



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
SEPTEMBER 25, 2017

Supervisors present: Hass, Doebler, Hiller & Maloney.

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: Hiller/Doebler unanimous to approve the Regular Meeting Agenda with the following changes requested by Chairman Hass and Supervisor Doebler: move item 2.1 to item 1.65; add item 5.5 – Tax Forfeiture Properties.

1.3 Approve Consent Agenda: Hass/Maloney unanimous to approve Consent Agenda as follows: **Item A) August 28, 2017 Regular Board Meeting Minutes.**

1.4 Sheriff's Report: Sgt. Wilson reported there were 245 calls for service in August; the calls included 42 traffic stops, and 2 burglaries. The remainder of the calls were for various reasons. There were no other issues or concerns for Livonia Township. Wilson also reported that the Sheriff's Department provided help on 239th Ave for ROW obstruction removal.

1.5 Fire Report: Fire Chief Maloney provided August calls for service: 4 medical assist, 2 gas leak, 2 motor vehicle personal injury accident, 2 motor vehicle accident W/O injury, 1 search for missing person, 3 fire alarm, 1 vehicle fire, 1 commercial building – Baldwin. Chief Maloney also reported that the Fire Department Dance and Open House had a record number of attendees at over 800 people and he expressed his gratitude for the support of the community. The Fire Department has 4 new recruits who will be attending the Elk River Fire Academy soon. Chief Maloney then reported on the vehicle that crashed into Reliant Systems Inc. in Zimmerman that resulted in injuries and a fatality. There were 11 emergency personal on scene almost immediately, and the helicopter was on scene before the first ambulance arrived. Hass asked Maloney to document the time it took for the ambulance to arrive at this accident as well as a motorcycle accident that occurred the following day when the helicopter again arrived on scene before the ambulance. The Board expressed concern about long ambulance response times now that ambulance coverage has been reduced in the Zimmerman area. Hass inquired about the pumps that had been tested, Maloney stated that all have passed. Hammre asked Maloney if the Fire Department would be interested in sponsoring the Dictionary Project again. Maloney replied yes, and asked Hammre to head up the planning. Hass thanked Maloney and the Fire Department for once again sponsoring the Zimmerman/Livonia Youth Day.

1.6 Engineering Update: 112th Street – Bogart reported that the road was just paved, there is still grading to be done on the in-slopes and ditches, the cement culvert has yet to be installed, and paving to be completed on that section. Bogart will talk to Knife River about replacing the bituminous millings on the driveway at 25672 112th St. to restore it to the original surface. **239th Ave** – Bogart verified with the Board that the 239th Ave Resident's meeting would be scheduled on October 23rd at 6:00 pm.

1.65 Request for Replacement of Trees: Jesse Shearer present to request the replacement of trees that were removed from the ROW and D&U Easement along his property bordering 112th St during the clearing and grubbing stage of 112th Street Phase 3 Reconstruction Project. Shearer stated that the trees were on the edge of the ROW and D&U easement and could have been left. The area had been evaluated before and after the trees were removed and were determined to be in the ROW and D&U easement close to the edge of Shearer's property. Hass explained the liability the Township could have if trees are present in the ROW and that the Township is working to keep trees from growing up in the ROW for public safety reasons. Hass also stated that he understands the issue for Shearer as the removed trees had provided a visual screen from the traffic on the road. Hiller/Doebler unanimous to allow Shearer to purchase \$300 worth of trees of his choosing, size and species, to plant on his land, making sure they are outside of the ROW and D&U easement. A check will be issued and approved at the October 23rd Board Meeting.



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1.7 Road Report – Maintenance Coordinator Berghuis reported: ditch mowing is in progress, the Woodlands of Livonia street signs have all been replaced, a sweeper for the skid loader has been purchased for \$400, a new cul-de-sac plow driver has been hired, the tires on the 1 ton truck will need to be replaced - quotes have been obtained from Pomp's Tire Service and Warzecha Auto Works.

1.8 Planning Commission Report – Spencer provided the report: The PAC met September 21, 2017 and recommended the following items for approval or denial by the County Board of Commissioners at their next scheduled meeting: request to amend the comprehensive land use map from agricultural to business and industrial and to amend the zoning map from agricultural to industrial district. Recommended approval for the request to amend comp land use map and recommended denial to amend the zoning map - Big Lake Township. Recommended approval of the following 3 requests from Clear Lake Township: request to amend the plat and CUP for cluster plat; request for preliminary/final simple plat; request for CUP for a permanent Township government structure. Recommended approval for request to amend the zoning map from general rural district to shoreland residential district - Baldwin Township. Recommended request for a residential preliminary standard plat - Baldwin Township.

2.2 Water Runoff Issue: update on the water runoff issue at 14529 265th Ave NW as brought to the Board by Marvin Miller, homeowner. Hass and Pool looked at the site to determine what the Township should do. It was observed that the rock that was installed to attempt to fix the problem was laid on top of the original fabric and rock, thereby trapping debris in the rock bed which altered the water runoff directing it in the wrong direction. Berghuis was directed to remove the rock and fabric that was installed in the ROW, dig down several inches, and re-install the fabric and rock so that it is draining as originally intended. The rock that was added by Miller on his property cannot be removed or changed by Livonia Township as it is private property.

3. Open Forum: Nick Donovann present to obtain the Board's preference for where he builds an accessory building on his property. One site would require a Variance from the rear property line and a Variance from the road. Discussion followed about the placement options of the building. Also discussed were the multiple vehicles, business and personal, and other items parked on the property as well as the proximity to Sugarbush Preserve. After the discussion the Board indicated that they would prefer building placement that does not require a Variance from Sherburne County over placement that would require a Variance. This preferred placement that would not be any closer to Sugarbush Preserve than is already allowed or to 239th Avenue than is already allowed.

4.1 Clerk Treasurers Report: Hammre reported items of interest during the past month include: Luther and Ursala Gerlach, Gerlach Tree Farms Inc., stopped in to thank Jon Bogart and the Township for following through with what was promised to protect their property and trees and to restore their property access throughout the 112th Street reconstruction project.

4.2 Approve payment of claims and transfer funds: Maloney/Hass unanimous to approve payment of claims, including payroll, as submitted, and to transfer \$355,000.00 from savings to checking to cover claim numbers 8188–8218, check numbers 17969-18007 and Electronic Fund Transfers (EFT) #211-213 (September) Federal, State, & PERA withholding tax.

4.3 Supervisor Reports: Doebler will give his Park Board Report during Item 5.5 **Hiller** – reported he again observed a trailer parked too close to the HWY 169 driving lane at 25050 HWY 169. The trailer seems to get moved to the edge of the road at certain times. Law enforcement was notified several weeks ago about the trailer location safety issue and it was moved at that time. **Maloney** – requested that staff research the original Covenants for the Sugarbush Development to find out what they are and if they have been revoked. **Hass** – reported that Youth Day went well with about 300 hot dogs being served; the Perl Sod Farm ROW encroachment issue is progressing to resolution with Perl Sod Farm given an extension on the removal date as requested to allow the trees to go into dormancy so that they can be successfully transplanted. Hass also reported that he is pursuing 2 quotes on the cost of installing a road, parking pad, and trail crossing at Sugarbush North.



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

- **Perl Sod Farms** – Hass reported on the progress of this issue in the Supervisor reports.
- **Tales and Trails** – Barrick from the MPCA inspected the site in August and found no obvious pollutants or issues concerning the MPCA, but indicated that discharge is a “gray area” in MPCA rules. He suggested that the Township can follow up with Sherburne County nuisance discharge and MS4 requirements to verify that there is not damage to the watershed.
- **Headwalls and dangerous landscaping** – Two noticed headwalls are still outstanding. No progress made.

5.2 Sherburne County Association of Townships Meeting Attendance and Meal Update: Hass and Hammre will order and deliver the food for the meeting.

5.3 County Commissioner Items to Discuss: the Board will contact Hammre with items they would like to discuss with Commissioner Fobbe, the Board will invite Fobbe to attend an upcoming meeting.

5.4 Final Approval of IUP for a Home Business in an Accessory Building (Commercial Kitchen for baking goods and catering) RECORDED FOR THE PERMANENT RECORD – Maloney/Hiller unanimous to approve IUP for a Home Business in an Accessory Building (Commercial Kitchen for baking goods and catering) as approved by the Sherburne County Board of Commissioners on September 11, 2017 and recorded as document #844923. The IUP and conditions of approval are on file in the Sherburne County Zoning Office.

5.5 Tax Forfeiture Properties: the Sherburne County Auditor/Treasurer provided the list of Tax Forfeited Land in the Township that will be sold. Two of the four parcels adjoin Lake Fremont on the minimum maintenance road and one of the four parcels is a portion of the minimum maintenance road bed. Discussion about the minimum maintenance road and the difficulty in maintaining it during the winter and the potential use of the Tax Forfeited properties for public use, and parking for fishing access to the lake. The last of the 4 parcels is a building lot in the development of Oak Haven Estates 5th Addition, and not of any practical use for the Township as a public property. Hass/Doebler unanimous to indicate to the Sherburne County Auditor/Treasurer that the Township would be interested in acquiring parcels 30-004-1405, 30-004-4205 and 30-550-0030 for public use including road ROW and parks.

Doebler/Hiller unanimous to adjourn the meeting at 8:42 pm

Approved this 23rd day of October 2017.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer