



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
DECEMBER 19, 2022

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

Staff present: Clerk/Treasurer Hammre, Deputy Clerk/Treasurer Fiedler

**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 Items 2.1 - 2.4 are moved and collectively renumbered as Item 1.65. Hiller/Maloney unanimous to approve the Regular Meeting Agenda with the requested changes.

**1.3 Approve Consent Agenda:** Hass/Pool unanimous to approve Consent Agenda Item A) November 28, 2022 Regular Meeting Minutes.

**1.4 Fire Report:** Chief Maloney presented the November Calls for Service as follows: 5 medical assist; 1 gas leak; 1 motor vehicle personal injury accident; 3 carbon monoxide; 4 fire alarm; 1 arcing/down power line; 4 grass fire; 1 fire mutual aid (Elk River). Maloney reported that medical calls have gone down. He also reported that the Toy Drive served 190 kids with toys and financial donations. There were no questions for Chief Maloney.

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 254 calls for service in November in Livonia Township including 20 medicals, 66 traffic stops, 46 security checks, and 16 requests for extra patrol. The remainder of the calls were for miscellaneous items. Wilson was asked if they (Fire Department) always respond to medical calls. Wilson explained that they do respond to most of them, not only as first responders but also to secure the area for safety. There were no concerns for Livonia Township.

**1.6 HWY 169 Project** – presented by Sherburne County Public Works Director and County Engineer Andrew Witter. Beth Engum from Bolton Menk and County Commissioner Fobbe were also in attendance: Chairman Hass addressed the assembly, asking for cooperation in letting Witter make his presentation uninterrupted, and everyone would have the opportunity to speak and ask questions after that. Witter brought a slide presentation for the assembly, and he spoke about the history of the project, the maps of the plan and the project timeline. He said that an interchange at HWY 169 and CR 4 has been in discussion since 2007. The current plan impacts less area around the interchange than the 2007 plan did. The anticipated start year is 2024 if funding is secured. Hass asked why the current plan includes a 269<sup>th</sup> Street extension to HWY 169. He pointed out the 169 interchange project in Elk River worked very well without moving any roads or building new service roads (269<sup>th</sup> extension), and why can't the HWY 169/CR 4 project be handled the same way? Witter said in Elk River some of the frontage roads and backage roads are already in place.

Leonard Syverson, (26891 128<sup>th</sup> Street), a Livonia Township resident, stated that he had been notified of the November 30 Open House by postcard, and that the Open House was where he learned that the project would take part of his property and that his property would have 2 additional roads bordering his property. He called Livonia Town Hall immediately to learn more and found out that the Open House was the first that Livonia Township heard of the 269<sup>th</sup> extension and the effects it would have on the Livonia residents' properties. Syverson said he would have 3 sides of his property as road, his trees would be removed for the project eliminating any buffer from the roads. He stated that he would be losing all of his property screening and security as it would be accessible from three sides by road. He does not want the by-pass in his front yard. He stated that his property is quite private and that is why he purchased it and enjoys it. The project would take that away from him and he has had many sleepless nights worrying about his loss of property and privacy.

Barbara Rudquist, (26720 HWY 169), a Livonia Township resident, explained that she and her husband purchased their property in 1989. Their property is a hobby farm with horses, and has an historic 100 year old barn on it. Their property is two parcels divided by the old railroad bed. They purchased the railroad





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bed Right of Way when it became available to purchase. The horse pasture is on the other side of the railroad bed portion which is what the County wants to take and build a road on. They would need to lead their horses across the road morning and evening so they could safely use the pasture. She spoke about horses being skittish around unusual things and that they would be vulnerable to people who would have easy access to them with a road going through their property. The road that the County/City of Zimmerman is planning to put in would make it impossible for them to use their property, and would allow access to their property by everyone including the criminal element, increase noise and pollution, and destroy natural habitat for a variety of animals and birds. The proposed road additions on their and their neighbors' properties would be convenient for some area businesses, but not for the residents whose properties would be taken and directly affected.

Barry Schreiber (26720 HWY 169) stated that he and his neighbors who would be affected negatively by this project are all in favor of the HWY 169/CR 4 interchange. He thanked Witter, Engum and County Commissioner Fobbe for attending this meeting. Schreiber stated that the affected property owners have been left out of the process, they did not find out about the plan to take part of their properties until November 30<sup>th</sup> (Open House). Schreiber stated that 273<sup>rd</sup> Ave is already a road that connects to HWY 169 and using that road instead of extending 269<sup>th</sup> Avenue and 2<sup>nd</sup> Street would not involve taking anyone's property. Extending 269<sup>th</sup> Avenue may someday be needed, but right now it is not needed, there are other options that don't involve taking private property.

