

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

November 1, 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 Treasurer*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda were: discussion of a driveway concern from Paul Nathe, and a variance extension request by Kayla & Alexander Beckmann. Sanoski moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** The minutes from the October 4, 2023 meeting were amended to clarify that Township approval was given during road inspection 2022 to widen a driveway on Quaker Drive (see Road Report, #1). Sanoski moved to approve the minutes from the October 4, 2023 meeting as amended. Klocker second. All in favor. Motion carried. The revised minutes will be signed at the December meeting.

**Public Hearings:** *none scheduled.*

**Sheriff's Department Report:** Deputy Mark Lust appeared at the meeting to provide an update from the Sheriff's office. There were 77 calls, about 2.5 per day, in the Town last month. There were about 30 different types of calls. Deputy Lust reported no significant areas of concern. There has been no action regarding an environmental call on a property on Shorewood Drive.

**Public Comments:** *none received.*

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

- Blattner Variance** – The PC considered a request by John & DeeDee Blattner for a variance to construct an attached garage closer to a road than is currently permitted by Ordinance 5, Section 9.9.9.A(3). The Blattner's want to get the process going as soon as possible and are willing to pay for expedited hearings. In order to provide time for posting and publication of the required public hearing, the PC recommends special PC and Supervisors meetings on November 13<sup>th</sup>. Sanoski moved to set a PC meeting on November 13, 2023 at 7:00 PM to hold a public hearing to consider a variance request by John & DeeDee Blattner, 32277 Nob Hill Drive, to construct an attached garage 9 feet closer to the center of an existing road than is currently permitted by ordinance; and to set a meeting of the Avon Township Supervisors immediately following the PC meeting to make a final decision on the variance application and carry out any other business as allowed by law. Klocker second. All in favor. Motion carried.
- Sowada Transfer of Development Rights** – The PC considered a request from Jodi & Elvin Sowada to transfer a development credit to a parcel in Avon Township (03.00703.0000). To inform neighbors of the situation, letters were sent informing them of the PC meeting and discussion about this topic. Only one resident requested a clarification of the situation; no other public comments were received. After discussion and consideration of the increased density, likely location of a residence, etc., the PC recommended approval.

Gondringer said he had talked to Holding Township Supervisor Dave Yurczyk who said that Holding Township has not yet met to make a decision about the Sowada request. The Supervisors agreed that it was necessary for the sending township to first release the TDR prior to the receiver accepting it. This would avoid the sending township from thinking that the receiver is trying to take the TDR away. To avoid Holding Township feeling pressured, the Supervisors will wait to make a decision on accepting the TDR until Holding Township decides whether or not to give it up.

The Supervisors agreed that a better process for considering and approving TDR transfers is needed. The Supervisors authorized the PC to begin to develop a process for township-to-township TDR transfers.

3. **LRIP Grant** – The grant is nearly finished. The Supervisors examined the current status of the application. The application will be submitted under Gondringer’s name as Supervisor Chair. Klocker moved to approve the LRIP application to MNDOT for funding to resurface Queens Road; and that the Township agrees to any pay project costs not received from the LRIP grant. Sanoski second. All in favor. Motion carried. Yurczyk will contact Holdingford Schools to solicit a letter of support. The resolution of support that the Supervisors passed doesn’t specially mention that the Township will cover the additional costs because it wasn’t included in our previous grant which was used as a model. This was not considered a problem because the previous grant was successful and because the motion made to support the application makes it clear that the Town will cover the additional costs.
4. **Joint Planning Board agenda** – The PC discussed potential items (Fire Hall expansion, renewal of the Joint Powers Agreement, solar garden IUP handling in the Joint Powers area) to be included on the agenda of the recent JPB meeting.
5. **Solar Moratorium** – The PC had a spirited and informative discussion about the pros and cons of solar gardens in the township and recommends maintaining a solar moratorium on commercial solar projects in Avon Township larger than 100 kW. There are currently two major solar gardens in the township (St John’s, Gertken). The Supervisors agreed that private residence solar systems are acceptable. Continuing the moratorium will require changing our Ordinance. Klocker moved to prohibit any solar system in Avon Township that is larger than 100 kW. Sanoski second. All in favor. Motion carried. Sanoski moved to authorize the Clerk to work with the County to enact any necessary ordinance changes. Klocker second. All in favor. Motion carried.
6. **Road Inspection** – The PC considered possible roads that required attention during the upcoming road inspection. The suggestions included 140<sup>th</sup> Avenue and 370<sup>th</sup> Street (lumber in right-of-way).

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 10/01/2023 to 10/31/2023 (*copied below*) was presented. A disbursement of \$30.79 reported in Capital Projects was mis-coded. The Cash Control Statement will be revised and returned for signatures next month. Martini reported that the Town will receive in December about \$150,000 for Road & Bridge, which needs to last until June. Sanoski moved to approve the Treasurer’s Report and Cash Control Statement. Klocker second. All in favor. Motion carried.

ARPA money needs to be spent within a year or so. The Supervisors generally agreed that remaining funds will likely be used for roads. There was a discussion of how claims are handled in the Township. Most claims to the Township are received by the Clerk, recorded, and then passed to the Treasurer for payment. A few claims (*i.e.*, Xcel) go directly to the Treasurer – these are then shared with the Clerk & Board. We will look into having any emailed claims sent to both the Clerk and Treasurer to avoid missing a claim and to ensure a check-and-balance

process. Belgrade Coop is providing the option of paperless billing via their Co-op Connect online portal. The general consensus was to sign-up using the Clerk’s email, and the Treasurer’s email if there is an option for two.

For the Period : 10/1/2023 To 10/31/2023

| <u>Name of Fund</u>               | <u>Beginning Balance</u> | <u>Total Receipts</u> | <u>Total Disbursed</u> | <u>Ending Balance</u> |
|-----------------------------------|--------------------------|-----------------------|------------------------|-----------------------|
| General Fund                      | \$181,891.07             | \$7,160.58            | \$6,018.52             | \$183,033.13          |
| Road and Bridge                   | (\$66,557.66)            | \$301.08              | \$13,459.13            | (\$79,715.71)         |
| 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              | \$0.00                | \$0.00                 | \$41,202.09           |
| General Capital Projects          | \$45,452.51              | \$0.00                | \$0.00                 | \$45,452.51           |
| ARPA Fund                         | \$181,613.30             | \$0.00                | \$0.00                 | \$181,613.30          |
| <b>Total</b>                      | <b>\$387,551.31</b>      | <b>\$7,461.66</b>     | <b>\$19,477.65</b>     | <b>\$375,535.32</b>   |

**Claims, Receipts & Payroll:** The claims (4567-4589) totaled \$52,295.01. The payroll was \$4,520.15. Four checks were voided (10964 – Lang driveway deposit that will be held until spring; 10986 – written to wrong payee; 10994 & 10955 – misprinted).

Rip rap was mandated on-site by Stearns County (Chad Martini) for the culvert project. Dale Lange, Lange Trenching, stated that this, in addition to the need to lower the culvert by one-foot, were the reasons that his original estimate for the project was less than the final invoice amount. There was apparently a lack of communication between the County, Township and Lange Trenching concerning what needed to be done. Gondringer spoke to Mr. Martini who agreed that the County would pay for the cost of the rip rap. The Town will pay Lange Trenching their invoiced amount and then submit an invoice to the County to be reimbursed for the rip rap. Mr. Lange stated that he was being blamed for an inaccurate estimate when the complete project facts were not known. He also said that the culvert should have been about 3 feet longer, which would have resulted in less steep slopes. Yurczyk stated that she was disappointed that she hadn’t been alerted prior to the construction work because the project occurred on her property.

Klocker and Mr. Lange questioned whether a culvert on Shorewood Drive had been adequately cleaned out. They also expressed the importance of using local contractors for jobs in the Township. Gondringer said he was concerned that estimates received from Lange Trenching were consistently lower than the final project cost. Mr. Lange said that the estimates were accurate based on information he was provided. The Supervisors also had a brief discussion regarding responsibilities for making on-site decisions and open meeting laws.

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. **Window Replacement** – Klocker reported that the Town Hall window glass is warrantied for 20 years, but the frames are not. The warranty is good until 2030. It was suggested to initiate the claim in 2029, unless the windows get really bad. The window situation will be reexamined in the spring.
3. **Parking Lot Washout** – was fixed.

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** – All of the trucks are ready to go. The cutting edge still needs to be installed on the pickup plow.
2. **Monthly Update** – work this month included: cleaning up and winterizing mowers; removing garbage (TV – Upper Spunk Lake Road, filing cabinet – 360<sup>th</sup>); checking roads for damage after heavy rain; mowing ditches; fixing a pothole on 135<sup>th</sup> Avenue; fixing a sinkhole on Tower Road; cleaning up a downed tree on Highland Terrace; shouldering work on Parkwood Circle, 365<sup>th</sup>, and 360<sup>th</sup>; removing barbed wire from the mower and repairing the damage; and removing a timber post from the 370<sup>th</sup> road right-of-way. The tractor is in the shop for warranty work.
3. **Weed Report** – completed by Koopmeiners and Martini. Sanoski moved to approve the weed report. Second by Klocker. All in favor. Motion carried.
4. **Road Inspection Results** – the roads were recently inspected. Nearly two-thirds of Township roads were rated as excellent or very good. About 15% of roads were viewed as poor or fair. A letter will be sent to a resident on 165<sup>th</sup> to request that they leave space for the plow to turn around. A trailer observed in the Two Rivers Road right-of-way has since been moved – no action required. The controversial field approach on Quaker Road was inspected. One resident installed posts that make it difficult for the other resident to access the field with farm equipment. Sanoski moved to use fill saved from the Parkwood Circle road project to fix the approach. Klocker second. Two in favor. One abstain (Gondringer).
5. **Road Mileage Certification and Report** – Sanoski moved to accept the Township Road Mileage Certification (44.5 miles of roads) and Roads Maintained map. Klocker second. All in favor. Motion carried.

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

**Business:**

1. **Beckmann Variance Expiration** – Kayla and Alexander Beckmann, 32679 Nutcracker Lane, St. Joseph (MN) received a variance to construct a shed no closer than 44-feet to the center-of-the-road on August 5, 2020. They recently approached the County for their CSP but the variance expired February 2021 (6 months after issuance). This is the first time in memory that the Township has dealt with an expired variance. The Township needs to decide whether to renew the permit, have the residents repeat the variance process, or other option. The Beckmann's will be alerted that they will need to meet with the Township before any decision can be made.
2. **Noise Barrier** – Mr. Paul Hughes appeared to request Township approval for the completed application for a noise barrier grant. Sanoski moved to approve and support the Application for Stand-Alone Noise Barrier Mitigation prepared by Mr. Paul Hughes for submission to the MN DOT on the condition that the Township is not liable or responsible to provide any funding for the project. Klocker second. All in favor. Motion carried.
3. **Pilarski Driveway** – Mr. Brian Pilarski is still concerned about the slope left in his driveway following road work this summer. He requests the Township pay to restore the driveway to the condition prior to road resurfacing. Klocker reported that Township/City engineer Jeremy Mathiassen has inspected. At most, the Town would be liable for work in the road right-of-way. Since no work can be done at this point, this issue will be examined in the spring during road inspection. Mr. Pilarski was asked to contact the Clerk to get back on

the agenda in the spring. Mr. Pilarski inquired about the installation of breakaway mailbox posts. The Supervisors agreed that the Township will install any breakaway mailbox posts since it is to the Town's benefit. Mr. Pilarski will call for cable locate and Koopmeiners will install.

4. **Fire Service Contract** – the City sent the Township a new contract. Perhaps the biggest change in the contract is that it locks the Township into repayment of the Fire Hall expansion bond for 20 years. Though the Township will almost certainly sign the contract, this could be an opportunity for the Town to get a little more control over Fire Department decisions. Gondringer will contact Collegeville Township and will plan to attend the Collegeville Board meeting to seek their opinion on the contract. Klocker moved to authorize Gondringer to contact an attorney to evaluate the contract before it is signed. Sanoski second. All in favor. Motion carried.
5. **Fees** – the Supervisors requested the PC to discuss the fee schedule for Special Meetings and handling TDR requests. The Supervisors agreed that the County should have a generic application process for TDR transfer. Yurczyk will discuss with Angie Berg at the County.
6. **Nathe Driveway** – Mr. Paul Nathe (Spunk Tree Circle) sent a letter to the Township expressing concerns about his shared driveway that was widened by his neighbor. He said it is causing erosion problems and not compliant with original agreements. The Supervisors will inspect and reconsider at the next meeting.

#### **Reports:**

1. **Stearns County Officers Association Meeting** – Martini reported that it was a good meeting. Among the topics discussed were Ordinance 365 (prohibiting cannabis use in public), Broadband issues, elections, and LRIP funding. Martini will forward handouts that were provided at the meeting.
2. **Joint Planning Board Meeting** – Yurczyk and Sanoski, the Township representatives to the Board, reported that the meeting was primarily an information sharing time. Among the topics discussed were: renewal of the Joint Powers agreement which is due at the end of 2025, Fire Hall expansion update, LRIP grants that will be submitted by the City (1<sup>st</sup> Street) and Township (Queens Road), City plans to upgrade baseball park, and submission of a Township proposal for a Noise Barrier for the south side of I-94.

#### **Announcements:**

1. A resident on 160<sup>th</sup> needs a **991 sign**. The Clerk will contact.
2. A **Construction Site Permit** was issued to Laing (35073 Co Rd 155).
3. A **Special Assessment Search** was conducted for Kolodjeski (36697 Co Rd 9).
4. A **feedlot permit** was issued to Middendorf (18729 Co Rd 9).
5. **County Hearings:** A CUP was approved for Lange for a Conventional Subdivision in the Conservation Design Overlay District.
6. Stearns Electric did work in a Township road right-of-way without first contacting the Township as per policy. A letter was sent to Stearns Electric alerting them to the need to contact the Township.

**Old Business:** Culvert mapping project; 135<sup>th</sup> Avenue project with St. Wendel; Windows; Thistle removal – Avon Hills SNA; Case to display old documents; Exterior sign for the Hall; 154<sup>th</sup> shouldering work; 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 December 6,

2023. Gondringer will be unable to attend.

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

- a. Planning Commission Special Meeting – November 13, 2023; 7:00 PM
- b. Supervisors Special Meeting – November 13, 2023; 7:15 PM (following PC meeting)
- c. Planning Commission Meeting – November 28, 2023; 7:00 PM

**Adjournment:** Klocker moved to adjourn the meeting at 10:27 PM. Sanoski second. All in favor. Motion carried.

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

date: November 12, 2023

**Supervisor Signatures:**

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

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

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

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