

Minutes of the Meeting of the Avon Township Board of Supervisors

November 6, 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, Marion Gondringer (*Acting Clerk*), Chad Klocker, and Kelly Martini. Absent – Bryan Rassier. Leave of Absence – Stephen Saupe. A quorum was present. Also present – Perry Gerding, Dillon Hedlund, and Lori Yurczyk.

Approval of Agenda: Added to the agenda was a discussion of a Poverty Point property. Gondringer moved to approve the agenda as amended. Klocker second. Both in favor. Motion carried.

Minutes: Gondringer moved to approve the minutes from the October 2, 2024 meeting as presented. Klocker second. Both in favor. Motion carried.

Public Hearings: *none*.

Public Comments: *none received*

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

1. **Streit Certificate of Compliance** – Keith Streit (17026 370th Street; PID 03.01451.0202) and Lowell Streit (37326 175th Avenue; PID 03.01451.0203) want to split property owned by their father (PID 03.00731.0030) and then attach the splits to their adjoining lots. The PC supports the request. A survey was provided. Gondringer moved to approve the Certificate of Compliance for Lowell and Keith Streit. Second Klocker. Both in favor. Motion carried.
2. **Ottenberg/Diem Property** – Mr. Ian Diem, representing the Kathryn A Ottenberg REV Trust (36025 Co Rd 155), appeared at the PC meeting to seek a Certificate of Compliance to split 40 acres from what is now an 80-acre parcel. It is necessary to fix a title company goof. The PC supports the request. Gondringer moved to approve a Certificate of Compliance for the Kathryn Ottenberg Rev. Trust (36025 Co Rd 155) to split 40 acres from what is now an 80-acre parcel. Klocker second. Both in favor. Motion carried.

Since 360th is a minimum maintenance road that is not maintained by the Township, Gondringer moved that Mr. Diem be allowed to maintain 360th Street west of Co Rd 155 up to the Diem driveway adding gravel only as needed. Klocker second. All in favor. Motion carried. If Mr. Diem wants to use concrete or tar on the road, he must return to the Board for approval.

Gondringer moved to approve an access permit for Mr. Ian Diem with the condition that a culvert, per Township specs, is installed. Klocker second. Both in favor. Motion carried.

Gondringer and Klocker stated that they support vacating 360th as suggested by Mr. Diem. If the road is vacated within two years the Town will return the driveway permit fee.

3. **Cannabis Zoning** – The PC discussed the new Cannabis zoning rules. Gondringer moved to allow Stearns County to regulate Cannabis businesses in Avon Township. Second by Klocker. Both in favor. Motion carried.

The Town will work with Stearns County to update the MOU to reflect this decision.

- 4. **PC Meeting December 2025** – This PC meeting is scheduled for New Year’s Eve. The PC recommends rescheduling to December 17, 2025. Gondringer moved to reschedule the December 2025 PC meeting from December 31 to December 17 to avoid holidays. Klocker second. All in favor. Motion carried.
- 5. **Shady’s Variance Hearing Response** – The County will hold a variance hearing regarding a variance for an after-the-fact impervious surface violation and that their outside bar will be too close to the township Road right of way. The PC discussed this situation and expressed concerns that the outside bar may be in the road right-of-way and that waiving fees for the hearing sets an unwanted precedent.

The Supervisors were less concerned about the road setback because the Township does not maintain that portion of the road since it is used as part of the parking lot for Shady’s. Another concern is that the “after-the-fact” permit was triggered by Shady’s building the stage without a permit in place, and complaints by residents in reference to noise violations for outdoor events that have been taking place there. The Supervisors are sympathetic to concerns by residents about noise, but also want to work with Shady’s to maintain the business in the Township. A conditional use permit may be required for the stage. Klocker stated that the stage is apparently movable, therefore is not a permanent structure. Klocker moved to have Gondringer attend the Board of Adjustment Public Hearing on November 14th, to stay in touch with this situation. Second by Gondringer. Both in favor. Motion carried.

Motion by Gondringer to accept the Planning Commission report. Second by Klocker. Both in favor. Motion carried.

Treasurer’s Report: The Treasurer provided the cash control statement from October 1, 2024 to October 31, 2024 (*appended below*) and read the Treasurer’s report. Motion by Gondringer to approve the Treasurer Report and Cash Control Statement. Second by Klocker. Both in favor. Motion carried.

For the Period : 10/1/2024 To 10/31/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$209,361.79	\$6,977.19	\$3,504.26	\$212,834.72
Road and Bridge	\$243,625.86	\$396.62	\$809.22	\$243,213.26
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	\$0.00	\$1,000.00
Fire Fund	\$20,598.18	\$0.00	\$0.00	\$20,598.18
General Capital Projects	\$48,915.33	\$0.00	\$0.00	\$48,915.33
ARPA Fund	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$523,501.16	\$7,373.81	\$4,313.48	\$526,561.49

Claims, Receipts & Payroll: The claims (4757-4769) totaled \$6,442.34. The regular payroll was \$1,433.12. The Election payroll was \$2,411.55.

A credit of \$33.14 was received from The Store for an erroneous invoice that was sent. This was removed from our bill as an error on their part. Gondringer inspected the Roiger driveway. No damage was done to the Town road. Gondringer moved to return the damage deposit fee. Klocker second. Both in favor. Motion carried. Judges for the General Election were paid this month. Martini will provide to the Deputy Clerk the check number

for claim 4760. Check 11273 was voided. Martini reported that the Sales Tax increase for the new jail was approved.

Gondringer moved to approve the claims, receipts, and payroll. Second by Klocker. Both in favor. Motion carried.

Town Hall Report: The AC unit will be covered up for winter.

Road Report:

1. **Snow Plows & Drivers** – Klocker reported that we are ready. The DOT's are done. Dillon Hedlund reported that the Blue truck is good to go but he will grease it up. The Ford has a headlight and cab light out. Hedlund will look into it. Klocker reported that Kevin Braun is interested in being a substitute driver; he must fill out the employment paperwork with the Treasurer before he is authorized to drive.
2. **Meadowview Road Update** – Gondringer reports that gravel could be added at the point of the connection to Norway Road.
3. **Road Inspection** – Gondringer questioned whether another inspection is necessary at this point. It was suggested that Gerding could travel the roads this fall, and take note of what may be needed as far as repairs. Klocker noted that Parkwood Circle has cracks that should be filled in the spring.
4. **Peach Drive** – snow has traditionally been piled at the end of the road, on the right fork. We will not push snow into this driveway area in the future because winter access will be needed.
5. **Queens Road** – Klocker suggested that we mill and overlay just half of the road next year. For example, the section from Co Rd 9 to the bridge. The remainder of the road may need a more extensive repair. Klocker will contact Engineer Jeremy Mathiasen to get his opinion on what is needed on the eastern portion of the road.
6. **Shorewood Drive Culvert update** – The work is complete. Grass is growing and the culvert is now about 1.5 feet about the water surface. The utility company drilled through the culvert and put a hole in it when they ran cable; they will pay a portion of the bill. Klocker will call Lange to have the bill sent.
7. **Pelican Lake Road Culvert update** – The road is settling over the culvert. Gerding will take a look at it.
8. **Gravel Road Grading update** – The work was completed last week.
9. **Shouldering work on Two Rivers Road & 190th update** – Klocker reported that there was minor erosion at the corner and recommended adding a cold patch on that corner. Gerding will examine.
10. **Trees to be chipped on St. Anna Drive update** – Gerding will look into this.
11. **Relocate 911 sign at 33744 Highland Terrace update** – The resident will be required to move the sign. Klocker will follow up.
12. **Metal T-Posts in Road ROW** – These are illegal. If Gerding notices any, he was authorized to alert the Supervisors, but not confront the resident.
13. **Weed Report for 2024** – Klocker will fill out. Martini will provide the necessary financial numbers.
14. **Install of Diem 911 sign at 14868 360 St.** – This is on hold until a location is determined.

15. **911 sign at 34948 Tower Road** – Gondringer states that the sign needs to be ordered; it has been paid for by them.

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

Business:

1. **Gertken Final Plat** – Tabled until December as per Gertken’s request.
2. **Light Pole on Pelican Lake Road** – Mr. Mike Hennen, 37204 Pelican Lake Road, that appears to be in the town road ROW after being denied permission to do so. Gerding will check it out. Gondringer reported that when he attended the recent trial related to the conflict between neighbors on Pelican Lake Road, he learned that case law states that it is the right of a property owner to take care of road frontage, and that the portion of the road frontage not needed for road maintenance or safety is considered to be the property owner’s frontage. They have the right to use it – generally thought of as 33 feet from the center of the road – as they wish.
3. **Ditch 25 Meeting** – Chad Martini requested use of the Town Hall on November 26th, at 6:30 for a Ditch 25 meeting. Motion by Klocker to approve the use of the Town Hall. Gondringer second. Both in favor. Motion carried.
4. **Conferences** – The Annual MAT conference will be held December 13 & 14 in St. Cloud. Martini plans to attend as a representative of the Stearns County Township Association. The Freeport Stearns County Association of Township meeting will be November 21, 2024. Gondringer moved to authorize Town officers who attend to submit for payment for the meeting. Klocker second. Both in favor. Motion carried.
5. **Noise Barrier** – Gondringer reported that he was contacted by a resident opposed to the I-94 noise barrier wall that is proposed for the south side of I-94. The resident believes that the wall will actually cause an increase in the noise for many residents. In contrast, other residents want the wall. The wall is being handled by the DOT but was signed off on by the Township, with no financial stake by the Town.

Other Business:

1. **Poverty Point** – Gondringer reported he was contacted by a resident about a home under construction. The property owner has apparently filed bankruptcy and is not completing the home. The grounds are not being maintained. Lumber is laying around the yard and nothing is being attended to. The adjacent property owner has voiced concerns about this issue. Gondringer inspected and noticed some lumber laying around and some thistles. There is not much the Town can do except deal with noxious weeds.

Reports:

1. **Fifth Monday** –Supervisor Rassier is the representative. There was no report since he did not attend tonight’s meeting.

Announcements:

1. **Signs (incl. 911)** – The culvert at 18245 360th Street is complete. The property owner will install the 911 sign.
2. **Construction Site Permits** were issued to Swenson (18667 Upper Spunk Lake Road), Blattner (32103 Nob Hill Drive; 22x22 sunroom); Ehrlichman (36954 188th Avenue; garage & hoop shed); and Ottenberg Trust (360th St.; home, garage, dog lean-to).

3. No **Special Assessment Searches** were conducted.
4. No **feedlot permits** were received.
5. No **Provisional Use permits** were received.
6. **County/Hearings** – no pertinent County hearings/actions.
7. **Avon Fire Dept** – They have moved to the new building. There is talk about an Open House. **August Calls:** City of Avon - Medical: 5, Fire: 1; Avon Township: Medical: 9, Fire: 2; Collegeville Township - Medical: 3, Fire: 1; St. Wendel Township & I-94 – none. **September Calls:** 2 Mutual Aid Calls; City of Avon - Medical: 12, Fire: 1; Avon Township: Medical: 10, Fire: 3; Collegeville Township - Medical: 4, Fire: 1; St. Wendel Township - none; I-94 – 1.
8. **MN DARE** requested a donation from the Township. No action taken.
9. **Sheriff's Department Survey** – the Deputy Clerk will complete and return the survey for the Public Safety Software System.
10. Clean energy grants are available.
11. **Culvert mapping project & County app** – Gerding will begin this project in the spring.
12. **Ordinances on County esite** – Our Noise Ordinance can now be sent to the site. Klocker will bring information to the December meeting on how to submit ordinance. We will decide which ordinances to send to the new esite.
13. Martini reported that a voter during the General Election tore up a ballot and left it in the voting booth. Klocker noted that a similar thing happened during voting in the City of Avon. Martini reported that 75% of pre-registered Township residents voted on Election Day.
14. Rassier completed LBAE training.

Old Business: 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; culvert - Pelican Lake Road; CDL License changes; Employee *Handbook*, concrete sealing; *Employee Handbook* including earned sick time etc.; Pipeline Agreement; brush cutter rental for 2025.

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

Announcement of Next Regular Supervisor Meeting: The next scheduled meeting is December 4, 2024.

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

- a) Planning Commission Meeting – November 27, 2024; 7:00 PM
- b) Planning Commission Meeting – December 18, 2024 (rescheduled)
- c) January Supervisors Meeting – January 8, 2025 (rescheduled)

Adjournment: Motion by Gondringer to adjourn at 9:00 PM. Second by Klocker. Both in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk
Marion Gondringer, Deputy Clerk

date: November 9, 2024

Supervisor Signatures:

date: _____

LeRoy Gondringer

Chad Klocker

Bryan Rassier