

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

August 4, 2021

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

**Call to Order:** Chair Will Huston called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the Main Chamber of the Avon Township Hall. The meeting was also available virtually via Zoom at <https://csbsju.zoom.us/j/91840001929>.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – LeRoy Gondringer, Will Huston (*Chair*), Kelly Martini (*Treasurer*), Rich Sanoski, and Stephen Saupe (*Clerk*). Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Approval of Agenda:** Several changes including discussion of a letter concerning solar gardens were added to the agenda. Sanoski moved to approve the agenda as amended. Gondringer second. All in favor. Motion carried.

**Minutes:** Gondringer moved to approve the minutes of the July 7, 2021 meeting as presented. Sanoski second. All in favor. Motion carried.

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

- Avalon Homes/Schommer Variance hearing** – The PC discussed a request by Mr. Jeremy Schommer, Avalon Homes for a variance to construct a home on his property at 33668 Poverty Point Drive (Avon) 18 feet closer to the road than is currently permitted by Section 9.9 of Avon Township Ordinance #4. The public hearing was held at a previous meeting. After discussion, listening to additional resident comments, and considering the Findings of Facts, the PC recommends approval of a variance of 13 feet, which is the maximum that Mr. Schommer stated he would require. A major concern was the possibility for drainage problems. Gondringer moved to approve a variance for Mr. Jeremy Schommer/Avalon Homes to construct a residence at 33668 Poverty Point Drive 13 feet closer to the road than is currently permitted by ordinance and that Mr. Schommer should work with the County and neighbors on a storm water drainage plan. Sanoski second. All in favor. Motion carried.
- County Ordinance Review** – The PC discussed changes made to the County 439 Ordinance and recommends several changes that would be more restrictive including: (a) requiring a Conditional Use Permit (CUP) for accessory structures larger than a residence (Section 6.2), (b) requiring a CUP for Agriculture Housing (Section 6.6); and (c) requiring a CUP for a 1 mW solar garden. Gondringer moved initiate the process to work with the County to make these changes to the ordinance. Sanoski second. All in favor. Motion carried.

It is not clear whether the Township or County is required to handle CUP's for Rural Tourism (Section 6.51). The Town does not want this responsibility because we lack the necessary expertise. The Clerk will follow-up with Angie Berg.

- Parking Ordinance** – The individual living in her car has apparently abandoned the vehicle, which was been towed. To prevent such occurrences in the future, the PC discussed various parking options and recommends one similar to that of Brockway Township. The Brockway ordinance has a limit of 6 hours of parking on a township road. Though this could result in some problems, especially by lake properties, the Supervisors thought it would only be enforced if there were complaints. Gondringer

moved to contact the Town Attorney to initiate the process of developing a parking ordinance. Sanoski second. All in favor. Motion carried.

4. **Jonas Rezoning Request** – Mr. Jerry Jonas, who was representing the Peter Jonas estate, appeared at the PC meeting to present a plan to split property at 34759 Co Rd 9 and rezone it. Because the property is in the Urban Expansion area, decisions are made by the Joint Planning Board and governed by our MOU with the City. Section 10.C. states that no subdivisions for residential development are permitted unless the property is annexed and City sanitary sewer and water is provided to the area, though he is not prohibited from requesting a one-lot plat from an existing unplatted parcel.
  
5. **Woitalla Rezoning** – The PC held a public hearing to consider a request by Mr. Duane Woitalla to rezone his 40-acre property (18897 Co Rd 154; PID 03.00804.000) from A40 to R5. The PC listened to testimony and discussed the County Comprehensive Plan worksheet. The PC recommends denying approval of the rezoning request, though two members (Gondringer, Sanoski) abstained because of their additional role as Supervisors, and a third (Blonigen) considered abstaining because he is a neighbor. The Clerk reported that two additional emails (one anonymous message from santim@albanytel.com and the other from Vicky Zellner) were received today in opposition to the rezoning. The LESA score for the property is about 43, which is not “prime” agriculture land. It was noted that due to lake and feedlot setbacks, it would be difficult to place 7 additional homes on the site. The applicant has options including transferring a development credit to the property or rezoning fewer acres.

Huston moved to grant a request from Mr. Duane Woitalla to rezone the south 10 acres of his property at 18897 Co Rd 154, Avon (MN) to R5. The motion failed for a lack of a second.

Sanoski moved to table the decision until the September meeting to provide time for the Township and applicant for a thoughtful decision and to consider alternate options. Gondringer second. Two in favor. One (Huston) opposed. Motion carried.

**Treasurer’s Report:** Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 7/01/2021 to 7/31/2021 (see below).

<b>For the Period : 7/1/2021 To 7/31/2021</b>				
<b><u>Name of Fund</u></b>	<b><u>Beginning Balance</u></b>	<b><u>Total Receipts</u></b>	<b><u>Total Disbursed</u></b>	<b><u>Ending Balance</u></b>
General Fund	\$161,400.24	\$21,044.41	\$6,380.31	\$176,064.34
Road and Bridge	\$449,158.15	\$43,875.08	\$8,065.90	\$484,967.33
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,150.00	\$0.00	\$0.00	\$3,150.00
Fire Fund	(\$16,503.32)	\$12,235.39	\$0.00	(\$4,267.93)
General Capital Projects	\$50,547.53	\$1,462.15	\$0.00	\$52,009.68
<b>Total</b>	<b>\$649,752.60</b>	<b>\$78,617.03</b>	<b>\$14,446.21</b>	<b>\$713,923.42</b>

The totals from the Cash Control Statement and from the summary of Township funds differ by \$280. Martini stated that the reason for this is that PERA for our employee was double-paid; it will be corrected. A notice was received that a Federal Tax form was submitted late, there is no penalty.

Sanoski moved to approve the Treasurer’s report. Gondringer second. All in favor. Motion carried.

**Claims & Payroll:** Martini presented the July PERA claims (4055 & 4056), which totaled \$560.00. The July payroll was \$2,993.76. The August claims (4057 – 4074) totaled \$37,940.31. The August payroll was \$1,969.19. Martini will follow up to have sales tax removed from an invoice for class 5 gravel purchased for 360<sup>th</sup> Street. Martini is reasonably sure we finished our payment schedule for the woodchipper, but will follow up to ensure we paid the full amount. Huston moved to authorize Sanoski to be a signer for the Menards credit card. Gondringer second. All in favor. Motion carried. Martini will renew our tax-exempt certificate at Office Depot.

Sanoski moved to approve the claims and payroll. Gondringer second. All in favor. Motion carried.

**Town Hall Maintenance Report** – presented by Joe Koopmeiners

1. **Hot water heaters** – Koopmeiners received a quote from Precise and was authorized to seek additional quotes.
2. **Windows** – Koopmeiners noticed some gasket issues when washing the windows. The Clerk will look for the window warranty. No action on the broken window in the vestibule.

Sanoski moved to approve the Town Hall report. Gondringer second. All in favor. Motion carried.

**Road Report** – presented by Joe Koopmeiners

1. **Road/Maintenance Report** – Among the work completed this month included: spraying for weeds, painting over graffiti on 325<sup>th</sup> Street and St. Anna Drive, trimming trees, checking on a radiator for the wood chipper, replacing the window in the pick-up, and a installing a “7-ton sign” on Upper Spunk Lake Road.
2. **MN Paving Roadwork** – Project engineer, Jeremy Mathiasen from Stantec, appeared to update the Supervisors on the status of the work. Paving was completed on Friday with some remaining work that includes cleanup on edges, and gravel fill instead of seeding due to the drought. He stated that the contractor did a decent job. No one received any resident complaints. The drain on Noble Oak was jetted by Roto-Rooter to the lagoon and should now be good. Mr. Mathiasen wondered if the Town had documentation to establish the property line. We may be able to locate some documents but everyone agreed to a line at a preconstruction meeting. Mr. Mathiasen will contact Huston for details or if concerns arise.
3. **Queens Road** – Gondringer moved to accept the quote from Jeremy Mathiasen (Stantec Consulting Services, Inc.) for engineering for a feasibility study of resurfacing Queens Road including soil borings (\$15,490 – engineering; \$4,000 – estimated soil borings). Sanoski second. All in favor. Motion carried.
4. **Crack Sealing** – work is complete.
5. **Bump on 360<sup>th</sup>** – scheduled to be completed soon.
6. **Weeds** – thistles were sprayed.
7. **Salt/Sand** – has been delivered and loaded in the salt shed.
8. **Snow Season Readiness** – Koopmeiners reports that drivers have committed to work. Plows need to be DOT’d and will be ready to go before the first snowfall. There were suggestions for alternate

vendors to do work on the snowplows.

9. **Norway Culvert** – Huston has examined and will contact Westwood because it is shorter than originally specified.
10. **Obstructed Stop Signs** – A resident complained that stop signs at the intersections of 188<sup>th</sup> & Two Rivers Road and 190<sup>th</sup> & Two Rivers Road were obstructed from view. Koopmeiners has examined and thought they were both fine. Sanoski will re-check and contact Koopmeiners as necessary.

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

**Public Hearings:** *none scheduled*

**Business:**

1. **Cemetery Headstone Update** – there is a headstone in the Township road right-of-way that could present a hazard to motorists. The Township has been exploring options to remediate this situation, such as a guardrail or laying the headstone flat. The Town has explored a guardrail but it isn't suitable in this location. Relatives of the deceased individual attended tonight's meeting and expressed opposition to laying the stone down. One option that was suggested is to lower the speed limit to 20 mph.
2. **Thielman Driveway Permit** – Mr. Craig Thielman appeared at tonight's meeting to request a driveway permit for a pad that was installed last August. Mr. Thielman stated that he needs it for parking off the road. It is about 55 x 20 feet and cars can park perpendicularly to the road. Mr. Thielman will need to attend the next meeting of the Planning Commission. Koopmeiners was authorized to check the pad for drainage and other concerns.
3. **Hennen Home** – Gondringer, accompanied by Nancy Scott, inspected the Hennen's decommissioned house at 15593 Co Rd 159 (Avon, MN). Gondringer is satisfied that the house is 'not-livable' and that once a septic issue is worked out with the County, this issue will be resolved. Lights have been observed in the home early in the morning and late evening. The Hennen's have stated that the house is not being used as a living space.
4. **Utility Work** – CenturyLink did some utility in the road right-of-way on 325<sup>th</sup> Street. It didn't require a permit from the Township because it serviced a single-family and was not part of a larger project (Resolution 08-05-20). No policy for utility work for a single residence will be created at this time.
5. **Solar Garden Escrow** – Madison Energy Investments inquired about converting their "Letter of Credit" to cash for decommissioning a solar project. The County allows cash escrow. Gondringer recommended that we contact attorney Ripple before a decision. Huston moved to allow a cash escrow. Sanoski second. Two in favor. One opposed (Gondringer). Motion carried.
6. **ARPA Funding** – Martini is working on claiming our funds. She needed to change the address of our DUNS number. Possible items to use the funds for include broadband, offset revenue loss, culvert replacement, fire department, scholarships, computers for Zoom meetings, Zoom account, anti-virus software, and storm water projects.
7. **Solar Farm Moratorium** – The 439 Ordinance no longer requires a CUP for a 1 mW project. Gondringer reported that several townships have requested that the County put a moratorium on further projects

for a year. There are currently about 40 sites under consideration for projects. Gondringer moved to pursue a moratorium on solar farms in Avon Township for one-year to provide time to set up a study group to consider panel recycling, regulating 1 mW projects, etc., and to authorize Huston to contact our Township Attorney to initiate this process. Huston second. All in favor. Motion carried. Gondringer moved to send a letter, similar to the one written by Paynesville Supervisors, to persuade the Stearns County Commissioners to put a moratorium on solar farms until there is time to study various issues. Huston second. All in favor. Motion carried. The Clerk will draft the letter for Supervisor approval in time for the next County Commissioner meeting.

**Old Business:** *Permitting to County; Maintenance Shed insulation*

**Signatures / Documents / Treasurer:** *completed as necessary*

**Recurring Reports:**

1. There were no requests for **911 signs**.
2. **Construction Site Permits** was issued to Koop (14127 Norway Road; 14 x 21 utility shed).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were completed for Brenny/Chock (18135 Co Rd 154), Ellingson (34638 Plum Hill Lane), and Davids (18644 367<sup>th</sup> St).
5. There were no relevant **County hearings**.

**Announcements & Brief Reports:**

1. An announcement was received from North Central International regarding trucks for sale.
2. A Zoning Letter request for three Blattner properties was handled by Stearns County.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on Wednesday, September 1, 2021 at 7:00 PM and will be available via Zoom at <https://csbsju.zoom.us/j/91840001929>.

**Other Upcoming Meetings:** Planning Commission – August 25, 2021 (*also available at <https://csbsju.zoom.us/j/94391850163>*).

**Adjournment:** Sanoski moved to adjourn the meeting at 9:37 PM. Gondringer second. All in favor. Motion carried.

**Respectfully submitted,**

Stephen G. Saupe, Clerk

date: August 12, 2021

**Supervisor Signatures:**

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

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LeRoy Gondringer

\_\_\_\_\_  
Will Huston, Chair

\_\_\_\_\_  
Rich Sanoski