



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWNSHIP HALL
APRIL 25, 2011

Supervisor Present: Doebler, Hass, Hewitt, Manthei and Sherper

Staff Present: Clerk/Treasurer Spencer, Deputy Clerk/Treasurer Olson, Maintenance Coordinator Spencer

The Meeting was called to order at 7:00 p.m. by Chairman Sherper

The assembly recited the Pledge of Allegiance.

1.2 Approve Regular Meeting Agenda: Manthei/Doebler unanimous to approve the Regular Meeting Agenda as presented.

1.3 Approve Consent Agenda: Hewitt/Doebler unanimous to approve Consent Agenda as submitted with the exception of Item A, March 28, 2011 Regular Board Meeting Minutes was missing page 2 – to be resubmitted for approval at the May meeting. Consent Agenda Items approved as follows: Item B) Board of Appeal and Equalization Minutes; C) April 19, 2011 Special Meeting Minutes.

1.4 Sheriff's Report: Not available for this meeting.

1.5 Fire Report: Chief Maloney provided March calls for service: 1 gas leak, 3 motor vehicle personal injury with extraction, 1 search for missing person, 2 cancelled enroute, 1 fire alarm, 1 carbon monoxide, 2 car fires, 1 commercial garage fire, 1 fire standby mutual aid and 1 trailer fire. He presented a \$500 check from the Fire Relief Association for open house expenditures. Hass/Doebler unanimous to accept the check from the Relief Association. The Board thanked Maloney for their generosity. Maloney applied for the food license for the open house and is working on signage. He is working on map to show the areas that are within certain radiuses of the substation which will be available at the open house. Burning restrictions are on except for recreational type camp fires.

2.1 Clerk/Treasurer request for approval of payment of claims and transfer of funds: Hewitt/Doebler unanimous to approve payment of claims, including payroll as submitted, for payment of utility and interest bearing bills received after claim deadline and to transfer \$129,000 from savings to checking to cover claim numbers 5302-5336, check numbers 14333-14381 and electronic fund transfer number 4.

At 7:15 Board opened sealed bids received for the 245th Avenue project. Bids were received as follows: County Line Excavating, LLC - \$347,120.67; Knife River - \$346,940.32; North Valley, Inc. - \$376,317.19; Omann Brothers Paving - \$345,611.40; J.R. Ferche, Inc. - \$377,745.80 and Hardrives, Inc. - \$384,569.11. Bid bonds were included with the bids. Moved by Hewitt, seconded by Hass to accept the apparent low bid of \$345,611.20 from Omann Brothers Paving, Inc. contingent upon validation of quantities and amounts by Jon Bogart, Bogart, Pederson & Associates, Inc. Manthei abstained, Motion carried.

3.1 2010 Town audit presentation: Molly Thompson CPA with Schlenner Wenner Co presented Livonia Township's 2010 audited financial statements. When tested for legal compliance it was found there were no instances of non-compliance. Will bring back to May meeting for approval.

3.2 Supervisor reports: Hewitt provided Park Board report earlier where there was discussion about the Great Northern Trail and the 4R Trail Plan. A Zimmerman Park rep was also in attendance at that meeting. Doebler reported 10 people attended the open house on April 20th for the feasibility study for the connection between the GNT to the Sugarbush Preserve. A feasibility study would be funded by grants to provide a cost estimate for the connection. The Fire Board approved the fire audit. Manthei met with Soil and Water regarding maintenance of the prairie east of the hall and around the maintenance building, went on road tour to view conditions of the roads, asked about status of animal control and appliance disposal for cleanup day. Hass and Sherper had no reports.

4.1 Whispering Ridge erosion issues: Nicholas Tucker, 24447 140th Court was present to talk about the erosion issue next to his property. There is a delineated wetland area on the property and a wetland nearby. Due to wetland involvement Clerk/Treasurer will contact County wetland specialist for recommendation and bring information to May meeting.

4.2 CUP in commercial district for sale of boats/recreational vehicles: Monte Hoverton, MJ Motorsports, LLC was present to request a CUP for a business selling boats and recreation vehicles. He provided Board with information regarding his business plan. It was confirmed with Mr. Hoverton that the property is on a County Ditch system and has considerable wet land, the "road" that goes south from 253rd Avenue is a private road, Livonia



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Township does not maintain or plow that portion of the road and suggested he research to make sure he has easement for access to his property. He indicated he has ordered a wetland delineation to determine where the wetland is. A copy of the MnDot sign permit was provided prior to the meeting. The business is proposed to be a 4 season dealership with approximately 25-50 boats and 25 ATV's or snowmobiles depending on the season and also plans to sell non motorized RV's. He intends to upgrade the existing gravel areas. The parking lot has a capacity for 21 cars. He clarified he will not do body shop work, welding, sandblasting but will need those services which are provided by nearby businesses. He does not have a signage proposal at this time; it will be determined by what is required per his contract with the manufacturers. He stated the septic compliance has been taken care of. There are 2 septic tanks on the property; the tank in the front of the building is "enclosed"; the tank in back pumps into the mound system. Will do light mechanical inside the building, there is no in floor drain system for containment of flammable/contaminated waste but does not anticipate that with an ATV, boat environment; would use a system that sucks the fluids out. He is not dealing with motorized RV's; the intent is not to rent RV's. There is concern if he rents RV's will need to provide a dump station. The "enclosed" tank would accommodate that. There was discussion regarding the condition of the 253rd as it comes off Highway 169; Clerk/Treasurer will check with MnDot to see if any part of that is in their right of way. Moved by Hass, second by Doebler to recommend approval provided it complies with all federal, state and local codes and requirements. Manthei asked to amend the motion to state that RV dumping as it would relate to this business be allowed in the enclosed system as long as the system meets federal, state and local codes. Hass and Doebler agreed to the amendment. Motion carried.

4.3 Town road conditions/road maintenance report: Coordinator Spencer provided Town road condition report to the Supervisors. Coordinator was directed to grade the Girl Scout low maintenance road without addition of product. The guardrail on 96th Street was repaired, provided information about alternate pavement repair processes and reported there has been an unusual amount of illegal dumping in the Town right of way.

4.4 Accept/approve crack repair quotes: Three quotes were received as follows: ASTECH Corp - \$8,307.00; Fahrner Asphalt - \$9,660.00 and Allied Blacktop - \$10,840.00. Hewitt/Doebler unanimous to accept and approve quote of \$8,307.00 from ASTECH Corp.

4.5 Accept/approve chip seal quotes: Three quotes were received as follows: Pearson Bros, Inc. \$43,680.00; Allied Blacktop Co - \$62,900.00 and ASTECH Corp - \$49,186.80. Hewitt/Doebler unanimous to accept and approve quote of \$43,680.00 from Pearson Bros., Inc.

5 Open Forum: There were no requests for open forum.

6.1 Town comments on the 4R trail plan: Doebler provided a summarization: Generally, the Plan is comprehensive and very well written. Page 3 under NEED FOR THIS PLAN in the last paragraph. The statement regarding Sherburne County area is projected to gain approximately 15-20,000 people over the next ten years based on an assessment prepared by Sherburne County in 2007 is not valid. The population is declining due to the economy. Page 22 under OBTAINING LAND FOR A TRAIL CORRIDOR in the last paragraph. Landowners may also express concern over being liable for recreational injury on their land. The good news for landowners is that Minnesota has enacted the Recreational Land Use Immunity Statute that provides private landowners with a general shield on liability for injuries that occur where an owner allows, and so on. This is good information. The Township was also concerned about liabilities as we move forward with development of parks and trails. For reference, the Statute number should be cited in Plan. Page 23 under SAFTEY. This is well written. The section near the back of the document that references resources for funding is a very useful resource.

6.2 Town comments on the draft County Comprehensive Plan: The Board offered the following: Supervisor Sherper, Hewitt and Manthei read the plan thoroughly; Supervisor Doebler had not completed reading the entire plan as of the Town Board meeting on April 25, 2011 but intends to and may offer comment; Supervisor Hass skimmed the plan. The Livonia Town Board discussed the Sherburne County Draft Comprehensive Plan at their April 25, 2011 Regular Board Meeting. The Plan does not address the Township's 20-year vision for growth because the growth is no longer there due to economic turndown. Suggests a summarization of each chapter up front in the report followed by Chapter 8 Future Land Use, Goals and Policies followed by Township Plans and the all the informative County History, demographics, etc. Assuming the 2010 census data will be reflected in the final plan; not based off the 2000 census. On page 128 under Previous Township Studies in the first paragraph, eliminate the reference to a 20 acre athletic complex in the southeast quadrant-we are not sure where that came from. The plan feels like a boiler-point document. The Board was expecting the County Plan to be in the front so as



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to highlight the County Plan then follow up with everything else-is all of the demographic info necessary for each Township? Is it necessary to provide all the details for each Township-maybe summarize only as was done with the Cities. Eliminate previous studies; include only the current individual Town land use plan maps. This document should stand out as being first and foremost a County Plan. Because of the way the Plan is formatted and because the census/demographic information do not reflect current values, because of the "bulkiness" and because this document does not say "This is a County Land Use Plan", the Board would not recommend approval.

6.3 Review/accept request for proposals for professional services: Proposals for both legal and engineering services were available to the Supervisors prior to the meeting. Moved by Hewitt seconded by Doebler to select Troy Gilchrist with Kennedy and Graven to serve as Township Attorney; motion carried. Hass/Hewitt unanimous to continue with Jon Bogart, Bogart, Pederson & Associates, Inc. for Town Engineering services. Doebler/Hewitt unanimous to authorize Bogart to revise road standards and the Capital Improvement Plan.

6.4 Maintenance building-logo/water conditioner/punch list items/ open house: Quote of \$550 for correction to logo signage was received from Vinyl Graphics. Hewitt/Manthei unanimous to authorize correction to the plow and building signage as quoted by Vinyl Graphics. Alliance Building Corp has notified us that maintenance building punch list items should be taken care of in May. Open house is May 21st will plan for 200-250 attendees; announcement was included with the newsletter, individual invitations will be sent before end of April.

6.5 Updates a) Liability on Town Lands: It was found the Township insurance provides coverage for all owned Township lands and maintained easements.

Doebler/Hass unanimous to adjourn meeting at 9:50 p.m.

Approved this 23rd day of May, 2011



Chairman or Vice Chairman



Clerk/Treasurer or Deputy Clerk/Treasurer