

Minutes of the Meeting of the Avon Township Supervisors

July 5, 2017

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

Call to Order: Chairman Huston called the meeting of the Avon Township Supervisors to order at 7:30 P.M. in the main chamber of the Avon Township Hall and welcomed guests.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Will Huston, Mike Linn, Kelly Martini, John Merdan, and Stephen Saupe. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), LeRoy Gondringer (*Planning Commission*), and Joseph Koopmeiners (*Maintenance*).

Approval of Agenda: Added to the agenda was a discussion of Town properties. Merdan moved to approve the agenda as amended. Linn second. All in favor. Motion carried.

Minutes: Linn moved to approve the minutes of the June 5, 2017 meeting as presented. Merdan second. All in favor. Motion carried.

Planning Commission Report – *Presented by Mr. LeRoy Gondringer, Planning Commission Chair:*

1. **Member Changes** – Huston resigned from the Planning Commission because he was appointed to the Board of Supervisors. Gondringer, the Vice Chair, took over the duties of the Planning Commission chair.
2. **Fast Sun/Stearns Community One Solar Gardens Conditional Use Permits (CUP)** – Prior to their regularly scheduled meeting, the Planning Commission held a site inspection at the Gertken Farm site (34206 Smiley Drive, Avon MN) where the proposed solar gardens will be located. The site inspection also included the view from the property of a neighbor, Mr. Dennis Bogard. At their regular meeting the Planning Commission then continued from the May meeting the public hearings on these CUP's. The Planning Commission unanimously recommends approval of the westernmost solar garden (Fast Sun) with 14 conditions. However, the Planning Commission reached no agreement about the other (Stearns Community Solar One; vote tied: Kremers and Saupe in favor, Gondringer and Merdan opposed). In response to concerns raised during the previous meeting, Mr. Chuck Beisner provided a revised site plan in which the company proposed to move four rows of panels to the south and west. This would move the project an additional 80 feet from the eastern property line. Two neighbors attended the Supervisors meeting to speak to the project: (a) Mr. Rich Sanosky was opposed to stop signs on Smiley Drive and wants the road maintained and gravel added. Smiley Drive appears to be a public road that is maintained privately. We will follow up to confirm this; (b) Mr. Dennis Bogard stated his opposition to the project.

Merdan moved to approve a Conditional Use Permit for FastSun LLC (*the westernmost series of solar panels*) to build and operate a solar garden on the property of Brian & Linda Gertken (34206 Smiley Drive, Avon, MN) with the following conditions:

- a. The company will repair the Lake Wobegon Trail if it is damaged during construction.
- b. The Township will be provided with a copy of a road maintenance agreement between the company and the residents of Smiley Drive.

- c. With the approval of the Stearns County Parks Department, signs will be placed on the Lake Wobegon Trail to alert users to truck traffic ahead.
- d. The trees on the south side of the project along the Lake Wobegon Trail will be maintained as a screen. Any cutting of trees must be acceptable to the Stearns County Parks Department.
- e. The project meets all applicable Stearns County guidelines and rules including those for solar farm performance;
- f. Decommissioning shall be completed in accordance with the plan submitted in the event the solar panels are not in use for 12 consecutive months.
- g. A financial guarantee is required in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to 125% of the costs to meet the requirements of the decommissioning plan.
- h. The applicant shall install and maintain ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. The final seed mix shall be approved by the Township.
- i. A financial guarantee is required in the form of a letter of credit, cash deposit or bond in favor of the Township equal to 125% of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in Ord. 439.
- j. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by Avon Township. Major modifications may require review by the Avon Township Planning Commission and Board of Supervisors.
- k. The project will follow the Stearns County Storm Water Management rules and requirements.
- l. Noxious weeds are controlled in the project area.
- m. A landscaping and screening plan acceptable to the Avon Township Board of Supervisors will be provided.
- n. The company will provide to the Township the contact information for the responsible party once the project is completed.

Huston second. Two in favor (Huston, Merdan). One opposed (Linn). Motion carried.

Merdan moved to approve a Conditional Use Permit with the modified site plan of July 5, 2017 for Stearns Community Solar One LLC to build and operate a solar garden on the property of Brian & Linda Gertken (34206 Smiley Drive, Avon, MN) with the fourteen conditions stated above. Huston second. Two in favor (Huston, Merdan). One opposed (Linn). Motion carried.

The Town will work with the County to determine reclamation costs, etc (see Conditions g & i).

3. **Scepaniak Variance** – Mr. Jacob Scepaniak appeared to request a variance to construct an addition to his home, including a garage, which closer to the road than is currently permitted by ordinance. The

Planning Commission unanimously recommends setting a public hearing to consider a variance for Mr. Scepaniak. Merdan moved to set public hearing on July 26, 2017 at 7:40 PM to consider a request by Mr. Jake Scepaniak for a variance to construct an addition to his home at 17469 Orchid Court, Avon (MN), 44 feet from the center of the road. Linn second. All in favor. Motion carried.

4. **Bullert Zoning** – Daniel & Marie Bullert appeared at the Planning Commission meeting to request approval to rezone their property (PID 03.01551.0006; 18703 Two Rivers Road) from A40 to R5. They are considering splitting off lots to sell. The Planning Commission unanimously recommends approval. Linn moved to recommend to Stearns County approval of the request submitted by Daniel & Marie Bullert to rezone their property (PID 03.01551.0006; 18703 Two Rivers Road) from A40 to R5. Merdan second. All in favor. Motion carried.
5. **Excess Vehicles on Plum Hill** – a complaint was received about the excessive number of vehicles on Plum Hill. There is no County ordinance/regulation about the number of vehicles that is permitted on a property. Merdan moved to authorize the Planning Commission to develop a nuisance ordinance on excess vehicles. Linn second. All in favor. Motion carried.
6. **County/Town Permitting** – Currently, the Township handles requests for CUP’s and Interim Use Permits. The Planning Commission considered the advantages (greater familiarity with residents and properties, residents only go to one location for a permit, less confusion, reduce Town workload) and disadvantages (residents must go to the County, less flexibility in timing, Town gives up some control to the County) of whether or not these permits should be handled by the County. The Planning Commission will continue the discussions and make a recommendation at their next meeting.

Linn moved to approve the Planning Commission report. Merdan second. All in favor. Motion carried.

Treasurer’s Report: Martini read the Treasurer’s Report and provided the Cash Control Statement for the period 06/01/2017 to 06/30/2017 (*below*). Linn moved to approve the Treasurer’s report. Merdan second. All in favor. Motion carried.

For the Period : 6/1/2017 To 6/30/2017

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$70,632.44	\$59,226.96	\$17,544.22	\$112,315.18
Road and Bridge	\$49,357.30	\$75,415.94	\$9,958.29	\$114,814.95
Road Damage Deposit	\$2,050.00	\$200.00	\$200.00	\$2,050.00
Fire Fund	(\$24,678.12)	\$25,494.85	\$0.00	\$816.73
General Capital Projects	\$39,554.88	\$767.95	\$0.00	\$40,322.83
Total	\$136,916.50	\$161,105.70	\$27,702.51	\$270,319.69

Claims & Payroll: Martini presented the July claims (3126 – 3148). June PERA claims were 3124 and 3125. Checks #9046 & #9047 were voided (fee schedule mixup). We are missing an invoice from Auto Value. Thull Construction was last paid in January 2016 but apparently not for salt/sand mix used the previous year. Linn moved to approve the payroll and claims. Merdan second. All in favor. Motion carried.

Town Hall Maintenance Report – Presented by Mr. Joseph Koopmeiners:
Everything is in good shape.

Road Report – Presented by Mr. Joseph Koopmeiners:

1. **Monthly Road Work** – included cutting road ditches; fixing potholes on Norway Road, 145th Ave and Noble Oak Circle; inspecting weeds and spraying for thistles; grading Peach Drive; and trimming Parkwood Circle, Sunnyfield Circle and 365th. There is a tree leaning over the road on Norway that will be removed.
2. **Parkwood Court** – there was a complaint about the condition of the road in the cul-de-sac. No action at this time.
3. **Brushing on 365th** – there was a complaint about overgrown brush on 365th. Trimming was completed.
4. **Norway Road** – someone called to recommend that the Town install “Slow / School” signs on Norway Road for safety. Huston will follow up with the school district and report back next meeting.
5. **Weeds** – Koopmeiners and County Weed Inspector Bob Dunning inspected the Township. Several properties were identified with noxious weeds. These residents were sent letters requesting removal/control of the weeds.

Public Hearings: *None scheduled.*

Scheduled Business:

1. **Mitchell Property** – Mr. Dean Mitchell appeared to request an Administrative Subdivision for attachment purposes for his property at 18909 County Road 54, Avon (MN). This property is in the Joint Powers area and will require a meeting of the Joint Planning Commission. The Clerk will organize this meeting.
2. **Revenue from Fines** – A subcommittee (Huston, Martini and Saupe) was created to discuss how to proceed.
3. **Salary/Fee Schedule** – the Supervisors discussed revisions to the Salary/Fee schedule. Huston moved to approve the revised Fee and Salary Schedule, including a new fee for Site Inspections, effective July 1, 2017. Linn second. All in favor. Motion carried. *Document appended.* Merdan moved to approve Resolution 07-05-17-1: Resolution establishing a policy for the compensation and reimbursement of town officers. Linn second. All in favor. Motion carried. (*appended*)
4. **HR Issues / Employee Handbook** – Discussion will continue at a later date to give time to collect more information and attend a meeting about employee handbooks sponsored by Rinke-Noonan on August 17 from 12:00 – 1:00 PM. In addition, MAT is working on this issue and will hopefully provide direction on how to proceed. Huston will contact the MAT attorney to clarify issues about Koopmeiner’s employment.
5. **Copy Policy** – the Town policy is to charge \$0.25 per copy (*see fee schedule*).
6. **Birth/Death Records** – the Town has birth and death records from the turn of the century. The Clerk will look into depositing these with the State or County historical society.

- 7. **Camera Donation** – Linn moved to approve Resolution 07-05-17-2: Resolution accepting donation, which authorized acceptance of a gift of a Nikon S7000 16 megapixel digital camera, battery and charger. Merdan second. All in favor. Motion carried.
- 8. **Web Site** – the web site is finally done and now on line. Town officials will have email through the site. Forward any comments/edits about the site to the Clerk. The site cost more to rebuild than originally estimated because of the size of the site and the need to rename many files. The maintenance costs should be low (\$125 per year with \$25/hr for any work).
- 9. **Enterprise** – possible topics for the next column could include a note the compost site, weeds, brushing work, and the newly approved solar gardens on the Gertken property.
- 10. **Town Properties** – The Clerk contacted Jeff Meyer to let him know that the former salt shed property is still listed as belonging to the Town.

Other/Old Business: logo, bike events on Town roads

Recurring Reports:

- 1. There were three requests for 911 signs (Reis at 32097 Narnia; Stang & Korneck).
- 2. Certificates of Real Estate Value were received for Angulski Trust (\$500); Preusser (\$4,000); Suchy (\$500); Skalicky Trust (\$500, three transactions); Peternell (\$500); Thielman (\$500); Williams (\$0); and Williams (\$400,000).
- 3. No Construction Site Permits feedlot permit, or home-extended business permits were received.
- 4. Special Assessment Searches were performed for Clubb (36339 Co Rd 155) and Gertken (34206 Smiley Drive).
- 5. There were hearings at Stearns County to discuss: (a) County Ditch 25. No final decision was made. They are considering cleaning it out from Keppers Lake eastward. They are working with the DNR; (b) the County approved a variance for the Raden drainfield/septic.

Announcements & Brief Reports:

- 1. *Technology Today* (June 2017 issue) newsletter was received.
- 2. The Habitat for Humanity bike tour will pass through the Township on July 12, 2017.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, August 2, 2017 at 7:30 PM.

Announcement of Other Town Meetings: none.

Adjournment: Merdan moved to adjourn the meeting at about 10: 515 PM. Linn second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe Clerk

Clerk signature: _____ date: _____

Supervisor Approval: _____ date: _____

Will Huston

Mike Linn

John Merdan

Fees for Services

Amount	Item
\$75	911 Signs (<i>includes sign, post & installation</i>)
\$25	Certificate of Compliance
\$15	Chainsaw rental (<i>per hour</i>)
\$250	Conditional Use Permit
\$50	Driveway Permit
\$200	Driveway Permit Deposit (<i>deposited in Township treasury and refunded after completion and inspection</i>)
\$200	Encroachment Agreement (<i>includes recording costs</i>)
\$Twice amount of permit	Late fee (<i>for any construction or other work that begins prior to issuing permit</i>)
\$150	Liquor License
\$25	Noise Ordinance Exemption
\$200	Public Hearing (<i>Other</i>)
\$100	Plat signing fee
\$25.00/hr	Record searches (<i>outside regular scheduled Hall hours</i>)
\$0.25/page	Record duplicating / copy fee
\$150 + fees	Road Vacation (<i>fees include recording, legal cost, etc.</i>)
\$400	Site inspections
\$25	Special Assessment Search
\$400	Special Meeting
\$250	Variance

Salary/Wage Scale

Amount	Item
\$15	Hourly wage – Laborer, Housekeeping, etc.
\$15	Hourly wage – Election judge
\$20 – 25	Hourly wage – Snow Plow Operator
\$55	Meeting stipend – Deputy Clerk/ Deputy Treasurer
\$50	Meeting stipend – Planning Board
\$55	Meeting stipend - Supervisors
\$55	Meeting – other (less than 4 hours)
\$55 + \$15/hr	Meeting – other (more than 4 hours, \$55 plus \$15/hr total not exceeding \$100)
\$275	Monthly stipend – Clerk
\$125	Monthly stipend – Deputy Clerk
\$250	Monthly stipend – Treasurer
\$55	Qualification Meeting stipend for staff
\$75	Moderator Stipend – Annual Meeting
\$50	Site inspection stipend (only if not prior to a regularly-scheduled meeting)
mileage	Follow Federal Guidelines. Mileage is not paid for Election judges or to Site Inspections on regularly-scheduled meeting nights.

RESOLUTION 07-05-17-1
RESOLUTION ESTABLISHING A POLICY FOR THE
COMPENSATION AND REIMBURSEMENT OF TOWN
OFFICERS

WHEREAS, Minn. Stat. § 367.05 directs the Town Board to set the compensation of supervisors, town assessors, the treasurer, clerk, deputy clerk, if one is employed, deputy treasurer, if one is employed, and other employees of the town;

WHEREAS, Minn. Stat. § 367.05 indicates the above mentioned persons are entitled to mileage for the use of their own automobile at a rate determined by the Town Board for necessary travel on official town business;

WHEREAS, Minn. Stat. § 471.665, subd. 1 directs the Town Board to set the maximum amount which the town shall pay to any officer or employee as compensation or reimbursement for the use of their own automobile in the performance of their duties for the town;

WHEREAS, Minn. Stat. § 471.665, subd. 3 allows the Town Board to establish a monthly or periodic allowance for use by officers or employee of their own automobile in the performance of their duties for the town in lieu of a mileage allowance;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Avon Township, Stearns County, Minnesota hereby adopts the following policy regarding the compensation and reimbursement of Town Officers:

TOWN OFFICER COMPENSATION AND REIMBURSEMENT POLICY

1. **Definitions.** For the purposes of this policy, the following terms shall have the meaning given them in this section.

1.1. **Town.** “Town” means Avon Township, Stearns County, Minnesota.

1.2. **Town Board or Board.** “Town Board” or “Board” means the Town Board of supervisors of Avon Township, Stearns County, Minnesota.

1.3. **Town Officers.** “Town Officers” means the supervisors, clerk, treasurer, deputy clerk, and deputy treasurer of Avon Township, Stearns County, Minnesota.

2. **Compensation.** The following establishes the basis on which Town Officers shall be compensated for performing services within the scope of their duties for the town.

2.1. **Meetings.** Town Officers shall be compensated as follows for attending regular or special board meetings, town hearings, annual or special town meetings, or other meetings as authorized by the Board: Supervisors \$55 per meeting; Chair Supervisors \$55.00 per meeting; Clerk \$55 per meeting; Treasurer \$55 per meeting; Deputy Clerk \$55 per meeting; Deputy Treasurer \$55 per meeting.

2.2. **Hourly Rate.** Town Officers that are authorized by the Board to perform work for the town outside of a meeting shall be compensated as follows: Supervisors \$15 per hour; Clerk \$15 per hour; Treasurer \$15 per hour; Deputy Clerk \$15 per hour; Deputy Treasurer \$15 per hour.

2.3. **Salary.** The Clerk, Treasurer, and Deputy Clerk will receive a monthly salary: Treasurer \$250 per month; Clerk \$275 per month; Deputy Clerk \$125 per month.

2.4. **Taxes & Withholdings.** All amounts paid to Town Officers as compensation shall be subject to all appropriate taxes and withholdings as provided by law.

3. **Reimbursement of Expenses.** The following establishes the rates at which Town Officers shall be reimbursed for expenses they are authorized by the Board to incur and actually incur on behalf of, and within the scope of their duties for, the town. Only expenses authorized by the Board are eligible for reimbursement.

3.1. **Mileage.** When it is necessary and authorized by the Board for Town Officers to use private automobiles to perform their duties on behalf of the town, Town Officers shall be eligible to have their mileage reimbursed for the actual miles traveled at the established federal standard mileage rate for the use of privately owned vehicles in effect at the time of travel. Town Officers are not eligible for mileage reimbursement for attending regular or special board meetings, hearings, or annual or special town meetings held within the Town. The mileage reimbursement is inclusive of all direct and indirect automobile related expenses and no other reimbursement for the use of a private automobile shall be allowed.

3.2. **Telephone.** A Town Officer authorized by the Board to make long-distance calls from their private phone to conduct town business shall be eligible to seek reimbursement of the actual costs of making the calls. The costs of using cellular or mobile phones to make long-distance calls are not eligible for reimbursement unless specifically authorized by the Board.

3.3. **Meals.** Town Officers may request reimbursement of the actual cost of necessary meals consumed while on Board authorized town business. Alcohol is not a reimbursable expense and shall not be consumed while engaged in town business. The request for reimbursement must be accompanied by a receipt.

3.4. **Other Expenses.** Any other expenses actually incurred by Town Officers in the performance of their duties for the Town, but which are not addressed in this policy, shall only be eligible for reimbursement if the Board authorized the activity and the expenses were necessary to and arose out of properly conducting Town business.

4. **Detailed Claims.** No officer shall receive compensation or be reimbursed for expenses incurred unless and until they submit a written claim report to the Board detailing the activities supporting the claim for compensation and the specific basis for all expense reimbursement requests. Claims for compensation or requests for the reimbursement of expenses shall be made on Board approved forms at the next following regular board meeting.

4.1. **Receipts.** Reimbursement requests for purchases must be supported by original receipts or, if not available, other supporting documentation found sufficient by the Board.

5. **Amendments.** The Board may amend this policy by resolution.

Adopted this 5th July 2017.

BY THE TOWN BOARD

Will Huston

Mike Linn

John Merdan

Attest:

date

Resolution No. 07-05-17-2
RESOLUTION ACCEPTING DONATION

WHEREAS, Avon Township is authorized to accept and maintain donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens; and

WHEREAS, The following persons and entities have offered to contribute the donations set forth below to the township:

<u>Name of Donor</u>	<u>Item</u>
Stephen Gregory Saupe	Nikon S7000 16 megapixel Digital Camera Charger 64 MB memory card

WHEREAS, the terms of conditions of the donations, if any, are as follows:

none

WHEREAS, All such donations have been contributed to the township for the benefit of its citizens, as allowed by law; and

WHEREAS, the Avon Township Board of Supervisors finds that it is appropriate to accept the donated offered;

NOW, THEREFORE BE IT RESOLVED BY THE AVON TOWNSHIP, MINNESOTA, AS FOLLOWS:

1. The donation described above is accepted and shall be used as allowed by law.
2. The Town Clerk is hereby directed to issue receipt to the donor acknowledging the Town’s receipt of the donor’s donation.

Adopted by the Avon Township Board this 5th day, in the month of July in the year 2017.

Approved:

Adopted by the Avon Township Board this 5th day, in the month of July in the year 2017.

BY THE TOWN BOARD

Will Huston

Mike Linn

John Merdan

Attest:

date