

# Minutes of the Meeting of the Avon Township Board of Supervisors

June 7, 2023

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

**Call to Order:** LeRoy Gondringer, *Chair*, called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the Main Chamber of the Avon Township Hall. This meeting, like other Town meetings, was also available virtually via Zoom at <https://us02web.zoom.us/j/8325486945>, Passcode: AvonTown.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – LeRoy Gondringer (*Chair*), Chad Klocker, Kelly Martini (*Treasurer*), Rich Sanoski, and Stephen Saupe (*Clerk*). Also present – Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners, Sheldon Tschida, and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda was a request for a liquor license. Sanoski moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** Klocker moved to approve the minutes of the May 3, 2023 Supervisor meeting as presented. Sanoski second. All in favor. Motion carried. Minutes previously approved at the May 3 meeting (Local Board of Appeals Meeting – April 17, 2023; Supervisors Meeting – April 26, 2023) were signed.

**Public Hearings:** none scheduled.

**Planning Commission (PC) Report** – presented by Lori Yurczyk, *PC Chair*.

- 1. Girodat Driveway Permit** – Rodney Girodat applied for a permit to widen his driveway on Shorewood Drive about 9 feet. The proposed driveway would be about 7 feet from the side yard. The Clerk reported that there is no required setback for a driveway from a side yard. The current driveway is 22 feet wide. Mr. Girodat was told that the maximum allowable width for the driveway is 24 feet. He stated that the driveway will not be wider than 24 feet at the road but would flare near the garage. Mr. Girodat was alerted that the driveway addition might approach the 25% impervious surface limit for a lake property, which could affect future development plans. Sanoski moved to approve a driveway permit for Mr. Rodney Girodat, 33576 Shorewood Drive. Klocker second. All in favor. Motion carried.
- 2. Lang/Gondringer Driveway** – Barb & Joe Lang appeared at the PC meeting to inquire about options regarding their shared driveway with their neighbor. The shared portion of the driveway is on the neighbor's property and the Lang's have been granted verbal permission to use the driveway on the neighbor's property. The neighbor recently resurfaced the drive and the main shared portion remaining for Lang's to use is now gravel. The PC consensus is that this is not a township issue but should be resolved privately by the residents. The Supervisor agreed and no action was taken. The Lang's said that they may attend the next PC meeting to request a driveway permit.
- 3. Sanoski Preliminary Plat** – Rich Sanoski requested approval at the PC meeting for a preliminary plat. He currently has three parcels that are platted as Shady Acres. Mr. Sanoski plans to combine the three parcels and then divide them into two parcels (Shady Acres First Addition plat), one with the existing home and outbuildings and the other vacant land. Mr. Sanoski plans to eventually build on the vacant parcel and would access it by a driveway from Peach Drive. The PC examined the proposal and recommends approval. The Supervisors agreed. Gondringer moved to approve the preliminary plat, Shady Acres First Addition. Klocker second. Two in favor. One abstain (Sanoski). Motion carried.

4. **Driveway Policies/Standards** – Considering that there were multiple driveway issues on the agenda, the PC reviewed current township driveway policies and standards. The PC recommends no changes. The Supervisors agreed. No changes were made.
5. **Gertken/Novel Solar Escrow & New Project** – Yurczyk reported that she has been working with the Township attorney (Adam Ripple) and Novel, as had been authorized by the Supervisors, to formalize the escrow agreement document. Novel provided the basic agreement. Mr. Ripple reviewed the draft document and suggested two changes (provide right of Township access to the property; more complete indemnification procedure). Novel revised the document with Mr. Ripple’s suggested changes, and then signed the revised agreement. Mr. Ripple recommends approval of the agreement by resolution or motion. The Supervisors were comfortable with adequately documenting the approval of the escrow agreements by motion.

Sanoski moved to approve the Escrow Agreement between Avon Township and Novel Gertken Solar LLC to establish a cash escrow in the amount of \$200,000 as outlined in the “Escrow Agreement” dated 7 June, 2023 for the decommissioning of the Novel Gertken Solar LLC 1 MW solar garden. Klocker second. All in favor. Motion carried.

Sanoski moved to approve the Escrow Agreement between Avon Township and Novel Gertken Solar LLC to establish a cash escrow in the amount of \$62,500 as outlined in the “Escrow Agreement” dated 7 June, 2023 for seeding and vegetation establishment of the Novel Gertken Solar LLC 1 MW solar garden. Klocker second. All in favor. Motion carried.

Project Delays – Mr. Tempel provided a letter, dated May 2023, explaining why there have been delays in construction (*i.e.*, supply chain issues, need for redesigns, Xcel backlogs, weather), and reaffirming Novels’s commitment to current projects.

Massmann Project – Mr. Tempel alerted the Supervisors to a new project they are beginning on the property of Steven & Karla Massmann (34284 Peach Drive), which is adjacent to the two current Gertken solar gardens. Mr. Tempel inquired whether the Supervisors had any concerns about the new proposed project. Among the concerns that were addressed: (a) Drainage – the SE corner of the property is low and wet and drains toward the Sanoski property to the southwest; (b) Access – the current plan is to access the property from the shared private road (Smiley Drive). Sanoski suggested that the company will likely need to find a different access for the Massmann project; and (c) Screening – would be necessary. Mr. Tempel was grateful for the input and stated that the company will study the proposal and they would work to minimize any local impacts. Gondringer inquired if there was still a rule that a company could not own two projects less than a mile apart, Mr. Tempel replied affirmatively and said that the Gertken project would likely be sold to another company.

The Supervisors noted that several Townships have established a moratorium on solar garden development.

Sanoski moved to approve the PC report. Klocker second. All in favor. Motion carried.

**Treasurer’s Report:** The Treasurer’s Report was read and the Cash Control Statement for the period 5/01/2023 to 5/31/2023 (*copied below*) was presented. Martini reported that there were errors in a spreadsheet she cited at the last meeting; they have been corrected. Martini was initially alerted to the mistakes by Klocker who audited some numbers. Gondringer also noted the errors.

Koopmeiners was concerned that discussions made him look bad in public. Martini apologized to Mr. Koopmeiners. There was a question about whether it was appropriate to discuss these issues in an open meeting. Klocker said that there were no accusations but simply requests for clarifications. Gondringer stated that Koopmeiners has been a dedicated, exemplary employee. Koopmeiners wondered why these issues arose during

a meeting he didn't attend. Klocker indicated that it was not intentional. Gondringer stated that everyone should stop spreading rumors. Martini said that she didn't accuse Koopmeiners but was clarifying hours worked.

Escrows – The Demolition Escrow was moved to an investment module in CTAS so it shows as zero on the cash control statement. It is currently in a 36-month CD. Martini was authorized to change it to a 12-month CD and to allow it to rollover when it reaches maturity. The Novel Vegetation escrow was also included in the decommissioning escrow fund, which is why it is listed as zero. All the escrows will be moved to the investment so will not show in the cash control statement in the future. Escrow fund descriptions were examined and generally agreed to be accurate. They will be included in the Township *Staff Manual*, which will be online so the information can be accessed by Township officials.

The Supervisors requested the PC to review the Hiring Policy draft and return it to the next meeting for discussion and final approval.

A resolution was drafted to authorize signatories at Magnifi Financial. The draft was edited to include Supervisor Klocker. Sanoski moved to approve Resolution 06-07-23-1: Resolution Authorizing Signatories for Magnifi Financial with the addition of Klocker as a signatory. Klocker second. All in favor. Motion carried.

For the Period : 5/1/2023 To 5/31/2023

| <u>Name of Fund</u>               | <u>Beginning Balance</u> | <u>Total Receipts</u> | <u>Total Disbursed</u> | <u>Ending Balance</u> |
|-----------------------------------|--------------------------|-----------------------|------------------------|-----------------------|
| General Fund                      | \$160,173.42             | \$1,030.51            | \$4,861.72             | \$156,342.21          |
| Road and Bridge                   | \$242,342.02             | \$22.31               | \$7,488.10             | \$234,876.23          |
| Demolition Escrow - Maciejewski   | \$0.00                   | \$0.00                | \$0.00                 | \$0.00                |
| Novel Solar Decommissioning Escro | \$262,500.00             | \$0.00                | \$262,500.00           | \$0.00                |
| Novel Vegetation Plan Escro       | \$0.00                   | \$0.00                | \$0.00                 | \$0.00                |
| Road Damage Deposit               | \$2,950.00               | \$0.00                | \$0.00                 | \$2,950.00            |
| Fire Fund                         | (\$2,381.43)             | \$0.00                | \$0.00                 | (\$2,381.43)          |
| General Capital Projects          | \$41,513.46              | \$0.00                | \$0.00                 | \$41,513.46           |
| ARPA Fund                         | \$181,613.30             | \$0.00                | \$0.00                 | \$181,613.30          |
| <b>Total</b>                      | <b>\$888,710.77</b>      | <b>\$1,052.82</b>     | <b>\$274,849.82</b>    | <b>\$614,913.77</b>   |

Sanoski moved to approve the Treasurer's Report and Cash Control Statement. Klocker second. All in favor. Motion carried.

**Claims, Receipts & Payroll:** Claims 4478 & 4479 (\$262,500) were for CD's for the Novel escrow funds (Decommission & Vegetation). The June pay period was \$1,780.44. The June claims (4480-4492) were \$62,457.91. Typos on the Cash Control Statement were corrected; it will be reprinted and the document signed at the July meeting. There was a question about who had contacted our Township attorney, Adam Ripple, regarding workman's compensation and financial instruments (*i.e.*, CD) that can be used for escrows. Martini said she had corresponded with Ripple at least once. Gondringer said that in the future, as 'legal representative,' he should be the only one to contact Ripple, unless specifically authorized by the Supervisors at a meeting. Martini said the March 2023 minutes authorized her to contact Attorney Ripple. Gondringer will contact Ripple to confirm the charges are accurate. Yurczyk asked who is authorized to spend money. Gondringer replied that money to be spent must be authorized by the Supervisors at a meeting, with the exception that the Clerk, Treasurer and Maintenance worker who are annually authorized to make expenditures related to their specific duties. Sanoski moved to approve the claims, receipts and payroll, withholding the check for Rinke-Noonan until Gondringer confirms it is a valid claim. Klocker second. All in favor. Motion carried.

## Town Hall Report

1. **Electric Bill** – Klocker inquired why the electrical bill (Jan – April) had approximately doubled since last year. The reason for the difference is that the in-floor electric heating in the Shop wasn't being used last year to save money. It was turned on this year to provide a better estimate of actual electrical need/usage because the Town was considering installing solar panels.
2. **Shop Lighting** – has been installed and is brighter. The tractor is currently being stored at Gondringer's farm (it needed to be moved out of the Shop to install the new lighting). Gondringer will return soon.
3. **Ditch Mower** – was sold by Steffes auction for a little more than we could have received had it been traded in on the purchase of the new one.
4. **Assorted** – (a) LP – was at about 50% a few weeks ago; (b) Concrete sealing – contractor has been contacted; not yet completed; (c) Flag – no action; (d) Septic tank – cleaning complete; (d) Water softener – Klocker will monitor; (e) Lawn – Tschida is taking care of it; (f) Hall cleaning – no action; (g) Parking lot grading – no action; and (h) Garbage – no action.

## Road Report.

1. **Monthly Update** – Tschida filled a pothole at the entrance of Parkwood Circle. We might need to cut out this section of road and repave. Gondringer will get a quote from Kotzer excavating.
2. **Snow Plows** – The pressure washer is broken, which means that winter cleanup of trucks and equipment has not been completed. Sanoski will follow up and do some research on the repair/replacement of the washer. A new washer would will cost about \$9000. Klocker moved to authorize Tschida to rent a pressure washer to clean trucks. Sanoski second. All in favor. Motion carried. A discussion of replacing the blue plow was tabled.
3. **Summer 2023 Roadwork** – Knife River pushed to start the project sooner than anticipated. They said they would charge the Township an additional fee if the preparatory work wasn't completed soon. Sanoski contacted the road preparation folks, who then began work. Gravel has been spread and Bardson Excavating will soon mill it. Unfortunately, because of the unanticipated, updated timetable, the Township didn't send out notices to residents before road preparation began. The notices went out on Monday. The Town received two complaints about the lack of notification. The Township apologizes for any inconvenience; the start time caught us off-guard. In addition, one of the complaints was concerned about the style of preparation (gravel/grind/pave) and whether the culverts had been properly inspected prior to construction. The resident was told that this method of road construction has been used successfully by Holding Township. It is apparently also used by the County. Gondringer has/will check the culverts. The other resident complained about trucks turning around in her newly renovated driveway and damaged the surface. Klocker will follow up. The Clerk alerted the County about the road projects.
4. **Culverts** –two need to be repaired including one at 365<sup>th</sup>. Gondringer will request quotes. The County wants to be sure we have correct elevations when they are repaired.
5. **Trespassers** – Yurczyk noted that people have been trespassing on her property fishing in the ditch.
6. **370<sup>th</sup>** – Craig Tschida Excavating has put on some gravel. Someone has graded the road.
7. **355<sup>th</sup>** – A resident complained about sand on 355<sup>th</sup>. Gondringer will follow up.

