

# **Credit River Township**

## **Meeting Minutes**

### **January 2, 2007**

#### **Call to Order**

Chairman Dan Casey called the meeting to order at 7:02.

#### **Members Present**

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

#### **Others Present:**

Township Clerk Jerry Maas, Township Engineer Jeff Elliott, Township Planning Consultant Bob Kirmis, Township Treasurer Holly Batton

#### **Minutes of the previous meeting:**

Chairman Dan Casey called for Clerk Jerry Maas to review the draft minutes of the December 4, 2006 meeting.

Supervisor Bruce Nilsen made a motion to accept the minutes as read. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0.

#### **Treasurers Report**

Treasurer Holly Batton presented the treasurers report for November 2006.

Supervisor Leroy Schommer made a motion to approve the treasurer's report as presented, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 - 0.

#### **Sheriff's Report**

No report this evening

#### **Resident's Group Report**

No report this evening.

#### **Open Forum**

1. Proposal for Playground Equipment – Country Court Addition

Supervisor Leroy Schommer presented a proposal for Playground Equipment for Country Court in the approximate amount of \$ 8000.00. Supervisor Bruce Nilsen made a motion to accept the proposal as presented, Supervisor Dan Casey offered a second, all in favor, motion carried 3 – 0.

2. Reduction in LOC for Thoroughbred Acres – Jim Koestering.

Developer Jim Koestering noted that more work had been completed in his project and asked if the Board would consider his request to further reduce his Letter of Credit (LOC).

Engineer Jeff Elliott presented an analysis with a recommendation that the LOC be reduced from \$200,000 to \$83,779.00.

Chairman Dan Casey noted that although this request seemed reasonable, further requests would have to be based on spot repairs of the base course being completed.

Supervisor Leroy Schommer made a motion to reduce the LOC to \$83,779.00 contingent on Mr. Koestering making a payment of \$4000 to the project escrow account. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

## **Agenda Items**

### **1. Rob Drews – Drews Concrete – Request for recommendation for Interim Use Permit (IUP) to operate a concrete business at 19170 Southfork Drive**

Township Planning Consultant Bob Kirmis had reviewed this request previously and presented the request from Mr. Drews to the Board.

Mr. Kirmis noted that there were several main issues among them being the number of employees, the number and size of vehicles and the indoor/outdoor storage restrictions, potential noise levels, possible dust issues, hours of operation, size of structures, restrictions on outdoor storage of supplies and products.

As for the size of the structures, Mr. Kirmis noted that 5764 square feet of storage (including 2<sup>nd</sup> level) has been proposed which exceeds the 4000 square feet allowed. While it might be interpreted that the “foot-print” of the building might meet the requirements, he felt that the size limits are imposed to keep the uses within reasonable limits and that this proposal violated the spirit of the intent of the ordinance.

Mr. Kirmis noted that landscaping had not been proposed to screen the property from the neighborhood and he recommended that this be done.

Mr. Kirmis noted that the applicant has 13 employees and while the proposal suggests that these will not be on the site, it’s an indication of the magnitude of the current level of business operations and leaves no room for possible growth. He further noted that while Mr. Drews is proposing that most of his vehicles will be driven home by his employees, the number of vehicles (6) associated with the business is also an indication of a substantial business size.

Mr. Kirmis is also recommending that the hours of operation be limited from 8 to 5 Mondays through Friday with no Saturday business operations be allowed.

Mr. Kirmis summarized by stating that he feels that the business is the primary use of the property, overshadowing the residential purpose of the property which would be in conflict with the County zoning requirements.

In the event, the board will be recommending approval; Mr. Kirmis submitted a list of 17 conditions that he would recommend be incorporated in the permit.

Engineer Jeff Elliott presented some information regarding this request from an engineering standpoint.

Mr. Elliott noted that the proposed boom truck is classified at 9 tons. When spring road restrictions are in place, a 5 ton limit is in force and the road will be at risk for several weeks or potentially a few months.

