



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
JULY 22, 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 7:00 pm.

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

1.2 Approve Regular Meeting Agenda: Hass/Hiller unanimous to approve the Regular Meeting Agenda with the following amendments: remove item 2.2 Simple Plat Request; add item 1.9 Social Media; add item Consent Agenda B) July 18, 2019 Workshop Meeting Minutes.

1.3 Approve Consent Agenda: Kuker/Pool unanimous to approve Consent Agenda as follows: **Item A)** June 24, 2019 Regular Meeting Minutes; **Item B)** July 18, 2019 Workshop Meeting Minutes.

1.4 Fire Report: Chief Maloney provided June calls for service: 1 medical assist, 8 motor vehicle personal injury accident, 1 carbon monoxide, 2 arcing/down power line, 4 residential house fire (2 Livonia, 1 Zimmerman, 1 Baldwin mutual aid), 2 fire other (porta potty). Hass gave the proposed new fire building update: the joint Zimmerman/Livonia Fire Board requested bids for an architect for the building, the bids are due by July 29, 2019. Once received they will be reviewed and narrowed down to 3 - 4, then a final decision will be made. Hass then gave a brief history of the project for the assembly and explained that the land for a new building to replace the current building leased from the City of Zimmerman has been purchased by a donation that was funded by charitable gambling. The proposed new fire building will be owned by the Zimmerman/Livonia Fire Department. The building would be funded by the residents of Livonia Township and the City of Zimmerman. Kuker asked Maloney about the rental agreements for the Zimmerman fire building and the Livonia fire building. Maloney said the rental fee is determined by square footage only.

1.5 Sheriff's Report: Sgt Wilson reported there were 143 calls for service in June, the calls included 10 dog related calls. The 96th Street speed sign report was provided. Most speeds were compliant with a few going over the speed limit. Wilson also reported that there was a complaint about a semi-truck and trailer being parked on 245th Ave periodically causing a traffic hazard. Wilson will report it to Sherburne County Zoning for possible violation of the CUP. Wilson was asked if our "No Parking Dusk to Dawn" park signs are enforceable. He replied that if our Parking Ordinance addresses it with a penalty, then it is enforceable. Hammre to research and report back. There were no other concerns for Livonia Township.

1.6 Engineering Updates: Engineer Anderson – **239th Ave)** progress update – all gravel work is projected to be complete on the 1st mile of the road project by next Friday, culverts and gravel are the focus now. After that section has been done, the next section will begin. When the Sherburne County ditch culvert is replaced the road will need to be closed for about one day. The residents on the road will be notified before the road is closed. The Contractor and Engineer Anderson are taking care of resident issues and concerns as they arise. Scott Henz, 12252 239th Ave was present to discuss issues with tree removal and phone/internet outages. Anderson will continue to work with residents and continue to follow through with Century Link about the phone/internet outages. Anderson and a Township Supervisor (Hass) will also meet with the property owners on site to discuss tree removal.

At 7:30 pm Board Chair Hass called for a recess of the Regular Board Meeting for Public Hearing.

At 7:36 pm Board Chair Hass reopened the Regular Board Meeting.

1.6 Engineering Updates: Anderson continued with the Engineering updates – **120th Street** bituminous quotes were received. The history of the road and emergency culvert replacement were discussed. Also discussed were the quotes and the savings on the milling that was recently completed due to the proximity of the 120th Street project and the 239th Ave reconstruction project. Anderson said he will limit work to occur between 7:00 am and 7:00 pm. Anderson pointed out that the quotes are for one lift of bituminous, a second lift can be applied after a winter season. Hammre provided a



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chart of the road construction and maintenance budget for 2018 and 2019. There are funds to cover the cost of the 120th Street project due to savings in the last 2 years from good project bids and no chip seal project in 2019. Hammre explained that any emergency repairs also come out of this account. Discussion followed about the speculation of the cost of various possible emergency repairs. The quotes for the project:

Knife River	\$78,838.00
OMG Midwest (Minnesota Paving and Materials)	\$82,950.00
Omann Asphalt, Concrete & Excavation	\$102,262.50
Rum River Contracting	\$73,527.86

Hiller/Maloney unanimous by roll call to proceed with accepting the quote from Rum River Contracting for the Paving of 120th Street. Further questions and discussion from the assembly included: a question about dust control until the road is paved. It was explained that because of the adjacent lake there are limitations to what can be applied. Berghuis said he will keep the surface graded until the bituminous is applied. The project is projected to be completed as soon as possible; other questions were how will the road will be compacted for stability and prevention of heaving of the road. Anderson explained that the road will be graded, rolled and compacted as part of the paving contract. Heaving in the driving lanes has not been observed by Anderson, Berghuis explained that the heaving appears to be caused by ice movement in the spring pushing into the bank and heaving the bank into the roadbed and upward. Heaving has occurred on the edge and shoulder of the road and is repaired as needed. 239th Ave – Anderson alerted the Board that a property owner on 239th Ave has declared that if the ditches are re-established along his property, he will just fill them in to be level with the road when the road project is done. Anderson explained that ditches re-establish the longevity of the road by properly draining away water. The Board agreed that ditches need to be re-established uniformly along the roads when possible, the road design will not be altered for the property. CIP – update is in process; priority roads are being determined.

