



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
MAY 21, 2018

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

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

Others Present: Nick Anderson, 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: Hiller/Doebler unanimous to approve the Regular Meeting Agenda with the following changes and addition: move item 2.2 Pine Crest Estates Developer's Agreement and item 2.3 Pine Crest Estates Park Dedication Fee Resolution to Item 4.25, and add item 5.7 Highland Meadows. Hiller/Doebler unanimous to approve.

1.3 Approve Consent Agenda: Hass/Doebler unanimous to approve Consent Agenda as follows: **Item A)** April 23, 2018 LBAE Minutes; **Item B)** April 23, 2018 Regular Board Meeting Minutes; **Item C)** April 23, 2018 Public Hearing Minutes; **Item D)** April 25, 2018 Meeting Minutes; **Item E)** April 28, 2018 Meeting Minutes .

1.4 (report given after item 1.6 when Sgt Wilson arrived)

1.5 Fire Report: Chief Maloney provided March and April calls for service (numbers are combined): 11 medical assist, 4 gas leak, 6 motor vehicle personal injury accident, 1 cancelled en route, 3 carbon monoxide, 1 fire alarm, 1 good intent (smoke in the area), 7 grass fire, 2 residential house fire, 4 fire mutual aid (1 Becker, 3 Elk River). Chief Maloney also reported that the 4 new firefighters have graduated, the 3 year fire service contract with Orrock Township has been renewed, and the land in Zimmerman purchase, surveying and marking has been completed. Hass asked about the 4H building arson fire at the Ann Lake Campground. Maloney said there is a suspect in the case.

1.6 Engineering Updates: 112th Street – Anderson reported that the second lift of bituminous will now be applied in June. 239th Ave. – Anderson reported that he has been working on trail easements and options for a connection to the GNT. A workshop was suggested to determine the best course of action for the trail connection. Anderson also reported that he will send Hammre a few grading agreements as samples for the Township.

1.4 Sheriff's Report: Sgt. Wilson reported there were 242 calls for service in April; the calls included 80 traffic stops, the remainder of the calls were for various reasons. There were no issues or concerns for Livonia Township. Wilson also reported that there was an increase in suspicious vehicles reported in Grams Park. Township staff and Supervisors asked Sgt. Wilson to look into resident complaints including compost material being dumped in a road ROW, items outside of the old Ponderosa (in Orrock Township) and a request for increased patrol on the Lake Fremont minimum maintenance road.

1.7 Road Report: Maintenance Coordinator Berghuis reported: the ditches on the collector roads have all been cleaned up yielding three 1 ton truck loads of garbage, road repairs from snow plow damage is done, pot hole filling with hot patch is in progress, our gravel roads have all been graded once as well as the Baldwin roads, the new plow truck will be picked up tomorrow, the driver pizza party is scheduled for Tuesday evening, and the Township will have a plow truck in the Wild West Days Parade. Berghuis asked for permission to schedule infrared patching where needed, no Board action taken. Berghuis also reported his findings on trail camera options as requested, no Board action taken. Berghuis asked about chip sealing for this year, no Board action taken. Hass requested a time estimate for tree and cement barrier removal in the ROW on 239th Ave.

1.8 Planning Commission Report: no report

2.1 WH Cates Pondsides Estates: Scott Dahlke, Civil Engineering Site Design for WH Cates Pondsides Estates, was present on behalf of Fred Stetler, owner. The history of this development was discussed as follows: WH Cates Pondsides Estates was approved and recorded in 2000, at the request of the owner, stating that the construction of roads and selling of lots would not begin until such time as the developer enters a Developer's Agreement with Livonia Township. On May



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17, 2016 an Amendment to Developer's Agreement was recorded at the request of Fred Stetler, owner. The Amendment states that one dwelling would be allowed on the property with no road improvements required. No dwelling was constructed. On February 26, 2018, Samuel Stetler addressed the Board seeking approval to split the Outlot into 2 lots with a shared driveway. Stetler is now interested in going forward with the original development. At this meeting Dahlke is requesting permission to proceed with the construction of the road and clarification on the location of the temporary cul-de-sac and to subdivide the outlot into 2 lots. Discussion followed about the location of the temporary cul-de-sac and the safety considerations for emergency vehicles to navigate the long dead end road and sharp turn to the cul-de-sac. Also discussed was the impact of the road on the wetland. Hass requested a letter from the Zimmerman/Livonia Fire Chief and from the Sherburne County Sherriff concerning the acceptability of the road extension for emergency vehicle access. Town Engineer Anderson will look at the proposed road extension next week. Hiller/Pool unanimous to approve the request to extend the road and temporary cul-de-sac as presented with the condition that safety services respond with no concerns. Hammre directed to get Fire and Police comments.

2.2 Pine Crest Estates Developer's Agreement – moved to item 4.25

2.3 Pine Crest Estates Park Dedication Fee Resolution – moved to item 4.25

2.4 The Woodlands of Livonia Entrance Quotes: Hass reported that he and Pool met with The Woodlands HOA to inform them of the Township plans to reconstruct the entrance road to The Woodlands. Hass explained that the Township is desiring to remove the water from the surface of the road as quickly as possible as that contributes to the deterioration of the road. The quote information includes removing the curbing on the edge of the road. Any change would require an amendment to the quote information. Engineer Anderson explained a strategy that would help to remove the water that pools on the road. The plan would also include raising the height of the road by a few inches to improve the slope of the road which would improve the drainage and decrease standing water. The HOA representatives indicated that they do not want the curbing to be removed for aesthetic reasons. They were also concerned about the increase of water flowing off of the road and onto their HOA maintained trail system and the damage the water may do to their asphalt trail. The HOA also mentioned that they will be replacing their sprinkler system in the median to a drip system which will help with the issue of pooling water from sprinklers. The HOA representatives also stated that the entrance is the "front door" to The Woodlands and a very important selling point for prospective buyers. Anderson explained how the cement curbing could be preserved but less of it would show. With the HOA wanting to have the outside curbing replaced the road would need to be at a steeper grade to facilitate drainage. Anderson further explained the process to achieve the goals of improving the drainage of the road given the curbing restraints. The HOA was also informed that if they wanted their sprinkler system heads to be preserved they will need to mark them. Hass mentioned that if the project had gone forward as planned, the work would have started within 2 weeks. The changes that the HOA are requesting may push the project back. Also discussed was the add-on sidewalk project that the HOA will be financially responsible for. Doeblor/Hiller unanimous to give the road committee the authority to approve the amended quote from Omann Brothers Inc, the only construction company that submitted a second quote contingent on Engineer Andersons approval.

2.5 Temporary Access Request: Joel DeHaan, 13687 254th Ave NW Zimmerman, MN present to request a temporary driveway access while he is building an accessory building. DeHaan explained that he is concerned that his current driveway to his house will be damaged by heavy construction vehicles bringing in supplies and materials. Some discussion about the Driveway Permit fee and if DeHaan should have to pay the engineering inspection fee. Pool/Hiller unanimous to waive the engineering and administration fees for a driveway permit, but to require the \$500 refundable construction fee.

2.6 Request to Vacate D&U Easement: Nancy and Thomas Bechtold, 14585 265th Ave NW Zimmerman, MN presented a Petition for Vacation to the Livonia Town Board of Supervisors. The Bechtolds also requested that a Public Hearing be



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held on June 25th at 7:30 pm. The Bechtolds are completing a land transfer process that was started when their home was built. The transfer was completed however the D&U Easement was not vacated and the new D&U easement was not recorded. This oversight from 1997 was discovered by the title company for the pending purchase of this home. Hass/Pool unanimous to approve the request for a Public Hearing on June 25, 2018 for the Vacation of the D&U Easement on the affected property line.

