



## LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES

HELD AT THE LIVONIA TOWNSHIP HALL

January 26, 2015

Supervisors present: Doebler, Hass, Hewitt, Manthei and Spencer.

Staff present: Clerk/Treasurer Hammre, Deputy Clerk/Treasurer Fiedler, Maintenance Coordinator Berghuis

Others Present: Jon Bogart, PE Town Engineer with Bogart Pederson & Associates, Inc.

Chairman Hewitt called the meeting to order at 7:00 pm.

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

**1.2 Approve Regular Meeting Agenda:** Manthei/Spencer unanimous to approve.

**1.3 Approve Consent Agenda: Doebler/Manthei unanimous to approve Consent Agenda as follows: Item A) December 23, 2014 Regular Board Minutes with the following amendment to the December 23, 2014 Minutes: Consent Agenda Item B) 2015 IRS Mileage Rate Change - Adopt 2015 IRS Mileage Rate Change to \$0.575 per mile. Item B. Training sessions for the year with the following amendment: Road Coordinator to attend trainings that apply to road maintenance.**

**1.4 Sheriff's Report:** Sergeant Wilson reported there were 161 calls for service in December; 38 of the calls were for traffic stops, the remainder of the calls were for various reasons. There were no current issues or concerns for Livonia Township. Manthei asked about trespassing violations in the Girl Scout Camp, Wilson said that the Greater Minneapolis Girl Scout Council wants all violators to be prosecuted. Spencer inquired about garbage dumping on the minimum maintenance road on the north side of Lake Fremont. Wilson stated that they have seen minimal dumping on their routine patrols of the road.

**1.5 Fire Report:** Chief Maloney provided December calls for service: 3 medical Assists, 1 cancelled en-route, 2 fire alarm, 1 good intent (smoke in the area), 1 vehicle fire (school bus), 1 fire standby mutual aid.

**1.6 Road report:** Maintenance Coordinator Berghuis requested permission to sell the 3 plows that came with the grader that are not used or needed. Spencer/Doebler unanimous to authorize Berghuis to sell the plows and to use the proceeds to purchase equipment in the future. Berghuis reported that a faucet mal-functioned in the Maintenance/Fire building and was replaced; the hoist was repaired on snow plow #32 – it had rusted out. This is the truck that will be replaced this year; Berghuis is working with Rochester on details for purchasing one of their trucks and arrangements for selling #32; a dryer was installed in the maintenance building. Spencer asked what we do with wood that is cut in Township right of ways. Discussion about options for proper wood disposal.

**1.7 Planning Commission Report:** Spencer reported the following actions were taken at the January 13, 2015 Planning Advisory Meeting: Polly's Pickens Simple Plat – recommended for approval; Pool request for IUP for Permanent Occasional Special Event (Haunted House – Corn Maze) – recommended denial; Amendment to Sherburne County Zoning Ordinance – In-Home Daycare definition – recommended approval; Amendment to Sherburne County Zoning Ordinance concerning Personal Storage Structures – recommended approval. Discussion followed about the basis for denial for the Pool IUP including the lack of a County Ordinance that specifically addresses this type of event.

**2.1 Request for Variance – Vensland:** Scott Vensland was present to request a Variance in setback from the right of way of 98<sup>th</sup> St NW to construct a new garage. Required setback from the right of way is 67' – proposed garage would be 45' from the road right of way. Discussion followed with the Board inquiring about a secondary septic location and other options to place the proposed garage. Vensland indicated where the secondary septic would be located, and that there was no other location on his property to place a garage due to the size and shape of the lot, existing and secondary septic, and road right of ways. He does not have a garage on the property at present. Vensland also addressed the condition set forth by Sherburne County that he remove the construction materials and equipment that are at present in his yard on the property. He stated that these are items he uses in his business, and that the garage is in part to be used to store these items.



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Spencer/Doebler unanimous to recommend approval of a 22' Variance in setback from the right of way of 98<sup>th</sup> Street. Board comments include: To allow Mr. Vensland one year to remove the landscaping materials and other items and remove the non-permitted buildings that are now on his property. This is a condition of granting the Variance rather than a requirement that the items be moved before the Variance is granted. The Variance would be in harmony with the intent of the comprehensive plan and zoning, without the Variance Vensland would be deprived of reasonable use of his property; The difficulty is due to the unique circumstances of his property not caused by the homeowner; the Variance is in keeping with the character of the locality and the difficulty involves more than economic consideration.

2.2 Facilities for School – Bezek: Mark Bezek was present to discuss the Referendum that was passed in November and the potential for neighboring communities to partner with School District 728 to enhance projects to benefit students and the community. Bezek reviewed past cooperative projects with local schools in the District, and stated that there will be a Community Visionary Meeting on February 9, 2015 at the Zimmerman High School to discuss ideas and options. Hass voiced the concern that the Zimmerman area secondary schools do not have the same curriculum that the Rogers and Elk River secondary schools have and that some residents may be reluctant to fund additional school projects that would benefit other areas of the district more than the Zimmerman area. Bezek replied that the curriculum will never be the same in Zimmerman Secondary Schools due to the smaller student body and available funds. He mentioned some of the options for Zimmerman students such as online high school. He also stated that Zimmerman High School would not exist if it were not for the association with Elk River and Rogers. Discussion continued about square foot cost of classrooms and Levy funding. Several Board members indicated they would be able to attend the February 9 Community Visionary Meeting.

**2.3. Engineering:** a) 239<sup>th</sup> Ave – waiting for spring; b) 112<sup>th</sup> St – no easements have been obtained yet, discussed several issues with obtaining easements. Options for the road were discussed if easements could not be obtained. Another resident meeting will be held February 5<sup>th</sup>, 2015 at the Town Hall – Hammre to send out Certified letters to those residents that require easements, and regular mailings to all other affected residents, as well as posting a sign on each end of the road with the meeting information. If necessary easements are not obtained, the project may have to be post-poned; c) Lake Fremont Road tree removal update – wetland application has been submitted – waiting for approval and permit d) CIP update – nearly complete. Bogart also stated that Livonia Township and Sherburne County will be impacted by the Minnesota Pollution Control Agency MS4 regulations which would impact the engineering of our roads.

**3.0 OPEN FORUM** – No one was present for Open Forum.

4.1 Clerk Treasurers Report: Hammre reported items of interest during December include: Township Supervisor Filing period is closed. 2 people filed for Supervisor B position, 1 person filed for Supervisor C position, and 1 person filed for Supervisor E position. Maintenance worker Kelly built a display box for the LGIA Award that Livonia Township received.

**4.2 Approve payment of claims and transfer funds:** Hass/Doebler unanimous to approve payment of claims, including payroll, as submitted and to transfer \$126,000.00 from savings to checking to cover claim numbers 7020 -7042, and check numbers 16592-16631 and Electronic Fund Transfers (EFT) #106-108 (January Fed & State withholding tax & PERA.

**4.3 Supervisor Reports:** Spencer – attended the Sherburne County Association of Townships (SCAT) meeting, Attorney Couri spoke about Townships and right of ways; recommended that Beghuis attend meetings and trainings that address road issues. Doebler – also attended the SCAT meeting, reported that Sherburne County was selected by the Blandin Foundation as a Blandin Broadcast Community. Doebler/Hass unanimous to direct Hammre to send a letter to Sherburne County Commissioners on behalf of the Livonia Board of Supervisors in full support of Broadband access throughout the County. Hass – discussed the information that Bezek presented earlier in the meeting. Manthei – attended the SCAT meeting, discussed the issues of masonry and rock



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mailboxes, shrubs and rocks in the right of way and potential Township liability. Discussion followed about past actions taken with right of way issues. Hammre directed to obtain a written recommendation from Township attorney Gilchrist on the steps to take to address right of way issues. Manthei also stated that he would like our Township Election to be moved from March to November. Discussion followed on the pros and cons of changing the date and the process required. Hammre directed to research the process and bring back to the February Meeting. Hewitt - discussed the upcoming Sugarbush Preserve Luminary Walk/Ski/Snowshoe Event to be held on February 7.

5.1 Appoint election judges to serve at the March 2015 Town Election – Spencer/Doebler unanimous to appoint any election judge who has a current election judge certificate of training to serve as an election judge at the March 10, 2015 Town Election.

5.2 Resolution establishing Absentee Ballot Board for the 2015 Town Election –unanimous by roll call to adopt Resolution No 15-01 Appointing the 2015 Absentee Ballot Board.

5.3 Board of Audit Information – Each Board member chose the 2014 receipts and checks that they would be auditing at the Board of Audit to be held February 2<sup>nd</sup> following the Budget Meeting.

5.4 Clean-up day information – approve list of vendors: Discussion of available vendors and pricing. Spencer/Doebler to approve the use of last year’s vendors with resident fees to reflect any increase of fees from vendors, and Hammre to purchase donuts, coffee and pizza for the workers.

5.5 Draft Newsletter: Suggestions that the newsletter include a small segment on the Sherburne County Blandin Broadcast Community selection and that the election information all be put together.

5.6 Appreciation Letter to Landfill: Board directed Hammre to send the letter of appreciation to Elk River Landfill as written.

5.7 Discussion regarding Board protocol and procedure: Discussion ensued about the protocol for changing or entering into Township affiliations, including that topics should be brought before the Board for discussion before decisions are made or action taken.

Hass/Spencer unanimous to adjourn meeting at 9:57 pm.

Approved this 23<sup>th</sup> day of February 2015.

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Chairman or Vice Chairman

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Clerk/Treasurer or Deputy Clerk/Treasurer