

Credit River Township
Meeting Minutes
November 19, 2007

Workshop

Dick Aslesen, a financial consultant with Northland Securities met with the Board to answer questions regarding cost of incorporation.

Chairman Dan Casey asked why we should consider incorporation.

Mr. Aslesen noted the following with respects to becoming a city:

- 1) More operating powers, economic development, TIF powers, etc. would be available to a city
- 2) A city would be fully involved in Planning and Zoning
- 3) Municipal State Aid Road Assistance funds would be available to a city once it reached a population of 5000.

Supervisor Bruce Nilsen noted that the southern 60% of the Township is permanently rural. Should this be a factor in our decision on incorporation because the demand for services in the higher density areas would be greater?

Mr. Aslesen noted that in his opinion, variety in lifestyle is important and ought to be considered in the decision.

Mr. Aslesen also noted that it would be a mistake to think that incorporation is equated to financial ruin.

The Board decided that the next step should be to arrange a meeting sometime in December with the City of Savage to determine some of the cost parameters.

Regular Meeting

Call to Order

Chairman Dan Casey called the meeting to order at 7:05 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 November 5, 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.

Sheriff's Report

None this evening

Open Forum

- 1) Clerk Jerry Maas noted that he had received an email regarding the condition of Lynn Drive. The Board directed Engineer Jeff Elliott to evaluate and report back at the next meeting.

Treasurer's Report

1) Financial Report for October

Treasurer Holly Batton presented the financial report for the month of October.

Supervisor Dan Casey inquired as to whether or not we had received the semi-annual County payment for maintenance of County Road 75. Treasurer Batton noted that the invoice had been mailed on November 1st.

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

Treasurer Holly Batton presented a request to transfer \$ 10,000.00 from the checking account to the savings account. The Board approved.

2) Developer Escrow summary

Treasurer Holly Batton reviewed the current escrow status.

Chairman Dan Casey noted that accepting Grey Fox 5 and starting the warranty with the exception of Margaret Lane was contingent on getting escrow and updated LOC. In that neither had been received, he stated that in his opinion the project has not been accepted and the warranty period hasn't started.

Chairman Dan Casey asked that all future correspondence on Loehr Ridge be directed through Attorney Bob Ruppe.

Supervisor Leroy Schommer Made a motion to direct Attorney Bob Ruppe to review the Letter of Credit for Monterey Ponds and verify that it allows the Township to draw on this LOC to satisfy the outstanding escrow amount due. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Chairman Dan Casey asked Treasurer Holly Batton to ask for \$10,000 from Laurent Development for the Territory project and to insure that interest is being charged on the account. If there is no response by the next meeting (December 3rd) he suggested that we put the project in default.

The Board asked that Treasurer Holly Batton send a letter to the developers of Liberty Creek stating that the project will be put in default if the escrow deficiency is not cured by December 3rd.

The Board asked that Treasurer Batton request \$2500 from Minnesota Development for the Stonebridge project.

The Board asked Treasurer Holly Batton to request \$2500 from On Site Marketing for the Cress View Estates project.

The Board asked Treasurer Holly Batton to request \$500 from Brawn Development for the Thoroughbred Acres project.

Chairman Dan Casey emphasized that all escrow accounts with negative balances should be charged interest after 30 days delinquency.

3) **Eide Bailly Engagement Letter**

Treasurer Holly Batton presented the Board with a copy of the 2008 Audit Engagement Letter. She noted that the fee is estimated to be \$15,900.00.

Supervisor Bruce Nilsen made a motion to accept the contract contingent on company approving the Township's request to publish both the past results and current results on the Township website. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

4) **Approve 2008 Budget for General Fund, Road & Bridge Fund and Fire Fund**

The Board had previously reviewed the budget at earlier workshops.

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

5) **Clarification of Building Permit Process**

Treasurer Holly Batton requested clarification on who is authorized to sign building permits and what each signature means.

It was noted that the instructions supplied by the county note that the application must be reviewed by the Local Government Unit (LGU) responsible for wetland management and signed by the Town Clerk prior to submitting to the county.

Treasurer Batton also suggested that deck permits no longer come through the Township. After discussion, the Board decided that we continue to issue permit applications for deck permits.

In the absence of the Town Clerk, the Deputy Town Clerk will sign all permits and in his absence, the Board Chairman will sign.

Treasurer Batton also asked about the amount of escrow we are requiring. She is concerned that we are charging too much. It was noted that if a default exists we need an amount high enough to cure the default.

6) **Certify Delinquent Sewer Charges to Property Taxes**

Treasurer Batton presented documentation necessary to certify delinquent sewer charges to the property tax rolls.

Supervisor Bruce Nilsen made a motion to adopt Resolution 2007-07 to certify these charges and also unpaid service charges by Dave Berens and Tom Ryan. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Further discussion as to how often we would certify delinquencies was tabled until the next meeting.

Agenda Items

1) **Ryan Brandt – Jacques Whitford EcoCheck – Subordinate Service Districts**

a) **Billing Procedures**

Ryan Brandt, representing Jacques Whitford EcoCheck, our contract wastewater operator, presented a package of documentation he typically prepares and submits to the Township each month.

Supervisor Bruce Nilsen noted that what we need is a little more detail for special charges. It was suggested that mock invoices be prepared.

Supervisor Nilsen suggested that back up invoices be kept on file and not supplied to the homeowner.

Treasurer Batton noted that currently no one from the Township is totally knowledgeable about wastewater operations. Attorney Bob Ruppe noted that the purpose of hiring our consultant in this area is to delegate this responsibility.

Attorney Ruppe asked in summary if the billing we are getting is sufficient to meet our normal requirements. The Board and Treasurer Batton indicated that it is. The only issue is to address the occasional 2-3 times per year emergency billing.

b) Status of Systems

Mr. Brandt noted by 1/31 his company will be submitting an annual report summarizing operations of all of the systems.

South Passage and Monterey Heights have been winterized. He indicated that performance tests for both of these systems are very satisfactory.

Stonebridge has also been winterized. The system physically looks good as vegetation has now been established. Alarms are at a minimum at this site. They are in the process of repairing some faulty curb stops.

Territory 1 is operating well. Territory 7 is satisfactory, but still needs work.

c) Permit Changes

Ryan noted that we are now starting our second five-year cycle for permitting on the South Passage/Monterey Heights permit. He noted that he needs to respond to a request from the MPCA for comments on new operating requirements December 3, 2007. These requirements will take effect on January 1, 2008.

To comply with the increased monitoring requirements he is estimating increased costs of \$2900 annually plus \$2000 to modify the Operation and Maintenance Manual.

Mr. Brandt asked for and received the Boards agreement on his proposed comments.

A general comment was offered that suggested that the technicians on site be identifiable with some sort of a uniform.

2) Continue Discussion of Orderly Annexation Agreement with the City of Prior Lake

Attorney Bob Ruppe previously prepared a draft Orderly Annexation Agreement (OAA) and presented it at the last meeting for discussion. Several changes were noted and he presented a revised OAA this evening.

He noted that he has received a copy of the zoning ordinance from the City of Prior Lake that will be attached as Exhibit 3 to the OAA.

In regard to the setback requests, he noted that the zoning ordinance specifies the distances. He suggested that Township Planner Bob Kirmis review and comment on these items.

He noted that it was his impression from his conversation with Prior Lake that they will study the runoff protection that might be needed as a result of both Markley Lake and this project over the winter independent of the annexation.

Mr. Ruppe noted that he has added language that as a part of this agreement there will be no additional annexation of Credit River land by Prior Lake and that the City will support our incorporation efforts.

He noted that he did not specify a Tax Reimbursement policy.

Attorney Ruppe noted that the Hospitality component of the zoning ordinance would not be allowed in this annexed area.

Resident Lee Karow asked if a traffic study might be done. Attorney Ruppe indicated that this is not usually done as a part of an OAA.

Resident Jerry Wersal asked about a path on the north side of County Road 21 into the city. The Board asked that it be noted for further discussion.

3) Engineer's Report

a) Stonebridge Railing Issue

In view of the negative escrow balance, additional discussion of this item was tabled.

b) Territory CSTS Timeline

Engineer Jeff Elliott noted that he and Ryan Brandt have met with Anderson Engineering on this issue. The Board emphasized that they want resolution as soon as possible.

They informed the Territory representatives that alternatives are not acceptable and that they need to move forward with replacing the mound immediately. Chairman Dan Casey noted that he expects a plan to be in place by December 1, 2007 and that the mounds be replaced by July 1, 2008 pending weather conditions.

c) Cress View Estates Status

Engineer Jeff Elliott noted that we have received the road design information from Scott County. It does not meet our request and Engineer Elliott will be contacting the Highway Department for additional information.

d) Scott County Transportation Improvement Plan

Engineer Elliott noted that he has sent a letter to Scott County Highway summarizing the thoughts the board had at the last meeting.

e) Letter of Credit (LOC) Status

1) Monterey Ponds

Engineer Elliott noted that he has returned the LOC from Monterey Ponds to the active list in that the overdue escrow balance has not been paid.

2) Stonegate

Engineer Elliott noted that he has looked at the project and that he would be comfortable in recommending that the LOC be reduced to the minimum of \$24,637.00

Supervisor Leroy Schommer made a motion to authorize a reduction in the Letter of Credit to \$24,637.00. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

f) Judicial Road Update

Engineer Elliott inquired if the Board wished to order plans and specs for this project. He is estimating that it will cost less than \$10,000 for plans and specs and some soil testing.

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

Attorney Ruppe noted that we will have to schedule a public hearing on this project.

Other Business

a) Request from Territory for CSTS Billing

Engineer Elliott noted that we have received a letter from Laurent Development requesting that the Township set up billing procedures to begin collecting sewer fees on a monthly basis.

Ryan Brandt suggested that we not do the billing until the systems are accepted. Attorney Ruppe noted that he felt we could begin the billing by contract but not accept the system. In this case we would become their billing agent.

Supervisor Bruce Nilsen noted that we could not make a decision because their escrow is not current.

b) Request from Scott Soil and Water for work to be hired

Scott Soil and Water Conservation District is requesting that corrections to the erosion and sediment control plan be hired at the following properties:

- 7855 Painted Sky – Territory – Franz Homes
- 8805 Cantor Lane – Stonebridge – Windwood Homes
- 8920 Cantor Lane – Stonebridge – CLB Homes

The Board authorized Scott Soil and Water Conservation District to hire this work as long as proper warnings have been given.

c) Discuss Status of Snow Plowing Contract for 2007 – 08

Clerk Jerry Maas presented a FAX from Art Johnson Trucking with some requested changes to the contract. The Board will take these under advisement.

Review and Pay Bills

The Town Board approved and paid the following claims:

11/14/2007	BSC07Nov	Anchor Bank	Service Charges	\$	8.12
11/19/2007	4092	Tim Werner	NPDES Escrow Refund	\$	1,870.00
11/19/2007	4093	Keyland Homes	NPDES Escrow Refund	\$	1,610.00
11/19/2007	4094	J B Woodfitter & Associates	NPDES Escrow Refund	\$	1,630.00
11/19/2007	4095	Butler Homes	NPDES Escrow Refund	\$	1,550.00
11/19/2007	4096	Geckler & Associates	NPDES Escrow Refund	\$	1,820.00
11/19/2007	4097	Yorway Custom Homes	NPDES Escrow Refund	\$	1,170.00
11/19/2007	4098	Metro Classic Homes	NPDES Escrow Refund	\$	1,250.00
11/19/2007	4099	Lennar Corp	NPDES Escrow Refund	\$	1,480.00
11/19/2007	4100	Lennar Corp	NPDES Escrow Refund	\$	1,570.00
11/19/2007	4101	Gordon Homes	NPDES Escrow Refund	\$	1,425.00
11/19/2007	4102	Burdick Builders	NPDES Escrow Refund	\$	1,780.00

11/19/2007	4103	Darren Enright	NPDES Escrow Refund	\$	740.00
11/19/2007	4104	Stenerson Brothers Construction	NPDES Escrow Refund	\$	940.00
11/19/2007	4105	Integra Telecom	Phone Service	\$	343.55
11/19/2007	4106	Gordon Homes	Access Refund	\$	600.00
11/19/2007	4107	J B Woodfitter	Access Refund	\$	600.00
11/19/2007	4108	Yorway Custom Homes	Inspection Refund	\$	50.00
11/19/2007	4109	Sonata Homes	Access Refund	\$	600.00
11/19/2007	4110	Yorway Custom Homes	Access Refund	\$	600.00
11/19/2007	4111	Lennar Corp	Access Refund	\$	600.00
11/19/2007	4112	Wooddale Builders	Access Refund	\$	900.00
11/19/2007	4113	J B Woodfitter	Access Refund	\$	600.00
11/19/2007	4114	Geckler & Associates	Access Refund	\$	900.00
11/19/2007	4115	Geckler & Associates	Access Refund	\$	900.00
11/19/2007	4116	Keyland Homes	Access Refund	\$	600.00
11/19/2007	4117	Wooddale Builders	Access Refund	\$	600.00
11/19/2007	4118	Geckler & Associates	Access Refund	\$	900.00
11/19/2007	4119	Geckler & Associates	Access Refund	\$	900.00
11/19/2007	4120	Northwest Associated Consultants	October Planning Zoning	\$	4,042.00
11/19/2007	4121	Private Underground	October Utility Locates	\$	121.00
11/19/2007	4122	Mike's Septic Systems	CSTS Tank Pumping-Territory	\$	235.00
11/19/2007	4123	Bohnsack & Hennen Excavating	Shouldering Work	\$	2,331.35
11/19/2007	4124	One Call Concepts	General Locate Services	\$	31.90
11/19/2007	4125	Scott Soil & Water Conservation	October NPDES Inspections	\$	1,450.00
11/19/2007	4126	Yorway Custom Homes	Access Refund	\$	900.00
11/19/2007	4127	Holly Batton	Expense Reimbursement	\$	134.65
11/19/2007	FTPPSNov	Anchor Bank	941 Taxes for November	\$	1,472.35

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 11:00 pm.

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

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