

**Greenvale Township Planning Commission
Meeting Minutes
Thursday, September 14, 2023**

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

Absent: Steve Wickelgren

Others Present: Bob Ruddle, Jim Larson, Linus Langer, Greg Langer, Bruce Paulson, Joe Kalina, Tony Rowan, Stuart Berg, Tom Wirtzfeld, Mary Collins, Perry Collins, Josh Meeker, Dave Roehl, Wendy Bolton

Guests: Harry Davis, Bolton & Menk

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

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. Meetings are open to the public to observe. Audience comments are limited to topics being discussed. Malecha reminded the audience to sign the attendance sheet and silence their electronic devices.

Agenda: Volkert made a motion to approve the agenda, Moore seconded. Motion carried 4– 0. Malecha shared that Wickelgren would not be able to attend tonight due to an emergency with a client of his consulting business.

Minutes: Norkunas made a motion to approve the minutes, seconded by Moore. Motion carried 4 – 0.

Citizen Comments: Malecha said there would be time set aside for audience comments about the township's ordinances, so please hold those comments until that time. No citizen comments were made at this time.

Board Liaison Report: Supervisor Rowan requested that citizens not make direct contact with Harry Davis or other staff at Bolton & Menk about the ordinances. Any comments should be directed to the Planning Commission or the Board of Supervisors.

Building Permits: Advantage Capital Management presented a request to add onto an ag building at 7878 280th St W. Attached to the request was correspondence with MNSpect about the request qualifying for ag status. Ken Malecha is a principal with Advantage Capital Management and recused himself. Moore made a motion to approve the building permit request; Volkert seconded. Motion carried 3 – 0.

Stuart and Susan Berg presented a request to build a new ag building at 10050 295th St W. Malecha distributed a copy of a map from the Dakota County Property Records website showing placement of the building. Malecha made a motion to approve the building request; Norkunas seconded. Motion carried 4 – 0.

Zoning and Other Land Use: Bob Ruddle submitted a request to move two building rights within a contiguously owned set of parcels. He owns four quarter-quarter sections, each with a building right. The result will be that two quarter-quarters have two building rights each and two quarter-quarters have no remaining building rights. Moore made a motion to approve; seconded by Norkunas. Motion carried 4-0.

Bruce and Laurie Heikes individually and as Trustees of the Laurie Heikes Trust presented a request to combine four parcels and end up with six parcels. The original request was for five parcels, but one proposed parcel would be in two sections, necessitating an additional parcel. Attorney Ryan Blumhoefer will draft the subdivision agreement which will be ready before the Board of Supervisors meeting. There are three building rights amongst the six resulting parcels. The Heikes previously sought and received Legal Nonconforming Land Use status for an event center and storage. The new parcels will result in new Property ID

numbers. The original resolution approving the land use status will need to be redrafted to include the new PIDs. One new parcel of 65.06 acres will need an easement to a public road. Volkert made a motion to approve the parcel combination and re-splits; Malecha seconded. Motion carried 4 – 0.

New Business: The Planning Commission held the first of two open house gatherings on Tuesday September 12 to allow the public to express comments about current ordinances and potential changes. Topics included housing density, grandfathering in noncompliant residential structures, feedlot requirements, establishing a fee schedule, Interim Use Permits (IUPs) vs Conditional Use Permits (CUPs), consider limiting any future businesses to locations served by a paved road. One landowner described a series of contractor lots he owns in another township. Wondering if this would work in Greenvale. Commercial solar was brought up. Our ordinances currently require a kennel license when the owner has three or more dogs.

Malecha asked Harry Davis to research the land use data contained in the 2020 Comp Plan vs the 2040 Comp Plan. The number of acres listed by category changed without any apparent reason. The map in the 2040 Comp Plan eliminated sections previously identified as commercial. Davis thought perhaps the 2040 maps were based on zoning rather than land use on a parcel by parcel basis.

Davis remarked that the Comp Plan does not dictate that “X” acres need to be used for various categories of land use. Instead it is the recommendation that those uses be permitted to that degree. This provides for a rational nexus for decision making and reduces leapfrog development.

Malecha was curious if we’ve taken an inventory – in the aggregate – of how many building rights exist in the township. Need to account for all the building rights eliminated by enrollment in FNAP (Farmland and Natural Areas Program). Malecha added that the Board in place in 2019 signed the 2040 Comp Plan which stated we have X, Y and Z – and we did not have those.

Bruce Paulson commented that the Met Council is using projections for future land use that may or may not materialize and that land use acres are what the Met Council sees as permissible, not that we must meet those levels. Greg Langer

asked to comment on the 2040 Comp Plan. He said the process was rushed, we never thought it would be perfect, certainly there are flaws but no malice was intended. All municipal collaborators were part timers and did the best job they could. Terry Mulligan remarked that the township is seeing outside pressures that increase our taxes and costs – increases in fire costs, sharing fees for 911 calls. More and more is being put on our backs. Need to look at allowing reasonable options that let us increase our tax collections.

Malecha addressed the misunderstandings and rumors about the open house meetings and invitations. The meetings were not “held secretly” – notices were published on the township website and on the message board. The topic of open houses had been discussed at prior PC meetings. An invitation letter was sent to residents and landowners – to suggest that certain landowners were handpicked to receive an invitation is simply false.

Jim Larson asked if anyone had given consideration to his suggestion for a clustering of small commercial lots. Bob Ruddle remarked the State of Minnesota has taken away the Green Acres tax subsidy so taxes on ag parcels are going to go up and suggests the township look to the future for additional sources of tax revenue that doesn't burden farmers.

Moore made a motion to adjourn, Malecha seconded. Motion carried 4 – 0.

APPROVED – October 12, 2023



Ken Malecha, Chair

Prepared by:



Jane Dilley, Town Clerk