

Greenvale Township Board of Supervisors

Work Session and Meeting Minutes

Thursday, December 15, 2022

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

Others Present: Gregory Langer, Vicky Langer, Mary Collins, Perry Collins, Matt Collins, Andy Collins, Brittney Ernst, Jessica Tutewohl, Ken Malecha, Joy Royle, Cindy Larson, Linus & Mary Langer, Scott Norkunas, Maynard Bolton, Diane Gehler, Jerry Gehler, Jerry Bolton, Jennifer Welbaum, Ron Welbaum, Lisa Legvold, Mark Legvold, Dean Odette, Bobbi Bolton, Mike McNamara, David Legvold, Ruth Legvold, Ruth Paulson, Bruce Paulson, Victor Volkert, Kurt Hembd, John Fink, Lee Ann Norkunas, Judi Malecha, Eric & Karen Workman, Rusty Kluver, Nate & Kara Schumm, Todd Dobmeier, Dan Mulligan, John Kuyper, Nathan Gilomen, Joyce Moore, Richard Moore, Erv Ulrich, Ed & Jess Bodnar, Steve & Lori Olin, Bobbi Bolton, Buck Nelsen, Linda Wasner, Steve Hansen, one illegible name.

Guests: Dakota County Commissioner, Mike Slavik; Township Attorney Mike Couri

The Board held 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: Anderson had a few additions to the agenda. A motion was made by Rowan to approve the agenda. Roehl seconded. Motion carried 3 – 0.

Approve Meeting Minutes: The October 3, 2022 Special Meeting minutes were reviewed. The sign in sheet could not be located, so no attendees were listed. Anderson moved to table these minutes. Roehl seconded. Motion carried 3 – 0. The

November 17, 2022 minutes were reviewed. Anderson made a motion to approve the minutes. Motion was seconded by Rowan. Motion passed 3-0.

Introductions: Mike Slavik, Dakota County Board of Commissioners was present. He represents District 1, which is the rural townships in Dakota County. Mike was reelected in November, so will be representing us for four more years. He was happy that we moved our meetings to Thursdays, as most townships meet on Monday or Tuesday. Our Thursday meeting day allows us greater access to County officials. The County had challenges getting road work done, as culverts were in short supply. Bids for projects were coming in higher than expected, to the point where some projects would have been put on hold. New bids are coming in lower than expected. The County approved the 2023 budget of \$438 million. A reminder we are a debt free county. The tax rates actually went down, offset by increased property values. Slavik also shared that Greenvale resident Georg Fischer has taken on new responsibilities at the County. He is now the Director of Physical Development with responsibilities for Parks, Roads, Environmental Services, Buildings, and Construction. His is the second largest department in the County after Social Services.

Citizens comments: Charles Anderson introduced himself and spoke about the December 8, 2022 Planning Commission (PC). The meeting was called to order at 7:00 and as is the case with all meetings, members of the PC and the audience were reminded to turn off their electronic devices. Members Malecha, Volkert, Moore and Norkunas were present; Legvold was not. After the meeting was over, PC members and others saw emails and voicemails sent after the start of the meeting. One particular email addressed to the Clerk was mean and intimidating, demanding she do her job and let Legvold participate in the meeting accompanied by an unflattering portrayal of pigs and mud and that the Clerk was now dirty, too. Anderson stated the Clerk did nothing wrong. The public needs to remember that correspondence sent to the Clerk is public. The Greenvale Township Preservation Watch (GTPW) put out a publication that contained erroneous information. Anderson shared with the GTPW an email the township received from our attorney correcting this information and asked the email be shared with all who received the original publication. The GTPW declined, offering attorney-client privilege as the reason. Therefore, corrected information was not shared to those who received the first publication. By offering this information to the GTPW, Anderson waived the attorney-client privilege. Couri commented documents of this type can be made public, but it is not a requirement to do so.

Lisa Legvold spoke next. She apologized to Clerk Dilley. The emails were sent hot in the moment and should not have been sent. At the time she felt M. Legvold was being deprived of participating in the meeting and was being disenfranchised. L. Legvold went on to say she observed M. Legvold pull out his work tablet, access his calendar and told Malecha he would not be at the December meeting. Malecha and Clerk Dilley should know a video call was necessary for remote participation in a meeting. She further stated that two previous times Chairman Anderson was allowed to participate remotely, and Tony Rowan also participated remotely without the use of full video and audio. Both of these are examples of Open Meeting violations. (Author's notes: 1) Board Chair, PC Chair and Clerk are all aware of the requirement for both video and audio in order for a member to fully participate in a meeting. PC Chair Malecha does not remember Legvold saying he would not be at the meeting. PC members and Clerk were all surprised M. Legvold was not present at the PC meeting December 8. 2) Clerk cannot find record of Anderson participating remotely post-pandemic protocols. Rowan was permitted to attend remotely – audio only – for the Board meeting October 19, 2021). L. Legvold went on to state there were procedures to be followed in processing applications under the Nonconforming Land Use Ordinance: fee payments, complete applications and public comments allowed. She hopes that public comments will be welcomed tonight. She referenced an article in the Northfield News about last summer's building moratorium where Malecha stated the ordinance being considered at that time would benefit himself and Volkert (as a realtor) but not the general population of Greenvale Township. He said the PC was not given enough time to thoroughly review the ordinance before them and urged more public comment. (Author's note: building moratorium was the summer of 2019). She feels Malecha makes decisions that benefit himself and has no place in a role of public trust. She demands his resignation; if not offered, that the Board remove him. She further asks for Anderson's removal from the Board by not re-electing him. L. Legvold went on to describe M. Legvold's role in the military, his long military career and that service and integrity are part of his being.

Mark Legvold spoke next. He observes that the majority of the Board and of the PC are business owners. Business owners are transaction oriented and work together to achieve their own goals. This has eroded the trust in the Township. Legvold is not a business owner, he is a public servant, a former educator, and a farmer. When he was denied participation in the December 8 PC meeting, he said he would contact an attorney. He learned that the township is not set up properly to allow remote

participation. It was correct that Legvold was not allowed to vote but feels he should have had a voice at the table in reviewing applications and able to ask questions. He stated that Malecha does not follow procedures. The applications were sent to the PC members Tuesday morning before the meeting. The minutes from the prior PC meeting and public hearing were not sent out until around 4:00pm the day of the meeting. When items have been distributed late to the PC Legvold has requested tabling the items so there is sufficient time for review. Instead, the process continued despite the short window for review. The hurried nature is suspicious and believes Malecha had motivation to silence him. Legvold feels Malecha should be removed as a member of the PC. Feels Anderson is responsible and needs to fix what he has broken. Legvold shared a timeline of events: in November 2017, the Planning Commission was established; Malecha applied, but was not appointed. In 2018 the PC started discussing the process of getting the nonconforming businesses into compliance. In 2019 TK Properties requested a building right, it was not approved by the PC, but forwarded to the Board and the request was denied. On May 2, 2019, the Township was served with a lawsuit regarding the building right from TK Properties. In June 2019 a temporary moratorium was put in place on building. In August 2019 language had been drafted for a new ordinance (aka the "lot of record" ordinance). The ordinance went through the PC, a public hearing was held, and the Board adopted the ordinance. In September 2019 TK Properties exercised their right to dismiss the lawsuit without prejudice allowing the suit to be brought forward at a later date. In February 2021 the PC added new members Workman and Jackson to fill spots vacated by Gehler and Evenson. In March 2022, Roehl succeeded Langer on the Board of Supervisors. In May of 2022, Workman resigned from the PC citing toxic treatment; Jackson also resigned. In June 2022, PC members Fott and Paulson were removed; replacing them (and filling two opening due to Workman and Jackson resignations) were Malecha, Volkert, Moore and Norkunas. At this same meeting Anderson shared a letter from TK Properties requesting reconsideration of the building right. With full knowledge of Malecha's ability to refile the previous lawsuit and his request for reconsideration of a building right, the Board added Malecha to the PC. In July Malecha was made Chair of the PC. By September 2022, the PC was discussing ordinance changes for Nonconforming Land Uses. Terry Mulligan had presented a draft ordinance to the Board, which was forwarded to the PC. Anderson and Roehl both have existing businesses, which he feels is a conflict of interest, acknowledging the township attorney opines differently. Current policy requires a fee be collected for the work necessary to amend an ordinance. Instead, the township's money was fronted to pay for this, and applicants under the ordinance pay

an application fee. At the November PC meeting the Nonconforming Land Use ordinance and the application were approved. Legvold recalls telling Malecha he would not be at the December PC meeting. The PC met on December 8, Legvold was on the GoToMeeting and his presence on the call was acknowledged. Legvold asked the participants to speak into the microphones so he could hear, and he was muted thereafter. The township attorney feels it would be an uphill battle in court for the building right request by TK Properties to be successful. A letter was signed by TK Properties to allow a sixty-day extension by which the Board must make its decision for consideration of a building right. The sixty days is up December 17, and if no decision is reached, the building right is approved. Later in the Board meeting, TK Properties will submit another sixty-day extension, moving the date to February. Anderson is able to help Malecha obtain his building right, and Malecha is in a position to help Anderson with his business under the Nonconforming Land Use ordinance process. This gives the appearance of quid pro quo. To restore the public trust, Anderson needs to remove Malecha as PC Chair. Anderson's breach of leadership can be handled through the upcoming election. Legvold thanked the Board for the opportunity to talk through the Nonconforming Land Use applications later in the meeting.

An audience member asked why Clerk Dilley was using her phone. The phone is being used to measure the time of citizen's comments.

Bruce Paulson was concerned that public comment was not invited at the PC, but is being invited at this Board meeting, so he declined to comment further.

Victor Volkert recently listed a property in Greenvale Township. He's getting lots of questions from buyers and realtors about buying a building right and transferring it to the property for sale. Currently, this is not allowed. Realtors are asking if the Board would consider this in the future. Volkert would like to see "One Greenvale." He also announced the arrival of the Deputy Sheriffs who were there to observe.

David Legvold was listed under citizens comments and declined to speak.

Alison Bartlett asked to speak but could not attend the meeting. Mary Langer read her comments on behalf of the Bartlett family. The Bartlett family has a long history of military service involving many family members, some of whom lost their lives. The list was read to demonstrate the service and legacy that was insulted by Malecha not

permitting Legvold to participate in the December 8 PC meeting. By mistreating one military member, you mistreat them all. Malecha told the rest of the community where he stands on military members in civilian roles by barring Legvold's participation in the PC meeting. The township does not have the necessary technology to allow remote participation and voting, but Malecha could have let Legvold participate by asking questions and being part of the discussion. Malecha told the community where he stands on military service. He has told the community if he disagrees with you or does not like you, you will be shut down. One ponders the motivation for not letting Legvold speak – did not want Legvold's thorough nature, or his questions to be asked. This is not what we expect from Greenvale leaders. The Bartlett family has four requests: 1) remove Malecha as Chair and member of the PC, 2) Malecha is unfit to serve in any other fashion within the township and should be permanently barred, 3) add provisions to the PC and Board operating manuals to take action so the proper technology is in place so military members can participate remotely, and 4) initiate actions to create archived recorded meetings on the website.

An audience member reflected that all military members should be heard. Anderson shared he was a military member, as was Roehl. Anderson's father was captured in Germany, wounded, and received the Purple Heart and carried lead in his leg for life.

Dick Moore spoke and said he likes listening to the meetings online. Legvold's behavior on the call made it impossible for anyone to hear what was going on because of his constant whining and complaining. The military is a job. Moore would gladly match medals with anyone and described his service in Viet Nam. Stop bringing up the military – all should be honored but stop carrying on about it.

Cindy Roehl said she is a business owner and proud to be one. She wanted to comment on the letter received from the GTPW and Mrs. Legvold addressing how this military member was denied access to his own meeting. It is explained over and over what a wonderful person Legvold is (agreed), how decisive he is (agree), how he follows the rules (agree), how he studies everything (agree), how he researches everything (agree). So why did Legvold only tell Ken about his absence from the December meeting after the November meeting was adjourned? Why did Legvold not check to see how remote participation was done? Why did you just assume it was taken care of? Was this a set up to go after Malecha? This isn't your characteristic. Legvold does his own research, makes sure things get done right. She has seen Legvold and Malecha spar during the

meetings and by the end of the meeting you've worked things out and are fist bumping. What is with all this distrust and hatred? Malecha is an excellent leader. Legvold is an excellent leader, at least she used to think so. This is a bunch of nonsense; the letters are a bunch of nonsense. Ms. Bartlett says things fall on deaf ears. Some of it should fall on deaf ears. How about a little support? For everyone? Are you just kicking Malecha down, like you did to Anderson? And it has nothing to do with the military!

Scott Norkunas passed out copies of the GTPW and Legvold letters so all in the audience could see the misinformation and lies. He is a member of the PC. David Legvold stood up at the last PC meeting and said we were in violation of Federal law which is not correct. Norkunas has had many spirited email exchanges with D. Legvold over the years. He highlighted one about campaign signs appearing on Legvold's front lawn while simultaneously with conducting a candidate forum. Legvold accused Norkunas of trying to deprive him of his first amendment rights. Norkunas thought it was an issue of integrity for someone who is part of a non-partisan 501(c)4 organization. Yet the GTPW is constantly going after Malecha about the potential lawsuit – aren't you trying to deprive Malecha of his first amendment rights? Also, a claim was made that a remote call was set up for M. Legvold. Incorrect. Based on sheer logic, M. Legvold must have communicated his upcoming absence with his fellow PC members based on his character, conscience nature and care. Then it goes on to say Legvold told Malecha after the meeting about his absence. Don't know if he did or didn't, only know he didn't tell me. Lisa Legvold said the PC members are not active participants and just rubber stampers. She also stated no notice is needed for remote participation in any Greenvale meeting, which is incorrect. The accusations are published, but not corrected. M. Legvold is beyond reproach because of his military service...does this make him better than others who have served in the military such as Anderson, Roehl, Jerry Bolton, Maynard Bolton, Tom Wirtzfeld, Dick Moore. Norkunas himself served in the Navy. M. Legvold is more honorable than the rest of us – why? Just because we don't agree or have different points of view? Norkunas' grandfather only served a few years, but he is laying in a cemetery in France because he was killed in WWII. His other grandfather is buried at Ft. Snelling. His uncle was in the Navy and his father in the Coast Guard. Don't tell me you have more honor than my family because of how many in your own family served. By making the comparison, you're disrespecting a veteran's honor. Time doesn't provide nor assign honor or virtue. Some people are gifted by being smarter, better looking or smarter than others – none of which is required to serve your community. We are all equals on the PC, period. Remember that the Nonconforming

Land Use Ordinance was passed by the PC by a 5 – 0 vote. Norkunas recalls on at least two occasions Legvold continued to bring up to the Board a conflict of interest even after our attorney has stated otherwise. Legvold also remarked at a recent PC meeting that the audit of the town's books had occurred. It hasn't even started. Yes, even Legvold makes mistakes. Lastly, Norkunas would like the Board to address with the township attorney the GTPW's non-partisan status as a 501(c)4 organization while simultaneously telling lies and slandering some of the elected and appointed officials of this township. And what is the Board going to do about Legvold calling Malecha, a fellow PC member, a dictator? Threatening to sue and depriving other members of the community access to the PC meeting to hear their government in action? Legvold has had ample opportunity to have untrue comments about the PC rescinded and has not done so.

Dean Odette is a business owner in the township. His remarks are directed towards the Board. Let's get this settled. We have to get along. The fighting and butting heads has gone on long enough. Where are the records that should've been turned over when the Langers left office? Why hasn't the audit been completed? It was requested two years ago. Where is that at? Why aren't the records in the hands of Clerk Dilley?

Rusty Kluver asked the Board to rescind requests to provide emails by former elected officials. He thinks there is nothing out there the Board doesn't already have. Where does it stop? The emails are personal and shouldn't be shared with anyone. It also seems targeted. It's a waste of time and is a needless expense. If we have that much money, he'd like a couple loads of gravel in front of his house on Eveleth.

Terry Mulligan sent in a letter to be read. Mr. Anderson, can you please have this read at the Board meeting. This is in regard to the PC meeting last Thursday. As my application was one of the thirteen to be considered the meeting was very important to me. But since I am deployed 2,000 miles away for rehab, my sons were there to represent me, and I was trying to listen online. I am not going to address M. Legvold not being able to participate in the meeting as I don't know the rules and regulations. But I do want to speak of the rudeness the people who were trying to listen to the meeting had to put up with for the entire meeting. Legvold kept adding loud rude comments that made it impossible to hear very much of the meeting. I don't know if Legvold was treated fairly or not, but that does not give him the right to disrupt the meeting for the rest of us who couldn't be there. His actions were not very becoming of an officer and a

gentleman but more like a 7-year-old having a temper tantrum. Please ask Legvold to get a grip and chill out a bit.

Comments from Township Attorney Mike Couri: Anderson asked Couri to weigh in on the situation involving Legvold. MN §13D.02 has specific rules for this very situation. During the pandemic, these rules were set aside or can be dispensed with by an emergency declared by the Governor. For an emergency, a medical professional has to declare it inadvisable to meet in person. The rules of MN §13D.02 were set aside during the pandemic allowed telephone conference calls (no video) to be used for public meetings. This option is no longer available. Pre and post pandemic, interactive technology of both audio and visual must be used. The remote participant must be able to see and hear the board of other governing body, and vice versa. The audience must also be able to see and hear the remote participant. There is also a notice requirement. The notice has to be posted alerting the public a member of the governing body will participate remotely and must be made 4 days before the meeting. The public must be given instructions on how to access the audio/video meeting. The location of the remote participant must be made known and must be accessible by the public, except in the case of military personnel. Military personnel do not need to be in a public location to participate remotely.

If these conditions are not met, the remote participant cannot be counted as part of a quorum, and they cannot vote. They can participate in the discussion. Both Anderson and Rowan participated remotely in a couple of meetings during the pandemic.

An audience member asked if meetings can be recorded. The answer is yes, so long as the recording does not interfere with the meeting. Couri noted the camera in the back of the room. Members of the governing body should not be using electronic devices during meetings. Another audience member asked if there is an exception for looking up information during a meeting. Most clients of the law firm have moved to governing body members using laptops during meetings to look up information. It is the communication – texting or email – that is problematic because it would allow information to be provided to the governing body members that is not made available to the public.

Anderson then asked the Deputies if they had anything to share. The offer was declined, they are here only to observe.

Clerk's report: At the November 17 Board meeting, a resolution was passed declaring the township's official polling place for 2023 to be the Town Hall on Guam Ave. A notice was published in the Northfield News alerting the public of the upcoming election, the filing period for candidates and how to file for office. The notice is published for two consecutive weeks. Similar notices were posted on the message board outside the Town Hall and on the website. The Clerk attended a training session at MNSpect last month which was very helpful. The Clerk and Treasurer attended a MAT training course focused on year end tax reporting. Dilley cited the Worker's Compensation wage audit and the Minnesota Subsurface Sewage Treatment System annual survey as part of year end reporting.

Treasurer's Report: As of November 1, 2022, our checking account balance was \$55,787, deposits were \$113,106, withdrawals were \$37,934 for a total of \$130,959 (rounded up). There are uncleared checks of \$2,541 and deposits in transit of \$2,731 for a total reconciled balance in checking of \$131,148. In savings we have \$250,656. Certificates of deposit total \$54,124, making our grand total \$435,929. Anderson made a motion to accept the Treasurer's Report. Roehl seconded. Motion passed 3 – 0.

Report of Roads and Construction: Jerry Bolton reported the construction on 320th St W is pretty much completed. A new street sign was put up on Jamaica Ave. Bolton asked the sign to be placed up high to deter theft (a repeated problem). The sign was put up around 4:00pm and by 9:00pm it was gone. The sign was unbolted and stolen once again. County Road 86/280th St W is now open. Construction will continue for the next two years because of the railroad trestle. Dennis Luebbe, Rice County Highway Engineer was present. It has been Greenvale's practice to do 305th St W all the way to the frontage road even though it includes a small section of Rice County. The danger associated with turning equipment around is too great. He estimates a total of 6 minutes additional time to do the round trip of Rice County's portion of the road. A draft agreement was reviewed to formalize this ongoing winter maintenance. From time to time Greenvale may fill in a pothole on the Rice County portion of the road. This is a more efficient use of resources as a maintenance truck would be dispatched out of Lonsdale for this small section of road. If the agreement looks ok Luebbe can take the agreement back to the Rice County Board for signature. The mechanics of invoicing need to be worked out. As our township attorney was present, he quickly reviewed the proposed agreement.

Rowan asked Luebbe if he was notified about a City of Northfield committee looking at future transportation needs. Luebbe said he is aware the City is interested in expanding further into both Rice and Dakota Counties and they typically want to get participation with local entities.

Couri identified a question about insurance coverage. The Rice County agreement calls for insurance to be on an “occurrence basis” but it is his experience that most insurance policies and agreements are on a “claims basis.” The agreement as written also requires Rice County’s prior approval for a contractor to subcontract with a private party. The agreement contains a provision that the Township will hold Rice County harmless for up to \$1.5 million in liability, which is standard. If the roles were reversed, we would expect to be held harmless by Rice County. Couri points this out because we would not want to enter into an agreement like this with a non-government entity due to tort limits. Rowan made a motion that subject to clarification about the occurrence vs claims and the subcontractor provision, we approve signing this agreement. Anderson seconded. Motion passed 3 – 0.

Planning Commission (PC) Report: Before being seated, Malecha addressed the audience and said they should never take his respect for active military members and veterans and throw it in the mud. And he does not need to give his family’s resume of military service. Come to the next meeting and he will address the lies and misstatements made tonight. Malecha then reported on the December 8, 2022 PC meeting. There was an inquiry by Bill Otting about building a shed. No action was taken. The PC confirmed three buildable sites for the Helling property. Malecha talked to Maggie Dykes of Dakota County Community Development Agency (CDA) about the timing of the grant. Maggie reported the CDA will not get actively underway processing the initial stages of the grant until January 2023. Bruce Paulson was able to provide an electronic copy of the PC Policies and Procedures Manual, so updates can be made.

Couri then described the process of the review and approval or denial of applications made under the Nonconforming Land Use Ordinance (aka “Safe Harbor”) Generally there are statutory requirements in place for Interim Use and Conditional Use Permits. That is not the case with the Safe Harbor Ordinance. The review must stick to the ordinance and the application. When you look at these it is not a question of do we like the business or do we like the person. Here we are to look at the facts on the

application and look at the ordinance – you’re making a quasi-judicial decision. This contrasts with reviewing zoning issues, where the decision is legislative and that is where factors such as “is this a good use” come into play.

Anderson read a statement from Couri that the Board should consider additional public comment on the applications before them tonight, as time allows, in case some people did not have a chance to comment at the PC meeting December 8, subject to these guidelines: 1) keep your comments to three minutes, 2) confine your comments to the application being reviewed, 3) this is not a debate on the ordinance, as the ordinance has gone through the review and approval process and is now in effect, 4) if someone else has already addressed the comment you would like to make, please do not repeat what has already been said; comments not previously expressed are welcome, and 5) please address your comments to the Town Board, not audience members. Legvold was invited to sit with the Board while the review takes place, ask questions and participate in the discussion. The applications being processed were shown on the screen via an overhead projector. Each application that is approved will be chronicled via a Board Resolution accompanied by an “Exhibit B” which is an aerial map that would portray, as an example, outside storage. The resolutions and the maps will be filed with the County Recorder’s Office. Couri said each resolution did not need to be read aloud.

The first application for review is Terry Mulligan’s, represented by Dan Mulligan. Legvold pointed out at the PC meeting, Mulligan’s business was also recognized as a Legal Conforming Land Use, as it was in existence before the township starting doing zoning. Terry has chosen to withdraw that status in light of the Safe Harbor ordinance. Legvold had no further questions. The public had no questions. There are three buildings being used on the property for the business. Couri suggested annotating the aerial photo what each of those buildings are used for. Outside storage will also be noted on the photo. Anderson made a motion to approve the application with notations for the buildings and outside storage for Mulligan Tree Service, Inc., Mulligan Landscaping and Bridgewater Tree Farm. Rowan seconded. Motion carried 3 – 0.

The next application reviewed was from John and Dana Kuyper. Legvold asked about the number of employees. John is a sole proprietor, which counts as one employee. The application notes the activity takes place for the storage business between May and October. Legvold asked about volume. Kuyper has approximately 40 customers. A member of the audience asked what type of business this was. Storage of RVs, boats,

campers, cars, trucks and trailers, etc. Anderson made a motion to approve the Kuyper application with notes on Exhibit B for the buildings being used and Exhibit C for outside storage. Roehl seconded. Motion carried 3 – 0.

Todd and Marcie Dobmeier's application was reviewed. Legvold asked to view the property map. It appears that some of the pallet recycling and pallet storage is on the adjacent property owned by Boudreau Farms. Todd acknowledged this. The property line is at an angle. At one point, the business is entirely on his own property and encroaches perhaps 20' onto Boudreau's at the other point. Todd will move his operation onto his property. At this time, no enforcement action will be taken until it can be moved as weather permits, within 90 days. A motion was made by Anderson with the previous stipulations along with notations on Exhibits B and C. Roehl seconded. Motion passed 3 – 0.

Scott and Lee Ann Norkunas' application was reviewed. When Scott's application was reviewed at the PC, Scott recused himself as he is a member of the PC. Scott is an electrician. Legvold observed Scott's was the most complete application. Anderson made a motion to approve the Norkunas application with Exhibits B and C. Rowan seconded. Motion carried 3 – 0.

Nathan and Kari Gilomen's application was reviewed. Nathan is a trucker. Legvold did not have any questions. An audience member asked to clarify the nature of the business. Anderson made a motion to approve along with Exhibits B and C. The buildings will be annotated on Exhibit B. Rowan seconded. Motion carried 3 – 0.

The Collins Family LLC was next. Four tree and wood related businesses operate on the property. Legvold asked for an equipment list which had been provided at the PC meeting. The employee count is between 23 – 25 full time and 5 – 6 part time. Legvold asked about traffic. Perry Collins estimated 10 – 20 trucks in and out, 5 days a week. Employees arrive at 6:00am for a safety meeting and depart shortly thereafter. Trucks return late afternoon/early evening. The Collins Family has in the past offered to help maintain the road. Legvold wondered if it is appropriate to establish an agreement. Rowan suggested the township do the maintenance and be reimbursed by Collins Family. An alternative would be to post the road with weight limits. Legvold added that a nearby business uses the same road as the Collins Family. Is it fair that Collins' contribute to road maintenance that will benefit the other business? Perry Collins

stated their traffic consists of a truck with a gooseneck trailer, so the wear and tear on the road is minimal. An audience member asked if Collins would be limited on which gravel road they use. Upcoming construction on County Road 86 will dictate what roads they can use in 2023 and 2024. Anderson made a motion to approve the Collins Family application with notations on Exhibit B and C. The motion was seconded by Roehl. Motion carried 3 – 0.

Ron and Jenn Welbaum's application was reviewed next. They operate an event center. Legvold received a letter from a neighbor inquiring about noise standards. We have a performance standard for noise in our ordinances (Chapter 7) based on guidelines from the State of Minnesota. The State decibel levels apply. This property has operated with an end time of 11:00 but are willing to move that to 10:00. Eric Workman lives next door to the Welbaum property, spoke from the podium and feels the noise is excessive. Karen Workman later came up to the podium. The issue is not just evening hours, but afternoons as well if there is a loud band. The Welbaums have used a decibel meter on a smart phone at the edge of the property, but it is not known how accurate that meter is. Couri pointed at a lake home you can often hear a conversation from across the lake when all other background noise is reduced. On one occasion the event was large enough that people were parking on the road. The Welbaums will not host an event that large again. Mr. Workman noted there is an appeal process but the process is not described. Couri described the process. Workman asked if there was a time limit on an appeal. Generally, jurisdictions are starting to include time limitations, such as 60 days. Couri suggests Greenvale adopt such a limitation. The ordinance does not require a business scale back from their current operation on frequency of events or volume of attendees. The business owner can agree to limitations, but they cannot be limited beyond what they have been doing. Workmans would like a finite agreement or process. Couri suggests communication between the parties is the best course of action. Perhaps an email exchange between the property owners and all the neighbors would help. Victor Volkert offered his observation of visiting different townships. Often times a security officer would be on hand for large events. Cindy Larson added that sound is impacted by wind. Anderson made a motion to approve the application with the voluntary agreement between the owner and the neighbors, Section G, with Exhibits B and C describing the physical use of the property. Roehl seconded. Motion carried 2 – 1, with Rowan voting no.

Steve and Lori Olin's application was reviewed. Legvold had no questions for the Olins. An audience member asked about the land use: construction, landscaping, storage, etc. Anderson made a motion to approve with notations on Exhibits B and C. Rowan seconded. Motion carried 3 – 0.

Steve and Jodi Hansen's application was reviewed next. The business use is boat repair. Legvold asked about the number of nonworking boats on the property. Hansen said the maximum is 20. Legvold wondered if a maximum of five salvage boats could be established. Hansen believes that to be overly limiting. Hansen cannot be limited to fewer boats than he had in the past. Agreed to no more than 12 salvage boats. Two buildings are used as shops, one building is for storage. Anderson made a motion to approve the application with notations on Exhibits B and C and Section G. Rowan seconded. Motion carried 3 – 0.

Roehl Holdings, LLC application was reviewed. Legvold asked about composting and runoff into the creek. The County had an engineer review the operation, and no mitigation efforts were requested. There are no salvage vehicles on the property. Linus Langer pointed out the application shows a residence address other than the property address. There were no other public comments. Rowan asked if the County monitors the volumes. Annual inspections. Dave Roehl said he is recusing himself as the business was sold to Pete and Kelly Roehl on a contract for deed. Anderson made a motion; Rowan seconded. Motion carried 2 – 0.

Dave Roehl's application was reviewed. Roehl has to recuse himself from the decision making on his own property. Legvold asked if there was a lease agreement between the hair salon and Roehl. If his daughter closes the salon, another salon could go in its place within one year. If within a year no replacement authorized use is in place, the permitted use reverts to ag, as permitted by our current ordinance. The storage business is run out of the portion of the building that houses the salon. There were no questions from the audience. Anderson made a motion to approve the application with Exhibits B and C. Rowan seconded the motion. Motion carried 2 – 0.

Charles and Donita Anderson's application was reviewed. Charles recuses himself as participating in the decision making. Rowan led the discussion. Legvold observed the business encroaches onto a neighboring property. Anderson said his business is now entirely on his own property. The legal description of the property needs to be

compared to a survey and compared to the County's records. There is no legal easement on Charles' property to get to the farmland. Once these materials were moved onto his own property, it blocks access to the farm. Legvold asked about the number of salvage vehicles. He does not have any salvage vehicles; he has active tabs on 22 vehicles. He does do repairs on autos and trucks for customers. Carolyn Joyce has questions about the number of incoming and outgoing vehicles. Dependent on the season – landscaping and lawnmowing during the summer. During the winter the snowplowing operation could run any of the 24 hours of the day. Carolyn expressed trepidation as this just doesn't look right and she is concerned as a neighbor. There is a lack of clarity and it seems not all the information is accurate. Lisa Legvold asked why we are processing an incomplete application, and why are we paying the township attorney to help fill out the application. The application will be sent back to the PC with a 60 day window, with a request for a full equipment list and a list of the types of businesses that are run on the property. Rowan made a motion to return the application to the PC. Roehl seconded. Motion carried 2 – 0.

Couri has been an immense help in reviewing applications. Should he be at all future PC and Board meetings. Rowan made a motion to invite Couri to future meeting involving Safe Harbor applications. Anderson seconded. Motion carried 3 – 0.

Building/Grounds: Nothing to report.


Old Business: Return of Township property: discussions with Linus Langer's attorney have not proceeded. No response has been given, no definite decision has been communicated.

New Business: Due to the late hour, items under new business will be tabled to the next meeting.


Review and approve Claims: The board reviewed the claims for the month. Anderson moved to pay claims as submitted, Rowan seconded. Motion carried 3 -0.

Adjourn: Anderson made a motion to adjourn the meeting, Roehl seconded. Motion passed 3-0. The meeting was adjourned at 12:20am.

Submitted:


Jane Dilley
Town Clerk 2/16/23

Approved:


Charles Anderson, Chairman
Board of Supervisors