



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
MARCH 27, 2017

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

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

Others Present: Jon Bogart, PE Bogart, Pederson & Associates, Kyle Hartnett, Township Attorney, Kennedy & Graven

Chairman Hass called the meeting to order at 7:04 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

1.3 Supervisor Oath of Office: Sheldon Pool took the Oath of Office for Supervisor Position B.

1.4 Elect Chairman to the Town Board: Maloney nominated Hass to serve as Board Chair, no other nominations were submitted. Maloney/Hiller unanimous to approve.

1.5 Elect Vice-Chairman to the Town Board: Hass nominated Doebler to serve as Town Board Vice-Chair, no other nominations were submitted. Hass/Pool unanimous to approve.

1.6 Approve Consent Agenda: Hass/Doebler unanimous to approve Consent Agenda as follows: **Item A)** February 27, 2017 Regular Board Meeting Minutes; **Item B)** February 23, 2017 Special Meeting Minutes; **Item C)** February 23, 2017 Workshop Meeting Minutes; **Item D)** Sherburne History Center – membership at Patron Level.

1.7 Sheriff's Report: Sgt. Wilson reported there were 168 calls for service in February; the calls included 70 traffic stops, the remainder of the calls were for various reasons. There were no issues or concerns for Livonia Township. Hass requested additional patrol on the Lake Fremont minimum maintenance road when it is re-opened in the spring.

1.8 Fire Report: Chief Maloney provided February calls for service: 3 medical assist, 3 fire alarm, 2 grass fire, 2 residential garage fire (one Big Lake, one Elk River). Chief Maloney also reported: the 3500 GMC Pickup has arrived, the lights and graphics are being installed now; there were no injuries as a result of the recent tornado activity. It was a learning experience for the fire fighters as this area has not had tornado damage in many years. The fire fighters responded to power lines down, fires from power lines, and checked on welfare of residents. They also made sure that improperly installed generators were not back feeding current into the power lines so that clean up and repairs could be done safely. Natural disaster funding has been applied for and can pay for up to 75% of the Zimmerman/Livonia Fire District cost of responding to the tornado. The cost to the Fire Department was approximately \$75,000; there will be a mock car crash at the Zimmerman High School on April 20th for awareness of the dangers of texting and alcohol while driving.

1.9 112th St ROW: Kyle Hartnett, Township Attorney and Jon Bogart, Township Engineer discussed with the Board the issue of the Gerlach Tree Farm LLC with the road ROW along the 112th Phase 3 improvement project. Hartnett explained that according to Minnesota State Statute, the ROW is considered part of an un-platted road if it has been maintained or used for snow removal/storage in the past 6 years. Bogart has spoken to Gerlach's attorney, Jim Nielson. Bogart and Hartnett recessed for the purpose of Bogart updating Hartnett on recent conversations with Nielson to allow the Board Meeting to continue, the conversation to be continued later in the meeting.

1.10 Engineering Updates: postpone to later in the meeting when Township Engineer Bogart returns to the meeting.

1.11 Road Report – Maintenance Coordinator Berghuis reported: the maintenance team has been working on ditch cleaning, applying cold patch where needed and sweeping. The pay-loader has been repaired and serviced. Berghuis presented cost comparisons for a new lawn mower. Hiller/Doebler unanimous to approve the purchase of a Simplicity Courier zero turn mower. Berghuis asked for authorization to contract Erickson Asphalt to use infrared patch on several areas on The Woodlands of Livonia development roads as presented in February. Hass/Pool unanimous to approve the request to contract with Erickson Asphalt to repair several sections of road in the Woodlands of Livonia as requested. The repairs on the entrance road to the Woodlands of Livonia will be repaired with hot patch when it is available.



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1.12 Planning Commission Report – Spencer reported: The PAC met March 16, 2017 and recommended the following items for approval by the County Board of Commissioners: Request for an Interim Use Permit for an automobile and/or body repair shop– Haven Township, Request to amend existing Interim Use Permit, for a 3.5 megawatt solar farm – Clear Lake Township, Request to amend existing Interim Use Permit for a 5 megawatt solar farm. – Clear Lake Township.

2.1 IUP Amendment Request- Max Johnson, TCBR present to request amendment to IUP to allow for exterior sales at the current location, 25315 Hwy 169, Zimmerman. Hammre explained that we have not yet received the necessary paperwork from Sherburne County Planning and Zoning for the Board to take action on the request. Johnson indicated that he understood this and would return to a future Livonia Town Board Meeting if required. Hiller asked Johnson what he is planning on selling and if he had obtained a Dealer’s License. Johnson said he would like to sell anything they fabricate such as docks and trailers, and indicated that he has applied for a Dealer’s License. Hass stated that Johnson has improved the property and provided jobs to area residents. Hass/Pool unanimous to approve as presented, Hammre to contact Sherburne County Planning and Zoning to determine if Johnson needs further action from Livonia Township.

1.9 112th St ROW – Hartnett and Bogart returned to the meeting to continue the discussion on the ROW on 112th Street at the Gerlach Tree Farm, LLC property. Hartnett stated that there are no legal issues as presented. The road does not follow the section line and moving it to the section line as the Gerlach’s have stated they would like, is not feasible, there are properties on the east side of the road that would be adversely affected. The road project would not change the location of the road. There is a recorded Road Order dated December 30, 1982 that specifies 112th St at its present location with 66 foot total width. The bids for the road project are being received tonight, Hartnett advised that the accepting of bids should proceed tonight as planned, however the awarding of the project should be delayed until the issue with Gerlach’s Tree Farm LLC is resolved. Hass/Doebler unanimous to direct Hartnett to meet with the Gerlach’s attorney, Jim Neilson.

7:35 Open Bids for 112th Street Phase 3 Project: Hass announced the bids will be opened in the order they were received. As each bid is opened the bidder’s name, bid amount and whether a bid bond was received will be announced. After all the bids are opened the apparent low bid and dollar amount will be announced.

The following bids were receive by the 11:00 am deadline on March 27th.

Omann Brothers	\$402,707.48
Hardrives, Inc	\$407,623.76
Knife River Corporation	\$392,254.27

Hass announced the apparent low bid was submitted by Knife River Corporation – NC in the amount of \$392,254.27.

Hass/Doebler unanimous to award the apparent low bid of \$392,254.27 to Knife River Corporation – NC contingent upon validation of quantities and amounts by Jon Bogart, Bogart, Pederson & Associates, Inc, and the opinion of Township Attorney Kyle Hartnett to proceed with the award in regards to the Gerlach Tree Farm, LLC issue.

1.10 Engineering Update-Jon Bogart: the 112th Street bids were just received; the 239th preliminary plan is complete, Bogart presented the plan and requested Board comment. The proposed roadside trail location was verified. Hass asked what footage would be required for the roadside trail – Bogart estimated 12 to 15 feet.

2.2 Weight Waiver Request: Randy Goldenman – present to update the Board on his previous request on behalf of Eric Olson, Potlatch Corporation. Olson is requesting a weight waiver on 253rd Ave between CR 45 and CR 46 during December 2017 and January 2018 and December 2018 and January 2019 for the purpose of hauling logs from the Goldenman property on 253rd Ave. Olson informed Goldenman that he would not be able to load his lumber trucks with less weight as he hauls them to Bemidji and could not do it profitably with lighter loads. He would need a waiver to haul loads of 8.5 ton per axle weight on Livonia Township 7 ton axle weight roads. Bogart stated that he is not as concerned about the east end of the road as it has not had recent road reconstruction/repair done. Hass/Pool unanimous to grant a weight waiver to Goldenman/Potlatch Corporation during the period between December 25, 2017 and February 15th, 2018 and December 25, 2018 and February 15, 2019 with the contingency that Jon Bogart, Bogart Pederson &



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Associates has control over the actual days the over-weight vehicles are allowed based on current weather conditions and the stability of the road.

2.3 Request to Widen Driveway: Tina Bolles present to request permission to widen their driveway in the ROW on 143rd Street. Bolles stated that they would like the driveway to be wider. Discussion about the measurements and impact to the road. The culvert would need to be extended and a Driveway Permit obtained before the work is done. Doeber/Hiller unanimous to allow the Bolles driveway to be widened to up to 30 feet, not including the radius.

2.4 Request for 2nd Driveway: Theresa Gay present to request a second driveway access onto 111th Street for easier access to an existing accessory building. Gay stated that there is already a second driveway access in the location that she would like to use, its placement is by a pipeline ROW. Gay also explained that the current driveway is very narrow and she would like more parking area and a wider driveway. Discussion followed about the reasons for granting a second driveway access is usually only when there is no other way to access an accessory building. Further discussion concluded with Gay choosing to improve her existing driveway without changing the culvert and current access while achieving her goals of more parking and a wider driveway leading to her accessory building. No Board action needed.

3. Open Forum: No one present for Open Forum

4.1 Clerk Treasurers Report: Hammre reported items of interest during the past month include: the Field Audit was completed on Thursday, the Schlenner Wenner audit presentation will be at the April Board Meeting.

4.2 Approve payment of claims and transfer funds: Hass/Hiller unanimous to approve payment of claims, including payroll, as submitted and to transfer \$52,000.00 from savings to checking to cover claim numbers 7989–8020, check numbers 17729-17771 and Electronic Fund Transfers (EFT) #191-193 (March) Federal, State & PERA withholding tax.

