

Minutes of the Meeting of the Avon Township Supervisors
August 5, 2015
Avon Township Hall

Call to Order: Chairman Bresnahan called the meeting of the Avon Township Supervisors to order at 7:30 P.M. in the main chamber of the Avon Township Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Richard Bresnahan, Roger Nelson, Kelly Martini, and Marion Gondringer. Absent – John Merdan and Stephen Saupe.

Approval of Agenda: Nelson moved to approve the agenda as amended. Bresnahan second. All in favor. Motion carried.

Minutes: Nelson moved to approve the minutes of the July 1, 2015 meeting. Bresnahan second. All in favor. Motion carried. All in favor. Motion carried

Treasurer’s Report: Martini read the Treasurer’s Report and provided the Cash Control Statement for the period 7/1/2015 to 7/31/2015 (*below*).

Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance
General	\$112,508.65	\$26,001.52	\$19,049.38	\$119,460.79
Road & Bridge	\$147,309.01	\$31,365.27	\$3,698.29	\$174,975.99
Road Damage Deposit	\$1,600.00	\$0.00	\$0.00	\$1,600.00
Fire Fund	(\$30,927.00)	\$10,118.18	\$0.00	(\$20,808.82)
Capital Projects	\$56,476.22	\$1,593.74	\$0.00	\$58,069.96
Total	\$286,966.88	\$69,078.71	\$27,747.67	\$333,297.92

PERA checks #2623 and 2624 for July. Nelson moved to accept the Treasurer’s report. Bresnahan second. All in favor. Motion carried.

Approval of Claims & Payroll: Martini presented claims #2625-2640. Voided check #8310 for error in amount. Nelson moved to approve payroll and claims. Bresnahan second. All in favor. Motion carried.

Road Report:

- a. **Behrend update: Gate structure placed in Township Road Right of Way (ROW).** Kevin Behrend stated that when he built the gate structure he was told to place it 6 feet from the tar; he placed it at 8 feet from the tar. Bresnahan spoke with Jeff Lange about the gate and Lange stated that he spoke to Behrend about moving the structure eight years ago and is willing to sign an affidavit attesting to that fact. Behrend stated that Lange told him there was nothing wrong with the placement of the gate. Behrend stated that a member of the board spoke to him about the gate recently. Roger Nelson stated that he was the supervisor who spoke to Behrend. Bresnahan stated that MN DOT and Stearns County are stressing the need to address ROW obstructions. He explained that the obstruction is an obvious hazard, is located within the ROW, and must be moved back. Greg Jarret, brother-in-law to Behrend, stated that even if the structure is moved back out of the ROW there will still be liabilities involved. Behrend offered to take all liability responsibilities. Adam Ripple, Township attorney, stated that it does not matter how long the structure has been in place, and regardless of the fact that Behrend offered to take full responsibility for any liability, it is still a hazard to the general public. He stated that in the event of an accident involving the gate, the Township could still get sued for liability issues connected to the structure because it is placed in the legal Township ROW for which the Township is responsible. Behrend was notified by the Township attorney that he has 30 days to remove the structure. Behrend asked for an extension of the 30 days. Motion by Nelson to extend the removal date deadline to September 1, 2015. Second by Bresnahan. All in favor. Motion carried. A Township official will show Behrend exactly where to place the structure.

- b. **Lawn mower:** Township lawn mower is inadequate for our needs. Koopmeiners is bringing his own riding lawn mower to use at this time.
- c. **Snow season preparation:** Plows are ready, salt sand ordered, drivers on board.
- d. **Water:** quality / testing / softener / test by state: There is some concern for rust in the fixtures. Motion by Bresnahan to retest water for hardness and iron content and get a recommendation for a softener/iron filtering system. Second by Nelson. All in favor. Motion carried.
- e. **Propane quote:** A fall quote will be procured when the price is favorable.
- f. **Weed sprayer:** Sprayer for road thistles discussed.
- g. **Upper Spunk Lake Road:** Eric Linn explained that there was considerable washing on Upper Spunk Lake Road caused by the underground electrical borings that were done during resurfacing. This disturbance has washed out the road and caused damage. Stearns Electric is responsible for the damage. Bresnahan will call them to discuss their responsibility for the damage and the cost of repairs.

Planning Commission report:

- a) **Road driveway permit:** The Planning Commission recommended approval. Motion by Nelson to approve driveway permit. Second by Bresnahan. All in favor. Motion carried.
- b) **Haakonson driveway permit reviewed:** A home extended business has been permitted by the county. Haakonson has no on-site employees. Haakonson stated that there is a great deal of traffic and a second driveway would decrease the road hazards to the public. Since no new information was provided and no new permit application was submitted, the board suggested other alternatives. Haakonson agreed to explore these other options in an effort to resolve the situation.
- c) **Kelly CUP:** As per resident request, the board re-examined the Bill Kelly Limited Rural Business Conditional Use Permit and found that Kelly is in compliance with the permit he has in place.
- d) **CUP's:** Avon Township now handles Conditional Use Permits. Consideration for whether to pass this on to the County took place. The board feels these permits should remain with the Township.
- e) **Additional master key(s):** It has been found that some of the Township keys do not work properly.
- f) **Design of built-in voting structure and/or front dais:** Discussion concerning purchasing built-in voting structures and a dias for speakers at meetings. Planning Board recommends no action at this time since the table dividers are working fine and they felt a dias was not a top priority.
- g) **Coat rack in entry way:** The board did not have a great deal of support for this idea due to a lack of adequate space for a rack.
- h) **Buecker's plat:** Water sample continues to show a high level of boron (4 times higher than safety standards). The Town Board approved the plat with the condition that it meets the water quality standards of the County, which are the same as those of the State. If a supervisor does not agree with a decision by the board as officially voted on, then any correspondence outside of the voted decision should be made strictly as a personal resident, not as a supervisor representing the Township. UPDATE: Bueckers plat was denied by the County Planning Commission because of contaminated water. County will hold a public hearing on August 25 at 10:05. Bresnahan moved to have LeRoy Gondringer represent the Township at that meeting. Nelson second. All in favor. Motion carried.
- i) **Recording meetings:** The board felt it would be adequate to record just the minutes from public hearings or other controversial issues. Attorney Ripple suggests recording the entire meeting. The Township will continue recording all Planning Board and Supervisor minutes.
- j) **Abandoned home on Shorewood Drive:** Grass is not mowed and the home is obviously abandoned. Mergen states that the property has current taxes. Since long grass is not considered a nuisance, the Township has no recourse to take action.
- k) **Police fines:** Wakefield Township receives a portion of all traffic violation fines collected. As per research done on this, that township contracts with the city of Cold Spring Police Department for services, therefore they receive a portion of the fines collected. Since Avon Township does not contract for police services, the Township would not qualify for this option. Bresnahan moved to not pursue expanding services of police services in the Township at this time. Second by Nelson. All in favor. Motion carried.
- l) **Meeting with the city on Sept 16th, 2015**
- m) **Milfoil** on the Spunk lakes was discussed.
- n) Russell Arendt has written a book on conservation design.

Motion by Nelson to approve planning board report. Second by Bresnahan. All in favor. Motion carried.

Public Hearings – none scheduled

Scheduled Business:

- a. **Countryside Saloon:** Noise ordinance exemption request – August 14 event. Motion by Nelson to approve application. Second by Bresnahan. All in favor. Motion carried.
- b. **Avon Sportsman Club** – Gambling permit request. Motion by Nelson to approve request. Second by Bresnahan. All in favor. Motion carried.
- c. **Cox family Run:** The Cox family will again be using Pelican Lake Road, 360th Street and Red Maple Drive for a family run on August 8th, 2015 from 9am to 10:15 am. The Township is made aware that this family run will take place. Since the Township does not have an official permit for this sort of event no action was taken.
- d. **Solar panels at Town Hall:** Nelson presented information on a program by Stearns Electric which offers assistance for the installation of solar panels at the Town Hall. Bresnahan pointed out that because the Township is serviced by Xcel Energy the offer does not pertain to Avon Township. No action taken.
- e. **Kelly CUP:** No action taken.
- f. **Pelican Lake Ballroom gambling permit:** Motion by Nelson to approve request. Second by Bresnahan. All in favor. Motion carried.

