

Minutes of the Meeting of the Avon Township Supervisors

December 7, 2016

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: The Pledge of Allegiance was recited.

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

Approval of Agenda: Added items - Discussion of Flag purchase for hall, Parkwood Circle and Peach Drive update, County changes to county ordinance as it concerns the Environmental Conservation Overlay District. Motion by Merdan to approve the agenda as amended. Second by Nelson. All in favor. Motion carried.

Minutes: Motion by Nelson to approve the minutes of the November 2, 2016 meeting as presented. Second by Merdan. All in favor. Motion carried. Clerk quarterly report signed by Chairman Bresnahan.

Planning Commission Report: Presented by Mr. Will Huston, Planning Commission Chair:

1. **Certificate of Compliance: Duane and Agnes Dobmeier:** with adjoining property owner Rick and Brenda Hansen. Request is for a Certificate of Compliance to sell 1.3 acres of land to Rick Hansen. It has recently been discovered that the property line between the Dobmeier property and the Hansen property runs directly under the Hansen home. A Certificate of Compliance is needed to sell the property to Hansen to allow the property line to be moved from under the Hansen home. Motion by Merdan to approve the Certificate of Compliance. Second by Nelson. All in favor. Motion carried.
2. **Ashley & Erik Larson Conditional Use Permit:** Requested is a Conditional Use Permit for a conventional subdivision in the Avon Hills Environmental Overlay District (Tower Road, parcel #03.00910.0003, from the Ritzer farm). Motion by Merdan to set a public hearing on January 25, 2016 at 7:40 PM. Second by Nelson. All in favor. Motion carried.
3. **Ashley & Erik Larson driveway permit:** Motion by Nelson to approve driveway permit for Erik and Ashley Larson for their property on Tower Road. Second by Merdan. All in favor. Motion carried.
4. **Property split located at 34431 CR 155 in Avon Township,** within orderly annexation area with Avon city: Rodenwald would like to split their property to allow for the sale of a 1.25 acre, stand-alone lot, to a property owner in a non-adjoining parcel in Sunridge. Future plans would include building a pole shed (an accessory structure) but not a home. Consultation with the Township Attorney has determined that an accessory structure within the orderly annexation of Avon City is prohibited under the zoning ordinance without the presence of a residential structure. (Memorandum as appendix) No action taken.
5. **Snow plow driver:** One driver has resigned, and a second driver has a health issue that will prevent him from plowing for at least three months. Position has been posted but no applications have been received at this time. Minnesota Statute #171.02, Subd.5, Public Law 104.59, section 345, provides parameters for emergency plow drivers and their licensure requirements. Township attorney has been contacted in regards to the emergency need for a snow plow replacement driver. L. Gondringer, and Rock Achmann (who can fill in during daytime hours), Travis Koopmeiners (who can fill in on weekends) can be compensated. Motion by Nelson to approve resolution #12-7-16 to provide for these aforementioned backup snow plow drivers. Second by Merdan. All in favor. Motion carried.

Motion by Merdan to approve the Planning Commission report. Second by Nelson. All in favor. Motion carried.

Treasurer's Report: Martini read the Treasurer's Report and provided the Cash Control Statement for the period 11/1/2016 to 11/30/2016 (*below*). Motion by Nelson to approve the Treasurer's report. Second by Merdan. All in favor. Motion carried. NOTE: \$186,410.49 from Stearns County was deposited on 12/1/2016.

For the Period: 11/1/2016 to 11/30/2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$114,457.47	\$390.82	\$76,073.28	
				\$38,775.01
Road and Bridge	(\$33,353.35)	\$1,128.07	\$6,447.40	
				(\$38,672.68)
Road Damage Deposit	\$1,650.00	\$200.00	\$0.00	
				\$1,850.00
Fire Fund	\$11,161.63	\$0.00	\$0.00	\$11,161.63
General Capital Projects	\$62,308.98	\$0.00	\$0.00	
				\$62,308.98
Total	\$156,224.73	\$1,718.89	\$82,520.68	\$75,422.94

Approval of Claims & Payroll: Martini presented the December claims (#s 2972 – 3001). 2961 US Bank, previously approved. Voided checks due to printing errors - #'s 8824, 8825, 8826, 8827 and 8828. The PERA claims for November were #2970 and #2971. \$100,000.00 was transferred to checking to cover the check to US Bank for \$71,087.50 (claim #2969, preapproved in November). Martini states that an incorrect hourly amount was used to calculate compensation for Travis Koopmeiners for substitute snow plow driving. Corrected compensation will be issued with the January claims. Salt Sand bill has been paid. Martini requests the reservation of a motel room/s for those who attend the Annual Conference event in St. Cloud in the future (due to inclement weather possibilities). Motion by Nelson to approve the payroll and claims. Second by Merdan. All in favor. Motion carried.

Town Hall Maintenance Report:

1. **New Flag:** A replacement flag has been purchased for the Town Hall flag pole because the flag had become shredded by the wind.
2. **Maintenance shed:** The overhead door developed a maintenance issue which prevented it from opening. The pressure switch was not working properly. Electronic eye viewers is advised.

Nelson moved to accept the Town Hall Maintenance report. Merdan second. All in favor. Motion carried.

Road Report & Roadwork Update:

1. Monthly Road Work / plowing update: gravel roads are rough but plowable.

2. **Lower Spunk Lane** turnaround: gravel will be added in the Spring
3. **360th Street** bump signs are installed.
4. **370th** has been graded
5. Cleaned up blown down trees from heavy snow, Tower, 370th, 360th.
6. **182nd** – A trailer was parked on the road. Removed by Stearns County.
7. **Parkwood Circle** – lawn edging concern. No success contacting the new property owner. Clerk will send a letter alerting them to concerns with the lawn edging being in the ROW.
8. **Peach Drive**, adding rocks and sand to lakeshore: citation by the DNR has been issued to the property owner. Spring inspection will take note.
9. Koopmeiners will give road tours to plow drivers.
10. Class-5 gravel on **360th Street, West of Co Rd 155** (Teresa Pierskalla) Gravel needs will be addressed with the spring road inspection.
11. Calling card for plow drivers will be printed so that plow drivers can refer plowing concerns to the Supervisors. Richard Bresnahan – Supervisor/Chairman, John Merdan and Roger Nelson – Supervisors. Clerk will print cards.
12. Two property owners are pushing snow across the road. Clerk will send a letter addressing this.
13. One plow truck has a wheel seal that went out that should be covered under warranty.
14. Bearing on the sander has been repaired by Koopmeiners.
15. Plow truck wing (red truck): controls have been repaired to alleviate digging into the shoulders.

Motion by Nelson to approve the Road Report. Second by Merdan. All in favor. Motion carried.

Public Hearings: *None scheduled.*

Scheduled Business:

1. Hardrives requests information on the status of the **grant we applied for to redo Norway Road**. No special session for roads was held this term and no funding is available at this time. Therefore, the application has been resubmitted for the next session.
2. **Stray animal housing agreement** with: Motion by Merdan to approve the agreement with Stearns County Humane Society to cover costs for stray dogs only. Second by Nelson. All in favor. Motion carried.
3. **County ordinance update:** Solar ordinance has been passed. Avon Hills ordinance is changed for the Environmental Overlay District – no Conditional Use Permit will be required for land that will have no building structures.

Other/Old Business: *none*

Recurring Reports:

1. **911 Sign Actions** – Completed - Mary Williams (32684 182nd Ave), Tim Weitalla (19005 St. Anna Drive), Peter Jonas/replacement post has been reinstalled (34759 Co Rd 9)
2. Certificate of Real Estate Value – None
3. **Monthly Sales** in Avon Township - N Ford & R Henry Rev Living Trust (\$500.00 - 03.01109.0000)
4. **Construction Site Permits** – Order of St. Benedict – Bio-Solids Treatment Containment Area
5. Feedlot Permits / Home Extended Business Permits – None
6. **Stearns County Hearings & Actions** – Hearing concerning solar farms and solar gardens (see above).

Announcements & Brief Reports

1. Local Board of Appeal and Equalization Trained Board Member Certification form has been filled out and sent in. All Supervisors are certified.

- 2. Construction permit signed for an upgrade to the St. John’s sewage treatment facility (membrane filtration system for solids)
- 3. Notification: Local Road Wetland Replacement Program – Board of Water and Soil Resources (BWSR) will no longer be providing replacement wetlands to meet the regulatory requirement of federal and state road programs. This addresses the possible wetland credit shortages incurred with regard to wetland replacements for eligible local road projects.
- 4. Drainage and Wetlands Conference, sponsored by Rinke Noonan. Monday, February 13. River’s Edge Convention Center.

Announcement of Next Meeting: The next regular meeting will be held on Wednesday, January 4, 2017 at 7:30 PM.

Adjournment: Motion by Nelson to adjourn the meeting at 8:58 PM. Second by Merdan. All in favor. Motion carried.

Minutes by: Marion Gondringer / Deputy Clerk

Respectfully submitted,

Stephen G. Saupe / Clerk

Supervisor Approval:

date: _____

Richard Bresnahan

Roger Nelson

John Merdan

See appendix below.

Appendix:

Driver and vehicle Services – Commercial Drivers License Division

Statute 171.02

Subd. 5. **Exemptions for certain backup drivers.** Pursuant to the waiver authorization set forth in Public Law 104.59, section 345, subsection 5, a person who operates a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting, or sanding is not required to hold a commercial driver's license if the person:

- 1- Is an employee of a local unit of government with a population of less than 3000
- 2- Is operating within the boundaries of local unit of government
- 3- Holds a valid class D license; and
- 4- Except in the event of a lawful strike, is temporarily replacing the employee who normally operates the vehicle but either is unable to operate the vehicle or is in need of additional assistance due to a snow emergency as determined by the local unit of government.