



November 4, 2021

Hello From the Supervisors and Office Staff of Livonia Township,

There are things happening here at the township we wanted to inform you of. Our original plan was to wait until we had more information before we came to you for input. With recent social media activity, we thought it best to tell what we know and what we don't know yet.

Livonia Township and the City of Zimmerman were in an Orderly Annexation Agreement that expired January 1st, 2021. Livonia Township was open to the possibility of negotiating a new Orderly Annexation Agreement with the City of Zimmerman. There had been no formal talks regarding this until recently.

The reason we are looking into options is Waste Management told us that their current landfill within the Elk River city limits will reach its maximum capacity in 5-6 years. They want to convert the current construction debris landfill in Livonia Township to handle the garbage once the Elk River side is full. The process of getting the permits from Minnesota Pollution control (MPCA) and converting construction debris to Municipal Solid Waste (MSW) will take around 4 years or longer. Their proposal is not to create a new landfill in the township, but is instead to convert our current one.

Waste Management currently pays the City of Elk River approximately \$2,100,000 per year in fees. That money would come to the township when it started accepting MSW. They anticipate the landfill could be in operation for 20-25 years. In other words, \$40-50 million could come to our community. The possibilities of what could be done in the area with that money are endless.

There were rumors circulating that Elk River was considering annexing part of Livonia Township. The Livonia Township Supervisors were concerned that the City of Elk River might want to keep that money coming to them and that they would attempt to annex the land. Two of Livonia's supervisors met with Elk River's Mayor and confirmed the rumors to be false. We were told the City of Elk River is not in favor of a hostile annexation. We have no reason not to take the Mayor at his word; however, there is nothing stopping a new mayor or council from pursuing annexation in the future. We felt it is better to be proactive rather than reactive to an uncertain future.

One way to stop a hostile annexation from happening is for Livonia Township to incorporate and become a city; however, there is a process to incorporate. For one thing, we would need to create our own Planning and Zoning Department, contract our own police services and be able to show a judge that we are doing what cities do so we should be declared a city. The process will take time and money and there is no guarantee that the Chief Administrative Law Judge would approve the incorporation. Other townships have tried and failed. During the process, neighboring cities can make a case for why they should annex parts or all of the township before it is declared a city. Because Livonia Township shares borders with 2 neighboring cities we do not feel this is a viable option. The Livonia Town Board feels that the township is more similar to the City of Zimmerman than the City of Elk River, and changes would be less noticeable if we merge with the City of Zimmerman.

Another possibility is to enter into an Orderly Annexation Agreement with the City of Zimmerman. Even if we do enter into an Orderly Annexation Agreement, it would not stop a city from annexing part or all of the township. The Minnesota Supreme Court ruled against a township in a case where that happened



despite an Orderly Annexation in place involving Duluth and the neighboring township. We do not feel this is a viable option.

We believe it is important to ensure the potential revenue from the landfill stays local and will benefit our residents. If Zimmerman were to annex the landfill property, we would accomplish that goal. It seems to us that this is the best solution available. We also believe that as the area grows, there is a real possibility of additional annexation in the future. Rather than wait to be taken piece by piece, we decided to talk with the City of Zimmerman representatives to see if there is common interest and if the time has come to be one entity instead of two.

We have had one meeting so far. Two representatives from the township and two representatives from the City of Zimmerman. The township's lawyer and the city's lawyer were present. Your representatives from the township asked questions we are sure many of you have: Will our taxes go up? The answer was no. Will we be able to use our land as we do now? The answer was yes. Will the makeup of a new city council have equal representation for the township residents? The city was open to that if it is possible under law. The two attorneys know of another city and township that actually went through this process. They said if we wanted to go forward, they could look at that agreement and start a framework of what a merger could look like here. With that done, both the township and city officials could bring up concerns they have that aren't covered in the initial document. A few concerns have been raised including not increasing taxes for our residents. The Town Board would require the establishment of a "Rural District" for the Livonia area that does not have city supplied sewer and water. Taxes on the properties in this district would be required to remain low. A merger would give Livonia Township the ability to require this condition, and others, whereas a hostile annexation would not.

One advantage to being one larger community is that the population would be over 10,000, a threshold that would give the community access to additional monies from the State of Minnesota for State Aid for roads, which could reduce roadwork construction costs.

To be clear, we have NOT voted to proceed with a merger. We did vote 5-0 to have the lawyers start working on a basic framework and explore the possibilities. It is too soon to say that there will or will not be an agreement. We hope that there is a deal to be made that will benefit the residents for years to come.

There has not been any effort to hide this from you, our residents. We simply wanted to take the time to ask and get answers to as many questions as possible before seeking public input. Please reach out to a Town Board supervisor if you have any questions or concerns so they can be considered as the Town Board considers this option for the future of the township.

Sincerely,

Livonia Township