

Minutes of the Meeting of the Avon Township Board of Supervisors

July 5, 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*), Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), Sheldon Tschida, and Lori Yurczyk (*PC Chair*).

Approval of Agenda: Added to the agenda was a discussion with Mr. Derek Peters regarding damage to his vehicle. Scott Volkers was not able to attend the meeting and was removed from agenda. Sanoski moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

Minutes: The minutes were corrected to reflect that the Gertken solar project was the one that Novel proposed to sell (PC Report, #5), and Craig Tschida was the one who applied gravel on 370th Ave (Road Report, #6). Sanoski moved to approve the minutes as amended. Klocker second. All in favor. Motion carried. The changes were made and the revised minutes were reprinted and then signed by the Supervisors later in the meeting.

Public Hearings: none scheduled.

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

1. **Lang Driveway Permit** – Yurczyk reported that Barbara & Joseph Lang appeared at the PC meeting to request a driveway permit. The PC recommends approval with the condition that the new drive is at least four feet from the existing corner property pin, 16 feet from the neighbors' driveway, and any drainage issues would be required to be addressed. The Lang's were also present at tonight's meeting, as was neighbor Dave Schreifels (37067 Pelican Lake Road), who also submitted a letter (cosigned by Linda Gondringer) to the Supervisors regarding the driveway. Mr. Schreifels requested that the proposed driveway be at least 30 feet from his driveway and that any portion of the driveway be at least four feet from the property line. Mr. Schreifels cited safety, parking, drainage, providing for a turnaround, snow deposition in the winter, and aesthetics, in support of his request. He also requested that the Supervisors consider having the driveway access Co Rd 154. Mr. Matt Zinniel (Stearns County Highway Department) advised the Township that accessing the county road is not a viable option. He also said that there is a setback requirement of 125 feet from a County road.

Elevations showed that there is a 4-inch difference between the Schreifels' driveway and the proposed Lang driveway. Drainage into the area between the two driveways could be a concern.

The Lang's proposed driveway would be 12 feet wide and flare at the road. The Lang's expressed a concern that the driveway couldn't be moved much further away from the proposed site because of the ditch and proximity to the road intersection with Co Rd 154. In a letter emailed to the Township earlier today (July 5), the Lang's requested that the Avon Township Supervisors pass a resolution granting their driveway be sited on Township land. Mr. Lang reiterated at the meeting that he would like a resolution granting access to the road. Gondringer indicated that a resolution would likely not be drafted tonight, in part because an attorney would be required to help with the process.

The area between the two drives could be gravel or planted to low maintenance grass. Mr. Schreifels agreed to maintain this area because it visually appears to be part of his property. The Supervisors agreed that there should be a maintenance agreement for this area between the neighbors. Klocker said that the Town attorney might be helpful to determine township options. The Lang's stated that Supervisor Gondringer should abstain from any vote because he is related to the adjoining property owners. Yurczyk replied that persons are only required to abstain if there is a financial benefit. Mr. Schreifels requested that the Supervisors not approve the Lang's driveway request until a more visually-acceptable alternative is identified. Mr. Lang said he prefers to go no closer to ditch because the sides would be steeper and require more fill, and it would remove land from their property. Gondringer thought that rock/fill will be required, no matter where the Lang driveway is located. The Supervisors decided against another site inspection – they have all visited the site prior to the meeting tonight.

When asked about the need for the driveway, Mr. Schreifels stated that the neighbors had previously shared a single driveway for 22 years, but this arrangement is no longer working. When asked how his attorney advised this situation should be handled, Mr. Schreifels said his attorney hadn't specifically addressed the situation. Mr. Lang said that his attorney recommended that the driveway go down the property line and that it can go right up against the other driveway because it's been there forever. Gondringer noted that the Township must first permit any new driveway in the road right-of-way.

The Supervisors thought that splitting the difference between the separation distance requested by the neighbors was appropriate because the neighbors couldn't work out an agreement on their own. The Supervisors discussed that a distance of at least 24 feet between the driveways was a good compromise that addresses issues raised by Mr. Schreifels, yet still allows the Lang's to site their driveway within the confines of the property and meet County guidelines.

After further discussion, Sanoski moved to approve a driveway permit for Joseph and Barbara Lang, 37075 Pelican Lake Road (Avon, MN), on the conditions that the new driveway: is no more than 12 feet wide; the new driveway flairs no more than 18 feet at the roadway; the driveway is parallel (symmetrical to) the Schreifel's driveway; there is 28 feet between the driveways; the new driveway provides for adequate drainage (*to the north*) of the area between the two driveways; and the neighbor at 37067 Pelican Lake Road is responsible for maintaining the area between the driveways. Klocker second. Two in favor. One abstain (Gondringer). Motion carried.

An agreement for maintaining the area between the driveways needs to be created. It could be similar to the encroachment agreement used for septic systems. One question is who would pay any attorney fees. The cost could be high because a survey may also be required. The Lang's were alerted that the driveway contractor must check elevations before final work to ensure proper drainage.

2. **Sanoski CUP** – A preliminary plat (Shady Acres First Addition) was approved by the Supervisors at the June meeting. In the interim, the Sansoki's learned that because their property is in the Avon Hills Overlay District, they must first get a Conditional Use Permit (CUP) for a conventional subdivision. Yurczyk reported that the PC discussed the situation and recommends setting a public hearing to consider a CUP for the Sanoski's. Gondringer moved to set a public hearing at the Planning Commission meeting on July 26, 2023 at 7:15 PM to consider a CUP for Rich & Brenda Sanoski, 34171 Smiley Drive (Albany, MN), for a conventional subdivision in the Avon Hills Overlay District. Klocker second. Two in favor. One abstain (Sanoski). Motion carried. Yurczyk also reported that the PC examined the forms/procedures for CUP applications and recommend no changes to the current policy – no action was taken by the Supervisors.
3. **Dog Kennel Inquiry** – A resident inquired about starting a dog kennel business in the Township. This is a permitted use (*see 439 Ordinance, Section 6.34*) in A40 zoning but requires a CUP. Based on our MOU with the

County, the Township is responsible for the public hearing and issuing the permit. The County might be willing to accept this responsibility if we adopt a change to the MOU. The Town will wait to see if the resident follows up before any action is taken.

- 4. **Hiring Policy** – Yurczyk reported that the PC discussed a potential *Hiring Policy* for Township employees. Many changes/edits were made. The PC will examine the revised draft, as well as the Employment Application, at their July meeting before forwarding it to the Supervisors for consideration.
- 5. **Payroll Company** – the PC discussed the possibility of hiring a company to handle payroll and HR issues. Rules and requirements have become so complicated in recent years it might be necessary, though costly, to hire a company with expertise in this area. It was suggested that the Township could potentially share costs with a similar organization in need of the same services. The Township will do some research on costs and other factors.
- 6. **Solar Garden Moratorium** – Yurczyk reported that the PC discussed a possible moratorium on future solar gardens in the Township. Opinions varied and included concerns about recycling spent panels, lack of a tax incentive for the township, loss of property rights for property owners, and esthetic issues. The Supervisors generally agreed that a moratorium of 6-12 months on solar farm development would provide time to study associated issues to decide how to respond. This would put the brakes on further solar garden development until a decision was made. The Supervisors do not envision restricting individual homeowner systems, but that the moratorium would focus on commercial/industrial systems. Sanoski moved to authorize Gondringer to contact the Township attorney regarding the process of enacting a moratorium on solar farms in the Township. Klocker second. All in favor. Motion carried.

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 6/01/2023 to 6/30/2023 (*copied below*) was presented. A reminder about SLFRF reporting, which Martini has completed for this year, was received. The Supervisors agreed to report the three escrow accounts as zero on the Cash Control Statements. The advantage is that it will be a reminder that the escrow accounts exist and that the amounts won’t make it appear as though there is more money than is actually available for use.

For the Period : **6/1/2023 To 6/30/2023**

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$156,342.21	\$55,512.97	\$20,396.63	\$191,458.55
Road and Bridge	\$234,876.23	\$180,898.30	\$43,717.22	\$372,057.31
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	\$2,950.00	\$500.00	\$0.00	\$3,450.00
Fire Fund	(\$2,381.43)	\$43,583.52	\$0.00	\$41,202.09
General Capital Projects	\$41,513.46	\$1,044.05	\$0.00	\$42,557.51
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
Total	\$614,913.77	\$281,538.84	\$64,113.85	\$832,338.76

Klocker moved to approve the Treasurer’s Report and Cash Control Statement. Sanoski second. All in favor. Motion carried.

Martini also provided an updated version of the cash control statement from May that showed the corrected numbers for claims in the notes appended at the bottom of the statement. Sanoski moved to approve the amended notes on the May Cash Control Statement. Klocker second. All in favor. Motion carried.

Claims, Receipts & Payroll: The claims (4494-4505) totaled \$95,576.16. The July pay period was \$2,609.49. The Solar Tax will be included in the General Revenue fund and proceeds from the sale of the ditch mower will be put in the Capital Reserve fund. Gondringer checked the Girodat driveway and recommends return of the damage deposit. We have another year and a half to use the ARPA funds, some of which has been dedicated to the County for broadband.

Sanoski moved to approve the claims, receipts and payroll, withholding the check for Gerad's Construction until the issue of the unmilled tar pieces is resolved. Klocker second. All in favor. Motion carried. Gondringer will contact Dave Gerads about dealing with the chunks of tar that remained after milling.

Koopmeiners returned to work half-time on Monday. Tschida will be kept on the payroll until Koopmeiners is back full-time. Koopmeiners will submit time-cards weekly. A plan to issue his check was discussed.

Town Hall Report: Tschida reported that this month he mowed the grass at the Town Hall, picked up signs on Two Rivers Road, washed the trucks, and graded the parking lot. Koopmeiners will follow up with Panek about sealing the new concrete parking areas.

Road Report.

1. **Snow Plows & Drivers** – The Red Plow will be taken to Litchfield to install a new joystick. This truck also needs a new sander which will cost about \$6,800. Klocker moved to have Koopmeiners repair the sander. Sanoski second. All in favor. Motion carried. The wing posts and frame on the box needs repair. Sanoski moved to take the truck to Meyer's to complete the necessary repairs. Klocker second. All in favor. Motion carried. The Blue Plow is underpowered; it would be a good truck if the horsepower could be increased. Koopmeiners was authorized to look into the possibility of increasing the horsepower and/or purchasing another truck. There was a discussion of whether or not to use the plow to grade gravel roads.

Tschida will continue plowing as in the past. Koopmeiners will contact the other drivers from last year to see if they are willing to drive again this year. If not, we will advertise on the website, etc.

2. **Tractor** – is leaking oil. It is under warranty and the company will fix. After, Koopmeiners will cut the road ditches.
3. **Compressor** – needs to be replaced. Koopmeiners was authorized to get prices for an oil-less unit.
4. **Signs** – the bridge chevron signs on Queens Road have been stolen again. Signs were ordered for 185th Avenue, 165th Avenue, and for Upper Spunk Lake Road (chevron sign). M&R quoted prices for the post pair used to install signs as \$66.92 (8' – 2.5#/ft = \$35.22; 6' – 3#/ft = \$32.70).
5. **Salt Sand** – has been delivered. Koopmeiners reported that 250 yards were loaded, though the salt shed could have held 275 to 300 yards.
6. **Roadwork** – Quotes were received from Kotzer Excavating & Lange Trenching for replacing the 365th culvert, repairing two road areas, and removing a rock on 360th. After carefully comparing the two quotes, Klocker moved to accept the lower quote from Lange Trenching. Sanoski second. All in favor. Motion carried. Klocker and Koopmeiners will monitor/supervise the projects. The County will be contacted to determine

elevations for the culvert. Koopmeiners will examine the seeding on the Parkwood Circle projects from last summer to determine if we can issue the final payment, or if there is a need to have the contractor redo it.

7. **Weeds** – Klocker inspected with Bob Dunning from Stearns County. Weeds are mostly under control, except for one property; the resident was sent a letter to remove them. The property will be reinspected on July 17. Koopmeiners will soon spray for thistles. Wild parsnips weren't a big problem during inspection.
8. **Sale Items** – Dave Gerads suggested to Gondringer that the price for a new corrugated culvert was about \$48/ft and suggested that half price was reasonable for a used culvert. The Supervisors decided that the culverts will be offered for sale at \$20/ft. They will be posted in the typical posting places and on the website/Facebook. The Township Toro self-propelled lawnmower, which cost \$580 new, will also be sold because it is not being used.
9. **Miscellaneous** – Scott Volkers, St. Wendel Township Supervisor, was unable to attend tonight's meeting. Jason Orne, who had previously requested to attend the meeting to discuss drainage issues on Highland Terrace, did not attend the meeting; no action taken. Five-gallon pails of waterproofing material were discarded in the ditch on 365th; Koopmeiners or Tschida will remove and take them to the County hazardous waste disposal facility. No action on road vacations; Gondringer will follow up with the township attorney for the next meeting. Koopmeiners was authorized to purchase a battery-operated grease pump.

Business:

1. **Peters Damage Request** – Mr. Derek Peters appeared at the meeting to request reimbursement for damage to his truck that occurred after he hit a piece of unmilled asphalt on Two Rivers Road. He read a statement to the Supervisors about the hazard of large chunks of asphalt on Two Rivers Roads. He was disappointed about the Township not paying for damage from the construction project. He brought a piece of asphalt about 12 x 12 inches. He said no notice was received from the Township and that there was a lack of communication between the residents and the Township. He was concerned and frustrated about the safety risks for drivers and lack of communication. He requested reimbursement but has not yet obtained an estimate of the repair cost.

Another resident at the meeting, Leroy Buening, stated that residents have found many chunks of unmilled tar and have thrown them to the side of the road. He also expressed a serious concern that the contractor didn't leave a lane open during the project and that the road was impassable for about two hours; he said this could have been very dangerous in the event of an emergency. Other concerns expressed about the project were: (a) lack of notice to the residents; (b) delay in the project between milling and paving; (c) no flag 'man' to direct traffic; (d) a culvert was installed after grinding/road preparation; (e) large chunks should have been reground; and (f) No one from the Township observed/supervised the grinding process. Overall, he said that the road reclamation was a very poor job, especially on Two Rivers Road to Co Rd 9, and suggested it was because the operator went too quickly and too deeply. The project was joint with Holding Township, which resulted in things being done differently (*i.e.*, no engineer) than perhaps is usual for the Township.

Another resident, Mike Peters, concurred and also said there was excessive brush at 186th Avenue and St. Anna Drive.

The Supervisors apologized for the problems with project preparation. None of the issues were anticipated and the problems were unexpected. An engineer will be hired for future projects. The Supervisors said that the Township policy is to not accept liability for damage to individual vehicles since there is no specific evidence how the damage was caused.

Reports:

1. **Fire Hall Project** – Sanoski reported that after soil borings were taken, the estimated cost of the project has increased to \$2.5 million. About 18,000 yards of fill will be required.

Announcements:

1. There is a missing **991 sign** at 35011 Tower Road (cell tower property). The company has been contacted numerous times but has repeatedly ignored requests to pay for the 911 sign. The Supervisors agreed that the Township has done due diligence to attempt to have a sign installed on the property; no further attempts will be made. The company will be liable for any delay in 911 emergency response due to the lack of a 911 sign.
2. **Construction Site Permits** were issued to Pitzer (33155 185th Ave; manufactured home), Klisch (18401 377th, 30x50 shed), and Sorteberg (36777 Co Rd 155, 32 x 64 pole shed).
3. **Special Assessment Searches** were conducted for Wheeler (32199 Noble Oak Circle) and Litchy (15167 Parkwood Circle).
4. There were no **feedlot permits** issued last month in the Township.
5. **County Hearings:** The Board of Adjustment (June 8) approved a 10x14 accessory structure 2 feet to the side yard for Kurtz, and a variance for a sewage treatment system setback for Rabideau (33738 Highland Terrace). The Commissioners approved an IUP for Ertl (11698 Co Rd 5) for a vacation/short term rental. There was a hearing on June 6 to consider enactment of Ordinance 651.
6. Township **notecards** are now available for use by staff.
7. Neighbors on Spunk Tree Circle are having a disagreement about maintenance and where to park on their shared driveway. The Sheriff's office has been alerted to the situation.
8. CenterPoint Energy installed a natural gas main at 32961 154th Ave.
9. Mr. Mike Williams, Stearns County, provided an update on broadband availability in the Township and reported that funding for broadband for the SE corner of township is being pursued.

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; Paint stripes in parking lot; 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 was scheduled for August 2, 2023. Because one supervisor will be out of town and it might be necessary for one of the remaining supervisors to potentially abstain from a vote, Klocker moved to reschedule this meeting to Wednesday August 9, 2023 at 7:00 PM. Sanoski second. All in favor. Motion carried. The meeting will also be available via Zoom (*see above*).

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

- a. Planning Commission – July 26, 2023
- b. Joint Planning Commission Meeting – October 30, 2023; 7 PM; Avon Township Hall

Adjournment: Sanoski moved to adjourn the meeting at 10:35 PM. Klocker second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: August 1, 2023

Supervisor Signatures:

date: _____

LeRoy Gondringer, Chair

Chad Klocker

Rich Sanoski