

Credit River Township
Meeting Minutes
December 17, 2007
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 Attorney Bob Ruppe

Meeting Minutes

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from December 3, 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.

Treasurer's Report

1) Financial Report for November 2007

Treasurer Batton presented the fund balances through November 30, 2007.

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

2) Escrow Account Status

Treasurer Batton presented the escrow balances and asked what amounts she should ask for in the next round of statements. She was directed by the board to ask funds from all those in the negative as well as those incurring current charges.

The Board instructed Treasurer Batton to set up separate accounting for the \$50,000 being wired to the Township from the draw on the Letter of Credit for Territory 2 and to continue to request funds be deposited into the negative escrow account.

Open Forum

1) Resident Chris Johnson of 7515 167th Street asked if the Board would consider adopting a recreational lighting ordinance that would restrict use of high intensity lighting in the residential neighborhoods past 9:00 pm on week nights.

He also would like to see an ordinance specifying when structures for recreational activities would be allowed on a seasonal basis. For example, a hockey rink might only be allowed to be set up from November 15th through April 15th.

Attorney Bob Ruppe suggested that Clerk Jerry Maas contact Scott County to see if any existing land use ordinances would govern. He also suggested that Clerk Maas check with the Sheriff to see what they might recommend would be practical and enforceable.

Pending the outcome of these two inquiries, Attorney Ruppe noted that he would look into developing a general lighting ordinance.

Agenda Item 1 – Review Letter of Credit Status

Attorney Bob Ruppe noted that he had reviewed all of the current Letters of Credit for accuracy and completeness and found them all to be acceptable with the following exceptions:

1) Stoneridge

Attorney Ruppe noted that the recently received LOC for this project had an expiration date of 6/29/08 and did not coincide with the warranty expiration date of December 4th previously suggested by the Board but not formally accepted.

Supervisor Bruce Nilsen noted that he had a recent conversation with the developer and understood his confusion over the warranty dates. Mr. Nilsen presented some documents he had requested from Engineer Jeff Elliott which the board discussed at length and suggested that September 4, 2006 would probably be a date to start the warranty that would be a good compromise considering all of the issues in place at that time.

Supervisor Nilsen made a motion to accept the Stoneridge project as of September 4, 2006 contingent on receiving a new letter of credit in the amount of \$20,000 with an expiration date of September 4, 2008 which would correspond with the end of the warranty period and also contingent on the developer sending in escrow deposits of \$500 for both the Stoneridge and South Passage projects. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

2) Stonebridge

We have yet to receive a new Letter of Credit for this project. Treasurer Holly Batton noted that the developer had dropped off a check for \$5000 for the escrow account earlier in the day.

Supervisor Dan Casey noted that the developer had been in communication with him and asked for an extension in the time allowed to submit the renewed Letter of Credit in view of the fact that a key financial person at his bank was out of the country.

In that Attorney Ruppe has prepared the necessary documentation to place a claim on the existing Letter of Credit, the board asked Clerk Maas to FAX copies of these documents to the financing institution alerting them to the fact that we would be asking to collect the money on Friday December 21st if we don't receive a satisfactory renewed Letter of Credit by the close of business on Thursday.

All existing Letters of Credit with the corresponding amendments have now been placed in the Town safe.

Other Business

1) Discuss attendance at DRT Meeting on 12/19 – Jason Allen Sub-divide

It was noted that the Township had recently received notice of a proposed parcel sub-division by resident Jason Allen on 210th St. This project will be discussed at a Development Review Team (DRT) meeting on Wednesday, December 19th at the county. In view of the fact that Supervisor Nilsen won't be able to attend because of employment obligations, it was decided that Supervisor Leroy Schommer would attend.

2) Charges of Scheer Property

Clerk Jerry Maas noted that he had received an email from Mr. and Mrs. Scheer of Amber Drive questioning the invoicing of charges to them for replacement of a damaged sewer cover in the amount of approximately \$225.00.

The Scheer's contend that the damage was done during construction prior to their moving to the property in 2003 and that they ought not to be responsible but rather the costs should properly be charged to the general repair and maintenance account for the entire project.

Ryan Brandt from EcoCheck, the sewer operator checked the records and could not find any evidence of the damage occurring more recently.

The board felt that the Scheers should pay the bill and seek compensation from the developer, builder, or landscaper who originally caused the damage.

3) Mauzy Property

Treasurer Batton brought up the open item with regard to the James Mauzy property where wood chips had been found in the system causing the pump to malfunction.

The Board noted that it was their understanding that EcoCheck had accepted partial responsibility including the pumping charges and they instructed Treasurer Batton to review further with Mr. Brandt.

4) Territory mound weep issue

Chairman Dan Casey noted that the Township will in all probability be required to submit the new mound to the MPCA for approval and as such ought to have a more thorough say in what approach is used to correct the deficiency.

Chairman Casey asked Attorney Ruppe if we ought to exercise more control over the expenditures incurred by our staff in overseeing this portion of the project. Attorney Ruppe cautioned against this indicating that it continues to be in the Township's best interests for inspections be done to insure proper installation.

4) Snow Plowing Contract

Attorney Ruppe noted that the contract snow plow operator had asked that the contractor's name not be disclosed to residents who ask, but that the supervisors remain as the point of contact for plowing complaints. He indicated that we could comply unless asked under the Data Practices act to furnish this information.

Attorney Ruppe suggests that we not agree to reimburse the contractor for damage done to equipment caused by objects in the roadway.

The Board was comfortable with being simple certificate holders on the liability insurance.

5) Insurance Audit

Treasurer Batton asked if we had received the annual insurance audit. Clerk Maas noted that everything received from MAT has been forwarded to the treasurer. The Board asked Treasurer Batton to contact MAT and request another packet be sent out and that she take responsibility for completing the report as she has in the past.

6) PERA

Treasurer Batton expressed a personal interest in signing up for this government employee's retirement account and inquired if others might be interested. A couple of the Board members indicated that they would like more information.

7) Lapsed Letter of Credit from Territory 1st Addition

Treasurer Batton expressed a concern that because the term "Letter of Credit" by its very nature has financial implications, that she not be held in any way responsible for this oversight.

The Board and Attorney Ruppe did acknowledge that there was a lot of possibility for error on this issue and that steps were being taken to insure it wouldn't happen in the future.

8) Requests for Township Documents

Treasurer Batton repeated her requests that the Township Minute Books, the Resolution Book and the Ordinance Book be kept at the Town Hall.

Clerk Jerry Maas reviewed the reasons they are still kept at his home:

- 1) While many talk about the rapid growth that has taken place in the Township over the last 5 years, few realize the impact on the workload. Meetings now generate a large volume of supporting documents that make up the complete record of Township business. While the minutes are very current and in fact available on the Internet, Clerk Maas is attempting to review and self-audit the supporting documents that go along with each meeting. This is a time-consuming process and also a "Low priority" process in that the minutes themselves are available to all via the Internet.
- 2) Once again, Fire Protection at the Town Hall is a concern.
- 3) In the case of the Ordinances, the old ones have always been at the Town Hall, the new ones are for the most part on the Internet.
- 4) In the case of the Resolutions, most of them are external documents relating to liquor licenses, etc. and have very little day-to-day use and again in most cases are embedded as a part of the minutes.

Supervisor Nilsen inquired of Treasurer Batton as to what her specific concerns were. She indicated that from time to time she needed to reference them when communicating with residents.

Supervisor Nilsen suggested that unless the need was for financial documents which would be the Treasurer's responsibility, that Treasurer Batton confine her concerns to those areas of the Township that concern her.

9) Policy on Letter of Credits

The Board agreed that a policy was needed to insure the accuracy and enforceability of all future Letters of Credits.

Who would develop this policy was not determined and should be addressed at a later meeting.

For the time being, all LOC's will be kept in the Town Hall safe after having been reviewed by the Township Attorney.

10) County Board meeting on December 18th regarding the Casey Blvd.

Attorney Ruppe asked the board's direction on the agenda item scheduled for County Board action on Tuesday, December 18th, rescinding the authorization to proceed with condemnation proceedings on the Casey Property to acquire an easement for a future roadway to be known as Casey Blvd.

The board asked Attorney Ruppe to attend the County Board meeting with a view to removing the item from the consent agenda for additional discussion.

Supervisor Bruce Nilsen noted that he thought it unfortunate that one of the reasons for not seeking this roadway at this time was that the Loehr Ridge project was not moving forward. It was his opinion that this was potentially premature since Mr. Loehr has until February 28th to submit his request for Final Plat.

Supervisor Nilsen also expressed regrets that there had been no negotiations between the parties to the agreement for a long time.

Attorney Ruppe noted that the Township recognizes that they cannot justify a public purpose at this time for this roadway and hopes to make sure that the County Commissioners understand this.

Chairman Dan Casey asked about the statement in the letter from Scott County that notes that they are entering into a road construction project with On-Site Marketing. He wondered about the Townships interests as 3rd party to this agreement.

Resident Dan Casey noted that our attorney made numerous and frequent attempts to contact Scott County regarding the recent notification to rescind the eminent domain action. He noted that the County did not respond and appears to be shutting the township out of the process.

11) Transfer Funds

Treasurer Batton presented a request to transfer \$ 387,652.05 from Township checking account to the savings account. We had just recently received our 2nd half tax settlement from the County. The board approved this request.

Review and Pay Bills

The Town Board approved and paid the following claims:

12/6/2007	EFTPS07oct	Anchor Bank	941 Taxes December	\$	1,343.74
12/14/2007	BSC07Dec	Anchor Bank	Bank Fees	\$	8.12
12/17/2007	4149	One Call Concepts	General Locate Services	\$	11.60
12/17/2007	4150	Chas Cudd LLC	Access Refund	\$	900.00
12/17/2007	4151	Brasel Construction	Access Refund	\$	600.00
12/17/2007	4152	MVEC	South Passage Lift Station	\$	47.09
12/17/2007	4153	MVEC	Town Hall Electricity	\$	58.24
12/17/2007	4154	MVEC	Monterey Hgts Lift Station	\$	34.24
12/17/2007	4155	ECM Publishers	Legal Advertising-Lakeville	\$	147.00
12/17/2007	4156	Northwest Associated Consult	November Plannin/Zoning	\$	621.00
12/17/2007	4157	New Market Bank	Loan Payment	\$	12,500.00
12/17/2007	4158	Integra Telecom	Phone Service	\$	341.99
12/17/2007	4159	Private Underground	November Utility Locates	\$	79.00

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 10:02 pm.

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

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