

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

May 1, 2024

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

**Call to Order:** Chad Klocker, *Vice-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, Chad Klocker, Kelly Martini (*Treasurer*), and Stephen Saupe (*Clerk*).  
Absent: Bryan Rassier. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda were a discussion of the Voter Fund and the Avon Fire Hall Addition groundbreaking. Gondringer moved to approve the agenda as amended. Klocker second. Both in favor. Motion carried.

**Minutes:** It was noted that Gondringer should not have been listed as “Chair;” this was corrected. Gondringer moved to approve the minutes from the April 5, 2024 meeting as corrected. Klocker second. Both in favor. Motion carried.

**Public Hearings:** none.

**Public Comments:** none.

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

- Gondringer Access Permit** – Bryan Gondringer, 18245 360th Street, Albany (MN), attended the PC meeting to request an access permit to construct a driveway for a new residence. Since there is currently a field approach in the location where the driveway will be, the PC generally agreed that an Access Permit was not required. The PC also generally agreed that if the Supervisors think an Access Permit is necessary, then the PC recommends approval. Klocker moved to not require an Access Permit for a driveway for Bryan and Sarah Gondringer, 18245 360th Street, Albany. Gondringer second. Both in favor. Motion carried. The Supervisors examined the site during road inspection, as well as Koopmeiners, and the consensus is that no culvert is required. Mr. Gondringer was reminded that a breakaway mailbox post is required.
- Reeve Variance Application** –The Stearns County Board of Adjustment will hold a public hearing on May 8, 2024 to consider a variance application by Amanda Reeve, to leave in place a manufactured home with alternative anchoring. The PC reviewed the application. The PC expressed little familiarity with the guidelines and issues related to anchoring manufactured home. The PC made no recommendation to the Supervisors regarding the variance application and is comfortable to let the County handle the variance request. Gondringer moved to take no action and let the County handle the variance application. Klocker second. Both in favor. Motion carried.
- Joint Powers Board Meeting** – will meet May 20, 2024 at the Avon City Hall at 7:00 PM. Rassier and Yurczyk will attend as the official Township representatives. The PC discussed potential items for the agenda and recommend that one item should be renewal of the Orderly Annexation Agreement. Gondringer suggested that all Supervisors should attend the meeting because of the importance of the agreement. Another agenda item could be the noise barrier. Klocker and Gondringer plan to attend. The Clerk will publish and post and

was authorized to attend the meeting as appropriate.

4. **Fee & Wage Schedule** – the PC discussed and recommended changes to the Fee & Wage Schedule. Gondringer moved to adopt the following changes to the Avon Township Fee & Wage Schedule: (a) change Driveway Permit to Access Permit and edit deposit name to Access Permit Damage Deposit; (b) increase Access Permits to \$100; (c) increase a noise ordinance exemption to \$100; (d) change ‘per copy’ to ‘per page’, and (e) increase the Special Meeting fee to \$550. Klocker second. Both in favor. Motion carried.
5. **Zoom Meeting Etiquette** – the PC discussed Zoom etiquette. The PC generally agreed that a Zoom participant may remain anonymous (video muted, anonymous screen name) unless they have business or specific comments.
6. **Pipeline Encroachment Agreement** – The PC discussed the draft of the agreement produced by the Township attorney. The PC recommends that this agreement not be used for several reasons including the need to correct typos, the termination language needs work, and the liability policy seems excessive. The PC also recommended that if an agreement is required, the original one drafted by Craig Blonigen should be adopted. No action was taken.

Gondringer reported that he will plan to continue his project to install an irrigation system under a Township road. This shouldn't be a problem since there are no current Township regulations in effect to prohibit or regulate it. He was in contact with the Stearns County Highway Department which does have a similar permit for County Roads. He said that they have a \$100 permit fee and a bond/damage deposit that is returned if there is no road damage after one winter freeze/thaw cycle. He suggested the Township could use a similar agreement.

7. **Domain Change** – the PC discussed the possible change in the Town website domain from .gov to .org and recommends that there is not a significant benefit to make the change. Gondringer moved to not change the website to .gov. Klocker second. Both in favor. Motion carried.
8. **Lion's Club Donations** – The Avon Hills Lion's Club offered to donate \$100 to the Township. The PC thought a good use of the funds would be to purchase refreshments for the public for meetings. The Lion's also offered to plant 7 spruce trees but the PC suggested that the trees might not fit our situation. Gondringer moved to accept the donation of \$100 from the Avon Hills Lion's Club, but to pass on the spruce trees. Klocker second. Both in favor. Motion carried.
9. **Power Pole Realignment** – There was a meeting at the Saint John's Parish Center to discuss the realignment of the power poles from the Saint John's substation to the transmission line along I-94. This was necessary because needed easements couldn't be obtained and there was public opposition at the County CUP hearing. The main issue that affects the Township is that the new line will access 325<sup>th</sup> Street to the east side of the Philippi property (13997 325<sup>th</sup> St.). Xcel will install 70-foot poles and the current lines will be co-located on the new poles. The revised CUP will be considered in May at the County. Gondringer suggested that the Township take no formal position.
10. **Solar Moratorium** – The PC discussed a request by Shirley Opatz to Supervisor Gondringer to reconsider Avon Township Land Use and Zoning Ordinance #6 that includes a moratorium on commercial solar development. The PC recommends to not reverse the solar moratorium at this time. Gondringer moved to accept the recommendation of the PC. Klocker second. Both in favor. Motion carried.

11. **Other** – Policy review and WiFi access discussions were tabled.

Gondringer moved to approve the PC report. Klocker second. Both in favor. Motion carried.

**Treasurer’s Report:** The Treasurer provided the cash control statement from April 1 to May 1, 2024 (*appended below*). Martini did not yet submit the ARPA report. It is now late. She is having trouble with the electronic submission process and working to get it submitted. Martini said there is no penalty for it being late.

**For the Period :** 4/1/2024 To 5/1/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$194,460.54	\$1,895.72	\$10,102.53	\$186,253.73
Road and Bridge	\$105,075.75	\$200.00	\$3,134.92	\$102,140.83
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	\$500.00	\$500.00	\$0.00	\$1,000.00
Fire Fund	(\$9,073.99)	\$0.00	\$0.00	(\$9,073.99)
General Capital Projects	\$46,291.26	\$0.00	\$0.00	\$46,291.26
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$518,866.86</b>	<b>\$2,595.72</b>	<b>\$13,237.45</b>	<b>\$508,225.13</b>

Klocker moved to approve the April cash control statement and May Treasurer’s Report. Gondringer second. Both in favor. Motion carried.

**Claims, Receipts & Payroll:** The claims (4678-4692) totaled \$18,304.44. The payroll was \$4,549.10. Last month (April), Martini reported a missing receipt for oil. Koopmeiners brought a duplicate receipt to this meeting, though he emphasized that the original receipt was submitted last month and that the confusion is that the invoice included a credit, so the amount of the claim was for an amount different than shown on the actual receipt. Claim 4647 was off by \$0.02 – the original claim was for 69 cents but the bank took out 71 cents. This needs to be sorted out to be sure our accounting is handling it correctly. Martini clarified with Koopmeiners the nature of some purchases for proper coding in CTAS.

Martini has submitted paperwork to AlbanyTel to activate our new internet service (Topaz package with router). There was a question whether it was necessary to include the router. After discussing the pros (*i.e.*, AlbanyTel maintains) and cons (*i.e.*, long-term cost), Gondringer moved to include the router. Klocker second. Both in favor. Motion carried.

The Town owes a payment this year for the Fire Hall addition. Gondringer moved to pay the City invoice of \$49,000 for the Fire Hall addition next month. Klocker second. Both in favor. Motion carried. This could be used as an ARPA expense. The Town still needs to pay the Fire Service bill.

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

**Town Hall Report:** Koopmeiners presented the Town Hall report. Among the work this month included cleaning the Hall (including toilets), taking garbage to Opatz, yard work, and fixing the driveway/parking lot. Koopmeiners reported that the new concrete needs to be seal-coated and that LP is at 50%.

**Road Report:** *Koopmeiners presented the Road report.*

- Monthly Update including Snow** – potholes were fixed on Quaker Road, Queens Road, and St. Anna Drive;

gravel roads were graded; the approach on 185<sup>th</sup> was fixed; shoulders on Quaker Road and Tower Road were repaired; and ditches on St. Anna Drive and Riley Court were fixed. In addition, machinery maintenance was done.

2. **135<sup>th</sup> Avenue** – St. Wendel Township Supervisor Scott Volkens appeared at the meeting to discuss a joint maintenance project on 135<sup>th</sup> next year. He recommends an ultrathin seal coat from Astech that would cost about \$84,000 and would extend the road lifespan by about 10 years. They have had a good experience with it on an assortment of roads. The Supervisors will consider this for next year.
3. **Summer Roadwork** – Jeremy Mathiasen, Stantec, appeared at the meeting to update the Supervisors concerning the bid results for the 145<sup>th</sup> Avenue project including the base and alternates and upgrade of oil. Knife River was the lowest bid. Mobilization in bid request was limited to 5%; five of six bidders were over, including Knife River. Mr. Mathiasen said there was nothing in any of the bids to remove them from consideration. The supervisors agreed that 140<sup>th</sup> would not be milled this summer (Alternate 2). Mr. Mathiasen said that MNDOT recommends new roads use C-type oil. This oil is not as brittle at extreme temperature ranges and the road should last 20 years with less cracking. To ensure C-type oil is used, it is tested and the company sends the mix design. Gondringer moved to accept the low bid from Knife River with no alternatives. Klocker second. Both in favor. Motion carried. Mr. Mathiasen will alert residents on the road prior to work beginning.

When asked about the thin-coat layer proposed for the joint project on 135<sup>th</sup> (*see above*), Mr. Mathiasen said that it has had mixed results. It can peel after a few years. Some still use it and others have had success with a third layer.

Mr. Mathiasen will handle the request regarding the road bids from the NA Procurement Council.

4. **Pilarski Driveway** – Mr. Brian Pilarski was at the meeting to inquire whether the Town will fix the slope of his driveway which he said is much too steep after last summer's roadwork. Mr. Mathiasen agreed that the road is higher than it was, but that it is difficult to know what it was like before the roadwork and to what point it should be leveled. One problem is to determine how far back the driveway needs to be leveled to recreate the original slope, while staying within the road right-of-way. Mr. Mathiasen volunteered to take the necessary measurements. Mr. Pilarski stated he has received a quote (\$3900) from Granite City Paving for leveling work that would extend about 60 feet from the center of the road.
5. **Tree Removal Update** – "problem" trees were removed on Shorewood and 175<sup>th</sup> Ave. Signed notes were received from the property owners.
6. **Pelican Lake Parking Pad** – a resident complained that a parking pad on Pelican Lake Road was surfaced with crushed concrete that was washing onto her property. The township typically does not permit parking pads, but it has helped remove cars from being parked on this narrow road. Klocker will inspect and be the contact person.

Gondringer moved to approve the Road report. Klocker second. Both in favor. Motion carried.

#### **Business:**

1. **Tour of Saints** – A Road Use application was received from Tour of Saints director Michael Doyle. Gondringer moved to approve the application. Klocker second. Both in favor. Motion carried.
2. **Noise Barrier** – Mr. Paul Hughes appeared at the meeting to update the Supervisors about the noise barrier.

He said that MNDOT has granted their request for funding and now they need to raise the required matching funds. The total cost of the project is \$1.56m and MNDOT will cover \$1.4m; the applicants will need to pay about \$160K in matching funds. Mr. Hughes said they want to increase the length of the wall to provide more extensive noise protection. He requests that the Town will serve as the fiscal agent. Mr. Hughes said the Town would simply need to hold the money that is raised and then write out the final check. He does not intend to use town resources and that ultimately the wall will benefit the Township via higher property values/taxes and resident well-being. He credited representatives Jeff Howe and Lisa Demuth for helping to push through a change in the MN Legislature to allow a township to apply for MNDOT funding for the noise barrier. Avon Township is the first township to receive a grant through this program. Martini stated that she contacted MAT attorney Steve Fenske who said that the Town can accept donations and then donate to MNDOT. This will also be discussed at the upcoming Joint meeting with City. A resolution to accept the donations would likely be necessary.

Mr. Hughes said that Peter Wasko is his contact at MNDOT. He said that the Town is responsible for maintenance on the residential side which could include painting or removing graffiti. Mr. Wasko said that no barriers have needed repainting in 40 years. Mr. Hughes suggested raising an additional \$50,00 to maintain in a separate fund for potential future maintenance. If a vehicle damages the wall, insurance should cover the repairs.

3. **LBAE Meeting Minutes** – The Supervisors reviewed the minutes from the Local Board of Appeals meeting. Gondringer moved to approve the minutes of the 2024 LBAE meeting as presented. Klocker second. Both in favor. Motion carried.

#### **Reports:**

1. **Township Day** – Martini attended. She stated that it was interesting and that one concern that is being addressed is the cost of paying for Emergency Medical Services if someone refuses to get into an ambulance after it has been summoned.
2. **Rural Immersion Program** – a group from Saint John’s School of Theology will attend the June meeting. The Clerk will give them a tour of the Township facilities prior to the meeting. Everyone is welcome to join the group.
3. **Fifth Monday** – Supervisor Rassier did not attend the Fifth Monday meeting. No report.
4. **Stearns County Township Officers Meeting** – Martini reported it went well with a new format in which County officials and others sat at various tables to meet individually with participants.

#### **Announcements:**

1. No requests for **911 signs** were received.
2. A **Construction Site Permit** was issued to Gondringer (18245 360<sup>th</sup> St; new residence).
3. No **Special Assessment Searches** were conducted.
4. No **feedlot permits** were received.
5. No **Provisional Use permits** were received.
6. There were no relevant **County Hearings**.
7. Shady’s built their new pavilion partly in the right-of-way of an unbuilt township road. The County is looking into potential violations. Shady’s may have outdoor concerts, in which case they will require a noise ordinance exemption from the Township.
8. **Fire Hall Addition Groundbreaking** – will be Monday, May 20 at 8:00 AM. Klocker and Gondringer both plan

to attend.

- 9. A permit was signed for the St. Anna Sportsmen’s Club **Fishing Tournament** on May 18, 2024.
- 10. The Belgrade Coop *Broadcaster* newsletter was received.
- 11. A brochure was received from Total Control Tree Service (Richmond).
- 12. A brochure from Bertram Asphalt was received.
- 13. A brochure from Indeed for Employers was received.
- 14. A notice regarding Albany Cable Internet hookup was received.
- 15. Secure WIFI at the Town Hall is no longer available with CenturyLink.
- 16. The **Town Law Review** will be held May 31 at 8 AM in Otsego.
- 17. **Short Course updates/info** are available at <https://www.mntownships.org/information-library/spring-short-courses>.
- 18. Our **PNP reimbursement** request was submitted.
- 19. The March **Avon Fire Department Meeting** minutes were received. There were 6 medical calls in the Township.

**Old Business:** Culvert mapping project with County app; 135<sup>th</sup> Avenue project with St. Wendel; Windows; Case to display old documents; Window treatments; Exterior sign for the Hall; hiring HR / payroll company; salt shed overhang/awning; culverts (Pelican Lake Road, Shorewood Drive, 145<sup>th</sup> Avenue); CDL License changes.

**Signatures / Documents / Treasurer:** Documents, including the corrected Qualification/Organization Meeting minutes, were signed as necessary.

**Announcement of Next Regular Supervisor Meeting:** The next scheduled meeting is June 5, 2024 at 7:00 PM (available on Zoom at URL above). The Rural Immersion Program will tour the Hall at 6:00 PM.

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

- a. Joint Planning Commission – May 20, 2024; 7:00 PM; Avon City Hall
- b. Planning Commission meeting – May 29, 2024; 7:00 PM

**Adjournment:** Gondringer moved to adjourn the meeting at 10:33 PM. Klocker second. Both in favor. Motion carried.

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

date: May 19, 2024

**Supervisor Signatures:**

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

\_\_\_\_\_  
LeRoy Gondringer

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

\_\_\_\_\_  
Bryan Rassier