2.7 Changes to Driveway Inspection Fee: Hammre explained the current Driveway Permit Application also requires a fee for driveway inspections. When a driveway is complete it is inspected by the Township Engineer to verify that it has been installed properly and the ROW has been restored to protect the roadway and the ditch. There has been an increasing trend for driveways to require several inspections because contractors request inspection to determine if a culvert is needed or because the driveway does not pass the completed driveway inspection. In those cases, the driveway needs to be inspected again until it passes. Discussion followed about an appropriate fee amount for engineering costs. Pool/Hiller unanimous to approve an increase in the Engineering Fee portion of the Driveway Access Permit from \$75.00 to \$125.00.

2.8 Alternate Soil Standards: Sherburne County Zoning has continued to receive questions about possibility of Livonia Township accepting Alternate Soil Standards to allow building homes on wetter soils than Sherburne County Zoning allows. Hass/Hiller unanimous to follow the Sherburne County Soil Standards rather than adopting Alternate Soil Standards.

2.9 112th Street Guard Rail Damage Update: Hammre reported that all damage sustained to Livonia Township property including the guard rail on 112th Street has been submitted for restitution from the responsible party.

3. Open Forum: Brent Moliter, 24683 112th Street, Zimmerman, MN was present to discuss the slope and angle where his driveway joins 112th Street. Moliter, who recently purchased his house, explained that the adjoining angle causes his trailer to scrape on his driveway. Town Engineer Anderson had looked at the project plans and explained that the road elevation change was minimal at his location, less than 1/10 of 1 foot. Anderson also offered to send Moliter a copy of the plans so he could see the before and after elevations.

4.1 Clerk Treasurers Report: Hammre reported items of interest during the past month include: Hammre and 3 other Head Election Judges attended Poll Book training.

4.2 Approve payment of claims and transfer funds: Hass/Doebler unanimous to approve payment of claims, including payroll, as submitted and to transfer \$68,000.00 from savings to checking to cover claim numbers 8431–8464, check numbers 18293-18341 and Electronic Fund Transfers (EFT) #238-240 (May) Federal, State and PERA withholding tax. Funds transfer of \$65,000 was approved at the April 28th, 2018 board Meeting, covering claim numbers 8428 – 8429, check number 18291 – 18292 for the purchase of land for a Township Park, PID #30-520-0010 .

4.3 Supervisor Reports: Hiller - the deed restriction question was answered by the Township Attorney who explained the limitations and possibilities available to the Township. Maloney – no report; Pool – no report; Doebler – the Park Board Meeting was post-poned to June 25th at 6:00 pm, the trail connection possibilities from Sugarbush Park to the GNT will need to be reviewed and alternatives considered; Hass – no report.

5.1 Weed Inspector: Hass indicated that Maintenance Coordinator Berghuis will be the weed inspector.

5.2 Addition to Township Reorganization i) Delegate EFT Officer: Hiller/Doebler unanimous to appoint Hammre as the EFT Officer as required by Minnesota State Statute 471.38 Subd.3

4.25 (moved from item 2.3) Pine Crest Estates Developer's Agreement: Hass stated that he feels that Livonia Township needs to look at the Developer's Agreement to make sure that the Township is not showing favoritism to any Developer. Hass directed Hammre to research the Developer's Agreements and procedures that are used by neighboring Townships. He indicated that some Townships may be delaying the signing of the Developer's Agreement while the Contractor does some work to make the required LOC/Escrow lesser amount. Maloney added that the Board should



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familiarize themselves with the Developer's Agreement. Anderson stated that developers sometimes ask for permission to start construction before the Developer's Agreement is signed, however Townships are making the decision "on the fly" whether to allow it or not. He gave examples from other Townships and cautioned the Board about making similar decisions. Hass interjected that the Township does not have any liability if a Developer starts construction without a Developer's Agreement and LOC. Hiller stated that we need to look out for our residents. Discussion continued about potential liability for the Township if a Developer starts construction in a Development before the Agreement is signed and LOC/escrow is secured. The discussion also addressed the need to protect the interests of the Township assets and Township residents while making sure the process is workable for developers.

The status of Pine Crest Estates Developer's Agreement was discussed. Hammre provided the list of items needed from the Developer before the Developer's Agreement can be finalized, signed, and then recorded. Hiller stated that he thinks a workshop to look at amending the current Developer's Agreement with input from Developers as well as Supervisors who are not involved would be beneficial. He also said he wants to be assured that no lots will be sold in a development before the Developer's Agreement is signed. Engineer Anderson outlined the correct procedure to start working on construction before a Developer's Agreement is signed including the necessity of coming to the Board to ask for permission. Staff referred to the page (page 2 Item 1.2 Right to Proceed) in the current Developer's Agreement and in the Board packet that give the provision for a Developer to ask the Board for written permission to proceed with site preparation work. Hass also said he would like to schedule a workshop in the next couple of weeks for the Development Agreement and for Gary to have more information on park trails. Pool asked Anderson if they now need to have him inspect what has been done. Anderson replied that they would typically be inspecting a lot more. He also said that the current Developer's Agreement, which was written up by Livonia Township's Attorney, has all of the engineering inspections right with each phase of the road building being inspected by the Township Engineer. Doeblar asked who the contractor is. Maloney replied that it is West Branch Construction. Pool discussed the LOC/Escrow requirement and that they would like to have the required amount lowered because a lot of the road building work has already been done. Hiller suggested that the Developer's Agreement could be amended to state that the required amount could be done in thirds so that the Developer is not required as much for LOC/Escrow. Hass asked Maloney to check off on the remaining list of tasks what they can get done in the next few days. Hass said he wants everything wrapped up at the Workshop Meeting when the Developers Agreement and Mylars are signed. Tuesday June 5, 2018 at 7:00 pm was chosen as a date for the Workshop Meeting. Anderson said that the Escrow should be enough for bituminous, aggregate and seeding and for a length of time to cover the 3 year warranty period.

4.2.5 (moved from Item 2.3) Pine Crest Estates Park Dedication Fee Resolution: Resolution 18-9

Determining/Approving Park and Trail Dedication or Park Dedication Fees in Lieu of Land for the Plat/Subdivision Known as Pine Crest Estates Located in Livonia Township. \$26,400 in Park Dedication Fees, 22 lots at \$1200/lot. Passed unanimously by roll call with Pool and Maloney abstaining.

5.3 Livonia North Park: the new park property on the Lake Fremont minimum maintenance road has been purchased with park funds. Hass discussed the purchase of a dock for fishing for the community. Pool/Maloney unanimous to authorize Hass to look into a purchase a T shaped dock with a railing at the end and a bench from a local supplier for up to \$9,000. Also discussed was a name for the park. Ideas for naming to be discussed at the workshop on June 7. No parking and park hours, from dawn to dusk, signs to be ordered.

5.4 Resolution Authorizing Contract with Interested Officer: Resolution 18-12 Authorizing Contract with Interested Officer Under M.S. 471.88 Subd. 5 concerning the sale of a plow truck through North Star Truck Sales owned by Supervisor Maloney. Resolution Adopted and passed unanimously by roll call with Maloney abstaining.

5.5 Reminder for Couri & Ruppe Legal Seminar: Thursday, June 8th, 2017 at the Albertville City Hall

5.6 Clean-up Day Report: Hammre presented the statistics for the 2018 Clean-up Day. There were a total of 219 cars and one wheel barrow that came through, 25,680 pounds of furniture, 12,475 pounds of electronics and 15,300 pounds of iron. Items included 455 tires, 77 appliances, and 164 Electronics.



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5.7 Highland Meadows: Maloney presented the sketch of Highland Meadows Development. West Branch will be the contractor. No action taken.

Doebler/Hiller unanimous to adjourn the meeting at 9:30pm

Approved this 25th day of June 2018.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer