



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
MAY 20, 2019

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

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

Chairman Hass called the meeting to order at 7:05 pm.

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

1.2 Approve Regular Meeting Agenda: Kuker/Hiller unanimous to approve the Regular Meeting Agenda with the following amendments: remove item 2.1 Second Driveway request (Joeckel unable to attend); Item 1.8 Planning Commission to be taken out of order, Spencer will be delayed; add sub items to 1.6 Engineering Updates, d) cost of milling 120th Street; e) 239th Ave Belanger lilacs.

1.3 Approve Consent Agenda: Maloney/Hiller unanimous to approve Consent Agenda as follows: **Item A)** April 22, 2019 Regular Meeting Minutes; **Item B)** LBAE Minutes; **Item C)** April 5, 2019 Workshop Meeting Minutes; **Item D)** April 12, 2019 Workshop Meeting Minutes.

1.4 Fire Report: Chief Maloney provided April calls for service: 6 medical assist, 1 gas leak, 3 motor vehicle personal injury accident, 8 grass fire, 1 vehicle fire, 2 residential garage fire (both in Livonia). Maloney thanked the Board members who attended the Fire Fighter Graduation for their support. Maloney also reported that a mock car crash was held. He then updated the Board and assembly on the new fire building progress. The DNR has decided not to partner with the Zimmerman/Livonia Fire District for space in the future building. Hass further explained the project to the assembly. Bids will be sought for Architectural proposals.

1.5 Sheriff's Report: Sgt Wilson reported there were 141 calls for service in April, the calls included 15 traffic stops, 13 medicals and 9 motor vehicle accidents. The 245th Ave speed sign report will be coming soon. Hiller asked that the Sheriff's Department watch for impromptu "flea market" sales that tend to pop up along 169 during Wild West Days. There were no other issues for Livonia Township.

1.6 Engineering Updates: Engineer Anderson – **239th Ave)** the contract to award the project is ready to be signed tonight, the project will begin in early July, large tree removal will be in June. There will be a pre-con meeting in June as well. Anderson will mark the trees that will be removed before the work is done to let the landowners know which trees will be removed from the right of way. **Seal Coat Program)** the Board has been disappointed in the performance of chip seal in the past few years. Anderson went over the preferred timing of chip seal to extend the life of the bituminous on roads. Discussion about options for 120th Street were discussed. The topic will be revisited at the June Board Meeting. **ITT Testing)** Anderson explained the benefit of testing bituminous. The cost in a development will be paid by the developer, road reconstruction testing will be part of the road cost. Kuker/Hiller unanimous by roll call, Maloney abstained, to order compaction/oil testing on the road currently being built in Highland Meadows Third Addition development at the cost of the developer. Hass/Kuker unanimous to have compaction/oil testing done on all roads under construction with the Engineering specs and Developer's Agreement specifying the requirement. Anderson will make the changes to the documents. **WH Cates Pondsides Estates)** discussion about the concern over the quality of the road work that was done without Anderson's direction due to the road construction that was started on the road before the Developer's Agreement and other contractual obligations were signed and obtained. Anderson to meet with the owner and contractor to remedy the situation. The Developer's Agreement and signing of mylars will be delayed until the Anderson and the Board are satisfied that the road base is properly constructed.

239th Street resident Concerns:

Ray Belanger, 12295 239th Ave NW, Elk River, expressed his dissatisfaction with the 239th Ave road reconstruction project. He stated emphatically that his lilacs should not be removed during the project. Anderson explained that the lilacs are almost entirely in the ROW of the road. Anderson also explained that the Township is willing to alter the depth



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
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MAY 20, 2019

of the ditch in the area to save as many of the lilacs as possible, and that the lilacs will not be removed from the backslope of the ditch. This will save the majority of the lilacs. Belanger was also given the option of having the lilacs that had to be removed relocated on Belanger's property as part of the road project. Belanger continued to express his dissatisfaction. Hass further explained the need for ditches for snow removal, drainage, safety, and road/utility work. Belanger suggested that the road is moved, however it was explained to him that the property on the other side of the road is owned by another land owner, the Township must keep the road and ditches in the ROW.

Katie Donovan, 23282 128th Street, Elk River, expressed her concern over several maple trees that were planted in the ROW along her property.

Joe Ellsworth, 12260 239th Ave NW, Elk River, requested that any trees that will be removed are marked. Anderson explained that he will be marking trees with paint before the project begins. Hass asked everyone who is concerned about tree removal to leave contact information for further communication.

Mark Thompson, 12280 239th Ave NW, Elk River thanked the Board for upgrading 239th Avenue. He also asked about the status of a trail along the road. Hiller explained that a trail along the road would need to be off the road for safety, and there is not enough room in the ROW. There may be an opportunity in the future to connect with easements through private property.

Jerry Schwarz, 12240 239th Ave NW Elk River requested that the brush on the inside corner of the road just north of Tibbets Brook be brushed back for visibility. He also asked for an acceleration lane on HWY 169. It was explained that HWY 169 is a MNDOT road. Maintenance can brush back the inside corner to the limits of the ROW.

Paula Dare, 12266 239th Ave NW Elk River expressed concern over potentially losing 3 trees with the 239th Ave project. Anderson explained that he is aware of her concern and will try to spare the largest of the trees.

Mitchel Zeringher, 12268 239th Ave NW, Elk River expressed concern about the speed limit on the road. Hass explained speed limits are regulated by MNDOT standards.

1.7 Road Report (taken out of order – see below)

1.8 Planning Commission Report (taken out of order – see below)

2.1 Second Driveway Request – Joeckel: Joeckel unable to attend, will reschedule.

2.2 Second Driveway Request: Mathew Johnson, 25879 102 1/2 St NW, Zimmerman, PID #30-526-0345 present to request a second driveway. Hass visited the site, he stated that the road is a low traffic cul-de-sac road. Hass agreed with Johnson that a second driveway is necessary for Johnson to access an accessory building due to the location of the house. Discussion about the best location of a driveway in relation to the current driveway and the neighboring driveways. Hass/Pool unanimous to allow a second driveway at 25879 102 ½ St NW, located at the agreed upon location.

2.3 96th Street Speed Limit Concern: Hurtubise not present. Hurtubise had come in to the office to ask the Board to consider lowering the speed limit on 96th Street south of CR 4 due to high speeds in a residential area. Hammre to consult Sgt. Wilson about speed monitoring.

2.4 Variance Request: Stacey Bickford present to ask the Board to recommend approval on an 85' Variance in setback from the OHWL of East Hunter Lake for a septic system upgrade. The required setback from a Natural Environment Lake is 150'. Bickford explained that her septic system failed a septic test for a home sale. Her lot is all within the 150' setback from an Environmental Lake because this is a neighborhood that was platted and the house was built before the current setback law was adopted. There has been an area on her property that was determined by her septic professional as having soils acceptable for a septic system/rebuild. It is 65' from the Environmental Lake, requiring an 85' Variance. Engineer Anderson stated that the proposed septic system does not encroach on the drainage easement.

Pool/Hiller unanimous to recommend approval of the 85' Variance in setback from the OHWL of East Hunter Lake for a septic system upgrade based on the following Findings of Fact:



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
MAY 20, 2019

1. Is this Variance in harmony with the intent of the comprehensive plan and zoning ordinance?

Yes, the Variance would continue to allow the property to be used for a single-family home, similar to the other homes on the lake; a house needs a functioning septic system.

2. Without the variance is the property owner deprived of a reasonable use of the property?

Yes, a house needs a functioning septic system. This house and property are entirely within the 150' setback from the Environmental Lake (Hunter Lake); a non-functioning septic system could contaminate the lake and back up into the house.

3. Is the practical difficulty due to circumstance unique to this property?

Yes, the entire lot is within the 150' setback from the Environmental Lake. The proposed location is the only location possible, any other location would be even closer to the lake and would not have acceptable soils for a septic system.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes, the plat was platted and accepted before 1970 when there were no setback rules to lakes; the house is older, built by the original owner before there were setback rules to lakes; there was no designation of Environmental Lake when the house was built.

5. Will issuance of the Variance maintain the essential character of the locality?

Yes, all the houses on this lake are residential single-family homes; all of the houses on this lake are within the setback limit and all have septic systems; having a functioning septic system protects the lake from contamination.

6. Does the practical difficulty involve more than economic considerations?

Yes, this situation was created by small lot sizes and changing setback rules over time and lack of alternate options for septic systems.

2.5 WH Cates Pondsides Estates: Stelter unable to come to the meeting. Stelter previously dropped off the Mylars and the Developer's Agreements with his signatures for signing. The Board discussed issues with the road which was partially constructed before agreements were signed. There was concern expressed about the quality of the road that was built without the knowledge or oversight of Livonia Township Engineer Anderson or the Livonia Town Board. Hass/Maloney unanimous to deny the approval of the signing of the Mylars and Developer's Agreements until Anderson has verified that the partial construction of the road meets Livonia Township engineering standards. Engineer Anderson will draft a letter outlining the requirements and actions needed to bring the road to engineering specifications to Stelter, with a copy sent to Hammre to forward to the Board. When the specifications have been met, including verification of subgrade material, compaction, and stripped if needed, then verified by Engineer Anderson, the Board will have a meeting to sign the mylars and Developer's Agreements for WH Cates Pondsides Estates. Anderson to follow up with Stelter.

2.6 Crack Seal Quotes: Quotes for the Livonia Township 2019 Crack Seal Project were reviewed. The quotes received were as follows: SealTech, Inc \$13,500.00; Fahrner Asphalt Sealers \$99,378.59. All quotes met the specifications set forth by Livonia Township. The apparent low quote was from SealTech, Inc. Pool/Hiller unanimous to approve the apparent low quote from SealTech, Inc.

