

**Minutes**  
**Avon City Council**  
**July 10, 2017**

**CALL MEETING TO ORDER**

Mayor John Grutsch called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited.

**THE FOLLOWING MEMBERS WERE PRESENT:**

John Grutsch – Mayor, Jeff Meyer, Jim Stang, Julie Jarnot, Kurt Marthaler – Councilors;  
Corey Nellis – Police Chief; Jon Forsell – Utilities Superintendent; Casey Jansky – Public Works Supervisor  
Jodi Austing-Traut, City Clerk-Administrator  
Absent: None

**CALL MEETING TO ORDER**

Pledge of Allegiance

**PUBLIC ACCESS FORUM**

**CenterPoint** Grant Award - Dean Headley was here to present a grant to the police department in the amount of \$2,500 to be used toward the purchase of bullet resistant vests and pagers.

**Neighbor Complaint** Judy Dalby was on the agenda, but unable to attend. Michelle Shay was present to share a complaint about the residents who currently reside in the apartments at 107 Avon Ave North. Chief Nellis recommended that the police be called at any time when a situation is in progress. He indicated that it is more difficult for the police to respond to something that happened in the past.

**Neighbor Complaint** Byland, Simon, Opatz families were present to inform the city council of events occurring in their neighborhood on Windsor Way. Bob Byland presented the council with some photos of property line disputes and a copy of a harassment restraining order that Paul and Paula Hughes' have against him. Tonya Opatz-Baker explained that her parents Bill and Shirley Opatz, who live next door to the Hughes', have lived there their entire lives and have never had any trouble with neighbors until the Hughes' moved in. Mrs. Opatz-Baker explained that her parents do not feel comfortable or safe coming out of their home because of the Hughes' alleged threats. Byland claims the Hughes' have continued to harass his family as well as neighboring families and have attempted to overtake a portion of Byland's property. Melissa Simon stated that they have also felt threatened by the Hughes's. Mrs. Opatz-Baker explained that her parents had received a permit to build a fence and were later told by city staff that three of the panels near the street had to be cut down to four feet instead of six feet. Mayor Grutsch directed the police department look into what can be done. Staff will work with Opatz's to determine what the process would be obtaining a variance to allow them to extend the fence to a height of 6' in the front of the house.

**CONSENT AGENDA**

1. Council Minutes of June 5 and July 5, 2017
2. Planning Commission Minutes of June 20, 2017
3. Paid Check Register, Manual Claims, Capital Expenditures, Quarterly Expenditures
4. Legal Fees, Engineering Fees, Auditor/Acct. Fees
5. Moody's Rating (FYI)
6. Avon Community Church Outdoor Event
7. MN Dept of Health Grant Agreements
  - a. Competitive Matching Grant (\$4,055 to up-date the security system at the old well house )
  - b. Implementation Grant (\$2,223.82 for our Well Head Protection Plan)
8. Acknowledge Representative Jeff Howe's League of MN "Legislator of Distinction" Recognition

*Motion Kurt Marthaler to approve consent agenda second Jim Stang and carried unanimously.*

**COUNCIL BUSINESS**

**Ervin Bueckers, Bueckers City Sanitation** – Council considered Assignment of Contract to Waste Management. Councilor Meyer asked whether it would be possible for Waste Management to consider offering the 30 gallon cart for all

residents instead of only senior citizens. Waste Management said they will look into it. Melissa Buecker's stated that they tried that for a bit but residents began to put trash into the recycling bin when their small trash can was full. Waste Management will take over in August.

***Motion Kurt Marthaler to approve Assignment of Contract to Waste Management second Julie Jarnot and carried unanimously.***

## **ISSUES BY STAFF**

### **Administration**

***MN DEED RLF Exception*** DEED is allowing cities a "one time" exception to the restrictions on the use of MIF/RLF funds. By June 30, 2018, a city may opt to move 80% of the funds they currently possess into their general fund (and must report on how those funds were utilized – debt service, capital improvements, general operating etc...). The remaining 20% of the funds must then be returned to MN DEED. In our case, this would mean returning approximately \$122,100 to DEED and moving approximately \$489,000 into the general fund for other purposes.

***RFP for Auditing Firm*** The city has received five proposals. Council consensus to continue to work with Clifton Larson Allen.

### **Planning and Zoning**

***Administrative Subdivision*** – Mr. Schnepf, of 902 Waters Edge Circle, is requesting approval to split the outlet that he owns which is adjacent to his property. Originally this outlet, which lies along the shore of Ochotto Lake, was intended to host a neighborhood docking system to provide access to Ochotto Lake for the entire development. Mr. Schnepf wishes to deed a portion of the outlet to his next door neighbor, Mr. Doll so that Mr. Doll would have access to Ochotto Lake. Because the outlet is unplatted the proper procedure would be to plat it in order to create two lots. In order to comply with zoning ordinance, the resulting lots would need to be attached to the adjacent primary homestead lots so as to avoid creating two non-conforming/illegal lots. Should Schnepf wish to continue the process of platting, the council would require entering into some sort of development agreement with Mr. Schnepf wherein he would agree to establish an escrow account with the city and agree pay all associated expenses (legal, engineering, platting, filing, etc...).

### **Public Works**

Written Report and Requests for Approval - Public Works Director Casey Jansky presented his report and requested approval to move forward with LED lighting on Main Street. Casey Jansky explained that the sooner we get the new lights in, the greater the rebate we will qualify for.

Casey also updated the council on the condition of the shelter structures at Wobegon Park. They have received wind damage causing the poles to shift 6" to the north. An insurance claim is being investigated.

### **Police - Written Report**

Chief Nellis presented his written report and updated the council. Chief Nellis stated that the City of Avon was selected to receive 4 tasers and holsters on a bid letting for \$1100 plus shipping.

***Motion Jim Stang to approve the expenditure of \$1100 plus shipping for tasers second Julie Jarnot and carried unanimously.***

### **Water/Wastewater - Written Report**

Water/Wastewater Director Jon Forsell presented his written report and updated the council on the lift station wear plates. All except for the one Jon had already been planning to replace are in good condition and showing very little wear.

## **ISSUES BY COUNCIL**

Jim Stang acknowledged Greg Johnson, Superintendent Albany Area Schools and thanked him for his attendance.

## **ADJOURNMENT:**

***Motion by Jim Stang to adjourn the meeting at 8:15 pm; Second by Councilor Marthaler and carried unanimously.***

Respectfully Submitted,  
Jodi Austing-Traut City Clerk/Administrator