



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
OCTOBER 23, 2023

Supervisors present: Hass, Hiller, Kluge, Kukowski and Spencer.

Staff present: Clerk/Treasurer Hammre, Deputy Clerk/Treasurer Fiedler, Maintenance Superintendent Kelly, Parks and Cemetery Superintendent Aubart.

Others Present: Wensman and Tessmer, Bogart, Pederson & Associates.

County Commissioner Lisa Fobbe

**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:** Hass stated that he would like to add Item 1.55 Sherburne County Zoning Update to the agenda. Spencer/Hiller unanimous to approve the Regular Meeting Agenda with the addition of Item 1.55 Sherburne County Zoning Update.

**1.3 Approve Consent Agenda:** Spencer/Kluge unanimous to approve Consent Agenda Item A) September 25, 2023 Regular Meeting Minutes.

**1.4 Fire Report:** Chief Maloney presented the September Calls for Service as follows: 11 medical assists, 2 gas leaks, 3 motor vehicle personal injury accidents, 2 fire alarms, 1 person in distress (lift assist), 1 fire other (smoke from cleaning oven). Fire Prevention week is now over, 1300 school kids were reached. Hass asked how billing for fire response was progressing. Maloney said some insurance companies have been successfully billed, though the amount received is minimal. They are continuing to work on increasing billing and collecting costs for fire response from insurance companies.

**1.5 Sheriff's Report:** Sergeant Wilson presented the September Sheriff's Report: There were 179 calls for service including 2 motor vehicle personal injury accidents, 20 medicals, 28 traffic stops, 22 security checks, and 8 welfare checks. The rest of the calls were for miscellaneous reasons. Sgt. Wilson also reported that he would have the results of the speed sign on 269<sup>th</sup> Ave for next month's meeting. Hass commented that the township supports the Sheriff's Department and all the good work that they do.

**1.55 Sherburne County Update:** Dave Lucas, Addison Otto and Jessica Barthel presented the Sherburne County Planning and Zoning Update. They presented a summary of the work that Planning and Zoning is doing in Livonia Township, the feasibility study for a household hazardous waste (HHW) facility and the need for a separated organics (SSO) program. They also welcomed any questions or concerns from the Town Board and the audience members. The draft 2040 Comprehensive Use Plan was also reviewed. The next item discussed was the Sherburne County E.D.A. Strategic Plan. There were questions about the Elk River Landfill and the amount of waste brought there from other communities. County Commissioner Fobbe explained that ER Landfill is a private business and restricting where MSW originates would not be something Sherburne County could legally do.

**1.6 Schlenner Wenner Audit Report:** Jon Archer, Schlenner Wenner & Co, presented the Audited Financial Statements for the Fiscal Year ending December 31, 2022. Mr. Archer began with an overview of the audit process and opinion. He explained the general procedures of analyzing Livonia Townships finances and records. After that the ideal outcome is to have an unmodified (clean) opinion of the township's financials. Archer also reported that the Audit went smoothly, and they have a positive working relationship with Office Management. Nothing unusual was noted in terms of recorded transactions or accounting policies/treatments. There were several audit adjustments as is normal. 2 were material, due to the limited office staff (2 people) making segregation of duties difficult. Minnesota Legal Compliance was reviewed. It was found that the release of retainage was not done in the required time frame due to delay in billing from our engineer. Mr. Archer then went on to discuss details about the analysis and budgetary comparisons of major funds, cash trends, financial



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
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OCTOBER 23, 2023

highlights, and liabilities. Lastly, Mr. Archer explained that there will be a new accounting standard, GASB 96, that will be mandatory in 2023. This concluded the presentation of the Audited Financial Statements for Livonia Township.

**1.7 Engineering Updates:** Craig Wensman and William Tessmer, Bogart Pederson & Associates were present. The engineers will fly a drone over The Woods of Livonia development for footage to aid in planning the possibility of road overlays or reconstruction. The drone footage will also look at drainage issues that impact the integrity of the road and help in planning the solution to altering the roadway to prevent the ongoing drainage issues and negative impacts on the road from water saturation. Hass said the HOA has an email list so they can notify the residents when the drone will be used. Hammre noted that she saw that the projected drone project included road segments that were in Orrock Township or other developments and should not be included. Supervisor Kukowski asked if soil borings would be taken. There was some discussion about the value of borings. Drainage is an issue and should be corrected. Discussion getting drone footage to help visualize and plan improvements. Tessmer was asked about the LRIP Grant that Davis was going to investigate. Tessmer replied that the grant cycle is ending, and that grants will need to be pursued next year to allow time for the application process. Also discussed was the road project for 2024. Finishing the West Hunter Lake area that lies north of the 2023 West Hunter Lake project was the previous plan.

**1.8 Planning Commission:** Hass – no meeting.

**1.9 Road Report:** Kelly provided the road report for the period September 18, 2023 through October 14, 2023:

**Signage:**

**911 Signs** – Chris picked up signs.

**Street Signs** – Chris picked up signs.

**Illegal Dumping:**

No report

**Vehicles:**

Truck 36, plow: Work has been completed.

Truck 39, Dodge 4500 plow:

Truck 40, plow:

Truck 41, plow:

Truck 42, Chevy 3500 1-ton plow: Has been sold for \$38,500.

Truck 43, plow: Picked up truck from Nuss, had A-frame rewelded at Brand Manufacturing.

Truck 44, plow: Had cylinder rebuilt for wing. Had A-frame rewelded at Brand Manufacturing.

Truck 45, Ford 1-ton: Had lights installed at Crysteel.

Volvo Grader: Waiting on transmission to be completed.

John Deere tractor:

Ford Tractor:

Chevy 1-ton (“Old Blue”):

**Road Maintenance**

**Throughout township:** Ditches have been completed.

**Gravel Roads:** Ongoing maintenance.

**Fremont Minimum Maintenance Road:**

**Woodlands Sub-Division:** Doing repair work with hot tar.





LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
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OCTOBER 23, 2023

**Other**

**Shop Office:** General Cleaning. OSHA report just arrived.

**Sand Shed:** Pending Board approval, next steps on proposal.

**Public Works building:**

**Town Hall:**

**West Hunter Lake Road Project:** Our part of the project is complete. See Wes Davis for outstanding items.

**Fire Department Future Location:** Started working on the exit to County Road 39.

**Other:**

**1.9 Park and Cemetery Report:** Aubart provided the following report: Reporting Period September 25<sup>th</sup>, 2023 to October 20<sup>th</sup>, 2023.

**Parks Maintenance:**

**North Point:** Cleaned up fallen trees and branches and blew leaves off trail. Pulled dock from Lake Fremont on October 17.

**Sugar Bush Preserve:** Mowed trails and removed fallen trees and branches.

**Cemetery Maintenance:**

**Livonia Township Cemetery:** Mowed grass. Planted six crabapple trees on the southwest side of the cemetery on October 3<sup>rd</sup>.

**Other Duties:**

Finished ditch mowing; more hot tar was applied; getting plow trucks prepped for winter; mowed parcel of land at 112<sup>th</sup> Street and County Road 39; started driveway installation on County Road 39 side and 112<sup>th</sup> Street: drove to Fergus Falls to pick up street signs from M & R Sign.

**2.1 Second Driveway Request – Prater:** Mike Prater present to request permission for a second driveway at 27415 123<sup>rd</sup> St NW Zimmerman. Mr. Prater explained that he installed a second driveway for access to an accessory building. He said that he needed it in that location because his septic system prevented him from driving across his yard to access the building. The second driveway was installed along the south property line in the D&U Easement. Hass/Kukowski unanimous to table the item until the November Board Meeting to give the Town engineer to review the location and D&U Easement. Hiller asked Mr. Prater to mark the outside limits of his septic drain field.

**2.2 IUP Amendment:** Merlin Valerius present to request to modify his current Mining IUP on PID 30-028-1400. Mr. Valerius described the proposed peat mining area on the property. He also said that he wants to mine an additional 2.2 acres as the mining for his previous IUP area is complete. Spencer/Kukowski unanimous to recommend approval for an Interim Use Permit (IUP) for Mining. Board comments include: Mr. Valerius has mined portions of this property previously and has used positive practices and maintained slopes and followed requirements. The Board wants Valerius to post "TRUCKS HAULING" signs during active mining. The Board also reiterated that Mr. Valerius meets the Sherburne County requirements including revoking IUP 66282 when the new IUP Permit is approved and recorded.

**2.3 Request to Alter D&U Easement -- Holcomb:** Brain Holcomb, 24368 101<sup>st</sup> St NW Zimmerman present to request permission to alter the D&U Easements on his property. The original engineering survey map for the development includes a wetland, an engineered infiltration pond and delineates the D&U Easement area. Mr. Holcomb stated that he would like to move soil in these areas to possibly create a pond and to fill in an area to be able to plant grass. The drainage easement area is recorded with the Development Agreement. The constraints on D&U Easement areas were explained to Mr. Holcomb as well as the importance of water





LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
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OCTOBER 23, 2023

collection and gradual discharge to preserve roads, properties and to clean the water. No Board action taken. Mr. Holcomb was given the option to consult with an engineer and come back to the Board.

**2.4 Batting Cage Consideration:** Andy Kinard was present to ask the Board if a batting cage and baseball fields would be something the township would be interested in building. He commented that finding field time or being able to use a field as a resident is difficult. The Board responded that Livonia does not have land to build fields but has always supported our youth sports financially. Livonia has contributed funds for fields and lights in the City of Zimmerman and would likely continue to do so. Mr. Kinard said he would approach the City of Zimmerman.

**2.5 Grimes Driveway:** The homeowners were not present.

**3.0 Open Forum:** No one present for Open Forum.

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: Election Allocation Funds \$362.95 from State of MN, disbursed by Sherburne County Auditor. The Town Hall windows have been installed.

**4.2 Approve payment of claims:** Hiller/Spencer unanimous to approve payment of claims and payroll totaling \$227,500.88.02 as submitted from Bremer Bank, and to transfer \$227,000.00 from Savings to Checking to cover check numbers 21477 through 21519, and Electronic Fund Transfers (EFT) #167-170 (October) Federal, State, PERA and SUTA withholding taxes.

**4.3 Supervisor Reports:** Hiller – no report. Kluge – no report. Spencer – gave a report on the SCAT Meeting that she attended; report included with this document. Hass – a resident in the Martin Lefavor Estates development requested street lighting because the neighborhood is very dark. Hass asked Hammre to send the resident a letter explaining that the Township does not own or fund streetlights, but we may be able to facilitate the request if the neighborhood if they are interested in streetlights. The neighborhood residents would be responsible for the cost of installation and monthly billing. Kukowski – no report.

**5.1 Sheriff's Office Legal Representation Partnership Agreement:** the township received a letter from Chief Deputy Steve Doran. They are seeking a letter or agreement stating that in cases of Ordinance violations that are not public safety relate, that the township attorney would participate in the process of prosecution. Chief Deputy Doran's letter specified that any public safety issues would continue to be prosecuted by the County, but they would like the involvement of the Township Attorney for minor Ordinance infractions. He indicated that these minor prosecutions are relatively uncommon and generally do not involve high expense. The Township has the option to prosecute all minor (non-safety related) infractions without the County Attorney involvement. Hass/Hiller motion to draft letter, then directed Hammre to get more details and numbers of minor offenses. Motion not completed.

**5.2 ROW Obstruction, Headwalls and Mailboxes:** The Township has had ongoing issues with ROW Obstructions, mostly in the form of headwalls, non break-away mailbox supports and large rocks. These potentially dangerous items are in violation of our Nuisance Ordinance 901 and State Statutes. The Township has the responsibility to identify these obstructions and notify the owner that they are in violation. The homeowner would have a period of time to remove the dangerous obstructions. If they do not, the Township will need to remove them and then invoice the homeowner for the cost of removal. If the homeowner does not pay the invoice, the invoice total will be added to the property taxes for payment. Hammre asked the Board for direction, if they want the office to start mailing out notices to the homeowners with the obstructions with the intention to follow through with removal. Hass/Kukowski unanimous to enforce Headwall and ROW obstruction laws according to Livonia Township Ordinance and State Statute.



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
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OCTOBER 23, 2023

**5.3 Sugarbush Dog Complaint:** The office received a phone call from a resident who went to Sugarbush Preserve. She reported that there were several dogs running at large in the park. The dogs resided at a residence adjacent to the park entrance. One of the dogs was threatening, and continued to follow them as they hiked on the trail, running out of the woods at them. The owner of the dogs eventually came out and proceeded to tell them that they could not park on the street (cul-de-sac) at the park entrance. The Town Hall has received several complaints about these particular dogs running at large and harassing the hikers and/or their dogs who are on a leash. At this time there is no signage requiring dogs to be leashed, though it is addressed in our Nuisance Ordinance. Park Superintendent Aubart was directed to install a sign that states the requirement to have all dogs on leash and to put up some trail cameras to monitor the dogs at large issue. Further action can then be taken for infractions.

**5.4 Item already addressed.**

**5.5 Speed Traffic Sign Compliance SCSD:** We received a letter from Sherburne County Sheriff Joel Brott reminding Townships that Speed/Traffic Signs Retro-Reflectivity Standards Compliance must be met or a plan in place to replace all signs. Hammre informed the Board that we have been working on replacing all signs to comply with the law. Our signs are almost all replaced, though some have faded and the order for replacing those has recently been received. Our maintenance team has been working hard to keep up with replacement.

Spencer/Kukowski unanimous to adjourn the meeting at 9:34 pm.

Approved this 27<sup>th</sup> day of November 2023.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer