clarification in several areas of numbers. Will edit the policy to match the board's determination.
- General Maintenance Contract and Snow and Ice Control Maintenance
 - Go out for bids at the same time. Both for 2 years. Open in July.
- **Motion to amend the minutes regarding transfer to CARES fund to General Fund by Boros and second by Wilkening. Motion carried, all voting in favor.**

- **Motion to authorize Treasurer and Clerk to make the final CARES transfer appear in 2020 as recommended by auditors by Babler. Second by Boros. Motion carried, all voting in favor.**

Meeting Adjourned 8:35 pm.



Brian Kolbinger, Chair



Lucinda Messman, Clerk