



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWN HALL
DECEMBER 27, 2021

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

Staff present: Clerk/Treasurer Hammre, Deputy Clerk/Treasurer Fiedler, Maintenance Coordinator Berghuis

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: Hiller requested the addition of item 5.75 Constant Contact or Chimpmail option. Hass/Pool unanimous to approve the Regular Meeting Agenda as amended.

1.3 Approve Consent Agenda: Kuker/Pool unanimous to approve Consent Agenda as follows: **Item A)** November 22, 2021 Regular Meeting Minutes.

1.4 Fire Report: Supervisor Hiller provided the November calls for service for Chief Maloney: 6 medical assist, 1 gas leak, 1 carbon monoxide alarm, 3 fire alarm, 1 good intent, 2 arcing/down power line, 2 grass fire, 1 vehicle fire, 1 residential house (Zimmerman). Hiller also reported that the Fire District approved the 2022 budget which has a 1% increase over the 2021 budget.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 208 calls for service in November in Livonia Township including 12 motor vehicle accidents, 23 medical, and 57 traffic stops. There were no burglaries. The rest of the calls for service were for miscellaneous items. There was a complaint about speeding on 120th Street. Wilson asked the Board to let him know if additional patrol in the area is needed and if they would like the speed sign to be posted along the road. Berghuis stated that there have been no additional issues with vehicles parked on roads impeding plowing. Kuker said there was grain dropped on a road and the Sheriff's Department did a good job of getting it cleaned up.

1.6 Engineering Update: Engineer Davis not present, he provided the plans and advertisement for bids for Board approval for the 2022 road project. Hass commented that he would like the bid request to go out as soon as possible. Hass/Pool unanimous to approve the plan and request the advertisement for bids to be placed. Hass also commented that the Board will work with Davis on determining the road projects for 2023 and 2024 so preliminary work can be done.

1.7 Planning Commission Report: Spencer not present, Hammre read report as provided. At the December 16, 2021 PAC Meeting, the following were recommended for approval: Request for an Interim Use Permit for Highway Planned Unit Development – Flooring Business – Livonia Township; Request for an Interim Use Permit for Gravel Mining Operation – Haven Township.

1.8 Park Committee: no report.

2.1 IUP Yoga Studio – Burnes: Burnes not present. Item tabled.

2.2 120th Street Speed: discussion about a pedestrian who expressed concern to Zimmerman City Hall over speeding and the danger it poses to walkers. Advisory speed signs and the electronic speed sign were discussed. no action taken.

2.3 McAlpine D&U Encroachment: Adam and Brandi McAlpine present. Adam explained that he was not aware of the D&U Easement where they brought in fill to make a pad for a future accessory building or the requirement of a driveway permit for a new driveway. Hass explained some of the possible options which included requiring the removal of the fill and driveway, a D&U Encroachment Agreement with Livonia Township, or Vacating a portion of the D&U Easement. Engineer Davis will be asked to go to the property for a site visit with Hass and Pool and determine the best option.



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3.0 Open Forum

Dave Sunderman, 11712 247th Ave NW: Sunderman stated that he is a 5-year resident in the Acorn Ridge Development, and that snow removal has always been inconsistent. He stated that the snowfall on Sunday/Monday was 4" and the plow just made one pass on 117th Street. He also stated that the cul-de-sacs in the development are often not plowed, and he asked who is responsible. Hass explained that the big plow trucks go out and plow the roads, the smaller trucks go out when the roads are opened and plow out the cul-de-sacs. Sunderman then stated that 247th, the HWY 169 approach and 117th Street need more salt/sand. Hass said that the Maintenance Coordinator will return to the meeting for his report and he can explain the actions taken to remove snow.

Shane Rosby, 26696 112th St NW: Rosby asked for an update on the Livonia/Zimmerman issue. Hiller stated that he will cover the information he has when he gives his Supervisor Report later in the meeting.

Tom Butz, 24885 100th St NW: Butz began with thanking the Board for allowing interaction from the public. He then requested that the Board create a "Due Diligence" document that includes all options for incorporation. He went on to say he feels the option has already been decided and it has been a "hit or miss" process and not complete. Hass replied that we are waiting for the agreement document from Elk River Landfill. Hiller replied that the Town Board is taking Town Attorney Gilchrist's information and advice to aid in the process and decision making. He again explained that incorporating has many pitfalls and that the township has known that annexation is a possibility for a long time (years). Hass explained that most townships lose when they try to incorporate, that a township loses most if not all of its land. He said that Board wants to do what is right for the people of the township and doing nothing is not the right thing. Hiller stated that in his opinion if the township does nothing, a large part of the township will be annexed by neighboring cities leaving a small part as township. Maloney stated that if we allow the township to be annexed by doing nothing, we lose the ability to negotiate. Hass added that the City of Zimmerman has already annexed over 600 acres of Livonia Township through Orderly Annexation. Maloney said it will take time to go through all the issues and concerns.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: the first of two heat pumps came and installation was started on December 16; SUTA Tax Rate was adjusted by Governor Walz so that employers do not have a rate increase due to COVID unemployment payments. As a result of this, our SUTA rate will remain the same; the Sherburne County Board approved the Prosecution Agreement; the township received an additional \$11,222.10 in ARP funds from distribution of unclaimed funds; the Township Logo is being used by an outside FaceBook group. Hammre directed to take care of the Logo issue.

4.2 Approve payment of claims: Kuker/Maloney unanimous to approve payment of claims and payroll totaling \$69,524.17 as submitted from Bremer Bank, to cover check numbers 20589 through 20630, and Electronic Fund Transfers (EFT) #73-80 (December) Federal, State, and PERA withholding tax and also approval for payment of claims and transfer of funds for claims received through the end of December.

4.4 Road Report: Berghuis reported there were 5 trees that came down in the high winds, one of the plow trucks had a transmission fluid leak, and they have been out plowing and sanding several times. Hass stated there is a complaint about plowing in Acorn Ridge and asked Berghuis to provide information about plowing. Berghuis explained that the trucks go out when there is 3" per policy, but they usually plow when there is less to keep roads from getting snow packed. Cul-de-sacs are done while the big plow trucks go out unless there is under 3 inches, then they will usually wait until the big trucks are done or the next day to clean them up when the two regular maintenance people can do it without calling in the whole crew. He also explained that cul-de-sac clearing takes a while. Pool added that the Hunter Lake area is slippery. Berghuis acknowledged the rain/snow



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mix made a lot of roads slippery. They will be plowing and sanding again when the next snow event starts tomorrow.

4.4 Supervisor Reports: moved to later in the meeting

5.1 Letter from SC in Response to Baldwin ARP: Sherburne County Board of Commissioners sent a letter in response to the letter they received from the Baldwin Township Board of Supervisors questioning the 2022 tax levy and ARPA funding. In the Sherburne County letter it was explained that ARPA funds can not be used to offset the budget. Sherburne County is complying with the restrictions for use of the funds and helping the community in allowable ways.

5.2 Noxious Weed Control Report: The report was provided and signed by Chairman Hass.

5.3 Set Time and Place for Budget Workshop Meeting and Board of Audit: the Budget Workshop and Board of Audit will be held on Monday, February 7th at noon, Livonia Town Hall.

5.4 LBAE Meeting: to be held Monday, April 25, 2022 at the Livonia Town Hall

5.5 LBAE Training: a LBAE trained Supervisor is required at the LBAE meeting. Currently Hass and Maloney are trained. Information about the online training is provided.

5.6 Appoint Township Representative to the Joint Powers Fire Board – 2 year term (Hass currently); Maloney nominated Hass for the position, Hiller seconded. Motion carried unanimously with Hass abstaining.

5.7 Midco Broadband Update: Midco had previously presented a plan to provide Broadband to the unserved and underserved areas in Livonia Township using some matching ARPA funds in the areas that are not already under contract with another service. The proposal will bring broadband to approximately 104 unserved homes and 65 underserved homes based on speed minimums. It will also provide service to an additional 72 homes that are not eligible for ARPA funding. The total cost of the project is \$580,000. Midco will bear the majority of the cost, and Sherburne County and Livonia Township will split the remaining \$73,000. The amount Livonia Township will pay with a portion of the ARPA Funds we have received is \$36,500. Maloney/Pool unanimous for the Township to go forward with the Midco Broadband proposal as presented.

5.75 Constant Contact or Mailchimp Option: Hiller explained the benefits of having a Constant Contact account for easy to manage emailing of information. Residents can opt in and opt out easily. Hiller/Maloney unanimous to direct Hammre to contact Constant Contact and set up an account.

5.8 Clean Up Day Date: the date options are April 30 and May 7.

4.4 Supervisor Reports: Hiller – reported that he has had several resident phone calls and conversations about the potential merger. He and Maloney have met with Mayor Stay and City Administrator Piasecki to discuss the City's rules and ordinances including the following: IUPs and CUPs - the City does not have IUPs, all businesses fall into the CUP classification. If the merger goes forward, anyone in the township with an IUP or CUP will be grandfathered in; the City uses DNR rules for hunting and shooting so there would be no change; lot sizes depend on access to city sewer and water. Lots with private sewer and water in the current City limits require a minimum of 2 acres to allow room for a septic system and room for a second system if/when the first fails; a two-tier tax system would continue to be in place, however there is never a guarantee on what taxes will be from year to year as needs and expenses change. He also explained that they would work for fair tax increases that would not be an unfair burden to one tier over the other; building permit costs are based on Minnesota State formulas. He also stated that all conversations have been common sense. The Township attorney has been instructed to begin a draft Orderly Annexation Agreement so the township can be prepared and have time to react. **Maloney** – reported that Waste Management is still going through the Agreement that we sent to them. He thanked the residents who have reached out with questions and concerns. Audience member Shane Steinbrecher asked if the Board knows the process if the Elk River City Council decides to go after the Landfill, would they have to vote on it during a meeting and would it be in their minutes and was the Board monitoring



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their minutes. Maloney said he has been reading the minutes a bit, and there hasn't been anything other than they will need to figure out a way to deal with the \$2 million of lost revenue. He said he talks to the Mayor once in a while and nothing else has been said. Steinbrecher commented that the Mayor has seemed to set himself apart from the Council. Hiller added that the Mayor has made it clear that he does not speak for the Council. Steinbrecher said that the Elk River City Council members have expressed zero interest in the Landfill, and their long-term plan does not include it because of everything in 2008 through 2010 involving lawsuits. They have their own issues they are dealing with he thinks it is important to clarify that, the city council can change their mind at any time, dollars drive that, we understand that. He went on to say that they are saying that information they are hearing from residents is that Elk River is going to take us over, but they say they haven't talked to us (Livonia), we haven't discussed it. Stienbrecher said he thinks it is important for the Supervisors to sit down and talk to them (Elk River City Council) and get clarity that can be put on paper because this creates animosity between the Elk River Council and the Township when there is here-say going back and forth. Stienbrecher said he has talked directly with four city council members and they said, individually, they don't speak for the council, but they have no interest in annexing Livonia. If you look at their long-term plan, it is not in there. From 2008 to 2010 it's been put on the plan. He said that not to say at the next election when new members come on, the whole direction could change along with the mayor, he thinks it has created some animosity between the city and the township. Hiller replied that the town board was straight forward in the letter that they sent out to all residents, he was assuming that Stienbrecher received it. He said there are two million reasons they would come forward, come north and annex into our township, and that it would be naive to think they wouldn't in some point in time want the \$2 million. He acknowledged that in the current climate they don't want it, but in the next election things could change. We are being proactive and looking to the future. Hiller said that he doesn't want, in 10 years or so, somebody asking why the board did not take care of business, and Elk River annexed it, we are being proactive, and not say they aren't going to take it and do nothing. He said if Stienbrecher wants to trust them, that is his decision, Hiller's position is to be proactive and do look out for our residents. Stienbrecher replied that he is on board with this but Elk River owns the line for leachate, it would be hard for the City of Zimmerman or Livonia Township if the City of Elk River claims they are receiving the leachate, a municipal service, and then land-grabs the portion in the township. Hiller replied that the lawyers indicated that action would be very difficult to do, not impossible, but unlikely. Stienbrecher again said he thinks the Town Board should meet with Elk River City Council to remove some of the animosity. He said the two council members he talked to last week said Livonia is saying we (Elk River) are going to grab this, and we haven't talked about it or done anything. Stienbrecher said he thinks clearing the air between the City of Elk River and the Township would be better. Kuker stated that a year ago someone who works for the City of ER called him and asked about annexation, in particular in the south, so it is in their eyes. He also clarified that conversations at a workshop meeting are not put in minutes, but once it is talked about at a formal meeting, it would be in the minutes. So if there are discussions about annexing Livonia, they may be at workshop meetings and not documented. He also stated that with \$2 million income at stake if they weren't looking at it they were not doing their residents a service. Stienbrecher said that with \$4 million in lawsuits in 2008 there were \$4 million reasons for the City of Elk River not to annex, plus they have well issues from water pollution in Ridges of Rice Lake from the Landfill. He said that the City of Elk River looks at \$2 million in income, and they will tell you they see \$4 million in costs. In their perspective, if you look through it and all of the attorneys, and all of the lawsuits from Waste Management, he thinks the Town Board would look at it with a different lens. He said he is not saying good or bad and he appreciates the Board's due diligence, but maybe clear the air because we don't want to have animosity with the City of Elk River. Maloney said that is why we have had discussions with Mayor Dietz about this.



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Hass – the Kodiak Generator maintenance invoice arrived, suggested that it is partially the responsibility of the Fire District. Hass indicated he will bring it to the Fire Board. **Kuker** – brought up that Baldwin Township Supervisors discussed the potential Livonia/Zimmerman merger and the comments in their minutes that were not favorable toward Livonia Township. Kuker stated that the negative and disapproving comments made about Livonia Township’s potential merger with the City of Zimmerman and the statement about Livonia’s “terrible” government during the meeting were inappropriate.

Kuker/Hiller unanimous to adjourn the meeting at 8:31 pm.

Approved this 24th day of January 2022.



Chairman or Vice Chairman



Clerk/Treasurer or Deputy Clerk/Treasurer