

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, November 21, 2022
12165 Hancock Street



Attendance

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

Absent: none

Others: Sherburne County Sheriff's Department – Sgt. Frank, Wes Davis – Twp. Engineer, Kelli Bourgeois – Twp. Attorney, Ben Wikstrom – Township Planner, Jacob Sanders – City of Becker - Online, Mark Kolbinger – The Patriot Newspaper, Rob Aasen, LEM Builders for John Hoduba, Chad Mattson, Anne Orth, Sandy Dahl

Zoom platform was available for anyone who wished to call in virtually.

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

Pledge of Allegiance

CONSENT AGENDA ITEMS APPROVED

Approval of Minutes as listed

- a. October 2022 Regular Town Board Minutes
- b. July 2022 Regular Town Board Minutes
- c. October 25, 2022 Special Town Board Meeting Minutes

Upcoming Electronic Fund Transfers/Automatic Payment Approvals

- d. City of Becker – water/sewer
- e. Xcel Energy – gas/electric
- f. Midco Business – phone/internet
- g. Related to payroll: Federal payroll taxes, state payroll taxes, PERA, etc.
- h. State of MN for building permit surcharge fees

Correspondence/Information

- a. Patriot Letter
- b. City of Becker Public Works Notice

Approval/Acceptance

- a. For address 17420 124th Street SE - Resolution 2022-27 [full text on file]: A Resolution Allowing Existing Shed to Remain on Property while New Shed is Built.
- b. Annual Polling Place and Absentee location for Township Elections Resolution – Resolution 2022-26 [full text on file]: A Resolution Designating Annual Polling Place and Designation of Locations for Absentee Voting for the March Township Election.

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

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

SHERIFF'S REPORT – Aaron Sturm

- 178 Calls for service
- 54 Traffic Stops
- 8 Car/Deer Accidents
- 13 Motor Vehicle Accidents – 8 with personal injuries. Please slow down when driving.
- Sherburne County now has two devices for speed studies.
- 127th Street speed report – October 13-November 7
 - Sign monitored 7,607 vehicles in 25 days
 - Average volume per day = 304
 - Speed limit = 55 mph
 - Average speed 39.98 mph
 - Highest speed 85 mph
 - 85th Percentile speed was 47.75 mph (85% of motorists were traveling at or below this speed)
 - With the speed sign out, the majority of vehicles did slow down
 - .3% (20 vehicles) were traveling 10+ mph over speed limit
 - .8% (61 vehicles, including the 20 above) were traveling 5+ mph over speed limit
 - Speed study did show between 3 and 4 pm to have highest speed.
 - Data reviewed with supervisors [full text of report on file]
- Garden Grove Road Speed Study – October 8 – November 7
 - 587 vehicles
 - Average Volume per day = 30.9
 - Speed limit = 35 mph
 - Average Speed = 20.57 mph
 - Highest speed = 40 mph
 - With speed signs out, approximately 50% of vehicles slowed down.
 - Data reviewed with Supervisors [full text of report on file]
 - 85% of the vehicles were traveling below the speed limit.

RESIDENTIAL OPEN FORUM

PUBLIC HEARING Gapen Metes and Bounds Split

Wikstrom reviewed information with Supervisors.

- Metes and Bounds split of a 40 acre parcel into 20, 20 acre parcels
- Wester half will be platted into three lots
- Town Board will need to review the certificate of survey
- Application metes all requirements for this type of split
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- **Motion to close public hearing by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Board Discussion:

None, metes requirements

Motion to approve Resolution 2022-25 [full text on file]: A Resolution Providing for a Metes and Bounds Subdivision by Wilkening. Second by Danielson. Motion carried. All voting in favor.

HUDOBA – CAREFREE COUNTRY CLUB

WETLANDS VARIANCE - REQUEST FOR COMMENTS FROM SHERBURNE COUNTY

Wikstrom reviewed information with Supervisors.

- Typical Carefree Country Club variance.
- Aerial shows it will not be out of character with the neighborhood if a roof is allowed over the existing deck.
- Project already started.
- Within the existing footprint. Images show the project already started.
 - **Motion to send favorable recommendation to the County by Wilkening, second by Babler. Motion carried, all voting in favor.**
- Attorney Bourgeois – since you can see the work has been started and no permit has been issued, there will be a double permit fee for this. Reminder to builder, this is not the first one where work had begun without permit and the fees for bringing those into compliance will be double permit fees as well.
- Rob Aasen, LEM Builders: Customer was going to do the job themselves. All material was there and homeowner said permits were pulled so he started working, then a day and a half later he said he found out permits were not obtained so he put a stop work order on this job. The only permit they had was from Mike, the manager of Carefree Country Club
- Clerk spoke with Rob prior to meeting and he said they would work with staff to bring the outstanding permits into order.

CHAD MATTSO – DRIVEWAY

- Chad reviewed his plan with Town Board members. Request is due to desire to add an accessory structure.
 - Unique site topography
 - Challenge to create accessibility from main drive without a secondary access
 - Unique lot placement
- Engineer Davis
 - Proposed secondary access intersects with existing roadway and doesn't meet the 150' required separation distance so in Township Standards.
 - Requires Town Board decision.
 - Across from intersection provides site lines
- Town Board has authority to allow
 - Discussion
 - Seems reasonable given the site topography
 - If the engineer agrees this is a viable solution

- Culvert will be required – how does this get handled? Engineer: through the regular Secondary Access permit application.
- **Motion to approve placement of the secondary access according to the Certificate of Survey presented. Work with Township Engineer through the standards Secondary Access permit application by Wilkening. Second by Babler. Motion carried, all voting in favor.**

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- Activity
 - Gopen Acres – Preliminary and Final plat. Metes and Bounds split was approved earlier this evening. Plat to the Joint Planning Board tomorrow night.
 - Solar Discussion about what is desired in the township
 - Accessory Dwellings were discussed – general consensus from this – avoid having rentals all throughout the township
 - Comprehensive plan and zoning ordinance need some updates. Comprehensive plan was last updated in 2014.

ENGINEER’S REPORT – Davis

- 97th Street
 - All three agencies have combined plan set
 - Tomorrow the engineer estimate with detail will be completed. Everything will go to the county for review tomorrow.
 - Then the 97th Update meeting can take place with all agencies regarding grant funding and how to divide everything up. We will have quantities and look at the fairest way to approach.
 - Goal is to submit to DOT in the next week or so.
- Road Certification
 - Sent to County.
 - Better maintenance documentation is required before several roads will be added
 - 102nd street (Carl Johnson Cartway)
 - 157th Street past G & M
 - 67th Street between CR 11 and the CDS
- Partial Payment Certifications
 - 82nd Street SE Reconstruction
 - **Motion to pay Knife River \$165,371.71 as certified and recommended by the Town Engineer by Danielson. Second by Boros. Motion carried, all voting in favor.**

● Retainage	30,098.91
● Previous Payments	402,507.56
● Original Contract	549,964.54
● Change Orders	16,053.00
 - 164th Ave SE – Salida

- Concern of impacting generations of a family. Farming typical vs. farming the sun – we may not like solar, but not sure we can/should say no to solar. It is difficult to justify telling someone they cannot change their farm to solar when they plan to use the funds to secure their families future generations financially.
- Sanders: Zoning parameters are important
 - It is important to watch out for all residents of the City and Township, not just one group.
 - It is a balancing act – balance without impacting existing subdivisions and residences.
 - The City wants to grow, but has to balance out current/mid/and long range goals and planning. Difficult when looking at 25-45 year solar leases.
 - There is a fine line that we need to draw.
 - Balance is key. It is never a perfect balance
 - Heavy Industrial Solar could leak cadmium and other elements into the soil over the years or if the panels crack. How do we weigh that impact? We are not sure of all the impacts yet.
- Wilkening: has the group looked at solar as far as property taxes. Ex: 25 homes vs. solar land
 - Do we have a good definition of a solar farm vs. a solar garden
- Sanders:
 - Solar is not well defined at this time. The City has accessory solar only in ordinance, the Township has both accessory and solar farms in ordinance. Solar farms are not allowed in the General Rural district in the Township.
 - There are some tough conversations we need to have. The City and Township have different opinions here.
 - Reminder of the statutory 2 mile zoning that can be done by a City [note, following the meeting it was determined this statement does not apply to Becker Township since the Township has adopted its own zoning regulations MN §462.357]
 - We need to find common ground to obtain a solution for both entities that will work and provide a united front as we are all Becker.
- Kolbinger:
 - Personally, not a fan of solar due to the inefficiencies
 - But – if someone is farming land for crops now, it is hard to not view solar farm as another type of farming
 - Do not like that there is no solar farming allowed in General Rural district at all
 - If already farming now, need to consider allowing the change to solar – though also consider – what does it look like and how do we keep as guidance rather than prohibiting
 - Township perspective
 - Remember Landowner Rights
 - Is the land being farmed now
 - 2 mile statute – what does that look like?
- Sanders: Growth is more key in the area depicted with black dashed line

- There has to be a place we can guide and recommend for locations to allow solar
 - On average, it takes 350 acres to get to 50 MW where the PUC comes in and overrules all local zoning authority.
- Babler: can we
 - Give thought as to what would be required to make the land blend in
 - Remember solar by houses at the wastewater plant in the City of Becker. The Township houses are not as close. Scale needs to be taken into consideration.
 - Would like to see lease locations actual vs. how much is really going to be solar. Example discussed – 570+ acres yields how much actual solar? Trees are likely not going to be clear cut?
 - Heard planning commission talked a bit about this
 - This is a difficult thing to put together
- Wilkening: difficult with the duration of leases to determine every factor that may occur in the future.
- Good discussions. These will continue in the future

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- Right now, new fire trucks are 40months out
- Still waiting on Grass Rig
- Discussing JPA to redraft/cleanup the document

CMRP – Sanders/Kolbinger

- Working on purpose/use Pell Study
- Haven't decided to pursue non-profit status or not at this time

Roads – Supervisor Boros and Supervisor Danielson

- Road Tour past Friday
 - Some changes for CIP
 - Waiting to see 97th Street Numbers
- 157th Street Cul-De-Sac plans
 - Cds centered or on one side
 - Permanent easement location?
 - Purpose discussed and the grade of the land. It is very steep on one side.
 - Intent? Center of ROW is shown correctly. Grading out to achieve increased stabilization.
 - 3 options
 - Center the cul de sac
 - Dead end the road
 - Off shooting
 - Owner doesn't want the cul-de-sac intruding into the crops
 - Shown on drawing is easement/right of way
 - Board determinations

- At this time not planning to build the full cul-de-sac, just to shape for snow storage and to have if we need it for EMS/future.
 - Understand the north side is really sloped
 - Stay out of the irrigation arm path
- Road Certification/GPS in plowing contract
 - Official request letter to be sent to snow plow contractor requesting GPS in trucks.
 - Several changes for next round of maintenance contracts suggested to aid in verifying maintenance
 - GPS tags and associated data
 - Or other access manner to data
 - If contractors have a method, can use alternative as long as data is obtained

Town Hall

- January 18th is the hearing date

Annexation Request

- Petition from 100% of ownership received
 - One lot from private owner
 - Two lots owned by City of Becker
 - Highway 25 will not be an issue with the piece
 - **Motion to approve Resolution 22-85 as presented by the City of Becker by Wilkening. Second by Boros. Motion carried, all voting in favor.**

Planner Contract

- Wikstrom's Planning Contract presented to the Town Board. **Motion to approve contract as presented and authorize execution by Danielson. Second by Babler. Motion carried, all voting in favor.**

Treasurer's Report

- **Motion to approve Treasurer's Report as presented by Boros. Second by Wilkening. Motion carried, all voting in favor.**
- **Motion to approve payment of**
 - **Warrants 1734-15808**
 - **PO's 1497-1502**
 - **Void 15697 and 15708**
 - **in the amount of \$816,051.48 by Babler. Second by Boros. Motion carried 4-0-1.** Danielson abstained as his company had submitted an invoice.
- 2023 Budget Discussion
 - Treasurer asked board if the intent is to acquire the old fire hall building, do they want a fund. Explained timing with levy. Currently zero dollars to even acquire the building unless funds are transferred.
 - Board authorized Treasurer to set up a fund for the old fire hall building to be known as Becker Township North. This is to go on agenda for next month to

discuss type of funding. ARPA funds are being used for this. Board will let Treasurer know more detail next month.

- **Motion to approve 2023 Budget as distributed by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Other

- Sherburne County forwarded a funding request from Midco for broadband internet donation of Township funds. Board consensus not to participate as Midco is not giving our residents a discount, it is a for-profit company requesting funding. **Motion that no funding will be given for this request by Babler. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve County Assessment Agreement as distributed by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- Gambling notice presented to Town Board. **Motion to authorize chair signing the form as receipt of notice of Charitable Gambling to take place at Bar 10 by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Meeting Adjourned 8:50 pm.



Brian Kolbinger, Chair



Lucinda Messman, Clerk