



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWNSHIP HALL  
JUNE 25, 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:** Maloney/Hiller unanimous to approve the Regular Meeting Agenda with the following addition: add item 5.5 Hiller Auction Resolution

**1.3 Approve Consent Agenda:** Doebler/Maloney unanimous to approve Consent Agenda as follows: **Item A)** May 21, 2018 Regular Board Meeting Minutes; **Item B)** June 5, 2018 Workshop Meeting Minutes.

**1.4 Sherriff's Report:** Sgt Wilson reported there were 285 calls for service in May; the calls included 95 traffic stops, the remainder of the calls were for various reasons including 15 security checks. Wilson also reported: there were no safety concerns regarding access in the pending W.H. Cates Development; the recent Buddhist Festival had one noise complaint from a neighbor, the sound system was turned off when the Festival organizers were made aware of the complaint. There were no other issues or concerns for Livonia Township.

**1.5 Fire Report:** Chief Maloney provided May calls for service: 7 medical assist, 3 gas leak, 6 motor vehicle personal injury accident, 3 carbon monoxide, 1 fire alarm, 4 grass fire, 1 outside rubbish fire and 1 commercial building fire (Baldwin) for a total of 26 calls, the average is 16 calls. The calls for gas leaks were at construction sites. Chief Maloney also reported that there were 2 vehicle accidents during the Memorial Day weekend at the intersection of County Road 4 and Hwy 169 when the left arrow was blinking, indicating turn on yellow while yielding to oncoming traffic or pedestrians. Maloney will talk to the State Patrol about the appropriateness of the blinking yellow light on HWY 169 with high speed traffic and inconsistent use of the blinking yellow light. Maloney also reported that the Fire District closed on the land purchase on May 2, 2018, the property has been surveyed and staked; a training cost reimbursement is expected for fire fighter training costs; 3 new recruits will begin next week.

**1.6 Presentation of the 2016 Audit:** Molly Thompson CPA, Audit Partner with Schlenner Wenner & Company, presented the Audited Financial Statements for year ending December 31, 2017. The Audit is in accordance with Generally Accepted Auditing Standards. The following areas were tested: deposits & investments, conflicts of interest, public indebtedness, claims & disbursements, contracting & bidding and miscellaneous provisions. The Township complied with the material terms and conditions of applicable legal provisions tested. Schlenner Wenner & Company provides an unmodified opinion on the Township's financial statements. The audit included examination of accounting policies, unusual transactions, and alternative treatments. There were no concerns. Thompson stated that there is a positive working relationship with the Township's management and personnel. An adjustment was proposed and posted for accounts payable and no noncompliance was identified. Financial highlights were presented revealing that the Township is in good financial standing. Recommendations include: apply consistent procedures with Development Agreements, they protect the Township and it is best if they are done consistently; allow direct communication between Board Chairman/Township Clerk-Treasurer and the Township Attorney; assure that interested parties abstain from votes and clearly document. Thompson commented that the audit went very well and that Jody and Kellie were very helpful and responsive. There were no questions regarding the 2017 Audit. Thompson provided her contact information in the event that any questions come up. The Board thanked Thompson for the report.

Some discussion followed about the recommendation for communication with the Township Attorney, the option to Cc the Board, and Open Meeting Law.



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**1.7 Engineering Updates:** **112<sup>th</sup> Street** – Anderson reported that the second lift of bituminous will now be applied sometime after July 4<sup>th</sup>. **239<sup>th</sup> Ave** – Doeblner reported on the discussions about easement possibilities with adjoining property owners. **Woodlands Entrance** – the project has been completed. Some discussion about the cost of material hauling. **Grading Permit** – discussion about the necessity for a Grading Permit. Anderson explained that it is a mechanism to monitor large grading projects that may not otherwise be monitored. To be discussed further at the next Board Meeting.

Chairman Hass recessed the Regular Board Meeting at 7:55 pm to conduct a Public Hearing

Chairman Hass reconvened the Regular Board Meeting at 8:00 pm

**1.8 Road Report:** Maintenance Coordinator Berghuis reported that tasks worked on for the previous month include shouldering, 911 replacement posts, hot patch, recycled tar on 253<sup>rd</sup> Ave, road grading, gravel on Gram's road, tree removal (2 trees blown down in strong winds). Berghuis also reported that a set of grapple forks were purchased for the skid loader and the plow truck was picked up. Crack seal on selected roads has been completed by Farnher Asphalt. Fiedler reported that a resident called about how the crack seal material accumulated on her tires when she was waded through the work area. The contractor was contacted and will remove the material from her tires.

**1.9 Planning Commission Report:** Spencer reported that during the May 17, 2018 PAC Meeting the PAC recommended the following items for approval by the County Board of Commissioners at their next scheduled meeting: request for a CUP for personal storage structure – Haven Township; request for amendment to Sherburne County Zoning Ordinance Section 5 (definitions) Section 8 (General Rural) Subdivision 4 (Interim Use) and Sections 16.2 (Interim Use Permits) Subdivision 5 (Conditions) to establish a rural retail tourism as an IUP in the General rural zoning district. Spencer also reported that at the June 21, 2018 PAC Meeting the PAC recommended the following items for approval by the County Board of Commissioners at their next scheduled meeting: request for Residential and Final Simple Plat – Baldwin Township; request for Residential and Final Simple Plat – Blue Hill Township; request for Residential Preliminary Standard Plat – Palmer Township.

**2.1 Variance Request:** Dennis Booth, 25657 101<sup>st</sup> St NW, Zimmerman, MN, present to request two variances, a 52' Variance from ROW setback on 101<sup>st</sup> Street for an expansion of the existing house and a 7' Variance from ROW setback on 100<sup>th</sup> Street for a deck. The Variance requests were discussed together. Discussion included the scope of the expansion of the house. Booth explained that they will be adding a second floor to the home and altering the existing structure to accommodate a stairway to the upper level. Booth also clarified that the addition will be in the same footprint of the existing house, which is currently within the ROW setback. Booth also explained that the deck is of a size that there will not be a need for posts to be used to support it, the support will be cantilevered supports from the existing house.

Doeblner/Pool unanimous to approve the request for a 52' Variance from setback from 101<sup>st</sup> Street. Comments include: the addition does not increase the footprint of the house, the addition improves the property, the improvement adds value to the house, a Variance is needed because of practical difficulty due to the corner lot and small lot size common in this development.

Hiller/Maloney unanimous to approve the request of a 7' Variance from setback from 100<sup>th</sup> Street. Comments include: the addition improves the property, the improvement adds value to the house, a Variance is needed because of practical difficulty due to the corner lot and small lot size common in this development.

**2.2 Developer's Agreement Amendment:** continuing discussion about an amendment to the Developer's Agreement including the possibility of a staged LOC requirement to cover the current phase of the project. Also discussed was the timing of a Developer's agreement and the requirement of a LOC before work begins. Additional discussion about details including the 2 tree requirement, the required warranty period, retainage, and utility, including high speed internet, work. Engineer Anderson asked Chairman Hass how he would like to proceed on any changes to the Developer's Agreement. Hass directed Anderson to make strike-through edits, then send it to Clerk/Treasurer Hammre to send to each Board member before the next Board Meeting. The Item would again be addressed at the next Board Meeting.



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**2.3 Pine Crest Estates LOC Reduction Request:** Engineer Anderson discussed the LOC requirements for a reduction, going through the figures and requirements in detail. Anderson will send his recommendations when a finalized document is complete with the requirement of an LOC in the amount of \$174,600. Hiller/Doebler unanimous by roll call, Pool and Maloney abstained, to approve the LOC reduction request for Pine Crest Estates.

**3. Open Forum** – no one was present for Open Forum

**4.1 Clerk Treasurers Report:** Hammre reported items of interest during the past month include: Hammre and Fiedler attended the Couri and Ruppe Legal Seminar.

**4.2 Approve payment of claims and transfer funds:** Hass/Doebler unanimous to approve payment of claims, including payroll, as submitted and to transfer \$46,000.00 from savings to checking to cover claim numbers 8466–8497, check numbers 18342-18382 and Electronic Fund Transfers (EFT) #241-243 (June) Federal, State and PERA withholding tax.

**4.3 Supervisor Reports:** Pool – Attended the EDA meeting **Hiller** – commended Hass on getting the dock ordered for the North Point Park, there has been positive community feedback. **Maloney** – one resident requested a garbage can to be placed in the North Point Park area; **Doebler** – the Park Board reviewed the Highland Meadows preliminary plat, no comments concerning parks or trails. Doebler also supplied several park shelter possibilities to the Park Board and the Town Board; **Hass** – called Twin Pines for an estimate to put in a road and parking area into the North Point Park property for parking. Hass asked the Park Board to look at the possibility.

**5.1 Sherburne County Local Option Sales Tax:** Information about a potential Local Option Sales Tax from Sherburne County Engineer/Public Works Director. Witter sent the information and offered to meet with interested parties to have discussion and answer any questions. The Board directed Hammre to arrange a discussion at a Board Meeting with Witter and Commissioner Fobbe.

**5.2 Zoning Informational Document:** FYI from Sherburne County Zoning detailing the responsibilities and services that they offer for the Township. The Board was encouraged to read the document and then keep it as a reference in their Supervisor binder.

**5.3 Signage for North Point Park:** suggestions for items to have listed on one sign at the North Point Park as well as for all of our park properties. Also discussed was dog waste management dog leash rules. Final sign design to be discussed at the next meeting.

**5.4 Nuisance Ordinance Amendment: draft from Township Attorney Gilchrist to allow the collection of costs incurred in removing ROW obstructions.** Doebler/Hiller unanimous by roll call to accept the draft amendment to Nuisance Ordinance #900.

**5.5 Hiller Auction Resolution:** Resolution 18-14 Authorizing Contract with Interested Officer for the purchase of grapple forks. Hass/Pool unanimous to approve, Hiller abstained.

Pool/Doebler unanimous to adjourn the meeting at 9:35pm

Approved this 23<sup>rd</sup> day of July 2018.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer