

Becker Town Board Meeting
Regular Meeting 7:00 p.m.
Monday, September 19, 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, Kelli Bourgeois – Twp. Attorney, Ben Wikstrom – Township Planner (online), Jacob Sanders – City of Becker, Mark Kolbinger – The Patriot Newspaper, Melissa (online for part of meeting), Phil Ramola, Cory Schultz, Mark Limpert – Advantage Construction, Ted & Joanna Myers

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

Upcoming Electronic Fund Transfers/automatic payments for approval

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

Correspondence/Information

- a. Updated Orderly Annexation Resolution (Map clarifications requested by state and added)
- b. MN PUC – NSP Gas Rate Increase Public Hearing information
- c. ISO Letter regarding zoning ordinance
- d. Orrock Township Minimum Maintenance Road Notification
- e. Annual Sherburne Refuge Wildlife Festival
- f. Fall Maintenance Expo information
- g. MN LTAP training flier

Approval/Acceptance

Nothing this meeting

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

Motion to approve a regular agenda after adding Ted Myers and Phil Ramola to the Residential Concerns section of the agenda by Danielson. Second by Wilkening. Motion carried, all voting in favor.

SHERIFF'S REPORT – Aaron Sturm

- 198 Calls for service
- 75 Traffic Stops
- Nothing stands out in the report
- Stop arm violations are being enforced heavily as school is back in session. Already have had people violating them. Stop when the arms are out.
- Car vs. deer accidents are increasing now.

RESIDENTIAL OPEN FORUM

- Cory Schultz – 127th Street Concerns
 - Speed limits
 - While the idea of paved is good, worry it will increase the speeds of people driving down this road. There are families with kids and would like lower speed limit in the area.
 - Board – speeds are based on statute. The only way to change is to contact representatives. If you find something in statute that looks like it would work, willing to look at it and find out.
 - Boils down to enforcement. State Statute says 55 mph
 - Stop signs or children at play or other signage?
 - Yes, Stop signs will be added at intersection of 127th/153rd. That is planned
 - Not in the center of the road between CR 11 and 153rd
 - Sgt. Frank said he will try and get a survey of the speed. He reviewed process to request a speed sign. He will also mentioned additional patrolling.
- Ted Myers
 - Parking Ordinance questions – he received a citation this morning. Is it the Town Board's intent that he not be allowed to start his semi prior to 6 am in the morning?
 - He left the house at 5:03 and started the truck pre-trip inspection. Opened garage door and started checking things out. Went in to use restroom. Believes truck ran 5-7 minutes. Neighbor called the Sheriff's department as it was idling prior to 6 am. Neighbor told the Deputy the truck idled for more than 20 minutes. Myers showed his electronic work record that shows he left at 5:20 am.
 - The truck was not idling all night long. It is kept in a garage. When started, do not leave door closed to avoid asphyxiation. Can the board clarify:
 - Why was this in the ordinance?
 - What is the point of this in ordinance? Over the Road trucks need 5-7 minutes run time to properly charge the air brakes so the truck will move.

- Minneapolis runs mean leaving at 5 or 5:30 am.
 - Wants to avoid violation in the future and can the board do something so no more citations for this?
 - Town Board
 - Intent of this was to avoid early morning construction activities and trucks running all night in subdivisions.
 - Intent was not to make it impossible for OTR Truck owners/drivers to leave early in the morning.
 - Will ask staff to look into changing verbiage in a manner to still make sure no early morning construction activities or trucks idling all night occurs.
 - Discussion of ordinance process and why it cannot be changed this evening took place.
 - Since the truck was in the garage while running, that is not technically the driveway. Ordinance says right of way or driveway. Could ordinance section 7 exemptions have been applied here?
 - Intent of this ordinance is not to be neighbors picking on each other for vehicles idling in their own yards/driveways when getting ready for work – as long as it is not construction traffic. There was a complaint of someone keeping refrigeration unit running all night, that needs to be avoided as well.
 - Sgt Frank spoke with the Deputy who issued the citation
 - Complainant desired citation to be written and hand the ordinance in hand to show the Deputy on arrival.
 - Deputy said the truck was running when he saw it and by word of the ordinance, it was in violation.
 - Technically it was in the shed/garage.
 - Town Board directives
 - Staff to look into a better way to word the ordinance.
 - Clerk to certify what was said in written format for the Myers.
 - Plan for Public hearing on the parking ordinance in October if possible.
- Phil Ramola
 - 82nd Street is being resurfaced. Concern it is 2' wider than before and is going to be a nice, fast straight-away.
 - People on East/West Beatrice walk out here. Concern for speed, especially after 3 pm Monday – Friday.
 - Why are there no reduced speed/children ahead signs? They were removed 10 years ago due to people not paying attention.
 - Request that the Sheriff's department do a speed study there as well.
 - Sgt. Frank recommended he contact the sheriff's department to
 - Request extra patrols – be sure to state the times noticed the most
 - Request a speed study
 - Who is responsible for the 4 wheelers in the ditches? Law Enforcement
 - Conservation officer told someone they cannot drive their dirt bike but person is still doing so.
 - ATV's are ok as long as licensed and licensed drivers.

- Winter road concerns. Is the right of way 33' from centerline? Yes
 - If snowmobilers are past that, are they trespassing? Yes
 - What do I do? Contact the Sheriff's Department

PLANNING COMMISSION/JOINT PLANNING BOARD UPDATES – Wikstrom

- Activity
 - Planning Commission: Home Occupation Ordinance Amendment Public Hearing
 - Initially allowed 50% of an accessory structures floor space. In practice this did not do as intended. It would have required additional buildings rather than use what exists on property in some instances.
 - Recommended revision to allow up to 500 square feet can be used in accessory structure for business and keep things secondary to home. If more than 500 square feet is required, an Interim Use Permit is triggered.
 - Joint Planning Board – next week
 - IUP for a home business; works indoors, wants to sell over 5 cars per year so dealers license is required. Parking and display area indoors. Neighbors unaware has been going on for three years. Recommended for approval by Planning Commission
 - Starting to look at accessory dwellings on residential lots. Aging parents and other unique situations. There are a lot of considerations that are still being worked through.

ENGINEER'S REPORT – Davis

- 82nd Street is underway
 - Stripe and shouldering seeding will occur over the next few weeks
 - Change order in front of board this evening due to anticipated excess material. Did not due to actual road base. Additional Class 5 required. 2.8% change order
 - Road Supervisors approve of this
 - **Motion to approve change order in amount of \$16,053 by Danielson. Second by Boros. Motion carried, all voting in favor.**
- 127th/153rd will start later this week
 - Excavating 8" down
 - Narrow up the road a bit
 - It will improve safety with a bit more shoulder
 - 3' of asphalt on shoulder
 - Side fog lines
 - Stop signs and light at intersection of the two roads
 - Mailboxes
 - Subcontractor pulled prior to notifications went out to residents
 - Postmaster wanted things in a different location
 - Things are being moved
 - Request about stop sign in middle of road without intersection. No, the town board supervisors do not wish to start a practice installing stop signs in the middle of roadway straightaways.
 - Question: Subdivision 2 – since there appears to be an option to put speed limits if there are hazards, can the definition of hazards be reviewed?

- 164th/Salida – slated to begin following dirt work on 127th/153rd
- 170th in Bridgeview is still going to be this fall. Will start after 164th and board will be kept informed.
- 67thGravel invoice received.
 - **Motion to pay Helmin invoice based on payment certification by Engineer in the amount of \$44,971.68 by Danielson. Second by Boros. Motion carried, all voting in favor.**
- 67th Street Culvert invoice – share from Santiago Township
 - **Motion to pay Santiago Township our share of project cost as invoiced, \$45,480.69 by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

SUPERVISOR REPORTS

Solar Overlay Group - Sanders

- City staff met with Xcel Energy
- They were going to be open to our planning guidance
- Xcel update required re-orientation regarding guidance due to interconnects
- More coming
- Attorney Bourgeois: if non-utilities wish to build in Township Right of Ways, this will need to be addressed via ordinance.
- **Motion to have Supervisors Babler and Kolbinger assist with solar as necessary due to timing and make decisions regarding notifications to public by Wilkening. Second by Danielson. Motion carried, all voting in favor.**

Fire Board – Supervisor Babler

- Standard meeting – fairly quick.
- Paid bills

CMRP – Sanders

- Meeting on 29th.
- Nothing new at this time. Refocus on transportation.

Roads – Supervisor Boros and Supervisor Danielson

- Grading on Sunday
- Ditch mowing is going
- Checking intersections and viewing for busses
- Fire Signs moving along
- Fire signs that do not belong should be removed

Town Hall

- Recap. Appeal process.
- Review of materials received
 - Policy

- MATIT by-Laws
- Appraisers
- Recommendation – the entire argument needs to be packaged with everything for the trust board with all information together.
- Mark Limpert, Advantage Construction: Adjuster said he recommended full replacement of the roof which was denied. MAT feels it is a cosmetic issue. He spoke with Heidi and she said they paid already (Clerk and Treasurer verified no checks have been received by Township).
- Board
 - wants Township Attorney and Mark Limpert to work together to proceed forward. They want to go with shakes on the building. Make sure staff is aware of what is happening. This needs to be appealed – consent to follow that process.
 - Move this forward and go through appeals process. If dates come up, authorization given to do what is needed to move forward.

Treasurer’s Report

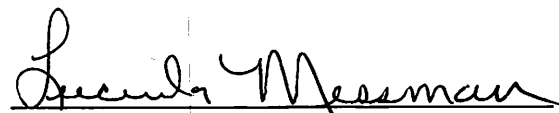
- **Motion to approve Treasurer’s Report as presented by Babler. Second by Boros. Motion carried, all voting in favor.**
- **Motion to approve payment of**
 - **Warrants 8433-8434, 15643-15684**
 - **PO’s 1481-1489**
 - **in the amount of \$200,812.60 by Babler. Second by Boros. Motion carried.** Voting in favor: Babler, Boros and Kolbinger. Wilkenings abstained as his wife presented invoice for her business. Danielson abstained as his company had submitted an invoice.

Other

- Clerk requested that she and the Deputy Treasurer attend the annual meeting for MAT. Board consensus that township would pay for training and other costs for them to attend.

Meeting Adjourned 8:20 pm.


 Brian Kolbinger, Chair


 Lucinda Messman, Clerk