

LIVONIA TOWNSHIP
PUBLIC HEARING
MARCH 15, 2010

Those present: Supervisors Doeblor, Hass, Hewitt, Sherper and Wallin; Clerk/Treasurer Spencer, Deputy Clerk Treasurer Olson; Andrew MacArthur Attorney on behalf of Livonia Township and Jon Bogart Engineer on behalf of Livonia Township. Township residents in attendance: Jay Porter 11719 269th Avenue NW; Brian and Vikki Husmann 26665 120th Street NW, Wade Acker 26883 117th Street NW and Floyd Hathaway and Julie Hathaway 26725 120th Street.

Chairman Sherper opened the meeting at 7:00 p.m. He stated: The public hearing this evening is for the purpose of taking public input regarding a proposed project to improve 120th Street and 269th Avenue in Livonia Township. Minnesota Statutes require that when a project includes possible assessment of benefiting properties a public hearing be held prior to the project being ordered to take public comment regarding whether or not the project should proceed. The purpose of this hearing is to hear public comment as to whether or not the project should proceed. It is entirely up to the Town Board to proceed with the project and determine how it is to be financed and whether or not benefited parcels will be assessed for a portion of the project. In the event that the project does proceed, the Township is required to hold an additional hearing, usually after construction is complete and all costs are known, at which time affected residents will have an opportunity to be heard regarding assessments and may appeal any assessment against their property.

Sherper asked MacArthur to explain the procedure and statutes. MacArthur: The Township initiated a feasibility study which includes a portion of a possible assessment for this project. Under Minnesota Statute 429 Townships are required to take certain steps if special assessments may be levied against a project. Sherper stated in his opening comment the purpose of this hearing is to receive comment to determine whether or the project should move forward; the Town Board will make that determination. If the project moves forward and there is to be an assessment against the properties another public hearing will be held at which time affected residents have an opportunity to be heard and possibly appeal assessments.

Sherper asked Bogart to review the feasibility study and proposed assessments. Bogart: Estimated construction costs came in at \$243,461.25 with contingencies of \$36,519.19 for total construction cost of \$279,980.44. Based on conversations with MacArthur, cost for land acquisition could be 20% of the total construction cost or \$55,996.09 divided by number of property owners equates to \$4,666.34 per owner.

Sherper opened the Public Hearing and stated: Discussions will be limited to the stated purpose of the hearing. Anyone wishing to comment or ask questions will be allowed to do so. No speaker will be permitted to speak more than twice except to answer a question from the Board. Each speaker will be limited to a total of 3 minutes. No interruptions are permitted. All comments must be directed to the chair. Each speaker must state his or her name, address and the group he or she represents, if any, before speaking. Each person wishing to speak is asked to step up to the Board in order to have the comments properly understood and recorded for the official record The Board may ask questions of the speakers.

Sherper asked for comment.

Jay Porter, 11719 269th Avenue NW; Zimmerman: Comments are in writing; copy was received by Clerk/Treasurer and attached for the record. He summarized his comments: 1.) Lowering the road surface would minimize the need for additional right of way for the entire project; road was artificially elevated when initially constructed. 2.) Filled in more than 20 feet of lake front at certain points for

LIVONIA TOWNSHIP
PUBLIC HEARING
MARCH 15, 2010

Phase I, no reason why that couldn't be done for Phase II; would minimize, reduce or eliminate any further need for easements. You worked with the DNR for Phase I without any concern from the DNR, allowed the double silt fence along the lake, was acceptable no reason why it wouldn't be acceptable for Phase II. One point I pointed out earlier was speed reduction will save the Township the turn lane between County Road 39 and 117th Street; Jon mentioned earlier would save about \$3,000 in paving costs. Previously mentioned all the restrictive covenants on the Woods at Lake Fremont. Spoke with Nancy Riddle at Sherburne and she agreed that I would be liable. Spoke with Jen Oknich and Keith Grow, BWSR they also would have concerns with the fact that the Township would be filling in wetlands they do not have control of; it is still under private ownership. They said it would potentially create liability issues for homeowners as well. The walking path would be more beneficial on the lake side for those who want to use it. The intersection of 120th and 269th I did not mention before the slope of the low maintenance road to the paved surface over the last 50 to 100 feet the grade is fairly steep. Lowering the road in that area so the approach of the low maintenance road would be safer as well as the down slope off the road. I mentioned the ditching of 269th Avenue on the south side; the culvert is directed toward my property. The slope easement would eliminate all current ditch so the water would flow all onto my property. I have been working with Clarence Manke with the Minnesota Pollution Control Agency who pointed out the Minnesota rules having to at least mitigate any potential problems that would create. I have comments regarding special assessments, but understand you do not want to hear those at this time, is that correct? MacArthur stated a general comment can be made. Porter: Looking at rules for special assessment under 429.051 apportionment of cost: The cost of any improvement or any part thereof may be assessed upon property benefited by the improvement, based on the benefits received. Benefits received are measured by an increase in the properties market value. For special assessments to be valid the land must receive a special benefit from the improvement being constructed, the assessment must be uniform upon the same class of property and the assessment may not exceed the special benefit. Special benefit is measured by the increase in the market value of the land owing to the improvement. He stated he is not sure how a special assessment of taking of everybody's property, cutting down everybody's trees and then charging us for it is going to increase the market value of my property. Sherper thanked him for leaving copy of his comments. Sherper asked if the Board had questions of Porter, there were none.

Sherper asked if there was anyone else who wanted to make comment. Julie Hathaway, 26725 120th Street. First of all throughout all the meetings we have noticed with the change in the speed limit, we realize there is a positive result from lowering the speed limit, but still we feel there are a lot of issues regarding this road. We don't understand why it has to be the road... We have been there 21 years and it's been the same road, the same cow path for that long. Understanding the Township is the steward of the roads and has to keep up the roads, not understanding where the fire is after 21 years, why it has to be done this summer. Understanding safety rules, we feel many of the changes in the road are not addressing the many problems of the road which is the neglect of the erosion, the volume control the safety issues the need to work the Township is requesting extra easements for this project. Quite frankly when you get a job you should work with what you have and you work within the easements and the things that you are given rather than just.... I just feel you are expecting so much from property owners when there are so many other options. About special assessments, I didn't hear that part either, but we object to any special assessments, we don't feel this project increases our property value in any way. It decreases our value by removing shade trees, decorative trees on our property

LIVONIA TOWNSHIP
PUBLIC HEARING
MARCH 15, 2010

and our neighbors and significantly changing our view out our front window in a negative way also significantly changing the view from the road to our house. The volume and noise of increased traffic through our front yard also increase including the return of truck traffic possible truck traffic plus further reducing the value of our property and increasing safety issues in our front yard and enjoyment of our front yard which is our lake property. This project benefits the hundreds of people who choose to use 120th Street daily as their shortcut to town and Highway 169 despite other viable options. It does not in any way benefit the property owners along this road nor does it solve any of the real issues of this road including neglected erosion, safety factors, speed and volume controls, etc. Sherper asked if there were any questions from the Board; there were none.

Sherper asked if there was anyone else who would like to comment at this time. Brian Husmann, 26665 120th Street: Will wing it more than what we have in the past; talking about this road for some time. Obvious issues with lake shore in my view lack of maintenance with lakeshore that is causing this project. As a home owner watching the lake shore deteriorate is frustrating. In a respect that legally I can't touch it in the township road easement documents; I can't change slope or anything in that lake shore. It is solely the responsibility of the Township to maintain that slope within the road right of way. Without getting some kind of a variance can't touch that. Seeing it deteriorate and on top of that coming with widening the road to make things worse is frustrating as a home owner. I understand there are road standards and such, not a lot of sense and extra cost of widening the road and with speed requirements on the road now the necessity to widen is not there. If the trail thing has to be there is still the option of one way north bound, doesn't have to be closed or widened; emergency traffic can still drive both directions to satisfy requirements in my mind. There was also and I was here for part of the Chuck Marohn deal and he made comments to the fact that the narrow tree lined roads add value to the community not wide roads. There have been studies on widening and increase traffic directly affects property value. Widening does not increase our property values. The fact of assessing property owners for the improvements to a collector road that 98% of the traffic is not the residents; it's a collector road and the residents beyond us. Us being assessed to widen doesn't make sense in my mind. Sherper asked if the Board had questions, there were none.

Sheper asked if anyone else would like to make comment.

Vikki Husmann, 26665 120th Street: I've talked to a lot of people who have use the park and they would like the trail to be on the lake side. The Board had no questions.

Sherper asked if anyone wanted to make comment. There were no further comments. MacArthur explained one property owner was not notified and suggested the public hearing be continued to allow them an opportunity to comment. Brian Husmann asked if the comments will be given to the office of the Township; how would their comments come in? MacArthur stated the hearing will be continued and they will have an opportunity to comment then. Jay Porter submitted written comment from Dan and Cathy Bosnic and Rick and Lori Lestina. The comments were received by the Town Clerk and attached for the record.

Sherper asked for a motion to continue the public hearing to March 29, 2010 at 7:00 p.m. at the Town Hall to allow for notification of the property owner who was previously not notified. Doebler/Hewitt by roll call to continue this public hearing to Monday March 29, 2010 at 7:00 p.m. at the Livonia Town

LIVONIA TOWNSHIP
PUBLIC HEARING
MARCH 15, 2010

Hall, Doebler, Hass, Hewitt, Sherper, Wallin, yes; none opposed. The public hearing is continued to March 29, 2010.

Sherper called for Board discussion. Hass asked Bogart what the pros and cons are to have the trail on the lake side vs. the property side. Bogart said it can be done either way; the concern is where it will be accessed from; whatever is created now will be the footprint for future trail location. Hass said trail crossing could be located near the County Park vs. at bottom of hill at 269th. Doebler said it would be safer on property side; Vikki Husmann said she is hearing people would rather have it on the lake side; Hewitt asked if more than one crossing could be made. Bogart suggested road striping; pedestrian crossing signs, etc. Porter asked about possibility of lowering the road. Bogart stated he has lowered the road where he can; TEP is not allowing further lowering of culverts. Any further lowering of the road will compromise the road design; the road core needs to be dry.

At 7:50 p.m. Sherper declared the meeting recessed until March 29th.

Livonia Township
Continuation of Public Hearing
March 29, 2010

Those present: Supervisors Doebler, Hass, Hewitt, Sherper and Wallin; Clerk/Treasurer Spencer and Jon Bogart Engineer on behalf of Livonia Township. Township residents in attendance: Jay Porter 11719 269th Avenue NW; Brian and Vikki Husmann 26665 120th Street NW, Wade Acker 26883 117th Street NW and Floyd and Julie Hathaway 26725 120th Street, Louie Moritz 26935 117th Street NW; Dan and Cathy Bosnic 26806 117th Street NW, Chet Karnes 26772 117th Street

Chairman Sherper opened the meeting at 7:00 p.m. He stated: The continuation of the public hearing this evening is for the purpose of receiving public input regarding a proposed project to improve 120th Street and 269th Avenue in Livonia Township. Minnesota Statute requires that when a project includes possible assessment of benefiting properties a public hearing be held prior to the project being ordered to take public comment to determine whether or not the project should proceed. The Township Engineer will review the feasibility study, estimated and proposed assessment amounts. In the event the project does proceed, the Township is required to hold an additional public hearing, usually after construction is complete and all costs are known, at which time affected residents will have an opportunity to be heard regarding assessments and may appeal any assessment against their property. The Township initiated a feasibility study which includes a portion of a possible assessment for this project. Under Minnesota Statute 429, Townships are required to take certain steps if special assessments may be levied against a project. The purpose of this hearing is to determine whether or not the project should move forward; the Town Board will make that determination.

Sherper asked Bogart to review the feasibility study. Bogart: An estimate of costs was put together for the project; construction cost estimate \$243,461.25 with 15% contingency of \$36,519.19 for a total of \$279,980.44. Upon discussion with Andy, Town Attorney it was determined 20% of the construction cost or \$55,996.09 for acquisition costs. There are 12 properties affected which equates to an assessment of \$4,666 per parcel.

Sherper opened the continuation of the public hearing. We are here to listen to any comments; however if you have spoken before we would like to first hear from those who have not had an opportunity to speak. Discussions will be limited to the stated purpose of the hearing. Anyone wishing to comment or ask questions will be allowed to do so. No speaker will be permitted to speak more than twice except to answer a question from the Board. Each speaker will be limited to a total of 3 minutes. No interruptions are permitted. All comments must be directed to the chair. Each speaker must state his or her name, address and the group he or she represents, if any, before speaking. Each person wishing to speak is asked to step up to the Board in order to have the comments properly understood and recorded for the official record. The Board may ask questions of the speakers. Sherper: Is there anyone in attendance who wishes to address the Board? Someone in audience asked if they are allowed to ask questions; Sherper, yes.

Don Bosnic: I have a question about the land acquisition money, what is it for and where does it come from? Bogart: It is an arbitrary figure at this time; it is unknown until the properties have been assessed, it is then negotiated with the land owners and hopefully come to an agreement. It seems unlikely that the assessment for each parcel will be \$4,666.00. Bosnic, so that money is to purchase the land then, the Township would own that piece of property at that time? Bogart: No, it is just a temporary construction easement; there is a permanent slope easement over the 12 feet on the very western side of your property. Bosnic: This is the part of it that confuses me, with the covenants in place; I am not allowed to do anything to a certain portion of the land that is adjacent to the road. So, you are not asking me to sign anything that gives the city authorization to do anything that is contrary to the covenant, or are you? If you are I don't understand how I can do that legally; it appears to be contradictory to the covenant that I am bound to. That is primarily my concern; how does that get resolved. Bogart: Unfortunately Andy is not here. He has told me, in his opinion; we are not bound by the same covenant. The covenant was not approved by the Township, proposed by the Township nor requested by the Township. Bosnic: If I sign the easement, though, am I affectively authorizing actions contrary to the covenant? Really it is a legal question, am I allowed doing that? I am not looking for an answer specifically on that right now but would like an answer on that so we know if we are proceeding in an action that is legally allowed. Bogart: The way I understand the covenant is that it is an agreement between property owners who bought property in that development; nothing the County or Township is a part of. Bosnic: It is a catch 22 for many of us; we don't want to get into legal trouble. Have you asked the Town Attorney to look into this so we get answer,

Livonia Township Continuation of Public Hearing March 29, 2010

should be a black & white answer, either it can be done or not. Doebler: The Town Board would not ask you to do something that is not legal. Our counsel has said it is not an issue. There was comment from others in attendance almost at the same time: The Township's Counsel represents the Township. Sherper: That is why you should have your own attorney. Jay Porter, from the audience made statement to the affect the Township will clear cut all the trees without any liability but we the residents cannot. Doebler: Not all the trees will be clear cut; only a few will be cut. Bogart: Have eliminated all the trees from being cut on Porter property; the easement is the same. The amount of easement for construction is minimal, not the entire 12 feet in Porters case. Cathy Bosnic asked when they would have an opportunity to see the revised plans. Bogart: Have them with can view them. Sherper asked if Don Bosnic had more comments or questions, Bosnic: no.

Louie Moritz: The last time I was here, there was no affect to the Delesky/Moritz property? Bogart: That is correct no easements are needed from your property. Moritz: I Still have concern about the increased traffic with you improving the road. There is all kinds of traffic through there, you are going to make it better, that means there will be even more traffic. There was a car accident two weeks ago at the top of the hill who hit a pine tree so if you make it more efficient, there is going to be more traffic. It's what I call an attractive nuisance; there is plenty of traffic right now. When we built this house we had no idea of how much traffic there would be when we picked our lot; we would have picked the back lot in the development. I counted traffic the other day and couldn't imagine how much traffic there would be between 4 and 4:30; that's not even prime time on a Wednesday. The speed, I know you have talked about that, it has been limited to 45 or 40, but you also have the minimum maintenance road people spinning up the road and it's muddy. I don't see how making the benefit of having more traffic through there is making a benefit to my property, what's the benefit to my property and assessing me to do so? Sherper: You have to recognize 120th Street as a collector road and the Town Board has to do something. The shoreline is one of the things we hope to accomplish with this project, also the trail and possibly narrowing the traffic lane to slow traffic. Moritz: I've done lots of highway construction; when you make um better they go faster. I built Highway 52 down in Rochester and it's an autobahn in that stretch, when you enhance this road it's going to do the same thing will make it go faster not slower. Sherper: Studies have shown when you narrow the lanes traffic slows down, an approach that is being considered for 120th. Another issue is stop signs at bottom of the hill as a safety measure, a three way stop can be considered. Doebler: By narrowing the traffic lanes and putting the trail on the shoulder, the request will be made to MnDot to further drop the speed limit. I don't think that a slower road would encourage more traffic. Moritz: I doubt it; people will take the shortest route. Bogart: We are currently showing 10 foot lanes with a 6 foot walking path. The overall road width is the same. Doebler: Those who walk and bike will have a safer path with the trail than they do now. Moritz: Understands the benefits, will benefit a lot more people driving through the local developments cutting through there to the adjacent developments to get around the Woods at Lake Fremont. They are going to have the true benefits and they are not being assessed. Hass: A portion of their tax will pay for this road just like they do for all the other roads in the Township. If everyone signs these easements you don't bear anymore of the cost than I do; the assessment is for acquisition of the right of way in order to move forward with the project. Mortiz: The values of the properties have done nothing but go down as shown on the statements we received last week. The issue of doing this 20% is that based on which rate of the \$55,000. Bogart: As stated before it was an arbitrary number as I discussed with the Town Attorney and I believe it is too high based on what we asking for, I believe it will be considerably less. Doebler: That is only if the all the resident's do not sign off on their easement. Hass, if everyone signs the easement, there will be no assessment; cost of the road improvement itself is shared by all residents in the Township. Moritz had no further comment.

Cathy Bosnic: Will the Township set the speed limit or the County or the State determines that? Bogart: The State. Bosnic: So even if you are saying you would like to say 30 35 you still have to ask? Hass: Yes. Doebler: we can place the yellow diamond shaped advisory signs, pedestrian signs, etc.

Chet Karnes: I and my wife purchased the Woodson property last August. I am trying to catch up fast; you have been having these meetings for quite some time. We were just officially notified by mail dated March 16th and we received it a few days later. The company who handled my move from Kentucky and the Woodson's move to Georgia said this project was dead and gone. I went back to the relocation companies and challenged both of them that this should have been by state law noted when we purchased the property in August. They are both saying the city told them this was dead and not coming back so they are riving up what they need to do. One of the reasons why we brought the property is because of location; it overlooks the lake, is on a cul de sac and is nice. We have lived in areas where there

Livonia Township Continuation of Public Hearing March 29, 2010

is a lot of traffic; we have small children and thought this would work great. Now you talk about a revised plan, which I have not seen a plan at all; don't know what is going on; there is something going on. There is an opportunity where if we don't sign off on something we don't know about we can be assessed a \$4,600 fee or fine or whatever. If we could see a plan and have one to take home to show my wife that would be nice. I know that may not be possible tonight but a future date would be good. I do not know a time line; only saw a couple of communications that were sent to the Woodson's; it may start in June? Bogart: Not sure of the time line now; may be this fall. Karnes: So there isn't a firm deadline as to when all this will be done. With the lowering of the speed limit, what the gentleman back there had to say concerns me. It seems like the traffic moves along pretty fast. I don't travel 120th very much as I work in St Cloud; for me it's a different direction. I would say the speed is not obeyed very well in the summer time the little we saw; but I would say the current speed limit is not obeyed very often. Is there any provision that if the speed limit is lowered and the signs are put in there will be more patrolling of the street? Bogart: We can request that the Sheriff patrol; Hass add we can ask the Sheriff Department to patrol more often. Karnes: Getting back to Jay's point, we have to grant the easement of 12 feet, the plan is reducing trees on his property, on my side there is an opening. I just have to know if we give your 12, you still have the opportunity for you to take the full 12 and more trees on my property. Bogart: There is that theoretical possibility, I will try not to make that happen, no more than the 12 though. Karnes: So if all 12 of us do not sign this, and you move forward with the project, we will pay some sort of easement fee. Sherper: There are a couple of other things, the Town Board may not go ahead with the project at this time, and then there would be no assessment. If we go forward and some people do not sign the easement, the process for assessment would be used. Hass: all 12 have to sign or everyone is assessed. Karnes: Is it based by footage on the road or just an even amount across all 12? Bogart: It is an amount divided equally between all the parcels. Karnes: It would be interesting to see the plan in its entirety. I have heard a little about what the design is, if that was written down I could relay it better to my wife. That is what I have for now.

Sherper asked if anyone who talked last time would like to say something different or add to what they said previously.

Brian Husmann: I believe the County is one of the 12 that signed, is that correct? Sherper: Yes.

As far as the collector road goes is there; I sat through some of the meetings last year and there was some discussion regarding repaving and such and the collector road thing came up and I believe at that time the feeling was you would not assess collector roads because people on those roads were not primary users of those properties, am I right?

Bogart: Not sure I understood the question. Husmann: there was some discussion about assessing because of the maintenance cost of the road and at some point some cul de sacs and tributary roads would be assessed for repaving and such and those residents living on those cul de sacs and roads would be assessed. I believe at that time I heard the collector road thing came up and was of the understanding the collector road would not be assessed; that was the consensus at that time. Sherper: That may have been the jest of the conversation. The Town Board can formulate a policy for assessment, there has been discussion but there is no policy in place. That could change; when that is done the various degrees of assessment may depend on how the road is classified. Husmann: I do understand there have been some positive changes to the project. In as far as the assessments go, and I am not one of them, that the people who are giving up land rights do deserve something; I wouldn't do it personally. I still think being punished because they are not giving up land rights willingly is wrong in my opinion. Sherper a lot of the issues and procedures are prescribed by state law. Husmann: This Board has the ability to assess or not assess, it is not state law that says you have to assess.

Cathy Bosnic: With the condemnation process I understand the assessment of the \$55,000 divided by the 12 homeowners. The reason why we are hesitant to sign it is because of the covenant we are bound to. Is it fair for the Town to assess for the land that will benefit everybody? Because what you just said when Brian asked about the collector roads, if there is a cul de sac road you may assess those people for the upkeep of that road. Sherper: There is no assessment policy in place, has been discussed as a possibility. People need to realize when the population was growing and development was happening, the taxes were better able to support road projects; that growth has slowed; maintenance costs will increase plus we are assuming responsibility for roads that were built during that growth. Either taxes will need to be raised or we will need to look at an assessment policy in order to keep the roads in good repair. Livonia Township has a Capital Improvement Plan that is used as a guideline for road maintenance. The Town Board and Engineer do road inspections and update the Plan every two years to make sure roads are maintained properly.


Livonia Township Continuation of Public Hearing March 29, 2010

There may be a need to assess road projects in the future, but currently there is not a plan in place for that. Bosnic: When will the Board make its decision and will it be open for us to observe? Will it be done at the regular Board Meeting, at a Special Meeting, will we be able to observe, so when we walk out this door you won't say "ok, let's decide". Sherper: All meetings are open to the public, we could decide at this meeting.

Sherper asked if there were any other comments from those in attendance or any questions from the Board to those in attendance. There were none. At 7:42 p.m. Sherper asked for a motion to close the public hearing. Hass/Doebler unanimous to close the public hearing. Sherper declared the public hearing closed.

Board discussion followed: Doebler stated we have had complaints on the deterioration of the road as it is. The option we have, if it gets too expensive, is to cancel the project which is not good either. Because of all the resistance that might be the alternative. This is a collector road; it is not fair to the public to have to drive a substandard road. We have spent a lot of time and expense to satisfy the desires of the property owners; it is unfortunate that we are still meeting opposition to the project. As far as the statements that property will be devalued, I disagree and feel just the opposite will happen. Hass agreed with Doebler. The opposition we met with a year ago, we answered all the questions and addressed all the issues with speed, a walking path, lake shore restoration; we worked hard, put a lot of time in this project. Currently it is proposed to cost about \$56,000 to negotiate the purchase of the right of way, cost the Township about \$500 per parcel to have them assessed plus all the legal fees, etc. I am proposing that each property owner be offered \$2,000 for value of their easements which is more than they will probably get through the condemnation process. When 128th Street was built, property owners were given that option in lieu of assessment for signing the easement. I feel this is a viable option. Sherper asked for other comments. Hewitt agrees with Hass; this would be an option to save the Township costs plus allow the property owners something for the easement. Wallin stated he thinks the road should remain as is if the people are happy with it the way it is, we put the money to another project. 120th Street was tarred about 20 years ago; we can just keep patching it. Sherper agrees with Wallin, just leave it as is. If it gets in bad shape later on may have to fix it. Husmann talked about the sign on at 120th and Co Rd 4 which directs traffic down 120th Street to the Woods at Lake Fremont development; it was suggested residents ask the developer to remove the sign or change it if they are not happy with it. Sherper made a motion to forego the project at this time, leave the road as is and use the money for another project; Wallin seconded the motion. Discussion: Doebler asked if the residents would accept Hass's suggestion. Jay Porter stated that Hass said all the issues were addressed last spring and the covenants are still an issue and have not been resolved. Hass stated the covenants were not an issue last spring; all the issues from last spring have been resolved. Doebler asked if that was resolved would Hass' proposal be acceptable. Porter responded not at this time, several of the residents are on the defensive; maybe a year ago but not at this time. Sherper suggested and is a legal question, if all the homeowners agree; they may be able to have the covenant amended to allow for the easements. Porter had more objections to the project in so far as the wetlands are concerned. Sherper thanked everyone for coming. Sherper stated there is a motion on the floor. Doebler said the road will not last forever and the residents will have to resolve their covenant issues. Hass agreed, the time has been invested, the residents should be given a little more time, take the option to their homeowners association for decision and then come back before a decision is made; stated he will not vote for the motion. Wallin called the question, enough has been time spent. Doebler said he agrees with Butch, we have come so far, have a plan we like but doesn't feel this will be enough; Hewitt agreed. Sherper said there may be time for the project this year; another option is to delay it for another year and give them time to resolve their issue. Board confirmed it is not the responsibility of the Township to resolve the issue with the covenant. Sherper said another possible option would be to mill up the road, estimate cost under \$10,000; there would be no value in that option. Doebler, Hewitt, Sherper, Wallin, yes; Hass no. Motion passed. The project will not be addressed this year.

Approved this 26th day of April, 2010


Chair or Vice Chair


Clerk/Treasurer or Deputy Clerk/Treasurer