

**Becker Township Board
Town Board Meeting
November 19, 2018**

Board Members Present: Supervisors: Brian Kolbinger, Brad Wilkening, Gary Gilbert, Joe Danielson, Luke Babler, Clerk: Lucinda Messman, Treasurer: Tanya Danielson, Deputy Clerk: Fran Seeley

Board Members Absent: none

Staff members present: Kelli Bourgeois – Township Attorney, Craig Wensmann – Bogart Pederson, Ben Wikstrom – Township Planning Consultant, Tony Wruck – Wruck Excavating

Others present: Chad Johnson – Sherburne County Sheriff's Department, Susana Kuche – Citizen Newspaper, Greg Pruszinski – Administrator - City of Becker, Marie Pflipsen – City of Becker Community Development Coordinantor, Pam Rasmussen – Xcel Energy, Ryan Bruers Xcel Energy, Dan Pfeiffer – Xcel Energy, Lonny Seeley, Frank Kasowski – Boulder Crossing.

Meeting called to order and quorum verified by Chair Kolbinger.

Consent Agenda approved.

1. Minutes - October Regular Meeting, November 13 Special Meeting
2. Upcoming electronic fund transfers/automatic payments approval – documentation will be available at meeting.
 - a. City of Becker – water/sewer
 - b. Xcel Energy – gas and electric
 - c. Ace Disposal – container for township maintenance
 - d. Midco Business – phone and internet
 - e. Upcoming EFTS related to payroll: Federal taxes, State taxes and PERA - mandated rates.
3. Correspondence
 - a. HSIP Program Participation submission
 - b. Class offerings
 - c. Official Election Results
 - d. Tax rates 2019
 - e. Sidewalk letters from City of Becker – two parcels. Clerk to contact them about City parcel incorrectly sent to Township.

Regular Agenda Approval

- Strike Item #9 – 67th Street Discussion with Santiago Township board. Item moved to December.
- Add Item 10 B – Boulder Crossing roads discussion
- Add item to Supervisors discussion – AIS Projects
- **Motion to approve agenda as amended by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Chad Johnson from Sherburne County Sheriff's department presented a report for the month:

- 141 Calls for service
- 36 traffic stops
- Rest was routine.

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- No questions from those present.

Town Planning Commission/Joint Planning Board Updates – Ben Wikstrom – Township Planning Consultant

- Possible Ordinance Amendments were discussed regarding
 - Use of outbuildings.
 - General Rural vs. Ag uses, looking for better definitions
 - Some changes are coming along with language cleanup
 - Long discussion regarding uses/traffic/noise/visibility/events/barns/etc. Ended up not making any changes at this time as far as the current uses outlined in ordinance.
- Conditional Use Permit application was denied as it didn't follow ordinance size (3,200 square foot desired, 1,800 square foot allowed). Owner plans to look at options outlined. JPB will rule on next week.

Orderly Annexation.

- Town Board made aware of request last week after a Township Resident called and asked what was going on. Town Board held a special meeting 11/13/2018 to get some basic information to the Board members. Questions existed and were forwarded to the City of Becker.
- Xcel Energy Representatives Introduced:
 - Pam Rasmussen, Sr. Manager of Sitting and Land Rights
 - Dan Pfiefer – Sr. Director of Economic Development
 - Ryan Bruers – Manager of Economic Development
 - Pam Rasmussen
 - Land request was submitted to the City as we would like this property to be within the city boundaries for planned land use.
 - Ash Landfill to stay the same use
 - All NSP Land is planned for development for site A (see attached exhibit)
 - Town Board asked if the planned land use can be shared?
 - Dan Pfiefer: reviewed history of how competitive advantage is given for those who have shovel ready sites. Currently, two coal units at Sherco will be closing and result in loss of jobs. The remaining one will be converted to a natural gas plant. Goal is to replace the jobs being lost.
 - Coal plant was originally planned to be larger, but that didn't happen.
 - Site 1 development is progressing/completed
 - Site 2 development (Area A) is being marketed now
 - This process is being completed in 6 of 8 states.
 - Once land is annexed, can market in the Certified Site Program. That program is for land that is ready to have city sewer and water provided.
 - Town Board expressed concern regarding ash/water piles. If the board approves this now, is an environmentally alarming business going to go in there?

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- Dan Pfiefer – no heavy industry is planned at this point. Usually light industrial with cleaner technologies have looked at the site.
- Town Board expressed concern about annexing before the City is capable/ready to provide sewer/water services. Those amenities will vary with different business applications. Are we moving too quickly? The City won't be investing for infrastructure now so not understanding the reasons for expediting this request. Town Board was just informed last week. Sounds like this has been discussed for quite some time.
 - Dan Pfiefer – the Certified Site Program is for those who complete the annexation before marketing the site heavily. This decreases the risk for potential clients. Site selectors will toss sites that do not have city services/available city services. We have a better chance of marketing the site if the annexation is complete.
 - We realize the City will not put services in immediately. The services don't need to be there now, they just need to be available. Many times the annexation process takes 9+ months to complete, so we are trying to get this done now.
- Town Board expressed concerns over a possible hidden agenda. Told it takes 9+ months to get annexation completed, we are seeing this trying to go through in less than 3 weeks. Something seems off.
 - Dan Pfiefer – Acknowledged this should have come before the board months ago when they started planning as they want to have the site more attractive. Xcel Energy and City of Becker representatives did not understand the process that should be followed/process involved.
 - Greg Pruszinski – The City of Becker will start to study and figure out how to best serve and prepare these properties once they are annexed. The City can plan the route and details. Nothing can be done now, we want to get the land into the city so we know it can be done.
 - Mark Bruers – the Owner is requesting annexation. Does in matter when services are put in? Curious why infrastructure matters to the Township.
 - Supervisor Babler: Infrastructure questions are because if the tax base leaves, it is gone permanently. If it takes 10+ years to get the site filled, we are being irresponsible to our taxpayers by granting it leave so soon. Not sure why it is not marketable now.
 - Supervisor Kolbinger: property owner has requested annexation. We should treat like any other owner – consider the business they can bring in to replace other business being lost by the City of Becker.
 - Further discussion followed.
 - Supervisor Wilkening: the marketable side makes sense. It is one more variable prospective owners take into consideration. Reminder that the Orderly Annexation Agreement is a contract that has afforded the Township some good benefits (in regards to Planning and Zoning) over the years and does provide for this.
 - Dan Pfiefer – A good relationship with the City makes things smoother. Businesses are not used to the good relationship like with the City of

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Becker and Becker Township. Having the annexation complete will remove at least three months off the time frame - sometimes years. Goal is to get our site as marketable as possible.

- Supervisor Gilbert: based on the 1979 Annexation. Buffer properties were bought. As a long range plan – are there buffers planned for the City development now?
 - Pam Rasmussen: historical was briefly discussed. No longer primary to be a power plant. Sites B and C will stay landfill. Goal here is to get best use for the land that was slated as buffer but will no longer be needed as buffer once Sherco closes the coal sites.
 - Once the plant is closed, it will be best to work with the City to get a best fit in there.
- Supervisor Danielson: We are not saying no, we just heard of this last week. That is why we have so many questions. Knowing that the city cannot quickly move to put in sewer services for several years and the Township allows septic, not understanding why the request that the Township rush and act before the City of Becker has passed a resolution for this?
- Attorney Bourgeois: The OAA is layed out well. There is a copy of the draft resolution that will be presented to the City of Becker Council in the packet. The OAA has served the Township well and there is some money involved to help offset tax losses.
 - One item, out of the ordinary, but was questioned has to do with buffer trees around the Seeley property. It is a bit different, but the board can ask.
 - The Township can wait for the City of Becker to act first. It depends on what the board is comfortable with.
 - No reason to deny is present.
- Pam Rasmussen: The trees around the Seeley Property will stay in forest for now. Applies to Sites D and E and Part of C. The 40 acres of forest requires some management, but no development is planned for this site – mainly because the Seeley’s live there.
 - Management of forest items
 - Maintain 40 acres of forest
 - Check tree health
- **7:39 pm: Motion to approve Resolution 18-71: In the matter of the orderly annexation Between the City of Becker and Becker Township pursuant to Minnesota statutes § 414.0325 by Wilkening. Second by Kolbinger. Voting for: Wilkening, Kolbinger. Voting against: Danielson, Babler, Gilbert**
 - Discussion: Supervisors Danielson and Babler would prefer to wait to make a move on this resolution until they see that the City of Becker passes the resolution.
 - Supervisor Gilbert is not sure he agrees with this – he has seen what happened in 1979 and the mess created and doesn’t wish to see that happen again. Once the annexation is approved, the Township has zero input on the types of businesses coming in. Worried the environmental

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impacts will be worse than what has happened to date. He does not wish to have his name tied to another landfill.

- Further discussion/information is desired by all supervisors voting against the resolution at this time. Business development is good and required, but also trying to look out for Township interests.
- Dan Pfeifer: Xcel has interest in this site and 3 (or as many as 6) companies are interested in this site and Xcel would like to be able to say the site is annexed so they can continue to market the site.
- Supervisor Wilkening: We were not all around when the OAA was created, but those who were did plan what they could.
- Attorney Bourgeois: this request meets section 5a and violates the OAA that is in place now.
 - Question is – do you want to pass before the City Council sees the resolution or do you want to wait for the City Council to see and pass the resolution?
 - Process briefly discussed
- Supervisor Danielson: Would like to see the City take the lead. They should see and pass the resolution first.
- Attorney Bourgeois conceded that is a legitimate concern. Wait until the City of Becker acts, then the Township can act.
- Dan Pfeifer: apologized that this was not mentioned to the Township sooner.
- As a Town Board, Supervisors agree with the Orderly Annexation Agreement. Request that the City of Becker moves on this first and then the board can move on this.
- Supervisor Babler: if we are going to maintain this OAA, there has to be more communication. As an elected Township officer, feels like we are being blindsided and there has been no communication. A township resident brought to us that Annexation is going to be requested. Not the City of Becker, Not Xcel Energy. Really struggling with the lack of communication here. This should have been brought to the Township immediately. It is hard to believe that the City of Becker had no knowledge of this until November 1, 2018.
 - OAA reads that we work together and we apparently do not get a choice here.
 - Resolution could have gone off without a hitch had we been informed prior to last week by a Township Resident. If Lonny Seeley hadn't mentioned it to us, when would we have found out there was a request? This needs to be fixed going forward as this process makes the Town Board look very bad and uninformed.
 - Recommends that the City of Becker pass their resolution first and the Town Board can act at the regular December meeting. If passage prior to the Regular December meeting is required, someone other than the Township will need to pay for that as there

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should not be a special meeting fee paid out of Township taxpayer dollars.

- **7:58 Motion to rescind rejection of Res 18-71 by Babler. Second by Wilkening. Motion carried. All voting in favor.**

Engineer's Report – by Craig Wensmann. Engineer Davis unavailable this evening.

- 164th Salida Crossing Engineers estimate presented.
 - 24' wide, 3' shoulders
 - 4" base + wearing course
 - Typical section – need to pull up 149th Street to be sure it matches as Peterson's and Theco both have large trucks that will pass over.
 - Estimate doesn't include full cul-de-sac or engineering costs as was asked for rough estimate for road/budget purposes.
- 185th Avenue SE
 - TEP Application was submitted for 185th – working on design to determine impacts
 - Phase 3 is still on track for Jan/Feb bid if the TEP panel approves on the 28th/29th. Otherwise it will have to wait for MAY TEP to meet.
 - Signs
 - County determining what will happen
 - Supervisor Danielson to talk with Engineer re: Cheverons
- Fog Lines – HSIP Project information submitted to Sherburne County
 - 97th Street SE
 - 127th Street SE
 - 137th Street SE
 - Filly Trail
- Engineering and Construction Standards for Township Roads
 - Road Supervisor to work with engineer this winter to get the standards completed.
 - Board directive to proceed in working with Township Engineer to complete the process.
- Boulder Crossing
 - Township requested Craig Wensmann review Boulder Crossing documentation. Letters from 2007 and 2012 were determined pertinent (full text in development file)
 - 2007
 - Roads were accepted by the Township/warranty period began
 - Maintenance was deferred until after warranty period.
 - 50% buildout still required (at 42% now)
 - 2012 letter re: lateral cracking.
 - Crack filling not done
 - some crack sealing was done
 - Approximately \$8,000 remains in escrow
 - Not sure of pavement there now – appears to be a single lift of 2". Need to verify what this is.

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- Frank Kasowski: in section 6 it says anything over normal wear and tear is his responsibility. What is normal wear and tear?
- Town Board requested legal definition of maintenance.
- Supervisor Kolbinger asked for specific issue? Who will crackfill.
- Attorney Bourgeois: it would be good to get the issue resolved before 60% filled
- Plan for board member and Frank Kasowski to meet with engineer over the next month and go over items.
- Clerk to pull relevant research for next meeting.

Supervisor Reports

- Fire Board – Supervisor Babler
 - Reviewing contracts and by-laws
 - New radios are in and being installed
 - High volume of calls this month (15/20 more than usual)
- Sherburne County Parks/Recs/Active Living – Supervisor Danielson. Clerk to verify they have correct contact information. No further information on Snake River Trail (only email received after last meeting).
- Highway 25 Coalition – Supervisor Kolbinger
 - Monticello/Wright County upset an option wasn't included in study and they are 100% opposed to one option.
 - Going forward, want to keep study in tact to go to EIS/EAW and present with addendum of each entities opinion regarding options.
 - Sherburne County Comments will be forwarded to the Town Board
- North Star Coalition – final audit documents distributed to board. (full text in Northstar Corridor File)
- Road Report – Supervisor Gilbert
 - Profanity was painted on our road surface. Didn't scrub up. Covered with black paint for now- Any other way to handle? None since person doing the vandalism is unknown.
 - 175th Ave SE – still working on tree removal (leaners/hangers)
 - Jim Free will begin work on 77th street/Anderson Road
 - Wruck Excavating will begin right of way clearing work now that 190th is staked. Supervisor Gilbert has verbal ok from owners. Clerk to still send letters.
 - Barricade – example one shown. 6" stipes and 8' aluminum planks. To be placed at 107th by river and 120th by river. Photo on file (FILE: BTB 2018 November Packet). Is board good with this design? Direction of the orange stripes discussed. Board consensus – it works as long as it complies with MnDOT standards.
 - Working on CIP Policy. It won't be done until end of 2019. Gravel roads section good and all roads scored/determined where they will fall in maintenance. Still working on good definitions for paved roads and to complete scoring/sign inventory.
- AIS Program – no submissions for this year
- Development Agreement – tabled for now

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- Town Hall
 - Gutters were to have been last week. On back order, Supervisor Danielson will look into this.
 - Shakes/Woodpecker hole – Supervisors Danielson and Babler will handle.

Treasurer's Report

- Billing issues relating to TPC/JPB – clerk is working with the city on these.
- **Motion to accept Treasurer's Report by Babler. Second by Wilkening. Motion carried, all voting in favor.**
- **Motion to pay warrants 14069-14085, void checks 14084 & 14080, and pay PO 1061-1070. Total of all items \$69,179.28 by Babler. Second by Wilkening. Motion carried, 3-0-2. Supervisors Danielson and Gilbert abstained as they had submitted bills for services to the Township.**

Other:

- Arcasearch – still working out contract.
- Hearing loop – no estimate received to date.
- Township Attorney:
 - Attorney Kelli Bourgeois has accepted the position of City Manager with Columbia Heights. Due to this, she will no longer be able to attend Town Planning Commission or Joint Planning Board meetings due to conflicts. While she is still interested in continuing as Township Attorney, she wanted to inform the board and will understand if they choose to look elsewhere.
 - She has spoken with Dove Fretlund (Paul Dove and Damien Toven) and they are willing to continue to fill in at meetings she cannot attend. They have been doing this in the past.
 - No decision is necessary at this moment as her position begins January 1, 2019.
 - She will not be at the Joint Planning Board meeting this month.
 - Board congratulated her and will make a decision later.

8:44 p.m.: Motion to Recess the Becker Town Board meeting to allow distribution of checks, then the board will resume tonight, in closed session, the Becker Town Board meeting of November 19, 2018 as permitted by Minnesota Statute Section 13D.05 to develop offers for purchase of real property along 77th Street and damages valuation for 77th Street and 112th Street by Kolbinger. Second by Danielson. Motion carried, all voting in favor.

Closed meeting was recorded as required. Closed meeting adjourned at 9:23 p.m.

Becker Town Board regular meeting resumed at 9:23 p.m..

Motion to adjourn Regular Town Board meeting by Danielson. Second by Wilkening. Motion carried, all voting in favor.

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Meeting Adjourned 9:24 p.m..


Brian Kolbinger, Chair


Lucinda Messman, Clerk