



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES AUGUST 23, 2010

On August 23, 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. Supervisors Doebler, Hass, Hewitt, Manthei, Sherper; Clerk/Treasurer Spencer, and Deputy Clerk/Treasurer Olson were present; Jon Bogart, Town Engineer was also present. 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: Sherper requested addition of "e" be added to Item 6.5 -1000 Friends of Minnesota. Hewitt/Doebler unanimous to approve the Regular Meeting agenda as amended with addition of "e" to Item 6.5.

1.3 Elect Vice Chairman: Sherper called for nomination to elect Vice Chairman to the Board. Hass motioned to nominate Hewitt; there were no other nominations, Sherper declared nominations closed. Hass/Doebler unanimous to pass a white ballot for Dave Hewitt to serve as Vice Chairman of the Board.

1.4 Approve Consent Agenda: Hewitt/Doebler unanimous to approve Consent Agenda as submitted: A) July 26,2010 Regular Board Minutes; B) August 12, 2010 Appointment Committee Minutes; C) Hall office closed September 9, 2010 to attend legal seminar.

Sherper welcomed Doug Manthei who was appointed to fill seat of Supervisor A.

1.5 Sheriff's report: There was no report this month.

1.6 Fire Report: Maloney provided July calls for service: 3 medical assists, 1 gas leak, 3 motor vehicle personal injury, 3 cancelled en route, 4 down power line, 1 grass fire, 1 hazmat spill, 1 shed fire, 1 person stuck in elevator and 3 mutual aid. The training grant in the amount of \$5,978.00 was received and will be used for various types of training. Maloney welcomed everyone to attend the Fire Department annual open house from 11 – 3 pm and dance from 8 pm to midnight on September 11th.

1.7 Road Maintenance Report: Coordinator Spencer provided summarization of July work which included installation of the new weight limitation signs, cross conveyer work, tree trimming and erosion issues connected with recent rains. Roadside brushing is scheduled for end of September. The annual fall maintenance expo will be held October 6 & 7. MnDot is sponsoring a workshop for traffic sign management and maintenance in November. Hass/Hewitt unanimous to approve attendance at both meetings, including Deputy Clerk/Treasurer at the sign maintenance seminar. Sherper informed us that MnDot is updating their signage manual which should be available at the MATS District 7 meeting in September. Each Township will receive a copy.

2.1 Clerk/Treasurer report of account balances/review & approves payment of claims and transfers: Balances as of July 31, 2010 Woodlands National Bank 13 month Landfill CD # 41820 \$60,211.40 and 25 month Landfill CD \$40,000.00. Balances as of July 31, 2010 the Bank of Elk River, Commercial Checking with interest \$59,782.64 and High Yield Business Money Market \$1,890,310.99. Pledged securities in the amount of \$2,001,105.71 are on file in the office as of July 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 \$430,000.00 from Savings to Checking to cover claim numbers 4922-4974 and check numbers 13869-13933. Hewitt/Doebler 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 September 27th meeting.

2.2 Landfill CD #45337 Hass/Hewitt unanimous to approve closing out CD #45337 at time of maturity, September 27th, at the Woodlands Bank and depositing funds into the savings account at The Bank of Elk River.

3.1 Supervisor reports: Hass and Hewitt had no report this month. Doebler reported the Township was awarded the SHIP Grant in the amount of \$17,750 for planning of the trail connection between the Sugarbush Park and the Great Northern Railroad. Doebler made a motion to approve award planning of the connection trail to HKGI who previously developed the Township's Park Plan and Sugarbush Trail Plan; Hewitt seconded the motion; motion carried. The Park Board formed a group which currently consists of four Park Board members called "Friends of Sugarbush". The purpose of the group is to walk the trail, pick up branches and to take note of trail conditions, report conditions to the Park Board; other residents are welcome to join the group. Doebler thanked the Pensinger family for the framed picture of the Sugarbush Park



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dedication. Manthei thanked the Board for appointing him to the position vacated by Wallin; he is eager to serve the community. Sherper will attend the MATS multistate meeting which consists of township representatives from Minnesota, Wisconsin, North and South Dakota. The meeting will be held in Mahanomen where common issues will be discussed, agreed upon and then moved on to the National Township Convention in November. Green Acres is still a major issue, some counties participate while others do not, there is question whether MATS should take a position on this issue. The MATS District 7 meeting is September 23rd at 7 p.m. in Cambridge at the Community College. Issues affecting Townships will be discussed; a MATS attorney will be available to take legal questions. He attended a MATS workshop; there was discussion regarding germane resolutions vs. non germane resolutions and how they affect Townships. They also talked about the green acre issue; it is unknown where that issue will go. Chuck Marohn with Community Growth Institute will have a presentation regarding financial transitioning during this time of economic downturn.

4.1 Request for second driveway access: Chris Pensinger property owner was present for the request for a second driveway access. He provided a sketch to show location of well, septic, trees, etc and stated the topography is steep which would prevent access from existing driveway. The proposed access is more than 150 from neighboring access and is farther than 50 feet from the neighboring property line. Hass/Hewitt unanimous to approve installation of second access on 272nd Avenue in the plat of Shiloh Woods.

4.2 Erosion control/vegetation of Town right of way on 98th Street: Cliff Bigley property owner was present. Bigley provided Bogart and the Township with copy of the property survey as requested at the July meeting. Bogart provided an update. The road is not centered in the right of way; the monuments were found as noted on the survey. The property line at the top of the bluff wanders in and out. On the south side of the property part of the top of the bluff out of the right of way; going north near the middle where the house is located the top of the bluff angles back into Bigley's lot. Referring to the location of the red flag in the picture, the right of way is about 4 feet beyond that; the top of the bluff is within the lot. Bogart described the area of concern as being an 8 to 10 foot horizontal area between the top of the hill back 4 feet to the red flag. There was discussion regarding the right of way vs. property line. Sherper clarified to Bigley that the owner's property lies on the property side of the survey line and the Town right of way is on the other side of the surveyed lot line. Bigley stated damage from erosion occurred prior to him obtaining ownership of the property, has not seen any erosion issues this year. Bigley referenced a letter dated September 16, 2009 which was directed to the previous property owner; Board viewed the letter. The letter was sent to previous property owner for violation of Ordinance No. 900 regarding erosion off the front yard of the property which was causing problems with the storm sewer system. Bigley requested the letter be removed, said he has seeded and intends to sod also in the area that was causing the problem referred to in the letter. Bogart suggested a letter be sent as soon as we are sure there is no longer is an issue. Bogart suggests selective hydro seeding to start stabilization of the hill. Hass made a motion to authorize Bogart to look into how much it would cost to hydro seed; Hewitt seconded motion. Motion carried. Bogart asked if he finds someone to hydro seed for a reasonable price should he go ahead; he asked what a reasonable price would be. Board agreed \$700 would be reasonable. Hass made a motion to amend the original motion to authorize hydro seeding if it can be done for \$700 or less; Hewitt agreed. Motion to amend carried. Hass/Hewitt unanimous to approve original motion with amendment.

4.3 Roadside mowing by others: Curt Grams was present to ask Board if he can mow Town right of way on 142 Street/233rd Avenue aka "The Grams Road" for an annual fee of \$100 now that Roger Wallin is no longer available. He stated the road side had not been mowed this year. Sherper stated the Township contracts for roadside mowing; was previously mowed by Roger Wallin. While Roger was a Town Supervisor, he mowed the ditches as an independent contractor, not as an employee or supervisor of the Township and carried liability insurance as required by the Township. In order for Grams to mow for a fee, he would then be acting as an independent contractor, liability insurance is required. While many property owners mow up to the Town road edge, they are doing it on their own, without permission from the Township. Sherper stated there needs to be consistency in our policy; the policy of the Town Board is to contract with an independent contractor for roadside mowing of all Town roads. The Town Board discourages anyone from mowing the ditches as Grams proposes to do. Hass stated there are liability issues when residents mow or work within the Town right of way.

4.4 Culvert drainage issues: Lawrence Hintz was present, his property is on 101st, stated with heavy rains the culvert in his driveway becomes exposed. He is requesting the culvert be removed so he can tar the driveway. Hewitt/Doebler unanimous to authorize Jon Bogart to assess the issue and bring back to September meeting.



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4.5 Culvert drainage issue Whispering Ridge: Lewis Moss resident was unable to attend the meeting. In a letter to the Board he stated on the drain out side of the culvert under his driveway a pool is being created, water collects when it rains; is looking for a solution. Maintenance Coordinator will look at removing the dirt that has built up, will have the area gophered for utilities before proceeding.

4.6 Shouldering in Barthel Acres: Brian Sandy was present regarding shouldering of the streets in Barthel Acres with Class 7 after the road was reclaimed and overlaid. Sandy asked if the Township is going to leave it the way it is; the residents can't mow up to the road would have to weed whip instead. Hass asked if there is a structural difference between 2 feet of gravel vs. 2 feet of black dirt. Bogart stated, the pavement will hold up better with a gravel shoulder. Residents expressed their dislike with the gravel shoulder and inability to mow up to the road edge along with the gravel that is washing into their yards. Bogart stated the road standards approved by the Board were applied to the project and approved by the Board. Hass and Manthei will go on site with Bogart to look at conditions; bring back to September meeting. Sherper stated the levy for next year has been set; will have to look at the dollars if the remedy is costly.

At 8:35 p.m. Hass asked for a three minute recess; Sherper called for the brief recess
Sherper reconvened the meeting at 8:38 p.m.

4.7 Engineering updates: Second lift of bituminous on 96th Street was placed; silt fence will be removed. Second lift of bituminous in Barthel Acres/Pinto Hills is done. Lake Fremont Restoration will begin at end of August. Mark Basiletti informed the Board there is an opportunity for another grant for the restoration of the remainder of the lakeshore to the area of the intersection of 120th Street and 269th Avenue. Manthei/Hewitt unanimous to authorize application for the SWCD grant for remainder of the shoreline.

4.8 Whispering Ridge engineering: Engineering for the Whispering Ridge plat was originally contracted to Hakanson Anderson due to a conflict of interest for Bogart Pederson to provide engineering services to the Township for that development. Due to the economic downturn, ownership of the vacant lots in the development has changed; the conflict no longer exists. Hewitt/Doebler unanimous to discharge Hakanson Anderson from providing engineering service for the development and authorize Bogart Pederson to take over Whispering Ridge engineering services.

4.9 Road Striping 96th Street to 245th Avenue: Hass/Hewitt unanimous to approve an additional 5,850 feet for road striping on 96th Street from the 237th Avenue grid line to 235th Avenue to include sweeping, fog and centerline striping.

4.10 Consideration for a second ditch mowing: Board discussed need for second ditch mowing. Hass/Manthei unanimous to table consideration for ditch mowing until September meeting pending outcome of the Barthel Acres issue.

5 Open Forum: Jim VonMeier was present to request use of Town Hall to meet with residents in the development of Country Meadows regarding maintenance of the community septic system in the development. VonMeier is a public educator with Community Education to educate the public on proper maintenance of their septic system. Due to the nature of the use of the hall for public information, Hass made motion to waive the \$100 rental fee as this is a community service meeting; the \$500 refundable damage deposit will be required; Manthei seconded the motion. Motion carried. Sandy Coleman, resident, offered positive comment on the Barthel Acres road project with the exception of the ditches. She requested the turn lanes on 269th Avenue be striped and asked why the remainder of 120th Street was not done. The residents refused to sign the required easements. She would like to see the road work completed. She asked if the Township would support placement of a postal drop box on the east side of Highway 169; will contact post office with that request. There were no other requests for open forum.

Jon Bogart reported he talked with Chuck Marohn regarding amendment to engineering standards that would allow for narrowing of travelled lanes in some areas. Bogart estimates current costs for one mile of reconstruction to be \$380,000 - \$400,000; by narrowing certain roads could reduce cost per mile to \$308,000.

6.1 Reorganization of duties: The supervisory duties previously held by former Supervisor Wallin were reassigned as follows: Road Maintenance-Butch Hass along with Dave Hewitt; Cemetery Rose Olson, Jan Wallin along with Gary Doebler; Fire Board-Gary Doebler along with Butch Hass.

6.2 Reallocation of 2011 funds: The 2011 levy was certified at \$1,149,475. Of that the Board is mandated to levy \$130,070 for the Building Certificate of Indebtedness. Hewitt/Doebler unanimous to reallocate funds within the 2011 certified levy to allow for the mandated amount of \$130,070 for the Building Certificate of Indebtedness. The reallocation does not change the certified amount.



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6.3 Appointment to the Planning Commission: In July the Clerk/Treasurer Spencer agreed to serve on the County Planning Commission to fill Wallin's vacancy. Hass/Hewitt unanimous to appoint Lila Spencer to represent Livonia Township on the County Planning Commission until the end of 2010.

6.4 Maintenance Building Update: The building project is progressing. Board looked at options for lettering and landscaping options. Hass/Hewitt unanimous to approve Helvetica style font lettering; lettering and bollards regal red color landscaping to exclude plantings, shrubs and trees. Requested the general contractor provide itemization of landscaping costs, process used to transition from parking lot pavement to the concrete gutter, when the flag pole will be needed, and to make sure water shut off is included in the mechanical room.

6.5 Updates and other items: a) Open house date: Occupancy date of Maintenance/Fire Building remains mid October; no date for open house was set. b) Primary Election went well. Precinct 1, Livonia voters living on the west side of Highway 169, voted at the Fresh Water Church. This is the first election for the Township where voting has been moved off Town Hall site. Turnout was low; Precinct 1 reported 157 voters and Precinct 2 reported 183 voters. c) Playing field agreement: Regarding the proposed playing field, the school district maintains the Township/City would be responsible for maintenance of the playing field during the summer months. Hass suggested a brief meeting with the City to talk about the playing field agreement. d) August planning commission report was not provided. E) 1000 Friends of Minnesota: A letter was received from CGO confirming final payment from them for land use planning. The annual project report will be submitted to them as required by end of September.

6.6 Approve Interim Use Permit for a Yard Waste Composting Operation: Motion by Hewitt, seconded by Doeblner to approve the Interim Use Permit for a yard waste composting operation as approved August 3, 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. Motion carried; Supervisor Manthei abstained.

Hass/Doeblner unanimous to adjourn meeting at 10:15 pm.

Dated this 27th day of September 2010

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer