



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD VIA GOTOMEETING
IN RESPONSE TO THE COVID 19 PANDEMIC
APRIL 27, 2020

Supervisors present: Hass, Hiller, Kuker, Maloney and Pool.

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

Others present: Engineer Anderson

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

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

RESOLUTION ESTABLISHING THE ABILITY TO CONDUCT OPEN MEETINGS BY TELECONFERENCE 20-07

Chair Hass read Resolution 20-07 for the assembly. Resolution adopted unanimously by roll call vote

1.2 Approve Regular Meeting Agenda: Hiller/Maloney unanimous to approve the Regular Meeting Agenda as presented by roll call vote.

1.3 Approve Consent Agenda: Hass/Maloney unanimous to approve Consent Agenda by roll call as follows: Item A) February 24, 2020 Regular Meeting Minutes; Item B) March 2, 2020 Workshop Meeting Minutes; Item C) March 23, 2020 Regular Meeting Minutes; Item D) March 5, 2020 Workshop Meeting Minutes; Item E) March 5th Workshop Meeting (2) Minutes.

1.4 Fire Report: Chief Maloney provided March calls for service: 6 grass fire, 6 medical assist, 2 residential house fires (both minor), 1 lift assist, 2 car fires, 2 car accidents, 1 mutual aid house fire – Big Lake, 1 gas leak, 1 fire alarm. Maloney commented that grass fire season is here and they have been busy with those calls. Hass asked about the progress on damage at the Refuge. Maloney said that the claim is in progress. Hass thanked Chief Maloney for his report.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 179 calls for service in February in Livonia Township, including 5 dog complaints, 74 traffic stops and 1 burglary involving a foreclosed home. In March there were 146 calls for service, 24 traffic stops. Sgt. Wilson explained that traffic stops were limited to ticketable offences to minimize person to person contact. The rest were for miscellaneous issues, nothing of concern for Livonia residents. Sgt. Wilson mentioned Livonia Township's new animal control officer. He also reported on action taken on a complaint of a resident having multiple dogs/dog kennel requirement issue. Hass mentioned that the minimum maintenance road is now open and asked for the officers patrolling to be aware of that. Kuker mentioned kids doing "donuts" on the road near his house and asked for extra patrol. Hass thanked Sgt. Wilson for his report.

1.6 Engineering Update: Engineer Anderson reported that the Park Construction Contract needs to be awarded and that Clerk/Treasurer Hammre has the documents ready to sign. Maloney asked if they know when they will start. Anderson said they would like to start almost immediately, likely as soon as road restrictions are lifted. The project will likely take about 3.5 weeks. Maloney/Hiller unanimous by roll call vote to award the 2020 Livonia Township Road Project to Park Construction. Discussion about informing the residents about the upcoming construction. Anderson said that after the meeting they will know when construction will start. Hass said they will talk to Park Construction and ask them to put up signs. The office will send out letters to residents in the project areas. Anderson asked for the Contract with Park Construction to be approved, provided by Clerk/Treasurer Hammre. Hass/Kuker unanimous by roll call to enter into a contract with Park Construction for the Livonia Township 2020 Road Project. Anderson asked who is planning on attending the pre-construction meeting on Friday at 1:30. Hass, Pool, Kuker and Maloney all said they can make it. Anderson asked if seal coat is something the Township wants to do. Pool indicated that he would like to wait until next year. Discussion followed about funding and crack seal. Anderson said the Board should decide by next month for scheduling.

1.7 Road Report: Maintenance Coordinator Berghuis reported: the past month they have been busy working in the parks. He is planning on working on shouldering later this week. The grader mechanic is scheduled for this week.



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Maloney asked what the gravel at Sugarbush is for and if the parking lot is done. Berghuis replied that the parking lot is graveled. Maloney asked if the trail from the parking lot to the trail will be done. Maloney suggested renting a track skid steer to work on the project because it is too wet to use the township equipment.

1.8 Planning Commission Report: Spencer reported that the Sherburne County Advisory Commission met on Thursday, March 19, 2020 to consider the following items for approval by the Sherburne County Board of Commissioner's at their next scheduled regular Board meeting: the following items were recommended for approval: Request for Residential Final Standard Plat Approval of "Wheat Fields - Big Lake Township; Request to rezone the property from Industrial to Commercial - Baldwin Township; Request for an Interim Use Permit for Business Selling Vehicle and Paintless Dent Removal Services - Baldwin Township; Request for Interim Use Permit for a Highway Planned Unit Development for a non-profit use for Association Offices a Learning Center for MN Propane - Livonia Township. Item 5, Amendment to the Sherburne County Zoning Ordinance, Section 7, Agricultural District Subdivision 6.3 Dimensional Regulation (Minimum Setbacks, Principal or Accessory Structures was table for further consideration.

1.9 Park Committee Report: Kuker reiterated that Berghuis covered the trail and park work done in the past month. Hiller reported that there has been no follow up on the Girl Scout Dog Park progress. Maloney brought up that he would like photos of the park put on Facebook and a map of the trails. Berghuis to produce a map of trails. Hiller commented that there may be a development coming that may have an opportunity for trail easements for connections.

2.1 Variance Request – Almen: Tim and Deb Almen present to request recommendation for approval for their request for a Variance for a Rural Tourism requirement that a business is to be located on a metes and bounds lot rather than a lot in a development. Hass asked if they had addressed the requirements from Sherburne County Zoning including solid waste that needed to be cleaned up, septic inspection and parking considerations. Deb answered that solid waste was removed with the inspection scheduled for May 4. Septic inspection is scheduled, and they expect the current house septic will fail. They plan to install a new septic to handle the business needs and will have a year to have that completed. Parking has also been addressed with permission to park in the powerline easement from the power company. Hass asked about the ground level elevation of the event barn. The Almens explained that there will need to be an adjustment of a few feet on the site. Hiller asked about square footage. Deb explained that 54' X 100' is the expected size and she described the orientation of the building. Hours of operation according to the ordinance is no later than 11:00 pm. Building construction will be post and beam.

Kuker/Pool unanimous by roll call to recommend approval of the Almen Variance request.

Board Comments:

1. Granting the variance will not be in conflict with the comprehensive plan: *the comprehensive plan favors small businesses.*
2. Exceptional or extraordinary circumstances: *the property is a large (9.7 acres), much larger than a typical development lot. Further, the lot is in a "development" that consists of just two lots, split for family use.*
3. The literal interpretation of the Ordinance would deprive the applicant of rights: *the applicants have a large rural property with the room for a large building and business without negatively impacting the area. The property qualifies for a permit for the proposed business except for the metes and bounds requirement.*
4. The exceptional or extraordinary circumstances do not result from the actions of the current owner: *the difficulty results from the Sherburne County Ordinance change.*
5. The variance request is the minimum which would alleviate the practical difficulty: *yes, the variance is the minimum request needed for the business to go forward.*
6. The variance would not alter the essential character of the locality or have significant effect on surrounding properties; *the property and business are isolated from neighboring properties including the closest home (a relative's home) which is screened from the property by a stand of trees.*



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7. Adequate sewage treatment can be provided: *Septic will be installed to accommodate the business.*
8. Granting the variance will not result in parking or loading of vehicles to interfere with normal traffic flow: *Parking will be on site. The property and driveway have access to 96th Street, a Livonia Township collector road, that is adequate to handle the vehicles traveling to and from the site.*
9. If shoreland Variance...: *not applicable.*
10. The variance will not increase loss of sunlight, views or privacy of neighboring properties: *not applicable – no near neighbors.*
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance: *the property is owner-occupied, this is not a “flip” property. This is a reasonable use of the property by residents who desire a small business in a rural setting on a property with the size and atmosphere to enhance the business without negatively impacting any neighbor or the community.*

2.2 Caution Sign Request: request for a caution sign on 101st Street in the West Hunter Lakes area. there have been vehicles driving at excessive speeds through the densely populated area with many children. MNDOT recommendations have been for fewer signs as multiple signs tend to create less compliance. Sgt. Wilsons said he will ask patrol officers to increase patrol in the area.

2.3 Road Striping JPA: Engineer Anderson said the project area for Livonia Township will be about 1.6 miles. Maloney/Hiller passed by roll call vote to enter into the JPA with Sherburne County Public Works for road striping in 2020 to include 245th Ave from 108th St to 96th Street, and 98th Street to 96th Street to the 2020 reclamation project area.

3.0 Open Forum: No one present for open forum

4.1 Clerk/Treasurer Report: Items of interest during the past month include: Covid 19 Pandemic adjustments

4.2 Approve payment of claims and transfer funds: Kuker/Maloney unanimous by roll call vote to approve payment of claims, including payroll, as submitted and to transfer \$70,000.00 from savings to checking to cover claim numbers 9160–9183, check numbers 19309-19340, and Electronic Fund Transfers (EFT) #316-319 (April) Federal, State, PERA and SUTA withholding tax.

4.3 Supervisor Reports: Hass – discussed the Livonia Township road/trail that goes through the Girl Scout Camp. Hass said that if the property were subject to property tax, based on the value of the buildings, they would pay approximately \$84,000/year. As a non-profit they do not pay taxes. Property taxes pay for Township road upkeep. Several years ago when the Girl Scout Council asked for upgrading of the road, they were asked to pay PILT (payment in lieu of taxes) to help pay for upkeep. **The Girl Scout** did not respond to the request. the Township continues to provide fire protection and minor road repairs. Hass asked that the Board members that are attending the Pre-Con Meeting on Friday to drive the road in preparation about funding and how to handle the request. **Hiller** –two residents called to complement road maintenance on the job of fixing right of way damage from snow plowing; **Maloney** – no report; **Pool** – no report; **Kuker** – no report.

5.1 Resolution 20-04 Bond Cost Resolution: Kuker/Pool passed by roll call vote

5.2 Resolution 20-06 Regarding Seasonal Minimum Maintenance Roads: Hass/Pool passed by roll call vote

5.3 Resolutions Officers:

Resolutions 20-08 Resolution authorizing Contract with Interested Officer under M.S. 471.88 Subd. 5

Passed by roll call vote, Pool abstained

Resolutions 20-09 Resolution authorizing Contract with Interested Officer under M.S. 471.88 Subd. 5

Passed by roll call vote, Hiller abstained

Resolutions 20-10 Resolution authorizing Contract with Interested Officer under M.S. 471.88 Subd. 5

Passed by roll call vote, Maloney abstained

Hass gave an update on the grader and options available to the township while the grader is inoperable. Options include renting a grader for a fee plus fuel and repair/replacement part or hiring a grader with operator. Maloney preferred



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hiring a grader and operator if the operator will come down to our area. Pool and Hass agreed. Hass will continue assessing the situation and wait for the results of the damage analysis of our grader. Hiller added that with changes to social distancing and open meetings, he would like to have Hass, Hiller and Hammre meet on Monday, May 4 to decide how to conduct meetings. Hiller/Hass unanimous by roll call vote.

Pool/Maloney, passed by unanimous roll call vote, to adjourn the meeting at 8:15 pm.

Approved this 18th day of May 2020.



Chairman or Vice Chairman



Clerk/Treasurer or Deputy Clerk/Treasurer