

**Minutes  
Avon City Council  
June 05, 2023**

**THE FOLLOWING MEMBERS WERE PRESENT**

Jeff Manthe – Mayor, Katie Reiling, Aaron Goebel, Doug Schaefer, Mark Schulzetenberge - City Councilors  
Justin Kurtz – Water Wastewater Foreman, Landon Gudim – Police Officer  
Jodi Austing-Traut, City Clerk-Administrator

The Pledge of Allegiance was recited and the meeting was opened at 6:00 pm.

**CLIFTON LARSON ALLEN AUDIT PRESENTATION**

Kristin Houle and Chris Knopik were present from Clifton Larson Allen. The city’s audit findings and financial statements were presented. No significant deficiencies or legal compliance issues were found. The city has a healthy general fund balance. Funds other than the general fund may need supplementation. Water fund is currently balanced, but only within \$1,000. As expenses rise and revenues stabilize the water fund will need an adjustment of revenues to offset rising expenditures. Sewer fund is running at a deficit for the fifth year in a row as operating costs have continued to rise. Council has recently raised water and sewer rates a small amount, but will need to consider more frequent increases to keep up with inflation and rising costs of operations as well as being mindful of depreciation costs as infrastructure improvements and replacements are warranted in the future.

**PUBLIC IMPROVEMENT HEARING FOR SIXTH ST RECONSTRUCTION PROJECT**

Jeremy Mathiasen of Stantec, the city’s engineering firm, presented a slide show with a summary of the proposed project. The 6<sup>th</sup> Street project will include pavement reconstruction with 24’ wide bituminous pavement (no curb) and 4’ wide gravel shoulders. Total project costs are expected to be around \$113,000. Approximately \$25,000 is expected to be assessed to benefiting property owners in similar fashion to past projects, on a front-foot basis but capped at 150’. Assessment amounts will range from \$1,650 to \$2,841 for single family residential properties. Multi-family properties will be assessed proportionately.

Staff presented Resolution 2023-17 Ordering Improvement and Preparation of Plans & Specifications for 6<sup>th</sup> St Improvements and Resolution 2023-18 Approving Plans & Specifications and Authorizing Bids for 6<sup>th</sup> St Improvements

*Motion Reiling to close the public hearing at 6:53 second Schulzetenberge and carried.*

*Motion Goebel to adopt Resolution 2023-17 Ordering Improvement and Preparation of Plans & Specifications for 6<sup>th</sup> St Improvements and Resolution 2023-18 Approving Plans & Specifications and Authorizing Bids for 6<sup>th</sup> St Improvements second Schaefer, carried unanimously.*

**PUBLIC FORUM**

Jon Habben requested an update on the iron staining on the rocks along the shore near his property. The staining occurred as the dewatering was taking place and iron and minerals were being released onto the rock area. Engineer Jeremy Mathiasen had spoken with Nicki Blake-Bradley at the DNR. She suggested that the rocks be moved and turned around as there is not a “miracle” product to clean the rocks off that would also be safe for the lake. Mathiasen will continue to look into options.

Parker Rosen presented a donation to the K-9 Program. Miss Rosen raised funds by hosting a lemonade stand to benefit Avon K-9 Maverick. Officer Gudim thanked Miss Rosen and brought in very excited K-9 Maverick to meet her.

**CONSENT AGENDA**

1. Council Minutes of May 1<sup>st</sup> and May 15<sup>th</sup> 2023
2. Receive Fire Department Minutes
3. Paid Check Register, Manual Claims, Capital Expenditures, Payroll Deposits
4. Legal Fees, Engineering Fees, Auditor/Acct. Fees
5. Resolution 2023-14 Adopting a Comprehensive Performance Measurement Program
6. Resolution 2023-16 Authorizing Signers for a Real Estate Transaction Sale of 303 Estate Dr (42.26310.0052)
7. MN Department of Revenue Updated Agreement for Half-Cent Sales Tax Revenues

8. Clifton Larson Allen Invoice

***Motion Reiling to approve consent agenda second Goebel and carried unanimously.***

**COUNCIL BUSINESS**

Lanae Braegelmann Invoice for Hydrant Damage at 16243 Linneman Lake Road

Staff has not heard back from Braegelmann regarding the invoice and whether her insurance would cover the damages. Moving forward, the hydrant could possibly be eliminated as it is in relatively close proximity to another hydrant.

Mark Buchanan and Nick Henkemeyer – Avon Youth Baseball Updates and Requests for Funding

Buchanan was present to update the council on field improvements which have been made. Parking will be posted to one side of the street only during games. Buchanan requested approval for batting cage placement and shed placement at Stratford Park to be used for storage of field grooming equipment. The group has received \$5,000 from the Kirby Puckett grant. In addition, Gilleland Chevrolet gave \$3,000 and Dick's Sporting Goods gave \$12,100 toward the Avon Youth Baseball Projects at Lions Park and Stratford Park. Along with local donations, around \$27,000 in total has been raised and used in making improvements to the youth fields.

Buchanan requested funding of \$2,500 for the site preparation for placement of the shed and batting cage (curb, remove sod, place turf).

***Motion Reiling to authorize the placement of a shed and batting cage at Stratford Park contingent upon approval of Zoning Administrator, second Schulzetenberge, carried unanimously.***

***Motion Schaefer to authorize up to \$2,500 from general fund for improvements to Stratford Park youth ballfield, second Schulzetenberge, carried unanimously.***

Jim and Lyn Metz – Pickleball Club Request for Port-a-Potties

Metz's requested the city provide a port-a-potty for the Pickleball players. Estimated at about \$125/ month for June, July, August, and September. Metz also asked if the city has any additional bike racking that could be placed at the pickleball courts. Staff will check into this and get back to Metz's.

***Motion Goebel to authorize placement of port-a-potty at the pickleball courts for June through September of 2023 at \$125/month second Schaefer and carried unanimously.***

Jacob Voss – Fisher's Club Parking Lot Dust Control Proposal

Voss Requested the city share in the cost of parking lot dust control for the city's lot which is next to the beach, but is also used by Fisher's Club patrons. The cost is \$625 to be split between the city and Fisher's Club.

***Motion Schaefer to authorize \$312.50 for dust control at the beach/Fisher's Club parking lot, second Goebel carried unanimously.***

Band Noise at Wobegon Park After Fireworks on Spunktacular Days

Rodney Wolf submitted a written complaint about the volume of the band playing after the fireworks. Staff has brought this issue up to the Lions Club. Lions will talk to the band to see about keeping the volume lower throughout the concert.

Jeremy Mathiasen, City Engineer – Project Updates and Pay Application No. 1 Kuechle / 2023 CIP Street Project

Mathiasen provided an update on the 1<sup>st</sup> Street/Dorado/Stratford St W project. Curb and gutter are scheduled for Friday. Paving is tentatively scheduled for June 15<sup>th</sup>. Mathiasen recommended approval of Pay Application #1 for Kuechle Underground in the amount of \$455,352.94 for work completed 04-01-2023 to 05-19-2023.

***Motion Goebel to authorize payment of \$455,352.94 to Kuechle Underground, second Reiling and carried unanimously.***

**ISSUES BY STAFF**

## Administration

### Avon Estates PA / DA Update

Staff is getting a quote for a survey to be completed by KLD for the three sections of Avon Estates that will be involved in the purchase agreement between C&L Excavating/Kevin Cox and the City of Avon. City Attorney is drafting the language for the purchase agreement and the development agreement as discussed by the city.

### Consider an Ordinance to Allow the Keeping of Chickens in Residential Areas

***Motion Reiling to table indefinitely a proposed Ordinance Allowing the Keeping of Chickens in Residential Areas, second Manthe and carried unanimously.***

### Update on Cannabis Moratorium / Ordinance

Legislature has passed and governor has signed a bill legalizing marijuana in the State of MN. Local governments can regulate in the way of licensing and zoning (similar to liquor sales/distribution). Staff will present a draft ordinance at a public hearing in July at Planning Commission and will bring recommendation to council at their meeting in August. Moratorium is currently in place and effective through August 15<sup>th</sup>.

### Half Cent Sales Tax

Legislation has been passed authorizing the City of Avon's half-cent-sales and use tax. This will require a ballot question at an election. Council will need to decide if they want to hold a special election or put it on the 2024 ballot.

## Public Works

Chuck Pelkey, Public Works Foreman was not present at the meeting but had requested on behalf of the residents at 300 Estate Drive, that the city consider replacing the storm drain with a drive over one. This grate is located in the center of the resident's driveway and is getting cracked due to cars driving over it. Mathiasen will touch base with Pelkey. Schaefer thanked Pelkey for taking the handle off the winch at the Middle Spunk boat landing.

Written report was presented by Justin Kurtz, Water Wastewater Foreman. Kurtz also updated council on the PLC at the wells. They are back up and running. Ditches are switched. Flushing is completed. Knife River was using 80,000-100,000 gallons of water on the county project at the same time which stirred up quite a bit of scaling. Planning to flush more frequently.

## Police Department

Written report was present. Chief Nellis was not present, but requested in writing to spend up to \$5,000 from the felony forfeiture account for the purchase of two suppressed short barreled rifles for the two main squad cars. Chief also request approval to sell the current patrol rifles to police department staff for \$1,000 per rifle. These rifles are engraved with City of Avon logo and Chief does not want those to be sold to the public.

***Motion Schaefer to authorize the purchase of two suppressed short barreled rifles for up to \$5,000 total from forfeiture funds and to authorize the sale of the current patrol rifles to staff for \$1,000 each as presented, second Manthe and carried unanimously.***

Police Department also requested council approval of a Policy regarding Public Assembly and First Amendment Activity

***Motion Goebel to adopt a Police Departmental policy regarding Public Assembly and First Amendment Activity second Reiling and carried unanimously.***

## Fire Department

Consider Amendment to Avon Fire Department Organizational Statement / Bylaws to increase the member response area to "less than 8 minutes" for response time as well as tidying up Section 2 to remove some redundancies in the old version. Staff will continue to work through the bylaws/organization statement as there are several other areas that need updating. Approval of the membership section is being requested at this time so the Fire Department can continue on with a hiring process as several members are eligible for retirement within a short period of time.

***Motion Schaefer to adopt an Amendment to the Avon Fire Department Organizational Statement / Bylaws as presented, second Goebel and carried unanimously.***

Consider Quotes for Crack Filling

*Motion Reiling to authorize \$1,632 to Pat Gorman for crack filling and sealcoating in front of fire hall, second Goebel and carried unanimously.*

Fire Department sex discrimination case has been appealed and reopened by MDHR. Staff will continue to cooperate with MDHR as they investigate this issue further and will keep council posted on any findings or rulings.

**ISSUES BY COUNCIL**

**Adjourn**

*Adjourned at 8:55 pm.*

Respectfully Submitted,  
Jodi Austing-Traut  
City Clerk/Administrator