

JOINT PLANNING BOARD CITY OF AVON AND AVON TOWNSHIP

Thursday, July 31, 2025

7:00 pm

Avon City Hall

140 Stratford St. E., Avon, MN 56310

Meeting Agenda

- 1) Call to Order
- 2) Approve Agenda
- 3) Review/Approve Minutes from March 4, 2025 meeting
- 4) 33656 Shorewood Drive – CSP/Subdivision/other
- 5) Xcel Substation (03.00997.0010) – 405 Chinook Avenue SW, Avon
- 6) Orderly Annexation Agreement renewal (including March 4, 2025 minutes of *ad hoc* subcommittee)
- 7) Common interest issues/General information sharing
 - a. Improvements on Char Avenue
 - b. 24232 Co Rd 155 inquiry – no follow-up
 - c. Review of MOU (*see last paragraph*)
- 8) Announcements
- 9) Announcement of Next Meeting: tba (*2nd Monday in April per Orderly Annexation Agreement*)
- 10) Adjournment

Minutes of the Meeting of the Joint Planning Board of Avon Township & the City of Avon March 4, 2025

Call to Order: Chair Jim Read called to order the meeting of the Joint Planning Board (JPB) of Avon Township and the City of Avon at 7:00 PM in the Main Chamber of the Town Hall, 116881 Queens Road, Avon. The meeting was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Roll Call: Present – Mark Schulzetenberge (*City Council*), Jim Read (*City Planning Commission*), Lori Yurczyk (*Township Planning Commission*), Chad Klocker (*Township Supervisor*). All present. There was a quorum.

Other Town and City staff present include: Jodi Austing-Traut (*City Administrator*), LeRoy Gondringer (*Township Supervisor*), Jeff Manthe (*City Mayor*), Rich Sanoski (*Township Planning Commission*), & Stephen Saupe (*Township Clerk*).

Approval of Agenda: Klocker moved to approve the agenda as presented. Schulzetenberge second. All in favor. Motion carried.

Minutes: Yurczyk moved to approve the minutes from the July 22, 2024 meeting as presented. Klocker second. All in favor. Motion carried.

Business:

1. **Amanda Birnie – Provisional Use for Short Term Rental.** Amanda Birnie has requested a Provisional Use Permit for a short-term rental at her property at 33526 Shorewood Drive, Avon (PID 03.01485.0000). She has completed most of the paperwork with Stearns County but needs a recommendation from the Joint Planning Board. Because the property is in the Township, she originally approached the Township for approval. The Supervisors supported her request at their February 5, 2025 meeting. However, it was later realized that because the property is in the Urban Expansion District, the proposal actually requires Joint Planning Board approval.

Ms. Birnie appeared at the meeting via Zoom. She provided background regarding the request. Ms. Birnie said that she was originally from Albany and later lived in Avon. She now lives in Excelsior (MN). Her father, Joe Schwinghammer, owned the home but recently passed. She said that her father worked hard to maintain and keep the home in the family. She plans to retire in the house. Ms. Birnie said she is requesting the short-term rental to offset costs. She plans to rent primarily during the school year, but only a few times in the summer because she intends to stay there summers. They will target renters such as medical staff and faculty/staff from the nearby colleges.

Schulzetenberge said that he understands the property is in the Township and has town blessing, however, he is not a fan of short-term rentals because of a bad experience with one in his neighborhood. He said he doesn't have a particular problem with this proposal, as long as precautions are taken to avoid problems. Read said that the City has been having discussions about rentals and that the County has many regulations and restrictions regarding short-term rentals. He also said that it is important that the rentals/renters respect neighborhood association rules. He also said it would be good to try to avoid a cluster of short-term rentals because it changes the character of a neighborhood. It was noted that this would be the second rental unit on Middle Spunk Lake. It was noted that the other rental is primarily a commercial enterprise. Ms. Birnie said that hers will not be a commercial entity, but rented just to keep the house in family. Gordie and Yvette Smith will be caretakers on site.

Yurczyk inquired how often she intended to rent the home and what was the planned occupancy. Ms. Birnie said she wasn't sure how often but just a few times in summer; a couple of times a month. She also said that the maximum occupancy during the day would probably be 15, but with only 8 sleeping there. Gondringer clarified the County rules for a Provisional Use permit which limits overnight guests to 8, and maximum occupancy to 1.5 times the overnight guests, which would be 12. Ms. Birnie said she wasn't aware of this, but that there would be cameras to monitor occupancy. Yurczyk said that she asked the question to assess if Ms. Birnie knew the rules and that she wanted Ms. Birnie to understand exactly what is being permitted. Yurczyk felt it was clear that Ms. Birnie did not know the rules of the Provisional Use permit for this short-term rental request. She suggested that the Birnie's understand the requirements and standards of the permit because they would be held to them and would be reprimanded for issues if requirements and standards were not adhered to.

Klocker moved to recommend to the County to approve a Provisional Use permit for a short-term rental for Amanda Birnie's property (33526 Shorewood Drive, Avon; PID 03.01485.0000), for no more than 8 overnight guests and that she must follow all pertinent County guidelines and rules relative to short-term rentals. Schulzetenberge second. All in favor. Motion carried. There was a consensus that this permit would not carry over to the next owner of the property. Austing-Traut inquired about the procedure if there was a need for a revocation of the permit.

Despite the meeting being called on behalf of Ms. Birnie, It was generally agreed that no fee would be charged because the Joint Planning Board was obligated to meet anyway.

2. **Joint Powers Agreement Renewal.** The existing agreement expires at the end of December. An *ad hoc* committee was established and met in September (2024) to discuss renewal. The main issues that arose at that meeting were: (a) Approval Percentage – the City questioned the requirement of 60% approval and suggested 51% was more practical; (b) Water Quality – failing septic systems contribute to decreased lake water quality and emphasize the need to hook up to City sewer. Read said it was hoped that grants could be obtained to help defray costs. He plans to look into state/federal funding but is not optimistic; (c) Tax-rate Step-up. Austing-Traut reported that she was in contact with Arlen Westergren, who said mechanisms are available to handle this situation; (d) City Service Availability – some annexed properties still don't have City services; (e) Annexation Areas – the current annexation area map shows that there are areas that likely would never receive city water/sewer because they are so far, while there are other areas that likely should have services; and (f) there is a need for a map for reference of the properties that are in the Joint Powers area.

Austing-Traut provided lake water quality data from Wayne Cymbaluk. These data show that overall water quality (clarity) has remained constant or slightly improved in most area lakes. Nevertheless, there was a general consensus that it would be good to have all lake residents on city services. Among the problems is that those who have recently upgraded their system are unlikely to want to hook up to City services because of the cost. Though residents could be 'forced' to hook up, this causes significant concerns, such as when this occurred on Grand Lake and in the Alexandria area. It was suggested that financial incentives could be provided, but it was unclear where the funding would come from. The incentive could be based on the age of the system such that newer systems would receive a greater incentive. Yurczyk said that the age of systems could be determined by researching permits in the Stearns County Property Viewer or other database. It was suggested that the impetus to require sewer might have to come from Environmental Services or a grassroots group such as the Avon Lakes Association.

The impact of lawn chemicals and leeching on water quality was also discussed. Jeff Manthe said that rain garden programs such as those sponsored by the County have helped.

There was a discussion of whether the JPB should review proposals for new septic system installations. Though a good idea, the County handles these permits and the Township is usually not informed unless the

system encroaches into the road right-of-way. In addition, we lack the expertise to effectively evaluate a system.

The idea that the City would run sewer to a neighborhood without it being annexed was discussed. One advantage is that residents might be more likely to support hooking up to the system and would encourage lake residents to be on City sewer for water quality. Manthe said that one problem is the resident would have no voice in the operation of the system.

Read suggested that requests for rezoning should come to the Joint Planning Board for discussion and that this could be put into the agreement.

Announcement of Next Scheduled Meeting: Since the main business of the JPB was finished, it was decided to adjourn and that the *ad hoc* committee working on the Orderly Annexation Agreement would then convene to continue these discussions.

Adjournment: Klocker moved to adjourn the meeting at 8:10 PM. Second by Schultzenberger. All in favor. Motion carried.

Respectfully submitted,

Date: March 5, 2025

Stephen G. Saupe, Clerk
Avon Township
clerk@avontownship

Minutes of the Meeting of the *ad hoc* Committee Joint Planning Board of Avon Township & the City of Avon March 4, 2025

Call to Order: Chair Jim Read called to order the meeting of the *ad hoc* committee of the Joint Planning Board (JPB) of Avon Township and the City of Avon at about 8:15 PM in the Main Chamber of the Town Hall, 16881 Queens Road, Avon. The meeting was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Present – Mark Schulzetenberge (*City Council*), Jim Read (*City Planning Commission*), LeRoy Gondringer (*Township Supervisor*), and Rich Sanoski (*Township Planning Commission*). All present. Other Town and City staff present include: Jodi Austing-Traut (*City Administrator*), Jeff Manthe (*City Mayor*) & Stephen Saupe (*Township Clerk*).

