



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWN HALL
AUGUST 23, 2021

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

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 with the amendment that Sherburne County Zoning will attend a future meeting, item 1.6 removed.

1.3 Approve Consent Agenda: Pool/Kuker unanimous to approve Consent Agenda as follows: **Item A)** July 26, 2021 Regular Meeting Minutes; **Item B)** August 9, 2021 Workshop Meeting Minutes.

1.4 Fire Report: Chief Maloney provided July calls for service: 17 medical assist, 1 gas leak, 2 motor vehicle personal injury accident, 2 fire alarm, 4 grass fire, 1 vehicle fire, Maloney commented that the medical assist count is very high. He also reported that the fire department was awarded a MDFE Training Grant and a \$5,000 DNR Grant for pagers. Maloney then reminded the assembly that the Open House is September 11 and the dance is in the evening on September 11.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 223 calls for service in July in Livonia Township including 8 motor vehicle accidents and 63 traffic stops. There were no burglaries. The rest of the calls for service were for miscellaneous items. Sgt. Wilson gave an update on the ATV complaint that was received by the township, there was no activity at the home when law enforcement responded. They will continue to monitor the area.

1.6 Planning and Zoning Parking Amendment Update: removed from agenda.

1.8 Planning Commission Report (taken out of order): Spencer reported: The Sherburne County Planning Advisory Commission met at 6:00 pm August 19th, 2021. The following items were recommended for approval: Request Conditional Use Permit of a Drive-in Retail Service Use to operate a pet grooming, dog daycare, boarding business – Big Lake Township; Final approval of Carlson Farm Plat – Baldwin Township. The Amendment to the Sherburne County Zoning ordinance to Amend Section 17 General Development Regulations, Subdivision 2 Parking and Loading Regulations, proposal to establish Permitted Parking areas for Platted Lots was recommended for denial.

1.7 Engineering Update: Engineer Davis reported that 239th Ave is done; the Frontage Road is in progress with the paving anticipated to be done the end of next week, weather permitting. Astech was awarded the project to pave 120th Street – second lift, scheduled for September, and Astech will add striping on north 112th Street to the project. Crack sealing will be done when temperatures are cooler so the cracks will widen. The D&U retention pond that was being filled by the homeowner will be brought back to the original condition by the homeowner. Wes asked the Board for a change in driveway inspection fees, to allow each driveway fee to include up to two engineering requests, one to determine if a culvert is needed, and the second for the final inspection. If the driveway fails inspection, the cost for subsequent inspections will be taken from the construction deposit. Davis explained that some driveways are being inspected multiple times before the builder complies with the requirements. The Board requested that Davis draft a proposal for the next meeting.

1.9 Park Committee: Kuker reported that an appraisal has not yet been scheduled for the potential North Point Park land purchase. Hass explained to the assembly that the Township may have an opportunity to



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purchase adjoining land to North Point Park. Kuker added that the township has excess park land that could be sold to help pay for the addition to North Point Park.

2.1 WH Cates Pondsides Estates LOC request: item tabled from last month to allow the developer time to resolve issues. The office recently received payment for snow plowing the road. Some of the other issues are in the process of being resolved. Maloney/Pool unanimous to deny request at this time. The request can be revisited when all of the items are resolved satisfactorily.

2.2 D&U Excavation Complaint Deer Haven: Brian Lindquist present to address the Board concerning material he placed in the Drainage and Utility Easement on his property. Hass looked at the property. His opinion is that the work done does not negatively affect the neighboring properties. Engineer Davis also viewed the property and agreed with Hass. Lindquist was asked to take photos of the project and send to the township, and also send proof of quantities of material brought in, for the permanent record. Pool/Hass unanimous to accept the work done in the Drainage and Utility Easement at 24681 113th Street NW Zimmerman.

2.3 Unpermitted Second Driveway Under Construction: Scott Wold, SW Wold Construction, present. Wold stated that when he purchased the lot in February, he did not know there was a driveway already installed on the lot. When he applied for a Driveway Permit for the lot from Livonia Township, the check was returned to SW Wold Construction with the explanation that there was already a driveway placed on the lot as required by the township for this particular development. Hass explained that there are 4 lots in the Highland Meadows Third Addition that the developer requested to have access on 112th Street. This request was granted with the requirement that the Town Board and Town Engineer determine the best and safest location for driveway placement on each lot. The four lots are located on a hilly section of 112th Street, a busy collector road, with poor sight lines in some locations. The second driveway was constructed without a driveway permit as reported to the township by a concerned neighbor. There was considerable erosion from the driveway into the ROW and the driveway was placed where sightlines are not sufficient on a 55 mph road. Wold was informed last month that he placed a driveway without a driveway permit and that the item was on the July Board Meeting Agenda. Wold did not attend that meeting. Maintenance was instructed to place a sign on the driveway stopping the bituminous from being applied. Wold stated that he placed the house where the buyers could have a walk out. Hass asked Wold what he was proposing to solve the issue. Wold stated that he would leave the second driveway, remove the permitted driveway, place topsoil, erosion control, and the homeowner will put in a yard (grass). Hass stated that there will not be a second driveway approved for this lot, any accessory building will need to be accessed by the one driveway allowed. Davis suggested that the Town Board consider making 112th Street in the area a Rural Residential District, which would allow legal and enforceable posting of 35 mph speed limit on the road. He explained that a reduced speed limit would allow for shorter sight line distances therefore making the driveway placement acceptable for safety. Pool, Hass and Kuker stated that they are not in favor of a 35 mph speed limit as it would involve patchwork speed limits. Maloney stated that vehicles would already be slowing down in anticipation of the stop sign on 269th Avenue. Hass, Pool, Davis, the neighbor to the north and Wold will meet Tuesday at 3:00 to inspect work to mitigate erosion. Discussion followed about the need for a culvert. Davis expressed concern about overflow of water and making sure it will flow to the curb and gutter on the road. Kuker/Hass moved and seconded to approve the driveway that Wold installed with the removal of the approved driveway, solving erosion and runoff issues, establish turf, and with Wold agreeing to work with Township Engineer and staff for solutions. Motion approved; Maloney abstained.

