

# Minutes of the Meeting of the Avon Township Supervisors

May 1, 2019

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.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Will Huston, Mike Linn, John Merdan, Kelly Martini. Excused- Stephen Saupe. Also present – Ken Mergen, Joe Koopmeiners, and Marion Gondringer (*Deputy Clerk*).

**Approval of Agenda:** Merdan moved to approve the agenda. Linn second. All in favor. Motion carried.

**Approval of Minutes:** Linn moved to approve the minutes of the April 3, 2019 meeting as presented. Merdan second. All in favor. Motion carried.

**Business: Dave Weitalla – On / Off Sale Liquor license application:** Motion by Linn to approve the application for an Off-Sale Liquor License effective July 1, 2019 to June 30, 2020 for David Weitalla at The Landing of St. Anna. Second by Merdan. All in favor. Motion carried. Motion by Linn to approve the application for an On-Sale Liquor License effective July 1, 2019 to June 30, 2020 for David Weitalla at The Landing of St. Anna. Second by Merdan. All in favor. Motion carried.

**Planning Commission Report** – Ken Mergen

- **Keith Maciejewski** – Maciejewski requests a driveway permit to move the recently installed driveway from the originally approved permitted location to a new location which will provide better access to the property (14160 355<sup>th</sup> St., Avon. PID #03.00872.0010). Motion by Linn to approve the driveway permit for Keith Maciejewski with the condition that the first driveway installed be removed. Second by Merdan. All in favor. Motion carried. New driveway permit fee and damage deposit will be rolled over from the first permit approved for the original driveway. Maciejewski paid for a new 911 sign for the new address. Driveway will be no wider than 24 feet with a 15-inch steel culvert and aprons.

**Public Hearings: Braegelmann CUP, Tschida Variance**

**Dave Braegelmann CUP: (Conditional Use Permit for a Conventional Subdivision in the Avon Hills Overlay District)** (19368 Quaker Rd, Avon, Parcel #03.00917.0002) Request is to split off 5 acres of the property to sell to a daughter. In reference to the Avon Hills Overlay District: the remaining land would stay in agriculture, the original building site will remain, no impacts to natural resources, surrounding areas or water runoff, does not trigger storm water management requirements, maintains rural family farm character, maintains air quality, land use remains the same, no density bonus permitted, no need to identify a building envelope. Motion by Merdan to approve Conditional Use Permit for David Braegelmann for a Conventional Subdivision in the Avon Hills Overlay District. Second by Linn. All in favor. Motion carried.

**Aaron Tschida Variance request:** Request is for a variance for his property at 37014 Sara Lane to build a 30' X 36' shed 20' closer to the road than allowed by ordinance (Parcel # 03.01474.0009). Property is located in a Rural Townsite. Properties in the neighborhood are located at around 80' from the centerline. Tschida's septic tanks are 93 feet from the road. Drain field is 46' from the road. A location that would follow the ordinance would require driving over the septic pipe that leaves the house, which could lead to pipe failure and/or other septic systems problems. This also restricts a location in the back yard along with an access on the North side being affected by the need to drive over an underground drain tile. Consideration surrounds the fact that the building is too close to the roadway. (Would be about 10' from the ROW) Planning Commission recommends denying the variance since it severely alters the character of the neighborhood as no other structures have been built closer to the road than allowed by ordinance. Since Tschida did not attend the Supervisors' meeting, no further discussion took place. Motion by Huston to

*me wk  
gm*

deny the Aaron Tschida variance request to build a shed 20’ closer to the road than allowed by ordinance. Second by Linn. All in favor. Motion carried.

- Ron Zierden Certificate of Compliance** – (19436 Co Rd 154, PID # 03.01348.0000, Section 07, R-5) Request is for a Certificate of Compliance to allow the attachment of a 50’ strip of land on the north side of his property. Additional land will add to the size of his extremely small back yard and make the property more saleable. Planning Commission recommends approval. Motion by Linn to approve Certificate of Compliance for Ron Zierden to add a 50’ strip of land on the north edge of his property at 19436 Co Rd 154. Second by Merdan. All in favor. Motion carried.

**Scheduled Business:**

- Chance Haakonson – Variance:** (37574 145<sup>th</sup> Ave., section 01, A-40, PID 03.00704.0000) Haakonson is seeking information regarding a possible variance to build a 40’ X 80’ shed 30’ closer to the road than allowed by ordinance. A 63’ setback is requested in a 93’ setback area. Photos show that close proximity to existing buildings restricts the location of the building at the 93’ setback allowed. Haakonson was not sure he would pursue a variance, but would like to set the hearing and will let us know before public hearing posting. Motion by Huston to set a public hearing for the May 29<sup>th</sup> Planning Commission Meeting at 7:05 PM for a setback variance for his property at 37574 145<sup>th</sup> Ave, contingent upon payment of Public Hearing fee. Second by Linn. All in favor. Motion carried. Haakonson will notify the town of his decision to proceed with the variance.
- Ashley & Caleb Oberg – Driveway permit application:** (37143 185<sup>th</sup> Ave, Avon, PID #03.00785.0002, section 06) Proposal is to move driveway 20 feet to the north. No address change. Old house was removed and a new home constructed. The old driveway will be removed. No culvert is needed. Motion by Huston to approve the driveway permit for Ashley and Caleb Oberg at 37143 185<sup>th</sup> Ave contingent on removal of the old driveway. Linn by second. All in favor. Motion carried.

**Treasurer’s Report:** Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 4/01/2019 to 4/30/2019 (*below*). Linn moved to approve the Cash Control Statement for the month of April. Merdan second. All in favor. Motion carried.

For the Period : 4/1/2019 To 4/30/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$128,426.72	\$1,292.84	\$6,381.07	\$123,338.49
Road and Bridge	\$345,040.32	\$75.00	\$18,755.82	\$326,359.50
Road Damage Deposit	\$1,850.00	\$0.00	\$0.00	\$1,850.00
Fire Fund	\$6,698.91	\$0.00	\$0.00	\$6,698.91
General Capital Projects	\$43,203.82	\$0.00	\$0.00	\$43,203.82
<b>Total</b>	<b>\$525,219.77</b>	<b>\$1,367.84</b>	<b>\$25,136.89</b>	<b>\$501,450.72</b>

**Financial Assurance** investment action: Discussion took place concerning the investment process for assigning the financial assurance amount for the eventual removal of the permitted Interim Use trailer house and septic on the Elmer Maciejewski property, as per 10/3/18 Minutes (14160 355<sup>th</sup> St, Avon, PID# 03.00872.0010, section 13). Heritage Bank requires three signers, and a resolution drawn up by the bank to be signed by the Town. Discussion included the advantages of using a Certificate of Deposit instead of opening a new account since interest earned will remain contained within the CD; using a generic name in the label of the CD; and allowing the CD to renew regularly until it is needed. The signatories will be Kelly Martini (Treasurer), Paul Buttweiler (Deputy Treasurer), and Stephen Saupe (Clerk). Motion by Huston to invest the 10/3/18 IUP Financial Assurance amount of \$2,000 into a one year Certificate of Deposit. Second by Linn. All in favor. Motion carried.

*Handwritten signatures:* ml, Wtz, Jm

**Claims & Payroll:** Martini informed the board that the Avon Fire Department has billed the Township for the entire year of service for fire protection coverage. Martini will call and let them know we will pay the amount equal to half the year now, as we have done in the past. Check will be held and paid by ½ installments. PERA payments were made too many times in March therefore the overpayment was applied to the payment for April. April PERA claim #3554=\$34.24. May claims are #3555 - #3573 which totaled \$101894.76. April payroll was \$2704.42, and May payroll was \$2298.71.

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

Koopmeiners will line up an order for **salt sand** at about the same time as last year. LP is at 29%.

**Insulation of Maintenance building:** Estimate received from Spray Foam Insulation. Other options and estimates will be solicited.

**Road Report**

- **Guard rail** repair on Tower Rd is complete. Speed limit signs (which were added while the guard rail was damaged) can be removed since the guard rail is now repaired.
- **Tower Rd:** Koopmeiners will get information on the cost of patching selected areas of Tower Rd as compared to resurfacing from the first bad area South to the Woebegon Trail.
- Motion by Huston to approve Road Inspection Report to allow Koopmeiners to begin working on determined needs at this time. Second by Merdan. All in favor. Motion carried.
- Motion by Huston to allow Koopmeiners to make a purchase at Menards using his personal credit card. A business account will be set up for the Township. Second by Linn. All in favor. Motion carried.
- The private portion of Narnia Lane was used to turn around by our plow during the last snow plowing. A small amount of dirt was damaged and the resident is asking for repairs. Koopmeiners will repair.
- Fuel tank is needing replacement on the 96 (red) truck. Koopmeiners reports that an aluminum tank will be considerably cheaper than a steel tank. Since it needs a new tank, the issue with the defective fuel warmer may be easily resolved by buying a tank with a fuel warmer in the tank and then not replacing the add-on warmer; also needs a new wiper motor.
- Front blade is bent on the blue truck and needs a more serious straightening than we can safely do alone. The cost for straightening will be \$800-\$1000; it also needs a driver-side step replaced to pass DOT inspection (\$100 new, \$50 used), Koopmeiners will have blade straightened and purchase the used step.
- ExCel requests permission to remove trees in the road-right-of-way. Their truck is over 7 ton. Motion by Huston to approve a one-time allowance for ExCel to drive their truck on our 7 ton roads for the Spring of 2019 only. Second by Linn. All in favor. Motion carried. ExCel will get permission from landowners as well.
- Concern for the 7 ton road restrictions near the chicken barn on 165<sup>th</sup> - Huston will contact them to make sure they are not running heavy during road restriction time.
- Koopmeiners will work with Holdingford to rent a tractor with a brush boom cutter to do ditch trimming of larger brush (\$2500/40 hours, with blades, delivery and pick-up costs to be shared with Holdingford Township)
- Discussed culvert identification, gps locating possibilities, and marking with posts to provide easier location during the spring thaw season.

ML WH  
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**Public Hearings:** *None scheduled.*

**Scheduled Business:**

**Joint Planning Board Meeting:** April 16<sup>th</sup>. Approved the subdivision of a portion of the Keppers property on Co Rd 155 (PID #03.00953.0000, located at 34503 Angelfish Ave) and annexation of the property into the city. Resolution signed. Board will meet on May 13 to consider the annexation of the Eugene Meyer property located South of I-94 behind CoPart. (33246 Co Rd 50, PID #03.00988.0000, section 27).

**Fifth Monday Meeting:** Attended by Merdan. Albany city is doing multiple road improvements with plans for adjustments to the corner of Railroad and Hwy 238. Broadband maps were reviewed for our area.

**Traffic Fine returns:** Application process to receive money for traffic fines collected in the Township. We will look into this for the Township.

**Solar Updates** – Huston reports that no surety has been secured for the beneficial habitat for either one.

**FastSun3** – Bond has been agreed upon and will be closed soon.

**Stearns Community Solar1** - No update.

**SCORE grant** application will be sent in for the \$1000 cost of paying for the Avon compost site. Other options were explored as funds up to \$3000 can be submitted. At this time only the compost site will be listed.

**Other Business:**

**Midco** - Contract has been reviewed by the township attorney and that report will be sent to MidCo to approve. The contract calls for a public hearing to adopt the franchise agreement. Motion by Huston to set a public hearing set for the May 29<sup>th</sup> PC meeting at 7:06 PM to approve granting this franchising authority for the collection of fees. Second by Linn. All in favor. Motion carried.

**Conversation with resident** - Jeanne Massoletti conversation – Massoletti asks the Township to stop vandals from entering her property (1459 Norway Rd). Her driveway entrance is 72' wide. Because people are using it as a turn-around area, she asks the Town to pave it. Huston responded that the Township will not be paving her driveway and that she could possibly narrow her driveway approach to deter people from using it as a turn around.

**Road striking** - A resident wants the roads he drives on in the Township to be striped with painted centerline markings; 355<sup>th</sup>, Quaker, and some roads in Holdingford Township that he drives on as well. Avon Township does not stripe roads.

**Burrows rezoning:** Notice was received that the County Planning Commission recommended denial of the rezoning request by Joan Burrows due to a high LESA score and strong opposition expressed by neighbors who were concerned that rezoning it would compromise agricultural property since it will generate more rezoning of ag land in the surrounding area. County Commissioners set a May 21 public hearing to accept public input.

**Old Business:**

- **North Peach Dr. off Quaker Rd** – (Schirmers driveway/road) Not discussed.
- **Norway Rd:** Huston explained that MnDot requires a great deal of extra elements when a state grant is involved as funding.
- **Enterprise column ideas** – Norway Rd project -future Spring or Summer issue.

**Recurring Reports:**

- **911 sign requests:** none

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- **Construction Site Permits / Feed lot permits received:** no notifications
- **Special Assessment Searches:** John Hafner, 18268 Upper Spunk Lake Rd, (PID #03.00704.0000) - section 01
- **Property address requests:** Keith Maciejewski, 14160 355<sup>th</sup> St, Avon (PID #03.00872.0010) - section 13  
Ronald Kalla, 35330 Co Rd 155, Avon (03.00885.0110) – section 14
- **Stearns County hearings and actions** – Burrows hearing May 21.

**Announcements & Brief Reports:** Pending annexation of Eugene & Norma Meyer property – at 33246 Co Rd 50, PID #03.00988.0000

**Announcement of Next Regular Supervisor Meeting:** The next meeting - Wednesday, June 5, 2019 at 7:00 PM.

**Announcement of Other Town Meetings:** Planning Commission, May 29, 7:00 PM; JPB Meeting, May 13, 6:00 PM.

**Adjournment:** Linn moved to adjourn the meeting at 9:30 PM. Merdan second. All in favor. Motion carried.

Respectfully submitted,  
Marion Gondringer, Deputy Clerk

Deputy Clerk signature: Marion Gondringer date: June 5, 2019

**Supervisor Approval:**

Will Huston  
Will Huston

Mike Linn  
Mike Linn

John Merdan  
John Merdan

date: 5 June 2019