1.7 Road Report - Maintenance Coordinator Berghuis provided the road report as follows: 4 trees came down in the recent storm, and another one today; DNR roads in the Sand Dunes State Forest were all graded; a sinkhole was repaired on 268th Ave on the west side of the Township; the updated weight limit signs were installed with the exception of the new development roads; a new pole saw was purchased for around \$800.00; Baldwin roads were graded; the Harley rake was rented and used at North Point Park; Berghuis asked the Board if they want him to concentrate on seeding grass or work on the trails at North Point Park – Hiller stated that at the Park Board Meeting the Park Board recommended that the trails are worked on now with seeding to be done in the fall when turf establishment is more successful; a section of road in The Woodlands of Livonia was patched.

1.8 Planning Commission Report: Spencer provided the July 18, 2019 Planning Advisory Commission (PAC) Report. The PAC recommended the following items for approval by the County Board of Commissioners at their next scheduled meeting: request to amend the conditions of the existing interim use permit #57589 for a recreational activity – recreational athletic fields for use by Big Lake SD #727 - Big Lake Township; solar interim ordinance ORD 235. Discussion about solar moratorium and the affected Townships; amendment to Sherburne County Ordinance: Amend Section 16.2 Interim Use Permit, Subd. 5.21 Solar Farm. Make updates where solar farms are prohibited; Amend Section 5, definitions and rules of language construction, Subd. 2 Definitions. Update to the definition of agricultural building; amend Section 17, general development regulations, Subd 8 accessory structures. Clarify height requirements for accessory building, establish new size requirements for accessory building on platted and un-platted lots, and establish standards for shipping containers, semi-trailers and agricultural buildings.

1.9 Social Media: Hiller asked the Board for approval to change the settings on the Livonia Township Facebook page to make it an informational site only and to turn off the ability for posts to be made by anyone other than the Township Facebook page administrators. Hiller brought up the Thursday evening “argument” on Facebook after a Board Meeting. He also reminded the assembly that the Facebook page is not the Township’s official posting site, and that there is no lie detector on Facebook, any comments and opinions can be posted. He is concerned that future posts could attack staff, employees, or residents. Discussion included the roll of the Facebook page and strategies to keep it as a notification site. Hass stated that the Livonia Board is very accessible to the community through other means. The Town Hall contact information is also on the Facebook page. Other comments include that Facebook comments can be open to



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interpretation, and may not be interpreted as intended, and that settings can be changed if the Board chooses to at a later date. Fiedler stated that she researched other community Facebook pages and found that many do not allow outside postings. Kuker made the motion to change the Livonia Township Facebook page settings to be a notification site by Livonia Township Administrations only with no outside postings or comments allowed. Maloney seconded the motion. The motion passed 4 -1 with Hass opposing.

2.1 Driveway on 119th Street: Hass spoke to the property owner, RW Land Holdings LLC. He will work with Hass to remedy the situation with a driveway being built across his property and through the ROW of 119th Street by another property owner without his permission.

2.2 Simple Plat Request – Manthei: removed from Agenda

2.3 Board of Adjustment Information from Riddle: Riddle provided a letter to the Board concerning Variance Board issues. The Board will change from a 5 member Board to a 7 member Board. Kuker pointed out that an applicant who is denied a Variance can appeal the decision. Hass spoke to Commissioner Fobbe about the concerns.

2.4 Commercial Road Culvert and Surface: Hiller reported that the culvert on the north end of the road has been heaving and affecting traffic according to a business owner with a business located on the road. Hiller asked for a quote from Custom Design Concrete to fix the issue. The quote was for \$4,625.00. Discussion about the culvert, road and drainage issues. Engineer Anderson said this road is of high priority on the CIP which is in the process of being completed. Because there would be no tree cutting required to do the project, it could be an upcoming project, possibly in 2020. Berghuis directed to remove the asphalt and soil to alleviate the problem for now, with the consideration of the road as an upcoming road project.

2.5 Request for CUP Horse Training & Boarding Stable: Requestor not present. No action taken.

3.0 Open Forum: Ryan Carlson, 26932 117th Ave NW Zimmerman, MN 55398, PID #30-520-0660, present to ask about Grams Park and the future phases. He expressed concerns over the closing of roads for the park. Hass explained that the park is a Sherburne County Park and that there are no plans to close any of the Livonia Township roads.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: considerable office time was spent in research.

4.2 Approve payment of claims and transfer funds: Hass/Hiller unanimous to approve payment of claims, including payroll, as submitted and to transfer \$133,000.00 from savings to checking to cover claim numbers 8902–8933, check numbers 18943-18980, and Electronic Fund Transfers (EFT) #286-289 (July) Federal, State, PERA and SUTA withholding tax.

4.3 Supervisor Reports: Pool –no report; **Kuker** –Livonia Park Board report – the Park Board recommended that Berghuis work on the North Point Park trail now and seeding grass later in the season when grass has a better chance of establishing successfully. The Livonia Parks Grand Opening is recommended to be in Spring 2020 when the trails are completed and signage up; the Park Board unanimously recommended Karen Sherper – Rohs and Kevin Kelly to be appointed the new Park Board members. Some discussion followed about having Park Board members residing near one another and in the area of a Township Park. Spencer commented that the Park Board was not set up to have regions represented by Park Board members. Hiller commented that he wanted to respect the recommendation of the Park Board and pointed out that the Park Board is a recommending body only and that the Town Board is the authority to act on recommendations. Hass moved and Hiller seconded that Karen Sherper – Rohs and Kevin Kelly will be appointed to the open Park Board positions as recommended unanimously by the Park Board. Motion carried. The Park Board also had some ideas on how to promote the Township Parks. Also discussed was the possibility of installing solar lighting near the North Point Park parking lot for security. A porta potty quote was presented. Hass/Pool unanimous to approve the quoted contract for a porta potty; **Hiller** – no report; **Maloney** – requested that the Park Board appointee approval be rescinded. Maloney stated that he thinks having 2 Park Board members residing on 239th Ave is a conflict of interest because Sugarbush Park is in the area. Hass asked if the Park Board members would personally benefit from the appointment. Kuker commented that the Park Board is a recommending body and the Town Board always has the responsibility to make any decisions. Maloney commented that there may be a future Facebook conversation that



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questions where Park Board members live. Spencer commented that they should be given a chance and that no one has ever asked for special favors with any park. More discussion about Facebook and the misinformation and unfounded accusations that can happen, public perception, etc. Maloney moved to rescind the Park Board appointee vote. Pool seconded the motion. Motion passed 4 – 1 with Maloney, Pool, Kuker, Hiller in favor and Hass against. Maloney made a motion to appoint Kevin Kelly and Margaret Genung. Pool seconded, motion carried 4-1 with Maloney, Pool, Kuker, Hiller in favor and Hass against. **Hass** – reported that during the July 18, 2019 a motion was made and passed to hire the land specialist attorney at Barna – Guzy & Steffen and that the Township will need a committee of two Supervisors to communicate with the attorney on behalf of the Board. Hiller nominated and moved that Hass and Kuker to serve on the Legal Committee. Hass recommended that the attorney is consulted about having Kuker as a committee member and if it could be perceived as a conflict of interest. Pool seconded the motion. The motion passed by unanimous vote.

5.1 Annexation Request – Kolb: Hass/Maloney unanimous to approve annexation request as presented with corrected tax payment figures.

5.2 Clean Up Day Report: Hammre presented a document with the Clean Up Day figures including cost/invoices, items collected, fees collected from Livonia and City of Zimmerman residents, hours worked to hold the event including staff and Supervisor hours for Livonia Township (90.25 hours) and the City of Zimmerman (12 hours).

5.3 Findings of Fact – Sherburne County: The Board reviewed the document from Lynn Waytashek, Sherburne County Zoning, with the guidelines and questions that should be considered for comments when a variance request is made.

5.4 Variance Samples: The Board stated they would like a copy of the samples of variance questions submitted by Kuker at the last meeting to be available when commenting on variance requests.

5.5 Fire Building Lease Renewal: Hass/Kuker unanimous to approve the Fire Building Lease Renewal.

5.6 Title Search Request: not discussed, no action taken

5.7 Raffle Request: Hass/Hiller unanimous to approve the raffle request from Minnesota Sportsmen's Club, Inc.

5.8 Portable Toilet Quote for Park: item approved in Supervisor Reports.

5.9 CenterPoint Energy Recommendations: discussion about the cost/energy saving recommendations from CenterPoint Energy from site visit. No action taken.

5.10 Schlenner Wenner Audit Update: Hammre reported that Schlenner Wenner & Co, the independent accounting firm that conducts the Livonia Township yearly audit, consulted the OSA about the Responsible Contractor Verification of Compliance requirement for the road project in The Woodlands of Livonia development. The OSA clarified that in a project of the size that was done in The Woodlands of Livonia development a Responsible Contractor Verification of Compliance form is NOT required, therefore, the Audit will be changed to reflect that there was no finding or concern about the project.

Hiller/Maloney unanimous to adjourn the meeting at 9:32 pm

Approved this 26nd day of August 2019.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer