

LIVONIA TOWNSHIP
REGULAR BOARD MEETING MINUTES
FEBRUARY 22, 2010

On Monday February 22, 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. Jon Bogart, Town Engineer and Andrew MacArthur Town Attorney were also in present. 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 stated Item 5.2 regarding 120th Street would be heard following Item 1.4 due to Attorney time constraints. Sherper/Hewitt unanimous to approve Regular Agenda as amended.

Item 1.3 Approve Consent Agenda: Wallin/Doebler unanimous to approve consent agenda as presented: Item A – Approve January 25, 2010 Regular Board Meeting Minutes; Item B - Approve February 1, 2010 Special Meeting Minutes; Item C– Approve February 4, 2010 Workshop Meeting Minutes; Item D-Approve February 4, 2010 Special Meeting Minutes; Item E – Approve February 8, 2010 Information Meeting Minutes; Item F – Approve attendance at Spring Short Course on March 22, 2010.

1.4 Annual Sheriff's Report: Sherburne County Sheriff Joel Brott presented the 2009 Annual Sheriff's Report; 2009 calls are down from 2007 and 2008. The Tri County Regional Crime Lab which serves Anoka, Sherburne and Wright Counties had its grand opening in January. All law enforcement agencies in the three counties take evidence there to be processed.

1.5 Sheriff's Report: Sgt Novotny provided February activity report; there were 157 contacts. Reported on the apprehension of people racing cars on a local lake. Reported on the traffic enforcement project on County Road 4, is investigating placement of high visibility signage for the areas of County Roads 4/Woodlands Parkway and 112th Street to clarify right hand turn lanes are not by-passing lanes and to clarify the three way stop at County Road 4 and Main Street in Zimmerman. There are speed issues on County Road 4. Hass asked if patrol of the minimum maintenance road could be increased to deter dumping.

5.2 Amendment to 120th Street plan to include trail after final lift of bituminous/set date and time for public hearing to assess: Bogart open discussion stated at the request of the Town Board the plan was modified to include a six foot walking trail on the property side of the road and decrease the road width to ten foot which should help reduce speed around the lake and provide a safe place for people to walk. Clerk/Treasurer reported the easement documents are available for signing. Exhibit B, a description of what is allowed within the permanent slope easement has been added. MacArthur read Exhibit B out loud; property owners are allowed to use their property as they wish as long as the slope is not altered. Bogart clarified easement was eliminated for the Hussmann property. MacArthur stated the Town Board is ready to move forward with the project, the easements need to be signed. He explained the cost of the project will be paid out from general tax funding; however, it is not fair to all the taxpayers of the Township to pay for condemnation costs if all the easements are not signed. The cost for obtaining easements would be assessed to all property owners who have property abutting on the project. MacArthur stated this process is not be cost effective for either the Township or the property owners; estimated cost to obtain easements is \$55,000 as determined by the feasibility study. Hass/Hewitt unanimous to approve Resolution Receiving Report and Calling Hearing on Improvement which includes accepting the feasibility report prepared by Jon Bogart. The public hearing will be held on Monday March 15, 2010 at 7:00 p.m. at the Livonia Town Hall. Deadline for signing the easements is Thursday, March 11, 2010. All requirements for publishing will be met and affected property owner notification requirements. . Jay Porter stated by signing the document he would be violating the covenants. Bogart stated the wetland permits have been applied for; the shoreline restoration project is in progress and will be paid for by grants including engineering fees. Sherper stated the Town Board has taken the wishes of the affected residents into consideration by having speed limits lowered, eliminated easements where they could be and a walking trail has been incorporated. The Board wants to make it clear that if one property owner does not sign their easement, all affected property owners will be assessed whether or not they are required to give easement.

1.6 Fire Report: Chief Maloney reported January calls for service included one residential house fire. He received verification of FEMA Grant in the amount of \$24,132. The monies will be used for a jaws of life with 200,000 pounds of cutting force which will allow for cutting through newer metals used in vehicles, a self contained breathing apparatus

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containment system and a set o stabilization jacks which will be used to stabilize vehicles or structures at the scene of an accident or fire.

1.6 Road Maintenance Report: Maintenance Coordinator was not able to attend the meeting, Clerk/Treasurer was asked to relay ice control is a priority, as soon as the weather warms to start the melting process, will start scraping the roads.

2. Open Forum: Jay Porter was in attendance to express his concerns regarding the 120th Street project. With reduction of speed to 40 MPH, can eliminate the right hand turn lane into 117th Street; Bogart will look at for consideration. Suggested 120th Street is lowered to match Phase I level. Bogart previously looked at; is not in full agreement. Porter expressed concern that water will run onto his property from 269th Avenue as it flows down hill; Bogart will look at redesigning the back slope from Porter's driveway east to 117th Street. To eliminate vehicles from cutting corners, look at a 3-way stop at the intersection of 120th Street and 269th Avenue, especially if considering a walking path. Sherper thanked him for his input.

3.1 Clerk/Treasurer report of account balances/review & approve payment of claims and transfers: Balances as of January 29, 2010 First National Bank of Elk River Zimmerman Branch, bank statement and Banyon reconciliation were reviewed, signed and dated by Supervisor Hewitt. General Checking \$65,046.12; Managed Savings \$1,055,545.04; 13 month Landfill CD #41820, \$60,000.00; 25 month Landfill CD #45337, \$40,000.00. Pledged securities in the amount of \$1,225,093.11 are on file in as of January 28, 2010. Hewitt/Hass 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 \$80,000.00 from Managed Savings account to Checking account to cover claim numbers 4663-4696 and check numbers 13527-13577.

3.2 Approve renewal of Landfill CD #41820: Wallin/Sherper unanimous to approve renewing Landfill CD #41820 at First National Bank of Elk River Zimmerman Branch for 18 months at an interest rate of 1.45%.

4.1 Presentation of Services: DeAnna Doran District Manager for Sherburne County Soil and Water Conservation District (SCSWCD) was present to provide information regarding conservation programs available, services provided by the District and upcoming events. Ms. Doran provided Brochures; the information is also on their website at www.sherburneswcd.org. In addition there is a survey about conservation issues for the public to complete; the input will be helpful in developing the 5-year comprehensive plan. In her position as District Manager she reports to a Board of Supervisors; she introduced Doug Manthei, a Board Supervisor for this District and Bill Bronder, Research Conservationist, a staff person at the District Office.

4.2 Supervisor reports: Hass, Hewitt and Wallin had no reports. Doebler reported the Boy Scout who is working to obtain his Eagle Scout Badge is working in the Sugarbush Park to define areas where additional signage and benches could be placed. As part of his project he will keep a log of what is found on the trails. Jody Hammre volunteered to represent Livonia Township on the Rum River Resources Board. Sherper attended the Legislative and Research Committee at the Capital in February. Areas of concern brought to the legislators by the Townships included the PILT (Payment in Lieu of Taxes) which is payment by DNR for lands held by the DNR to local governing bodies, extension of time line for agriculture property owners for Green Acre decisions and concern over the State budget.

5.1 Request for consideration of a yard waste facility: Doug Manthei property owner and Karl Bekius with Elk River Composting were present for request. The business would consist of composting of grass, leaves and brush on property owned by Manthei. The request would require an amendment to County Ordinance. The Board was in agreement with the concept. Clerk/Treasurer will contact the County Zoning Office regarding the request.

5.3 Engineering updates: 96th Street project is near completion, four affected residents, will have cost estimate in March. Will have further information regarding Phase I Lake Shore restoration in March.

5.4 Approve quote for final lift of bituminous in Barthel Acres/Pinto Hills: Three quotes were received for final lift of bituminous in Barthel Acres/Pinto Hills as follows: Hardrives \$97,503.19, Knife River \$90,745.80 and Rum River Contracting \$90,794.00. Low quote is Knife River as validated by Bogart. Hewitt/Wallin unanimous to award project to Knife River with low quote of \$90,745.80.

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5.5 Authorize to obtain legal opinion regarding non renewal of letters of credit/amendment to developer's agreement: Clerk/Treasurer asked for authorization to obtain legal opinion regarding liability to the Township for non renewal of letters of credit for active developments, specifically developments that have received final approval and infrastructure has not been built. Hewitt/Sherper unanimous to authorized Clerk/Treasurer to contact Attorney to obtain legal opinion. Discussed amending language in developers agreement regarding requirement for lien waivers prior to Town's final acceptance of plats. Will review and report back in March.

5.6 Amendment to Sherburne County Zoning Ordinance ORD 176: The following was recorded for the official record: Hewitt/Hass unanimous to approve Amendment to the Sherburne County Subdivision Ordinance –ORD 176. The purpose and intent of this ordinance adopted on February 2, 2010 by the Sherburne County Board of Commissioners is to amend the Sherburne County Ordinance by adding the definition of swimming pools and spas and their regulations to Section 17 General Development Regulations Subdivision 15. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office.

6.1 Cemetery Board/rules/regulations information: As requested by the Board earlier, Clerk/Treasurer provided information regarding cemetery rules and regulations for their review prior to March meeting.

6.2 Approve resolution and appoint Town representatives to the Regional Park and Trail Board: Sherper/Doebler unanimous by roll call to approve Joint Planning Agreement for the Provision of Parks, Trails and Open Spaces and to approve appointment of Jody Hammre as Township representative to the Board with either Supervisor Doebler or Hewitt as alternate. Doebler, Hass, Hewitt, Sherper, Wallin yes; none opposed. Motion carried.

6.3 Approve proposed 2010 annual meeting agenda and 2011 proposed budget for presentation at the Annual Meeting: Hewitt/Sherper unanimous to approve proposed 2010 agenda and proposed 2011 budget for presentation at the Annual Meeting on March 9, 2010.

6.4 Resolution establishing gopher bounty: Minnesota Statute 348.12 and 348.13 authorizes towns to offer a bounty for the destruction of pocket gophers or ground squirrels. The area townships have passed similar resolutions to allow for increase in bounty paid by the township to their residents. The Board feels if they don't offer like compensation, residents may file claim for bounty in one of the other townships. Livonia Township pays only for gophers taken in Livonia Township by Township residents. Sherper/Hass unanimous o approve resolution establishing gopher bounty to \$2.00 per pair of pocket gopher feet. Doebler, Hass, Hewitt, Sherper, Wallin yes; none opposed. Motion carried.

6.5 Approve open book meeting in lieu of Town Board of Appeal and Equalization: Hass/Hewitt unanimous to approve for the 2010 assessment year an open book meeting to be held at the County Assessors Office on April 8, 2010 which will run throughout the day for Livonia Township residents. Normally the Board of Appeal and Equalization is held at the Township. For the 2010 assessment year the Township lost its ability to hold Board due to lack of quorum at the 2009 Board of Appeal and Equalization.

6.6 Discuss/resolution for funding of door openers for election assistance for individuals with disabilities. The Town Hall doors as they are meet the disability requirements for elections. The Board will not pursue the grant which would be for the door opener only.

6.7 Updates: County procedures for enforcement of Ordinance violations; MATIT insurance coverage: The County Zoning Office prepared a memo that was sent to all Sherburne County Townships regarding their process for enforcement of ordinance violations. Minnesota Association of Townships Agency (MATIT) sent information regarding Townships insurance coverage's which changes the requirement for increase in liability insurance to 1.5 million.

Hewitt/Doebler unanimous to adjourn meeting at 9:15 p.m.

Dated this 22nd day of March 2010


Chairman or Vice Chairman


Clerk/Treasurer or Deputy Clerk/Treasurer