

Minutes of the Meeting of the Avon Township Board of Supervisors

May 5, 2021

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

Call to Order: Acting Chair Rich Sanoski called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the Main Chamber of the Avon Township Hall. The meeting was also available virtually via Zoom at <https://csbsju.zoom.us/j/91840001929>.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Kelly Martini, Ken Mergen, Rich Sanoski, and Stephen Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Leroy Gondringer (*PC Chair*), Marion Gondringer (*Deputy Clerk*), and Joe Koopmeiners (*Maintenance*).

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

Minutes: Mergen moved to approve the minutes of the April 7, 2021 meeting. Sanoski second. Both in favor. Motion carried.

Huston Leave of Absence – Will Huston has been on a leave of absence. He notified the Township of his desire to return to his position as Supervisor on April 20, 2021. In accordance with Minn. Statute 367.03, subd. 7, Sanoski moved to approve Resolution 05-05-21-1: Resolution Reinstating Supervisor Will Huston to the Avon Township Board of Supervisors. Mergen second. Both in favor. Motion carried. This resolution authorized Mergen to step down from the Board in his role as Huston's replacement, and authorized Huston to return to his role as Supervisor. Huston took his seat at the dais.

Linn Resignation – Supervisor Mike Linn submitted his resignation from the Board on April 12, 2021. In accordance with Minn. Statute 367.03., subd. 6, Sanoski, Huston and the Clerk (Saupe) acted as a nominating committee to appoint a replacement to serve until March 2022 when the position will be put up for election. Several options were considered. These included: (a) appointing Mergen to the open position (he stated he did not want to be considered); (b) appointing former Supervisor LeRoy Gondringer (who stated he would serve if appointed); (c) appointing resident Mary Wunderlich, who stated she would serve if appointed; (d) appointing Lori Yurczyk, a current Planning Commission member, who stated she would serve if appointed; and (e) conducting a wider search for potential candidates and then making the appointment at the June meeting. The general consensus was that the appointed individual should have experience working in the Township. Huston moved to appoint LeRoy Gondringer to the Avon Township Board of Supervisors. Sanoski second. All (Huston, Sanoski, Saupe) in favor. Motion carried. Gondringer received the Certificate of Appointment and took the Oath of Office.

Board Responsibilities – The Board will determine committee assignments/responsibilities at the June meeting. Because the Township needs at least one Supervisor authorized to sign checks (*i.e.*, Huston), it was necessary to appoint the Chair and Vice-Chair at this meeting. Gondringer moved to appoint Will Huston to position as Chair. Sanoski second. All (Gondringer, Huston, Sanoski) in favor. Motion carried. Gondringer moved to appoint Sanoski as Vice-Chair. Huston second. All in favor. Motion carried. Martini reported that up to six board members can be authorized to sign checks. The Supervisors decided that the Chair, Vice-Chair, Clerk, Treasurer and Deputies should be authorized to sign checks. Huston moved to approve Resolution 05-05-21-2: Resolution Updating Resolution 08-02-17 Authorizing Individuals Who Can Sign Township Checks. Gondringer second. All in favor. Motion carried.

Planning Commission (PC) Report – presented by LeRoy Gondringer

1. **Thelen Variance Hearing** – The PC held a public hearing to consider a request by David, Ann & Alice Thelen, 32957 Spunk Tree Circle (Avon, MN), to construct a garage on their property closer to the unnamed road in Connaught Addition than is currently permitted by Section 9.9, Ordinance #4. Gondringer provided an overview of the request and hearing. The unnamed road is the same one that was considered for vacation about a year ago, but the request was denied. After taking public testimony and considering the Findings of Facts, the PC recommends approval of the variance. At tonight’s meeting, Paul Nathe and Kelly Skalicky appeared in opposition to the variance. They are the neighbors of the Thelen’s and expressed concerns about where to push snow, water runoff, and vehicle access to their properties. The Supervisors stated they want to balance the use of the property by the Thelen’s with access for the Nathe’s. The fence along the Skalicky property appears that it may be in the Town right-of-way of the unnamed road. After hearing the recommendation from the PC and additional testimony by Ms. Skalicky and Mr. Nathe, Huston moved to approve a variance for David, Ann and Alice Thelen, 32957 Spunk Tree Circle, Avon (MN), to construct a garage on their property no closer than 8.4 feet to the unnamed road in Connaught Addition, on the conditions that: (a) residents maintain a minimum of 20 feet access to the Nathe property even when vehicles are parked; (b) no work should be done to the Town road without Township approval; and (c) no parking signs are erected on the northwest side of the road. Sanoski second. All in favor. Motion carried.
2. **Tiede Certificate of Compliance** – Daniel and Julie Tiede, 18504 Co Rd 9 (Avon, MN), appeared at the PC meeting to request a Certificate of Compliance to sell half of their land (ca. 25 acres) to neighbors (Jeff & Sarah Suchy). The split parcel will be zoned A40 and not have a building entitlement associated with it. The PC recommends approval. Huston moved to approve a Certificate of Compliance for Daniel and Julie Tiede, 18504 Co Rd 9 (Avon, MN), to sell Tract A of their parcel, without a building entitlement, to their neighbors. Gondringer second. All in favor. Motion carried.
3. **Gondringer Certificate of Compliance** – James Gondringer, 35538 Tower Road, Avon (MN) appeared at the PC meeting to request a Certificate of Compliance to split a 5-acre parcel from his property. The PC supports the request. There was some confusion about whether Mr. Gondringer’s request requires a Certificate of Compliance (CC) or a Conditional Use Permit (CUP) because of the Avon Hills Overlay District. If a CC is approved tonight, he may still need a CUP. Since there were no concerns with the split, Huston moved to approve a Certificate of Compliance for James and Joan Gondringer, 35538 Tower Road (Avon, MN), to split five acres from this property. Sanoski second. Two in favor. One (Gondringer) abstain. Motion carried.
4. **Maciejewski Rezoning** – Mr. Wayne Maciejewski requested that he be placed on the agenda of the PC meeting to discuss a potential rezoning of his property. He did not attend the meeting. No action was taken.
5. **Avalon Homes Variance** – Mr. Jeremy Schommer, Avalon Homes Inc., appeared to request a variance to construct a home at 33668 Poverty Point Drive 6 feet closer to the center-of-the-road than is currently permitted by Section 9.9, Ordinance #4. Even though Poverty Point Drive is a private road not maintained by the Township, because it is a platted road means that either the Township or County must handle the variance request. The PC recommends setting a public hearing at their next meeting to consider this variance. Sanoski moved to set a public hearing on May 26, 2021 at 7:15 PM to consider a request by Jeremy Schommer, Avalon Homes Inc., for a variance to construct a home at 33668 Poverty Point Drive (Avon, MN), 6 feet closer to the center-of-the-road than is currently permitted by Section 9.9, Ordinance #4. Gondringer second. All in favor. Motion carried.

- 6. **County Ordinance response** – The County has made a variety of changes in the Comprehensive Plan. The Supervisors authorized Gondringer to contact Ms. Angie Berg to invite her to attend a meeting of the PC and/or Supervisors to update the Township on changes so we can determine if any Township response(s) is necessary.
- 7. **Comprehensive Plan** – Our last Township Comprehensive Plan was completed in 1989. Since the Township has adopted the County Comprehensive Plan, the Township may not need a Comprehensive Plan. The Supervisors charged the Planning Commission to discuss the Township Comprehensive Plan and whether it is necessary.
- 8. **Cemetery Monuments** – Mr. Jim Gondringer appeared at the PC meeting to discuss the cemetery along Upper Spunk Lake Road. It was recently discovered that a large monument is in the Township right-of-way and may be hazardous to motorists as shown recently when a resident ran off the road and nearly hit it. The Town will consider installing a guardrail. Koopmeiners will look into cost and MN DOT rules.

Sanoski moved to approve the PC report. Huston second. All in favor. Motion carried.

Treasurer’s Report: Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 4/01/2021 to 4/30/2021 (*below*). Bank signatories were authorized earlier in the meeting. Sanoski moved to approve the Cash Control Statement and Treasurer’s report. Gondringer second. All in favor. Motion carried.

For the Period : 4/1/2021 To 4/30/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$161,102.15	\$935.47	\$8,942.40	\$153,095.22
Road and Bridge	\$342,014.67	\$0.00	\$3,674.37	\$338,340.30
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,650.00	\$0.00	\$500.00	\$3,150.00
Fire Fund	\$1,243.89	\$0.00	\$0.00	\$1,243.89
General Capital Projects	\$47,135.86	\$0.00	\$0.00	\$47,135.86
Total	\$557,146.57	\$935.47	\$13,116.77	\$544,965.27

Claims & Payroll: Martini presented the April PERA claims (4007 & 4008), which totaled \$525.54. The April payroll was \$2,822.38. The May claims (4009 – 4017) totaled \$2,436.82. The May payroll was \$1,788.46. The claim numbers reported in the April 2021 minutes were erroneous; they should have been 3992 – 4006 for a total of \$4,473.48. The Belgrade Co-op electronic portal was dealt with last month. Koopmeiners will provide Martini with a receipt from Albany Auto Value. An invoice from PowerHouse was for chainsaw oil and sharpening.

Martini checked with the bank about the availability of a debit card, which will be helpful for some purchases such as signing up for electronic services (*i.e.*, anti-virus software). Gondringer moved to authorize Martini to get a Township debit card with a limit of \$200 per transaction. Huston second. All in favor. Motion carried.

Town staff are reminded to complete an Affidavit of Official Interest in Claim to include with the claims form if work is done for the Township.

Sanoski moved to approve the claims and payroll. Gondringer second. All in favor. Motion carried.

Town Hall Maintenance Report – presented by Joe Koopmeiners

1. **Lights on the shop** – The lights are collecting moisture and often don't turn-on. Koopmeiners obtained a quote from Liberty Electric. Huston moved to accept the quote from Liberty Electric to replace the lights on the shop with water-tight LED ones. Gondringer second. All in favor. Motion carried.
2. **Flag** – was replaced. **Softener salt** was ordered. The **furnace filters** will be changed. **Hall** cleaned. **LP** is at 48%
3. **Hot water heaters** – not working. The elements appear to be defective, perhaps because of mineral deposits from not having a water softener for the first years of the building. Koopmeiners was authorized to get quotes for repair/replacement.
4. **Little Library** – it was suggested that the Township sponsor a used book exchange (*i.e.*, Little Library). The Clerk will look into costs, etc. One concern is the possibility that it might result in vandalism to the Town Hall.

Road Report – presented by Joe Koopmeiners

1. **Road/Maintenance Report** – Among the work completed this month included checking into drainage issues on Nordica Road, consultation with Stantec concerning Noble Oak Circle and upcoming road bid, checking culvert on 325th (it is out of the road right-of-way), grading gravel roads, brushing/chipping on Parkwood Circle, and filling potholes on several roads (Upper Spunk Lake Road, Narnia Lane, 190th Ave, Red Maple).
2. **Summer Road Projects** – Jeremy Mathiassen, Stantec Engineering, appeared to seek approval for the bid package prepared for summer roadwork. Eight roads, approximately 8000 feet, which will require varying degrees of improvements, are included. The bid will be structured to allow for multiple options, depending upon final cost. Kopy Lane and Lower Spunk Lane, about 2,000 feet combined, will be separated from the remainder (about one mile). Mr. Mathiassen estimates the total cost will be \$320,000. Huston moved to approve the plans and specs, and to authorize the bid package prepared by Stantec. Sanoski second. All in favor. Motion carried.
3. **Brush** – Koopmeiners will begin cutting brush next week with the tractor brush-cutter.
4. **Driveway** – a resident resurfaced his driveway and removed the 'heel.' This is illegal and presents a hazard because this section of the road is more prone to breaking up and could damage the plow blade. Residents are alerted that the heel must be left intact. Driveway standards will be sent to local contractors to alert them to this situation. We need a balance of inspection, enforcement, and education.
5. **Graffiti** – Koopmeiners reported that someone painted graffiti on the road and a 'Stop' sign on St. Anna Drive. The sign will be replaced. The graffiti will be tarred-over when the weather warms.
6. **Crack-sealing** – Quotes for crack-sealing some of the newly tarred Township roads (*ca.* 8 roads total) were received from Midwest Asphalt (\$3,456), Simply Surfacing (\$13,601), and Precision Roadway (\$8,750). Gondringer moved to accept the quote from Midwest Asphalt Maintenance LLC for \$3,456. Sanoski second. All in favor. Motion carried. The map of the roads to be sealed will be attached to the signed contract. A formal contract should be prepared to ensure that work is done to Town specifications. Martini will provide a copy of the contract form.

7. **Blue Truck** – the leaf springs will be repaired by Ramler.
8. **Road Inspection** – Road inspection was scheduled for April 28 but cancelled due to a lack of quorum. Huston moved to reschedule road inspection for Monday, May 17th at 3:30 PM. Sanoski second. All in favor. Motion carried. The clerk will publish and post.
9. **Non-compliant Mailboxes** – there are several in the Township. These will be examined during road inspection and an action plan will be decided.
10. **Parkwood Circle** – a complaint was received from a resident on Parkwood Circle who stated that the plow pushed tar on his lawn and requested the Town to remove it. A resident apparently replaced a driveway culvert without Town approval. The culvert was undersized (12 inches) and did not include aprons. A neighbor complained that this work is causing his driveway to sink. These issues will be examined during Road Inspection.
11. **Bump on 360th** – The Post Office complained about the bump on 360th. A previous repair didn't work. More gravel will be added as a temporary fix. The situation will be examined during Road Inspection.
12. **135th Avenue** – tar appears to be breaking up near the area where the ditch was cleaned. This will be examined during Road Inspection.
13. **St. Anna Drive Culvert** – the culvert is blocked because the ditch is full. The culvert is not in the Town road right-of-way. This will be examined during Road Inspection.
14. **Road Maintenance Plan** – to be approved at the next meeting.

Sanoski moved to approve the Road Report. Gondringer second. All in favor. Motion carried.

Public Hearings: *none scheduled*

Business:

1. **Nuisance Complaint** – A complaint was received about a property on Shorewood Drive with numerous vehicles and garbage. It will be examined during road inspection.
2. **Koopmeiners Contract/Performance Review** – table until the next meeting. There was a consensus that if any salary increase is recommended, it would be retroactive.
3. **Liquor License** – Huston moved to approve an on-sale liquor intoxicating liquor license for Pelican Lake Ballroom, waive the 2021 fee if the County is doing so, and reimbursing The Landing for the fee they previously paid. Sanoski second. All in favor. Motion carried. We will confirm with the County that they have waived the liquor license fee for 2021. There was a discussion of whether applicants for a liquor license should be required to come before the Board – no decision was made.
4. **LBAE Minutes** – Sanoski moved to approve the minutes of the Avon Township Appeals and Equalization Board. Huston second. All in favor. Motion carried. Sanoski will take LBAE training once it is available.
5. **Mergen** – Gondringer moved to authorize a plaque and celebration in gratitude of Mergen's service. Sanoski second. All in favor. Motion carried.

Other/Old Business: *Permitting to County; Maintenance Shed insulation*

Signatures / Documents / Treasurer: *none*

Recurring Reports:

1. There were no requests for **911 signs**.
2. **Construction Site Permits** were issued to McGuiness (36065 160th Ave; residence); Wohletz (32883 Spunk Tree Circle; addition, garage, entry); Sauerer (325th St; residence, accessory structure); Blonigen (18733 368th, shed); and Donabauer (35005 Goosehaven Road; addition, deck).
3. A **Feedlot Permit** was received for Zeimetz (35982 165th Ave).
4. **Special Assessment Searches** were completed for DeVos (33732 Shorewood Drive); Kelley (37312 185th Ave); and Gill (36971 Pelican Lake Road).
5. The County has hosted several hearings for Shape 2040.

Announcements & Brief Reports:

1. **Lake Wobegon Trail race** – this weekend. The organizers are planning measures to avoid parking issues from last year.
2. The **Avon Compost Site** is now open and available to Town residents.
3. A brochure from Road Groom Manufacturing was received (gravel road maintenance).
4. A notice will be placed on the website thanking residents who collect garbage from the road right-of-way and dispose of it, since the Town doesn’t pick up trash. The Town could consider an “adopt-a-road” program. We used to host a trash pick-up day.
5. **AV System** – seems to be working now; the problem may have occurred when the same account logs into Zoom from different computers.
6. **Key Update** – Town keys are accounted for; we need to get the key back from Mergen.
7. Catalogs were received from *GameTime* and *Kay Park Recreation*.
8. Belgrade Co-op sent propane safety information.
9. A request to use the Town Hall for a family meeting was denied. It was suggested we should revisit the Town Hall use policy.
10. We will need to revisit Planning Commission membership.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, June 2, 2021 at 7:00 PM.

Announcement of Other Town Meetings:

- Road Inspection – May 17th, 3:30 PM.
- Annual Meeting (*continuation date*) – June 8, 2021

Adjournment: Sanoski moved to adjourn the meeting at about 10:00 PM. Gondringer second. All in favor. Motion carried.

Respectfully submitted,

Stephen G. Saupe, Clerk signature: _____ date: June 5, 2021

Supervisor Signatures:

date: _____

LeRoy Gondringer

Will Huston, Chair

Rich Sanoski