

**LIVONIA TOWNSHIP
REGULAR BOARD MEETING MINUTES
APRIL 26, 2010**

On April 26, 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: Sherper announced Item 4.1 2009 financial audit presentation by Molly Thompson, Schlenner, Wenner & Co would be heard after approval of Consent Agenda Item 1.3. He asked approval to add under Item 6.7 Updates: f) Road striping; g) Credit card use and policy; h) cell phone for Township use; i) Geothermal system and j) Cleanup Day. Hewitt/Doebler unanimous to approve Regular Meeting Agenda with amendments.

1.3 Approve Consent Agenda: Hass/Wallin unanimous to approve Consent Agenda as follows: Item A) March 15, 2010 Public Hearing Minutes and March 29, 2010 Minutes from Continued Public Hearing; Item B) March 22, 2010 Regular Board Meeting Minutes. Item C) March 24, 2010 Special Meeting Minutes; Item D) March 29, 2010 Special Meeting Minutes; Item E) April 6, 2010 Special Meeting Minutes; Item F) April 17, 2010 Special Meeting Minutes; Item G) Silver Maintenance Agreement & Support for the M100 voting machines and Item H) Closing the Town Hall at noon on May 18th to attend PERA seminar in St Cloud.

4.1 2009 Financial Audit presentation by Molly Thompson, CPA Schlenner, Wenner & Company: Ms. Thompson presented the Township's Financial Audit for year ending December 31, 2009 Doebler/Hewitt unanimous to approve the 2009 audit as presented.

1.4 Sheriff's report: Sgt Novotny provided March activity report. There were 167 incidents and 26 citations. Discussed options for signage, speed limit, road making at County Road 4 at Woodlands Parkway and County Road 4 and 112th Street.

1.5 Fire Report: Fire Chief Maloney provided March calls for service, applied for US Fish and Wildlife Grant \$12,229 and Center Point Energy Grant \$5,400. Will apply for Mn DNR and FEMA AFG grants. On May 25th at the 6 pm at the Fire Station there will be a free Sky Warn Server Weather Spotter class.

1.6 Road Maintenance Report: Jim Spencer reported the small yard shed is ready for demo; an area in the cemetery has been repaired and placed class 7 on the cemetery road. He, Matt and Roger attended the Spring Expo in St Cloud. The Truck being purchased from Nuss Group will be ready soon, road grader was repaired and hot patch is being applied where needed.

2. Open Forum: Cliff Bigley, 25617 98th Street wants to build an accessory building and a retainer wall to control erosion, has talked to the County, variances will be required, asked if Township would consider vacating 98th Street. Sherper suggested he submit a letter to the Township with his specific request to be considered at a future meeting. Mike Sohre, 26747 Fremont Drive asked the Board if they would consider approving 5 variances which would allow him to add second story to the house. Hass/Hewitt unanimous to table request to later in meeting.

3.1 Clerk/Treasurer report of account balances/review & approve payment of claims and transfers: Balances as of March 31, 2010 First National Bank of Elk River Zimmerman Branch, bank statement and Banyon reconciliation were reviewed, signed and dated by Supervisor Hewitt. General Checking \$8,255.21; Managed Savings \$954,648.93; 13 month Landfill CD #41820, \$60,000.00; 25 month Landfill CD #45337, \$40,000.00. Pledged securities in the amount of \$1,204,139.45 are on file in as of March 31, 2010. In March two checks were issued after the Board meeting. Check number 13626 was reissued to Department of Revenue for State Withholding Tax to replace check number 13612. Check number 13627 was written for petty cash as approved at the March Board Meeting. 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 \$75,000.00 from Managed Savings account to Checking account to cover claim numbers 4740-4784 and check numbers 13628-13682. Hass/Hewitt unanimous to approve payment of claims associated with the building project and to transfer the same from General Savings to Checking. Activity will be reported at the May 24th meeting.

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4.2 Supervisor reports: Hewitt and Wallin had no report this month. Doebler reported the Eagle Scout volunteer is cleaning up in the Sugarbush Park and will place 4 Wood Duck houses in early May. Jody Hammre attended the Rum River Resources meeting; their goal is to produce a comprehensive park and trail map. Hass stated the Fire Board will meet at 6 p.m. Tuesday to hear proposals from the three local banks. Sherper reported on the County Association of Townships Quarterly Meeting which was held here April 21st. On the State level there may be language in the Omnibus Tax bill regarding green acres.

5.1 Request for a Conditional Use Permit (CUP) for a 195 foot Monopole cell tower and related ground equipment: Steve Stulz with Sprint Wireless was present for the request. The tower will be located on the Leslie Johnson property. The tower will be accessed from County Road 50 vs. County Road 4. Board agreed the location is satisfactory for a cell tower. Wallin/Doebler unanimous to provide favorable comment to request for a CUP for a 195 foot monopole cell tower and related ground equipment at 9686 261st Avenue NW.

5.2 Request for amendment to Sherburne County Zoning Ordinance Section 16.2 to allow a composting business as an IUP in gravel mining areas: Board agreed that a gravel mine area would be an appropriate location for a composting business. They discussed distances from a platted development and the nearest residence, talked about odors produced by composting; odor would probably not be anymore obnoxious than the dust and noise produced by mining operations. The Board agreed distance from platted development and nearest residence should be consistent with distances/setbacks required for gravel mining.

5.3 Request/approve Joint Resolution for Orderly Annexation: By roll call the Board approved Joint Resolution and Agreement of the Township of Livonia and the City of Zimmerman Annexing Property within the Orderly Annexation Area into the City of Zimmerman. Doebler, Hass, Hewitt, Sherper, Wallin yes; none opposed.

5.4 Request for 2 year extension on the Preliminary Plat of Woods at Lake Fremont 2nd Addition: Mike Ziegler and Dan Barthel, North Country Land Group, LLC were present to request a 2-year extension of the Preliminary Plat of "The Woods of Lake Fremont Second Addition". Preliminary Plat consisting of 31 lots; 22 of those lots were given final approval in 2006; 9 lots remain on the Preliminary Plat. Wallin/Hewitt unanimous to recommend extension of the Preliminary Plat of "The Woods of Lake Fremont Second Addition" with the condition the letter of credit in favor of Livonia Township for grading be extended to coincide with the extension of the Preliminary Plat to 2012. In addition the second lift of bituminous will be required to be placed on the Second Addition prior to final approval of the remaining nine (9) lots.

5.5 Discussion regarding Windsor Pines Development: Todd Curtis and Jason Curtis were present to address the issue of liens that were placed on the properties within the development due to second lift of bituminous placed late in 2009 that the developer did not pay the contractor for. Their issue is how liens can be put on individual properties when the work was done in Township right of way. They asked what the Township is doing to prevent this from happening in the future. The Township has written language into the developer's agreement addressing requirement for lien waivers. Hass/Hewitt unanimous to authorize Clerk/Treasurer to contact Town Attorney for opinion with option to collect on current letter of credit.

5.6 Request for fix on second driveway access in Barthel Acres: John Graves resident in Barthel Acres made complaint that the secondary access into his property has a dip in it after the road was resurfaced last year; asking for remedy. In 2004 Mr. Graves applied for second driveway access, has not paid the fees. The existing secondary access does not meet Township standards and is an illegal driveway and there is a potential to damage the road edge. A letter will be mailed to him stating he will be assessed if damage occurs to Town right of way due to driving over edge of road illegally; will also send copy of his earlier request for second driveway access.

John MacAlpine was present to report on progress of the well. It has been drilled to a depth of 330 feet. After initial airlifting and developing, water ran clear; next day water quality was poor, cloudy and sandy. He asked for approval to continue beyond stated quote to air lift and develop well until it clears and is sand free at a minimum of 60 gpm, estimated time 16 hours or less at \$115.00 per hour. Motion by Wallin second by Hewitt to continue; motion carried.

5.7 Request for fix on driveway access on 96th Street: Audrey Hathaway made complaint that her driveway is too steep after the 96th road project was completed. Board viewed the driveway during their road tour on April 17th; they found all the driveway slopes to the north and south of the Hathaway property are consistent; the driveways have a wide turn-in radius. Jon Bogart noted extra gravel was added to the driveway when the project was done. Motion by Hewitt, second

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by Doeblner to do no further work on the driveway; it is consistent with other driveways to the north and south of this driveway. Motion carried.

5.8 253rd Avenue Johnson Fence: In June of 2009 the Board offered compensation to the Johnson Family Farm Limited Partnership for repair of their fence; in December 2009 they counter offered by presenting quote from a fence company. The counter offer was considered at the December 2009 meeting and tabled until April; there is question whether a fence existed in the swamp area. Bogart does not recall seeing a fence in the swamp area even though it is shown in the plan. Wallin agreed. West Branch construction reported only removing deteriorating rusty fence on the high land so does not recall a fence in the swamp area. Hewitt/Hass unanimous to table to May meeting to gather more information.

5.9 Engineering updates: Bogart provided information: 2010 96th Street Reconstruction Project will go out for bid to be opened May 24th at 7:15 p.m. 2011 245th Avenue project – will wait till later in season to get started; letters will be sent to stakeholders.

5.10 Award 2010 crack repair project: Four quotes were received – Pearson Brothers \$12,000.00; ASTECH Corp - \$16,950.00; Allied Blacktop Company - \$9,870.00; Fahrner Asphalt - \$22,585.00. Doeblner/Hewitt unanimous to award project to Allied Blacktop Company with the apparent low quote of \$9,870.00.

5.11 Award 2010 chip seal project: Four quotes were received – Pearson Brothers \$44,000.00; ASTECH Corp - \$46,304.00; Allied Blacktop Company - \$49,415.35; Caldwell Asphalt Co. Inc. - \$61,844.40. Doeblner/Hewitt unanimous to award project to Pearson Brothers with the apparent low quote of \$44,000.00.

6.1 Maintenance/fire building discussion/approvals, if any: The well issue was dealt with earlier in the meeting with MacAlpine. Ground breaking ceremony is scheduled for Thursday April 29th at 6:00 p.m. Graeme Mahler communicated there was a misunderstanding about the water tank; it is not made of recycled product but could be recycled after it is used. The tank is not a green product qualifier. Hass and Maloney will research to see if a used tank can be located. A letter from Connexus Energy confirms three phase power is located on CR 39. Legacy Grant deadline is April 30th, will submit by the 29th. Building permits were obtained from the County; the storm water application has been applied for.

At this time the Board addressed request for Board to act on request for 5 variances made earlier by Mike Sorhe. Due to lack of information, Sorhe has not made application with the Township, Board will not hear request at this meeting. Sorhe requested a special meeting to hear variances. Fee for special hearing is \$300. Board agreed to hear request for variances on Thursday April 29th following the ground breaking ceremony provided fee for special meeting, application is made to the Township for the 5 variances and fee of \$25 per variance is paid on Tuesday morning, April 27th. Mr. Sorhe indicated he would pay fees as required.

6.2 Discuss/approve revised Joint Powers Agreement (JPA) for playing fields: Board reviewed revisions; noted revision to time period of 7 years; noted language regarding priority for field use by school district. Board asked that Town Attorney review and include language for Township reimbursement of their \$187,000 investment if the school district sells the property. Will consider in May.

6.3 Discussion regarding Community Growth Organization (CGO) funding: Due to project changes within CGO regarding waning of growth in outlying areas, the McKnight Foundation has reduced their funding and has undergone a leadership change and realignment of funding priorities, 1000 Friends of Minnesota will not likely be able to secure funding to continue the CGO project beyond the initial two year commitment. They distributed a project planning worksheet which was reviewed by the Board prior to the meeting. The Board feels the questionnaire does not speak to townships but rather to intercity scenarios, all the questions speak to the metro area. The Board agrees, now is the time to do community planning before development picks up again. Board asked that a letter be sent to ask if the township received the correct questionnaire or is there a questionnaire that speaks to township issues and concerns.

6.4 Discuss/approve oak wilt reimbursement: The oak wilt program was not funded for the 2010 budget year; however funds remain in the General Fund from the previous year. Hass/Hewitt unanimous to approve remaining funds for oak wilt reimbursement with a \$500 maximum payout per request until funds are depleted.

6.5 Discuss/approve Hall hours: There was discussion regarding need for expansion of Office hours; staff will log phone calls and in person visits over the next month. Will review at the May meeting.

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6.6 Discuss loss of SCORE funding for City of Zimmerman compost site: Communication was received from City of Zimmerman regarding the compost facility. The City is entertaining charging a small fee for access to the compost facility in the future. Board supports the city's decision to charge a small fee. Board questioned how much the City receives in score grant money and what the loss is.

6.7 Updates: a) Legal Seminar offered by Couri, MacArthur & Ruppe: The legal seminar will be held June 10, 2010 for Townships at the Rockwood Banquet and Conference Center to address issues of concern from Townships. Hass/Hewitt unanimous to close Town Hall on June 10th for attendance at the seminar; notice will be posted. b) Woodlands National Bank: The First National Bank of Elk River Zimmerman Branch is being sold to The Woodland National Bank. The Fire Board is meeting on April 27th to interview representatives from The Woodlands National Bank, Bremer Bank and Bank of Elk River; Board members are invited. c) City of Zimmerman newsletter: Communication was received from Zimmerman City Clerk; Mayor Earenfight is having Council minutes forwarded to Township to keep the Township aware of what the Council is doing. d) Revised JPA for Rum River Recreation and Resources Board: Received amendments for the JPA; Livonia Township was not included as a participant; will consider once Livonia is listed. Requested all amendments be approved by all participants so everyone has the same agreement. e) Perl Sod Farm: The owners of the Farm have agreed to sign an agreement for cleanup. f) Road striping: Dan Knapek from County Public Works regarding striping will go out for bid with striping to start June 21st. g) Credit card use and policy: Clerk/Treasurer requested approval to obtain credit card; will have policy for Board approval in May. Hass/Hewitt unanimous to approve obtaining credit card. h) Cell phone for Town use: Hass/Hewitt unanimous to obtain cell phone for Town use. i) Geo thermal system: The auxiliary heat system is not working; will call D.J.'s for service. j) Cleanup Day: 161 vehicles came through; \$3,677 was collected from residents compared to 154 vehicles and \$4,027 in 2009.

Regarding letter from County Zoning Office referencing the 120th Street project, Doebler suggested it be sent to the residents involved with the 120th Street project. Will contact County Zoning to find out if that is a possibility. Regarding notes from road tour; Maintenance Coordinator will start working on list, come back in May with questions.

Doebler/Wallin unanimous to adjourn meeting at 10:45 p.m.

Dated this 24th day of May 2010



Chairman or Vice Chairman



Clerk/Treasurer or Deputy Clerk/Treasurer