

Minutes of the Meeting of the Avon Township Planning Commission

March 27, 2024

Avon Township Hall (16881 Queens Road, Avon)

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

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

Minutes: Blonigen moved to approve the minutes from the February 28, 2024 meeting as presented. Sanoski second. All in favor. Motion carried.

Public Hearings: *none*

Public Comments: *none*

Business:

- 1. Roiger Driveway Access & Right-of-Way** – Darren & Tara Roiger, 32205 Noble Oak Circle (Avon, MN) appeared to request an access permit to modify their driveway. Mr. Roiger stated that they want to straighten their driveway to make it safer and easier to access. In addition, they want to modify the right-of-way (ROW) to allow for better drainage, safety, easier maintenance (i.e., lawn mowing), and to open it up a little. There is a 2.5-3.5-foot drop from the drive into the ROW. The driveway is about 26 feet wide at the street, which is two feet larger than the permitted maximum. They also noted that the road to the west of their drive is eroding away, in part because it is in shade and no grass will grow; they inquired whether the Township would help pay for any work done to repair this area. They do not currently have a breakaway mailbox post. The Roiger's plan to hire a local excavator to do the work. The plan is to slope the ROW and cover it with grass. The culvert wouldn't be removed under the driveway, but be extended for the length of the landscaped ROW.

Sanoski moved to recommend to the Supervisors to allow Darren & Tara Roiger, 32205 Noble Oak Circle (Avon, MN) to redo and reshape their driveway and fill in the ditch in the Town ROW on the conditions that: (a) the driveway is no wider than 24 feet at the road; (b) the ROW work would extend no more than 50 feet from the existing driveway; (c) a drainage ravine with a minimum depth of 12 inches be maintained adjacent to the road to keep water from running onto the road; (d) a 15-inch culvert extends from the existing culvert under the driveway to beyond the reshaped ROW work; (e) a breakaway mailbox post is installed; and (f) meet all guidelines in the Access Permit. Blonigen second. All in favor. Motion carried. Mr. Roiger didn't know the size of the existing culvert but asked what would occur if it is less than 15 inches, especially because they didn't want to incur the cost of removing the existing one. This can be followed up at the Supervisor meeting.

To ensure the work is done to Township specifications, Mr. Roiger recommended that a Township representative be present during the work. Blonigen moved to recommend to the Supervisors to have our maintenance worker on site during the ROW work and prior to the work to determine what is necessary for proper shouldering of the road. Sanoski second. All in favor. Motion carried.

2. **Gondringer Irrigation Pipe** – LeRoy Gondringer, 35625 Tower Road (Albany, MN), appeared to inquire whether the Township has requirements for installing an irrigation pipe beneath a township road. He plans to drill a well and extend an irrigation line to fields on both side of Tower Road. The pipe would run below the fiber optic cable. It needs to be drained in the fall. When asked about pipe size, Gondringer replied that either two pipes (8-inch for the water and 3-inch for electric) or a single larger pipe (10-12 inch) with both water and electric in the same casing could be used.

One question is what, if any, type of permit would be required. Various options were suggested. It could be treated like: (a) a manure line (Resolution TR1700 – March 12, 2019); (b) an encroachment agreement for septic systems in the Town road ROW; and (c) standard utility work in the ROW (for a single residence no permit is required, though for a more extensive project the operators are required to provide a drawing and attend a Supervisor’s meeting (Resolution 08-05-20). There was agreement that there should be some sort of policy in place. Other issues that were discussed include: Do we need to know the location (which suggests that we would want to record any agreement)? Do we need to ensure that the Town has no liability in the event the pipe is damaged by Town work in the road or ROW? Do we create a form? Utilities do work in the ROW all the time, but the Town doesn’t regulate that work; should we? It was questioned whether the utilities have a statutory or other right to do ROW work. It was also asked what would happen and who would be responsible if the pipe leaks and damages the road.

Blonigen moved to recommend to the Supervisors to review and approve an amended encroachment agreement for requests to move any fluid or viscous material in underground pipes in the Town road ROW. Sanoski second. All in favor. Motion carried. Blonigen withdrew an earlier motion to create a form for this situation since it was a partial duplication of this motion; the earlier motion was deleted. Blonigen will modify the septic encroachment agreement as a model that could be used in this situation. The Clerk will contact the County to determine if other models or agreements exist. Yurczyk moved to recommend to the Supervisors to approve an agreement with Gondringer to install an irrigation pipe beneath Tower Road. Sanoski second. All in favor. Motion carried. A possible fee of \$400 was discussed, which is the same as the current encroachment agreement fee.

3. **W2’s** – Martini reported that some things can be modified, but the Treasurer’s name can’t be removed at this time from the BSO. When W2’s are printed, the Treasurer’s name can be removed prior to printer. It can be corrected if a new Treasurer takes office.
4. **Xcel Power Pole Realignment** – Xcel Energy has applied for a Conditional Use Permit (CUP) to realign a power line from Saint John’s, along Fruit Farm Road, then north to 325th Street, then east to Co Road 159 and then eventually continue to the north side of I-94. The Supervisors delegated authority for the CUP permit to Stearns County and also authorized the Township PC to study the CUP application and, if appropriate, send a delegate to the County CUP hearing to express any concerns of the township PC. Essentially, the route will be realigned to avoid campus. There were neighbor meetings to discuss the proposal with Xcel and Saint John’s. The reason for the realignment is not clear because the CUP application simply says it is for pole access and maintenance. It’s likely that another reason is due to the bottleneck of the Gemini Lakes along Co Rd 159, but this is not stated in the application. Still another reason could be Saint John’s desire to remove the visual distraction of poles from campus. Gondringer will attend the County PC meeting, though not necessarily as a Township representative. Saube will also attend, but as a neighbor. The PC discussed several issues related to the CUP application including: (a) lack of notification from Xcel about the impending project, especially considering Resolution 08-05-20: Regulating Utility Work in the Road Right-of-Way; and (b) the need to remove the existing infrastructure, which is not addressed in the proposal. Blonigen agreed to attend the Stearns County PC meeting on behalf of the PC to express these concerns.
5. **439 Ordinance Updates** – the Stearns County PC will also discuss potential changes to the Stearns County 439 Ordinance. Among the proposed changes are those regarding recreational camping and not requiring a CUP for single lot plats in the Avon Hills Conservation Overlay area. There were questions about the need for these proposed changes, as well as why accessory agricultural buildings will be required to be 10 feet from a residence. The PC identified no problems or red flags with the proposed changes and recommended that no

action is necessary.

- 6. **Joint Powers Board** – we need to reschedule the meeting because of the LBAE meeting. Either April 22 or May 20 would work for the City. It was suggested that it would be good to keep the meeting as close to the original date as possible. The joint powers agreement and an update on the residents who had requested leaving the City could be possible agenda items. Supervisor Rassier will be alerted to the Joint Powers Agreement.
- 7. **Fee Schedule, Zoom etiquette, & Policy Reviews** – tabled until the next meeting.

Reports/Announcements:

- 1. none

Next Meeting: The next PC meeting is April 24, 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*):

- Board of Supervisors – April 3, 2024; 7:00 PM
- LBAE Meeting – April 15th, 6:00 PM

Adjournment: Blonigen moved to adjourn the meeting at about 9:17 PM. Sanoski second. Meeting adjourned.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: March 29, 2024

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____