

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, October 17, 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, Deputy Clerk Fran Seeley, Deputy Treasurer Marilyn Danielson

Absent: none

Others: Sherburne County Sheriff's Department – Sgt. Frank, Wes Davis – Twp. Engineer - Online, Kelli Bourgeois – Twp. Attorney, Ben Wikstrom – Township Planner, Jacob Sanders – City of Becker - Online, Mark Kolbinger – The Patriot Newspaper, Ted & Joanna Myers, Monique Hammond, Ross Hammond -Loop Minnesota, Doug & Carmine Olson, Mike Bogart, Phil Ramola, Ron & Carol Olson, Roy Neuman – Sherburne County Sheriff's Office, Willie Ewing, Bill Blenkush, Larry Gallus – Big Lake Snow Cruisers Trail Coordinator

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. September 2022 Regular Town Board Minutes

Upcoming Electronic Fund Transfers/Automatic Payment Approvals

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

Correspondence/Information

- a. Orderly Annexation Approval Letter received for property ID's 05-120-4200 and 16318 117th Street SE
- b. MN LTAP September 2022 newsletter shared with any in room interested
- c. MAT Training Dates Notice for LBAE
- d. City of Becker Public Hearing Notice for School CUP additions and renovations
- e. City of Becker Fall Newsletter
- f. 2023 Proposed Tax Capacity Values distributed to those interested

Approval/Acceptance

Nothing this meeting

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

Motion to approve a regular agenda after striking item 11c by Danielson. Second by Babler. Motion carried, all voting in favor.

Presentation of grant check made to Township by Loop, MN. Copy of the resolution accepting the donation (passed at budget meeting earlier in the month) was given to Ross and Monique Hammond with thanks. Photograph of the brief ceremony was taken for publication in The Patriot. Board members stated that anyone wishing to see how a hearing loop works/one in action is welcome to set appointment with clerk or attend a meeting to see it 'in action'.

Loops work by sending signals directly to the telecoils in hearing aids, eliminating the background noise that is typically picked up by hearing aids. Loop MN is hopeful that other cities, churches, government installations and others will consider hearing loops.

SHERIFF'S REPORT – Aaron Sturm

- 202 Calls for service
- 77 Traffic Stops
- 5 mental health
- 127th Street paving, start of speed report ready
 - 856 vehicles
 - Average speed 41.38 mph
 - Highest speed 74 mph
- Mental Health Advocate, Roy Neuman is here tonight. He serves all four areas – Elk River, Becker, Big Lake and Sherburne County.
 - He responds live with officers for 911 calls and follows up if he cannot be in person.
 - He is another tool/set of eyes
 - In the 16 months he has had over 300 encounters in the county. 8 specifically in Becker Township. Suicidal/violent/delusional/etc. He helps advocate and assists with judgement calls. 1st 7 months he road with officers, since January he has his own squad to more quickly respond to various locations throughout the county.
 - Left business cards for the Township to hand out if someone wants to reach out to him.
 - St Cloud/Stearns county has 4 of his type of position
 - His 3 year grant expires in 2024.

RESIDENTIAL OPEN FORUM

- Mike Bogart – Variance Request for Comment
 - Wikstrom reviewed with board [full text on file]
 - Would like to put addition on the rear of his house
 - Needs variance from Sherburne County for setback from river
 - Needed a front yard setback from Becker Township as well. Planning Commission recommended approval of front yard setback variance to make his lot a conforming lot.

- House was built on the lot in 1971. Need comments for Sherburne County.
 - **Motion to send favorable recommendation to Sherburne County by Wilkening. Second by Kolbinger. Motion carried, all voting in favor.** Clerk will send paperwork to Sherburne County in the morning.
- Doug Olson/Willie Ewing – 137th Street SE/170th Ave SE
 - Want to find out plan for road work/overview of what is planned. Many of the homeowners are here, including the clerk.
 - Road Supervisors:
 - Timeline – spring to do a double chip seal. The crushed concrete is a good base for the road. Example is Garden Grove Road, but planned smoother. Blacktop and granite chips put together. Not a typical paved road. Many townships are having good luck with this process. No more recycle concrete will be put down, but there may be more product put down later.
 - Contractor not known at this time as we have to go out for bids.
 - Concrete base material came from another road, we knew it had dust, please bear with us a bit.
 - Question – will this hold up well? A: Silver Creek has used for 7-8 years now and Baldwin Township uses as well. It can be patched if needed. We haven't had patches before.
 - Q: there is a lot of farm equipment on this road. A: contractor has told us it will hold up. Goal is a black top road without actually doing a blacktop road.
 - Q: concerned over the grading. A: contractor hired for this road will do all prep work shaping the road prior
 - Supervisor Boros asked about Garden Grove Road they looked at? This was our first road project? Overall it looked nice, but hoping no wash boarding like it has. It is 2 summers old. It should handle the trucks.
 - Supervisor Danielson – we are looking at some options to control the dust. Goal is a really good base.
 - Speed concerns – can we decrease the speed on this road? When talking with clerk, we heard mention driveway distances can be taken into account. This needs to be reviewed by the Engineer to see if we can decrease.
 - Supervisors Wilkening – our choices are 55 mph or 35 mph. Driveways have to be certain distance apart and certain lengths of roadway. We will have the Engineer review this road to see if it can be decreased.
 - Engineer – I did review this road and the two options.
 - To get a 35 mph, driveway has to be 300 feet or less; AND
 - It has to be for ¼ mile or more
 - While driveways are 300' or less, the road is not long enough
 - 25 mph speeds were grandfathered in for a few years, but there is language in statute that says once signs are replaced, the speed limits will be changing to statute. Retro reflectivity standards or 10 year replacement program is what is happening at this point. Many locals will be losing their 25 mph signs.

- Supervisor Babler – one interesting note, high percentage of the speeders are the residents. Those who live there and know the road. It may not be case here, but just letting you know.
- Supervisor Kolbinger – will see what we can do to control dust. Project is on spring list.
- It will be passable at all times, other than maybe a few minutes here or there. Notice will come out prior to the double chip seal. Plan to avoid installation during planting.
- Bill Blenkush – were we to get notification of this application? Supervisors: when adding gravel, no notifications are given. When we do the upgrade to the double chip seal, you will be notified.
- Supervisor Babler – when it comes to contractors, we don't always have more than one contractor, so our choices are very limited. No matter who we have, we get complaints about contractors.

PUBLIC HEARING
Parking Ordinance Amendment

Wikstrom reviewed ordinance changes as distributed. History of how we got here reviewed. Main change is to allow those with semi's to warm up vehicles to allow air brakes to work. 15-30 minutes seems to be an appropriate amount of time.

- Ted Myers – feels 15-20 minutes would be adequate. Questioned if after 11 pm when getting home it is an issue? (A: no); he is a light sleeper and has been a truck driver since he moved in. County Road 4 is to the south and he hears vehicles all night long. He wants to be able to leave his home with his semi prior to 6 am or return home after 11 pm without getting a ticket.
- Supervisor Babler – struggles with any ordinance limiting how long a truck can run on an owners own property. If a semi is how they earn their livelihood, we need to make sure we do not create issues. They are paying taxes here too.
- Supervisor Boros – would not like to hear a semi running on/off all night long in his neighborhood, typically 2.5 acre lots. Especially next to his window. Prefer to keep refrigerator units out of subdivisions.
- Willie Ewing mentioned that potatoes need the refrigerator units
- Attorney Bourgeois
 - This ordinance only pertains to properties less than 10 acres in size AND in a platted subdivision.
 - If there is a nuisance elsewhere, the County has some regulations
 - The goal here is to limit trucks running all night long in the platted developments.
- Supervisor Danielson – is 15 minutes enough time?
- Phil Ramola – Is it correct that farmers are exempt from this? A: correct, these regulations only apply to platted areas that are 10 acres or smaller between the hours of 6 am – 11 pm.
- **Motion to close public hearing by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Board Discussion:
15 minutes sounds appropriate

Motion to approve Ordinance 2022-01 [full text on file] by Wilkening. Second by Danielson. Motion carried. Voting for: Kolbinger, Wilkening, Danielson, Boros. Voting against: Babler.

Motion to approve Summary Ordinance 2022-01 using the 15 minute timeframe by Wilkening. Second by Danielson. Motion carried, all voting in favor.

**PUBLIC HEARING
Easement Vacation
Turnquist Farms – Nelson Lots**

Wikstrom reviewed packet materials with Town Board Supervisors [full text on file].

- Scott & Marilee Nelson and Cory Nelson are the owners of four lots in the Turnquist Farms Plat.
- Preliminary and Final Plats, Turnquist Farms Second Addition, are making their way through Planning Commission and Joint Planning Board now. Goal – eliminate setback non-conformities related to existing septic system.
- Boundary adjustment not possible as each lot is approximately 2.5 acres at this time. Multiple boundary lines must move to solve this.
- Current drainage and utility easements must be vacated before the Joint Planning Board can issue approval.
- Planning Commission unanimously recommended approval at their meeting earlier this month with the condition that the existing easements be vacated by the Town Board.
- No public comments

Motion to approve Resolution 2022-24 [full text on file]: A Resolution Approving Vacation of Drainage and Utility Easements Between Lots 1, 2, 4, and 5, Block 2, Located in Turnquist Farms Plat, Sherburne County, Minnesota contingent upon the Joint Planning Board approving the preliminary and final plats by Wilkening. Second by Babler. Motion carried, all voting in favor.

Larry Gallus, Big Lake Sno Cruisers

- Would like to use Township roads, adding 180th Avenue Southeast. They need to do some maintenance in the easement and will talk to the homeowners before doing the work.
- Needs to verify legals for the roads
- Clerk will send information to him via email

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- Activity
 - Bogart Variance – recommended for approval. To allow a non-conforming parcel to become conforming in order to add onto the home.
 - Nelson/Turnquist Farms Second Addition Plat – recommended for approval.
 - Hyttsten Boundary Adjustment – two ‘nominal 40’ parcels changing the interior boundary to create an approximately 20 acre parcel and 60 acre parcel.
 - Last month the Knese Home Base Business was approved

- Home Occupancy ordinance standards for use of accessory structures passed with an amended allowance of 500 square feet or 50% of the structure.

