

# **Credit River Township Meeting Minutes September 15, 2008**

## **Call to Order**

Chairman Leroy Schommer called the meeting to order with the Pledge of Allegiance at 6:00 pm.

## **Members Present:**

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Al Aspengren, and Supervisor Tom Kraft.

## **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

## **Old Business**

### **1) Approve CIP / Road Maintenance Plan**

Supervisor Al Aspengren asked Engineer Nelson to review the plan that he has been working on for future maintenance and improvements to our town roads.

Engineer Nelson noted that there are two components to this proposal, the Capital Improvement Plan (CIP) and the Maintenance Plan.

He noted that work for 2008 is already underway with the Judicial Road, & Whitewood Ave / Birch Road and Huntington Way projects either completed or in process.

For 2009 through 2013, Engineer Nelson has reviewed the road inventory list and organized it in inverse order of the ranking by condition and scheduled the improvements accordingly. He asked if the Board felt any don't belong on the list.

Supervisor Kraft noted that the list seems to be incomplete in that there are a number of roads that don't seem to be listed. Engineer Nelson noted that this plan is meant to be a planning tool and some roads may be added or removed in the future and that this plan certainly doesn't commit the Township to precisely following this long-range schedule. However, he did note that any plans for work scheduled for next year ought to be firmed up soon in order to meet construction deadlines.

Clerk Maas noted that this Road Inventory document was originally prepared in 2005 and ought to be updated annually. Supervisor Kraft asked if a spring evaluation of the roads would be more appropriate following typical winter damage.

Supervisor Aspengren made a motion to adopt this CIP / Maintenance Plan as a working document to be updated annually and that we look at a budget for the 2009 projects immediately. He suggested that we use a 30% contribution by the township for assessed road improvement projects as a guideline in preparing this budget. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

## **Citizen's Advisory Group Report**

Clerk Jerry Maas presented an email that he had received from Greg Brown prior to the meeting indicating the upcoming meeting plans. Mr. Brown noted that they are planning on reviewing the Scott County Comprehensive Plan and will email the

results of that discussion so that the Board might review these comments at the October 1<sup>st</sup> meeting now scheduled as an Assessment Hearing for Judicial Road.

## **Engineers Report**

### **1) Discuss Acceptance of Margaret Lane – Grey Fox Estates**

Engineer Nelson noted that he had received a request from the developer asking that the Township accept Margaret Lane in the Grey Fox Development.

Chairman Schommer asked if any of the Board members had a chance to inspect the road. Each reported that they had not.

Engineer Nelson indicated that he had taken a look at the road and that he is recommending acceptance.

Supervisor Nilsen made a motion to adopt Resolution 2008-28 accepting Margaret Lane, Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

### **2) Consider Snow Plowing Bids**

Chairman Schommer noted that we had received two bids for snow plowing for the approaching winter season, however, one of the bidders, Rud Excavating, asked that his bid be withdrawn. Consequently we have a single bid to consider from Kevin Casey.

In response to a question from Supervisor Kraft, Chairman Schommer noted that a 2 - 4 inch snowfall, it typically takes 8 - 10 hours per truck to complete the job and that two trucks normally do the plowing.

Chairman Schommer explained that this year it might take a bit longer the first few times considering we would have a new operator. Mr. Casey expressed the thought that he hoped that the learning curve would be allowed for. Chairman Schommer expressed the thought that he hoped the residents allow for it.

Kevin Casey presented a list of the equipment that he has at his disposal for the Boards consideration and he noted that the plan would be to plow as it has been done in the past.

Supervisor Aspengren asked how complaints would be handled noting that last year we had a number of complaints about mailbox and yard damages.

Mr. Casey acknowledged that damage will in all probability occur and hopefully it minimal.

Supervisor Aspengren also noted that it was his understanding that the Township pays for damage to mailboxes.

Supervisor Nilsen confirmed that there is a \$50 allowance and noted that grass damage results when the plow is unable to see the curb line especially at the first snowfall. Another factor is that the ground is typically soft and unfrozen making it susceptible to plow damage.

Treasurer Batton asked if fiber stakes would be allowed as the previous operator had permitted, and Mr. Casey stated that this would be OK if the resident preferred. Chairman Schommer noted that if the snow was heavy, we could not guarantee that the posts would remain intact since the operator would have to push the snow back into the ditches.

