

Greenvale Town Board
Work Session & Regular Meeting
Tuesday May 18, 2021

At 6:00 p.m. the Town Board met to review agenda items for the regular 7:00 p.m. meeting.

At 7:00 p.m. the Town Board opened their regular meeting with the pledge of allegiance to the flag.

Board Members Present: Treasurer Wayne Peterson, Supervisor Charles Anderson, Chair Gregory Langer, Clerk Linus Langer, Supervisor Anthony Rowan

Guests Present: Mary Collins, Perry Collins, Mike Mittelstaedt, Rosie Gilomen, Deb Mittelstaedt, Dave Mittelstaedt, Greenvale Township Road Superintendent Jerry Bolton, Scott Norkunas, Jane Dilley, John Fink, Charlene Klemenhagen, Planning Commission Chair Bruce Paulson, Richard Fott, Ken Malecha, Nick Darling, Steve Hansen, David Legvold, Christina Nelsen, Bernard Budin, Jennifer Welbaum, Andy Collins, Victor Volkert, Dakota County District One Commissioner Mike Slavik, Attorney Bob Ruppe, Andy Anderson, Dave Roehl, Terry Mulligan, and three others via conference call

Minutes – Minutes from April 20 meeting were reviewed and approved by a motion from Langer that was seconded by Anderson. Roll call was unanimous in favor.

Agenda – Added Guests Attorney Ruppe, Dakota County District One Commissioner Mike Slavik, new/other Comments, Tent, Sound System outdoor PA speakers, Langer moved, Anderson seconded, agenda approved by roll call, x3.

Treasurer's Report – Peterson reported April 30 results balancing books. Report showed beginning balance \$140,493, deposits \$284, checks out \$21,541, ending balance \$119,228, \$1,425 checks outstanding, and \$117,802 ending bank balance. Savings are \$254,560. CDs are \$53,063. All leaving grand total of \$425,426. Langer moved to approve the Treasurer's report and a second came from Anderson. The motion passed by roll call, x3

Clerk's Report – Address signs \$40 with u-channel post can be ordered from Clerk. Upcoming Annual Town Meeting in the works. Would we want Outdoor Sound, Tent? COVID, Governor's Mask Restrictions and MAT guidance updates noted. Thanks for community allowing reset of Annual Meeting. Will try mailing reminder to eligible voters.

Road Report – Superintendent Bolton spoke to loads of aggregate recently put down. Weather does and doesn't aid with dust control. New operator at dust control provider learning our needs and system. Langer mentioned annual road tour April 29th.

Building Permits – No new applications but one pending (in truck) for deck addition for Tom Wirtzfeld. Langer moved and Anderson gave second on permit. Motion passed by roll call x3. One existing shed project a modified location and required review of setbacks. Clerk determined okay and reminded locations are a typical component of new construction inspections – provided by MNSPECT. Site maps serve the purpose of zoning compliance and construction code too.

Public Hearing Recap – Planning Commission Chair Bruce Paulson shared process and hearing outcome. The Planning Commission recommends approval of adopting the State Building Code. Ruppe suggests using specific form while communicating to public. Optional code portions could be added in future if desired. As presented though (basics) updates become automatic with State Statute updates. Paulson credited Scott Qualle of MNSPECT for explanations and question/answer during the hearing and credited members of Planning Commission for supporting community in the effort. Langer moved on Ordinance

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2021-1 and Rowan gave a second. By roll call the motion passed unanimously, X3. Anderson inquired on a publishing date and Clerk shared paper due dates, etc, and would try for next week's legal section.

Langer had three items to share with Attorney Ruppe on compliance. Concerns have been on hold because of November postponements by the Board, and COVID attendance risks. There has been concern expressed on David Roehl's composting operation (B&D Recycling) and it was learned licensing and zoning are not in compliance. Langer asked "what should we do?" (noted by Board and Attorney document copies to be available upon request.) There was also a letter to Clerk on 4909 315th St (Wasner Farm) from Dakota County regarding operating facility for events not in compliance with zoning or building code. A third item was a letter in January about hazardous waste questions at Country Cabinets. Langer had consultations with neighboring townships and shared they have written notices to non-compliant properties. Using current ordinance in place, without changing the ordinance, Langer asked Attorney Ruppe to look at three examples... in these type questions Ruppe says:

1st investigate if there is a violation... letters can help bring things into compliance. Look at facts to find out and document in writing. District courts will enforce zoning, but judges want to see you've tried everything you can.

Langer moved we request Attorney review documents and bring back recommendations to the Board. Rowan made a second (for discussion). Rowan asked if we'd invite people to talk or just send letter? Ruppe expressed process is helpful but in our ordinance it's not specifically required. Working out issues before court is preferable but final option is sometimes used. If final option it's almost better for township if "they" sue us because insurance will cover some of costs. Anderson mentioned safe-harbor proposal – not formal request - from past discussions.

8:05 By roll call Rowan yes, Anderson no, Langer yes. Motion for attorney review passed.

Other questions – Attorney offered Q&A. Spoke to experiences around state with other townships. Generally change requests come from residents and 60 day rule could be part of considerations. Costs are covered usually with replenishing escrows. Rowan asked if available next month? Out of town 15th and remember all meetings open to public. Ruppe received swiss army knife for solving all sorts opportunities.

Dakota County District One Commissioner Mike Slavik greeted and conversed with citizens. COVID things, RR and County Road 86 info on delays, construction updates, County Road 96 next year on schedule, open house at town hall went well, project design and partnership with Rice County good, bridge project on Dutch Creek went well, watching farmer plant/harvest timelines and coordinating as much as possible. State/County/Township funding has benefited Greenvale compared to neighbors. Exclusive virtual meetings coming to end, Attorney Jim Backstrom has retired and Kathryn M. Keena was appointed 1st ever female County Attorney in Minnesota. Other retirees as well – so come and find a job. County does ground water and shoreland/floodplain zoning but not other zoning. WaterTrain not to be, as County has 1st of kind ordinance against exporting water across county lines. Progressive Rail application ran up against Metro County regulations – good for Dakota County. Study says we should have 4 more deputies and we are fortunate to have park rangers feed into sheriff department. Intending to add deputies every year but now days schools are not wanting deputies... Fibre broadband needs mentioned by Clerk to Commissioner for Greenvale Township.

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Road Improvement Committee recommendations – Langer recapped efforts of committee study and discussions. Langer moved on the following items from the Road Improvement Committee: Resurface Holyoke between 320th and Hwy 19 - add 4 loads aggregate to Guam Ave - Resurface 285th St between Holyoke and Garrett - Resurface Garrett between 280th St. and 290th St. – Resurface 290th between Foliage and Garrett – add two loads aggregate to Garrett south of 290th street - Approve purchase of additional aggregate to be used for spot loads as required during the summer construction season - Continue the expanded dust control program as completed in 2020 with service provider Envirotech. Rowan gave a second. Anderson asked info on bridge over Hazelwood Creek (future), Rowan mentioned culverts (future). Motion passed by roll call x3.

Ditch mowing services – Provider Dale Kuchinka seems available one more year and has quote for \$45/mile. Massey tractor is wearing out... Langer moved and Anderson gave a second. Rowan expressed satisfaction coordinating services with weed control program. Motion passed by roll call x3.

Public thanks from Langer to landowners caring for own ditches and to Rowan for care and help with weeds in ditches and right of way.

Town Hall mowing quotes – Langer had mailed request and 2 of 5 submitted returns. Langer move to award work to Hanson Lawn Care. Second came from Rowan. In discussion Anderson prefers work comp be requirement. MAT advises work comp insurance is between employer and employee but is not required for town contracts. By roll call the motion passed x3.

North Cannon River Watershed Management Organization – Peterson reported there are programs that mitigate soil and nutrient loss and cover crop plans preserving for farmland. We will host next meeting July 21 7:00 p.m. and it will likely include a nice tour in the township.

May 5th Public Open House by Dakota County Transportation – Langer shared event went well informing property owners details on next year’s construction project.

Rowan reported on Dutch Creek Bridge project – box culvert bridge and culverts were successfully placed. Need yet to pick up signs and enjoy results. County has provided engineering. Peterson complimented beauty of project. Bolton and Rowan were around on site almost every day during construction. Langer noted this was probably our biggest project since town hall construction in 2009.

Water Flow Question – Langer suggested recess/reconvene to look at concerns of water flow and Isle Ave bridge needs. Thursday May 20 8:00 a.m. was agreed for reconvened discussion on same topic.

Dumpster Day Event – Dave Legvold shared new provisions and hopeful partnership with Dakota County people. New – tires partnership, new – free cardboard, new – shredit bins, new 96 gallon doc containers, new – help with mailings, new - close work with county on joint powers agreement, junk truck, mosquito control, etc... Saturday August 7, 2021.

Ditch cleaning work on Eveleth North of 320th Street is accomplished on private/St Olaf property with help of college student volunteers. Pollinator garden to be planted in fall – thus saving on right of way maintenance. Thanks to Mr. Rowan for “no spray, no mow” signs!

Anderson request/comments – anonymous solid waste complaint was made to county on his property. County responded and provided letter clearing anonymous complaint. Other – motor loss due to

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punctured oil filter – plates stolen – safety pins pulled on hooked up trailer – 5 gals. gas put in diesel pickup - \$23,000 cost to date on vandalism.

Annual Meeting – Clerk asked motion to cover mail expenses on reminder for annual town meeting. Also asked tent and sound equip spending? Langer moved on tent and sound equipment funding. Rowan gave second. Anderson asked location? level ground? chairs sinking, etc... there was a one-time-show-of-hands... audience poll. The Board passed the motion by roll call x3.

Anderson moved on funding for letters out to citizens reminding annual meeting. Rowan gave second and motion passed by roll call x3.

Pay bills – claims were re-reviewed as they were studied during work session. Langer moved on claims submitted. Second came from Anderson and motion passed x3. Langer moved also on tent and sound equipment invoices/quotes. Anderson made second and motion passed x3

On Thursday May 20th at 8:00 a.m. the Board reconvened on Dutch Creek Bridge site for project review.

All Board members were in attendance except Clerk. Citizen Grant Bouvin was present filling in for Clerk recording discussion for purpose of minutes.

The Board examined construction of project and considered a few touchups to be followed up on. There were items of concern for Wayne Peterson and the items were resolved.

The Board then moved to Isle Avenue bridge site to examine future needs there as well.

David Roehl offered information to Supervisor Anthony Rowan for future consideration. No review or action was asked or taken on said information.

Anderson gave a motion to take back Tuesday motion on invite of Attorney regarding zoning compliance questions. There was a second for discussion by Langer. The motion passed by roll call: Anderson aye, Langer no, Rowan aye. Clerk expected to communicate with attorney on new motion. Further discussion on inviting attorney to June meetings. Langer moved to invite Attorney Ruppe to June meeting. The motion passed by roll call all in favor x3.

At about 9:22 a.m. the meeting adjourned from outdoor site. The motion carried unanimously by roll call was made by Langer and seconded by Anderson.

Respectfully submitted,

Attest,

Linus Langer | Clerk