Mr. Elliott also discussed the hours of operation. He noted that often times in situations where road construction projects are being done in the Township, allowances are made for both early and late hours of operation in view of the interest in getting the projects completed. He feels this situation is different in that the request is more permanent in nature and that the residential nature of the area needs to be respected and consequently there needs to be later starts and earlier shutdowns.

Mr. Elliott is also recommending that should the board approve this request that they might wish to require an escrow of \$20,000 as a surety against potential township road damage to that segment that would be used daily by the oversized boom truck. (1000 feet of roadway at \$20/foot).

Resident Tim Johnson noted that making provisions for heavy equipment is counter to the rural residential character of the roadway.

Resident Dave Walstead asked how this project is currently operating without a permit.

Mr. Johnson asked that the letter from resident Guy Selinske be read. Chairman Casey read this letter.

Chairman Dan Casey asked Mr. Drews if he would care to respond to the comments made so far.

Mr. Drews presented six (6) letters from neighbors in his previous location advocating his operations at 20096 Erin Ave. Spring Lake Township.

He further noted that he had relocated in order to be in compliance.

Regarding the boom truck, Mr. Drew indicated that it is a 5-axle vehicle and unloaded will meet the 5 ton road requirement. He indicated that during periods of road restrictions, he would plan to operate with less than full loads. As for the safety issues raised by the neighbors, he noted that his driver is a family man himself and very safety conscious.

As respects future growth of his business, Mr. Drews noted that he would make provisions to move to commercial space at that time.

Resident Christy Funk inquired if additional screening might further impact safety sight lines. She noted that the driveway is currently constructed in such a manner that the sight lines from the road are poor.

Mr. Drews noted that the hours of operation suggested by Mr. Kirmis would be too restrictive for him to operate effectively.

Supervisor Leroy Schommer asked where the alternate septic site would be located. Mr. Drews indicated that the Scott County Environmental Department stated a second site could be easily found.

Supervisor Bruce Nilsen asked if the occasion should arise whereby all vehicles were on site, would there be enough indoor parking to accommodate them. Mr. Drews felt there would be enough storage available.

Chairman Dan Casey read a letter from property owner Ray Joachim (190xx) stating his opposition to this project based on reduced property values.

In the absence of further discussion, Chairman Dan Casey made a motion to recommend denial of the request. Supervisor Leroy Schommer offered a second, all in favor 3 - 0

In the event of Scott County approval, the board would ask that the following conditions be added.

- 1) That the hours of operation defined as vehicles leaving or coming to the property be limited to the hours of 7 - 5 from Monday through Friday and 7 - 2 on Saturdays.
- 2) That the Township would require a surety of \$20,000 for road damage

- 3) That the applicant be required to arrange to report to the township at a regular township meeting once per year.

## 2. Engineers Report

### a) **On-Site Marketing – Request Letter of Credit Reduction – Harvest Hills**

Engineer Jeff Elliott presented a letter noting that the Harvest Hills project was approved in the June 2006 meeting contingent on addressing the “pop-out” issues.

It is the developer’s wish now to reduce the LOC to \$20,077.72 which is still sufficient to cover the “pop-out” expense of \$16,000.

Supervisor Bruce Nilsen suggested that they be allowed to reduce to the minimum amount plus the amount of fix for the “popouts”

Supervisor Bruce Nilsen made a motion to reduce the LOC to \$31,062.18. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Dan Casey asked that we note that the project won’t be accepted until the “popout” issue is resolved in accord with the decision at the June 2006 meeting.

### b) **MVEC Sub Station Project**

Engineer Jeff Elliott noted that MVEC has sent an email requesting refund of their escrow balance.

Mr. Elliott noted that the project is essentially complete. He presented a memo certifying the completion of the project and recommending that the escrow be refunded in the spring once a final inspection is made.

In line with the new efforts at Code Enforcement at the Township level, the Board would like all holders of CUP’s to appear annually before the Boards to review the permit. It was suggested that MVEC be asked to come to the December, 2007 meeting.

### c) **Snow Plowing**

Engineer Elliott reported that he has received signed contracts from Brawn Development (Thoroghbred Acres) and Bakken Development (Scotts View Acres).

