



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES  
HELD AT THE LIVONIA TOWN HALL  
DECEMBER 28, 2020

Supervisors present: Hass (via remote connection), Hiller, Kuker, and Pool. Maloney absent.

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

Others present: Engineer Davis

**Vice Chairman Pool called the meeting to order at 7:00 pm.**

**1.1 Pledge of Allegiance:** Not recited due to partially remote meeting.

**1.2 Approve Regular Meeting Agenda:** Vice Chairman Pool requested an amendment to the Agenda to include item 1.51 Approval of Resolution to Accept the Finalization of the 1999 OAA with the City of Zimmerman. Hiller/Kuker unanimous to approve the Regular Meeting Agenda as amended.

**1.3 Approve Consent Agenda:** Kuker/Hiller unanimous to approve Consent Agenda as follows: **Item A)** November 23, 2020 Regular Meeting Minutes.

**1.4 Fire Report:** Chief Maloney was not present to provide the November fire report.

**1.5 Sheriff's Report:** Sgt. Wilson provided the Sheriff's report: there were 151 calls for service in November in Livonia Township including 13 Security checks, 27 traffic stops, 8 medical calls and 7 motor vehicle accidents. There were no concerns for Livonia Township and no questions for Sgt. Wilson.

**1.51 Adopt Joint Resolution and Agreement of the Township of Livonia and the City of Zimmerman Annexing Properties Within the Orderly Annexation Area into the City of Zimmerman as Identified in Joint Zimmerman Resolution No 99-05-06 and Livonia Township Resolution No 99-3:** Randy Piasecki, City of Zimmerman Administrator presented 3 executed copies of the Resolution with City Council signatures as approved at their last Council Meeting. Piasecki also presented the check for the reimbursement of tax revenue from the Orderly Annexation properties for the repayment of the Fire/Event Center bond and the lost tax revenue for the properties annexed as previously agreed upon. Discussion ensued about a future Orderly Annexation Agreement. Piasecki indicated that the City will likely be interested in working together in the future for another Orderly Annexation Agreement. Hiller/Kuker unanimous by roll call to adopt Joint City of Zimmerman Resolution 2020-12-10 and Livonia Township Resolution 20-19.

**1.6 Engineering Update:** Engineer Davis presented the 2021 – 2024 Road Project Plan. The 2021 projects include the 169 Frontage Road, the township portion of Fremont Road, and overlay of 239<sup>th</sup> Ave. The projected cost is \$586,840.65. Discussion followed about how the projected cost is calculated and the possibility of bidding the project with the Sherburne County Public Works project bid. Kuker/Hiller unanimous by roll call to accept the 2021 road project as recommended by engineer Davis, with the township seeking its own bids. Davis will prepare for bids by the February meeting. Davis will also explore several details including drainage/slope options on the frontage road. Davis will also look at the Local Road Improvement Grant program to determine if it would apply to any Township roads and produce a list of projects for the next meeting. The 169 County Road 19 and County Road 25 R cut entrance plan was discussed.

**1.7 Road Report:** Maintenance Coordinator Berghuis reported the Girl Scout Camp road ditch clearing was completed; a spring broke on one of the plow trucks.

**1.8 Planning Commission Report:** Hammre read the report provided by Spencer: the November 19, 2020 PAC Meeting was cancelled due to lack of agenda items. At the December 17, 2020 Meeting the following items were recommended for approval: request for a final and simple plat – Santiago Township; request for an Interim Use Permit for activities requiring rural isolation - outdoor fitness facility – Big Lake Township; request for a final and simple plat – Baldwin Township; Amendment to Sherburne County Zoning Ordinance Section 16.2 Interim Use Permit, Subdivision 58, A.3, Conditions, Contractors Yard.

**1.9 Park Committee Report:** Kuker reported there has been no action other than maintenance has cleaned up some trees. Kuker stated he would like the Town Board Park Committee to start planning Sugarbush North projects such as a



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disc golf course. Discussion about what residents would like to see in the park and the need for a consultant or the township engineer to plan it. A Facebook post was mentioned to get public input. Hiller also mentioned the possibility of renaming Sugarbush Preserve "Gary Doebler Sugarbush Preserve" to honor his involvement. Fiedler stated that Becky Doebler asked if the family could donate a bench to be placed in Sugarbush Preserve similar to the ones the Sherper family donated honoring Don and Shelley Sherper. Pool/Hiller unanimous to allow a donated bench in remembrance of Gary Doebler to be placed in Sugarbush Preserve.

**2.1 Smith Development:** John and Polly Smith present to discuss their property PID #30-550-0010. The Smiths asked the Board for opinions or needs that could be met on the property, and if it would be beneficial to change the zoning to all residential, or if the Town Board would prefer to see it as all commercial. The Smiths described their conversation with MNDOT about an outlet on the north edge of the property onto HWY 169 and the reluctance by MNDOT to add another access when they have been working on eliminating highway accesses. They have also spoken to Sherburne County Zoning and Public Works about options. Commercial development constraints were discussed including a lack of city sewer and city water, requirements for sprinkler systems in many commercial buildings. A suggestion from the Kuker was to engage a civil engineer for planning or to contact Commissioner Fobbe for suggestions.

**2.2 MC Development:** Agrimson and Howsden, MC Development of Elk River, present to request IUP for Highway PUD to Locate Mini Storage on the Property, PID #30-534-0010. The application was submitted to Sherburne County Zoning. Discussion included the need for additional mini storage and the vision the developers have for a mini storage facility. They will be seeking long term rentals, preferably for seasonal storage. Diagrams and photos were presented, detailing the proposed fencing and trees that would be planted, security lighting and the layout of the buildings. In response to questions asked by the Supervisors and engineer, the buildings would be built in phases, beginning with the south 6 buildings; the entire building complex will be fenced; phase 1 will consist of all earth work, fence installation and tree planting; there will be no outdoor slips, and they will not have outdoor slips or storage even if Sherburne County restrictions on slips change in the future; there will be a lighted sign with the size within the limits set by Sherburne County, the drainage calculations will be sent to Engineer Davis. The Board discussed better or more preferred uses for the property, spot zoning, building location too close to the highway, a berm alongside the highway, notification of neighbors, hours of operation, light glare at nearby homes, porta-potties, and on-site dumpster.

**Board Comments:**

If the IUP is granted, the outdoor parking of RVs, boats, cars, etc. (ie slip rental) will be prohibited even in the event that Sherburne County regulations change in the future and allow outdoor storage and parking. This provision is to be stated in the IUP permit; the property would be better suited for a different type of business; lighting should not shine toward the homes in the development; notification and comments from the neighbors should be sought; porta-potties need to be placed in the area; a dumpster should be available; a berm along HWY 169 would help to visually screen the buildings; the tree plan looks good; Supervisor Maloney submitted comments to be read in his absence:

- 1.) having potentially 400 plus people coming and going out of a small neighborhood is too much.
- 2.) the storage buildings don't create any long-term jobs.
- 3.) The township needs to have a 500' setback for storage buildings from HWY 169.
- 4.) The project does not benefit people of the township since most people have at least 2.5 acres and many have out buildings to store their belongings.
- 5.) Put yourself in the position of the homeowner who live in that neighborhood having people coming and going at all hours of the day. Not to mention it will have a direct impact on their home values.

Hiller made the motion to recommend approval with the conditions set forth, Kuker seconded the motion. By roll call: Hiller – yes, Kuker – yes, Hass – no, Pool – abstained (Maloney absent).



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**2.3 Unpermitted Driveway at 24735 100<sup>th</sup> Street update:** Township Attorney Gilchrist sent a letter to the owner of the property and the renter. They have a period of time to apply for a Driveway Permit as required before the Board and Attorney Gilchrist will need to take action.

**2.4 Cranberry Hill Proposed Plat:** the proposed plat changes were provided in the Board Packet. Virkus not present. Board Comments: the proposed plat serves the purpose to clean up lot lines, particularly where a building was constructed over a lot line and Drainage and Utility Easement. This will prevent future issues. Hiller/Hass unanimous by roll call to recommend approval.

**2.5 WH Cates – Welch:** Welch not present. Hass reviewed Welch's request to purchase a portion of the ROW on 101<sup>st</sup> Street along the west side of the pond on his property so he can build a 12' fence to block headlights from the road that shine in his windows. Discussion followed about the precedence of an action allowing the sale of ROW and the option available to Welch to install a fence on his current property. Pool/Hiller unanimous to deny the request to purchase the portion of the ROW. Hass also mentioned the owners of the first lot in WH Cates Pondsides Estates has been driving off the road to a new building. Berghuis instructed to monitor to make sure they are not continuing to drive through the ditch to access the building.

**2.6 Highland Meadows Third Addition Lot Donation Quit Claim:** Hass/Kuker unanimous to accept the quit claim deed as presented for Lot 9 Block 2, Highland Meadows Third Addition, to be used for future Fire District purposes.

**3.0 Open Forum:** no one present for Open Forum

**4.1 Clerk/Treasurer Report:** Items of interest during the past month include: Filing for Supervisor C and Supervisor E opens tomorrow; we are working on end of year accounting and reports.

**4.2 Approve payment of claims:** Kuker/Hiller unanimous to approve payment of claims and payroll as submitted from Bremer Bank, to cover check number 20142 through 20182, claim numbers 9470-9510, and Electronic Fund Transfers (EFT) #11-23 (December) Federal, State, and PERA withholding tax and Bremer Bank Debit Card charges.

**4.3 Supervisor Reports:** Hiller –no report; Hass – no report; Pool – no report; Kuker – no report, commented the audio/visual system is working well.

**5.1 Orderly Annexation Update:** moved to Item 1.51

**5.2 Grader Repair/Titan Update:** a compromise was negotiated resulting in Livonia Township agreeing to pay for the replaced oil pan and batteries and Titan Machinery agreeing to amend the invoice to eliminate the cost of labor for the repair that resulted in irreparable motor damage.

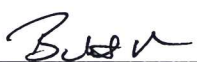
**5.3 Office Computer Upgrade:** RBs Computers provided a quote and recommendation to replace our computers that act as server and back up server as they are 7 and 8 years old. At that age, computers have a higher failure rate and it is recommended to replace them before there is a failure. Kuker/Hiller unanimous to replace the server and back up server computers as recommended and quoted by RBs Computers.


**5.4 LBAE Date and Time:** Michelle Moen, Sherburne County Assessor tentatively set our Local Board of Appeals and Equalization Meeting for Monday, April 26<sup>th</sup>, 2021 at 6:00 pm. The Board agreed to that date and time.

**5.5 LBAE Training:** reminder, Todd Maloney is currently trained. At least one trained board member must be in attendance at the LBAE Meeting.

Hiller/Pool unanimous to adjourn the meeting at 9:12 pm.

Approved this 25<sup>th</sup> day of January 2021.

  
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Chairman or Vice Chairman

  
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Clerk/Treasurer or Deputy Clerk/Treasurer