

Pursuant to due call and notice thereof, a City Council meeting was duly held at City Hall on the 2<sup>nd</sup> of May, 2011 at 5:30 pm.

**THE FOLLOWING MEMBERS WERE PRESENT:**

John Grutsch - Mayor, Jim Stang, Kurt Marthaler, Margie Evens, Hugh Knox - Councilors  
Jodi Austing-Traut - Clerk/Administrator  
Absent: None

**AUDIT PRESENTATION – Tom Koop, Larson Allen**

Copies of the audit are available at city hall for viewing.

**CALL MEETING TO ORDER**

Pledge of Allegiance

**LOCAL BOARD OF APPEALS AND EQUALIZATION – Kelly Lemke**

Mayor Grutsch opened public hearing for Local Board of Appeals and Equalization at 6:30 pm.

Walter Kuckes was first on the agenda to dispute his property values. His house was up for sale for \$225,000 and there were no interested parties. Mr. Kuckes requested documentation of comparable sales that would indicate that his property would be worth \$281,000. Ms. Lemke indicated that Kuckes' assessed market value decreased from \$286,000 in 2010 to \$281,000 in 2011. Mr. Kuckes decided to take his appeal to the county board.

***Motion Margie Evens to accept Ms. Lemke's recommendation to set Mr. Kuckes property value at \$260,000***  
***Second Kurt Marthaler***  
***Passed Unanimously***

Gabe Geisler 939 Hamlet Drive requested an adjustment to his assessed property value. Assessed value is \$348,700. Ms. Lemke explained that this was a foreclosure at one point. Foreclosures do not sell at fair market value, they generally sell for the amount owed on the property or less. Ms. Lemke suggested that she go through the property and see if any adjustments should be made.

***Motion Hugh Knox to take no action and to refer the property owner to Stearns County***  
***Second Jim Stang***  
***Passed Unanimously***

***Motion Hugh Knox to close public hearing for Local Board of Appeals at 7:13 pm***  
***Second Margie Evens***  
***Passed Unanimously***

**PUBLIC ACCESS FORUM**

None present.

**CONSENT AGENDA**

1. Council Minutes of April 4, 2011
2. Claims Register
3. Capital Expenditures, Legal Fees, Engineering Fees Detailed Reports
4. Approve Gambling Premises Permit Application for Avon Lions Club Pull-tabs at PJ's Supper Club 421 Stratford St. E.
5. Approve 2011-2012 Liquor/Tobacco Licenses
6. Approve agreement with Minnesota Native Landscapes Inc. for Stratford Raingardens contingent upon receipt of all matching funds
7. Resolution #11-820 Placing Property Located in Avon Estates Development in Tax Exempt Status

***Motion Kurt Marthaler to approve consent agenda***  
***Second Jim Stang***  
***Passed Unanimously***

## **OTHER MINUTES:**

Joint Planning Board Minutes 04/11/2011  
Planning Commission Minutes 03/15/2011  
Avon Fire Department Minutes 04/11/2011

**Traci Ryan, David Drown & Associates** – Public Hearing On The Proposed Modification Of Municipal Development District No. 1, The Adoption Of A Modified Development Program Relating Thereto, The Establishment Of Tax Increment Financing District No. 1-4 and The Adoption Of A Tax Increment Financing Plan Relating Thereto

*Mayor Grutsch opened the public hearing at 7:20 pm.*

*Motion Hugh Knox to close the public hearing at 7:39*

*Second Jim Stang*

*Public hearing closed at 7:39*

*Motion Jim Stang to adopt Resolution # 11-821 Approving Modification Of Municipal Development District No. 1, The Adoption Of A Modified Development Program Relating Thereto, The Establishment Of Tax Increment Financing District No. 1-4 and The Adoption Of A Tax Increment Financing Plan Relating Thereto*

*Second Kurt Marthaler*

*Passed Unanimously*

**John Mizeur 111 Barracuda Avenue** – The city snowplow ruined a portion of his yard request for it to be seeded by city. Staff and council explained that damage that occurs in the city right of way is the property owner's responsibility.

**Shane Eastman, Joseph's**

Request 2AM liquor license for Spunk Days. Al Erickson of the MN Department of Alcohol and Gambling has advised the city that a temporary 2 AM liquor license is not permitted by the State of MN. A business wishing to obtain a 2AM liquor license would need to apply for a full-year 2AM license which would require the council's approval, a change to the city ordinance, an application, acceptance by the City Council and then approval from the State of MN. City Council will consider a full-year 2AM license ordinance at their next meeting.

Request permission for outdoor concert event to be held on 6/10 Mr. Eastman has filled out an outdoor event permit. The only issue to still be worked out is parking. Mr. Eastman indicated that PSI has offered their paved areas for parking.

*Motion Jim Stang to approve Joseph's Outdoor Event Application for Hairball event to be held on June 10, 2011 contingent upon agreement with City Staff on cost of two city officers and two reserve officers*

*Second Kurt Marthaler*

*Passed Unanimously*

**Jeff Manthe, Stratford Assn.** – Request to have potholes in Stratford Addition filled and/or sections of street repaired. Mayor Grutsch explained that there are several areas that will be repaired and the larger potholes will be filled around the end of May to mid June when hot mix will be available. The city would prefer not to assess property owners for street repairs.

## **COUNCIL BUSINESS**

### Accessory Structures in Avon Estates

Planning Commission at their meeting on 4/19 recommended to the City Council the following additions to be made to the City of Avon Zoning Ordinance. This addition refers to the Avon Estates Development, Block 3 and is to read as follows:

1. *When combining lots, buyer must pay SAC/WAC for both lots.*
2. *Combined lots will be recorded as a single parcel.*
3. *Require potential owners to provide preliminary plans for lot usage at time of purchase to determine viability of plans.*
4. *Combined lots must meet setback requirements.*

5. *Combined lots must meet impervious surface requirements.*
6. *Outbuildings*
  - a. *Outbuilding must be frame/stick built (not pole built).*
  - b. *Outbuilding must have a permanent foundation.*
  - c. *Sidewall of the outbuilding is restricted to 10 ft.*
  - d. *The accessory building must match the regular dwelling in aesthetics.*
  - e. *Footprint of the accessory building must not exceed 1500 sq. ft.*
  - f. *If the outbuilding is constructed prior to the primary residence, the primary building will then, be completed within 12 months of completion of the outbuilding.*

***Motion Jim Stang to approve amendment to zoning ordinance as recommended by the Planning Commission at their meeting on April 19, 2011***

***Second Kurt Marthaler***

***Passed Unanimously***

Accept bid for Avon Estates Lot 25 Block 3 and award bid to Arthur Gertken

***Motion Kurt Marthaler to accept the bid***

***Second Margie Evens***

***Passed Unanimously***

***Motion Jim Stang to offer the remaining four lots (Lots 9 & 10 of Block 4 and Lots 19 & 21 of Block 3) in the same fashion with a bid opening date of August 1<sup>st</sup>, 2011***

***Second Margie Evens***

***Passed Unanimously***

Nodland Update Mayor Grutsch updated the council on the status of the Nodland action.

Mowing at Avon Estates Mayor Grutsch is working with a gentleman who is interested in picking rocks and cutting hay out at Avon Estates.

#### **Other Updates by Mayor & Council:**

Joint Planning Board – Orderly Annexation Agreement Update – Councilor Evens gave an update of the meeting that was held on April 11<sup>th</sup>.

Joint Powers Board – Fire Dept (no update)

CapX2020 – Mayor Grutsch updated the council on the adopted route for the CapX2020 line.

SCML – City of Avon is hosting on May 17<sup>th</sup> at 6:30 pm.

#### **ISSUES BY STAFF**

**Public Works:** Written Report

Request approval of Parks Board projects slated for 2011

Council consensus to move forward with Parks Board projects.

#### Meeting Room

New meeting room policies will go into effect January 1<sup>st</sup> 2012. Meeting room users will be notified in September. The meeting room will be closed certain nights of the week for city meetings only. The city hall will be rekeyed and cash deposits will be required for key checkout for all users.

#### Compost Site

City will continue to leave the compost site open Wednesday evenings and Saturday mornings provided that it is not continuing to be abused. If abused fees and a lock/key system will be imposed.

**Police:** Written Report

Discussion of how to deal with nuisances at rental properties. Staff will continue to work on this. PD will begin to issue citations.

Chief Nellis indicated that although there is a budget and a need for part-time officers, all of our part-timers have recently obtained full-time employment elsewhere. One of our full-time officers is taking a six-week medical leave in the near future and we do not have anyone to take those shifts. Chief Nellis requested that we search for another part-time officer to fill those slots.

***Council consensus to authorize Chief Nellis to seek a part-time officer***

**Water/Wastewater:** Written Report

#### **OTHER ISSUES BY COUNCIL**

Mayor Grutsch indicated that our operators received an award for wastewater treatment operation.

Mayor Grutsch presented a letter from ISO indicating that the city's ISO rating dropped from 7 to 5.

Councilor Knox suggested the council authorize Eric Linn to obtain quotes on making required upgrades to the civil defense siren. Council agreed.

Mayor Grutsch shared information that he received at the Mayors Convention. The main topic of discussion was consolidation of services.

#### **ADJOURNMENT**

***Motion Margie Evens to adjourn at 9:37 pm.***

Respectfully Submitted,  
Jodi Austing-Traut  
City Clerk/Administrator