



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
MAY 23, 2011

Supervisors 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:** Prior to the meeting Mike Ziegler requested Item 4.6 – driveway Woods at Lake Fremont Second Addition L9B3 - be removed from the agenda. Hewitt/Hass unanimous to approve the Regular Meeting Agenda with removal of Item 4.6 as requested by Mike Ziegler.

**1.3 Approve Consent Agenda:** Hewitt/Hass unanimous to approve Consent Agenda as submitted. A) March 28, 2011 Regular Board Minutes; B) April 25, 2011 Regular Board Minutes; C) April 30, 2011 Informational Meeting Minutes; D) Release of Warranty Wark Estates Third Addition and E) Use of Town Hall Facility by Zimmerman Boys Youth Basketball.

**1.4 Sheriff's Report:** Sgt Novotny provided the April calls for service report in both the summary and expanded listing format. Board agreed the summary listing is sufficient. There will be increased patrolling in certain areas of the Township throughout the spring/summer season.

**1.5 Fire Report:** Chief Maloney provided April calls for service: 2 medical assist, 1 gas leak, 1 motor vehicle personal injury with extraction, 3 cancelled enroute, 1 carbon monoxide, 1 down power line and 1 outside rubbish fire. The open house went well despite the rainy weather. Maloney will provide a copy of the substation radius map to the Township for display.

**1.6 Road report:** Coordinator Spencer reported all the gravel roads have been graded, pothole patching is ongoing, cross conveyor work will begin shortly, detour signs for the 245<sup>th</sup> Avenue project are ready to be placed, the area of 253<sup>rd</sup> Avenue and Highway 169 is in need of repair, the culvert located at the north end of 253<sup>rd</sup> is pushing up to create a speed bump affect and a spray injection patch was applied to a small area on 112<sup>th</sup> Street south of CR 4. Hass/Hewitt unanimous to obtain an RFI from Omann Brothers for 253<sup>rd</sup> /169 repair to see what the cost would be; they are already mobilized in the Township with the 245<sup>th</sup> Ave project, will bring back to June meeting. Hass suggest Bogart look at the culvert on the north end of 253<sup>rd</sup> Avenue to see what can be done and bring back to the June meeting. Coordinator Spencer asked for approval to purchase zero turn lawn mower to be used at the hall site and cemetery. Quotes were obtained from Scharbers \$2,550; Greenbergs - \$2,599 and Home Depot - \$2,599. Moved by Hass seconded by Hewitt to purchase from Greenbergs, they are closer and offer full service for parts/repair; motion carried.

**2.1 Clerk/Treasurer request for approval of payment of claims and transfer of funds:** Hewitt/Manthei unanimous to approve payment of claims, including payroll as submitted, for payment of utility and interest bearing bills received after claim deadline and to transfer \$90,000 from savings to checking to cover claim numbers 5338-5369, check numbers 14382-14425 and electronic fund transfer number 5.

**3.1 Presentation by DeAnna Doran, SCSWCD:** Ms Doran provided brochures outlining upcoming events in the Sherburne County Parks during the month of June. The brochure outlines activities and areas of interest for each park. Information regarding the County Parks can be found on the Sherburne County Zoning website: [www.co.sherburne.mn.us/zoning/rec](http://www.co.sherburne.mn.us/zoning/rec) County Commissioner Leonard who serves as an alternate on the County Park Commission was also present.

**3.2 Presentation of the draft Sugarbush Preserve Feasibility Study.** Amy Bower with HKGI provided summarization of the Study which should be finalized in the next couple of weeks. The Study was funded by the SHIP Grant. She showed the areas under consideration for the proposed trail, pending easements from property owners. Sherper expressed concern about responsibility for liability to the property owner. Hewitt stated there is a statute in place that speaks to liability. Sherper thanked Ms. Bower for her presentation.

**3.3 Supervisor reports:** Hass reported the Fire Department is investigating the purchase of a grass rig; more information should be available at the next Fire Board meeting. Manthei reported food expenses for the open house came to \$244.47. In April the Town Board accepted a donation of \$500 from the Fire Relief Association for food expenses for the open house. Moved by Hass seconded by Hewitt to refund the remaining \$255.53 back to the Relief Association; motion carried. Manthei talked with County Zoning office regarding having a Zoning person occasionally attend our meetings; Board will take under consideration. Hewitt reported on Park Board Meeting. Jody Hammre, Town Park rep attended the RRRR Board Meeting where there was discussion about trail connections which will be funded by grants. There is a park west of Princeton that will signed so public is aware of it; signage will be funded through grant money. They also talked about a proposed bikeway between Princeton and Cambridge. On May 16<sup>th</sup> Sherper attended the Open House for the draft County Comprehensive Land Use Plan; reviewed the plan with Jon Sevald, County Planner. On May 19<sup>th</sup> he attended the Workshop Meeting with Dr. Bezek, ISD 728 Superintendent, regarding the playing field proposed to be located on the future high school site; development of that property is up to the School Board. At this time the School District is looking to enhance facilities at the current high school site. The current agreement regarding the playing field will need to be reevaluated in the near future.

**4.1 Request for second driveway Prairie Hills Second Addition:** Mike Mrozek, property owner, was present for request to access a proposed accessory building from 102½ Street. Hewitt/Manthei unanimous to approve second



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driveway access from 102½ Street; the septic system would have to be crossed if accessed from existing driveway. Mrzozek has filed application, will deposit required fee; Bogart will provide inspections.

**4.2 245<sup>th</sup> Avenue Project update:** Jon Bogart provided update. The Precon meeting was held, construction is set to start May 31<sup>st</sup>, crews will stake week prior. Discussed use of recycled bituminous for shouldering to meet Class 7 specification. Manthei/Hewitt unanimous to allow use of recycled bituminous for shouldering on this project as long as it meets Class 7 specifications. Will be used on first lift and then decide if it will be used with the second lift of bituminous.

**4.3 Lake Fremont shoreline restoration phases 1 and 2/cost share agreement:** Mark Basiletti, SCSWCD, and Jon Bogart led discussion. Phase I restoration started last year; all but 130 feet was completed. Basiletti estimates one day to complete Phase I, the funding is in place materials are stored and would move forward mid-summer when water level is down, in house labor will be utilized as well at STS crew. Phase II consists of 2000 feet beginning at the point where phase 1 stopped to the area of 120<sup>th</sup> Street and 269<sup>th</sup> Avenue. It is noted there are two private property owners who own shoreline within the 2000 feet; that part of the shoreline will not be the responsibility of the Township. The SCSWCD will contact them individually regarding restoration of the privately owned shoreline. The SCSWCD has secured a cost share based grant to fund the project. No action was taken on the cost share agreement which will be revised to eliminate the footage owned by private property owners. Will bring back to June meeting.

**4.4 Engineering Standards and Road Classification update/Resolution approving:** Bogart summarized his amendments to the Engineering Standards as it pertains to the new Township roadway widths on the 7 and 9 ton designs. Based on Board discussion, minor changes will be made to the Standard and will bring back for consideration at the June meeting. The road classification map will be provided in June also.

**4.5 Discussion of 2010 outstanding rights of way issues:** a) Moss property had an issue with water standing in the area of the culvert. No water was observed standing after the last heavy rain. The site will be monitored from time to time to see if the problem has corrected itself. b) Tucker property in Whispering Ridge development has an issue with erosion between his property and neighboring property. There is a delineated wetland on the Tucker property and a wetland on the adjoining property. County Environmental Specialist and County Soil and Water were asked to evaluate the issue before the Township moves forward. Their report was not available for this meeting. Hass/Hewitt unanimous to table decision until the environmental and wetland report is back. c) Bigley property in Hunter Lake development: Last fall the Town right of way was seeded to see if erosion on the hill would stabilize in the spring. Some vegetation is growing; more may need to be done. The Board authorized Bogart to look at the site with SWCD as the water eventually runs to the lake and come back with a recommendation. It was noted Bigley will need to do work on his property to help stabilize the abutting right of way. Will bring back to June meeting. d) Hintz property located in the West Hunter Lake area had problem with drainage and erosion issue. Board members observed a dirt track going around the property and in Town rights of way. Manthei stated riding in the right of way between April and August is not allowed; Township is not aware of County approval of the track. Hass/Hewitt unanimous to table. e) Barthel Acres/Pinto Hills rights of way. Supervisors observed the area; vegetation is growing in the rights of way. Hewitt/Manthei unanimous to let the grass in the rights of way grow for the summer.

**4.6 Driveway Woods at Lake Fremont Second Addition L9B3:** Removed from agenda per request from Mike Ziegler.

**4.7 Discussion draft County Comprehensive Land Use Plan:** Jon Sevald, County Planner was present with proposed zoning map for Livonia Township and Draft Comprehensive Land Use Plan. There was discussion regarding preserving aggregate areas; consensus of the Board is that before declaring an aggregate overlay area there needs to be something in place for fair compensation to property owners due to potential devaluation of properties. Sherper suggested transfer of development rights be explored to preserve aggregate land. There was question about what the most appropriate land use along the Highway 169 corridor. This past January the Board approved all lands to be designated as rural residential with the exception of those areas that are currently in the orderly annexation area, parks and open space, heavy industry and business & industry. The Board designated the Girl Scout land use as parks and open space. Sevald will amend the Township part of the County Plan and forward for approval consideration.

**4.8 Resolutions to rescind temporary weight limits:** Hass/Manthei unanimous by roll call to approve resolution to rescind temporary weight restrictions on 96<sup>th</sup> Street resolution #10-17. Hass, Hewitt, Manthei, Sherper yes; none opposed; Doebler absent Hewitt/Hass unanimous by roll call to approve resolution to rescind temporary weight restrictions on the developments of Barthel Acres and Pinto Hills resolution #09-11. Hass, Hewitt, Manthei, Sherper yes; none opposed; Doebler absent

**4.9 Mowing Town rights of way:** Hass/Hewitt unanimous to authorize staff to obtain quotes for mowing Town rights of way, including cost for rental of equipment.

**4.10 Girl Scout Road:** Manthei lead discussion; has received reports of people getting stuck when travelling through the low maintenance road which is signed as such. The Road also is an area where illegal dumping happens. No action taken.

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



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**6.1 Approve 2010 audited financial statements:** Hewitt/Manthei unanimous to approve the 2010 Audited Financial Statement as presented by Molly Thompson, CPA Schlenner Wenner Company on April 25, 2011.

**6.2 Time limit on driveway permits:** Hewitt/Manthei to add language to the driveway permits that's speaks to the deposit being forfeited after one year if the permit is not extended or renewed by the applicant: Language as follows: The permit is valid for one year from the payment receipt date; it is the applicant's responsibility to extend or renew the permit if needed. The Construction Deposit will be forfeited after one year if not extended or renewed.

**6.3 Discussion regarding playing field:** Sherper reported on the meeting with ISD Superintendent Bezek during Supervisor report. No action taken regarding reference to the playing field in the current Orderly Annexation Agreement.

**6.4 Adopt Cemetery Constitution By-Laws and Rules and Regulations:** Cemetery Board approved the Cemetery Constitution By-Laws and Rules and Regulations at their Board meeting on May 17<sup>th</sup>. The Cemetery Board approved increase to \$500 per lot for Livonia residents and to \$750 per lot for non-residents. Town Board reviewed; several typos were noted and will be corrected. Hewitt/Manthei unanimous to approve the Cemetery Constitution By-Laws and Rules and Regulations with corrections and with the increase to \$500 per lot for Livonia residents and to \$750 per lot for non residents.

**6.5 Sherburne History Center Membership renewal:** Sherper/Hewitt unanimous to approve History Center membership renewal at the Patron level.

**6.6 Updates and other business:** a) Workshop meeting with Troy Gilchrist: Effective June 1, Troy Gilchrist, Attorney with Kennedy & Graven, will begin serving as legal counsel for Livonia Township. Board reviewed their individual schedules for time availability to meet with Gilchrist; Clerk/Treasurer will contact to set up a workshop meeting. b) Cleanup Day report: 128 vehicles came through; final monetary figures not available pending invoicing from vendors.

**6.7 Approve ORD 183 Amendment to Sherburne County Zoning Ordinance Section 17.5 Subsurface Sewage Treatment System Program;** Moved by Hewitt, second by Hass to approve Amendment to the Sherburne County Zoning Ordinance Section 17.5 ORD – 183 Subsurface Sewage Treatment System Program was approved by the Sherburne County Board of Commissioners on April 5, 2011. Copy of the approval and conditions of approval are on file in the Sherburne County Zoning Office. Motion carried.

Hass/Hewitt unanimous to adjourn meeting at 11:02 p.m.

Approved this 27th day of June 2011

Don Sharper  
Chairman or Vice Chairman

Lucy Spencer  
Clerk/Treasurer or Deputy Clerk/Treasurer