

Minutes of the Meeting of the Avon Township Board of Supervisors

October 6, 2021

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. The meeting was also available virtually via Zoom at <https://us02web.zoom.us/j/83387278851>.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – LeRoy Gondringer, Will Huston (*Chair*), Kelly Martini (*Treasurer*), Rich Sanoski, and Stephen Saupe (*Clerk*). Also present – Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

Approval of Agenda: The Sheriff's Department report was removed from the agenda. Gondringer moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes of the September 1, 2021 meeting as presented. Gondringer second. All in favor. Motion carried. The minutes from the July 2021 and August 2021 meetings, which had required corrections, were also signed.

Planning Commission (PC) Report – presented by Lori Yurczyk, PC Chair

1. **Gondringer CUP** – A public hearing was held to consider a request by James & Joan Gondringer (35556 Tower Road, Albany) for a Conditional Use Permit (CUP) for a conventional subdivision in the Avon Hills Overlay area. The PC recommends approval. No additional comments from the public were received at tonight's meeting. The Supervisors reviewed the request and Findings of Facts. Sanoski moved to approve a CUP for James & Joan Gondringer for a conventional subdivision in the Avon Hills Overlay area. Huston second. All in favor. Motion carried.
2. **Huston Certificate of Compliance** – The PC reviewed a request by Will & Tammy Huston for a certificate of compliance for a land split at their property at 17559 360th St., Avon (MN). The PC recommends approval. After consideration of the request, Gondringer moved to approve a Certificate of Compliance for a land split for Will Huston & Tammy Huston. Sanoski second. Two in favor. One abstain (Huston). Motion carried.
3. **Parking Pad Policy** – The PC was authorized by the Supervisors to develop a parking pad policy. The PC considered a variety of policy items but had concerns about liability, especially if the Township permitted vehicles to park close to the road. Before continuing further, the PC recommends seeking a legal opinion on whether the Town would incur liability by allowing parking close to the road. Huston was authorized to contact the Township attorney to clarify liability and any other issues that may pertain to a parking pad.
4. **Parking Ordinance** – In response to the vehicle that had been parked for several weeks on a Township cul-de-sac, the Supervisors authorized the PC to develop a parking ordinance that would allow the sheriff to deal with the situation. The PC recommends an ordinance that would allow a vehicle to be parked on a Township road for a maximum of 24 consecutive hours. Gondringer moved to set a public hearing to consider a Parking Ordinance at the November 3, 2021 Supervisor's meeting at 7:05 PM. Sanoski second. All in favor. Motion carried. Huston was authorized to contact the Township attorney to follow up that the ordinance is appropriate and meets all legal requirements.

- 5. **ARPA Funding** – The Township ARPA subcommittee (M Gondringer, Martini, Saupe, Yurczyk) will meet next week to discuss options for expenditures. There appears to be misinformation in the public about the items on which the funds can be spent. Martini reported that she must file quarterly reports (next is due April 2022). The cost of Zoom, computers for the Board, and a printer for the Main Chamber, are possible expenditures.
- 6. **Aquatic Invasive Species** – grants are available through the County. The Town will take no action.

Gondringer moved to approve the Planning Commission report. Sanoski second. All in favor. Motion carried.

Treasurer’s Report: Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 9/01/2021 to 9/30/2021 (*see below*). Sanoski moved to approve the Treasurer’s report. Gondringer second. All in favor. Motion carried.

For the Period : 9/1/2021 To 9/30/2021				
<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$167,313.11	\$410.67	\$5,472.41	\$162,251.37
Road and Bridge	\$452,994.05	\$0.00	\$292,983.56	\$160,010.49
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,150.00	\$0.00	\$0.00	\$3,150.00
Fire Fund	(\$4,267.93)	\$0.00	\$0.00	(\$4,267.93)
General Capital Projects	\$52,009.68	\$0.00	\$0.00	\$52,009.68
ARPA Fund	\$131,160.20	\$0.00	\$0.00	\$131,160.20
Total	\$804,359.11	\$410.67	\$298,455.97	\$506,313.81

Claims & Payroll: Martini presented the September PERA claims (4091 & 4092), which totaled \$560.00. The September payroll was \$2,993.76. The October PERA claim (4093) was \$280.00. The October claims (4094 – 4118) totaled \$31,689.16. The October payroll was \$1,669.60. A check (Claim #4089) was inadvertently written to the wrong company; it was voided and a new check issued (Claim #4090). Auto Glass charged the Township tax; they will be contacted. The Town purchased a generator to be able to open the maintenance shop doors in the event of a power outage; this expenditure will be deducted from Capital Projects.

