

# **JOINT PLANNING BOARD**

## **CITY OF AVON AND AVON TOWNSHIP**

**Meeting Date: Thursday, February 26, 2015**

**at 7:00 pm**

**Avon Township Hall**

### Meeting Agenda

- 1) Chair calls Meeting to Order
- 2) Review/Approve Minutes from February 27, 2014
- 3) City of Avon Wellhead Protection Plan - Update
- 4) Joint Planning Board (JPB) Agreement Review
- 5) Common Interest Issues/General Information Sharing
- 6) Election of Officers (Chair and Vice Chair)
- 7) Adjourn meeting

# Minutes of the Meeting of the Joint Planning Board of Avon Township & the City of Avon

February 27, 2014

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Pursuant to due call and notice thereof, a Special Joint Planning Board meeting was called to order by Rick Fischbach at 7:30 PM. in the Main Chamber of the Town Hall.

**Pledge:** Fischbach led the Pledge of Allegiance.

**Roll Call:** Present – Richard Bresnahan, Rick Fischbach (Acting Chair), Ken Mergen, Stephen Saupe, and Jim Thares. Absent – Jeff Manthey.

**Election of Officers:** Motion by Mergen to nominate Bresnahan as Chair. Fischbach second. All in favor. Motion carried. Motion by Bresnahan to nominate Mergen as Vice-Chair. Fischbach second. All in favor. Motion carried.

**Minutes:** Bresnahan moved to approve the minutes of the June 20, 2013 meeting as presented. Mergen second. All in favor. Motion carried.

## **Business:**

1. **Posch Addition** – Marvin and Diana Posch and Kelly Martini (daughter) appeared to request approval to purchase a small piece of land and accompanying 40 x 60 pole shed from their neighbors, Kevin and Mary Jo McKenzie. Because this property is in the Joint Powers area, the County requires approval of this transfer from the Joint Planning Board. The shed will be used for storage and repairing machines. A notarized letter of support from the McKenzie's was provided in support of the request. Fischbach moved to approve the plat as presented that attaches approximately one-third of an acre to the property of Marvin and Diana Posch at 15661 County Road 159. Mergen second. All in favor. Motion carried. Saupe will send a copy of this recommendation to the County.
2. **Seiler Easement** – Sharon Seiler appeared to request approval to sell a strip of her property that has been used as an easement. Fischbach moved to approve the plat presented by Ms. Seiler in which Tract B, an approximately 33 foot x 410 foot parcel of her property, will be sold and attached to Tract A owned by Scott Welle. Mergen second. All in favor. Motion carried. Saupe will send a copy of this recommendation to the County.
3. **Avon Wellhead Plan** – Thares described the status of the Avon Wellhead Protection Plan. After several meetings, the City has completed a draft of the plan, which is approximately 50 pages long. They will meet for a final time on March 14<sup>th</sup>. A public hearing about the plan will be held and comments will be solicited. The City has been working closely with Karen Voss from the Minnesota Department of Health. The plan will be implemented in five-year steps. The City plans to work cooperatively with the Township on any areas covered by the plan that are in the Town.
4. **Future Chair Election** – it was suggested that the officers (*i.e.*, Chair) should be elected at the end of the meeting rather than the beginning.

**Announcements/Reports:**

- Avon Estates – A few lots have been recently sold. The City is optimistic more will sell.
- A 16-unit apartment complex is being planned in the City. The project is being considered for tax increment financing.
- PSI has closed. Joseph's and Fisher's are still for sale.
- There have been 5 or 6 water freeze-ups in the City.
- The Township constructed a new salt shed. The previous site was sold. Lange Trenching is renting the old salt shed from the new owner.
- Bresnahan thanked the City of Avon for meeting in the Avon Township Hall.

**Adjournment:** Mergen moved to adjourn the meeting at approximately 7:40 PM. Fischbach second. All in favor. Motion carried.

**Next Meeting:** *tba*

Respectfully submitted,

Stephen G. Saupe, Avon Township Clerk  
City of Avon/Avon Township Joint Planning Board

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1198-5 the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 19 states unless the parties have agreed to an extension, the agreement shall terminate on December 31, 2015. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Chief Administrative Law Judge upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

T.J.O.