

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

April 3, 2024

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

**Call to Order:** Bryan Rassier, *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, Chad Klocker, Kelly Martini (*Treasurer*), Bryan Rassier (*Chair*), and Stephen Saupe (*Clerk*). Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda were consideration of a liquor license for Shady's, Lang driveway damage deposit, and bank handling of social security numbers. Gondringer moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** Gondringer moved to approve the minutes from the March 6, 2024 meeting as presented. Klocker second. All in favor. Motion carried.

**Public Hearings:** none.

**Public Comments:** none.

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

1. **Roiger Access Permit & ROW Landscaping** – Darren Roiger, 32205 Noble Oak Circle, appeared at the PC meeting to request an access permit to modify his driveway to allow for easier entry and exit, and also to reshape the ditch right-of-way (ROW) in front of his home. The PC recommends approval with a series of conditions: the revised driveway is no wider than 24 feet, the ROW work extends no more than 50 feet from the driveway, there is a minimum of 12-inch-deep ravine to keep water off the road, a fifteen-inch culvert extends from the existing culvert to the end of the reshaped ROW, and they install a breakaway mailbox post at the completion of the project. Klocker inquired whether they will sod directly up to the road because it is a necessity for erosion control. The sod should be kept below the tar surface. Gondringer said that the Town usually frowns on residents doing roadwork, but in this case, it should improve the road

Klocker moved to approve a driveway Access Permit for Darren and Tara Roiger, 32205 Noble Oak Circle, Avon, MN, to improve access to their driveway with the following conditions – any disturbed area in the road ROW is to be sod below the surface of the road, a 15-inch culvert is extended from the existing culvert beneath any fill in the ROW, the completed driveway is no wider than 24 feet, the ditch work in the road ROW extends no more than 50 feet from the existing driveway, there is a ravine of at least 12 inches left adjacent to the road for drainage, a breakaway mailbox post is reinstalled, all pertinent rules in the Access Permit guidelines are followed, and that they contact the Town prior to the road ROW ditch work to have a Township representative on site during the ROW work. Gondringer second. All in favor. Motion carried.

2. **Gondringer Irrigation Pipes** – LeRoy Gondringer appeared at the PC meeting to determine if Township approval is required for installation of irrigation lines beneath a Town road and/or in the road ROW. The PC recommends an agreement similar to the one used for septic systems. Saupe contacted Heidi Winskowski at Stearns County. She was not aware of any similar agreements but thought it seemed like a good idea.

Klocker thought that Brockway Township may have such an agreement. Gondringer mentioned that he knows of quite a few lines that go under township roads, but he is not sure how they are handled by the local governmental body. Craig Blonigen drafted a potential agreement based on the existing septic agreement. Klocker recommended that the Town attorney should ensure that the agreement is done correctly. Klocker suggested that any agreement should be reviewed by the Township attorney to ensure things are done properly. Klocker moved to work with the Township attorney on an agreement for pipelines under a Township road and in the road ROW. Rassier second. Two in favor. One abstain (Gondringer). Gondringer thought this was not a good use of Township funds. The Supervisors said that they were not opposed to Gondringer's specific project, however, they just wanted to ensure things were done properly. They also said that any future agreements would use the model created by the attorney, without needing to involve the attorney for each one.

3. **W2's** – due to how the IRS systems works, the Treasurer's name will remain on W2's until there is a new Treasurer.
4. **Xcel Power Pole Realignment** – The PC studied the CUP submitted by Xcel to Stearns County to realign power poles from the Saint John's substation to the transmission line along I-94. Both Avon Township and Colledgeville Township agreed to let the County handle the CUP. The PC agreed that the CUP lacked details and were concerned about removal of the existing poles. PC authorized Craig Blonigen to attend the County Planning Commission Public Hearing to express these concerns; which he did. Gondringer and Saupe also attended the hearing. The County PC voted to continue the CUP hearing for 60 days to provide time for the company to address these, and other, concerns. Gondringer stated that most of the concerns were from Colledgeville Township residents regarding poles moving onto their property. Saupe was concerned about the quality/details of the CUP application. He stated that the rationale provided in the CUP for the realignment was inadequate to support the request to realign the poles.

Connor Puff, from WSB Engineers who was representing Xcel, requested to appear at tonight's Supervisor meeting to provide the Town with an update and additional details to ensure that the company is communicating with the Township about its goals/plans for the powerline rebuild. Mr. Puff stated that this project began about a year ago. He said that the project was conditioned based on having easements in place and he also said that most of the poles are on Saint John's property. Mr. Puff said that soil borings along County Road 159 near East Gemini Lake were made and suggested moving the line from Co Rd 159 to just east of the solar field at Saint John's north to 325<sup>th</sup> Street. Saupe questioned why that was not included in the application as a rationale for the realignment, and inquired whether the water level of E. Gemini could be lowered. In addition, Saupe noted that there was no mention of the wetland in which the corner pole east of the solar field will be installed, nor the creek that needs to be spanned near 325<sup>th</sup> Street.

Mr. Puff stated that pole height and appearance would vary depending on location and that the poles along 325<sup>th</sup> would be 70 feet. The lines on the existing poles along 325<sup>th</sup> would presumably be moved to the new taller poles and the existing poles removed. There is nothing in the CUP application regarding the fate of the existing infrastructure and whether or not it would be removed the entire length, though Mr. Puff said it would be removed. Gondringer stated that the old poles are normally given to the property owner if they want them.

Gondringer emphasized that we gave the authority to the County about where the poles go. Part of Mr. Puff's appearance at tonight's meeting was to request authorization for the new powerline alignment in Avon Township. Gondringer moved to authorize Xcel to connect to the existing transmission line to the Saint John's substation. Klocker second. All in favor. Motion carried.

Gondringer asked whether there will be a meeting with residents. Mr. Puff said it would occur in the near

future and that the Township would be included in the invitation.

- 5. **439 Ordinance Amendments** – The County will hold a hearing on April 30<sup>th</sup> to consider proposed changes in the 439 Ordinance, including no longer requiring a CUP for a single-lot plat in the Avon Hills Conservation Overlay District. The PC identified no particular concerns with the changes. The Supervisors took no action.
- 6. **Joint Powers Board** – possible dates for the Joint Powers meeting were discussed. May 20<sup>th</sup> was suggested as the best date for meeting. Saupe will follow-up with Jodi at the City to confirm details. The meeting will be held at the City because the previous meeting was held at the Town Hall.

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

**Treasurer’s Report:** The Treasurer provided the cash control statement from March 1-31, 2024 (appended below). Town staff were supposed to sign a new signature card for American Heritage Bank. Saupe reported that when he received the electronic form to sign, it included the social security numbers of at least two Town staff members. He was appalled that this information wasn’t confidential and consequently refused to sign the form because he doesn’t trust the bank to keep his SSN confidential. Martini stated that the same situation occurred with the Town Officers Association and it is standard banking procedure. Gondringer moved to authorize Saupe to contact the bank to work out the signature card issues. Klocker second. All in favor. Motion carried.

Klocker moved to approve the March cash control statement and April Treasurer’s Report. Gondringer second. All in favor. Motion carried.

For the Period : 3/1/2024 To 3/31/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$202,877.52	\$656.69	\$9,073.67	\$194,460.54
Road and Bridge	\$106,500.76	\$0.00	\$1,425.01	\$105,075.75
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	\$500.00	\$0.00	\$0.00	\$500.00
Fire Fund	(\$9,073.99)	\$0.00	\$0.00	(\$9,073.99)
General Capital Projects	\$46,291.26	\$0.00	\$0.00	\$46,291.26
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$528,708.85</b>	<b>\$656.69</b>	<b>\$10,498.68</b>	<b>\$518,866.86</b>

**Claims, Receipts & Payroll:** The claims (4660-4677) totaled \$3,962.98. The payroll was \$8,825.07. The payroll was higher than usual due to the annual Township election and Presidential Nominating Primary (PNP). All of the paperwork to receive a partial reimbursement for fine fees has been submitted. No action was taken on internet service. Martini reported she was missing a receipt from Albany Auto Value. Koopmeiners said it for oil. Martini reported that a PERA claim was off by \$0.02, and it was fixed. The Township needs to apply for reimbursement for PNP expenses; the Clerk and Treasurer will work on submitting the necessary paperwork. The County will directly invoice the State for the equipment so this will not need to be included in the reimbursement paperwork. The A&C Farm credit limit is \$250 but it was suggested to not have one because even a simple filter can cost much more.

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

**Town Hall Report:** Koopmeiners presented the Town Hall report. The Hall was cleaned. Salt/sand is good. LP is good but will need a fill this summer. The thermostats/boilers in the Hall and Shop were adjusted to see if it will reduce electric usage. The electrical bill is still high, so it is not clear if it working. Klocker expressed a concern about liability if the adjustments caused damage.

Gondringer moved to approve the Town Hall Report. Klocker second. All in favor. Motion carried.

**Road Report:** *Koopmeiners presented the Road report.*

1. **Monthly Update including Snow** – Work this month included plowing and salt sanding five times, removing trash in the road ROW on 365<sup>th</sup>, and repaired sign on 165<sup>th</sup> & Co Rd 52. Koopmeiners noted that many residents continue to illegally push snow across the road. Some even push the snow onto the road and leave it there. Some sod was inadvertently ripped up.
2. **Brush/Trees in Ditch** – Eric Linn attended the meeting. He inquired about the brush left in the ditch after power company tree trimming. The Supervisors though it is likely that the company will return to remove or chip it. Mr. Linn also complained that the Township hasn't done enough tree removal/trimming in the road ROW.
3. **Tree Removal** – The trees are scheduled to be removed on April 18. The trees can't be removed until the residents sign an approval notice. MAT has information regarding the procedures to remove trees larger than 6 inches in diameter. Several forms were provided for the Supervisors to examine. The Supervisors suggested modifying the "Brushing & Tree Trimming" form and including a signature line. Gondringer said he spoke to one of the property owners who is ok with the removal, though they will still need to sign an approval document.
4. **Weed Meeting** – Koopmeiners attended; thistle and wild parsnip control was a major topic.
5. **Road Inspection** – Gondringer moved to set road inspection for April 13, 2024 at 9 AM beginning at the Town Hall. Klocker second. All in favor. Motion carried. The Clerk will publish and post.
6. **LRIP Grant** – The Township learned today that our LRIP grant to resurface Norway Road was, disappointingly, not approved. Congratulations to the City of Avon, which received funding for their project.
7. **Lang Driveway Deposit** – the Supervisors noted that the Lang driveway cut into the township road which violated the conditions of the permit. It looks good at this point, but could present a problem in the future. Klocker moved to return the damage deposit and to examine the policy of driveway damage deposits and fees. Rassier second. Two in favor. One abstain (Gondringer).
8. **Schirmers Mailbox** – Dennis Schirmers, 19005 Quaker Road, Avon, appeared at the meeting to discuss his mailbox post which he said is made to be break-away if hit by the snowplow. The Supervisors said they could not condone the mailbox because it is not a swing-away style. Mr. Schirmers was warned that if the mailbox is accidentally damaged by the plow, the Town will not replace it; the policy is that the township only replaces mailboxes/posts that were damaged if there were on a swing-away post.
9. **135<sup>th</sup>** – Martini reported that St. Wendel Township is interested in working with us to surface this road. A representative had planned to attend tonight's meeting but was unable to do so.

Gondringer moved to approve the Road report. Klocker second. All in favor. Motion carried.

**Business:**

1. **Liquor License** – Mr. Lee Mergen, representing Shady’s, appeared to request a liquor license. Gondringer moved to approve an application by Lee Mergen of Shady’s Sunset Bay to the County Board of Stearns County for an On-Sale Intoxicating Liquor License at Shady’s Sunset Bay in the Town of Avon for the period of July 1, 2024 thru June 30, 2025. Klocker second. All in favor. Motion carried.
2. **Nokomis Energy** – Ms. Angela Becker was present at this meeting to meet with the Supervisors to discuss a potential solar garden in the Township. She is a solar developer with Nokomis Energy, which is based in Minneapolis. They have developed multiple projects around the state. She and her colleague attended tonight’s meeting because they had been working on a project on the property of Ms. Shirley Opatz (Norway Road, PID 03.00977.0006) when Avon Township Land Use Ordinance #6 was adopted. This ordinance prohibits solar projects larger than 100 kW. Ms. Becker inquired whether there is still a way to move the project forward. She said that she understands the town concerns about solar projects, but she also thinks it is important to help Ms. Opatz make the best use of her property. The proposed 6-acre project, which would be cited on the north side of the property, is surrounded by trees and wouldn’t be visible from Norway Road. Ms. Becker said the agriculture scores were not indicative of prime farmland. Although a solar garden isn’t currently a permitted use in Ordinance #6, Ms. Becker inquired if there a way to get around the ordinance. One option Ms. Becker suggested was to edit some language in the ordinance. Gondringer said that without going through the entire ordinance adoption process, which he didn’t support, he didn’t see a way forward. Ms. Opatz, who was also at the meeting inquired whether the project could be “grandfathered in.” Gondringer replied that because there wasn’t an application submitted before the moratorium went into effect, it wasn’t eligible. Ms. Becker said that another concern the Township had about solar projects is that they don’t contribute to the township, and that they want to collaborate with township to bring value to the Township. Gondringer said that he believes there were recent changes to allow some tax revenue to be returned to the Township. Two residents at the meeting expressed support for the moratorium.
3. **Bitzan Variance & Encroachment Agreement** – a request from John Bitzan, 32093 Noble Oak Circle, Avon, for a variance to construct a new residence and for an encroachment agreement for a septic system in the township road ROW was withdrawn. He will now build outside of the Town road ROW so will not require either.
4. **Board of Canvass Meeting** – the minutes from this meeting were approved at the April meeting but a few typos (date, number of judges) were noted after the meeting. Klocker moved to approve the corrected version of the Board of Canvass minutes. Gondringer second. All in favor. Motion carried. Rassier signed the corrected minutes in place of Sansoki who was the original Supervisor that signed them.
5. **Qualification Meeting** – Gondringer moved to approve the minutes of the Qualification Meeting changing Klocker to Rassier as the Planning Commission liaison. Klocker second. All in favor. Motion carried.
6. **Tour of Saints Ride** – The ride will be held on July 21, 2024, and will have the same route. Director Michael Doyle will attend the next meeting to obtain a Road Use Permit.
7. **WiFi Access** – A resident inquired about logging into the Township WiFi. The general consensus was to permit it. When we change to AlbanyTel internet it was suggested to get a ‘public’ login account.
8. **Sanoski Recognition of Service** – The Supervisors recognized Rich Sanoski for his excellent service as a Supervisor and Mr. Sanoski was awarded a Certificate of Recognition.

**Reports:**

1. **MAT Short Courses** – Martini reported that .gov websites were recommended because they are more secure. The Clerk will look into it, but recalled that we tried to use the .gov extension when we initially set up our website, but it was not easy to do. Gondringer reported that insurance rates will go up. He also noted that there is dysfunction on the MAT Board.

**Announcements:**

1. No requests for **911 signs** were received.
2. **Construction Site Permits** were issued to Winkels (32381 Co Rd 156, accessory building), and Linn (18268 Upper Spunk Lake Road, 40x60 shed addition & 11 x25 shed).
3. **Special Assessment Searches** were conducted for Thell (34724 Princewood Road) & Eveslage (17193 Co Rd 9).
4. No **feedlot permits** were received.
5. No **Provisional Use permits** were received.
6. There will be a **County Hearing** on April 30, 2024 beginning at 9 AM to consider enactment of Ordinance 670 that amends the County 439 Ordinance.
7. The Township Officer's Association Meeting will be held April 18<sup>th</sup> at the Freeport Community Center. They need a meal count soon.
8. A brochure from Walleye Commercial Roofing was received.
9. A Town Web site ad was received.
10. A brochure regarding Xcel rebates and offers (lighting, LED tubes, Variable Frequency Drives, gas equipment upgrades) was received.
11. A notice regarding the LTAP Road Maintenance Training Day on May 23<sup>rd</sup> in Brainerd was received. The *LTAP Exchange* newsletter was also received.
12. A *GameTime* catalog was received.
13. A payment for the Fire Hall Addition needs to be paid by December. Klocker inquired why our fire fund balance is negative. Gondringer noted that not enough was levied because the Fire Hall Addition costs, including the 2024 payment, weren't anticipated at the time.
14. Collegeville Township has switched to mail-in voting, in large part because they must maintain two separate precincts which is expensive and requires double the number of judges and set-up.

**Old Business:** Culvert mapping project with County app; 135<sup>th</sup> Avenue project with St. Wendel; Windows; Case to display old documents; Window treatments; Exterior sign for the Hall; hiring HR / payroll company; salt shed overhang/awning; culverts (Pelican Lake Road, Shorewood Drive, 145<sup>th</sup> Avenue); CDL License changes.

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

**Announcement of Next Regular Supervisor Meeting:** The next scheduled meeting is May 1, 2024 at 7:00 PM (available on Zoom at URL above).

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

- a. Township Day at the Capitol – April 8 & 9, 2024
- b. LBAE meeting – April 15, 2024, 6:00 PM.
- c. Planning Commission meeting – April 24, 2024; 8:00 PM

**Adjournment:** Klocker moved to adjourn the meeting at 10:07 PM. Gondringer second. All in favor. Motion carried.

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

date: May 2, 2024

**Supervisor Signatures:**

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

\_\_\_\_\_  
LeRoy Gondringer

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

\_\_\_\_\_  
Bryan Rassier