

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

November 2, 2022

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

**Call to Order:** Chair LeRoy Gondringer called the meeting of the Avon Township Supervisors to order at 7:00 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 – Richard Bresnahan, LeRoy Gondringer (*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:** Added to the agenda were several announcements. Bresnahan moved to approve the agenda as amended. Sanoski second. All in favor. Motion carried.

**Minutes:** In #1 of the PC report, 59 kW was corrected to 49 kW. Sanoski moved to approve the minutes of the October 5, 2022 meeting as amended. Bresnahan second. All in favor. Motion carried.

**Public Hearing:** Road Vacations. Chair Gondringer opened a public hearing at 7:10 PM to receive public feedback about a potential plan to vacate High Street and the cul-de-sacs on Plum Hill and Parkwood Court. Surveyor Dan Kron provided a preliminary drawing showing the proposed changes.

**High Street/Nob Hill** – The Township is considering vacating High Street, which is a platted but undeveloped road. Mr. Don Bierschbach (32252 Nob Hill) inquired about the plan for the road vacations. He said that the cul-de-sac was once part of his property. He wasn't opposed to the proposed vacations as long as it doesn't affect other properties in the future. Mr. Leo Sand (32301 Nob Hill) stated he was not opposed to vacating the road but wanted more information about what was actually being vacated. Bresnahan replied that it was High Street. Jan Peterson (32351 Nob Hill) inquired about whether a driveway was approved to the Nob Hill cul-de-sac. Bresnahan replied that the Supervisors did conditionally approve a driveway. Mr. Peterson also inquired about a rumor that the Township wants to vacate the extension of Nob Hill and was concerned whether vacating High Street would affect the entrance to the Nob Hill extension. The Supervisors responded that the Nob Hill extension wasn't under consideration and that they planned to ensure that vacating High Street wouldn't affect the access to the Nob Hill extension. The Town will need to survey the areas before any work would be considered. There is apparently a government out-lot by the cul-de-sac. There was a question about who did the survey work for the Town. The Town hired O'Malley and Kron. A resident indicated that previous survey work had been done by Westwood. Surveyor Dan Kron suggested that the Town should consider not giving up any land.

A resident complained about the snowplow ripping up sod along Nob Hill and requested that the blade be raised when turning in the cul-de-sac. Some residents were concerned that they didn't receive a written notice of this hearing. The Clerk only sent letters to residents directly affected the vacations and apologized indicating that that it was not intentional to leave anyone out. Mr. Walter Beckers stated that the Town should be cautious about vacating property because it might be needed in the future for infrastructure (*i.e.*, utility corridors). The Supervisors were asked if there would be fees to the residents. Gondringer stated that he assumed the Town would cover any fees for all of the proposed vacations. One concern if this road is vacated is where to push snow.

**Parkwood Court** – Jerry Peterson (15407 Parkwood Court) inquired whether he will need a new address since the road essentially exist anymore. It was assumed that the post office would keep his address the same. He didn't oppose the project, especially if his address wouldn't change. Before vacating this area, the Town will need to

determine whether an existing power pole needs to be moved, which could be expensive. Mr. Jeremy Maurstad (15603 Parkwood Court) was concerned whether the current grading would increase drainage and erosion into his property, which is already a problem for him in the spring. The Supervisors said that the Township would likely fix any runoff problem that was caused by the lack of grass. The Supervisors encouraged the two landowners to agree how to split the land if it were vacated.

Plum Hill – Mr. Bob Morris (34683 Plum Hill) inquired about how snow would be distributed during plowing and was concerned about the plow damaging sod and whether the Town would repair it. The supervisors will be sure to alert plow drivers to the problem.

Sanoski moved to close the public hearing at approximately 8:05 PM. Bresnahan second. All in favor. Motion carried. After hearing tonight's testimony, the Supervisors will make a final decision at a subsequent meeting. Bresnahan suggested the Township move forward with the vacations of High Street (Nob Hill), and cul-de-sacs in Sun Ridge since the residents are amenable. However, it will depend partly on whether power poles need to be moved and the likely expense. Gondringer will ask Surveyor Kron to attend the next PC or Supervisor meeting to provide advice/feedback on the potential road vacations.

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

1. **Noise Barrier** – Residents, especially those along the north side of Upper Spunk Lake, report that noise levels have increased markedly since the installation of the noise barrier on the north side of I-94. The PC discussed this at their recent meeting. No action/recommendation was made by the PC.

Several residents were present at tonight's meeting to discuss the situation. Mr. Frank Wohletz is one of the organizers but couldn't attend tonight's meeting. Mr. Mark Casey, who has been assisting Mr. Wohletz, was present and provided some background information. He stated that residents have been dealing with this issue for years. Though MNDOT says that there is generally not a statistically-significant overall increase in noise level, residents state that noise became much worse/louder after the barrier was erected on the City side. He said noise has been a top concern of the lake association. Suggestions to reduce noise level (i.e., reduced speeds along the Avon segment of I-94, prohibit jake breaking) were rejected by MNDOT. In response to complaints, MNDOT planted a few trees (about 10-12) to help cut down noise, though Mr. Casey said his research showed that a much wider layer of trees (200 feet) would be required to reduce the noise level just 5 decibels. MNDOT had originally installed rumble strips on the road edge but quickly filled them in after realizing that the noise level was further increased. The residents plan a "Go Fund Me" page to help provide any matching funds needed. Several residents at the meeting offered to contribute as much as \$10,000 to the project. Mr. Casey is confident necessary funding for any Township contribution could be raised. Property levels will likely go up without the noise problem. The majority of residents (75%) have been favorable to having a noise barrier erected on the south side of the interstate. However, three residents he spoke to are somewhat opposed to a noise barrier. Several residents at the meeting tonight testified that they need to keep their windows, especially those on the north side of their home, closed at all times due to the noise level. Also, some residents indicated that they would be willing to give up some land if necessary to construct a noise barrier. Some wetlands where the wall would be erected could be a potential problem. Mr. Casey also stated that the sound barrier proposal is partly dependent on the number of affected residents which means that even though noise levels are similar on both sides of the interstate, the funding formula favors the City side since there are more residents. The residents are requesting Supervisor support for a noise barrier proposal. A resident said that a MNDOT noise barrier grant was only available to residents in incorporated jurisdictions, which could be a major problem for the Township. The Clerk will follow up with MNDOT. We may need to follow up with our legislators to revise the grant proposal rules. The Supervisors will wait for further petitions from residents.

2. **Town Hall Solar Project** – The PC discussed the revised cost estimates of solar systems based on updated information about rebates. The Town won't be able to apply for at least one of the anticipated incentives because we are not using as much electricity as required, which is ironic because we have reduced heating in the maintenance shop because of how much electric was being used. A smaller system quoted by RealSolar will likely not be acceptable because one driver for this project was having a backup system in the event of an emergency. We will continue to study this. Bresnahan will follow up with Xcel to confirm available rebates.
3. **Vacation Rentals** – the County has passed a new ordinance regulating vacation rentals. The PC discussed the ordinance and has no objections.
4. **Annexation Stories** – MAT is soliciting annexation stories/feedback. The PC had no suggestions. No action was taken.
5. **367<sup>th</sup> & 368<sup>th</sup>** – There was discussion at the PC meeting about whether these are private or Township roads. The County has been requiring permits, which was questioned by residents. The Supervisors agreed that they are, in fact, town roads.
6. **Recruiting Township Staff** – it was suggested to put up a sign in the Hall during voting to solicit new PC members and snow plow drivers.

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

**Treasurer's Report:** The Treasurer's Report was read and the Cash Control Statement for the period 10/01/2022 to 10/31/2022 (*copied below*) was presented. A survey was received from MATIT; no action was taken. Martini has signed up to receive electronic invoices from CenturyLink.

<b>Avon Township</b>		<b>Cash Control Statement</b>		
For the Period :		10/1/2022 To 10/31/2022		
<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$156,454.94	\$6,022.29	\$7,946.55	\$154,530.68
Road and Bridge	\$363,178.40	\$550.00	\$11,556.62	\$352,171.78
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	(\$5,986.14)	\$0.00	\$0.00	(\$5,986.14)
General Capital Projects	\$40,638.66	\$0.00	\$0.00	\$40,638.66
ARPA Fund	\$181,613.30	\$0.00	\$0.00	\$181,613.30
<b>Total</b>	<b>\$740,849.16</b>	<b>\$6,572.29</b>	<b>\$19,503.17</b>	<b>\$727,918.28</b>

Sanoski moved to approve the Treasurer's report and Cash Control Statement. Bresnahan second. All in favor. Motion carried.

**Claims, Receipts & Payroll:** The October PERA claims (4358, 4359) totaled \$599.20. The October payroll was \$3,199.82. The November 3<sup>rd</sup> payroll was \$1,603.91. The November claims (4360-4380) were \$272,514.39. Check 10692 (claim 4364) was voided – it was junk mail disguised as a claim. The Township has two extra mailbox posts. There was a discussion about whether they could be sold to a member of the Town Board; there was no consensus.

Bresnahan moved to approve the claims, receipts and payroll. Sanoski second. All in favor. Motion carried.

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

1. **Window Treatments/Parking Lot Striping/Sign** – no update/action taken on any of these items.
2. **Clothing** – Koopmeiners reported it will cost \$35 for monogramming 12 shirts; a jacket is about \$100.
3. **Town Hall Use** – The Stearns County Officers Association requested use of the Town Hall at 7:30 AM on Dec 10, Feb 11, June 10 and Sept 9. Bresnahan moved to approve the use of the Hall by the Stearns County Officers Association. Sanoski second. All in favor. Motion carried.
4. **Shop Doors** – new seals and cord reels were installed on the overhead doors.

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

**Road Report.** Presented by Joe Koopmeiners

1. **Monthly Update/Report** – Among the work completed this month included grading a portion of Peach Drive, fixing potholes (14 bags of patch were used), removing a power pole from the ditch on 325<sup>th</sup>, fixing a bump on 360<sup>th</sup>, and fixing the turnaround on 140<sup>th</sup>.
2. **Tractor** – is being repaired (oil leak, beacon) and cutting edges installed.
3. **Snowplow Drivers** –.
4. **154<sup>th</sup> Shoulder** – Buttweiler alerted the Supervisors to an area in which the shoulder is washing away. Koopmeiners will follow up.
5. **Parkwood Circle Project** – is finished and looks good. The Supervisors had expected that the entire length of the existing road would be ground up, but only a portion of the road was ground. There was standing water on one property; engineer Mathiasen handled it. The Supervisors will consider getting quotes for engineering for future projects, though Gondringer indicated we already have some engineering work completed on Queens Road and may not want to include this road. A sign at the entrance of Parkwood Drive is missing. Since it is on the County Road, it is their responsibility to replace. The County has been contacted about it twice.
6. **Snow Plowing** – Gondringer identified one individual who would be interested but he works nights until 7:00-AM; he could plow after 7:30 AM. Gondringer also reported that his son might also be willing to plow if needed. It was suggested that they submit a formal application. Mr. Keith Zeigler can plow on weekends.

An application for plowing was received from Dylan Hedland. The Supervisors reviewed the application. He has worked for several local companies, is licensed to plow, has a CDL, and is experienced with mechanical systems. Bresnahan moved to accept the application of Dylan Hedland to serve as a plow driver for Avon Township. Sanoski second. All in favor. Motion carried. Koopmeiners will contact him to provide training.

7. **Norway Road** – no action taken. The cost of the berm cannot be included as part of a FEMA amelioration request because it will likely need to be partly on private land (assuming an agreement can be made with the landowner).

8. **Weed Report** – Martini and Koopmeiners have completed the report. The Clerk will submit to the County.
9. **FEMA** – a copy of our insurance policy is required to complete the application. Martini will provide a copy to the Clerk. Our maintenance worker receives time-and-a-half for work over 40 hours per week. Gondringer moved to authorize Clerk Saupe to serve as the certified representative to sign FEMA documents. Bresnahan second. All in favor. Motion carried.
10. **Road Inspection** – the Supervisors completed road inspection. The Clerk will compile notes for presentation at the next meeting to get an early start on road decisions for 2023. Gondringer will follow up with Holding Township to see if they are interested in making a decision about resurfacing Two Rivers Road. Both Gondringer and Sanoski indicated that they could attend a Holding meeting.
11. **St. Anna Drive Culvert** – there is standing water in the culvert, but it appears to be holding up okay. There is a rebar screen over the opening; we will leave it in place to reduce the chance that something gets caught in it.
12. **Tower Road Powerlines** – Gondringer authorized MidCo to run lines as requested.
13. **Trailer Court/185<sup>th</sup>** – there are individuals living in a vehicle that is essentially on the tar of 185<sup>th</sup>. It is likely the responsibility of the landlord to have it moved. The Township will send the landlord a certified letter requesting the vehicles be moved out of the road right-of-way immediately five days because it is a safety hazard and it will be difficult to plow with the vehicles there. The letter will be also sent to Deputy Mark Lust and John Tracy at Stearns County.
14. **135<sup>th</sup> Bus Stop** – The Albany school bus stops in the middle of the hill to pick up a student. It is a very dangerous location to stop because a driver heading north could come over the hill and have a problem stopping in time to avoid hitting the bus, especially in slippery conditions. Sanoski will follow up with the school district to recommend pick-up at an alternative location.
15. **Culvert Installation Workshop** – MNDOT is sponsoring a workshop in St. Cloud. No action taken.

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

#### **Business:**

1. **Election Update** – the General Election will be November 8 from 7 AM – 8 PM. Everything is ready. The PAT will be tomorrow (Nov 3) evening at 5:30 PM. There is some concern about potential violence at polling places, though it seems very unlikely here.
2. **Emergency Contact** – The County has requested an updated township contact in the event of an emergency. The Supervisors authorized Gondringer to serve as the Emergency Contact. This will also be included in the list of supervisor assignments appointed at the Qualification Meeting.
3. **County Hazard Mitigation** – no action taken, especially since we are working with FEMA regarding the May storms.

**Old Business:** Includes: Culvert mapping project, 135<sup>th</sup> Avenue resurfacing project with St. Wendel, Two Rivers Road project with Holding Township; the revision of Ordinance 5 to Ordinance 6 to account for an increase in the expiration date (to 1 year) of various permits; Case to display old documents; Rassier Provisional Use Permit; thistles SNA Avon Hills SNA; 911 signs (Blinking Lights, 35005 Tower Road).

**Signatures / Documents / Treasurer:** Documents were signed as necessary.

**Recurring Reports:**

1. There is no **991 sign** at 34948 Tower Road (*a cell tower property*). CSP's will be approved if a 991 sign is obtained. A 911 sign was installed at 17087 Upper Spunk Lake Road.
2. **Construction Site Permits** were signed/issued for Lange Properties (cell tower upgrade at 32906 Co Rd 50) and Reis (32907 Narnia Lane; deck addition).
3. No **Special Assessment Searches** were performed.
4. No **feedlot permits** were received.
5. There will be a **Stearns County hearing** to consider the enactment of Ordinance 646 (*related to feedlots*) on Dec 13, 2022 at 9:05 AM. The Town has no objections.

**Announcements & Brief Reports:**

1. **Fifth Monday** – no one from the Town attended.
2. **MAT Annual Meeting & Stearns County Officer's Association Report** – Martini reported that: the annual conference will move to December; there will be a one-time fee for Townships to utilize web training materials; election rules are back to 'normal'; and the DNR is planning to take back excess PILT payments. In addition, being considered are: an alternative (fuel fairness tax) to the gas tax for electric vehicles; including appointed township personnel in PERA; having pull-tab revenue to come to townships; increasing clarity in LBAE hearings when working with Counties; and changes to gravel tax administration.
3. Two residents were upset with the Township regarding the letter they were sent about removing vehicles that were parked on a township road.
4. **Fire** – Bresnahan reported that the Fire Hall development committee meets on the 3<sup>rd</sup> Monday of the month to plan the proposed addition to the Fire Hall. The next meeting is November 21<sup>st</sup>. Gondringer will be the alternate if Bresnahan is unable to attend. The City was able to collect a fee from the township resident who performed an unauthorized burn that went awry.
5. **City of Avon Hearing** – There was no update regarding the hearing on October 18 concerning the City of Avon Comprehensive Plan and future land use map.
6. **SLRFP Program** – no assistance from the US Treasury will be available to recipients.
7. Stearns County enacted **Ordinance 640**, amending standards for Vacation/Short Term rentals.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on December 7, 2022 at 7:00 PM and will be available via Zoom (*see above*). Gondringer will not be able to attend this meeting.

**Other Upcoming Meetings/Events:** (*meetings are available on Zoom at the URL above*):

- a. Public Accuracy Test – November 3, 5:30 PM
- b. General Election – November 8, 2022; 7 AM – 8 PM.
- c. Planning Commission Meeting – November 30, 2022; 7 PM

**Adjournment:** Gondringer moved to adjourn the meeting at 10:53 PM. Bresnahan second. All in favor. Motion carried.

**Respectfully submitted,**

Stephen G. Saupe, Clerk

date: November 14, 2022

**Supervisor Signatures:**

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

\_\_\_\_\_  
Richard Bresnahan

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

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