4.3 Supervisor Reports: Hiller – no report; Maloney – no report; Pool – no report; Doeblner – no report; Hass– spoke to Mike Peltier, MNDNR, who informed Hass that the DNR will be selling timber in the Sand Dunes State Forest again and will be requesting a weight waiver to use 142nd St and 233rd Ave to haul overweight logging trucks on. Discussion about the extensive damage done to these roads last year with logging truck illegally using the roads and the Township’s subsequent lowering of the weight limit to 4 tons per axle; the Fire District is working on the final agreement concerning the property purchase for a future Zimmerman location for the Fire Department.

5.1 Chip Repair Quotes – quotes received:

Sealtech, Inc	\$31,708.60
Asphalt Surface Technologies (Astech)	\$47,610.00
Fahner Asphalt Sealers, LLC	\$49,950.00
Allied Blacktop Company	\$17,735.00

Ha/Pool unanimous to accept lowest quote from Allied Blacktop Company upon validation by Bogart, Pederson & Associates.

5.2 Township Reorganization – a) Committees & Boards: General Administration – Hass and Doeblner; Road Maintenance – Hass and Pool; Town Park Board – Doeblner and Hiller; Cemetery Board – Maloney and Pool; Intergovernmental – Maloney and Hiller; Fire Board – Hass and Doeblner, Hiller as alternate; Town Planning – Town Board of Supervisors. Hass/Doeblner unanimous to approve 5.2a. **b) Supervisor Wages & Meeting per Diem:** \$100 per meeting when a quorum is required and \$50.00 per additional meeting per day when a quorum is required, with a cap of two meeting paid per day. \$24.00 per hour when performing duties as a supervisor or when no quorum required; does not include cleanup day or service as an election judge. Maloney/Hiller unanimous to approve 5.2b. **c) Conflict of Interest Resolutions/Affidavits of Official Interest in Claim:** Resolutions authorizing contract with interested officer under M.S. 471.88 Subd 5 were approved for each Supervisor in the event they perform work for the Township during cleanup day. When filing their claim for work performed, they also sign an official interest in claim. Resolutions, as approved for each supervisor, are on file. **d) Town Hall Office Hours/Regular Town Board Meeting Dates:** Town Office hours are Monday 8 am to 6 pm, Tuesday through Thursday 8 am to 4 pm, Friday 8 am to 12 pm. The Board meets the 4th Monday of the month at 7 pm located at the Livonia Town Hall unless the 4th Monday is a holiday: the meeting is then moved to the 3rd Monday of the month, same time and place. The proposed dates for April 2017 – March 2018 are as follows: April 24, May 22, June 26, July 24, August 28, September 25, October 23, November 27, December 18, January 22, February 26



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and March 26. Claims for payment are due to the Town Office no later than noon the Tuesday prior to the meeting. Payroll claims are due to the Town Office no later than 9:00 am the Monday prior to the meeting. Hass/Maloney unanimous to approve 5.2d. **e) Official Depository/Account Signers:** The Bank of Elk River, Zimmerman Branch is the official depository of the Township. Two signatures are required on checks signed by either the Town Board Chair or Vice Chair but not both and the Clerk/Treasurer or Deputy Clerk/Treasurer but not both. The same applies to the redemption of certificate of deposit: currently the Township has one certificate of deposit which is held at the Bank of Elk River, Zimmerman Branch. Authorization by the Town Board is required for transfer of funds and payment claims. Hass/Hiller unanimous to approve 5.2e. **f) Purchase Policy:** Currently the limit for expenditures without Board approval \$1000 per item from the Road and Bridge Fund and \$250 from any of the other funds. The Township has use of credit card: spending limits should be the same for card use. Maintenance Coordinator, Maintenance Worker III, Clerk/Treasurer and Deputy Clerk/Treasurer are signers on Menard's account. Hass/Doebler unanimous to approve 5.2f. **g) Petty Cash Fund:** Hass/Hiller unanimous to approve \$250 to be maintained in the petty cash fund. **h) Official Newspaper/Posting Location:** The Elk River Star News is the Townships official newspaper for publication of required legal notices. The posting board located on the west side of the Town Hall is the official posting place for all notices. Notices are also posted on the Hall door and the Town's website; these two locations are optional location for official posting. Hass/Doebler unanimous to approve item 5.2h. **5.3 Couri & Ruppe Legal Seminar:** the Legal Seminar is scheduled for Thursday, June 8th, 2017 at the Albertville City Hall **5.4 Reminder for MAT Spring Short Course, MAT Legal Short Course and LBAE April 24th.**

Hiller/Doebler unanimous to adjourn the meeting at 8:50 pm

Approved this 24th day of April 2017.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer