

Greenvale Township Board of Supervisors Work Session and Meeting Minutes Thursday, August 18, 2022

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

Others Present: Perry Collins, Mary Collins, Linus Langer, Greg Langer, Andy Anderson, Jerry Bolton, John Fink, Maynard Bolton, Scott Norkunas, Dean Odette, Mary Langer, Katey Langer, Bruce Paulson, Dick Moore, Cindy Roehl, Dick Moore, Jennifer Welbaum, Sean Stevens, Terry Mulligan, Lois Berg, Tom Wirtzfeld, Bev Wirtzfeld, Erv Ulrich, Daniel Rohwer', Kurt Hembd, Carolyn Fott, Vickie Tyler, Linda Wasner, Tom Williams, Victor Volkert plus two illegible signatures.

The Board opened a work session at 6:00pm to discuss and review agenda items before the regular meeting.

Opening of the Meeting:

Chairman Anderson called the meeting to order at 7:00pm with the Pledge of Allegiance. The audience was reminded sign the attendance sheet and to silence their electronic devices.

Approve Agenda: The agenda as revised during the work session was approved by motion from Rowan, seconded by Roehl. Motion passed 3-0.

Approve Meeting Minutes: The draft minutes (revised) from the June 16 meeting were approved by a motion from Anderson, seconded by Roehl. Motion passed 3-0. The draft July 14 minutes were approved by a motion from Anderson, seconded by Rowan. Motion passed 3-0.

Introductions: Guests Mike Couri, Couri & Ruppe and Jill Trescott, Dakota County Senior Groundwater Coordinator were introduced. A Dakota County Sheriff's Deputy was also in attendance.

Citizens comments: 1) Linus Langer expressed interest in being reappointed as the Zoning Administrator, a role he fulfilled during his years as Town Clerk. 2) Bruce Paulson spoke about the method by which the former Planning Commission members were replaced at the June board meeting. Anderson's August 2 letter seems to explain away the process by which prior members were not reappointed. 3) Vickie Tyler brought attention to two items: a) the June 16 Board minutes seem to contradict the August 2 letter from Anderson, and b) Anderson's August 2 letter states the Planning Commission will be reviewing and refreshing our ordinance manual; this combined with the draft ordinance presented by Terry Mulligan, her question is - are we moving away from agricultural zoning.

Supervisor Anderson invited Jill Trescott to speak next. She is with the Dakota County Groundwater Protection Unit. For the last year and a half, they have been working on the Agricultural Chemical Reduction Effort (ACRE) as part of the Groundwater Plan as adopted by Dakota County. The focus is on reducing the nitrates, pesticides and chlorides found in groundwater, especially drinking water in rural Dakota County. The desired outcomes are: 1) less than 5% of the households on private wells exceed drinking water standards for nitrates; 2) no households exceed the standards for pesticides in drinking water; and 3) an overall reduction in chlorides in groundwater. Thus far all efforts have been voluntary. Greenvale is the one township in Dakota County that already meets these goals. Their continued efforts involve collecting groundwater and private well samples, an education and outreach program and working with the Soil and Water Conservation District. Additional financial incentives will be available for adopting groundwater safety guidelines. A Nitrate Clinic will be at the

Hastings library on October 27 from 4:30 – 6:30pm – free nitrate testing while you wait, as part of a “We Are Water” exhibit at the library.

Supervisor Anderson added some comments. Jane Dilley is our new Town Clerk. The election had been subject to litigation which has been settled and Dilley was sworn into office August 9. Anderson and the audience thanked Langer for his eight years of service to the township. The lawsuit is public record and is available through Dakota County. Dilley is retired from the workforce, will be readily accessible to township residents and there will be a discussion about regular office hours later in the meeting.

During the last Board meeting a letter received from TK Properties was discussed. The Board requested Clerk Langer to set up a Special Closed meeting with attorneys Couri & Ruppe to discuss this with the Board. Clerk Langer should have informed the Board a closed meeting is not appropriate as the litigation is not active. The attorneys prepared an unauthorized resolution rejecting TK Properties request for a building right. Anderson felt steps were taken that should've involved the Board. Mike Couri was in the audience and spoke that in matters of this type, it is routine to send a letter extending the time frame from 60 to 120 days to give adequate time for a full review and decision.

Clerk's report: 1) Dilley gave a brief report on the August 9 primary election. There were approximately 110 voters. All posts were fully staffed during the election. Head judges work together very well in closing out the polls. Dilley came to observe as she has not worked as a judge during poll closing. 2) Authorized signers at the Castle Rock Bank and Community Resource Bank. The township will require three signatures on checks, and two signers to transact business on the savings account and CDs. Signature cards at Castle Rock now reflect Supervisors Anderson (with Rowan as a backup) along with Peterson and Dilley for the checking account. Community Resource Bank will be addressed once the minutes of this meeting are finalized. 3) Office hours: Dilley indicated all township work will be done at the Town Hall and is committed to offering regular or posted office hours. The Board will reflect on this for a decision at the next meeting. 4) A new email address was established to receive emails from greenvale@greenvaletwp.org (our published email). Responses will come from townclerkgreenvale@gmail.com. In the future this email can be transported to another person taking office. 5) Dilley requested the Township acquire its own cell phone for the Clerk. The phone can be passed to a Deputy Clerk temporarily or another person taking office in the future. Phones must be purchased outright. Price tolerance was discussed. Supervisor Anderson made a motion, seconded by Roehl that Dilley acquire a phone for the best price/plan. Motion passed 3-0.

Treasurer's Report: Treasurer Peterson reported a July 1 checking balance of \$21,030, deposits of \$199,749, checks cashed of \$110,172 for a July 31 balance of \$110,607 (actual different due to rounding). There were outstanding checks of \$1,025 making a reconciled balance of \$109,581. Savings total \$250,026; CDs are \$54,124. No monies in the 4M fund. Grand total is \$413,733. Dilley interjected a request that the levy for 2023 be discussed so it could be recorded in the minutes. The levy paperwork is due to the County September 30. The levy is comprised of \$225,000 for Roads/Bridges, \$46,500 for General and \$27,000 for Fire. Total levy will be \$298,500 for 2023. Rowan made a motion to approve the levy, seconded by Anderson. Motion passed 3-0.

Report of Roads and Construction: Jerry Bolton spoke about the progress on 320th St. W. which is ahead of schedule. Sand and class 5 will be put in on the west end first. Box culverts are an issue, with a possibility we may get two culverts by October. We need four. There have been various delays for 280th St. W./County Road 86. There are few potholes on township roads, been graded as needed. A new culvert was installed on Guam Ave. A metal culvert had been ordered, but the County put in a concrete culvert. The water is supposed to flow to the east but the grade had the west side lower than the east side. This was corrected. The metal culvert was moved to Heikes' for future use. Construction liaison was on the agenda. Bolton said he would continue that role. We got 15 miles out of the recycled limerock we got from the County. One issue is when it rains it is sloppy but then it sets up again.

Rowan spoke about a new invasive weed – Red Hailstone - spotted in Stillwater and now in Farmington. He will do more research on it before the next meeting. Mentioned an early mowing might be in order. There are a couple signs that need to be put up.

Jack Gust asked to speak about County Road 90 and efforts to get the road paved. Until then, request that grading not create a negative slope. There is already a petition underway to remove the curve intersections and return to a T intersection with stop signs. Gust is working with Dean Odette on a petition to request paving the road. Odette mentioned they would be collecting signatures. Rowan reported that prior discussions with the County indicate their desire to turn the road back to the township in the next couple years.

Planning Commission (PC) Report: PC Chair Ken Malecha could not attend the meeting but prepared a report from the August 11, 2022 meeting which Dilley read. The meeting was well attended. Chris Kennelly said he was planning to bring in a request for a new home. Vickie Tyler of the GTPW had some questions, but those were better suited for the Board of Supervisors.

A permit tabled from July 12 (lack of information) for Tom Williams of Above Grade Homes, LLC was reviewed. Tom has applied to move in a single family residence at 30932 Guam Ave. Tom provided a pre-move inspection report from MNSpect, a site plan and septic design. The PC approved the request with a 3-2 vote. Commissioners Legvold and Volkert voted against due to late information. Dilley asked the Board for a motion to approve. Anderson moved to approve the permit, seconded by Rowan. Motion carried 3-0.

A second permit tabled from July 12 (lack of information) from Donavin Prescott was reviewed. He is putting a 36' x 84' addition onto an existing ag building. Donavin had with him paperwork describing the scope of the project and a site plan. The PC approved the request 4-1, with Legvold voting no because of late information. Dilley requested a motion from the Board to approve. Anderson moved to approve the permit, seconded by Roehl. Motion carried 3-0.

Third item was a 10' x 12' ag structure for grain drying electrical components requested by Tom Wirtzfeld. The PC had all required information on a timely basis and approved the permit with a 5-0 vote. Dilley requested a motion to from the Board to approve. Anderson moved to approve, seconded by Roehl. Motion carried 3-0.

The PC tabled a request from the Hofschulte Family Trust with a subdivision and cluster agreement. Item was tabled due to lack of information. The agent was told someone would be back in touch.

Township Planner Steve Grittman was present to go over changes made to the Residential Energy Ordinance drafted by the PC. After discussion, it was agreed Grittman would put the document into ordinance form. Clerk was instructed to post and publish notices for a Public Hearing for September 8 at 6:00pm. There was a short discussion about PC members' information to be included on the website. No changes for now. The next PC meeting is on September 8 immediately following the Public Hearing.

Next was a discussion about the Zoning Administrator role. The September 17, 2019 minutes reflect naming the Clerk as Zoning Administrator. Langer remembers being appointed by name at a later date, but no minutes located. Anderson asked Dilley for her comments. She shared her thoughts about keeping the Clerk and Zoning Administrator positions held by the same person. After a brief discussion, Anderson moved to name the Clerk as the Zoning Administrator, Roehl seconded. Attorney Couri suggested language that says whoever is serving as Clerk also serves as Zoning Administrator. The motion was reworded to reflect this. Motion carried 3-0.

Anderson spoke about a conflict between Greenvale's ordinances and the 2020 Comprehensive Plan prepared by Bolton & Menk on our behalf. The Comprehensive Plan caps four homes per quarter-quarter section; our ordinances permit more. Anderson asked Mike Couri to comment. Couri said it is straightforward. In the seven-county metro area, once the Comp Plan is submitted to and accepted by the Metropolitan Council, these are the guidelines to which we must comply, even if our ordinances say otherwise. Local zoning must be amended to comply with the Comp Plan. There is an option of amending our Comp Plan to mirror our current ordinances, to be brought forward either by a landowner or the township. Couri remarked it is unlikely the Met Council would permit changes to density unless there was a compelling reason. Our planner would be a good resource for this.

Rowan moved and Roehl seconded to supply Grittman with our Comp Plan and our ordinances for his review. Motion passed 3-0. Anderson directed the Clerk to supply Grittman with both documents. *This motion was retracted at the September 14, 2022 Board meeting.*

The last item from the PC report is the creation of a group email for the Planning Commission – which is done. The Clerk also receives those emails.

Building and Grounds: Roehl reported on the Clean Up Day hosted by Greenvale Township. Thank you to the workers and the residents who brought their items for disposal. We collected 50 yards of trash, 2.5 ton of tires, 10 mattresses, numerous TVs and electronics and 30 yards of scrap iron. The event was break even, with no out of pocket cost for the Township.

One section of the front sidewalk is now raised, creating a safety hazard. Mud jacking options are being investigated. The front landscaping needs attention so a work day will be scheduled. Greg Langer requested the rose bush be preserved. It was planted in memory of Barb Minar, a former Treasurer. Our pine trees should be trimmed up about 2' above the ground. Rowan reported that the south side of the township sign has been fixed.

The front hallway floor mats need to be replaced as they are curling and are a tripping hazard. Anderson made a motion to replace the floor mats, seconded by Roehl. Motion passed 3-0. Eric Christianson will take care of this.

Old Business: Jenn Welbaum made a report about plans for the annual picnic. The date is Saturday September 24 from 4:00 – 7:00pm. The Township will be providing pulled pork/buns, a cake and beverages. Residents are asked to bring a dish to pass. Postcards are going in the mail. A photo contest is being added – we'll be displaying photos of our beautiful township, so go through your photos! There will be live music, too. Horseshoes, anyone?

Anderson discussed the audit, no action, no contact. Victor Volkert reported that Castle Rock Township is seeking bids from three companies to perform an audit for their township. Clerk will call the Castle Rock Clerk to inquire further.

Rowan reported that grant funding is looking like late September, perhaps October.

Fred Vivant from Glenview Estates addressed the board with a request for snowplowing services. There are 21 houses in Glenview Estates and have been taking care of their own snowplowing for 25 years. Dues are not covering snowplowing costs the last couple of years. Vivant asked the Township to consider taking over snowplowing for them. Couri recommended a contract to limit the Township's role to snowplowing, not taking over responsibilities for road maintenance. Treatment for ice was discussed. The Township uses chips, which may not be appropriate for blacktop. After discussion, Anderson moved, with Roehl seconding to have Couri draft a contract which protects the Township from liability while providing snowplowing services to Glenview Estates.

Question about where we are on a contract with our planner. No movement, will need a follow up. Former Clerk Langer to forward his last email to Grittman on to Clerk Dilley.

New Business:

Mike Couri was invited to attend the Board meeting to discuss Conflicts of Interest. Using the example of an ordinance that addresses nonconforming land uses available to all the residents, it does not represent a conflict of interest if the decision maker is one of those residents who would benefit from the ordinance change. However, if a decision maker is voting on their own property to be covered by the ordinance, there is likely a conflict of interest because of a direct financial gain. Former Clerk Langer stated that we are zoned agricultural so we will conflict with the Comp Plan. Roehl said the Comp Plan already allows commercial. Couri recommends an objective standard such as a date by which a request is made, rather than reviewing applications on a case-by-case basis. Anderson expressed interest in moving this along by forwarding it to the PC. The ordinance as written suggests a case by case review, so there is probably a better way to address this. Steve Grittman is both a planner and an attorney and is well prepared to help the Township navigate this process. Anderson moved the

nonconforming land use draft ordinance be forwarded to the PC to review with our planner. Roehl seconded. Motion carried 2-1 with Rowan voting no. Anderson asked Dilley to forward the draft ordinance to the PC and the planner.

The September board meeting needs to be rescheduled as it conflicts with the fall meeting on September 15 of the Dakota County Township Officers Association. The Board discussed moving the meeting to Wednesday September 14. Anderson moved the meeting be moved to the 14th with Rowan seconding the motion. Motion carried 3-0.

Clerk Dilley proposed making the claims packet available to Board members prior to the meeting ensuring adequate time for their review.

Greg Langer reported on the July 20 meeting of the North Cannon River Watershed Management Organization (NCRWMO). They reviewed and acted on last quarter's bills. The group met at the Lake Byllesby Picnic Pavilion and took a tour of the electrical plant project which should be completed by year end 2023. It's a very interesting project and is viewable by the public. They are replacing the former power plant and parts of the dam that are over 100 years old. The power plant will be owned and operated by Dakota County.


Greg Langer asked to speak about destruction of Township property. He talked of the work he has done for the township and distributed a list of accomplishments. For these accomplishments, he received an award from the Dakota County Township Officers Association for outstanding work in the township. The award was hanging on the wall in the office next to the award Tony Rowan received. Langer's award was found in the wastebasket. Several years of Road Reports are also missing from the resource table. Langer asked who on the Board, or had access to the office, saw fit to dispose of the award and the road reports. Anderson stated he was reviewing the road reports and they are in the office. Anderson would like to present the award at the next Board meeting and hang it back on the wall. On behalf of the Board, Anderson apologized to Langer.

The letter from TK Properties needs to be acted upon. A Special Meeting needs to be scheduled with the Board and Mike Couri to discuss the letter and decide how the Township responds. Roehl commented that he was not on the Board when the initial TK Properties request was made, so he would like information on the matter. Anderson said this would be a decision for Mike Couri as the matter involved litigation. Anderson made a motion for the Clerk to arrange for a Special Meeting with Mike Couri in attendance, Rowan seconded. Motion carried 3-0.

Review and approve Claims: Treasurer Peterson has already signed the checks, Anderson will sign tonight. Clerk Dilley is not yet on the signature card. Once that is accomplished, Dilley will sign and distribute the checks.


Adjourn: Anderson made a motion to adjourn the meeting, Roehl seconded. Motion passed 3-0. The meeting was adjourned at 10:00pm.

Submitted:



Jane Dilley
Town Clerk 9/14/22

Approved:



Charles Anderson, Chairman
Board of Supervisors
9/14/22