



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
OCTOBER 28, 2013

Supervisors Doebler, Hass, Hewitt, Manthei and Sherper were present

Staff present: Clerk/Treasurer Lila Spencer, Deputy Clerk/Treasurer Rose Olson and Maintenance Coordinator Jim Spencer

Others present: Jon Bogart, P.E. Town Engineer with Bogart, Pederson & Assoc., Inc.

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

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

**1.2 Approve Regular Meeting Agenda:** Manthei/Doebler unanimous to approve the Regular Meeting agenda as presented.

**1.3 Approve Consent Agenda:** Sherper stated Item 5.3 in the September 23, 2013 Regular Meeting Minutes should be retitled from Association of Townships Annual Meeting to Sherburne County Association of Township Annual Meeting. Doebler/Hass unanimous to approve Consent Agenda Item A) September 23, 2013 Regular Board Minutes with amendment and Item B) October 10, 2013 Special Meeting Minutes.

**1.4 Sheriff's Report:** Sgt Wilson reported there were 168 calls for service in September; 69 of the calls were traffic stops, the remaining calls were for various reasons. Manthei stated there continues to be a violation of the Townships Parking Ordinance on the 253<sup>rd</sup> Avenue Highway 169 frontage road; commercial vehicles are parked in the right of way. Hass spoke to cars parked in the Hunter Lake area that obstruct snowplowing. Wilson will investigate both situations.

**1.5 Fire Report:** Chief Maloney provided September calls for service: 5 medical assists, 1 gas leak; 2 Motor vehicle personal injury accidents, 2 fire alarms, 1 arching/down power line, 1 grass fire and 2 vehicle fires. About 1500 children took part in a fire prevention program and the Department completed a propane training burn. He reported the accident at the intersection of CR 4 & 112<sup>th</sup> Street was quickly responded to from the Livonia Substation. The Department responded to a water rescue on Ann Lake.

**1.6 Road report:** Maintenance Coordinator Spencer reported stakes have been placed in the Cemetery and the well was drained, pothole patching is done, all plow trucks are ready for plowing except one which is in for repair.

**2.1 Presentation of the draft Park and Trail plan:** Rita Trapp with Hoisington Koegler Group Inc (HKGI) went through the plan which was updated from 2005 to reflect current trends and changes due to the recent economic downturn. Ms. Trapp asked that updates or amendments be sent to HKGI. No further action.

**2.2 Drainage issues:** Max Johnson owner of TCBR was present to talk about three problems: 1) water issue stating neighbor to the north added fill to his property which causes water to back up on TCBR property and also run over the 253<sup>rd</sup> frontage road. 2) Parking Ordinance 200; Johnson stated property owner to the north continues to park commercial vehicles in the right of way which is in violation of the Ordinance. 3) New construction building; Johnson is currently in the process of expanding his business which includes replacing his building and has obtained permits from all entities requiring them. Prior to the meeting Johnson provided the Board with various documents relating to his request and permits; he also provide additional documents at the meeting. Board discussion: There is a drainage and utility easement shown on the recorded plat of Countryside Park which is located at the east end of Johnson's property; easement runs along the east end of all the lots in the development. Hass/Doebler unanimous to authorize Town Engineer to look at the existing elevation of the 253<sup>rd</sup> frontage road ditch and Johnson's lot to determine whether a culvert could be placed under the frontage road. The consensus of the Board is the Township's concern is with the recorded drainage easement and the road right of way. The Township does not become involved with disputes between private property owners. The parking issue was discussed earlier in the meeting during the Sheriff's report.



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**2.3 Concept plan for unnamed plat:** Todd Maloney property owner provided concept plan dated 10/24/13 for the platting of 70 acres. Maloney is splitting 5 acre parcels shown as proposed Lots 1 and 2 being part of 30-004-4401 and 30-004-4402 into 2.5 acre parcels. He is proposing the south 2.5 acres from proposed Lots 1 and 2 lot and proposed Lot 5 from parcel 30-004-4100 consisting of 5 acres become a simple plat. The remaining 60 acres may be platted in the future which is shown on the concept plan to include an east/west road aligning with 272<sup>nd</sup> Avenue on the east side of 112<sup>th</sup> Street and continuing to the west boundary of the remaining parcel and there making a connection to 272<sup>nd</sup> Avenue. The lots north of the proposed 272<sup>nd</sup> Avenue will have access off 272<sup>nd</sup> Avenue. The lots south of 272<sup>nd</sup> will be served by a cul de sac road not to exceed 1400 feet extending to the north half of the remaining portion of proposed Lots 1 and 2 as shown on the concept plan dated 10/24/13. Hass/Doebler unanimous to accept the concept plan and proposed simple plat consisting of 3 lots; future cul de sac road cannot exceed 1400 feet.

**2.4 Engineering:** a) **2014 273<sup>rd</sup> Ave road improvement project** – Bogart provided preliminary plan and engineering estimate for 273<sup>rd</sup> Avenue. The project takes in that portion of 273<sup>rd</sup> Avenue between County Road 45 and US Highway 169. There was discussion regarding the driveway access near the intersection of CR 45 and 273<sup>rd</sup> Avenue and also for selective clearing of some trees in the right of way. Hewitt/Sherper unanimous to authorize Bogart to move forward to finalize the plan. b) **112<sup>th</sup> Street guardrail** – According to Bogart guardrails are not warranted for 3:1 slopes as referenced in the Road Design Manual. The hill on 112<sup>th</sup> Street in the area of concern was reduced somewhat during reconstruction. By consensus of the Board there is no directive to have a guardrail placed at this time; the Board wants to observe how the reconstruction is effecting winter road conditions; a “slippery road” sign will be placed. c) **239<sup>th</sup> Ave reconstruction improvements** – Bogart provided an engineering estimate. Hass/Doebler unanimous to authorize Bogart to order soil borings and proceed with a plan.

**3 Open forum:** No one was available for open forum.

**4.1 Resolution statutory conflict of interest:** Moved by Sherper, seconded by Hass to adopt Resolution No. 13-14 authorizing contract with interested officer under M.S. 471.88 Subd. 5. Roll call: Doebler, Hass, Hewitt, Sherper yes; Manthei abstained; none opposed.

**4.2 Approve payment of claims and transfers:** Hewitt/Sherper 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 \$75,000.00 from savings to checking to cover claim numbers 6440-6483 check numbers 15809-15859 and Electronic Fund Transfers (EFT) #000055-58 (3<sup>rd</sup> Qtr SUTA, Oct Fed & State withholding tax & PERA).

**4.3 Supervisor reports:** Sherper informed the Board several resolutions affecting Townships will be proposed at the MATS Annual Conference in November. He reported CTAS, an accounting program sponsored by the State Auditor’s Office, may go away if not enough entities participate. MATs Board will be more active during the 2014 Legislative session to obtain a dollar for dollar payback to Township for in lieu of taxes collected. Manthei attended the SWCD Watershed Meeting. Invasive species will be another topic for discussion at the MATS Annual Conference. There were no other reports.

**5.1 Appoint Clerk/Treasurer:** Sherper/Doebler unanimous to appoint Rosemary Olson to position of Clerk/Treasurer of Livonia Township effective October 31, 2013 at 3:31 p.m.; Certificate of Appointment was provided to Olson. Outgoing Clerk/Treasurer will administer Oath of Office to her on October 31<sup>st</sup>.

**5.2 Employee compensation and benefits and 5.4 Special Meeting time/date to consider applications** were combined: Board set November 4, 2013 at 7 p.m. for Special Meeting to discuss employee compensation and benefits and to review applications received for employment.

**5.3 Amend Road Equipment Use Policy:** Hewitt/Sherper unanimous to amend Livonia Township Road Equipment Use Policy to include prohibition of smoking, use of tobacco products, electronic smoking devices, drugs or alcohol in or on Township property.



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**5.5 Updates:** a) *2013 MAT Annual Conference:* Conference will be held November 21-23 in Morton deadline for sign up is November 6<sup>th</sup>; Manthei stated he will attend the Friday only session without Friday banquet. b) *Draft newsletter:* Sherper suggested adding information regarding students serving as election judges. No other suggestions were made.

**Item 5.6 Final approval of Schneider IUP home business in an accessory building:** Sherper/Hewitt unanimous to approve IUP for a home business in an accessory building for green house and fish farm aquaponics – Dennis and Barbara Schneider as approved October 1, 2013 by the Sherburne County Board of Commissioners. The IUP and conditions of approval are on file in the Sherburne County Zoning Office and recorded as document #779763.

Doebler/Sherper unanimous to adjourn meeting at 9:45 p.m.

Approved this 25th day of November 2013

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer