

Minutes of the Meeting of the Avon Township Board of Supervisors

June 2, 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 – Lori Yurczyk (*PC Chair*), Marion Gondringer (*Deputy Clerk*), and Joe Koopmeiners (*Maintenance*).

Approval of Agenda: Several items (Deputy Sheriff Okerstrom, CSP's, MetCo update, bank access discussion) were added to the agenda. Sanoski moved to approve the agenda as amended. Gondringer second. All in favor. Motion carried.

Minutes: The Supervisors requested clarifications (Thelen variance motion to include address; debit card limit) to the May 5, 2021 minutes. The Clerk was authorized to make the specified changes and bring the minutes back to the next meeting for approval.

Sheriff Department Report: Deputy Sheriff Garrett Okerstrom appeared to provide an update to the Supervisors on activities in the Township. He reported the following numbers of call in the Township: January – 161, February – 151, March – 166, and April – 139 calls. The majority of the calls were traffic stops. Assisting other agencies and responding to behavioral crises were also common. Deputy Okerstrom mentioned that the department has talked to residents on Pelican Lake Road about the parking situation (narrow road, vehicles restrict access). A car stolon in St. Cloud was found abandoned in the Township. Deputy Okerstrom was thanked for his service to the Township.

Planning Commission (PC) Report – presented by Lori Yurczyk

1. **Chair/Vice Chair** – Yurczyk was elected PC chair and Craig Bloningen was elected Vice-Chair.
2. **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 six feet closer to the road than is currently permitted by Section 9.9 of Avon Township Ordinance #4. Mr. Schommer wanted to increase the variance. Though the PC could be more restrictive, but not less so, Mr. Schommer requested to withdraw his variance application and requested a public hearing for the increased amount at the next meeting. The PC recommended setting a public hearing on June 30, 2021 at 7:05 PM to consider a request by Avalon Homes/Jeremy Schommer to construct a home closer to Poverty Point Drive than is currently permitted with the conditions that: Mr. Schommer provide a precise measurement of the setback footage he is requesting, and that he submit a signed document withdrawing the original variance application. Mr. Schommer emailed a document to the Clerk withdrawing the application and he provided a revised application and drawing. He requests constructing the home 45 feet from the center-of-the-road, for a variance of 18 feet. The Supervisors discussed various options for the variance fee (none, half of original, amount to cover publication, mailing and posting costs) and decided that the full fee is most appropriate because the need for the second hearing was not the fault of the Town. Huston moved to set a public hearing on June 30, 2021 at 7:05 PM to consider a request for a variance for Jeremy Schommer/Avalon Homes to construct a home 18 feet closer to the center-of-the-road than

is currently permitted by ordinance, and that Mr. Schommer be invoiced for the standard variance hearing fee of \$400. Gondringer second. All in favor. Motion carried. Mr. Schommer will be asked to stake/flag the area for review by the PC prior to the hearing.

3. **Comprehensive Plan** – The PC will study the County’s new comprehensive plan and updates to the 439 Ordinance to determine how they affect the Township. Ms. Angie Berg, Stearns County Environmental Services, was invited to the next PC meeting to help educate us about the changes; she is scheduled to attend at 7:30 PM. Once the County completes their revisions to the 439 Ordinance and Comp Plan, then the Town can consider any necessary modifications to our MOU. Two areas that we will discuss with Ms. Berg include CUP’s for a 1 MW or smaller solar gardens and the Avon Hills environmental overlay district.
4. **ARPA Funding** – The PC discussed possible options for funding. One possibility is expanding broadband access. Engineer Jeremy Mathiassen stated that the Town could also get reimbursed for drainage issues.

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

Treasurer’s Report: Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 5/01/2021 to 5/31/2021. The Fire Fund invoice came due in June. A receipt for \$5.21 in R&B was for gravel tax. An invoice for chainsaw parts was coded incorrectly; it will be corrected and the Cash Control Statement and Treasurer’s Report will be reviewed and approved at the next meeting.

Claims & Payroll: Martini presented the May PERA claims (4018 & 4019), which totaled \$525.54. The May payroll was \$2,822.38. The June claims (4020 – 4034) totaled \$64,268.43. The June payroll was \$1,585.39. The Fire Fund bill came due this month, which accounts for the large claims amount.

A debit card is being processed. For security reasons, the Town will get one card. Martini will maintain the debit card. Martini will put a copy of banking access information in the Records Room to ensure emergency access.

There are uncashed checks; Martini will follow up on how to handle these in her bookkeeping. Martini returned the 2021 liquor license fees paid by *The Landing* and *Pelican Lake Ballroom*. Town staff are encouraged to turn in Menards receipts as soon as possible to avoid the rebate from expiring. Martini cautioned that if anything is purchased online, an itemized receipt must be appended to the claim. No payment has been received from Holding Township for the Two Rivers Road roadwork. The *Star-Post* charged a late fee, even though Martini never received an invoice; she will follow up.

An Affidavit of Official Claim form is available in the files, and our website. When appropriate, it should accompany a claims/time form. Huston moved to approved Resolution 06-02-21-1: Authorizing Contract with Sanoski. Gondringer second. Two in favor. One abstain (Sanoski). Motion carried. This resolution will allow Sanoski to assist Koopmeiners with roadwork if necessary. It is difficult to find tractors to rent so Gondringer has rented his tractor to the Town in the past. However, now that he is a Supervisor this could be a potential conflict. Koopmeiners was authorized to contact dealers for tractor rental information to confirm that the Town is acting fairly. Assuming that Koopmeiners will be unable to find an acceptable alternative, Huston moved to approve Resolution 06-02-21-2: Authorizing Contract with LeRoy Gondringer. Sanoski second. Two in favor. One abstain (Gondringer). Motion carried.

The Supervisors agreed that the escrow CD should be allowed to roll over.

Gondringer 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 in Albany.

Road Report – presented by Joe Koopmeiners

1. **Road/Maintenance Report** – Among the work completed this month included brushing (*see below*), repairing a sinkhole, removing gophers from the road right-of-way, checking a culvert (325th – OK), and mowing grass at the Town Hall.
2. **Summer Road Projects** – Jeremy Mathiassen, Stantec Engineering, appeared to update the Supervisors on the results of the bid opening. There were five bids. All included a base bid, alternate 1 (Kopy Lane and Lower Spunk Lane), alternate 2 (stretch with Collegeville), and alternate 3 (drainage repair issues, Noble Oak). Mr. Mathiassen checked the bids and reported that the lowest responsible bidder was MN Paving (*bids summarized below*). Gondringer moved to accept the base bid and alternates 1, 2 and 3 from MN Paving for a total of \$286,760. Sanoski second. All in favor. Motion carried. Mr. Mathiassen suggested that the Town apply for reimbursement for the drainage work (alternate 3) from ARPA Funding, which would save nearly \$16,000. Mr. Mathiassen will follow-up with the bidders as necessary. In addition, he will alert residents of affected roads prior to the commencement of work. There will likely be a preconstruction meeting for these projects; Mr. Mathiassen will schedule.

Contractor	Responsible Contractor	Bid Bond	Base Bid	Alt #1	Alt #2	Alt #3
Duininck, Inc	X	X	\$252,452.30	\$84,102.80	\$11,674.00	\$10,853.05
OMG Midwest / MN Paving Inc.	X	X	\$202,736.20	\$68,410.00	\$9,014.80	\$6,599.00
Central Specialties	X	X	\$254,034.00	\$89,107.82	\$11,448.00	\$16,100.00
Knife River	X	X	\$219,375.30	\$75,535.60	\$11,267.60	\$7,107.00
Mark Lee	X	X	\$228,267.50	\$78,452.00	\$9,292.00	\$9,195.00

3. **Queens Road** – is in need of work and is being considered for resurfacing in 2022. The Town hopes to obtain a MN DOT grant for the project. To be ready to submit a proposal in the spring, the Supervisors want to conduct a feasibility study. Mr. Mathiassen was requested to submit a quote for engineering work. Test bores may need to be drilled on the east end of the road.
4. **Brushing** – Koopmeiners rented a brushing rig and cut a significant amount of brush during the past two weeks. The roads are now in good shape brush-wise and won't need to be done again for some time. The bad news is that there were numerous complaints about the mess left behind by the machine. In the future we will stay away from residential areas, cut brush as close to the ground as possible, avoid trimming trees in the air, and minimize debris on the road.
5. **Cemetery Guardrail** – a gravestone is in the Town right-of-way and may be a hazard. Huston looked into using a guardrail as a possible fix but it may be a bigger hazard than the stone, so it does not appear to be a viable option (*MnDOT Road Design Manual; 1–7.01.01*). Another solution that was

suggested is to lay the headstone down. Also, a relative was contacted and suggested that it might be acceptable to move the headstone to another location. Gondringer will follow up.

6. **Parkwood Circle** – a complaint was received about potential work without a permit. It's not clear what the resident is doing, so no action was taken. There are some soft spots on the road; they will be watched and considered for repair next year.
7. **Smith Mailbox Post** – no action will be taken (17043 Upper Spunk Lake Road).
8. **Midwest Asphalt Crack Sealing** – the company will be finished by August. A formal contract will be issued in future cases.
9. **Driveways/Parking Pads** – some residents on Pelican Lake Road have created parking pads that violate the driveway policy and were installed without a driveway permit. Letters will be sent. A resident illegally removed the heel of his driveway and there is now a gap between the drive and road. A letter will be sent requiring him to repair it.
10. **Contact Cards** – updated contacted cards will be provided for Koopmeiners to distribute in the event that residents have complaints.
11. **Bump on 360th** – Koopmeiners was authorized to dump gravel as a temporary fix.

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

Public Hearings: *none scheduled*

Business:

1. **Supervisors Assignments** – The Supervisors decided on their specific responsibilities (*see below*). Sanoski moved to approve the list of Supervisor assignments. Gondringer second. All in favor. Motion carried.

Chair: *Huston*

Vice Chair: *Sanoski*

County Liaison: *Gondringer*

Fifth Monday: *Sanoski*

Fire Board: *Huston*

Grounds & Buildings: *Sanoski*

Humane Society Rep: *Huston*

Joint City/Twp Plng Board: *Gondringer*

Legal: *Huston*

Maintenance Worker Supervisor: *Sanoski*

Planning Commission Liaison: *Gondringer*

Roads & Snow: *Sanoski*

Weeds & Roadside Restoration: *Sanoski*

2. **Liquor License** – Immaculate Conception Parish requested approval of a temporary liquor license for a Parish festival. A letter was sent in support of the license. Gondringer moved to approve the letter of support for a temporary liquor license for the Immaculate Conception Parish festival. Sanoski second. All in favor. Motion carried.
3. **Table/Chair rental** – there was a request from a resident to rent Township tables and chairs. To prevent any damage, including to the Hall doorframes, the Supervisors generally agreed that this was not a good idea and denied the request.

4. **Koopmeiners Performance Review/Contract** – Huston temporarily closed the meeting and adjourned to the Conference Room to discuss Koopmeiners’ performance and review his contract. Following the closed portion of the meeting, the group reconvened in the Main Chamber. In summary, Koopmeiners was commended for his good work and his salary and PTO were increased. The salary increase is effective May 1, 2021.
5. **Annual Meeting** – A low turnout is expected. As a result, we will hold the meeting in the Town Hall. To minimize potential COVID spread, no refreshments will be provided. Required documents will be posted as usual for the Annual Meeting. The Clerk will prepare the agenda.

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

Signatures / Documents / Treasurer: *completed*

Recurring Reports:

1. There were no requests for **911 signs**.
2. **Construction Site Permits** were issued to Todd (16865 Kopy Lane (entry); Thelen (32957 Spunk Tree Circle (house with attached garage); and McGuinnes (36065 160th Ave; residence).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were completed for Skay (32749 Spunk Tree Court); Kruger (18525 377th Street); Whitlock (17805 Upper Spunk Lake Road); Blattner (32717 Co Rd 50 & 16767 Co Rd 9); and Huling (36743 Co Rd 155).
5. There were no relevant **County hearings**.

Announcements & Brief Reports:

1. The County has issued a draft 5-Year plan for roadwork. Co Rd 54 is scheduled for resurfacing in 2022.
2. The bridge on Co Rd 9 over Spunk Creek will be replaced this summer.
3. MAT membership cards were distributed.
4. A complaint was received regarding MidCo leaving a cable on the lawn since the autumn. The situation was examined and is not in the Town road ROW so no action was taken.
5. Sanoski responded to a request from MetCo to confirm that there are not any sewers or wells in the vicinity (1/2 mile) of the *The Store*.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, July 7, 2021 at 7:00 PM.

Announcement of Other Town Meetings:

- Annual Meeting (*continuation date*) – June 8, 2021

Continuation: Sanoski moved to continue the meeting 6:00 PM, Tuesday, June 8, 2021. Gondringer second. All in favor. Motion carried.

Minutes of the June 8, 2021 Continuation of the June 2, 2021 Meeting of the Avon Township Board of Supervisors

1. **Call to Order:** Supervisor Will Huston opened the Continuation of the June 2, 2021 meeting at 6:00 PM in the Main Chamber of the Town Hall on June 8, 2021.

2. **Pledge:** The Pledge of Allegiance was recited.
3. **Roll Call:** Present – LeRoy Gondringer, Will Huston, Kelly Martini, Stephen Saupe, and Rich Sanoski. Also present: Paul Buttweiler, Marion Gondringer, and Joe Koopmeiners.
4. **Tour of Saints:** Michael Doyle, race director for the Tour of Saints, appeared to request a road permit. He provided an application and route map (*same as last year*). The Tour is scheduled for July 11th. Riders should be finished on Township roads by 1:00 PM. Gondringer moved to approve the Bicycle Tour permit for the 2021 Tour of Saints. Sanoski second. All in favor. Motion carried. Mr. Doyle reported that registrations are currently going well.
5. **Cash Control Statement, Claims, Treasurer Report:** As noted in the Treasurer’s Report above, Martini provided an updated Cash Control Statement (*below*). Martini presented some additional claims (Koopmeiners back pay – \$158.65; PERA claim #4035 – \$25.87; reissued check to Huston, claim #4036 – \$48.04). Gondringer moved to approve the updated Cash Control Statement, Treasurer’s Report and payment of the additional claims. Sanoski second. All in favor. Motion carried.

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	\$153,095.22	\$865.73	\$4,607.30	\$149,353.65
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
Total	\$544,965.27	\$870.94	\$7,573.20	\$538,263.01

6. **Narnia Lane:** Jim Sand and residents from Narnia Lane would like the Township to extend the scheduled summer roadwork an additional 70 feet and they will reimburse the Town for any additional costs. The Supervisors support the concept but are concerned about any potential legal issues. Huston will follow up with the MAT attorney. Gondringer moved to authorize Township engineer Jeremy Mathiassen to look into an agreement with residents of Narnia Lane to resurface an additional 70 feet of the private portion of Narnia Drive on the conditions that the residents pay in advance any additional costs including engineering fees and that we receive approval from a MAT attorney. Sanoski second. All in favor. Motion carried.
7. **Summer Roadwork** – is likely to start sometime after July 4th.
8. **360th** – The Supervisors discussed various options for repairing the ‘bump’ on 360th. The water level appears to have risen since it was installed. Options include moving the *cul de sac*, removing the culvert entirely, cleaning out the ditch for better drainage, and moving the culvert across the driveway. Gondringer will shoot some elevations to confirm drainage patterns and a decision will be made at the next meeting. A resolution will be required for Gondringer to participate in roadwork; it will be signed at the next meeting.
9. **140th** – consider for milling.

10. **Tower Road** – a resident must return the ditch to its previous condition. A letter will be sent.

Adjournment: Gondringer moved to adjourn the meeting at 6:50 PM. Sanoski second. All in favor. Motion carried.

Respectfully submitted,

Stephen G. Saupe, Clerk Clerk signature: _____ date: June 11, 2021

Supervisor Signatures:

date: _____

LeRoy Gondringer

Will Huston, Chair

Rich Sanoski