

Minutes of the Meeting of the Avon Township Planning Commission

August 28, 2024

Avon Township Hall (16881 Queens Road, Avon 56310)

Call to Order: Chair Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at 7:00 PM in the Main Chamber of the Town Hall. The meeting was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Rich Sanoski, Stephen Saupe, Andrew Wensmann, and Lori Yurczyk (*Chair*). Absent – Craig Blonigen. There was a quorum. Also present: LeRoy Gondringer & Kelly Martini.

Approval of Agenda: A variance request for Mike Hennen and a septic encroachment agreement for Scott Lahr were added to the agenda. Sanoski moved to approve the agenda as amended. Wensmann second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the July 31, 2024 meeting as presented. Wensmann second. All in favor. Motion carried.

Public Hearings: *none*

Public Comments: *none*

Business:

1. **Hennen Variance/Encroachment Request** – Mr. Mike Hennen, 37204 Pelican Lake Road, appeared at the meeting to request installing a 3-inch x 16-foot LED light post at the end of this driveway. It would be 30 feet from the center-of-the-road, or three feet into the road right-of-way (ROW). He has a retaining wall along the driveway and a culvert under the drive. Yurczyk questioned whether the post would be a safety issue and a concern for road maintenance. There was a question whether an encroachment agreement would be more appropriate than a variance because the post would be ‘encroaching’ into the road ROW. Mr. Hennen said that there were other encroachments, including fences, along Pelican Lake Road. If he hadn’t asked, he likely could have installed the post, but he would still be liable if anyone hit the post and could be required to remove it.

Wensmann noted that the proposed position of the post might also be an issue for the overhead powerline that runs along Pelican Lake Road. Overall, the PC was not supportive of installing a post in the Town road ROW.

Sanoski moved to recommend to the Supervisors to not approve allowing a light pole to be installed in the road ROW at 37204 Pelican Lake Road but that it should be installed 33 feet or more from the center-of-the-road. Wensmann second. All in favor. Motion carried.

2. **Ordinance 677** – Stearns County will host a public hearing on October 1, 2024 to consider adopting Ordinance 677 that amends the current 439 Ordinance regarding utility work in the road ROW. The PC reviewed the changes and takes no exception to the proposed changes. No recommendation for Township action was made.

3. **Park Improvement Fund Grants** – the County is offering funding for park improvements. The PC had no specific recommendations for funding. In general, the PC was opposed to playgrounds and parks due to the potential liability. No action was recommended.
4. **Avon Road Map** – MNDOT sent a road map of the Township for review and editing. The map was very confusing because it appeared to lack proper legends for gravel and other roads. No action could be taken until clarification on the legend is received from MNDOT.
5. **Lang/Gondringer & Schreifels Driveway** – their dispute will go to court. Chair Yurczyk was subpoenaed to appear at the trial. Sanoski said that Town staff should receive compensation if requested to participate in a trial as a part of their township responsibility. Wensmann stated that this is common practice in most businesses. Saupe moved to recommend to the Supervisors that Town staff, including PC members, should be compensated if required to participate in a trial as a part of their Township duties. Sanoski second. All in favor. Motion carried.
6. **Lahr Septic Encroachment.** Mr. Scott Lahr, 33418 Shorewood Drive, contacted the Clerk regarding siting a septic system in the Town road right-of-way. Watab, Inc. completed the septic design and identified the need to the town to approve the design to be within the platted utility easement. Mr. Lahr emailed the Clerk a copy of the septic design but the copy was not particularly legible, nor was Mr. Lahr able to attend tonight's meeting. It was not clear from the information presented whether the system would actually be in the Town ROW, and whether it would be a mound system that could affect water and/or traffic on the road. The PC was unable to make a recommendation without more information. Mr. Lahr will be requested to provide better copies of drawings, and/or attend a meeting, to clarify his request.
7. **Noise** – there was a recent complaint regarding noise from an evening concert at Shady's Sunset Bay. The current Township noise ordinance was reviewed and compared to state ordinance. Current state regulations (Chapter 7030; <https://www.revisor.mn.gov/rules/7030/>) suggest noise should be no louder than 70 dB during daytime hours (7 AM – 10 PM) or 50 dB at night (from 10 PM – 7 AM. This could be also clarified in the permit. Sanoski said that he thought the County was looking into other violations at Shady's including that their stage was constructed in the Town road ROW.

The PC discussed various issues related to the Township noise ordinance violation including setting a penalty for not obtaining a permit and increasing the penalty for violating the permit. The PC thought that this was a good time to consider strengthening the ordinance. The PC agreed that there should be a penalty for failure to obtain a permit, especially since licensed establishments such as Shady's should know that a permit would be required for an outdoor concert event.

Sanoski moved to recommend to the Supervisors to add to the Avon Township Noise ordinance, Section 7.2 that would state, Failure to obtain a Noise Ordinance Permit prior to an event will result in a \$500 fine; and that Section 7.1 should be edited to increase the fine for a violation to \$500. Wensmann second. All in favor. Motion carried.

Sanoski also moved to recommend to the Supervisors to add to the Noise ordinance, in Section 4.2, a section that that emphasizes that noise levels must be reduced during nighttime hours of 10 PM to 7 AM. Wensmann second. All in favor. Motion carried.

Yurczyk moved to recommend to the Supervisors to follow up with Stearns County regarding issues including their stage area that may be in the Town road ROW. Sanoski second. All in favor. Motion carried. This could potentially be done when Ms. Heidi Winskowski, Stearns County Environmental Services, attends the September Supervisor meeting.

Reports/Announcements:

1. **Clerk Absence** – The Clerk will work remotely through the Fall. He will still handle day-to-day phone calls, emails and other business. The Deputy Clerk will take care of on-site business.
2. **TDR Discussion** – Heidi Winskowski, Stearns County Environmental Services, will appear at the September 4th Supervisors meeting to help clarify the TDR process for Town staff. PC members are invited to attend.
3. The PC was reminded that the **December meeting** was rescheduled to December 18, 2024.

Next Meeting: The next PC meeting is September 25, 2024 at 7:00 PM (*see ‘Call to Order’ for the Zoom log-in*).

Other Meetings: Other Upcoming Meetings/Events include (*see ‘Call to Order’ for the Zoom log-in*):

- Supervisors Meeting – September 4, 2024
- Joint Planning Board – September 23, 2024; Avon City Hall.
- December Planning Commission – December 18; 7 PM.

Adjournment: Yurczyk moved to adjourn the meeting at about 9:05 PM.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: September 1, 2024

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____