

Regular Town Meeting  
Monday, September 16, 2019  
12165 Hancock Street

MEETING  
MINUTES

**Attending**

- Township Chair Brian Kolbinger
- Township Vice Chair Brad Wilkening
- Township Supervisor Gary Gilbert
- Township Supervisor Joe Danielson
- Township Clerk Lucinda Messman
- Township Treasurer Tanya Danielson
- Township Deputy Clerk Fran Seeley

**Absent Board Members:**  Township Supervisor Luke Babler ,

**Attending Staff:** Kelli Bourgeois – Township Attorney, Wes Davis – Township Engineer, Ben Wikstrom – Township Planner, Jacob Sanders – City of Becker Planner

**Others Attendees:** Tony Wruck – Wruck Excavating, Dan Frank – Sherburne County Sheriff, Kelly & Johnathon Woods, Clarence Cox; Bob Imdieke, Steve Bradow, Rochelle Bradow, Marie Johnson, Ron Jelm, Gary Host

Meeting called to order and quorum verified by Chair Kolbinger.

**CONSENT AGENDA**

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

Consent Agenda Items:

- Regular Town Board Meeting Minutes August 2019
- 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
  - Records Destruction Reports, Property Tax Certification, Truth in Taxation Verification, MN Maintenance Fall Expo Curriculum, Veit permit acknowledgement

Pledge of Allegiance

**REGULAR AGENDA APPROVAL**

**Motion to approve agenda by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**

**SHERBURNE COUNTY SHERIFF’S REPORT** – Sgt. Dan Frank

- 96 Calls for service
- 11 traffic stops
- Shooting complaints have started, reminder it is hunting season. The 500’ rule doesn’t apply if you are on your own property. Be sure to post land properly (check DNR Site for regulations).
- 110<sup>th</sup> Speed signs are in place. Will have statistics next month.

**RESIDENTIAL OPEN FORUM**

**DEER RIDGE/OAK CREST ESTATES DOUBLE CUL-DE-SACS**

Last month discussed the township owned parcel that is between the two abutting cul-de-sac’s in these developments. Continue tonight with undecided items/updates.

At issue: Rocks, Pillars, White pine trees, signs

Road Supervisor Gilbert recommends rocks be removed and use of 9 button signs. After verification with Township Engineer – the barricades are not required by MUTCD. The pillars are obstructions in the right of way and should be removed. The pine trees are close enough to the edge that they should be ok.

Steve Bradow – PID 05-407-0340

- No one has ever driven through this except impaired drivers. In 35 years nothing has happened and no one think it is a through route. Township should give up their easement and leave things alone. Or they could sell it to people and when they want a road just use eminent domain to get it back.
  - Board comments:
    - This is not an easement. Parcel 05-422-0010 is Township Property.
    - The Town Board does not sell right of way/property.
- Supervisors reviewed how we got to this point – road inventory and all ROW violations noted are being handled now. It is fiscally responsible to alleviate known liability issues from the backs of township taxpayers.
  - The board wants to see the rocks and pillars removed
  - Pine trees are fine to stay
- We can move the boulders ourselves if you want them moved. We can just hire our own contractor.
  - Attorney Bourgeois: I recommend the Town Board do NOT allow private homeowners to remove the boulders. If the Town Board would like/is willing, they could have the Township contractor put the boulders on abutting parcel. If someone were to be injured while moving boulders from Township property, the Township could be held liable. The Township contractor carries liability insurance, indemnifying the Township in case an injury occurs when they are working.

Kelly Woods – PID 05-422-0205 requested clarification.

- Is there any option that would allow the pillars to stay? Encroachment agreement or variance or something?
  - Attorney Bourgeois: Due to the location of the pillars, recommendation is to remove them from the right of way. Recommendation is that the board use standard/formalized letter process. The letter can be used by the homeowners to show the issues do exist with the pillars.
- Board: Process now is to send a letter and allow a couple weekends time for homeowners to get situation remedied. If no progress is made, the Township arranges for a contractor to remove objects in right of way and assesses the costs back to the homeowner. In this case, as long as reasonable progress is being made, the staff is willing to work with you. Just keep us informed as to what is happening. We do realize there is electrical running to these and it will take a bit more than just moving a boulder or removing a tree.
- Kelly is willing to be the point of contact for boulder removal. She will let us know if anyone wants the boulders.

Findings:

1. Boulders are to be removed
2. Barricades will not be used, instead 9 buttons on both cul-de-sacs will be used
3. Pillars must be removed – agree that homeowner is best position to remove. Staff to work with homeowner as long as progress is being made.
4. White pines are allowed to stay at this time.
5. East-most boulder is not in the right of way and should be left on the Woods parcel

**TOWN PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES** – Planner Wikstrom

- This month a public hearing was held for Valery Wruck, Wruck Excavating who submitted a Conditional Use Permit application for a landscaping retail sales business along highway 10 – just

northwest of Motorsota. Sewer business will have some storage on the location in a screened area. Planning Commission recommended the rezoning required and CUP for sales portion of the business. A site plan review is required with several conditions that must be met.

- Becker Meadows is a three lot split on CR11. Currently tabled due to width to depth ratio issue on one lot. The Planning Commission and owner reached solution and it will be redrawn and public hearing continued next month.
- Permits/Inspections complaints – Planner Sanders
  - Several complaints have been distributed to the board to review. Most have to do with turnaround time. Turnaround time depends on workload. Both were submitted at a time when a large number of permits and requests for inspection were occurring.
  - Board
    - Has City of Becker experienced similar complaints? We use the same firm. A: yes – during busy times.
    - Asked about timing for last RFP. Sanders will check into it. Board would like to do another RFP if it has been a few years.

#### **ENGINEER’S REPORT – Wes Davis**

- Sign summary regarding end of double-cul-de-sac went out to board – based on MUTCD Standards. Township can use either the 9 button sign or type three barricade in this instance.
- Conclusion of the Pool discussion from last month:
  - Our own ordinance definitions exclude pools when looking at structures subject to LFE requirements.
  - No LFE requirement as an in-ground pool does not have a roof
  - This is consistent with Sherburne County Zoning
  - No borings or elevations above mottling is required for in-ground pools
- Scope of Services projects distributed to board as requested [full text on file]
  - 185<sup>th</sup> Ave SE
    - Knife River did some corrections to CR 4/185<sup>th</sup> intersection. It is better, but Engineer to monitor before retainage is paid. 2% slopes from 185<sup>th</sup> and the CR 4 slopes all combine to create the issue.
    - Wearing course – plan to piggyback with county again for bidding.
  - CIP – estimate we are 30% through. Reviewing roads and increasing accuracy of current documentation.
  - Engineering Standards – 80% complete. Still need to finish some final plates. These will be needed for the developer’s agreement/reports.
  - Inventory Reports – 30-40% complete.
    - Verification that retro reflectivity is complete.
    - Mapping all culverts, signs/etc.
    - Develop inspection list based on this report.
  - Supervisor Gilbert has requested Engineer hold off on anything that is road and bridge based at this time due to budgets.
  - Supervisor Wilkening asked about MS4 information.

#### **SUPERVISOR REPORTS**

##### **Fire Board – Supervisor Kolbinger**

- Meeting rescheduled for Friday

## **Central Mississippi River Regional Planning Partnership** – Supervisor Kolbinger

- Zero response to RFP – partnership will decide the next steps.

## **Roads Report** – Supervisor Gilbert

- **Projects:**
  - 112<sup>th</sup> Cul-de-sac made. Bus can now go down the road and turn around. Photo of successful bus turn-around in 112<sup>th</sup> Street file.
  - 157<sup>th</sup> Street – material added. Road shaped and graded on the east end of the road.
  - Kenny Court – met with landowner. Landowner has cleared the right of way. Will see how winter goes before implementing any further changes. Cul-de-sac is smaller than the rest in the township and snow storage was an issue last year. Conversations with snow plow contractor - we believe with the cleared right of way we can make things work.
  - No additional road projects until review of budgets. Planning all may stop due to budget constraints.
  - 77<sup>th</sup> street project – ready to go
  - 164<sup>th</sup> Ave SE (Salida cul-de-sac) project – ready to go
  - Cul-de-sac tree/rock removal in Woodberry Farms is ready to go
- **Road Repairs – none this month**
- **Tree Trimming/Clearing**
  - Emergency clearing in Cedar Crest (image viewed and put into 166<sup>th</sup> Street file) by Road Supervisor and Maintenance Jeff Peterson happened to be going by and assisted. Jim Free then came in and finished clearing the trees.
  - Until next budget cycle – only emergency tree trimming/clearing for remainder of the year
- **Garbage/Vandalism**
  - Stop sign vandalized by Eagles Landing (photo in file)
  - Sign has been replaced
- **Signs**
  - Jeff continues to work on signs for the township
  - Cedar Crest, 120<sup>th</sup> and 107<sup>th</sup> barricades are up and very visible (image viewed of 120<sup>th</sup> Street barricade and on file)
  - Fire numbers on North end of 185<sup>th</sup> Avenue done and looks good. South end – still working to complete
  - Waiting on locates for some signs for right of way stakes in Oak Crest Estates
  - A few old style street signs remain and will be replaced (takes 6 weeks for new to arrive) – 163<sup>rd</sup> Ave, 150<sup>th</sup> Ave and 122<sup>nd</sup> Street.
  - The new signs for CR 11 that say Park Blvd are to be replaced with County Road 11. Clerk verified with County GIS department regarding name. No addresses in our township use the name Park Blvd so we are to put CR 11 signs up. Before the corner on CR 11 (as move north from Bridgeview Subdivision) name changes to 165<sup>th</sup> Av SE
  - Signs ordered for 157<sup>th</sup> Street and 164<sup>th</sup> ½ Street
  - Shared roads with City of Becker – signage not covered in original road agreement. Will need to finish this part. City side of road says 30 mph, Township 55 mph. Will work with City regarding signs.
  - Fire numbers all over township are in poor condition. Will start replacement as needed once all other sign work is completed. Supervisor Babler said he could help do some of these before the freeze.
- **Right of Way Issues/Violations**
  - 1 notice sent for large rocks in ROW – Mallard drive

- All prior notices mailed have become compliant
- Can right of way clearing use any of the fines and fees fund? That fund was set up with a prior boards agreement with Sherburne County to use the funds received for public safety.
- Attorney Bourgeois: Legally, as long as funds are used for public safety as agreed, they can be applied to right of way clearing as that is a public safety issue.
- Board discussion to move 20,000 from Finds and Fees fund to Road and Bridge Fund for right of way clearing. Official motion will be done at next meeting where all 5 supervisors are present.

### **Town Hall** – Supervisor Danielson

- Landscaping – update – irrigation should be in by weekend.
  - Supervisor Danielson will find a plumber. Then all complete for the year.
- Exterminator – every other month is fine – board consensus.

### **Developers Agreement**

- Draft document is done and will add disclaimer so it can be sent when requested. It will change with every development. Board discussion of revisions/updates
  - Administrative fee update
  - Roadway and cul de sac maintenance fees
  - All driveway culverts to be approved (design and size) by Town Engineer
  - Engineering standards reference by date of agreement
  - Subdivision regulations as of date of agreement
  - Preliminary and Final plats digital format as well as print versions
  - Deposits/escrow to remain as cash
  - All easements, fully executed, shall be provided to the Town
- Township hasn't had a developer's agreement since taking over planning and zoning
- Goals
  - all cash collected goes back to the depositor. They can make draws on it as construction occurs. Retain 25% for the warranty period.
  - Be consistent in how conditions are applied to each developers agreement
- Discussion of 2<sup>nd</sup>/wearing course timing. Typically like to see this right before the Township takes on ownership of the roads. Right now the warranty extends to acceptance for wearing course. This needs to be in the design standards.
- Developer's Agreement specifications are in addition to regular specifications.

### **TREASURER'S REPORT - TANYA DANIELSON**

- Santiago Township sent us a bill for the supervision of rebuilding the shared road. Road Supervisor told them we would not pay as our expectation is that our Supervisors will be on the job supervising and we expect the same. Clerk to send letter stating this to them.
- **Motion to approve treasurer's report as distributed by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**
- **Motion to pay warrants 14373-14398 and PO 1168-1176 in the amount of \$59,420.14 by Wilkening. Second by Gilbert. Motion carried, all voting in favor.**

### **CLERK'S ITEMS – LUCINDA MESSMAN**

- Animal Control – new person has purchased the business. Contract sent to us and forwarded to Attorney.
  - Attorney Bourgeois: Would recommend the Township use a contract similar to what was in effect with the previous animal control agent. If not, there are some changes that are highly recommended in the version forwarded.

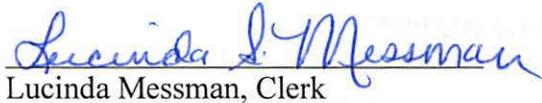
- Clerk to check and see if new person is willing to use.
- Arcasearch is done with the minutes. There are now 150 years of minutes online/available on the website. Clerk demonstrated access for the board.
- Northern Metal Tour invite – Wednesday at 6 pm
- Swing Away mailboxes went up in price. New ones are \$75 each.

No other business

**Meeting Adjourned 8:41 p.m.**



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Brian Kolbinger, Chair



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Lucinda Messman, Clerk