

# Minutes of the Meeting of the Avon Township Supervisors

October 7, 2015

Avon Township Hall, 16881 Queens Road, Avon (MN)

**Call to Order:** Chairman Bresnahan called the meeting of the Avon Township Supervisors to order at 7:30 P.M. in the main chamber of the Avon Township Hall.

**Pledge:** Clerk Saupe led the Pledge of Allegiance.

**Recording:** The Clerk announced that the meeting was being recorded and turned on the recorder.

**Roll Call:** Present – Richard Bresnahan, John Merdan, Roger Nelson, Kelly Martini, and Stephen Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), LeRoy Gondringer (*Planning Commission, Chair*), Joseph Koopmeiners (*Maintenance*).

**Approval of Agenda:** Three road issues were added to the agenda. Nelson moved to approve the amended agenda. Merdan second. All in favor. Motion carried.

**Minutes:** The revised minutes from the August 5, 2015, approved at the previous meeting, were signed. Nelson moved to approve the minutes of the September 2, 2015 meeting with the attachment of the Baker Rezoning Recommendation Form. Merdan second. All in favor. Motion carried.

**Planning Commission Report:** Mr. LeRoy Gondringer, Planning Commission Chair, reported:

1. **Saint John's Driveway Permit** – The Planning Commission supports a request for a driveway permit for Saint John's to access 325<sup>th</sup> St. Nelson moved to approve a driveway permit for Saint John's. Merdan second. All in favor. Motion carried.
2. **Eichers CUP** – The Planning Commission held a public hearing to consider a request by Jerome & Theresa Eichers for a CUP for an ag-oriented business. After completing Findings of the Facts for the CUP and for an Ag-Oriented Business, the Planning Commission supports the request. Merdan moved to approve a Conditional Use Permit for Jerome and Theresa Eichers to operate an Ag-Oriented business at their residence at 36932 160<sup>th</sup> Ave, Avon. Nelson second. All in favor. Motion carried.
3. **Williams Variance** – The Planning Commission held a public hearing to consider a request by Shawn & Beth Williams for a variance to construct an addition to their home 37 feet from the center-of-the-road. The original request also included a variance for a garage but the garage will be built within permitted setbacks. The Planning completed a Findings of Facts and supports the request. Nelson moved to approve a variance for Shawn & Beth Williams to construct an entryway to their home no closer than 37 feet to the center-of-the-road. Merdan second. All in favor. Motion carried.
4. **Zoning In the St. Anna Area** – The Planning Commission studied zoning and Future Land Use maps in the St. Anna area. Some recommendations were made. The Supervisors said that growth should avoid farmland and a second tier of homes around Pelican Lake. The Planning Commission will make a final recommendation for the Supervisors to consider at their next meeting. The Clerk will contact the County to determine if a public hearing is required and what process needs to be followed in the event of recommended changes to existing zoning and land use planning.

5. **Joint Planning Board** – The City/Township Joint Planning Board met to consider a building permit requested by Mr. Chuck Swenson (18033 Co Rd 54). This was necessary because the property is included in the MOU between the County and City/Town. The permit was approved. How to handle these permits in the future will be discussed at the upcoming joint City/Town meeting.
6. **Road Use by Races/Tours/Street Dance/etc.** – In response to our inquiry, the County now requires applicants seeking a permit for a race and similar event on a County road to also obtain the permission of Cities and Towns for any events that also use local roads. Nelson moved that the Supervisors must first approve any activity that uses a Town Road. Merdan second. All in favor. Motion carried.

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

**Treasurer's Report:** Martini read the Treasurer's Report and provided the Cash Control Statement for the period 9/1/2015 to 9/30/2015 (*below*). A notice was received from the IRS that Form 941 was submitted late and should be received by the 15<sup>th</sup> of the month. There is an outstanding check from last year (\$651.40) that will be voided. Nelson moved to accept the Treasurer's report. Merdan second. All in favor. Motion carried.

For the Period : 9/1/2015 To 9/30/2015

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$116,632.46	\$412.25	\$8,523.47	\$108,521.24
Road and Bridge	\$169,790.93	\$0.00	\$5,235.64	\$164,555.29
Road Damage Deposit	\$1,800.00	\$0.00	\$0.00	\$1,800.00
Fire Fund	(\$20,808.82)	\$0.00	\$0.00	(\$20,808.82)
General Capital Projects	\$58,069.96	\$0.00	\$0.00	\$58,069.96
<b>Total</b>	<b>\$325,484.53</b>	<b>\$412.25</b>	<b>\$13,759.11</b>	<b>\$312,137.67</b>

**Approval of Claims & Payroll:** Martini presented claims #2661 – 2677 (September PERA 2512 & 2660). Claim 2512 is out-of-sequence because it was voided from a previous month but the CTAS program apparently filled it in automatically. There were three voided checks (8359 – previously paid; 8318 and 8390 – both printing errors). Nelson moved to approve the payroll and claims. Merdan second. All in favor. Motion carried.

**Maintenance & Road Report:**

1. **Philippi Mailbox** – has been fixed and is no longer a safety hazard to motorists.
2. **Breakaway Posts** – the Supervisors plan to replace mailbox posts when reconstructing a road.
3. **Breth Driveway Permit** – Koopmeiners reported that no damage was done to the road when Mr. Dan Breth installed his driveway. Nelson moved to return the damage deposit to Mr. Breth. Merdan second. All in favor. Motion carried.
4. **182<sup>nd</sup> Ave** - An Excel drill rig was stuck under 182<sup>nd</sup> Ave. Fortunately, no damage was done to the road.
5. **Building Permit Search** – The Town completed a search for a building permit for Avon Lumber.

6. **Lock Box** – a lock box was installed to allow Girl Scouts access to the Town Hall. The Girl Scouts will not be required to pay a damage deposit for the key, but if the key disappears they will lose the privilege of using the Town Hall.
7. **135<sup>th</sup> Ave.** – St. Wendel Supervisor, Mr. C. Stich, asked Nelson to have the Town clear the brush and install rip rap in the culvert on the east (St. Wendel) side of the road. The Supervisors believed that this is the responsibility of St. Wendel Township, as per past practice.
8. **365<sup>th</sup> St.** – There was a washout near the culvert at the intersection of Co Rd 3. A 72 x 48 culvert has rusted out. A quote for \$14,839.00 to replace/repair the damage (including blacktop, top soil and seeding) was obtained from Lange Trenching. Nelson moved to accept the quote from Lange Trenching. Merdan second. All in favor. Motion carried.
9. **Anderson Plowing** – Ms Rosemary Anderson attended the meeting to request the Town plow her driveway as per original agreement when she sold the land to the Township. She will install a snow fence. Merdan moved to plow the Anderson driveway during the 2015 – 2016 winter. Nelson second. All in favor. Motion carried.
10. **Water Softener** – Quotes to replace the water softener were received from Erkens and Precise. Merdan moved to accept the lower quote from Erkens. It is hoped that a new water softener will also save on electric costs. Nelson second. All in favor. Motion carried. Koopmeiners will follow up.
11. **Salt/Sand** – still has not been delivered. Lange is waiting for an order from the City of Avon before mixing.
12. **Peach Drive** – Koopmeiners will work with a local contractor to clean out a blocked culvert.
13. **Crack-filling** – should start next week.
14. **DOT Inspection of Plows** – scheduled for October 12<sup>th</sup>.

Nelson moved to accept the road report. Merdan second. All in favor. Motion carried.

**Public Hearings:** None scheduled.

**Scheduled Business:**

1. **Alfred Schwalbe** – Town officials signed a sympathy card for the family of Mr. Schwalbe, who was a former Township official. The Supervisors approved sending flowers to the family at a cost less than \$50.00.
2. **Audio-Recording** – The Supervisors reject both bids that were received for audio-recording equipment to record Town meetings. A less expensive alternative is being sought.
3. **email on Public Servers** – Mr. Steve Fenske, attorney with the MN Association of Townships, said that there is no official policy concerning public or private email accounts, but suggests that Town officials should consider using an account separate from their personal account.
4. **Local Government Innovation Awards** – our proposal last year (2014) highlighting the cooperative agreement between the City and Town for compositing was not successful. The Town will not apply this year.

5. **Drainage Issues in the City** – Some residential areas of Avon are having issues with drainage. The City is looking into ways to alleviate the problem, some of which may involve the Town.
6. **Supervisor Right to Free Speech** – Mr. Steve Fenske, MAT attorney says a supervisor has a right to free speech and can use his/her title. However, if the Supervisor misrepresents a board decision or tells others that he/she has authority that was never given, the Supervisor is taking actions beyond the scope of his/her authority and could be liable for wrongful actions.

**Other/Old Business:** none

**Recurring Reports:**

1. There was a request for a 911 sign (Bueckers, 18302 Co Rd 9).
2. Certificates of Real Estate Value were presented for Oehrlein (03.01072.0040); Springer (03.01238.0002, 03.01238.004); Carbert (03.01319); CJR Properties (03.01361.0000); and Lecy (03.01530.0047). More details are available at the eCRV website.
3. Construction Site Permits were received for Oehrlein (32076 Narnia, 28 x 32 garage); Gibbons (37081 Co Rd 9, 20 x 36 garage); and Bueckers (shed 26 x 40, 90 x 40 home).
4. No feedlot or home-extended business permits were received.
5. No County public hearing notices were received.
6. Two Special Assessment Searches were performed (Dahlin, 34451 Tower Rd & Top Choice Properties).

**Announcements & Brief Reports:**

1. Martini reported on the District 5 meeting that featured discussions of broadband in rural Minnesota and 30-year PILT payments.
2. MN LTAP is sponsoring workshops concerning documenting job and culverts.
3. Benoit Auction Service will host a regional government surplus property Auction on Oct. 24<sup>th</sup>. The Town will not participate.
4. GTS is sponsoring a workshop, “Your Role as Planning Commission Member” on Nov 4 from 1-5 PM.
5. MATIT will offer no cost new officer training starting at the 2016 spring short course.
6. Stearns County requested AIS emergency action from the DNR for action on starry stonewort in Lake Koronis.
7. Mayor Knox, Avon, suggested the City and Town share minutes/agendas. The Town is delighted and will begin immediately.
8. There will be Regional Active Transportation Plan meeting on October 21 from 6 – 7:30 PM.
9. City and Township officials will meet on October 21 at 5:30 to discuss AIS, emergency planning, solar gardens and other business as necessary.
10. Nelson will complete the annual weed report for Stearns County.
11. The Town Officers Association of Stearns County will be held on October 29 at 8 PM at the Freeport Community Center, Freeport (MN). Nelson moved to authorize attendance by Town officers. Merdan second. All in favor. Motion carried.

**Adjournment:** Merdan moved to adjourn the meeting at about 9:40 PM. Nelson second. All in favor. Motion carried.

**Announcement of Next Meeting:** The next regular meeting will be held on Wednesday, November 4, 2015 at 7:30 PM.

Respectfully submitted,  
Stephen Saupe, Clerk

**Supervisor Approval**

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Richard Bresnahan

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Roger Nelson

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John Merdan

**Attest**

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Date