

Minutes of the Meeting of the Avon Township Board of Supervisors

June 3, 2020

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

Call to Order: Chair Mike Linn called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the Main Chamber of the Avon Township Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Mike Linn, Kelly Martini, Ken Mergen, Rich Sanoski, and Stephen Saupe. Also present – Paul Buttweiler, LeRoy Gondringer (*Planning Commission*), Marion Gondringer (*Deputy Clerk*) and Joe Koopmeiners.

Approval of Agenda: The agenda was amended to add a discussion of a possible noise ordinance exemption for The Landing. Mergen moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Sheriff Update: Deputy Sheriff Garret Okerstrom visited to update Supervisors on activities in the Township and to request feedback. Sheriff Okerstrom reported that calls have dropped during the shelter-in-place order. Total calls dropped from 137 in March, to 99 in April and 79 in May. Of these calls, most were for traffic stops (average about 36%). He noted that Avon Township is, fortunately, not a ‘problem’ area in the County. One concern raised by the Supervisors is that residents on Pelican Lake Road park on the road making it nearly impossible for emergency vehicles or farm equipment to pass.

Minutes: Sanoski moved to approve the minutes of the May 6, 2020 meeting, including the May 13th continuation, as presented. Mergen second. All in favor. Motion carried.

Planning Commission (PC) Report – *presented by LeRoy Gondringer.*

1. **Zwilling Project in UE** – Ms. Sandra Zwilling attended the meeting to seek feedback on the steps to potentially develop a plat in the Urban Expansion area. She was advised to work with the County on the platting process, which would require approval, by the Joint Planning Board. Then, she would likely obtain her Construction Site Permit., etc., through the Township.
2. **Beckmann Variance** – The Beckmann’s inquired about constructing a shed closer to Nutcracker Lane than is currently permitted. The PC recommended setting a public hearing if a specific request was received. The Supervisors took no action.
3. **Energy Projects** – The PC discussed the problem that some projects have cost the Town money due to additional time and unanticipated attorney fees. The PC recommends increasing permit fees and establishing an escrow fund. Sanoski moved to set a fee of \$1,500 for commercial solar and wind energy permits that would include the cost of the public hearing, legal notice publication, attorney fees, etc., and to require an escrow of \$5,000 to be paid once the permit is approved and prior to construction to cover unanticipated Township expenses. Mergen second. All in favor. Motion carried.
4. **Utility Work in the Road Right-of-Way (ROW)** – The PC discussed the need to develop an ordinance regulating utility work in the road ROW. Linn moved to authorize the PC to start work to develop a Town Ordinance regulating utility work in the road ROW. Mergen second. All in favor. Motion carried.

5. **Future Work** – Work on the Township Comprehensive Plan was tabled until things settle down with Covid-19. A Road Maintenance Plan will be discussed.
6. **Election Update** – The upcoming Primary and General Elections will be held at the Town Hall. Precautions will be in place to protect workers and voters including barriers, social distancing, sanitizing stations, and using disposable pens/pencils. We will contact local business(s) to see if they are willing to donate pens for the election. We will also need to sanitize voting stations after each use; we may need to hire additional staff to help with this.

Mergen moved to approve the PC report. Sanoski second. All in favor. Motion carried.

Treasurer’s Report: Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 05/01/2020 to 05/31/2020 (*below*). Mergen moved to approve the Cash Control Statement and Treasurer’s report. Sanoski second. All in favor. Motion carried.

For the Period : 5/1/2020 To 5/31/2020

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$147,802.63	\$799.96	\$5,685.54	\$142,917.05
Road and Bridge	\$387,079.74	\$0.00	\$7,024.35	\$380,055.39
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,350.00	\$0.00	\$0.00	\$3,350.00
Fire Fund	\$4,996.58	\$0.00	\$0.00	\$4,996.58
General Capital Projects	\$45,168.13	\$0.00	\$0.00	\$45,168.13
Total	\$590,397.08	\$799.96	\$12,709.89	\$578,487.15

Claims & Payroll: Martini presented the May PERA claims (3803, 3804 & 3805), which totaled \$778.31. There was also a PERA claim (3806) for \$10 for a correction. The May payroll was \$4,228.05. The June claims (3807 – 3818) totaled \$53,490.63. It included our first-half payment for fire services and our assessment charges from the County. The June payroll was \$1976.24. Check 9962 (Rinke-Noonan) was voided (invoice revised to remove one charge).

Mergen moved to approve all the Claims and Payroll. Sanoski second. All in favor. Motion carried.

Town Hall Maintenance Report – presented by *Koopmeiners*.

1. **Flag** – starting to fray. Koopmeiners was authorized to purchase additional flags (summer & winter models).
2. **Landscaping** – Koopmeiners reported he has been working on cutting grass and yard work. He was authorized to purchase mulch for the plantings in front of the Town Hall.

Road Report – presented by *Koopmeiners*

1. **Road/Maintenance Report** – Work this month included filling potholes and a sinkhole, fixing a *cul de sac*, clearing a beaver dam on Shorewood Drive, working with contractors about Tower Road bids, and shouldering. The Tower Road guardrail that was struck by a vehicle this winter did not get damaged. We are waiting for quotes for patching. Koopmeiners will mow ditches soon.

2. **Salt/Sand** – has been ordered and will be delivered soon.
3. **Pelican Lake Road** – A resident has placed rocks along the driveway that present a hazard and will need to be removed. The way that residents are parking makes it difficult for emergency vehicles (and others) to pass. Residents will be sent a letter requesting that they park on one side of the road only (side with their home) and that they park off the road. If that doesn't work then the Supervisors will need to consider alternate measures to keep the roadway accessible.
4. **Queens Road** – will soon need to be resurfaced.

Mergen moved to approve the Road Report. Sanoski second. All in favor. Motion carried.

Business:

1. **Thelen Road Vacation** – There will be a site inspection on Wednesday, June 10th at 6:00 PM at Spunk Tree Circle. Then, at 7:30 PM on the same, there will be a Public Hearing to consider a request to vacate the road at this address. The Clerk will contact attorney Ripple to invite him to the hearing.
2. **Snow & Ice Policy** – Mergen moved to approve Resolution 06-03-20-1: Snow & Ice Control Policy. Sanoski second. All in favor. Motion carried. This resolution updates Resolution 04-04-18-4.
3. **Compensation Policy** – Linn moved to approve Resolution 06-03-20-2: Establishing a Policy for the Compensation and Reimbursement of Town Officers. Sanoski second. All in favor. Motion carried. This resolution updates Resolutions 04-04-18-1 and 07-05-17-1.
4. **Solar Farm Landscaping** – as a function of the CUP for the Gertken Solar Garden, the Town must approve the final landscaping. Sanoski and Koopmeiners inspected the site. They observed within the fence a roll-off, cardboard boxes and a container. Outside the fence were trenches and nothing seemed to be planted. We still need to determine if the correct species have been planted. The Clerk will follow up with the company.
5. **Noise Ordinance Exemption** – The Landing inquired about hosting outdoor music on their patio that might violate the Township noise ordinance. They were instructed to complete the noise exemption form (*available at the Town website*) and return it to the Supervisors to consider for approval.

Other/Old Business: *Permitting to County; Peach Drive N – possible vacation, Maintenance Shed insulation, Drop box, LBAE training*

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

Recurring Reports:

1. No requests for **911 signs** were received.
2. **Construction Site Permits** were received for Bauer (32771 Spunk Tree Circle; house & garage); Sauerer (32672 Co Rd 156; 10 x 30 accessory structure); Raab (34934 140th Ave; grain bin); Lange Properties (32906 Co Rd 50; 50 x 20 & 80 x 115 accessory structure addition); Huston (17559 360th St; equipment cabinet, generator); and Preusser (15588 360th St; residence).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were completed for Kierzrek (35052 Co Rd 9); Hadrach (14475 Co Rd 159); and Schmitz (37654 160th Ave).
5. There were no pertinent **Stearns County hearings**.

Announcements & Brief Reports:

1. The MN State Demographer issued the population estimate for Avon Township – the April 1, 2019 population estimate is 2,351 with 818 households.
2. The Lion’s Club is using a cabinet in the kitchen. Their use of the Town Hall will be reviewed the first of the year.
3. MAT membership cards were distributed.
4. Safety information and the Out-of-Gas policy were received from the Belgrade Coop.
5. Speed signs are available from <https://www.traffichings.com/radar-speed-signs.html>.

Continuation – Sanoski moved to continue the meeting on June 10th at 7:00 PM in the Avon Township Hall. Mergen second. All in favor. Motion carried. Prior to the Continuation Meeting, at 6:00 PM on June 10th, the Supervisors will meet at 32957 Spunk Tree Circle for a site inspection to consider a road vacation request. The site inspection will be followed by a Public Hearing during the Continuation Meeting.

Continuation of the June 3rd Board of Supervisors Meeting June 10, 2020

Call to Order: Chair Mike Linn convened the continuation meeting of the May 6th Board of Supervisor’s meeting at 7:00 PM in the Main Chamber of the Avon Town Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Mike Linn, Kelly Martini, Ken Mergen, Rich Sanoski, Stephen Saupe. Also present – LeRoy Gondringer, Joe Koopmeiners, Adam Ripple.

Agenda: Agenda items included: (a) approval of letter to the Central Minnesota Credit Union; (b) approval of letter to Pelican Lake residents; (c) replacement of damaged fence along Upper Spunk Lake Road cemetery; (d) roadwork bid opening; (e) compost site update; (f) solar project landscaping approval.

Business:

1. **Tower Road Project Bid Opening** – Mr. Jeremy Mathiasen, StanTec, was present to open bids submitted for the Tower Road project. Mr. Mathiasen opened and read each bid. These are summarized below. The bid from Knife River appeared to be the lowest. Mr. Mathiasen will analyze the bids to ascertain that they are comparable and all numbers are correct (*see below*). Linn moved to accept the bid from Knife River for reconstruction of Shorewood Drive, Orchid Court and Highland Terrace for \$105,958 and for \$125,365.50 for reconstructing Tower Road, for a total of \$231,323.50, contingent that Mr. Mathiasen finds no problems during his review of the bids. Sanoski second. All in favor. Motion carried. Mr. Mathiasen will contact the companies to alert them of the results. The Clerk will provide addresses of residents of these roads for Mr. Mathiasen to send notices of the impending roadwork.

	<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate No. 1</u>	<u>Total Bid</u>
Low	Knife River Corporation	\$125,365.50	\$105,958.00	\$231,323.50
#2	Minnesota Paving & Materials	\$131,468.75	\$118,000.00	\$249,468.75
#3	Central Specialties Inc.	\$213,105.00	\$144,576.00	\$357,681.00

2. **Cemetery Fence** – The fence along Upper Spunk Lake Road was damaged this winter. The Parish wants to replace/repair it, but it is in the road right-of-way (ROW). After their Road Vacation Site Inspection (*see Public Hearing*), the Supervisors walked down the road to meet with representatives from the Parish at the site. The cemetery was there before the road and there are gravesites within the ROW. A fence in that location is desirable but presents a liability issue for the Township. Township Attorney Adam Ripple stated that there are two potential solutions: (a) a partial vacation of the road ROW, or (b) encroachment agreement. The Supervisors authorized LeRoy Gondringer to contact the Parish to see if they are willing to sign an encroachment agreement. If so, Linn moved to authorize Mergen or Saupe to work with Attorney Ripple and Rinke/Noonan to develop an encroachment agreement. Mergen second. All in favor. Motion carried. The Parish plans to clear brush along the fence in the road ROW. The Supervisors authorized Koopmeiners to help dispose of the brush with our chipper.
3. **Election** – the Township plans to provide a pen to each voter to avoid having to sanitize pens between voters. We will need about 1,300 and see if local businesses are willing to donate some. Sanoski will contact the credit union and Martini will contact the bank.
4. **Pelican Lake Road** – the Supervisors approved the draft of a letter to be sent to residents of Pelican Lake Road alerting them to the problem of parking on the road.
5. **Patching on Tower Road** – some areas of Tower Road that will not be resurfaced require patching. Koopmeiners solicited quotes from local companies. Two quotes were received: Kotzer Excavating: \$19,017.00 and Bardson Excavating: \$32,234.00 (with a discount of \$4,854 for using reclaimed material). Mergen moved to accept the quote from Kotzer Excavating for repairs to Tower Road to be completed before school begins in August. Sanoski second. All in favor. Motion carried. Koopmeiners will contact both contractors to alert them of the decision.
6. **140th Ave** – this road will need to be milled. Koopmeiners will contact Kotzer Excavating and Sanoski will contact Knife River for price quotes.
7. **Compost Site Update** – the City reports that the Compost Site is now open to Township residents until the City comes up with a permit and fee system. Signs excluding Township residents will be taken down.
8. **Gertken Solar Garden Landscaping** – there were questions about maintenance of the plantings and whether plants would be replaced if they died. We need to recheck original documents; there may be a one-year warranty on plantings.

Public Hearing: Thelen Road Vacation Request

Chair Mike Linn called to order at 7:30 PM a Public Hearing to consider a request by David Thelen to vacate a road at 32957 Spunk Tree Circle.

Prior to tonight's Continuation Meeting, at 6:00 PM, the Town Board met at the site for an inspection. Also present at the site inspection were Mr. Thelen, Kelly Skalicky, Paul Nathe, Adam Ripple, and LeRoy Gondringer. The Supervisors examined the existing property lines and buildings, and attempted to match them to a map provided by Mr. Thelen. There was a question about the actual position of the road. If the road is where it is shown on the map, then about half of the road appears to be on the Skalicky property. The site inspection adjourned at about 6:30 PM.

At the hearing, Mr. David Thelen provided an overview of his request and the easement agreement he has offered to the Nathe's (uniform 20 foot easement with 24 foot wide entrance, costs covered). He stated

that the vacation would be mutually beneficial to both parties. His attorney also submitted a letter in support of the request. No Affidavits of Service or Posting were received from Mr. Thelen.

Attorney Adam Ripple suggested that additional title work was necessary to sort out exact locations of the road and property lines. He also stated that the vacation must serve a public interest, it can't leave someone landlocked, and the Board must decide if anyone is entitled to damages to be paid by the applicant and the amount. Either party can appeal the damages. Mr. Ripple also said that if the Board denies the request it couldn't be considered again for one year. A quiet title is another option the applicant might consider.

Mr. Paul Nathe expressed his opposition to the proposal and directed Supervisors to a letter that had been submitted separately by his attorney for details. Mr. Thelen stated that the Nathe's have rejected his proposals for an easement or for joint ownership of the driveway access.

Mr. Gondringer stated that it would be a public benefit to vacate the road to 'clean up' the plat. However, he also said that a significant problem is that the actual location of the easement is not known; this should be clarified before proceeding.

No other public comments were received.

Mergen moved to close the public hearing. Sanoski second. All in favor. Motion carried.

The Supervisors discussed the testimony and documents received related to the request to vacate the road. Linn moved to deny the request to vacate the road at 32957 Spunk Tree Circle. Sanoski second. All in favor. Motion carried.

Mergen moved to authorize Attorney Ripple to process the necessary paperwork for this decision. Sanoski second. All in favor. Motion carried.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, July 1, 2020 at 7:00 PM.

Announcement of Other Town Meetings:

- *Road Inspection – will be scheduled for the late summer/early fall (August?)*
- *Planning Commission – June 24, 2020; 7 PM*

Adjournment: Linn moved to adjourn the meeting at 8:50 PM. Mergen second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

Clerk signature: _____

date: June 12, 2020

Supervisor Signatures:

date: _____

Mike Linn

Ken Mergen

Rich Sanoski