

Credit River Township

Meeting Minutes

October 15, 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 October 1, 2007.

The board noted some changes that needed to be made.

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

Sheriff's Report

None this evening

Treasurer's Report

Treasurer Holly Batton presented the report for September 30th.

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

1) Review Escrow Account Balances

Treasurer Batton reviewed the project list with the Board. The Board issued the following instructions:

- a) Drews Lot Split – Project deemed complete, refund of escrow balance authorized by the Board.
- b) Cedarwood – Retain escrow as work is still in progress.
- c) South Passage – Project deemed complete – refund of any remaining escrow after bills are posted authorized by Board.
- d) Monterey Ponds – Attorney Ruppe to contact developer regarding past due balance and request payment.
- e) Territory – Request \$5000 escrow deposit from Developer.
- f) Monterey Heights – Project accepted. Treasurer to remove project from active list.
- g) Harvest Hills – Request additional deposit to bring balance to \$500.
- h) Liberty Creek – Request additional deposit to bring balance to \$20,000.
- i) Stonebridge – No action required
- j) Stonegate – No action required
- k) Stonegate Second Addition – Project complete, refund of escrow balance authorized by Board.
- l) Remove Berens from active list– certified to taxes.

- m) Remove Prior Lake Aggregate from active list.
- n) Loehr Ridge – Attorney Ruppe to inquire as to his intentions for the plat and request \$5000 for additional escrow.
- o) Grey Fox – Request \$1500 for additional escrow.
- p) Stoneridge – Request additional \$500 for escrow during warranty period.
- q) Cress View Estates – No action.
- r) Coles Landing – Escrow to be refunded and remove project from active list.
- s) Scott View Acres – No action.
- t) Thoroughbred Acres – No Action required.

Resident's Group Report

Resident Ruth McLeod reported that the CAG met on October 8th and reviewed the items in the recent newsletter. She also discussed the research the group is doing with respect to water testing.

Open Forum

None this evening

Agenda Items

1) William Feldman – Weststar Properties – Request Acceptance of Grey Fox 3rd and 5th Additions

Engineer Jeff Elliott presented materials on this project. He noted that with the exception of Margaret Lane, the developer has completed the requirements for acceptance and Mr. Elliott is recommending that the project be accepted.

Supervisor Bruce Nilsen made a motion to accept Grey Fox 3rd Addition and to release the Letter of Credit. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0.

Supervisor Leroy Schommer made a motion to accept Grey Fox 5 with the exception of Margaret Lane contingent on a new Letter of Credit (LOC) being issued in favor of the township in the amount of \$15,000. The Board further required that both this new LOC and an escrow deposit of \$1500 be received prior to releasing the current LOC. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

2) Engineer's Report

a) Continue Discussion of Request of Credit River Development to start the warranty period on the Stonebridge Project.

Engineer Jeff Elliott noted that the developer has now completed the required items on the punch list and he is recommending that the warranty be started effective 10/15/07.

Supervisor Leroy Schommer noted that the ornamental bridge railings are not complete. It was Engineer Elliott's impression that these were covered under the County requirements. Chairman Dan Casey noted that he had little confidence in relying on the County to insure this was completed and since it was a safety issue he suggested that we insist that the developer complete the bridge railing prior to the Township starting the warranty period on this project.

Supervisor Bruce Nilsen made a motion to begin the warranty period on the entire project on 10/15/07 contingent on the developer completing the bridge railing and the split rail sides by November 5, 2007. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

b) Review Snow Plowing Proposals

Engineer Jeff Elliott noted that we sent out eight (8) requests for proposals for snow plowing. We received two (2) responses and that he prepared tabulations for comparison.

He noted that the proposal from Art Johnson Trucking was a bit less than that from Kevin Casey LLC.

Treasurer Batton asked if we are contemplating a 1 year contract. The board indicated that was their intention.

In that Chairman Dan Casey had a conflict, he recused himself from further discussion and the subsequent vote.

Supervisor Leroy Schommer made a motion to accept the proposal from Art Johnson Trucking contingent on their entering into a service contract with the Township and that they furnish the required certificates of insurance. Supervisor Bruce Nilsen offered a second. All in favor, motion carried 2 – 0. (Casey abstaining).

Attorney Bob Ruppe will prepare the contract and provide the supervisors a copy for review prior to sending to Johnson Trucking.

Supervisor Leroy Schommer asked that the request for proposals for the 2008 season be put on the June 2008 agenda.

c) Project Reports

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

1) Stonegate

Developer Michael Hallblade had asked if he could provide a cash deposit as a surety rather than a Letter of Credit during the warranty period.

The board indicated that this would be acceptable.

2) Stoneridge

Engineer Elliott submitted a letter recommending that the warranty period end on December 4, 2008.

Supervisor Bruce Nilsen made a motion to recognize that the warranty period be concluded on December 4, 2008 contingent on the developer depositing with the Township an additional \$500 for the escrow account by the next meeting of 11/5/07. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

3) Cedarwood Estates

Engineer Elliott noted that the easement for a future road extension of Lynn Court had still not been obtained. The developer had previously agreed to this request even though it was not required in the development agreement. The board instructed Engineer Elliott to write a letter to the developer requesting this easement. Attorney Ruppe will review the letter prior to sending it out.

Supervisor Leroy Schommer noted that some shouldering work is being done and recommended that we retain the escrow until that is complete.

4) South Passage

Supervisor Leroy Schommer made a motion to accept the South Passage Development. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

4) Other Business

a) Continue Discussion on Cress View Estates Easement

In that Chairman Dan Casey's family has an interest in the property in question he once again recused himself and took the podium to address the Board as a resident. He asked if the Board had received a response from Scott County as requested at the last meeting relative to County plans to condemn a portion of the Casey property for a road easement.

The Board indicated that they had received such a letter indicating that since the owner of the land to the North has no immediate intentions to develop, that there is no need to acquire land prematurely.

Mr. Casey asked if Engineer Elliott and Attorney Ruppe had any prior conversations with county personnel regarding condemnation. Both Mr. Elliott and Mr. Ruppe indicated that in separate conversation that county personnel had informed them that condemnation was to move forward.

Mr. Casey also asked about the requirement that the Loehr project move forward in order to proceed with the County obtaining this easement. Attorney Ruppe indicated that it was his understanding that the County was taking the position that there was no valid public purpose for acquiring the Casey property if the Loehr project did not move forward to final plat as there would be no current need for the roadway. Mr. Ruppe went on to explain some of the basic legal issues on acquiring land by eminent domain.

Mr. Casey also expressed his concern that the Township, the County and the Developer had entered into an agreement and that the County is now entering into an alliance with the developer with resultant harm to the property owners. He is asking the Townships assistance in rectifying the damages he sees the Casey property suffering. It is his feeling that the Scott County Community Development Director is acting beyond his authority and asks that the Township seek higher authority in seeking relief.

Mr. Ruppe asked if in Mr. Casey's opinion it would be appropriate to have the Town Board authorize him to contact Mr. Casey's attorney to seek a resolution to these outstanding issues.

Mr. Casey asked if the Board felt it appropriate to respond to this letter particularly with regard to the indications that the County wished to initiate changes to the developer's agreement.

Mr. Casey noted that it was his understanding that the On-Site Marketing as developers are in default of the Developer's Agreement and there have been bad faith negotiations on the part of the County.

He noted that they had an independent appraisal of the property done and that no regard has been given to that appraisal.

Supervisor Leroy Schommer noted that it would be his feelings that On-Site Marketing, the developer, be required to relinquish all of the amenities they were given when the project was approved. It was noted that they were not given any amenities.

Supervisor Bruce Nilsen noted that the Developer's Agreement called for the County to build a County Road to serve as a collector road. The intent was that the County would undertake the responsibility for the required condemnation process and ultimately turn the road back to the Township at a later date.

Supervisor Leroy Schommer asked if anyone knew if plans existed for the road at the County. Mr. Casey indicated that he has not been able to obtain any documents. The discussed requesting that Attorney Ruppe draft a letter requesting copies of any designs for Casey Blvd. that may exist.

Mr. Casey also noted that his independent engineering consultant had indicated that there was a drainage issue that developed as a result of the Cress View Estates project. When brought to the attention of the County, the response was that it was not a significant problem.

Supervisor Leroy Schommer made a motion to authorize Attorney Ruppe to do the following:

- 1) request from the County any road designs that may exist for Casey Blvd.;
- 2) investigate, along with Engineer Elliott, any potential drainage issues potentially created by the development;
- 3) to contact the attorney for the Casey Family Trust and the Developer in order to seek a resolution of this issue; and
- 4) request from the County copies of any staff expenses being charged to On-Site Marketing regarding this issue.

Supervisor Bruce Nilsen offered a second with a request that he be authorized to give Attorney Ruppe and Engineer Elliott further direction, all in favor, motion carried 2 – 0 (Casey abstaining).

Mr. Casey noted that it was his opinion that any time Attorney Ruppe spends in this effort should be charged to the Cress View developer's escrow account. Attorney Ruppe indicated that he would charge accordingly.

Chairman Dan Casey assumed his position on the Board.

b) Approve List of Election Judges

Clerk Jerry Maas presented a list of Election Judges for the November 6th School Election.

Supervisor Bruce Nilsen made motion to accept the list as presented. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

c) Discuss Noxious Weed Properties

Chairman Dan Casey noted that he has been unable to contact the property owner on several occasions but that the front yard of the property at 6780 Faricy Lane had been mowed.

The Board asked Clerk Maas to contact Dennis Karow and arrange to have this property completely mowed along with the property at 21085 Ridgewood Trail and to submit the billing separately for assigning to the taxes.

In view of suspected environmental concerns, the Board also asked Clerk Maas to contact the County Code Compliance Officer and review possible actions at the 6780 Faricy property.

d) Discuss Road Damage on Creekwood Road

Clerk Jerry Maas had received a call from a resident of the Creekwood Addition noting that the fiber optic installers had damaged Creekwood Road in the course of doing their work. Clerk Maas had also personally noted the trucks being parked in the vicinity of the damage.

The Board asked Clerk Maas to contact the contractors and ask that their restoration personnel take steps to repair this road immediately.

e) Discuss Authorizing Township Attorney to begin work on Orderly Annexation Agreement with City of Prior Lake – 44 acres on 170th Street.

Chairman Dan Casey, noting that there were some residents present from the area that is proposed to be annexed and asked if they had any comments.

Resident Chris Kostik asked who will be paying the attorney fees to draft this agreement.

Attorney Bob Ruppe indicated that the Township typically pays these fees and the amount is dependant on the amount of ensuing changes required by the residents and the city once the initial draft is prepared.

Supervisor Bruce Nilsen asked if it would be possible to have this draft ready by the next meeting on November 5th. Attorney Ruppe said he would try to meet this date.

The board asked Clerk Maas to contact the City of Prior Lake and inform them that a rough draft is being prepared and that it would be available for citizen input shortly.

Supervisor Leroy Schommer made a motion to authorize Attorney Bob Ruppe to begin preparation of a draft Orderly Annexation Agreement between Credit River Township and the City of Prior Lake. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

f) Request by Legends Club Grille for 2008 Liquor License

Supervisor Bruce Nilsen made a motion to adopt Resolution 2007-03 to support the application from the Legends Club Grille LLC for a combination Liquor/Sunday Liquor License. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

g) Request by Heritage Links for 2008 Liquor License

Supervisor Bruce Nilsen made a motion to adopt Resolution 2007-04 to support the application from Heritage Links for an On-Sale Liquor License. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

h) Consider resolution to replace street signs

The State of Minnesota has made funds available to Townships to replace outdated signs under a shared cost program if certain conditions were met.

Clerk Jerry Maas presented proposed Resolution 2007-05 prepared by Attorney Bob Ruppe to participate in a joint county-wide project to replace all Township road signs as a part of this partially state funded project.

Supervisor Bruce Nilsen made a motion to adopt Resolution 2007-05, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

i) Treasurer Holly Batton – Report on Cell Phone Allowances

Treasurer Batton reported that of the seven Townships in Scott County that she has contacted, none reimburse for cell phones with the exception of Spring Lake Township who allows the Clerk an expense.

She is recommending that the Board add the reimbursed amount to the salary plus an amount to cover the taxes.

Supervisor Dan Casey made a motion to add \$75 to the salary of each officer for a cell phone allowance. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0

j) Attorney Bob Ruppe – Report on Ordinance Amendment for CSTS Maintenance and Repair

Attorney Bob Ruppe reported that we do not need to modify the existing ordinance to allow Ryan Brandt to go on the property to perform CSTS repairs on the property. However, the ordinance does not allow the operator to enter the home itself. Our operator does not feel this to be an issue.

k) Attorney Bob Ruppe – Clarification on Lien Waiver Requirement in Developer Agreements

Attorney Bob Ruppe indicated that he prepared the developers agreement requiring Lien Waivers from developers to allow us to use this power if required. It was not his intent to pursue these from every developer in all cases.

l) Treasurer Holly Batton – Discuss 2008 Budget

The board met with Treasurer Batton prior to the meeting to review budget proposals for 2008. These recommendations will be incorporated into the budget proposal and presented at the next meeting.

m) Engineer Jeff Elliott - Project Proposals

1) Engineer Jeff Elliott presented proposals to update the Homeowners CSTS packages.

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

2) Engineer Jeff Elliott presented request for additional funding for the 4 components of the Engineering work for the Township Comprehensive Plan.

The board tabled this until the next meeting.

3) Well Head Protection Plan

The City of Prior Lake is asking that we review their Well Head plan to determine if there is any influence on our water supply.

The board approved Engineer Elliott's request for \$400 to review.

4) Ditch Cleaning on 175th Street.

The board instructed Engineer Elliott to inform the county that the Township will not clean the ditch.

n) Letter to County on Dust Coating for County Road 75

Supervisor Bruce Nilsen reported that the proposed letter to the County regarding our request for Dust Coating was not sent. In view of the current rainy conditions, it was decided not to send at this time. The Board did authorize Supervisor Nilsen to send it in at a later date at his discretion.

Review and Pay Bills

The Town Board approved and paid the following claims:

10/15/2007	4032	Northwest Associated Consultants	Planning/Zoning Consulting	\$	2,667.00
10/15/2007	4033	Bohnsack & Hennen Exc.	Shouldering Work	\$	3,356.76
10/15/2007	4034	Bittner & Associates	NPDES Refund	\$	980.00
10/15/2007	4035	Castle Rock Materials	Class 5 Rock for Cty. Rd 75	\$	12,676.15
10/15/2007	4036	ECM Publishers	Legal Advertising-Lakeville	\$	71.25
10/15/2007	4037	Private Underground	Sept Locate Charges	\$	121.50
10/15/2007	4038	Lennar Corporation	Access Refund	\$	600.00
10/15/2007	4039	Rongitsch Homes	Access Refund	\$	600.00
10/15/2007	4040	Lakeland Custom Remodeling	Access Refund	\$	600.00
10/15/2007	4041	Scott & Lisa Nelson	Access Refund	\$	600.00
10/15/2007	4042	Metro Prairie Homes	Access Refund	\$	550.00
10/15/2007	4043	Butler Homes	Access Refund	\$	600.00
10/15/2007	4044	Joe Rebholz	Access Refund	\$	550.00
10/15/2007	4045	Steve Palmer	Refund Escrow Balance	\$	107.50
10/15/2007	4046	Dale Kuchinka	Mow Ditches	\$	1,200.00
10/15/2007	4047	MVEC	Monterey Hgts. Lift Station	\$	39.19
10/15/2007	4048	MVEC	SP Lift Station	\$	50.37
10/15/2007	4049	MVEC	Town Hall Electricity	\$	90.45
10/15/2007	4050	Couri, Macarthur & Ruppe	Sept Legal Expenses	\$	11,501.25
10/15/2007	4051	Integra Telecom	Phone Service	\$	334.41
10/15/2007	4052	SW Suburban Publishing	Legal Advertising-Prior Lake	\$	77.29
10/15/2007	4053	Wennsmann Bros	NPDES Refund	\$	352.50
10/15/2007	4054	James/Lynn Backes	NPDES Refund	\$	940.00
10/15/2007	4055	Lennar Corp	NPDES Refund	\$	1,570.00
10/15/2007	4056	Lennar Corp	NPDES Refund	\$	1,690.00
10/15/2007	4057	Lennar Corp	NPDES Refund	\$	1,660.00
10/15/2007	4058	Wooddale Builders	NPDES Refund	\$	1,690.00
10/15/2007	4059	Mihm Custom Homes	Stonegate 2 Escrow Refund	\$	771.47

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 11:03 pm.

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

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