

**Greenvale Township
Board of Supervisors Meeting Minutes
Thursday, December 21, 2023**

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

Others Present: Ken Malecha, Dean Odette, GERALYN Odette, Scott Norkunas, Joyce Moore, Maynard Bolton, Richard Moore, Gregory Langer, Bruce Paulson, Victor Volkert, Cindy Roehl, Jerry Bolton, Alison Bartlett, Linus Langer, Andy Anderson, Rusty Kluver, Stu Berg, Linda Wasner, Patti Christianson, Mary Collins, Perry Collins, Ron Welbaum, Kurt Hembd, Mike Slavik, Mark Ceminsky, Vickie Tyler

Opening of the Meeting: The Pledge of Allegiance was recited. Anderson opened the meeting requesting audience members silence any electronic devices and keep their conversations to a minimum.

Approve Agenda: Anderson stated after the minutes were approved the Board would move into a brief closed meeting with township attorney Mike Couri. Roehl made a motion to approve the agenda, Anderson seconded. Motion carried 3 – 0.

Guests: Dakota County Commissioner Mike Slavik, Township Attorney Mike Couri, and Building Inspector Mark Ceminsky were present. Mike Slavik indicated he was just passing through but offered a few remarks. The County passed its levy with a 0% increase. Actual tax amounts paid may vary based on property values. The County budget includes funds for three additional patrol deputies. No snow yet equals savings with snowplowing and road treatments. Best wishes for the holiday season.

Anderson asked Mike Couri to explain the nature of the closed meeting. Couri stated the Board would go into a closed session with the township attorney; meetings are permitted to be closed for attorney-client privileged communications related to litigation (Minnesota §13D.05). After the matters of the closed session are completed, the Board will return and re-open the meeting. The Board then went into a closed session.

After the Board returned and re-opened the meeting, Couri made the following comments. In the litigation there were originally two cases – one against Greg Langer

and another against Linus Langer. In Greg Langer's answer he is seeking punitive damages against David Roehl personally in the amount of \$10,000. When a claim is made against a township officer it is submitted to the township insurance policy. This claim will not be covered by township insurance for various reasons based on language in the policy itself.

Minnesota §466.07 states when a claim is made against a supervisor or an employee of the township, whether elected or appointed, the municipality shall defend that employee provided that the employee was acting in the performance of the duties of their position and the employee is not guilty of malfeasance of office, willful neglect of duties or bad faith. In the township's action against Greg and Linus Langer, David Roehl is not part of the litigation and nothing in the complaint implicates David Roehl. The statute is clear the township has a duty to defend the employee either by providing an attorney or paying for an attorney. Couri recommends the township hire Paul Reuvers, who previously defended the township in another matter. His practice is almost exclusively insurance defense for townships, counties, and cities. He would handle this matter on behalf of Roehl and when that matter is settled his involvement will cease.

Anderson made a motion the township hire Paul Reuvers to defend David Roehl. Rowan seconded. The motion carried 2 – 0, with Roehl abstaining.

Minutes: The minutes from the November 16, 2023 Board of Supervisors meeting were reviewed. There were no changes or corrections. Rowan made a motion to approve the minutes, seconded by Anderson. Motion carried 3 – 0.

Citizens comments: Vickie Tyler is concerned about the proposed ordinance change that would permit building rights to be sold and transferred. She is not in favor of this because of losing farmland. Suggests either not allowing the sale of building rights, or if permitted, a clause is included to not ruin a whole field by putting up a number of houses.

Greg Langer presented an article from the Minnesota Soybean Growers Association which highlighted President Biden's visit to a Kluver family farm in Greenvale Township. Bradley Kluver was involved in the arrangements and preparations for President Biden's

visit on November 1. Langer left copies of the article for the Board and for the guest sign in table.

Alison Barlett offered a prayer of peace during this holiday season for our township and throughout the world.

Clerk's Report: Two notices have been published in the Northfield News – one for upcoming township elections and another for the public hearing to hear testimony about the proposed changes to the township's ordinances. Clerk has drafted an announcement for the township website noting the change in the building official. We will also post information about new procedures for requesting a building permit. The new building official has separate permit application forms for residential maintenance, new construction, exempt agricultural structures and demolitions each with accompanying guidelines. All open permit items currently with MNSPECT transfer to the new building official on January 1.

In working on the audit of pay vs meeting attendance, the Clerk has identified items that require Board input so will schedule time with the supervisors individually. We received notification from Couri & Ruppe regarding a fee increase effective January 1. Their fees will increase to \$265/hour for general legal work and \$290/hour for development work. A Records Retention Policy draft and resolution adopting same has been presented to the Board for their consideration. This will be discussed under New Business.

The township email system was overloaded due to extremely large attachments received in several emails. Would like to look into a drop box alternative for transmitting materials to Board and Planning Commission members. An email archive procedure is in the works as well.

Anderson made a motion to approve the Clerk's report. Roehl seconded the motion. Motion carried 3 – 0.

Treasurer’s Report: Wayne Peterson presented the Treasurer’s Report.

checking account

November 1, 2023 beginning balance	\$ 36,439.18
deposits	\$ 129,043.52
checks cleared	\$ (30,687.19)
November 30, 2023 ending balance	<u>\$ 134,795.51</u>
less: outstanding checks	\$ (9,495.56)
plus: deposits in transit	<u>\$ 328.00</u>
reconciled November 30, 2023 balance	<u><u>\$ 125,627.95</u></u>
savings account Castle Rock Bank	\$ 93,647.80
CDs Community Resource Bank	\$ 55,221.54
4M Fund	\$ 100,059.06
Grand Total	<u><u>\$ 374,556.35</u></u>

A transfer of \$5,000 from savings to checking was completed. An investment in the 4M Fund of \$100,000 was funded by a withdrawal from savings. Two certificates of deposit at Community Resource Bank will mature in January. Current rates are +/- 5.0%. Peterson will check again before the CDs mature.

This month we are issuing a replacement check for uncashed check #7975 payable to the IRS in the amount of \$509.41 dated October 20, 2022. Peterson spoke to the IRS some months ago and was told they had our check, and it would be applied to our account. This has not happened. Peterson has composed a letter to the IRS to accompany the replacement check, along with copy of the completed Form 941 for 3rd quarter 2022 and the disbursement register from the accounting system to show the disbursement was made. Anderson made a motion void check #7975 in the amount of \$509.41. Rowan seconded. Motion carried 3 – 0.

Anderson made a motion to approve the Treasurer’s Report for December. Roehl seconded the motion. Motion carried 3 – 0. The Treasurer’s Report for November was

not approved via motion. Rowan made a motion to approve the November Treasurer's Report, seconded by Anderson. Motion carried 3 – 0.

Approval of Claims was next. Anderson brought forth an issue that occurred with the tree removal project. Anderson was not able to obtain permission slips from all property owners/residents for trees on the original list. Some property owners requested that, along with trees selected by the township for removal, additional trees in the right of way also be removed. This resulted in additional costs of \$6,000 for tree removal. *[Author's note: claims and payroll for December was done at the January 18, 2024 Board of Supervisors meeting].*

Rowan asked what right of way measurement was used – 33 feet from the center of the road. Rowan noted that trees removed along Eveleth Ave ranged from 38 – 41 feet from the center of the road. Anderson said they went deeper when dead trees were involved. He pointed out a tree – not in the right of way – on Holyoke Ave that fell onto the road and had to be removed. Rowan stated we had an approved list of trees to be removed. Some of the trees on the approved list weren't removed, and others not on the list were removed, at an additional cost of \$6,000. Any additional trees identified for removal should have been brought in front of the board.

Anderson made a motion to approve the additional \$6,000 incurred with the tree removal project. Roehl seconded. Motion carried 3 – 0. This will be paid with January claims.

Road Committee:

Dakota County is not available to discuss bridge grants until sometime in January. Anderson will pursue this in January.

Several of the green Greenvale signs need replacing. Anderson will work with the Clerk to get these ordered.

Anderson met with Benjamin Bus and Northfield Schools officials. They want a contact when the roads are icy. Anderson supplied his phone number. A couple of Road Committee members' phone numbers were provided as well. They are also looking for nighttime assistance in determining when schools should be closed due to road conditions. Andy Anderson will be the person doing this as he is already out doing snow removal. Benjamin Bus will schedule another meeting in the spring to discuss how this new arrangement worked out.

The Road Committee met the week prior to the Board meeting. They will meet again before the next Board meeting to put together a spreadsheet of what was spent on roads this year and propose a budget for next year.

Dale Kuchinka did a great job with brush removal and ditch mowing. Lots of garbage is being dumped in our ditches. Ken Malecha, Tony Rowan and Anderson have all picked up garbage.

Planning Commission: Malecha reported on the Special Meeting of the Planning Commission held on December 7, 2023 to go over ordinance manual updates.

Permits: At the December 14, 2023 Regular Meeting, the Planning Commission reviewed a permit application request for a deck for Rae Simi at 29655 Isle Ave. The PID is 16-00700-78-012. The request included a site plan and the Planning Commission (PC) noted that setbacks were met. The PC approved the request and recommended the Board approve the permit request. Anderson made a motion to approve the deck permit, Roehl seconded. Motion carried 3 – 0.

The PC also reviewed a request for an ag shed for Victor Volkert. PID is 16-012000-25-014. The location is near the intersection of 290th St W and Eveleth Ave. Volkert provided a site plan and noted setbacks. The PC approved the request and recommended the Board approve the request. Anderson made a motion to approve the ag shed for Volkert. Roehl seconded. Motion carried 3 – 0.

Zoning requests: Bob and Katie Ruddle presented a request for subdivision for PID 16-00100-25-010 and the transfer of two building rights. The subdivision agreement creates two new parcels, each receiving a building right. Surveys were provided. The PC recommends the Board approve the request. Rowan made a motion to approve, Anderson seconded. Motion carried 3 – 0.

Victor Volkert presented a request for parcel split and building right transfer. The building right is being transferred from PID 16-01100-75-014 to PID 16-012000-25-014. The parcel split of 6.31 acres is coming from PID 16-012000-25-014 and will receive the

building right. The PC recommends the Board approve this request. Anderson made a motion to approve the split and building right transfer. Roehl seconded. Motion carried 3 – 0.

The PC continued its work on the ordinance manual at the December 14, 2023 meeting resulting in a final draft which has been sent to township attorney Mike Couri for review. The PC requests the Board's authorization to hold a Special Meeting on Thursday January 4, 2024. Roehl made a motion to approve the Special Meeting, Anderson seconded the motion. Motion carried 3 – 0.

The PC has scheduled a Public Hearing for the new zoning ordinance on Monday, January 8, 2024 at 6:00pm.

Rowan had a couple items to discuss with the other Board members. He is not in favor of big solar installations. He also addressed the shacks being used by local vegetable farmers. Asked the other Board members to drive around and take a look at them so they can decide what to do about them. He noted the example of the one on Isle Ave across from Larry and Roxanne Valek. Dilley shared information that the property owner sought a street address so electrical service can be brought to the property. This may indicate an intent to make improvements on the property.

Building/Grounds: Nothing new to report.

Old Business:

Broadband: Anderson has a letter ready to go and plans to get it in the mail very soon. A survey has been created and is on the township website for residents to indicate their interest in receiving broadband services. This survey is necessary to gauge interest before Dakota County can commit resources towards developing a plan, which is necessary for receiving grant money. The letter contains the email addresses of the Board members and the members of the Broadband Committee. Residents can email their responses. Dilley strongly discourages this and encourages a single-entry point – having the public answer the questions about interest in broadband via the online survey.

County Road 90 Task Force: Roehl received available dates from Mike Slavik for Dakota County transportation personnel. Those dates were forwarded to the task force

members and when he gets their available dates, he will schedule the meeting. Rowan would like to see the list of questions prepared.

Solid Waste Disposal: Anderson connected with Tim Trumpy from Dakota County regarding how Greenvale Township handles its solid waste. Anderson indicated the township has used Cannon Valley Tree in the past and this year worked with Castle Rock Contracting and Tree Service. Both companies handle the waste from tree removal.

TK Properties: Dilley has a signed extension until a date after the board meeting in February.

New Business:

Minnesota Association of Townships Annual Meeting was held in St. Cloud at the beginning of the month and attended by Rowan. The Minnesota Secretary of State Steve Simon spoke about the integrity of the voter registration process. Matt Latterman, a cyber security specialist, urges caution to municipalities with spam emails. In northern Minnesota, a municipal employee opened and forwarded an email not realizing it was spam. Seventy (70) computers in that municipality were infected because of that action. Rowan picked up a brochure on digital archiving services. A small township used this service, and their initial cost was \$5,000 and \$1,000 a year thereafter. It was impressive to watch the retrieval of records using a word search. Discussions about using Facebook for township business and exercising due caution about what is published. Rowan had an opportunity to socialize with township attorney Mike Couri.

New Building Inspector: Mark Ceminsky of Beaver Creek Companies was selected by the Board to become the township building inspector effective January 1, 2024. The Board needs to adopt the fee schedule for building permits going forward. Ceminsky presented a fee schedule adopted by other municipalities he works with. He recommends adopting the 2022 Minnesota State Statute regarding valuations. The fee for maintenance permits used by surrounding communities is \$100; some communities are also charging an application fee. Ceminsky is proposing Greenvale increase the maintenance permit fee to \$90. Building officials are responsible for determining a fair valuation on new home construction. Ceminsky recommends the township use the chart published annually by the ICC which lists out values per square foot per style of building. Ceminsky is recommending septic permit fees at \$350 + the \$1 surcharge fee.

He provided samples of various building permit forms with checklists: residential maintenance, new construction, exempt ag building and demolition.

Fees for permits are to be mailed to Mark Ceminsky, but payable to Greenvale Township. His address is on the bottom of the building permit form. He sees his job as not only to issue permits and do inspections but also to instruct citizens about the building code and answer their questions. This is a benefit to the citizens, the township and the contractors. He's looking forward to working with our community.

Dilley asked if we should make the permit forms available on the website. A tab will be set up for permit related items. Ceminsky said we cannot require building permits for the structures used by vegetable farmers, but the Board can establish guidelines such as requiring waterproof materials be used. He also has a form for homeowners who plan to serve as their own general contractor.

Rice County Snowplowing Contract: Dilley is having difficulty connecting with Dennis Luebbe, the Rice County Highway Engineer. The contract has been supplied for their review and signature. Dilley also sent an invoice for snowplowing services for last year. Rowan offered to work with the Clerk on this.

Northfield Area Fire and Rescue Services (NAFRS): Dean Odette informed the Supervisors we are likely looking at a 40% increase in fire costs next year, so he estimates \$50,000 in 2024. The price of new equipment has increased substantially and NAFRS now has a full-time Fire Chief. Odette will come back at the next meeting – and he can give us a firmer cost provided the budget is finished.


Greenvale Township History Project: Dean Odette and Patti Christianson along with committee members Wayne Peterson and Geralyn Odette were involved in this history project. In March 2022 the citizens of Greenvale voted to commemorate all the people who have served on the Town Board. The committee started its work in March 2022. After a year and nine months, the committee is presenting the township and its citizens with the plaques of Town Board members. These plaques represent 165 years of township leadership involving 943 people. The township did not have a treasurer for the first 47 years – from 1858 to 1905. Christianson said the committee was very diligent in its research, starting with the review of minutes back to the beginning of

township records. A database of names and positions held was created. Handwritten records were sometimes hard to read. The committee went to the Dakota County Historical Society for additional research. Odette noted in 1971 there was a township position of constable – held by Wayne Peterson. Christianson remarked about the diligence of the original townspeople who stepped forward to take leadership positions and keep detailed records of township activities. Odette noted when the township was established the original name was Green Vale. The township authorized an expenditure of \$2,000 and part way through the project Odette realized that would not be enough. Through word of mouth this message was heard by a township resident (who wishes to remain anonymous) who made a sizeable donation to cover the additional costs of the project. The final cost of the project to the township is \$1,750. Jen Welbaum, Linda Wasner and Eric Christianson will determine where the plaques will be hung.

Records Retention Policy: Dilley shared that the Minnesota Association of Townships (MAT) has developed a records retention policy for townships based on guidelines from the Minnesota Historical Society. The guide is very detailed – 13 pages. MAT also created a sample resolution to use for adopting the policy. Anderson moved to adopt the Records Retention Policy via Resolution 2023 – ___. Rowan seconded. Motion carried 3 – 0.

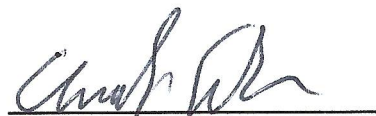
Rowan made a motion to adjourn the meeting. Roehl seconded. Motion carried 3 – 0. After the close of the meeting claim checks, subdivision agreements and the records retention resolution were signed.

Submitted:



Jane Dilley
Town Clerk

Approved:



Charles Anderson, Chairman
Board of Supervisors