

**Greenvale Township Board of Supervisors  
Special Meeting Minutes  
Monday, October 3, 2022 at 10:00am**

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

**Absent:** Treasurer, Wayne Peterson

**Guest:** Mike Couri, Couri & Ruppe, Township Attorney

**Others Present:** Mary Collins, Perry Collins, Maynard Bolton, Gregory Langer, Vicky Langer, Terry Mulligan, Karen Blandin, Victor Volkert, Cindy Roehl, Jerry Gehler, Bruce Paulson, Andy Anderson, Kim Anderson, Erv Ulrich, Mary Langer, Linus Langer, Patrick Edwards, Kathleen Edwards, Richard Fott, Jeff Damm, Amber Damm, Emma Damm, Dan Hron, Kurt Hembd, Alison Lea, Vicki Tyler, Cindy Larson, Ken Malecha, Tracy Snyder, Bobbi Bolton, Tom Wirtzfeld, Carolyn Fott

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**Opening of the Meeting:**

Chairman Anderson called the meeting to order at 10:00am with the Pledge of Allegiance. The audience was reminded to silence their electronic devices.

**Approve Agenda:** The purpose of the meeting was to discuss correspondence received from TK Properties requesting affirmation of a building right on Holyoke Ave. The agenda was approved by motion from Anderson, seconded by Roehl. Motion passed 3-0.

**Citizens comments:** There will be no citizens comments at this meeting.

**New Business:** Supervisor Anderson opened the meeting stating the request for a buildable lot declaration from TK Properties has been a long-standing issue which he hopes we can resolve. There are a number some parcels in the township with a mobile home, and those owners in some situations would not be able to rebuild in the event of a fire or natural disaster. Our ordinances are not in step with the

Comprehensive Plan, perhaps this can be addressed when we receive grant money to redo the township's ordinances.

Anderson stated he made a request of Couri & Ruppe to provide copies of all emails the law firm had received relating to TK Properties. Each board member has a full set of emails. They are also in the public packet. Anderson asked if either Rowan or Roehl had any comments. No comments were made.

Anderson said it was very disturbing to read these emails. The document highlighted was an email from Alex Conzemius of Bolton & Menk indicated he was only given Chapter 5 (Zoning Districts/Use Regulations) of our ordinances to use in researching if the parcel in question has a buildable right. All of our ordinances should have been reviewed before he made a recommendation to the Planning Commission to deny a buildable lot declaration. In the email, Conzemius stated after seeing Section 4.03 (Lot Provisions) he would like to return to the Planning Commission to revise his recommendation. No documentation has been found that shows Conzemius was invited back and the original recommendation of the Planning Commission to deny the building right stands.

Rowan expressed his concerns about how the new request for a buildable right was handled. Anderson did not bring forth the letter dated June 15 during the work session nor was it added to the agenda at the beginning of the meeting. Instead, Anderson brought it up during the Planning Commission section of the meeting.

Roehl said he is new coming to this issue as he wasn't on the Board at the time the initial request was made and the subsequent litigation. Roehl said it seemed clear the property was a lot of record, but the Board ignored that. Roehl said even Couri & Ruppe agreed a lot of record existed. Mike Couri stated he is at a disadvantage as he was brought into the matter when the Board passed a resolution on lots of record. The township had enacted a policy about lots of record in 2016 (?) which is not enforceable. Once the new ordinance was passed in 2019, that becomes the township's law. The litigation was withdrawn by the plaintiff and any new requests come in under the new ordinance.

Couri referenced the June letter is a request for the Board to reconsider the request for a building right. Everything that preceded this letter is no longer relevant. There are two options going forward: 1) the property owner could ask the Board for a variance or 2) either the property owner requests or the Board itself decides to change the ordinance.

Couri said we are rapidly approaching the 120-day mark (60 days under 15.99 + 60-day extension) so a decision will need to be made. Anderson said when the court case was dismissed it was done so without prejudice. This means the issue at hand can be brought before the court again, but on the basis of the township's current ordinances.

Couri then described the process the board would need to go through to process a variance. Couri examined the written request authored by Nick Delaney, and attorney with Rinke Noonan based in St. Cloud MN representing TK Properties LLC. The request is to reconsider if a building right exists. Delaney believes the Board was mistaken in their determination no building right exists and does not feel the matter has been fully resolved. The court case was dismissed without prejudice at his client's request due to the pandemic and some family health issues.

Documents submitted are the client's memorandums of law outlining information in support of the request and copies of the summary judgements that were submitted from both sides. The judge rejected both summary judgements. What followed was the request to dismiss without prejudice.

To move forward, the litigation is not considered. What must be done now is to review the facts of the land and apply them to the ordinance as it exists today. The parcel itself was discussed. It was determined it was a parcel of record before July 1, 1980. The zoning of the parcel is Ag Preserve. Section 5.04 addresses Ag Preserve uses, and Couri walked through each provision under 5.04. It appears the parcel may not pass the requirements of 5.04 B.5. d. Couri said it would be helpful to look at the actual deeds of the parcel in question and surrounding parcels as they existed before July 1, 1980 were under the same ownership.

Anderson asked if the determination was fixed at June 30, 1980 or if any time the property and the surrounding parcels were under different ownership, does that apply. Couri said it is a gray area.


The owners of TK Properties LLC, Ken Malecha and Tracy Snyder were asked to come forward. TK Properties indicated they would obtain copies of the deeds from Dakota County. This will take some time, so TK Properties extended the time in writing by which the township needs to make a decision to December 17, 2022.

The Board took a brief recess while the authorization letter to extend the decision date was prepared. The letter of authorization was signed and is held on record by the Township.


Anderson made a motion the board table this issue until a later date when the deeds can be presented. Rowan seconded. Motion carried 3 – 0.

Anderson made a motion to adjourn the meeting. Rowan seconded. Motion carried 3 – 0. The meeting was adjourned at approximately 12:00pm.

Submitted:

  
Jane Dilley  
Town Clerk

Approved:

  
Charles Anderson  
Chairman,  
Board of Supervisors