



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWN HALL
JULY 27, 2020

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

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

Others present: Engineer 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/Pool unanimous to approve the Regular Meeting Agenda as presented.

1.3 Approve Consent Agenda: Hiller/Maloney unanimous to approve Consent Agenda as follows: **Item A)** June 22, 2020 Regular Meeting Minutes

1.4 Fire Report: Chief Maloney provided June calls for service: 9 medical assist, 4 motor vehicle personal injury accident, 1 fire alarm, 1 grass fire, 2 vehicle fire, 1 outside rubbish fire, 3 residential house fire (Stanford, Becker, Zimmerman). Chief Maloney also reported that two fire fighters have graduated from the Elk River Fire Academy. Three more candidates will attend in the fall. Maloney also reported that at this time the dance is still scheduled. Hass stated that the Fire Board has a list of potential items to be purchased with Cares Act Funds. There were no questions for Chief Maloney.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 203 calls for service in June in Livonia Township, including 19 traffic stops, 7 motor vehicle accidents and 18 medicals. Hiller asked that police officers request residents to wear masks rather than issuing citations. Sgt. Wilson stated that they will not be issuing citations, but instead see it as an educational opportunity. Hass asked Sgt. Wilson to request that officers drive by the new fire hall site and to watch for vandalism during construction.

1.6 Engineering Update: Engineer Wes Davis introduced himself as the Engineer that will be working with Livonia Township. Crack seal was discussed, WH Cates Pondsides second lift and the dozer damage on 245th Ave from the WH Cates Pondsides road construction. Also discussed was the water level in the pond on the east side of the WH Cates Pondsides Estates road. Wes commented that the water table is very high this year and many ponds are at high levels.

1.7 Road Report: Maintenance Coordinator Berghuis reported: Sugarbush trail gravel is complete; there are two large junk piles that will need to be removed; Maintenance removed 2 trees that came down in wind and restored 2 minor washouts; the Girl Scout Camp road was graded; the voting plexiglass shields were constructed; 6 park arrow signs were placed. The tree in the ROW on 100th Street was taken down, the wood will be removed when it is moved to the ROW. Hiller stated that the township has accumulated some large wood pieces, he is willing to do an on-line auction on behalf of the township to sell them. Pool stated that the Woodlands has some standing water on the road and asked Berghuis to open drainage.

1.8 Planning Commission Report: Spencer was unable to attend. She provided her report. There were no items concerning Livonia Township.

1.9 Park Committee Report: Kuker reported that projects will be on hold for now, and he acknowledged that Berghuis provided updates in his report.

2.1 MN Propane IUP Amendment: Dave Wagner present to present the Request to Amend Existing IUP #63376 to Include Installation of a Propane auto Gas and Cylinder Fill Dispenser. Wagner answered questions about the addition of a self-serve auto gas and cylinder refill station. Wagner explained the process and safety of self-serve filling, the location of the feature, and the safety training that will be done on site. He also explained that they qualify for MNDOT Alternate gas fuels signage on the highway. Hass/Maloney unanimous to recommend approval of the IUP Amendment.

2.2 Variance Request: Nick Greene present to request a Variance to Section 7 (Agricultural District), Subdivision 6.3 (Dimensional Regulation) – Requesting a 20' Variance in setback to the Natural Gas Pipeline Easement for a Detached



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Garage. The required setback from natural gas pipeline easement is 50'. Greene explained that the pipeline was on the property since 1986, the house was built in 2013. He has one driveway, the well is behind the house, and Sherburne County Zoning requires an additional 50' easement over the pipeline requirement. The Board considered the Variance Findings of Fact guidelines as follows:

- #1) the request is within the orderly growth goal of the Comprehensive Plan, it is not in conflict
- #2) the pipeline on the property is and extraordinary circumstance that applies to the property that does not generally apply to other properties in the area
- #3) the literal interpretation would deprive the applicant of a second garage. A second garage is a common improvement on the properties in the area
- #4) the circumstances (pipeline) did not result from the current or previous owner
- #5) the request is the minimum request based on the location of the house, natural gas line, septic and well and pipeline
- #6) the variance if granted would not alter the character of the locality. Many homes have second garages in the area. the 2.5 acre lot is of sufficient size to prevent a negative effect on neighboring properties.
- #7) yes, the septic system is adequate, no bathroom facility will be constructed in the garage
- #8) there would be no impact on parking or number of vehicles on the public road
- #9) NA
- #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

Kuker/Maloney unanimous to recommend approval of the Variance with the approval letter from the pipeline company provided.

2.3 Rinowski – West Hunter Lake discussion: Engineer Davis explained that there are concerns with the possibility of the unimproved platted cul-de-sac being used as a driveway access. Liability for injury on a road that is not maintained by the township is one concern. Another concern is that the township is not planning on constructing the cul-de-sac and the topography would make it impractical. Discussion continued about other concerns including the lot being a “non-conforming” lot, lack of safe access for emergency vehicles, setback issues and room for a house, septic, etc., and drainage issues in the area. Rinowski stated that given the concerns he will not proceed with purchasing the lot. Maloney/Hiller unanimous to deny request to use the unimproved cul-de-sac or alley way as a driveway access.

2.4 Morse ROW: did not attend – no action taken

2.5 Variance Request: Miller present to request a 10' Variance in setback from the right of way of 102 ½ St NW Zimmerman for an addition and deck on the existing house. The required setback from the ROW is 67'. Miller explained that the house was built 57' from the ROW, not the required 67', in 2006. The Miller's purchased the house in 2013. The proposed addition and deck would be located behind the house and would not require additional variance – the variance requested is for the existing house. The Board considered the Variance Findings of Fact guidelines as follows:

- #1) the request is within the orderly growth goal of the Comprehensive Plan, it is not in conflict
- #2) the existing structure was built too close to the road, the error was not caught at that time
- #3) the literal interpretation would deprive the applicant of an addition and deck. Many properties in the area have additions and decks.
- #4) the circumstances did not result from the current or previous owner. The house was built in 2006, the current owners purchased in 2013. There were several owners before them.
- #5) the request is the minimum request based on the location of the house, the addition and deck do not affect the variance being asked for



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#6) the variance if granted would not alter the character of the locality. Many homes have decks and additions. The lot is of sufficient size to prevent a negative effect on neighboring properties.

#7) yes, the septic system is adequate

#8) there would be no impact on parking or number of vehicles on the public road

#9) NA

#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

Hass/Pool unanimous to recommend approval of the variance request.

3.0 Open Forum: Molly Karnes present to inquire about the Great Northern Trail and future plans for the location of additional trail. Discussion followed about the location and future plans to extend along the old railroad bed. Karnes also asked about annexation. Discussion ensued about annexation.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: Cares Act Funding; election preparation.

4.2 Approve payment of claims and transfer funds: Hass/Kuker unanimous to approve payment of claims, including payroll, as submitted and to transfer \$53,000.00 from savings to checking to cover claim numbers 9248–9278, check numbers 19415-19451, and Electronic Fund Transfers (EFT) #326-329 (July) Federal, State, and PERA withholding tax.

4.3 Supervisor Reports: Pool – no report; Maloney – no report; Hiller – reported that Ryan and Tanya Carlson have appealed the court decision concerning 120th Street (Lake Fremont minimum maintenance road). Hiller asked that the minutes reflect the cost to the township (ie. township residents) to date to defend the township from the lawsuits the Carlson's have filed against the township concerning 120th Street. The total cost to date is \$173,029 including the Petition to Vacate and the lawsuit. Discussion followed about the course of action going forward and the attorney to use to defend the township. Maloney/Hass unanimous to continue with Bayliss as the attorney to defend the township.

Hass – discussion about heated sidewalks at the new fire hall; Kuker – no report.

5.1 CARES Act funding: discussion about acceptable expenditures. Chief Maloney presented a list of possible items the fire department needs to deal with Covid 19. Chief Maloney presented a proposal for a new Dodge Ram 5500 to prevent cross contamination of the Covid 19 virus. He explained that the fire fighters respond to medical and fire emergencies and are potentially exposed to COVID 19. The current truck does not have enough room for the fire fighters to be transported without their gear after contamination during rescues. Hass/Kuker unanimous to approve the purchase of the requested truck for the Zimmerman/Livonia Fire Department for \$53,900.00, in response to the Covid 19 pandemic. Maloney/Hass unanimous to approve a check for \$10,000 for a down payment on the truck as presented by Chief Maloney, with approval of more if the dealer requires a larger down payment. A workshop was suggested to look at possible items. The workshop will take place on Tuesday, August 4, 2020 at 7:00 pm.

5.2 LBAE: reminder that LBAE training is now available online, there are no Supervisors currently trained.

Kuker/Pool unanimous to adjourn the meeting at 9:14 pm.

Approved this 24th day of August 2020.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer