



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
AUGUST 24, 2020

Supervisors present: Hass, Hiller, Kuker and Maloney.

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

Others present: Engineer Davis

**Chairman Hass called the meeting to order at 7:02 pm.**

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

**1.2 Approve Regular Meeting Agenda:** Kuker/Hass unanimous to approve the Regular Meeting Agenda as presented.

**1.3 Approve Consent Agenda:** Maloney/Hiller unanimous to approve Consent Agenda as follows: **Item A)** July 27, 2020 Regular Meeting Minutes; **Item B)** August 4, 2020 Workshop Meeting Minutes.

**1.4 Fire Report:** Chief Maloney provided July calls for service: 2 medical assist, 1 gas leak, 1 motor vehicle personal injury accident, 2 fire alarm, 1 outside rubbish fire, 1 commercial building fire (Elk River), 1 residential house fire (Livonia), 1 fire – other. Chief Maloney also reported; he has applied for a grant through the Bank of Elk River for Strong Communities for \$15,000.00; he asked for clarification on the intend of Livonia Township to purchase 2 LUCAS devices (chest compression device for heart attack victims) with CARES Act funding. Maloney explained to the assembly how the LUCAS device works and the increase in heart related calls they are responding to since the Covid 19 Pandemic started. Hass explained the CARES Act funding. Maloney/Hiller unanimous to approve the purchase of two LUCAS devices for Zimmerman/Livonia Fire Department using CARES Act funds; the annual Fire Fighter's dance has been cancelled; New fire building update: the panels are up the steel will be next, and the roof after that.

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 190 calls for service in July in Livonia Township, including 7 disturbing the peace, 19 medical, 13 civil complaint, 31 traffic stops, and 16 security checks. Kuker asked if they were involved in the Zimmerman fire hydrant incident. Sgt. Wilson stated that there were 8 fire hydrants opened and over 1 million gallons of water released. Reserve officers were placed on duty in the area. Fire Chief Maloney commented that if they had had a fire emergency during that time, they would not have been able to respond as there was no water available. The responsible party/parties are being sought.

**1.6 Engineering Update:** Engineer Wes Davis asked the Board if they would like him to seek crack seal quotes for fall. Maloney commented that he would like Davis to look at the potential crack seal roads identified by Berghuis and on the map provided. Hass/Hiller unanimous to direct Davis to seek crack seal quotes, and the Board will hold a special meeting to accept a quote when they come in.

**1.7 Road Report:** Maintenance Coordinator Berghuis reported: he attended the Baldwin Township meeting last week – they have approximately 200 yards of granite they would like to trade for dirt (construction dirt left from 239<sup>th</sup> Ave reconstruction project). Berghuis will use the granite to fill in between the two shops where the grader is parked. Berghuis also reported the junk pile at Sugarbush Park has been cleaned up; some ditches were sprayed; the path in the woods at North Point Park was mowed; 25-911 signs were installed; 6 park signs have been received – discussion on where to place them; he would like to obtain current township development maps (Sherburne County GIS).

**1.8 Planning Commission Report:** Spencer reported: at the August 20, 2020 Sherburne County Planning/Advisory Commission Meeting, the PAC recommended approval for the following items by the Count Board of Commissioners: Request for approval of final plat of Pine Farms – Blue Hill Township; request for approval of preliminary and final simple plat of Pine Farms Second Addition – Blue Hill Township; Request to amend existing IUP for a planned highway development to include installation of propane auto gas and cylinder fill dispenser – Livonia Township; Request for approval of preliminary and final simple plat of Braun addition – Clear Lake Township; request for approval of a CUP for a personal storage structure – Big Lake Township; request for approval of preliminary plat of Sumser Farm – Baldwin Township.



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**1.9 Park Committee Report:** Kuker reported that at the workshop meeting held immediately before this meeting, it was agreed that the Girl Scout Silver Project Dog Park should proceed at the location identified during the workshop. He also reported that they would like to go forward with a port-a-potty and signage.

**2.1 Kolander D&U Easement:** Amy and Ross Kolander, PID #30-440-0350, present to request permission to place a portion of a proposed deck in the drainage and utility easement. They explained that their house was placed within the D&U easement when built and that they were not the original owners. During the process of applying for a building permit for a deck, they discovered the deck would be partially in the D&U Easement. They also stated the deck would be built with pillars and have minimal or no impact on drainage. Engineer Davis looked at the property prior to this meeting and drafted a letter of recommendation to allow the deck to be built in the proposed location as it would not affect drainage. He also stated that an Encroachment License would need to be signed by Livonia Township and the Kolanders. The Board explained that the Kolanders would be responsible for legal and recording fees, and they agreed to that requirement. Hiller/Kuker unanimous to direct Engineer Davis to draft a Drainage and Utility Encroachment License. The License would then go to the township attorney for approval before recorded at the Sherburne County Recorder's Office.

**2.2 Linn/Hautala walking path:** Brittany Linn and Tiffani Hautala present to ask the Town Board to extend the walking path from the cul-de-sac at the end of 139<sup>th</sup> Ave to the path along Zimmerman's 10<sup>th</sup> Street. They explained that there is a short segment of ROW between these two roads that are used as a walkway for residents. Linn and Hautala both operate in-home day care facilities and serve as one-another's emergency day care location. They use the pathway to walk the day care kids to each other's location, the shortest route between their respective houses. The pathway now is very rough and difficult to navigate with kids in strollers, which are needed to travel from house to house in the event of an emergency. Hass commented that the Board is in favor of connecting pathways for safe travel. Berghuis said they have millings left from the road project that could be used now to create a better surface after smoothing out the pathway. Hiller/Kuker unanimous to direct Berghuis will talk to the City of Zimmerman maintenance to arrange for a coordinated effort to improve the pathway connection between 139<sup>th</sup> Ave and 10<sup>th</sup> Street to the City of Zimmerman's 10<sup>th</sup> Street ROW.

**2.3 Manthei Simple Plat:** Ashley Manthei present to request approval of simple plat "Manthei Estates" consisting of one lot. Discussion ensued about the County requirements for simple plat and if they have been fulfilled. Manthei stated that they have, including an adjustment to the north lot line to meet required footage. Manthei asked if the Park Dedication Fee required for plats applies to a simple plat. The Board explained that it does. Maloney/Kuker unanimous to recommend preliminary and final approval of the simple plat "Manthei Estates" as presented. Comments include: The township park dedication fee must be paid to the township as required. All Sherburne County conditions have been met.

**2.4 Morse – ROW:** Morse not in attendance. Morse had inquired about purchasing PID #30-489-0220, a portion of ROW for a future extension of 248<sup>th</sup> Ave NW. Hiller commented that the segment of ROW could be needed if the property to the east is developed. Maloney/Kuker unanimous to deny the request to purchase PID #30-489-0220.

**2.5 Welsh – Pondsides Estates Issue:** Dan Welsh PID #30-025-2102, present to express concerns about the water level in the pond on his property and how the WH Cates Pondsides Estates Development project and the 248<sup>th</sup> Ave reconstruction project done in 2012 may have impacted drainage into the pond. Welsh also complained that there are headlights shining in his windows from the development and he would like the Township to put up a fence, build a berm and/or plant trees to block the lights. Welsh explained that he has lived in his home and has never seen the water levels as high as now, and that he thinks the drainage patterns were altered with the projects. Discussion followed about elevations of the land, culverts and road. Engineer Davis referenced the road and development engineering documents to verify exact elevations. Davis stated that the water table is very high this year, high pond levels are a concern that he has heard all over the County and region. Davis will look further into the issue to determine if either or both the projects have impacted drainage to increase the pond level. Issue tabled to allow Davis time to study the issue.



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**2.6 Nelson Variance Request:** Wayne Nelson present to request recommendation for approval of a 30' Variance in setback from the 117<sup>th</sup> Street Right of Way on his property, PID #30-520-0130 at 27280 117<sup>th</sup> Street NW, Zimmerman MN 55398. Nelson described the desired garage to be 30' X 30', located in the north east corner of his lot, 37' from the road right of way. The setback from the right of way is 67' normally required. Nelson gave the primary reason for the need for setback to be aesthetics both in the placement of the garage and in the location of the driveway, stating that he does not want the driveway to the garage to go across his front yard. Nelson also stated that he would like to place a swimming pool in the back yard sometime in the future, therefore he does not want to place the garage in the back yard. The Board discussed the Township policy to not allow a second driveway on parcels unless there is a necessity and no other option to access an accessory structure. Discussion followed about garage placement options to avoid the need for a variance and a second driveway. Nelson said the septic, well and trees are in the way of other options. There was also discussion about the Sherburne County Trail that runs along the north edge of the property. Leaving the existing trees standing was stated as a visual buffer for the garage from the trail property. Also discussed was the cul-de-sac at this location and the future probable development of the property to the north. Nelson also stated that he is the first owner of the house, that he had it build in 2006.

Hass/Maloney unanimous to recommend approval for a 30' Variance in setback to the 117<sup>th</sup> Street road right of way where a 67' setback is required. The following 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;
- #2) the elevation change on the south side of the lot makes placing a garage in that location difficult. 2006 rules for homes were different than now, future septic location in case of failure may restrict location;
- #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) 2006 had different rules and second driveways were not as restricted as now;
- #5) the request is the minimum request based on the desired location of the garage, prevention of tree removal, and reduces the amount of impervious surface because the driveway will be shorter;
- #6) the garage design will match the design of the house, the variance if granted would not alter the essential character of the neighborhood and would have no negative effect on the 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.

**2.7 East Hunter Lake Alley:** Engineer Davis stated that it will be surveyed and marked this week. He will communicate when the survey crew can do the survey so Berghuis can observe.

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

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: the Primary Election was held successfully and without any issues at all three precincts; cemetery activity included lot sales, marker placement and burials.

**4.2 Approve payment of claims and transfer funds:** Hass/Hiller unanimous to approve payment of claims, including payroll, as submitted and to transfer \$34,000.00 from savings to checking to cover claim numbers 9284-9309, check numbers 19454-19501, and Electronic Fund Transfers (EFT) #330-332 (August) Federal, State, and PERA withholding tax, and from Bremer Bank, requesting approval for payment of claims as submitted to cover claim numbers 9310 and 9311, and check numbers 20001 and 20002.



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**4.3 Supervisor Reports:** **Kuker** – no report; **Hiller** – reported that the computers previously discussed concerning employees working from home will not work with the Township’s computer security system without a considerable investment in new equipment and service fees, the requested appraisal on potential park land has not yet been completed due to an overwhelming request for appraisals at this time; **Maloney** – asked if Titan is continuing to bill us, Hammre replied that they are, but confirmed that they received the letter sent about the damage caused to the grader when they were servicing it. Maloney also asked the board if the Township could have engineer Davis look at the Highland Meadows Third Addition road for township acceptance. Maloney also requested that gravel is placed on the trail portion that runs along the western edge of the development. Available park funds will be looked at for this expenditure. **Pool** – no report; **Hass** – requested a closed meeting with the township attorney for next week; **Hiller** – reported there is quite a bit of wood (logs) accumulating at the town hall from blow down trees that have been removed from township roads , he would like to auction them as an online auction with no wood processing on site.

**5.1 CARES Act funding:** meeting to discuss CARES ACT funds to be held after the Attorney/Client closed meeting, date and time to be determined.

**5.2 CenterPoint Energy Franchise Fee:** the issue with some Livonia residents being charged the City of Zimmerman franchise fees is being resolved by CenterPoint Energy.

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

Kuker/Hiller unanimous to adjourn the meeting at 9:45 pm.

Approved this 28<sup>th</sup> day of September 2020.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer