

Minutes of the Meeting of the Avon Township Board of Supervisors

August 9, 2023

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

Call to Order: LeRoy Gondringer, *Chair*, 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 (*Chair*), Chad Klocker, Kelly Martini (*Treasurer*), Rich Sanoski, and Stephen Saupe (*Clerk*). Also present – Paul Buttweiler (*Deputy Treasurer*), Joe Koopmeiners (*Maintenance*), Sheldon Tschida, and Lori Yurczyk (*PC Chair*).

Approval of Agenda: Agenda items 13B & 13C were moved to after 8D. Klocker moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the July 5, 2023 meeting as presented. Klocker second. All in favor. Motion carried.

Sheriff's Department Report: Deputy Sheriff Mark Lust appeared at the meeting and reported that there were 95 and 108 calls in June and July, respectively. The calls featured a variety of situations, including traffic stops. The Township didn't have any specific issues to bring to the attention of the Sheriff's Department.

Public Hearings: *none scheduled.*

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

- Sanoski CUP** – The Planning Commission held a public hearing to consider a request by Rich and Brenda Sanoski for a Conditional Use Permit (CUP) for a conventional subdivision in the Avon Hills Environmental Overlay District. Notice of the hearing was posted, published, mailed to more than 30 residents within at least one-quarter mile of the property, and included on the Town website. No public comments were received, though one individual attended the hearing, primarily out of curiosity. The PC discussed the proposal and considered the Findings of Facts. The PC recommends approval. The Supervisors discussed the request. Klocker moved to approve a Conditional Use Permit for Rich & Brenda Sanoski for a Conventional Subdivision in the Avon Hills Environmental Overlay District. Gondringer second. Two in favor. One abstain (Sanoski). Motion carried.
- Pilarski Shed** – Mr. Brian Pilarski, 19274 Red Oak Circle, appeared at the PC meeting to request a letter of support from the Township to construct a 34x40 accessory structure. The County denied Mr. Pilarski a variance to construct this building because it would result in 1862 square feet more than the maximum allowed on the property and because the proposed structure would be taller than allowed by ordinance. Mr. Pilarski was advised to work with the County. The Supervisors agreed that this was not a Township issue and agreed that Mr. Pilarski should work with the County. Mr. Pilarski also stated that the County did not have a record of a CSP for a building he constructed in 1995. The Supervisors authorized the Clerk to search for a copy of Mr. Pilarski's CSP from 1995.
- Lang Driveway Permit** – At the July meeting, the Supervisor approved a driveway permit for Joseph and Barbara Lang, 37075 Pelican Lake Road (Avon, MN), with several conditions including that the neighbor at 37067 Pelican Lake Road is responsible for maintaining the area between the driveways. The PC agreed that

any maintenance agreement was a private matter between the neighbors. The Supervisors agreed. No action was taken.

4. **Hiring Policy** – the PC discussed and recommend adoption of a Township Hiring policy. The Supervisors agreed. Sanoski moved to approve the Township Hiring Policy document. Klocker second. All in favor. Motion carried.
5. **Payroll Services** – Yurczyk reported that she received a quote of \$100-150/month for payroll services that includes W2’s and tax filings. No action was taken.
6. **Solar Project** – the Township received a notice from Novel, Inc. that a potential solar garden project at 34284 Peach Drive had been terminated.
7. **Avon Fire Hall Expansion** – The PC discussed an article in the *Star-Post* regarding the Fire Hall expansion. The article indicated that the project will be more expensive than originally anticipated due to soil conditions. In addition, the City is considering a legal agreement(s) with the Township regarding bonding and a contract for services.
8. **360th Street Minimum Maintenance Road** – At the next PC meeting there will be a request to consider a Certificate of Compliance for properties adjacent to this road. Whether or not this will affect the road is not known at this time.

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

Treasurer’s Report: The Treasurer’s Report was read and the Cash Control Statement for the period 7/01/2023 to 7/31/2023 (*copied below*) was presented. Sanoski moved to approve the Treasurer’s Report and Cash Control Statement. Klocker second. All in favor. Motion carried.

For the Period : 7/1/2023 To 7/31/2023

| <u>Name of Fund</u> | <u>Beginning Balance</u> | <u>Total Receipts</u> | <u>Total Disbursed</u> | <u>Ending Balance</u> |
|-----------------------------------|--------------------------|-----------------------|------------------------|-----------------------|
| General Fund | \$191,458.55 | \$2,440.02 | \$3,292.22 | \$190,606.35 |
| Road and Bridge | \$372,057.31 | \$50.00 | \$95,809.43 | \$276,297.88 |
| Demolition Escrow - Maciejewski | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Novel Solar Decommissioning Escro | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Novel Vegetation Plan Escro | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Road Damage Deposit | \$3,450.00 | \$500.00 | \$500.00 | \$3,450.00 |
| Fire Fund | \$41,202.09 | \$0.00 | \$0.00 | \$41,202.09 |
| General Capital Projects | \$42,557.51 | \$4,094.00 | \$0.00 | \$46,651.51 |
| ARPA Fund | \$181,613.30 | \$0.00 | \$0.00 | \$181,613.30 |
| Total | \$832,338.76 | \$7,084.02 | \$99,601.65 | \$739,821.13 |

Claims, Receipts & Payroll: The claims (4506-4526) totaled \$339,629.54. The July 21 pay period was \$1,009.23. The August 4 and 9 pay periods were \$856.22 and \$2,03179, respectively.

Checks 10894 and 10911 were voided (*written for wrong amounts*). Our Zoom account will renew September 7; the money will be taken directly from the checking account. MN Revenue was paid last month; the claim was initially forgotten but submitted later. An invoice from Coil’s Flag listed the wrong address. The invoice is likely for the Township since a flag was recently purchased; Martini will follow up to confirm. Martini reported that

PERA amounts for the Township employee and board members are handled differently in CTAS. There was a question about the end-date for payroll and date for the paycheck; Martini will monitor. A typo in claim numbers was noticed in the minutes approved earlier in this meeting. Sanoski moved to correct the claims number in the July 5, 2023 minutes from 4504 to 4505. Klocker second. All in favor. Motion carried.

The Clerk recommended obtaining a Township credit card to pay for online purchases that require a credit card (*i.e.*, registering the Township website domain). Magnifi would provide the Township with a credit card, however they require a resolution from the Supervisors that also includes the credit limit. The Supervisors took no action. If a credit card is required in the future, Klocker, Sanoski and Martini volunteered use of their personal credit cards. Martini will follow up with American Heritage Bank about obtaining a credit card.

Sanoski moved to approve the claims, receipts and payroll. Klocker second. All in favor. Motion carried.

Town Hall Report: *Koopmeiners presented the Town Hall report.*

1. **Parking Area** – The Supervisors decided to not paint stripes in the parking stalls. Koopmeiners received a quote of \$900 to seal the concrete in the new parking area. The Supervisors generally agreed that this was too expensive. Klocker recommended a product from Brock-White; he will obtain some and bring to the Hall for Koopmeiners to apply.
2. **Salt Shed** – Water dripping from the roof freezes making it difficult to open the access door. Tschida will examine to determine if an awning can be built over the door. Koopmeiners will look into the cost of an awning.
3. **Propone** – the tank was recently filled by Belgrade Coop (\$1.50/gallon).

Sanoski moved to approve the Town Hall report. Klocker second. All in favor. Motion carried.

Road Report.

1. **Snow Plows & Drivers** – A new sander unit was ordered for the Red truck. New joysticks, which will cost about \$3000, are required for this truck. Klocker moved to authorize Koopmeiners to get the joysticks repaired. Sanoski second. All in favor. Motion carried. When done, Ramler's will fix the oil leak and DOT. Four drivers (Michael Gondringer, Josh Raab, Sheldon Tschida, Dillion Hedlund), not including Koopmeiners, have agreed to plow. All but one has completed the necessary employment paperwork. The Clerk will follow up to ensure necessary paperwork is filed. Gondringer is the supervisor of the plow drivers. The Blue plow is underpowered. Koopmeiners will look into the cost of a power upgrade.
2. **Air Compressor** – a new air compressor is needed. Gondringer recently purchased one (5 HP, 60 gal) for a good price and would sell it to the Township at his cost, if desired. Sanoski moved to purchase an air compressor from LeRoy Gondringer. Klocker second. Two in favor. One abstain (Gondringer). Motion carried.
3. **365th Culvert** – is getting worse. Klocker reported that Lange's are still waiting for the new culvert to be delivered. It will be another week.
4. **Summer 2023 Roadwork** – A complaint was received regarding the shouldering (too steep, no erosion control) on Two Rivers Road and 190th. The Supervisors discussed the situation; no action will be taken.

The Avon Postmaster contacted the Township about the need to raise the height of some mailboxes on the

roads that were resurfaced this summer. A mailbox must be 45-48 from the road surface to the bottom of the box. The Supervisors decided that the Township will raise the mailbox for any resident with an approved swing-away mailbox. Residents without a USPS approved mailbox are responsible for raising their own mailbox.

5. **LRIP Program** – an announcement was received for the 2023 LRIP grant program. The Town will apply for a grant. The Supervisors will formulate an application plan at the September meeting.
6. **Assorted** – Scott Volkers, St. Wendel Supervisor, did not attend tonight’s meeting to discuss a joint project, likely because it is too late to consider any new projects for this season. Ditches have been mowed and will be cut again near the end of September. Gravel roads have been graded. Potholes were filled on Queens Road and Tower Road. A Chevron sign was installed on Upper Spunk Lake Road to replace the one damaged in an accident. Brush was cut on Kopy Lane and Lower Spunk Lane. Trees were trimmed on Pelican Lake Road, Kopy Lane & 190th. Koopmeiners will check seeding from the 2022 project in Parkwood Circle to authorize final payment to Knife River. Someone sprayed trees on St. Anna Drive; possibly Albany Township. A driveway on Spunk Tree Circle is washing out but it is not clear how to best repair it (i.e., sod, ridge of tar, trough); Klocker will check it out. The official warranty for the tractor will soon expire – the Supervisors will not renew it. Gondringer will contact the dealer to have the tractor oil leak repaired. There are no designated truck routes in Avon Township. No action is required on Avon Hills SNA thistles. Koopmeiners will check whether brushing is needed at 33786 Shorewood, and if shouldering work is needed at 154th. Koopmeiners will remove sand on 355th that is washing off a driveway.

Sanoski moved to approve the Town Hall report. Klocker second. All in favor. Motion carried.

Business:

1. **Mitchell Variance Request** – the Mitchell’s withdrew their request for the Township to consider at tonight’s meeting a variance for a 12 x 24 prebuilt storage unit. No action was taken.
2. **Michaletz Variance Request** – Ms. Gail Michaletz was present to request a variance to construct a garage in the 185th Avenue road right-of-way that is adjacent to their property at 18651 Co Rd 154, Avon MN 56310. Sanoski moved to set a public hearing for August 30 at 7:15 PM to consider a variance for the Gail Michaletz Trust to construct an addition 10 feet closer to the center of 185th Avenue than is currently permitted. Klocker second. All in favor. Motion carried.
3. **Pollreis Encroachment Agreement** – Ms. Dorothy Pollreis appeared to request an encroachment agreement to site a drainfield in the Township road right-of-way at her residence at 36705 Pelican Lake Road, Avon, MN. Road. Ms. Pollreis presented the proposed septic system plan. The Supervisors discussed the request and saw no problems. Klocker moved to approve an encroachment agreement for Ms. Dorothy Pollreis to site a septic system approximately 10 feet into the Pelican Lake Road right-of-way. Sanoski second. All in favor. Motion carried.
4. **Road Vacations** – Gondringer reported that it would cost approximately \$1500 for legal services for any road vacation. One road under consideration for vacation is parcel 03.00915.0002, which is primarily used as a driveway by Dennis Schirmers, 19004 Quaker Road, Albany, MN 56307. Mr. Schirmers, and Mr. Greg Schirmers, were present to request that it be continued as a town road. The Township needs to clarify ownership of this road/driveway. Klocker will follow up. High Street is still under consideration for vacation.

5. **Morehouse Accident** – an accident damaged a chevron sign on Upper Spunk Lake Road. The Supervisors approved a letter and invoice to the insurance company for reimbursement.
6. **Solar Moratorium** – The Supervisors are concerned about the consequences of solar garden projects in the Township and discussed the need to establish a moratorium to provide time to study the situation. Klocker moved to approve a resolution (08-09-23-1) to enact a one-year moratorium on any commercial solar garden project larger than 40 kW, excluding residential projects. Sanoski second. All in favor. Motion carried. Gondringer was authorized to contact the Township attorney to draft the resolution. The Township will examine the pros and cons and whether there is a need to make any changes to our current ordinance (for example, setback distances). The Supervisors will appoint a subcommittee that would include both residents and Township representatives.
7. **Assorted** – There was no reported hail damage from the storms in the July. The Supervisors approved including the Tri-Cap energy assistance program on the website. No action taken on the Gertken/Novel planting – it is too early (the project hasn't started).

Reports:

1. *none*

Announcements:

1. There were no **991 sign** requests.
2. **Construction Site Permits** were issued to Kelly (34754 Tower Road, 100 x 100 agricultural accessory building); Kremers (19088 Co Rd 154, 2 ag accessory buildings and milkhouse addition); Whitney (Norway Road, 40 x 80 shed addition); Dockendorf (15265 Co Rd 159; new dwelling); and Smith (16713 363rd; 9 x 60 lean-to, 10 x 24 deck, 6 x 10 porch).
3. **Special Assessment Searches** were conducted for Dalsing (511 1st St. SE, Avon); Scegura (03.00850.0000 & 03.00854.0000); and Pierskalla (03. 00847.0000, 03.00851.0000, & 03.00853.0000).
4. There were no **feedlot permits** issued last month in the Township.
5. **County Hearings:** There was a meeting to consider accessory building standards (July 11); changes were approved to 439 Ordinance (available online); the Rabideau septic system variance was approved (81.8 feet from the OHWL of Middle Spunk Lake); and the County plans to enact an ordinance to prohibit use of cannabis in public spaces.
6. There is a rumor that there will be exotic dancers at Shady's during hunting season. The Township will check into the legality of adult-oriented activities in this zoning district.
7. The meeting of the Joint Planning Commission will be held October 30, 2023 at 7 PM at the Town Hall.
8. Fifth Monday Meeting is scheduled for August 24th at 7 PM.
9. There was an inquiry regarding the location of the cul-de-sac on 325th Street.
10. The Massman Solar Project was terminated by Novel
11. Passwords were sent via email.
12. A safety brochure from Belgrade Coop regarding propane was received.
13. A Cole Product catalog was received.
14. Stearns County has created a Short-Term Rental Website at the following URL:
<https://www.stearnscountymn.gov/1667/Short-Term-Rental-Information>.
15. The District 5 Meeting will be held August 17 in Willmar. Registration begins at 6:30 PM.
16. A brochure was received from Walleye Commercial Roofing & Coating
17. A Broadband update was received from the County.
18. Xcel will do right-of-way work on 325th Street and Upper Spunk Lake Road.

Old Business: Culvert mapping project; 135th Avenue project with St. Wendel; Thistle removal – Avon Hills SNA; Case to display old documents; Window treatments for Town Hall; Exterior sign for the Hall; Norway Road berm; 154th shouldering work; 33786 Shorewood ditch brushing; Solar panels for the Town Hall; Ordinance #5 updates (permit extensions).

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

Announcement of Next Regular Supervisor Meeting: The next regular meeting is scheduled for September 6, 2023.

Other Upcoming Meetings/Events: *(meetings are available on Zoom at the URL above):*

- a. Rededication of the Avon Post Office to honor Kort Plantenberg – August 17, 2023; 9:15 AM
- b. Fifth Monday – August 24, 2023 at 7 PM; School District office
- c. Planning Commission – August 30, 2023
- d. Joint Planning Commission Meeting – October 30, 2023; 7 PM; Avon Township Hall

Adjournment: Klocker moved to adjourn the meeting at 9:57 PM. Sanoski second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: August 21, 2023

Supervisor Signatures:

date: _____

LeRoy Gondringer, Chair

Chad Klocker

Rich Sanoski