



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
OCTOBER 24, 2022

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

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

**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 requested that Item 4.4 Road Report is changed to Item 2.4 Road Report. Kuker/Pool unanimous to approve the Agenda with the requested change.

**1.3 Approve Consent Agenda:** Maloney/Kuker unanimous to approve Consent Agenda **Item B)** October 10, 2022 Workshop Meeting Minutes. Consent Agenda Item A has a correction and will be presented at the November 28<sup>th</sup>, 2022 meeting for approval.

**1.4 Fire Report:** Hammre presented the September Calls for Service as provided by Chief Maloney: 9 medical assist; 1 gas alarm; 4 motor vehicle personal injury accident; 1 fire alarm; 1 person in distress (lift assist); 2 outside rubbish fire; 2 residential house fire (Livonia, Blue Hill); 1 fire other (trash can at city park).

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 252 calls for service in September in Livonia Township including 1 burglary (tools from a shed), 1 theft (tools from a jobsite), 5 motor vehicle accident, 52 traffic stops, 63 security checks, and 19 extra patrol. All other calls for service were miscellaneous calls. Kuker asked Sgt. Wilson if the numbers of calls are normal. Sgt. Wilson said the numbers are normal, though there are more security checks than there used to be. There were no other questions for Sgt. Wilson.

**1.6 Sherburne County Zoning:** Marc Schneider, Sherburne County Senior Planner and Addison Otto, Sherburne County Planner/Environmental Specialist, presented a summary of the analysis and the vision survey that was completed to aid in the rewrite of the Comprehensive Plan. They were also seeking additional feedback from the Town Board. Schneider and Otto reviewed and discussed the history and trends in Sherburne County, the process to create a new Comprehensive Plan, and the feedback from the community. Housing needs and trends, agricultural land, farm opportunities, and natural resource preservation were all discussed. A comment form was provided for the Board members.

**1.7 Planning Commission Report:** there was no Planning Commission Meeting in October due to lack of Agenda items.

**1.8 Engineering Updates:** Engineer Davis was not in attendance. Hass reported that he spoke to Davis and Davis and Kelly will continue to evaluate the roads being considered for the 2023 project.

**1.9 Park Committee – Kuker:** no park report. He has been attending the HWY 169 Overpass project meetings. The design is still being worked on.

**2.1 Development Snowplowing Rate Review:** the current snowplowing rate for incomplete developments is \$.10/mile. The cost of plowing snow has increased. Pool/Maloney unanimous to increase the snowplowing rate 25%, from \$0.10/mile to \$0.125/mile.

**2.2 Nuisance Light 11758 272<sup>nd</sup> Ave:** Anthony and Amy Hauschild, 11761 272<sup>nd</sup> Ave NW brought a concern to the Livonia Town Board regarding the yard light on the detached garage at the Hoaglund residence located at 11758 272<sup>nd</sup> Ave NW, which is located directly across the street. The Hauschilds claim that the light shines directly into their windows and onto their porch. Hoaglund stated that the light, that was installed due to an attempted trailer break in, does not extend as far as the Hauschilds yard or home. The Hauschilds requested an Ordinance



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addition to regulate lighting. Hass tabled the item to the November meeting to allow time for the Town Board to visit the site before the meeting and they will make a decision then.

**2.3 Variance – Trosper:** Jerry Trosper was present to request recommendation for a 14' Variance in Setback from the Right of Way of 112<sup>th</sup> St NW for an Addition on Existing House. The required setback is 67'. Trosper explained that he would like to add bedroom space onto the south side of the house. The addition will be no closer to the road than the existing house is now. Hass/Pool unanimous to recommend approval for the Variance request with the following comments:

The Findings of Fact considerations were asked and answered as follows:

1. *Granting the Variance will not be in conflict with the Comprehensive Plan:* yes, adding on to the house is within the orderly growth and property improvements allowed and would not be in conflict with the Comprehensive Plan.
2. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control:* yes, this property was built in 1978, which is before road setbacks were a requirement.
3. *The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance:* other property owners have been allowed to build an addition on a house that does not meet setbacks when the house was built before the setback restrictions were in place.
4. *The exceptional or extraordinary circumstances do not result from the actions of the current or previous owners under the current Ordinance or State Law:* The house was built in 1978, before current setback rules by a previous owner.
5. *The variance requested is the minimum variance which would alleviate the practical difficulty:* yes, the setback is the same as the existing house.
6. *The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties:* yes, the house is in a residential area and will be essentially the same.
7. *Adequate sewage treatment systems can be provided if the variance is granted:* the septic was replaced in 2018 and sized appropriately.
8. *Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width:* there will be no impact, the driveway will remain the same.
9. *If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site:* NA
10. *The variance will not increase loss of sunlight, views, or privacy of the neighboring properties:* the property will be of a similar height of neighboring properties and will not impede views, sunlight, or privacy of the neighboring properties.
11. *Economic considerations or circumstances shall not be considered so long as the reasonable use of the property exists under the terms of the Ordinance:* Not a factor.



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**4.4 Road Report:** Road Superintendent Kelly introduced Chris Aubart, the new Parks and Cemetery Superintendent. Kelly then gave his monthly report:

**SIGNAGE**

911 sign installation is continuing

Illegal Dumping: 96<sup>th</sup> Street – discarded TV and lawn mower; 239<sup>th</sup> Street – steel bathtub

**VEHICLES**

John Deere tractor – Fixed air ride seat, there was a loose wire

Truck #39 – Received diagnostic from Warzecha Auto Works. Possible turbocharger actuator or turbocharger replacement needed. Potential cost of \$5,000.

New Trucks - in the process of pricing 450 Ford and 1-ton pickup.

Ziegler Cat – picked up cylinders off of pay loader to be rebuilt – now being ordered

Nuss Trucking – waiting on parts to begin work on grader – parts ordered

Olson Equipment – Meeting with Olson Equipment to look at a new mower (rider) for cemetery later this week.

**ROAD MAINTENANCE**

Minimum Maintenance Road – hauled in 6 loads of Class 5

Shoulder 112<sup>th</sup> St, 98<sup>th</sup> St

130<sup>th</sup> Ave and East Hunter Lake – cleaned intersections

133<sup>rd</sup> St – replaced old and installed new culvert. Culvert failure from Midco damage from trencher when original fiber line was installed. Midco will reimburse the Township for the cost of repair.

251<sup>st</sup> Ave – 11 loads of Class 5

253<sup>rd</sup> Ave – cut overhanging/broken tree branches

Township wide - mowing

**PARK MAINTENANCE**

North Point Park – mowed, removed dock

Sugarbush Park – mowed, hauled 6 loads of black dirt from Sugarbush to Town Hall

**CEMETERY MAINTENANCE**

**OTHER**

Cleaned drains in The Woodlands development

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

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: we received a copy of the IUP for Occasional Special Event for Mandy Kruse-Rosby; the office desks and cabinets are installed.

**4.2 Approve payment of claims:** Kuker/Hiller unanimous to approve payment of claims and payroll totaling \$39,481.67 as submitted from Bremer Bank, to cover check number 20980 through 21013, and Electronic Fund Transfers (EFT) #126-128 (October) Federal, State, PERA withholding tax.

**4.3 Supervisor Reports:** Hiller – one of the doors at the Station One fire building fell and is being repaired, the heating issue has been fixed. He also reported that the City of Zimmerman has purchased the Thoreson property located on the Lake Fremont Minimum Maintenance Road by our North Point Park. Maloney – no report; Kuker – no report; Pool – met with the City of Zimmerman’s Mayor Stay and Randy Piesecki, about the land they want to annex from the township. There is a southern portion that had already been discussed, from the southern limits of the City of Zimmerman to the City of Elk River northern limits, and from HWY 169 to CR 45. They would now also like to annex a portion of the township north of the northern Zimmerman City limits to the Baldwin



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Township border following and going west in an irregular pattern. Also included are properties along Lake Fremont on Fremont Drive. Stay/Piesecki stated they added some of the northern expansion because of the HWY 169 interchange, including 269<sup>th</sup> Ave possibly extending to HWY 169. They want a 10-year sunset on the potential agreement. They promised to get the proposal to Livonia Township in November. Hiller commented that he can see what is in the proposal that would be beneficial to the city, but he could not see what would be beneficial to Livonia Township. Pool replied that he asked that question, and the reply was that they would not sign the annexation of the southern part unless they also had the northern part. Hiller brought up some past issues about fund sharing for the landfill. He said he would want to see, in writing, what their plans are for the landfill revenue if the annexation happens. He also discussed concerns he has over the future plans of the City and merging with the Township. Further discussion about the landfill and what the City really wants, and the property they want to take being high tax value, but very few roads to maintain. Tax revenue and opportunity for Livonia would potentially be negatively impacted for Livonia residents. **Hass** – no report.

**5.1 Planning Commission Appointments:** the current Planning Commission representative and alternate representative appointment is expiring on December 31, 2022. Hass stated that he is not ready to recommend, and that he is not happy with current representation. He tabled the item.

**5.2 Assessment Services Agreement:** Hass/Pool unanimous to approve entering into the updated 3-year Assessment Agreement with the Sherburne County Assessors Office.

**5.3 Forfeited Land:** PID #30-004-4206, previously owned by a private party, was recently in tax forfeiture for failure to pay taxes. Livonia Township was able to acquire the property to be used as road right of way as it is a portion of the Lake Fremont minimum maintenance road. The only cost to the Township was for transfer and recording fees.

**5.4 Letter to MAT:** Hammre presented a letter on behalf of the Town Board of Supervisors to be sent to Minnesota Association of Townships (MAT) per MAT's request to submit township experience and opinion on unfair annexation of townships by cities. Hass/Kuker unanimous to approve the letter as written and to send it to MAT. Hammre also directed to invite a MAT representative to our next meeting for further discussion.

**5.5 Hearing Loop Proposal:** Electronic Design sent us a proposal for a hearing loop. The loop would enable individuals with a hearing aid to wirelessly connect to our sound system. It is also ADA compliant. Maloney/Hass unanimous to sign the proposal and go ahead with entering in a contract with installation.

Hass/Hiller unanimous to adjourn the meeting at 9:02 pm.

Approved this 28<sup>th</sup> day of November 2022.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer