

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

September 6, 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 a discussion with Brian Pilarski (Road Report, 11.g) and some assorted announcements. Sanoski moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** Sanoski moved to approve the minutes from the August 9, 2023 meeting as presented. Klocker second. All in favor. Motion carried.

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

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

- 1. Michaletz Variance** – The PC held a public hearing to consider a variance request by the Gail Michaletz Trust to construct a garage 10 feet closer to the center of 185<sup>th</sup> Avenue than is currently permitted by ordinance. After soliciting public comments (*there were none*) and considering the Findings of Facts, the PC supports approval of the variance. One concern identified by the PC is that the Michaletz's plan to extend their driveway on the neighboring property. The Michaletz's stated that there is an easement agreement permitting this. The PC recommends receiving a copy of the easement agreement for documentation as a condition of the variance. Since the PC meeting, the Michaletz's supplied to the Township a copy of the agreement. Sanoski moved to approve a variance for the Gail Michaletz Trust to allow an addition to their garage to be constructed 10 feet closer to the center-of-the-road of 185<sup>th</sup> Avenue, at their residence at 18651 Co Rd 154, Avon MN, than is currently permitted. Klocker second. All in favor. Motion carried.
- 2. Pierskalla Certificate of Compliance** – Mark Pierskalla (*Trustee for the Theresa S. Pierskalla REV Trust*) and John Meagher (*Realtor*), attended the meeting to request a certificate of compliance for an administrative subdivision with attachment. They propose attaching parcel 03.00860.0008 to 03.00860.0000 and then splitting them into two approximately equal parcels of about 20 acres. The PC examined the situation and supports the request. Klocker moved to approve a Certificate of Compliance for the Theresa S. Pierskalla REV Trust for an administrative subdivision with attachment that would create two approximately 20-acre parcels by combining 03.00860.0008 and 03.00860.0000 and then splitting them in half as proposed by a survey from O'Malley & Kron. Sanoski second. All in favor. Motion carried.
- 3. Blattner Encroachment Agreement** – John Blattner appeared at the PC meeting to request an encroachment agreement to site an 8' x 63' Rockbed Mound system 15 feet into a utility corridor in the Township road right-of-way at his property at 32277 Nob Hill Drive, Avon, MN 56310. The PC examined the septic design (Edwards Retreat-Plat Two. Block One) prepared for Mr. Blattner by Watab Inc. and identified no concerns and recommends approval. Klocker moved to approve an encroachment agreement for John Blattner for his

property at 32277 Nob Hill Drive, Avon MN. Sanoski second. All in favor. Motion carried.

4. **Sanoski Driveway Permit** – Rich Sanoski appeared at the PC meeting to request a driveway permit for his property on Peach Drive (*address to be determined*). The PC supports approval on the condition that it is inspected to ensure that the driveway is adequately set back from the curve for safety, and that the drive doesn't require a culvert. Koopmeiners reported that he inspected the proposed location and it acceptable and does not require a culvert. Klocker moved to approve a driveway permit for Rich & Brenda Sanoski, 34171 Smiley Drive, Albany, MN 56307 to site a driveway approximately 35 feet from the curve on Peach Drive for their parcel 03.00927.0050. Gondringer second. Two in favor. One (Sanoski) abstain. Motion carried.
5. **LRIP Grant Planning** – The PC supports applying for funding.
6. **Xcel Powerline Project on Norway Road** – Xcel is planning to replace power poles. The PC saw no concerns. No action taken.
7. **Solar Garden Moratorium** – The PC supports the moratorium resolution (09-06-23-1) and suggests establishing a committee to study the issue.
8. **Future Meeting Date** – While preparing for the annual Avon Fire Department calendar, it was discovered that the December 2024 PC meeting is scheduled for Christmas evening. The PC recommends rescheduling the meeting for December 18, 2024 and including this date on the Fire Department Calendar. If there is no business in December 2024, the meeting can be cancelled through the normal process at that time. Sanoski moved to reschedule the December 2024 PC meeting to December 18, 2024. Klocker second. All in favor. Motion carried.

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

**Treasurer's Report:** The Treasurer's Report was read and the Cash Control Statement for the period 8/01/2023 to 8/31/2023 (*copied below*) was presented. Martini reported that our bank, American Heritage, would issue a credit card to the Township, but it requires the SSN of a board member. The Supervisors decided to not apply for a credit card and that if required, a personal credit card will be used. Sanoski moved to approve the Treasurer's Report and Cash Control Statement. Klocker second. All in favor. Motion carried.

For the Period : 8/1/2023 To 8/31/2023

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$190,606.35	\$1,699.84	\$5,830.00	\$186,476.19
Road and Bridge	\$276,297.88	\$230.38	\$337,742.53	(\$61,214.27)
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	\$0.00	\$0.00	\$3,450.00
Fire Fund	\$41,202.09	\$0.00	\$0.00	\$41,202.09
General Capital Projects	\$46,651.51	\$0.00	\$0.00	\$46,651.51
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$739,821.13</b>	<b>\$1,930.22</b>	<b>\$343,572.53</b>	<b>\$398,178.82</b>

**Claims, Receipts & Payroll:** The claims (4528-4542) totaled \$7,022.80. The payroll was \$4,256.99. Claim 4527

was paid to Belgrade Coop on August 9, 2023. It was inadvertently not included in the claims numbers on July Cash Control Statement (*see August 2023 minutes*). Martini provided the forms needed to be completed by one of our plow drivers. 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. **Windows** – Koopmeiners is looking into replacements for the defective windows that should be under warranty.
2. **Salt Shed** – Ice forms in front of the service door. Possible solutions were debated to redirect the water. Sanoski moved to authorize Sheldon Tschida and Koopmeiners to construct an overhang over the service door on the condition that it is aesthetically-similar to the existing building and not to exceed \$1000. Klocker second. All in favor. Motion carried.

**Road Report.**

1. **Assorted** –The wiring was fixed on the crane on the pickup. Brush was trimmed on Two Rivers Road, 186<sup>th</sup>, by the sign on Norway Road and 175<sup>th</sup>, and the intersection on 182<sup>nd</sup>.
2. **Snow Season Readiness** – The joystick in the red truck is repaired and the truck is now getting DOT'd. Once finished, the sander will be fixed. There is a leak in the front end of the pickup; Koopmeiners will take it to Avon Auto for repair. A new U-Joint was installed in the pickup.
3. **365<sup>th</sup> Street** – The culvert has been repaired. Rip rap needed to be added to the project and was not included in the original quote, which will increase the cost. Klocker authorized addition of the rip rap in response to the County. There was a question whether or not rip rap was actually required by the County, and what the protocol should be if there is a change to a job spec on site. Yurczyk was concerned that, as a neighbor, she was not alerted prior to the work.

Garbage dumped in the road right-of-way was removed and hauled away.

4. **Mailboxes** – those on approved posts along 185<sup>th</sup> & 190<sup>th</sup> were raised to the USPS-required height.
5. **Parkwood Circle Entrance** – has been completed. Koopmeiners will add black dirt to the shoulders.
6. **Lower Spunk Lane** – there was a request for gravel at the cul-de-sac. Gondringer will examine and authorize as necessary.
7. **Shorewood Road Sinkhole** – there is a sinkhole by the failing culvert. It will need to be taken care of this fall. The culvert needs to be examined to determine the extent of the problem. It was suggested that it should be jetted out and then televised. One suggested fix was to insert a 6-inch pipe inside the existing one since the culvert only drains a few properties.
8. **Contractor Selection** – there was a discussion about how the Township selects contractors for road projects. An attendee expressed concerns that a local contractor was not given the opportunity to work for the Township. Gondringer indicated that some contractors have underquoted jobs and the Township has lost trust in their quotes.
9. **Signs** – several are missing; they have been ordered.

10. **Upper Spunk Lake Road** – Koopmeiners was authorized to purchase sod and staple it in place where it is washing out the right-of-way by one driveway.
11. **Lang Driveway** – Hanson Paving cut into Pelican Lake Road to connect the new Lang driveway. It is not permitted to cut into a Township road or remove the heel. There is a concern that this area could rise up and catch the wing of the plow. Gondringer stated that Hanson Paving has been told that they are not permitted to remove the heel or cut into the road, but they weren't too receptive. It was suggested that they did it because the road was crumbling, but if so, they should have first contacted the Township.

The Lang's questioned whether they were treated fairly by the Township concerning their driveway permit and the distances required from the neighbors. Ms. Lang expressed a concern about where she can now walk in front of her home. Neighbor Linda Gondringer said the Lang's were asked to not cross on their property, but said nothing about walking in the township right-of-way in front of both homes. The driveway permit authorizes the Gondringer's to maintain the area in the Township road right-of-way; the Lang's want to maintain the area next to their driveway. Ms. Gondringer stated that they have now invested money in maintaining the area and want the ruling to stand. There is currently tape around the area to protect new seeding; it will be removed when the grass sprouts. Ms. Lang is concerned that there is a steep slope on the NW side of the driveway, so boulders were placed there to help stabilize it. She also said that the Gondringer's forced them to get a driveway by October. Ms. Gondringer said that they shortened the time they allowed the Lang's to cross on their property because the Lang's still had access to the road and they wanted to limit their liability because they are being sued by the Lang's. Ms. Lang said when they purchased their property they were granted an easement to the road; Gondringer suggested the Lang's provide a copy. Ms. Lang said that Ms. Gondringer's brother used a bobcat to remove the Lang's original driveway, which was in the road right-of-way.

12. **Culverts** – an attendee suggested culverts could be marked by a post with a diamond sign in the event they need to be located in winter.
13. **Pilarski Driveway** – Mr. Brian Pilarski reported that resurfacing his road created such a steep slope by his property at 19274 Red Oak Circle that it has made it nearly impossible to back his camper into the driveway. He showed photos to help document his concerns. He said that it will cost \$3,900 to add fill/blacktop to the end of the drive and \$6,500 to repave the entire driveway. He stated that the Township created a problem for him and that the Township should fix it. Klocker will examine; a decision will then be made at the next meeting. Mr. Pilarski alerted the Supervisors to a 31-foot drive on Two Rivers Road. He stated that the Township shouldn't have applied gravel on the road prior to resurfacing because it was unnecessary and raises the road too much. He also recommended that the Township have a project supervisor on-site during road construction work.

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

#### **Business:**

1. **Solar Moratorium** – the Supervisors reviewed Resolution 08-09-23-1 prepared by the Township attorney. There was a concern that the resolution didn't clarify that it was directed at commercial projects, which Buttweiler said are considered larger than 40 kW. Sanoski moved to amend Resolution 08-09-23-1 to apply to projects larger than 40 kW and that the resolution be adopted upon signing. Klocker second. All in favor. Motion carried. The Supervisors authorized a study of the pros and cons of large solar projects greater than 40 kW. The Township could also study ordinances adopted by other townships, and talk to Environmental

Services staff and others.

2. **Schirmers Driveway/Peach Drive North** – Klocker contacted the County and this road belongs to the Township. County records were recently updated to show this status. Mr. Schirmers was present and said his family donated the land to Township in 1966. He offered to blade and maintain the road as necessary. The Supervisors agreed that it would likely cost more to vacate the road than to continue to plow it. The Supervisors will take no action now, but it could be vacated in the future.
3. **Queens Road LRIP** – The Supervisors and Clerk attended a Zoom meeting describing the LRIP program and obtaining funding. We will plan to apply for funding as a Route of Regional Significance. Now we need to collect data to make a case for funding. Among the information that can be collected to support the application include: vehicle counts (Koopmeiners will make counts in the morning during rush hour on Wednesday), testimony from farmers who avoid driving on the road with their machinery, a letter of support from the School Board (Sanoski will contact), and a letter of support from the Fire Department (Sanoski will contact). The Supervisors decided to show support for proposal by passing a resolution. Sanoski moved to approve Resolution 09-06-23-1: Resolution in support of Resolution 02-03-21-3 & restating support to apply for LRIP funding for roadwork on Queens Road, Avon, Stearns County, MN. Klocker second. All in favor. Motion carried. Stearns County Engineer Jodi Teich has agreed to help the Township with the application. The Clerk will prepare the first draft and solicit help from others and a potential committee of helpers. Klocker moved to send letters soliciting support from residents of Queens Road, 160<sup>th</sup>, and other likely users. Sanoski second. All in favor. Motion carried. We will put information on the website and Facebook. Sanoski moved to have Klocker contact engineer Mathiasen to update the road documents from 2021. Klocker second. All in favor. Motion carried.
4. **Improved Time Card** – Klocker would like to see a more detailed time card for our maintenance worker. Koopmeiners said he keeps a journal at home of this work activities that might be suitable; he will share it with the Supervisors at the next meeting.
5. **Sanoski Final Plat** – Rich Sanoski presented the final plat for Shady Acres First Addition. There were no changes from the preliminary plat. After examining the mylars, Gondringer moved to approve the final plat for Shady Acres Second Addition. Klocker second. Two in favor. One (Sanoski) abstain. Motion carried.

#### Reports:

1. **Fifth Monday** – Sanoski reported that the main topic was the new hospital project. They are in the demolition stage which should be done in the next month. Bids have been awarded so work should start in the new year.
2. **District 5 Meeting** – Martini reported that several topics were discussed including upcoming legislation and the missing funds from MAT. The Annual MAT Conference will be December 7-9, 2023. Among the topics will be a look at bylaws.

#### Announcements:

1. There were no **991 sign** requests.
2. **Construction Site Permits** were issued to, or applied for, by Kelly (34754 Tower Road; 100 x 100 ag accessory building); Kremers (19088 Co Rd 154; 2 ag accessory buildings & addition); Pitzer (16 x 65 1984 Medallion); Whitney (Norway Road, 40 x 80 shed); Klisch (18401 377<sup>th</sup> St; 30 x 50 shed); Dockendorf (15265 Co Rd 159; house); Korneck (18118 St. Anna Dr.; 40x48 shed); Maciejewski (14160 355<sup>th</sup> St.; 2 – 14 x 40 lean-to's); Rooney (19139 Two Rivers Road, 30x40 detached accessory structure); Vortherms (17172 Co Rd 9; four-season room); Michaletz (18651 Co Rd 154; addition); Kehoe (34275 Co Rd 9, 12 x 24 shed); Toughill (37769 190<sup>th</sup> Ave, deck

& house addition); Koltres (17653 Upper Spunk Lake Road, residential dwelling unit with attached garage & screen porch); and Merdan (32236 Co Rd 50; expansion of animal feedlot).

3. **Special Assessment Searches** were conducted for Heeter (17989 Upper Spunk Lake Road) and Springer (19206 Two Rivers Road).
4. There were no **feedlot permits** issued last month in the Township.
5. **County Hearings:** The Board of Adjustment will hear a request by Middendorf (18729 Co Rd 54) to increase animal unit density in their feedlot. The Planning Commission will hear a request for a CUP from Lange Properties of Avon for a subdivision in the Avon Hills Conservation District on Sept 28, 2023.
6. The Stearns County Township Association will meet at the Town Hall on Saturday, September 9, 2023.
7. Shady’s has constructed a concrete slab. There were questions about whether it required a permit or variance. Sanoski will follow up with Environmental Services.
8. The farm adjacent to Meadowview Road is planting right up to the road. In a wet year, this could cause significant problems. Martini will follow up with the farmer.
9. No new update on the Fire Hall Expansion project.
10. The Joint Planning Meeting will be held October 30, 2023 at 7 PM in the Town Hall
11. A request was received for a Certificate of Occupancy. The Township does not issue these.
12. New SLFRF Interim Final Rule update notice was received.
13. CTAS Training for Clerks & Treasurers will be held September 25 in St. Cloud.
14. HSEM Emergency Management Training will be held Sept 26<sup>th</sup> from 6-8 PM at the Waite Park Service Center.
15. The *Pipeline Awareness* magazine and information was received.
16. There will be a “Trees, Parks, & Recreation Asset Management workshop on Sept 12 from 10-1130 AM.
17. An inquiry was received to see if a permit is required for demolition of a building in the Township. Stearns County Environmental Services reported that a demolition is not required but that the materials should be disposed properly.

**Old Business:** Culvert mapping project; 135<sup>th</sup> 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; 154<sup>th</sup> 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 October 4, 2023.

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

- a. Planning Commission – September 27, 2023
- b. Joint Planning Commission Meeting – October 30, 2023; 7 PM; Avon Township Hall

**Adjournment:** Klocker moved to adjourn the meeting at 10:20 PM. Sanoski second. All in favor. Motion carried.

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

date: October 8, 2023

**Supervisor Signatures:**

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

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

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

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