

Minutes of the Meeting of the Avon Township Supervisors

August 1, 2018

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

Call to Order: Chair Huston called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the main chamber of the Avon Township Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Will Huston, Mike Linn, John Merdan, Kelly Martini. Absent – Steve Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), and Joe Koopmeiners (*Maintenance*).

Approval of Agenda: Adam Goebel from Pilgrim's Pride was added to the agenda. Linn moved to approve the agenda as amended. Merdan second. All in favor. Motion carried.

Minutes: Linn moved to approve the minutes of the July 11, 2018 meeting as presented. Merdan second. All in favor. Motion carried.

Planning Commission Report – Presented by Ken Mergen, Planning Commission Chair

1. **MOU:** County ordinance conflict in handling Provisional Use permitting. Discussion was put on hold until more information is available.
2. **Road maintenance schedule:** The Planning Commission is open to having broad discussion to begin setting up a schedule for identifying road conditions, repair needs, cost projections, considerations for levy adjustments, and projections for when repairs will take place.
3. **Verizon cell tower:** (County Rd 52) This tower has been put on hold until further notice.
4. **I-94 bridge repair** is projected to begin the summer of 2019.
5. **Blonigen variance** – Mr. Craig Blonigen requests a variance for his property at 18732 367th St., Avon, to construct an addition and garage on his current home that would be 24 feet from the Town road (188th Ave), and 32 feet from the public, privately maintained road (367th St); both are closer than currently allowed by ordinance. The Planning Commission recommends setting a public hearing for both variances.

Merdan moved to set a public hearing at 7:10 PM on August 29, 2018 to consider a request by Mr. Craig Blonigen for a variance to construct an addition on his home at 18732 367 Ave. which would be 24 feet closer to 188th Avenue than is currently permitted by ordinance. Linn second. All in favor. Motion carried.

Linn moved to set a public hearing at 7:12 PM on August 29, 2018 to consider a request by Mr. Craig Blonigen for a variance to construct an addition on his home at 18732 367 Ave. which would be 32 feet closer to 367th Street than is currently permitted by ordinance. Merdan second. All in favor. Motion carried.

6. **Ebnet unpermitted garage:** Mr. Tony Ebnet has constructed an unpermitted garage 14 feet from the township road. The Planning Commission recommends addressing Ebnet concerning the road setback issue with the township. (See below)

7. Stanley Streit request: Stanley requested funding to help with maintenance upkeep for the St. Anna Ball Club. (See below)

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

Treasurer’s Report: Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 07/01/2018 to 07/31/2018 (*below*). \$72,787.08 property tax from County. Solar Energy credits payment of \$1,144.17. Huston gave a report on the conversation he had with the representative from Standards and Poor. Avon Township rating has been increased. Linn moved to approve the Cash Control Statement and Treasurer’s report. Merdan second. All in favor. Motion carried.

For the Period: 7/1/2018 To 7/31/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$140,959.78	\$46,655.76	\$6,168.86	\$181,446.68
Road and Bridge	\$257,376.12	\$33,088.58	\$3,525.31	\$286,939.39
Road Damage Deposit	\$1,650.00	\$0.00	\$200.00	\$1,450.00
Fire Fund	\$1,269.64	\$10,631.87	\$0.00	\$11,901.51
General Capital Projects	\$41,489.55	\$506.61	\$0.00	\$41,996.16
Total	\$442,745.09	\$90,882.82	\$9,894.17	\$523,733.74

Claims & Payroll: Martini presented the August claims #3372 - #3383. July PERA claims were #3371 & 3372. An overpayment was made on the last payment to Yerbua, our web hosting company. Aubrey Ebanks at Yerbua has been consulted and will carry a credit for the overpayment. Linn moved to approve the payroll and claims. Merdan second. All in favor. Motion carried.

Town Hall Report – Presented by Mr. Joseph Koopmeiners

Roof and siding hail damage quotes for repair work needed after the spring hail storm are being researched. **LP fuel** tank has been filled. Hall **parking lot** has been graded to remove weeds. Progress on the **power box repair** is waiting for a reply from the electrician. **Flagpole** repair is scheduled to take place in August.

Road/Maintenance Report – By Mr. Joseph Koopmeiners

Thistle spraying in road ditch is in progress. All roads have been graded. Peach drive was graded twice. Blue truck needs DOT inspection. **Bridge sign on Queens Road** will be replaced. **Salt sand** will be delivered either late August or early September. Accumulation of **sand on Parkwood** has been removed. Since the county has not responded to inquiries concerning the **Tower Road guard rail**, Koopmeiners will look into getting quotes to handle the repairs needed. **135th** and **360th culvert repairs** are pending. Koopmeiners will address the addition of **gravel on 365th**.

A **tree on 145th Avenue** needs to be removed. A **tree on 190th Avenue** is in the road-right-of-way. Homeowners will be contacted before the removals if necessary. Koopmeiners will call a tree removal company (Weavers Tree Service) to address this.

Motion by Linn to approve Road/Maintenance Report. Second by Merdan. All in favor. Motion carried.

Public Hearings: *None scheduled.*

Business:

1. **Red Maple Drive, Tony Ebnet Garage** – Mr. Tony Ebnet has erected an unpermitted garage 14 feet from the edge of the road, which does not meet ordinance standards for township setbacks. Mr. Ebnet has received a letter from the County, which addressed his need for a permit for the structure. Merdan moved to authorize the Clerk to draft a letter addressing the noncompliance of the Avon Township road set-back ordinance provisions. Linn second. All in favor. Motion carried.
2. **Maciejewski** variance update: Elmer Maciejewski and his grandson, Keith Maciejewski, were present to ask for a township recommendation for approval for a Stearns County variance to Elmer's property at 14183 360th Street, Avon. Elmer presented the request for a variance to allow two temporary, single family residential dwelling units on the same parcel, due to the fact that he and his wife need additional help in order to continue to live in their home. At the present time there are three inhabited residences on the property; a home built in 1970, a trailer home installed in 1990, and a home built in 1928. The applicant stated that the county has a process in place to allow the older home to remain on the property for up to 15 years through a fee process. The second building entitlement on the property is being used by the mobile home. Elmer wishes to split his 80-acre parcel into two 40-acre parcels, with each parcel retaining one building entitlement. Keith would then build a home on the second 40-acre parcel. If the County approves the variance to allow all three homes to remain, it would allow an entitlement for the 40-acre parcel that Keith wants to purchase. This would allow both the mobile home and the 1928 home to remain on the property until Elmer and his wife no longer live on the property. At that time, the mobile home would be removed and the 1928 home would be demolished.

Merdan preferred taking no action on the request. Huston moved to authorize the Clerk to draft a letter in support of the variance request with the inclusion that both of the temporary dwellings are removed when Elmer and his wife are no longer living on the property. Second by Linn. Linn and Huston in favor, Merdan opposed. Motion carried on a two to one vote.
3. **Request by Stanley Streit** on behalf of the St. Anna ball club. The clerk will contact the County to ask if Stearns County park funding could be used for this purpose.
4. **Schirmer's road**: Mr. Schirmers requested gravel be added to the road leading to their property. The supervisors instructed Koopmeiners not to apply gravel at this time, but to monitor the road.
5. **MinnesotaOpentheBooks.com**: a private company, is requesting township information through the Minnesota Data Practices Act. MAT attorney, Steve Fenske, has advised the town to take no action. Motion by Linn to take no action to this request. Merdan second. Three in favor. Motion carried.
6. **Enterprise** – Upcoming election will be the next topic for our contribution to the *Enterprise*.

Other/Old Business:

1. Adam Goebel from **Pilgrim's Pride** revisited a request to alter hauling practices on a town road. He offered information concerning the use of Township roads for feed and live hauling. His request is to be able to haul heavier weight loads with a reduction of 20% less trips. There is one township road affected by feed and live haul trucking at this time (1/2 mile on 365th Street) and Goebel stated that this request is specific to 365th Street. Concern was expressed for stress caused by the turning movement on the roadway. Goebel stated that if road damage is caused by their hauling, they will reduce axle weight and help with road repairs. Motion by Linn to allow hauling of heavier weight loads for a period of one year, with a review at that time, or before, to determine damage or wear. Second by Merdan. All in favor. Motion carried.
2. Steve Himsl at 14553 Co Rd 159, has reapplied for the variance to allow building closer to a feedlot than is currently allowed by ordinance. Tom Studniski at 14858 Norway Rd., appeared to express

concern for the variance which would be just south of his feedlot. The proposed variance is to allow the home to be closer to the Studniski animal feedlot than allowed by ordinance. From the fence line to his manure pit, it would be 176 feet, and to his calf barn it would be 128 feet. The ordinance calls for a set-back of 700 feet from a feedlot. Discussion took place. Supervisors decided to take no action at this time.

- 3. Inventory of the hall contents is nearing completion.

Recurring Reports:

- 1. 911 signs – none requested.
- 2. Construction Site Permits: Justin Raab – 35428 Co Rd 155, 16’X80’ mobile home; Lisa Baker, 36861 Co Rd 9, 52’X62’ home.
- 3. No Feedlot Permits issued.
- 4. Special Assessment Searches were completed
- 5. County hearings: July 26, Justin Raab, public hearing – site permit for mobile home. Permit granted.

Announcements & Brief Reports:

I-94, St. John’s bridge repair: I-94 will be detoured via Norway Road during the St. John’s bridge repair projected to begin in the summer of 2019. MNDOT will add signage to the road as necessary at no cost to the Township. Additional signs will include additional chevron signs at the 90-degree curves.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, September 5, 2018 at 7:00 PM.

Announcement of Other Town Meetings: None, other than the regularly scheduled Planning Commission and Supervisor meetings.

Adjournment – Merdan moved to adjourn the meeting at about 8:43 PM. Linn second. All in favor. Motion carried.

Respectfully submitted,
Marion J. Gondringer, Deputy Clerk

Clerk signature: _____

date: July 15, 2018

Supervisor Signatures:

date: _____

Will Huston

Mike Linn

John Merdan