

**LIVONIA TOWNSHIP  
REGULAR BOARD MEETING AGENDA**

**JUNE 22, 2020 AT 7:00 PM**

TOWN HALL HOURS: MONDAY 8:00 AM TO 6:00 PM, TUESDAY-THURSDAY 8:00 AM TO 4:00 PM, FRIDAY 8:00 AM TO 12:00 PM. PHONE: 763 856 5640 FAX: 763 856 5642. AGENDA IS POSTED ON TOWNSHIP POSTING BOARD AND LIVONIA WEBSITE THE THURSDAY AFTERNOON PRIOR TO THE MEETING [www.livoniatownship.org](http://www.livoniatownship.org)

**Those wishing to appear before the Board during OPEN FORUM must sign in by 6:55 PM**

**ALL MEETINGS ARE OPEN TO THE PUBLIC**

EXCEPT AS NOTED BELOW, THE MEETING IS RECORDED FOR TRANSCRIPTION PURPOSES ONLY  
THE TIMES STATED ARE APPROXIMATE

*THIS MEETING IS BEING CONDUCTED ELECTRONICALLY AND BY PHONE VIA GOTOMEETING IN COMPLIANCE WITH THE STAY SAFE ORDER TO SLOW THE SPREAD OF COVID 19. DETAILS ON HOW TO JOIN THE MEETING ARE AVAILABLE ON THE POSTING BOARD (DOOR OF TOWN HALL), FACEBOOK, THE LIVONIA TOWNSHIP WEBSITE [www.livoniatownship.org](http://www.livoniatownship.org), FACEBOOK OR BY CALLING THE TOWN HALL AT 763-856-5640*

**1. 7:00 pm CALL TO ORDER**

1.1 Pledge of Allegiance

1.2 Approve Regular Meeting Agenda

*Items on the Consent Agenda are reviewed in total by the Livonia Board of Supervisors and may be approved through one motion. Any item on the Consent Agenda may be removed by any of the Supervisors for separate consideration*

1.3 Approve Consent Agenda

Item A) May 18, 2020 Regular Meeting Minutes; Item B) June 4, 2020 Meeting Minutes

1.4 Fire report – Chief Maloney

1.5 Sheriff's Report – Sgt. Wilson

1.6 Engineering Updates:

1.7 Road Report – Maintenance Coordinator Berghuis: a) monthly report

1.8 Planning Commission Report – Lila Spencer

1.9 Park Committee Report - Kuker

**2. 7:20 pm REQUESTS FROM THE PUBLIC/DEVELOPMENT/CUP/VARIANCES/ROADS**

2.1 Rinowski Access Request

2.2 Building Permit – Frisch

2.3 Manthei Simple Plat

2.4 Speed Limits on Town Roads

2.5 Swing-away Mailbox Support/Waiver

2.6 Mailbox Waiver Resolution

2.7 Resolution 20-13 Rescind Resolution 16-14 Imposing Weight Restrictions on 112<sup>th</sup> Street

2.8 Resolution 20-14 Impose Weight Restriction on 120<sup>th</sup> Street and 269<sup>th</sup> Ave

**3. 8:20 pm OPEN FORUM**

**4. 8:25 pm REPORTS**

4.1 Clerk Treasurer Report

4.2 Approve Payment of Claims and Transfer Funds

4.3 Supervisor or Committee Reports

**5. 8:40 pm OTHER BUSINESS**

5.1 Barriers for office, elections

5.2 Amendment to the JPA

5.3 Reimbursement Agreement

**6. 9:00 pm ADJOURN**

**UPCOMING MEETINGS AND EVENTS:** All meetings until further notice will be held remotely via GoToMeeting. Information on how to join will be posted before the meeting on [livoniatownship.org](http://livoniatownship.org), the township posting board, the Livonia Township Facebook page or by contacting the Livonia Town Hall at 763-856-5640

Friday, July 3, 2020

Independence Day Holiday – Town Hall Offices Closed

Monday, July 27, 2020

Livonia Township Board Meeting – 7:00 pm





LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD VIA GOTOMEETING  
IN RESPONSE TO THE COVID 19 PANDEMIC  
MAY 18, 2020

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

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

Others present: Engineer Anderson

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:** Hass/Kuker unanimous to approve Consent Agenda as follows: **Item A)** April 27, 2020 LBAE Meeting Minutes; **Item B)** April 27, 2020 Regular Meeting Minutes; **Item C)** April 16, 2020 Public Hearing Minutes; **Item D)** May 7, 2020 Public Hearing Minutes.

**1.4 Fire Report:** Chief Maloney provided March calls for service: 10 medical assist, 11 grass fire, 4 residential structure (1 Baldwin Mutual Aid, 1 deck fire in Livonia, 1 electrical fire in Livonia, 1 minor fire Orrock Township), 3 gas leak, 3 fire alarm, 1 vehicle fire, 1 carbon monoxide alarm, 1 auto accident with injuries. 34 calls total for the month. There were no questions for Chief Maloney.

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 134 calls for service in April in Livonia Township, including domestic complaints, dog complaints and civil complaints. Sgt. Wilson also reported that the complaint about a resident having too many dogs was responded to. There was also a complaint by a resident about speeding on 265<sup>th</sup> Ave. The Sheriff's department will put up the speed sign and will then be able to determine if there is speeding and when it is occurring. Hass mentioned that there was a resident complaint about speeding on 248<sup>th</sup> Ave east of CR 19, a dead-end road. He asked Sgt. Wilson to increase presence on the road if possible.

**1.6 Engineering Update:** Engineer Anderson reported that Park Construction finished paving the 2020 Road Project areas today. They will be completing shouldering this week and final top-soil areas next week. The mailbox replacement will be delayed about 3 weeks as their supplier was not able to provide enough swing-away posts immediately. Anderson explained that there is 300 CY of black dirt in the contract. Crack seal and seal coat was discussed again for 2020. Options and upcoming road projects were discussed. Taxing districts were discussed as an option for some neighborhood road projects. Berghuis to look at roads to determine which ones need crack seal. Anderson explained that crack seal is usually done on three to four-year-old roads. Todd asked about residents who may not want a swing-away mailbox post. Discussion followed about allowing residents to decline the swing-away posts provided with road construction with a signed waiver stating they understand that they would not be able to claim mailbox/post plow damage reimbursement. Hammre will compose a waiver and resolution for the June Meeting.

**1.7 Road Report:** Maintenance Coordinator Berghuis reported: hot patch is done, 23 tons were used, shouldering is done, 8 loads used, several loads of gravel were applied to the Lake Fremont minimum maintenance road, tomorrow the maintenance team will work on North Point Park trail gravel. Berghuis asked about the playset that was salvaged from St. Michael, he said the playset has some damage from when it was removed. Discussion about playset certification and if it should be used or disposed of.

**1.8 Planning Commission Report:** there were no PAC meetings to report on. The April PAC Meeting was cancelled, and May PAC Meeting is scheduled for next week.

**1.9 Park Committee Report:** Kuker reported that parks have been put on hold because they have been busy with the Fire Station/Event Center project. Kuker also stated that there are No Trespassing signs on the Girl Scout Camp property that are confusing regarding the trail.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD VIA GOTOMEETING  
IN RESPONSE TO THE COVID 19 PANDEMIC  
MAY 18, 2020

**2.1 Speed Limits on Town Roads:** in response to a resident complaint there was discussion about speeding on dead end roads in the Township. The Board was provided with information about the option to designate rural residential districts by resolution that would allow posting of speed limits on dead-end residential roads of less than ½ mile in length. Hass/Pool unanimous to table the discussion until the June Board Meeting with further discussion with Sgt. Wilson.

**3.0 Open Forum:** Tim and Deb Almen present to update the Board on their variance request. The Almens reported that their request was denied by the Sherburne County Variance Board despite the Livonia Town Board's recommendation for approval and the Almens compliance to all requirements except for acreage, the reason for the variance request.

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: Covid 19 Pandemic adjustments.

**4.2 Approve payment of claims and transfer funds:** Hass/Pool unanimous to approve payment of claims, including payroll, as submitted and to transfer \$105,000.00 from savings to checking to cover claim numbers 9185-9211, check numbers 19341-19374, and Electronic Fund Transfers (EFT) #320-322 (May) Federal, State, and PERA withholding tax.

**4.3 Supervisor Reports:** Hass – no report; Kuker – no report; Hiller – no report; Maloney – the Sterling plow truck was sold, the road grader will cost about \$8,000 to fix, the cost includes a replacement motor and labor. Discussion about the cause of the damage to the motor from the vendor who was repairing the road grader for another issue. Hass and Pool will draft a letter or contact the township attorney to deal with the damage liability; Hass – no report.

**5.1 Schlenner Wenner & Co Audit Report:** The Audit Report was provided to the Board in lieu of the Auditor attending the meeting due to Covid 19 restrictions. Hammre briefly reviewed and noted that the Contractor Withholding Affidavit was obtained by Engineer Anderson after the project was completed and paid for.

**5.2 Amendment to Zimmerman/Livonia Fire District JPA:** Hammre was directed to contact Bond Attorney Ingram to direct her to add language to the Amendment about possible future annexation of the Township identified tax abatement properties to protect Livonia Township.

Hiller/Maloney, unanimous to adjourn the meeting at 7:59 pm.

Approved this 22<sup>nd</sup> day of June 2020.

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Chairman or Vice Chairman

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Clerk/Treasurer or Deputy Clerk/Treasurer



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD VIA GOTOMEETING  
IN RESPONSE TO THE COVID 19 PANDEMIC  
JUNE 4, 2020

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

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

Others present: Tammy Omdal - Northland Securities, Martha Ingram – Kennedy & Graven LTD, Troy Gilchrist – Township Attorney – Kennedy & Graven LTD.

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

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

**3. Approve Meeting Agenda:** Maloney/Hiller unanimous to approve the Meeting Agenda as presented.

**4. Fire Hall Bonds:** Hass turned the meeting over to Martha Ingram, Bond Attorney and Tammy Omdal, Northland Securities. Omdal provided information about the bond sale process. The bank proposal with the lowest true interest cost was The Bank of Elk River at 2.08%. This proposal is comparable to "A" rated bonds. The funds will be used to pay for Livonia Township's half of the cost of the Zimmerman/Livonia Fire Hall/Event Center. Omdal then summarized the process the Township has completed up to this point including the necessary steps to gain the authority to fund the project with bonds. The bonds being issued are 2020A Bonds with a 20-year term, the bonds are secured by property taxes and abatement levy. The final maturity will be February 1, 2041. The Bonds are callable at any time. The final par amount of bond principal is \$2,900,000. This is an increase from the initial discussion on April 6, 2020 of 2,560,000. The Town Board opted for the higher authorized amount of \$2,900,000. Omdal asked for questions. Hiller asked if the 2.08% is the combined interest rate for the 2 types of bonds – CIP and Abatement. Omdal verified that 2.08% is the true interest cost for the combined bonds. Hiller asked if the other proposals were comparable. Omdal replied that Bremer Bank's proposal, true interest cost was 2.199% and First National Bank Milaca's proposal, true interest cost was 2.724%. Kuker asked what the City of Zimmerman bond proposals were. Omdal replied that though they could have been different, all responding banks proposed the same rates for the City of Zimmerman. There were no further questions for Omdal.

Ingram then described the Resolution and the actions that are required to approve the sale of bonds to the Bank of Elk River and the history of the process to get to this point. She also pointed out that the Resolution being presented for approval includes an approval of the Amendment to the JPA between Livonia Township and the City of Zimmerman concerning the responsibility of the cost of the project, each entity being responsible for 50% of the cost. If the Town Board does not approve the JPA, then a motion would need to be made that an amendment to the JPA would be needed before it is approved. Ingram suggested that this is the time to discuss the JPA. Ingram asked if there are any questions. Hiller stated that a point he has been troubled with is that the Township must make sure that it is locked in for the tax revenue to ensure the ability to pay the obligation. There have been some alterations in paragraph 5 of the JPA by Township Attorney Gilchrist, working with the City Council, to ensure that the township will retain revenue to pay the portion of the bond obligation from any property annexed into the City of Zimmerman for the entire period of the bond, and any tax revenue over that amount would go to the City upon annexation. The City of Zimmerman rejected that part of the agreement at their last Council Meeting. Hiller stated that there was agreement between the Township and City until shortly before this meeting when he was told the City wants the agreement in a different document. Ingram stated that she is neutral and went on to explain the options and that approving the issuance of bonds is needed at this meeting. Hiller stated that he does not want to vote to approve the issuance of the bonds unless he is assured that Livonia Township will be protected financially, and he wants it addressed tonight. Hiller stated that this has been discussed for 4 months with no action or binding assurance. Ingram discussed the process if the bonds are not accepted, including the necessity to start the bond proposal over. Kuker explained to the audience that annexation would take tax revenue from the township, which would leave the bond obligation to be paid by fewer residents, potentially increasing their tax burden significantly.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD VIA GOTOMEETING  
IN RESPONSE TO THE COVID 19 PANDEMIC  
JUNE 4, 2020

Jay Whitting and Josh Bondhus, Zimmerman City Council members in attendance, joined the conversation. Discussion followed about the project, expectations, verbal agreements, SAC and WAC fees, and other issues involved with the property. Town Board Attorney Gilchrist answered questions about the Orderly Annexation Agreement and how long it would take to produce a new agreement to replace the current OAA which will expire the end of this year. Discussion included the impact to the bonding if the discussion and approval is postponed. Ingram said that if approval is postponed, the proposals will not longer be valid. Hass said the City of Zimmerman had approved the documents except for the paragraph protecting Livonia Township's revenue in the event of annexation.

Hiller said the township is looking out for the township residents. Maloney asked when the bond closing date is. Omdal stated that closing is June 30. Maloney asked if the town board does not approve the JPA tonight, but does approve the bond award, if the city and township cannot agree before the closing if the town board can decide not to go through with the closing of the bonds. Ingram did verify that the Livonia board could decide not to close on the bonds on June 30. The Board can adopt the Resolution but strike the JPA Amendment. Maloney stated that he thinks the town board should approve the awarding of the bond and if the township and city can not come to an agreement then the township can cancel the closing or call in the bonds. Discussion about Township Attorney working with the City Attorney to come up with language that both entities can agree on. Gilchrist will work with City Counsel and come to an agreement by Friday, June 5.

Hiller made the motion to pass the awarding of bonds at the quoted price to the Bank of Elk River and strike the resolution for the Amendment to the JPA. Kuker seconded the motion.

Roll call vote:

Todd Maloney – yes; Sheldon Pool – yes; Kevin Hiller – yes; Matt Kuker – yes; Butch Hass – yes. Motin passed unanimously by roll call vote.

**6. Crack Seal:** Hass/Hiller unanimous by roll call to approve crack seal on the roads identified on the supplied township map as identified by Maintenance Coordinator Berghuis.

**7. Safety Glass:** Virus and bullet resistant safety glass quote for town office window provided. Hiller to investigate shatter resistant plexiglass instead.

**8. North Point Park Wetland Violation:** Hiller to arrange a meeting with Zoning staff to meet at the park to find out what corrective action needs to be taken. Hass directed Hiller to schedule the meeting and another available Board member will also meet.

Hass also commented that there is some washing out of the shoulder corner on 241<sup>st</sup> on the inside corner in the 2020 road project area. Hass talked to engineer Nick and some corrective action will be taken by Maintenance Coordinator Berghuis.

An unidentified GoToMeeting meeting attendee commented that he wants the Lake Fremont minimum maintenance road to be open for part of the winter. It was explained that maintenance and wear on the road are factors to closing it during the winter and spring.

Hiller/Pool, unanimous to adjourn the meeting at 8:37 pm.

Approved this 22<sup>nd</sup> day of June 2020.

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Chairman or Vice Chairman

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Clerk/Treasurer or Deputy Clerk/Treasurer

Livonia Township 6/22/2020

May calls for service

- 3)Medical Assist
- 5)gas leak
- 2)Motor Vehicle Personal Injury Accidents
- )motor Vehicle Accident W/O Injury
- )search for missing person
- )cancelled en route
- )carbon monoxide
- )fire alarm
- )person in distress – Lift Assist
- )good intent(fire from chimney)
- )Arcing/Down power line
- )Arson attempt
- )Severe weather standby
- )Lightning strike
- 9)Grass fire
- )Haz-Mat Spill
- )water/ice rescue
- )vehicle fires –
- 2)outside rubbish fire
- )Commercial building fire
- )Residential garage
- 1)residential house (Stanford)
- )Fire mutual aid
- )Trailer Fire
- )Grill Fire
- )Bomb scare
- )person stuck in elevator
- )Mutual Aid
- )Sprinkler System Activation
- )Animal Rescue
- )Fire other

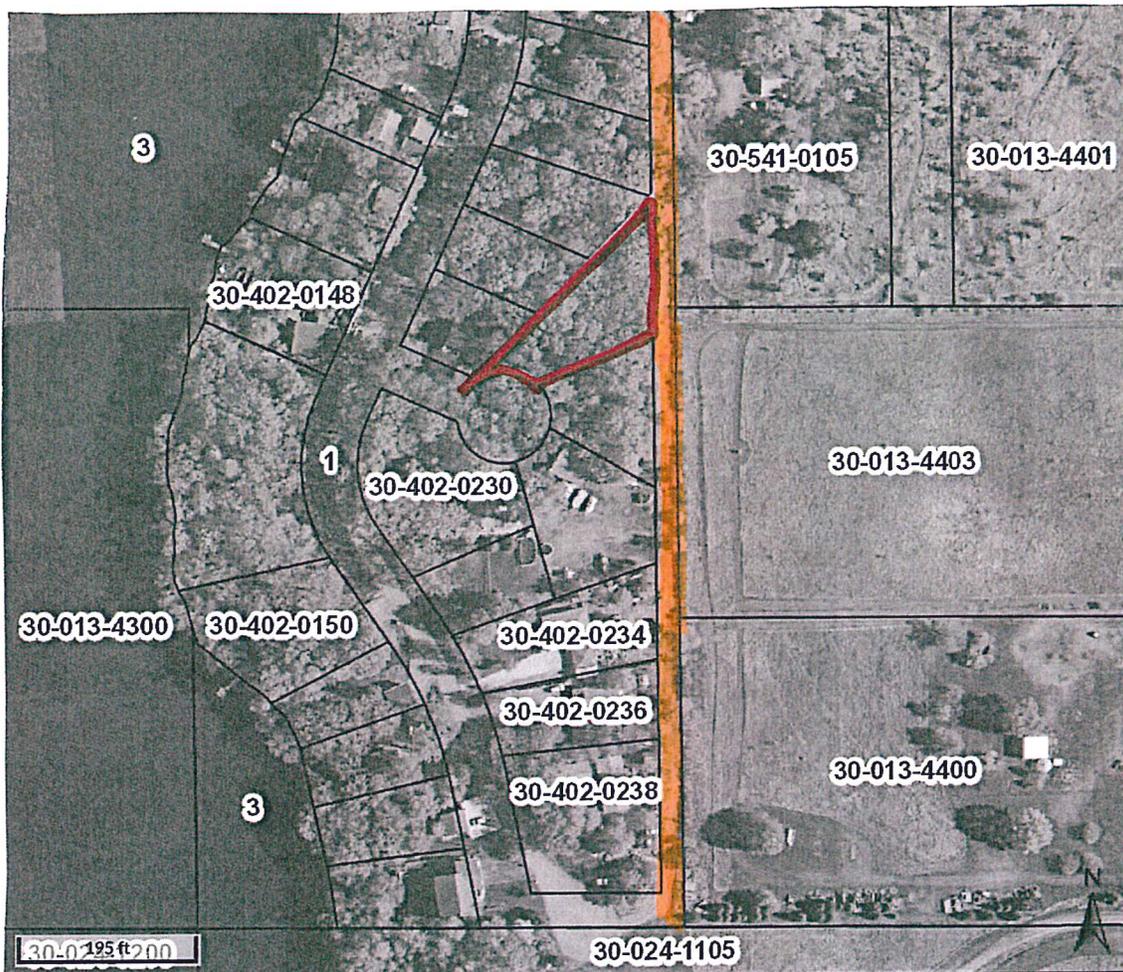


### 2.1 Rinowski Access Request

Mike Rinowski called for information on PID 30-402-0222, East Hunter Lake. Mike is interested in purchasing this lot and would like to know if the platted alleyway can be used as access to the property. Neighboring lot owners currently use the alley way to access their property but it is not plowed or maintained by the township. It is not of sufficient width to accommodate a 66' road ROW. The property owners who use the alleyway to access their property use a snowblower to clear it when needed.

Additional information that relates: a neighboring property owner, Jason Murphy, PID 30-402-0226 and PID 30-402-0230, called about the property owner of PID 30-402-0230 who seems to be attempting to restrict usage of the alleyway. Jason verified that it is platted alleyway and not the property of a single property owner.

alley





**Livonia Township**

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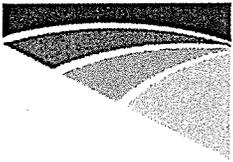
**From:** Addison March <Addison.March@co.sherburne.mn.us>  
**Sent:** Thursday, May 28, 2020 2:51 PM  
**To:** skkellas@msn.com  
**Cc:** Jody Hammre  
**Subject:** Building Permit Application  
**Attachments:** SnipImage.JPG

Good afternoon Susan,

In reviewing your building permit application to replace the railing and boards on your existing deck, it has come to our attention that your deck is currently located within a drainage easement on your property (see the attached aerial view of your property).

I have cc'd the Township on this email as well, because we require that you receive written consent from the Township to allow the alteration before we will approve any building permits. Please reach out to them and you can email me their decision. Thank you!

Addison March – Planner  
763-765-4463  
[addison.march@co.sherburne.mn.us](mailto:addison.march@co.sherburne.mn.us)



**SHERBURNE**  
**C O U N T Y**

## Livonia Township

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**From:** Addison March <Addison.March@co.sherburne.mn.us>  
**Sent:** Monday, June 8, 2020 4:26 PM  
**To:** skkellas@msn.com  
**Cc:** Jody Hammre  
**Subject:** RE: Building Permit Application  
**Attachments:** RoadwayEasement.PNG; 220063RecordedPlat.pdf

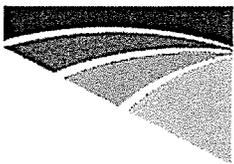
Good afternoon,

Please see the attached recorded plat and close up of the lot in question. As you can see, there is a "roadway easement" that runs through the middle of the property.

In order to approve the submitted building permit application to replace the deck boards and railing, our office just needs something in writing from the township that states that they recognize that a structure is being replaced in a township easement and give their approval of the proposal.

If anyone has any questions feel free to give me a call! Have a good evening.

Addison March – Planner  
763-765-4463  
[addison.march@co.sherburne.mn.us](mailto:addison.march@co.sherburne.mn.us)



**SHERBURNE**  
C O U N T Y

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**From:** Addison March  
**Sent:** Thursday, May 28, 2020 2:51 PM  
**To:** skkellas@msn.com  
**Cc:** Jody Hammre <livtownclrk@sherbtel.net>  
**Subject:** Building Permit Application

Good afternoon Susan,

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I have cc'd the Township on this email as well, because we require that you receive written consent from the Township to allow the alteration before we will approve any building permits. Please reach out to them and you can email me their decision. Thank you!

Addison March – Planner  
763-765-4463

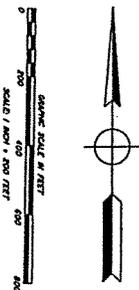
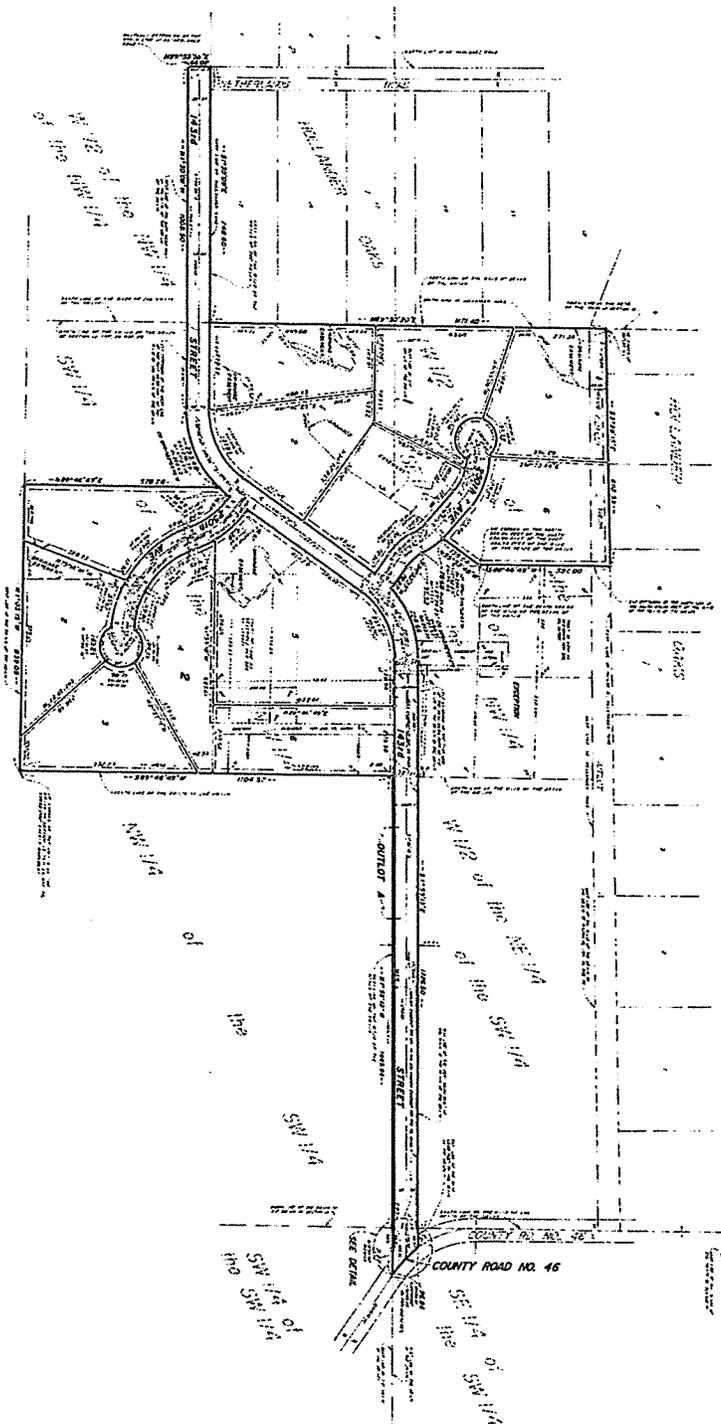




REPRODUCIBLE COPY

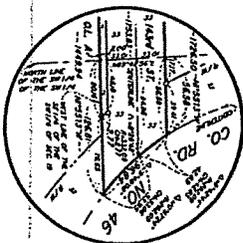
# OAK HAVEN ESTATES

LYONIA TOWNSHIP, SHERBURNE COUNTY, MINNESOTA

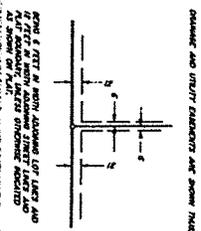


NOTES:  
1. ALL LOTS ARE TO BE 1/4 ACRES.  
2. ALL LOTS ARE TO BE 1/4 ACRES.  
3. ALL LOTS ARE TO BE 1/4 ACRES.

### DETAIL



OFFICE OF COUNTY RECORDS  
SHERBURNE COUNTY, MINNESOTA  
COUNTY OF SHERBURNE  
SHERBURNE COUNTY RECORDS  
ON 10/11/11 AT 10:00 AM  
BY: [Signature]  
DATE RECORDED: 10/11/11

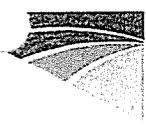


TAYLOR LAND SURVEYORS INC.  
MONTICELLO, MINNESOTA





DISCLAIMER: Sherburne County does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, loss of profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed. Any errors or omissions are the sole responsibility of Sherburne County Public Works. Path: \\CAUsers\gutorz\GIS\Local\Yonkers\AC491-DF3DC80A4290D9794A.TMP Map Creation: 12/5/2017



**SHERBURNE**  
Planning & Zoning

**Manthei Estates**  
**Manthei Land LLC**  
**Livonia Township**  
**30-035-3200**

SEC:	35
TWP:	34
RGE:	26
ACRES:	33.96
General Rural	



**SHERBURNE  
C O U N T Y**



**Lynn Waytashek  
Assistant Zoning Administrator**

Sherburne County Government Center  
13880 Business Center Drive  
Suite 100  
Elk River, MN 55330-4668  
[Lynn.Waytashek@co.sherburne.mn.us](mailto:Lynn.Waytashek@co.sherburne.mn.us)  
(763) 765-4461

June 12, 2020

Manthei Land LLC  
23130 – 112<sup>th</sup> St NW  
Elk River, MN 55330

RE: Revised proposed plat of Manthei Estates on PID#30-035-3200

Dear Mr. & Ms. Manthei,

This letter is regarding your Simple Plat request for property located in the section 35 of Livonia Township. You are proposing to split 2.5 acres from a 34 acre parcel. The remaining approximately 29 acres will remain metes and bounds. Your application has been assigned to me for review, please send all future correspondence to my attention. At this time your application is incomplete. In order for the application to be deemed complete, the Zoning Department requires the following:

1. Township comments from the Livonia Townboard are needed. Please contact the township to have your issue placed on the agenda. The township clerk's name is Jody Hammre, she can be reached at 763-856-5640 or [livtownclrk@sherbtl.net](mailto:livtownclrk@sherbtl.net). Once you have met with the township please have the township email or fax the township comment form to our office. Our fax number is 763-765-4468.
2. The ordinance requires that "Each lot has 40,000 sq ft of undisturbed and contiguous land that is at least thirty-six (36) inches above mottling (as defined in MN Chapter 7080)", because there is an existing house you can use the boring from when your septic was installed in 2019, however, you need to have a buildability line added or state that the entire lot is buildable on the preliminary plat.
3. The soil boring log listed on the preliminary plat incorrectly lists mottling on boring #4 as "None to 74", it should state "None to 56".
4. Lowest Floor Elevation and Lowest Entry Elevation need to be added to the preliminary plat drawing.
5. A routine level one wetland delineation must be conducted to determine if there may be wetlands existing on the property. An application to review the wetland determination must be submitted to Zach Guttormson, Environmental Specialist at Sherburne County Zoning. Please contact him for an application and additional information at 763-765-4462.
6. No drainage and utility easements are shown on the plat. Easements are required to be 12 ft wide along the front and 6 ft wide along the side and rear lot lines.
7. Topography is required to extend 200 ft beyond plat boundary.
8. Lots are required to be 200 ft wide at setback line from the road. The front of the lot is show as 201 ft at road and 195 ft wide at the rear. Please show width of lot at 67 ft setback. The measurement cannot be taken along the curve but must be measured along the chord.
9. The existing house is 27 ft from the rear lot line. The required setback from the rear lot line is 25 ft. Should the rear line be extended further to the east? Do you anticipate that in the future you may want to put on a deck or an addition? As the lot is currently proposed no deck or addition would be allowed in the future.
10. There appears to be a gravel driveway with access to the North Family Farm Limited Partnership property (PID#30-035-3400) that continues to the east and crosses the property line of this proposed lot. This may be a possible encroachment. Please provide the County with a recorded easement document, if applicable or

this encroachment will need to be addressed prior to the plat being considered complete and placed onto the Planning Commission agenda.

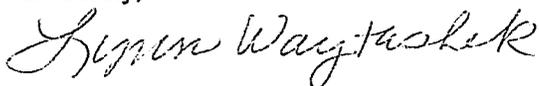
11. Bonnie Jacobs of the County Auditor's Office commented that there are Green Acres on the property and would need to pay taxes in full prior to plat being recorded. It is recommended you contact the County Assessor's Office to determine if and how much payback may be required.
12. There is an existing Conditional Use Permit for a gravel mine from 1978 that includes the 2.5 acre parcel that is proposed to be platted. The portion of the property that is being platted will need to have the CUP for revoked for the gravel mine.
13. Remaining 29 acre parcel will need to have a new metes and bounds legal drawn up and reviewed by the County Surveyor. The new legal will need to be recorded at the same time as the plat.
14. Attached are the comments from Russ Heiling, the County Surveyor.
15. County Auditor's Office commented that the property taxes must be paid in full before the plat can be recorded. There is no ditch on the property.
16. Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.
17. Additional changes or information may be required once the Zoning Office has received comments from other offices/organizations.

NOTE: Prior to sending out packets for the Planning Commission, we will need 20 – 11" x 17" preliminary and 20 - 11" x 17" final plans. Please make copies after all required revisions have been completed.

As soon as the required information has been submitted your project will be scheduled for the next available public hearing with the County Planning Advisory Board. We reserve the right to postpone this hearing, pursuant to the provisions of Minnesota Statute Section 15.99.

I look forward to assisting you through the plat process. If you have any questions regarding the process or your application please contact me.

Sincerely,



Lynn Waytashek  
Assistant Zoning Administrator

Cc: Livonia Township Board  
Ryan Maloney, Zimmerman Fire Chief (zimmermanfd@izoom.net)  
Russ Heiling, County Surveyor – via e-mail  
Tim Sime, Ass't County Attorney – via e-mail  
Shannon Bollman, Bogart Pederson & Associates (sbollman@bogart-pederson.com)

**SHERBURNE  
C O U N T Y**



**Russ Heiling  
County Surveyor**

Sherburne County Public Works  
13880 Business Center Drive  
Suite 100  
Elk River, MN 55330-4668  
763-765-3305

June 8, 2020

Lynn Waytashek Planning and Zoning

RE: Preliminary plat of MANTHEI ESTATES

Staff and I have reviewed the preliminary plat of MANTHEI ESTAES prepared by Bogart Pederson & Associates, signed by Shannon Bollman LS #44360, dated July 9, 2019, and received by this office June 2, 2020.

Staff and I have no comments at this time but will do a more comprehensive review (final plat check) on the proposed plat after it's approved by the County Board.

When submitted for final plat check, Public Works will require a current title commitment, a final check fee and Park fees, if applicable.

Please contact me if you have any questions or concerns.

Russ Heiling, LS, Sherburne County Surveyor

CC email: Lynn Waytashek, Sherburne County Planning and Zoning  
Roxann Uhde, Sherburne County Surveyor's Office

APPLICATION NUMBER: SUB-2020-00915

RECEIPT #: 64,198

DATE PAID: 6/2/2020

**TOWNSHIP COMMENT FORM**

APPLICATION IS HEREBY MADE FOR:

**SUB SIMPLE PLAT  
MANTHEI ESTATES**

APPLICANT: MANTHEI LAND LLC  
23130 112TH ST NW ELK RIVER MN 55330

PHONE:  
CELL PHONE:

E-MAIL: ASHLEY.MORDAL@HOTMAIL.COM

OWNER: MANTHEI LAND LLC  
23130 112TH ST NW ELK RIVER MN 55330

OTHER CONTACTS: SHANNON BOLLMAN  
SBOLLMAN@BOGART-  
PEDERSON.COM 13076 1ST ST  
SOUTH BECKER, MN 55308

**SHERBURNE COUNTY, MINNESOTA**

PID: 30-035-3200

OTHER PARCELS:

PLAT NAME:

DEEDED ACRES: 33.96

LEGAL: That part of the Northwest Quarter of the Southwest Quarter of Section 35, Township 34, Range 26, Sherburne County, Minnesota that lies easterly of the following line: Commencing at the Northwest corner of said Northwest Quarter of the Southwest Quarter: thence North 88 degrees 52 minutes 38 seconds East, along the north line of said Northwest Quarter of

SECTION: 35                      TOWNSHIP: 34                      LIVONIA                      RANGE: 26

ZONING DISTRICT: General Rural                      PROPERTY ADDRESS: 23129 112TH ST NW ELK RIVER MN 55330

**EXPLANATION OF REQUEST:**

REQUEST RESIDENTIAL SIMPLE PLAT APPROVAL OF "MANTHEI ESTATES" CONSISTING OF (1) LOT

**TOWNSHIP COMMENTS:**

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APPLICATION IS: APPROVED:  DENIED:  OTHER:

SIGNATURE OF TOWN BOARD: \_\_\_\_\_ DATE: \_\_\_\_\_







## MAILBOX SUPPORT POLICY

### REPLACEMENT OF MAILBOX SUPPORT UNDER TOWNSHIP ROAD IMPROVEMENT PROGRAM

As part of certain road improvement projects, Livonia Township will replace mailbox supports with swing-away mailbox supports that conform with Minnesota safety regulations (Minnesota Rules Chapter 8818 and Minn.Stat. § 169.072). These posts allow the snowplow and snow thrown by the snowplow to pass under the mailbox without damage to the mailbox, post, or plow blade.

**If a homeowner waives the placement of a mailbox post in the road right of way when offered at no charge as part of the road project, the homeowner must agree to and sign the swing-away mailbox post waiver (below).** By signing the waiver, the homeowner acknowledges that a mailbox and mailbox support that are not swing-away are not eligible for reimbursement cost if they are damaged by Livonia Township snow plowing.

Any mailbox placement in the Livonia Township Road Right of Way must conform to Minnesota State Statutes for safety. Unlawful supports will be required to be removed or will be removed by Livonia Township (Minn. Stat. § 169.072).

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### SWING-AWAY MAILBOX POST WAIVER

I, \_\_\_\_\_, understand and agree that by waiving the Livonia Township supplied swing-away mailbox support, I am not eligible for mailbox/mailbox support reimbursement cost provided by Livonia Township if my mailbox/mailbox support is damaged by the Livonia Township snowplow or by snow thrown during snowplow events. I also agree that any mailbox support that I install or have installed will meet Minnesota safety standards.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
name (please print)

\_\_\_\_\_

\_\_\_\_\_  
address

**169.072 UNAUTHORIZED MAILBOX INSTALLATION.**

**Subdivision 1. Public hazard.** A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public.

**Subd. 2. Standards; rulemaking.** The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules.

**Subd. 3. Removal, notice.** (a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 25, may remove and replace a mailbox installation or support that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than \$75 for the cost of the removal and replacement.

(b) The notice must at a minimum:

- (1) inform the owner of the nonconforming installation or support;
- (2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways;
- (3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice;
- (4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports;
- (5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to \$75 to the owner or resident; and
- (6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident.

**History:** 1991 c 339 s 6

**8818.0300 PROHIBITED MAILBOX STRUCTURES; EXCEPTIONS.**

**Subpart 1. Unlawful installations and supports.** The following mailbox installations and supports are declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public if located along a street or highway having a speed limit of 40 miles per hour or greater:

- A. an installation that contains more than one vertical support;
- B. a single support containing more than two mailboxes;
- C. a wooden support with a cross-sectional area greater than 16 square inches at any above-ground point along the support (for example, the maximum allowable square and round support dimensions are four inches by four inches and 4.5 inches in diameter, respectively), except that larger wooden supports are acceptable if, at a height four inches above the ground, the support cross-sectional area is altered in some fashion so as to reduce the cross-sectional area at that point to 16 square inches or less;
- D. a metal support of a weight of four pounds per foot or more for any one foot of vertical measurement above ground (for example, a standard steel pipe of up to two inches inner diameter would be acceptable), except that larger metal supports are acceptable if, within the first three inches above ground the metal support is less than four pounds per foot (less than one pound for the three-inch length);
- E. a mailbox that is not acceptable for delivery of mail by the United States Postal Service;
- F. adjacent mailbox installations whose respective supports are spaced closer than 30 inches, as measured from center of support to center of support;
- G. neighborhood delivery and collection box units, whether or not United States Postal Service approved;
- H. a support comprised of material other than solely wood or metal that either exceeds 16 square inches in total cross-sectional area at a height four inches above ground or is of a weight of four pounds per foot or more for any one foot of vertical measurement above ground, unless within the first three inches above ground the support is less than four pounds per foot (less than one pound over the three-inch distance). Examples of such nonconforming supports could include supports such as filled milk cans, brick structures, plows, and concrete-filled pipe; and
- I. an installation, whether a support or closed mailbox, that encroaches the usable roadway or its airspace.

**Subp. 2. Exceptions.** Notwithstanding subpart 1, mailbox installations that are documented to have passed an accredited crash test are acceptable. An accredited crash test is considered to be a test conducted in accordance with procedures described in the

most recent National Cooperative Highway Research Program report, "Recommended Procedures for the Safety Performance Evaluation of Highway Appurtenances," published by the Transportation Research Board, National Academy of Sciences, 2101 Constitution Avenue N.W., Washington, D.C. 20418. This report and future revisions of this report are incorporated by reference. The report is not subject to frequent change and is available to the public at the State Law Library, Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, and through the Minitex interlibrary loan system.

**Statutory Authority:** *MS s 169.072*

**History:** *19 SR 344*

**Published Electronically:** *January 31, 2000*

LIVONIA TOWNSHIP  
SHERBURNE COUNTY, MINNESOTA  
RESOLUTION NO. 20-\_\_\_\_

RESOLUTION ADOPTING THE MAILBOX SUPPORT POLICY

**WHEREAS**, during the normal course of snow removal, on occasion a mailbox or mailbox support is damaged by the snowplow blade or the snow being moved by the snowplow blade; and

**WHEREAS**, Minnesota Rules Chapter 8818 and MS 169.072 specify safety standards for mailbox and mailbox support placement and construction; and

**WHEREAS**, Livonia Township has implemented a mailbox damage reimbursement policy for mailbox or mailbox support damage caused during the course of snow removal up to a specified dollar amount; and,

**WHEREAS**, as part of certain road improvement projects, Livonia Township replaces mailbox supports with swing-away mailbox supports; and

**WHEREAS**, some residents who reside on a road improvement project road desire to waive the swing-away mailbox support in favor of a mailbox support of their choosing; and

**WHEREAS**, the Livonia Town Board will allow the resident to install their own mailbox support if it conforms with Minnesota Rules Chapter 8818 and MS 169.072; and

**WHEREAS**, any resident that waives the swing-away mailbox support will be required to sign a waiver that states that they understand they will not receive reimbursement for mailbox or mailbox support damage caused by snow plowing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Livonia Township as follows:

The Livonia Town Board adopts the Mailbox Support Policy - Replacement of Mailbox Support Under Township Road Improvement Program.

In favor:

Opposed:

Abstained:

Adopted this \_\_\_\_ day of June, 2020.

**BY THE TOWN BOARD**

\_\_\_\_\_  
Butch Hass, Chairperson

Attest: \_\_\_\_\_  
Jody Hammre, Clerk/Treasurer



**LIVONIA TOWNSHIP  
COUNTY OF SHERBURNE  
STATE OF MINNESOTA**

**RESOLUTION TO RESCIND TEMPORARY WEIGHT RESTRICTIONS  
ON 112<sup>th</sup> STREET BETWEEN SHERBURNE COUNTY ROAD 19 AND SHERBURNE COUNTY ROAD 4  
LOCATED IN LIVONIA TOWNSHIP, IMPOSED ON RESOLUTION 16-14**

**RESOLUTION NO. 20-13**

**WHEREAS**, Livonia Township imposed a temporary 5 ton per axle weight limit on 112<sup>th</sup> Street commencing at the intersection of Sherburne County roads 19 and 112<sup>th</sup> Street on the borders of section 22 and 23, Township 34, Range 26, and continuing north for approximately 2 miles to the intersection of Sherburne County Road 4 and 112<sup>th</sup> Street on the borders of sections 14 and 15, Township 34, Range 26, Livonia Township, Sherburne County, Minnesota; and

**WHEREAS**, one freeze/thaw season has occurred after the wear coarse of bituminous has been placed on these sections of road; and

**WHEREAS**, the new section of roads were built with engineering standards that no longer require the 5 ton axle weight limit restriction imposed once spring load limits are removed.

**NOW THEREFORE BE IT RESOLVED** by the Livonia Town Board to rescind the temporary 5 ton axle weight limit on the road 112<sup>th</sup> Street commencing at the intersection of Sherburne County roads 19 and 112<sup>th</sup> Street on the borders of section 22 and 23, Township 34, Range 26, and continuing north for approximately 2 miles to the intersection of Sherburne County Road 4 and 112<sup>th</sup> Street on the borders of section 14 and 15, Township 34, Range 26, Livonia Township, Sherburne County, Minnesota; and

**THE FOREGOING RESOLUTION WAS DULY ADOPTED** this 22<sup>nd</sup> day of June 2020 by the Livonia Town Board.

Roll Call:

In Favor of:

Opposed:

\_\_\_\_\_  
Chair or Vice-Chair

\_\_\_\_\_  
Clerk/Treasurer or Deputy Clerk/Treasurer



LIVONIA TOWNSHIP  
COUNTY OF SHERBURNE  
STATE OF MINNESOTA

RESOLUTION IMPOSING WEIGHT RESTRICTION ON 120<sup>TH</sup> STREET AND 269<sup>TH</sup> AVE  
BETWEEN THE CITY OF ZIMMERMAN HICKORY STREET, AND SHERBURNE COUNTY ROAD 39  
LOCATED IN LIVONIA TOWNSHIP  
RESOLUTION #20-14

**WHEREAS**, Livonia Township finds it necessary to impose temporary restrictions as to the weight of vehicles to be operated on 120<sup>th</sup> Street located between City of Zimmerman Hickory Street and 269<sup>th</sup> Ave and 269<sup>th</sup> Ave located between 120<sup>th</sup> Street and Sherburne County Road 39 as more specifically described below, located in Livonia Township, Sherburne County, Minnesota, and

**WHEREAS**, pursuant to M.S. 169.87 Subd.1, the Township has authority to impose restrictions as to the weight of vehicles operated upon Township roads by reason of deterioration, rain, snow or other climatic conditions, and

**WHEREAS**, 120<sup>th</sup> Street, located in Livonia Township commencing at the intersection of City of Zimmerman Hickory Street and 120<sup>th</sup> Street and terminating at the intersection of 120<sup>th</sup> Street and 269<sup>th</sup> Ave, and 269<sup>th</sup> Ave commencing at the intersection of 120<sup>th</sup> Street 269<sup>th</sup> Ave and terminating at the intersection of 269<sup>th</sup> Ave and Sherburne County Road 39, located in section 10, Township 34, Range 26, Livonia Township, Sherburne County, Minnesota, has been reclaimed with one lift of bituminous overlay, and

**WHEREAS**, to prevent deterioration of the road as stated in the previous paragraphs, Livonia Township has determined that a temporary weight restriction should be applied to the road until one freeze/thaw season has occurred after the wear course of bituminous has been placed on this section of road, and

**OW THEREFORE BE IT RESOLVED** by the Livonia Town Board as follows:

1. The Township hereby imposes a temporary weight restriction of 5 ton per axle weight on 120<sup>th</sup> Street, located in Livonia Township commencing at the intersection of City of Zimmerman Hickory Street and 120<sup>th</sup> Street and terminating at the intersection of 120<sup>th</sup> Street and 269<sup>th</sup> Ave, located in Livonia Township, and 269<sup>th</sup> Ave commencing at the intersection of 120<sup>th</sup> Street 269<sup>th</sup> Ave and terminating at the intersection of 269<sup>th</sup> Ave and Sherburne County Road 39, located in section 10, Township 34, Range 26, Livonia Township, Sherburne County.
2. That the Town Board authorizes the 5 ton per axle weight limitation signs be erected and maintained at the above location in conformance with M.S. 169.87, Subd. 1 until such time that a freeze/thaw season has occurred after the wear coarse of bituminous has been placed.
3. That private utility vehicles such as electric company service vehicles, propane deliver vehicles, garbage vehicles, recycling haulers, septic vehicles, well maintenance vehicles and any other vehicle necessary for the essential maintenance of the home be waived from the 5 ton axle weight limit.

**THE FOREGOING RESOLUTION WAS DULY ADOPTED** this 22<sup>nd</sup> Day of June 2020 by the Livonia Town Board.

Roll Call:

In favor of:

Opposed:

\_\_\_\_\_  
Chair or Vice Chair

\_\_\_\_\_  
Clerk/Treasurer or Deputy Clerk/Treasurer



**CLERK/TREASURER REPORT**  
**June 22, 2020, 2020**

**ITEM 4.1 CLERK/TREASURER REPORT:**

Items of interest during the past month include:

- Preparing for Election Judge Training
- Meetings, correspondence and preparation for bonds
- Order granting summary judgement and motion to dismiss in favor of Livonia Township in Carlson V. Livonia Township

**ITEM 4.2 REQUEST FOR APPROVAL OF PAYMENT OF CLAIMS & TRANSFER OF FUNDS**

Requesting approval for payment of claims, including payroll, as submitted and to transfer \$621,000.00 from savings to checking to cover claim numbers 9213 – 9246, check numbers 19375 - 19414 and Electronic Fund Transfers (EFT) #323 - 325 (June) Federal, State, and PERA withholding tax.

Balances as of May 30, 2020 - The Bank of Elk River Zimmerman Branch

Commercial Checking with Interest	83,010.26
High Yield Business Money Market	1,117,288.22
60 Month Landfill CD	100,000.00

Bank Statements and Banyon reconciliation were reviewed, signed, and dated by Supervisor Pool – attached to bank statements. Pledged Securities in the amount of \$2,065,360.26 are on file at the office as of 5/30/2020

\\\_2020 Files\Financials\Clerk Treasurers Report.docx

FYI: Per M.S. 366.04 Transfer Funds. A town board by unanimous vote may transfer a surplus beyond the needs of the current year in a town fund to any other town fund to supply a deficiency.

