



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
APRIL 23, 2012

Supervisors Present: Doebler Hass, Hewitt, Manthei and Sherper.

Staff Present: Clerk/Treasurer Spencer and Deputy Clerk/Treasurer Olson

Jon Bogart, Town Engineer

Chairman Sherper called the Meeting to order at 7:00 p.m.

The assembly recited the Pledge of Allegiance.

**1.2 Approve Regular Meeting Agenda:** Hewitt/Doebler unanimous to approve Regular Meeting Agenda with addition of Item 5.5 request for annexation of road right of way and Item 5.6 Sherburne History membership renewal.

**1.3 Approve Consent Agenda:** Hass/Manthei unanimous to approve the Consent agenda as submitted: Item A) March 26, 2012 Regular Board Minutes; B) April 16, 2012 Board of Appeal and Equalization Minutes.

**1.4 Sheriff's Report:** Captain Starry provided copy of County Sheriff's Preserving the Peace news letter. There were 147 calls for service in March which is up from the same time period in 2011. The calls for service in March consisted of burglaries, theft of personal property, theft of personal property from motor vehicles, crash related personal injury and damage to property. Along with that report he had a map locating general area of where the crimes were committed. Board requested a map be attached to future monthly reports. Starry reported gating on the Girl Scout Road is working well. Supervisor Hass requested additional patrol on that part of 277<sup>th</sup> Avenue lying west of US Highway 169.

**1.5 Fire Report:** Chief Maloney provided March calls for service as follows: 2 medical assists, 2 motor vehicle personal injury accident with extrication, 1 cancelled en route, 1 fire alarm, 3 carbon monoxide, 3 good intent (smoke in the area), 2 grass fire, 1 HazMat spill 1 vehicle fire, 1 shed fire and 1 garage fire. The Department received \$25,000 grant for decon equipment used in conjunction with power plant incidences should they occur. On May 17<sup>th</sup> at 10 a.m. area emergency service agencies will conduct a mock car crash at the Zimmerman High School

**1.6 Presentation of the 2011 audit:** Molly Thompson, CPA with Schlenner Wenner & Company presented Livonia Township's 2011 audited Financial Statements. When tested for legal compliance it was found there were no instances of non-compliance. Hass/Doebler unanimous to approve the 2011 audited Financial Statements.

**1.7 Refinancing:** Bruce Kimmel Senior Financial Advisor/Vice President with Ehlers Inc. provided an overview of the bond presale report and Ehler's recommendation for the structure of the conditions of the refinancing of the current 2010 bond with Wells Fargo. Interest rates offered through municipal bonding will allow the Township to enjoy a lower interest rate of between .45% and 1.6% and reduce the term of the bond by one year from 2020 to 2019. The Township will be required to contract with Ehlers to develop a post issuance compliance policy that communicates to the IRS the Township is doing what needs to be done in terms of arbitrage rebate and continuing disclosure. Hewitt/Hass unanimous to approve of entering into the Agreement for Post-Issuance Debt Compliance Policy and Procedures. Also discussed was whether or not to move forward to obtain a bond rating or include a call feature. Kimmel explained the cost to issue the bond will decrease if the Township does not wish to go with the credit rating; the cost has been included in the fee quoted that is associated with refinancing. On the other hand investors interested in purchasing the bond who require a bond rating may not bid or may bid at a higher interest rate than projected. With a call option the Township would have the ability to periodically make payment on the bond but with this option may not obtain the lower interest rate. Doebler/Manthei unanimous to authorize the sale of bonds including the acquisition of a credit rating and forego the call option.

**1.8 Road report:** Coordinator Spencer reported the gate situation on the Girl Scout Road seems to be working. Hass asked that the Road Closed Ahead sign on the west end installed on a permanent post. The delivery date for the tractor is mid July; however, Scharbers will supply a tractor free of charge for ditch mowing if needed before that time. All gravel roads are in good condition, grading will be finished this week. Cross conveyor and signage work will start shortly. Hass talked about the orange snow fence at 255/98 as noted on



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their road tour. Board recommended the snow fence be removed and replaced with a permanent barricade and suggested the existing guard rail be extended east.

**2.1 Request for setback from right of way:** Carlyle Wiedrich was present for request for a 29 foot variance in setback from the right of way of 272<sup>nd</sup> Avenue to construct a detached garage. Required setback from the edge of the right of way is 67 feet; garage would be 38 feet from the right of way. Hass/Manthei unanimous to recommend approval of the request to place the detached garage on the east side of the property because there is a dedicated trail on the west side of the property. There is a drainage and utility easement on the east and south side of the property. The septic system is located on the south side of the property.

**2.2 Request to place swimming pool in a drainage easement:** Russ Hanson with All About Pools was present on behalf of Joe and Shannon Glenn, property owners. The Board suggested the property owners contact Sherburne County to inquire about building requirements for installation of the pool before pursuing vacation of drainage easements. There was no Board action on this request. Mr. Hanson will advise the Glenn's.

**2.3 Road Tour update:** On April 14 the Supervisors conducted tour of the Town Roads. Earlier Supervisor Hass addressed the barricade issue at 255/98. Manthei asked if chip seal can be placed over chip seal. Bogart said it can but need to look at what is happening to the underlying base. Chip seal is designed to renew the wear surface, but will not add to any structural strength; look to see if the base is stable. Road in question, 140<sup>th</sup> north of CR 46, has one lift of bituminous built in 1990. It was noted 112<sup>th</sup> Street between CR 19 and CR 74 has one lift of bituminous – in 1998 - is blowing apart. Bogart suggested there may be issues with sub grade on that portion of the road. No further discussion.

**2.4 Engineering:** Bogart had no further information on the 112<sup>th</sup> Street project (north of 269<sup>th</sup> Ave to Township line) it is unknown if Baldwin Township will move forward with 112<sup>th</sup> Street. The 277<sup>th</sup> project is moving with removal of trees and moving of utilities. Board discussed placement of culvert under the Miller driveway; Bogart suggested the culvert be relocated to under 277<sup>th</sup> Avenue. Hass/Hewitt unanimous to authorize Bogart to redesign for replacement of culvert to be located under 277<sup>th</sup> Avenue. By taking the water over a more circuitous route the vegetation will help control erosion, there is a designated wetland to the southeast of the Miller driveway where the water naturally goes to; easements are not affected.

**2.5 Approve two year extension of Preliminary Plat of Woods at Lake Fremont Second Addition:** Hass/Doebler unanimous to recommend approval of request for two year extension of Preliminary Plat of Woods at Lake Fremont Second Addition.

**3. Open Forum:** There was no one present for open forum

**4.1 Payment of claims and transfer of funds:** Hewitt/Hass unanimous to approve payment of claims, including payroll as submitted, for payment of utility and interest bearing bills received after claim deadline and to transfer \$35,000.00 from savings to checking to cover claim numbers 5736-5765 check numbers 14889-14926 and Electronic Fund Transfer # 000016 for April 941 withholding tax.

**4.2 Supervisor Reports:** Hass had no report. Manthei attended the Sherburne County Water Plan Advisory Committee Meeting in March – he provided copy of the minutes. He along with Doebler and Sherper attended the quarterly meeting of the County Association of Township where members present voted to start the quarterly meetings at 7 p.m. vs. 7:30 p.m. Livonia Township will host the July quarterly meeting. He and Sherper met with County Zoning Staff who asked if the Town Board would consider allowing a Highway PUD in the area of Highway 169 and County Road 25. Sherper/Manthei unanimous to recommend a Highway PUD is allowed in the area of Highway 169 and County Road 25. Hewitt attended the morning session of the Urban Short course and added it was very informative. Sherper attended the retirement party for Dave Fricke, MATS Executive Director. Gary Peterson, District 1 MATS Board Member was selected to serve in that position. Sherper also attended the Urban Short Course along with the other Supervisors and staff.

**5.1 Approve list of properties for sale of tax forfeited land:** Board reviewed list of properties to be placed on the land sale for public purchase and to approve classification of such as non-conservation land. Hewitt/Manthei unanimous to approve the classification of the land as non conservation land and approve the list of properties to be sold. Doebler/Hewitt unanimous to request parcel number 30 402 0660 Hunter Lake Addition Lot 6 Block 6 be removed from the list for purchase by the Township. It will be used as additional Township right of way in the Hunter Lake area.



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**5.2 Approve chip seal quotes:** Three quotes were obtained for 4.5 miles of chip seal as follows: Pearson Bros., Inc. - \$66,080.00; Allied Blacktop Co - \$68,447.43 and ASTECH, Corp - \$71,632.00. Hass/Doebler unanimous to approve quote of \$66,080.00 from Pearson Bros. Inc.

**5.3 Approve amendment to developer's agreement:** Board reviewed amendments recommended by Town Attorney and noted changes. Board asked for Bogart to review also and bring his comment back to the May meeting. No action taken.

**5.4 Updates:** a) Mills property appraisal – appraisal will be ready for the May meeting; b) The City of Zimmerman per the amended Orderly Annexation Agreement refunded the park dedication fees to the Township.

**5.5 Request for annexation of road right of way:** City of Zimmerman is requesting to annex road right of way as follows: 120<sup>th</sup> Street east of centerline, lying between Fremont Lane to CSAH 4 and 136<sup>th</sup> Street west of centerline, lying between Oakwood Road south to CSAH 4. The purpose of the annexation is to allow the City to obtain funding for construction projects. Hass/Hewitt unanimous to recommend change to the OAA.

**5.6 Sherburne History Membership renewal:** Hass/Doebler unanimous to renew membership with the Sherburne History Center at the Patron rate of \$150.

Hewitt/Doebler unanimous to adjourn meeting at 10:30 p.m.

Approved this 21st day of May 2012

Don Shesper  
Chairman or Vice Chairman

Lew Spencer  
Clerk/Treasurer or Deputy Clerk/Treasurer