2.7 CIP and Road Standards: Anderson stated that he would like to update the Township road standards to meet MNDOT specs. The quote for potential bituminous grinding on 120th St NW is for the grind only – Berghuis would have to blade the material. Several options for 120th Street were discussed. This item to be discussed again at the next Town Board Meeting.

1.8 Planning Commission Report (Item taken out of order): Spencer reported that during the May 16, 2019 PAC Meeting the PAC recommended the following items for approval by the County Board of Commissioners at their next scheduled



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
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MAY 20, 2019

meeting: request for residential final standard plat approval of Whispering Prairie Estates 8th Addition – Blue Hill Township; request for residential final standard plat approval of Knick Knack Knoll Second addition – Big Lake Township; request for a residential preliminary and final simple plat approval of Weebs – Big Lake Township; request for an interim use permit for a home business in an accessory building – Big Lake Township; request for a conditional use permit for a personal storage structure – Palmer Township; request for a conditional use permit for a personal storage structure – Palmer Township; request for a conditional use permit for a 175' wireless communications tower – Blue Hill Township; request for an interim use permit for a 1 MW solar farm – Haven Township; amendment to Sherburne County Ordinance Section 18 administration and enforcement of subdivision 3 relating to Board of Adjustment and Variances.

1.7 Road Report (item taken out of order): Berghuis reported that in the previous month pot holes have been filled with hot patch throughout the Township, 24 tons of hot patch were used, normally spring pot hole patching is complete with about 16 tons of hot patch; 150 bags of trash were collected on a 2 mile stretch of 96th Street, mostly empty alcohol bottles; shoulder repair has been completed on all roads east of HWY 169; some of the shrubs around the Town Hall building need to be replaced. Berghuis also asked if the Board reviewed his 10-year vehicle replacement plan. The Board will revisit the plan at a future meeting.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: the location for Precinct 1 and Precinct 3 may be unavailable in the future due to the consolidation of the church campuses. A new location may have to be found; the field audit is complete; Supervisors were asked to check the “read receipt” on emails from the office; Patti Kukowski, Sherburne County Public Works, thanked the Township for the use of the Town Hall for the CR 39 reconstruction project resident meetings.

4.2 Approve payment of claims and transfer funds: Hass/Hiller unanimous to approve payment of claims, including payroll, as submitted and to transfer \$75,000.00 from savings to checking to cover claim numbers 8821–8859, check numbers 18846-18893, and Electronic Fund Transfers (EFT) #280-282 (May) Federal, State and PERA withholding tax.

4.3 Supervisor Reports: Pool – noticed some damage done to a road in Whispering Ridge by CenterPoint Energy, Pool to provide Fiedler with the address of damage for repair report; Kuker – Park Board report; Kuker has been assigned as the Park Board Representative to attend the City of Zimmerman Park Board Meetings; Park Board member applicant interest letter deadline has been extended until June 24th, 2019 in the absence of a Park Board quorum; the sign for North Point Park has been ordered; the trail in Highland Meadows is in process; Sugarbush Park improvements are still on hold until the 239th Ave road project is complete; Hammre suggested future guest books stationed at the parks for visitors to sign and comment. Hiller – reported on the Board of Adjustment meeting he and Hass attended in support of a Township resident. They discussed their concerns with Nancy Riddle; Maloney – the trail around Highland Meadows will need 2 culverts, will the Township buy these. Hass/Pool unanimous to finance 2 culverts for the trail around Highland Meadows. Hass – met with Harrison Hills resident, the removed cul-de-sac looks good.

5.1 Solar Farm Comments: this item was presented and discussed at the April 22nd Meeting. The Livonia Town Board preferred to give comments at the May 20, 2019 Meeting. Board Comments: The Livonia Town Board is in favor of a ½ mile setback from HWY 169 for Solar Farms. The Town Board would also like to require screening around any solar farms to be to the Board satisfaction.

5.2 Clean Up Day Report: no report, waiting on final billing from Steinbrecher.

5.3 Couri & Ruppe Legal Seminar June 13, 2019: RSVP appreciated, please let Hammre know if you are going.

5.4 MAT Specialized Summer Training June 17, 2019: please let Hammre know if attending for registration.

5.5 Sherburne County 2019 Multi- Hazard Mitigation Plan: Item not discussed.

Additional Item: An illegal dock was just identified on Lake Fremont, Hammre asked how the Board would like to handle the situation. Hammre was directed to send a letter to the homeowner stating the requirement to remove within 30 days, or the Sherburne County Sheriff’s Department will be called to impound.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
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MAY 20, 2019

Pool/Maloney unanimous to adjourn the meeting at 10:22 pm

Approved this 24th day of June 2019.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasur