



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
APRIL 24, 2017

Supervisors present: Doeblor, Hass, Hiller, Maloney & Pool.

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

Others Present: Jon Bogart, PE Bogart, Pederson & Associates

**Chairman Hass 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:** Maloney/Doeblor unanimous to approve the Regular Meeting Agenda

**1.3 Approve Consent Agenda:** Doeblor/Hiller unanimous to approve Consent Agenda as follows: **Item A)** March 27, 2017 Regular Board Meeting Minutes; **Item B)** March 27, 2017 Road Meeting Minutes; **Item C)** April 19, 2017 Workshop Meeting Minutes.

**1.5 Fire Report:** Chief Maloney provided March calls for service: 3 medical assist, 3 gas leak, 1 search for missing person, 2 carbon monoxide, 5 fire alarm, 2 arching/down power line, 5 grass fire, 1 vehicle fire, 1 residential garage fire (Baldwin), 1 residential house fire, minor kitchen grease fire (City of Zimmerman). Chief Maloney also reported: the mock car crash went well, Sherburne County's reimbursement request for tornado damage from Homeland Security was denied. Hass commented that the mock car crash was very well done, and appeared to have made an impact on the students. Hass also commented that if it saves one life or prevents a crash, it has done its job.

**1.6 Sherburne County Water Plan:** Dan Cibulka present to discuss the County Water Plan, the update is due in February 2018. Cibulka explained that there are three general concerns that will be addressed including surface water, groundwater supply and quality, and invasive species. Some examples of specific issues around the County are high nitrate levels in the groundwater in the western townships, storm water management in the cities located in the County, MS4 Regulations, and the Rum River Watershed Study which identified East and West Hunter Lakes as Impaired lakes due to excessive nutrients. Cibulka asked the Township Board to contact him with specific concerns in the Township. One potential project would be the lake access on West Hunter Lake and runoff that is going into the lake.

**1.4 Sheriff's Report:** Sgt. Wilson reported there were 205 calls for service in March; the calls included 83 traffic stops, the remainder of the calls were for various reasons. There were no issues or concerns for Livonia Township in March. In April there have been several gas thefts on 116<sup>th</sup> Street and a local business was burglarized.

**1.7 Sherburne County Planning and Zoning:** Marc Schneider and Nancy Riddle present to discuss current planning and zoning issues and potential modifications to the Sherburne County Zoning Ordinance. Schneider explained that there have been many amendments to the Ordinance which indicates that there should be changes made so that it is up to date and better serves the needs of the community. Schneider outlined the seven zoning topics that need to be addressed. These are all items that have had multiple questions or concerns throughout the County. He asked that each Supervisor complete a Comment Form that addresses each of these seven issues to help guide Sherburne County Zoning in creating an up-to date and relevant Zoning Ordinance. Additional discussion followed about hoop sheds, permit requirements based on the size of an accessory building, property rights vs. community rights, building an accessory building on lots with no house, incubator program for new businesses, and low interest loans that will soon be available for septic system upgrades.

**1.8 Engineering Update:** Jon Bogart, Township Engineer reported that the Kyle Hartnett, Township Attorney advised that Livonia Township can now officially award the 112<sup>th</sup> Street Phase 3 project to Knife River Corporation – NC. He also reported that the Gerlachs of Gerlach Tree Farm, LLC would like to meet him at their property on 112<sup>th</sup> Street to discuss the concerns they have with the road project in regards to trees in the Right of Way. Hass/Maloney unanimous to allow Jon Bogart to meet with the Gerlachs. Pool/Hiller unanimous to award the 112<sup>th</sup> Street Phase 3 project to Knife River Corporation – NC. **239<sup>th</sup> Ave** – Bogart reported that he will present the road cost estimates at the May Town Board Meeting. Bogart also asked for clarification of the road work schedule for 2018 and 2019. The Board agreed that in 2018





LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
APRIL 24, 2017

the major road project will be the second lift of bituminous on 112<sup>th</sup> Street from County Road 19 to County Road 4, two miles that will complete 112<sup>th</sup> Street Phase 2 and 112<sup>th</sup> Street Phase 3. The 2019 project will be Reconstruction of 239<sup>th</sup> Ave from the Tibbets Brook area to the Livonia Township/City of Elk River line. The Board agreed that this is the best schedule for 2018 and 2019 road projects. Bogart also reported that the City of Elk River would like to coordinate the reconstruction of Fresno Street from the Livonia Township border to County Road 1 when Livonia Township reconstructs 239<sup>th</sup> Avenue. This may be a cost saving measure for both projects. Discussion followed about the Right of Way obstruction at the Perl Sod Farm. Hammre directed to contact Perl Sod Farm with notice to remove the obstructions and the option to come to the next Board meeting to discuss the issue. Lake Fremont minimum maintenance road – there are several trees that are leaning and impacting the road bed as well as a few areas where erosion is compromising the road bed. Bogart will discuss with the TEP Panel for permission to fix and possible funding to help pay for the cost burden.

**1.9 Road Report** – Maintenance Coordinator Berghuis reported: 150 bags of garbage were removed from Township road ditches; the snow plow trucks are all cleaned and the plows removed, hot patch should be available next week, the Woodlands of Livonia entrance will need extensive hot patch repair - discussion about alternatives to repair the roads in the Woodlands. Pool/Hiller unanimous to direct Berghuis to hot patch the entrance and pot holes in the Woodlands. Berghuis also informed the Board of a semi that a resident is parking on their property by driving through the road right of way where there is no driveway, in the area of 268<sup>th</sup> Ave and 140<sup>th</sup> Street. The Board agreed to look at the situation; the new lawnmower was picked up; Shawn Hammre will be mowing the Cemetery this summer; Hass discussed the right of way recommendations that were addressed at the MAT short courses, he directed Berghuis to develop a schedule of ditch mowing on a four year rotating schedule, and to document that and the snow plowing.

**1.10 Planning Commission Report** – Spencer reported: The PAC met April 20, 2017 and recommended the following items for approval by the County Board of Commissioners: request for a preliminary and final simple plat. – Orrock Township; request for amendment to existing conditional use permit for commercial development – Livonia Township; request for an Interim Use Permit for a recreational activity – Big Lake Township; request for a 2 year extension of a preliminary cluster plat – Big Lake Township. A request for an Interim Use Permit for a home business in an accessory building – Livonia Township, was tabled.

**2.1 Request for Fireworks Donation Wild West Days-** Tom Wilkinson present to request a donation to help fund the annual Fire Works Display at Wild West Days on behalf of the Zimmerman Legion Post 560. Wilkinson informed the Board that the cost is approximately \$7,000. Discussion followed about the legal restrictions on donating Township funds and the responsibility of the Town Board to use Township funds for Township purposes. Several Board members indicated that they had donated to the Fireworks fund through their personal businesses. The Board determined that a donation to the Fireworks Fund does not qualify as a Township purpose and therefore the request was not acted on. Wilkinson thanked the Board for their consideration.

**2.2 North Point Properties Plat** – (Maloney and Pool temporarily stepped down from the Livonia Board Supervisor's table and abstained from decision making to avoid potential conflict of interest) - Todd Maloney and Sheldon Pool present to inform the Board of their intent to develop a parcel of land, to be known as Evergreens of Livonia, which will consist of 22 lots. The development will connect to Country Meadows development at 264<sup>th</sup> Avenue. Maloney and Pool requested that Livonia Township finish the road (bituminous overlay) on the section of 264<sup>th</sup> Ave within Country Meadows development that was not finished at the time the roads within the Country Meadows development were constructed by the developer and accepted by resolution by Livonia Township. Discussion followed about the unfinished segment of road including why it was not finished, the length of the unfinished segment (estimated at 300 feet), the estimated cost of finishing the segment, and making sure that going forward all roads are finished in a development before the Township accepts the roads. Board members Hass, Doeblner and Hiller all agreed that the Township is





LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
APRIL 24, 2017

responsible for finishing the segment of 264<sup>th</sup> Ave, and it should be completed at the same time the roads of the Evergreens of Livonia roads are paved to save cost to the Township. Hiller/Doebler unanimous (Maloney and Pool abstained) that Livonia Township will bear the cost of paving the segment of 264<sup>th</sup> Ave in Country Meadows development from 105<sup>th</sup> Street to the property line.

