

Minutes of the Meeting of the Avon Township Board of Supervisors

December 6, 2023

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

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

Approval of Agenda: There was a switch in order of items (Shorewood Drive culvert discussion moved after the Planning Commission report). Klocker moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the November 1, 2023 meeting as presented. Klocker second. All in favor. Motion carried. Klocker moved to approve the minutes from the November 13, 2023 special meeting as presented. Sanoski second. All in favor. Motion carried.

Public Hearings: *none scheduled.*

Public Comments: *none.*

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

- Community Solar Garden** – Mr. Dan Gorman, Enterprise Energy, appeared at the PC meeting. His company currently has a lease with one Town resident who would like approval for the construction of a community solar garden. Mr. Gorman said there are reasons why some people don't like solar gardens, but these objections can be best mitigated by an ordinance, rather than a ban. Mr. Gorman provided a copy of a sample ordinance that has been widely used that would address many of the concerns about community solar while allowing for development. Sanoski stated that they would consider the information prior to a public hearing to consider adoption of Ordinance #6 that would ban commercial solar projects in the Township.
- Beckmann Variance Expiration** – Kayla and Alexander Beckmann, 32679 Nutcracker Lane, St. Joseph (MN) received in 2020 a variance to construct a shed no closer than 44-feet to the center-of-the-road. The variance expired prior to their commencing work and they would now like to start this project. They appeared at tonight's meeting to request a new variance. The PC supports the request. Klocker moved to set a public hearing on December 27, 2023 at 7:15 PM to consider a request from Kayla and Alexander Beckmann, 32679 Nutcracker Lane, St. Joseph (MN) to construct a 75 x100 shed no closer than 44-feet to the center-of-the-road. Sanoski second. All in favor. Motion carried.
- Field Approach on 360th** – A farmer renting land has requested improving a field approach on 360th. The approach is currently about 35 feet wide, has a 'dip' that needs to be repaired, and crosses property owned by two different owners. There are two issues related to this request. First, the PC recommends that all such requests be presented by the landowner or by written or authorized proxy of the landowner. Since no one involved (farmer or the two landowners) in this situation appeared at tonight's meeting, the Supervisors agreed that no action would be taken. Klocker will contact the farmer to determine the status of the request.

It was noted that one advantage of improving this approach is that it could be used as a plow turnaround. The second issue is whether a field access request should be handled the same as a driveway permit, especially considering they have different standards for widths, etc. It was noted that machinery turning on a narrow field access along Norway Road has resulted in damage to the road. Sanoski moved to authorize the PC to examine the current driveway permit and make recommendations on handling field accesses and driveways. Klocker second. All in favor. Motion carried.

- 4. Sowada TDR Request** – The Township received a request from Jodi & Elvin Sowada to transfer a development credit to a parcel in Avon Township (03.00703.0000). The PC held a public hearing about this issue and recommends approval. Holding Township, the sender township, sent a letter approving the transfer of a building credit for Victor and Morgan Lumley (daughter and son-in-law) of the Sowada’s. The Lumley’s were present at the meeting. When asked where they planned to construct a residence, they responded likely the wooded area but it depends on the water table/soils. Klocker moved to accept the TDR transfer for the Sowada request and Resolution 12-06-23-2. Sanoski second. All in favor. Motion carried. The Supervisors authorized the PC to continue working on a TDR accepting application/process.

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 11/01/2023 to 11/30/2023 (*copied below*) was presented. The Supervisors signed the revised Cash Control statement from the last meeting after moving an incorrectly coded item (\$30.79) from Capital Projects to General Revenue. Klocker moved to approve the November Treasurer’s Report and Cash Control Statement. Sanoski second. All in favor. Motion carried.

For the Period : 11/1/2023 To 11/30/2023

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$183,033.13	\$42,722.51	\$6,756.15	\$218,999.49
Road and Bridge	(\$79,715.71)	\$149,647.03	\$50,059.01	\$19,872.31
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	\$3,950.00	\$0.00	\$0.00	\$3,950.00
Fire Fund	\$41,202.09	\$35,241.41	\$0.00	\$76,443.50
General Capital Projects	\$45,452.51	\$822.84	\$0.00	\$46,275.35
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
Total	\$375,535.32	\$228,433.79	\$56,815.16	\$547,153.95

Claims, Receipts & Payroll: The claims (4590-4603) totaled \$4,734.78. The payroll was \$6,221.23. Opatz has been paid; the old check was voided (10999) and a new one was prepared. Klocker moved to authorize the sale of the old culverts (\$15/lineal foot) and mower (\$150). Sanoski second. All in favor. Motion carried. The Clerk will follow up with an invoice.

The County withheld about \$7000 from its second half property tax settlement to the Township for our share of a court case with CenterPoint Energy that involves three parcels in the Township. Martini will follow up to get more details about the situation. Koopmeiners reported that there was no damage when the Sanoski driveway was constructed; the return of Sanoski’s deposit was approved and signed by Klocker.

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. **Salt Shed Overhang** – in progress.
2. **Inventory** – Koopmeiners was authorized to update the inventory. A number of items need to be included (*i.e.*, tractor, computers). It was suggested that the inventory should also include VIN and serial numbers.
3. **Internet** – CenturyLink has repaired the internet cable to the Town Hall that AlbanyTel cut when installing their line. The internet appears to be working once again.

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

Road Report: *Koopmeiners presented the Road report.*

1. **Snow Season Readiness** – Koopmeiners reports that we are ready for the winter season. He sanded roads on Monday.
2. **Monthly Update** – work this month included: truck maintenance, repairing a road approach on Quaker Road, installing a mailbox post on Queen’s Road, and installing two new bridge chevron signs on Queens Road.
3. **Shorewood Drive Culvert** – A culvert on Shorewood drive is a problem; it was blocked earlier in the year causing flooding of several properties. Cliff Borgerding, Roy Denne and Michael Wilke attended the meeting to discuss the situation. Mr. Borgerding provided a document summarizing the situation, and neighbor Chuck Griffith also provided a letter in support of developing a solution. The residents are especially wondering whether the culvert will be dug up and replaced, or the properties will be re-landscaped (*i.e.*, ditch filled in) to allow for improved drainage into the wetland. The Supervisors indicated that the culvert currently appears to be blocked (roots) and that the end is level with the marsh which is a problem when there is high water. The culvert needs to be unplugged, and if replaced, it will likely need to be raised up. It will be televised again on Friday to see if there have been any changes. The Supervisors agreed something needs to be done but it is not clear what is the best course of action. There is a question of whether the culvert needs to be replaced before winter. Sanoski moved to hire StanTec to provide opinion on the culvert on Shorewood Drive. Klocker second. All in favor. Motion carried. Klocker will contact engineer Jeremy Mathiassen.
4. **Spunk Tree Circle Driveway Complaint** – The Supervisors have examined and no problem(s) was identified. No action taken. The resident will need to attend a meeting to provide a clarification of the problem.
5. **Culvert Mapping App** – the County has created an app to map culverts. Koopmeiners will use it for the Township mapping project. Martini and Saupe have the information necessary to use the app. Sanoski recommended marking culverts that might be a problem in the winter to be able to easily locate.
6. **CDL License Changes** – MAT suggests that there may be future issues with changes in CDL license requirements. No specifics are available, so it is not known if this will directly affect the Township. Martini will get more information at the upcoming conference and report back.
7. **Pelican Lake Road Culvert** – there are two culverts side-by-side and one appears to be sinking. The culverts may need to be replaced. The Supervisors will consider this in the Spring.

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

Business:

1. **Elections** – 2024 is a major election year (Presidential Nominating Primary; PNP), Township Election, Primary Election, General Election). The Township will elect one Supervisor and one Clerk in March. The affidavit of candidacy period for the Township election runs from Jan 2 – 16, 2024. The Clerk has started recruiting judges for the PNP and Town election. Klocker moved to approve Resolution 12-06-23-1 designating a polling place for Avon Township. Sanoski second. All in favor. Motion carried.
2. **Town Newspaper** – an update of Resolution 03-18-20-1 (*setting the town newspaper*) was not deemed necessary. No action taken.
3. **Comp & Sick Town** – The Township will need to respond to new laws regarding comp and sick time for employees who work more than 80 hours. This may include Koopmeiners, Sheldon Tschida (plow driver and maintenance assistance), and perhaps the deputy clerk and deputy treasurer. Martini will report back from the upcoming MAT conference. This information will be included in our township *Staff Manual*.
4. **Fire Contract** – The newest estimate for the Fire Hall addition is \$2.3million, and is valid until January 9, 2024. A few things will be sent out for re-bid. To save money there might be some scaling back, though a City Engineer highly recommended to not cut the vestibule. A meeting is scheduled for December 18 at 6 PM to discuss the proposed fire service contract and project. Sanoski moved to approve the Supervisors to attend the upcoming meeting to make decisions and sign as necessary a new Fire Contract with Avon City and Colledgeville Township. Klocker second. All in favor. Motion carried. The Clerk will post and publish. Attorney Ripple is reviewing the contract for the Township (and Colledgeville Twp) and he indicated his review will be completed in time. One Township concern that he will address is protecting the Town from the bond repayment in the event the City no longer provides service to the Township. Adam is also concerned that the bond may require public approval – he will follow up with the City attorney.
5. **Open Meeting Laws & Authorizations** – Klocker reported that he was in contact with MAT attorney Steve Fenske, who reiterated that decisions cannot be made outside of a scheduled/posted Township meeting. One problem that arises is how the Clerk can receive approval (*i.e.*, wait until the next meeting for approval, appoint editor) for letters written after the meeting at which it was authorized by the Supervisors. The Supervisors decided to appoint one Supervisor responsible for editing letters. Klocker moved to authorize Sanoski to serve as the “letter editor” if a letter must be approved outside of a Town meeting. Sanoski second. All in favor. Motion carried. Klocker reported that Mr. Fenske also said that during road inspection, even though it is posted and published as a meeting, Supervisors are only allowed to identify a road with a problem, but are not permitted to discuss possible solutions.
6. **Ordinance #6** – the County has provided a draft of a revised Land Use and Zoning Ordinance (#6) that would increase expiration dates to one year for IUP’s, CUP’s and variances, and to ban commercial solar projects larger than 100 kW. No changes to vacation rentals were recommended. To adopt the revised ordinance, the Township needs to hold a public hearing. Sanoski moved to set a public hearing on January 3, 2024 to consider adoption of Avon Township Land Use & Zoning Ordinance #6. Klocker second. All in favor. Motion carried.
7. **TriCounty Humane Society Agreement (TCHS)** – Sanoski moved to approve the Animal Impound Agreement with TCHS for dogs only. Klocker second. All in favor. Motion carried.

Reports:

1. *none.*

Announcements:

1. A **991-sign** request has still not been received from 18245 360th Street. It was noted that the residents have not yet started construction, so no driveway site has been established.
2. A **Construction Site Permit** was issued to McDougale & Fries (15671 Parkwood Circle (24 x 32 pole shed), and Jungles 37533 Riley Court (covered porch).
3. A **Special Assessment Search** was conducted for Cooper (32628 182nd Ave).
4. No **feedlot permits** were received.
5. There were no pertinent **County Hearings**.
6. The comment period for the MN Draft Highway Investment Plan has been extended.
7. The MAT Educational Conference & Annual Meeting will be December 7-9, 2023 at the St. Cloud Civic Center.
8. A Gambling Permit was signed for Holdingford Lion’s Club for a raffle February 25, 2024 at Pelican Lake Ballroom.
9. Paul Hughes reports that a Noise Barrier application has been submitted to MNDOT.
10. The MN DARE program requests donations.
11. The Avon Sportsmen’s Club requested using the Town Hall in February but will find an alternate venue.
12. The LRIP grant for Queens Road was submitted. The Supervisors wrote a ‘thank you’ note to Jodi Teich and Will Huston for their invaluable assistance with the process.
13. There was an internet service disruption at Town Hall due to AlbanyTel work. CenturyLink has repaired the damage and the internet now appears to be working fine.
14. Xcel alerted the Township that they will be conducting road right-of-way work at 19286 Two Rivers Road.
15. AlbanyTel was contacted regarding ensuring that cable boxes are installed in the road right-of-way

Old Business: Culvert mapping project; 135th Avenue project with St. Wendel; Windows; Case to display old documents; Exterior sign for the Hall; Hiring a payroll/HR company

Signatures / Documents / Treasurer: Documents were signed as necessary including the minutes from the October 4, 2023 Supervisors meeting.

Announcement of Next Regular Supervisor Meeting: The next regular meeting is scheduled for January 3, 2024.

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

- a. Fire Board meeting – December 18, 2023; Avon City Hall; 6:00 PM
- b. Planning Commission Meeting – December 27, 2023; 7:00 PM
- c. Affidavit of Candidacy period – January 2-16, 2024
- d. Town Hall open to accept affidavits – January 16, 2024; 1-5 PM
- e. Presidential Nominating Primary – March 5, 2024 (7 AM – 8 PM)
- f. Town Hall open to accept absentee ballots – March 9 (10 AM – 12 PM) & March 11, 2023 (1-5:00 PM)
- g. Township Election, Annual Meeting & Board of Canvass meeting – March 12, 2024
- h. Qualification Meeting – March 20, 2024 (7 PM)

Adjournment: Klocker moved to adjourn the meeting at 9:42 PM. Sanoski second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: December 15, 2023

Supervisor Signatures:

date: _____

LeRoy Gondringer, Chair

Chad Klocker

Rich Sanoski