



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
JANUARY 24, 2011

Supervisor Present: Hass, Hewitt, Manthei and Sherper

Supervisors Absent: Doebler

Staff Present: Clerk/Treasurer Spencer, Deputy Clerk/Treasurer Olson, Maintenance Coordinator Spencer

The Meeting was called to order at 7:00 p.m. by Chairman Sherper

The assembly recited the Pledge of Allegiance.

**1.2 Approve Regular Meeting Agenda:** Hewitt/Hass unanimous to approve Regular Meeting Agenda as submitted.

**1.3 Approve Consent Agenda:** Hewitt/Manthei unanimous to approve Consent Agenda as submitted: A) December 20, 2010 Regular Board Minutes; B) December 20, 2010 Special Meeting Minutes; C) January 10, 2011 Workshop Meeting Minutes; D) January 10, 2011 Special Meeting Minutes; E) January 18, 2011 Information Meeting Minutes; F) Agreement for use of Town Facility by Zimmerman Youth Baseball and G) Election Judge service for the March 8, 2011 Annual Town Election.

**1.4 Mike Brubaker, Director Sherburne County History Center:** Was not available.

**1.5 Sheriff's report:** Sgt Novotny reported 128 total incidences in Livonia Township during the month of December; 21 were traffic stops.

**1.6 Fire Report:** Chief Maloney provided the November/December calls for service. He received official grant notice from FEMA on the \$35,000 which will be used for water movement equipment. He reported on pending issue with the water tank at the substation; working with contractors for remedies.

**1.7 Road Maintenance Report:** Coordinator Spencer reported they are moving into the new building, truck lanes are striped; floors in offices break room and restrooms will be cleaned, sealed and waxed. Minor repairs to road equipment were done.

**2.1 Clerk/Treasurer request for approval of payment of claims and transfer of funds:** Hewitt/Hassr to approve transfer of \$100,000 from savings to checking to cover claims. Manthei asked to amend the motion to pull claim numbers 5212, and 5213 for discussion with Item 6.7; Hewitt accepted the amendment; motion to approve transfer of \$100,000 for claims with the exception of claim numbers 5212 and 5213 carried.

**3.1 Supervisor reports:** Hewitt reported the Park Board members will place additional markers for trail location in Sugarbush. In order to move forward with a preliminary trail plan between Sugarbush Park and the GNRR Trail, some of the members of the Park Board will meet property owners in February regarding location of the trail. Hass had no report. Manthei attended the Township Quarterly Association meeting in Big Lake Township. Sherper attended the MATS Board meeting. He reported the challenge this year at the State level will be with the large number of newcomers to the legislature and educating them on the purpose of Townships. He reported there are ongoing issues with how the Red River will be diverted around towns in the Red River Valley area to prevent flooding.

**4.1 Request to allow alternate standards for creation of a new lot:** Curt and Connie Grams were present to request that the Township allow the alternate standards as described in Sherburne County Subdivision Ordinance Section 11 Subdivision 1 Number 6-C. If allowed they will proceed with simple plat of the 20 acre parcel creating one new parcel to allow for two building sites. The County Ditch goes through the parcel; it is not in the flood plain but has a high water table. Prior to the meeting the Grams provided copy of letter dated August 2, 2010 from Wenck Associates, Inc in which they identified and classified the soils found on the parcel's "high" ground. Six borings were provided throughout the site; soils are sandy with some clay and evidence of highest known water within 3 feet of the surface at all locations. They determined the soils do not meet the criteria in Subdivision Ordinance Section 11, Subdivision 1:6.A, Developable Lot. The alternate standard as described in 6.C allows for creation of new lot but also requires the Township to adopt its own zoning. The Grams also provided an aerial map where they have designated three sites for building. Mr.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
JANUARY 24, 2011

Grams acknowledged the land is low and fill would need to be brought in for building and stated a basement could not be built. Discussion followed; it was suggested they build on the site just south of the Gram's existing building site, that is adjacent to and west of the site under consideration. The concern is in accepting the alternate standard precedence would be set for future requests and with liability to the Township for approving the alternative in this case when it is known the soils are marginal for building. Hass/Hewitt unanimous to table the request to a later date to allow the Grams to look into the feasibility of having language included on the legal documents plat/deeds to state the house is built on marginal soils; the land has a high water table and releasing any and all liability from the Township. They need to research where septic system would be located with designation for primary and alternate septic sites, if they can obtain a driveway access from the County Highway Department and look into building on the west side of the road.

**4.2 Request for Variance in setback for septic system:** Chuck Prom with Prom Excavating was present to request a 60 foot variance in setback from East Hunter Lake for a septic system. Required setback from a natural environment lake is 150 feet; the septic system will be 90 feet from the OHWL of East Hunter Lake. Manthei/Hewitt unanimous to recommend approval of the request for 60 foot variance in setback from East Hunter Lake for a septic system. Required setback from a natural environment lake is 150 feet; septic system will be 90 feet from the OHWL of East Hunter Lake. The Board approves of the proposed design; would be better if the system could be placed 100 feet from the OHWL.

**4.3 Request for IUP for expansion of existing yard-waste compost operation:** Manthei removed himself from the Board for the request; he and Karl Bekius presented the request to the Board. The Board asked if the odor will be greater with the expansion from 10,000 to 30,000 yards. Bekius stated volume is not the question; odor is kept under control with management of the piles; they decompose rapidly. Bekius did not feel there would be an increased odor issue. Board would also like to see the site opened up twice a year spring/fall to take in yard waste. Bekius said he noted that in the permit application to the County. Manthei and Bekius would like the County to define compost vs. yard waste. A motion by Hewitt, seconded by Hass to recommend approval of request for an IUP for an expansion of the exiting yard-waste compost operation from 10,000 yards to 30,000 yards of compost. Motion carried with Hass, Hewitt and Sherper voting yes; Doebler was absent.

Manthei resumed his duties on the Board after Item 4.3

**4.4 Engineer's report: 245<sup>th</sup> Avenue Project/Board approval; revisions to road and engineering standards:** Prior to the Regular Board Meeting Jon Bogart Town Engineer met with project stakeholders to explain the project; he was excused from this meeting. Manthei/Hewitt unanimous to approve the 245<sup>th</sup>/97<sup>th</sup> Avenue road design. It is unknown at this time what changes will be made to road and engineering standards; Board took no action on the issue.

**4.5 Whispering Ridge Development:** The status of the Whispering Ridge Development is that litigation will most likely not result in any compensation to the Township. The Town Attorney has suggested the Township could complete the work in the development and assess those costs back to the lots that are vacant. No action was taken by the Board.

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

**6.1 Snowplow Policy/Parking Ordinance:** Board discussed issues with clarity in the language of the Ordinance regarding vehicles parked in Town right of way after a snowfall event. Of particular concern is the lake areas where streets are narrow. Hass/Hewitt unanimous that during the spring road tour look at areas where "no parking" or "parking on this side of the street" signage could be placed and bring back to the June or July meeting. There was discussion regarding use of Town equipment to plow private property. The Board asked staff to look at language to clarify in an emergency the Maintenance Coordinator has authority to use Town Equipment to open his private driveway so he can perform his duties as Coordinator.

**6.2 Resolution to transfer funds from 401 to 304:** Sherper read the resolution out loud. Hewitt/Hass unanimous by roll call to approve Resolution to transfer funds from General Capital Projects Fund 401 to 2010 FM Bldg COI Fund 304 in the amount of \$45,332.11. Hass, Hewitt, Manthei, Sherper yes; none opposed; Doebler absent.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
JANUARY 24, 2011

**6.3 Resolution establishing Cemetery Committee:** Sherper read the resolution out loud. Hewitt/Manthei unanimous by roll call to approve Resolution Establishing Cemetery Committee. Hass, Hewitt, Manthei, Sherper yes; none opposed; Doebler absent.

**6.4 Resolution appointing Absentee Ballot Board:** Sherper read the resolution out loud. Hass/Manthei unanimous by roll call to approve Resolution Appointing the 2011 Absentee Ballot Board. Hass, Hewitt, Manthei, Sherper yes; none opposed; Doebler absent.

**6.5 Approve Comprehensive Land Use Plan/future planning:** Hewitt/Manthei unanimous to adopt the Livonia Comprehensive Plan; a public hearing was held in November of 2010. The Board noted the next Community Growth Meeting is set for January 31<sup>st</sup> at which time they will ask about future planning.

**6.6 Set time/date for Annual Board of Audit:** The Board of Audit will be held immediately following the Budget Workshop on February 1, 2011.

**6.7 Maintenance building insurance/Fire alarm maintenance contract/open house/cleaning:** Hass/Hewitt unanimous to approve the Agreed Value Insurance option, setting value at \$1,100,000 with \$1,000 deductibles for an annual premium of \$1,559. As recommended by Fire Chief Maloney, Hass/Hewitt unanimous to approve option 2 for service of the SimplexGrinnell fire alarm system in the maintenance building for an annual fee of \$301.00. Board is looking at holding open house in May; no date was set. Cleaning of the building will be done in house by maintenance staff. Discussion followed regarding Claim #5212 to Alliance Building Corp and 5213 to Mahler & Assoc. Architecture. The seepage from the water tank has not been resolved. Hewitt/Manthei unanimous to approve claim #5212 to Alliance Building Corp. but to hold it until the Fire Chief is satisfied the issue is remedied. Motion by Sherper, seconded by Hewitt to approve claim #5213 to Mahler & Associates Architecture. Hass, Hewitt, Sherper voted yes; Manthei voted no stating he is not in agreement with the way Mahler handled the project.

**6.8 Cleanup Day date/vendors/grant:** Hewitt/Hass unanimous to set cleanup day for Saturday April 30, 2011 from 8:00 a.m. to 12 Noon; to approve JR's Advanced Recyclers, Allied Waste and First State Tire for vendors and keep the rates same as last year for items brought to Cleanup by residents.

**6.9 Updates and other items:** a) IUP vs. CUP in a commercial district – Clerk/Treasurer clarified to the Board that the Sherburne County Zoning Ordinance Section 10-Commercial District Subdivision; Section 3 Conditional Uses- an auto repair shop is allowed as a CUP; Section 4 Interim Use Permit does not allow for auto repair. b) Animal control – Clerk Treasurer reported on status of animal control; officer is in compliance with liability insurance; however is behind on some of his paperwork. Board was satisfied that the liability insurance is current.

Hass/Hewitt unanimous to adjourn meeting at 9:45 p.m.

Dated this 28th day of February 2011

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer