

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, September 18, 2023
12165 Hancock Street



Attendance

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

Absent: Robin Boros

Others: Sherburne County Sheriff's Department, Wes Davis – Township Engineer, Ben Wikstrom – Township Planner, Mark Kolbinger – The Patriot Newspaper, Kelli Bourgeois – Township Attorney, Ray Clark, Shimon Cohen

Zoom platform was available for any member of the public who wished to attend virtually.

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

Pledge of Allegiance

CONSENT AGENDA ITEMS APPROVED

1. Approval of minutes
 - a. Regular Meetings August 2023
2. Approval of upcoming electronic fund transfers/automatic payments.
 - a. City of Becker – water/sewer for Town Hall
 - b. Xcel Energy – gas/electric for Town Hall
 - c. Midco Business – phone and internet
 - d. Upcoming EFTS related to payroll
 - i. Federal and State Taxes
 - ii. PERA
 - e. State of MN for building permit surcharge fees
 - f. Monthly credit card reader fee
3. Correspondence/Information
 - a. LTAP Newsletter
 - b. Road Groom Flier
 - c. Sherburne History Center Fall Fundraiser information
 - d. Wildlife Festival
 - e. GoGov Software
 - f. Records Destruction 8/28/2023
4. Approval/Acceptance as noted:
 - a. Levy Certification for 2024
 - b. Meeting Verification Certification for Truth in Taxation Notice

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

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

SHERIFF'S REPORT – Sgt Aaron Stevens

Typical month, nothing out of the ordinary
202 Calls for Service
64 Traffic Stops

Continuation of Recessed PUBLIC HEARING – Easement Vacation - Johnson

- Wikstrom reviewed distributed documentation [full text on file]
 - Part of Scenic River View Plat – specifically Lot 1, Block 1.
 - Platted in early 2017 as a simple plat without review of drainage calculations/stormwater analysis or other engineering plans. Wetland boundary was assumed (winter), depicted in viewed exhibit.
 - Since the last meeting, the Planning Commission has recommended a change in the Becker Joint Planning Boards' Subdivision Ordinance yard requirement reducing the requirement for usable space around house from 40' minimum to 20' minimum. Current ordinance is 40' minimum.
 - No additional data to present this evening. Regardless if this requirement is in there or not, the Engineer has to review everything before a house is built in order to assure drainage is occurring properly.
- Jen Johnson, owner
 - Received a MN Wetland and Conservation Act notice of decision – approved.
- Craig Wensmann – the WACA decision is the official stamp of approval from the additional work performed in June of this year.
- Shimon Cohen
 - concerned about some procedures as parcel closed this past week with new owners. Board: the owners have updated the information on file.
 - Concerned as no one can guarantee shifting of water will not impact flooding for nearby parcels.
- 7:07 pm Ray Clark arrived and wanted to speak –
 - Prior comments are on record.
 - Additional concerns – read an email from Wes Davis following the last meeting. General gist was that more information was required in order to evaluate location of a house/septic on this area proposed for vacation.
 - Questions submitted to the board
 - Why approve this vacation without stormwater analysis?
 - Access agreement – was it handled properly and is there a zoning issue?
 - If there are photos of standing water in the drainage area, why would the board consider vacating?
 - Is it a conflict of interest for Bogart-Pederson to represent this applicant as well as have the Township Engineer be an employee of theirs?
- Chair called for any further comments, none presented.

7:13 pm. Motion to close the public hearing by Babler. Second by Wilkening. Motion carried, all voting in favor.

Board Discussion

- Two separate issues here – building a house vs. vacating an existing drainage and utility easement. Before the board is an easement vacation decision.
- Engineer Davis – definitely two separate issues.
 - Permit related items that are typically reviewed when a house permit application is presented. Both those items protecting citizens in the township from impacts as well as protecting prospective homeowner. Sometimes additional swales or culverts or other may be required, it depends on proposed location of a new home.
 - Drainage and utility easement vacation - This was a simple plat without engineering. The easements were established conservatively based on wetland delineation.
- Wikstrom –
 - Access question – the owner of the outlot granted easement, we believe. It was not anything the Township is aware of at this time.
 - Two conditions in the resolution.
 - Any future house plan must include a survey showing a grading and drainage plan to ensure sufficient grading area with slopes not exceeding ordinance limits.
 - Development of the property must direct drainage to the wetland and not to the outlot area and shared driveway (future right-of-way).
 - During permit reviews, reviewers can always ask for additional information if needed.
- Attorney Bourgeois
 - The only allowed access to this lot that has been fully reviewed is the access is planned to come from 107th Street. No other access points have been looked at by staff. Review for those would come during building permit application.

Motion to approve Resolution 2023-23 [Full text on file]: A Resolution Approving Vacation of a Drainage and Utility Easement on the Property Identified by P.I.D. 05-523-0105 with conditions as stated in the draft resolution by Wilkening. Second by Danielson. Motion carried, all voting in favor.

RESIDENTIAL OPEN FORUM

None

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- Activity
 - This month’s Planning Commission meeting
 - Robert Dawson Boundary Adjustment was recommended for approval by the Planning Commission. Cleans up the lots that currently have splits through an accessory structure.

- Tyson Stewart IUP for a Site Based Business was recommended for approval by the Planning Commission. Masonry business
- Subdivision ordinance was reviewed. In good shape, moving to the Joint Planning Board.
- New Items
 - Pool Question: We are beginning to receive applications for decks around above ground pools that are not connected to a house or building. They are out with decks steps leading up to the pool. Code currently requires above ground pools have a removable ladder. With this new style becoming more prevalent, would the board want to update the ordinance to something similar to steps that lock or other? In ground pools need either pool covers or self-latching gates. Board consensus, yes, update code. Bring this fall/winter.

ENGINEER'S REPORT – Davis

- 97th Street
 - CR 530 to Highway 25 is now 28' wide. Wear course and shouldering are in place. Mailboxes are being put back.
 - East of that – still working on city portion. Hoping to be done mid-October.
 - Payment #2 requires approval and signature. **Motion to approve payment in the amount of \$395,779.17 and chair to sign required paperwork by Danielson. Second by Babler. Motion carried, all voting in favor.**
- 164th Street SE – Final payment of retainage.
 - **Motion to approve payment of \$7,575.78 to TS Dirtworks by Wilkening. Second by Babler. Motion carried, all voting in favor.**

SUPERVISOR REPORTS

Fire Board – Supervisor Babler

- No new items, paid bills and payroll

CMRP/PEL – Sanders/Supervisor Kolbinger

- Forming a non-profit. More to come.

Solar Overlay group – Supervisor Kolbinger and Supervisor Babler

- Special Town Board meeting set for September 26th at 6 pm to discuss the letter received from the City of Becker regarding Joint Powers agreement.

Roads – Supervisor Boros and Supervisor Danielson

- Taking care of potholes – busy year with them.
- Drainage at 107th north of the golf course to be reviewed.

Discussion of Legion Lease

- Copy reviewed by board members. One section regarding discussion of how/when a credit towards rent needed language updates. Attorney Bourgeois reads the language as written to mean the same, but will make the edits for clarity as directed by the board. **Motion to approve lease agreement with edit required and authorizing chair to sign contingent upon the changes being made by Babler. Second by Danielson. Motion carried, all voting in favor.**



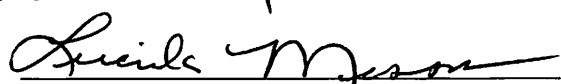
Treasurer's Report

- **Motion to approve Treasurer's Report as presented by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- **Motion to approve payment of**
 - **Warrants 16150-16199**
 - **PO's 1571-1577**
 - **in the amount of \$ 99,923 by Wilkening. Second by Babler. Danielson – abstained as his company had submitted an invoice. Motion carried all voting in favor. Motion carried 3-0-1.**

Other

- Letter affirming cooperation between Becker Township and the Sherburne County Sheriff's department and Attorney's office regarding prosecution responsibilities as the Township handles their own planning and zoning. **Motion to send as drafted by Babler. Second by Danielson. Motion carried, all voting in favor.**
- An election fund is likely necessary based on revised MN Statute changes. **Motion to approve Treasurer setting up election fund as necessary by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- Clerk found non-board member to take the projector with broken HDMI port. Board consensus get rid of it that way.
- Reminder – October 2, 6 pm is budget meeting
- Road Tour – set later
- **Motion to officially award the Snow and Ice Control Contract to Wruck Excavating by Wilkening. Second by Babler. Motion carried, all voting in favor.**
- **Motion to officially award the General Maintenance Contract to Wruck Excavating by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Meeting Adjourned 7:51 pm.


 Brian Kolbinger, Chair

 Brad Wilkening, Vice

 Lucinda Messman, Clerk