ENGINEER'S REPORT – Davis

- 82nd Street
 - Needs shouldering
 - Striping
 - Wear course
 - Turf establishment is complete
 - Ramola Question: before the project started, there were four entrances to his fields, now only three. Why? A: it was not intent to eliminate. Board consensus: Engineer will meet you on site and get the one back.
- 127th/153rd Joint Project
 - Signs
 - Seeding will be tomorrow
 - Wear course is done
 - Striping coming
 - Shouldering coming
 - Meeting weekly with city township and contractors at this point
 - Discussion regarding speed limits – each entity can handle their own
- 164th in Salida Crossing
 - Wear course and shouldering today – farm side
 - Shouldering restaurant side tomorrow
 - Looks good
- 170th in Bridge View got its new wear course today

SUPERVISOR REPORTS

Solar Overlay Group - Sanders

- Meeting several months now
- Press release
- Xcel recommends we set some standards
- Comments/revisions – looking for consensus
- Yes, consensus to bring to public for an initial round of comments
- Board discussion – where should we plan for solar? This message needs to be sharpened and we need a good answer back to this question. Or should question change to where do we not want to plan for solar?
- Get the information out there for now

Annexation - coming next month. Developer request shown to board. City plans to annex dog park and compost site in as well at this time.

- Petition is 100% of landowners (just one parcel)
- City does not need to do one for its parcels
- What about the future Hwy 25 exchange? Will that impact this?

Fire Board – Supervisor Babler

- Discussion began regarding redrafting the JPA
 - Keep as JPA
 - Change to fire district
 - Concerns – township pays their funds, easy to see and follow. City holds their funds and it is less transparent. If we change to one of the above, both pay directly to the fire organization. It is something to think about
 - Greg Lerud, will pull some more information together for the board in November
- Paid bills

CMRP – Sanders

- 2 options being discussed
 - Keep with current format of by-laws
 - Change to non-profit organization status
 - There are pros and cons both ways

Roads – Supervisor Boros and Supervisor Danielson

- Bus Sign
 - Request for bus stop sign in Hyttsten Creek
 - Buses will not go down cul-de-sacs anymore
 - Citizen wants sign there. Did not get in the past and wants one now
 - Worry regarding too many signs that are ignored (MUTCD supports this worry)
 - Township revamped sign policy and kept signs necessity to safety
 - Issue with warning signs, they don't change crashes
 - Look to see if any unusual circumstances at this intersection
 - Request came in a year ago and the board was unaware. Please make sure the board knows of these in future. In this instance it was a Deaf Child sign request
 - Board: If site distances issue, then sign will be done.
 - Clerk to revamp website so sign issues can be easily submitted to town supervisors
 - Engineer to look into two requests

Town Hall

- Tower has been removed. Turns out it was 120' tall, not 70' as we were told.
- Concrete coming soon

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 15685-15733**
 - **PO's 1490-1494**
 - **Void 15648 and PO 1495-1496**
 - **in the amount of \$489,781.91 by Wilkening. Second by Babler. Motion carried 4-0-1. Danielson abstained as his company had submitted an invoice.**

- Budget planned for approval next month

Other

- **Election Judges**
 - Due to changing climate, **Motion to increase hourly rate for non-employee election judges to \$20 per hour and the rate for the head election judge to \$25 per hour by Kolbinger. Second by Boros. Motion carried, all voting in favor.**
- Election – polling place observers, Motion to approve Policy for Election, polling place observers by Wilkening. Second by Babler. Motion carried, all voting in favor.
- Zoning Administrator – moving to salary. Discussed at budget meeting. Duties reviewed. Need contract approval prior to paying bills next time.

Recess

The agenda item for this meeting is to discuss and consider terms of an offer to purchase or sell real estate. This portion of the properly noticed meeting of the Becker Township Board will be closed pursuant to Minnesota Statutes under the real estate sales or purchase exception to the Minnesota Open Meeting Law, pursuant to Minnesota Statute Section 13D.05 Sub 3(s)(3).

The need for confidentiality outweighs the purposes served by the open-meeting law in this case based on the following: Confidentiality is necessary to protect the Township's negotiating strength and interests as to real estate negotiations.

The purpose of the closed meeting is not to make a decision behind closed-doors, but instead is to determine what actions are appropriate with respect to the real estate negotiations. The only business to be discussed in this portion of the meeting are the real estate negotiations, and what action, if any, should be taken. I will now entertain a motion to close this portion of the meeting following recess to sign and distribute checks. **Motion to close meeting for stated purpose by Danielson. Second by Babler. Motion carried, all voting in favor.**

Meeting recess at 9:08 pm.

Meeting resumed open session at 9:19 pm. (treasurer left at this time)

Closed meeting adjourned to open session at 9:39 pm.

Quick overview of closed session – discussion of the American Legion building land next door.

Meeting Adjourned 9:40 pm.



Brian Kolbinger, Chair



Lucinda Messman, Clerk