

## **Greenvale Town Board Meeting Minutes March 17, 2015**

Present: Chair Gregory Langer, Supervisor David Roehl, Supervisor Duane Fredrickson, Clerk Linus Langer, Treasurer Darcy White, Treasurer-Elect Wayne Peterson and Attorney John Ophaug.

7 PM Meeting opened with all reciting the Pledge of Allegiance.

Chair Langer shared meeting guidelines on participation with attendees.

Review agenda: Langer added Oath of office for Treasurer-Elect Wayne Peterson. Roehl moved to approve revised agenda. Fredrickson made 2<sup>nd</sup>. Motion passed.

Review minutes: Fredrickson offered correction on Attorney reference and moved to approve minutes. Roehl made second and motion passed with all in favor.

Sheriff's deputy was present and spoke with town residents. Reminds us to please report suspicious activity. Fredrickson mentioned he spoke with Sheriff Leslie and shared advice that "eyes of public" are seen as crucial. Tom Wirtzfeld and Mark Malecha had mailboxes smashed and Jerry Bolton mentioned street sign on Jamaica Avenue has been stolen again.

Treasurers report: CTAS features with version 8 is improved over version 7. The reports better allow payroll and claim review and processing. 2nd update on version 8 from State Auditor is coming soon. Bank balance is shown on Cash Control Report and spending is shown on Schedule 1 Report.

Clerks report: Election results were reviewed after the Annual Town Meeting and afterward the Board of Canvass met to certify the results. Wayne Peterson received 138 votes to be certified as new Treasurer, and the Supervisor vote was not certified as it was not clear how to proceed with questions on counting and canvassing.

Recap annual meeting: Annual Town Meeting was well attended and was moderated by Wayne Peterson. There was good discussion and questions on the CTAS software accounting report that reflected too much an auditor format compared to a familiar financial statement. White recommended other reports would be preferred. There were Resolutions passed to continue the buildable sites study and to look into forming a Planning Commission. After the meeting the Board of Canvass met. Their work is still pending as they seek assistance with the voting results and procedures.

Wayne Peterson was sworn in as Treasurer by reciting the Oath of Office. Darcy White will provide initial training and be available for transition.

Langer discussed pay history for elected officers. 2009, 2010, 2011, 2012, 2013 and 2014 were all at the same rate. Langer made a motion that pay for Treasurer and Supervisors remain the same again at \$100/meeting, \$200/training day, and Clerk remains the same at \$1500 quarterly. Fredrickson made second and Motion passed.

Roehl moved to establish Road Superintendent pay at \$100/month plus expenses. Fredrickson made second and Motion was passed.

Roehl suggested we table Board Chair selection until after ballot recount, scheduled for March 26, 8:30 AM at the Dakota County Administrative Center in Hastings.

Road concerns: Liz Messner and John Dudley came to discuss agreement on repairs and upkeep on Dresden Avenue. Messner spoke about need for funds last fall and now they want to pursue the repairs. They asked Greenvale to take the lead on the repairs project. Langer said last fall Mark Malecha and others looked at the road condition with people from the City of Northfield. There were two rough quotes around \$30000 last year. Roehl moved to authorize the Road Improvement Committee to update quotes and come to next April meeting for authorized spending. Fredrickson made second and motion passed. Waterford Board meets on second Mondays. Fredrickson asked John Dudley for input. John said they appreciate our work and they will pay their share.

Isle Avenue guard rail accident repairs are being considered. Insurance company is waiting for additional photos. Langer is following up on this.

Jerry Bolton reported on RI Committee plans. Langer showed draft report of work completed so far. Fredrickson thanked Langer for report. Bolton wants to do 5 miles again this year. There are some issues: on Dunbar, 290<sup>th</sup> St west from Foliage, ditch work, finishing on Garret, Guam, etc... Next year we are looking at other needs.

Training for officers on Saturday. Dakota county map was presented at the Officer's event that showed bridge on 90 and other planned repairs. Fredrickson noted road will be closed during some of the County work.

Two permits were discussed: there was a maintenance roofing permit (over-the-counter) for Tim McNearney and a building demolition permit for Edith Nelson. Board looked at demolition permit and the attached site map. Langer moved to approve, Roehl made the second and motion passed with all in favor.

Bernard Budin presented a document for property rights identification. Board looked at 3 ring book to see how transfers can be aided and approved. Langer moved to approve Budin document. Fredrickson made the second and motion was approved with all in favor.

Roehl asked about seeing payroll approval along with claims approval. Clerk agreed this is a proper practice to follow. Supervisor Langer shared his W-2 from Township and noted availability of public records. Fredrickson moved to approve claims and payroll. Roehl made second and Motion passed.

John Ophaug - Town Attorney - joined meeting at request of Fredrickson and Langer following last meeting. Langer shared there was a request last meeting to look at a transfer. Langer shared that since transfer was not finished and he thought there were missing pieces we were looking at proposal for the first time. Fredrickson thought attorney would have seen document. Attorney Ophaug said he got a copy just now. Ophaug asked if there was a rule for transfers? Clerk mentioned there was precedent but it's not written. Ophaug said that is a problem. Township should have rules in place for this. John Fink was able to speak about his position. Fredrickson wanted to reserve his comments. Ophaug inquired on transfers. Langer read approved minutes from past that did not show anything of transfers. Ophaug read Bob Winter letter. Langer referred to minutes that show no action by Board. Ophaug asked what would be the normal process. Tom Wirtzfeld asked about 60 days. Ophaug read about 60 day rule in MN statute 15.99. Ophaug asked if there was signed letters available. Clerk has some from the past that are signed and will share them with Ophaug. Langer read information from map he had. Identified QQ sections that are owned by Sorem... there was no discussion at all with St Olaf college or the Langer's. Greg Langer spoke with Pete Sandberg, Assistant Vice President for Facilities at St. Olaf College and Alan Norton, retired Vice President and Treasurer of St. Olaf College and they stated they believe that there was not any discussion with St. Olaf about any building site rights in the area to be annexed.

Langer attended all the meetings and makes the statement "taking of property rights from two owners and giving them to another is wrong." Most supervisors would read proposal and not rush to sign. The actions were dishonorable. Now these are being considered for distribution "shell game" fashion around the township. To date no wrong doing has been recorded. We'd need 30 to 60 days if attorney is required to defend rights. (Moore asked if this becomes a conflict of interest for Langer?). Langer said we believe the attorney should have advised caution at the time. We believe Duane Fredrickson has not supported wrong doing. Langer asks supervisors to do one of two things: each has what is theirs. He recommends we do not sign this. John Fink wants to hear from other supervisors. Sorems did not know all their options. Tom Sorem explained we had 5 sites and were told at the time our rights would be gone, so we needed to get them to a dedicated area. Fredrickson said he sees many ramifications and said I don't want to be picking winners and losers. We want to uphold the law. Langer said if my family's rights are taken we will pursue this with legal council.

Ophaug said we need to get this codified in the ordinance. Years ago things were different. Now today we have properties that have been changed often. Fredrickson asked Roehl if he had comments. Roehl said Tom Sorem should make sure he had rights and asked about QQ sections. Ophaug said transfers should be codified. Budin said in the past we did things first come first serve. Edith Nelson asked if there are letters from the City. Fredrickson asked if the Winter letter was personal or official statements as Supervisor. Fredrickson said if Fink is denied then it would probably get litigated. Maybe we can clear some things up. Ken Malecha said everyone is a neighbor. He said as a landowner "I think its not fair to dump this on the Board" ... when a party has agreement, then yes. People need to figure it out before taking to the Board. There was no methodology and it was done in haste.

Langer made a motion: In regard to the Sorem request to transfer building site rights presented at the February 17, 2009 meeting. The Greenvale Township Board of Supervisors finds that no action was taken by the previous Town Board on this matter and that all involved property owners still possess any property rights that they were entitled to at that time. There was no second for this motion.

Fredrickson said there are lots of implications, we should move on with meeting tonight. Roehl asked Ophaug what he thought. Ophaug offered person cannot be in abeyance forever... Caroline Joyce asked for specifics about dates. Diane Gehler asked to have document read. Quincy Moore asked if any of this is recorded as the County does checks and balances to make sure it's done properly and a County sticker is required on completed documents. Ophaug explained in Dakota county there is township zoning. Fortunately this board has not made a bad decision. Moore asked if Fink believes 60 days went by, is there something the County can do. Fink expressed he wanted old rules. Sorem expressed it was our realtor who got us into it. Ophaug asked how we do special meetings. Roehl asked if Fink was willing to extend 60 days. Fink said I'm not extending anything. Supervisors looked at calendars and considered tabling matter to not miss the 60 days rule, should it apply. Fink said if there's a special meeting he didn't want to pay for it.

Roehl made a motion to table the question and schedule a special meeting for Tuesday April 14<sup>th</sup> at 6 pm. Ophaug said he can join us and he will send a letter about the 60 day clock. Langer made the second and All voted in favor.

9:25 discuss options for continuation of available sites project. Langer applied for a block grant again to help with the buildable sites study. Langer read Resolution from our Annual Town Meeting and moved we approve it. Roehl seconded and motion passed. Signed and notarized by Supervisors and Clerk.

Langer moved to table discussion of township officer training and other training events. Fredrickson made second and motion carried.

Bills were approved and paid.

9:45 meeting adjourned.

Respectfully, Linus Langer/Clerk