

Minutes of the Meeting of the Avon Township Board of Supervisors

September 1, 2021

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

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

Approval of Agenda: Several items (*Deputy Sheriff, quotes for Queens Road testing*) were added to the agenda and one item was moved (*from section 13a to 7h*). Gondringer moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Minutes: The Supervisors requested that the cost of the Queens Road feasibility study be included in the minutes (\$15,490 – engineering; \$4,000 – estimated soil borings). Gondringer moved to approve the minutes of the August 4, 2021 meeting as amended. Sanoski second. All in favor. Motion carried.

Sheriff Office Update: Deputy Sheriff Garret Okerstrom appeared at the meeting to provide an update on activities in the Township. In May, there were 195 total calls that included 25 abandoned 911 calls, 16 agency assists, 19 behavioral health, and 42 traffic stops. In July, there were 151 calls that included 11 agency assists and 53 traffic stops. Deputies also responded to wildfires and neighborhood disputes. He stated that the good news is that there was not much in terms of burglary in the Township.

A resident recently reported a dead deer on Norway Road. Town staff ensured that it was off the road and in the right-of-way because DNR staff told the Town that a permit was required to remove it. However, Deputy Okerstrom reported that a 1987 law indicated that an unsalvageable deer is the responsibility of the local road authority. Salvageable deer should be reported to a conservation officer. If this occurs in the future, the Town will dispose of the carcass.

Deputy Okerstrom was asked who is responsible for cleaning up a tree that knocks down a fence. The answer isn't obvious because fence law is complicated. It is hoped that neighbors could work together to remove the tree and repair the fence.

Deputy Okerstrom was also asked whether he anticipated any difficulties if the Township enacted a Parking Ordinance limiting parking to six hours. He said the vehicle could be towed but only after confirmation of the violation (usually requires marking tires).

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

1. **Thielman Driveway Permit** – The PC discussed the parking pad that was installed by Mr. Craig Thielman (36661 Pelican Lake Road) without a driveway permit. He was requested to complete a driveway permit application and appear at the meeting. After considerable discussion, the PC decided that the driveway permit is not applicable in this situation and that a separate parking permit policy be developed. The Supervisors agreed and Gondringer moved to refund the driveway permit fee and penalty paid by Mr. Thielman and authorized the PC to develop a separate parking pad policy by the

spring. Sanoski second. All in favor. Motion carried.

2. **Gondringer CUP** – Mr. James Gondringer (35556 Tower Road) appeared at this meeting to request a Conditional Use Permit for a conventional subdivision in the Avon Hills Overlay area. The PC recommends setting a public hearing. Gondringer moved to set a public hearing for September 29, 2021 at 7:15 PM to consider a request by Mr. Jim Gondringer for a CUP for a conventional subdivision in the Avon Hills Overlay district. Sanoski second. All in favor. Motion carried. Mr. Gondringer needs to submit the application materials in time to publish notice of the hearing.
3. **County Ordinance Review** – The PC reviewed the drafts of Ordinance #5 and MOU that include several changes supported by the Supervisors. Several questions arose during the discussions and these were clarified with a conversation following the meeting with Ms. Angie Berg, Stearns County Environmental Services. Ms. Berg revised the Ordinance #5 based on the PC review. The documents will authorize the Town to handle CUP/IUP requests for 1 MW solar projects (6.54), agricultural employee housing (6.6), and garages larger than the primary residence (6.2). The Township used to have a separate Zoning administrator, but that role is now filled by the Clerk. The Supervisors will consider appointing the Clerk, or a designee, as Zoning Administrator. The Supervisors want to enact Ordinance #5 and the revised MOU. Gondringer moved to set a public hearing on October 6, 2021 at 8:00 PM to begin the process to enact Ordinance #5. Sanoski second. All in favor. Motion carried.
4. **Web Site** – edits to the website, especially Ordinance and Growth Plan sections, were suggested by the PC. These will hopefully make documents easier to locate.
5. **ARPA Funding** – ideas for funding were discussed by the PC. Computers and HVAC/air handling upgrades were suggested. Martini reported receiving the first payment, however, it was slightly less than half the amount expected. She will follow up. To determine the best way to spend the money, Gondringer moved to establish a committee – Marion Gondringer, Kelly Martini, Stephen Saupe, Lori Yurczyk – to identify uses for the ARPA funds. Sanoski second. Gondringer moved to authorize the committee to be reimbursed for one meeting per month. Sanoski second. All in favor. Motion carried. Martini completed the Loss of Revenue calculator and it doesn't appear that the Town will be able to claim a loss since our levy increased by more than 4.1%. The calculation may also be impacted by our escrow accounts, especially if we receive a cash escrow from the Gertken solar project.
6. **Parking Ordinance** – tabled until next month when Huston returns.
7. **Cemetery Headstone** – no further action will be taken; move to Old Business.

Gondringer moved to approve the Planning Commission 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 8/01/2021 to 8/31/2021 (*see below*). A new fund was created for the ARPA money that the Town received. There was a question whether it would be better to separate the ARPA and escrow money from the other funds so that it doesn't appear as though the Town has more available cash than we do. Martini indicated that it is not possible to do so. MATiT insurance policy coverage information was received and is filed by Martini.

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

For the Period : 8/1/2021 To 8/31/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$176,064.34	\$2,335.48	\$11,086.71	\$167,313.11
Road and Bridge	\$484,967.33	\$403.27	\$32,376.55	\$452,994.05
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	(\$4,267.93)	\$0.00	\$0.00	(\$4,267.93)
General Capital Projects	\$52,009.68	\$0.00	\$0.00	\$52,009.68
ARPA Fund	\$0.00	\$131,160.20	\$0.00	\$131,160.20
Total	\$713,923.42	\$133,898.95	\$43,463.26	\$804,359.11

Claims & Payroll: Martini presented the August PERA claims (4075 & 4076), which totaled \$560.00. The August payroll was \$2,993.76. The September claims (4077 – 4088) totaled \$6,692.70. The September payroll was \$1,647.14.

The Town has paid Saint John's \$2,400 for the wood chipper. We need to determine the actual amount charged to the Town to ensure that we have met our obligation. The Clerk will follow up. We will consider charging the cost of anti-virus software to ARPA. Martini needs the invoice for the truck window to get reimbursed from insurance.

Martini has signed up for a Township Zoom account. There are new Zoom logins for meetings:

- PC Meeting – <https://us02web.zoom.us/j/88599868967>
- Supervisors Meeting: <https://us02web.zoom.us/j/83387278851>

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

Town Hall Maintenance Report – presented by Joe Koopmeiners

1. **Windows** – The vestibule window was repaired. The Clerk will continue to look for the Thermtek window warranty since some of the seals apparently need repair, too.
2. **Cleaning** – the Hall was cleaned (vacuum, floors, toilets).
3. **Hot water heaters** – A quote for various options was received from Mechanical Brothers (\$1,900 – point of use; \$2,160 – 20 gallon tank centralized; \$4,882 – centralized gas tankless), and Precise (\$2825 – point of use; \$2,645 – 50 gallon centralized). Gondringer moved to accept the quote from Mechanical Brothers for Option 2 – centralized 20-gallon electric water heater. Sanoski second. All in favor. Motion carried. Koopmeiners will follow up with the contractors. Could this be an ARPA expenditure since it involves cleaning/sanitizing for COVID? Martini will follow up.

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: grading gravel roads, mowing ditches, and cleaning up from storm damage (lots of downed trees). Four trees fell on power lines; Xcel Energy handles these. Mowing will be finished by the end of the week.

2. **Queens Road** – Engineer Jeremy Mathiasen, Stantec, provided quotes from Braun Intertec (\$4,700) and ITT (\$3,245) for Queens Road test work and soil borings. He said that the quotes were equivalent. Gondringer moved to accept the lower quote for Queens Road testing from ITT for \$3,245. Sanoski second. All in favor. Motion carried. Mr. Mathiasen will follow up with both companies as necessary. Once the borings/testing is complete, he will complete the engineering report, which should be ready in November.
3. **Summer Roadwork Update** – Project engineer, Jeremy Mathiasen from Stantec, stated that the work was nearly complete. A Partial Payment Voucher is due to OMG Midwest for \$286,562.37. Change orders, including for work on Kopy Lane and Lower Spunk, added \$13,775 to the original invoice. Five percent, \$15,082.23, was retained until after the final walkthrough. Because the Treasurer had already prepared the claims for this month, Gondringer moved to authorize a check to OMG Midwest for the Partial Payment of \$286,562.37. Sanoski second. All in favor. Motion carried.

There was a complaint about blotchy hydroseeding on Kopy Lane. The shoulder on Nordica has washed out. Both will be examined and the contractor alerted as necessary. Mr. Mathiasen noted some water had pooled in the drain on Nordica; if it backs-up then this line may need to be roto-rootered in the opposite direction. A water bill for roto-rootering will be owed to the City.

Mr. Mathiasen submitted an invoice (\$3,960) for work he did, in addition to the originally contracted amount.

4. **Bump on 360th** – the culvert has been moved but the road is not yet tarred. The contractor plans to do so in mid-September. The culvert seemed to work after the recent heavy rain.
5. **Norway Culvert** – Huston reported that there is no warranty and that we are on our own for any repairs. Koopmeiners was authorized to repair.
6. **DOT Trucks** – will take the trucks to Ramler for DOT later this month.
7. **Garage Doors** – The shop doors are too heavy to open when the power goes out. It was suggested to purchase a generator to be able to open them. It could also be used to run power tools in the field. A whole-building (*i.e.*, Generac) unit could possibly be charged to ARPA. Gondringer moved to authorize the purchase of a generator powerful enough to open the shop doors. Sanoski second. All in favor. Motion carried. The sensor is not working because the cable is cracked. Koopmeiners will look into repair.
8. **Trees affecting drainage on Two Rivers Road** – no action this month.
9. **Obstructed stop signs – Two Rivers Road & Tower Road/Co Rd 154** – trees trimmed back.
10. **Signs vandalized/removed** – Koopmeiners will handle replacement.
11. **Lower Spunk Lane Complaint** – a resident on Lower Spunk Lane complained about damage to trees/vegetation in the right of way during mowing and was also concerned about interactions with Town staff. Sanoski will follow up.
12. **Gravel Roads** – A few roads can use some additional gravel including 370th and 165th.

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

Public Hearings: *none scheduled***Business:**

1. **Woitalla Rezoning Decision** – Gondringer stated that it was a difficult decision. He is concerned about: (a) the potential for 8 lots on the property; (b) that it is not in the growth area that was recently established with the update of the County 439 ordinance; and that (c) it is in an agricultural area despite the low LESA score. He also supports the PC decision following the public hearing to deny the rezoning. He noted that the applicant has other options, also. Gondringer moved to deny the request submitted by Mr. Duane Woitalla to rezone his 40-acre property (18897 Co Rd 154; PID 03.00804.000) from A40 to R5. Mr. Sanoski second. All in favor. Motion carried. The Clerk will complete the County Recommendation Form, including minutes from the PC meeting, and bring it back to the Supervisors for approval. It will be sent to the applicant and to the County (*if the applicant decides to pursue the rezoning request*).
2. **Solar Garden Escrow** – Martini received advice from a representative at our bank; he is willing to come to a Town meeting. There is a concern with the existing letter of credit since it references the “County” rather than the Township; it needs to be edited. The Supervisors wondered if the amount could be increased since we are redoing the terms of the letter of credit. The escrow is proposed to be held by Falcon Bank. We could have an attorney examine the document and invoice the company. This was tabled until next month.
3. **Solar Farm Moratorium** – At the last meeting Gondringer moved to “pursue a moratorium on solar farms” in Avon Township for one-year and alert the County of this decision. Our letter gave the County the impression we enacted a moratorium but our intent was to simply initiate the process of adopting a moratorium. The Clerk was authorized to send a letter to the County to correct this misunderstanding.
4. **Water testing** – The County is encouraging the Town to approve funds for a postcard to residents about their water test event. No action was taken. Koopmeiners was authorized to take a water sample from the Town Hall to be tested.
5. **Inventory** – M Gondringer will look into the status of the inventory update.

Old Business: *Permitting to County; Maintenance Shed insulation***Signatures / Documents / Treasurer:** *completed as necessary***Recurring Reports:**

1. There was a request for a **911 sign** by Angulski (19467 St. Anna Drive). Koopmeiners will order and install. Blinking Lights was sent a second notice by certified mail to request they purchase a 911 for their property at 35011 Tower Road. The letter came back “Unable to Forward.”
2. **Construction Site Permits** were issued to Achmann (15507 Queens Road, garage); Mary Petersen Trust (32351 Nob Hill Dr, deck); Budde (34096 Co Rd 155, three season porch); Thull (37582 Riley Ct, shed); Studniski (35188 Co Rd 155, addition, shed); Ramler (36373 Pelican Lake Road, four-season porch); Hughes (17805 Upper Spunk Lake Road, home & garage); and Worm (35978 Co Rd 9; Pole shed).
3. No **Feedlot Permits** were received.

- 4. **Special Assessment Searches** were completed for Weibe (18189 Co Rd 154); Nierenhausen (18353 Co Rd 154); Jensen (37745 186th Ave); Schefers/Wiersma (18685 368th St.); and Stanearth/Albers.
- 5. There were no relevant **County hearings**.

Announcements & Brief Reports:

- 1. **Fifth Monday** – Sanoski reported on the Fifth Monday meeting. Among the news: (a) there is a new mayor in St. Martin and Arnold’s is putting on an addition; (b) Avon City – grant to resurface the road to the Middle Spunk lake access. A new section of Avon Estates will be paved soon for development; (c) Krain Township completed roadwork this summer. They’ve had major problem with 7 miles of gravel road that has debris causing flat tires; (d) the School District has hired 25 new teachers and 15 new support staff. Elementary class size is 15-20. Masks will not be required but recommended; (e) Albany is working with a contractor working with CHI on costs of remodeling the hospital. The school district would lease it from them for early childhood, etc.; (f) Sheriff – the County is doing a study on a new jail. They have 75 officers and 230 associated with the jail. They are looking for a site, which may potentially be just west of Mills Fleet.
- 2. For **insurance** carrier purpose, the Fire Department requested an estimate of the number of buildings in the Township (public – 2; commercial – 5; residential – 2,000).
- 3. The **2022 Tax Levy** approved by Town residents at the Annual Meeting was submitted to the County (General Revenue - \$86,110; Road & Bridge - \$350,000; Fire \$92,000; Capital Reserve - \$2,000).
- 4. **Stearns County Town Officers Meeting** – will be held Sept 16 at 8 PM at the Freeport Community Center. Gondringer moved to authorize participation by Town officers. Sanoski second. All in favor. Motion carried.
- 5. Brochures from **Belgrade Co-op** and **Pipeline Awareness** were received.
- 6. **District/Stearns Townships Meeting** – Gondringer inquired about how officers of the Township Association were paid. Martini replied that association officers were paid through the Stearns County Association of Townships. She also provided a new copy of the state noxious weed guide.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on Wednesday, October 6, 2021 at 7:00 PM and will be available via Zoom at <https://us02web.zoom.us/j/83387278851> (new address).

Other Upcoming Meetings: Planning Commission – September 29, 2021 (also available at <https://us02web.zoom.us/j/88599868967>, new address).

Adjournment: Gondringer moved to adjourn the meeting at 10:17 PM. Sanoski second. All in favor. Motion carried.

Respectfully submitted,

Stephen G. Saupe, Clerk

date: September 12, 2021

Supervisor Signatures:

date: _____

LeRoy Gondringer

Will Huston, Chair

Rich Sanoski