Sanoski moved to approve the Claims and Payroll. Gondringer second. All in favor. Motion carried.

Town Hall Maintenance Report – presented by Joe Koopmeiners

- 1. **Hot water heaters** – scheduled to be installed next week by Mechanical Brothers.
- 2. **Windows** – the Clerk is still looking for the warranty.
- 3. **Water Testing** – a sample was taken to the County Water Testing day but because of the large crowd, Koopmeiners didn’t have time to wait for it to be processed.
- 4. **Fire Extinguishers** – updated.
- 5. **Floor tanks** in the Shop were drained.

Road Report – presented by Joe Koopmeiners

1. **Road/Maintenance Report** – Among the work completed this month included: grading gravel roads, finish mowing ditches, installing signs (bridge, school bus), and spraying for weeds. In addition, maintenance was done on our trucks including getting the plows ready for DOT.
2. **Snow Readiness** – salt/sand in shed, drivers on board, trucks DOT. Koopmeiners will be on vacation over Halloween weekend; he has a plow driver backup, if necessary.
3. **Summer Roadwork Update** – Project engineer, Jeremy Mathiasen from Stantec, stated that everything looks good. New drains seem to be working. Seeding is good on Kopy Lane. Only the final payment voucher remains and will be held to all final work is complete.
4. **Bump on 360th** – fixed.
5. **Norway Road** – The culvert is fixed and seeded. A vehicle fire near Meadowview Road didn't damage the road, though it may have boiled some of the oil out of the tar. It will need to be resealed in the Spring.
6. **Queens Road** – soil borings are complete. The feasibility study results will be presented by Stantec engineer Mathiasen at the next meeting.
7. **Gravel on 370th** – Mr. Michael Pierskalla and Mr. Mike Dierkheising appeared to request new gravel, preferably crushed granite, on 370th. They stated that the entire road needs it. Koopmeiners agrees; it is down to the bedrock. The Supervisors prefer not to spread gravel at this time because it will not have time to settle and pack before snow and plowing. The Supervisors will reassess in April. This will likely need to be sent out for quotes.
8. **Anderson Plowing** – RoseMary Anderson requested plowing as per the Town agreement when she sold the land to the Town to construct the Town Hall. Gondringer moved to approve the request as per agreement. Sanoski second. All in favor. Motion carried.
9. **Upper Spunk Lake Public Access** – was blocked by trees. The DNR was contacted and they took care of it.
10. **Ebnet Driveway** – Mr. Tony Ebnet requested a 'hidden driveway' sign be erected on St. Anna Drive. The Supervisors authorized Koopmeiners to purchase and install. Mr. Ebnet requested the return of his driveway permit deposit. This was approved, though his original permit may have been issued before the Town adopted a maximum of two years for the return of a driveway deposit.
11. **Maciejewski Driveway** – has not yet removed the first driveway, though it is apparently needed as a field access.
12. **Graffiti on 325th** – vandals spray painted graffiti on a large area of 325th St. It will be covered. The Sheriff was alerted.
13. **Blocked culvert near 36335 Co Rd 9** – is a County concern; the County was alerted to the problem.
14. **Red Maple Drive** – a downed tree branch was removed/cleaned up.

15. **State Park Road Account Program** – we will consider applying next year for funds to repairs roads servicing the Avon Hills SNA.
16. **Weed Report** – Koopmeiners and Martini will complete their respective sections in time for the November meeting.
17. **Tools** – The Supervisors authorized Koopmeiners to purchase a new cordless drill/driver and two batteries. A set of tools (i.e., screwdrivers, wrench, pliers) for the truck were also authorized.
18. **Tires/Chainsaw** – the pickup will require new tires this winter. We will also need a new chainsaw in the future.
19. **911 Sign Location** – a resident living on Co Rd 9 called to request switching the order of 911 signs to reflect the location of the two homes that shared a single driveway. Koopmeiners examined and it appears that it may also require switching mailboxes. Koopmeiners will contact the residents to determine how they want to proceed. The Township is responsible for 911 signs in the Township, even on County roads.
20. **Mailbox** – A home on St. Anna Drive installed an illegal mailbox post. A letter will be sent to the residents requesting it be replaced with a swing-away post because it might cause damage to the plow. Koopmeiners will provide the Clerk with an address.

