

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

October 4, 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 (via Zoom), and Stephen Saupe (*Clerk*). Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Treasurer*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda were: road inspection, Rosemary Anderson driveway request, Stearns Electric unannounced right-of-way work, and Lion’s Club use of the Town Hall. Klocker moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

**Minutes:** Two corrections were made to the minutes (Shady Acres ‘Second’ Addition changed to ‘First’ Addition; the word ‘supervisor’ was added to the second to last line in #13 Road Report. Sanoski moved to approve the minutes from the September 6, 2023 meeting as amended. Klocker second. All in favor. Motion carried. The revised minutes will be signed at the November meeting.

**Public Hearings:** *none scheduled.*

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

1. **Lange Certificate of Compliance** – Mr. Jeff Lange appeared at the PC meeting to request a Certificate of Compliance for a land split. The PC recommends approval. Klocker moved to approve a Certificate of Compliance for Jeff Lange, Lange Properties of Avon, to split 28 acres from his property at 32906 Co Rd 50 (PID 03.01110.0012). Sanoski second. All in favor. Motion carried.
2. **Rabideau Driveway Permit** – Mr. James Rabideau, 33728 Highland Terrace (PID 03.01331.0000), appeared at the PC meeting to request a driveway permit to construct a concrete slab addition (7.3 x 20 feet) to his driveway. The PC was concerned about placing a parking pad in the road right-of-way and suggested that Mr. Rabideau consider at least one possible alternative (orienting the proposed drive perpendicular to the existing driveway out of the right-of-way). The PC recommended that Koopmeiners examine for options. Both Koopmeiners and Gondringer inspected the situation and agreed that there was space for the pad outside the right-of-way. Mr. Rabideau did not attend tonight’s meeting. No action taken.
3. **Sowada Transfer of Development Rights** – There was a request from Jodi Sowada to transfer a development credit from a parcel in Holding Township to a parcel in Avon Township (03.00703.0000). Due to an apparent mix-up, the Sowada’s did not appear at the PC meeting to discuss this proposal, so no specific action regarding their TDR request was recommended. However, the PC recommends: (a) reviewing the TDR review process, fee schedule, need for a public hearing, and documentation; and (b) to clarify the intent of Resolution 09-07-11-1 regarding the receipt of TDR’s into the Township. The Sowada’s were present at tonight’s meeting. Ms. Sowada mentioned that Holding Township had approved the transfer over the phone. The Supervisors decided to return to the PC the request for a TDR transfer when the Sowada’s could be present to present/discuss their case. The Supervisors also requested that letters be sent to adjacent landowners to alert them to the TDR request and upcoming discussion at the PC meeting.

4. **LRIP Grant** – Progress is being made on the LRIP Grant for resurfacing Queens Road. Former Supervisor and civil engineer Will Huston is helping to preparing the grant. To date, the School District and 57 residents have signed letters in support of the grant. The final draft should be ready for approval by the November meeting. Koopmeiners counted vehicles on about Wednesday September 20. There were 46 vehicles between 5 and 9 AM.
5. **Solar Moratorium** – The PC began to discuss and study the moratorium on commercial Solar Gardens enacted by the Supervisors in Avon Township. Yurczyk indicated that Paynesville and Sauk Townships have banned them. Zion township has a moratorium, like our township. She also would like to make a decision in a timely fashion. The next PC meeting will focus on pros and cons. Jeff Bertram and Angie Berg could be invited to this meeting. A resident mentioned that he had heard there was a concern with two solar gardens in St. Joseph Township.
6. **Public Comments** – the PC recommends including a “Public Comment” section in the agenda which would give residents with opportunity to provide input. Though a resident can always attend a meeting and get on the agenda, this would show residents a willingness to listen to their concerns. The Supervisors agreed to include a public comment section near the beginning of the agenda.

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 9/01/2023 to 9/30/2023 (*copied below*) was presented. Klocker moved to approve the Treasurer’s Report and Cash Control Statement. Sanoski second. All in favor. Motion carried.

For the Period : **9/1/2023 To 9/30/2023**

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$186,476.19	\$2,035.47	\$6,620.59	\$181,891.07
Road and Bridge	(\$61,214.27)	\$50.00	\$5,393.39	(\$66,557.66)
Demolition Escrow - Maciejewski	\$0.00	\$0.00	\$0.00	\$0.00
Novel Solar Decommissioning Escro	\$0.00	\$0.00	\$0.00	\$0.00
Novel Vegetation Plan Escro	\$0.00	\$0.00	\$0.00	\$0.00
Road Damage Deposit	\$3,450.00	\$500.00	\$0.00	\$3,950.00
Fire Fund	\$41,202.09	\$0.00	\$0.00	\$41,202.09
General Capital Projects	\$46,651.51	\$0.00	\$1,199.00	\$45,452.51
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$398,178.82</b>	<b>\$2,585.47</b>	<b>\$13,212.98</b>	<b>\$387,551.31</b>

**Claims, Receipts & Payroll:** The claims (4543-4566) totaled \$16,081.98. The payroll was \$4,136.74. Checks 10938 (misdated), 10960 (payee name spelling corrected), 10963 (tax removed from invoice) were voided.

There was a question of whether or not to return a damage deposit for a driveway installation at 37075 Pelican Lake Road (Avon, MN). When the driveway was installed by Hansen Paving, they cut nearly a foot into the road, which is not permitted according to Township driveway standards. If the area heaves this winter, it could be a hazard for plowing and will need to be fixed. The contractor told the resident that they would fix the road if necessary. It won’t be known until spring whether there will be a problem. Sanoski moved to hold the driveway damage deposit until spring to see if the Township will need to conduct repairs. Klocker second. All in favor. Motion carried. Another resident has cut into the Township road on 160<sup>th</sup> Avenue.

The Township received \$116.30 from the State for use on election administration.

Klocker moved to approve the claims, receipts and payroll. Sanoski second. All in favor. Motion carried.

**Town Hall Report:** *Koopmeiners presented the Town Hall report.*

1. **Concrete Sealing** – not yet completed.
2. **Salt Shed Overhang** – Koopmeiners and Sheldon Tschida have created a design. The Supervisors approved the design. The materials may exceed \$1000, which is the amount authorized at the previous meeting. The Supervisors were not opposed to a small increase in materials costs.
3. **Window Replacement** – Koopmeiners reported that the warranty has expired (10 years). There was a question whether or not the warranty is 20-years. Klocker will follow up.
4. **Assorted** – Air filters were purchased for the furnace. The lawn was mowed. The Town Hall, including bathrooms, was cleaned twice. Parking curbs were removed until spring to avoid damage during winter snow clean-up.

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

**Road Report.**

1. **Quaker Road Driveway** – Brian Rassier appeared at the meeting to discuss the shared field approach at his property on Quaker Road. He stated that since the approach has been widened, it is a noncompliant access, which he feels may affect his ability to get a permit in the future. Gondringer stated that this has been a shared field approach for more than 40 years, and the fenceposts Rassier put on the property line, has restricted the access to his field. Therefore, with Township approval in the fall of 2022 during road inspection, and at his own expense, the access was widened. Other options were discussed, but no decisions were made.
2. **Snow Season Readiness** – The red truck will be finished this week (sander, sander box, wing post, painted; DOT'd); then the blue truck goes in. Drivers are on board. The salt shed is full. The pickup was repaired at Avon Auto.
3. **Culverts** –The County has an app for marking and recording information about culverts. The Township will look into using this app. The Supervisors also expressed interest in marking culverts with diamond signs. Koopmeiners was authorized to determine the number of culverts and approximate costs of posts and signs.
4. **Driveway Updates – Red Oak Circle.** Mr. Brian Pilarski, 19274 Red Oak Circle, appeared at tonight's meeting to reiterate to the Supervisors the difficulty of accessing his driveway with his camper after the summer roadwork. He wants the drive widened and slope decreased. He said that the drive is so steep his garbage can rolls away. He estimates that he will require 8 more inches of tar to return the slope to the original one. Klocker requested that Jeremy Mathiasen from Stantec check it out. Although the Supervisors have examined the situation, Mr. Pilarski was concerned that no one contacted him first so he could personally show him the problem. He requests \$3,900 to return the driveway to its original condition.
5. **Sod on Upper Spunk Lake Road** – installed. The resident said he would water.
6. **Road Inspection** – the Supervisors decided to hold the Fall Road Inspection on October 28, 2023 at 9 AM. The

Clerk will publish and post.

7. **Potholes** – Pothole on 135<sup>th</sup> is fixed. sinkhole/pothole on 325<sup>th</sup> is to be repaired.
8. **Roads Certification** – The Township needs to certify Town Road mileage (44.5) and wants the Township to update /confirm roads that are being maintained. Koopmeiners will handle.
9. **Weed Report** – received from the County. Koopmeiners and Martini will each complete pertinent sections.
10. **Concrete Pillars** – the County considers decorative pillars to be analogous to a fence. No driveway permit is required, but they must not be in the road right-of-way. The resident who inquired about the pillars appears to have sited them outside of the right-of-way.
11. **Shorewood Drive Culvert/Sinkhole** – it was cleaned and televised. The culvert appears to be in good shape. The problem may be due to a rodent.
12. **Lower Spunk Lane** – Koopmeiners and Gondringer inspected. No need for gravel at the cul-de-sac.
13. **Ditch Brushing on Shorewood** – a complaint was received about brush at 33786 Shorewood. The problem could not be identified. No action taken.
14. **Stearns Electric Road Right-of-Way Work** – moved a powerline on 355<sup>th</sup> but did not contact the Township. At least one of the poles has now made it difficult to access a farm field. Supervisor Gondringer talked to a project manager in the field who was not receptive to the Township concerns. The Supervisors authorized the Clerk to send the company a letter alerting them to the need to contact the Township in the future.
15. **Assorted** – all gravel roads were graded this month. Two chevron signs are missing on Norway Road; Koopmeiners will order and replace.

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

#### **Business:**

1. **Anderson Driveway** – Rosemary Anderson appeared at the meeting to request that the Township plow her driveway in accordance with the verbal agreement that was made when she sold to the Township the land for the Town Hall. Gondringer moved to plow the driveway of Rosemary Anderson during the winter 2023-2024 season. Klocker second. All in favor. Motion carried. Ms. Anderson agreed to install a snow fence to minimize the drifting problems that occurred last winter.
2. **Old business** – was examined and updated: 135<sup>th</sup> Avenue will be examined during road inspection; painting stripes in the parking lot and the berm for Norway Road will be dropped from the list at this time.
3. **Noise Barrier** – Mr. Paul Hughes and Mr. Frank Wohletz were present to discuss the barrier grant, which is now available to the Township. The program was modified as a result of Senator Howe responding to a request from Avon Township residents. Mr. Hughes did an analysis of the likely wall location. The total anticipated total cost is about \$2.5 million. The amount of private money required would be \$267,494 (10% cost share and 8% contract fees). It is a one-page application and won't cost the Township anything. The group is seeking sponsorship by the Township. We should apply since the legislators changed the program, in part, because of our request. Voluntary contributions by residents and others, not special assessments, will provide the required matching funds. No money is required up front. Klocker moved to sponsor the noise

barrier project on the condition that there is no financial liability on the part of the Township. Sanoski second. All in favor. Motion carried. Mr. Hughes plans to solicit donations for the private match.

4. **First Ave SE** – The City of Avon is applying for an LRIP grant to resurface this road. They are seeking a letter of support from the Township. Although the Township is very supportive of their grant, the Supervisors were hesitant to provide a letter because it might negatively impact our LRIP grant proposal for Queens Road. Sanoski moved to not send a letter of support because it might jeopardize the Avon Township Queens Road LRIP grant application. Gondringer second. All in favor. Motion carried.
5. **Lion’s Use of Hall** – The Avon Hill’s Lions Club requested using the Town Hall to host a program on health care directives on October 17, 2023 at 6:30 PM. Klocker moved to approve the use of the Town Hall for the Lion’s Club program assuming they cleanup when finished. Sanoski second. All in favor. Motion carried.
6. **Unlicensed Vehicles** – A complaint was received about numerous unlicensed vehicles parked at 33672 Parkwood Circle. It is difficult to have them removed. The Township follows the County ordinance for the number of unlicensed vehicles on a property. Klocker will look into pertinent ordinances.

### Reports:

1. **Fire Hall** – the price has increase to about \$2.5million.
2. **MAT Legislative & Research Committee** – Martini attended the recent meeting. Among other topics, it focused on resolutions to be approved at the annual meeting including some regarding appraising at the County level.
3. **Fifth Monday** – no recent meeting – one is scheduled on October 26<sup>th</sup>.

### Announcements:

1. A **991 sign** at 36065 16th Avenue was reported damaged. The resident will need to pay for the replacement.
2. **Construction Site Permits** were issued to, or applied for, by Soenneker (17162 Marsh Lane; 2 additions); Sanoski (34236 Peach Drive; 40x80 accessory structure)
3. No **Special Assessment Searches** were conducted.
4. A **feedlot permit** was issued to Ritzer (34868 Tower Road) and Middendorf (18729 Co Rd 54).
5. **County Hearings:** A CUP was approved by the Planning Commission for the Lange’s conventional subdivision in the Avon Hills Environmental Overlay area. The Board of Adjustment approved increasing animal unit density in UE zoning.
6. A pipeline safety and awareness information brochure for Minnesota Excavators was received.
7. A brochure was received from Road Groom Manufacturing (unpaved road equipment).
8. An update was received concerning new eligible uses for spending ARPA funds.
9. HSEM Emergency Training – State and Federal Disaster Assistance will be held October 17<sup>th</sup>, 6-8:30 PM.
10. Aquatic invasive species (AIS) grant proposals are due by October 27<sup>th</sup>.
11. MN DOT is soliciting comments on the 20-year State Highway Investment Plan.
12. The semi-annual meeting of the Town Officers Association of Stearns County meets October 19 at 8:00 PM in the Freeport Community Center.

**Old Business:** Culvert mapping project; 135<sup>th</sup> Avenue project with St. Wendel; Thistle removal – Avon Hills SNA; Case to display old documents; Exterior sign for the Hall; 154<sup>th</sup> shouldering work; Solar panels for the Town Hall; Ordinance #5 updates (permit extensions).

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

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting is scheduled for November 1, 2023.

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

- a. Planning Commission – October 25, 2023
- b. Joint Planning Commission Meeting – October 30, 2023; 7 PM; Avon Township Hall

**Adjournment:** Klocker moved to adjourn the meeting at 9:37 PM. Sanoski second. All in favor. Motion carried.

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

date: November 4, 2023

**Supervisor Signatures:**

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

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

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

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