**2.3 Alternate Soil Standards Request** – Mike Gwynn present to request consideration of allowing Alternate Soil Standards on his property in the Sugarbush Development to allow him to split his property for an additional residence. The current standard adopted by Sherburne County requires 40,000 square feet at least 3 feet above soil mottling. The Alternate Soil Standard requires 10,000 feet above mottling. Gwynn asked if the proposed future lot was more than the minimum 10,000 feet Alternative Soil Standard if that would make a difference in approval – the Board indicated that it possibly would. The Board requested that Gwynn obtain soil borings to determine if there is less than 40,000 square feet of contiguous land above the 3 feet above mottling requirement, and if there is not, to come back to the Board with the results. Gwynn agreed to this course of action.

**2.4 Drainage and Utility Easement Vacation Request:** Joe Glenn present to request the vacation of the Drainage and Utility Easements between lots 1 & 2, lots 2 & 3, and lots 4 & 5, Block 5, in the recorded plat of Whispering Ridge. Glenn explained that lots 1,2 and 3 have already been combined, however the drainage and utility easements have not been vacated. He also explained that lots 4 and 5 will potentially be sold together and the new owner would like to build a house where the drainage and utility easement is located. Pool/Hass unanimous to go forward with the Drainage and Utility Vacation request process for 3 drainage and utility easements.

**3. Open Forum (moved ahead in the agenda)** – Harold Gramstad present to ask the Board to consider starting a Highway beautification program. Gramstad stated that the City of Ramsey has initiated a beautification program along the Highway 169/10 corridor, and he supplied a copy of a newspaper article that was written about the project. Gramstad suggested that the best course of action would be to use a positive approach rather than targeting specific areas or businesses. Discussion followed about cost, individual responsibility for the appearance of a property, the Comprehensive Plan, Zoning Ordinances, and cost involved. Hass asked Gramstad if he had approached the City of Zimmerman with his idea, Gramstad replied that he had not yet approached them. The Board recognized that Gramstad had some valid points and that he should also contact the City of Zimmerman and Sherburne County Zoning.

**2.5 Water Runoff Issue – Heying:** Hass, Pool and Doebler went to the Heying property to view the runoff issue. Hass directed Berghuis to build up a short curb again where it was damaged by the snow plow, stopping short of where it would direct water runoff into the neighboring property. Any damage caused by water runoff on the Heying property is the responsibility of the property owner as the local topography is such that the water will run downhill regardless of the road, traveling across the local properties and into the lake.

**2.6 239<sup>th</sup> Ave ROW Obstruction Issue:** this issue was addressed in the Engineers Report.

**4.1 Clerk Treasurers Report:** Hammre reported items of interest during the past month include: Fiedler and Hammre attended the MAT Spring Short Course and the MAT Legal Short Course; there were 2 burials in the Livonia Cemetery.

**4.2 Approve payment of claims and transfer funds:** Maloney/Doebler unanimous to approve payment of claims, including payroll, as submitted and to transfer \$35,000.00 from savings to checking to cover claim numbers 8022–8054, check numbers 17772-17881 and Electronic Fund Transfers (EFT) #194-197 (April) Federal, State & PERA withholding tax and first quarter SUTA withholding.

**4.3 Supervisor Reports:** Pool – attended the EDA Meeting, the Revolving Door Loan Program, a low interest load for businesses was discussed; Sherburne County businesses are growing at a good rate. Doeblert – the resident encroaching on the Sugarbush Preserve property has not yet removed his vehicles. Hass – Road Tour date needs to be determined. Hiller – Concerns about resident on Hwy 169 who is selling vehicles but is not a licensed dealer, and the possible Zoning violation; Maloney – attended the MAT Short Courses.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
APRIL 24, 2017

- 5.1 **Accept Woods @ Lake Fremont Roads** – Hass/Doebler unanimous by roll call to accept by resolution the roadways within the plat of The Woods at Lake Fremont Second Addition.
- 5.2 **Couri & Ruppe Legal Seminar:** Reminder the Legal Seminar is scheduled for Thursday, June 8<sup>th</sup>, 2017 at the Albertville City Hall
- 5.4 **Reminder for Clean Up Day, MAT Legal Short Course.**

Doebler/Pool unanimous to adjourn the meeting at 9:40 pm

Approved this 22<sup>th</sup> day of May 2017.

\_\_\_\_\_  
Chairman or Vice Chairman

\_\_\_\_\_  
~~Clerk/Treasurer or Deputy Clerk/Treasurer~~ *Chairman*

*Jody Hamme*  
Clerk/Treasurer