

Minutes of the Meeting of the Avon Township Board of Supervisors

February 2, 2022

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

Call to Order: In the absence of Chair Huston, Vice-Chair Rich Sanoski called the meeting of the Avon Township Supervisors to order at 7:03 P.M. in the Main Chamber of the Avon Township Hall. This meeting, like other Town meetings, was also available virtually via Zoom at <https://us02web.zoom.us/j/8325486945>, Passcode: AvonTown.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – LeRoy Gondringer, Kelly Martini (*Treasurer*), Rich Sanoski, and Stephen Saupe (*Clerk*). Late – Will Huston (*Chair*) was about 10 minutes late and arrived in time for the PC report. Also present – Paul Buttweiler (*Deputy Treasurer*), Marion Gondringer (*Deputy Clerk*) and Lori Yurczyk (*PC Chair*).

Approval of Agenda: Deputy Mark Lust, potential plans for the St. Anna Bar & Grill, St. Anna Sportsmen’s Club requests, and a few announcements were added to the agenda. Gondringer moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

Minutes: Gondringer moved to approve the minutes of the January 5, 2022 meeting as presented. Sanoski second. Both in favor. Motion carried.

Public Hearing: *none scheduled*

Sheriff’s Department Report: Deputy Sheriff Mark Lust appeared to update the Supervisors on activities in the Township. Deputy Lust reported that they responded to 105 calls in January, for an average of 3.3 per day. The majority of calls were traffic stops (48.6%), accidents (due to the weather), medical assists, and agency assists.

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

- Shorewood Drive Trail Connection** – The PC discussed a request by Cliff Borgerding, Lake Wobegon Trail Association President and resident of Shorewood Drive, for a connection to the Trail from Shorewood Drive. MNDOT indicates that the only way it would be permitted is if a local governing body were to request it and take responsibility for maintenance. Mr. Borgerding also appeared at tonight’s meeting via Zoom. He stated that there wouldn’t be much maintenance after construction and that Shorewood residents have agreed to pay the cost of construction (*anticipated to be about \$3,000*). Gondringer suggested that we need more information about who has authority over the access – the Joint Planning Board (JPB), City, or Town. He suggested that we should contact the City to see where they stand. One concern is that if Shorewood is annexed, then it would obligate the City to maintain the trail connection. Huston indicated that Co Rd 54 would likely need signage because it is a 55 mph road. Also, he recommended that this is a concept that should be debated by the JPB. Deputy Lust said that the trail was usually the responsibility of the Parks Department and that the Sheriff’s Department hasn’t had issues with trail access. Borgerding stated that County Engineer, Jodi Teich, said a pedestrian crossing would be placed at Shorewood. Borgerding will follow up with the County to see if they will sponsor the connection rather than the Town or City.
- Gertken/Novel Energy Solutions Solar Garden** – The PC discussed the request by Brian & Linda Gertken working with Mr. Scott Tempel (Novel Energy Solutions) for an Interim Use Permit (IUP) for a 1 MW solar garden to be constructed on the Gertken property (34184 Smiley Drive, Albany). After analyzing

the LESA score, plans for landscaping/pollinators and inspections, surety guarantees, the road maintenance agreement, and completing the Findings of Fact, the PC recommends approval with 17 conditions. The Supervisors decided that the cash escrow for the landscape and plantings should be \$62,500 and made several edits/modifications in the Conditions (**appended**). The Supervisors set the expiration for the IUP of 35 years (2057) and that the interim use removal will be 12 months after non-use (2058 or sooner). Gondringer moved to approve the request from Brian & Linda Gertken for an IUP for a 1 MW solar garden to be constructed on the Gertken property (34184 Smiley Drive, Albany) with the appended conditions. Sanoski second. All in favor. Motion carried.

3. **Jonas Certificate of Compliance** – The Joint Planning Board met to consider a land split by Jerome Jonas, Marvin Jonas, and Lois Wooldridge for their property at 34759 Co Rd 9 (PID 03.00941.0000) because the property is in the Urban Expansion district. The JPB supports the request. The Supervisors considered the request and also support it. The applicants are aware of some development restrictions on the property. Huston moved to approve a Certificate of Compliance for Jerome Jonas, Marvin Jonas, and Lois Wooldridge to split their property at 34759 Co Rd 9 (PID 03.00941.0000) into two lots. Sanoski second. All in favor. Motion carried.
4. **Queen Road LRIP** – To provide greater support for our planned application for an LRIP grant to resurface Queens Road, the Supervisors are considering sending a letter to those who frequently use the road to solicit their support for the proposal. Engineer Jeremy Mathiassen said that the announcement for proposals will likely be available later this year. The PC was authorized to evaluate the letter and potential list of names to whom the letter will be sent.
5. **ARPA Funding** – New guidelines for using the funds have been issued. A greater range of items can be purchased with the money than was originally allowed. This presumably includes vehicles and road repairs. The Supervisors authorized the ARPA subcommittee to meet to discuss possible funding options in light of the new guidelines. The subcommittee (M Gondringer, Martini, Saupe, Yurczyk) will meet February 9 at 7:00 PM at the Town Hall; everyone is welcome.
6. **Annexation & Boundary Survey** – No action will be taken.
7. **Landscape Enhancement Pilot Program** – No action will be taken.
8. **Town email** – The Supervisors support using the Town website provider for our email service. Our provider quoted \$2.99 per month per account. Huston moved to use our website provider for email for Town staff. The motion failed for a lack of a second. The Clerk was authorized to contact the provider to determine if there is a discount for 5 or more email accounts before a final decision is made.
9. **Packets** – Now that Town staff have computers, meeting documents can be electronic or paper. There is a question of what to include in the meeting packet. The tentative plan will be to provide a hardcopy of the agenda and the remainder of the documents in a single electronic file.
10. **Norway Road Solar project** – An inquiry was received but the potential applicant did not follow up. No action was taken. Gondringer suggested increasing the fee for wind and solar permits; this will be discussed at the Qualification Meeting.

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 01/01/2022 to 01/31/2022 (*copied below*). Huston moved to approve the January 2022 Cash

Control Statement. Gondringer second. All in favor. Motion carried.

Begin Bal.	Ttl Receipts	Ttl Disburse.	Ending balance
\$ 187,079.15	\$ 1,917.16	\$ 7,175.80	\$ 181,820.51
\$ 234,304.04	\$ 4,214.26	\$ 4,070.68	\$ 234,447.62
\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
\$ 2,950.00	\$ -	\$ -	\$ 2,950.00
\$ (19,088.24)	\$ 952.78	\$ -	\$ (18,135.46)
\$ 53,345.95	\$ 109.51	\$ -	\$ 53,455.46
\$ 130,409.23	\$ -	\$ 8,720.00	\$ 121,689.23
\$ 591,000.13	\$ 7,193.71	\$ 19,966.48	\$ 578,227.36

No fee was charged to The Landing or Pelican Lake Ballroom for a liquor license in 2021 due to COVID. The loss will be charged to our ARPA fund account. Martini provided a revised Cash Control Statement for December 2021 to reflect this change (*copied below*). Sanoski moved to approve the December 2021 Cash Control Statement. Huston second. All in favor. Motion carried.

For the Period : 12/1/2021 To 12/31/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$155,912.24	\$39,979.72	\$8,812.81	\$187,079.15
Road and Bridge	\$126,156.53	\$128,911.15	\$20,763.64	\$234,304.04
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$2,950.00	\$0.00	\$0.00	\$2,950.00
Fire Fund	(\$4,267.93)	\$31,476.19	\$46,296.50	(\$19,088.24)
General Capital Projects	\$49,609.68	\$3,736.27	\$0.00	\$53,345.95
ARPA Fund	\$130,409.23	\$0.00	\$0.00	\$130,409.23
Total	\$462,769.75	\$204,103.33	\$75,872.95	\$591,000.13

Huston moved to authorize Koopmeiners and Sanoski as the Township contacts for our Menards credit card. Gondringer second. All in favor. Motion carried.

Martini completed the 2021 Bond Indebtedness Form from the County; the Town has no debt.

The Board of Audit meeting will be next Tuesday (Feb 8th) and everyone is ready. The Clerk/Deputy Clerk and Treasurer will both bring year-end financial statements. The Clerk/Deputy Clerk will provide copies of claims to examine. The Treasurer will provide bank account documents and a levy planning worksheet (budget). The Clerk will provide previous minutes and templates for reports and minutes.

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

Claims & Payroll: Martini presented the January PERA claims (4171 & 4172), which totaled \$560.00. The January payroll was \$3,004.86. The February claims (4173 – 4188) totaled \$20,833.86. The February payroll was \$1,502.43. Two checks (10428 and 10437) were voided because there was a glitch in CTAS that

goofed up printing the checks. There are three outstanding checks from 2021. Koopmeiners receives time-and-a-half for any week in which he works over 40 hours.

Martini stated that PERA doesn't appear on Tax Forms/W2's because of the way it is handled by CTAS. This can be a problem for documentation for tax purposes. Martini will look into a solution. Martini completed the MATIT Worker's Comp audit. Martini is waiting for some insurance forms from contractors. Our Fire Fund invoice this year will be about \$83K. Our employee is missing one payroll date – Martini will sort it out. Martini will remove her name from all W2's to have it fixed by next year.

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

Town Hall Maintenance Report – presented by Joe Koopmeiners

1. **Touch less door openers** – no action will be taken until ARPA funding decisions are made.
2. The **LP** is at 70%.

Road Report. Presented by Koopmeiners:

1. **Monthly Update/Report** – in January, roads were plowed and sanded on eight different occasions. In addition, a variety of maintenance was completed on Township plows which included tightening cylinders and installing a drain on air tank, new cutting edges, oil pressure gauge and new solenoid. Salt/sand is a little more than half full.
2. **Summer 2021 Roadwork Payment** – Mr. Jeremy Mathiassen appeared to recommend payment of half of the remaining payment to OMG Midwest, Inc. for the summer roadwork. He recommends waiting to pay the remaining amount (2.5%) until after the final walkthrough in the spring. There is a dip in Noble Oak Circle – this will be checked in the spring.
3. **325th Street Cracking** – The cracks seem larger than usual and what it might mean for all town roads. Mr. Mathiassen said that this was not too unusual and that the cracks will likely settle down in the spring. We will wait to see how things sort out in the spring.
4. **Tree on Sunnyfield** – No action was taken on the tree in the right-of-way on Sunnyfield Circle. We will wait until spring.
5. **Backup Drivers** – Koopmeiners will contact a potential backup driver.
6. **1st St. SE** – Sanoski reported that the City is planning to apply for an LRIP grant to resurface their portion of 1st SE. The City inquired if the Town is interested in completing our section of the road at the same time; Sanoski responded affirmatively.
7. **Mailboxes on Upper Spunk Lake Road** – a resident complained that her mailbox (and her neighbor's) have been hit by the plow nearly every time it snows. The drivers will be alerted. The post is not a breakaway post. Sanoski will follow up with the residents.
8. **Plowing Concerns on Lower Spunk Lane** – a resident complained about plowing near a tree by the cul-de-sac; it is about 2 feet from the road. It is a narrow area and there is no place to push snow easily. A letter will be sent to the resident recommending moving the tree before it gets much larger.

9. **Stakes on Shorewood** – a resident has placed orange stakes along the edge of road. The plow has hit some of them because they prevent pushing the snow off the road. Sanoski has spoken with him.
10. **Summer 2022 Roadwork** – the Supervisors authorized the PC at their next meeting to consider possible roadwork for summer 2022. The Supervisors will consider projects for 2022 at the March meeting.
11. **Pushing Snow Across Roads** – some residents continue to illegally push snow across township roads. Koopmeiners will provide addresses to the Clerk to send them a letter informing them that it is illegal.

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

Business:

1. **St. Anna Bar & Grill** – Darin Peterson and Daniel Schlapkohl appeared via Zoom. They are interested in potentially purchasing the property and inquired about the feasibility of reopening it. The Supervisors said that it was a bar and grill in the past, that a liquor license had been granted to it in the past, there were no issues in the past (other than noise which had been addressed), and there is no obvious reason why it couldn't be a bar and grill again. Deputy Lust stated that he didn't remember many calls there. To reopen, Gondringer noted that they will probably need to obtain a Conditional Use Permit (including public hearing). The Town doesn't foresee any problems with it.
2. **St. Anna Sportsmen's Club** – Gary & Tammy Jo Laing requested approval for a fishing contest and raffle hosted by the St. Anna Sportsmen's Club on May 21, 2022 on Two Rivers Lake. There have been no problems with the even in the past. Huston moved to approve the application from the St. Anna Sportsmen's Club for a permit to hold a water exhibition or fishing contest on Two Rivers Lake on May 21, 2022. Gondringer second. All in favor. Motion carried. Huston moved to approve an application for a gambling permit for the St. Anna Sportsmen's Club raffle on May 21, 2022. Gondringer second. All in favor. Motion carried.
3. **Humane Society Agreement** – Gondringer moved to approve the annual agreement with the Tri-County Humane Society. Huston second. All in favor. Motion carried. Koopmeiners and Sanoski will be listed as the contacts.
4. **Town Hall Use** – Martini requested to use the Hall for a meeting of the Stearns County Town Officers Association to watch via Zoom the upcoming MAT Legislative & Research meeting on February 24th from 9 AM – 3 PM. Gondringer moved to allow the group to use the Hall for their meeting. Huston second. All in favor. Motion carried.
5. **Tractors** – no action was taken.
6. **Election Update** – No one filed to run for either of the two open Supervisor positions. Kelly Martini and Stephen Saupe filed for the Clerk position. Absentee balloting period has begun. The Town Hall will be open on the Saturday (Mar 5) and Monday (Mar 7) before the election to accept absentee ballots. Because Martini and Saupe are the only Township trained head judges, Marlene Haider was recruited to serve as head judge during the election. Huston moved to approve Resolution 02-02-22-1 – Appointing head judge (Marlene Haider) for the March Township Election in Avon Township. Sanoski second. All in favor. Motion carried. The public accuracy test will be held March 5 at 10 AM and will be overseen by Ms. Haider.

7. **Computers** – Martini will contact our insurance to list the new computers. M Gondringer will soon complete her yearly computer backup.
8. **Hazard Mitigation Planning** – The County is holding hazard planning sessions. No action was taken.
9. **Newsletter** – no action was taken; hold off until summer.
10. **Key** – Mergen will soon return the key.
11. **GIS** – the Clerk will send out information for logging into our GIS site.
12. **Solar Panels** – there was a suggestion to install solar panels on the Hall roof to help reduce energy costs. Unfortunately, there doesn't appear to be rebates for the Township, so it may not cash flow. No action was taken.

Old Business: *none*

Signatures / Documents / Treasurer: Documents signed as necessary.

Recurring Reports:

1. There were no **911 sign** requests.
2. **Construction Site Permits** were issued to Avalon Homes (33668 Poverty Point Dr).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were performed for Suchy (37646 Riley Court) and Jonas (34759 Co Rd 9).
5. There was a **County Hearing** concerning adoption of Ordinance 633 on February 1st; there was no information about the outcome. A request for a variance for a septic design for Tammy & Will Huston (360th St., Avon) was denied.

Announcements & Brief Reports:

1. Update on Letter of Credit – Huston mailed the signed letter but the company has not received it.
2. Fifth Monday – Sanoski reported that they plan to move meetings to Thursday to spread them out more evenly. The School District is considering purchasing the hospital for preschool, kindergarten and other. It would require extensive renovations for a total cost in the neighborhood of 14 million. It would result in a roughly \$79/yr tax increase for residents. There will likely be a referendum. March 19 will be a community expo and there are plans for a spring farm expo. There are 40 available lots in Avon Estates.
3. Town Web Design – informational brochure received (sales@townweb.com)
4. Minnesota Benefit Association – information received regarding the Township benefit program and Group Life policy received.
5. NCI January newsletter was received.
6. The Avon Fire Department Calendar has been published. Unfortunately there are some errors.
7. Information was received from David Drown Associates (public finance advisors).
8. The MAT 2022 Spring Legislative & Research Committee meeting will be held on February 24th from 9 AM – 3 PM.

Announcement of Next Regular Supervisor Meeting: The next regular meeting will be held on March 2, 2022 at 7:00 PM and will be available via Zoom (*see above*).

Other Upcoming Meetings/Events: (meetings are available on Zoom at the following URL:
<https://us02web.zoom.us/j/8325486945>, Passcode: AvonTown)

- Board of Audit meeting – February 8, 7:00 PM
- Fire Board meeting – February 9, 7 PM; Avon City Hall
- Public Accuracy Test – March 5; 10:00 AM
- Town Hall open to accept absentee ballots – Mar 5; 10 A– 12:00 P; & Mar 7; 10 AM – 4:30 PM
- Annual Township election – March 8; 2-8 PM
- Board of Canvass meeting – March 8; 8:15 PM
- Annual Township Meeting – March 8; 8:30 PM
- Organizational/Qualification Meeting – March 16; 7 PM
- Avon Township/City Joint Planning Board – April 11 (2nd Monday) – this meeting was cancelled
- LBAE meeting – April 18, 7 PM

Adjournment: Sanoski moved to adjourn the meeting at 10:08 PM. Huston second. All in favor. Motion carried.

Respectfully submitted,

Stephen G. Saupe, Clerk

date: February 10, 2022

Supervisor Signatures:

date: _____

LeRoy Gondringer

Will Huston, Chair

Rich Sanoski

Interim Use Permit – Gertken/Novel Energy Systems Community Solar Garden Conditions

1. The company will repair the Lake Wobegon Trail if it is damaged during construction.
2. Stop signs will be erected on Smiley Drive on either side of the Lake Wobegon Trail during construction.
3. With the approval of the Stearns County Parks Department, signs will be placed on the Lake Wobegon Trail to alert users to truck traffic ahead.
4. The project shall meet all applicable Stearns County guidelines including those for community solar gardens (6.54);
5. Decommissioning shall be completed in accordance with the plan submitted in the event the solar panels are not in use for 12 consecutive months.
6. A financial guarantee is required in the form of a cash escrow deposit of \$200,000 in favor of Avon Township to meet the requirements of the decommissioning plan.
7. The applicant shall install and maintain ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. The final seed mix shall be approved by the Township.
8. A fee of \$4,320 will be paid to Avon Township for seed mix reviews and inspections of the project at year 1, 2, 3 and every three years after for the life of the project.
9. A financial guarantee is required in the form of a cash deposit in favor of Avon Township equal to 125% of the costs to meet the beneficial habitat standards and screening requirements. The Town Board has estimated these costs to be \$50,000 so the cash escrow will be \$62,500. The financial guarantee shall remain in effect until vegetation and screening is sufficiently established in accordance with the requirements set forth in Ordinance 439.
10. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by Avon Township. Major modifications may require review by the Avon Township Planning Commission and Board of Supervisors.
11. The project will follow the Stearns County Storm Water Management rules and requirements.
12. Noxious weeds are controlled in the project area.
13. A landscaping and screening plan acceptable to the Avon Township Board of Supervisors will be provided.
14. The company will provide to Avon Township the contact information for the responsible party once the project is completed.
15. Avon Township shall be notified of any changes of ownership and provided with any new contact information.
16. The company will provide a copy of the road maintenance agreement for Smiley Drive.
17. The company will follow any NHIS guidelines recommended by the MN Department of Natural Resources review.