

Minutes of the Meeting of the Avon Township Supervisors

November 2, 2016

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

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

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Richard Bresnahan, John Merdan, Roger Nelson, Kelly Martini. Also present – Paul Buttweiler (*Deputy Treasurer*), Will Huston (*Planning Commission*), Marion Gondringer (*Deputy Clerk*), and Joseph Koopmeiners (*Maintenance*). Absent - Stephen Saupe

Approval of Agenda: Discussion of Mike Deutz easement issue, and complaint of trucks on Tower Road, were added to the agenda. Motion by Merdan to approve the agenda as amended. Second by Nelson. All in favor. Motion carried.

Minutes: Motion by Nelson to approve the minutes of the October 5, 2016 Supervisors Meeting with one correction – “Jim and Steve Smith” replaced with “Renee Smith Estate”. Second by Merdan. All in favor. Motion carried.

Planning Commission Report: Presented by Mr. Will Huston, Planning Commission Chair:

1. Driveway inspections: Doug Reis – Driveway Permit application: Motion by Nelson to approve driveway permit. Second by Merdan. All in favor. Motion carried.
2. Variance Finding of Facts form: Planning Commission proposes a revision to the first question to make it more consistent in format in relation to the remaining questions. Proposed change is: “Is the proposed use allowed in the zoning district in which the subject property is located? Yes/No”. Motion by Nelson to approve the proposed change as stated. Second by Merdan all in favor. Motion carried.
3. Septic system permitting expectations from the County: While the requirement of septic system Encroachment Agreements for septic systems in on Shoreland is not a new requirement, the recording of these documents by Townships is now a new requirement.
4. Mary Williams – 911 sign– Installation is in progress by Koopmeiners.
5. County requests input on improving County website search options. Suggestions have been sent to the County. (Clearer and more specific search variables, search filters which would include omitting various resources such as documents which tend to provide less specific search results).
6. Community Innovation Grant information was presented.
7. Outdoor lighting installed at 15701 Parkwood Circle was reported as being in the Township ROW: No light was found by Koopmeiners. Issue was tabled until more information has emerged.
8. County ordinance changes in progress concerning solar farms and gardens and CUP’s in conventional subdivisions in Avon Hills. Bresnahan states that a Public Hearing on these changes will be held at 5:10 PM on November 29, 2016. (See Announcements below for more information)
9. Stearns County Parks Board: signage on Peach Drive has disappeared, again.
10. Bresnahan reported progress on St. John’s Solar Garden.
11. Avon Area Lakes Association – State Statute does not allow donations to this organization.
12. Notice from Natural Resource Specialist – Courtney Millaway: best practices for invasive species inspections.
Motion by Nelson to approve the Planning Commission report. Second by Merdan. All in favor.
Motion carried.

Treasurer's Report: Martini read the Treasurer's Report and provided the Cash Control Statement for the period 10/1/2016 to 10/31/2016 (*below*). Martini clarified errors in the September Cash Control Statement which reflect on the Beginning Balances in the October Cash Control Statement. Martini explained the errors were caused by two things; the omission of two September PERA payments from the September records (\$242.67 x 2 = \$485.34, claims 2948 & 2949) and two incorrect entries in the Internal Revenue Service payment (claim #2896) as compared to the disbursement amounts, creating a difference of \$3.96 between the Road and Bridge and General Funds. The corrected ending balances for September are: Gen Fund - \$112,343.28. (\$112,832.58 – \$489.30); Road and Bridge - \$31,354.10 (\$313.50 + \$3.96); Ending balance total - \$219,167.99 (\$219,653.33 - \$485.34); Road Damage Deposit, Fire Fund and Gen Capital Projects - unchanged. Motion by Nelson to approve the Treasurer's report. Second by Merdan. All in favor. Motion carried.

For the Period:		10/1/2016 to 10/31/2016		
<u>Name of Fund</u>	<u>Beginning</u>	<u>Total</u>	<u>Total</u>	<u>Ending</u>
	<u>Balance</u>	<u>Receipts</u>	<u>Disbursed</u>	<u>Balance</u>
General Fund	\$112,343.28	\$6,478.07	\$4,363.88	\$114,457.47
Road and Bridge	\$31,354.10	\$75.00	\$64,782.45	(\$33,353.35)
Road Damage Deposit	\$2,000.00	\$0.00	\$350.00	\$1,650.00
Fire Fund	\$11,161.63	\$0.00	\$0.00	\$11,161.63
General Capital Projects	\$62,308.98	\$0.00	\$0.00	\$62,308.98
Total	\$219,167.99	\$6,553.07	\$69,496.33	\$156,224.73

Approval of Claims & Payroll: Martini presented the November claims (2927 – 2947). The PERA claims for September were 2948 & 2949. PERA claims for October were 2950 and 2968. Check for Minnesota Hot Mix #8779 which was approved in September, has now been sent out. This expense is in the September expenses. Check #8707 (claim #2897) for Lange Trenching, was voided because it was paid from an estimate for salt sand that has not yet been delivered. Voided checks #8794 (written out for the wrong amount) and #8772 – (Opatz Metal, check returned, wrong amount. Check reissued in October). Motion by Merdan to approve payment of US Bank invoice that was received today and will be due before the December meeting, \$71,087.50. Second by Nelson. All in favor. Motion carried. Nelson moved to approve the payroll and claims for October. Merdan second. All in favor. Motion carried.

Town Hall Maintenance Report:

1. A new American Flag is needed as the current flag is becoming shredded. Merdan will purchase a new flag before the election on Tuesday.
2. Ken Hinnenkamp has accepted a new job that will compromise his availability to act as back-up plow driver and pickup driver for this plowing season. Nelson moved to post an advertisement to fill the position. Second by Merdan. All in favor. Motion carried. Nelson moved to create a hiring committee consisting of L. Gondringer, Koopmeiners and Merdan. Travis Koopmeiners will fill in on pick-up plowing on weekends. Second by Merdan. All in favor. Motion carried.
3. Motion by Nelson to adopt Town Hall maintenance report. Second by Merdan. All in favor. Motion carried.

Road Report & Roadwork Update:

1. Shoulder on Upper Spunk Lake road has been repaired.
2. Estimate on **140th street** repair affecting the road washing out David Raab's driveway. This repair will be addressed in the spring due to the approaching snow season. Merdan will inform Raab of the decision.

3. **360th Street** (off 160th Street, property address either 15586 or 15866 at the top of the hill) a pile of class 5 gravel is three feet off the tar and will create a safety issue for the plow trucks. Clerk will contact property owner.
4. **Lemke/Parkwood Circle**: This property has a metal landscape edging installed right at the edge of the tar that is a safety hazard for plowing. The property has recently been sold. Koopmeiners and Merdan will make a visit to the new resident to address this safety hazard.
5. **370th Street grading** – Mike Pierskalla states through email correspondence that the road needs grading. This is a road that regularly gets ripped up by four-wheeler use. An email response will be sent informing Pierskalla that the road will be bladed before winter, but the reason it has not been graded is due to the continued damage that is being caused by the four-wheelers.
6. **Peach Drive**: A resident has added rocks to the lake shore and covered them with sand and another resident is parking canoes on the sight. (A lakeshore alteration within the Township ROW). Environmental services will be notified of the situation.
7. I-94 roadwork release for use of **Collegeville Road** for hauling: Document states that the roadway was not damaged during the hauling process. Koopmeiners has inspected and concurs that the road looks fine. Release was signed by Chairman Bresnahan.
8. **Culverts** have been inspected by Koopmeiners: There is one near the Preusser driveway that is under water, is heaving slightly. A bump sign will be added to the road and addressed at the spring road inspection.
9. **Brushing** update: Completed on 188th Ave. (two feet off tar), and begun on 370th near St. Anna, about half completed.
10. **325th Street** which has recently been cleared of brush now has a resident (Sauerer) who has planted pine trees about 26 feet from the centerline of the road. Trees may become a snow fence that will affect snow on the roadway. Resident will be altered to this concern.
11. Snow plowing update: trucks are inspected, safety training concluded, salt sand is ordered.
12. **Trucks on Tower Road** – (Jackie Gerards concern) - trucks are driving far too fast on the road going toward the Ramler storage building. Signage requested. Speed zone must remain the same as the rest of the Township. Advised to call County Sheriff.
13. Motion by Merdan to accept the road report. Nelson by second. All in favor. Motion carried.

Public Hearings: *None scheduled.*

Scheduled Business:

1. **Resident needs a legal easement:** Michael Deutz, and Kevin Cox presented a land/easement concern. Land in question is located South of 325th Street near the north west corner of St. John's property. An easement issue has been discovered on this property and Township advice is being requested for resolution of this issue. Property is land locked and an easement is needed. There is a strip of land along the side of the property which was purchased by Cox (Phillipi 5 acres) and secures easement to his property. Although this strip has been used by the Deutz property for more than 30 years, it is not a legal easement for the Deutz property. Concerns by Cox is that a legal easement in that strip would devalue his property.
Minnesota Statute mandates that the Township grant an easement, or cart-way, for land-locked land. It would be at cost to the property owners. Supervisor Bresnahan clarified the fact that by law, the property cannot be land locked, and the Township must address it. He explained how a cart-way which may be established by the Township, would be a public roadway and would be open to the public for their use. The board strongly recommends personal resolution to the easement need. If personal resolution to establishing an easement cannot be reached, the Township will enter the legal process in providing an easement or cart-way. Deutz and Cox will attempt personal resolution. No action taken at this time.

2. **Weed Control Report:** Official weed report called for by Stearns County Agricultural Inspector (Stearns County Highway Department) was signed by Nelson and referred to Koopmeiners to include information on spraying and mowing that has taken place. Clerk will forward to the County.
3. **911 sign procedure:** The letter from the County which is sent to a newly established 911 address will be changed to add the statement: “To obtain a 911 address, please contact Avon Township Clerk Steve Saupe”. His phone number will be included and possibly a website link to a form that can be used to start the process. Dan Schmitz, at the County, felt this addition to the letter residents receive will help clarify and simplify the process for the installation of 911 signs in the Township.
4. **Election update:** PAT testing went fine. Albany Elementary School will be using a space at the Hall to hold their own election for part of the day. Everything is ready for voting. NOTE: Notification has come from Minnesota Alliance asking election officials to sign a petition stating they will be challenging voter eligibility at polling places. Minnesota Alliance is stating that they will be out in the communities to challenge voter eligibility. MAT attorneys have cautioned election judges from being part of the Alliance and Townships must be sure judges have not signed the petition. Avon Township judges have been alerted via email, with the exception of two who will be called by phone. Election officials will be informed on Election Day as to how to handle the possible presence of the Alliance at the Avon Township polling site.

Other/Old Business:

1. **360th Street update, East of Co Rd 155th:** (See Planning Commission report also) Bresnahan states that legal research has uncovered the parameters of how this road is laid out. There are three 16 foot wide strips of land involved. The strip on the North is owned by Avon Township and is the current roadway. A second strip, located just South of the Township strip, is owned by Gerald Schmitz, who owns the property to the South of the road. The third strip, located South of the Schmitz strip, and bordering the Schmitz property to the South, is listed as being owned by Florence Maciejewski, Elmer Maciejewski’s mother, who is deceased. This strip of land is still in her name. Elmer stated to L. Gondringer on October 31st, that the County never properly transferred the land with the estate of Florence Maciejewski. According to Maciejewski the County felt there was value to the strip owned by Florence and Elmer told them they could have the strip because he did not want it. The County website shows that there is ten to twelve dollars of tax being paid on this strip of land so it is unclear what that indicates. Elmer feels the two strips are mislabeled because the strip listed as belonging to Florence does not border the Maciejewski property and he feels this is a recording error. In addition, it was discovered that there is a parcel of land owned by Wayne Maciejewski that would be land locked without access through 360th Street, or the establishment of an alternative easement. Therefore, vacation of this road is not possible. At this point, Elmer is asking for a couple loads of gravel added to the high point of the road. Since it is too late in the season to add gravel because of the approaching snow season, gravel will be added in the spring. Discussion took place concerning minimum maintenance roads and the parameters that apply.
2. **Website:** The newly hired website provider is not providing satisfactory service. Saupe is trying to work with them but is also researching other alternatives.

Recurring Reports:

1. **911 signs;** Mary Williams sign is ordered; Tim Woitalla has paid the fee to begin the process.
2. **Conditional Use Permit:** Richard and Colette Bresnahan, land sale/transfer; Mark Janorschke, Major Shoreland Alteration, 32791 Spunk Tree Cl.
3. **Certificates of Real Estate Value:** None received
4. **Construction Site Permits** were received for: John Scanlon, 37059 Pelican Lake Rd (16’ x 20’ accessory building & 10’ x 15’ WOAS); Carolyn Wiersema, 18685 368th St. (24’ x 26’ & 10” x 12” additions to residence); Adam Preusser, 15588 360th St. (60’ x 60’ accessory structure)

- 5. **Sales in Avon Township:** Chance Haakonson to Theresa Haakonson Rev Trust, \$500.00; Two sales from Daniel Kulas to Michael Kulas, \$500.00ea; Nancy Moran to Nancy Moran Trust, \$0.00; Two sales from Multiple Owners to Daniel Meyer, \$500.00ea; Moore Rev Trust to Brenda Scepaniak, \$305,000.00.
- 6. **County feedlot permits:** None
- 7. **Home-extended business permits:** None

Announcements & Brief Reports:

- 1. **MAT Annual Conference** – November 17-19 / River’s Edge Convention Center, St. Cloud. Nelson moved to have Township members attend if desired. Second by Merdan. All in favor. Motion carried.
- 2. Capitol reserve information for Tax delinquency has been received from the County.
- 3. **Stearns County Ordinance:** Public Hearing, Tuesday, November 29, 2016, 5:10 PM in the County Board Room, Stearns Administration Center to consider the amendment of Stearns County Ordinance 439 related to solar energy, wineries, signs, conservation overlay district, shoreland alteration permits and other miscellaneous changes.

Adjournment: Merdan moved to adjourn the meeting at 9:11 PM. Second by Nelson. All in favor. Motion carried.

Announcement of Next Meeting: The next regular meeting will be held on Wednesday, December 7, 2016 at 7:30 PM.

Respectfully submitted,

Marion Gondringer, Deputy Clerk

Supervisor Approval:

date: _____

Richard Bresnahan

Roger Nelson

John Merdan