

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

May 3, 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, via Zoom*). Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), Sheldon Tschida, and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Several items were added to the agenda including a Tour of Saints permit application, liquor license applications from *The Store* and *Pelican Lake Ballroom*, a Sheriff's department update, and a Fire Hall update/report. The order of items in the agenda was also changed slightly. Sanoski moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** Sanoski moved to approve the minutes of the April 5, 2023 Supervisor meeting as presented. Klocker second. All in favor. Motion carried.

The minutes of the LBAE meeting were corrected to change the date from April 17, 2021 to April 17, 2023. Klocker moved to approve the amended minutes of the April 17, 2023 meeting of the Avon Township Local Board of Appeals & Equalization. Sanoski second. All in favor. Motion carried.

Sanoski moved to approve the minutes from the Special Meeting to open road bids on April 26, 2023. Klocker second. All in favor. Motion carried.

**Sheriff's Department Update:** Deputy Jace Rosenfeld appeared at the meeting to update the Supervisors. At his previous visit we discussed a problem regarding vehicles parked in the road right-of-way in the mobile home park. This situation has been rectified and he was thanked for his work on this problem. Deputy Rosenfeld reported that last month was relatively 'quiet.' There were 78 calls in the Township including 31 traffic stops. There was one DWI arrest. The Clerk needs to apply to have a portion of fine fees returned to the Township.

**Public Hearings:** none scheduled.

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

1. **Solar Escrow** – Yurczyk reported on her research regarding setting up an escrow account and agreement for the Gertken/Novel solar project. Martini told her that for accounting purposes, the funds can be recorded in a separate area of CTAS so the monies don't cause confusion and appear as though the funds are available to be spent by the Town. Yurczyk reported that the MAT attorney recommends: (a) having an escrow agreement with Novel. No sample is available from MAT; (b) the Town should use our attorney to create an escrow agreement; (c) the Township should be the holder of the escrow account; (d) MN Statute 118A is a guide for investment types. It should be a zero-loss type of investment; and (e) a management fee can be charged, though the MAT attorney wasn't certain if we could keep the interest. The MAT attorney questioned why the Township would collect an escrow. Since it is in the County ordinance, the Township collects an escrow. Yurczyk received a copy of a County solar escrow agreement and Novel has preliminarily modified this version. She also reported that the County maintains the funds for the escrows that they hold.

American Heritage Bank is willing to set up an escrow account in which the Town would earn the interest. They would put the funds in a money market account. The bank would require an escrow agent agreement which they would draft at no cost. Alternately, the Town could put the money in an investment account based on Statute 118.A and handle it like the County. Novel would need to agree to interest being owned by the Township. The Township attorney should set up the escrow agreement. The PC supports having the Township attorney set up an escrow agreement where the Town could earn some interest. Attorney fees could be covered by the interest. Any escrow deposit/account should be covered by FDIC. The process needs to account for changes in Township staff over the course of the escrow agreement period.

Given the two options for setting up the escrow agreement/account (bank or Township controlled) the Supervisors expressed support for the latter option in which the Township would control the funds and a modified draft of the County escrow agreement would be prepared and then reviewed by the Town attorney. The Supervisors authorized the PC and Scott Tempel from Novel to fine-tune the escrow agreements for the decommissioning and the revegetation plans. Klocker moved to have the Town attorney examine the draft escrow agreements for signing. Sanoski second. All in favor. Motion carried.

While the escrow agreement was being developed the Supervisors agreed to put the escrow money into a CD to begin earning interest. Once generated, the interest would be removed to be used in the general budget. Any escrow accounts need to be carefully labeled. There is currently a good rate CD rate at Magnifi Financial. Klocker moved to establish a decommissioning CD for \$200,000 and a revegetation CD for \$62,500 at Magnifi to take advantage of the current high interest rate. Sanoski second. All in favor. Motion carried.

2. **Assorted** – Among the other items considered by the PC were: (a) Ertl County Hearing – there will be a public hearing concerning their application for a vacation rental. No action was taken by the PC; (b) Road Report – no action taken; and (c) Yurczyk was elected chair and Blonigen vice-chair.

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 4/01/2023 to 4/30/2023 (*copied below*) was presented.

Martini changed the name of the Maciejewski escrow CD to help clarify it. Sanoski suggested to include the maturation year. The CD is listed in an investment module in CTAS. The interest is being rolled back into the CD and would be available upon CD maturity. To ensure continuity into the future, the Clerk will include a section on the escrow funds in the *Staff Manual*. They could also be listed in any guide produced by the Treasurer. Martini reported that a hiring form is needed from one employee (Michael Gondringer). The interest amount for the Maciejewski Demolition Escrow will be included in the next cash control report. There is nothing in the minutes from when this escrow was established that indicates what happens to the interest. The Hiring Policy will be discussed next month. The Clerk will apply for a return of Fine Fees.

Martini stated she completed the necessary ARPA reporting. An alert was received from Capital One but ignored since the Town has no account with them. The final FEMA grant payout (\$599.76) has been received.

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

For the Period : 4/1/2023 To 4/30/2023

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$167,902.53	\$1,789.26	\$9,518.37	\$160,173.42
Road and Bridge	\$250,686.08	\$0.00	\$8,344.06	\$242,342.02
Demolition Escrow - Maciejewski	\$2,000.00	\$0.00	\$2,000.00	\$0.00
Solar Decommissioning Escrow	\$262,500.00	\$0.00	\$0.00	\$262,500.00
Road Damage Deposit	\$2,950.00	\$0.00	\$0.00	\$2,950.00
Fire Fund	(\$2,381.43)	\$0.00	\$0.00	(\$2,381.43)
General Capital Projects	\$41,513.46	\$0.00	\$0.00	\$41,513.46
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$906,783.94</b>	<b>\$1,789.26</b>	<b>\$19,862.43</b>	<b>\$888,710.77</b>

**Claims, Receipts & Payroll:** Claims 4455 & 4456 (\$355.53) were approved last month for the Annual Meeting Moderator and PERA. The April 6<sup>th</sup> payroll (2022 Koopmeiners overtime) was \$1,616.56. The April 8 payperiod was \$865.79. The April 22 payperiod was \$229.64. PERA claims were 4457 (\$151.67) and 4458 (\$37.46). The May claims (4459-4477) were \$9,785.84. The May payroll was \$2,563.98.

Klocker inquired whether there should be greater accountability/detail on employee time sheets. There was a discussion on how to keep track of work responsibilities, how much detail to include, and whether it is even necessary for a trusted salaried employee. The current form that is used to record hours, which was developed primarily to keep track of Workman's Compensation reporting, may need to be revised.

Gondringer said that he and Koopmeiners both think that the blue snowplow needs to be replaced.

There was a discussion about how hourly employees and Town staff who attend meetings would be paid for attending a meeting (*i.e.*, Qualification or a Supervisor meeting). The consensus is that everyone would receive the same amount assuming full participation in the meeting. Sanoski moved to pay a meeting fee stipend to those attending required Township meetings. Klocker second. All in favor. Motion carried. Our salaried employee would attend as a part of the 40-hour per week work schedule.

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

### **Town Hall Report**

1. **Albany Mutual Telephone** – Derek Iverson, Outside Plant Construction Supervisor for Albany Mutual Telephone, appeared at tonight's meeting to provide information about the upcoming broadband project in the Township. They have received funding to run broadband to underserved and unserved areas in the township. They plan to start in the Township in 3-4 weeks. There will be two project areas, including one east of Co Rd 9 to Co Rd 3. Clearwater will be doing most of the work for them, though there may be a few additional subcontractors. Culverts will not be affected; lines will be bored beneath any culverts. Any larger waterways that are crossed require special permits. The current projects will include about 230 residences. They are waiting to see if additional funding is received for future projects which could eventually extend service to St. Joseph, St. Stephen, and Upsala. The contractor has 55 working days to run fiber for this first phase and by June/July it should be completed to the Town Hall. They have contacted most of the property owners in the current project service areas. The goal is to get approval to run the fiber to everyone's home at this point and determine where to approach the home. A resident can decide whether or not to actually hook up to the system at a later date. There is no cost to the resident to run the cable to their home during this phase of the project. However, if it is not done now, the resident will have to pay the cost. The Coop will return some funds back to the subscribers/Town. One fiber feeds up to 32 homes. During work, there will be signage to alert motorists of the work and no roads will need to be closed for any length of time. Road

ditches will be put back to the original condition. The Town will provide the remaining CARES funds, and a portion of ARPA funding, to the County for broadband installation.

2. **Assorted** – (a) LP – currently adequate. Sanoski will be responsible for checking LP and ordering more in the absence of Koopmeiners; (b) Reseal Concrete – Klocker has contacted Panek to complete the work; (c) Flag – Marion Gondringer will take responsibility in the absence of Koopmeiners; (c) Septic tanks – The shop tank can wait until Koopmeiners returns. Tschida will handle having the main septic tank pumped; (d) Water softener – Sanoski will monitor and make sure salt is available in the absence of Koopmeiners; (e) Windows – no action for now; can wait for Koopmeiners; (f) General cleaning including bathroom – the Lion’s will be requested to do especially good job after their meetings. All Town staff can pitch in; (g) Furnace filters – we need to monitor; (h) Lights in Shop – are being replaced; equipment has been moved to allow access to the ceilings; (i) Lawn – Tschida will mow. Pruning will wait for now; (j) the ditch mower is ready to go; and (k) Tschida will grade the parking lot.
3. **Salt Sand** – Klocker will seek a second quote from Huls (mix of granite sand and salt).

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

**Road Report.** *Sheldon Tschida presented the report..*

1. **Summer 2023 Roadwork** – Dave Yurczyk from Holding Township was present at the meeting. He reported that Holding Township accepted the bid and quote, respectively, from Knife River and Dave Gerads to resurface 400<sup>th</sup> Street.

The Supervisors considered the bids to do the Township roadwork. The total to complete all of the proposed projects is about \$389,000 once the Two Rivers Road bid is adjusted to account for the actual road length for which the Town is responsible. Holding reported that the difference would be about \$39 per foot once the actual dividing line is determined. Funds to pay for the roadwork are in the Road & Bridge account; additional funds could be obtained from the ARPA account if necessary. However, the latter is also being considered for the Fire Hall addition. The Supervisors discussed the need for continued roadwork, especially after effect of the rough winter on Township roads. Klocker moved to accept the bid by Knife River to resurface Two Rivers Road with Holding Township, and also to resurface Red Oak Circle, 185<sup>th</sup>, and 190<sup>th</sup>. Sanoski second. All in favor. Motion carried. Klocker moved to accept the quote from Dave Gerads for milling the roads for resurfacing. Sanoski second. All in favor. Motion carried.

Klocker inquired about the need for a contract with the companies. Dave Yurczyk mentioned that a contract was signed with the contractors. The Town will sign and return. Klocker inquired whether a retainer is included in the contract. The Knife River bid specifically mentions that no retainage is included. Sanoski will sign the contract for the Township and talk to Knife River tomorrow. Dave Yurczyk signed the contract for Holding Township. Each Township will cut a separate check to Knife River. Both Townships are listed on the contract and will be liable for their specific portions of the work. There was a discussion about whether a contract was needed with Holding Township to ensure both pay their respective amounts. Both entities trust one another. Gondringer will contact Dave Gerads to alert him to his quote being accepted and coordinate the work with Knife River.

4. **Boom Cutter** – Dave Yurczyk mentioned that Holding is interested in jointly renting the boom cutter with us. He will contact Midwest Equipment to determine availability and cost.
5. **Assorted** – (a) We will need to cut road ditches (*after July 1*), and spray weeds. Gondringer will confirm with Tschida what he will be able to handle; (b) Gravel on roads – Klocker will check 331<sup>st</sup>. If a small amount, it

could be swept off with a broom or a backpack blower used; (c) Gravel & Grading – Sanoski will handle. 370<sup>th</sup> will require some gravel, Sanoski will check out. Gravel will be ordered from Greg Tschida. Schirmers has graded his own driveway; no work will be done here for now. There was a discussion about whether the plow should be used for road grading; (d) 360<sup>th</sup> – there is a large rock in the road that is a problem for farm machinery. It will likely need to be dug out since it would just resurface if covered with gravel. The best option would be to dig it out and fill in the hole with crushed asphalt. The road would need to be shut down during the process; the resident would be alerted to the work. Sanoski moved to authorize Bob Yurczyk to dig out the rock on 360<sup>th</sup>. Klocker second. There was a question about whether there should be a liability waiver. Sanoski withdrew the motion. No action taken. This issue will be included on a future agenda; (e) 365<sup>th</sup> Culvert – is a concern. Klocker will examine; (f) Sale of used culverts – there is no reason to keep, though could be used for replacements. Gondringer will look into finding a price; and (g) Road vacations – no action taken; move to the agenda for next month.

6. **Affidavits** – Supervisors were reminded to complete the Affidavit of Official Interest in Claim form if they do any work outside of their normal responsibilities.

### **Business:**

1. **Liquor Licenses** – Kelly Caspers (*The Store*) and Pat Schmainda (*Pelican Lake Ballroom*) appeared at the meeting to request liquor licenses. Klocker moved to approve liquor licenses for *The Store* and *Pelican Lake Ballroom*. Sanoski second. All in favor. Motion carried. The Clerk recommended clarifying the motion to specify on-sale/off-sale. Klocker moved to amend the motion to approve an off-sale license for *The Store* and an on-sale license for the *Pelican Lake Ballroom*. Sanoski second. All in favor. Motion carried.
2. **Ingestion Pathway Regional Training** – No one from the Township will participate. A damage assessment tool is available at <https://arcg.is/1rzTiKo>.
3. **Joint Planning Commission Meeting** – June 19<sup>th</sup> would work for a meeting. Sanoski and Yurczyk will attend. The Clerk will confirm with the City.
4. **Tour of Saints** – The event will be Sunday July 9. The route is the same as in the past. Klocker moved to approve the application for the 2023 Tour of Saints with the date changed. Sanoski second. All in favor. Motion carried.
5. **LBAE Meeting Minutes** – will be examined for approval at the June meeting.

### **Reports:**

1. **Land Use Legal Training** – the County sponsored a series of workshops for Clerks including one that featured special assessments. The workshop outlined the process to be used when developing special assessments.
2. **Fire Hall** – Sanoski attended the meeting. He reported that no hose station will be included. The next meeting should have a better idea of costs. They will start to try to recruit donations in August/September.

### **Announcements:**

1. There were no requests for **991 signs**.
2. A **Construction Site Permits** was issued to Novel Gertken Solar; Terway (18056 360th St, 11 x 32 addition) and Raab (35428 Co Rd 155; rebuild home). The latter will likely need to remove the existing trailer on the property once the home is built.

3. There were no **Special Assessment Searches**.
4. No **feedlot permits** were received.
5. There will be a **County Hearing** (May 9, 9 AM) to consider amending Ordinance 653.
6. The Annual Bridge Inspection showed no deficiencies in the one Township bridge (L9439 – Queens Road).
7. A request was received from a resident to dispose trash removed from the road right-of-way. Though the Township is grateful when residents clean up roadsides, the resident takes responsibility for discarding the garbage.
8. The Township received positive comment about snow plowing this winter from a resident and from the Albany school district.
9. The Budget/Levy for 2024 was reported to County.
10. There will be a Township Legal Seminar by Couri & Ruppe on June 1 in Albertville. No one was authorized to attend.
11. A *GameTime* catalog was received.
12. MAT has excluded some Norman County townships from the organization. The reasons are not clear.
13. MATIT has contracted with Overland EXL for property evaluations. We may be contacted to allow them access to our facilities.
14. An inquiry was received about rules regarding noise (*re barking dog*). The resident was directed to Environmental Services. The Sheriff Department would be an even better resource.
15. Stearns County Highway Department will host a meeting on May 2<sup>nd</sup> at 7 PM at the Stearns Co Public Works Building, to gather input regarding their five-year road construction plan.
16. Contact information for various Stearns County offices is available. The Offices for the Assessor, Recorder, Survey, Environmental Services, Land Records, 911 Addressing/GIS Mapping are now at the Waite Park Service Center.
17. MNDOT has requested feedback about the MnSHIP Program. No action taken.
18. A resident requested the blueprint for their home. The Township doesn't usually have these documents unless the resident submitted them with the original CSP.
19. A County Ditch 28 update received
20. The auction for the spare Township mower will soon open.

**Old Business:** Culvert mapping project; 135<sup>th</sup> Avenue project with St. Wendel; 911 signs (35011- Blinking Lights & 34948 Tower Road); 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; 154<sup>th</sup> shouldering work; 33786 Shorewood ditch brushing; missing sign on 185th; solar panels for Town Hall; Ordinance #5.

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

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on June 7, 2023 at 7:00 PM and will be available via Zoom (*see above*).

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

- a. Planning Commission – May 31, 2023

**Adjournment:** Sanoski moved to adjourn the meeting at 11:04 PM. Klocker second. All in favor. Motion carried.

**Respectfully submitted,**  
Stephen G. Saupe, Clerk

date: May 28, 2023

**Supervisor Signatures:**

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

\_\_\_\_\_  
LeRoy Gondringer, Chair

\_\_\_\_\_  
Chad Klocker

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