

Credit River Township

Meeting Minutes

February 19, 2008

Call to Order

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

Members Present

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

Others Present

Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe (Township Clerk Jerald R. Maas was unable to attend due to illness, Treasurer Batton recorded minutes in his absence)

Meeting Minutes

Chairman Dan Casey asked Treasurer Holly Batton to summarize the minutes from February 4, 2008.

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

Sheriff's Report

None this evening.

Resident's Group Report

Greg Brown stated that the group had met prior to the February 11, 2008, informal Comp Plan workshop to discuss items relevant to that. Among items discussed was the suggestion by Supervisor Bruce Nilsen to examine the possibility of creating an ordinance to allow horses on non-platted parcels of land with at least five acres. The group expressed the need for sensitivity to neighboring property owners of horse owners. Another topic discussed was the township's potential desire to sell old computer equipment and what the best option might be. The final topic discussed was the fixed asset threshold of \$1000 approved by the board at the previous meeting. The group found this amount to be prudent.

Open Forum

1. Paul Newman

Paul Newman, township resident and member of the Resident Group, submitted a proposal requesting the town board consider purchasing materials from a sign company to update donated sandwich real estate signs into informational signs that would serve to remind residents to vote in township elections. Mr. Newman said he would donate up to ten sandwich type signs to the township for this purpose. The sign company he had contacted quoted a price of \$30 per sign to create a plastic corrugated sheath with vinyl lettering that would state Credit River Twp, VOTE, changeable date, and Credit River Town Hall. Mr. Newman said the proposal would be for the signs to be placed five to seven days ahead of each election to promote greater resident participation in township elections. Supervisor Nilsen asked where these signs would be placed and by whom. Mr. Newman suggested

major intersections in the township and at the entrances to large developments. The head election judge would coordinate placement and pickup of the signs. Mr. Newman said he would coordinate the purchase of the signs upon approval.

Supervisor Bruce Nilsen made a motion to for the township to purchase six of the proposed sign covers at \$30 a piece plus tax for a total cost of \$200. Supervisor Leroy Schommer offered a second, all in favor motion carried 3-0.

2. Justin Weinberg

Attorney Justin Weinberg approached the board for follow up to the document he had passed out at the last meeting regarding claim of unfair charges billed to his client On-Site Marketing for their Cress View Estates development.

Supervisor Bruce Nilsen stated that he had reviewed the document and questioned this method of approach. Why hadn't this concern been discussed in the normal way, why during an open forum? Supervisor Nilsen went on to say that he would like to work one on one with the developer and possibly the township treasurer to review the invoices in question, and that during his review of the documents he had spotted some items that he thought may have been charged incorrectly to the developer's escrow – one being the township engineer examining potential road damage after a house fire in the development, and another an item for the town center that was on the planners bill. Supervisor Nilsen suggested sitting down and resolving this together.

Mr. Weinberg rejected Supervisor Nilsen's offer and said that the board was ultimately responsible for what the township charged to the developer's escrow. He stated he wasn't satisfied with the ethical and moral considerations and once again brought up the thirteen phone calls between the township attorney and Chairman Dan Casey. Attorney Ruppe countered that Chairman Casey had recused himself from all votes because of representing the adjoining landowner but was within his legal right to contact the township attorney with inquiries and interest pertaining to the development. Mr. Weinberg once again stated that the township might be faced with an audit from the State Auditor's Office that could cost the township \$50,000. Attorney Ruppe warned Mr. Weinberg that he was repeating himself.

Chairman Casey called the timing of the billing inquiry and audit threat conspicuous and that the board had looked into the cost of an audit and would welcome such a move. The rest of the board concurred. Chairman Casey commented that this developer has been receiving escrow statements with supporting invoices for two years and to wait with concerns until one month before a township election was suspect.

Supervisor Nilsen volunteered that he had suggested to the county a hand drawn solution regarding the road in question at the township's expense. His motivation was to try to get the process moving forward because of the stalemate. The issues existing with developments were taking too much of the board's time and preventing progress on other important issues.

Chairman Casey asked if Mr. Weinberg thought the offer to sit down with the township supervisor and treasurer to review the bills was unfair. Ted Kowalski, developer of Cress

View Estates, stated the questionable items should be answered by the consultants and that On-Site Marketing has told the board what they objected to and they want answers.

