

Greenvale Town Board Special Meeting Minutes
April 14, 2015

Present: Chair Greg Langer, Clerk Linus Langer, Supervisor Duane Fredrickson, Supervisor David Roehl, Attorney John Ophaug & many citizens

6:00 PM meeting was called to Order and Pledge was recited.

Langer read the Public Notice as Posted.

Reviewed the March 17th Minutes: Fredrickson moved to approve the minutes Roehl made second and motion passed.

Agenda: Langer asked if we want to approve comments from the room. Fredrickson noted we would want it to be limited. Langer read a proposal on rules to be used.

- One person speaks at a time
- Limit speaking time to two minutes
- Raise your hand to be recognized to speak
- Do not repeat comments or ask questions that have been addressed
- Share the speaking time
- Listen respectfully. Do not interrupt other speakers

Roehl moved to approve rules, Fredrickson made second and motion passed.

Langer introduced guests: John Ophaug, David Ludescher, and Pete Sandberg.

Transfer request: Langer invited Ophaug to table. Ophaug made summary to Board. He did some research since last meeting. 60 days question is on the table so something needs to be decided today. Ophaug was in contact with Dean Johnson and also Minnesota Association of Townships (MAT) and they both say we do not have permission to transfer building rights. The ordinance is silent on that. Ophaug recommends a denial as the Ordinance lacks authority. Our Zoning doesn't allow it. Second thing is Ophaug recommends a 6 month moratorium to deal with issues.

Fredrickson asked about Moratorium stopping clock on 60 days and Ophaug said it would not effect the clock.

Langer said he has been in touch with another attorney, who agrees with Ophaug.

Fredrickson asked about end-date on moratorium. Ophaug agreed by denying request Township could be sued. Roehl inquired about previous nature of transfer vs future nature of same transfer? Ophaug recommended checking with Dean Johnson on the details and rules with these questions. MAT wrote back and Ophaug

read part of their letter. The letter says consent would be required as you can't just allow one person to take a right from another person.

Fredrickson asked for comments from Ludescher. Ludescher said he was at meeting to represent Mathew and Shelly Langer. He shared points from correspondence that was mailed to Supervisors highlighting several concerns.

Langer asked if anyone else had comments. Tom Sorem asked if "the issue is the 5 rights transferred to John Fink?" Langer explained the ones we were addressing for this discussion are the five. Since the farm is in the city... Sorem asked Ophaug if they can be transferred back... Ophaug said the question is "did the right exist in the first place?" There was no authority in the first place.

Fredrickson asked about a voluntary agreement... Ophaug said you could ask them to withdraw the request. Ludescher said Ophaug was right because there was no right to transfer in the first place. Roehl said we don't have a choice. Fredrickson said we should take the advice of our attorney.

Ludescher explained Ophaug's recommendations are helpful for both Langers and Sorems. Moratorium recommendation would stop everything for 6 months for study. Langer talked about what's involve with possibly changing ordinances and how citizens would be invited, encouraged to be involved, and asked for input.

Fredrickson said he is inclined to take attorney's advice. Fink was not in attendance.

Roehl made a motion to deny the petition because Greenvale Township has no authority in its Zoning Ordinance to permit the transfers. Attorney reinforced we must state reason and provide it in writing. Clerk will need to send a letter within 60 days. Fredrickson seconded and Motion passed unanimously.

Clerk will send a letter to Fink, with motion and findings of the Board.

Langer asked about other business and there was none.

6:35 meeting adjourned.

Respectfully, Linus Langer/Clerk