



## LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES SEPTEMBER 27, 2010

On September 27, 2010 the Livonia Board of Supervisors met in Regular Meeting at the Livonia Town Hall located at 11162 265<sup>th</sup> Avenue, Livonia Township, Sherburne County, Minnesota. Vice Chairman Hewitt called the meeting to order at 7:00 p.m. Supervisors Doebler, Hewitt, Manthei, Clerk/Treasurer Spencer, and Deputy Clerk/Treasurer Olson were present; Jon Bogart, Town Engineer was also present. Supervisors Hass and Sherper were absent. Unless otherwise stated, the meeting was recorded for transcription purposes only.

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

**1.2 Approve Regular Meeting Agenda:** Manthei/Doebler unanimous to approve the Regular Meeting agenda as submitted.

**1.3 Approve Consent Agenda:** Doebler/Manthei unanimous to approve Consent Agenda as submitted: A) August 23, 2010 Regular Board Minutes. B) September 13, 2010 Joint Meeting Minutes. C) September 113, 2010 Special Meeting Minutes. D) Dean Anderson Second Addition end of warranty as of October 11, 2010; the balance in escrow will be refunded to the developer.

**1.4 Sheriff's report:** Sgt Novotny provided August calls for service; numbers remain consistent. The new computer system works well and allows for more flexibility.

**1.5 Fire Report:** Maloney provided August calls for service: 13 medical assists, 1 motor vehicle personal injury, 1 cancelled en route, 4 fire alarms, 2 down power line, 1 severe weather standby, 1 hazmat spill and 1 car fire. The open house and dance were a success; average turnout is 350-400-this year there were 628 attendees. Two people have responded to the ad for the fire fighter position; there are 4 spots to fill for daytime responders. A tanker/pumper and grass truck will be housed at the Substation with addition of an engine later. Maloney said an 18 inch riser needs to be added to the hydrant; he was advised to contact Graeme Mahler, Architect.

**1.6 Road Maintenance Report:** Last of the pothole and shouldering is being done, brushing started today will go through end of the week, worked with Soil & Water on the Lake Fremont Shore restoration project earlier this month. Gopher One was called to locate utilities at property address 24405 140<sup>th</sup> Court in Whispering Ridge development for solution to drainage problem. Spencer noted there are many utilities in the right of way and was advised by the power company not to use equipment heavier than a bobcat. The 1990 1 ton truck is starting to develop transmission problems. Will bring the truck issue and need for bobcat back to the October meeting for discussion. The snow equipment is being made ready for the snow season.

**2.1 Clerk/Treasurer report of account balances/review & approves payment of claims and transfers:** Balances as of August 30, 2010 Woodlands National Bank 13 month Landfill CD # 41820 \$60,431.46 and 25 month Landfill CD \$40,421.44. Balances as of August 31, 2010 the Bank of Elk River, Commercial Checking with interest \$9,788.15 and High Yield Business Money Market \$1,489,688.39. Pledged securities in the amount of \$1,954,293.48 are on file in the office as of August 31, 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 \$440,000.00 from Savings to Checking to cover claim numbers 4976-5016 and check numbers 13934-13984

**3.1 Supervisor reports:** Manthei reported he, Supervisor Hass and Jon Bogart met on site with residents of the Barthel Acres/Pinto Hills development to look at the road project; will provide more information with Item 4.6. Doebler reported on the September Park Board Meeting which was held prior to the Board meeting. The four members of Friends of Sugarbush each took a one week turn patrolling in the Park; some markers were taken down and have been replaced. They noticed Buckthorn growing; it will be taken out after the leaves are done falling. The Park Board recommends the Town Board start negotiation with Murray Mills, for the purchase of his property. Mr. Mills has indicated he wants to see his property become a park; will add to the October Meeting Agenda for further discussion. Hewitt had no report.

**4.1 Engineers recommendation for erosion control/vegetation of Town right of way on 98<sup>th</sup> Street; Bigley property:** Jon Bogart met on site with Prairie Restorations who provided a plan/quote for the work. At the August meeting the Board approved spending \$700; quote came in at \$1,320. Manthei suggested looking at product and services provided by the Soil and Water District. The soils are holding now, no washouts, some vegetation is growing; the growing season is coming to an end. Manthei/Doebler unanimous to wait until spring before proceeding with plantings, will research products and services the soil and water Conservation District offer and other options with Prairie Restoration. Bigley requested a letter be sent to him to "release his property" from the Ordinance 900 violation. The Board agreed the issue stated in the letter



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dated September 16, 2009 that Bigley is referring to in violation of Township Ordinance No. 900 has been remedied. A letter will be sent to Bigley stating the violation was remedied. Again Mr. Bigley was reminded the letter was just that not a recorded lien.

**4.2 Engineers recommendation culvert drainage issue Hintz property:** Jon Bogart went on site to property address 25398 101<sup>st</sup> Street to assess a drainage/erosion problem. There is runoff from upstream running to the road without an adequate ditch system. The water ends up running against the edge of the roadway and erodes the Hintz driveway. The solution is to create a ditch system on the Hintz property and at the property upstream from Hintz's that safely gathers the runoff. The culvert under Hintz's driveway will need to be replaced. Bogart provided an estimate. Board discussion followed. Doeblner/Manthei unanimous to table the project until spring due to the late time of the year; soil would not vegetate properly which could result in more erosion in the spring. Per Minnesota Statute 160.18 the property owner is responsible for cost associated with the replacement of the culvert under their driveway.

**4.3 Request for three variances: setback from road and two property lines Bardwell Property:** Bob Lundgren was present on behalf of Bardwell for the following requests: A 5 foot variance in setback from the north property line for an attached garage addition. Required setback from the side property line is 10 feet; garage addition would be 5 feet from the side property line. A 7 foot variance in setback from the south property line for an attached garage addition. Required setback is 10 feet; garage would be further from the south property line than the existing residence but is considered an expansion of an existing non-conforming structure. A 46 foot variance in setback from the right of way of 101<sup>st</sup> Street NW for an attached garage addition. Required setback from the right of way is 67 feet; garage addition would be 21 feet from the right of way of 101<sup>st</sup> Street NW. Board discussion followed. Manthei voiced concern with the 5 foot setback from the 5 foot property line and with drainage. Doeblner noted the proximity of other properties to property lines in this area; there is no reason for Town Board to be unduly restrictive by recommending denial of the three variances. Doeblner/Hewitt unanimous to recommend approval of the three variances.

**4.4 Request for second driveway access:** William Tewalt presented request. The proposed second access would be 10-15 feet from and parallel with the existing driveway, septic system and well are located behind the house, there are no topographical or tree barriers between the existing and proposed driveway. The Board determined there was no hardship to justify a second driveway. They suggested Tewalt widen his existing driveway; the existing culvert can be extended. Hewitt/Manthei unanimous to approve a permit to modify the existing driveway; with the stated non refundable fee of \$110.00 and refundable construction deposit of \$500.00.

**4.5 Request for waiver from weight limit:** Clay Klasen with Sylva Corporation and Kevin Ramsey Forester with the Girl Scouts of Minnesota and Wisconsin River Valleys were present for the request. Trees reaching maturity that will deteriorate are being removed from the Girls Scout property and will be replaced with new plantings. Klasen's request is for waiver from the 7 ton per axle limit to 9 ton per axle limit. Other areas will be cleared and reforested next fiscal year. The route of travel for empty trucks is from County Road 19 with access to the Girl Scout property from an approach on 96<sup>th</sup> Street; loaded trucks through the minimum maintenance road and County Road 74. Hewitt/Manthei unanimous to approve request for waiver of the 7 ton axle weight limit and low for a ton axle weight limit until October 30, 2010 at which time the access onto 96<sup>th</sup> Street will be removed and the low maintenance road will be repaired/graded back to its original condition.

**4.6 Discussion: Barthel Acres/Pinto Hills project:** The road project consisted of a reclamation/overlay with 24 foot top with 2 foot shoulders on each side, the bed was raised 5 1/2 inches; the project was not a total reconstruction. Jon Bogart led the discussion. On August 30<sup>th</sup> he along with Supervisors Manthei and Hass met on site with residents to talk about shouldering issues. The residents are unhappy with the Class 7 shouldering. They would have preferred topsoil to the edge of the bituminous. In some areas the shouldering product came down from the sides a bit. Supervisor Hass requested Bogart provide quantity numbers to Brian Sandy for adding topsoil to the shoulders; quantity numbers were provided to Sandy. Bogart prepared an engineering estimate based on the costs under current contract with Knife River; without benefit of a full survey. Typically for a reclamation/overlay a full survey is not required and is a cost savings to the Township. Bogart prepared a quote in two pieces; a base quote with erosion control blanket because of the late time of the year and a quote using just mulch. The estimate does not include removal of any product, just addition of topsoil. In keeping with contracting laws when the engineering estimate is over \$25,000 the Board is required to obtain two quotes along with payment and performance bonds. Sandy handed his quote to the Board. The Board did not accept or open the



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quote due to requirement for obtaining two quotes; the quote was handed back to Sandy. Brian Sandy was present on behalf of the affected residents said the problem is with the drop-offs, people cannot mow up to the road anymore; they cannot maintain it, the road should have been sloped properly. Board discussion followed. Barthel Acres/Pinto Hills is a residential area with a neighborhood of nice yards where some people mow up to the road. As stated last month, the Town Board discourages mowing of Town rights of way by residents. While aesthetics are important it was determined the core issue is safety and consideration for remedy should be made from the standpoint of safety. The project was done to standard as approved by the Town Board; deviation from that standard needs to be justified and additional cost has to be considered. There are areas where the ditch is flat with the road, less than half of the areas are mowed and less than half of those areas have issues. In time, over the winter, the gravel may slope down and correct itself. Hewitt/Manthei unanimous to authorize Bogart to do cross section every 50 feet throughout the development for 3:1 slopes in order to obtain more accurate quantities. The cross section will identify areas that may not be safe that need to be remedied. Town will request quotes for consideration at its next meeting. The work may not be able to be done until next year due to lateness of the year. No action was taken on discussion regarding revision to standards.

**4.7 Engineering updates – Lake Fremont Restoration/96<sup>th</sup> Street:** The second lift of bituminous on 96<sup>th</sup> Street is complete. There are three wrap layers with 6 inches of sand in each with seedlings. More seedlings will be added by end of the month. A grant through Sherburne Soil and Water Conservation District will be obtained for the remainder of the shore line to 269<sup>th</sup>/120<sup>th</sup> Street intersection next year except at the Husmann and Hathaway properties, which is private ownership to the lake.

**4.8 Discussion/approval of road condition map, Capital Improvement Plan, 245<sup>th</sup> Avenue project:** The cross sections for 245<sup>th</sup> Avenue were done last year, this year the map will be completed. At this time the plan is not far enough into the design stage to determine whether or not the project will be a reclamation/overlay or full reconstruction. The hill by the cemetery is slated to be taken out due to lack of sight lines for entry and exit into the cemetery/options were discussed. Excess dirt from the hill will be deposited into the west end of the cemetery. There are some environmental issues in the low areas. The Supervisors will do on site review of the plan with Bogart, public meeting will be held prior to any work. Engineering estimates for 2008/2009 have been on track with actual project costs. No action was taken on the road condition map or Capital Improvement Plan.

**4.9 Request from waiver from weight limit:** Doug Manthei asked that the request be removed until October due to lack of quorum; request was granted.

**5 Open Forum:** There were no requests for open forum.

**6.1 Sugarbush/Great Northern Trail Feasibility Study Agreement:** Prior to the meeting the Supervisors received copy of the Agreement for review. An amendment in the language was negotiated with Paul Paige of HKGI under Task 4 Number 2 - Meet with up to 2 individual property owners to meet with up to 4 individual property owners. The Agreement is for the planning and development of a trail map for connection of Sugarbush Park Preserve to the Great Northern Trail. The County is ready to meet with the individual lease awardees; Doebler will attend that meeting on behalf of the Township. Doebler/Manthei unanimous to approve the document with amendment to Task 4 Number 2 to state meet with up to 4 individuals.

**6.2 Discussion: Fire lease:** Hewitt/Manthei unanimous to authorize Clerk/Treasurer to contact Town attorney regarding fire lease document.

**6.3 Maintenance building update/approve Change Order No. 001:** The building project is nearing the completion stages. Much of the inside mechanical/electrical work is being finished. There was question regarding metering of the electric and gas services. There is one main exterior electric meter with sub meters inside for monitoring usage of the two sides of the building. There is one main gas meter for both sides as shown on the plan. A second meter could be added but there would be an extra cost because there is no additional load. The gas usage costs will be apportioned proportionate to square footage of each side. The first Legacy Grant submittal will be sent to Sherburne County this week. Hewitt/Manthei unanimous to accept Change Order No. 1 which results in a net savings of \$5,268.34.

**6.4 Updates and other items:** a) Local Advisory Committee (LAC) Meeting: A meeting of Livonia/Zimmerman local officials is being planned after the November election for review of the Highway 169 Corridor Plan. A public hearing will follow; date, time to be determined. b) Report of account balances: The Clerk/Treasurer is not required to read monthly



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account balances during the Regular Board meetings. Hewitt/Doebler unanimous to dispense with reading of account balances at the Regular Board Meetings. c) Annual Community Growth Options (CGO): The annual progress report for fiscal year ending September 2010 will be submitted to Community Growth Options this week. The report is a funding requirement. d) Location of postal box on east side of Highway 169: Due to a "freeze" the post office is not allowed to place or relocate a postal collection box at this time. The freeze will remain in place until the Legislature removes it, possibly early next year. If that happens, the earliest a box would be located on the east side of Highway 169 is October 2011.

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

Dated this 25<sup>th</sup> day of October 2010

Don Sherper  
Chairman or Vice Chairman

Spencer  
Clerk/Treasurer or Deputy Clerk/Treasurer