Supervisor Nilsen stated that he would review with Treasurer Holly Batton.

3. Jason Allen

Resident Jason Allen presented a drawing of a preliminary plat for his lot split on 210th Street. Township engineer Jeff Elliott had reviewed the plan and discussed it with Marty Schmitz, Scott County planner. Mr. Allen wanted to make sure his plan was okay with the town board before proceeding. Observations made of the preliminary plat included temporary easements for both lots for a temporary cul-de-sac, the existing driveway would be extended south when 210th Street gets pushed out, there is a telephone pole in the cul-de-sac, and proposed septic sites appeared very close to the road right of way. The board indicated that they thought the plan looked good so far and will wish to review prior to the County meeting, which will be sometime this spring. Mr. Allen also expressed a concern about his current escrow status. Treasurer Batton replied that no charges have been made because the township has not yet received January billing from the engineer.

4. Tom Kraft

Tom Kraft, township resident, approached the board with comments about township clerk Jerald R. Maas' website. He stated he was sorry to bring his issue before the board without the clerk's presence because he would have liked Clerk Maas to be able to respond to his concerns. Mr. Kraft stated that he found some of the content to be offensive and he specifically showed the board the little black dot on the officer/staff page that linked the viewer to a dissertation the township clerk had apparently wrote titled Differing Viewpoints regarding what he termed to be apparent conflicts with the township treasurer. Mr. Kraft noted that the side of the page allotted for the treasurer's viewpoint was blank. He was not happy with the little tiny print for the disclaimer on the front page of the website. Mr. Kraft said that many people assume that this website is the official township website and that the town board needs to address that potential misconception. He went on to say that some of the content on the website was not professional in nature for what is perceived to be a township website and is very inappropriate. Chairman Casey suggested continuing the dialogue about the website during the agenda item for a township website later in the meeting agenda.

Status of Stonebridge Project

The developer was not present. Chairman Dan Casey stated that the warranty for the project has not been started. Supervisor Bruce Nilsen stated failure by the developer to appear creates unnecessary delay. Attorney Bob Ruppe said the letter of credit for the development has been drawn per the terms of the developer agreement. The board decided to table the item until the developer could be present.

Engineer's Report

1. Turn Lane/Lot Fee Adjustment. Engineer Jeff Elliott stated that he needed additional time to come up with any recommendation to adjust the fees. The engineer has been studying the AUAR report that was used to come up with the initial fee structure and he would like to discuss it further with Anderson Engineering who conducted the original study. Engineer Elliott asked this item to be put on the agenda for the next board meeting.
2. LOC Report

Engineer Elliott explained that his report illustrated dates for wear course and LOC expirations.

Township Attorney Bob Ruppe said that in light that there was not a renewal coming for the remaining two Territory development letter of credits that he needed a date from the board to pull them. Supervisor Bruce Nilsen asked if there had been any news from the developer. Attorney Ruppe and Chair Casey had met with the developer prior to the last board meeting. Since the last board meeting, Engineer Elliott had met with the developer's financial representative to discuss the status of outstanding items.

Attorney Ruppe stated that he had discussed obtaining rates from the CSTS operator Ryan Brandt of Jacques Whitford EcoCheck for taking over the CSTS billing for the Territory subordinate service district. Attorney Ruppe also stated that it was his impression that Laurent wished to use the LOC funds to complete the project and that it would be a town board policy call on how much of the LOC funds could be used to pay contractors and how much to retain to protect the township.

Chairman Casey stated that he had consulted with Attorney Soren Mattick of Campbell Knutson with Attorney Ruppe and that it was Attorney Mattick's recommendation to pull the LOCs immediately.

Supervisor Bruce Nilsen made a motion to exercise the township's option to pull (cash) the remaining Letters of Credit for Territory as soon as possible. As a courtesy to Scott County, the township shall also submit the paperwork to do the same for the County's held LOCs for the developer. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3-0.

3. City of Lakeville Request

The township received a request from the City of Lakeville to respond to an amendment to their comprehensive plan to change zoning for a development east of the City of Lakeville city hall. Attorney Ruppe suggested that the board approve the amendment and sign the request. Clerk Maas will need to also sign the request and return it to the City of Lakeville by February 28, 2008.

Supervisor Leroy Schommer made a motion to accept the amendment to the City of Lakeville's comprehensive plan. Supervisor Bruce Nilsen offered a second, all in favor motion carried 3-0.

Treasurers Report

1. Treasurers Report

Supervisor Leroy Schommer made a motion to approve the treasurer's report for January 2008 as read. Supervisor Bruce Nilsen offered a second, all in favor motion carried 3-0.

2. Escrow Balance Review

Treasurer Batton reviewed the current escrow totals with the board and asked for direction.

Supervisor Bruce Nilsen stated that he was uncomfortable tapping into Letter of Credit money for normal escrow expenses. Attorney Ruppe stated that the Letter of Credit money could be used to ensure the townships obligations were covered. Attorney Ruppe also suggested that the community septic treatment system (CSTS) charges could be billed to property owners to cover the cost of operating and maintaining those systems. Economic obligation forces the developers to request the township to initiate billing. The process for starting billing would require establishing a rate and then holding a rate hearing. Supervisor Bruce Nilsen requested that Attorney Ruppe discuss this with operator Ryan Brandt and to set up a schedule.

Treasurer Batton requested input on how to proceed with developer statements. The board instructed her to send statements to all developers with activity to their account, to ask Credit River Development again for written permission to tap into their LOC balance, to wait on the Cress View statement until after reviewing consultant charges, and to send a request for payment as usual to Territory. Those developers with positive balances were not being asked to replenish their escrows at this time.

3. Township Policy Proposals

Treasurer Holly Batton submitted drafts of policy proposals for the board's review and possible approval. Attorney Ruppe requested an opportunity to review the proposals and discuss at the next meeting.

4. Discuss authorization to request Ryan Brandt of Jacques Whitford EcoCheck to compile Asset Listing for CSTS Systems

Per the request of the auditor to compile a fixed asset listing, the treasurer is requesting authorization for Ryan Brandt to complete this task. The board decided that more definitive information was needed – specifically whether serial number and model number detail was required. Treasurer Batton will get the specific requirements and report back at the next board meeting.

5. Pledged Securities

It was noted by the auditor that the town board needed to formally approve Anchor Bank for holding pledged securities for the township funds.

Supervisor Bruce Nilsen made a motion to approve Anchor Bank to hold collateral for the necessary securities to protect the township funds in excess of the FDIC insurance. Supervisor Leroy Schommer offered a second, all in favor motion carried 3-0.

Other Business

1. Stans Museum

The Stans Museum has requested a \$1000 donation from the township. Supervisor Leroy Schommer has asked Clerk Maas to check with other townships for their involvement and report back at the next meeting. The board tabled the item pending further information.

2. Comp Plan/Incorporation Open House

Resident Greg Brown and head of the resident group offered that the group recommended holding this event in early May. The board decided to look at late April – potentially Wednesday April 23 or Thursday April 24. Treasurer Batton was asked to check with planner Bob Kirmis for his availability. The open house would include a presentation on the Comp Plan by Planner Kirmis and a presentation on Incorporation by Clerk Maas.

3. Town Hall Garbage Pickup

Treasurer Holly Batton reported that Buckingham Disposal would drive into the hall parking lot to pick up garbage at the sidewalk. Supervisor Leroy Schommer suggested checking out what pricing might be for a cleaning service to clean the town hall once or twice a month. Treasurer Batton will investigate and report back at the next meeting.

4. Presentation of Various Weed Ordinance in neighboring communities.

Clerk Maas had obtained copies of weed ordinances from various neighboring communities. Attorney Ruppe had drafted a sample ordinance for board review. Attorney Ruppe stated that the board would need to identify a weed height for triggering corrective action. Supervisor Nilsen asked if the different Home Owner Association covenants might have a similar ability that this proposed ordinance would provide. Attorney Ruppe said that in developments where the developer had not yet turned over the association, the covenants may not apply. Resident Jason Allen asked how such an ordinance would work for larger lots. Attorney Ruppe replied that the purpose of the ordinance would be to give the township the mechanism to address needs as they arose. Action on this ordinance was tabled to the next meeting.

5. Township Website

Treasurer Holly Batton passed out copies of the front pages of websites for Livonia, Baldwin and Spring Lake townships to demonstrate what some other townships have selected for their official website. Attorney Ruppe stated that free speech rights protect the rights of independent websites. The owners are free to publish what they choose. Resident Brent Lawrence suggested a first step might be reserving an appropriate URL taking into consideration the possible incorporation. Resident Jason Allen recommended the township develop its own website and suggested the township board consider an independent Webmaster with board discussed and agreed upon content.

Resident Greg Brown agreed to disagree stating that it should be okay for a board member to maintain a township website. Supervisor Bruce Nilsen stated that clarification needed to be made that the website owned and maintained by Clerk Jerald R. Maas is not the official township website. It was acknowledged that the majority of the information contained on the Clerk's website is an asset to the township. Resident Jay Saterbak said the website is a handy tool and it is convenient to be able to access meeting minutes but the township should not be represented in the manner it is with Clerk Maas's website.

Chairman Dan Casey inquired if the official posting site could be changed to a website. Attorney Ruppe didn't think so at this time. Supervisor Bruce Nilsen noted that Spring Lake Township posts their minutes in the paper and how could this be cost effective. Spring Lake resident and Credit River developer Ted Kowalski commented that he appreciated the minutes being posted and felt it worth the expense. Resident Jay Saterbak stated there are lots of good reasons to have an official website, one that is edited by the board, and that it would be beneficial to refer to it in legal postings in the paper. Treasurer Batton inquired to Greg Brown if the Resident's group would be interested in compiling what features an official website might encompass. Resident Brown thought it might be worth consideration but he turned down a suggestion to be the township Webmaster. Resident Tom Kraft stated that a website could have forms and paperwork that would be beneficial to residents. Resident Jason Allen commented that we appeared to be back to square one and that the clerk might request additional payment to manage a website for the township. The comment was made that the township doesn't truly know if it is paying Clerk Maas for maintaining his website at this time or not.

The board directed Attorney Ruppe to discuss with Clerk Maas if he would be willing to give up his website ownership and transfer it to the township. If not, the board would proceed with developing an official township website.

6. Email List

There was much discussion about the e-mail list Clerk Maas has compiled over the years by soliciting e-mail addresses at township open houses and also independently. Someone asked Attorney Ruppe if that list would be considered township property and Attorney Ruppe's reply was probably but that he would need to research the issue. Supervisor Nilsen stated that residents may view access to such a list as the ability to be used to promote or not promote an individual's agenda. It was stated that some people probably volunteered their e-mail address with the idea that it would be used for communication from the township and not necessarily from the clerk, independent of the township. Resident Ruth McLeod stated that she is very careful to whom she gives her e-mail address and would not want it used for the wrong reason.

Review and Pay Bills

2/8/2008	EFTPSFeb08	Anchor Bank	February 941 Tax deposit	\$	1,540.85
2/15/2008	BSCFeb08	Anchor Bank	February Bank Service Charges	\$	8.12
2/19/2008	4232	SW Suburban Publishing	Legal Advertising - Prior Lake	\$	157.90
2/19/2008	4233	Integra Telecom	Phone Service	\$	343.96

2/19/2008	4234	Reed Business Information	Judicial Road Publishing Costs	\$	126.36
2/19/2008	4235	Mike's Septic Service	Town Hall Pumping	\$	215.00
2/19/2008	4236	Dennis Karow	Snow Plow Town Hall Lot	\$	95.00
2/19/2008	4237	City of Savage	Contract Road Maint-Hampshire Ave	\$	700.00
2/19/2008	4238	Private Underground	January 2008 Utility Locates	\$	28.50
2/19/2008	4239	ECM Publishers	Legal Advertising - Lakeville	\$	112.00
2/19/2008	4240	Void		\$	-
2/19/2008	4241	Couri, MacArthur & Ruppe	Legal Services - January 2008	\$	5,748.75
2/19/2008	4242	Xcel Energy	St Francis Street Light	\$	12.71
2/19/2008	4243	Gopher State One Call	Utility Locates	\$	107.25
2/19/2008	4244	Scott Soil & Water	January 2008 Inspections	\$	660.00
2/19/2008	4245	Bryan Rock Products	Rock Purchase	\$	980.90

Adjourn

Supervisor Leroy Schommer made a motion to adjourn the meeting at 10:10 p.m.
Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3-0.

Submitted By: (s/) Holly Batton
Township Treasurer (Clerk Maas ill)
Credit River Township

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