

Credit River Township

Meeting Minutes

May 5, 2008

Continuation of Judicial Road Public Improvement Hearing

Chairman Leroy Schommer called the Public Hearing to order at 6:30 pm.

Attorney Bob Ruppe noted that we have had several informal hearings on this project and this meeting is to formally meet the statutory requirements for notifying the public under Minnesota Statute §429.031.

Engineer Jeff Elliott noted that the current estimate for the project is approximately \$232,000, half of which will be paid for by the City of Lakeville.

Resident Tina Beehler asked if a simple patching might be done in view of the planned reconstruction of the County Road 70 overpass at Interstate 35. She feels that this road might become a truck hauling route for that project. Engineer Elliott noted that Judicial Road is not supposed to see this construction traffic.

Resident Bryan Reichel noted that there has never been a case where residents are being assessed for a road that serves the public such as Judicial Road and where the reason for the necessary improvements is that the roadway was damaged by illegally overloaded trucks during the County Road 21 project. Given these facts, Mr. Reichel believes that the Town Board does not have the right to assess residents along Judicial Road. Mr. Reichel also noted that should residents appeal their assessment awards that it would be expensive for the Township to litigate. He feels that the Board ought to send a letter to the contractors that he feels are responsible for the damage during the construction of County Road 21.

Attorney Ruppe noted that it would be difficult to assign responsibility for the prior damage. He further noted that the Board has the right to assess and the residents have the right to appeal. The Township insurance covers this situation.

Mr. Reichel asked if our insurance covers the damage against the contractors and Attorney Bob Ruppe indicated that it did not. That if the Town Board voted to pursue the contractors that they felt to be responsible for the damage to Judicial Road during the construction of County Road 21 that it would be at the Township's sole expense. That insurance only covers the Township if the Township is sued for damages. Mr. Ruppe also noted that any lawsuit would be expensive to litigate and that the Township had the burden of proof.

Engineer Jeff Elliott noted that we have previously asked both counties to assist in the recovery from the Trucking companies but have had little success.

Supervisor Brent Lawrence noted that we are taking under advisement the recent traffic counts and that this will be taken into consideration when the final assessment hearing is held.

Supervisor Bruce Nilsen noted that in the case of any litigation, it would probably be concluded that since the road is 20 years old, it may be difficult to recover any significant damages.

At the request of a number of residents, Supervisor Brent Lawrence made a motion to ask Attorney Bob Ruppe to draft a letter to the contractors that constructed the County Roads adjacent to Judicial Road seeking recovery of damages. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Chairman Leroy Schommer asked if there were any further comments. Hearing none, Supervisor Brent Lawrence made a motion to close the public hearing. Supervisor Leroy Schommer offered a second, all favor, motion carried 3 - 0.

The Public Hearing was closed at 6:58 p.m.

Call to Order – Regular Meeting

Chairman Leroy Schommer called the regular meeting to order at 7:00 pm.

Members Present:

Chairman Leroy Schommer, Supervisor Brent Lawrence, and Supervisor Bruce Nilsen.

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe.

Meeting Minutes

The Board requested a couple of clarifications. Supervisor Bruce Nilsen made motion to accept the minutes with the noted corrections, Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Sheriff's Report

A Scott County Deputy dropped off the report for April.

Resident's Group Report

Greg Brown noted that the Citizen's Advisory Group is reviewing records retention practices, a new policy on public use of town hall, content of the new official township website, Comprehensive Plans for both Scott County and the City of Lakeville, and questions for a financial consultant regarding incorporation.

He noted that the next meeting is scheduled for Tuesday, May 13th and invited any who are interested to attend.

Open Forum

- 1) Attorney Ryan Boe, an attorney with Larkin Hoffman, presented a letter on behalf of the Casey Family Trust relative to the existing Developers Agreement for Cress View Estates between the Township, the County, and the Developer (On-Site Marketing of Prior Lake).

He noted that the agreement contains provisions for improving the drainage, roadway access and regional ponding and that to-date, none of these improvements have been made.

Furthermore, he was concerned that changes to the existing agreement are being contemplated by the developer and the County and that some of these changes might involve not completing the required improvements.

Mr. Boe is asking that should the Township become aware of any contemplated changes, that they immediately inform the Casey Family and furthermore he is asking that the Board adopt a resolution affirming to uphold the current terms of the existing agreement.

Supervisor Leroy Schommer noted that he had not heard of any proposed changes being contemplated.

Supervisor Bruce Nilsen noted that he had heard that there had been meetings between the developer and the County, but was unaware of any specific topics being discussed.

Attorney Bob Ruppe indicated that he had some discussions with the County and it appeared that they were waiting until after the Township elections to contact the Township for further discussions. He was not aware of any specifics contemplated.

Attorney Ruppe noted that the Board has the option of adopting a non binding resolution affirming the agreement, they could table the issue, or take no action.

The Board authorized Attorney Ruppe to respond to any future inquiries from Larkin/Hoffman on this subject.

Supervisor Brent Lawrence noted that since we are a party to this agreement that is in place he was of the opinion that we need not take any action. He further noted that he did not have enough information based on this short notice to arrive at a decision.

Supervisor Leroy Schommer felt we should affirm our position as requested.

Supervisor Bruce Nilsen made a motion to affirm the Townships position with regard to the current Developers Agreement. Supervisor Leroy Schommer offered a second. Motion passed 2 – 0, with Supervisor Brent Lawrence abstaining.

Supervisor Brent Lawrence wanted the record to reflect that he was not pleased to hear that the County appears not to be keeping the Township in the loop.

- 2) Resident John Anderson of Clemwood Drive inquired about the bituminous paving plans for 210th Street East. He stated that he has lived there for six years during which time the residents have been told on various occasions that the road would be paved. He is asking about the current status.

It was noted that the original plan called for funds to be collected from the Territory project on a per lot basis from the final portion of their project. Supervisor Schommer noted that with the recent slowdown in development activity, these lots have yet to be platted and hence no funds are available.

Supervisor Bruce Nilsen asked if there is anything the Township can do on it's own to address this problem. Attorney Bob Ruppe indicated that the Township has the option to review the situation at anytime.

The Board directed Engineer Jeff Elliott to perform a preliminary study of the potential cost to pave 210th Street along with Nevada Ave. and to have the information ready by the next meeting on May 19th.

- 3) Summary from Short Course

Treasurer Holly Batton passed out a summary of items that were discussed at the recent training course offered by the Minnesota Association of Townships.

Discuss Road Maintenance on Whitewood Ave / Birch Road and Huntington Way

- 1) Whitewood Ave / Birch Road

Engineer Jeff Elliott distributed a report that he compiled at the request of the Board following some recent discussions the Board had with respect to these roads. He noted that the instructions he had was to develop costs based on bringing the roads up to Township standards.

He noted that the current road is 22 to 23 feet wide and the current standard is 26 ft. wide. We used to put down 2 inches of bitumenous where we now require 4 inches. We also install 9 inches of Class 5 and add a sand cushion. Whitewood Ave has standing water problems in some of the ditches and several missing culverts; of which both issues would be addressed.

Engineer Elliott noted that the work to be done would consist of an estimated length of 3700 feet with a total estimated cost of \$676,000 serving about 54 properties for per property cost of \$12,500.

The Board directed Engineer Jeff Elliott to compose a letter notifying effected property owners of an informational meeting to be held on May 15th at 7:00 pm at the Town Hall. Clerk Jerry Maas to be responsible for the mailing.

2) Huntington Way

Engineer Jeff Elliott noted that this road is also in poor condition. He has Identified 3 major sections that are in need of substantial gravel applications and patching. He estimates the cost for this would be \$30,000 to \$40,000.

Resident Peter King noted that the road has not been maintained very well over the years and perhaps we ought to be considering a reconstruction project on Huntington Way also.

Resident Mike Skovran asked what would be different if in fact we become a city. Attorney Ruppe noted nothing would change, the solutions would be the same.

Once again, the Board asked Engineer Jeff Elliott to do a preliminary cost estimate and prepare a letter notifying residents of an informational meeting to be held prior to our regular meeting on May 19th at 6:00 pm.

Discuss Cartway on 169th Street

Bruce Wise, a resident of 169th Street asked about options available to resolve the problem he has with the access to his property. Ideally, he would like it blacktopped, but would be satisfied if he didn't have to re-gravel it annually at his expense.

Several options were discussed. One of the options would be for the Township to vacate the right of way. We would have to investigate if this would effect the legal status of the lot. For the time being, the Township will apply gravel and ask Engineer Elliott to explore the options including the plausibility of vacating.

Status of Mowing Proposals

1) CSTS Mound Mowing

Engineer Jeff Elliott noted that because there was such a wide disparity in the received bids, the Town Board asked for re-bid on mound mowing. The new bids are also very diverse. He noted that we have to award bids to the lowest responsible bidder who is Streiff Lawn Management. He recommended that we pursue a contract with this vendor.

Resident Lee Karow asked if we run a risk of failure to perform due to inexperience by going with low bidder.

Supervisor Bruce Nilsen noted that these costs are "passed through" to the Subordinate Service Districts and not a direct cost to the Township.

Supervisor Bruce Nilsen made a motion to accept the bid from Streif Lawn Management contingent on their entering into a contract with the Township. Supervisor Leroy Schommer offered a second, all in favor, motion passed 3 – 0.

2) Park Mowing and Town Hall Mowing

Resident Lee Karow asked for a clarification as to why did the Township ask for a rebid on the park mowing.

Supervisor Leroy Schommer stated that in the past these two tasks had been viewed as a single contract.

Dennis Karow noted he has performed mowing for the Township for 25 years and tried very hard to keep our parks in good condition.

Supervisor Bruce Nilsen made a motion to accept the park mowing bid from C & R Lawn care at \$288.75 per time contingent on their entering into a contract with the Township. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 - 0.

Engineer's Report

1) Discuss Modifying Road Specifications

Supervisor Bruce Nilsen noted that in his opinion the current standard for road width is too narrow at 26 feet. His concern is to insure that emergency vehicles are able to navigate the roads when other vehicles are parked.

Supervisor Nilsen also suggested eliminating our current rural sections.

Supervisor Leroy Schommer noted other cities specify a 28 foot road width.

Engineer Elliott noted that wider roads could mean less boulevards, more impervious surface, larger ponding requirements to handle larger runoffs and increased replacement costs based on the requirement to bring existing roads to new standards,

Supervisor Brent Lawrence asked about the cost differential between the two different curb designs. Engineer Elliott noted that they are insignificant.

Supervisor Leroy Schommer suggested that we not make a decision this evening, but give the issue additional thought in the future.

2) Request Authorization to review CSAH 44 / 27 Reconstruction Project

Engineer Jeff Elliott noted that he and township officials had recently met with the county staff regarding the re-construction plans for CSAH 44 and CSAH 27. He was asking the Board for direction as to his involvement in future discussions on this project.

The Board suggested that for the time being, CSAH 44 business be addressed under general road services.

Supervisor Leroy Schommer also suggested that a "sewer stub" be placed under CSAH 44 when sewer services are brought to this area in order to provide sewer services south. He also wanted to insure that the County make an effort to realign the intersection.

3) DRT meeting for Loehr Project

The Board authorized Engineer Elliott to plan on attending the upcoming DRT meeting at Scott County along with Supervisor Bruce Nilsen. In that this is not the first DRT meeting, the Township will charge the escrow account for attendance at all DRT meetings associated with this property.

Supervisor Bruce Nilsen also expressed a concern about the size of building on the new lot and whether it might be viewed as non-conforming.

4) **County Transportation Plan**

Engineer Jeff Elliott noted that we had recently received a request from Scott County Public Works to comment on the Transportation Improvement Plan (TIP).

The Board indicated that they would take the request under advisement.

5) **Franciscan Retreat Road Condition**

The Board noted that they were aware of some potholes in the Franciscan Retreat neighborhood and plan to authorize some patching very soon.

Treasurer's Report

1) **Status of Public Hearings for CSTS Hearings – Stonebridge and Territory**

The Board had previously set May 22nd at 6:00 pm as the date for Public Rate Hearings on the CSTS systems for the Territory and Stonebridge. Clerk Jerry Maas will mail out notices this week to the property owners in both projects.

2) **Resolution to Certify Unpaid CSTS Charges to Property Taxes**

Treasurer Batton presented Resolution # 2008-06 for to certify unpaid / late sewer service charges to the property taxes. Supervisor Brent Lawrence made a motion to adopt Resolution 2009-06. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Other Business

1) **Status of Website**

Supervisor Brent Lawrence presented a proposal for the website. It was also proposed that the Township might wish to have a logo designed. Initial design costs for this new website are proposed to be a total of \$900.

Resident Al Aspengren asked if the requested input from the Citizen's Advisory Group would be considered. It was pointed out that this proposal was for the initial design and that additional content would always be possible.

Supervisor Leroy Schommer made motion to approve the proposal for the design of the website with Webcetera. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

2) **Consider Amending the Road Repair and Approval Policy**

It was noted at the last meeting that the existing policy that requires that all repairs in excess of \$1000 be submitted to the Board for approval is not practical. Supervisor Bruce Nilsen suggested that the policy be amended and identified as an Emergency Road Repair Policy and that the limit be raised to \$10,000.

Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Attorney Ruppe was asked to rewrite the policy and submit to Clerk Jerry Maas who would prepare a document for approval at the next meeting.

3) **Resolutions for Judicial Road**

Supervisor Brent Lawrence made a motion to adopt Resolution 2008-04, ordering the work to go forward on Judicial Road. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0

Supervisor Bruce Nilsen made a motion to adopt Resolution 2008-05, awarding the contract to McNamara Construction. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

4) DAP Program

Clerk Jerry Maas noted that the County was asking that a representative from the Township participate in the DAP program.

Chairman Leroy Schommer suggested that we appoint a representative after the coming election and asked Clerk Jerry Maas to notify Brad Davis at Scott County that we designate a representative.

5) Town Hall Repair

Treasurer Holly Batton noted that we had a proposal to do some repair work at the Town Hall. Supervisor Leroy Schommer made a motion to accept the proposal. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Review and Pay Bills

The Town Board approved and paid the following claims:

5/5/2008	4325	Banyon Data Systems	Utility Billing Software	\$	4,156.69
5/5/2008	4326	Minnesota Revenue	WQ Annual Fee-MH/SP	\$	505.00
5/5/2008	4327	Minnesota Revenue	WQ Annual Fee - Stonebridge	\$	505.00
5/5/2008	4328	Minnesota Revenue	WQ Annual Fee-Territory	\$	505.00
5/5/2008	4329	Art Johnson Trucking	April Road Maint	\$	4,343.00
5/5/2008	4330	Mike's Septice Services	CSTS Pumping	\$	750.00
5/5/2008	4331	Private Underground	Utility Locates	\$	170.50
5/5/2008	4332	Southwest Suburban Publishing	Legal Afvertising-Prior Lake	\$	638.27
5/5/2008	4333	ECM Publishing	Legal Advertising-Lakeville	\$	651.00
5/5/2008	4334	Scott County Treasurer	Road Salt	\$	8,470.44
5/5/2008	4335	Jacques Whitford EcoCheck	March 2008 CSTS	\$	17,402.54
5/5/2008	4336	Hakanson Anderson Assoc	March 2008 Engineering	\$	7,144.50
5/5/2008	4337	MVEC	Electricity MH/SP Lift Station	\$	44.83
5/5/2008	4338	MVEC	Electricity MH/SP Lift Station	\$	60.68
5/5/2008	4339	MVEC	Town Hall Electricity	\$	86.61
5/5/2008	4340	Dan Casey	Expense Reimbursement	\$	7.58
5/5/2008	4341	Jerry Maas	Expenses - April	\$	1,053.63
5/5/2008	4342	Mn Association of Townships	Insurance - PAL/EAO	\$	2,430.00
5/5/2008	4343	Stephen Longman Builders	Refund Access Permit	\$	900.00
5/5/2008	4344	Rock Creek Builders	Refund Access Permit	\$	900.00
5/5/2008	4345	Bruce Nilsen	April Expense Reimbursement	\$	26.77
5/5/2008	4346	Brent Lawrence	April Expense Reimbursement	\$	53.53
5/5/2008	4347	Leroy Schommer	April Expense Reimbursement	\$	96.56
5/5/2008	4348	Holly Batton	April Expense Reimbursement	\$	202.11
5/5/2008	4349	Couri MacArthur & Ruppe	Feb-April Legal	\$	14,730.00
5/5/2008	4350	Holly Batton	Services as Treasurer	\$	2,504.09
5/5/2008	4351	Dan Casey	Salary	\$	83.11
5/5/2008	4352	Brent Lawrence	Service as Supervisor	\$	1,075.88
5/5/2008	4353	Jerald Maas	Service as Clerk	\$	3,324.60
5/5/2008	4354	Bruce Nilsen	Service as Supervisor	\$	1,094.35
5/5/2008	4355	Leroy Schommer	Service as Supervisor	\$	1,306.75

Adjourn

There being no further business before the Town Board, Supervisor Brent Lawrence made a motion to adjourn, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 10:25 pm.

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

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