

**Becker Township Board
Town Board Meeting
September 17, 2018**

Board Members Present: Brian Kolbinger, Brad Wilkening, Gary Gilbert, Joe Danielson, Luke Babler, Lucinda Messman, Tanya Danielson

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. Dan Franks – Sherburne County Sheriff, Craig Wensmann –Bogart Pederson Tony Roback, Tracea Roback, Kevin Grams, Ray Mithun, Myron Wilson, Eugene M. Russell, Judy Russell, Dave Hullett, Bill Morgan – Citizen-Tribune, Rick Johnson, Brandon Hines, Nicolle Hines, Philip Moran, David Hullett, Michael Nixon

Meeting called to order and quorum verified by Chair Kolbinger.

Chair announced that regular meeting will recess at 8:00 p.m. to allow for Special Town meeting, then resume immediately following.

Pledge of Allegiance

Consent Agenda

1. Minutes - August 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 National Wildlife Refuge – 25th Annual Festival 9/29/2018
 - b. LGIA Award Invitation
 - c. Preliminary 2018 Tax Values

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

**Motion to approve regular agenda after additions of Vendor Accounts and Call for public hearing for resident on 175th to Supervisors Reports, Tony Roback to Residential Forum, by Babler.
Second by Gilbert. Motion carried, all voting in favor.**

Sheriff's Report

- 72 Calls for Service
- 19 Traffic violations – these have slowed down
- Speed signs were placed on 127th Street. Average speed was 53.58 mph. Maximum was 74 mph. There is speeding going during two particular time frames. Extra patrol will occur during these times over the next few weeks.

Residential Concerns/Open Forum

Rick Johnson – 185th Ave SE

- Concern with the current proposal regarding curve changes that would increase the speed in the area (just south of the current curve). Since improvements to the south half of this road, people's speed has greatly increased.
- Favors a slower curve design to slow people down
- Can the road just be resurfaced rather than rebuilt
- Will potholes be fixed before winter? Supervisor Gilbert stated he would check into them, however obtaining asphalt for single hole is an issue and the road needs to be replaced rather than just resurfaced
- Can speed limit be reduced? Board response – not as current statutes stand. Once the road is rebuilt, statutory speed limits will be posted.

190th Ave SE – Philip Moran, Mike Nixon and Dave Hullett

- Received letters regarding tree trimming and road improvements. Concern that the road would be extended further with surfacing.
- Township owns the land the road is built on, but no plans to extend the road. Metal right of way stakes will be put in to identify road location.
- Concerned it may be opened up at some time – they do not wish to see the road improved and all the trees removed in the area.
- At this time the board plans to improve the road surface that exists, no plans to remove trees on the north end.

175th Ave SE – call prior to meeting

- Concern that the removal of trees from the right of way and maintaining this minimum maintenance road is a poor use of tax dollars

Salida Crossing Right of Way

- Request from Brandon Hines regarding barricade at end of cartway that exists there now. It is a tight corner and there have been several near misses. No, Board doesn't wish to block the cartway.
- Board consensus to repair/upgrade 164th avenue to get it to Township Specs. Township Engineer to prepare cost estimate for project to present to the Board. There are some cross easements in this plat.
- Question if the blocks were ok with the board. Board has no issues with the blocks as they are on his private property – they are fine. As long as blocks are on private property – there is no issue.
- Current dispute regarding parking lots is neighbor dispute.
- Township will fix the cul de sac on 164th. They would like the owners of the businesses that are to be using that access (Hideout, Theco) to come in to speak with the board if they have any concerns.

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- Attorney Bourgeois provided a couple options
 - Vacate the “service road”/cartway
 - Baricade, but consider emergency access – especially if 164th is under construction.
- For now the Township will prioritize fixing the cul de sac on 164th Avenue SE first, then turn its attention to the cartway.

Tony Roback

- Looking at an implement dealership and wondered about having it located in general rural on the same parcel as a home.
- Planner Wikstrom:
 - Tony Roback has looked for Ag zoned land as that is an allowed use, but hasn’t found any appropriate location available in the township
 - They anticipate selling approximately 10 items per year. Commercial isn’t a good fit. Previous planner indicated that if they found Ag zoned land, a CUP could be done for an Ag related business.
 - An ordinance amendment may be another option – is there a way to have an Ag business on 40+ acre parcel? Would this change be possible? Use allowed?
 - If the business grows, Mr. Roback realizes he would need to find a commercially zoned location.
 - Maybe an IUP rather than a CUP? Conversation start is the goal tonight.
 - Mr. Roback understands ordinance changes take time, however, this township has some rather large, unplatted general rural parcels that are 40+ acres in size. Investigation into a possible ordinance change sounds reasonable. Tight restrictions are not an issue.
- Supervisor Wilkening, Chair of the Joint Planning Board mentioned this conversation would be a better fit at the Joint Planning Board meeting. He then reviewed some history of ordinances and why general rural doesn’t allow much for business. That said
 - This would be a minimum three month process to make any ordinance changes. 6 months is more typical.
 - An IUP may be a good idea. An IUP offers the opportunity for a temporary permit.
 - At the next Town Planning Commission, this would be a good topic to explore, business on a general rural parcel.
 - Size is an important discussion piece for planning
 - Very strict guidelines would be required
 - Historically, some poor zoning decisions were made and we need to be sure and avoid making those same mistakes in the future.
- Attorney Bourgeois: A CUP allows for conditions to be set that would mitigate the negative impacts (good neighbor policies).
- Planner Wikstrom to put together some information so the Planning Commission can start this discussion in October.

Myron Wilson from Orrock Township introduced himself. He is running as an independent candidate for the House of Representatives. He spoke for approximately 1 minute regarding his platform.

Town Planning Commission/Joint Planning Board Updates

- Personal Storage Structure application come before the Planning Commission this month. It was recommended to the Joint Planning Board with quite a few conditions due to concerns submitted to the Planning Commissioners via letter. It is moving forward to the Joint Planning Board next week.

Engineer's Report – Wes Davis

Salida Crossing Notes

- Frontage 'road' is actually a cartway. The Township hasn't maintained and does not need to.
- If traffic is shifted to 164th Ave SE, Board should consider cartway use.

185th Street payment certifications – two recommended for payment

- Sherburne County Striping 185th Ave SE
 - **Motion to pay \$3,183.83 to Sherburne County for striping 185th Ave SE by Danielson. Second by Babler. Motion carried, unanimous.**
- Sherburne County Partial Payment #2 for paving 185th Ave SE
 - **Motion to pay \$2,280.00 to Sherburne County for 185th Ave SE by Wilkening. Second by Danielson. Motion carried, unanimous.**

Oak Savannah plat proposal

- Owner is developing the portion in Big Lake Township
- No development to occur in Becker Township
- Becker Township is required to comment due to the EAW covering the parcels in both townships.
- Engineering comment: Spacing requirements seem appropriate

Turnquist Farms

- During inventory process, 172nd Ave SE portion located in Turnquist Farms development was re-located.
- It is a gravel road – not paved. Township has not been maintaining. Township plans to start mowing it.
- Not sure why it was never paved. It is a platted right of way

185th Ave SE Updates

- Signs/mailboxes were installed last week
- Kraemer will be out next week to work on grading and top soil

Gravel Road Inventory

- All gravel roads have been reviewed and given a condition rating. 1 and 2 are poor/bad ratings.
- Preliminary estimates are coming.

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- Working with Road Supervisor, plan is to start repairs on 190th and 92nd yet this season if costs are appropriate. Work will focus on upgrading our worst condition roads first.

Supervisor Reports

- **Fire Board** – Supervisor Babler
 - Basic meeting.
 - New pagers are in, radios are still coming.
 - Paid bills.
- **Parks/Trails** – Supervisor Danielson – no meeting
- **Highway 25 Coalition** – Chair Kolbinger – no meeting, but he explained to those present what was involved with this coalition and why the township is a part of the group. A report on resource planning for Excel is coming out in February.

Motion to recess board meeting and resume in this location after the Special Town Meeting of the electors by Wilkening. Second by Babler. Motion carried, all voting in favor.

Meeting recessed at 7:56 p.m..

Meeting reconvened at 8:29 p.m.

Supervisor Reports – continued.

Agenda item to set times for public hearings at road sites was moved up on the agenda. The survey will be reviewed on site, we will meet at the roadways. The board will hear from all property owners at the meeting. Clerk will send notices to all owners abutting the road.

Motion to Order Setting Forth the Initial Descriptions and Hearing Date for 112th Street SE Road Alteration for Saturday, October 13, 2018 at 9:00 a.m.. Meeting location the first driveway on 112th – 17443 112th Street SE, Becker, MN. By Danielson. Second by Gilbert. Motion carried, all voting in favor.

Motion to Order Setting Forth the Initial Descriptions and Hearing Date for 77th Street SE Road Alteration for Saturday, October 13, 2018 at 12:00 p.m.. Meeting location to be the intersection of 77th Street SE and County Road 127 (also known as 137th Avenue SE). By Danielson. Second by Babler. Motion carried, all voting in favor.

Supervisor Reports, Continued

- **Roads** – Supervisor Gilbert
 - 185th Avenue – working on that
 - Gravel Road inspections have been completed
 - 95th Street – no one here to discuss tree removal, owners have been notified.
 - 107th Street is complete. Green right of way stakes are in due to changes
 - 190th Ave SE – working on it
 - 175th Ave SE – public hearing needs to be set – preliminary estimate \$30,000 for road upgrades/tree removal

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- Order of work for road improvements: 190th Ave SE to be first (yet this year if possible) – estimating \$40,000 to repair/upgrade. 92nd Street will likely be second at \$40,000 estimate to repair/upgrade. While 112th Street, 77th Street, and 175th Avenue received lower condition scores than 92nd Street, there are legal procedures still being followed for these roads so they cannot be improved at this time. 92nd Street will move up the list. Our work will focus on upgrading our worst condition roads first as identified in the upcoming road inspection tour.
- Signs are progressing
- 117th Street SE – discussion regarding what is there – no longer top priority for this year as there is a 2 rod cartway and Katees Corners has platted 33’ on the North side and 16.5 on the South side. Road description needs work. Possibly go through an alteration process. The County will work with the township on proposed right of way plat – assuming the township has one. More research is needed before anything is done to this road. No clear road order exists.
- 67th Street west of County Road 11
 - Minimum maintenance with descriptions
 - Bogart Pederson will review what is there and try to determine legal description for road
 - Clerk to send copy of what is on file to Attorney Bourgeois
- **Oak Savannah – Motion to have clerk send a favorable comment for plat to Sherburne County by Wilkening. Second by Danielson. Motion carried, all voting in favor.**
- **Minimum Maintenance Roads – after gravel road survey/inventories and condition scoring, only three of our gravel roads actually fit a minimum maintenance condition.**
 - 175th Ave SE: *Commencing at the southeast corner of the Northeast Quarter of Section 3, Township 34, Range 28, Becker Township, Sherburne County, Minnesota; thence northerly along the east line thereof to the northeast corner thereof, and said centerline there terminating at the southerly right of way of 67th Street Southeast 127 (as recorded in Becker Township Road Book, pages 26-27, and on Document No. 169648)*
 - 163rd Ave SE: *For minimum maintenance purposes, 163rd Avenue Southeast was surveyed and laid out for Becker Township by John Oliver and Assoc., Inc. on November 30, 1981, as the East 66.00 feet of the West Half of the Southeast Quarter of Section 28, Township 34, Range 28, Becker Township, Sherburne County, Minnesota*
 - 67th Street portion west of CR 11 but east of the 67th Street cul de sac in Section 5. Legals still to come so this portion won’t be recorded until legal description is complete. Research is required.
 - The rest of the roads currently recorded as minimum maintenance roads are to be removed from that category and moved into the category of standard maintenance. Those roads are:
 - 77th Street SE
 - 95th Street SE
 - 107th Street SE
 - 112th Street SE
 - 122nd Street SE

- 117th Street SE
- 190th Avenue SE – two sections described in resolution
- Bus Garage Road (listed as unnumbered road/driveway in Resolution)
 - The legal descriptions are included in Resolution 2018-16
- **Motion to approve Resolution 2018-16: A Resolution Designating And Reaffirming The Designation Of Various Roads In Becker Township, Sherburne County [full text on file], Minnesota by Babler. Second by Gilbert. Motion carried, all voting in favor.**
- 120th Street SE – no legals readily available for this road. It was a turnback from the County to the Township. Further research required.
- Developers Agreement is still in the works.
- Town Hall
 - Gutters will be a bit over 15,000
 - Paint required before installation of gutters. This will occur yet this fall.
 - Ash tree was taken down today by Jim Free. Nice job getting from between the buildings and powerlines.
 - Landscaping to be completed after the painting and gutters are completed.
 - American Legion contacted the clerk with a request to remove part of the tree from behind their building (located on township property) as it is causing damage to their roof. Board consensus – yes, they may go ahead and remove the part that causing damage.
- Knife River and Hardrives vendor accounts were setup by clerk at request of Supervisors Danielson and Gilbert. Legal recommend a resolution be completed that lays out use of the account – similar to the one for the credit card the clerk and treasurer sometimes use. Board members asked that draft be brought to them next meeting. Clerk and treasurer requested some guidance for what the board members wish to have as requirements.
 - Purchase order for work
 - Road Supervisor or Alternate Road Supervisor can order the material purchases
 - Engineer recommended staying under \$25,000 to comply with contract laws
 - Clerk to work with legal to draw up draft for next month.
- Walter Murfin has requested a public hearing prior to tree removal on 175th Ave SE. Board consensus to set public hearing for Monday, October 15th to take place during the regularly scheduled meeting. Attorney Bourgeois advised the board regarding process and appeal process.

Treasurer's Report

- Treasurer's report presented
 - Review of Utility Permits/Building Permits – it appears we are be losing money on some building permits and all utility permits. Should the fees be raised? Board said they would look at revising the fee schedule in January.
 - **Motion to approve Treasurer's report as submitted by Wilkening. Second by Babler. Motion carried, all voting in favor.**

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- **Motion to pay warrants 13985-14010, PO's 1048-1053, in the amount of \$45,832.70 by Wilkening. Second by Babler. Motion carried, 4-0-1. Supervisor Danielson abstained as his company submitted a bill this month.**
- City of Becker is Disputing the Dust Control billing – clerk to find out what further information documentation they may require.

Other

- Road Tour – set for October 27, 7:30 a.m.. Clerk to reserve transit van if possible 13/15 passenger.
- Clerk needs the revised road score definitions.

Meeting Adjourned at 9:24 p.m..



Brian Kolbinger, Chair



Lucinda Messman, Clerk