Additional Items discussed:

- a. **Eric Linn** brought to the attention of the board the trees along Upper Spunk Lake Road that are extending into the road. Linn expressed a frustration with Supervisor Nelson as far as his unavailability by phone.
- b. **Queens Road washout:** Koopmeiners brought to the board's attention the washout along Queens Road within the ROW.
- c. **Road grading:** Motion by Nelson to hire Jeff Lange to grade gravel roads as instructed by John Merdan. Bresnahan second. All in favor. Motion carried.
- d. **Road shouldering:** Linn had questions about the shouldering of roads. Koopmeiners is working on this as the need arises.
- e. **Property line issue:** Elmer Maciejewski expressed concerns for a property line issue with a neighbor who has trees encroaching his land and affecting his fence line. The Township has no legal right to address neighbor/land issue. Gondringer asked Ripple to clarify fence line law. Both parties are responsibility if both parties are using the fence. Ripple was not clear on where the law falls in reference to a fence line that is only used by one property owner. Maciejewski will address this with the County.
- f. **Minimum maintenance road 360th Street East of County Road 155:** Maciejewski also expressed concern for the Township's consideration for minimum maintenance road 360th street. Bresnahan explained that this road was not abandoned since there was no petition for road abandonment. Maciejewski says he brought the sign "Minimum Maintenance Road. Travel at your own risk" back to the Township. He feels the sign gives the wrong impression to school bus drivers who then decide not to travel up the road to pick up school children. The sign was placed there because it is a requirement for minimum maintenance roads.
- g. **Bike races:** There has been an increase in the use of Township roads for bike races. Citizens have complained about the safety of the races as it pertains to residents using the road at the same time. There have been experiences of the race monitors telling residents they could not be on the road during the race or be working in ditches along these roads. Linn stated that the bike run he has seen is very large and the racers were not respectful to his group as they were cleaning up trash in the roadway ditches. Attorney Ripple stated that all citizens have the right to use the roads but if the events become a hazard the Township can require permits for the events. Ripple suggested working with the City of Avon to come up with appropriate conditions or regulations for these events. Ripple suggests the board take some kind of action on this issue as it relates to public safety. The Supervisors will have the Planning Board draft a permit application form to handle these events in the future.
- h. **St. John's solar panel** project has been put on hold because of extensive regulations that have been put into place.

1. Other/Old Business

- a. **Newsletter / Enterprise column – topics to include:** Tabled until next meeting.
- b. **Logo:** Tabled until next meeting.

c. **Eichers CUP** will be addressed at the next planning board meeting.

2. Reports/Announcements

- a. **911 Sign Requests** – *none received*
- b. **Certificate of Real Estate Value** – *none received*. These will be received digitally from now on.
- c. **Construction Site Permits** – Clubb (16 x 34 addition); Fasen (27 x 37 garage); Schwalbe (18 x 40 deck); Goldstone (30 x 55 shed); Quesnal 12 x 12 garden shed; Rood (single family dwelling)
- d. **Feedlot permits** – Lashinski (14279 Co Rd 52).
- e. **Home Extended Business Permit** - Haakonson
- f. **Special Assessment Searches** – Casey (37767 Sunnyfield Circle); Carbert (33732 Shorewood Dr.); Heine (32819 Spunk Tree Circle)
- g. **Stearns County Public Hearings & Stearns County Actions** –Buecker’s Plat public hearing notification. August 25, 10:05.
- h. **Joint City/Town Meeting(s)** – *none received*
- i. **MATIT Insurance** – policy endorsement paperwork received including liability coverage and declarations page
- j. **UM Center for Transportation Studies e-newsletter received** (*Catalyst* July 2015)
- k. **AIS Meeting** – Avon City, DNR & Clerk – July 16th report
- l. **Board of Appeal and Equalization training** will go online
- m. **Russell Arendt book available**
- n. **Bueckers plat:** Denied by County Planning Commission
- o. **County Road 3** work started July 26th.

Adjournment: Nelson moved to adjourn the meeting at 9:40 PM. Bresnahan second. All in favor. Motion carried.

Announcement of Next Meeting: The next meeting will be held on September 2, 2015 at 7:30 PM.

Respectfully submitted,
Marion Gondringer

Supervisor Approval

Richard Bresnahan

Roger Nelson

John Merdan

Attest

Date