

Credit River Township

Meeting Minutes

March 17, 2008

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 Deputy Treasurer Dave Cuthill, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe

Meeting Minutes

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from March 3, 2008.

The Board requested that we adopt a policy in the future that agendas must be approved by a supervisor prior to publication.

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

Open Forum

1) Resident Al Aspengren asked about further clarification on the Cress View Estates billings.

Supervisor Bruce Nilsen noted that the Cress View Estates Plat came forward in 2004/05. It required that some property was to be acquired from the Casey family for a future County Road extending north from the Cress View Estates project.

In the event that the parties were unable to reach an agreement, the County was to intercede and pursue condemnation. Unfortunately, it appeared that the county was not following through with negotiations. Supervisor Nilsen indicated that he took the lead with the help of Attorney Bob Ruppe, Engineer Jeff Elliott and Planner Bob Kirmis and proposed a Township road be constructed in an attempt to get the County to pursue negotiations in good faith. He noted that he asked Engineer Elliott to spend minimal time on the design and to check with Planner Kirmis.

Supervisor Nilsen noted that the County rejected this plan.

Resident Brent Lawrence sought clarification as to when this idea was pursued? It was noted that the records indicate it was in January of 2007.

Mr. Aspengren asked if the Township would have been quite so aggressive in assisting the land owner had it been owned by someone other than a Township official. Supervisor Bruce Nilsen said yes, the Township was aggressive in assisting the Skluzacek family when their property was impacted by the Liberty Creek development process.

Supervisor Nilsen indicated that he felt that the Township was being bogged down at the time and because he was concerned, he initiated this action.

Supervisor Dan Casey asked if a property owner had to be aware of a concept plan being prepared. Engineer Jeff Elliott noted that it wasn't a requirement.

Mr. Aspengren stated that he received a copy of a concept plan from Cress View developer Ted Kowalski. Supervisor Casey stated that the Casey family had never seen this concept plan. Supervisor Casey noted that the plans, while similar were not the same and asked Engineer Elliott if it was conceivable that two engineers looking at a parcel might arrive at a similar design? Engineer Elliott noted that it was certainly possible.

Supervisor Bruce Nilsen noted that the County Board by resolution, on or about September 6th, instructed their staff to begin condemnation proceedings and that County staff failed to follow through.

Resident Terry Kraft noted that he has a concept plan that he didn't pay for that an adjacent developer prepared and in fact he wasn't even aware of its existence. In this case, the Developer paid for it.

Attorney Bob Ruppe was asked about the appropriateness of the phone calls made by Supervisor Casey and his attorney to his office. Mr. Ruppe noted that he will often talk to the attorneys for adjacent property owners and that his office has a policy to always speak with attorneys who contact his office stating that a resident feels strongly enough about an issue to retain an attorney then he needs to know about it to prevent future litigation expense for the Township. With regard to phone calls from Supervisor Casey, Mr. Ruppe noted that Supervisor Casey was a member of the Town Board who had a right to contact him regarding Town business – that although Supervisor Casey recused himself from voting on a topic he still has the right as a Town Board member to communicate with the Township attorney.

Attorney Ruppe was also asked if he felt that the amounts the Township is crediting to the Cress View Estates escrow account would in fact be allowed and enforceable under terms of the developers agreement. In his opinion he felt that they would be upheld in a court of law.

Mr. Aspengren asked if it would be possible to get more detailed billings from the consultants in the future.

- 2) Resident Bob Peterson of Judicial Road noted that the road is breaking up and becoming very dangerous.

The Board asked Engineer Jeff Elliott to talk to the City of Lakeville and see if they are planning on any intermediate repairs prior to the major repair work now being investigated by the Township.

Treasurer's Report

Deputy Treasurer Dave Cuthill presented the February report.

Mr. Cuthill noted that he and Treasurer Batton are working on a different format.

Deputy Treasurer Cuthill also presented the escrow account status.

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

Agenda Item 1 – Open and Review Bids for Mowing and Lawn Care, Ditch Mowing and Rock Purchase

Engineer Jeff Elliott presented the sealed bids for Park and Mound Mowing, Ditch Mowing and Purchased Rock.

The Board instructed Engineer Elliott to tabulate the bids and the Board will consider them at the next meeting

Agenda Item 2 – Discuss Status of Prior Lake Annexation of 44 Acres on 170th Street

Attorney Bob Ruppe reviewed the history. He noted that we submitted a proposed Orderly Annexation Agreement to the City of Prior Lake on December 15, 2007.

Attorney Ruppe asked what the Board's wishes might be as to how to pursue?

Supervisor Leroy Schommer suggested that Attorney Ruppe contact the City of Prior Lake and set up a meeting to proceed with discussions.

Resident Chris Kostik asked about a clarification on the zoning designation and was told that we would get a clarification during discussions.

Agenda Item 3 – Discuss Date for Special Election

Attorney Bob Ruppe noted that since the Option A form of government was approved by the voters at the last election, the Board needs to set a date and form of ballot for a special election.

Supervisor Dan Casey made a motion to set the ballot in such a fashion so as the top two vote getters would be declared the winners. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Dan Casey made a motion to set the date for the special election for May 6, 2008. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Supervisor Dan Casey made a motion to set the polling hours from 7:00 am to 8:00 pm. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

The Board asked that Attorney Bob Ruppe review and approve the final ballot design.

Engineer's Report

1) Territory Project Status

Engineer Jeff Elliott asked if we've received the new Letter of Credits for this project and Clerk Jerry Maas noted that we had and that they were now in the safe.

Deputy Treasurer Dave Cuthill asked why we asked for and accepted the new LOC's.

Attorney Bob Ruppe reviewed the process and noted that the Township was not at risk in that the new LOC's were as good as cash and could be called at any time that the project is deemed in default.

2) Discuss City of Lakeville Water Resources Management Plan

Engineer Jeff Elliott reported that he met with Resident Holly Jorgenson of 170th Street and added some language to address her concerns.

The Board approved Engineer Elliott's letter to the City of Lakeville and requested that he forward it to them.

Other Business

1) Discuss Date for Public Hearing on Judicial Road Improvement Project – Review and Approve Public Hearing Notice

Attorney Bob Ruppe noted that we are required to hold this hearing. Engineer Jeff Elliott suggested April 7, 2008 at 6:00 pm prior to our regular monthly meeting scheduled for that evening.

Engineer Elliott handed out some information on the project relative to the issues regarding damage done to the road during the reconstruction of County Road 21.

Resident Al Aspengren asked about the residents of 195th street and whether they would be assessed. Engineer Elliott indicated that it was not planned at this time.

Attorney Bob Ruppe prepared a notice for the hearing. Supervisor Leroy Schommer made a motion to approve the notice. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Clerk Jerry Maas to post and publish the notice as well as to mail out notices to all residents on Engineer Elliott's list.

2) Discuss Schedule for Public Hearings on CSTS Billing for SSD's in the Territory and Stonebridge

Attorney Bob Ruppe has discussed the issue with Ryan Brandt of Jacques Whitford EcoCheck. The plan will be to determine a date for both projects. Attorney Bob Ruppe will be responsible for this mailing with the Township to provide the addresses of the residents...

3) Discuss the need to continue the use of the Data Loggers in the Territory

Mr. Elliott presented a copy of an email he received from Mr. Ryan Brandt asking if the Board would be interested in continuing to obtain groundwater data around the South Passage septic site at an annual cost of \$800 per year (labor). The Board felt that this would not reveal any worthwhile information and therefore would not be necessary. However, they will review the email further and make a decision at a future meeting.

4) Landscape Chips in CSTS Pumps

It was noted that Mr. Brandt feels landscaping wood chips are not easily controlled and he does not want to be held responsible for damage caused to the septic tank pumps if the residents are allowed to continue to place them around the septic tank access lids. The Board will review Ryan's request and make a decision at a future meeting.

5) Other

Supervisor Bruce Nilsen took the opportunity to thank Supervisor Dan Casey for his six years of service to the Township.

Review and Pay Bills

The Town Board approved and paid the following claims:

3/17/2008	4267	Couri MacArthur & Ruppe	February Legal Services	\$	7,968.75
3/17/2008	4268	Mike's Septic Service	Tank Pumping	\$	310.00
3/17/2008	4269	Integra Telecom	Phone Service	\$	341.54
3/17/2008	4270	Jacques Whitford Ecocheck	February CTST O and M	\$	9,213.46
3/17/2008	4271	Dennis Karow	Snow Plow Town Hall Lot	\$	95.00
3/17/2008	4272	Private underground	Utility Locates	\$	21.50
3/17/2008	4273	One Call Concepts	General Locate Services	\$	1.45

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 9:41 pm.

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

Approved By: (s/) Leroy Schommer
Vice Chairman Board of Supervisors
Credit River Township