

**Becker Township Board  
Town Board Meeting  
October 15, 2018**

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**Board Members Present:** Supervisors: Brian Kolbinger, Brad Wilkening, Gary Gilbert, Joe Danielson, Luke Babler, Clerk: Lucinda Messman, Treasurer: Tanya Danielson (left 7:30 pm), Deputy Clerk: Fran Seeley

**Board Members Absent:** none

**Staff members present:** Kelli Bourgeois - Township attorney, Ben Wikstrom – Township Planning Consultant, Wes Davis – Township Engineer, Tony Wruck – Township Maintenance Contractor

**Others present:** Sgt. Ochs – Sherburne County Sheriff, Craig Wensmann –Bogart Pederson. Glen Johnson, Walt & Diane Murfin, Colleen & Clint Corrigan, Eric Brandl, Kelsie Brandl, David Roedel – Sherburne County Public Works, Brandon & Nicolle Hines, Dan John, Chris Nesheim, Eric Carlson, Mike Duncombe, Susana Kuehue, Jeff Kraemer, Ron Kraemer, Nick Peterson, Anthony Tidnick, Kelly Jurek, Cindy Lutz, Debra Johnson, Jeff Johnson, Ryan Hess, Kurt Johnson, Frank Kasowski, Jr., Lynette Golly, Jay Menard

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Meeting called to order and quorum verified by Chair Kolbinger.

Pledge of Allegiance

Consent Agenda

1. Minutes - September Regular Meeting
2. Upcoming electronic fund transfers/automatic payments approval
  - 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. Sherburne County Association of Townships Meeting Agenda

**Motion to approve consent agenda items as presented by Wilkening. Second by Babler. Motion carried, all voting in favor.**

**Motion to approve regular agenda after striking item regarding draft agreement with City of Becker, by Danielson. Second by Babler. Motion carried, all voting in favor.**

**Sheriff's Report**

- 162 Calls for Service
- Most were standard traffic complaints/stops/medical
- 127<sup>th</sup> Additional surveillance was completed last month after review of traffic speeds was completed.

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**Public Hearing – Walt Murfin – Trees in ROW 175<sup>th</sup> Ave SE**

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Two photos of the trees in the right of way were displayed. These photos can be found in the 175<sup>th</sup> Ave SE Road file.

Attorney Bourgeois briefly reviewed history/reason for public hearing.

- Notices were sent, as required by statute, to unplatted sites prior to brushing/trimming.
- A request for a public hearing was made by Mr. Murfin.
- The board called for the public hearing last month. That hearing is tonight.
- This is a minim maintenance road.

Walt & Diane. Murfin:

- Thank you for increased communication and assistance in understanding processes. Also for going over all the various roads in the township to see what condition they are in. It is appreciated.
- He sees two separate issues with this – liability and maintenance
- After rain, only the north 1/3 of the road has ruts that fill with water
- No desire to see a full 66' right of way cleared for this road
- Submitted several photos to the board – 2 on 175<sup>th</sup> Ave SE and 1 from 67<sup>th</sup> Street SE. All photos are labeled and included in the appropriate road files.
- The 175<sup>th</sup> Avenue shows improvement is needed with class 5 more than widening. This road only seems to be graded a few times per year.
- If the Township is worried about liability, they should remove the trees close to the road. He feels there are only about 12 that need to be removed. He wishes to keep the nature in the area and the old oak trees.
- He is worried if the road is improved, more, faster traffic will be going through. One possible suggestion would be to build up the North end and remove the small trees. Call it a trail through the woods.

Cindy Lutz – daughter Kelli Jurek spoke for her

- Cindy owns the property all along the west up to 67<sup>th</sup> of the minimum maintenance road.
- No desire to see things cut back
- They wish to see the road maintained, but keep things natural
- Build up the road so there are no issues with the rain.

Clint & Coleen Corrigan

- Anyone who uses 175<sup>th</sup> Ave SE travels for fun.
- Doesn't minimum maintenance liability mean travel at own risk?
- Maintenance is an issue – Township hasn't been plowing this.
- Seems to be graded only about once a year.
- This is a snowmobile trail.
- Really would prefer to see money spent on 67<sup>th</sup> Street and improve that one rather than spend a lot of money on this road.
- No homeowners use this road – they all go the other direction (south)

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

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**Board Discussion:**

- Supervisor Gilbert stated he likes trees, but when inventorying town roads, he noticed this road is in very bad shape and in need of maintenance. He understands not removing the old oak trees, but this road does need widening and material. His goal is to avoid emergencies. He wants to see some repairs to this road as this is one of the poorer roads in the township. He wants to see this change from the rutted mess that occurs to keep it passable. Feeling is that if this road is kept in better condition it would keep people from 'playing' in the mud/muck ruts that form. He is willing to see a minimal number of trees removed and straightening for safety completed.
- The Board is willing to straighten and improve this road. It is clearly a defined road that
  1. Needs material
  2. Needs a crown
  3. Needs to have more maintenance
  4. It can be done at less than 66' wide clearing, but it does require maintenance for safety now.
- While owners did mention they would like to maintain, the Town is not interested in vacating the north portion 175<sup>th</sup> Ave SE so owners maintaining the road is not legally possible.
- Supervisor Babler asked for discussion regarding cleanup of leaners and hangers vs. clearing to 66' wide right of way.
- Attorney Bourgeois: if a tree falls and creates a hazard, the board does need to respond within a reasonable period of time by having the road contractor go out and remove/repair the hazard.
- Township should put metal stakes in the road to be sure everyone knows where the Township Right of way is located. The metal stakes should not be removed and will make it so additional surveys are not required.
- Removal of trees that are issue/risky can be done. If homeowners wish to be proactive and handle removal of others/dead ones, it would be nice.
- Since the road is signed as minimum maintenance, discussion regarding no more gravel.
- Chair Kolbinger reminded all that the 66' right of way is on the road order for the Township. Township does have the authority to go in and clear the entire 66' width if they felt it was necessary.
- Attorney Bourgeois reminded board members and those present that if the Town Board would decide to clear less than 66' right of way width at this time, any future/additional clearing activities, other than those due to emergency circumstances, will require another mailed notification to owners prior to any clearing activities. This is an unplatted right of way that requires notice to owners unless there is a safety issue.
- **Motion to**
  1. **clear only what tree are necessary to provide safe passage**
  2. **Road Supervisor will meet with landowners and discuss what will be removed and work with Township Maintenance Contractor(s)**

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3. **Metal Right of Way stakes are to be placed and remain so owners know where the right of way is located by Danielson. Second by Babler. Motion carried, all voting in favor.**

**Residential Open Forum**

- Snake River Estates Trail – David Roedel, Sherburne County Public Works presented history of the project and areas for tonight’s conversation.
  - 2006 – Snake River Estates Phase I was platted and anything outside that was considered an outlot.
  - April 2006, the trail as shown in the pink section (exhibit attached to minutes), was dedicated to Sherburne County. There was a developer’s agreement with the County at that time.
  - Mr. Roedel is unaware of reasons why it wasn’t paved in 2006.
  - Until 2016, the trail sat vacant when concerns came up regarding safety and barricades.
  - Survey crews from Sherburne County went out to check easements and noted there are locations along 118<sup>th</sup> Street where the gravel is not in the correct location. The trail would need to move closer to the road in this section.
  - Due to various concerns regarding safety, paving, location, the County approached the Township to find out opinions. The Town Board sent out a letter to residents in the area of the trail to find out what people would like.
  - The Magenta/Pink section is dedicated to Sherburne County and has class 5 over portions. Discussing paving tonight.
  - The Green section is not dedicated as a walking trail, but the developer did pave this section. This was originally planned to have been included in phase 2 (Second Addition) of Snake River Estates. Paved at this time.
  - The Blue section is neither dedicated nor paved. This was originally planned to have been included in phase 3 (Third Addition) of Snake River Estates. Drainage issues exist in this area.
  - Phases 2 and 3 were not recorded. This trail was originally part of the Sherburne County Active Living Plan. The trail no longer fits with the current Sherburne County Active Living plan.
  - Sherburne County had said they would pave it, and that hasn’t happened. They are here to work with Township Residents to either pave or not – what would residents like to see happen.
  - Chair opened floor up to residents to voice opinions.
  - Chris Nesheim – Lot 4, Block 1, 2<sup>nd</sup> Addition
    - Would like to see the trail paved. They have small children and with the high traffic volume in the area, a trail would be beneficial.
    - The part shown along 185<sup>th</sup> Ave is very busy. There is no shoulder connecting the two entrances to Snake River Estates. This would be beneficial. He feels this is the most important stretch of the trail.
  - Tim Erickson – Lot 1, Block 1, 2<sup>nd</sup> Addition and Lot 2, Block 2, 1<sup>st</sup> Addition
    - While the County has an obligation to pave, who will pay for the trail? Will there be assessments to property owners?

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- A (Mr. Roedel): there will be no assessments for the paving
- Donald Johnson & Deborah Johnson – Lot 5, Block 1, 1<sup>st</sup> Addition and owner of parcels 05-498-0040 and 05-498-0030
  - He and Mr. Dragston (now deceased) talked about the importance of setting trails for people in communities when this subdivision was being developed.
  - The 20 acre parcel he owns that is North of 120<sup>th</sup> and South of Lot 6, Block 3. He needs that trail as he plans to sell the acreage for development and that trail is an asset.
  - Trail provides safety for those walking.
  - Speed of traffic is an issue.
  - People walking on the road causes safety issues.
  - Would like to see people walking on the trail not the road whenever there is a trail available.
- Ryan Hess – Lot 7, Block 3, 1<sup>st</sup> Addition
  - Not for the trail. There are no trees or anything and it is only 40' from the back door to his house.
  - He sees a lot of ATV's and snowmobiles using the trail.
  - When the County was out trimming brush from trail, one of their workers commented that it seemed really close to his house.
  - He bought the parcel to live in the country. There is a road in the front yard and trail in the backyard. He is concerned for his family's safety.
  - Concerns regarding who would be responsible for snow removal if paved.
  - Agrees that the segment between the two entrances of Snake River Estates (along 185<sup>th</sup> Avenue) would be very beneficial/important.
  - He asked if the trail could be moved from behind the houses to in front of the houses. The trail behind the houses doesn't makes sense.
- Mr. Roedel: motor vehicles are an enforcement issue. He can check if there is a prohibition and if so, Sherburne County can add some signs to the trail that states motor vehicles are not allowed.
- Chair Kolbinger asked if motor vehicles have to be allowed on the trail. Mr. Roedel stated he hadn't seen anything allowing them but as he doesn't know off hand he would prefer to verify. He doesn't believe motor vehicles up and down a dedicated walking trail were the intent of the County.
- Supervisor Gilbert stated he was 100% confident that we can solve the motor vehicle issue. They should not be on the trail.
- Mike Duncombe – Lot 3, Block 1, 2<sup>nd</sup> Addition
  - Purchased his lot in 2012 and was told the trails were to be placed once 50% of the homes were in place.
  - The traffic in the area is fast, it would be nice to have the trails.
- Pink part can be paved by Sherburne Count with no assessments to homeowners. The costs will be on the county.
- Blue part is a drainage and utility easement to the Township. The county wouldn't do anything with this.
  - Dan Johns – Lot 15, Block 1, 2<sup>nd</sup> Addition

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- Moved in 2011. Did the due diligence and did not see any trail on the site plan. Nothing he was able to review showed a trail where the blue section is located. Where did that come from? Clerk Messman responded it is depicted on the original site plan filed with the Township in 2006.
- He mentioned he never thought a trail would go in. He is concerned with safety and security of his home. Feels if the blue trail would ever go in it would devalue his property.
- Tony Tidrick – Lot 14, Block 1, 2<sup>nd</sup> Addition
  - Does not want to see the blue trail put in.
- Nick Peterson, Lot 12, Block 1, 2<sup>nd</sup> Addition
  - Against the blue portion of the trail
  - Saw it was going to be a bridge, but it fell through
- David Roedel: a bridge across the river for the trail was originally planned but it fell through. Without a bridge, the blue portion of the trail doesn't make sense.
- Glen Johnson – 18474 127<sup>th</sup> Street
  - There used to be a timber bridge there he remembers driving farm equipment across
- Chair Kolbinger stated that the Township doesn't have trails that they maintain and has no intention of making the blue portion a trail. Also that this trail is Sherburne County Public Property. People are not allowed to block off any portion of the trail.
- Supervisor Wilkening stated it makes sense to pave the trail, but everyone should realize it is more work than just putting down some pavement. There will be utility issues, dirt work and driveways to contend with. With paved trails, it is more likely that people will stay on the trail instead of wandering off into yards.
- Mr. Roedel stated that there is no money set aside for this at Sherburne County but they do have some preliminary estimates for paving. They would likely use a contractor who specializes in trails. If it is less than \$100,000, they would likely do the work themselves.
  - Who is responsible for maintenance of the pavement on the Green section?
    - Supervisor Wilkening: This paved section exists, but as a drainage and utility easement. The Township cannot pave its drainage and utility easements. Sherburne County cannot pave anything in this section because it is not dedicated to them.
    - Dan Johns stated that he had read in the covenants that the owners are responsible for the pavement and it is a voluntary donation to help maintain them.
    - Attorney Bourgeois stated the Township doesn't handle covenants, but will verify.
  - Supervisor Babler asked who plows the trails.
    - Mr. Roedel stated that the County has to maintain it. He suspects that the county would have to or it could be on the homeowners. He will check into this. He stated again that only the pink section would be maintained by the county. No other section.
  - Eric Carlson – Lot 3, Block 3, 1<sup>st</sup> Addition
    - Is the question dirt trail or paved trail? Is vacating trail option? If not vacating, paved is preferred.

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- Green Section of trail – Township is unsure how this will be handled in the future.
- Supervisor Gilbert stated that the Town board was concerned when Sherburne County approached them to find out if the trail should be kept, vacated, paved, etc.. It seems most people want to keep the trail and pave it.
- Supervisor Babler stated that until the Green section of trail is figured out, why would the County proceed with the pink. He believes that 185<sup>th</sup> needs something for safety, but this trail goes nowhere. Can it be swapped to the front of the properties? Even though Township wouldn't be footing the bill for paving, see no reason for this to move forward until the Township knows what will happen with the green section.
- Supervisor Danielson asked if the Green section was a prescribed easement. Mr. Roedel stated it was.
- Engineer Davis: maintenance does seem to be an issue. Along 185<sup>th</sup> Avenue, the Township plows snow into the right of way. It appears that would go on top of the trail.
- Mr. Roedel will look into trail maintenance. Paving is likely in 2019.
- Supervisor Kolbinger stated that the green section is not a dedicated Township trail. The Township does not put in trails/maintain trails. The Township will not be doing anything with the green section of the trail. He suggested the rest of this discussion be tabled until we have an understanding of the purpose of the paved green section.
- Sherburne County does not need Township approval to go forward and pave the pink section.

**Metes & Bounds Split Application to Township**

- Metes and Bounds Application by John and Lynette Golly
  - John and Lynette Golly have submitted a survey and new legal descriptions for approval of a “metes and bounds subdivision” by the Town Board, in order to move a lot line between two parcels they currently own. The location of the parcels is 16302 77th Street Southeast.
  - History reviewed for the Golly parcel(s). Full text of history on file.
  - Goal is to sell the house with 20 acres and keep the rest as farm land.
  - Tract A will become 136 Acres, Tract B will become 20 Acres
  - Tract A is landlocked, but it has been. Increasing the acreage in that piece will not create any additional non-conformity. It will just shift the line.
  - Craig Wensmann – there are two access easements. 66’ on the south side and 66’ on the east side.
  - Attorney Bourgeois: this isn't platted. There is no road right of way, just an adjustment of the east/west boundary lines. No additional non-conformity is being created, therefore no need for Town Road.
  - This qualifies and meets the requirements of a metes and bounds split.
  - **Motion to approve Resolution 2018-18: A Resolution Providing For A Metes And Bounds Subdivision To Shift A Shared Property Line Between Two Parcels by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**

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**Planning Commission and Joint Planning Board Updates – Ben Wikstrom**

**October Planning Commission Meeting Update**

- Hofman Conditional Use Permit Application
  - He wishes to sell vegetables they grown from an accessory structure on his property.
  - It is zoned general rural, is not platted, parcel is at least 10 acres in size and this is an ag related business.
  - Neighbors showed up to show support and are in favor of application.
  - Recommended for approval to Joint Planning Board.
- Ordinance amendment research directive received
  - A property in the township asked if the Planning Commission would consider changing ordinance to allow farm related business in the township. However, the trucks/equipment could also pertain to an automobile retail business.
  - They have looked for Ag land, but have not been successful finding any.
  - Planning Commission recognized that there is a lot of Ag land that is not ag zoned that may work for this type of business.
  - Nothing decided at this time, staff to research and present information/drafts in November.

**Engineer's Report – Wes Davis**

- 185<sup>th</sup> Ave SE
  - Progressing well. Kraemer is working on slopes and erosion (curve on South). Bogart Pederson & Associates and Kramer will be sure things get restored correctly.
  - Partial payment is due in amount of \$255,963.71. Retaining \$28,093.14 until all restoration is completed.
  - Question why no delimiters/chevrons on 185<sup>th</sup> Avenue yet? They weren't any in the plans, but they can be added.
  - As long as they comply with current sign policy they can be added. Before placement, engineer to verify if curve sign with plaque or chevrons fit our policy for that curve speed before ordering anything placed.
  - Request for payment of \$255,963.71 to Kraemer. **Motion to make partial payment of \$255,963.71 to Kraemer Trucking and Excavating by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
  - Mud flap hole being fixed by Knife River. Mailboxes are being raised/fixed.
  - Partial silt fence is still there. It will be until all 70% of vegetation is established.
  - Curve Concept in relation to design is shifted North to avoid needing to acquire land from South was reviewed by board. To maintain at 30 mph, quite a bit of land would need to be acquired – estimated at 90,000 in road costs before bituminous top. Engineer recommendation to keep with the current 20 mph curve design. Board consensus to remain at the 20 mph design.
  - This will move onto wetland review.
  - Road will be built up a bit and wider.
- Boulder Crossing

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- Frank Kasowski, Jr. was in and would like to get things set up for final inspection. Will verify 50% built and make determination with Supervisor. The process will begin with Engineer, Supervisor Gilbert and Frank Kasowski, Jr..

**Supervisors Reports**

- Fire Board – Supervisor Babler – Becker Lions donated \$1,000 for safety equipment. Otherwise normal proceedings.
- Parks/Trails – nothing further.
- Highway 25 Coalition – meeting cancelled.
- Roads Report – Supervisor Gilbert
  - 77<sup>th</sup> farm/Anderson Road – big clearing
  - 95<sup>th</sup>/190<sup>th</sup> Will be starting clearing
  - 112<sup>th</sup> – will be meeting with bus supervisor and look at how to make so bus can go down and pickup kids. Residents seem favorable to changes.
  - 77<sup>th</sup> Public hearing – seems favorable – will stay within the 49’5” right of way for some culvert work until process complete.
  - Attorney Bourgeois explained damages terminology.
  - Who to work with landowners? Supervisor Danielson will speak with Patti, Sherburne County ROW agent and work with Bogart Peterson and Clerk
  - 117<sup>th</sup> in line for work – needs materials/determine ROW
  - Would like to set up Jim Free to do some tree work for odd things – Board directive to get contract in place and start using his service after legal review of contract.
  - Stop sign at 185<sup>th</sup> – County engineer is reviewing need. People keep running the stop sign.
- Town Hall
  - Supervisors Babler and Danielson will work on Shakes and Pole
  - Planning prairie style landscaping around building. Will be complete before Freedom Days 2019.
- Charge accounts at various suppliers discussed. Resolution reviewed. **Motion to approve Resolution 2018-17: A Resolution Authorizing The Road Supervisor And Alternate Road Supervisor To Make Purchases Using The Vendor Accounts At Knife River And/Or Hardrives For Road Maintenance Purposes by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- Internal Control Policy Reviewed. Policy updated to reflect additional requirements due to Resolution 2018-17. **Motion to approve revised Internal Control Policy by Danielson. Second by Gilbert. Motion carried, all voting in favor.**

**Treasurer’s Report**

- **Motion to approve Treasurer’s Report as presented by Babler. Second by Danielson. Motion carried, all voting in favor.**
- **Motion to pay warrants 14011-14041; void #14042; and pay PO’s 1054-1060 in the amount of \$300,094.80 by Wilkening. Second by Gilbert. Motion carried 4-0-1. Supervisor Danielson abstained since his company had submitted an invoice.**

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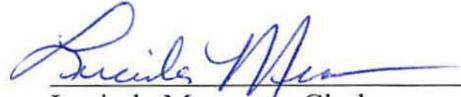
**Other Business**

- Clerk presented estimate and draft contract from ARCARESEARCH for imaging original minutes and providing search engine. **Motion to proceed after attorney review/approval of contract by Wilkening. Second by Kolbinger. Motion carried, all voting in favor.**
- Estimate for microphones presented by clerk. **Motion to approve purchase/installation by Danielson. Second by Gilbert. Motion carried, all voting in favor.**
- Clerk reported Deputy Clerk computer is in need of replacement. Trying to continue to get by until next fiscal year. Computer has shut down three times now. Board requested estimates for new computer for next meeting.

**Meeting Adjourned 9:16 p.m..**



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Brian Kolbinger, Chair



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Lucinda Messman, Clerk