

Credit River Township

Meeting Minutes

October 1, 2007

Call to Order

Chairman Dan Casey called the meeting to order at 7:00 pm.

Members Present:

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe

Meeting Minutes

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from September 17, 2007.

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

Chairman Dan Casey asked if we have had a response to the request of Liberty Creek to bring the escrow current. Treasurer Batton indicated we had not.

Sheriff's Report

No Report this evening

Treasurer's Report

None this evening.

Resident's Group Report

Resident Ruth McLeod noted that the group had met on September 18th. There are 2 new members. The Group discussed the proposal before the township to annex approximately 50 acres located on 170th Street by the City of Prior Lake and what that might mean for the Township. They also discussed the proposed Judicial Road improvement project and potential alternatives to finance this project.

The Group also discussed the possibility of the Township sponsoring a water testing program. More on this at the next meeting. Meetings have been changed to the 2nd Tuesday each month at 7:00 at the Town Hall.

Open Forum

None this evening

Agenda Items

1) Jim Koesterling – Brawn Development – Status report on Thoroughbred Acres

Chairman Dan Casey noted that Mr. Koesterling was not present. He asked Treasurer Holly Batton the current status of the escrow account. She reported that we had received a check for \$2000 and the account is now approximately \$600 to the good.

Engineer Jeff Elliott presented a letter informing the Board that the developer had addressed the open issues, specifically sweeping the streets, spraying of the noxious

weeds on the property and addressing the erosion problem on the southwest corner of the cul-de-sac on Palomino Place.

The Board took no further action.

2) Discussion on status of Cress View Estates

Supervisor Dan Casey recused himself and took a seat in the audience.

Resident Dan Casey noted that in his view, negotiations have been going on now for over two years between the County, the Developer and the Casey Family over an easement mentioned in the Cress View Estates Development Agreement. He is asking that the Town Board correspond with Scott County relating to the eminent domain action contemplated by the Development Agreement with the developers of Cress View Estates.

Attorney Ruppe indicated that a letter could be written and be ready for the next Board meeting on October 15th

Supervisor Bruce Nilsen noted that we had received a letter from the Scott County Community Development department noting that they expected to have an answer by October 16th.

Attorney Bob Ruppe noted that in his conversations with Community Development Director, Mike Sobota, he was told that a decision could be reached by October 15th, prior to the next Town Board meeting.

Supervisor Bruce Nilsen asked Attorney Ruppe to explain the intent of the Developer's Agreement on this issue. Attorney Bob Ruppe noted that each party to the agreement has a different view of its intent.

Supervisor Bruce Nilsen noted that the County seems to be delaying decisions on a number of issues and he is not happy with their lack of decisiveness. He noted that we have had issues with the County on County Road 75, Judicial Road, Thoroughbred Acres, Liberty Creek as well as this project.

Supervisor Bruce Nilsen noted that Ted Kowalski, representing On-Site Marketing, the developer of Cress View Estates, was present and asked if they cared to comment. Mr. Kowalski declined.

Supervisor Bruce Nilsen made a motion to authorize Attorney Bob Ruppe to send a letter to the County requesting a response by October 12th. Supervisor Leroy Schommer offered a second, all in favor 2 – 0 (Casey Abstained)

Chairman Dan Casey resumed his position as Town Chair.

3) Engineer's Report

a) Laurent Development – Request Reduction in Letters of Credit (LOC's)

Engineer Jeff Elliott presented information on the project. He noted that the developer had also requested that the warranty be started, but he is recommending that this not be done at this time in view of the number of "punch list" items that are still open.

1) Territory – 1st Addition

Engineer Elliott is recommending that this LOC be reduced from \$95,000 to not less than \$56,421.68. He is noting that the minimum during the warranty period is \$50,000 and that this amount must remain in force through the warranty period.

Supervisor Bruce Nilsen made a motion to keep the LOC on the 1st Addition at its current amount in view of the “mound weeping problem” that is not yet resolved as well as the need to rebuild the trail after the mound is fixed. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

2) Territory – 2nd Addition

Engineer Elliott presented a report on this portion of the project. The current LOC is at \$81,715.00. He is recommending that the LOC not be reduced below \$43,443.75.

Engineer Elliott noted that the system is basically operational, but there are items that need to be completed.

Supervisor Leroy Schommer made a motion to reduce the LOC to \$50,000. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3- 0.

3) Territory - 3rd Addition

Engineer Elliott noted that the developer is not asking for any reduction on this portion of the project

4) Territory – 4th Addition

This portion does have the wear course applied to the road. There are 6 more mounds that need to be constructed. The current LOC amount is at \$381,264.00. Engineer Elliott is recommending that the LOC not be reduced below \$218,730.75.

Supervisor Bruce Nilsen made a motion to reduce the LOC to \$240,000 because of concern for mounds. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

b) Dwight Gunnarson – Credit River Development – Request Start Warranty on Stonebridge Project

Dwight Gunnarson noted that the Township has received Certificates of Completion letters from Halling Engineering, the developer’s engineer. He noted that the remaining fence will be up tomorrow. He further indicated that the defective transducers have yet to be addressed.

In Mr. Gunnarson’s opinion, most of the requirements have been met and therefore he is asking that the warranty period be started on October 1st.

Supervisor Dan Casey noted that it is customary to have all items complete before warranty is started.

Supervisor Dan Casey made a motion to review the status again at the October 15 meeting. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

c) Project Reports

Engineer Jeff Elliott presented an update on several of the projects. Of special concern was:

1) Cress View Estates

Engineer Elliott presented a letter outlining several open items.

Tim Arvidson, the developer's engineer from Stonebrooke Engineering appeared to discuss the status of these open items and the progress that has been made on these.

The developer is asking that certain portions of the project be accepted at this time and that the warranty be started on the roadways.

Julie Casey Bennett, in attendance as a member of the Casey Family Trust, noted that in her opinion the Plat was approved with the condition that an easement for Casey Blvd would be obtained and she is wondering if any decisions made tonight with regard to acceptance of portions of the plat would have any effect on that.

Resident Dan Casey noted that the County has repeatedly indicated that a decision is to be forthcoming within a matter of weeks and he is asking that a decision on the warranty period be made coincident with that decision.

Supervisor Bruce Nilsen made a motion to accept Cress View Lane from station 3 plus 00 to the easterly end of Cress View Lane (as identified on the approved construction plans) and to start the warranty period effective October 1st, 2007. Supervisor Leroy Schommer offered a second, all in favor, motion carried 2 – 0 (Casey abstaining)

Supervisor Bruce Nilsen made a motion to accept the parking lot with the condition that On-Site Marketing will deliver an escrow check for \$2000 against the repair of the "bird-bath" in the north end of the lot. Supervisor Leroy Schommer offered a second, all in favor, motion carried 2 – 0. (Casey abstaining)

d) Dust Control on County Road 75

Engineer Jeff Elliott noted that he had a previous discussion with Chairman Dan Casey regarding this issue.

Scott County Engineering has indicated that dust treatment is not recommended at this time of the year.

Chairman Casey feels that this situation has developed because the county has placed rock late in the year, and therefore they should be responsible for dust treatment.

The Board requested staff to draft a letter to Scott County Highway requesting dust treatment be applied. They asked that Supervisor Nilsen have an opportunity to review the letter prior to its being sent out.

4) Other Business

a) Bruce Pudwill

The board asked Clerk Jerry Maas to request Dan Ekholm to investigate the impact of an excavating business being operated out of the home on Highview Court with employees coming to the home in the morning and the roadway being used during the day, for business activities.

b) Scott County Comp Plan Public Meeting – October 23

Brad Davis, County Planning Manager, has asked if the Township is prepared to present portions of the Preliminary Township Comp Plan at this meeting. Township Planner Bob Kirmis has expressed a concern that it may be premature.

Attorney Bob Ruppe felt that if a disclaimer is presented stating that this is a "PRELIMINARY PLAN", he foresaw no problem and further noted that we should provide a comment sheet for residents to offer ideas.

The board also would like Bob Kirmis present.

c) As-Builts

A question arose as to whether the Township needed copies of the "as-builts" for the construction of CSTS systems.

Supervisor Bruce Nilsen noted that we should be getting copies of the as-builts for CSTS systems. The Board asked Treasurer Holly Batton to contact EcoCheck and request that they supply these at the time inspections are completed.

d) Treasurer Items

1) CSTS Pump Failure

Treasurer Batton noted that we recently had an occurrence of a pump failure at a resident's home. It is EcoChecks position that they should do the repair in the interest of insuring compatible parts are used and consistent workmanship provided. They would prefer to run the billing through the Township.

Attorney Ruppe noted that if we are mandating that EcoCheck do the repairs, this should be made a part of the ordinance. He will review the ordinance and bring addenda if required.

2) Mowing Damage

There was damage to the CSTS system caused by a resident mowing. Treasurer Batton will bill the property owner with the board's permission.

3) Homeowners Packets / Manuals

Treasurer Batton asked how this was being handled.

Clerk Jerry Maas noted that he gives packets to applicants when they apply for a building permit. In fact, he had just given one to a new builder in South Passage this week.

The board authorized Treasurer Batton to put a note in the next billing suggesting that homeowners contact the Town Hall if they don't have one.

4) Town Hall Windows

Treasurer Batton noted that the window in the engineering office is leaking and wondered what to do about it. Supervisor Leroy Schommer will investigate.

5) Expense Reimbursement Procedures

Treasurer Batton noted that in discussions with the auditor, it has been pointed out that we have not been consistent in accounting for our mileage spent on Township business, specifically Clerk Jerry Maas has previously been authorized to take a flat Automobile Allowance in the past. This was done to avoid the burden of charting mileage for numerous "short trips" the clerk was called on to make.

Clerk Maas will begin to chart all trips for mileage reimbursement.

Treasurer Batton also noted that that the auditor felt it inappropriate to reimburse Clerk Maas for his DSL expense.

This was originally set up when the Township installed DSL at the hall. In that Clerk Maas did not have DSL, it was thought that it would facilitate updating of the Township website and expanded use of email years and that it would be unfair to expect Clerk Maas to incur this additional expense. In view of the fact that DSL is now commonly used, it would seem appropriate not to continue to reimburse for this expense.

Clerk Maas also pointed out that at the time the Township website was set up, the Board did not feel it was an appropriate expense and consequently Clerk Maas has picked up the operating expenses through his company as a community contribution and as a part of his overall web hosting business.

Treasurer Batton also brought up her concerns that the allowances for cell phones were not being administered properly. The Board asked Treasurer Batton to investigate cell phones procedures, even to the extent that the Township provide the cell phones in order to comply with the reporting requirements. They asked her to report back by the 10/15 meeting.

6) Documents

Treasurer Batton requested that the Ordinance Book, the Minute Books, the Resolution Book and the Policy manual be kept at the Town Hall at all times.

Treasurer Batton also noted that we need to be more diligent in getting the copies of the minutes signed following meetings.

7) Budget Items

a) Treasurer is asking that consultants monitor their own budgets.

The board asked Engineer Elliott to review the incorporation projects and report if additional funds are needed.

b) Preliminary Budget

Treasurer Batton passed out copies of suggested expenditures to be reviewed at the next meeting.

8) Transfer Funds

Treasurer Holly Batton presented a request to transfer \$ 120,000 from savings to checking. The board approved.

Review and Pay Bills

The Town Board approved and paid the following claims:

9/28/2007	BSC200709	Anchor Bank	Bank Charges	\$ 104.65
10/1/2007	4011	Art Johnson Trucking	September Road Maint	\$ 1,848.00
10/1/2007	4012	Dennis Karow	Park Lawn Care	\$ 1,043.70
10/1/2007	4013	Jacques Whitford EcoCheck	August 2007 CSTS Ops	\$ 12,342.79
10/1/2007	4014	Scott County Treasurer	Seal Coating	\$ 82,544.88
10/1/2007	4015	Mike's Septic	Emer. Pumping-CSTS Syst.	\$ 400.00
10/1/2007	4016	CenterPoint Energy	Town Hall Gas	\$ 10.12
10/1/2007	4017	Scott County Treasurer	Signs	\$ 212.70
10/1/2007	4018	Victor Lundeen Co	Computer Checks	\$ 312.73
10/1/2007	4019	Hakanson Anderson	Engineering-August 2007	\$ 20,290.06
10/1/2007	4020	Rongitsch Homes	NPDES Refund	\$ 1,460.00
10/1/2007	4021	Edina Realty Relocation	Refund Sewer Payment	\$ 30.53
10/1/2007	4022	Holly Batton	September Expenses	\$ 154.55

10/1/2007	4023	Jerry Maas	September Expenses	\$	428.74
10/1/2007	4024	Leroy Schommer	September Expenses	\$	58.73
10/1/2007	4025	Dan Casey	September Expenses	\$	77.65
10/1/2007	4026	Bruce Nilsen	September Expenses	\$	50.00
10/1/2007	4027	Holly Batton	Services as Treasurer	\$	1,388.43
10/1/2007	4028	Dan Casey	Services as Supervisor	\$	997.36
10/1/2007	4029	Jerald R Maas	Services as Supervisor	\$	3,324.60
10/1/2007	4030	Bruce Nilsen	Services as Supervisor	\$	775.74
10/1/2007	4031	Leroy Schommer	Services as Supervisor	\$	803.44

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 10:50 pm.

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

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