

**LIVONIA TOWNSHIP
REGULAR BOARD MEETING MINUTES
MARCH 22, 2010**

On March 22, 2010 the Livonia Board of Supervisors met in Regular Meeting at the Livonia Town Hall located at 11162 265th Avenue, Livonia Township, Sherburne County, Minnesota. Chairman Sherper called the meeting to order at 7:00 p.m. Those present: Supervisors Doebler, Hass, Hewitt, Sherper, Wallin; Clerk/Treasurer Spencer, and Deputy Clerk/Treasurer Olson and Jon Bogart, Town Engineer. Unless stated, the meeting was recorded for transcription purposes only.

1.1 Pledge of Allegiance: The assembly recited the Pledge of Allegiance.

1.2 Approve proposed Regular Meeting Agenda: Hewitt/Sherper unanimous to approve the Regular Meeting Agenda as submitted.

Sherper had two announcements: 1). There will be no discussion during this meeting regarding the 120th Street project; the public hearing is still open and will be continued on March 29, 2010 at 7:00 p.m. to receive public comment.

2). Roger Wallin and Gary Doebler were reelected to the Town Board and took the Oath of Office prior to this meeting

Item 1.3 Elect Chair of Town Board: Sherper declared nominations open for Chairman of the Town Board. Motion by Hewitt to nominate Don Sherper to serve as Chairman of the Town Board, second by Hass, there were no other nominations. Sherper declared a white ballot. Sherper expressed his appreciation and looks forward to another good year with the Board.

1.4 Elect Vice Chair of Town Board: Sherper declared nominations for Vice Chairman of the Board. Motion by Hewitt, second by Doebler to nominate Roger Wallin to serve as Vice Chairman of the Town Board, there were no other nominations. Sherper declared a white ballot. Wallin thanked the Board and will continue to work for the betterment of the Township.

1.5 Approve Consent Agenda: Sherper added three additional items to the consent agenda as follows: F) Renew Sherburne History Center Membership; G) Approve service contract with Carefree Lawn Sprinkler Company; H) Approve maintenance agreement for the AutoMark machine. Doebler/Wallin unanimous to approve Consent Agenda as amended. Item A) Approve February 17, 2010 Special Meeting Minutes. Item B) Approve February 22, 2010 Regular Board Meeting Minutes. Item C) Approve attendance at Minneosta Spring Maintenance Training Expo on Tuesday and/or Wednesday April 20th and 21st at the St. Cloud Civic Center. Item D) Approve attendance at the Urban Short Course on Thursday April 24 at the Rockwoods Grill and Conference Center in Otsego and to approve closing of the Town Office for that day. Item E) Approve Agreement for Use of Town Facility by Zimmerman Youth Baseball the second Sunday of each month. Item F) Approve renewal of the Sherburne History Center membership at the Patron rate. G) Approve service contract with Carefree Lawn Sprinklers at the package rate for spring start-up and for winterization. Item H) Approve maintenance agreement for the AutoMark machine with Election Systems & Supplies.

1.6 Sheriff's report: Sgt Novotny provided February activity report. There were 137 total incidents and 13 citations. There were no other happenings to report.

1.7 Fire Report: Fire Chief Maloney reported February calls for service resulted in a total fire loss of \$465,000. Fire dangers are high due to the early snow melt and lack of rain fall, he urges caution be used when burning and to obtain a burning permit. He reported the motor in one of the trucks went out, estimate to replace motor is around \$6,000, the truck is 20 years old. Received quotes for a used truck from Boyer Truck at \$23,900, I-State for \$21,900 and Larson Implement for \$14,500. Prior to this meeting the Fire Board approved purchase of the truck from Larson Implement. The Fire District Relief Gambling fund contributed \$2,500 towards the purchase with possibly another contribution of the same next month. Maloney checked with the State purchasing agency; they did not have a truck available that would meet the required specifications.

1.8 Road Maintenance Report: Jim Spencer reported drains in the Woodlands and Hunter Lake were opened to allow water to drain; he thanked Supervisor Hewitt and his son for their help with opening the drains. Five ton axle weight restrictions were imposed on March 8th; MnDot will notify when they come off; all Town roads are restricted to 5 ton axle weight during this time. Tree trimming and pot hole patching are ongoing. The road grader is out for repairs and a winch is being put on the Ford F550. A caller reported barrels were dumped in a ditch in the Girl Scout area, upon investigating it was apparent they contained a liquid but were outside of the right of way; County Zoning was called and the barrels are being removed under their supervision in cooperation with the property owner.

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2. Open Forum: There were no requests for open forum.

3.1 Clerk/Treasurer report of account balances/review & approve payment of claims and transfers: Balances as of February 26, 2010 First National Bank of Elk River Zimmerman Branch, bank statement and Banyon reconciliation were reviewed, signed and dated by Supervisor Hewitt. General Checking \$22,744.72; Managed Savings \$1,071,010.00; 13 month Landfill CD #41820, \$60,000.00; 25 month Landfill CD #45337, \$40,000.00. Pledged securities in the amount of \$1,218,194.91 are on file in as of February 25, 2010. Hewitt/Doebler unanimous to approve Treasurers report, payment of claims including payroll, payment of utility and interest bearing bills received after claim deadline, if any, and to transfer \$125,000.00 from Managed Savings account to Checking account to cover claim numbers 4698-4734 and check numbers 13578-13625.

4.1 Supervisor reports: Hewitt had nothing new to report this month. Doebler reported the Eagle Scout volunteer has started cleanup in the Sugarbush Park, he was in attendance at the Park Board meeting and provided a sample of the signs that he will be placing. He along with a couple of other Scouts are building wood duck houses to be placed later this spring. Benches will eventually be placed. Jody Hammre attended the Rum River Resources meeting in February. One of their goals is to develop a master plan for parks and trails from Elk River through Princeton. Hass reported the Fire Board authorized the City of Zimmerman to obtain a loan at rate of 4% to allow for the purchase of a fire truck for the District. Wallin attended the Spring Short Course that is held annually by Minnesota Association of Townships. One of the sessions he attended pertained to requirements for tree cutting and brushing within road right of way. Sherper was also in attendance at the Shortcourse. There were a number of sessions designed for newly elected officials and clerks and treasurers. He recently attended an MPR program in Princeton, the focus was on Baldwin Township with discussion regarding their future planning; Chuck Marohn with Community Growth Institute was one of the panelists. One-half of the Townships in Minnesota have a population of 400 or less. White Bear Lake Township is the largest Township in the State; Baldwin, Becker, Big Lake and Livonia Townships are among the top ten townships that have the most population. The Coalition of Minnesota Cities has a bill regarding annexation in session at the State level that, if passed, would be detrimental to townships. A bill was introduced to define urban/suburban areas; Sherper reported there needs to be parity of powers between townships and cities. He wrote a feature article in MATS Newspaper regarding improvements to Township and the need for townships to be proactive regarding annexation.

5.1 Request for refund of escrow deposit Ridges of Livonia Second Addition Plat: Rod Dragsten President of Dragsten Development Corporation requested the escrow fees on deposit at the Township to cover developing costs be refunded due to the current slow-down of the market and lack of new construction. The Board noted the plat is in the preliminary stage, is active and has received approval for two extensions. Hewitt/Doebler unanimous to approve refund of escrow with the condition when development of the plat is continued; Dragsten is required to deposit escrow funds with the Township to cover expenses related to further development.

5.2 Request for Interim Use permit (IUP) for grading, excavating or filling 10,000 cubic yards or more: Dennis Anderson with Midwest Contracting was present for request for grading, excavating or filling 10,000 cubic yards or more to be used for the County Road 25 reconstruction project located on the Welte property. Rhonda Lewis, County Engineer was also present. All necessary permits have been applied for, the project will take about 5 months during which time the road will be closed, the County ditch should not be affected, County inspectors will be on site to oversee the project. When the project is completed the Welte property will be restored to its original state. The County will save half million dollars by obtaining product from this property. Hass/Wallin unanimous to recommend the County approve this request for IUP.

5.3 Request for Interim Use Permit (IUP) for stockpiling of materials: Rhonda Lewis County Engineer was present for request to stockpile materials on the Steven Olson property for CSAH 25 project in 2010 and County Road 45 project in 2011. Hewitt/Doebler unanimous to recommend the County approve this request for IUP.

5.5 Authorize obtaining quotes for 2010 crack repair: Deputy Clerk/Treasurer Olson requested approval to obtain quotes for 8.5 lineal miles of road for crack repair in 2010. Hewitt/Doebler unanimous to authorize Olson to obtain quotes for 2010 crack repair for consideration at the April 26th Board meeting.

5.6 Authorize obtaining quotes for 2010 chip seal: Deputy Clerk/Treasurer Olson requested approval to obtain quotes for 3.5 lineal miles of road for chip seal in 2010. Wallin/Hewitt unanimous to authorize Olson to obtain quotes for 2010 chip seal for consideration at the April 26th Board meeting.

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- 6.1 Review/approve quotes for septic and well systems for maintenance building/other building information:** The Board received one quote for septic system from West Branch Construction, there was no discussion, asked that two more quotes be obtained. Board received three quotes for well system from EH Renner & Sons, JA McAlpine Well Drilling and Traut Well Company, there was question about whether a 4 inch well would provide enough water volume, asked clarification be obtained from McAlpine; no further discussion. Will consider during the March 24th Special Meeting
- 6.2 Resolution authorizing Zimmerman Livonia Fire District to accept loan from City of Zimmerman to finance fire truck:** The City passed a similar resolution as did the Fire Board for a new 3,000 gallon water tanker at cost of \$210,000. Sherper/Hass by roll call to approve the resolution authorizing Zimmerman/Livonia Fire District to accept loan from City of Zimmerman to finance fire truck. Doebler, Hass, Hewitt, Sherper, Wallin yes, none opposed; Motion carried.
- 6.3 2010 Prairie Restoration Contract:** Proposal for renewal of contract with Prairie Restoration for integrated plant management on the east side of the hall is due. Board talked about placing signage to identify the area as having native prairie plantings. Hewitt/Doebler unanimous to approve renewing management contract for 2010 with Prairie Restoration.
- 6.4 Digital documentation policy:** Hewitt drafted a document for review outlining a policy for digital video prior to road projects, showing existing fences, mailboxes, trees, etc. Sherper/Hewitt unanimous to approve the digital documentation policy for road projects over \$1,000 and for any project that would require notice to a property owner, such as tree cutting. Board authorized purchase of a Flip HD camera to be used for documentation.
- 6.5 Set date/time for Supervisor spring road tour:** Supervisor spring road tour will be held on Saturday April 17, 2010 leaving from the Town Hall at 8 am.
- 6.6 Township reorganization:** **6.6a) General Administration-**Supervisors Hewitt and Hass; **Road Maintenance-**Supervisors Hewitt and Wallin; **Town Park Board-**Supervisors Doebler and Hewitt; **Cemetery Board-**Supervisor Wallin and Doebler; **Intergovernmental Affairs-**Supervisor Sherper; **School Advisory Committee-**Supervisors Sherper and Hewitt; **Town Planning Commission-**Town Board of Supervisors; **Fire Board-**Supervisors Hass and Walin, Supervisor Doebler alternate.
- 6.6b) Conflict of interest resolutions/affidavits of official interest in claim:** Resolutions authorizing contract with interested officer under M.S. 471.88 Subd 5 was approved for each Supervisor in the event they perform work for the Township such as during cleanup day. When filing claim for work performed they also sign an official interest in claim.
- 6.6c) Supervisor wages, meeting per diem:** Per diem of \$50 per meeting when quorum is required and \$12.00 per hour for work as a Supervisor or for attendance at a non quorum meeting. **6.6d) Town Hall Office Hours, Board meeting dates:** Supervisor Hass suggested the Hall office be open 5 days a week to accommodate the public, discussion followed. Town Hall office hours are 8 am to 3:30 p.m. Monday-Thursday, closed on Friday. The Town Board will meet the 4th Monday of the month unless that Monday is a legal holiday; the meeting will then be held the 3rd Monday of the month. April 2010 through March 2011 meeting dates are as follows: April 26, May 24, June 28, July 26, August 23, September 27, October 25, November 22, December 27, 2010 and January 24, February 28 and March 28, 2011. Hass/Wallin unanimous to approve Items 6.6a through 6.6d; will bring issue of office hours back to the April meeting for further consideration. **6.6e) Official Depository:** The First National Bank of Elk River, Zimmerman Branch is the official depository. Checks require two signatures, a combination of Board Chairman or Board Vice Chairman but not both and a combination of Clerk/Treasurer or Deputy Clerk/Treasurer but not both. The same requirement applies to redemption of Certificates of Deposit. Authorization by the Town Board is required for transfer of funds and payment of claims. **6.6f) Purchase policy:** The limit without Board approval for purchase per item from the Road and Bridge Fund is \$1,000 and \$250 per item for purchase of item from any other fund. The Township does not have major credit card. **6.6g) Petty cash fund limit:** Currently \$150 is maintained in the petty cash fund. **6.6h) Official newspaper/posting location:** The Elk River Star News is the official publication for publication of legal notices; the official posting Board is located on the west side of the Town Hall building. Sherper asked for discussion of Item 6.6e through 6.6h. Wallin asked if \$150 is enough for petty cash; discussion followed. Wallin/Hewitt unanimous to approve increasing petty cash to \$250 and approve Items 6.6e through 6.6h.
- 6.7 Updates:** **a) Developers agreement and Letter of Credit:** The developer's agreement was reviewed for language regarding release of security. Language has been included requiring the developer to submit IC 134 form prior to Town Board accepting roads in a plat. The Letter of Credit for the Saddle Brook development is due to expire April 5th. Town Attorney recommended the Board draw on the Letter of Credit before the deadline. The developer is in default of the developer's agreement by not providing public improvements as agreed. Hass asked that the Board be informed on

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March 29th as to whether the LOC was renewed or not. **b) Bank information:** The First National Bank of Elk River Zimmerman Branch is in the process of being sold to The Woodlands National Bank of Hinckley. Board suggested going out for RFP's for banking services as soon as the acquisition of the FNB is announced. **c) Newsletter:** Draft of the newsletter was provided for Board review; will be mailed April 13 prior to cleanup day. Dynamic Land Design, developer of Windsor Pines had the second lift of bituminous placed late last year. They did not pay the contractor; liens were placed on all properties in the development.

Hass/Doebler unanimous to adjourn meeting at 9:05 p.m.

Dated this 26th day of April 2010



Chairman or Vice Chairman



Clerk/Treasurer or Deputy Clerk/Treasurer