

**Greenvale Township Planning Commission
Meeting Minutes
Thursday, August 11, 2022**

Present: Ken Malecha (Chair); Commissioners Joyce Moore, Scott Norkunas, Mark Legvold, Victor Volkert; Charles Anderson, Board Liaison and Linus Langer, Zoning Administrator

Others Present: Steve Grittman, Perry Collins, Mary Collins, Jane Dilley, Tom Wirtzfeld, Terry Mulligan, Lois Berg, Bruce Paulson, Gregory Langer, Andy Anderson, Tony Rowan, Dick Moore, Cindy Roehl, Vickie Tyler, Eric Christianson, Carolyn Fott, Chris Kennelly, Jenn Welbaum, Wayne Peterson

Opening of the Meeting:

Chairman Malecha called the meeting to order at 7:03 with the Pledge of Allegiance. The audience was reminded sign the attendance sheet and to silence their electronic devices.

Malecha stated the Planning Commission would act on matters received by the Zoning Administrator by noon 10 business days before the meeting tonight. Items received after that time will be placed on the following month's agenda.

Agenda: 1. There were no additions from the Planning Commission (PC) to the agenda and 2. Malecha requested the addition of citizens comments. On number 5, move Tom Wirtzfeld under permit requests instead of New Business. Lastly, add posting PC members' information on the website. Norkunas made a motion to approve the agenda with the additions, Volkert seconded the motion. The motion carried with all members voting yes.

Citizens comments. Chris Kennelly spoke to let the PC know he would be coming forward at the next meeting about a building permit over on 305th St W. The previous house burned down 4 – 5 years ago. A subdivision was done in 2020. Wants to reinstate the horseshoe driveway that was there previously.

Meeting Minutes: Review the draft minutes from the July 12, 2022, meeting. Discussion surrounding nominating and seconding Malecha as Chair. Volkert and Legvold nominated each other for Chair, no seconds. Norkunas pointed out that documentation was lacking for D. Prescott shed, so tabled to this month's meeting. Malecha: Ruddle – demolition permit – don't remember a subdivision. Legvold: Uncomfortable with the Kluver language. Conflict between our ordinances and the Met Council Comprehensive plan regarding density. Pointed that out in a prior PC meeting, then forwarded to the Board for approval that there are three building sites on the parcel in question.

Legvold said he wanted to see revised July 12, 2022, minutes at least two days before the next PC meeting and made a motion to table the July minutes until the September meeting. Norkunas seconded. Motion carried, all in favor.

Introduction: to our new Planner, Steve Gritman of Northwest Associated Consultants, Inc. (NAC). He will speak later in the meeting.

Board Liaison report: Supervisor Charles Anderson said attorney Ryan Blumhoefer was given permission by Rusty Kliver to talk with Charles Anderson about the Comp Plan and our ordinances not agreeing. The township will need a legal opinion. Ryan represents Rusty Kliver so cannot represent the Township.

Permit Requests:

Tom Williams: The PC packet was incomplete; it should include septic information as it was provided to the Zoning Administrator August 1. Page 4 of the Solar Ordinance was mixed in with Tom's materials. The PC compared notes on who had what documents. Darrell Gilmer (Septic Inspector) has approved the septic design. MNSpect did an inspection report on the house being moved in. Grossly unfair to Tom the PC doesn't have the information he provided. Malecha moved that the PC approve this and pass it to the Board, despite incomplete information. Joyce Moore seconded. Discussion: Mark Legvold said he wouldn't approve as materials were not given to the PC in time to give the matter adequate review. Volkert agreed with Legvold's statement. Malecha described a conversation where Zoning Administrator Langer stated in some cases the less information the Planning Commission gets, the better – a statement Malecha wholeheartedly disagrees with. Roll call: Moore, Norkunas and Malecha – yes; Legvold and Volkert – no, due to lack of information ahead of time. Motion carried 3 to 2.

Donavin Prescott: PC has the permit request. There was also a site map, but no indication where the building would go. Donavin drew it on the map. It is 100' from the property line. The building is 36' x 84' and is attaching to a larger shed. Norkunas said the site drawing wasn't in the PC packet. Donavin was told he could just bring it with him that night. Legvold said the materials were just provided to them at the meeting, so there was no chance to review beforehand. Legvold was offered and took the opportunity to review the materials. Inquired if the roof lines would match. The existing larger shed has 16' side walls, the new add on will have 10' walls. Donavin believes the pitch of the roof will be the same. There being no more discussion, Malecha made a motion to approve the ag building permit. Seconded by Volkert. Legvold added he would be voting no because the PC wasn't given materials three days ahead of the meeting. Donavin Prescott again reiterated he was told by Langer he could bring materials the day of the meeting. Roll call: Volkert, Norkunas, Moore and Malecha – yes; Legvold – no. Motion passed 4 to 1.

Tom Wirtzfeld: The PC received these materials ahead of time and Tom brought additional copies with him. The project is a 10' x 12' building on a concrete pad to house electrical

components. It is an ag project but came before the PC because the footprint is changing. Legvold made a motion to approve the permit. Moore seconded the motion. All PC members voted aye. Motion passed 5 – 0.

Hofschulte subdivision: Subdivision documents provided at the meeting. The request is to move a building right from the south quarter-quarter to the north quarter-quarter. Both the landowner and the broker knew their presence was requested but neither could attend. Legvold made a motion to table this item until the next meeting, as documents were not provided ahead of the meeting. Moore seconded the motion. Motion passed 5 – 0.

Kliver subdivision and cluster: Kliver was not present, therefore there was no action taken.

Old Business:

Vickie Tyler of the Greenvale Township Preservation Watch (GTPW) asked to be on the agenda. She read from the July 12 PC meeting minutes about Terry Mulligan’s presentation (by proxy) of an ordinance change for the PC to forward to the Board, along with Supervisor Anderson’s letter to the community about the PC’s next project. The PC is awaiting news of a grant requested from Dakota County to update the township’s ordinance manual. Question posed: is the PC going to create business zoning or housing developments? The PC members said they hadn’t seen anything of that nature. Vickie next read the June 16 Board minutes about the rotation of PC members, new terms and nominations of members from the Board. Supervisor Anderson’s community letter mentioned the completion of the PC’s Policy and Procedure Manual approved by the Board and the process of selecting new PC members. The PC was unable to comment on this as the issue was about the Board, not the PC.

Steve Grittmann was invited to address the Residential Energy Ordinance with the PC. Malecha asked if there was a public copy of Grittmann’s comments on the ordinance – Langer said “not handy.” He spoke of the problem with syncing versions of documents and always having the most current available isn’t always possible. Malecha talked about the origin of the new ordinance through the work of the PC back in March to address residential solar permits being issued without there being a residential solar ordinance. Steve Grittmann took all that prior work and put it into ordinance form and provided a table of changes and the reasons. He discussed the changes necessary in the ordinances to establish a residential energy provision. (Additional copies of the handout were made during the meeting).

Solid Fuel: Wood burners in existence do not need to change to conform with the new ordinance, however, new installations will have to comply. Installations need to conform to manufacturer’s specifications along with state rules and standards that may apply. Units need to be operated according to and used for purposes described in manufacturer’s specifications as well. Standards for permitted devices are addressed. Enforcement of public nuisances handled by the Dakota County Sheriff, not the Board or the PC. Discussion about public vs. private nuisances. Current ordinances do not address nuisances, so common law applies. Accessory uses are necessary, cannot use a wood

burner on an empty lot. Setbacks from neighboring property and roads were discussed and instances where variances would be needed. Removal of non-functioning or unused devices addressed.

Liquid Fuel: Bulk storage vs residential use propane tanks vs accessory uses (fuel for farm machinery) were discussed. Supervisor Anderson shared his observations of existing liquid fuel storage from driving the township.

Solar: Accessory solar – roof or ground mounted residential (non-commercial) and its uses were discussed. Limitations on ground mounted – specific square foot requirements or percentage of parcel devoted to the installation. Limitation on kilowatt output: Dakota Electric limits residential usage at 40 kilowatts. Placement on lot, site nuisance, glare and distance from forested land are considerations. Height limitations and maximum tilt specifications for inground installations were discussed.

Roof mounted have space requirements from the edge of the roof line based on guidelines of fire safety codes. Fire chiefs may have different interpretations of those safety guidelines, so check with local fire authority. Installations must follow manufacturer's guidelines. Roof installations subject to structural engineer recommendations and electrical permit guidelines. Newer systems have reduced the glare issue. Removal and disposition of panels at the end of usage.

Industrial or commercial use – address by Interim Use Permit (IUP)? Future ordinance. Good for discussion; future project.

Draft Ordinance for Public Hearing: Steve Grittman will incorporate discussion and decision points into draft ordinance for a public hearing. (Grittman provided the revised draft August 30). Legvold wants to read it before a public hearing is scheduled. Volkert agrees with this. Distribute draft before public hearing so PC members can review. If comments, make them at public hearing.

Public Hearing: Schedule a public hearing for September 8 at 6:00pm, followed by the already scheduled PC meeting at 7:00pm. Typical public hearing protocols discussed. This is not a controversial topic; we are adjusting our ordinances to address what has already been granted in our township. If a person wants to speak, they should attend at the beginning of the meeting. After all testimony is heard, the public hearing will adjourn. If public hearing is brief, it is not advised to move right into the PC meeting as it is not as the public would expect, per Langer. Legvold moved to have Steve Grittman attend the public hearing, seconded by Malecha. Motion passed unanimously. Legvold made a motion to schedule a public hearing for 6:00pm on Thursday September 8, with the PC meeting to convene immediately following. Seconded by Norkunas. Motion passed unanimously.

Steve Gritman was thanked for his time and directed to send the updated draft to the Clerk for distribution to the PC. PC chose one combined instead of three separate ordinances but identified as three chapters in the manual. Langer requested a copy of the ordinance in its current form, Dilley forwarded it during the meeting.

New Business:

Discussion surrounding publishing PC member information on our website. Generally, members found this acceptable, no outright objections. Legvold shared the history of this topic. Only the contact information of the Chairman was listed on the website, so all questions would funnel through one person. Donavin Prescott was still in the audience and volunteered to establish a group email address that would distribute emails amongst the PC. Legvold made a motion to proceed with that plan. Moore seconded. Motion passed unanimously.

Malecha talked about being tasked at the last Board meeting to create checklists of documents needed for various types of permits. Malecha has obtained information from other townships and has asked Moore to handle this.

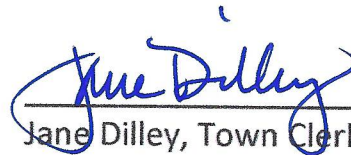
Next PC meeting is Thursday September 8 at 7:00pm.

Meeting was adjourned at 9:05pm.

APPROVED – September 8, 2022



Ken Malecha, Chair



Jane Dilley, Town Clerk