

Minutes of the Meeting of the Avon Township Planning Commission

April 26, 2023

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at 7:03 PM in the Main Chamber of the Town Hall. The meeting, like all Town meetings, 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 (*via Zoom*), Andrew Wensmann (*via Zoom*), and Lori Yurczyk (*Chair*). Also present: LeRoy Gondringer, Marion Gondringer, Chad Klocker, Rich Sanoski.

Approval of Agenda: Added to the agenda were a letter of inquiry from a resident and Officer Elections. Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

Minutes: Wensmann moved to approve the minutes from the March 29, 2023 meeting as presented. Wensmann second. All in favor. Motion carried.

Public Hearings: *none scheduled.*

Business:

1. **Escrow Update.** Yurczyk was authorized by the Supervisors to learn about options for handling escrows regarding the Novel/Gertken solar project. The Township collected \$262,500 in escrow funds for project decommissioning and landscaping. Yurczyk reported on her research.

One option she discussed with the Treasurer is that the funds can be moved into an investment category in CTAS. This would provide a way to track the monies, without them showing up in the Cash Control Statement.

Several area banks were contacted about whether they deal with escrows: American Heritage Bank doesn't handle escrow accounts, but she is waiting for additional information from one a bank attorney who returns in early May; Stearns Bank did not reply to Yurczyk's inquiry; Bremer Bank does escrows but an agreement is required; Falcon National Bank – does them, and in fact, already holds one for a different Township solar account. They have no fees, are interest bearing accounts, and they would like the Town to move funds there.

Among the questions that are needed to be addressed are: Will fees be charged and how much? Is interest paid and who receives the interest? What type of investment would it be (money market, Treasury bonds, CD)? What is the insurance coverage? Who will hold the escrow account? How is the money returned to the permittee? What is the protocol for inspection? Who will draw up the ban

The MAT attorney said that there is no sample escrow agreement available and advised that our Township attorney draw one up. Our Town attorney suggested we do not need an escrow agreement. MN Statute 118.A provides a guide for investment type and conditions. The Township is the trustee of the funds. The interest on the account is generally earned by the person who paid the escrow but a management fee could be included, if approved by Gertken/Novel. Any interest paid to the Town should be tax-free.

The MAT Attorney questioned whether we actually needed an escrow. He questioned how the public

would benefit in the event the site is not properly decommissioned. LeRoy Gondringer reported that a series of utility poles were not removed near Opole. No escrow was required for the project but if it had, the poles likely would have been removed. One rationale for requiring the escrow is that the solar panels could leach toxins into the groundwater. The County used to accept a letter of credit, but now require escrows for their solar projects. Because the County Ordinance requires an escrow and the Town can't be less restrictive, it means we likely must also require an escrow.

An agreement would be an advantage to maintain clarity in the future. During the next 35 years the company could change hands, and it would clarify who pays legal fees.

Blonigen moved to recommend to the Supervisors to have the Township attorney draft an escrow document and set a management fee that would either equal to the amount of interest earned on the account or a fixed amount. Sanoski second. All in favor. Motion carried. The question arose about whether the existing Maciejewski escrow should be handled in a similar way. No action taken.

- 2. **Road Report** – A copy of the road inspection results and inventory was provided to see if PC members had any recommendations about specific projects that should be completed. Some potholes were noted, including a large pothole on Quaker Road.
- 3. **Vacation Rental** – a letter was received from Charles & Linda Ertl alerting the Township to submit comments to the County regarding the permit for their rental property and craft retreat at 17885 Upper Spunk Lake Road. The permit is likely up for renewal.
- 4. **Officers** – Yurczyk suggested that the Chair position should rotate annually. Blonigen nominated Lori Yurczyk for Planning Commission Chair. Sanoski second. All in favor. Motion carried. Sanoski moved to nominate Craig Blonigen for Vice-Chair. Saupe second. All in favor. Motion carried.

Reports/Announcements:

- There will be a County Hearing to consider changes from minor to major subdivisions. This change may be to prevent someone from creating a series of single plats to avoid the more stringent requirements of major subdivisions.
- The final FEMA payment should be processed soon.
- The required ARPA report has been completed by the Treasurer.

Next Meeting: The next PC meeting is May 31, 2023 at 7:00 PM. *(see 'Call to Order' for the Zoom log-in)*

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

- Supervisor's meeting, May 3, 2023

Adjournment: Sanoski moved to adjourn the meeting at 8:02 PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: May 1, 2023

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____