

**Greenvale Township  
Board of Supervisors Meeting Minutes  
Thursday, February 16, 2023**

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

**Others Present:** Scott Norkunas, Perry Collins, Mary Collins, Victoria Langer, Gregory Langer, Maynard Bolton, Bruce Paulson, John Fink, Ken Malecha, Linus Langer, Wendy Bolton, Larry Bolton, Kurt Hembd, Erv Ulrich, Victor Volkert, Jerry Bolton, Dean Odette, Geralyn Odette, Dave & Mary Mittelstaedt, Tom Wirtzfeld, Chris Kennelly, Jim Cihak, Matt Langer, Carolyn Fott

**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. Please remain silent while in the audience. During the citizen comment period, speakers should come up to the podium, state your name and address.

**Approve Agenda:** Anderson asked to move the Nonconforming Land Use amendment from New Business to Planning Commission. Roehl moved to approve the revised agenda. Rowan seconded. Motion carried 3 – 0.

**Minutes:** Anderson made a motion to approve the December 15, 2022 minutes. Roehl seconded. Motion carried 3 – 0. Dilley had two open items on the January 19, 2023 minutes relating to resolution numbers. With those additions, Anderson moved to approve those minutes. Rowan seconded. Motion carried 3 – 0.

**Guests:** Township Attorney Mike Couri, Dakota County Commissioner Mike Slavik Slavik talked about the petition received from County Road 90 residents, turnback plans and funding methods for turnbacks. Citizen concerns include safety with intersections and washouts of the bridge by Kelleys. Slavik also discussed an upcoming open house with the Sheriff's Department about funding challenges for rural patrols. Slavik said he'd be happy to talk with audience members individually outside of the meeting room. Deputy Heather Nelson arrived and introduced herself. Deputy Nelson said the speeds

on Foliage Ave are the most common issue. An audience member asked who called her to come to the meeting. No one – this is on their schedule to attend.

**Citizens comments:**

Erv Ulrich lives in Glenview Estates. He is concerned the township is using public money to plow snow on private roads. An email circulated in Glenview mentions a discussion between Supervisor Roehl and a resident. Glenview pays a lot in taxes – what do they get in return – nothing. Roehl suggested the residents make a presentation to the Board. Ulrich said the standard for good government is good public policy and not picking winners and losers. He speculates that outside of he and his wife there are 44 voters in Glenview who might want some free services from the township.

Scott Norkunas thanked the Board and the Planning Commission for their work on applications being processed under the Nonconforming Land Use ordinance. So far, eighteen (18) applications and been approved. This covers 111 full time workers and 70 part time workers. This ordinance impacts more than just the property owners. He also stated that Greg Langer told him on two occasions that his own business was compliant with our ordinances. It is not. Norkunas suggested residents make their own decisions on what is best for their family and property and not to take the word of one person. Norkunas is one of the property owners who has made an application and been approved under the new ordinance.

Clerk Dilley would like to give her comments at the end of the meeting.

**Clerk's Report:** A roster of election judges was presented to the Board for their approval and signature. The candidate slate includes two Langers. Family members cannot serve as election judges when they are related to candidates. Therefore, four (4) new judges were recruited and have gone through training and will be serving at the upcoming election. Anderson made a motion to approve the roster of judges. Roehl seconded. Motion carried 3 – 0. The start of the annual meeting presents a very tight time frame for the election judges to complete their work. Dilley requested we consider a later start time for the annual meeting. This cannot be implemented until 2024 as this is a decision of the electorate, not the Board. Dilley proposed putting annual meeting materials on the website. Voting at the annual meeting was discussed. Only those present at the annual meeting may vote. Interested parties may attend the annual meeting, but only residents/registered voters may vote.

**Treasurer's Report:** Wayne Peterson presented the Treasurer's Report.

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|--|-----------------------------|
| checking account                       |                             |
| January 1, 2023 beginning balance      | \$ 122,288.00               |
| deposits                               | \$ 14,334.00                |
| checks cleared                         | <u>\$ (28,705.00)</u>       |
| January 31, 2023 ending balance        | <u>\$ 107,917.00</u>        |
| less: outstanding checks               | \$ (2,652.00)               |
| plus: deposits in transit              | <u>\$ 501.00</u>            |
| reconciled January 31, 2023<br>balance | <u><u>\$ 105,766.00</u></u> |
| <br>savings account                    | <br>\$ 251,893.00           |
| CDs matured                            | <u>\$ 54,124.00</u>         |
| (rounded) Grant Total                  | <u><u>\$ 411,784.00</u></u> |

Peterson said he had questions about the ARPA money we received and how it was spent. We received \$91,000, spent approximately \$2,000 on computers and \$67,000 on gravel in 2022 and additional gravel in 2023. We currently have a balance of \$7,111 left in ARPA money. Assuring we spend it on compliant items, Peterson would like to see the balance get to zero, reducing the recordkeeping.

At the prior Board meeting, the Supervisors approved taking the proceeds from maturing Certificates of Deposit at Community Resource Bank and making a purchase into the 4M Fund, which would pay around 4%. The renewal window period is 10 calendar days, not business days. When the Clerk and Treasurer went to the bank, the CDs had already renewed. The penalty to break the CDs was over 1%. Community Resource Bank was able to provide a 4% rate of return on two new CDs. Rowan made a motion to approve the Clerk and Treasurer's actions. Roehl seconded the motion. Motion carried 3 – 0.

This year the Treasurer took on the responsibility of W-2 reporting. Two errors involving voided checks were called to our attention, corrections made. New reports will be filed with the IRS and the State of Minnesota. Peterson apologized for the errors. Anderson remarked mistakes do happen, no one is perfect.

**Road Committee:** Jerry Bolton reported on the “fun” winter and its impacts on our roads. The freeze/thaw cycle has left us with very icy roads. The sloppy part of winter is coming up. He urges everyone to be patient. Tony Rowan reported the contract with Rice County (Joint Powers for snowplowing) is being reworded. Rice County will reimburse Greenvale Township for work performed since January 1.

**Planning Commission:** Ken Malecha reported a Public Hearing was held February 9, 2023 regarding the addition of an appeal period in the Nonconforming Land Use ordinance. The appeal period was added at the recommendation of both the planner and our attorney. No public comments were made at the Public Hearing. After the close of the Public Hearing, the regular Planning Commission convened at 7:00. There were no permit requests, no zoning or land use requests. Five (5) applications were submitted under the Nonconforming Land Use ordinance. Commissioner Legvold was not present at the meeting but supplied his comments and questions beforehand and they were discussed during the meeting. All are being presented to the Board tonight with the Planning Commission’s recommendation for approval. The revised ordinance is also being presented to the Board tonight with the Planning Commission’s recommendation for approval on a 4 – 0 vote.

The first application to be reviewed as a Legal Nonconforming Land Use was for Mittelstaedt Investments, David J. Mittelstaedt Sr. The property address is 28010 Foliage Ave, Northfield; PID # 16-02000-27-012. The property is used for manufacturing wood shop, an online auction service and outdoor storage. The business employs 10 full time employees. At the Planning Commission meeting the Mittelstaedt’s were asked to bring in documentation about their compliance with waste disposal. They have a quarterly letter from Dakota County indicating their compliance. Malecha read resolution 2023-07 which approves the application. Anderson moved to approve the application; Roehl seconded. Motion carried 3 – 0.

The next application reviewed was from Tom Wirtzfeld. Malecha read Resolution 2023-08 recognizing the property address of 7505 320<sup>th</sup> St W, Northfield with PID #s 16-02200-28-016 and 16-02200-29-080 are approved as a Legal Nonconforming Land Use for ATB Professional Services. The business provides consulting for land use projects, business valuations, permitting and design service and procurement operations. There are two full

time employees, others may be employed as needed for various projects. Rowan made a motion for approval, Anderson seconded. Motion carried 3 – 0.

A second application from Tom Wirtzfeld was reviewed. Malecha read Resolution 2023-09 recognizing the property address of 7505 320<sup>th</sup> St W, Northfield with PID #s 16-02200-28-016, 16-02200-29-080 and 16-02200-76-020 are approved as a Legal Nonconforming Land Use for a septic operations business including design, installation, septic inspections, vehicle maintenance, loading, dispatching, temporary storage of materials and outdoor storage. The business has 5 full time employees and 2 part time employees. Rowan said he heard about Tom having sold the business. Tom's response was inflammatory and not appropriate. He does have a succession plan in place which includes changing of duties and training. He does have a contract with his employees to take over the business, the details of which are private. Rowan was concerned about the consequences if the business or property was sold. Couri said the ordinance deals with land use, not ownership. Anderson made a motion for approval, Roehl seconded. Motion carried 3 – 0.

The next application for review is from Dean and Geralyn Odette. The address is 9259 295<sup>th</sup> St W, Northfield with PID# 16-00800-25-013. The business involves welding, repair, general fabrication, training, testing and consulting with two (2) full time employees. This application is approved in resolution 2023-10. Anderson made a motion to approve. Rowan seconded. Motion carried 3 – 0.

The application for Petals & Twigs LLC reviewed. The application is approved as a Legal Nonconforming Land Use via Resolution 2023-11 for property address 10171 305<sup>th</sup> St W, Northfield with PID #16-01800-03-020. The business is construction. Activities involve movement of equipment and inventory to and from job sites, inventory and outdoor storage. The business has 20 full time employees. Anderson moved for approval, seconded by Rowan. Motion carried 3 – 0.

Victor Volkert inquired about property in the township recently sold. The new owner is interested in establishing outdoor billboards. As the business was not in existence at the time of the establishment of the Nonconforming Land Use ordinance, it cannot be approved under this method. The owner will need to apply for an Interim Use Permit (IUP).

Malecha gave a brief report on the grant. Dakota County is awaiting quotes from planners. The Planning Commission's Policies and Procedures Manual allows a member to request an attorney be present to review items under consideration. Legvold has made the request in the past; in his absence, Norkunas made the request. Anderson moved to approve the request, Rowan seconded. Motion carried 3 – 0.

Lastly, the amended Nonconforming Land Use ordinance was discussed. If approved tonight, the 60 day clock on applications previously approved by the Planning Commission starts February 16, 2023. Applications approved in the future will have an appeal period starting with the date of approval. The ordinance has a window during which land uses can apply under the ordinance. The original time period was 120 days from the effective date of the ordinance. This provision carried forward but the Board will want to review this. Rowan suggested a 90 day window, which would start upon the publication of a summary ordinance. The new ordinance number becomes 2023-01, which will be approved by Resolution 2023-12. Anderson made a motion to approve the publication of a summary ordinance with a 90 day application period; seconded by Roehl. Motion carried 3 – 0.

**Building/Grounds:** Roehl reported the application is nearly complete, John Exner has already reviewed it. The minutes of the January 19, 2023 meeting need to be provided to Exner showing the authorization for Roehl to proceed.

**New Business:** TK Properties request: the title work is done, but there should be a discussion amongst attorneys. TK Properties has authorized an additional 60 day review period until April 24, 2023.

Update on return of township property: Couri emailed Linus Langer's attorney and asked if Linus is going to turn over the emails and when. A new attorney has been assigned to his case and has requested a week to familiarize themselves with the matter. The week has gone by. Couri doesn't believe he's going to get an answer.

Township owned email addresses: Clerk Dilley reported that Deputy Clerk Bodnar created a questionnaire about websites and email protocols and distributed it to neighboring townships. Together the Clerk and Deputy Clerk went into the email segment attached to the website and soon discovered there was an admin password not

shared during the handoff from Donavin Prescott to the township. Both the Deputy Clerk and Clerk have been unsuccessful in connecting with Prescott. Until we get the password, we are at a stopping point. Eric Christianson talked with Prescott on another question involving the website and obtained the password. Christianson is working on setting up new email addresses now. There is a capacity limit on emails that can be held on the server, and it is posing problems with just the general email attached to the server. Christianson will look into this as we will need more capacity if other email addresses are added.

**Township Credit Card:** Treasurer Peterson reported that he visited with Castle Rock Bank in Farmington to learn about their credit card offerings. There are four different options for business credit cards. Peterson shared a comparison of the various credit card programs and their features. Peterson said interest rates on carried balances is not a factor for us as the balances would be paid off each month. Some cards offer point or a rewards program – we are interested in a no-frills approach. Rowan asked if we could set up the payment due dates to match up with our meeting dates. Payment dates are determined by the card issuer, which is Elan. Peterson said we could look into an electronic funds transfer (EFT) so the credit card balance could be paid in case the Board meeting occurs after the payment due date. Dilley was interested in the time period between the credit card statement date and the payment due date. We lose a fair bit of processing time when we rely on the mail. Perhaps on-line inquiry? Anderson said he personally is not comfortable with automatic EFTs but he's willing to listen. It appears we would need to complete credit card applications before we can delve any further into these questions. Anderson made a motion to proceed with the credit cards, and that he as Board Chair, along with the Treasurer and the Clerk, go to Castle Rock Bank and make applications for business credit cards. Roehl seconded. Motion carried 3 – 0.

**Audit:** Rowan reported that at a recent meeting of the Dakota County Township Officers Association, Dave Nicolai of Castle Rock Township talked about bringing in a speaker for the half day training session to be held March 18. We have an annual meeting coming up and the citizens will want to know what progress has been made. Anderson has had some general conversations about audit costs and they are quite high. Dilley suggested we narrow our focus to specific areas. This will be brought in as an agenda item at the annual meeting. The Office of the State Auditor makes it appear requesting an audit is straightforward. We have not experienced that.

North Cannon River Watershed Management Organization (NCRWMO): Greg Langer reported on the most recent quarterly meeting held February 1 at Eureka Township. Meeting locations rotate amongst the member townships. Ashley Gallagher, a conservationist with Dakota County manages the NCRWMO. The NCRWMO had an election of officers: Sandy Weber from Castle Rock Township is the Chair; Gregory Langer was elected Vice Chair; Frank Wergin from Waterford Township was elected Secretary/Treasurer. The group reviewed the 2022 Annual Report and talked about some of the projects for 2023. Of the seven townships and three small cities who are members of NCRWMO, Greenvale's dues are the highest. This is because we have the largest area of wetlands and a larger servicing area. Langer asked Gallagher if she would be able to attend the April Greenvale Township Board meeting and provide background and philosophy behind the fee structure. The next quarterly meeting is in April at Castle Rock Township Town Hall. The meetings are open to the public. The NCRWMO has an excellent website for anyone interested in learning more. Langer gave the meeting packet to Rowan review and pass along to the other Supervisors.

Audio/Visual Support for Remote Attendance: Eric Christianson has been working with our existing equipment and believes he can manufacture a system that will allow a remote attendee to see the other members of the governing body, and the governing body and the public can see the remote attendee. He's done some testing but we should do more testing with someone at a remote location. Patti Christianson is pursuing other options as well. Anderson said Eureka has a very nice set up – and if the Christiansons would like to see it in action, Anderson would also attend.

Clerk Dilley shared her citizen's comments. She said when she leaves these meetings, she has a headache, a stomachache and doesn't sleep. Is she alone? No! This is not healthy for any of us. We need to dial down "the heat in the room." There is a lot of anger and rancor – people being interrupted while they are speaking is a contributing factor. So are outbursts from the audience. Dilley said she doesn't care who started it, who last did it or who did it the most often. She just wants it to stop. The audience lives through these meetings once. Doing the minutes, Dilley is living through the meetings multiple times. Dilley then addressed the lawsuit involving the Town Clerk election in March 2022. Word has gotten back to her many people in the township didn't even know there was a lawsuit. Another comment was that Linus Langer had to sue Dilley because she didn't live in the township and wasn't eligible to run for office. This is not true, nor does it make any sense. The Town Clerk is the gatekeeper for checking eligibility for candidates. Please do



some research if you hear these kinds of comments. What the lawsuit was about is Linus Langer believed two people who voted were not eligible to vote, and Dilley won the election by two votes. It doesn't make sense to sue to keep a position that pays between \$5-6,000/year and questions the motive for the lawsuit in the first place. Dilley spent over \$35,000 defending the election win. The plaintiff's costs had to be much higher. The lawsuit was hard on Dilley, it caused her to postpone two major surgeries. It had to be hard on the Langer family as well. The only people who came out ahead were the attorneys. Lastly, Dilley wanted to share her thoughts on Ken Malecha. He has been publicly maligned and criticized and is not deserving of this. Dilley has a different perspective to share with others. She has known Malecha since they were kids in 4-H together. People often see in others what is easiest for them to see. This is how Dilley experiences Ken Malecha: he has great wisdom, great warmth, is a fabulous friend. He is organized, meticulous and strategic. She considers him a mentor and a very close friend. Please look for the good things in people and turn down the anger.

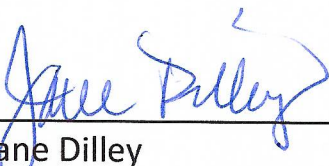
Perry Collins approached the Board with a photo of a Board table his son Matt is working on for the township. It's 14 feet long!

**Payment of claims:** Treasurer Peterson and Clerk Dilley approached the Board table to sign checks.

**Adjourn:** Anderson made a motion to adjourn. Roehl seconded. Motion carried 3 - 0.

Submitted:

Approved:

  
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Jane Dilley  
Town Clerk

  
\_\_\_\_\_  
Charles Anderson, Chairman  
Board of Supervisors