2.4 Hunter Lake Parcel – Foster: item tabled to September Meeting.



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2.5 Cranberry Hill – Virkus: Karl and Beth Virkus present to ask for the best way to resolve the D&U encroachment issue. Hammre explained the differences and the long term best solution. Karl and Beth Virkus formally requested the vacation of the D&U Easement on their property where it was along a property line, but as the property line is being moved, it is no longer needed or required. Kuker/Pool unanimous to grant the Vacation of the D&U Easement process to begin.

2.6 Aspen Heights Sign: a request from a resident in Aspen Heights was received to clean or paint the Aspen Heights Development sign on 110th Street and County Road 4. Fiedler researched the sign and found that it is the responsibility of the Township after installation as per the Developer's Agreement for Aspen Heights. Berghuis will look at the sign and seek estimates for maintenance if Livonia Maintenance is unable to take care of it.

2.7 Halgrimson: Geri Halgrimson and several other residents with homes on Fremont Drive were in attendance to discuss issues with road ROW, septic encroachment, and incorrect lot lines. As a group they are interested in resolving the issues. Hass provided a history of Fremont Drive, its past life as HWY 169, and ROW differences related to the HWY ROW and what Livonia Township requires for ROW. There will need to be discussions with Sherburne County Zoning to clarify issues and solutions. Hammre explained the involvement the Township can have with the ROW issues, and that property line issues will need to be resolved with surveying, Sherburne County input and legal counsel.

2.8 249th Driveway/Headwall: there has been a driveway widened and headwalls installed at 13870 249th Ave. The driveway is now significantly wider than allowed in the township, and headwalls are prohibited by Minnesota State Statute. Wes was directed to look at the driveway.

3.0 Open Forum: Karen Sherper-Rohs present to ask about the property mentioned previously to be appraised for additional park land. Hass replied that it is a parcel that adjoins North Point Park. He also said they would potentially look at selling North Sugarbush Park, indicating that it is not being used. Hass and Kuker stated that they have not seen cars parked in the parking lot when they have driven by. Sherper-Rohs stated that it is being used, though many users access it through the Sugarbush Preserve side or on bike or foot. She also said that the previous owners sold the land to Livonia Township expecting it to be used as a park. Hass stated that if the park is being used, it will not be sold. Sherper-Rohs said that the neighborhood residents in the area are very concerned that the park will be sold. Hass said that there would be meetings about potential sales before the decision to sell North Sugarbush Park would be made.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: The City of Zimmerman returned the signed Border Road Agreement; the guard rail on 96th Street replacement has been ordered, office will pursue reimbursement from the driver's insurance; Orderly Annexation addresses have been transferred to the City of Zimmerman, would the Board like maintenance to remove the Livonia 911 signs? The Board directed Berghuis to leave the 911 signs in place until they need replacement due to damage, etc., at which time they will not be replaced.

4.2 Approve payment of claims: Kuker/Maloney unanimous to approve payment of claims and payroll totaling \$279,299.67 as submitted from Bremer Bank, to cover check number 20435 through 20466, and Electronic Fund Transfers (EFT) #55-58 (August) Federal, State, and PERA withholding tax and debit card payments.

4.3 Supervisor Reports: Pool – no report; **Kuker** –attended the ISD Community Meeting, the school district indicated that they have fulfilled the promises made to the community regarding sport facilities. The group toured several facilities; **Maloney** – inquired about the ARPA funding; **Hass** – no report.

4.4 Road Report: Berghuis reported that they have been tree trimming and have completed trimming in the developments. Hot patch has been completed, and another plow truck driver has been hired. Discussion



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followed about current plow truck wages and incentive bonus for drivers who work through the snow season. The grader was discussed, Maloney/Pool unanimous to place the grader in the September Hiller auction. Also discussed were options for a replacement grader or other equipment that can serve the same purpose. No action taken.

5.1 Couri & Ruppe Legal Seminar: staff will attend, Hass may be able to attend.

Mike Miller from the Elk River Landfill introduced himself and discussed future plans for the landfill.

Pool/Kuker unanimous to adjourn the meeting at 9:46 pm.

Approved this 27th day of September 2021.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer