



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES

HELD AT THE LIVONIA TOWNSHIP HALL

March 28, 2016

Supervisors present: Doebler, Hass, Hewitt, Maloney and Pool.

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: Hewitt moved to add item 1.2a Elect Chairman to the Town Board and item 1.2b Elect Vice Chairman to the Town Board. Hewitt/Hass unanimous to approve the Regular Meeting Agenda with the addition of items 1.2a Elect Chairman to the Town Board and item 1.2b Elect Vice Chairman to the Town Board.

1.2a Elect Chairman to the Town Board: Hass nominated Hewitt to serve as Town Board Chair, no other nominations were submitted. Hass/Doebler unanimous to approve.

1.2b Elect Vice-Chair to the Town Board: Doebler nominated Hass to serve as Town Board Vice-Chair, no other nominations were submitted. Doebler/Hewitt unanimous to approve.

1.3 Approve Consent Agenda: Hass/Doebler unanimous to approve Consent Agenda as follows: **Item A)** February 1, 2016 Special Meeting Minutes; **Item B)** February 22, 2016 Regular Meeting Minutes; **Item C)** Sherburne History Center – Membership Renewal at Patron Level; **D)** Employee Wage Adjustment.

1.4 Sheriff Annual Report: Sherburne County Sheriff Brott presented the 2015 Annual Sheriff's Report as it pertains to Livonia Township; 2166 law enforcement contacts overall, including calls for service. This was an increase from 2014. Serious criminal activity included 2 assaults, 8 burglary, 4 narcotics, 12 DUI, 7 CSC, 29 theft, 23 CDP and 0 homicide. Notes of interest include that DUI activity has been trending down, and the Sherburne County Drug Task Force is very pro-active, helping to keep narcotic activity low. Supervisor Hass inquired about the pick-up truck and 4-wheeler damage on 233rd Ave, Sheriff Brott said that Deputy Schanen is investigating the incidents. Sheriff Brott stated that he receives an email from Sergeant Wilson after each Livonia Township Board Meeting with updates of concerns from the Board or residents.

1.5 Fire Report: Chief Maloney provided February and March calls for service: 12 medical assist, 2 gas leak, 5 motor vehicle personal injury accidents, 1 motor vehicle accident W/O injury, 4 fire alarm, 4 carbon monoxide, 2 good intent (smoke in the area), 1 grass fire, 2 vehicle fires, 1 outside rubbish fire, 1 residential garage fire, 4 residential house fire (Livonia, City of Zimmerman, Baldwin). Chief Maloney also reminded residents that burning restrictions are in effect.

1.6 Engineering Updates: Bogart –112th St Phase 2) the bid for 112th St Phase 2 and the alternate (2nd lift of bituminous on 112th St Phase 1) was won by Hardrives, Inc. Work is scheduled to begin after July 4, 2016 and will take approximately 2 months to complete. The work is scheduled to be complete before school begins in the fall; tree cutting for 112th St Phase 2 is complete.

1.7 Road Report: Maintenance Coordinator Berghuis – the maintenance team has been busy sweeping roads, cleaning ditches, repairing potholes with cold patch, and working to speed drying of 142nd St and 233rd Ave where frost boils have emerged. A garbage truck traveled on the roads today with no issues. 2 of the 3 affected areas are now stable, the 3rd area is wet but improving and passable. Quotes for replacement of the lights (6) for the flag and the entry to the maintenance building have been requested. Hewitt/Doebler unanimous to give approval to Maintenance Coordinator Berghuis accept the best quote for the replacement of 6 lights and to schedule the work. Berghuis also reported that Baldwin Township would like to store a piece of equipment on Livonia property in exchange for one day of mowing/brushing. The Board was favorable to this agreement. Discussion about the purchase of a truck to replace one of the older trucks in the fleet. Berghuis has looked at several 1-ton trucks that can be used as a cul-de-sac plow truck. Hass/Hewitt unanimous to allow Berghuis to negotiate the purchase of a 1 ton truck and plow and the trade in or sale of the ½ ton Dodge Ram. Discussion concerning the re-opening of the Lake Fremont minimum maintenance road and the 4-



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wheelers that have gone around the barriers onto the road. The Board would like the road to be reopened after the MNDOT road restrictions are lifted and the road is dry enough to handle vehicular traffic.

1.8 Planning Commission Report - Spencer: The March 12, 2016 PAC was cancelled, the next meeting is scheduled for April 21, 2016.

2.1 Dill's Grove: Julie Larsen present for John Dill who was unable to attend the meeting – request to approve Dill's Grove plat as previously requested with a driveway easement across the southwest portion of one lot to accommodate John Dill's current driveway. The previously suggested location to move the Dill's driveway to the end of the cul-de-sac on 253rd Ave would be impractical due to the topography (steep slope) at this location. Additionally, Dill has a buyer for both new lots who plans to use both lots for building, therefore there will be just one additional driveway on 253rd Ave. Pool/Doebler unanimous to approve Dill's Grove with a driveway easement as presented.

2.2 Variance Request – Terry Isert requesting 130' Variance to Lot Width. Documents received included a plan of the proposed building, future garage, septic and well placement, impervious surface requirements and lot set-backs. Mr. Isert answered questions from the Board including location of an additional septic field as required, slope and run-off issues and type of driveway surface planned. Mr. Isert referenced the septic plan to address required septic locations. He also indicated the proposed bio-swale to control for run-off from the property. Township Engineer Jon Bogart explained that the usual maximum grade for a driveway is 10%, and that the area where this property is located has a history of run-off that affects the road and neighboring properties. Mr. Isert stated that he would be willing to install an impervious driveway surface to prevent run-off issues. Hewitt/Pool unanimous to provide Sherburne County Zoning with favorable comments concerning the request for 130' Variance to Lot Width with the following comments and conditions: the plan requires a secondary drain field location in the event of failure of the septic system; Isert would be required to install an impervious surface on the driveway (eg. Bituminous or concrete) to control and prevent run-off from the property onto the road and/or neighboring properties.

2.3 Request for 2nd Driveway: Michael Stiefel present to request 2nd Driveway access onto 139th St for an accessory building. Stiefel provided a map of the proposed building and explained the limits on his lot that would prevent him from using his current driveway to access the building, including topography challenges with steep hills, current well and septic location, and many mature oak trees. Doeblor/Hewitt unanimous to approve the request for a 2nd driveway permit based on the limits of his lot with the stipulation that the driveway be improved to an impervious surface such as asphalt within 3 years.

2.4 Request to Excavate Detention Pond: Ken Barry present to formerly request permission to excavate a detention pond located on his property in Ridges of Livonia. Barry previously submitted documents including the lot, detention pond details, and proposed excavation. The excavation would be less than 500 CY, the pond would be lined with rubber and covered with river rock. Livonia Township Engineer Jon Bogart found that the proposed excavation and lining would allow the detention pond to function as originally intended. Hass/Pool unanimous to allow the excavation of the detention pond by Ken Barry as proposed.

3.0 OPEN FORUM – Fred Stetler present to discuss his desire to construct a garage on platted land with no residential structure. Discussion followed about Sherburne County Zoning Ordinance restricting accessory buildings on property with no residential structure. The Board advised Stetler to contact Sherburne County Zoning for more information.

Loren Faibisch, Kathryn Kemple – McLaughlin and Doug Allen, Orrock Township residents, present to discuss the condition of 233rd Ave and 142nd Street which has several patches of frost boil making travel difficult. Discussion followed about the continuing efforts of Livonia maintenance staff to bring the road back to good condition. Faibisch, Kemple – McLaughlin and Allen stated that they think the road should be paved. Doeblor explained that the cost of reconstruction and paving of this road would be cost prohibitive given the extensive peat lying under the road bed. Paving over a road that has extensive peat as a base is would not be feasible as the unstable base would cause the pavement to deteriorate quickly. There was also discussion about the DNR road as an access road for the Orrock residents. Maintenance Coordinator Berghuis reported that the continuing spring rain has delayed the drying out of the road but the road is now passable.



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- 4.1 Clerk Treasurers Report:** Hammre reported items of interest during the past month include: Sherburne County has scheduled a testing of new voting equipment for May 5th. Hammre and one head judge will attend; the field audit is scheduled for March 31; Hammre and Fiedler attended MATs Spring Short Course; PERA enrollment options.
- 4.2 Approve payment of claims and transfer funds:** Hewitt/Hass unanimous to approve payment of claims, including payroll, as submitted and to transfer \$46,000.00 from savings to checking to cover claim numbers 7581 –7605, check numbers 17188-17221 and Electronic Fund Transfers (EFT) #152-154 (March) Federal, State & PERA withholding tax.
- 4.3 Supervisor Reports:** **Hass** – no report; **Maloney** – no report; **Doebler** – no report; **Pool** – no report; **Hewitt** – Park Board report: discussed the name for Sugarbush Preserve with the new addition, the Park Board recommends that the name remain Sugarbush Preserve. On April 9th the Park Board will meet at Sugarbush Preserve to mark where the driveway will come in, parking lot and some potential trails.
- 5.1 Camper in ROW** – discussion about non-compliance concerning a camper that has been parked in the ROW, impeding snow removal in the East Hunter Lake area. The owner has received several letters and had conversations with Livonia Township staff concerning the issue including an impound date if non-compliant. Hass to call the offending party; impound proceedings to wait until he talks to the owner.
- 5.2 Chamber of Commerce – Zimmerman:** discussion about the benefit of Livonia Township becoming a member of the Zimmerman Chamber of Commerce. Discussion tabled.
- 5.3 Township Reorganization – a) Committees & Boards:** General Administration – Hewitt and Hass; Road Maintenance – Hass, and Pool; Town Park Board – Doebler and Hewitt; Cemetery Board – Doebler and Maloney; Intergovernmental – Maloney and Pool, Hass as alternate; Fire Board – Hass and Doebler, Hewitt as alternate; Town Planning – Town Board of Supervisors. Hass/Pool unanimous to approve 5.3a. **b) Supervisor Wages & Meeting per Diem:** \$100 per meeting when a quorum is required and \$50.00 per additional meeting per day when a quorum is required, with a cap of two meeting paid per day. \$24.00 per hour when performing duties as a supervisor or when no quorum required; does not include cleanup day or service as an election judge. Hass/Doebler unanimous to approve 5.3b. **c) Conflict of Interest Resolutions/Affidavits of Official Interest in Claim:** Resolutions authorizing contract with interested officer under M.S. 471.88 Subd 5 were approved for each Supervisor in the event they perform work for the Township during cleanup day. When filing their claim for work performed, they also sign an official interest in claim. Resolutions, as approved for each supervisor, are on file. **d) Town Hall Office Hours/Regular Town Board Meeting Dates:** Town Office hours are Monday 8 am to 6 pm, Tuesday through Thursday 8 am to 4 pm, Friday 8 am to 12 pm. The Board meets the 4th Monday of the month at 7 pm located at the Livonia Town Hall unless the 4th Monday is a holiday: the meeting is then moved to the 3rd Monday of the month, same time and place. The proposed dates for April 2015 – March 2016 are as follows: April 25, May 23, June 27, July 25, August 22, September 26, October 24, November 28, December 26, January 23, February 27 and March 27. Claims for payment are due to the Town Office no later than noon the Tuesday prior to the meeting. Payroll claims are due to the Town Office no later than 9:00 am the Monday prior to the meeting. Doebler/Pool unanimous to approve 5.3d. **e) Official Depository/Account Signers:** The Bank of Elk River, Zimmerman Branch is the official depository of the Township. Two signatures are required on checks signed by either the Town Board Chair or Vice Chair but not both and the Clerk/Treasurer or Deputy Clerk/Treasurer but not both. The same applies to the redemption of certificate of deposit: currently the Township has one certificate of deposit which is held at the Bank of Elk River, Zimmerman Branch. Authorization by the Town Board is required for transfer of funds and payment claims. Doebler/Hass unanimous to approve 5.3e. **f) Purchase Policy:** Currently the limit for expenditures without Board approval \$1000 per item from the Road and Bridge Fund and \$250 from any of the other funds. The Township has use of credit card: spending limits should be the same for card use. Maintenance Coordinator, Maintenance Worker III, Clerk/Treasurer and Deputy Clerk/Treasurer are signers on Menard's account. Hass/Pool unanimous to approve 5.3f. **g) Petty Cash Fund:** Hewitt/Doebler unanimous to approve \$250 to be maintained in the petty cash fund. **h) Official Newspaper/Posting Location:** The Elk River Star News is the Townships official newspaper for publication of required legal notices. The posting board located on the west side of the Town Hall is the official posting place for all notices. Notices are also posted on the Hall door and the Town's website; these two locations are optional location for official posting. Hass/Doebler unanimous to approve item 5.3h.



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5.4 255th Ave Agreement - Board directed Berghuis to take photos of the portion of 255th Ave in Orrock Township that is part of the road maintenance agreement with Orrock Township. Heavy equipment has been observed on property abutting 255th Ave apparently in preparation for a development. Discussion about potential damage to the road due to the equipment being overweight, particularly with MNDOT road restrictions currently in effect.

5.5 MAT's Legal Short Course – Reminder: Thursday, April 21, 2016 Best Western, Burnsville, 8:00 am to 4:00 pm.

5.6 Board of Appeal and Equalization – Reminder: April 25, 6:00 pm Livonia Town Hall

5.7 SCAT Meeting Reminder – April 20, 2016 6:30 pm at the Sherburne Historical Society in Becker.

5.8 Final Approval of CUP for an Amateur Radio 50' Antenna RECORDED FOR THE OFFICIAL– Hass/Doebler unanimous to approve an **Amateur Radio 50' Antenna** as approved by the Sherburne County Board of Commissioners on March 1, 2016. The CUP and conditions of approval are on file in the Sherburne County Zoning Office.

Doebler/Pool unanimous to adjourn the meeting at 9:16 pm.

Approved this 25nd day of April 2016.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer