

Minutes of the Meeting of the Avon Township Board of Supervisors

July 10, 2024

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

Call to Order: Chad Klocker, *Vice-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, Bryan Rassier (*late; arrived at #2 – Planning Commission Report*), and Stephen Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), and Lori Yurczyk (*PC Chair*).

Approval of Agenda: Gondringer moved to approve the agenda as presented. Klocker second. Both in favor. Motion carried.

Minutes: Changes were suggested to the draft minutes. Gondringer moved to approve the minutes of the June 5, 2024 meeting as amended. Klocker second. Both in favor. Motion carried. Gondringer moved to approve the minutes from the Closed portion of the June 5, 2024 meeting. Klocker second. Both in favor. Motion carried.

Public Hearings: *none*.

Public Comments: A resident inquired about grass clippings on the road. Klocker stated that it is not permitted, but it is difficult for law enforcement to deal with. Another resident stated that grass clippings on the road is very dangerous to motorcyclists. Klocker said law enforcement can give violators a warning, but the cost of policing the situation is greater than the fines. We will alert residents via *Facebook* and our Town website to not allow grass clippings to go onto the road.

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

1. **Stodolka Building Request** – Mr. James Stodolka, 36627 160th Avenue, appeared at the PC meeting to discuss options to build on a 5-acre parcel of land he wants to split from his 50-acre property (PID 03.00844.0000) that lacks a full building credit. He was also at tonight's meeting. Options to build on the 5-acre parcel include transferring a building credit to the property or having the parcel rezoned R5. The PC moved to recommend to the Supervisors to not allow spot zoning in the Township. Mr. Stodolka said tonight that he has not attempted to purchase or transfer a building credit to the property. A family member made this same request a few years ago and was given the same suggestions. It was noted that there are other 5-acre parcels in the area. The Supervisors said that they generally support residents having options to use a 50-acre parcel, however, not if it requires spot zoning. Klocker moved to not allow spot zoning in Avon Township. Gondringer second. Both in favor. Motion carried.

Yurczyk reported that County staff are willing to attend a Township meeting to help clarify the TDR process. Gondringer moved to request County staff to attend the next Supervisor's meeting, and that members of the PC also attend. Klocker second. Both in favor. Motion carried.

2. **Hylla / Kanati Land Management** – Mr. Nathan Hylla, CEO Kanati Land Management, appeared at the PC meeting to discuss construction of a warehouse on property on Norway Road in the Urban Expansion area (PID 03.01009.0100). Mr. Hylla is currently renting space in Avon and wants to build a warehouse (*ca.* 50 x 100 ft) to store equipment and house an office for his business. He said the parcel, which is about 4-acres,

has a building credit. The PC saw no issue with a business on the site. However, after the meeting the Township learned that because the parcel is less than 10 acres, a commercial business is not an allowed use. Mr. Hylla then submitted an application to the Joint Planning Board (JPB) to rezone the property to Commercial. The JPB will hold a public hearing on July 22, 2024 to consider this request. The JPB makes decisions regarding the Urban Expansion area, but the Supervisors can forward a recommendation to them. Considering the previous decision to deny a request for spot zoning, Klockner moved to recommend to the JPB that it does not approve spot zoning the Hylla property to Commercial. Gondringer second. All in favor. Motion carried. Klockner will fill-in for Rassier at the JPB meeting because Rassier is unable to attend.

- 3. **Vacating Parkwood Court** – The Clerk reported that a resident inquired if the Township would be willing to vacate Parkwood Court. The resident plans to make a formal request at the July PC meeting. After this road was redone in 2023, one of the properties now has a large front yard area that is mostly Township road right-of-way. The Supervisors see no problem vacating the road. They agreed that the neighbors should determine new lot lines, so long as the Town retains 33 feet from the center-of-the-road and the applicant pays all associated costs. There was a question whether the residents would be required to pay for the additional land. Gondringer moved to allow a request to vacate Parkwood Court move forward at the PC on the condition that the applicants determine the lot lines and pay for any associated costs such as for a survey, recording fees, and attorney expenses. Klockner second. All in favor. Motion carried.
- 4. **Snow & Ice Policy** – The PC reviewed the snow/ice policy and provided potential suggestions for improvement. Our revised document (Resolution 07-10-24-1) is based on one provided by MAT (*MN Association of Townships*). Klockner suggested removing specific equipment that is listed since it will eventually change. After further discussion and suggestions, the Clerk will provide a clean copy of the revised policy for final review and approval at the August meeting. The policy has been updated several times and the new document will supersede previous ones (*i.e.*, Resolutions 06-03-20-1)

The Supervisors decided that the resolution (12-06-16) regarding emergency snowplow drivers is out-of-date and unnecessary. Gondringer moved to delete Resolution 12-07-16. Rassier second. All in favor. Motion carried.

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

Treasurer’s Report: The Treasurer provided the cash control statement from June 1, 2024 to June 30, 2024. She reported that we received two checks from the County, one of which didn’t arrive until July so it will appear next month. We also received our first payment of fine fees from the County. Potential names for the fund in which to deposit fine fee receipts was discussed.

For the Period : 6/1/2024 To 6/30/2024

| <u>Name of Fund</u> | <u>Beginning Balance</u> | <u>Total Receipts</u> | <u>Total Disbursed</u> | <u>Ending Balance</u> |
|-----------------------------------|--------------------------|-----------------------|------------------------|-----------------------|
| General Fund | \$181,974.57 | \$41,859.17 | \$18,649.68 | \$205,184.06 |
| Road and Bridge | \$86,460.76 | \$141,551.90 | \$4,880.45 | \$223,132.21 |
| 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 | \$500.00 | \$0.00 | \$1,000.00 |
| Fire Fund | (\$9,073.99) | \$55,585.36 | \$0.00 | \$46,511.37 |
| General Capital Projects | \$46,291.26 | \$1,836.85 | \$0.00 | \$48,128.11 |
| ARPA Fund | \$181,613.30 | \$0.00 | \$76,215.56 | \$105,397.74 |
| Total | \$487,765.90 | \$241,333.28 | \$99,745.69 | \$629,353.49 |

Gondringer moved to approve the Treasurer’s Report. Klocker second. All in favor. Motion carried.

Claims, Receipts & Payroll: The claims (4709-4721) totaled \$201,819.29. The payroll was \$3,152.02. Dennis Schirmers was previously authorized to help with some Township maintenance. His check was written for the standard hourly rate, but it was remembered that at the previous meeting it was assumed he would be paid the amount being advertised for a new full or part-time employee. Rassier moved that Mr. Schirmers pay would be \$22 per hour. Klocker second. All in favor. Motion carried. Martini will recut the check. Martini paid the first portion of the Fire invoice last month. She will make a note of when the final payment is due (December). We have about \$76K in ARPA funds remaining. Some was used to support the County broadband initiative. The remaining funds will be used in partial payment of the invoice from Knife River for 145th Avenue project; the remainder will be taken from Road & Bridge. A CD is due February 2025.

Gondringer moved to approve the June claims, receipts and payroll. Klocker second. All in favor. Motion carried. The May claims may not have been formally approved at the previous meeting. Klocker moved to approve the May claims, receipts and payroll. Gondringer second. All in favor. Motion carried.

Town Hall Report: *no report.*

Road Report:

1. **Ditch Mowing** – is finished. Angelfish Avenue, which is in the City, was accidentally mowed. The resident who owns the land complained because he was using it for hay. At least one private road (*i.e.*, Smiley Drive) was accidentally mowed. A complaint was received regarding tall weeds at the entrance of Kopyy Road; this has been taken care of. A 911 sign at 16713 Queens Road was damaged during mowing. It will be replaced. The Clerk will order a new one.
2. **Signs** – several need to be installed. They are in the office. Klocker will install.
3. **Winter Readiness** – Klocker will contact our drivers from last season to see if they are willing to drive again this coming winter. Klocker will examine the salt shed to see how much salt/sand remains and then get quotes as necessary for the next meeting. Trucks need to be DOT’d by next September; the Supervisors will decide where to have it done at the August meeting.
4. **145th Avenue** – Engineer Jeremy Mathiasen did not attend this meeting. The project is finished and the first payment was made.
5. **185th Avenue** – A complaint was received about potholes, speeding, and brush encroaching this road. Klocker examined and reported that there are roads with worse potholes. Speeding is a concern for the Sheriff’s Department. There is brush near the road that should be removed.
6. **Highland Terrace** – there was a complaint regarding a pothole near 33728, which a child hit on a scooter and was injured. The Township had been unaware of the pothole. Gondringer repaired it. He reported that it was square and appeared to have been cut into the road for utilities or other purpose (*i.e.*, survey).
7. **Culvert Update** – Klocker reported he is waiting to check them out with Engineer Jeremy Mathiasen from Stantec. Klocker received a quote from Lange’s for repair of the Shorewood culvert. Rassier moved to accept the quote received from Lange’s for \$11,966 to replace the culvert on Shorewood Drive before school begins. Klocker second. All in favor. Motion carried.
8. **Pelican Lake Driveway Issue** –Linda Gondringer and Dave Schreifels (37067 Pelican Lake Road, Avon) erected a

fence between their property and that of Joe and Barb Lang (37075 Pelican Lake Road, Avon). The fence is more than 33 feet from the center-of-the-road, but is partly in the Township road right-of-way (ROW). Klocker sought legal advice from the County Attorney, who recommended that Klocker contact the Township attorney. Klocker reported that the attorney said that there are several options. The Town could request the Sheriff to have the Gondringer/Schreifel's to remove the fence in the ROW; if they refuse, they would be issued a citation. Alternately, a variance or encroachment agreement could be granted. The Supervisors questioned what precedents these actions would set, especially considering there are other encroaching objects in the road ROW along Pelican Lake Road (and other Town roads), some of which are even closer to the road. The attorney mentioned it is possible that the owners could claim imminent domain. Gondringer said that if the fence was a safety concern, then the Town would immediately have it removed. Another possibility that was suggested was to vacate the area, but this brings up other issues especially since the road is not in the middle of the recorded easement. This issue likely won't go away; it's been an on-going concern between the two neighbors. Gondringer moved to leave the fence as constructed and that the Township takes no exception to the fence as constructed since it is not a safety issue, and further, if the road is ever reconstructed in the future and the fence is in the way it will be removed. Klocker second. All in favor. Motion carried.

9. **Pilarski Driveway** – Mr. Brian Pilarski (19274 Red Oak Circle) attended the meeting with two quotes for the repair of his driveway. The slope of his driveway changed as a result of the Town's 2023 road project and now makes it difficult to access his property, especially with his camper. The driveway needs to be redone about 43 feet from the road to regain the proper slope. Mr. Pilarski said that he would seed the area following repair. He requested a 40+ foot wide driveway. The Supervisors noted that a driveway cannot be wider than 30 feet without a public hearing, and that any change in width from the existing access, would require a Township Access Permit. The Supervisors agreed that the Town will pay for the repairs since they were required as a result of resurfacing the road. Gondringer moved that the Township pay an amount not to exceed \$3,500 to fix the slope of the driveway of Brian Pilarski (19274 Red Oak Circle) and that the driveway is no wider than 30 feet. Klocker second. All in favor. Motion carried. Gondringer moved to approve an access permit for Mr. Brian Pilarski, 19274 Red Oak Circle, Avon (MN) since the driveway will be wider than the existing one. Klocker second. All in favor. Motion carried.

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

Business:

1. **Hiring** – The Supervisors discussed how to replace our maintenance person after his recent resignation. The Supervisors are leaning toward hiring a part-time replacement. Gondringer moved to establish an *ad hoc* hiring committee consisting of a Supervisor (Klocker), Planning Commission member (Craig Blonigen) and the Clerk (Saupe). Klocker second. All in favor. Motion carried. The Supervisors also generally agreed that a time clock is a good idea. Among questions to be considered during the hiring process would be whether the worker would take a vacation in the winter, and be a full or part-time employee.
2. **Primary Election** – Gondringer moved to approve Resolution 07-10-24-1, "Appointing Election Judges for the August Primary Election and November General Election." Klocker second. All in favor. Motion carried. The Clerk reported that the Public Accuracy Test is scheduled for Saturday, August 3, 2024 at 10 AM. Head election judge Martini and the Clerk will conduct the test.
3. **Pipeline Agreement** – Discussion of a potential agreement for permitting pipelines under a Township road was tabled to a future meeting.

4. **Internet in Town Hall** – AlbanyMutual has set-up an account for guests to use the internet in the Town Hall. The login is available at the Town Hall or from a Town staff member.
5. **Keys etc.** – as far as we know, all keys and door openers to the Hall and Maintenance building are accounted for.
6. **Belgrade Coop Safety Agreement** – the Supervisors are aware of safety procedures regarding propane and signed the safety agreement.
7. **Cooperative Network Services Inquiry** – will construct a fiber network in the Township as part of the MN DEED Border to Border fiber grant award. They inquired about road ROW's width. The Supervisors thought most were 66-foot with the possible exceptions of a few minimum maintenance roads (i.e., Meadowview) and Nutcracker Lane (a private road). The Clerk will reply to the request.

Reports:

1. *none*

Announcements:

1. One **sign** was received. There is a missing sign at 17352 370th St.; we are waiting for their check to order.
2. **Construction Site Permits** were issued to Hintgen (32188 Blattner St; 304 ft² deck); Welle (17277 Co Rd 54; 41 x 32 garage addition); and Bitzan (32093 Noble Oak Circle (69 x 64 house with garage).
3. **Special Assessment Searches** were conducted for Holt (34692 Plum Hill Lane); Keable (14150 Fruit Farm Road)
4. No **feedlot permits** were received.
5. No **Provisional Use permits** were received.
6. **County/Hearings** – The County enacted a Cannabis Moratorium until Dec 31, 2024. The County Cannabis Newsletter was received. The Board of Commissioners approve a CUP to reconstruct and realign a 69 kV transmission line from Saint John's to I-94.
7. **Avon Fire Dept** – May Calls. City: 3 Medical; Avon Twp: 6 Medical, 1 Fire; Colledgeville Twp: 3 Medical, 1 Fire; I-94: 0
8. The MAT Legislative & Research Committee Meeting will be held Sept 13th in St. Cloud.
9. A letter was sent to Sarah & Bryan Gondringer, 18245 360th St., regarding their driveway and culvert.
10. A brochure from the TriCap Energy Assistance program (www.tricap.org) was received.
11. A "Print and Mail Service" advertisement was received.
12. The *MN LTAP Exchange* newsletter was received.
13. We received a cost sheet regarding renting election equipment from Stearns County (Town election - \$1300; Primary and General - \$2450).
14. No problems were seen regarding the replacement of the existing transmission line switch pole on Norway Road.

Old Business: Culvert mapping project with County app; 135th 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); CDL License changes; Employee Handbook.

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

Announcement of Next Regular Supervisor Meeting: The next scheduled meeting is September 4, 2024. The meeting will be *available on Zoom at the URL above.*

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

- a. Joint Planning Board – July 22, 2024; Avon Township Hall
- b. Planning Commission meeting – July 31, 2024; 7:00 PM
- c. Primary Election – August 13; 7 AM-8 PM; Avon Township Hall

Adjournment: Gondringer moved to adjourn the meeting at 9:55 PM. Klocker second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: July 24, 2024

Supervisor Signatures:

date: _____

LeRoy Gondringer

Chad Klocker

Bryan Rassier