



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
AUGUST 28, 2017

Supervisors present: Hass, Doebler, Hiller, Maloney & Pool.

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

Others Present: Jon Bogart, PE Bogart, Pederson & Associates, Inc, Nick Anderson, PE Bogart, Pederson & Associates, Inc.

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: Doebler/Hiller unanimous to approve the Regular Meeting Agenda with the following change as requested by Chairman Hass: add item 2.7 Driveway Issue – Tim Schultz.

1.3 Approve Consent Agenda: Doebler/Maloney unanimous to approve Consent Agenda as follows: **Item A)** July 24, 2017 Regular Board Meeting Minutes; **Item B)** Renew Land Stewardship Project Annual Membership.

1.4 Sheriff's Report: Sgt. Wilson reported there were 228 calls for service in July; the calls included 63 traffic stops, 17 security checks, and a few ATV complaints. There were no burglaries reported in July. The remainder of the calls were for various reasons. There were no other issues or concerns for Livonia Township.

1.5 Fire Report: Fire Chief Maloney provided July calls for service: 5 medical assist, 1 gas leak, 2 motor vehicle personal injury accident, 1 fire alarm, 2 grass fire, 2 vehicle fire, 1 outside rubbish fire, 1 residential garage fire Livonia Township, 2 residential house fire – Livonia Township and Elk River, and 1 fire other – boat on Lake Fremont. Chief Maloney also reported that the Grass 3 replacement truck is in, and the lights are being installed. This truck will be located at Station 1 (City of Zimmerman) and Rescue 2 truck is located at Station 2 (Livonia), the Dance and Open House will be held on September 9th and is open to the public, the fire department was invited to about half of the 21 Night to Unite events held around the area.

1.6 Engineering Update: 239th Ave – Bogart would like to schedule the 239th Ave Reconstruction Project Resident's meeting October 23rd at 6:00 pm. **112th Street** – Knife River is projecting that grading will be substantially completed by September 13th, and the road project will be substantially completed by September 22nd. There have been reports of several vehicles being damaged while traveling through the construction area. Claims have been directed to Knife River. Some of the vehicle traffic has been reported as traveling at excessive speed for the conditions or vehicles that are using the road as a through – road. Jesse and Amy Shearer were represented by a family member concerning several Cedar trees that were removed during the clearing and grubbing phase of the project. The trees were in the area of the right of way and removed, Shearer thought they were outside of the right of way and therefore would be left. Engineering and Hass to investigate to determine if the trees were in the ROW and proceed from there. Shearer is asking for replacements. Hass requested that an email is sent from Bogart, Pederson & Associates, Inc. to Knife River Corp as a matter of record concerning maintaining the road so it is passable for residents and school busses.

1.7 Road Report – Maintenance Coordinator Berghuis reported: all collector roads have been mowed, Berghuis and Kelly mowed several miles of roads as contracted for the DNR Forest Service, Hass asked Berghuis about installing a Children at Play sign as per request from a resident, several loads of gravel have been applied to each of the gravel roads in the Township, mowing was done on 257th Ave (Memorial road) to open the shoulders and ditch, the road and parking lot into Sugarbush Preserve North was roughed in, the Fall Expo is being held September 13th and 14th, Berghuis would like to give the plow drivers the opportunity to attend if they want - the Board agreed.

1.8 Planning Commission Report – Spencer reported: The PAC met August 17, 2017 and recommended the following items for approval by the County Board of Commissioners at their next scheduled meeting: request for an IUP for a home business in an accessory building – Livonia Township; request for a preliminary and final residential simple plat – Baldwin Township; request for a preliminary and final residential simple plat – Palmer Township; request for a CUP for a personal storage structure – Santiago Township.



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2.1 Sherburne County HWY Monument Plat No. 81: Sherburne County Public Works requested that the Livonia Township Board of Supervisors review the Sherburne County Right of Way Plat No. 81 boundaries of SCAH 4 that adjoin land owned by Livonia Township (Township roads). Pool/Doebler unanimous to direct Bogart, Pederson & Associates, Inc. to review the documents. Upon their approval, Chairman Hass will sign the document and Hammre will forward to Sherburne County Public Works.

2.2 Request for Variance: Jim Brenner present to request a 75' Variance from East Hunter Lake ordinary high water level and a 10' variance from the side property line for a septic system upgrade. Brenner explained that his current septic system has failed, they are requesting a variance to install a 1500 gallon 2 compartment septic tank and 1000 gallon lift tank with a Type 3 box mound system. The system would be installed as far from the set-back limits as possible on the small lakeside lot. Hass/Hiller unanimous to recommend to the Sherburne County Board of Adjustment to allow the variances as requested based on the following findings of fact:

- The variances are in harmony with the comprehensive plan with consideration of the pre-existing small lot sizes around the area lakes and the need for safe and effective septic systems
- Without the variances, the property owner would be deprived of a reasonable use of the property
- The practical difficulty is due to circumstances unique to the property including proximity to a lake and small lot size
- The circumstances were caused by the original plat having small lot sizes and more lax septic setback requirements
- The issuance of the variances maintains the character of the locality which includes many small lots with homes and cabins
- The practical difficulty involves more than economic considerations – the current failed septic system is unusable and the temporary portable toilet on site now is not a viable long-term solution

2.3 Alternative Soil Standards Request: Mike Gwynn requesting the adoption of Alternate Soil Standards on his property located in the Sugar Bush Trail Development. Gwynn would like to split his parcel and build a house on the new parcel. The split would result in parcels that do not conform to the Sherburne County Zoning requirement of at least 40,000 contiguous square feet of land at least 3 feet above the highest known water table for building and septic. Discussion followed about current septic systems and Big Lake Township's adoption of Alternate Soil Standards. Hass/Pool unanimous to table the discussion to allow the Board time to meet with Big Lake Township and do more research on the implications of adopting Alternative Soil Standards.

2.4 Request for Class 5 on 251st Ave: The Holcombes are requesting several loads of class 5 for the maintenance of 251st Ave. Hass/Hiller unanimous to approve class 5 to be applied to 251st Ave for maintenance up to a cost of \$500.00.

2.5 Request for Ditch Rework by Fresh Waters Church: Bob Hartfiel, Deacon for Fresh Waters Church, present to request the application of black dirt in the ditch along the Church property on 273rd Ave. Hartfiel explained that the sand base is not solid enough for mowing. Discussion about the safety of dumping material from the busy and highly traveled road. Hartfiel gave Berghuis permission to drive the truck on Church property for dumping. Doebler/Pool unanimous to bring several loads of the black dirt that is already on site at the Town Hall to stabilize the ditch by the Fresh Waters Church, without purchasing any additional black dirt.

2.6 Pine Crest Estates: Maloney and Pool stepped down from the Board table before this item was addressed. Pool requested approval for the Pine Crest Estates Preliminary Plan. Doebler reported the Park Board recommendations for the Pine Crest Estates Preliminary Plat, which include that there is no need for internal trails in the development due to its small size of 22 lots, and that the property does not fall within the Livonia Township Park and Trail Comprehensive Plan. The Park Board recommends that the Developers pay the \$1200 per lot park dedication fee to Livonia Township in lieu of the construction of internal trails. Hass/Doebler unanimous to approve the Park Board recommendations. Discussion followed about the Township Policy to limit driveway access to one access per lot. Pool and Maloney were asked if they would be establishing development covenants. They stated that there would be development covenants. The Board requested that the one driveway access per lot requirement also be added to the development covenants. Pool and Maloney agreed to this request. Bogart stated that he has not yet received the drainage plan from the



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development engineer. There was also discussion about a short half-width road (108th St) located between Pine Crest Estates and Aspen Heights and the possibility of vacating the road section. Doebl/Hiller unanimous to adopt Resolution 17-11 Resolution for Preliminary Plan Recommendation.

2.7 Driveway Issue – Tim Schultz: Schultz was unable to attend the meeting. He is requesting information on a second driveway access permit to a development road which would require him to purchase a small outlot from a developer. The Board stated that if the first driveway is removed a driveway permit can be granted if he chooses to purchase the outlot and he is recorded as the owner. A second driveway permit request would require permission from the Board at a Board Meeting.

3. Open Forum: Marvin Miller, resident in the development The Woodlands of Livonia, present to request a remedy to the storm water runoff that travels down 265th Ave and onto his property. Miller made some water volume calculations and comparisons to illustrate the amount of water that can run onto his property during a significant rain event. Hass asked if the HOA for The Woodlands of Livonia was aware of the issue. Miller said the HOA is aware but did not respond to him about the issue. Hass and Pool to look at the site and the Board will discuss during the September Board Meeting.

4.1 Clerk Treasurers Report: Hammre reported items of interest during the past month include: Sherburne County is going to prepare the US Census (LUCA) Address Report for Livonia Township.

4.2 Approve payment of claims and transfer funds: Hass/Hiller unanimous to approve payment of claims, including payroll, as submitted, and to transfer \$75,000.00 from savings to checking to cover claim numbers 8151–8186, check numbers 17924-17968 and Electronic Fund Transfers (EFT) #208-210 (August) Federal, State, & PERA withholding tax.

4.3 Supervisor Reports: Pool reported that the **Annual Youth Day** will be held on September 16 from 5:00 pm to 8:00 pm. Pool/Hiller unanimous for Livonia Township to again participate in the Youth Day Event. Hass and Fire Chief Maloney will purchase food and drinks. Hass/Hiller unanimous to approve the placing of an ad in the Zimmerman Today paper. Doebl/Hiller gave a report on the Park Board Meeting, requesting permission to obtain quotes for completing the driveway and parking lot in Sugarbush Preserve North from 2 contractors with a cost not to exceed \$20,000. Doebl/Hiller unanimous to allow Hass and Pool to request quotes from two different contractors to install a driveway and parking pad at Sugarbush Preserve North, not to exceed \$20,000. Hass – no report. Maloney – no report. Hiller – no report.

5.1 Updates on D&U Easement Obstructions, Headwalls and Zoning Issues:

- 👷 **Porter retaining wall in D&U Easement** – the retaining wall has been moved and rebuilt outside of the D&U Easement, the Porters have provided the Township with photos of the completed project.
- 👷 **Request for curve signage on 97th Street** – the signs have just been received, they are scheduled to be installed this week.
- 👷 **Perl Sod Farms** – Perl Sod Farm 239th Ave ROW Obstruction – Kyle Hartnet, Township Attorney sent a letter to Perl Sod Farm stating that the obstructions must be removed by September 5, 2017. The Township has not had any communication with Grant or Gregg Perl about this latest letter. If Perl Sod Farm does not comply with the removal of the obstructions as stated in the letter, Livonia Township Maintenance will begin removing the obstructions on September 6th. Sherburne County Law Enforcement will be asked to be present during removal.
- 👷 **TGBR D&U** – Johnson informed the office that they have removed all obstructions except for several old light poles that had been there previously and were too big for him to move. Township Maintenance removed the light poles. The issue has been resolved.
- 👷 **Car, etc sales on 169** – Mitch Glines, Sherburne County Zoning Specialist is handling the case, and the vehicles and signs have been removed. Glines will monitor the situation to identify future infractions. The car trailer for sale and parked in the HWY ROW was referred to Mark Renn, MnDOT. The car trailer was moved out of the HWY 169 ROW.



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- **Tales and Trails** concerns about bait tank discharge – minnow tank water discharge concern was referred to MPCA for inspection. Waiting for report.
- **Headwalls and dangerous landscaping** – Two noticed headwalls are still outstanding:
 - Berghuis and Hammre measured the ROW limits for the Hinton obstruction as directed. An Inquiry was received from the Hinton's homeowner's insurance agent requesting information on the obstruction. Hammre sent the requested documents and discussed the issue and liability to the Township and homeowner with the insurance agent.
 - Hiller and Hammre were directed to make a site visit to talk to homeowner Minke at his convenience. Minke has not yet responded to the request to meet with him.

5.2 Trailer for Skid Loader: Hiller offered to sell a used skid loader to Livonia Township for \$1500, or it will be available on the September Auction. It has new tires, brakes and springs. Discussion about the value of the trailer and the Township need for a trailer to transport the Township skid loader. Hass/Pool unanimous (Hiller abstained) to purchase the used skid loader trailer from Hiller Auction.

5.3 Sherburne County Association of Townships meal: Hass explained that it is Livonia Townships turn to provide the meal for the Sherburne County Associations of Townships Quarterly Meeting in October. Hass will get more information on expected number of attendees for food purchasing.

Doebler/Hiller unanimous to adjourn the meeting at 8:45 pm

Approved this 25th day of September 2017.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer