

Minutes of the Meeting of the Avon Township Board of Supervisors

December 4, 2024

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

Call to Order: Bryan Rassier, *Chair*, 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 – LeRoy Gondringer, Marion Gondringer (*Acting Clerk*), Chad Klocker, Kelly Martini, and Bryan Rassier. Leave of Absence – Stephen Saupe. A quorum was present. Also present – Paul Buttweiler, Perry Gerding, Rich Sanoski and Lori Yurczyk.

Approval of Agenda: The Gertken final plat was moved to 7a. A Sheriff's Department report was added to 7b. Gondringer moved to approve the agenda as amended. Klocker second. Both in favor. Motion carried.

Minutes: Gondringer moved to approve the minutes from the November 6, 2024 meeting as presented. Klocker second. Both in favor. Motion carried.

Public Hearings: *none*.

Public Comments: Mr. Dave Schreifel's updated the Supervisors about the outcome of the lawsuit with their neighbors Joe & Barb Lang. The lawsuit was decided in favor of Schreifels / Gondringer. Mr. Schreifels requests that the Board not entertain any further complaints by the Lang's in regard to this matter. He also submitted the legal decree for Township records.

Sheriff's Department Report: Officer Laura Berg presented the statistics for the calls that took place in the Township. In September, she said that there were 90 total calls which included 29 traffic, 4 welfare, 8 medical emergencies, and others including motorist assists, harassments, and complaints regarding juvenile. In October, there were 74 calls, which included traffic (17), neighbor disputes, canine trainings, fires, agency and personal assists, false alarms, and neighbor complaints. In November, there were 61 total calls (including 15 traffic, medical emergencies, false alarms, agency assists, three crashes, a death investigation, finance complaints, lift assists, personal assists, and suspicious activities).

Officer Berg reported that they went live with their new record system on Nov 12th. Gondringer asked if our noise ordinance can be submitted soon. Klocker said we can do it now. We simply send them to the County attorney who will review it and pass it to a judge who will sign off. The Township needs to determine which ordinances to include. Gondringer said the noise ordinance was the main one we have for inclusion. Officer Berg recommends submitting the noise submission, and possibly others. There was some discussion concerning long term parking/living in a vehicle parked in the roadway as we have seen in the past. We may need to develop an ordinance which would address parked vehicles in the roadways. Officer Berg states if someone is living in a vehicle, they can address it if it is on a public road. Klocker will call the attorney to get recommendations on the verbiage for a parked car ordinance. Officer Berg commented that calls tend to drop in Fall as the days get dark earlier and it gets cold.

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

1. **Koshiol Access Permit & Septic Encroachment Agreement** – The PC discussed a request by Mr. Glen Koshiol, 36819 Pelican Lake Road, for an Access Permit and Septic Encroachment Agreement. A cabin is

planned to be built in the center of the property, with the driveway to one side and the septic on the opposite side of the property. Mr. Koshiol requested the Access Permit to move the driveway from the center of the property so that the rest of the property can be used to site the cabin and septic system. The proposed septic would encroach into the right-of-way (ROW) of the road about 10 feet from the edge of the asphalt and 23 feet from the center-of-the-road. Also, since the neighbors have much shallower ditches along the road, Mr. Koshiol also requests filling in the ditch to clean it up and make it similar to the neighbors. Gondringer stated that the ditch needs to remain about a foot below the road to keep the water from running onto/across the road. The PC recommends approval of both permits.

Mr. Koshiol was reminded that the driveway can only be a maximum of 24 feet wide and he needs to be sure he doesn't surpass the impervious surface requirement for the lot. Gondringer motion to approve an Access Permit for Glen Koshiol, 36819 Pelican Lake Road, to site a new driveway, preferably set back 10 feet or as far as possible, from the property line. Second by Rassier. All in favor. Motion carried. Gondringer moved to amend the Access Permit motion to allow the ditch to be filled, but it must be at least a foot lower than the roadway to allow good drainage. Rassier second. All in favor. Amended motion carried.

Motion by Gondringer to approve a Septic Encroachment agreement for Glen Koshiol, 36819 Pelican Lake Road, to site a septic system drain field in the Township road ROW, no closer than 10 feet to the edge of the road. Second by Rassier. All in favor. Motion carried.

2. **Cannabis Ordinance** – The PC discussed possible impacts on the Township of the new County Cannabis Ordinance. The Supervisors generally agreed that we should let the County handle permitting. Gondringer highlighted that we will need to change our MOU regarding who handles Conditional Use Permits. Klocker stated that we should be receiving the proper paperwork to submit to the County soon. The County said it could be done in January. The Clerk will contact the County to update the MOU to handle CUP's for Cannabis permitting. Klocker suggested we could also prohibit Cannabis facilities.
3. **Road Funding** – PC recommends further discussion as to whether more funding is available for resurfacing roads. Perhaps a meeting with legislators.
4. **Access Permits** – the Township currently has no official policy for side yard setbacks for driveways and other accesses. The PC will look at this at the next meeting but seeks Supervisor feedback. Klocker said he is not in favor of regulating side yard setbacks for accesses. Gondringer said he likes handling the process as a recommendation for a setback 10 feet from a side lot. The Supervisors seemed to agree that addressing this on a case-by-case basis may be a better way to address side yard setback than a direct policy because it would not put current driveways out of compliance.

Motion by Gondringer to accept the Planning Commission report. Second by Rassier. All in favor. Motion carried.

Treasurer's Report: The Treasurer provided the Cash Control statement from November 1, 2024 to November 30, 2024 (*appended below*) and read the Treasurer's report. Motion by Rassier to approve the Cash Control Statement. Second by Gondringer. All in favor. Motion carried. Motion by Gondringer to approve the Treasurer's Report. Rassier second. All in favor. Motion carried. One of the Township employees, Mr. Dillon Hedlund, also owns a business that services trucks such as the Town's snowplows. The Supervisors discussed whether this could be seen as a Conflict-of-Interest. Though pleased with the quality, speed, and fair price of Mr. Hedlund's business, the Supervisors authorized the clerk to draft a resolution for the next meeting that addresses the potential conflict of interest.

For the Period : 11/1/2024 To 11/30/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$212,834.72	\$6,644.83	\$5,449.50	\$214,030.05
Road and Bridge	\$243,213.26	\$14,513.01	\$4,337.51	\$253,388.76
Demolition Escrow - Maciejewski	\$0.00	\$0.00	\$0.00	\$0.00
Novel Solar Decommissioning Escro	\$0.00	\$0.00	\$0.00	\$0.00
Novel Vegetation Plan Escro	\$0.00	\$0.00	\$0.00	\$0.00
Road Damage Deposit	\$1,000.00	\$500.00	\$500.00	\$1,000.00
Fire Fund	\$20,598.18	\$5,528.23	\$0.00	\$26,126.41
General Capital Projects	\$48,915.33	\$183.04	\$0.00	\$49,098.37
ARPA Fund	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$526,561.49	\$27,369.11	\$10,287.01	\$543,643.59

Claims, Receipts & Payroll: The claims (4770-4780) totaled \$16,685.68. The regular payroll was \$2,738.35. The Township received some our property tax settlement from the County. Andy’s Towing submitted an invoice that included tax. The invoice will be paid minus the tax and the proper paperwork will be included with the payment.

The registration fee for the MAT Short Course can be billed to the Township. It may take weeks for the invoice to arrive (*i.e.*, invoice for Klocker’s attendance at Willmar Short Course just arrived). An invoice for culvert work from Lange’s for culvert was received. Klocker said that it didn’t include additional costs for damage done to the culvert by the phone company. Mr. Dillon Hedlund, our snowplow operator, did some emergency brushing/tree cutting work. Gondringer wondered if Hedlund had been authorized to do roadwork in addition to his plowing responsibilities, and if he does assist, what his rate of pay should be. The rate of pay, is currently set at \$17 (*see Laborer in Fee & Wage Schedule*) for any Town jobs other than one involved in snow removal. If Gerding requires additional help, which everyone agreed was necessary for chipping and brush work, he was authorized to contact Dennis Schirmers or a Supervisor. It was generally agreed that at this time they would be paid at the laborer rate. Rassier will contact Dennis Schirmers to assess his continued interest in working for the Township.

Trees on Peach Drive and Norway have required removal. Gondringer recommended Gerding drive the roads to keep track of what else needs to get done. The Clerk should send culvert mapping app. When installing 911 signs, Gerding learned that he must first mark it with paint and then contact Gopher 1 for the actual cable location.

The Township received \$450 in Voter Administration Funds from the County. The Clerk will submit the necessary paperwork to document use of the funds.

Motion by Gondringer to approve the claims, receipts and payroll. Second by Rassier. All in favor. Motion carried.

Town Hall Report:

Update on County Use of Town Hall – The Hall was used for a County meeting to discuss Ditch 25. No problems were reported with the use of the Hall. This Ditch #25 was cleaned out in 2017-2018. More work may need to be done soon to clean out additional sediment. Affected property owners would be assessed. The ditch was established in 1905 and a list of property owners who would benefit from the ditch were determined at that time. These are still the property owners listed as benefitting from the ditch and will be assessed for any cleanouts. The County can do a redetermination of which landowners specifically benefit, but this usually costs more than the actual ditch work.

Road Report:

1. **Snow Plows & Drivers** – Headlight and cab light repairs not yet completed. Gerding will handle. One of the plows needed to be towed from the ditch due to slippery road conditions. The driver is aware of the challenges and need to sometimes run the sander while backing up. A substitute driver will be needed; Martini will forward necessary HR paperwork. Gondringer moved to allow snow plow drivers to attend simulator training next year. Klocker second. All in favor. Motion carried. Hedlund is currently snow plow boss and responsible for making sure the plows are ready to go.
2. **Gerding eMail & Computer** – tabled until the next meeting.
3. **Schirmers Work Status** – he will continue to help as needed.
4. **Meadowview Road update** – Klocker reported that someone donated gravel for Meadowview Road. He stated that work looked acceptable. No cost to the Township.
5. **Queens Road** – Klocker reported that he had spoken to engineer Jeremy Mathiasen about what to do with the road. Mathiasen said to let him know what the township is thinking and he will provide a bid. Due to the large cost that is anticipated, the Supervisors discussed re-doing a portion of it, from County Road 9 to the place where it really starts to get bad (which will likely be the most expensive part of the project). Then, the Town would complete the remainder the following year. The Supervisors agreed to have an engineer to handle the process so it gets done right. Gondringer suggested bids include options for the project (i.e., resurface the entire road, resurface part). The Supervisors generally agreed that Mr. Mathiasen should be invited to the next meeting to discuss how to proceed. Klocker will contact Mr. Mathiasen to attend the next meeting. Gondringer suggests we may need to put four inches of tar on roads to increase longevity and save money in the long run.
6. **First Street SE** – Gondringer noted that the City received LRIP funding to redo this road in 2025 and inquired whether the Township should consider allocating funds to reworking our portion of the road. The City will be add both curb and gutter. The Supervisors generally agreed they wouldn't oppose this street being annexed by the City. No final decision was made regarding this road.
7. **Pelican Lake Road Culvert update** – Gerding reported that this culvert has not been inspected. He will inspect.
8. **Cold Patch at Two Rivers & 190th update** – Gerding will inspect and fix if the weather permits. It can be done in winter but needs to be heated. It could be done in spring.
9. **Trees for chipping St. Anna Drive update** – Gerding completed.
10. **Relocation of 911 sign at 33744 Highland Terrace update** – Owner is taking care of this.
11. **Weed Report Status** – Klocker and Martini completed.
12. **Light Pole on Pelican Lake Road update** – Gerding measured it at 30 feet from the center-of-the-road. The pole was installed too close to the road even after the resident was told to not put the pole in the road ROW. Gondringer moved to have the Clerk send a letter stating the light pole is not in compliance with Township regulations, it should be moved back three feet, the Township is not liable if it is hit, and that homeowner is liable for any damage caused by issues with his light pole. There was no second for the motion but the general consensus was to send the resident a letter.

13. **National Gravel Road Survey & Deicer Survey**– Not completed as this time, but the Board felt it was not necessary.
14. **Obstruction in ROW** – Gerding reported that heavy-duty posts were installed in the Town road ROW at 17073 Upper Spunk Lake Road. Klocker will address this.
15. **Leaf Blower** – Gerding inquired if we have a leaf blower to remove sawdust, acorns, sticks, and other items from the road, and if not, he obtained quotes. The quotes ranged from \$449 to \$699. The Supervisors generally agreed it would be helpful to have this piece of equipment. Motion by Rassier to authorize Gerding to purchase a Stihl backpack leaf blower for \$699.99 at Powerhouse for the larger model. Second by Gondringer. All in favor. Motion carried.
16. **Pushing Snow Across Road** – Gerding was authorized to keep track of people who push snow across the road, which is illegal. The Township will follow-up with violators.
17. **Complaint about the Use of Salt** – A resident complained about using too much salt on Township roads. The Supervisors took no action. The general consensus is that the Town has enough salt/sand mix remaining for the winter.

Motion by Rassier to approve road report. Second by Gondringer. All in favor. Motion carried.

Business:

1. **Gertken Final Plat** – Joyce Gertken presented their final plat, Cedar Hill Top. It was signed by Rassier and Yurczyk.
2. **Resolution 12-04-24-01: Setting Meeting Schedule for 2025** – Motion by Gondringer to approve Resolution 12-04-24-01. Second by Rassier. All in favor. Motion carried.
3. **Resolution 12-04-24-02: Setting Absentee Voting Location** – Motion by Gondringer to approve Resolution. 12-04-24-02. Second by Rassier. All in favor. Motion carried.
4. **Upcoming Conference Attendance** – Martini is planning to attend both the MAT Township Conference (December 13 & 14; St. Cloud) and Township Day at the Capitol (January 27, 2025) as a representative of the Stearns County Township Association. No one else from the Township plans to attend; no action required to authorize Board participation.
5. **Ordinances on esite status** (*i.e.*, Noise Ordinance) – Klocker will follow up (*see Sheriff's Report above*).
6. **MPCA Local Climate Action Grant** – The Township will not pursue.
7. **LBAE Training** – Klocker jurisdiction is acceptable as listed. Rassier has completed training.
8. **TCHS Impound Agreement** –Gondringer moved to approve the contract, excluding cats, for another year, with Klocker as the contact. Rassier second. All in favor. Motion carried.

Other Business:

1. **Shady's County Hearing** – Gondringer provided an update regarding the Shady's variance hearing at the Stearns County Board of Adjustment meeting. An After-the-fact variance was approved to leave the outdoor

bar structure as it is, even though it's too close to the township road. An After-the-fact variance was also approved to allow them to have more than the required 25% impervious lot coverage. Shady's still needs an After-the-Fact conditional use permit for the outdoor pavilion.

Reports:

1. **Stearns County Officers Association Report** – Several Town staff (Martini, LeRoy Gondringer, Marion Gondringer) attended the meeting. There was lots of information including various booths (*i.e.*, Stearns County Environmental Services), and representatives from the County and local legislators. There was also a discussion regarding Cannabis permitting. Martini reported that the Association bank balance is high because meetings had not been happening during COVID and that the payroll has not been paid for 2024 yet. She said that there is interest in doing more trainings with the County, especially for new officers and other services.

Announcements:

1. **Signs (incl. 911)** – Lynette Noreen (17239 Co Rd 54) sign is missing. The County will replace.
2. **Construction Site Permits** – none reported
3. **Special Assessment Searches** – none reported
4. **Feedlot Permits** – none reported
5. **County Hearings/Meeting** – Shady's Variances approved (impervious surface, location)
6. **Avon Fire Dept October** – City of Avon: 7 Medical, 0 Fire; Avon Township: 6 Medical, 4 Fire; Colledgeville Township: 2 Medical, 1 Fire; St. Wendel: none; I-94: none.
7. Mississippi River St Cloud Watershed Comprehensive Watershed Management Plan Hearing – 11:00am; December 5th, 2024 at the Sherburne History Center (10775 27th Ave SE, Becker MN, 55308).

Old Business: 135th Avenue project with St. Wendel; Windows; Case to display old documents; Window treatments; Exterior sign for the Hall; hiring HR / payroll company; salt shed overhang/awning; culvert - Pelican Lake Road; CDL License changes; Employee *Handbook*, concrete sealing; *Employee Handbook* including earned sick time etc.; Pipeline Agreement; brush cutter rental for 2025.

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

Announcement of Next Regular Supervisor Meeting: The next scheduled meeting is January 8, 2024.

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

- a) Planning Commission Meeting – December 18, 2024 (note rescheduled date)
- b) MAT Conference – Dec 13 & 14
- c) Township Day at the Capitol – Jan. 27, 2025

Adjournment: Motion by Gondringer to adjourn at 9:06 PM. Second by Rassier. Both in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk
Marion Gondringer, Deputy Clerk

date: December 16, 2024

Supervisor Signatures:

date: _____

LeRoy Gondringer

Chad Klocker

Bryan Rassier