



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWN HALL
APRIL 25, 2022

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

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

Others Present: Township Engineer Wes Davis

Chairman Hass called the meeting to order at 7:10 pm.

1.1 Pledge of Allegiance: the assembly recited the Pledge of Allegiance.

1.2 Approve Regular Meeting Agenda: Kuker/Maloney unanimous to approve the agenda as presented.

1.3 Approve Consent Agenda: Maloney/Pool unanimous to approve Consent Agenda as follows: **Item A)** March 28, 2022 Regular Meeting Minutes.

1.4 Fire Report: Chief Maloney presented the March Calls for Service: 10 medical assist; 3 motor vehicle personal injury accident; 2 carbon monoxide; 1 fire alarm; 1 grass fire; 2 vehicle fire; 1 commercial building fire (Elk River). Chief Maloney also reported that the new generator is being installed, and there will be hose testing next week. He reminded the Board that the alarm system in Station 2 (Livonia station) is not connected to a call center. He recommended that it be connected to a monitoring service. Hass asked Maloney and Hammre to look into options.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 311 calls for service in March in Livonia Township including 5 motor vehicle accident, 12 medical, 150 traffic stop, 17 security check, and 15 extra patrol requests. The remainder were miscellaneous calls. Wilson also mentioned that Hammre informed him that we now have animal control for Livonia Township in place. He also noted that the gates on the minimum maintenance road are now open.

1.6 Planning Commission Report: Spencer reported the following items were recommended for approval to the Sherburne County Board of Commissioners at the April 21, 2022 meeting of the Sherburne county Planning Advisory Commission: Request for preliminary residential plat - Baldwin Township; Sherburne County Comprehensive Plan Update – in the near future all stakeholders will receive a survey.

1.7 Great Northern Trail Update: Gina Hugo, Sherburne County Parks Coordinator, provided updates on the progress of the northward expansion of the Great Northern Trail. Hugo reported that the Public Engagement Event, held last week, collected opinions from residents who had the opportunity to ask questions, view maps and express their preferences on route options and amenities. The data is still being tabulated as of this meeting. Several highlights from the Event include: attendees were interested in restrooms being available along the trail, many attendees were concerned about motorized vehicles being allowed on the trail between Zimmerman and Princeton, maps showed the route options for the trail from Zimmerman to Princeton with the opportunity for attendees to show their preferences. Hugo explained that there are conflicts on the original railroad ROW so there are options to bypass these areas along Sherburne County roads. Some of these options may be short term. She also said there is a lot of excitement about the trail extension, and many would like to see it progress soon. Feedback from the attendees and the online survey includes that there is overwhelming support to have the trail non-motorized on the portion in Sherburne County. Interpretive exhibits were also desired by many. The most popular possibilities were about natural resources and history of the area. Also of great importance is the trail and private property interface. The next Open House will be in early June at the Event Center, Zimmerman/Livonia Fire Station 1. The draft analysis of the cost will be completed in July. Hass asked Hugo about parking at the road crossings, including 273rd Ave and County Road 9. Hugo acknowledged the concern and replied that crossing designs and parking will be addressed in a future phase of the project. Hugo



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confirmed that sufficient ROW is already owned by Sherburne County along CR 45. Hiller commented that the trail north of Princeton to Milaca and beyond is already motorized use. Discussion followed about possible shared trail or side by side motorized and non-motorized trails. Hugo explained that those possibilities would be explored in a later phase of the project, and the trail north of Princeton is in Mille Lacs County. Maloney asked about cost and potential funding help with available grants. Hugo explained that they are working towards Regional Trail status which will open the possibility of Legacy Foundation Funds, and DNR Grants are explored. Maloney also asked if there would be interest in a trail from Grams Park to North Point Park and Hugo replied that yes, there is interest in that possibility.

1.8 Waste Management Presentation: Mike Miller, Elk River Landfill and Terry Johnson, hydrologist, presented information on the Elk River Landfill and the future expansion into Livonia Township. Miller started off by discussing corrective actions that have been in progress to remedy former water issues. Johnson explained further with a presentation that was displayed for the assembly. The presentation detailed the current site, the hydrology of the site and surrounding area, the source of water issues from the oldest part of the landfill, the monitoring of the water and the steps taken to remedy the issues. They are continuing to monitor the water and replace household wells as a protection measure. The water issues flow from the west side of the landfill (east to west flow) and do not affect any Livonia Township wells.

1.9 Engineering Update: Engineer Davis asked the Board to finalize the 2022 Road Project Bid Award including the amendment adding selected roads to the overlay project and the mill and overlay of the Townhall parking lot. Hass/Kuker unanimous to award the bid for the 2022 Livonia Township Road Project to the lowest bidder, Park Construction. Davis reported that the Crack Seal Project is out for quotes. He also discussed the issue we had with last year's crack seal project which was delayed due to supply and equipment issues. Davis also reminded the Board that he submitted photos last fall of crack seal work that was done in Baldwin Township by the same contractor who had the low quote for our roads. The photos displayed issues with the quality of work. Due to these issues, the project was never started. Davis asked if that crack seal company should receive the request for quote. Hass directed Davis to allow them the opportunity to submit a quote again this year; the 133rd Street culvert replacement has been ordered. Twin Pines will install when the culvert arrives; the drainage issue at 10804 262nd Ave will be monitored to see if the problem resolves when the frost leaves the ground. Hass asked Davis about the wider roads in Whispering Ridge and what his opinion is about the original plan for a walking/bike trail on the edge of the pavement.

1.10 Park Committee – no report

2.1 Request for Wide Driveway: Paul Boyum, 25882 101st St NW, PID #30-403-0434, present to request permission to widen his existing driveway to allow for parking on the driveway rather than the road. Hass/Pool unanimous to allow Boyum to widen his driveway after he applies for a driveway permit and pays the associated fees and deposit.

2.2 Fremont Drive Vacation Request: Mark Carlson, 27265 Fremont Drive, PID #30-004-4220, present to request the vacation of that part of the road right of way along Fremont Drive that exceeds the township requirement of 33' from the centerline of the road. Carlson presented a written request to begin the vacation process. The property is being purchased by contract for deed, Carlson was informed that we will need the request from the current owner and contract for deed holder for legal compliance. Carlson agreed to obtain that and provide it to the township.

2.3 Request for Second Driveway: Adam and Brandi Mcalpine (not present), 24194 97th St. NW, requesting permission to build a second driveway. This driveway was already built without a driveway permit, fees paid or



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inspection. Hass/Pool unanimous to allow a second driveway with the requirement that a driveway permit is requested and the required fees and construction deposit is paid.

2.4 Request for D&U Encroachment Agreement: Adam and Brandi Mcalpine (not present), 24194 97th St. NW, are requesting a Drainage and Utility Encroachment Agreement for the second driveway they are requesting permission for because it is located in a Drainage and Utility Easement. Hass/Pool unanimous to grant the Mcalpines a Drainage and Utility Easement for their second driveway. The process to complete the requirements for an Encroachment Agreement will begin when the required \$3,000 escrow funds are deposited to cover any expenses the township would incur through the process.

2.5 Request to Lease ROW: Dan Welch, 9987 245th Ave NW, present to request a long-term lease of the Right of Way on 101st St. NW. Welch explained that he would like to enter into a long-term lease with Livonia Township of the portion of the ROW on 101st St. that adjoins his property and exceeds the normal 66' ROW. He would like to plant trees at his cost in the area to block lights. Discussion ensued about liability to the township, the road including the ROW as a dedicated to the public provision in the plat, and possible future issues and precedence. Hass/Hiller moved to deny the request, the request was denied by unanimous roll call vote.

2.6 WH Cates Pondside Estates Retention Pond: The WH Cates Pondside Estates LOC expires on May 20, 2022. The LOC had been extended for one year in 2021, but is now set to expire. The repair of the retention pond has not been completed, though Stelter, the developer, has been informed of the issue several times. Stelter met with our engineer who has inspected the site and advised Stelter on the repairs needed so the retention pond can pass inspection. Hiller/Maloney unanimous to collect the necessary funds from the LOC, asking township attorney Gilchrist to draft the letter of notice.

3.0 Open Forum: Tom Butz, 24885 100th St NW, Zimmerman, stated that he is in opposition of the possible merger with the City of Zimmerman. He stated that *"there were no updates on the Elk River Landfill Agreement and stated that it was signed before the meeting. He felt that there should have been a summary of terms presented. He went on to say this was an example of not having an open process. Butz then requested a two month notice before the Board makes a clear decision to move ahead with negotiations with Zimmerman and allow there to be a full-blown level of interaction form the township because everybody I have talked to and we are going to be pursuing petitions to get people to sign and declare their opinion more and more clearly. It's a serious thing and if we use Waste Management as a(n) example of going along and then all of a sudden, boom, here is what we are doing, I don't view that as acceptable, as a citizen of Livonia Township."* Hass stated that he will rebut that, by saying that was a six-month process that it was worked on, not just an overnight deal, anytime that you want to ask questions you could have asked, at every meeting that I preside over, I ask the audience more than one time if they have questions or comments. He then stated he respects that, but also that when this process started with meeting with Mike 6-8 months ago it has been public record all the way along. It is not true that the public has not known about it. He thanked Butz for his time and said it is time to move on, Butz's 3 minute time allowed for Open Forum is up.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: the new flooring is scheduled to be installed beginning around May 17.

4.2 Approve payment of claims: Maloney/Pool unanimous to approve payment of claims and payroll totaling \$77,804.79 as submitted from Bremer Bank, to cover check number 20751 through 20784, and Electronic Fund Transfers (EFT) #98-104 (April) Federal, State, PERA withholding tax and debit card transaction.

4.3 Supervisor Reports: Hiller – the heating issue at the new Fire Station and Event Center has been resolved, and the Architect/Engineering firm will pay for the correction. He also reported that he and Maloney met with



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Waste Management about potential setback requirements for Landfills from Sherburne County. Hiller explained that Waste Management granted an easement for the Great Northern rail bed on their property to be used as a public trail. they also donated funds for the purchase of Sugarbush Preserve. The issue was worked out as to not interfere with the operation of the Landfill; Mayor Stay said no one showed up for the City's LBAE meeting.

Maloney – no report; **Pool** – no report. **Kuker** – no report; **Hass** – reported that a resident informed him of a Facebook post on the Keep Livonia Sovereign FB site, a private Facebook group. The post, which was displayed on the monitor, is authored by Tom Jeff who is also the administrator of the group. Hass emphasized that Tom Jeff is not a resident of Livonia Township therefore does not pay taxes in the township. Hass also stated that the Elk River Landfill Agreement was not signed before the Board Meeting when the Board voted to approve the signing of the contract. He stated that it is sad that this person is spreading false statements. He also said again that our residents are given ample opportunity to speak at meetings and to contact any of the Board members, each of their phone numbers are available on the Township website. He was disappointed that this individual is spreading propaganda through this Facebook group.

4.4 Road Report: Maintenance Coordinator Berghuis reported that there were four trees down from storms and several washouts from heavy rain that have been taken care of; when the maintenance team was cleaning the collector road ditches, they found over 100 Jim Beam bottles and over 200 minis in the ditch of 277th Ave. He reported it to Sgt. Wilson; grading for Baldwin Township was done, the new grader works great; Maloney asked about grading rates and re-examining our rates. Discussion followed about grading fees and the contract.

Maloney/Pool unanimous to bill the DNR \$2,000 per grading of the DNR roads; the payload has a leak in the cylinder; he has made a few 911 sign brackets. Davis checked into a commercially made bracket, but his source said they did not work well; he would like to take the grader in the Wild West Day Parade this year.

5.1 Precinct Boundary Re-establishment Resolution: Resolution approved unanimously by roll call vote.

5.2 Conflict of Interest Resolutions: Resolutions authorizing contract with interested officer under M.S. 471.88 Subd 5 were approved for each Supervisor in the event they perform work for the Township during cleanup day. When filing their claim for work performed, they also sign an official interest in claim. Resolutions, as approved for each supervisor, are on file.

5.3 Sale of Tax Forfeited Land: Hass made the motion that the Township applies for the tax-forfeited land PID #30-004-4206. Motion carried unanimously by roll call vote.

5.4 Clean Up Day Reminder: April 30 from 8:00 am to noon.

Hass/Maloney unanimous to adjourn the meeting at 9:22 pm.

Approved this 23rd day of May 2022.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer