

Greenvale Township Planning Commission
Meeting Minutes
Thursday, May 11, 2023

Present: Ken Malecha (Chair); Commissioners Steve Wickelgren, Scott Norkunas, Joyce Moore, Victor Volkert; and Jane Dilley, Town Clerk

Others Present: Jess Bodnar, Charles Anderson, Bruce Paulson, Gregory Langer, Carolyn Fott, Linus Langer, Andy Anderson, Eric Christianson

Chairman Malecha asked the audience to join in the Pledge of Allegiance at 7:00pm.

Guests: Harry Davis and Frannie Nielsen from Bolton & Menk were present.

Opening Statement: Malecha stated the Planning Commission (“PC”) is an appointed body that makes recommendations on planning and zoning issues to the Town Board. These recommendations are advisory only. The elected Town Board members make the final decisions on matters brought before the PC. The PC will act tonight on matters received by the Zoning Administrator by noon ten (10) business days before the meeting tonight. Questions on submissions after the deadline can be addressed under New Business; they will be placed on the following month’s agenda. The audience was reminded this is a public meeting, not a Public Hearing. Audience comments are limited to topics being discussed. Malecha reminded the audience to sign the attendance sheet and silence their electronic devices.

Agenda: Malecha asked if there were any changes to the agenda. Norkunas asked to add comments under Agenda Item 10c. – Nonconforming Land Use Ordinance. Moore made a motion to approve the agenda, Wickelgren seconded. Motion carried 5 – 0.

Minutes: The March 20, 2023 Public Hearing meeting minutes were reviewed. Malecha made a motion to approve the minutes, seconded by Moore. Motion carried 4 – 0. Wickelgren did not vote; the meeting occurred before he joined the Planning Commission. The March 20, 2023 Special Planning Commission meeting minutes were reviewed. Norkunas made a motion to approve the minutes, Volkert seconded. Motion carried 4 – 0. The April 13 Planning Commission meeting minutes were reviewed. Malecha made a motion to approve, Norkunas

seconded. Motion carried 4 – 0. Malecha commented on the thoroughness of the minutes.

Citizen Comments: Linus Langer inquired about comment cards.

Opening of the Meeting: Malecha introduced Steve Wickelgren as the newest member of the Planning Commission. He was appointed to the PC by the Board for a three-year term at its April 20, 2023 meeting. Wickelgren offered some of his background. He has worked in government, writing and rewriting policies for the Minneapolis police department, has served on committees and helped set up a nonprofit organization. For the last 15 years he has been in the mental health field. He recognizes there is a “rural language” with which to become familiar and he’s looking forward to participating.

A new Vice Chairman of the Planning Commission needs to be selected. Malecha nominated Norkunas, Moore seconded. Motion carried 5 – 0.

Board Liaison Report: Tony Rowan is out of town for work. Charles Anderson stepped in for him. Anderson said the Board Liaison positions are rotating every couple of years. Anderson took on roads and Rowan became the liaison for the Planning Commission. He reported the PC was moving forward with the ordinance project with the grant money.

Building Permits: Tim “TJ” Olson submitted a permit request for a pole shed on his property. The permit included a survey and site plan. The shed is non-ag. Norkunas asked about the setback on the western edge of the property. It is 65’. Norkunas made a motion to approve the non-ag shed on PID# 16-00800-01-012. Moore seconded. Motion carried 5 – 0.

Zoning and Other Land Use:

An inquiry has been made by Paul Weitz, DVM, about a veterinary clinic. After his arrival, his inquiry will be addressed.

Applications received for consideration under the Nonconforming Land Use Ordinance were next on the agenda.

1. The first application was from Charles Ohmann, President of Ohmann Farms Inc PID 16-01500-77-010 for a commercial trucking business. Malecha noted this is the .5 acre parcel where the Town Hall used to be, but his truck is sometimes

parked on a neighboring parcel. Ohmann is concerned about being zoned commercial so only listed one parcel. Malecha suggested checking with the County Assessor's Office. Other parcel numbers can be added to the application when it is presented to the Board on May 18. A minor correction was noted on the street address for Ohmann Farms. A list of vehicles was provided and Ohmann is the sole employee. Malecha moved to recommend Ohmann Farms Inc PID 16-01500-77-010 as a legal nonconforming land use and to forward it to the Board of Supervisors. The motion was seconded by Volkert. The motion carried 5 – 0.

2. The application from Ed Holt was reviewed. Holt was represented by Victor Volkert. The PID is 16-02400-03-010. Holt runs a commercial trucking business. The equipment used in the business was listed. There are two employees. Norkunas noted the aerial map provided shows the trailer is slightly over the property line. Volkert said it has been like this for some time and the neighboring parcel owner does not have an issue with it at this time. Volkert also noted this is possibly the oldest established business in the township, having been in operation for over 70 years. Malecha made a motion to recommend approval of the application from Holt as a legal nonconforming land use and to forward it to the Board of Supervisors. Norkunas seconded. Motion carried 4 – 0; Volkert abstained as he was representing Mr. Holt.
3. The application from Ron Heickert was reviewed. The land use is auto repair and restoration and outside storage on PID 16-01000-75-012. The buildings and sheds used in the business were listed. Equipment used includes a skid loader. There are two employees. Outdoor storage is limited to three items. Malecha made a motion to recommend approval of the application from as a legal nonconforming land use and to forward it to the Board of Supervisors. Wickelgren seconded. Motion carried 5 – 0.
4. The application from Jane Dilley was reviewed. The PID is 16-00100-01-010 and the land is indoor and outdoor storage. Malecha recused himself as he stores farm machinery with Dilley and turned the meeting over to Vice Chairman Norkunas. Norkunas inquired about the number of items stored outside. Maximum of two. Aerial map shows two sheds and an area marked for outside storage. Norkunas asked about any items stored outside – one trailer. Norkunas made a motion to recommend approval of the application from Dilley as a legal nonconforming land use and to forward it to the Board of Supervisors. Moore seconded. Motion carried 4 – 0 with Malecha abstaining.

Norkunas asked to comment on the applications processed under the Nonconforming Land Use Ordinance. Not including tonight's meeting, 31 businesses have been approved. Total number of employees of these businesses – 224 (152 full time, 72 part time). Norkunas added that there is less than a month before the application deadline of Friday June 2 for this ordinance. He is aware of several businesses with semis and dump trucks that haven't applied. Those business owners are strongly encouraged to apply.

New Business: Planners Harry Davis and Frannie Nielsen with Bolton & Menk were present to discuss the township's ordinance manual. The task at hand is to bring the township's ordinances in alignment with the provisions of the 2040 Comprehensive Plan. This should have been done soon after the approval of the Comp Plan in August 2019.

Harry Davis said he was part of the planning team that will handle Greenvale's on-call planning service requests. He and Frannie will work together on the ordinance updates. He described that the scope of the project funded by the grant is not solely limited to alignment with the Comp Plan. Bolton & Menk recently finished work with Marshan Township for their ordinances. They also do planning work for Castle Rock Township and Empire Township (before they became a city). This has helped them become more familiar with Dakota County.

Four large poster size Post-Its were affixed to the north wall to help organize issues and potential solutions: 1) Compliance: County, State, Comprehensive Plan; 2) Code Enforcement; 3) Accessory uses; and 4) Permitted, prohibited and interim uses. The left side of the poster is for issues, the right side for solutions or what the township would like to see happen.

Malecha said some of the provisions in the Comp Plan don't seem to make a lot of sense. Greenvale has an aging population, so the Comp Plan suggests more adult living facilities. The definitions in the township's ordinances are non-existent or sometimes too vague to be useful. The term "commercial" is used in the ordinance, but it is not defined. We have issues with zoning and density. When we are done, does the Metropolitan Council need to see Greenvale's ordinance manual? Malecha asked if any townships have amended their section of the Comp Plan when they were done the township ordinances? Malecha wondered how maps and zoning got changed from the 2020 Comp Plan to the 2040 Comp Plan. How did Greenvale end up with more acreage? There was an extended

conversation about density and there appear to be conflicts within the Comp Plan itself. Is density measured by one home per quarter-quarter or is it measured in the aggregate within the township? Should we allow building rights be moved from one parcel to another? We have another issue with non-conforming housing. Volkert said we have some people living in sheds. Current ordinances would not permit a re-build in the event of a fire or natural disaster.

Malecha asked how long the process took with Marshan Township. Davis reported it was approximately the same time frame as Greenvale has now. Malecha asked at what point should we hear from the public? Davis said he doesn't believe there was public input, instead it was the Board, the PC and the township's building inspector.

Norkunas wondered what the Comp Plan uses for definitions. The Comp Plan references "businesses that support agriculture" – but there is no definition of this. Norkunas is an electrician – he helps farmers with their corn bins and corn dryers – not 100% - so is he considered a business that supports agriculture? It will be up to the township to put parameters on its own definitions.

Paul Weitz, DVM, arrived and was invited to the table. He started an equine veterinary service in 2002 and now has five veterinarians and a couple of interns. Their veterinary work is done out of five trucks at the animal's location using mobile diagnostic technology. He would like to have a facility where certain procedures could be performed for horses trailered in. Sometimes distance is an issue, other times a farm may not have a "clean space." He is not interested in opening an animal hospital. Ideally the facility would have an office and living quarters for interns. The building would be used for the five trucks to come and pick up supplies. The trucks go home with the veterinarians at the end of the day. Before he starts searching for properties, he is exploring what is permitted in Greenvale Township. Dr. Weitz said he is not interested in expanding to provide services to cattle. Wickelgren asked how large Weitz anticipates his operation growing. Weitz had four veterinarians through 2015, in June he is bringing on the fifth. It takes a few years before a veterinarian can develop a practice and be at full capacity. He would possibly expand to a sixth veterinarian, but his primary interest is veterinary medicine, not managing large groups of people. Malecha inquired about traffic – how often does he get deliveries. Weitz said daily since he stocks as needed rather than carrying much inventory. Right now he has no clients coming to his location for services. Volkert asked what acreage would be

needed – probably no more than five, or whatever is required to build a shed or expand an existing shed (and potentially living quarters if there is no home on the property). He has no need for pasture and does not intend to have any horses of his own.

Malecha reference the township's zoning and ordinance manual. There are currently three types of zoning: agriculture preservation, shorelands^{40 00} and floodplain. In the township's ordinances, Section 5.04 B.4 Permitted Uses and Structures: the agriculture preservation district includes "agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services" and further names veterinary services. Malecha asked Bolton & Menk for preliminary thoughts about the scenario described by Dr. Weitz. Frannie Nielsen authored a memo that indicated veterinary services were allowed as a secondary use, but the primary use has to be agriculture. Malecha said we allow horse boarding as agricultural. Theoretically, Weitz could board one horse, to become primarily agricultural and then open the veterinary clinic as a secondary use. This is a perfect example of how the township's ordinances need clarification. Volkert asked about an Interim Use Permit. Weitz wants to avoid an IUP because the terms can be changed.

Harry Davis said he's never seen an ordinance manual that adequately addresses every need. Dr. Weitz has a unique business model, and Davis would like to do further research to see if he can create a streamlined conclusion that would permit Weitz's operation. Davis wondered if this could be addressed as a home occupation. Malecha said the building would be limited to 900 square feet, so no.

Malecha asked about Weitz's time frame. He is in the preliminary stages, thought he had a possible set up in Bridgewater Township, but under the township's ordinances it wouldn't have worked out. Malecha asked if it was reasonable for us to research this further and add Dr. Weitz to the June 8 Planning Commission meeting agenda. Weitz said he wants to do this legally as he hopes to someday turn the practice over to one of his veterinarians rather than sell out to a corporate entity. Dr. Weitz thanked the PC for their consideration.


The discussion returned to the ordinance manual and Comp Plan. Malecha suggested the PC members add their questions and ideas on the posters and we would collect that information and forward it to Bolton & Menk. Further, two members of the PC can meet and have discussions without violating the Open

Meeting Law. PC members can email Bolton & Menk directly, but cc: the Town Clerk. Norkunas asked if the PC should break into teams right now. It was decided we would first focus on getting all the issues out there, then prioritize them and then make team assignments.

Old Business: Malecha asked if there were any other issues to discuss. Volkert suggested we devote time to the Building Rights Inventory (green book) since there are incomplete areas and suggested asking the citizens to come in with any documents they have in their possession describing building rights. The township's records on this topic are very limited. Malecha said he has already been contacting people section by section.


Malecha asked for a motion to adjourn. Moore so moved, seconded by Volkert. Motion carried 5 – 0.

APPROVED – June 8, 2023



Ken Malecha, Chair

Prepared by:



Jane Dilley, Town Clerk