8. **Road Signs** – Signs that need to be ordered include: (a) Chevron sign for Upper Spunk Lake Road. It was damaged in an accident and will be charged to the individual/insurance. A replacement post is also required, but the Town has extras that can be used. However, we need to find the price of a post to invoice the insurance company; (b) 165<sup>th</sup> Avenue. The Clerk will order.
9. **Salt Sand** – Quotes were received from Double R Trucking (\$89.84/yard) and Huls (\$90/yard); both include delivery. Apparently, Lange Trucking couldn't provide a quote at this time. Sanoski moved to accept the quote from Double R Trucking for 250 yards of salt sand. Klocker second. All in favor. Motion carried. Gondringer will contact them; Tschida will be available at the Hall when it is loaded in the salt shed. Klocker said he could be available, too, if necessary.
10. **331<sup>st</sup> Street Sweeping** – completed. It took longer than expected because Lange's machine was broken down and needed to be repaired.
11. **Rock on 360<sup>th</sup>** – Tschida estimates it is about 18 x 28 inches. The contractor who installs the culverts will be asked for a quote remove it.
12. **Weeds** – Klocker will soon inspect Township roads with Bob Dunning, Stearns County.
13. **Gravel Roads** – will add some gravel to washouts. No action taken on grading.
14. **Road Ditches** – Koopmeiners observed a leak but it is not obvious where the oil is coming from. The dealer has been alerted. The tractor is slow to start when you turn the key in the ignition. Ditches will likely be mowed in July, though we will see if the County starts sooner.
15. **Used Culverts** – Gondringer suggested putting the culverts on the Steffes Auction. He will ask Kotzer to estimate their approximate value.
16. **Road Inspection Results** – chip sealing was considered to extend the life of some roads (*i.e.*, Norway). However, our current road maintenance funds are probably too low. It is likely too late now for crack sealing.
17. **165<sup>th</sup> Avenue** – is missing a road sign; it will be ordered. Tschida will check on the downed 911 sign at 35961 165<sup>th</sup> Avenue.
18. **St. Wendel** – Supervisor Scott Volkers from St. Wendel Township will attend the next meeting to discuss a potential joint project.
19. **Plum Hill Lane** – a resident complained about the plow hitting stakes he placed in the road and requested reimbursement. The Township attempts to avoid hitting anything, but is not responsible since the stakes shouldn't be in the road right-of-way. No action taken. The resident was also unhappy about the cul-de-sac redesign and doesn't want anything to do with the new area.
20. **188<sup>th</sup>** – Sanoski will contact Weaver's to remove the box elder tree hanging over the road.
21. **Highland Terrace** – a resident on Highland/Shorewood Drive has installed posts along the road that could be a hazard to motorists and the plow. Klocker will check.
22. **Road Vacations** – Schirmer's Driveway and High Street are under consideration. The junction at Pelican Lake Road and Co Rd 154 is another candidate for vacation. Gondringer will follow-up with attorney Ripple

regarding potential costs.

23. **Roadwork Seeding** – the seeding last fall on some of our road projects did not establish. Sanoski will follow up and then contact the Clerk if these areas need to be reseeded. If so, Jeremy Mathiasen from Stantec will be contacted to follow up with the contractor before final payment is authorized.

#### **Business:**

1. **Liquor Licenses** – Jeremy Glenz, representing Shady’s Sunset Bay, appeared to request the approval of a liquor license. Sanoski moved to approve an on-sale liquor intoxicating license for the sale of intoxicating at Shady’s Sunset Bay. Klocker second. All in favor. Motion carried. The Consent form was signed.
2. **Lion’s Club Gift** – the Avon Hills Lion’s Club donated a bench to the Township. It will be a nice addition to the entrance of the Town Hall and could be used by waiting voters and others. Photos were taken. The Supervisors expressed gratitude for the gift. Sanoski moved to approve Resolution 06-07-23-2: Accepting Gift. Klocker second. All in favor. Motion carried.
3. **Joint Planning Commission Meeting** – The orderly annexation agreement calls for an annual meeting on the second Monday in April. We are trying to schedule a meeting. June 19<sup>th</sup> will not work for the City. The City prefers September. A Monday won’t work particularly well due to Labor Day, the City Council meeting schedule, and availability of our representatives. Sanoski and Yurczyk suggested either Tuesday September 12 or September 19. The Clerk will confirm with the City and invite them to the Town Hall.

#### **Reports:**

1. *none*

#### **Announcements:**

1. A notice for a **991 sign** was sent to Gondringer (18245 360th St.).
2. **Construction Site Permits** were issued to Kelly (34754 Tower Road; shed 100 x 100); Kremers (19088 Co Rd 154; sheds & storage buildings); Smith (16713 363<sup>rd</sup> St.); Schmitz (37654 160<sup>th</sup> Ave.); and Whitney (18865 Kopy Lane; shed).
3. **Special Assessment Searches**. Were conducted for Blattner (32188 Blattner Street); Kremers (19088 Co Rd 154); and Moran (325th St.).
4. A **feedlot permit** was issued to Ziemetz (35982 165th Ave, Avon MN 56310).
5. There were **County Hearings** to consider requests by Kurtz (Board of Adjustment, June 8) and Ertl (Planning Commission, May 25) and Ordinance 651 (County Commissioners, June 6). The County Board of Adjustment: (a) approved a Rabideau variance (9.7 feet from side yard); (b) denied Kurtz request to construct a 10 x 24 accessory structure & site holding tank in Co Rd 154 road right-of-way.
6. There was a complaint received about the delay in posting minutes on the website. Draft minutes could be posted, but the Supervisors prefer to maintain the current policy. No action taken.
7. An inquiry was received about a replacing break-away mailbox post on County Road 9. The resident was alerted to contact the County.
8. The Town Law Review will be held June 14 (Burnsville). Klocker attended a previous review and reported it was excellent. Mike Couri would be an excellent Township attorney except it would be a conflict of interest because he is Avon City attorney.
9. The Belgrade Coop newsletter was received.
10. MAT membership cards were received and will be distributed to the Township Board.
11. Stearns County Parks input is requested (<https://www.surveymonkey.com/r/StearnsParksSpring2023>).

- 12. There will be a Town Hall Meeting with local representatives on June 20th, 6:30PM; Albany Senior Center, 741 Lake Avenue.
- 13. Census information was received from the MN State Demographer’s office. The 2022 population estimate for Avon Township is 2,084 and the number of households is 803. There are 10 more residents in the Town; the number of households is identical.
- 14. Klocker is unable to attend the August Supervisors meeting. The Supervisors will consider whether to reschedule the August meeting at their next month.

**Old Business:** Culvert mapping project; 135<sup>th</sup> Avenue project with St. Wendel; 911 signs (35011- Blinking Lights & 34948 Tower Road); Thistle removal – Avon Hills SNA; Case to display old documents; Window treatments for Town Hall; Paint stripes in parking lot; Exterior sign for the Hall; Norway Road berm; 154<sup>th</sup> shouldering work; 33786 Shorewood ditch brushing; solar panels for Town Hall; Ordinance #5.

**Signatures / Documents / Treasurer:** Documents were signed as necessary.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on July 5, 2023 at 7:00 PM and will be available via Zoom (*see above*).

**Other Upcoming Meetings/Events:** (*meetings are available on Zoom at the URL above*):

- a. Planning Commission – June 28, 2023

**Adjournment:** Klocker moved to adjourn the meeting at 10:27 PM. Sanoski second. All in favor. Motion carried.

**Respectfully submitted,**  
Stephen G. Saupe, Clerk

date: July 5, 2023

**Supervisor Signatures:**

date: \_\_\_\_\_

\_\_\_\_\_  
LeRoy Gondringer, Chair

\_\_\_\_\_  
Chad Klocker

\_\_\_\_\_  
Rich Sanoski