

Minutes of the Meeting of the Avon Township Planning Commission

May 29, 2019

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Ken Mergen called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Ken Mergen, Stephen Saupe, and Sheldon Tschida. Absent – Will Huston.

Approval of Agenda: Discussion of an extension for a driveway permit was added to the agenda. Mergen moved to approve the agenda as amended. Tschida second. All in favor. Motion carried.

Minutes: Mergen moved to approve the minutes from the April 24, 2019 meeting as presented. Tschida second. Two in favor. One abstain (Saupe). Motion carried.

Public Hearings:

- **Haakonson Variance Hearing** – Chair Mergen opened the public hearing at 7:05 PM. Mr. Chance Haakonson requested constructing a shed 63 from the center-of-the-road rather than 93 as currently permitted by ordinance because the structure would encroach into farmland, wetland, and his septic system, and it would decrease the amount of impervious surface leading to the structure. A neighbor, Mr. Brent Schmidt, supports the request to preserve farmland, as well as the trees that are protecting his view. Another resident, Mr. LeRoy Gondringer, stated that it seemed like a logical place for the building and that approval wouldn't set a precedent. No other comments from the public were received either by phone, in person, or in writing. Mergen moved to close the public hearing. Tschida second. All in favor. Motion carried. The Findings of Facts were examined and it was determined that: (a) the proposed use was allowed in the zoning district; (b) the variance would be in harmony with the general purpose and intent of the ordinance; (c) the variance is consistent with the Comprehensive Plan; (d) the property owner proposes to use the property in a reasonable manner; (e) the situation is not created by the homeowner; (f) the variance will not alter the character of the locality; and (g) the variance involves more than economic hardship. After discussion, Mergen moved to recommend to the Supervisors approval of a variance for Teresa and Chance Haakonson to construct a shed no closer than 63 feet to the center-of-the-road of 145th Avenue. Tschida second. Two in favor. One (Saupe) opposed. Motion carried. The Planning Commission recommendation form was completed.
- **MidContinent Cable Contract** – Chair Mergen opened at 7:40 PM a hearing to receive public feedback concerning a contract with Midcontinent Cable. Township Attorney Adam Ripple reviewed the contract and recommended changes. No one from the company, nor any members of the public were present to speak for/against the contract. No written or other comments were received concerning the contract. Mergen moved to close the public hearing. Tschida second. All in favor. Motion carried. After discussion, Mergen moved to recommend to the Supervisors approval of the contract with MidContinent Cable contingent on the companies acceptance of the modifications by attorney Ripple and that any royalties or proceeds go to Avon Township. Tschida second. All in favor. Motion carried.

Business:

1. **368th Street** – Ms. Susan Mosiman was present to request that the Township review the current status and responsibility for the maintenance of 368th Street (Lazy Lagoon). According to Ms. Mosiman, the Township accepted the plat but did not approve or file an additional resolution to levy taxes, etc. for maintenance. She argued that a recent court case stated that if a Town accepts a plat then it also accepts maintenance. The policy of the Township has been that the residents would need to pay to bring the road up to Town standards before it is accepted. Before any action can be taken, the PC needs additional information and recommends obtaining legal advice from MAT or Mr. Ripple. The Clerk will contact MAT for advice.
2. **Tomsche Transfer of Building Credit** – Albany Township will have a public hearing on June 11th to consider allowing Mr. Thomas Tomsche to transfer a building credit by from Albany Township (PIN 01.00096.0005) to Avon Township (03.00809.0000). Albany Township requests that Avon Township provide feedback prior to the hearing. Though this was first that anyone on the Planning Commission had heard of this request, Clerk Noll from Albany Town reported that the Tomsche's assured them that Avon Township had been contacted and were aware of and approve the transfer. The Planning Commission noted that there is no access to the property, and that it was not clear whether there was a building credit already present on the parcel, or how many residences were being requested, or whether additional acreage would be restricted in Albany Township, and so. More information was required before any recommendation could be supplied. The Planning Commission recommends to the Supervisors to obtain more information before any feedback is provided to Albany Township.
3. **Road Planning** – wait for Huston who has expertise in this area.
4. **Review of the Town Comprehensive Plan and Ordinances** – the County is beginning a review of its Comprehensive Plan. The County will want to know where the Township recommends growth should occur. The Planning Commission suggests to the Supervisors that this would be a good time to review and update our Township Comprehensive Plan, which was completed in 1989, and our related ordinances (*i.e.*, Ordinance #4). Mr. LeRoy Gondringer would consider an appointment to the Planning Commission to be involved in this project.
5. **Rushmeyer Driveway Permit** – Mr. Lowell Rushmeyer requests an extension of his driveway permit that was approved by the Supervisors on June 6, 2018. Mergen moved to recommend to the Supervisors an extension of the Rushmeyer driveway permit. Tschida second. All in favor. Motion carried. The Township should insure that our permits include a note about expiration after a year.
6. **Enterprise Contributions** – the Stearns County Comprehensive Plan revision process, including openings on the Planning Commission, are possible topics for the next contribution.

Old Business: Peach Drive

Announcements/Reports:

1. **Meyer Property Annexation** – Mergen reported that the Joint Planning Board approved of the annexation of the Meyer's property (PIN 03.00988.0000).

- 2. **Burrows Rezoning Request** – was denied by the Stearns County Board of Commissioners because they wanted to first identify growth areas via the Comprehensive Planning process.
- 3. **FastSun** – the project is moving along; the company has received necessary approvals.
- 4. **Norway Road** – process is being bid by the County.
- 5. **I-94 Bridge** – work will begin next week. The bridge will be closed but all ramps will remain open. Traffic will be detoured along Norway Road, County 159 and/or into Avon via I-94.

Adjournment: Mergen moved to adjourn the meeting at 9:08 PM. Tschida second. All in favor. Motion carried.

Next Meeting: The next meeting is June 26, 2019 at 7:00 PM.

Other Meetings: *none scheduled*

Respectfully submitted,
Stephen G. Saupe Clerk

Signature: _____ date: _____

Approval:

_____ date: _____
Planning Commission Chair – signature

Planning Commission Chair – print