



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
JUNE 28, 2021

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

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

Others Present: Township Engineer Wes Davis

**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/Kuker unanimous to approve the Regular Meeting Agenda as presented.

**1.3 Approve Consent Agenda:** Hass/Pool unanimous to approve Consent Agenda as follows: **Item A)** May 24, 2021 Workshop Meeting Minutes; **Item B)** May 24, 2021 Regular Meeting Minutes.

**1.4 Fire Report:** Chief Maloney provided May calls for service: 10 medical assist, 2 gas leak, 3 motor vehicle personal injury accident, 3 fire alarm, 3 grass fire, 1 fire – other rescue. Maloney also reported that they have moved back into the new station, surfacing was completed; the Dance and Open House will be held on September 11, 2021. The Shane Martin Band will be playing.

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 206 calls for service in May in Livonia Township including 24 traffic stops, 21 medical, 25 security checks and 1 burglary that was a family matter. There were no issues of concern for Livonia Township.

**1.6 Engineering Update:** Engineer Davis reported that the Frontage Road Project is underway, the blacktop is scheduled for next week and the project is going well. Maloney asked if the contractor dug down, Davis replied that they did, and they found some clay. Geotex was added where needed to support and stabilize the soils. Davis explained that grade changes were done and the property owners can now direct drainage from their property to the ditch when they upgrade their parking lots. The Fremont Drive project will begin next week, Astech will mill the old surface and the millings will go to the township for shouldering if they grind small enough. Crack Seal quotes were received, SealTech quoted \$65,821.00 and Astech quoted \$106,443.00. Davis will notify SealTech that they had the lowest quote. Maloney/Kuker unanimous to accept the lowest bid for Crack Seal, SealTech with a bid of \$65,821.00. Wes also discussed the complaint received about PID 30-566-0120. The complaint is that they are moving large amounts of dirt into the Drainage and Utility easement on their property. Photos were provided. Hass/Kuker unanimous to authorize Davis to survey the D&U easement to determine if it is being filled. A letter to the owner will be sent if the D&U Easement is being affected. Hass directed Davis to get quotes on the culvert patch on 274<sup>th</sup> Ave and for the second lift on 120<sup>th</sup> Street.

**1.7 Planning Commission Report:** Spencer provided the June 17, 2021 PAC Meeting report: the following items were heard and recommended for approval:

1) Definitions and Rule of Language Construction, Subdivision 2 Definitions, looking to establish the following definitions: Improved Parking Surface, Motor Vehicle and Operable Motor Vehicles. Amendment to Sherburne County Zoning Ordinance Section 5 Subdivision 2.

2) General Development Regulations, Subdivision 2 Parking and Loading Regulations, proposal to establish Permitted Parking Areas for Platted Lots. Amendment to Sherburne County Zoning Ordinance Section 17 subdivision 2.

3) Administration and Enforcement, Board of Adjustment. Amendment to Sherburne County Zoning Ordinance Section 18, Subdivision 3.

Hass asked how the changes will be enforced. Spencer and Maloney both replied that the new language will make the Ordinances more enforceable.



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**1.8 Park Committee Report: Kuker** – discussed possibility of selling Sugarbush Park and using the funds to purchase land adjoining North Point Park. Maloney/Pool unanimous to proceed with an estimate on the property adjoining North Point Park up to \$1,000.00.

**2.1 Septic Variance:** Daniel Robbins present to request recommendation for approval for his request for a 77' Variance from the OHWL of East Hunter Lake for a septic upgrade. Mr. Robbins explained his situation, his septic system requires replacement to be compliant with current code. His property, which includes a house that was built in 1976, is approximately 155' in depth. The current OHWL setback from East Hunter Lake is 150'. The new septic system is designed for a three-bedroom house, the same size as the old system. He does not have the option to place it outside of the 150' setback.

Kuker/Pool unanimous to recommend approval for the Request For 77' Variance in Setback From the OHWL of East Hunter Lake for a Septic System Upgrade. Required Setback from a Natural Environment Lake is 150'.

Board Comments/Variance guideline questions were answered as follows:

- #1) the request is within the orderly growth goal of the Comprehensive Plan; it is not in conflict, no other changes will be made to the residential property, the neighborhood has many houses with the same setback situation.
- #2) the driveway was in the current location when the property was purchased; the septic system failed; the lots were platted 50-60+ years ago when lake setbacks were non-existent and lake lots were very small.
- #3) the literal interpretation would deprive the applicant of a functioning septic system which would jeopardize the health of the residents of the house and the health of the lake and surrounding properties.
- #4) the current request is the result of the failing septic system which was the original system.
- #5) the request is the minimum request to enable the septic system to be placed on the property. It is positioned as far away from the lake as possible;
- #6) the new septic system is the appropriate size for a three-bedroom house, the house will not change in size, there is no impact or effect on other properties.
- #7) yes, the outcome of this variance is to provide adequate sewage treatment;
- #8) there would be no impact on parking or number of vehicles on the public road, house occupancy will remain the same:
- #9) all neighbors in this development have the same setback constraints:
- #10) the variance will not affect sunlight, views or privacy of any neighboring lot;
- #11) the use of the property is reasonable and economic considerations are not a factor.

**2.2 Second Driveway Request:** Roger Orluck present to request a second driveway. Orluck explained that their property has two driveways, one that was permitted and is now ready for inspection for their new house, and the second is an old field access. Discussion about the proximity to the property line and the neighbor's driveway and the location on a right-angle corner on the road. Options were discussed regarding if the Orlucks could use the permitted driveway without a second driveway access. The Board expressed regret but explained that exceptions are made to the one driveway per lot rule in the case of hardship or cases of inaccessibility from the existing driveway. Request denied by roll call vote: Hass, Kuker, Pool and Hiller voting to deny, Maloney to approve request. Request denied.

**2.3. Hennum D&U Encroachment Agreement Request:** James and Dolores Hennum are requesting an Encroachment Agreement with Livonia Township to place their updated septic system partially in the ROW of Fremont Drive. Hass visited the site prior to the meeting. The recorded ROW of Fremont Drive at their location is



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50' from the centerline of the road rather than the Livonia Township required ROW of 33' from the centerline. The additional 17' is the result of residual ROW from when Fremont Drive was the old Highway 169. Discussion ensued about the constraints of the small lot and lack of any other location on the property to locate the septic system and the extra 17' of ROW that Livonia Township does not need to maintain the road. Hammre explained that an escrow fund will be needed to pay for any costs incurred by the township to provide the agreement, including but not limited to engineering, legal and recording fees. Pool/Hiller unanimous to approve the Encroachment Agreement request with the stipulation that the septic system will not be within the 33' from centerline ROW area the township needs to maintain the road.

**2.4 Unpermitted Driveway – Schultz:** an unpermitted second driveway was reported at 13035 277<sup>th</sup> Ave NW on 131<sup>st</sup> Ave. The owner had requested a Driveway Permit on 131<sup>st</sup> Street in August 2017 and again on April 23, 2018. In August 2017 it was discovered that there was a strip of land between the Schultz property and 131<sup>st</sup> Avenue and the Board informed the Schultzes that if they purchased the strip of land from the owner they will be able to put a driveway in to 131<sup>st</sup> Street, and then they would need to remove the driveway on 277<sup>th</sup> to comply with the one driveway per lot rule. On April 23<sup>rd</sup>, 2018 the Schultzes owned the strip of land and the board agreed to the driveway on 131<sup>st</sup> Street with the conditions they set forth. The Schultzes put in a driveway to 131<sup>st</sup> Street with no Driveway Permit, and the 277<sup>th</sup> Ave driveway was not removed. The address for the property remains 13035 277<sup>th</sup> Ave. Hammre prepared a letter to be sent to the Schultzes, pending approval by the Board, requiring action to remedy the situation. Hiller/Hass unanimous to direct Hammre to send the letter with the compliance requirement to the Schultzes, giving 30 days to comply.

**2.5 Letter of Support for 169 Interchange:** request from Sherburne County Public Works for a letter of support from Livonia Township to include with the Federal Raise Grant for the intersection of HWY 169 and Sherburne County Road 4. Maloney/Pool unanimous to approve a letter of support as requested.

**2.6 Henum Variance:** James and Dolores Henum Requesting a 10' Variance in Setback from the Right of Way of Fremont Drive NW for a Septic System Upgrade. Required Setback from the Right of Way is 10'.

The issue was discussed at length in Agenda Item 2.3 in conjunction with the need for an Encroachment Agreement as part of this project.

Pool/Maloney unanimous to recommend approval of the requested 10' Variance in Setback from the Right of Way of Fremont Drive NW for a Septic System Upgrade, allowing the septic system within the 50' from centerline of Fremont Drive, which is residual ROW from old Highway 169, but not within the 33' from centerline of Fremont Drive, which is the minimum ROW the Township needs for road maintenance and Drainage and Utility purposes.

Board Comments/Variance guideline questions were answered as follows:

#1) the request is within the orderly growth goal of the Comprehensive Plan; it is not in conflict; the variance allows the home to be sold in an area zoned residential.

#2) the lot currently has 50' ROW from Fremont Drive centerline, the normal Livonia Township ROW is 33'. This lot has a 50' residual ROW from the HWY 169 turnover. The extra 17' is not needed by the township to perform normal road maintenance.

#3) the literal interpretation would deprive the applicant of a functioning septic system which would jeopardize the health of the residents of the house.

#4) the current request is the result of the failing septic system which was the original system, and the unusual situation of a residual ROW that is not needed for Township Road maintenance.



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#5 the request is the minimum request to enable the septic system to be placed on the property. It is positioned as far away from the road as possible;

#6) the new septic system is the appropriate size for the house, the house will not change in size or occupancy. There is no impact or effect on other properties.

#7) yes, the outcome of this variance is to provide adequate sewage treatment;

#8) there would be no impact on parking or number of vehicles on the public road, house occupancy will remain the same:

#9) NA

#10) NA

#11) the use of the property is reasonable and economic considerations are not a factor.

**3.0 Open Forum:** no one present for Open Forum.

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: Hammre attended the GNT Open House/Information Meeting, March payroll check #20262 was lost by the recipient, a new check was issued.

**4.2 Approve payment of claims:** Kuker/Pool unanimous to approve payment of claims and payroll totaling \$154,191.65 as submitted from Bremer Bank, to cover check number 20364 through 20399, and Electronic Fund Transfers (EFT) #46-49 (June) Federal, State and PERA withholding tax and debit card payments.

**4.3 Supervisor Reports:** Pool – no report; Kuker - no report; Hiller – discussed the Event Center rates compared to similar facilities in the area, especially weekend vs weekday rates and amenities. Also discussed were facility inspections, usage and separation of the Fire Station side and Event Center side, and regulations concerning resident discounts while remaining compliant with bonding regulations. Hiller brought up the need to meet with the City of Zimmerman on a regular basis; Maloney – no report; Hass – no report.

**4.4 Road Report:** report given later in the meeting.

**5.1 Clean Up Day Report:** Hammre presented the Clean Up Day Report. All vendors have been paid and the Grant reimbursement was received. Event costs were offset by gate fees and the Grant funds. It was a successful day with 225 cars going through the gates, 512 tires, 142 appliances, 9,040 pounds of electronics, 20,220 pounds of scrap metal, and 16.5 tons of furniture, etc. collected. One vendor commented that ours was the most organized Cleanup Day they service. The Board thanked staff for all of the work in making Cleanup Day happen and run smoothly.

**5.2 Adopt a Storm Drain Project:** Hass/Kuker unanimous to table the item

**5.3 1W1P Watershed Program:** The Board requested more information before proceeding. No action taken.

**5.4 ROW Fees/Bonding Update and Driveway Construction Deposit Increase Resolution 21-12:** Request to increase ROW Fee for utilities to \$100.00 or \$.01 per linear foot, whichever is greater and Driveway Permit Construction Deposit to \$1,000.00 from \$750. Resolution 21-12 Resolution Adopting Amended Fee Schedule passed by roll call vote: Pool – yes; Hiller – yes; Kuker – yes; Maloney – no; Hass – yes.

**5.5 Driveway Permit Update:** Discussion about contractors and residents who do not finish the driveways that they have pulled Driveway Permits for, or do not correct problems that caused them not to pass engineering inspection. Several contractors have multiple outstanding Driveway Permits outstanding. Possible solutions to encourage the completion of driveways were discussed.

**5.6 Surface Water JPA:** Hiller/Hass unanimous to table item.

**5.7 Road Agreement:** Hass/Kuker unanimous to approve the Road Agreement as written and to send it to the City of Zimmerman for signatures.

**4.4 Road Report:** Berghuis provided the road report – the granite around the picnic tables at North Point Park is complete; mowing is nearly complete; traffic is severely cutting the inside corner of the road in Pondsider



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Estates, he would like to place chevron signs in the area to keep construction trucks from damaging the road and shoulder. The Board preferred to wait until all houses are built in the development before signs are put up; the grader needs repair, likely cracked seals or out of timing injection pump. Discussion followed about fixing or selling it, contracting the grading work, and chip sealing gravel roads. Engineer Davis to look at chip seal over gravel cost; possible need for snow plow drivers for next winter.

Hiller/Kuker unanimous to adjourn the meeting at 9:27 pm.

Approved this 26<sup>th</sup> day of July 2021.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer