

Minutes of the Meeting of the Avon Township Supervisors

September 7, 2011

Avon Township Hall

Call to Order: Chairman Gondringer called the meeting of the Avon Township Supervisors to order at 7:30 P.M.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Richard Bresnahan, LeRoy Gondringer, Kelly Martini, John Merdan and Stephen Saupe.

Approval of Agenda: A discussion of salt/sand was added to the agenda. Bresnahan moved to approve the agenda as amended. Merdan second. All in favor. Motion carried.

Minutes: Merdan moved to approve the minutes of the August 3, 2011 meeting. Bresnahan second. All in favor. Motion carried. Minutes from the May, June and July meetings had already been corrected and signed so no action was necessary.

Treasurer’s Report: Martini read the Treasurer’s Report and provided the Cash Control Statement for Aug 1 – 31, 2011 (*below*). The Treasurer responded to requests to complete a W9 and from Standard’s & Poor’s for the FY2010 audit. The latter was handled by our consultant, David Drown Associates. Merdan moved to approve Treasurer’s report. Bresnahan second. All in favor. Motion carried.

For the Period 08/01/2011 to 08/31/2011

Name of Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance
General Revenue	\$34,869.64	\$918.56	\$3,797.45	\$31,990.75
Road and Bridge	\$307,753.14	\$57.30	\$138,584.88	\$169,225.56
Fire	(\$21,371.14)	\$0.00	\$0.00	(\$21,371.14)
Road Damage Deposit	\$400.00	\$0.00	\$0.00	\$400.00
Capital Reserve Fund	\$125,781.96	\$0.00	\$0.00	\$125,781.96
Total	\$447,433.60	\$975.86	\$142,382.33	\$306,027.13

Claims & Payroll: Martini presented claims (1668 to 1681). One check (#6850) was voided. Bresnahan indicated that he received a stipend for the August 3rd meeting that he did not attend. He will not be paid for this meeting. Bresnahan moved to approve the claims. Merdan second. All in favor. Motion carried.

Road Report: The following items were discussed:

- Brushing Work** – Brushing work and cutting-up downed trees from the summer storms is nearly complete on Queens Road, Parkwood Circle and Upper Spunk Lake Road. Some chipping remains. Mr. Luke Johnson stated that his company is willing to give priority to Town tree work in the case of future storm emergencies. A limb near the corner of 175th and County Road 9 needs to be removed. Merdan will contact the County to determine responsibility. There is a willow tree over the road on 186th and some other potential brush. Merdan will examine and determine how to proceed. Mr. Roger Nelson suggested purchasing a brush chipper.

2. **Two Rivers Road Brushing** – a resident called about brush encroaching the road. Merdan will examine and determine how to proceed.
3. **Blattner Addition** – Drainage ditches have backed up. Lange Excavating has been involved in rectifying the situation, which was complicated by locating pipes, especially two manholes that had been tarred over. The problem has been corrected, at least for the time being. A quote was received from Mr. Mike Nelson, MN Engineering, to evaluate the problem and develop a remedial plan. Bresnahan moved to authorize Mr. Nelson to complete a map and storm sewer survey, conduct a hydraulic analysis of the contributing areas and prepare a report recommending improvements, with an estimated cost of \$1750. Merdan second. All in favor. Motion carried. Merdan will contact Mr. Nelson. The other items in the quote can wait until after a plan is developed.
4. **Damage to 325th Street** – Machinery being used by Reed Excavating to install underground cable along County Road 159 caused some damage at the end of the road.
5. **Salt/Sand** – Gondringer has requested quotes from local suppliers and will also contact St. Wendel Township on the possibility of a joint purchase.
6. **Road Database** – Saupe and Martini will create a database of roads to be used to keep track of Town roadwork. The database will also be useful in our final sign management plan.
7. **Snow** – Our plow drivers from last winter will continue this winter. They have taken the plows to Ramler for some service work. Mr. Koopmeiners will remove a couple of branches that interfere with the plow.

Planning Commission Report: Mr. Ken Mergen, Planning Commission Chair, presented the Planning Commission report. The items discussed were:

1. **Kulas Plat** – Mr. Dan Kulas appeared to seek approval for a preliminary plat for Schmitz Acres. Bresnahan moved to approve the preliminary plat. Merdan second. All in favor. Motion carried. Gondringer signed the plat. Mr. Kulas indicated that he the plat/home was in the middle of an agricultural field to comply with feedlot setbacks.
2. **Woitalla Plat** – Since Stearns County requires 150 feet of shoreline for a lakeshore plat, Mr. Ray Woitalla will either require a variance or will need to revise the plat to move the one-lot plat property off the lake shore. In either case, a new drawing will need to be made because the surveyor didn't include elements required by the County. The new drawing will not need to return to the Planning Commission since they approved the plat as is or with a revised home location away from the lakeshore. Merdan moved to approve the preliminary plat once it is redrawn with the home in the revised location. Bresnahan second. All in favor. Motion carried.
3. **Saupe Variance** – Mr. Stephen Saupe appeared to request a variance to build a 24 x 24 foot garage closer to the road than current ordinance permits. Bresnahan moved to set a public hearing at the September 28th Planning Commission meeting at 8:00 PM. Merdan second. All in favor. Motion carried.

Bresnahan moved to approve the Planning Commission report. Merdan second. All in favor. Motion carried.

Public Hearings: At 8:30 PM, Chair Gondringer opened a Public Hearing to consider Avon Township Land Use and Zoning Ordinance Number 4. Ms. Heidi Winkowski, Stearns County Environmental Services was present and highlighted some changes from the previous ordinance and from Stearns County Ordinance 439. These include: (a) the Town has road setbacks of 93 feet from the center-of-the-road (COR) for roads in A-40 and 60 feet in resident zones; (b) the Town is more restrictive concerning telecommunication towers and fencing on guide wires; and (c) the Town allows transfer of development rights (TDR) credits into Urban Expansion and Growth Areas, but not the Conservation District. Mr. Keith Streit asked for clarification about road setbacks (County COR setback in A40 = 63 feet; Town = 93). Mr. Stanley Streit asked why TDR's are not allowed in the Conservation District. The Planning Commission and Supervisors believe that allowing higher density with TDR's would defeat the purpose of trying to conserve natural areas. Collegetown Township does allow transfer into the Conservation District, but they have a greater portion of land in this district, and it also includes farmland. Since a minimum of 60 acres is required, it limits the landowners who will actually be able to participate in this TDR program. Building credits are valued depending upon the location of the property. Landowners are assessed in part on this value. Merdan moved to close the public hearing. Bresnahan second. All in favor. Motion carried.

Ms. Winkowski stated that individuals could transfer credits from one contiguous parcel to another and from non-contiguous parcels if they have been owned for more than three years. Transfer between townships requires approval from both towns. Merdan moved to adopt Avon Township Land Use & Zoning Ordinance #4 upon publication. Bresnahan second. All in favor. Motion carried. Copies were signed.

Business:

1. **Resolution 09-07-11-2** – Merdan moved to adopt Resolution 09-07-11-2, Resolution for Summary Publication of Ordinance Number 4. Bresnahan second. All in favor. Motion carried.
2. **Memorandum of Understanding (MOU)** – Gondringer explained that the MOU is a document that outlines the duties of the Town and County and how the two entities interact with one another. Merdan moved to approve the Memorandum of Understanding Between the County of Stearns and the Town of Avon. Bresnahan second. All in favor. Motion carried. One provision of this document is that the Town must notify the County (Mr. Don Kluempke) of any variance or other hearings, etc.
3. **Resolution 09-07-11-1** – Merdan moved to adopt Resolution 09-07-11-1, Resolution Approving the Adoption of a Transfer of Development Rights Program by Avon Township, Stearns County, Minnesota. Bresnahan second. All in favor. Motion carried.
4. **Meadowview Road** – Stearns County is requiring Mr. Keith Sand to remove by October 17th fill he placed in two locations in a minimum maintenance road ditch on the property of Mr. Dean Martini.
5. **Buecker's #1 Landfill** – The Town is not aware of any anticipated or proposed development or other land sue that could affect the Minnesota Pollution Control agencies priority to create a Closed Landfill Use Plan (CLUP) for the site.
6. **Certificate of Appreciation** – The Supervisors approved issuing a Certificate to those individuals who serve the Town. They will be awarded at the Annual Meeting.

7. **Building Issues** – The Boy Scouts have inquired about using the Town Hall for meetings. They will need to complete the online application and clean up when finished. The Clerk or Deputy Clerk will distribute keys. Users of the facility will be given a key with limited access to office spaces, etc. We need to schedule the one-year walk through with Steve Plantenberg, RA Morton. Items that need to be addressed are sticking weather-stripping around doors, toilet shut off. Gondringer will contact the neighbor to see if she is possibly interested in doing housekeeping in the Town Hall once a week. Saupe will get the key back from Ms. Kim Ritzer, Avon Girl Scouts. Bresnahan is waiting to pick up some additional framed maps and once they arrive the maps will be hung in the Town Hall. Craig Bardson will put some Class 5 gravel in the parking lot to lower the height of the step-up to the sidewalk.
8. **Landscaping Update** – Flowerbeds in front of the Town Hall are nearly finished and look great. One tree is still on order from Huls Nursery. We are waiting for NRCS to begin work on prairie seeding. To seed around the building will cost about \$1200. They will not plant near the septic area or behind the Maintenance shed.
9. **Resolution 09-07-11-3** – Gondringer moved to approve Resolution 09-07-11-3 accepting a donation of a shrub from Mike and Connie Perry-Pesch. Bresnahan second. All in favor. Motion carried.
10. **Town Records** – Gondringer will contact Maynard Sand and other past Town officials to see if they have any records/documents to deposit in the Town Hall.
11. **Logo** – the Town has no logo.
12. **Framing** – Bresnahan will pick up maps being framed for the Town Hall.
13. **Door Stops** – Saupe will look into the purchase and installation of door stops.
14. **Sales Tax** – Martini announced that a new law has gone into effect that Towns don't have to pay sales tax. We will likely need a tax number or form of some sort.
15. **Recording Documents** – Saupe reported that we will need to revise some of our forms for proper recording.
16. **US Cable Agreement** – we have still not received a copy of the US Cable Agreement.
17. **Eibensteiner Mailbox & 911 number** – Mr. Matt Eibensteiner contacted the Town seeking a 911 number and information about mailboxes. Mr. Eibensteiner was asked to contact Treasurer Martini for a sign and the Post Office for regulations concerning PO boxes.

Announcements:

- a. Well Testing – MDH will test our well for free if the building is occupied by 25 people at least 60 days per year. The Supervisors decided to skip the testing since it was recently done.
- b. Board of Appeal and Equalization training is scheduled for November 9 from 6:30 to 9:30 PM. Contact Gary Grossinger to register (656-3680).
- c. A resident called to alert the Town about a sick raccoon. Wild animals calls should be directed to the DNR (320.255.4224).

- d. Heurung Ditch. Ms. E. Heurung called and stated that the water running in the ditch smells like sewage. The odor is so bad she can't sit on her porch. Gondringer examined and confirmed an odor was present. He believes that the odor is not farm runoff but from the adjacent wetlands. One way to remedy the problem would be to dig out the ditch so the water runs through faster, but the residents stated in the past that they don't want the ditch to be widened.
- e. Certificates of Real Estate Value – Order of St. Benedict (70.5 acres, Sec 35; \$488,000); Kampfer (978 Waters Edge Circle, \$185,000); Ramler (21141 County Road #154; \$200,000); Wallin (34705 Plum Hill Lane; \$160,550); Christensen (134 Golfview Dr; \$246,000); Secord (18157 Cty Rd 154, \$317,500); Blattner (32197 Blattner St.; \$119,000); Ford (17857 Upper Spunk Lake Road, \$162K)
- f. Construction Site Permits – Streit (175th Ave, 30 x 80 home and pole shed); Straley (Cty Rd 159, 10 kW WECS), Merdan (Cty Rd 50, High tunnel greenhouse), Thelen (188th Ave, shed), Schirmers (Quaker Rd, grain bin), Ritter (34678 Tower Road, manufactured home); Nierenhausen (16923 Kopy Lane; deck, 12 x 24 lean-to on house)
- g. MN Fall Maintenance Expo – Oct 5-6; St. Cloud Public Works Facility. Call 651-351-7432 to register.
- h. Technology Exchange Newsletter – Summer 2011 issue 1.
- i. CTAP Snowplow Salt and Sander Controller Calibration Hands-on Workshop – Sept 27 (Alexandria)

Announcement of next meeting: October 5, 2011 at 7:30 PM

Adjournment: Bresnahan moved to adjourn the meeting at 11:03 PM. Second by Merdan. All in favor. Motion carried.

Respectfully submitted,

Stephen Saupe, Clerk

Supervisor Approval:

Richard Bresnahan

LeRoy Gondringer

John Merdan

Date