

**Greenvale Township
Board of Supervisors Meeting Minutes
Thursday, October 19, 2023**

Present: Supervisors Tony Rowan Dave Roehl, and Chairman Charles Anderson, Treasurer Wayne Peterson, and Clerk Jane Dilley

Others Present: Steve Wickelgren, Bernard Budin, Gregory Langer, Joyce Moore, Kurt Hembd, Mary Langer, Andy Anderson, Terry Mulligan, Kathy Kalow (Edina Realty), Victor Volkert, Mary Jane Keiran, Linus Langer, Ken Malecha, Erv Ulrich, Mary Collins, Perry Collins, Dean Odette, Ron Welbaum, Sara Lofgren

Opening of the Meeting: Anderson opened the meeting requesting audience members keep their comments to themselves and silence any electronic devices.

Approve Agenda: The minutes for the August 17 Board meeting were not yet complete so this item was removed from the agenda. Dilley added that we will schedule a closed meeting with Mike Couri to discuss litigation and removed a building permit fee refund request. Rowan added talking to Mike Couri about the ag exemption for parcels under 10 acres. With those changes, Anderson made a motion to approve the agenda, Roehl seconded. Motion carried 3 – 0.

Minutes: The minutes from the September 20, 2023 Board of Supervisors meeting were reviewed. There were no changes or corrections. Rowan made a motion to approve the minutes, seconded by Roehl. Motion carried 3 – 0.

Guests: Matt Belanger, Dakota County Groundwater Specialist spoke about the water quality of wells in the County.

Citizens comments: Greg Langer had comments about the lawsuit against himself and Linus Langer and the City of Northfield AUAR (Alternative Urban Areawide Review).

Clerk's Report: Clerk Dilley reported there has been an uptick in Right of Way permit requests – primarily from Dakota Electric. Responses have been received from interested parties regarding septic inspector and building inspector services. Darrel Gilmer, the township's septic inspector, sent a letter indicating he is retiring effective November 10, 2023. The Rainbow Saddle Club has found another location to hold their meetings for the winter months. The fall training meeting of the Dakota County Township Officers Association meeting will be November 1. A new Minnesota employment law goes into effect January 1,

2024 providing paid family and medical leave for any employee working 80 hours or more in a calendar year. The Minnesota Association of Townships (MAT) annual conference is December 7 – 9 in St. Cloud. Township attorney Mike Couri requested that Dilley schedule a closed meeting with the Town Board so that he can provide an update on the litigation with Greg Langer and Linus Langer. The supervisors agreed they would be able to attend a daytime meeting on Wednesday November 1.

Treasurer’s Report: Wayne Peterson presented the Treasurer’s Report.

checking account	
September 1, 2023 beginning balance	\$ 29,606.93
deposits	\$ 6,774.65
checks cleared	\$ (5,719.70)
September 30, 2023 ending balance	<u>\$ 30,661.88</u>
less: outstanding checks	\$ (1,271.57)
plus: deposits in transit	<u>\$ 1,386.00</u>
reconciled September 30, 2023 balance	<u><u>\$ 30,776.31</u></u>
savings account Castle Rock Bank	\$ 233,133.15
CDs Community Resource Bank	\$ 55,221.54
Grand Total	<u><u>\$ 319,131.00</u></u>

Anderson moved to accept the Treasurer’s Report. Roehl seconded. Motion carried 3 – 0.

Peterson described a \$2.00 error made by Castle Rock Bank. A permit check was processed (September 12 bank deposit) against a township resident’s checking account for \$2.00 more than the intended amount. Peterson reported the bank has gone through a system conversion since the deposit was made and could not or would not go back and correct the error. The bank suggested the township issue a \$2.00 refund to our resident. Peterson asked for the Board’s guidance for handling the \$2.00 bank error. Dilley has a background in banking and finds the bank’s suggestion we correct their error unacceptable. Anderson agreed. The bank needs to deduct the extra \$2.00 deposited in our account and process the refund to our resident along with a letter of explanation. The Uniform Commercial Code (UCC) states that when the numeric amount on the check does not agree with the amount written out on the “pay to the order of” line, the written out amount is how the check should be processed.

Peterson also addressed a minor correction to the X-cel bill processed in the accounting system. Peterson documented what happened and the process followed to make the correction. He asked that the supervisors initial the documentation he prepared.

Peterson requested approval to move \$35,000 from savings to checking at the Castle Rock Bank. Peterson and Dilley will go to the bank Friday morning to conduct the transfer and discuss the \$2.00 bank error. Rowan made a motion to approve the \$35,000 transfer. Anderson seconded the motion. Motion carried 3 – 0. Peterson will also request an increase in the rate paid to our savings account.

Claims were reviewed. Anderson moved to approve the claims, Rowan seconded. Motion carried 3 – 0.

Road Committee:

Local Road Improvement Program (LRIP) funding. Dakota County is swamped by sponsor requests. Anderson isn't certain we have a project that would fall under the scope of LRIP funding. He thinks we have a better chance with bridge grants, using Eveleth Ave as a suggestion.

Anderson will do an evaluation of faded signs, investigate warranties on the existing signs. He will order new signs as needed.

The culvert on Garrett Ave near the intersection of 290th St W was installed in early October and caused major disruption to phone service. Although the utilities were marked, the telephone line was not properly marked. A gas line was not marked at all; how fortunate the area being dug up for the culvert was not on top of the gas line.

Ditches are being mowed with a triple pass and brush is being ground up. Anderson will be collecting permission slips from residents that have trees in the right of way that are designated for removal.

During the winter months, any supervisor can call out for snowplowing. If such a call is made, please notify the Clerk so the rest of the supervisors can be alerted.

Dust control was just under \$60,000 this year. This does not include Garrett Ave and 290th St W, as the County provided chloride for these two roads due to road construction and GPS detours. The roads were sprayed 18' wide. Will need to discuss dust control and costs at the annual meeting.

Gravel was put down on 7 miles of township roads (Eveleth Ave, 290th St W and Holyoke Ave. In 2024, Anderson is proposing gravel for Garrett Ave, 290th St W (from Foliage to Garrett), 300th St W, 307th St W and 315th St W. Perhaps the south part of Holyoke Ave from 320th St W to Highway 19. We need to look at the minimum maintenance roads. Rowan suggested a top coat of gravel on Jamaica would be beneficial. Jamaica had reclaimed limerock from 320th St W spread and it gets slimy when it rains because of the heavy chloride content.

Greenvale shares responsibility with Waterford Township for Dresden Ave. In 2024 it will be Greenvale's turn to handle road maintenance.

Rowan suggested we get a new contract to Rice County for Greenvale to do snowplowing on the west end of a Rice County road in 2024. Our contractor is already in the area, and it is a continuation of roads already being plowed for the township. Rice County will reimburse the township at the rate of \$130.00 per hour.

Planning Commission: Malecha reported on the October 12, 2023 Planning Commission meeting.

A parcel split request was presented on behalf of the Odette family. Anderson stepped away from the table as he is involved in the transaction. Rowan took over for the review of this proposed split. Attorney David Jacobsen drafted the subdivision agreement. The Planning Commission (PC) approved the agreement on a 5 – 0 vote and recommends Board approval. Rowan made a motion to approve the parcel split. Roehl seconded. Motion carried 2 – 0, with Anderson abstaining.

The Budin Family Trust has requested a 10-acre parcel split. The subdivision agreement was drafted by attorney Ryan Blumhoefer and includes the transfer of one building entitlement to the new parcel. The PC approved the subdivision agreement on a 5 – 0 vote and recommends Board approval. Anderson made a motion to approve the subdivision agreement, Roehl seconded. Motion carried 3 – 0.

A parcel split of 2.55 acres was requested by Terry LaCanne. The subdivision agreement was drafted by attorney Ryan Blumhoefer. There are no building entitlements involved. The PC approved the request on a 4 – 0 vote (Volkert abstained) and recommends Board approval. Anderson made a motion to approve, seconded by Roehl. Motion carried 3 – 0.

The Mitchell family requested a parcel split of 2.9 acres. Attorney David Jacobsen drafted the subdivision agreement. The PC approved the parcel split with a 5 – 0 vote and recommends

Board approval. Rowan made a motion to approve, Anderson seconded. Motion carried 3 – 0.

A parcel split was requested by the L. B. Schweich LP. A 5.7-acre parcel is being split from PID 16-02000-76-013, and a building right is being transferred to the new parcel from PID 16-02000-76-012. Attorney Ryan Blumhoefer drafted the subdivision agreement. The PC approved the parcel split with a 5 – 0 vote and recommends approval by the Board. Roehl made a motion to approve the parcel split. Anderson seconded the motion. Motion carried 3 – 0.

Malecha received a call from Jenni Faulkner of Bolton & Menk to let us know that Harry Davis has resigned to take a city planner position with the City of Faribault. Jenni will take over the work on Greenvale’s ordinance manual. Malecha asked the Board’s permission to schedule one or two special meetings of the Planning Commission. The first one would be at the end of October to go over the Bolton & Menk draft of the first half of the ordinance manual. If needed, a second one would be in November for the second half of the manual. Rowan made a motion to approve one or two special meetings, as needed. Anderson seconded. Motion carried 3 – 0. Rowan suggested contacting Maggie Dykes of the Community Development Agency to see if there is some cushion surrounding the completion deadline date of December 31 in light of Harry Davis’ departure. Malecha reported that township attorney Mike Couri will look at the parameters for ag exemptions for parcels under 10 acres. Ryan Blumhoefer is drafting new subdivision forms for the township.

Building/Grounds: Nothing new to report.

Old Business: The funding proposal for the 911 Joint Powers Agreement will be discussed at the November 1 Dakota County Township Officers Association meeting.

Committee reports:

Broadband – the committee consists of Anderson, Lorn Manthey and Sara Lofgren. Anderson and Lofgren attended a meeting at Dakota County with further discussions about broadband. Lofgren gave a recap of the meeting. Dakota County employees attending were Dan Ferber, IT Project Manager and David Asp, Network Collaboration Engineer. Dakota County has a map of conduit in place along County owned roads. Conduit was put in place along 320th St W and 280th St W (west to Holyoke) during recent construction. Anderson noted there is conduit and fiber installed along part of Isle Ave and on County Road 90, which the County did not know about. Installation work is being done without permits being obtained from the County and the Township. A federal infrastructure bill has \$650 million earmarked for broadband in Minnesota to cover up to 75% of the cost to run conduit and fiber installation. We would

need to partner with Dakota County and an internet provider willing to work with the County. There is also money available for long driveway farm hookups – up to \$25,000 per residence. Hiawatha Broadband is willing to work with the County; Nuvera and Metronet are not. Two action items for Greenvale – what permits were issued for conduit installation and a survey of who would sign up for service. To apply for a grant, Dan Ferber said a plan would need to be drawn up to determine costs. The deadline for 2024 funding cannot be met, so the County would apply next year for 2025 funding. Lofgren thought it best to wait until the County does construction on the west end of 280th St W in 2026 so conduit is installed during construction. No conduit was put in place by the County when County Road 23 (Cedar Ave) was reconstructed a few years ago.

Anderson made a motion to send a survey letter to residents. Rowan seconded. Motion carried 3 – 0. Anderson asked Lofgren to collect product information and costs from Hiawatha to include in the letter. Anderson thanked Lofgren for a very thorough report and her participation on the committee.

Picnic – Mary Collins reported the picnic was a great success despite the rain, although she was prepared, having brought several umbrellas decorated specifically for the Greenvale Township Picnic. The food was wonderful, everyone was in good spirits, the music was terrific, and the decorations were over the top. Mary thanked Victor Volkert who donated mum plants to the picnic. The mums were a nice addition to the decorations and were given away as door prizes.

County Road 90 – Roehl reported the task force members met the previous week and want to set up a meeting with the County to go over the task force’s questions. Roehl contacted Mike Slavik to get the meeting set up.

TK Properties submitted an extension letter to extend the 60-day review period for a building entitlement request.

New Business:

The County has completed its Capital Improvement Plan for 2024 – 2028 and requested a letter of support from the township. Anderson made a motion to provide a letter of support, Rowan seconded. Motion carried 3 – 0. The letter of support was signed by the Supervisors.

The Dakota County Elections Department has historically provided absentee ballot processing for the townships and small cities in the county. Dakota County has established an Absentee Ballot Board, now required by the State of Minnesota, and prepared a Joint Powers Agreement (JPA) to provide absentee ballot processing services to municipalities using these services, which also includes a cost sharing arrangement. Greenvale's portion is estimated at \$400 for 2024 – 2025. The Supervisors discussed having Mike Couri review the agreement but ultimately decided to authorize signature of this agreement (online through DocuSign) without an attorney review. Rowan made a motion to approve the signing of the JPA for absentee ballot processing, Anderson seconded. Motion carried 3 – 0.

New election laws now allow townships of any size to move to 100% mail in ballots. After discussion it was decided this was not a good option for Greenvale Township. Anderson made a motion to continue with in-person voting. Rowan seconded. Motion carried 3 – 0.

The township received answers to our Request for Proposal (RFP) for building inspector and septic inspector services effective January 1, 2024. MNSpect responded for building inspector services. Beaver Creek Companies (Mark Ceminsky) and Inspectron Inc. both responded for both building and septic inspector services. Services and fees for each were reviewed. Anderson said he's received good feedback about building inspector services by Mark Ceminsky who works with two neighboring townships, and he's been working with Darrel Gilmer on septic inspections for some time. Gilmer recommends Ceminsky and Ceminsky is willing to serve as Greenvale's septic inspector on an interim basis until January 1. Rowan made a motion to appoint Beaver Creek Companies as interim septic inspector from November 11, 2023 to December 31, 2023. Anderson seconded. Motion carried 3 – 0. Anderson made a motion to select Beaver Creek Companies as the township's building inspector and septic inspector effective January 1, 2024, pending review of the contracts by township attorney Mike Couri suggested by Rowan. Roehl seconded. Motion carried 3 – 0. The contracts are for a duration of two years. No formal notification will be made to our current provider MNSpect or to Inspectron until after we have comments from Couri, and we are able to execute contracts with Beaver Creek Companies. Roehl expressed concern about paying MNSpect for services they may not have completed. The township retains the collected permit fee monies and only pays MNSpect when services have already been provided. Dilley said she is concerned about transition issues from MNSpect to Beaver Creek Companies as building inspector and will work on questions for both MNSpect and Beaver Creek.

The township received a questionnaire from the County about how we handle our solid waste disposal (trees). Anderson has questions and will contact the County for clarification.

Rowan added he attended a City of Northfield Transportation meeting. There are plans to turn two miles of State TH 246 over to the City. The City's website has information about upcoming community engagement events.

Checks for claims and payroll and CTAS reports were signed. (After adjournment, the Odette family subdivision agreement was signed by Rowan. The other subdivision agreements were signed by Anderson. Dilley notarized their signatures. She will take the subdivision agreements to the law offices of the respective attorneys to have her signature notarized).

Rowan made a motion to adjourn the meeting. Roehl seconded. Motion carried 3-0.

Submitted:


Jane Dilley
Town Clerk

Approved:


Charles Anderson, Chairman
Board of Supervisors