Business/Discussion:

Read opened the meeting by summarizing some of the issues to be considered. These included: (a) including in the Orderly Annexation Agreement (OAA) document that applications for rezoning should come to the Joint Planning Board; (b) determining the percentage (51% vs 60%) of a neighborhood required for annexation; (c) determining if the City is willing to support a sewer district to provide City services without annexation; and (d) ensuring a smooth tax rate step-up with annexation.

Sewer District – The general consensus of the Committee was that a sewer district could be a good solution to increasing the proportion of residences on City services. A sewer agreement would allow a resident to hook up to services but not necessarily be annexed. By removing the requirement for annexation before receiving City services, it might better entice residents to obtain City services, especially around lakes where faulty septic systems can reduce water quality. One advantage of increasing participation in the sewer system is because additional hookups would increase system efficiency. Austing-Traut suggested that a sewer district agreement should be separate from the OAA. The committee recognized that establishing a sewer district is the decision of the City.

One problem that might arise is who pays for road work related to sewer installation on a township road. If the City runs a sewer line run down a township road, who would pay for repair to the road? This would need to be worked out. Gondringer suggested a revenue-sharing agreement for the streets being hooked up.

Neighborhoods – The Committee agreed that there are some areas (*i.e.*, northern part of the Township) in the UE area unlikely to be annexed in the foreseeable future, while there are other areas that would be good candidates. For example, the north and east sides of Upper Spunk Lake would be natural to include in the UE area, especially considering the focus on improving lake water quality. Township representatives Gondringer and Sanoski did not oppose adding these areas. Thus, there would be a compromise in which areas north of the City would be removed from the UE areas in exchange for adding areas on the north and east side of Upper Spunk Lake. It was recognized that the town would get back more acreage, but the City more tax-base.

Percentages – The Committee agreed that neighborhoods and properties on a lake would require a 51% vote to be annexed, while other areas would require 60%. The Committee agreed that this compromise meets the Township preference for a higher percentage of residents voting in favor of annexation, while reducing obstacles for residents to hook up to City services especially where the impact of defective septic systems is most likely to affect lake water quality.

Section 11.D, P9 – Jodi pointed out that the language in this section is not clear. One suggestion was that it refers to a situation in which one side of the road would be in the Township while the other side in the City; for example, if residents on the lakeside of Shorewood Drive were annexed. However, Section 11.B dictates that the Town is responsible for maintaining the road until both sides are owned by the City. The Committee generally agreed that

Section 11.D should reflect that the City will be responsible to restore the road to the previous condition if it is ripped up for installing sewer.

Term of the agreement – The committee agreed that the time period for the revised OAA would be 10 years. It was pointed out that, if necessary, this could be amended and changed.

Meeting of the Joint Planning Board – The agreement specifies an annual meeting of the JPB on the last Thursday in February. The Committee agreed to change this to the 2nd Monday in April.

Tax-Rate Step-up – Once annexed, the tax rate will step up to that of the City on a prorated basis. Jodi reported that the County has mechanisms in place to allow this to be done.

Summary – The members of the ad hoc committee are in agreement that: (1) the OAA should formalize rezoning in the UE area; (2) the feasibility of creating a sewer district to hook up to city services without full cost of annexation should be explored; (3) Revising the UE area to remove much of the area north of the City in exchange for adding the north and east side of Upper Spunk Lake road; and (4) Annexation or creation of a sewer district is ultimately likely to be driven by a potential emergency in lake water quality, or availability of grants.

Jodi will make the changes to the OAA and provide a revised draft.

Timetable – The Committee agreed that the revised OAA should be ready by Fall to provide time for the City Council and Board of Supervisors to analyze and approve.

Announcement of Next Scheduled Meeting: No further meetings of the Committee appear to be needed. If necessary, a meeting of the Committee will be scheduled.

Adjournment: Read adjourned the meeting at about 9:15 PM.

Respectfully submitted,

Date: March 8, 2025

Stephen G. Saupe, Clerk
Avon Township
clerk@avontownship.org

-----Original Message-----

From: "Clobes, Ella" <Ella.Clobes@xcelenergy.com>
 Sent: Thursday, July 17, 2025 2:49pm
 To: "clerk@avontownship.org" <clerk@avontownship.org>
 Subject: Electric Substation Permitting

Hi Steve,

We are looking at what the permitting requirements would be for an electric substation on parcel **03.00997.0010** in Avon Township. The substation would include a 10' tall chain-link fence to enclose the facility.

What would be the permitting process for this and expectations for the ordinance and zoned land use? If you could provide setback expectations for the property that would be great as well!

Thanks,

Ella Clobes

Xcel Energy

Siting & Land Rights

414 Nicollet Mall, Floor 6, Minneapolis, MN 55401

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FW: RE: Electric Substation Permitting

From: clerk@avontownship.org <clerk@avontownship.org>
 Sent: Tue, Jul 22, 2025 at 8:47 am
 To: Jodi Austing-Traut, Clobes, Ella
 Cc: Clerk

PS. I forgot to include that this is addressed by Section 7.11.4.

-----Original Message-----

From: "clerk@avontownship.org" <clerk@avontownship.org>
 Sent: Tuesday, July 22, 2025 8:39am
 To: "Clobes, Ella" <Ella.Clobes@xcelenergy.com>
 Cc: "Jodi Austing-Traut" <jodi.a@cityofavonmn.com>, "Clerk" <clerk@avontownship.org>
 Subject: RE: Electric Substation Permitting

Hi. I've been doing a little research and it appears you will just require a construction site permit to be issued by Avon Township (after approval by our Joint Planning Board, which meets on July 31 at 7 PM in Avon City Hall). Also, just a quick FYI - the zoning district only allows 25% impervious cover. If questions, let me know. Best, Steve

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Stephen Saupe, Clerk
 Avon Township
 16881 Queens Road
 Avon, MN 56310
 320.248.8036
<https://www.avontownshipmn.gov/>
 =====

03.00997.0010

Q

X

wsb

33612

33656

17469

Property Report

1 of 2

Parcels: 03.01513.0000

Download Tax Statements

Download TNT

Pay Taxes Online

PARCEL	03.01513.0000
OWNERS	BOOM WILLIAM J & MARY C
OWNER ADDRESS	33656 SHOREWOOD DR
OWNER CITY STATE ZIP	AVON MN 56310
PROPERTY ADDRESS	33656 SHOREWOOD DR
PROPERTY CITY	AVON

RE: Building permit on co 155

From: clerk@avontownship.org <clerk@avontownship.org>

Sent: Thu, Apr 17, 2025 at 1:55 pm

To: John Hemmesch

Cc: Clerk

Hi John...No changes since my April 3 email. The only option is to change the zoning if you are interested in an additional building credit. If you want to go for the rezone, send a check for \$400 made out to Avon Township to the address below and I can begin the process. If you want to talk more before spending the money, I recommend that you attend the Avon Township Planning Commission meeting on April 30 for additional feedback. Feel free to call if additional questions. Best, Steve

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Stephen Saupe, Clerk
Avon Township
16881 Queens Road
Avon, MN 56310
320.248.8036
<https://www.avontownship.org/>
=====

-----Original Message-----

From: "John Hemmesch" <jhemmesch423@hotmail.com>

Sent: Wednesday, April 16, 2025 6:46pm

To: "clerk@avontownship.org" <clerk@avontownship.org>

Subject: Building permit on co 155

Hi Steve, this is John Hemmesch . I inquired about adding a building permit to a property on County Road 155. The address is 24232 County Rd. 155 Avon. Just kinda checking in if you were able to find anything out at the meeting or if there's any options of adding a building entitlement to the property, plotting it out splitting the land and waiting a few years to add a building entitlement and so forth thanks for checking in to it for me.

Copilot

https://www.avontownshipmn.gov/images/docs/joint_pb/mou_joint_planning_commission.pdf

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STEARNS
AND THE
CITY OF AVON-AVON TOWNSHIP JOINT PLANNING BOARD**

WHEREAS, Stearns County Land Use and Zoning Ordinance Number 209 was adopted on April 21, 2000 and Stearns County Subdivision Ordinance Number 230 was adopted on June 7, 2001; and

WHEREAS, Section 1.4B of Stearns County Land Use and Zoning Ordinance Number 209 states that this Ordinance shall apply to all areas in Stearns County, Minnesota, "except as otherwise provided by law"; and

WHEREAS, Minnesota Statutes, Section 414.0325, subd. 5 provides that a joint resolution may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area; and

WHEREAS, the City of Avon and the Town of Avon have signed such a joint resolution designating certain lands of the Town of Avon as an orderly annexation area, and in addition, have created the City of Avon-Avon Township Joint Planning Board, which has exclusive authority over land use and zoning issues within the orderly annexation area.

NOW THEREFORE IT IS AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board to cooperate in administering their land use controls as set out in Attachment 1 of this Memorandum of Understanding.

IT IS FURTHER AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board that this Resolution shall remain in effect until terminated by either party by providing 60 days written notice to the other.

IT IS FURTHER AGREED, by the County of Stearns and the City of Avon-Avon Township Joint Planning Board that the parties will revisit the administrative provisions and allocation of duties and responsibilities under this Memorandum on an annual basis to determine what changes, if any, need to be made.