Supervisor Dan Casey suggests that Cress View, Territory and Stonebridge Estates might be in default for failure to contract for snow plowing. He noted that in the absence of a signed contract the Township has been forced to plow in deference to the residents living in these sub-divisions as a matter of public safety.

### d) **Letter of Credit Status – All Projects**

Engineer Elliott presented a list of detailing the Letter of Credit status for all active projects. All have been renewed as of January 1, 2007, however some have expiration dates prior to the Township requirement of 12/31/07 and these will have to be handled on an individual basis.

### e) **Monterey Heights**

Engineer Elliott presented a letter from Rehder & Associates stating that based on periodic site inspections during construction, communication with contractors, township and county staff during inspection, and the review and

completion of final punch list items with the Township Engineer and his inspector, [they] I hereby certify, that to the best of [their] my knowledge, the Plat of MONTEREY HEIGHTS has been completed in conformance with the Approved Plans and Specifications... Supervisor Dan Casey commented that he did not like the phrase "to the best of my knowledge" in the certification by Rehder and Associates. He further suggested that we actually insert language acceptable to the Township in all future developer's agreements.

It was noted that we don't have a satisfactory letter of certification on Monterey Heights CSTS system. The board asked that Mr. Elliott get a letter from Halling and Associates.

**f). Monterey Ponds**

The board asked Engineer Jeff Elliott to inspect the road in this project and if it proves to be satisfactory, the Board would be in favor accepting it by resolution and furthermore would acknowledge warranty obligation is complete.

**g) Grey Fox 3<sup>rd</sup> and 5<sup>th</sup>**

The Board will accept the roads and acknowledge warranty will be satisfied on all roads effective 9/10/07 provided we receive a certification letter from the developer's engineer. This will be with the exception of Margaret Lane where the warranty period will end on 08/29/08.

**h) Pearson Gravel – AUAR**

Engineer Elliott noted that Pearson Sand and Gravel had sent some information on the re-development plans for the gravel pit in conjunction with the AUAR. He will be submitting comments to the City of Savage.

**i) Cress View Estates – Warranty Clarification**

Engineer Elliott presented a letter from On-Site Marketing asking that the Township accept that portion of Cress View Estates that has been completed in order to start the warranty period.

Engineer Elliott is interpreting that the developer's agreement does not allow this option and is referring the matter on to the Board and Township Attorney Bob Ruppe for review.

**j) 2007 Road Maintenance Plan – Seal Coating**

Engineer Elliott presented an inventory of suggested roads that might be scheduled for seal coating and asked for the board's approval or modification. The board approved seal coating about 6 miles of roadway in the northerly portion of the Township that had been previously crack filled.

The board also noted that some crack sealing projects might also be in order and directed Engineer Elliott to add about \$20K of crack sealing to the 2007 schedule.

### **3. Other Business**

**a) Update on Town Hall Security System**

Treasurer Holly Batton presented some information she had gathered from several vendors. She also noted the Scott County Sheriffs department has completed a survey and offered suggestions on improving security in the building.

**b) Set a date for Board of Audit**

The Board directed that this meeting be held on Thursday March 1<sup>st</sup> at 3:00 pm here at Town Hall for this meeting.

**c) CSTS Pumping Contract Status**

Clerk Jerry Maas noted that we have received notification from EcoCheck that the septic tank pumping contractor is in violation of the terms of the pumping contract.

Attorney Bob Ruppe has drafted a resolution for the Boards consideration terminating this contract as follows:

**TOWN OF CREDIT RIVER  
COUNTY OF SCOTT  
STATE OF MINNESOTA**

**Resolution 2007-01**

**RESOLUTION TERMINATING PUMPING CONTRACT WITH  
SWEDLUND SERVICES**

**WHEREAS**, Credit River Township has a pumping contract with Swedlund Services of Belle Plaine, MN, Inc. to service septic systems within the Township's subordinate service districts; and

**WHEREAS**, Article II, Paragraph 5 of the pumping contract with Swedlund requires the contractor to be available for making emergency pumping calls twenty four (24) hours a day, seven days a week; and

**WHEREAS**, on December 6, 2005 the Township's representative contacted Swedlund Services requesting immediate emergency services, Swedlund responded that the requested work would not be performed until the following day; and

**WHEREAS**, on December 14, 2006 the Township's representative contacted Swedlund Services requesting immediate emergency services, Swedlund responded that the requested work would not be performed until the following day; and

**WHEREAS**, Article IV, Paragraph 3 of Swedlund Services contract with the Township provides that if Swedlund Services fails to perform the services required, the Township may terminate the contract upon ten (10) day's written notice.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD  
OF THE TOWN OF CREDIT RIVER, SCOTT COUNTY,  
MINNESOTA:**

- 1 The Township finds that Swedlund Services failure to perform emergency services was a violation of Article II, Paragraph 5 of the Pumping Contract.
2. Pursuant to Article IV, Paragraph 3, the Township is giving the required notice to terminate its contract with Swedlund Services.
3. The attached letter shall be sent to Swedlund Services, terminating its contract with the Township.

**ADOPTED** by the Credit River Town Board this 2nd day of January, 2007.

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Dan Casey - Credit River Town Board Chair

ATTEST TO:

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Jerald R. Maas - Credit River Town Clerk

Supervisor Bruce Nilsen made motion to adopt this resolution. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

The Board would like to go out for bids for a new pumping contractor. Clerk Maas will work with our consultant Bridget Chard and Engineer Jeff Elliott to get this done for the next meeting

**d) Township Policy Manual**

Clerk Jerry Maas noted that we've had situations develop in the past that would seem to indicate that the Township could benefit from having a formal policy covering the specific situation.

With that in mind he presented 4 written formal policies for the Board's consideration.

The Board felt this was a good idea and asked that Clerk Maas finalize these policies for adoption at the next meeting. They also asked that we add a policy specifying that all Letters of Credit be written to expire on 12/31 of each year.

**e) County Planning Meetings**

Clerk Jerry Maas noted that we have received notification for the Scott County Planning Department that there will be a meeting on February 22<sup>nd</sup> for representatives of Credit River, New Market, Cedar Lake and Spring Lake Townships to discuss work on the 2030 Comp Plan.

He also noted that the County is asking that two Township Officials also attend

Supervisor Leroy Schommer indicated that he would be happy to attend a meeting with Clerk Jerry Maas to discuss county plans for Natural Resources.

**f. Training for Board of Audit**

A meeting has been scheduled for Anoka on January 18. Supervisor Leroy Schommer will attend.

## Review and Pay Bills

The Town Board approved the following claims for payment:

12/12/2006	3520	Mark Kolsrud	Pumping-France Blvd	\$	663.75
12/12/2006	3521	Integra Telecom	Phone Service	\$	365.63
12/21/2006	3522	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3523	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3524	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3525	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3526	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3527	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3528	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3529	Lennar Corporation	Culvert Refund	\$	600.00
12/21/2006	3530	A Maas Construction	Culvert Refund	\$	600.00
12/21/2006	3531	Wooddale Builders	Culvert Refund	\$	600.00
12/21/2006	3532	Stonebridge Homes	Culvert Refund	\$	600.00
12/21/2006	3533	Stonebridge Homes	Culvert Refund	\$	600.00
12/21/2006	3534	Stonebridge Homes	Culvert Refund	\$	600.00
12/21/2006	3535	Stonebridge Homes	Culvert Refund	\$	600.00
12/21/2006	3536	RS Homes	Culvert Refund	\$	600.00
12/21/2006	3537	Chas Cudd	Culvert Refund	\$	600.00
12/21/2006	3538	Chas Cudd	Culvert Refund	\$	600.00
12/21/2006	3539	Rongitsch Homes	Culvert Refund	\$	600.00
12/21/2006	3540	Richard Ernst	NPDES/Culvert Refund	\$	2,010.00
12/29/2006	3541	Millerville Inc	NPDES Refund	\$	1,520.00
12/29/2006	3542	Bob Watroba	NPDES Refund	\$	1,440.00
12/29/2006	3543	Hanish Homes	NPDES Refund	\$	1,360.00
12/29/2006	3544	Sussel Corp	NPDES Refund	\$	970.00
12/29/2006	3545	Lennar Corporation	NPDES Refund	\$	1,770.00
12/29/2006	3546	Lennar Corporation	NPDES Refund	\$	1,550.00
12/29/2006	3547	Lennar Corporation	NPDES Refund	\$	1,660.00
12/29/2006	3548	Lennar Corporation	NPDES Refund	\$	1,680.00
12/29/2006	3549	Stonebridge Homes	NPDES Refund	\$	1,580.00
12/29/2006	3550	Stonebridge Homes	NPDES Refund	\$	1,180.00
12/29/2006	3551	John Hinderman	NPDES Refund	\$	990.00
12/29/2006	3552	Xpand Inc	NPDES Refund	\$	460.00
12/29/2006	3553	Julie Skovran	NPDES Refund	\$	480.00
12/29/2006	3554	Jeff/Mary Strand	NPDES Refund	\$	990.00
12/29/2006	3555	Ecocheck	November CSTS	\$	4,882.51
1/2/2007	3556	Kevin/Karla Schumacher	NPDES Refund	\$	480.00
1/2/2007	3557	Dennis Karow	Town Hall Snow Plow Park Lot	\$	95.00
1/2/2007	3558	David Cuthill	Salary-Deputy Treasurer	\$	150.00
1/2/2007	3559	MVEC	MH Lift Station	\$	37.70
1/2/2007	3560	MVEC	SP Lift Station	\$	42.56
1/2/2007	3561	MVEC	Town Hall Electric Service	\$	114.59
1/2/2007	3562	Swedlund Septic Service	Town Hall Septic Tank Pump	\$	185.00
1/2/2007	3563	Victor Lundeen Co	Check Blanks	\$	276.08
1/2/2007	3564	Hakanson Anderson Associates	Engineering	\$	19,696.16

1/2/2007	3565	Jerry Maas	December Expenses	\$	319.60
1/2/2007	3566	Art Johnson Trucking	December Road Maint	\$	1,609.79
1/2/2007	3567	Scott County Treasurer	TNT Expense	\$	395.84
1/2/2007	3568	Scott Soil & Water Conservation	November NPDES Inspections	\$	2,787.50
1/2/2007	3569	CenterPoint Energy	Toiwn Hall Gas	\$	97.19
1/2/2007	3570	Bryan Reichel	Election Judge/Expenses	\$	259.47
1/2/2007	3571	Xcel Energy	St Francis Street Light	\$	12.01
1/2/2007	3572	Swedlund Septic Service	Stonebridge Service Call	\$	240.00
1/2/2007	3573	Private Underground	November Locates	\$	157.00
1/2/2007	3574	One Call Concepts	November General Locates	\$	21.75
1/2/2007	3575	Swedlund Septic Service	Septic Pumping - Stonebridge	\$	226.59
1/2/2007	3576	Prior Lake Heating & Air Conditioning	Town Hall Fuirnace Repair	\$	101.00
1/2/2007	3577	Holly Batton	December Expenses	\$	198.08
1/2/2007	3578	Mittelsteaedt Bros Construction	Culvert/Access Refund	\$	600.00
1/2/2007	3579	Leroy Schommer	December Expenses	\$	50.00
1/2/2007	3580	Bruce Nilsen	December Expenses	\$	65.13
1/2/2007	3581	Dan Casey	December Expenses	\$	156.15
1/2/2007	3582	Jerald R. Maas	Services as Clerk	\$	2,955.20
1/2/2007	3583	Bruce Nilsen	Services as Supervisor	\$	664.92
1/2/2007	3584	Leroy Schommer	Services as Supervisor	\$	1,052.79
1/2/2007	3585	Holly Batton	Services as Treasurer	\$	1,371.68
1/2/2007	3586	Dan Casey	Services as Supervisor	\$	646.45

## Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 12:05 am.

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Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

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Approved By :(s/) Dan Casey  
Chairman Board of Supervisors  
Credit River Township