



## LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES JUNE 28, 2010

On June 28, 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. Chairman Sherper called the meeting to order at 7:00 p.m. Supervisors Doeblor, Hewitt, Sherper; Clerk/Treasurer Spencer, and Deputy Clerk/Treasurer Olson and Jon Bogart, Town Engineer were present; Supervisors Hass and Wallin were absent. The meeting was recorded for transcription purposes unless otherwise stated.

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

**1.2 Approve proposed Regular Meeting Agenda:** Hewitt/Doeblor unanimous to approve the Regular Meeting Agenda as presented.

**1.3 Approve Consent Agenda:** Sherper requested addition of Item C to the Consent Agenda for rental of tractor from Scharbers for brushing. Doeblor stated concerns about the way the brushing tractor cuts trees and further said in some instances, should consider using pole saw vs. the brushing apparatus. He also expressed concern with removal of trees from inslopes. Bogart added roots from trees growing in the inslope area can undermine the road bed. Board will review areas to be brushed prior to start of project. Hewitt/Sherper unanimous to approve Consent Agenda with addition of Item C. Consent agenda approved as follows: Item A) May 24, 2010 Regular Board Meeting Minutes. Item B) End of warranty Bost Acres; Item C) Rental of tractor from Scharbers for brushing.

**1.4 Sheriff's report:** Sgt Novotny provided May activity report. There were 128 incidents and 23 traffic stops/citations. The new computer system will be activated this week and will allow for total communication between area law enforcement and fire departments.

**1.5 Fire Report:** Chief Maloney provided May calls for service, Department members went through a 4 hour Sky Warn Course, tuition vouchers from the tech schools were used to pay for propane fire training, assisted the Sheriff's Department with a bike rodeo, the 3<sup>rd</sup> annual golf tournament was a success, applied for a training reimbursement grant, cable barriers will be placed in the Highway 169 median this fall, the Livonia Township sign has been installed on the Highway 169 at the Elk River/Livonia border and 9 additional 800 megahertz radios are being provided by Homeland Security for work the Department does with the decon center at NSP.

**1.6 Road Maintenance Report:** There was no report this month.

**2. Open Forum:** Cliff Bigley was present; he thanked the Board for their positive input to his variance request last month. He asked to talk about resolution to an erosion issue on 98<sup>th</sup> Street and opted to further talk to the Board after Item 5.8 vs. waiting until the July meeting.

**3.1 Clerk/Treasurer report of account balances/review & approves payment of claims and transfers:** Balances as of May 31, 2010 Woodlands National Bank 13 month Landfill CD # 41820 \$60,211.40 and 25 month Landfill CD \$40,000.00. Balances as of May 31, 2010 the Bank of Elk River, Commercial Checking with interest \$5,046.88 and High Yield Business Money Market \$1,770,636.78. Pledged securities in the amount of \$2,104,060.47 are on file in as of May 31, 2010. Hewitt/Doeblor 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 \$134,000.00 from Savings to Checking to cover claim numbers 4827-4862 and check numbers 13753-13800. Hewitt/Doeblor 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 July 26th meeting.

**4.1 Supervisor reports:** Hewitt and Sherper had no report this month. Doeblor will meet with HKGI to obtain a budgetary quote for planning construction of the connection between the GNRR Trail and the Sugarbush Trail. HKGI is familiar with the Statewide Health Improvement Plan (SHIP); the project fits the Plan. The proposed route has not been defined. Jon Hanson, Boy Scout volunteer, mowed the grass that was growing in the trail. He also removed trees blown over by recent storm and will place the new "Non-Motorized/No Hunting" signs. Ron Larson recently moved from the Township and is no longer eligible to serve on the Livonia Park Board.

**5.1 Request for Interim Use Permit for composting:** Doug Manthei, property owner and Karl Bekius, Elk River Composting were present to request Town comments regarding a proposed Interim Use Permit (IUP) for a yard waste composting operation. Prior to the meeting Manthei submitted the business plan along with aerial photos showing property lines, gravel pit area, roads, composting area, etc. Bekius is the only employee; specific sunset date was not defined-IUP goes



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with the property owner. A determining factor may be if a significant change or event occurs, the IUP should be reviewed to make sure the business is within its original intent. Bekius explained when yard material is brought onsite it is bulkier; within 2 weeks will shrink by half. Manthei stated the County inspects and monitors for odors. Doeblor/Hewitt unanimous to provide favorable comment; Board supports the project.

**5.2 Wetland Excavation:** John Charles, property owner in development of Deerhaven Lot 5 Block 5 was present for request for a Wetland Conservation Act exemption to excavate a wetland located between Lots 4 and 5 Block 5 in the plat of Deerhaven; Matt Diederich, Lot 4 property owner was unable to attend. Hewitt/Doeblor unanimous to provide favorable comment to the request for a Wetland Conservation Act exemption to excavate between Lots 4 and 5 Block 5 in the Deerhaven development.

**5.3 Driveway request 25755 100<sup>th</sup> Street:** Duke Dietz property owner requested Township fill in the gap for the transition from his concrete driveway to the Town Road. Hewitt/Doeblor unanimous to recommend the property owner refer to the contractor who installed the concrete driveway to repair the gap which is in Township right of way.

**5.4 Request for waiver from weight restriction:** Knife River requested waiver from the 5 ton axle weight limit on 245<sup>th</sup> Avenue while they are working on the 96<sup>th</sup> Street project. Hewitt/Doeblor unanimous to approve waiver during the project time frame. The Board recognizes 245<sup>th</sup> Avenue is due for reconstruction work next year.

**5.5 Request for waiver from weight restriction:** Property owners at 9983 245<sup>th</sup> Avenue requested a waiver from the 5 ton axle weight waiver on 245<sup>th</sup> Avenue between June 29 and July 3 to allow for materials to be hauled to their property. Hewitt/Doeblor unanimous to approve waiver request between June 29 and July 3, 2010. The Board recognizes 245<sup>th</sup> Avenue is due for reconstruction next year.

**5.6 Engineering updates:** Jon Bogart led the discussion. 96<sup>th</sup> Street Project- presented change order #1 for granular barrow to replace materials that were found unsuitable. Doeblor/Hewitt unanimous to approve change order #1. The paving process will begin the week of July 5<sup>th</sup>; both lifts will be applied. Pinto Hills/Barthel Acres - Second lift of bituminous will be applied as soon as 96<sup>th</sup> Street is done with paving process; residents will be notified. The plan for restoration of the Lake Fremont Shore line along 120<sup>th</sup> will be presented at the July meeting prior to actual construction beginning.

**5.7 Weight restriction designation per Minnesota Statute:** Per Minnesota Statute the axle weight on all paved roads in the State of Minnesota has been increased to 10 tons unless otherwise stated. Town roads are not built to 10 ton axle weight. Research into sign verbiage was obtained prior to the meeting. Hewitt/Doeblor unanimous to approve purchase and placement of 7 ton axle weight signs to be placed at Township entrances which will read: Axle Weight 7 tons/5tons during weight restrictions on all Township roads unless posted otherwise.

**5.8 Discussion regarding future road planning:** There was discussion regarding future road standards. Board asked Jon Bogart to explore options. The Board recognizes, with respect to the economic slow-down there is a need to look at how roads will be maintained in future years and available options that make sense. The Capital Improvement Plan is slated to be revised, optional standards will be considered. They also talked about funding for future changes to proposed redesign of Highway 169; more information will be brought to the July meeting.

Sherper asked Cliff Bigley to step forward to further discuss his issue with erosion onto 98<sup>th</sup> Street. Mr. Bigley stated he wants to do what he can to stop the erosion problem, however, will not spend money for repair to right of way. Bogart suggested hydroseeding, covering with a coconut fiber stapled into the slope to stabilize. Clerk/Treasurer will research and bring back to July meeting.

**6.1 Joint Powers Agreement for playing fields:** Town Attorney reviewed the revised version of the Facility Use Agreement and made recommendation for approval; Board was in agreement. He suggested a letter of commitment be obtained from the City of Zimmerman for the \$187,000 prior to signing the Agreement. After further discussion it was decided the joint resolution and agreement between the Township and City of Zimmerman should be approved and signed by both entities, a letter of commitment for payment of the park and trail fee credit should be received from the City and then the JPA for playing fields can be signed. Town Attorney and City of Zimmerman will be contacted regarding the procedure.



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**6.2 Resolution amending Resolution No. 04-08 Establishing Open Forum Policy:** Hewitt/Doebler unanimous by roll call to approve Amendment to Resouliton No. 04-08 Establishing Open Forum Policy. Doebler, Hewitt, Sherper, yes; none opposed; Hass and Wallin absent.

**6.3 Prairie planting signs:** Vinyl Graphics provided quotes for 12" x 12" aluminum signabond "Prairie in Progress Please Do Not Disturb" signs with Town logo at \$29.00 each. Doebler/Hewitt unanimous to order 5 signs at \$29.00 each from Vinyl Graphics to be placed at each corner, and road side of the planting which is located on the east side of the Town Hall.

**6.4 Maintenance building updates/progress:** Clerk/Treasurer provided summarization of site meetings held since the May Town Board meeting. The precast structure will be delivered and set during the first part of July. Board discussed how much landscaping should be done, agreed it should include erosion control, black dirt, seed, fertilizer, landscape rock around the building. The elimination of the trees and shrubs is estimated to save \$8,000. Doebler/Hewitt unanimous to eliminate trees and shrubs from the landscaping project. Talked about signage on the buiding; asked for more detail, color, lettering type-flat panel or individual letters, will research.

**6.5 Updates:** a) Windsor Pines Letter of Credit: The Letter of Credit for the development was presented for collection. The balance due to Hardrives for second lift of bituminous was confirmed and paid; Hardrives confirmed Satisfaction of Lien would be filed upon receiving payment. Funds remaining after payment will be deposited into the development's escrow account. b) 253<sup>rd</sup> Avenue Fence: Letter and easement documents were mailed to property owners asking for their response by June 24<sup>th</sup>. Kedrick Johnson one of the property owners responded and verbally stated they want fence replaced. Johnson was advised that all property owners need to send written response and sign easement documents. c) Perl Sod Farm: The trailer house has been removed; County is working to have that area cleaned up also. Board questioned whether the well, septic and electric were properly abandoned. Will inquire and report back in July. d) License Agreement: The Agreement between Livonia Township and Mike Sohre owner of property on Fremont Drive as reviewed and amended by Town Attorney. The County approved the fifth variance conditioned upon property owner entering into a license agreement with the Township. To date, no action has been taken on the part of the property owner. e) Legacy Grant: The County Solid Waste Committee recommended the Townships application for the Grant be approved by the County Board of Commissioners; the County Board approved. f) Draft newsletter: Talked about items to be included in the newsletter. Will include information with option for residents who wish to receive the newsletter via email or view it on the Townships web site may do so and opt out of receiving a paper copy. g) Insurance: Board discussed providing medical insurance for employees; will research for July meeting. h) Questionnaire Community Growth Options: The questionnaire was prepared and presented earlier in this day to CGO by Chuck Mahron of Community Growth Institute. Will report results in July. i) Cell Phone: Cell phone service for the maintenance department was secured.

Supervisors Doebler, Hewitt and Sherper attended the Legal Seminar sponsored by Couri, MacArthur and Ruppe. They agree was a very informative legal seminar.

**ITEMS 6.6 THROUGH 6.9 WERE RECORDED FOR THE OFFICIAL RECORD. NO DISCUSSION WILL BE ALLOWED FOR ITEMS 6.6 THROUGH 6.9 AS THE COUNTY BOARD HAS APPROVED EACH ITEM. THE TOWNSHIP IS REQUIRED TO ALSO APPROVE EACH ITEM.**

**Item 6.6 Approve Conditional Use Permit for stock piling materials:** Hewitt/Doebler unanimous to approve the Interim Use Permit to stock pile materials during a road project was approved May 4, 2010 by the Sherburne County Board of Commissioners and recorded on May 18, 2010, Document No. 712903. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office.

**Item 6.7 Approve Conditional Use Permit for communication tower:** Hewitt/Doebler unanimous to approve the Conditional Use Permit for a 195 foot monopole cell tower and related equipment was approved June 1, 2010 by the Sherburne County Board of Commissioners. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office.

**Item 6.8 Approve Amendment to Sherburne County Zoning Ordinance ORD-178:** Hewitt/Doebler unanimous to approve Amendment to the Sherburne County Zoning Ordinance ORD-178 was approved June 1, 2010 by the Sherburne County



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Board of Commissioners. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office.

**Item 6.9 Approve amendment to Sherburne County Zoning Ordinance ORD-179:** Hewitt/Doebler unanimous to approve Amendment to the Sherburne County Zoning Ordinance—ORD 179 was approved June 1, 2010 by the Sherburne County Board of Commissioners. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office.

Hewitt/Doebler unanimous to adjourn meeting at 10:05 p.m.

Dated this 26th day of July 2010

*Don Sherpen*

Chairman or Vice Chairman

*Lisa Spencer*

Clerk/Treasurer or Deputy Clerk/Treasurer