



Regular Town Board Meeting
7:00 p.m.
Monday, May 18, 2020
12165 Hancock Street

Attending

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| <input checked="" type="checkbox"/> Township Chair Brian Kolbinger | <input checked="" type="checkbox"/> Township Supervisor Luke Babler |
| <input checked="" type="checkbox"/> Township Vice Chair Brad Wilkening | <input checked="" type="checkbox"/> Township Clerk Lucinda Messman |
| <input checked="" type="checkbox"/> Township Supervisor Robin Boros | <input checked="" type="checkbox"/> Township Treasurer Tanya Danielson |
| <input checked="" type="checkbox"/> Township Supervisor Joe Danielson | |

Absent Members: Township Deputy Clerk Fran Seeley

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

Others Attendees: Craig Wensmann (for Wes Davis – Township Engineer); Tony Wruck – Township Maintenance Contractor; Sgt. Frank – by phone; Ted & Joanna Myers – phone/video; Mark Kolbinger – Sherburne Citizen Tribune – phone

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 conduct meetings through teleconferencing 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. Quorum verified by Chair Kolbinger.

Pledge of Allegiance

CONSENT AGENDA

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

Consent Agenda Items:

- Minutes Approval: Regular Town Board Meeting April 20, 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: Road Groom Information, Sherburne County Park Survey, City of Becker Notices.

REGULAR AGENDA APPROVAL

Motion to approve agenda by Danielson after addition of germ barriers for elections to agenda. Second by Danielson. Motion carried, all voting in favor.

SHERIFF'S REPORT

- 95 Calls for Service
- Increase in grass fires
- 4 burning complaints
- If going to burn, check the DNR website first
- Relatively quiet month
- No further questions.

RESIDENTIAL OPEN FORUM – none

PUBLIC HEARING – RIGHT OF WAY ORDINANCE

- Wikstrom presented information to board [full text on file]
 - Cleanup item only. Two places in the ordinance were incorrectly referencing a prior ordinance repeal. Ordinance 2017-03 was repealed at the last change and two sections still list 2011-02 (an earlier version of the ordinance) as the one that was repealed.
 - Section 3. Intent has this incorrect reference and Section 4. Ordinance also has the incorrect reference.
 - Amended text version to read as follows:
 - SECTION 3. INTENT
 - The Town hereby enacts this new Ordinance relating to right of way permits and administration to replace Ordinance 2017-03.
 - SECTION 4. ORDINANCE
 - Upon the foregoing Findings, Purpose, and Intent, the Becker Town Board of Supervisors does hereby repeal Ordinance Number 2017-03 in its entirety and adopt the following Ordinance...
 - *Procedure Change:* In an attempt to make these simple administrative changes, we will not adopt an entirely new ordinance, but rather publish a summary outlining this amendment specifically. Any future items that don't require a re-write of entire sections should be processed the same way. Clerk will continue to process as required (publication in newspaper, various postings, notification of county law library, county attorney, updating town records & website references, providing copies to all board members including Town, Planning and Joint Planning to update their document manuals and City of Becker staff as appropriate for their document manuals and if the library is open soon, posting notice in that location as well).
- No further comments
- **Motion to close the public hearing by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

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- No further discussion.
 - **Motion to adopt the changes as presented by Babler. Second by Danielson. Motion carried, all voting in favor.**
 - **Motion to adopt summary publication as required by Boros. Second by Babler. Motion carried, all voting in favor 5-0.**

PUBLIC HEARING – BUILDING CODE ORDINANCE

- Wikstrom presented information to board [full text on file]
 - Currently
 - Accessory structures less than 200 square feet do not require building permits
 - Code states they are to have site plans on record – most do not for exempt structures
 - No fee exists for planners to take the time to review the site plans for compliance
 - Most landowners do not submit as they know building permits are not required
 - At this time, if building is placed in location that is not allowed, they are required to move the building and code provides the enforcement
 - Issue
 - City receives these to review and township is charged for the review. Homeowners are not.
 - Building Permit Fund operates as close to zero as possible – as is the goal.
 - Options
 - Change the fee schedule to have the \$30 fee adopted to cover the cost of the review; or
 - Amend the ordinance so the review is not needed – concern here is to do so wisely so we don't lose the ability to enforce moving improperly placed buildings.
 - Attorney recommendation
 - Leave the language in place for matters of enforcement when necessary. The current language requires that they do not place their structures in easements/on lot lines/etc. Basically that they are in compliance with all setbacks and requirements of the zoning ordinance.
 - There does not need to be a review process
 - If ordinance says no building permit is needed to meet setbacks and all regulations are required to be followed, no formal review process would be necessary
 - Concerns of leaving as is from City Planners
 - Unfair practice claims if some submit and are charged and others are not required to submit site plans
 - If exempt sized shed has to be reviewed, there should be a permit application for it. If we don't require a permit – is it being interpreted that we are granting an approval of the type of shed being built/that it meets building code?
 - An administrative permit could be used (example one shown to board members)
 - If the Township does not want to go this route, request for language change in code
 - Questions
 - Where does the \$30 come in? A: that is what the City charges for review of a building permit

- Where does the 200 square foot exemption come from in our code? A: from the State of MN
 - Can we adopt a different number – ex: 300 square feet? It would get more junk out of yards and into sheds? A: The Town Board can change code to be more restrictive than state code, not increase. We could lower the number of square feet.
 - Recap – decisions needed
 - Site plan review for smaller structures (<200 sf) requirement
 - Should we charge a fee
 - Should we have enforcement
 - Should we add a layer of administration
 - Should size be decreased from 200 square feet
 - No further comments
 - **Motion to close public hearing by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
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Discussion/Board Consensus

- No desire for more administration
- No fee to be charged
- Language needs to be changed to maintain enforcement but not require review/fee
- No change to exempt building size
- Staff to research how to edit language and bring back sample language for adoption consideration. Language should remove the review of the detailed site plan requirement

TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES

- Brian and Bonnie Kolbinger and Sherie Kolbinger received recommendation for approval from the Planning Commission to adjust the boundary between their properties. This will be reviewed by the Joint Planning Board on May 26th.
- RD Offutt Company at 14639 137th Street received recommendation for approval from the Planning Commission for a conditional use permit to construct a 55-foot tall antenna tower on their property for personal use. The tower will house antennas for irrigation systems, radio systems, and other farming-related uses. This item will be reviewed by the Joint Planning Board on May 26th.
- The Township anticipates at least a couple of applications for public hearings in June, and will be reviewing some ongoing potential ordinance amendments. These include removal of the maximum depth-to-width ratio for new lots and a clarification on the use of storage containers for commercial activity.
- Front Door Permits – has the board decided if they want to change front door permits from being valuation based to being over the counter with a set fee? A: leave at valuation for now and bring back with some more information of impact.

ENGINEER'S REPORT – Craig Wensmann for Wes Davis

- Peggy Place - went to check complaint of Midco installation outside right of way. Midco has a valid utility permit for working in the right of way. Photos taken. Midco is working within the platted drainage and utility easement outside of the right of way.
- 112th Cul-de-sac

- Concern from landowner on the very end (by photo of truck shown to board – photo on file). Gravel surface by gate – owner has legal access in his opinion. Winter access is an issue.
- More photos shown – all on file
 - In front there is some back sloping without grass
 - Another photo shows loosing gravel on side
 - Where is end of road? End of gate?
- At the roadside public hearing in October of 2018, a hammerhead end to the cds was discussed. It was changed because the school buses wouldn't go down and turn around with a hammerhead so it became a cul-de-sac.
- Legal questions – is the portion to the gate in our maintenance?
- Issues with cul-de-sac/hammerhead/mailbox discussed
- Steps?
 - Check with school bus – see if a hammerhead would be possible
 - Read paperwork
 - Come back next time with more information
- Road Inspections will happen with interns – overseen by Wes.
- CIP – will use interns where appropriate – should give a 25% discount on those portions. The interns will do the following all as a single trip. Original estimate was 10,000 for the road part, 5,000 for the CIP and 15,000 for the surveys. Thinking now, with interns, 15,000 for the entire. Estimate \$440 signs in the township and 20 known culverts, though there are likely more.
 - Grade/score the roads
 - Do sign inventory
 - Culvert inventory
 - Board questions
 - Do we own the stuff from the surveys/have copies? Yes
 - Board consensus - go ahead with the work.
- 185th is scheduled for paving 6/15 thru 6/19. No precon. Wes will be sure a drive thru with Knife River is done.
- Questions for Wes? A: keep updated on 185th.

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- Money is coming in from Northern Metals and the pile of cars is decreasing.

Central Mississippi River Regional Planning Partnership – Framework 2040 – Update by Planner Sanders

- Breakout sessions this month went well. Discussed what is important to stakeholders in small groups.
- Next meeting – regular one with fact decks regarding transportation, housing, jobs. End of month.
- Sanders will be sending out emails to all stakeholders with links to complete the surveys. Clerk provided stakeholder information.

Roads Report – Supervisor Danielson

- Issues with tree cleanup – getting fixed
- Staying on top of potholes
- 112th street issues (above)
- Road Maintenance Person
 - When Gary Gilbert was on the board, he had more available time to handle day to day issues and put quite a few hours in as Road Supervisor to handle them.
 - Do any board members have enough time to try and pick up where he left off or do we look to hire someone? Is it realistic to expect a Town Supervisor to be able to handle this?
 - Comments
 - Supervisors who have full time jobs – unrealistic for them to take this on.
 - Supervisor Danielson stated his job keeps him busy morning through evening – he does not have time to go meet with homeowners.
 - Good idea, but where does the money for this come from?
 - Paid a supervisor for the work, that money could be paid to employee.
 - Board has made a lot of progress the past few years and doesn't want to see the progress stop. Goal to keep it moving forward.
 - Best guess for average (over the year) is 8-10 hours per week - more hours during some months other weeks may have 0 hours. Busier in the spring/fall. Clerk provided estimates of a part time person at cost of \$12,000-\$20,000 for the position if 8-10 hours per week is accurate.
 - .What did Gary do? Customer Service
 - Met with homeowners – a lot
 - Most of the time talking directly with the homeowners would allow work to get done quicker/more efficiently. Often this would mean that no letter would have to go out stating the problem and starting that cycle. It would get noted in file that he spoke with them. Most homeowners didn't realize there was an issue. Once they knew, they would bring their right of way into compliance. That would also be noted in the file.
 - Checked roads and signs weekly
 - Handled complaints
 - Oversaw projects
 - Managed the contractors – reviewed/managed which contractor handled which project/coordinated the priority on projects
 - Kept clerk updated with before/after photos when issued occurred/were completed

- Kept in contact with school bus garage and post office when road/tree complaints then assigned appropriate contractor to handle
- Obtained quotes for jobs requiring gravel each time jobs were to be done and arranged for best pricing for the township
- Tackled right of way issues
- Gravel road reviews – two left to get corrected. These required meeting with all involved to assure where the right of way easement would be located and running with the clerk when needed for signatures/notarizing of documentation.
- Do we go with staff or contractor? Leaning towards staff
 - Would work for board at the direction of Road Supervisor
 - Liaison with public
 - Do we know anyone or would any Supervisors be willing to take on this role?
 - Do we know a retired person who might be looking for this part time?
 - What if it doesn't work? We can stop.
- Discussion of pro/con of all methods. Biggest con – can't fire a supervisor if don't like the job they are doing.
- Discussion regarding how this would work
- Attorney Bourgeois reviewed open meeting law requirements with Town Board. The Road Supervisor can discuss situation with one other supervisor only, otherwise OML violation.
- Supervisor Boros – has availability on Fridays – can try and see how it goes. Willing to go talk with homeowners and do what he can to assist.

Town Hall – Supervisor Babler

- Sod is in, sprinklers too.
- Hot water now works
- Left spot for dumpster when installing sod

150 Year Township Celebration

- Thinking summer 2021 with Freedom Days
- Do a flag
- Think of ideas

TREASURER'S REPORT - TANYA DANIELSON

- **Motion to approve Treasurer's report as submitted by Wilkening. Second by Babler. Voting Aye: Kolbinger, Babler, Boros, Wilkening, Danielson. Voting Nay: none.**
- **Motion to pay PO 1240-1243, PO 12380, PO 12390; warrants 14609-14640 as noted in the claims list for approval and net payroll distribution in the amount of**

\$56,050.39 by Babler. Second by Boros. Motion carried, 4-0-1. Supervisor Danielson abstained from voting as his company has submitted a claim.

REORGANIZATIONAL ITEMS

- Electing Chair and Vice Chair
 - Motion to appoint Brian Kolbinger as Chair of the Becker Town Board by Babler. Second by Boros. Motion carried, all voting in favor.
 - Motion to appoint Brad Wilkening as Vice Chair of the Becker Town Board by Kolbinger. Second by Danielson. Motion carried, all voting in favor.
- Weed Inspector
 - Position responsibilities reviewed.
 - Motion to appoint Luke Babler as Weed Inspector by Kolbinger. Second by Wilkening. Motion carried, all voting in favor.
- Parks Board
 - Not sure if this board still meets. The county recently appointed someone to handle the parks duties, so it may start up again.
 - Motion to appoint Brad Wilkening to the County Parks Board by Kolbinger, second by Danielson. Motion carried, all voting in favor.
- Fire Board
 - Two Supervisors needed
 - Motion to appoint Luke Babler to represent Becker Township on the Fire Board by Kolbinger. Second by Boros. Motion carried, all voting in favor.
 - Motion to appoint Brian Kolbinger to represent Becker Township on the Fire Board by Babler. Second by Wilkening. Motion carried, all voting in favor.
- Road Supervisors
 - Two needed
 - Motion to approve Resolution 2020-21: A Resolution Designating A Road Supervisor And Alternate Road Supervisor In Conjunction With Any Road Services Agreements That The Township Holds appointing Joe Danielson as Road Supervisor and Robin Boros as Alternate Road Supervisor by Wilkening, second by Babler. Motion carried, all voting in favor.
 - Clerk to prepare conflict of interest resolutions as required for June meeting.
- CMRRPP Representation
 - Two needed
 - Motion to appoint Brian Kolbinger to represent Becker Township on the Central Mississippi River Regional Planning Partnership by Wilkening. Second by Danielson. Motion carried, all voting in favor.
 - Motion to appoint Brad Wilkening to represent Becker Township on the Central Mississippi River Regional Planning Partnership by Kolbinger. Second by Boros. Motion carried, all voting in favor.
- Clerk verified that resolution and ordinance books are in order.
- Clerk verified we have been in compliance with the 60 day rule and is unaware of any violations as applicable to
 - Township
 - Town Planning Commission

- Joint Planning Board

OTHER

- Shredder on its last legs. Estimate for new one (equivalent to what we have now) is around \$100-105. Board consensus to order replacement shredder.
- Personal Protective Equipment for election judges. We can get the items. There is a form needed for approval of an account. Board consensus to have Treasurer complete the form.
- Joanna Myers requested a copy of the Shipping Container portions of ordinance. Clerk to send.

Meeting Adjourned 8:19 p.m.



Brian Kolbinger, Chair



Lucinda Messman, Clerk