



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES OF MAY 24, 2010

On May 24, 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/Hass unanimous to approve the Regular Meeting Agenda with addition of item 5.13 resolution for ditch mowing.

1.3 Approve Consent Agenda: Hewitt/Doebler unanimous to approve Consent Agenda with addition of Item F-attendance at the Summer Short Course. Consent agenda was approved as follows: Item A) April 26, 2010 Regular Board Meeting Minutes. Item B) April 29, 2010 Special Meeting Minutes. Item C) Election Judges who attend judges training to serve at the 2010 Primary and General Elections. D) Close Town Hall on Tuesday Morning June 29th to attend Election Judge Training at Sherburne County. Item E) Rental of Town Hall by Youth Basketball meetings the second Sunday of each month. Item F) Attendance at the Summer Short Course sponsored by MATS on Monday July 12th in St Cloud.

1.4 Sheriff's report: Sgt Novotny provided April activity report. There were 181 incidents and 61 traffic stops that resulted in 25 citations. There is an increase in the number of cars that are being broken into; be sure to lock your cars and report any suspicions to the County Sheriff's Office immediately.

1.5 Fire Report: Fire Chief Maloney provided April calls for service, applied for \$25,000 FEMA Grant to defer cost of replacing the 4" hose couplers with 5" hose couplers. The Third Annual Golf Tournament will be held on June 4th. The Department took possession of the new fire truck; the old truck will be offered for sale.

Presentation of Public Safety Grant: Rachel Leonard, Sherburne County Commissioner presented the Town Board a Check in the amount of \$50,000 which represents a Grant from Sherburne County for Public Safety projects. The Board unanimously accepted the check by resolution and thanked Commissioner Leonard and Sherburne County for the opportunity to receive the funding. The monies will be applied to the new fire substation that is under construction at the Hall site. The Board expressed their gratitude for receipt of the grant monies. Commissioner Leonard provided interesting Township historical tidbits.

96TH Street bid opening at 7:15 pm: Five bids were received on May 24, 2010 before the 12 o'clock noon deadline. The bids were opened and read aloud as follows: North Valley, Inc. \$158,580.12; Oman Brothers Paving, Inc. \$147,142.15; Rum River Contracting \$152,338.61; Hardrives, Inc. \$140,603.44 and Knife River \$135,568.04. Hass/Wallin unanimous to accept apparent low bid of \$135,568.04 from Knife River contingent upon review by Bogart, Pederson & Associates, Inc.

1.6 Road Maintenance Report: Jim Spencer reported the STS crew burned the brush piles at the Hall and Cemetery, seven loads of Class 7 were put on the interior Cemetery road, continue to repair pot holes, finished tree cutting on 260th and 140th, will begin cross-conveyor work and replace road signs where needed to meet the new sign requirements. He thanked Supervisor Wallin for good road grading job and Supervisor Hewitt for helping with removal of downed tree on 268th Avenue. Supervisor Hass asked Spencer to inquire about the worth of the tractor with mower located at Anderson's in Princeton.

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 April 30, 2010 First National Bank of Elk River Zimmerman Branch, bank statement and Banyon reconciliation were reviewed, signed and dated by Supervisor Hewitt. General Checking \$9,497.58; Managed Savings \$887,824.11; 13 month Landfill CD #41820, \$60,000.00; 25 month Landfill CD #45337, \$40,000.00. Pledged securities in the amount of \$1,197,647.24 are on file in as of April 29, 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 \$103,000.00 from Savings account to Checking account to cover claim numbers 4789-4823 and check numbers 13701-13751. Hewitt/Wallin unanimous to approve payment of claims associated with the building project and to transfer the same from Savings to Checking. Activity will be reported at the June 28^h meeting.

4.2 Supervisor reports: Hewitt and Wallin had no report this month. Doebler reported the Eagle Scout Hanson mowed the dirt trail in the Sugarbush Park, placed trail signs and marker signs at the intersections. Doebler provided two invoices



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for reimbursement that were paid by Mr. Hanson for the signs. Hanson also obtained quotes for Non Motorized/No Hunting signs, low quote was Gopher Sign at \$391.00; The Park Board reviewed the information concerning Sherburne County Public Health Active Communities Mini-grant Opportunities. The grant would offer an opportunity for funding of planning/engineering for a trail connection between Sugarbush and the Great Northern Railway Trail. Wallin/Hewitt unanimous to authorize Doebler to obtain quotes for planning/engineering a trail connection between Sugarbush and the Great Northern Railway Trail. If the quotes are reasonable will pursue the grant. On behalf of American Legion Post 560, Supervisor Hass presented a check in the amount of \$1,000 for a flag pole, base and lighting by the new maintenance/fire substation building. The Board expressed their great appreciation for receipt of the donation; a thank you letter will be sent to the Legion. Supervisor Sherper called our attention to the controversial power plant siting recently approved by the Chisago County Commissioners affecting Lent Township. The new electrical grid called the Fredonia Reactor comes from North Dakota to Chisago County and then on to places like Chicago, Milwaukee, and Madison; another section of the grid comes from South Dakota to southern Minnesota and on to Iowa. He also presented two \$1,000 scholarships from MATS to two eleventh grade students at the Chisago Lakes High School. Each year MATS awards four scholarships to eleventh grade students who submit an essay about Township government. Information regarding the scholarship can be obtained from Minnesota Association of Townships website. In the spring after MATS puts out the information we publish the information in our newsletter and on our website.

5.1 Playing field development AND 5.2 Joint Powers Agreement for Playing Fields: Superintendent Bezek and Holly Thompson School Board member were present to talk about development of playing fields. At this time the Board also opened up discussion of Item 5.2 regarding the status of the Joint Powers Agreement for Playing Fields; both Items are relative. Town Attorney reviewed amendments to the Agreement prior to this meeting, made recommendations; Sherper read Attorney's letter out loud. Depending on specifics Bezek feels there are no major blocks with the Attorney's suggestions. Sherper expressed discomfort with a seven year agreement and concern that Township residents have access to the facility for a longer period of time. Due to economic times, Bezek is projecting the school building to be out at least seven to ten years. He suggested the School District, Township and City join together to build an irrigated complex for activity space possibly under a joint powers agreement. A site plan has been prepared which depicts future school building space. Bezek will have the School District review changes to the agreement for the June Town Board meeting.

5.3 Request for two variances in setbacks from Town right of way: Clifford Bigley was present to request a 12 foot variance in setback from 98th Street for an 8' x 10' mud room. Required setback from the right of way is 67'; the mud room would be 55' from the right of way. He also requested a 45.5' variance in setback from the right of way of 98th Street for a 24' x 30' attached garage. Required setback from the right of way is 67'; garage would be further from the road than the existing house but is considered an expansion of an existing structure. Hewitt/Doebler unanimous to provide favorable comment on the two variance requests. The additions will improve the property considerably. Bigley asked the Board if Jon Bogart would engineer a fix for an erosion problem on his property. Board did not authorize Bogart to engineer the fix on private property at Township's expense. Bigley stated he would make an effort to correct the problem.

5.4 Sohre variance request: Mike Sohre and Richard Curotte property owners were present for discussion: On May 13th the County Board of Adjustment considered five variance requests relating to this parcel – 30-009-2125 on Fremont Drive; four of the variances were approved. The fifth variance was tabled because of an encroachment into Township road right of way. The property owners were present for resolution of the fifth variance. The County offered three options which included vacation of the right of way, a license agreement/easement or sale of the land located in the right of way to the property owner. The owners indicated a license agreement would be the best option due to time constraints on their part for resale of the property. Mr. Curotte provided a draft agreement for consideration. The Board was in agreement with their choice of options. Doebler/Hewitt unanimous to authorize Town Attorney to review the draft license agreement with addition of language and as a condition the right of way will be vacated prior to sale of the property by current owners. The property owner will be invoiced for legal fees associated with review of the agreement.

5.5 96th Street driveway issue: Audrey Hathaway, 24940 96th Street was present to request the Town Board build up a portion of her driveway that she feels has a "dip" that was not there prior to 96th Street project. Ms. Hathaway also stated the driveway is very icy on the slope in the winter but not an issue this time of the year. Board viewed the driveway during their spring tour and found all driveway slopes to the north and south of the Hathaway property are consistent. Bogart stated the road was raised about 5.5"; a fair amount of gravel had been put in the driveway to meet the road



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during the construction period. Ms. Hathaway asked the Board to build up her driveway. Board suggested if Ms. Hathaway have the driveway built up to the Town right of way; the Township will fill the gap from the right of way. Beyond 33 feet of center of road is private property; Township does not do work on private property. Wallin did not agree and suggested the Township put in a couple of loads of class 5. Town maintenance will measure and stake Town right of way.

5.6 Snowmobile Trail Permit: Michael Lanegran and Tim Mulvihill with the Sherburne County Snowmobile Trail Association were present to obtain snowmobile trail permit for trails located in Township right of way which is required by the State of Minnesota. By approving the permit, the Town Board is aware of location of the right of way trails in the Township. Hass/Hewitt unanimous to grant permit to the Sherburne County Snowmobile Trail Association to operate trails in Town Road right of way conditioned on the Township being notified of any revisions to the trail map; Lanegran provided map of current trail system.

5.7 Resolution designating temporary weight restriction on 96th Street and Resolution rescinding temporary weight restriction of 96th Street: Hass/Hewitt by roll call to approve resolution imposing temporary weight restrictions on 96th Street located in Livonia Township commencing at the intersection of 240th Avenue and 96th Street in Section 25 and continuing south ½ mile to the 23600 block in Section 36. Doebler, Hass, Hewitt, Sherper, Wallin yes, none opposed. Hass/Doebler by roll call to approve resolution to rescind temporary weight restriction on 96th street as imposed by Resolution No. 08-10 the temporary 5 ton axle weight limit on 96th Street commencing at the intersection of 253rd Avenue and 96th Street in Section 24 and continuing south ¾ mile to the 24700 block. Doebler, Hass, Hewitt, Sherper, Wallin yes, none opposed.

5.8 Engineering updates – 96th Street project/Lake Fremont Shoreline restoration: Bogart reported TEP approved the project, all easements have been obtained; project will commence mid June. Bogart was awarded the Lake Fremont Shoreline Restoration project; all costs will be covered by the DNR Grant. The project is under the direction of the Sherburne County Soil and Water Conservation District.

5.9 Windsor Pines letter of credit: Town Attorney recommended the Board adopt a resolution authorizing draw on the letter of credit. The letter of Credit was extended for two months by the developer. Developer has not made effort to pay contractor for services rendered. Hass/Doebler by roll to approve resolution authorizing draw on letter of credit issued by the Bank of Elk River on behalf of Dynamics Design & Land Company LLC regarding plat of Windsor Pines if developer has not fulfilled obligation with contractor by 12 noon on June 15, 2010. Doebler, Hass, Hewitt, Sherper, Wallin yes; none opposed. The contractor will be paid with funds from Letter of Credit; will obtain lien releases on properties in Windsor Pines, balance of letter of credit funds will be deposited into interest bearing account until three year warranty period ends.

5.10 253rd Avenue Fence: Board discussed replacement of the Johnson/Bock fence on the south side of 253rd Avenue. It is unknown if the property owners want monetary compensation or the fence replaced. Hewitt/Wallin unanimous to authorize obtaining two quotes for 800 feet of 4 strand barbed wire fence on 6 foot T-posts starting at the driveway of property address 13435 253rd Avenue. Property owners to be given the option of accepting one half of the low quote as monetary compensation or have 800 feet of the fence replaced.

ITEMS 5.11 AND 5.12 WERE RECORDED FOR THE OFFICIAL RECORD

5.11 Approve Midwest Contracting LLC IUP for grading, excavating, etc. Hewitt/Doebler unanimous to approve the Interim Use Permit for the grading, excavating or filling of 10,000 cubic yards of granular material for reconstruction of Sherburne County Road 25 as approved April 6, 2010 by the Sherburne County Board of Commissioners. Copy of the approval and conditions of approval are on file in the Sheburne County Zoning Office

5.12 Approve amendment to Sherburne County Zoning Ordinance ORD-177: Doebler/Hewitt unanimous to approve the amendment to Sherburne County Zoning Ordinance ORD-177 as approved May 4, 2010 by the Sherburne County Board of Commissioners and recorded on May 11, 2010, Document No. 712540. Copy of the approval is on file in the Sherburne County Zoning Office.

5.13 Resolution for ditch mowing: Hewitt/Doebler by roll call to approve resolution authorizing contract with an interested officer under M.S. 4741.88 Subd. 5 authorizing Roger Wallin to mow Town Road rights of way. Doebler, Hass, Hewitt, Sherper yes, none opposed; Wallin abstained.



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6.1 Resolution acknowledging the change in Lakedale Telephone Company's Ultimate Corporate Parent Holding Company: Hass/Doebler unanimous to approve resolution acknowledging the change in Lakedale Telephone Company's ultimate corporate parent holding company

6.2 Consider/approve Schlenner Wenner & Co. proposal for auditing services for the years ending 2010/2011/2012. Based on past performance and established knowledge of the Township's record keeping practices Hass motioned to approve proposal received from Schlenner Wenner & Co to perform audit of Town records for years ending 2010, 2011 and 2012. Hewitt seconded motion; motion carried.

6.3 Prairie planting signs: Board reviewed information received from Prairie Restorations regarding signage for the natural plantings on the east side of hall building. Wallin will obtain quote from Vinyl Graphics for decision at June meeting. No action taken.

6.4 Discussion regarding Community Growth Options (CGO) Funding. The Board was informed funding for the Township's land use planning project may be cut. CGO forwarded a questionnaire asking the Township to define goals they want to accomplish prior to the end of this funding period. Based on the response CGO will determine whether or not to continue funding of our project. The Board felt the questionnaire was more directed to inter-city type scenarios vs. the rural atmosphere the Township is trying to maintain. By consensus the Board directed Chuck Marohn with Community Growth Institute for input to the questionnaire.

6.5 Bank Accounts: There was discussion regarding the Town's banking accounts. Hewitt/Doebler unanimous to close the checking and savings account at the Woodlands National Bank and have interest from the two Landfill CD's to roll back into the CD's.

6.6 Approve policies for accounting and payroll procedures and for credit card use: Hewitt/Doebler unanimous to approve Accounting and Payroll Procedures and policy for credit card usage.

6.7 Statewide Health Improvement Program Grant (SHIP): Doebler talked about the Program during Supervisor Reports; refer to Item 4.2.

6.8 Maintenance Building Updates: Due to the time crunch it was decided to go with the fiberglass water tank as specified in the original bid proposal. There is question whether to include the trees and shrubs in landscaping ; will request a value for those items. Will inquire about flag pole lighting; Hass will investigate regarding a dedication plaque. Will inquire about stubbing in for a lawn sprinkler system. Precast, floor/wall tile and interior paint colors were selected. Change request was signed for fan options in the bays for a \$5,614 savings. Power for the three existing maintenance buildings will be redirected from the Hall transformer.

6.9 Updates: a) SCORE funding of Zimmerman compost site is handled through the City of Elk River which is the fiscal agent for City of Becker, Big Lake, Zimmerman and Elk River to provide scheduling and payment to contractors for the compost sites. b) By consensus of the Board the Town Office hours will not be changed at this time; will reconsider if and when the need arises. c) Change time slot for open forum on the agenda. Currently open forum is addressed prior to those who have requested to be on the agenda. The proposal is to move open forum time slot to after requests from the public/development/CUP/Variances/Road issues have been heard. Resolution will be drafted for consideration at the June meeting. D) Road striping: Township is partnering with Sherburne County for road striping. AAA Striping was awarded the project; the Township's share will be \$8,109.00.

Hewitt/Doebler unanimous to adjourn meeting at 10:50 p.m.

Dated this 28th day of June 2010


Chairman or Vice Chairman


Clerk/Treasurer or Deputy Clerk/Treasurer