

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

June 5, 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, and Stephen Saupe (*Clerk*). Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), and Lori Yurczyk (*PC Chair*).

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

**Minutes:** Gondringer moved to approve the minutes from the May 1, 2024 meeting as presented. Klocker second. All in favor. Motion carried. Klocker moved to approve the minutes from the Special Meeting of Avon Township Supervisors on May 16, 2024. Gondringer second. All in favor. Motion carried.

**Public Hearings:** *none*.

**Public Comments:** *none*. The Rural Immersion Program from Saint John’s University School of Theology was welcomed to the meeting. They were visiting to learn more about Township governance and to better understand how rural systems function.

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

- 1. Chair/Vice-Chair** – Yurczyk reported that she was re-elected as Chair of the PC and that Craig Blonigen was re-elected as Vice-Chair.
- 2. McDougle Driveway** – Mr. Jim McDougle appeared at the PC meeting to request an Access permit to modify two existing driveways on his property at 15671 Parkwood Circle, Avon (MN). The main driveway requires work because a tree was removed. It has a culvert that will need to be extended about 6 feet. The surface will likely be cement. The other driveway to be resurfaced is an unimproved access to a shed; it will be gravel. Gondringer inspected the site and reported no major concerns with either except getting the slope of the drive to be improved correct so that water doesn’t run into the neighbors. After discussions, Klocker moved to approve an access permit for Jim & Jodi McDougle, 15671 Parkwood Circle, Avon (MN) for their main driveway and to improve their second driveway, on the condition that culverts extend beyond both driveways and that the slope of the second driveway doesn’t not allow water to run into the neighbor property. Gondringer second. All in favor. Motion carried.
- 3. Election Judges** – The PC discussed potential candidates to serve as election judges. If anyone is interested in serving as a judge, she/he should contact the Clerk.
- 4. Joint Powers Board Meeting** – Sanoski and Rassier attended the Joint Powers Board meeting as the official Township representatives. Sanoski provided to the PC a brief report. The main issue discussed at the JPB meeting was renewal of the Orderly Annexation Agreement that expires December 2025. The JPB recommended establishing an *ad hoc* committee to review the agreement. The PC recommends that Craig

Blonigen, LeRoy Gondringer and Rich Sanoski serve as the Township reps to the *ad hoc* committee. Klocker moved to authorize Blonigen, Gondringer and Sanoski to serve as the Township representatives on the Orderly Annexation Agreement *ad hoc* committee of the Joint Planning Board. Gondringer second. All in favor. Motion carried.

- 5. **Policy Review** – The PC will begin to review assorted Township policies. They will start with the snow and ice policy. Other policies will be reviewed as time permits.

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

**Treasurer’s Report:** The Treasurer provided the cash control statement from May 1, 2024 to May 31, 2024 (*appended below*).

**For the Period :** 5/1/2024 To 5/31/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$186,478.42	\$689.13	\$5,192.98	\$181,974.57
Road and Bridge	\$102,140.83	\$9.14	\$15,689.21	\$86,460.76
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	\$1,000.00	\$0.00	\$500.00	\$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>\$508,449.82</b>	<b>\$698.27</b>	<b>\$21,382.19</b>	<b>\$487,765.90</b>

The beginning balance of the May statement didn’t match – is greater than – the ending balance from the April Cash Control Statement. There is a discrepancy of \$224.69 that appears to go back to March. Martini said it was due to a PERA claim that was inadvertently deducted twice since there is no claim number associated with one of the withdrawals. She credited the additional payment back resulting in the addition of \$224.69. This means that the March and April Cash Control Statements are also incorrect. Gondringer moved to approve the corrected Cash Control Statements for March (3/1/2024 – 3/31/2024) and April (*appended below*), and the Cash Control Statement for May (*also appended below*). Klocker second. All in favor. Motion carried. Martini will send the corrected statements and they will be included in the minutes.

**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	\$8,848.98	\$194,685.23
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>\$10,273.99</b>	<b>\$519,091.55</b>

For the Period : 4/1/2024 To 4/30/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$194,685.23	\$1,895.72	\$10,102.53	\$186,478.42
Road and Bridge	\$105,075.75	\$200.00	\$3,134.92	\$102,140.83
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)	\$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>\$519,091.55</b>	<b>\$2,595.72</b>	<b>\$13,237.45</b>	<b>\$508,449.82</b>

Martini reported that she submitted the ARPA report. She also clarified for her records which trees (*i.e.*, 175<sup>th</sup> Ave, Shorewood) were associated with the Weaver’s invoice, inquired about who was authorized to receive payment for attending the Special Meeting and Joint Planning Board Meeting (the Supervisors authorized everyone to attend). Martini paid the Fire Fund bill though she prefers a formal invoice, and she will send the final retainage payment to Knife River since Engineer Jeremy Mathiasen has confirmed that the work meets specifications. Martini reported that the CD for the Maciejewski escrow is coming due. The Supervisors agreed to let it roll over. The Menard’s account signees were reviewed. The Supervisors agreed that Rich Sanoski should remain as the Menard’s contact since he works in St. Cloud and can stop for supplies as necessary. Koopmeiners will be removed from the account. The payment from Colledgeville Township for their half of the legal fees for examining the Fire Contract will go into General Revenue. Saupe reported that the VOTER Funding paperwork to account for the receipt of \$116.30 was submitted.

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

**Claims, Receipts & Payroll:** The claims (4693-4708) totaled \$96,280.91. The payroll was \$3,739.24.

**Town Hall Report:** The boiler adjustments appear to be working. Klocker mowed the lawn.

**Road Report:**

- 1. Monthly Update including Snow – no report.** Discussion of winter readiness tabled until next month.
- 2. Pelican Lake Driveway Issue –** Joe and Barb Lang (37075 Pelican Lake Road, Avon) and Linda Gondringer and Dave Schreifels (37067 Pelican Lake Road, Avon) appeared at the meeting to discuss a fence recently erected by Gondringer/Schreifels. The fence is on the Gondringer/Schreifels property and partly in the Township road right-of-way (ROW). The Lang’s request removal of the fence, in part, because the July 2023 minutes stated that the area “could be gravel or planted to low maintenance grass.” Mr. Lang was also concerned that no maintenance agreement for the area between the properties has been agreed upon by the two parties. A condition of the Lang access permit is that Gondringer/Schreifels will maintain the area between the driveways.

Rassier asked the Lang’s to clarify what they are requesting from the Township. Mr. Lang said that the minutes were never followed through and that a fence now extends into road ROW. They request that the Supervisors figure it out.

The Gondringer/Schreifels said that if they are required to remove the fence they wanted to be treated fairly and uniformly because there are at least eight other encroachments in the Pelican Lake Road ROW and that theirs is one of the furthest from the road. They also stated that their fence is 33 feet from the existing center-of-the-road (COR) but not from the actual platted road ROW, which was not built where it was supposed to be.

Mr. Gregory Jarrett, who stated he is a Florida resident with considerable property in Stearns County, appeared via Zoom. He does not think that the Lang's have been treated fairly by the Township, in part, because he said Supervisor Gondringer has a conflict of interest in the issue. Mr. Jarrett also said he was considering filing a freedom of information request. Gondringer replied that he has abstained from every vote regarding this driveway situation, even though technically he would not have to do so.

The Supervisors considered whether it would be acceptable for a structure to be within the legal ROW as long as it is 33 feet from the existing road. Klocker will contact the County Attorney Office for advice and to see if a variance is acceptable. Rassier suggested a uniform policy is needed. The Supervisors expressed concern about setting any sort of precedent that would have wide-ranging ramifications, however they would act immediately if there was a safety issue.

3. **Driveway Gondringer** – Bryan & Sarah Gondringer, 18245 360<sup>th</sup> Street, Albany, Avenue, were told at the May Supervisors Meeting that they didn't require an access permit or culvert for their driveway that would be reworked during the construction of a new residence. However, during construction the driveway was built higher than expected and it became clear that a culvert is required. The Supervisors discussed whether or not an Access Permit is now required after-the-fact and decided to not require one. The resident has said he will install a culvert, however, there is no guarantee for the Township. The Supervisors made their original decision based on the best information that was available. Klocker moved to send Bryan and Sarah Gondringer a letter stating that a culvert for their driveway is required based on the unanticipated dirt work that needed to be completed, and that if the resident doesn't do the work, the Township will do so and assess the residents the cost of the work. Gondringer second. All in favor. Motion carried.
4. **Pipeline Agreement** – an irrigation pipeline has been run under Tower Road. Gondringer reported that water is flowing well. Some individuals were concerned when it was installed, but there is currently no Township ordinance regarding pipelines. The Supervisors discussed requiring a pipeline agreement. Our attorney has prepared a potential agreement, but the PC thought that it was too restrictive and costly for residents. The Supervisors will look at modifying this agreement. Klocker said he supports requiring some sort of insurance to protect the Township if the road is damaged. Gondringer prefers the County model in which a deposit is returned after a winter if there is no damage.
5. **145<sup>th</sup> Avenue Project** – Engineer Jeremy Mathiasen reported that the project is nearly finished and looks good. Quantities were bid well and the subgrade was good. Bardson needed to clean out a ditch because water was pooling; the cost was paid by the resident. Mr. Mathiasen provided the final paperwork from the last project at Parkwood Circle.
6. **Pilarski Driveway** – Mr. Mathiasen reported that the slope of Mr. Brian Pilarski's driveway (19274 Red Oak Circle) prior to the 2023 roadwork was about 4%. After the project, the slope is about 10.5% because the project raised the road about 7 inches. To restore the driveway to the original level it needs to be extended about 45 feet from roadway. In addition, some grading on the side of the driveway will be necessary. He suggested that the existing pavement must be removed, gravel added and then paved. Mr. Mathiasen thinks that the Town has some responsibility to repair the access, but he doesn't anticipate other neighbors will want to do it, too. Gondringer will contact Mr. Pilarski to request he get a couple of quotes for the work.

7. **Culverts** – Gondringer moved to have Mr. Mathiasen examine the culvert on Pelican Lake Road to determine what needs to be done. Klocker second. All in favor. Motion carried. Klocker will connect with Mr. Mathiasen. Klocker will also seek quotes for the Shoreview culvert.
8. **Weeds** – Klocker met with Stearns County inspector Bob Dunning to learn what the Town needs to do for weed control. Mr. Dunning will retire in a year.
9. **Potholes, Speeding & Brush (185<sup>th</sup> Avenue)** – a resident complained about the condition of 185<sup>th</sup> Avenue (too many potholes) and encroaching brush and tree branches. In addition, the complainant said that vehicles were going too fast and requested speed bumps or other means to slow traffic. Klocker will check it out.

### Business:

1. **Public Comments** – Since there have been no public comments and residents can bring an issue to the Supervisors without previously requesting to be on the agenda, the Clerk questioned the need for a Public Comment section of the agenda. The Supervisors determined it was still a good idea. Gondringer moved to maintain the Public Comment section of the meeting and that public comments should be limited to four minutes. Klocker second. All in favor. Motion carried.
2. **Albany Mutual Internet** – High-speed internet has been installed in the Town Hall. There is a new password for the router (contact the Clerk). The Supervisors debated whether to establish a guest login. The advantage is that it would allow those who visit the Town Hall (*i.e.*, residents at meetings, election judges) to connect to the internet. The disadvantage is that there could be problems with security and administration. Klocker moved to establish a guest account. Gondringer second. All in favor. Motion carried. The Clerk will follow-up with Albany Mutual.
3. **Liquor Licenses** – Gondringer moved to approve a County Off Sale Intoxicating Liquor License for the sale of intoxicating liquors at *The Store of St. Anna* for the time period of July 1, 2024 through June 30, 2025. Klocker second. All in favor. Motion carried. Gondringer moved to approve a County On Sale Intoxicating Liquor License for the sale of intoxicating liquors at *Pelican Lake Ballroom* for the time period of July 1, 2024 through June 30, 2025. Klocker second. All in favor. Motion carried.
4. **Koopmeiners Resignation/Employee Hiring** – Gondringer moved to close the meeting to discuss contract issues regarding employee, Joseph Koopmeiners. Klocker second. All in favor. Motion carried. The Supervisors, Clerk and Mr. Koopmeiners moved to the Conference Room. When the group returned to the Main Hall, Gondringer moved to reopen the meeting. Klocker second. All in favor. Motion carried.

Gondringer announced that a decision was made to pay Mr. Koopmeiners vacation pay. Martini will cut the check.

Now that Mr. Koopmeiners no longer works for the Township, the Town will need to hire a worker(s). The Supervisors agreed that the position could be filled by a full-time employee or one or more part-time employees. Gondringer moved to hire someone to do part-time maintenance work like mowing. Klocker second. All in favor. Motion carried.

Ditch mowing will need to be done soon. It was suggested that Dennis Schirmers might be interested in running the ditch mower. Rassier will contact Mr. Schirmers. If he accepts, he will need to complete paperwork with Martini.

Ads will be put on *Facebook*, website, and in the *Star-Post* for a potential Township employee(s). The salary

would range from \$22-30 depending upon experience. Interested individuals should contact the Clerk. Potential candidates could be recruited by asking Collegeville Township and the City if any of their staff or previous job applicants might be interested.

**Reports:**

1. *none*

**Announcements:**

1. No requests for **911 signs** were received.
2. **Construction Site Permits** were issued to Winkels Trust (32381 Co Rd 156; grain bin, machine shed); Gondringer (18245 360th St.; residence with garage); Bechtold (37535 Co Rd 155; shed and deck).
3. **Special Assessment Searches** were conducted for Nelson (34232 Co Rd 155); and Pierskalla Brothers Trust (365th Ave).
4. No **feedlot permits** were received.
5. No **Provisional Use permits** were received.
6. **County Hearings** – Ordinance 670 passed; Planning Commission recommended approval of Xcel pole realignment; County Board of Adjustment approved Reeve variance for alternative anchoring; Commissioners Meeting – June 18 Public Hearing to consider emergency moratorium on cannabis.
7. **Avon Fire Dept** – April Calls. City: 11 Medical, 1 Fire; Avon Twp: 7 Medical, 3 Fire; Collegeville Twp: 6 Medical; I-94: 4 Medicals; Mutual Aid – 1 Fire
8. An inquiry was received from James Birnie regarding Short-Term/Vacation rentals (33526 Shorewood Drive)
9. The Solar grant program and tax credits was highlighted in the *Township Insider*, Spring, p 17.
10. *Indeed for Employers* ads were received.
11. A *Bertram Asphalt* ad and inquiry were received (320.276.8222).
12. An ad from *Total Control Tree Service* was received.
13. Belgrade Coop propane order changed from “will call” to “fill as needed.” Their Spring 2024 *Broadcaster* newsletter was received.
14. An ad from *STimaging* was received (microfilm scanner).
15. The County Five-Year Road Construction plan was released.
16. Xcel will host Public Hearings regarding the Upper Midwest Integrated Resource Plan. For information, visit: [xcelenergy.com/uppermidwestenergyplan](http://xcelenergy.com/uppermidwestenergyplan).
17. Township membership cards were distributed to the Town Board members.

**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); CDL License changes; Employee Handbook.

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

**Announcement of Next Regular Supervisor Meeting:** The next scheduled meeting is July 3, 2024. However, Klocker is unable to attend. Gondringer moved to reschedule the meeting to Wednesday, July 10, 2024 at 7:00 PM. Klocker second. All in favor. Motion carried. The meeting will be *available on Zoom at the URL above*.

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

- a. Meeting with Local Legislators – sponsored by Stearns County Officers Association – June 20, 2024; 7:00 PM, Albany Senior Center.
- b. Planning Commission meeting – June 26, 2024; 7:00 PM

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

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

date: June 19, 2024

**Supervisor Signatures:**

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

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

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

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