

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

July 7, 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, Kelly Martini, Rich Sanoski, and Stephen Saupe. Also present – Paul Buttweiler, Marion Gondringer (*Deputy Clerk*), Joe Koopmeiners (*Maintenance*), and Lori Yurczyk (*PC Chair*).

**Mergen Celebration:** Ken Mergen was presented with a plaque for 17 years (2004 – 2021) of service to the Township as a member of the Planning Commission and as a Supervisor. Mergen was always a positive presence on the Board with a quick smile and joke. He looked out for the interests of residents and made informative, knowledge-based decisions. His expertise will be missed and the Township thanks him for his dedicated service.

**Approval of Agenda:** Several items, including salt/sand and a discussion of a property on Pelican Lake Road, 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 May 5, 2021 meeting as revised. Sanoski second. All in favor. Motion carried. Sanoski moved to approve the minutes of the June 2, 2021 meeting as presented. Gondringer second. All in favor. Motion carried. Huston moved to approve the minutes of the closed portion of the June 2, 2021 meeting as presented. Sanoski second. All in favor. Motion carried.

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

- 1. Avalon Homes/Schommer Variance hearing** – The PC held a public hearing to consider a request by Mr. Jeremy Schommer, Avalon Homes for a variance for his property at 33668 Poverty Point Drive (Avon). He had applied for a variance to construct a home 18 feet closer to the road than is currently permitted by Section 9.9 of Avon Township Ordinance #4. Mr. Schommer didn't attend that meeting, though he was in attendance at tonight's meeting. At tonight's meeting he stated that the planned structure would be a 2,300 sq ft. patio home. There were several questions at the hearing that couldn't be answered since Mr. Schommer wasn't present. These included: (1) the stakes were placed at approximately 51 feet from the center-of-the-road (variance of 12 feet), however, the variance request is for 18 feet. Will Mr. Schommer build the home six feet closer to the road than the stakes show? – Mr. Schommer responded to the Supervisors: *The stakes were 45.3 feet from the edge of the road*; (2) Is there an updated drawing/survey? *No, just the original one*; (3) Will the home encroach into the 15 foot utility easement? *No*; (4) Is there a plan for storm water runoff/drainage? *The County will require one; perhaps a rain garden or rain barrel*; and (5) Where will the driveway be and will it be U-shaped as mentioned in the hearing last month? *It will not be U-shaped*. The Supervisors will make a decision at their August meeting to give the PC time to meet and provide a recommendation, as is normal procedure.

2. **Woitalla Rezoning** – Duane Woitalla wants to split 10 acres from his 40-acre property (18897 Co Rd 154; PID 03.00804.000) to sell to Erin Secord and Dennis Gerards. The property is currently zoned A40, which means it would need to be rezoned from A40 to R5. This would allow up to 8 residences on this property. The PC recommends a public hearing to consider this request. The Supervisors agreed that neighbors should be alerted to this request. Gondringer moved to set a public hearing on July 28, 2021 at 7:15 PM to consider a request by Mr. Duane Woitalla, 18897 Co Rd 154 (PID 03.00804.000) to rezone his 40-acre property from A40 to R5. Sanoski second. All in favor. Motion carried.
  
3. **Gondringer Preliminary Plat** – The PC examined a preliminary plat submitted by Mr. James Gondringer, 35538 Tower Road (Avon, MN) and recommends approval. The Supervisors examined the plat. Huston moved to approve the preliminary plat for the Gondringer Second Addition presented by Mr. James Gondringer. Sanoski second. Two in favor. One (Gondringer) abstain. Motion carried. The preliminary plat was signed.
  
4. **Comprehensive Plan** – Ms. Angie Berg, Stearns County Environmental Services, attended the PC meeting to discuss changes to the new County ordinance. The Supervisors directed the PC to study each change and make recommendations to determine if the Township wants to be more restrictive.

Gondringer 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 6/01/2021 to 6/30/2021 (see below).

For the Period :		6/1/2021 To 6/30/2021			
Name of Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance	
General Fund	\$149,540.21	\$31,611.72	\$19,751.69	\$161,400.24	
Road and Bridge	\$335,379.61	\$117,370.49	\$3,591.95	\$449,158.15	
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	\$1,243.89	\$28,549.29	\$46,296.50	(\$16,503.32)	
General Capital Projects	\$47,135.86	\$3,411.67	\$0.00	\$50,547.53	
<b>Total</b>	<b>\$538,449.57</b>	<b>\$180,943.17</b>	<b>\$69,640.14</b>	<b>\$649,752.60</b>	

*Diff = 186.56 =*

The beginning balance for the Cash Control statement this month is \$186.56 higher than the end balance from last month. This is because two un-cashed checks (9743 – \$48.04 & 10005 – \$138.52 = total \$186.56) from last year were voided and added back. Because the credit occurred in the previous year, the year-end Cash Control statements for January – May (2021) needed to be revised (*appended at the end of the minutes*). Huston moved to approve voiding checks 9743 and 10005, adding \$186.56 to Town funds, and adjusting Cash Control Statements from the beginning of 2021 to reflect this addition. Sanoski second. All in favor. Motion carried.

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

**Claims & Payroll:** Martini presented the June PERA claims (4037 & 4038), which totaled \$560.00. The June payroll was \$2,993.76. The July claims (4039 – 4054) totaled \$8,926.42. The July payroll was \$1,966.03. Check 10272 to an employee was voided to correct an error, and then rewritten.

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

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

1. **Hot water heaters** – Still not working; Koopmeiners will follow up with a plumber.
2. **Shop Lighting Update** – new, efficient LED fixtures have been installed. They are much brighter.
3. **Water softener salt** – OK.
4. **AV System** – a representative from EPI spent about two hours at the Town Hall and deduced that the USB cable connecting the laptop to the system was defective. He replaced the cord and the system now appears to work fine. A hook has been installed on the computer rack to keep the cords tidy.
5. **Broken window** – a window in the vestibule was broken by a rock thrown by our lawn mower. Martini will follow up with insurance.

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: removing graffiti on two roads; spraying weeds; grading gravel roads; clean up tree on Norway Road; mowing road ditches; and servicing the pickup, lawn mower and bobcat. The Blue Truck is at Ramler's for repair.
2. **MN Paving Roadwork** – Our project engineer, Jeremy Mathiasen from Stantec, appeared to update the Supervisors on the status of the work. He and Huston met with contractors on site and everything is in place. The work should start soon and be finished by the end of the month. Contracts were signed tonight. There is an additional area that requires milling on Noble Oak. Huston moved to expand the milling on Noble Oak Circle from Station 72+60 through 73+50 to a full sub-cut with drainage tile; and also to authorize Sanoski the discretion to use up to \$20,000 related to the completion of this project. Gondringer second. All in favor. Motion carried. Mr. Mathiasen sent letters to alert affected residents (81 total were sent) to the project.
3. **Queens Road** – Jeremy Mathiasen (Stantec) submitted a proposal for a feasibility study of resurfacing Queens Road. The project would require soil borings. This would be one of the first steps toward resurfacing this road in the future. This report would provide support for a future MNDOT grant. The Supervisors will review the proposal and make a decision at an upcoming meeting.
4. **Weeds** – Koopmeiners sprayed for weeds in Town road right-of-way this month. A letter will be sent to a resident on 365<sup>th</sup> to request that they remove thistles. A larger spray unit would be handy; Koopmeiners will look into options. A property on Upper Spunk Lake Road has wild parsnips – the owners will be contacted to remove them.
5. **Brush on the edge of 331<sup>st</sup>** – was removed.
6. **Cemetery headstone in Road ROW** – The Clerk will contact the family to see if they are willing to grant permission to remove the base and lay the stone flat.
7. **360<sup>th</sup> Street Bump** – gravel was spread on the bump. We received quotes from Kotzer (\$8440) and Craig Bardson Excavating (\$8910) for repair. The bids seem comparable, though we need some clarifications. Gondringer moved to accept the low quote from Kotzer (\$8440) assuming it includes all

necessary requirements (*i.e.*, clean out the ditches, replace the culvert, fabric). Huston second. All in favor. Motion carried.

8. **Road Plan** – Gondringer moved to approve the Road Management Report & Plan. Sanoski second. All in favor. Motion carried.
9. **Norway Road Culvert** – the road is crumbling where there is a short culvert. It appears that we will need to add at least four feet of culvert and gravel. Huston will check.
10. **Letters** – no action will be taken regarding potentially illegal mailbox posts. Letters to some residents were edited and approved for mailing.
11. **Tree Removal** – Gondringer will follow up with the property owner for approval to remove a clump of trees that will soon affect drainage.
12. **Pickup Truck** – needs a new window. Martini will follow up to see if our policy covers damage to the windshield.
13. **Salt/Sand** – Gondringer moved to accept the quote from Double R Trucking for 75 yards of 20% salt 20% granite sand mix at \$71.24 per yard. Sanoski second. All in favor. Motion carried.
14. **Tree Removal 325<sup>th</sup>** – a tree in the road right-of-way on 325<sup>th</sup> Street snapped in half and is hung up on other trees. It is a hazard and needs to be removed. Huston moved to authorize the removal of tree by Weaver’s for an amount not exceeding \$1000. Gondringer second. All in favor. Motion carried.

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

**Public Hearings:** *none scheduled*

**Business:**

1. **Hennen Home** – Bill & Karen Hennen built a new home on their property at 15593 Co Rd 159 (Avon, MN) and were required to decommission the previous home on the site and convert it to a shed. The property is in the Joint Powers Area, so the Township hired Ms. Nancy Scott to handle the paperwork and Construction Site Permit (CSP). She recently inspected the original home and noted that it has not yet been decommissioned as was agreed upon in the original CSP (convert the house to a shed with a bathroom). The Hennen’s, and a friend, Mr. John Walz, appeared at tonight’s meeting and disagreed; they stated that they have complied with the conditions of the original permit. The Hennen’s were asked if anyone is living in the house. The Hennen’s answered “no.” Gondringer will contact Ms. Scott to set up a joint inspection to verify the status of decommissioning the original home into a shed.
2. **Vehicle on 377<sup>th</sup> Street** – Residents attended tonight’s meeting to discuss the vehicle that has been parked for 12 days on 377<sup>th</sup> Street near the cul-de-sac. The Sheriff is aware of the situation but cannot do anything because there is a no official ordinance against parking overnight on a Township road. No one has seen the owner of the vehicle for a while. A “CARE” package left by the County Social Services for the owner has not been moved. The Township has contacted the County to see if it is a violation of any County nuisance laws (*i.e.*, 4.2.0), especially because the vehicle inhibits traffic, access by emergency vehicles, snow plowing, etc. However, the County doesn’t think this falls under the nuisance laws at this time. Gondringer moved to authorize the Planning Commission to develop a parking ordinance to address this situation. Sanoski second. All in favor. Motion carried. Huston will

contact the Avon Fire Department to see if the vehicle is a problem for emergency access. Huston will also follow up with Stearns County Environmental Services.

3. **Resolution 07-07-21-1.** Sanoski moved to approve Resolution 02-07-21-1: Contract with Gondringer. Huston second. Two in favor. One abstain (Gondringer). Motion carried.
4. **Tractor Rental** – We have been using one rented by Supervisors Gondringer, but need to consider another option. Koopmeiners reports that there are no tractors to rent in the area.
5. **ARPA Funding** – MAT recommends Townships apply for American Rescue Plan Act (ARPA) funds. Possible suggestions included improvements to the Town Hall like an air purifier for the furnace, computers, and drainage projects. Gondringer moved to apply for ARPA funding. Sanoski second. All in favor. Motion carried. Martini will start the process of claiming our funds.

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

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

**Recurring Reports:**

1. There were no requests for **911 signs**. Blinking Lights has still not responded to the request for a 911 sign. The Supervisors authorized the Clerk to send a follow-up letter via certified mail.
2. **Construction Site Permits** were issued to Schmainda (37428 185<sup>th</sup>; shed); Budde (34096 Co Rd 155; 3-season porch); and Thull (37582 Riley Court; shed).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were completed for DeHart (37217 Co rd 9); Middendorf (18729 Co Rd 54); Elfering (4337 Co Rd 9P; Skay (32749 Spunk Tree Circle); and Kruger (18525 377<sup>th</sup> St).
5. There were no relevant **County hearings**.

**Announcements & Brief Reports:**

1. An inquiry was received regarding an additional building credit for a property in the Joint Powers area. The resident was directed to the County.
2. Stearns County will host free water testing on September 9<sup>th</sup> at the Saint Joseph Town Hall. We will advertise on the website. Huston moved to offer use of the Town Hall for similar activities. Gondringer second. All in favor. Motion carried.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on Wednesday, August 4, 2021 at 7:00 PM and will be available via Zoom at <https://csbsju.zoom.us/j/95822104484>.

**Other Upcoming Meetings:** Planning Commission – July 28, 2021 (*also available at <https://csbsju.zoom.us/j/94391850163>*).

**Adjournment:** Sanoski moved to adjourn the meeting at 10:25 PM. Huston second. All in favor. Motion carried.

**Respectfully submitted,**

Stephen G. Saupe, Clerk

date: July 25, 2021

**Supervisor Signatures:**

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

\_\_\_\_\_  
LeRoy Gondringer

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

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

**Revised Cash Control Statements from 2021** (see Treasurer’s Report)

For the Period : 1/1/2021 To 1/31/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$179,390.63	\$3,059.00	\$6,803.71	\$175,645.92
Road and Bridge	\$320,622.26	\$7,131.44	\$5,737.65	\$322,016.05
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$4,150.00	\$0.00	\$500.00	\$3,650.00
Fire Fund	\$35,886.15	\$1,582.74	\$36,225.00	\$1,243.89
General Capital Projects	\$47,087.86	\$48.00	\$0.00	\$47,135.86
<b>Total</b>	<b>\$589,136.90</b>	<b>\$11,821.18</b>	<b>\$49,266.36</b>	<b>\$551,691.72</b>

For the Period : 2/1/2021 To 2/28/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$175,645.92	\$505.45	\$7,538.77	\$168,612.60
Road and Bridge	\$322,016.05	\$40,562.22	\$14,447.18	\$348,131.09
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,650.00	\$0.00	\$0.00	\$3,650.00
Fire Fund	\$1,243.89	\$0.00	\$0.00	\$1,243.89
General Capital Projects	\$47,135.86	\$0.00	\$0.00	\$47,135.86
<b>Total</b>	<b>\$551,691.72</b>	<b>\$41,067.67</b>	<b>\$21,985.95</b>	<b>\$570,773.44</b>

For the Period : 3/1/2021 To 3/31/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$168,612.60	\$549.75	\$7,873.64	\$161,288.71
Road and Bridge	\$348,131.09	\$545.90	\$6,662.32	\$342,014.67
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,650.00	\$0.00	\$0.00	\$3,650.00
Fire Fund	\$1,243.89	\$0.00	\$0.00	\$1,243.89
General Capital Projects	\$47,135.86	\$0.00	\$0.00	\$47,135.86
<b>Total</b>	<b>\$570,773.44</b>	<b>\$1,095.65</b>	<b>\$14,535.96</b>	<b>\$557,333.13</b>

For the Period : 4/1/2021 To 4/30/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$161,288.71	\$935.47	\$8,942.40	\$153,281.78
Road and Bridge	\$342,014.67	\$0.00	\$3,674.37	\$338,340.30
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$3,650.00	\$0.00	\$500.00	\$3,150.00
Fire Fund	\$1,243.89	\$0.00	\$0.00	\$1,243.89
General Capital Projects	\$47,135.86	\$0.00	\$0.00	\$47,135.86
<b>Total</b>	<b>\$557,333.13</b>	<b>\$935.47</b>	<b>\$13,116.77</b>	<b>\$545,151.83</b>

For the Period : 5/1/2021 To 5/31/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$153,281.78	\$865.73	\$4,607.30	\$149,540.21
Road and Bridge	\$338,340.30	\$5.21	\$2,965.90	\$335,379.61
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	\$1,243.89	\$0.00	\$0.00	\$1,243.89
General Capital Projects	\$47,135.86	\$0.00	\$0.00	\$47,135.86
<b>Total</b>	<b>\$545,151.83</b>	<b>\$870.94</b>	<b>\$7,573.20</b>	<b>\$538,449.57</b>