Steve Compton (26820 HWY 169) explained that his home would be surrounded by roads with the 269<sup>th</sup> Avenue and 2<sup>nd</sup> Street extensions. Being surrounded by roads would ruin the serenity of their home and property. He pointed out that not only would there be car traffic, but all of the roads (ditches) would have snowmobile traffic day and night in winter - which are very noisy. Compton said that this is their retirement home and most of the affected homeowners are retirement age and consider their homes as retirement homes. The plan to take property away from homeowners, or to make their property unusable, is egregious. It puts the homeowners in the position of fighting Government. He also stated that in the United States people have rights to own property and the Government should protect that right, not take away that property. He restated that he and all his neighbors here tonight are in favor of and supportive of the HWY 169/CR 4 project. But they all have the right to their property, and they are all taxpayers. He asked the Livonia Town Board would help to save them from this unnecessary change to the plan to extend 269<sup>th</sup> Avenue and 2<sup>nd</sup> Street.

Supervisor Hiller commented that he wanted the residents to know that the first time he heard of the plan to extend 269<sup>th</sup> Avenue and 2<sup>nd</sup> Street was at the November 30<sup>th</sup> Open House. He said that his opinion probably doesn't matter, but he agrees with the residents here tonight that these are two separate issues. The first is that the interchange at CR 4 and HWY 169 should happen, and that when the City annexes land to the north of City limits and wants to extend roads, that is a separate issue. He said he is right with the residents.

Syerson commented that City of Zimmerman Administrator Piasecki told him that the extensions are "free money" as the State of Minnesota would be funding it and State money is "free". Syerson said he was blind-sided as well at the November 30<sup>th</sup> Open House, and very "hot" that he and his wife did not know about the plan to take their property. He said he happened to call the Livonia Town Hall office December 1<sup>st</sup> and learned that they also did not know about the extensions. He was informed that there would be an opportunity to talk to Witter and Engum at this Board meeting, an item that Hass had just asked to have added to the Livonia Monthly Board Meeting Agenda to give residents an opportunity to engage with Witter and Engum.

Bob Lungren, (9990 261th Ave), who is a Veteran and involved in the Veteran's Memorial Park. He brought up the part of the plan to the south of the interchange to close the 257<sup>th</sup> Ave connection to HWY 169, and instead build a service road addition that goes to the interchange traffic circle on CR4. Lungren reminded the assembly





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that the Veterans Memorial Park is located at the corner of the 257<sup>th</sup> Avenue/HWY 169 intersection and is the only way to access the Memorial Park. He asked if there could be a north exit only onto HWY 169, and vehicles would then travel just ½ mile to the interchange to head south. If vehicles can exit 169 going north as they do now, it would eliminate traffic crossing 169 while still maintaining easy access to 257<sup>th</sup> Avenue and Veteran's Memorial Park. He said it is more difficult to go north then turn back on the service road, especially since signage allowed on HWY 169 is very limited. He said there will be a new sign in Memorial Park. When people see that new sign as they drive by, they will not know how to go back to the Park, limiting access.

Town Board Supervisor Kuker stated that he has been sitting on the HWY 169/CR 4 meetings on behalf of the Township while the planning process has gone on, 18 months or so. He said there have been several re-iterations, feedback, etc. concerning the project. He said they (engineers) have been trying to do a good job of making everybody happy with the plan. He stated that he owns the apartments in the City of Zimmerman (not a conflict as he represents Livonia Township). The apartments are just south of the Rudquist/Schreiber property. He asked Rudquist and Schreiber if it would be better if he offered for the City to put a road in on his property just south of their property, running on the south edge of their property. He also asked who wanted 2<sup>nd</sup> Street to cut all of these properties in half – a City of Zimmerman comment or from someone else? Witter replied that they based the change on the old environmental impact studies. He said this is the first time this alignment has been shown is that the November 30 was the first opportunity they had to get it out to the public. The purpose of the Open House it to get feedback and comments and learn what the issues are. They need local context and thoughts and will go back and see if they can make things better and see how it affects residents. Rudquist answered Kuker's question about positioning a road just south of their property instead of bisecting their property. She said neither are acceptable to her, a road on the south side of their property would go right by their house and barn. Kuker said he understood that. Discussion ensued about placement of roads in relation to intersections and ramps. He also said that trees can be planted as screening. Compton interjected that if the roads are extended as proposed now, all of his mature trees would be removed, effectively removing all screening and barriers from the roads. He suggested that a service road across the front of the properties would be better. All of the properties already have the highway there and all of the houses are set back quite a ways from the highway. It would not be much different than it is now for traffic, noise, snowmobiles, etc. He does not want all that traffic also in his side yard and back yard. He already has a lot of traffic along the highway. He offered to allow a road to be placed on his property. He asked if that may be a possibility. He said he was open to working with them, he did not want to cut the residents properties up. Witter said they will go back to MNDOT and ask about options.

Commissioner Fobbe had several comments including that the November 30<sup>th</sup> Open House was the first time the affected homeowners were aware of the plan. She said she was sorry for that, and that as their County Commissioner she took responsibility. She has spoken to staff about it. She said if it affected 6,000 people she understands that it would be hard to talk to everyone, but it was six. She felt that each of the 6 should have received a phone call. She also thanked the homeowners who have invited her into their homes to discuss their concerns. She said for anyone to reach out to her with concerns, and she would love to meet to talk to them. She said this process is very hard, and not everyone will be happy. They will continue to listen to anyone who wants to talk. She also said that it is challenging when a project involves several entities that make decisions. Fobbe again apologized for the lack of notice to the affected residents. Rudquist commented that they had left a message for Witter and never received a call back. She also stated that there is already traffic and noise from the highway, a frontage road would not change things very much for the six properties it would go along.





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Dave Gruhlke, (26740 HWY 169) said that he owns one of the affected properties, and also owns property across the old railroad bed, and also owns the railroad bed between his properties. His property would also be split. He feels this extension is not needed now. He would be receptive to a frontage road that goes along his property by HWY 169. There is already noise from highway traffic, a frontage road would not be much different.

Schrieber thanked everyone for their input and said they feel like they are being heard. He spoke of finding a workable solution for everyone.

Kuker commented that it is a MNDOT project so the hands of the County may be tied. Fobbe commented that the County is in charge of the design, but MNDOT must approve it.

Hass commented that in his opinion 273<sup>rd</sup> is not the best through road, though 277<sup>th</sup> may be a better option as it goes all the way to CR1.

Witter said they will go back to look at options.

**1.7 MAT:** Director Jeff Krueger present to talk about the upcoming legislative session and the desire at Minnesota Association of Townships (MAT) to work with legislators to bring back some balance to make annexation fairer to townships and township residents. He talked about how Cities should have to follow smart growth as a reason for annexation, not for cherry picking areas or for a tax-base grab. He also said symmetry of city borders is not an acceptable reason to annex land. Farms and rural properties should remain in the township and not a city. Residents should have choice when a city wants to annex their property. He went on to say that cities are fighting reform.

**1.8 Planning Commission Report:** Spencer provided the December 17, 2022 Sherburne County Planning Commission Report: The following items were recommended for approval to the Sherburne County Board of Commissioners at their next regularly scheduled meeting: request for a preliminary & final standard simple plat in Big Lake Township. Comprehensive Plan update: Mark Schneider provided a general short presentation and update of the Comprehensive Plan. Spencer thanked the Board for allowing her to serve on the Planning Commission. She said she has missed a few township meetings but has always provided a written document with her report for the meetings.

**1.9 Engineering Updates:** Engineer Davis unable to attend, Hass said that surveying is done on the 2023 road project areas. Davis also suggested that for shouldering new road projects the spec could be to lay 2" of gravel and then 2" of black dirt in where there is a yard. This would help with grass establishment where lawns meet the roadway. Maloney asked if Davis had come up with anything about The Woodlands of Livonia roads. Hass replied that he has not looked at that yet.

**1.10 Road Report:** Kelly absent from meeting, busy plowing roads. He provided the road report:

**Vehicles:**

Truck 36 – repaired compressor Oil leak, changed oil, oil filters and fuel filters.

Truck 44 – Dropped off at Nuss in Monticello on 11/21/22 to repair heating. Picked up on 12/23/22

Grader – Nuss Trucking still working on grader. Repairs should be completed 12/20/22

Truck 41 – suspected rear end or transmission issue.

New Trucks – picked up one of the two plows ordered. The second plow is backordered. Pending new delivery date.

Lawn Mower – waiting on delivery

Trailers (skid and post pounding) – renewed trailer tags.



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**Road Maintenance**

Plowed snow, responded to dispatch reporting downed tree. Cut up tree and removed from roadway.

**Other**

Shop and Shop Office – General maintenance and cleaning, installed wall cabinets in office, Created and organized new color-coded binders for all trucks. Created and organized new files.

Sand Shed – Install 1 new LED light outside.

**1.11 Park and Cemetery Report:** Aubart absent from meeting, busy plowing roads. He provided the following report: Reporting Period November 21<sup>st</sup>, 2022 to December 16<sup>th</sup>, 2022

**Parks Maintenance:**

North Point – cleaned up branches

Sugar Bush Preserve – cleaned up branches, checked for downed trees on trail.

**Cemetery Maintenance:**

Livonia Township Cemetery – cleared driveway of snow

**Other Duties:**

Hauled salt/sand

Plowed snow

Service zero turn lawnmowers. Toro and Simplicity ready for spring mowing. New blades on Toro and sharpened Simplicity blades

Worked on truck #36. Oil leak coming from compressor. Needed to dump oil to replace gaskets and O-ring  
Changed oil and filters as well as greased.

Checked with Westside Tire, Hamel, MN on a quote for tires on the John Deere Tractor

Worked with Kelly on various Township duties and tasks.

**1.12 Park Committee:** Kuker - no report

**2.1 – 2.4** moved to item 1.65

**2.5 Frontage Road Resolution:** Hammre presented Resolution 22-20 Restating Livonia Township's Longstanding Acceptance and Responsibility for the Commercial/Service Road. The resolution is a requirement for the road certification for Livonia Township. Pool/Hass unanimous by roll call vote to adopt Resolution 22-20.

**2.6 IUP For Medium Contractor Yard:** Sheldon Pool excused himself from the Livonia Board of Supervisors. Pool explained that the property he is seeking an IUP for a Medium Contractors Yard is located at 11605 261<sup>st</sup> Ave NW, Zimmerman MN. Pool answered questions from the Board concerning the berms identified on the site map and the distance from the road the future house will be. Pool said the berms will be built as a visual screen from the road and have trees planted along the tops for further screening. The house will be approximately 300 yards off the road. Other discussion points included that the Contractor Yard will be similar to the recently approved IUPs for Steinbrecher and Husky Contracting. The total acreage is 54 acres, the existing driveway will be used for the property, and 261<sup>st</sup> Ave is already a 9-ton road and can handle the weight of the contractor vehicles. Maloney/Hiller unanimous to approve with Pool abstaining from the roll call vote. Board Comments were as follows: sightlines on 261<sup>st</sup> Ave in both directions are good for vehicles going in and out of the property; it is a good location for a business; the owner will make the property look good; it is a welcome addition to the community. The Livonia Town Board would like the provision added that the berms are completed and vegetated before the IUP is completed.





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**3.0 Open Forum:** Bob Lundgren present to request a donation for the Veterans Memorial Park. Hammre explained that there are restrictions for donations from a Township and suggested that we talk next week so he can have the information to make a request.

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: the Hearing Loop project is complete. With the Loop installed in the Board Room, anyone present can activate their hearing aid to direct the sound that comes through the sound system directly into the hearing aid; Filing for Supervisor B Position is from January 3<sup>rd</sup>, 2023 through January 17<sup>th</sup>, 2023.

**4.2 Approve payment of claims:** Kuker/Pool unanimous to approve payment of claims and payroll totaling \$51,236.79 as submitted from Bremer Bank, to cover check number 21087 through 21123, and Electronic Fund Transfers (EFT) #132-134 (December) Federal, State, PERA withholding tax and also approval for payment of claims and transfer of funds for claims received through the end of December.

**4.3 Supervisor Reports:** Hiller – no report, but he would like staff to receive a Christmas bonus. Hiller/Kuker to approve a \$150 for each of the regular staff for a Christmas bonus. Hammre thanked the Board on behalf of the staff. Maloney – notified the Board that he will be resigning his position as Supervisor. He said it was a pleasure to work with the Board. He will be done in January before the next meeting. Pool – he has not yet contacted Randy Goldenman about the water bill; Kuker – we are still waiting on the City of Zimmerman for their version of the Annexation Agreement. Hass – no report.

**5.1 Water Charge:** Pool reported in his Supervisor Report.

**5.2 LBAE Training:** reminder. Hiller asked Hammre to resend him the link for training.

**5.3 Fire Board Appointment:** Hass/Maloney unanimous (Hiller abstained) to appoint Hiller for the Fire Board position.

**5.4 Midco Agreement:** Hammre presented the Midco Phase 2 Agreement which serves another area in the township that was not available with the previous agreement. Hass/Hiller unanimous to enter into the Midco Phase two Agreement as presented.

**5.5 Set Time and Place for Budget Meeting and Board of Audit Workshop.** Hammre to send out some meeting day and time options.

**5.6 Clean Up Day Date:** May 6 first choice, April 29 second choice. Hammre will begin securing vendors.

**5.7 Set Time and Date for LBAE Meeting:** the suggested time and day from the Sherburne County Assessors Office is Monday, April 24<sup>th</sup> at 6:00 pm. The Board had no conflicts and instructed Hammre to confirm with the Assessor's Office.

**5.8 Dual Monitor Quote:** RBS Computers sent a quote for dual monitors for the Office. The quote included 2 new monitors to pair and using the 2 current monitors to pair. Hass/Hiller unanimous to approve dual monitors for both office desks with 4 new monitors as the current ones are aging.

Hass adjourned the meeting at 8:58 pm.

Approved this 23<sup>rd</sup> day of January 2023.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer