

Avon Township Supervisors Meeting – February 2, 2022  
**Agenda**

1. Call to order – 7:00 PM; Avon Township Hall, Queens Road, Avon (MN).
2. Pledge of Allegiance
3. Roll Call
4. Approval of agenda
5. Approval of minutes – *January 5, 2022 meeting*
6. Public Hearings – *none scheduled*
7. Planning Commission Report – *Lori Yurczyk*
  - a. Gertken/Novel Energy Solar Garden IUP
  - b. Shorewood Drive Trail connection
  - c. Jonas Certificate of Compliance
  - d. Queens Road LRIP
  - e. ARPA Funding
  - f. 2022 Boundary & Annexation Survey
  - g. Landscape Enhancement Pilot Program
  - h. Town emails
  - i. Packet Information
  - j. Norway Road solar project inquiry
8. Treasurer’s Report – *Kelly Martini*
  - a. Approval of Treasurer’s report & cash control statement from January
  - b. Approval of Treasurer’s report & cash control statement from February
  - c. 2021 Bond Indebtedness Form
  - d. Preparation for the Board of Audit meeting (Year-end financial statements – Clerk (Deputy)/Treasurer; Claims to examine – Treasurer/Clerk (Deputy); Bank Account documents – Treasurer; Budget – Treasurer; Audit Board Minutes & Report templates – Clerk)
  - e.
9. Claims & Payroll – *Kelly Martini*
  - a. Approval of claims & payroll
  - b. Tax forms/W2’s
  - c.
10. Town Hall Report – *Joe Koopmeiners*
  - a. Touchless door openers & keyless access – quotes
  - b.
11. Road Report & Roadwork Update – *Joe Koopmeiners*
  - a. Monthly update/report
  - b. Tree on Sunnyfield Circle
  - c. Backup driver plan
  - d.
12. Scheduled Business
  - a. TriCounty Humane Society Agreement
  - b. Application to use Town Hall – Martini
  - c. Tractor options discussion continued
  - d. Election update – candidates; absentee balloting including absentee ballot board & Hall opening; Head Judge appointment (Resolution 02-02-22-1)
  - e. Newsletter – action, ideas

- f. Computers – backups (MG), new machines, insurance; email accounts
- g.
- 13. Other Business (*added at meeting*)
  - a.
  - b.
- 14. Old Business/In Progress: (computer return)
- 15. Signatures
  - a. *As necessary*
  - b.
  - c.
- 16. Recurring Reports
  - a. 911 Sign Requests – *none*
  - b. Construction Site Permits – *none*
  - c. Feedlot Permits – *none*
  - d. Special Assessment Searches – Suchy (37646 Riley Court); Jonas (34759 Co Rd 9)
  - e. County Hearings – Huston Board of Adjustment – Jan 27
- 17. Announcements & Brief Reports
  - a. Update on Letter of Credit – Huston
  - b. Fifth Monday update – Sanoski
  - c. NCI January Newsletter received
  - d. Avon FD calendar
  - e. David Drown Associates, Inc. (public finance advisors) information received
  - f. MAT 2022 Spring Legislative & Research Committee Meeting – Feb 24; 9 AM – 3 PM register at <https://bit.ly/LRSpring2022>
  - g.
- 18. Announcement of next meeting: *March 2, 2022 at 7:00 PM*
- 19. Other Upcoming Meetings/Events (*some to be scheduled*)
  - Board of Audit meeting – February 8, 7:00 PM
  - Fire Board meeting – February 9, 7 PM; Avon City Hall
  - Public Accuracy Test – March 5; 9:30 AM
  - Town Hall open to accept absentee ballots – March 5; 10 AM – 12:00 PM
  - Town Hall open to accept absentee ballots – March 7; 10 AM – 4:30 PM
  - Annual Township election – March 8; 2-8 PM
  - Board of Canvass meeting – March 8; 8:15 PM
  - Annual Township Meeting – March 8; 8:30 PM
  - Organizational/Qualification Meeting – March 16; 7 PM
  - Avon Township/City Joint Planning Board – April 11 (2<sup>nd</sup> Monday)
  - LBAE meeting – April 18, 7 PM
- 20. Adjournment

**Note:** All Town Meetings are available via Zoom at <https://us02web.zoom.us/j/8325486945>. Passcode: AvonTown. The Clerk may record the proceedings of this meeting to ensure accuracy of the minutes. The recording will be deleted upon completion of the minutes and will not become public (Resolution 01-03-18).

# Minutes of the Meeting of the Avon Township Board of Supervisors

January 5, 2022

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. This meeting, like other Town meetings, was also available virtually via Zoom at <https://us02web.zoom.us/j/8325486945>, Passcode: AvonTown

**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*) and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** A discussion of the County GIS system and some announcements were added to the agenda. Sanoski moved to approve the agenda as amended. Gondringer second. All in favor. Motion carried.

**Minutes:** Gondringer moved to approve the minutes of the December 1, 2021 meeting as presented. Sanoski second. All in favor. Motion carried.

**Public Hearing:** *none scheduled*

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

1. **Gertken/Novel Energy Solutions Solar Garden Hearing** – The PC held a Public Hearing to consider a request by Brian & Linda Gertken working with Mr. Scott Tempel (Novel Energy Solutions) for an Interim Use Permit (IUP) for a 1 MW solar garden to be constructed on the Gertken property (34206 Smiley Drive, Albany). The PC went through section 6.54 of the County Ordinance 439 to ensure the application was complete. The PC noted that no LESA score was available for the parcel. The PC also was unsure of the amount of surety that should be required for the project and whether the project would be within two miles of a NHIS site, which would require DNR review. The PC was also concerned about the access road to the property and details of the landscape plan. To provide time to obtain necessary information, the PC tabled a recommendation about the project until the application was complete with all necessary information. Since the PC meeting, there has been action on several items. Julie Marketon, Stearns County Environmental Services, provided a LESA score for the property (60.05). Environmental Services determined that an NHIS is required and the applicant was asked to follow-up with the DNR. The Town learned that Stearns County requires a letter of credit or cash escrow of \$185,000 for solar projects, and that they work with Soil & Water to evaluate and inspect the landscape (the fee for this service is \$4,300). A road maintenance agreement was provided by the Gertken's.

A PC Analysis/Recommendation form was created based on one used by the County, but the Supervisors preferred the Town's original form, which will be used. The Town is cognizant that a decision is required in a timely fashion to meet the 60-day rule once the application is complete.

The Supervisors questioned whether one row of trees by the home on the west side of the property was adequate as a screen and also wondered if the trees should be staggered and a few more

included. The Town will need to determine who will oversee the landscape plan and the fee, if any.

Gondringer moved to approve the PC 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 12/01/2021 to 12/31/2021. Though the ending balance in November matched the beginning balance in December, the amounts in the General Fund and ARPA Fund differed because the payments for our Zoom account (\$149.90) and the *ad hoc* ARPA Committee (\$301.07) should have been charged to the ARPA fund instead of General Revenue in December. In addition, a check (#10354 – \$8,400) for culvert repair was inadvertently coded in General Revenue rather than Road & Bridge. Last month a payment of \$170.41 was approved for tabs (claim #4149), but the actual amount was \$109.25. The Cash Control statement will be revised and returned for approval at the February meeting.

**Claims & Payroll:** Martini presented the December PERA claims (4153 & 4154), which totaled \$560.00. The December payroll was \$2,993.76. The January claims (4155 – 4170) totaled \$13,797.80. The January payroll was \$2,603.82. Checks need to be ordered. The payroll increased due to increased taxes. The Town received the property tax settlement from the County. The County deducted \$199.35 from it for the Town's contribution to a fee from CenterPoint Energy/Xcel. The money was deducted before we received it which will make it difficult to determine the amounts for each fund. Martini will contact the County to clarify how to handle this situation. The Town received three invoices for \$5.00 from the County for a ditch fee. One was sent in error; the Town only owes \$10.

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

#### **Town Hall Maintenance Report**

Koopmeiners was unavailable because he was plowing snow. Sanoski reported the LP tank is at 37% – the Supervisors authorized a fill-up. Martini reported that our insurance will reimburse us for some of our costs for replacing the window in the foyer.

**Road Report.** Koopmeiners was unavailable. The following items were reported/discussed:

1. **Snow Across the Road** – Many residents are pushing snow across roads which is illegal. Sometimes our plows leave a little snow on County roads when turning corners – our drivers will be alerted. Sanoski reported that we sent the plows out twice today due to the storms. Huston noted that our roads were better than any in the area that he had driven on.
2. **Icy Conditions on Co Rd 9** – A complaint was received from a resident about icy areas on Co Rd 9 – the comments were forwarded to Stearns County.
3. **Back-up Plow Drivers** – In the event that a snowplow driver is unavailable for plowing, the Town needs a backup plan. Sanoski will check license requirements to determine if Supervisors could drive in an emergency.
4. **Queens Road Project** – The Supervisors discussed preparations to submit an LRIP grant for resurfacing Queens Road. The engineering study is complete. To provide support for the grant, several ideas were discussed: (a) request a letter from the School District concerning buses on the route; (b) request a letter of support from residents of Queens and adjacent roads; (c) request a

letter of support from users of the road including those who farm nearby fields (*i.e.*, Schwalbe's, Gondringer's). The Supervisors authorized the Clerk to draft a letter that could be sent to residents.

**Business:**

1. **Escrow Agreements/Letters of Credit** – Huston reported that all is in place for conversion of the letter of credit to a cash escrow. Huston has been working with the company on the details. They will be sent a copy of the invoice for the attorney fee.
2. **Tractor** – A tractor is needed to mow ditches, shoulder roads, and fix wash outs, among other things. The tractor the Town has been using will soon be unavailable for rent. A new one will likely cost about \$150,000 while a used one could be in the range of \$30-40,000. Gondringer will continue to look into options. If the Town does not purchase a tractor, we will need to consider hiring out mowing, and/or leasing/renting a tractor. A Unimog was also suggested.
3. **Fire Board** – the meeting is scheduled for February 9, 2022. Huston will represent the Town.
4. **Keys** – The supervisors authorized the PC chair (L Yurczyk) to be issued a key. Gondringer will contact Mergen to get back his key.
5. **Elections Update** – The County is planning to replace the existing Automark ballot markers. The likely alternative that is being considered is an OmniBallot Tablet. Huston is not running again. Koopmeiners (if not plowing snow), or Deputy Clerk Gondringer, will accept affidavits of candidacy at the Town Hall on Jan 11 from 1-5:00 PM. Gondringer moved to approve Resolution 01-05-22-1: Resolution appointing election judges for the March Township Election. Huston second. All in favor. Motion carried. Gondringer moved to approve Resolution 01-05-22-2: Resolution appointing the absentee ballot board for the March Township Election. Huston second. All in favor. Motion carried.
6. **Computers** – Computers for the Town Board (supervisors, clerk, treasurer, deputy clerk) and PC members were purchased with ARPA funds. The computers were distributed. Those receiving a machine signed a document to take responsibility for the machine and agree to return it at the conclusion of their service. The current computers being used by the Treasurer and Deputy Clerk will be returned within two months. They will be recycled at either Best Buy or through Community Technology Center.
7. **Shorewood Drive Connection to the Wobegon Trail** – the residents of Shorewood are seeking a connection to the trail. They are working with the County and the Lake Wobegon Trail Association. Parkland Dedication Funds could be considered if funding is necessary. No action will be taken at this time.
8. **Parkland Dedication Funds** – the Town will take no action at this time.
9. **Newsletter** – Since the Town no longer has a monthly column in the Star-Post the Supervisors agreed it might be time to consider sending residents a newsletter. Possible items to include include: upcoming LRIP grant to resurface Queens Road, plowing snow across a road, rules on the Town road right-of-way, and mailbox rules.

10. **Web GIS** – At times, the Township needs to consult plats and other documents not currently available through our Beacon subscription. Huston moved to obtain Township access to the County GIS system. Sanoski second. All in favor. Motion carried. The Clerks email will be listed with the account.

11. **Board of Audit meeting** – will be held on February 8, 2022 at 7 PM.

12. **439 Ordinance** – hard copies were distributed.

**Old Business:** *none*

**Signatures / Documents / Treasurer:** Documents signed as necessary including the MOU and Resolutions 12-01-21-1 and 12-01-21-2.

**Recurring Reports:**

1. There were no **911 sign** requests.
2. **Construction Site Permits** were issued to Avalon Homes (33668 Poverty Point Dr); Huston (17559 360<sup>th</sup> St.; replacement dwelling)
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were performed for Streit (37313 185<sup>th</sup> Ave) and Woitalla (18527 Co Rd 154).
5. There were not pertinent **County Hearings**.

**Announcements & Brief Reports:**

1. Xcel sent a notice regarding a rate increase.
2. A notice about a Code Consulting Review Service was received.
3. Town Web Design sent a notice regarding their web design services.
4. A notice about their services and a holiday card was received from Dale Gruber Construction.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on February 2, 2022 at 7:00 PM and will be available via Zoom (*see above*)

**Other Upcoming Meetings/Events:** (meetings are available on Zoom at the following URL: <https://us02web.zoom.us/j/8325486945>, Passcode: AvonTown)

- Planning Commission – January 26, 2022; 7:00 PM
- Board of Audit meeting – February 8, 7:00 PM
- Fire Board meeting – February 9, 7 PM; Avon City Hall
- Public Accuracy Test – March 5; 9:30 AM
- Town Hall open to accept absentee ballots – Mar 5; 10 AM – 12:00 PM & Mar 7; 10 AM – 4:30 PM
- Annual Township election – March 8; 2-8 PM
- Board of Canvass meeting – March 8; 8:15 PM
- Annual Township Meeting – March 8; 8:30 PM
- Organizational/Qualification Meeting – March 16; 7 PM
- Avon Township/City Joint Planning Board – April 11 (2<sup>nd</sup> Monday)
- LBAE meeting – April 18, 7 PM

**Adjournment:** Sanoski moved to adjourn the meeting at 9:40 PM. Gondringer second. All in favor.  
Motion carried.

**Respectfully submitted,**

Stephen G. Saupe, Clerk

date: January 16, 2022

**Supervisor Signatures:**

date: \_\_\_\_\_

\_\_\_\_\_  
LeRoy Gondringer

\_\_\_\_\_  
Will Huston, Chair

\_\_\_\_\_  
Rich Sanoski

# Minutes of the Meeting of the Avon Township Planning Commission

January 26, 2022

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 7:08 PM in the Main Chamber of the Town Hall. The meeting was also available online at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Craig Blonigen, LeRoy Gondringer, Rich Sanoski, Stephen Saupe, and Lori Yurczyk (*Chair*). Also present: Marion Gondringer, Kelly Martini.

**Approval of Agenda:** Added to the agenda were discussions of ARPA funding, Norway Road solar garden inquiry, and packet content. Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

**Minutes:** Sanoski moved to approve the minutes from the December 29, 2021 meeting as presented. Gondringer second. All in favor. Motion carried.

**Public Hearings:** *none scheduled*

## **Business:**

1. **Gertken / Novel Energy Solutions Solar Garden** – At the last meeting there was a public hearing to consider a request by Scott Tempel (Novel Energy Solutions) and Brian & Linda Gertken for an Interim Use Permit (IUP) for a 1 MW solar garden on the Gertken's property at 34184 Smiley Drive, Albany (MN) 56307. No action was taken because more information was required (*i.e.*, need for a NHIS review, LESA score, escrow info, road agreement, and how to administer the landscape plan).

Escrow/Letter of Credit – We learned that the County requires a letter of credit or cash escrow (but not bond) of \$185,000 for solar garden projects. Gondringer stated that if a letter of credit, it should be with a bank within 100 miles. Yurczyk recommended rounding up to \$200,000. Blonigen moved to require an escrow of \$200,000 for the project. Sanoski second. Four in favor. One opposed (Saupe).

NHIS – The project requires a NHIS review by the DNR because it is less than 2 miles from the project (6.54.1.J). Yurczyk reported that the ordinance is actually incorrect; it should be within one mile to trigger a review and that this will be corrected in the next 439 update. However, it doesn't affect this project because the project is less than a mile away from the Avon Hill Scientific and Natural Area (SNA), which is presumably triggering the review. Mr. Tempel reported that he has contacted the DNR for a review but it is not yet complete. Rather than wait to make a decision on the project until the NHIS review is completed, there seemed to be consensus that the project could be conditionally approved based on an acceptable NHIS review.

LESA Score – the County has completed the LESA evaluation (60.05).

Landscape/Pollinator Inspection & Escrow – Yurczyk contacted Soil & Water for information about inspections, etc., that they do for the County. It costs roughly \$65-75/hour for travel, inspections and reports (*i.e.*, pollinator assessment forms, seed mix review). The County charges a fee of \$4,320 for the life of the project. Inspections are supposed to be done annually for the first three years then every three years after. It is not clear who is responsible for the inspections: the Township because we issue the IUP, or the County because they issue the CSP. We need to clarify this question. An escrow of 125% of the cost of the landscape plan should be put into escrow/letter of credit. Gondringer moved to require a fee of \$4,320 for review of the pollinator seed mix and inspections in years 1, 2 and 3 and every three years after that for 25 years. Sanoski second. All in favor. Motion carried. It was suggested that the Town should draw up documents relating to the fee. Since Soil and Water isn't currently doing contracts for inspections then it was suggested we should contract with a private party. There was a question whether nine conifers in a single row was an adequate screen. Mr. Gertken stated that the neighbor could see the project from the back of their property.

Road/Driveway Agreement – For the previous Gertken solar projects, there was a road agreement between to neighbors that use Smiley Drive, a private road, to ensure that the additional traffic on the road doesn't cause problems to the shared drive. Mr. Cliff Borgerding inquired about potential damage to the Wobegon Trail. He was told that this a concern when the previous solar gardens on the site were installed and was included as part of the conditions that the trail is not damaged and that any damage is repaired.

After discussing the items above, the PC considered conditions for the project (*see appended*). The PC then went over the Findings of Facts (*see appended*). Following PC review of the provided information, Blonigen moved to recommend to the Supervisors to approve the request by Brian & Linda Gertken and Scott Tempel (Novel Energy Systems), for a 1-megawatt solar project on the Gertken property at 34184 Smiley Drive, Albany, MN 56307, (PID – 03.00935.0010), with the stated conditions. Sanoski second. All in favor. Motion carried.

2. **Shorewood Drive Connection to the Wobegon Trail** – Mr. Cliff Borgerding, Lake Wobegon Trail Association President and resident of Shorewood Drive, appeared via Zoom to request that the Township support a connection to the trail from Shorewood Drive. He has been in contact with individuals at MNDOT who have indicated that the only way a connection can occur is if the Town requests a temporary connection and takes responsibility for it. There would be no fee to the Town. Mr. Borgerding stated that this connection is necessary to provide safe access to the trail by about 40 families in the Shorewood Drive neighborhood. Otherwise, residents must travel east about 1000 feet along Co Rd 54, which is a busy road. Mr. Borgerding also stated that he has contacted Lange Excavating for an estimate of the cost of the project (\$3000), which the residents will pay. He would like to see a connection in place before Co Rd 54 is resurfaced (which is scheduled by the County). Because this area is in the Urban Expansion district, Gondringer suggested that it is necessary to clarify if the project needs both City and Town approval, or just Town (*i.e.*, Joint Planning Board).
3. **Jonas Certificate of Compliance** – Gondringer reported that the City/Town Joint Planning Board met to consider a request for a Certificate of Compliance for a land split for the Peter Jonas property (34759 Co Rd 9; PID 03.00941.0000). It would create an approximately 18-acre non-buildable lot on the east side of Co Rd 9 and a 24-acre lot on the west side. If the owner wants to develop the 18-acre parcel it would need to be annexed to the City. The JPB supports the request. The applicant will complete the appropriate Township paperwork for consideration for final approval by the Town

Supervisors at their February meeting. Also discussed at the Joint Planning meeting were (a) the possibility of using Township Park Dedication Funds for Avon City parks, and (b) cancelling the scheduled April meeting of the Joint Planning Board.

4. **Queens Road LRIP Planning** – The Town plans to apply for a LRIP grant from MNDOT to resurface Queens Road. It was suggested that letters of support should be requested from neighbors. The PC examined a draft of recruitment packet that could be sent to residents. Sanoski moved to recommend to the Supervisors to approve the packet and mail it to residents of Queens Road, 160<sup>th</sup>, and 360<sup>th</sup> off of 160<sup>th</sup>, as well as other individuals who may frequently use Queens Road. Blonigen second. All in favor. Motion carried.
5. **ARPA Computers** – MAT reports that restrictions on ARPA funding have been loosened to allow for a greater range of purchases. The category of “Lost Revenue” can be used for assorted purchases without justification. This is good news which provides the Town with much greater flexibility to use the money for items such as a tractor, pickup, or snowplow. Also, it means we can be more selective and might not want to purchase some of the items we had previously considered that would have fit the original guidelines (*i.e.*, keyless entry, touchless access).
6. **2022 Boundary & Annexation Survey (BAS)** – no action is recommended.
7. **Landscape Enhancement Pilot Program** – The Township planted prairie around the Town Hall using funds from this program about 10 years ago. No action is recommended at this time.
8. **Town email** – It is a good idea for Town staff to have a separate email account for Township business. A separate account can be obtained through a service such as Gmail. Alternately, accounts are available through our web provider. Huston and Saube currently use an account through our website provider. Yurczyk and possibly other individuals would like a similar account. The Supervisors will make a decision at their February meeting.
9. **Packet Information** – now that Town staff have computers, there is little need to provide hard copies of documents since they can be accessed in electronic form. However, it might be beneficial to have hard copies of some documents. It is a challenge to determine which documents should be provided at meetings as a hard copy, and those that would be electronic. It was agreed that the agenda should be provided as a hard copy. It was suggested that meeting chairs would have a hard copy of all documents. It was generally agreed that (a) a hard copy of the minutes is not necessary, and (b) Word documents are preferred to pdf ones.
10. **Norway Road Solar Project** – an inquiry was received about a potential solar garden on Norway Road. No action will be taken until a formal application is received.

#### **Reports/Announcements**

1. There will be a County Hearing on January 29<sup>th</sup> to consider a request by Will Huston for a variance from a septic design for his property at 17559 360<sup>th</sup> St., Avon.
2. Sanoski will attend the upcoming Fifth Monday meeting.

**Next Meeting:** The next PC meeting is February 23, 2022 at 7:00 PM. *See #1 for the Zoom log-in.*

**Other Meetings:** Other Upcoming Meetings/Events (see #1 for the Zoom log-in):

- Supervisors Meeting – February 2, 2022 @ 7:00 PM
- Board of Audit meeting – February 8, 7:00 PM
- Fire Board meeting – February 9, 7 PM; Avon City Hall
- Public Accuracy Test – March 5; 9:30 AM
- Town Hall open to accept absentee ballots – Mar 5, 10 AM – 12:00 PM & Mar 7, 10 AM – 4:30 PM
- Annual Township election – March 8; 2-8 PM
- Board of Canvass meeting – March 8; 8:15 PM
- Annual Township Meeting – March 8; 8:30 PM
- Organizational/Qualification Meeting – March 16; 7 PM
- Avon Township/City Joint Planning Board – April 11 (2<sup>nd</sup> Monday)
- LBAE meeting – April 18, 7 PM

**Adjournment:** Sanoski moved to adjourn the meet at about 10:10 PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Signature: \_\_\_\_\_

**date:** January 30, 2022

**Approval:**

\_\_\_\_\_  
Lori Yurczyk, *Planning Commission Chair – signature*

**date:** \_\_\_\_\_

## **Interim Use Permit – Gertken/Novel Energy Systems Community Solar Garden: Recommended Conditions**

1. The company will repair the Lake Wobegon Trail if it is damaged during construction.
2. Stop signs will be erected on Smiley Drive on either side of the Lake Wobegon Trail during construction.
3. With the approval of the Stearns County Parks Department, signs will be placed on the Lake Wobegon Trail to alert users to truck traffic ahead.
4. The project meets all applicable Stearns County guidelines including those for community solar gardens (6.54);
5. Decommissioning shall be completed in accordance with the plan submitted in the event the solar panels are not in use for 12 consecutive months.
6. A financial guarantee is required in the form of a cash escrow deposit of \$200,000 in favor of Avon Township to meet the requirements of the decommissioning plan.
7. The applicant shall install and maintain ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. The final seed mix shall be approved by the Township.
8. A fee of \$4,320 will be paid to Avon Township for seed mix reviews and inspections of the project at year 1, 2, 3 and every three years after for the life of the project.
9. A financial guarantee is required in the form of a cash deposit in favor of Avon Township equal to 125% of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation and screening is sufficiently established in accordance with the requirements set forth in Ordinance 439. The company will provide Avon Township documentation to show the calculation of the financial guarantee for landscaping and screening.
10. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by Avon Township. Major modifications may require review by the Avon Township Planning Commission and Board of Supervisors.
11. The project will follow the Stearns County Storm Water Management rules and requirements.
12. Noxious weeds are controlled in the project area.
13. A landscaping and screening plan acceptable to the Avon Township Board of Supervisors will be provided.
14. The company will provide to Avon Township the contact information for the responsible party once the project is completed.
15. Avon Township shall be notified of any changes of ownership providing any new contact information.
16. The company will provide a copy of the road maintenance agreement for Smiley Drive.
17. The company will follow any NHIS guidelines recommended by the MN Department of Natural Resources review.

# Interim Use Permit – Gertken/Novel Energy Systems Community Solar Garden: Findings of Facts

**Name:** Brian & Linda Gertken

**Date:** January 26, 2021

**Request:** construct a 1 megawatt community solar garden

Findings shall be made in either granting or denying an applicant's proposal. Findings should reference specific sections of applicable ordinances. The following are examples of findings, but are not limited to these areas.

1. Is the proposal consistent with existing Township ordinances (*i.e.*, 6.54)? Why or why not? Specify applicable section(s) of the ordinance.

**...yes, 6.54**

2. Are there any other standards, conditions, rules, or requirements that the proposal must meet?

**...There are 17 conditions (appended) that the project must meet.**

3. Is the proposed use compatible with the present and future land uses in the area, or can it be separated by distance or screening from adjacent land uses? Why or why not? How will any scenic views be impacted by the proposed use?

**...it is compatible and screening will be in place based on the plan presented.**

4. Are there any potential environmental concerns (ground water, surface water, air quality, wellhead protection areas) that should be addressed as part of this request, and if so, how are they addressed?

**...a NHIS review is being done by the MN DNR.**

5. Has information been provided regarding the impact to property values in the area as a result of the proposal? Will the proposal affect the property values of the area in which it is proposed?

**...no information has been provided, but the project will not likely affect property values.**

6. What potential public health, safety, or traffic generation impacts will the proposal have in related to the area and the capability of the roads service the areas, and how are they being addressed by the proposal?

**...signage will be installed and a working driveway agreement will be provided.**

7. How does the proposal affect the general health, safety and welfare of residents?

**...no obvious impact**

8. Does the proposal conform to the goals and objectives of the County's Comprehensive Plan? Specify which goals and objectives apply.

**...the project meets agriculture use policy which allows for land to be used in many different ways, and allows for renewable energy systems**

9. How will the proposal impact existing public services and facilities including schools, parks, streets, or utilities? What potential is there for the proposal to overburden the service capacity? How are these issues addressed by the proposal?

**...the proposal should have little effect, other than short term impact during construction.**

10. Is cleanup/reclamation required and has applicant provided financial assurance if so?

**...yes, and a financial guarantee in the amount of a \$200,000 cash escrow will be required for the decommissioning of the solar garden.**

11. Other issues pertinent to this proposal?

**...there are already two, 1-megawatt solar gardens on the landowner's property**

**AVON TOWNSHIP  
INTERIM USE PERMIT ACTION**

**STATE OF MINNESOTA  
COUNTY OF STEARNS  
TOWNSHIP OF AVON**

**FILE: 11-15-21**

In the matter of a request for an Interim Use Permit submitted by Brian Gertken & Linda Gertken; 34206 Smiley Drive, Albany, MN 56307; 320-248-4341; lgertken@albanytel.com.

Pursuant to **Section 6.54 of Stearns County Ordinance 439 & Avon Township Land Use & Zoning Ordinance #5** to construct a 1 megawatt solar garden at:

**Applicants:** Brian Gertken & Linda Gertken

**Property Address:** 34184 Smiley Drive, Albany, MN 56307

**Section #:** 20      **Parcel #:** 03.00935.0010

**Legal Description:** *appended*

=====

The above matter, regarding the request from Brian Gertken & Linda Gertken for an Interim Use Permit for a 1 megawatt solar garden on the described parcel, was heard before the Avon Township Board of Supervisors on February 2, 2022.

**IT IS ORDERED** that the Interim Use Permit be ( \_\_\_\_\_ denied \_\_\_\_\_ granted) subject to the following conditions:

1. The company will repair the Lake Wobegon Trail if it is damaged during construction.

2. Stop signs will be erected on Smiley Drive on either side of the Lake Wobegon Trail during construction.
3. With the approval of the Stearns County Parks Department, signs will be placed on the Lake Wobegon Trail to alert users to truck traffic ahead.
4. The project meets all applicable Stearns County guidelines including those for community solar gardens (6.54);
5. Decommissioning shall be completed in accordance with the plan submitted in the event the solar panels are not in use for 12 consecutive months.
6. A financial guarantee is required in the form of a cash escrow deposit of \$200,000 in favor of Avon Township to meet the requirements of the decommissioning plan.
7. The applicant shall install and maintain ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. The final seed mix shall be approved by the Township.
8. A fee of \$4,320 will be paid to Avon Township for seed mix reviews and inspections of the project at year 1, 2, 3 and every three years after for the life of the project.
9. A financial guarantee is required in the form of a cash deposit in favor of Avon Township equal to 125% of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation and screening is sufficiently established in accordance with the requirements set forth in Ordinance 439. The company will provide Avon Township documentation to show the calculation of the financial guarantee for landscaping and screening.
10. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by Avon Township. Major modifications may require review by the Avon Township Planning Commission and Board of Supervisors.
11. The project will follow the Stearns County Storm Water Management rules and requirements.
12. Noxious weeds are controlled in the project area.
13. A landscaping and screening plan acceptable to the Avon Township Board of Supervisors will be provided.
14. The company will provide to Avon Township the contact information for the responsible

party once the project is completed.

15. Avon Township shall be notified of any changes of ownership providing any new contact information.

16. The company will provide a copy of the road maintenance agreement for Smiley Drive.

17. The company will follow any NHIS guidelines recommended by the MN Department of Natural Resources review.

**Expiration date:** \_\_\_\_\_

**Interim use removal from property date shall be:** \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
Avon Township Chair – Will Huston

\_\_\_\_\_  
Date

**ATTEST**

\_\_\_\_\_  
Avon Township Clerk – Stephen G. Saupe

\_\_\_\_\_  
Date

{Avon Township Seal}



# Avon Township

16881 Queens Road, Avon, MN 56310

February 7, 2022

Dear Resident:

If you have recently driven on Queens Road you will likely agree that this road is in bad shape. There are many cracks, depressions, etc.,. It is a Township priority to resurface this road.

In Fall 2021, the Township hired an engineering firm to study the road and provide an estimate of the cost of repairing this road. In addition, the Township paid for a series of test borer to determine the quality of the base of the road. After this work, the engineers estimate that it will take about \$1.3 million to repair Queens Road. Considering that our annual operating budget is about \$473,000, it will be very difficult to complete these repairs in a timely manner without some assistance.

We plan to apply for a Local Road Improvement Program (LRIP) grant. These grants, which are offered to local governments by MNDOT, are designed to help defray the cost of road repair projects. To help improve our chances of receiving funding, we seek your help.

If you agree that Queens Road is in need of repair and that Avon Township would benefit from receiving an LRIP grant, please sign the enclosed letter and return it in the stamped, self-addressed envelope that is included. All licensed drivers in a household are welcome to sign the letter. We will then collate the responses to be submitted with the final grant proposal.

Thanks for your support of Avon Township.

Sincerely,

**LeRoy Gundinger** Will Huston, Chair Rich Sanoski

*Avon Township Board of Supervisors*

Avon Township Supervisors

LeRoy Gundinger  
18093 360<sup>th</sup> St.  
Albany, MN 56307  
320-845-4580

Will Huston, Chair  
17559 360<sup>th</sup> St  
Avon, MN 56310  
320-980-1580

Rich Sanoski  
18574 Co Rd 54  
Albany, MN 56307  
320-260-1025

## Letter in Support of the Avon Township LRIP Grant to Resurface Queens Road

To Whom It May Concern:

I am a resident of Queens Road and/or a frequent driver on Queens Road. This road is in bad shape and needs to be resurfaced. I fully support the plan of the Avon Township Board of Supervisors to apply for, and obtain funds from a Local Road Improvement Program (LRIP) grant to defray costs of road repair.

Address: \_\_\_\_\_

Driver 1 Name (Print) \_\_\_\_\_

Driver 1 (Signature) \_\_\_\_\_

Driver 2 Name (Print) \_\_\_\_\_

Driver 2 (Signature) \_\_\_\_\_

Driver 3 Name (Print) \_\_\_\_\_

Driver 3 (Signature) \_\_\_\_\_

(*If more than 3, use an additional piece of paper*)

**Optional:** Comments regarding the condition of Queens Road, why Avon Township should receive funding, the need for the resurfacing project, etc.

*Please return this in the self-addressed, stamped envelope by March 1, 2022*



# Tri-County Humane Society

*Adopt • Donate • Volunteer*

735 8th Street NE P.O. Box 701 Phone: 320-252-0896  
St. Cloud, MN 56302-701 Fax: 320-252-1325  
www.tricountyhumanesociety.org

This agreement is between the municipality of \_\_\_\_\_ and the Tri-County Humane Society.

The following is mutually agreeing by the parties:

1. That the Tri-County Humane Society (TCHS) agrees to provide the following services:
  - a. Housing for stray or abandoned dogs that are retrieved or legally seized by your municipality's community service officer (CSO) or animal control officer (ACO), or for stray dogs that are brought into the shelter by a citizen and verbal permission is given by your agency via phone for intake. TCHS will receive, feed, house and care for all dogs impounded from the above mentioned municipality.
  - b. Hold stray dogs for a minimum of five working days and seized dogs for up to 10 working days as per Minnesota State Statute 343.235.
  - c. Vaccinate, de-worm, and evaluate dogs for medical treatment deemed necessary.
  - d. At the end of the five-day hold for stray or ten-day hold for seized dogs, claim the impounded dogs as property of the TCHS.
  - e. Euthanize and dispose of dogs not claimed or adopted.
  - f. Handle all telephone calls that come to this office in respect to the dogs in possession.
  - g. Charge any citizen claiming their dog the impoundment fee, regardless of the period of impoundment.
  - h. Publicize stray dogs impounded in an attempt to locate the owner.

2. That \_\_\_\_\_ will:

- a. Deliver or authorize delivery of all stray or seized dogs within their municipality to the TCHS.
- b. Provide a list of names and phone numbers of those who can be called for authorization. (see reverse side)
- c. Pay the TCHS the costs per schedule accrued for the housing, care and euthanizing/disposal of impounded dogs.

#### SCHEDULE

- Holding per day: \$15.00 dog / per cage
  - a. Seized dog held for a maximum of 10 days (\$150)
  - b. Stray dog held for a minimum of 5 days (\$75)
- \$25.00 euthanasia and disposal fee/ per dog when applicable will be in addition to above set holding fee

- d. Notify the municipality clerk of the billing report of dogs delivered, to approve charges for dogs.
- e. Refer to a veterinarian in regards to any dogs that are obviously sick, injured, dangerous, or suspected of having rabies.

This agreement is effective January 1<sup>st</sup>, 2020 and may be removed or revised on a yearly basis.

Clerk of Municipality \_\_\_\_\_

Billing Address \_\_\_\_\_

Clerk Signature \_\_\_\_\_

Please list the names and phone numbers of those who can be called for authorizing an animal to come in.

Calls are most apt to be made: Mon.-Thurs. 8:00 a.m. to 6:00 p.m., Friday 8:00 a.m. to 8:00 p.m., Sat. - Sun. 8:00 a.m. to 5:00 p.m. We must be able to reach someone during these hours to authorize the stray(s) to be brought in.

NAME \_\_\_\_\_ PHONE(S) \_\_\_\_\_  
NOTES \_\_\_\_\_

**Resolution No. 02-02-22-1**

**RESOLUTION APPOINTING HEAD JUDGE FOR THE MARCH TOWNSHIP ELECTION IN AVON TOWNSHIP**

**WHEREAS**, Minnesota Statutes Section 203B.21, subd.2 require the town board, as the governing body of the town, to appoint election judges; and

**WHEREAS**, the election judges must meet the qualifications set out in Minnesota Statutes 204B.19;

**NOW, THEREFORE LET BE IT RESOLVED:** That the Town Board for the Town of Avon hereby appoints the following individual to serve as Head election judge during the March Township election:

Marlene Haider

**BE IT FURTHER RESOLVED:** That the Board of Supervisors of the Town of Avon hereby authorizes any election judge to be compensated as required by Minnesota Statutes.

Adopted by the Avon Township Board of Supervisors this 2<sup>nd</sup> day, in the month of February in the year 2022.

**BY THE TOWN BOARD**

	Yes	No	Abstain
Supervisor _____ LeRoy Gondringer	___	___	___
Supervisor _____ Will Huston, <i>Chair</i>	___	___	___
Supervisor _____ Rich Sanoski	___	___	___

**Attest:**

\_\_\_\_\_  
Stephen Saupe, *Town Clerk*

\_\_\_\_\_  
date