

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

January 3, 2024

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

**Call to Order:** Rich Sanoski, *Acting 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 (*Acting Chair*), and Stephen Saupe (*Clerk*). Also present – Marion Gondringer (*Deputy Treasurer*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Added to the agenda were scheduling the Audit Board meeting and discussing payment of the retainage for the Parkwood Circle project to Knife River. Gondringer moved to approve the agenda as amended. Klocker second. All in favor. Motion carried.

**Minutes:** Klocker moved to approve the minutes from the December 6, 2023 meeting as presented. Sanoski second. Two in favor. Gondringer abstained because he was absent from the meeting. Motion carried.

**Public Hearings:** *Hearing to Consider Adoption of Avon Township Zoning & Planning Ordinance #6.*

Sanoski opened the public hearing at approximately 7:05 PM to consider adopting Avon Township Zoning and Planning Ordinance #6. This ordinance updates ordinance #5 by increasing expiration dates for permits (variances, IUP, CUP) and prohibits solar gardens larger than 100 kW in Avon Township.

The hearing was published and posted according to MN Statutes. One letter (via email) was received from Nathan Dull, Field Director for Minnesota Land & Liberty Coalition. He stated his opposition to the prohibition of solar projects. He wrote that such an ordinance is not practical and fails to “protect the private property rights of the citizens you represent.” He also stated that solar energy systems provide various benefits to a community (*i.e.*, landowners can supplement income from lease payments; mix of energy sources to build a resilient and reliable energy grid; solar systems pay annual production tax; and protect farmland from encroaching urban sprawl).

Mr. Dan Gorman, a community solar developer with Enterprise Energy, appeared at the meeting to speak against the ordinance changes. He stated that he is generally opposed to such bans because they don’t speak to whether a specific project is good or bad. He also stated that if passed, he would lose money because he has been working on a project in the township that he said would be a good one. He said his project conserves existing farmland, is environmentally sound, improves the land, includes decommissioning at the end of the project, and provides substantial benefits to residents with a lower electric cost. He further stated that he doesn’t expect the Supervisors to approve a project sight unseen, but to allow the possibility of doing so. Mr. Gorman provided a packet of information to Supervisors concerning solar development in Sartell (MN). He said that the residents support solar, but are concerned mostly with localizing it to ag or commercial land. Mr. Gorman also mentioned that at most there can be four, 1-mW projects in the Township considering the current Xcel power grid. He also said that community solar has environmental benefits beyond the power, including decreasing the risk from groundwater contamination (*i.e.*, Avon city has moderate risk for nitrate contamination).

Mark Casey asked about the origin/history of the Avon Township solar ordinance change. Sanoski stated that it was because projects smaller than 1 MW could be approved by the County with little township oversight. Gondringer also said that neighbors are typically opposed to them so that the Supervisors put moratorium put on new solar projects last year to take time to study the issues. Mr. Casey said many folks in the area are negative about solar projects. Gondringer stated that he is not against solar energy, but he has spent 35 years on town board trying to protect township ag land.

There were no other public comments. Gondringer moved to close the public hearing at 7:15 PM. Klocker second. All in favor. Motion carried.

Sanoski stated that he was concerned about the number of solar gardens adjacent to his home. He said that he has always supported protecting farmland, which is lost with solar gardens. He suggested that there could be a restriction on solar garden projects. These could include requiring that they, like feedlots, be 750 feet from a dwelling or to prohibit solar gardens on land farmed in the last 10 years. Klocker stated he supports a case-by-case analysis of solar. He also said that if a project is in the middle of swamp where no one can see it, then he has no problem with it.

Mr. Bryan Rassier stated that one possibility is that a project must have approval from every neighbor. Township attorney Adam Ripple stated that this might open the Township to liability because authority has been delegated to a non-elected entity. He said that this is not a best practice. Lori Yurczyk, Planning Commission (PC) Chair, stated that the PC reviewed the solar moratorium and the majority of members recommended to continue the solar ban. Mr. Casey agreed that people don't like to look at solar projects and the people come to our community for its rural nature. Gondringer stated that he supports renewable energy and potential income opportunities for a property owner.

Gondringer moved to approve Avon Township Zoning and Land Use Ordinance #6 that extends permit expiration dates and prohibits solar projects in Avon Township larger than 100 kW. Klocker second. All in favor. Motion carried.

Gondringer moved to adopt Resolution 01-03-24-4: Resolution for Adoption and Summary Publication of Ordinance Number 6. Klocker second. All in favor. Motion carried.

**Public Comments:** *none.*

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

1. **Beckmann Variance** – The PC held a public hearing to consider a request by Kayla and Alexander Beckmann, 32679 Nutcracker Lane, St. Joseph (MN) for a variance to construct a shed no closer than 44-feet to the center-of-the-road. They received a variance permit for this shed in 2020 but it expired before they commenced work. The PC, after the hearing and considering the Findings of Facts, recommends approval. The Supervisors concurred with the recommendations of the PC. Gondringer moved to approve a variance for Kayla and Alexander Beckmann, 32679 Nutcracker Lane, St. Joseph (MN) to construct a shed no closer than 44-feet to the center-of-the-road. Klocker second. All in favor. Motion carried.
2. **Girodat Variance** – The PC considered a request from Rodney and Laura Girodat (33576 Shorewood Drive, Avon, PID 03.01477.0000) for a variance for their existing home, which is five feet too close to the road right-of-way. They learned this when they went to the County for a Construction Site Permit (CSP) to construct two decks. The PC recommends setting a public hearing. Gondringer moved to set a public hearing at 7:15 PM on January 31, 2024 to consider a request by Rodney and Laura Girodat, 33576 Shorewood Drive, Avon (MN; PID 03.01477.0000) for a variance for their home which is 5 feet too close to the Shorewood Drive road right-of-

way. Klocker second. All in favor. Motion carried.

3. **TDR Form & Process** – Yurczyk reported that the PC, as requested, created a form and process for considering future TDR transfers. The PC recommends a public hearing for each request and suggested a fee of \$400. Gondringer moved to adopt the TDR form and process and to update the fee schedule. Klocker second. All in favor. Motion carried.
4. **Access Permit** – At their previous meeting, the Supervisors authorized the PC to review the driveway permit application and standards to include field approaches. Yurczyk reported that the PC reviewed the documents and recommends no changes to the ‘guts’ of the driveway permit process, but the name of the permit should be changed from “Driveway Permit” to “Access Permit.” In addition, the word “driveway” should be changed to “access” within the document. This would make the form/process applicable to both driveways and field approaches. The PC also recommended making even more explicit in the ‘Agreement Section’ the homeowner’s responsibility, and to include a requirement for breakaway mailbox posts. Klocker moved to approve the updated Access Permit documents. Gondringer second. All in favor. Motion carried.
5. **Ordinance 667** – The PC discussed the upcoming County hearing that will, among other things, allow larger structures in non-riparian shoreland areas. The PC identified no specific concerns and recommends that no action is necessary. The Supervisors will take no action.
6. **Administrative Policy** – the PC will consider at a future meeting whether an administrative policy is required by the Township (see MAT document TM7000). No action taken.
7. **Minnesota Flag** – the PC recommends waiting to replace the MN flag in the main chamber until guidance is received from MAT. No action taken.

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

**Treasurer’s Report:** The Treasurer’s Report was read and the Cash Control Statement for the period 12/01/2023 to 12/31/2023 (*copied below*) was presented. The beginning balances in Road & Bridge and the Fire Fund are different this month than the end balances last month because Martini noted that a Fire Fund disbursement (\$43,086.50) was inadvertently coded to Road & Bridge. This was corrected and caused the discrepancy (note – the totals did not change).

For the Period :        **12/1/2023 To 12/31/2023**

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$218,999.49	\$6,983.89	\$6,125.01	\$219,858.37
Road and Bridge	\$62,958.81	\$0.00	\$3,092.26	\$59,866.55
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	\$500.00	\$3,450.00
Fire Fund	\$33,357.00	\$0.00	\$0.00	\$33,357.00
General Capital Projects	\$46,275.35	\$0.00	\$0.00	\$46,275.35
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$547,153.95</b>	<b>\$6,983.89</b>	<b>\$9,717.27</b>	<b>\$544,420.57</b>

Martini reported that a CentrePoint Court Case is challenging taxpayer values of properties. The Town apparently needs to issue them a refund for properties that should not have been taxed. At this point we are paid up.

Martini completed the MATIT 2023 worker's compensation payroll audit. Martini plans to attend the SLFRF ARPA online workshop on January 8, 2024 at 3 PM.

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

**Claims, Receipts & Payroll:** The claims (4604-4626) totaled \$65,421.86. The payroll was \$5,452.11. Checks 11024 and 11025 were voided because they were inadvertently printed on both sides. The Town needs to spend out the ARPA funds by the end of the year. In April we need to report what was spent. There are several unclaimed driveway deposits prior to January 2022; these will be moved to General Revenue. The invoice for Workman's Comp arrived. Payment to Knife River for retainage for the Parkwood Circle project will be held until an invoice is received. Gondringer moved to authorize Koopmeiners and Sanoski be the authorized spenders at Menards. Klocker second. All in favor. Motion carried. The mower and culverts have been sold; a check was received and a receipt was issued.

Gondringer moved to approve the receipts, payroll, and claims, including Knife River contingent on receiving an invoice for the retainage. Klocker second. All in favor. Motion carried.

**Town Hall Report:** Koopmeiners presented the Town Hall report. He reported that the inventory is in progress, salt/sand is good, the Hall was cleaned twice in December, light bulbs were changed in front of the Hall, and garbage was taken to Opatz. CenturyLink completed the repair of the internet cable on December 4<sup>th</sup>.

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

1. **Snow Season** – roads were salt/sanded twice.
2. **Monthly Update** – work this month included maintenance on vehicles (red truck – fixed wing light; pickup – fixed tailgate and greased; bobcat, tractor and trailer were greased; blue truck – new inline fuse for beacon light).
3. **Culverts** – The culvert on Shorewood Drive was found to have about 3.5 feet of fall. One suggestion was to start from the break area and drop the water above the wetland. A quote for repair will be obtained in spring. A culvert on 145<sup>th</sup> may need to be replaced.
4. **Trees** – A large oak on 175<sup>th</sup> Avenue is rotten inside and should come down. The property owner will need to be informed before it is taken down. Two trees on Shorewood are apparently causing problems with the culvert. The Supervisors authorized Koopmeiners to get an estimate to take down the three trees. The estimates will be discussed at the next meeting.

Gondringer moved to approve the Town Hall & Road reports. Klocker second. All in favor. Motion carried.

**Business:**

1. **Fire Contract** – Township Attorney Adam Ripple and representatives from the Collegetown Board of Supervisors (Craig Guggenberger, Terry Stein, Bob Simon) were present to discuss the fire service contract with the City. The City wants the contract signed as soon as possible to proceed with the Fire Hall Expansion project.

Mr. Ripple said that the original version of the contract obligated the Towns to pay their portion of a bond even if the City canceled the contract. He also said that the wording of the contract meant that each township

would need to go through a significant process to issue long term debt. In addition, it would require bond counsel, which is expensive. Mr. Ripple said that there were alternatives and worked with the City Attorney, Mike Couri, to work out a compromise that included removing the termination language and locking in payment by the townships for only 10 years, which is less than the City wanted (20 years). In addition, the contract was modified to include indemnification language and the wording was “cleaned-up.” Mr. Ripple thinks that it is a fair contract and that the City and towns are being good stewards of taxpayer dollars.

Earmarked donations are not specifically mentioned in the contract. Gondringer stated that the Fire Department will look for donations and questioned whether it would bring down the debt for the towns, as well as the City. Mr. Ripple believed that the donations would apply to the debt. Mr. Stein said that the City made a verbal commitment to apply donations towards the bond.

It was suggested that perhaps this is time for the townships to assume greater control. Mr. Ripple said that there are various options, but a Joint Powers Board would be a disadvantage because the towns would be liable for the bond. He thought an Advisory Board situation would be a better choice and could be empowered to have veto power. Gondringer thinks that the City has showed some willingness to give up some control so this might be a good time to consider it.

There was a question about service provided to St. Wendel township. Apparently, a few homes in St. Wendel are serviced by the Avon FD.

Mr. Stein said that both the City and Towns have given up a little in the contract, and that he has faith that any donations that are received will be jointly applied. The Collegeville Board of Supervisors present at the meeting voted to approve the Fire Service contract with the City of Avon and Avon Township.

Gondringer made a motion to approve the Fire Service contract with the City of Avon and Collegeville. Klocker second in favor. Motion carried.

The two townships are jointly paying Mr. Ripple’s fee. He will invoice Avon Township, which in turn, will send an invoice for half the fee to Collegeville Township.

2. **Elections** – The Clerk reported that the affidavit of candidacy period is open until January 16<sup>th</sup>. Marion Gondringer will staff the office on the final day (16<sup>th</sup>). Gondringer moved to approve Resolution 01-03-24-1: Appointing election judges. Klocker second. All in favor. Motion carried. Gondringer moved to approve Resolution 01-03-24-2: Appointing absentee ballot board. Klocker second. All in favor. Motion carried.
3. **Meeting Schedule** – Gondringer moved to approve Resolution 01-03-24-3, which identifies the meeting dates for the Supervisors and Planning Commission during the upcoming year. Klocker second. All in favor. Motion carried. This will be posted on the entrance to the Town Hall
4. **Township Record Use** – no action required; in Fee Schedule.
5. **Audit Board** – the Supervisors agreed to hold the annual Audit Board meeting on February 8, 2024 at 7:00 PM. The Clerk will publish and post.

### **Reports:**

1. **MAT Conference** – Martini reported that she attended the annual conference in St. Cloud. There were a number of interesting issues including a problem with a quorum for approving bylaws, and a vote of no confidence regarding MAT leadership.

The Town will need to follow new legislation regarding Workman’s Comp and Sick Time. Martini reported that it doesn’t apply to plow operators and those paid by the meeting. Koopmeiner’s contract will need to include how to earn comp and sick time. We will need to create an employee handbook. It was suggested to use a template from say, the City of Avon.

Martini also reported that Supervisors were not supposed to be part of job interviews and new employees need to complete a child support form. Stearns County is offering radon kits to residents.

**Announcements:**

1. No requests for **911 signs** were received.
2. A **Construction Site Permit** was issued to Schwalbe (17474 360th St.; 30 x 128 lean-to on existing shed); Hentges Living Trust (19357 Red Oak Circle, provisional use permit); and Laing (35073 Co Rd 155, shed addition 20 x 48).
3. A **Special Assessment Search** was conducted
4. No **feedlot permits** were received.
5. There will be a **County Hearing on January 16, 2024 to consider** Ordinance 667 which regards accessory buildings in non-riparian areas. The Supervisors will take no action.
6. Holiday cards were received from Nuss Trucking & Dale Gruber Construction.
7. Propane Safety Information was received from Belgrade Coop, and they confirmed that the Township has “Will Call” status for refills.
8. Minnesota Equipment 2024 Government and Commercial Day will be January 11 from 10:30 AM – 12:00 PM.
9. The “Over the Hills of Avon” Seniors are soliciting donations for a new Avon Community Center, which will be a multiuse center that can be used for receptions, parties, organization meetings and more.
10. MN LTAP will host several workshops (sign maintenance & management, pavement rehabilitation, gravel roads) this spring.
11. A vacation rental on Pine Lake was renewed as a Provisional Use which doesn’t require a public hearing. The Supervisors questioned why it wasn’t renewed as an Interim Use Permit, especially since there have been a variety of complaints about the property (cars parked on the street, fire left burning in the pit).
12. The Fifth Monday meeting will be Thursday, January 18<sup>th</sup> at 7 PM in the Board Room of the District Office. Agenda items should be sent to [tokerlund@district745.org](mailto:tokerlund@district745.org). A letter was received from Diane Noll, Albany Township Clerk, who indicated that this is an important intergovernmental group and it is critical to share concerns and agenda items.

**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 regular meeting is scheduled for February 7, 2024.

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

- a. Affidavit of Candidacy period – January 2-16, 2024
- b. Town Hall open to accept affidavits – January 16, 2024; 1-5 PM
- c. Planning Commission meeting – January 31, 2024
- d. Presidential Nominating Primary – March 5, 2024 (7 AM – 8 PM)
- e. Town Hall open to accept absentee ballots – March 9 (10 AM – 12 PM) & March 11, 2023 (1-5:00 PM)
- f. Township Election, Annual Meeting & Board of Canvass meeting – March 12, 2024

- g. Qualification Meeting – March 20, 2024 (7 PM)
- h. Township Day at the Capitol – April 8 & 9, 2024

**Adjournment:** Gondringer moved to adjourn the meeting at 10:23 PM. Sanoski second. All in favor. Motion carried.

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

date: January 28, 2024

**Supervisor Signatures:**

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

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LeRoy Gondringer, Chair

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

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