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

Public Hearings: Ordinance #5. Huston opened a public hearing to consider changes in the Town ordinances in response to the recent update of the County 439 ordinance. No comments from the public, including by mail, email, or phone were received. No one appeared in person at tonight’s hearing regarding the ordinance. Sanoski moved to close the public hearing. Gondringer second. All in favor. Motion carried. After reviewing the ordinance changes and recommendations from the Planning Commission, Huston moved to approve Ordinance #5. Sanoski second. All in favor. Motion carried. Huston moved to approve the summary publication, “Summary of Ordinance #5.” Sanoski second. All in favor. Motion carried. Huston moved to approve Resolution 10-06-21-1: Resolution for Summary Publication of Ordinance Number 5. Sanoski second. All in favor. Motion carried. Huston moved to approve the updated Memorandum of Understanding with Stearns County. Sanoski second. All in favor. Motion carried. The final documents will be printed and signed at the next meeting.

Business:

1. **Zoning Administrator** – Ordinance #5 references a Township zoning administrator. Though the Clerk has been serving in this capacity, no one has been appointed as the official Town zoning administrator. To insure clarity in the ordinance, Gondringer moved to appoint the Clerk as the Zoning Administrator for Avon Township. Sanoski second. All in favor. Motion carried.
2. **Escrow Agreement** – Huston will contact the Town Attorney for an opinion on whether or not we should agree to changing the escrow agreement with Madison Energy Investments from a letter of credit to cash; and if so, for him to review the documents that need to be signed. We will plan to negotiate to recover our attorney’s fee. The Clerk will look for the original letter of credit in the files.
3. **Topic Sequence in the Minutes** – There was a question of whether the minutes should follow the order of topics listed in the agenda, or the actual order in which they are discussed during the meeting. As

long as the minutes accurately reflect the topics and discussions during the meeting, the Supervisors were unconcerned whether the sequence in the minutes matched the agenda.

4. **Yoga in Town Hall** – a request was received to use the Town Hall for yoga sessions for area participants. The program would be through *Helping Hands* (Holdingford). The Supervisors had questions including frequency of sessions, who would be able to participate, and whether it was a for-profit activity. A decision was tabled until these questions were clarified. The Supervisors authorized the PC to review the Town Hall use policy.

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

1. Huston moved to approve a letter to the County clarifying that the Township did not enact a moratorium on solar gardens. Sanoski second. All in favor. Motion carried.

Signatures / Documents / Treasurer: *completed as necessary*

Recurring Reports:

1. There were no **911 sign** requests. There is no 911 sign on the cell tower property on Tower Road. Two notes were sent to the company, Blinking Lights, requesting payment for a 911 sign. We will follow up in a year.
2. **Construction Site Permits** were issued to Schiffler (32034 Narnia Land, boathouse footings); Skay (17087 Upper Spunk Lake Road; home & garage); Worm (35978 Co Rd 9; 40 x 64 shed); Achmann (15508 Queens Road 26 x 36 accessory structure); and Studniski (35188 Co Rd 155, home & 12 x 20 accessory structure).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** will be presented at the next meeting.
5. There were no relevant **County hearings** this month. There is an upcoming hearing for Marion & LeRoy Gondringer for a variance from a feedlot on October 28, 2021 at 6:30 PM.

Announcements & Brief Reports:

1. The Supervisors will take no action on an Invasive Species grant opportunity.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, November 3, 2021 at 7:00 PM and will be available via Zoom at <https://us02web.zoom.us/j/83387278851>.

Other Upcoming Meetings: Planning Commission – October 27, 2021 (*also available at* <https://us02web.zoom.us/j/88599868967>).

Adjournment: Sanoski moved to adjourn the meeting at 9:24 PM. Huston second. All in favor. Motion carried.

Respectfully submitted,

Stephen G. Saupe, Clerk

date: October 22, 2021

Supervisor Signatures:

date: _____

LeRoy Gondringer

Will Huston, Chair

Rich Sanoski