

Minutes of the Meeting of the Avon Township Board of Supervisors

June 5, 2019

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

Call to Order: Chair Will Huston called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the main chamber of the Avon Township Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Will Huston, Mike Linn, Kelly Martini, John Merdan, and Stephen Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Joe Koopmeiners, Ken Mergen (*Planning Commission Chair*) and Marion Gondringer (*Deputy Clerk*).

Approval of Agenda: Items added to the agenda included the Tour of Saints, approval of the Appeals Board minutes, a Certificate of Compliance for Preusser, and a culvert on 140th. Linn moved to approve the agenda as amended. Huston second. All in favor. Motion carried.

Minutes: The minutes from the 1 May, 2019 meeting were amended to include in the Treasurer’s Report a sentence identifying the signatories of the CD (“The signatories will be Kelly Martini (Treasurer), Paul Buttweiler (Deputy Treasurer), and Stephen Saupe (Clerk”). Linn moved to approve the minutes of the December 5, 2018 meeting as amended. Merdan second. All in favor. Motion carried.

Planning Commission Report – *presented by Ken Mergen (PC Chair):*

1. **Haakonson Variance** – The PC held a public hearing to consider a request by Teresa & Chance Haakonson for a variance to construct a shed on their property closer to the center-of-the-road than is currently permitted by ordinance. The Haakonson’s stated the variance was required because the structure would encroach into farmland, wetland, and his septic system, and it would decrease the amount of impervious surface leading to the building. Two residents supported the variance. After hearing public testimony and considering the Findings of Facts, the PC recommended approval of the variance. Linn moved to approve a variance from Section 9.3 of Avon Township Land Use and Zoning Ordinance #4 for Teresa and Chance Haakonson to construct a shed no closer than 63 feet to the center-of-the-road at their residence at 37574 145th Ave, Avon, MN. Merdan second. All in favor. Motion carried.
2. **MidCo Contract** – the PC held a public hearing to consider a contract/ordinance with Midcontinent Communications. The Township attorney, Mr. Adam Ripple, offered suggestions and these were included in the final document. No public feedback was received. Huston moved to approve Contract / Ordinance 06-05-16: “Granting a franchise to Midcontinent Communications to maintain a cable communications system in the Township of Avon, Minnesota; Setting forth conditions accompanying the grant of the franchise; Providing for regulation and use of the system; and Prescribing penalties for the violation of its provisions,” as edited and amended by Mr. Ripple. Linn second. All in favor. Motion carried.
3. **368th Street** – Ms. Sue Mosiman appeared at the PC and Supervisors meetings to request that the Township take over maintenance of 386th (and 367th). She stated that a recent court case suggests that the Town is responsible. The Town position is that it is a private road and that before the Town considers taking over a private road for maintenance that residents bring the road up to Township standards. No action was taken at this time.

4. **Tomsche Transfer of Building Credit** – Albany Township will have a public hearing on June 11th to consider allowing Mr. Thomas Tomsche to transfer a building credit from a property in Albany Township (PIN 01.00096.0005) to one in Avon Township (03.00809.0000). The Township has little direct information about this transfer. The Township notes that there is no access to the property which is a problem, nor is it clear whether there is a building credit already present on the parcel, or how many residences were being requested, or whether additional acreage would be restricted in Albany Township, and so. The Supervisors authorized the Clerk to send a letter to Albany Township stating the Township cannot provide an opinion, for or against, the variance for Mr. Tomsche until these questions are answered.
5. **Road Planning** – no action was taken at the PC meeting.
6. **Review of the Comprehensive Plan** – the PC discussed the need to review the Town Comprehensive Plan. The last one was completed in 1989. The County is in the process of reviewing their Comp Plan so this would be a good time to reexamine ours. Huston moved to authorize the Planning Commission to begin a review of the Township Comprehensive Plan and authorized Supervisors to attend the Planning Commission meetings. Second by Linn. All in favor. Motion carried.
7. **Gondringer Appointment to the Planning Commission** – Mr. LeRoy Gondringer was involved with the development of the 1989 Township Comp Plan and has also had similar County-level experiences. To take advantage of Mr. Gondringer's expertise in this area, Huston moved to appoint LeRoy Gondringer to the Planning Commission. Linn second. All in favor. Motion carried. Mr. Gondringer accepted the appointment. The Clerk sent an electronic copy of the 1989 Comp Plan to town officials. Huston will look into printing copies of the plan for the next meeting.
8. **Rushmeyer Driveway Permit Extension** – Lowell & Sue Rushmeyer, 35241 Tower Road, received a driveway permit on June 6, 2018. They have not yet begun work. Mr. Rushmeyer requested a renewal of the permit for another year. The Planning Commission discussed the request and recommends renewal. Linn moved to extend the driveway permit for Lowell & Sue Rushmeyer for one year (June 6, 2020). Merdan second. All in favor. Motion carried.

Treasurer's Report: Martini read the Treasurer's Report and presented the Cash Control Statement for the period 5/01/2019 to 5/31/2019 (*below*). Linn moved to approve the Cash Control Statement and Treasurer's report. Merdan second. All in favor. Motion carried. The bank issued a \$60 service charge for a late transfer of money between accounts. Martini contacted them and they waived the fee; the credit will be reflected next month. Check #9666 for our fire fund payment was voided because it was written out for the entire amount; the City will allow the Town will pay just half the Fire Fund invoice now and the rest later in the year. Check #9667 to Century Link from last month was voided. Martini reported that the \$1908.34 difference between the amount reported on the federal W3 and the amount processed by the IRS should be hopefully fixed. There was a difference in the check received from the IRS and the tax-advantaged bond form; this is due to a 6.2% reduction in the credit reduction payment from the government. Martini completed a form to allow the Stearns County Treasurer's office to direct deposit funds into our account. Huston moved to authorize Merdan and Koopmeiners to be the signatories on the Menard's Governmental Credit Entity application and to request a monthly credit limit of \$1000. Linn second. Two in favor. One abstain (Merdan). Motion carried. Linn moved to add the Chair of the Supervisors, Will Huston, as a signatory on the IUP Financial Assurance CD. Merdan second. Two in favor. One abstain (Huston). Motion carried. Martini reported that the Assessor's office fee went up. Our Xcel bill this month was lower than anticipated because of a credit. Martini will send the invoice from Rinke-Noonan to FastSun as negotiated.

For the Period : 5/1/2019 To 5/31/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$123,338.49	\$382.77	\$8,346.98	\$115,374.28
Road and Bridge	\$326,359.50	\$0.00	\$30,593.65	\$295,765.85
Road Damage Deposit	\$1,850.00	\$0.00	\$0.00	\$1,850.00
Fire Fund	\$6,698.91	\$0.00	\$0.00	\$6,698.91
General Capital Projects	\$43,203.82	\$0.00	\$0.00	\$43,203.82
Total	\$501,450.72	\$382.77	\$38,940.63	\$462,892.86

Claims & Payroll: Martini presented the May PERA claims (3574, 3575, 3576), which totaled \$788.31. May payroll was \$4206.63 and June payroll was \$1564.43. May claim 3594 was for \$60.00. June claims (3577 – 3593) were \$34,937.15. Linn moved to approve the claims and payroll. Merdan second. All in favor. Motion carried. The Century Link bill from last month was voided. Travel reimbursement for Town officials is not permitted for mileage within the Township. Certificates of Exemption for Mac's and Auto Value were completed.

Town Hall Maintenance Report – presented by Joe Koopmeiners

1. **Insulation quotes** – in progress.
2. **Housekeeping** – Dolores continues to serve.
3. **General Maintenance** – the air filter is damaged, the flag is getting frayed and the parking lot needs about 12 yards of Class 5. The Supervisors authorized Koopmeiners to complete the necessary work/replacements/repairs.
4. **Lawn Mower** – Koopmeiners repaired two flat tires. He will borrow a magnet to roll the grass around the Hall to pick up nails dropped during the roof repair.

Road Report – presented by Joe Koopmeiners

1. **Road/Maintenance Report** – Among the things done this month were: (a) picked up dumped trash on Peach Drive and 160th; (b) ordered replacement signs; (c) filled potholes on Norway Road, Shorewood Dr, St. Anna Drive, 185th, 190th Ave, Lower Spunk Lane and Koppy Lane; (d) maintenance of plow trucks; (e) graded all gravel roads; and (f) service lawn mower.
2. **Culvert on 140th** – Mr. David Raab appeared to alert the Supervisors to a culvert on 140th that has been a problem for several years but said has pushed up significantly this winter. It has made it difficult to drive farm machinery over this spot. He recommends repair. The Supervisors think the culvert could be removed because a larger one nearby apparently handles the water. Koopmeiners will examine and report to the Supervisors.
3. **Salt/Sand** – Koopmeiners will seek quotes for next month.
4. **Snow Plow Repairs** – Koopmeiners got estimates for repair of the fuel tank (\$1,300 + \$85 freight) and heater (\$195) for the red truck. He also installed a new step on blue truck and fixed the heater fan.
5. **Ditch Cutting** – he plans to cut ditches at the end of June.

6. **Brush Cutting** – tractor with boom will likely be available last two weeks in August for brush cutting.
7. **Tower Road** – Quotes were received for repairing sections of Tower Road, spray patching some roads, crack sealing. He will seek additional quotes.
8. **Disaster Declaration** – it is possible that the Town can apply for disaster relief funds for road maintenance; we will keep track of whether this is a possibility.

Public Hearings: *None scheduled.*

Business:

1. **Preusser Certificate of Compliance** – Mr. Adam Preusser, 360th Street, appeared to request a Certificate of Compliance to attach a piece of land to his property. Typically the Planning Commission first examines requests for Certificates of Compliance. The Supervisors requested that, unless he was in a critical hurry, Mr. Preusser should attend the June Planning Commission meeting. Mr. Preusser will attend the June meeting; if he can't attend because of a work commitment, he will get his application materials to the Clerk prior to the meeting or send it with a proxy.
2. **FastSun Project** – Mr. Rich Stanosky, Smiley Drive, appeared to inquire about the status of the project. He stated that the company was supposed to gravel the access road (his drive) prior to beginning work but they have not yet done so. Mr. Stanosky was referred to Harlan Smith at FastSun. Huston reports that the company has received necessary approvals and the project is moving along.
3. **Tour of Saints** – Mr. Michael Doyle, director of the Tour of Saints, appeared to request a permit for this year's event, which will be held on July 14th. It will be rerouted along the old entrance road to Saint John's over the I-94 footbridge and down Old Collegeville Road because of the work on the I-94 bridge at Co Rd 159. Linn moved to approve the application for the Tour of Saints event. Merdan second. All in favor. Motion carried.
4. **MAT Summer Specialized Training** – will be held June 17 in St. Cloud. Huston moved to authorize Martini, Gondringer, and Buttweiler to participate if they are available. Linn second. All in favor. Motion carried.
5. **MAT Membership Cards** – were distributed to members of the Board of Supervisors.
6. **Community Leader Conservation Tour** – no Township Supervisor is able to participate in the Stearns County SWCD Conservation Tour.
7. **Census** – The Township will not participate in the 2020 Census New Construction Program. The State Demographer sent updated population estimates for Avon Township: Population – 2,333; Households – 811.
8. **Ebnet Garage** – Mr. Ebnet has not yet moved his garage as required. The Clerk will alert the County.
9. **Joint City/Town Resolution** – Huston moved to approve Resolution 2019-15: Joint Resolution for Orderly Annexation of Between the Town of Avon and the City of Avon (Norma E Meyer property). Linn second. All in favor. Motion carried.

10. **Appeals Board Minutes** – Huston moved to approve the minutes from the April 22, 2019 meeting of the Avon Township Appeals & Equalization Board. Merdan second. All in favor. Motion carried.
11. **Fine Revenue** – No action; the Clerk will put a priority on this.
12. **Continuation Certificate from Liberty Mutual Insurance** – will be maintained by the Treasurer.
13. **Enterprise Contribution** – one possible topic is the upcoming census and new census data.

Other/Old Business: Town Hall Inventory, Permitting to County

Signatures / Documents / Treasurer: documents were signed as necessary.

Recurring Reports:

1. No requests for **911 signs** were received.
2. **Construction Site Permits** were received for Woitalla (19005 St. Anna Dr.; new dwelling); Wilke (33492 Shorewood Dr.; deck); Schneider (16898 Queens; shed); Tschida (37014 Sara Lane; accessory structure); Gertken (34206 Smiley Dr.; Solar Garden); Justin (17075 Upper Spunk Lake Road; new dwelling & deck); Osfalg (33357 185th Ave; deck); and Linn (18342 Upper Spunk Lake Road; accessory structure).
3. No **Feedlot Permits** were issued.
4. **Special Assessment Searches** were completed for Hageman (525 1st St SE) and Bullert (Two Rivers Road).
5. **County Hearings** – the request by Joan Burrows to rezone her property was denied by the Stearns County Board of Commissioners; they wanted to first identify growth areas via the Comprehensive Planning process. The County will hold a hearing on June 27th to consider a request by Kelly Skalicky for a variance to build a new deck closer to the lake than currently permitted.

Announcements & Brief Reports:

1. Norway Road – is being bid by the County.
2. I-94 Bridge – work has begun. The bridge is closed but all ramps remain open. Traffic will be detoured along Norway Road, County 159 and/or into Avon via I-94.
3. The Holdingford Area Chamber of Commerce Business Directory and Events was received.
4. Town officials and residents can sign up for the MAT Advocacy Alert program to receive updates on advocacy opportunities to state legislators at www.mntownships.org/alert.
5. Laurie Silbernack is retiring from Elections Administration.
6. The May newsletter from MBA & MAT received.
7. Huston reported that the FastSun project is moving along.
8. The County held their Five-Year construction program meeting on May 13th.
9. Minutes from the Joint Planning Board (April 16th & May 13th) meetings are available.
10. Midwest Asphalt brochure was received.
11. Tek Supply catalog was received.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, July 3, 2019 at 7:00 PM.

Announcement of Other Town Meetings: The Planning Commission meets June 26 at 7:00 PM; among items on the agenda will be a review of the Comprehensive Plan.

Adjournment – Linn moved to adjourn the meeting at about 9:45 PM. Merdan second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

Clerk signature: _____

date: June 10, 2019

Supervisor Signatures:

date: _____

Will Huston

Mike Linn

John Merdan