

Minutes of the Meeting of the Avon Township Planning Commission

June 29, 2011

Avon Township Hall

Call to Order: Chairman Mergen called to order the regular meeting of the Planning Commission at 7:30 P.M. in the main Chamber of the Town Hall.

Pledge: Deputy Clerk Gondringer led the Pledge of Allegiance.

Roll Call: Present – Ken Mergen, Roger Nelson, Gerry Kremers, Lowell Rushmeyer, and Marion Gondringer. Absent – Steve Saupe.

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

Minutes: Rushmeyer moved to approve the minutes of the April 27, 2011 meeting as corrected. Nelson second. All in favor. Motion carried.

Public Hearing: At 8:00 PM, Chair Mergen opened a public hearing for Mr. Mark Casey to request a variance to build a detached garage on his property on Spunk Lake Road closer to the road than current ordinance permits. Drawings for the proposed project clearly illustrate the restrictions that are relevant due to the presence of a historic wall that separates the proposed garage from the road. The wall is protected by an agreement involving previous landowners that provides for its preservation creating a hardship caused by extenuating circumstances. Casey stated that the structure would be built in a manner in keeping with the historic nature of the rock wall present and agreed to provide a copy of the agreement if possible. Discussion took place regarding the actual right-of-way based on the plat map and the concern about setting a precedence in the neighborhood in relation to the setback issue. However, it was determined that Casey would be restricted in the use of his property without this allowance by the location of the wall, well, and septic system on his property. There were no objections by the public. Motion by Rushmeyer to close the public hearing. Second by Nelson. All in favor. Motion carried.

Business:

1. **Casey Variance Request** – Motion by Rushmeyer to recommend approval of the variance as requested, 20 feet from the road right-of-way, 40 feet from the center line of the road with a request for Casey to provide a copy, if possible, of the agreement which is protecting the wall. Mergen second. All in favor. Motion carried.
2. **U.S. Cable:** Steve Johnson, from U.S. Cable, a private company, explained the circumstances surrounding their cable services in and around Avon City and Avon Township. Johnson explained that in the process of updating their customer database in preparation for the sale of the company, it was discovered that the franchise fees that were being collected for the cable services provided to Township residences had erroneously been going to the City of Avon and were therefore dropped from their collection process. The error in collecting the fee was discovered by a U.S. Cable customer. U.S. Cable has 162 Township residences using U.S. Cable services. Johnson explained that by law any franchise fees collected (3% per resident using the services) be forwarded to the Township. A resolution to that effect is needed for U.S. Cable to implement this process. There are no restrictions pertaining to the use of the funds received. Motion by Rushmeyer recommending approval by the Supervisors of a resolution to implement this process. Reviewal by the Township attorney is recommended. Second by Nelson. All in favor. Motion carried.

3. **MOU Discussion** – Discussion took place regarding the Avon Township Land Use and Zoning Ordinance number 4 and the Memorandum of Understanding (MOU) between Avon Township and Stearns County with recommendations for the Supervisors to hold a public hearing. For consistence, they recommend an edit on page 3 of the MOU, items B. 1; “written notice” to be changed to “written or electronic notice” as is stated in B. 2.

Announcements:

1. None

Adjournment: Nelson moved to adjourn the meeting at 9:10 PM. Rushmeyer second. All in favor. Motion carried.

Next Meeting: The next meeting is July 27, 2011 at 7:30 PM.

Respectfully submitted,
Marion Gondringer, Deputy Clerk

Minutes amended & approved:

Ken Mergen, Chair

Date

Marion Gondringer, Deputy Clerk