Chairman Schommer noted that it was his opinion that only two supervisors be the point of contact for resident complaints for Mr. Casey to contact with issues. Mr. Casey stated that he was not really in to stopping for residents “to get your opinion of

on how bad of a job I'm doing so basically it should go back to the board because if we stop, we're not getting a lot done." He further noted that "very few people hand me a Christmas gift" and he stated that "if it goes through Leroy or another Board Member, that would help"

Supervisor Nilsen asked that any instances of mailbox damage be reported by the operator to the supervisors as soon as possible.

Supervisor Aspengren asked when the billing would commence and Mr. Casey noted that because he lives on a Township road, it starts when he leaves home and felt this to be an advantage.

Supervisor Kraft moved to accept the bid from Kevin Casey contingent on Mr. Casey entering into a contract with the township. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

Supervisor Kraft was designated as the back-up contact person in addition to Chairman Schommer.

Mr. Casey noted that as we proceed forward, he would like to discuss the maps that had been discussed previously to make the task more efficient.

Chairman Schommer asked that Mr. Casey provide space on his property for 3 - 4 tandem loads of chips for the gravel roads and that he would need to contact the County to arrange for salt pickup.

Supervisor Aspengren asked if Mr. Casey had any conflicts or other big jobs that would interfere with his fulfilling this contract. Mr. Casey indicated that while he other commitments, he plans to commit three trucks to this job plans to give this job priority and saw no issue in meeting the Townships requirements.

## **2) Discuss Plans for Town Hall Parking Lot Snow Plowing**

Chairman Schommer asked that we contact Dennis Karow, DB Services and Kevin Casey and request quotes for plowing the Town Hall parking lot.

The Board also asked Engineer Nelson to develop a formal request for quotes that Chairman Schommer could review and then have published in the local newspapers.

## **4) Update on Whitewood / Birch Road project**

Supervisor Nilsen asked about who is doing the inspecting during the construction. Engineer Nelson noted that our consulting engineering firm, Hakanson Anderson, has an inspector on site in addition to Braun Intertec for soil testing.

Engineer Nelson noted that the contractor has chosen to do the project in segments. Hakanson and Braun will be observing the initial test rolls. Once the subgrade is installed, the Board will be asked to observe the final test rolls.

## **5) Monterey Heights**

Engineer Nelson noted that we had received a notice from the county that they would like to complete the Monterey Height project and return the escrow deposits to the developer. They are asking if the township is satisfied with the project.

Engineer Nelson noted that he had checked the Township files and found that we had officially accepted this development in 2007.

The Board approved notifying the County that we are satisfied with the project

**6) Certify Mileage, Bridge Report and Water Management Plan**

Engineer Nelson noted that he had received a request from the County to submit the Annual Road Certification as to total road mileage in the Township and he is requesting authorization from the Board to proceed with completing this report.

Engineer Nelson reported that in the year 2007 we had 58.172 miles of road in the Township

The Board authorized Engineer Nelson to complete the mileage report

Engineer Nelson further noted that he has also been asked by the county to respond to the request for the Annual Bridge report.

There was some misunderstanding as to whether the bridge on 175<sup>th</sup> street is considered a bridge that the Township may in fact be responsible for and Engineer Nelson was asked to verify and correct this information while completing this report.

The Board asked Supervisor Aspengren to work with Engineer Nelson in reviewing the Water Resources plan.

Treasurer Batton took this opportunity to request that the Board approve the return of the Escrow for Grey Fox and also to release the Letter of Credit.

Clerk Maas noted that we are accepting Margaret Lane, but not necessarily the project itself.

Attorney Ruppe suggested that Engineer Nelson check the project for completeness and report back to the Board at the next meeting as to the appropriateness of returning the escrow and releasing the LOC.

**7) Territory – Complete Paving Roads**

Engineer Nelson reported that he had been contacted by Laurent Development regarding their desire to install the final wearcourse surface to certain roads located within the Territory project. He noted however, that the time frame that they would like to do this was outside the approved dates for application of wearcourse without Board approval.

Attorney Ruppe noted that in view of the desire to get this project completed it might be in the Townships best interests to work with the developer in an attempt to get this completed this year if the weather is suitable.

Engineer Nelson noted that on a sixty-degree day, there should be no problem.

The board suggested that Engineer Nelson contact Laurent and seek to get this done as soon as possible while the weather is acceptable and in view of the slight risk, ask if they would consider extending the warranty by one year.

Gary Laurent of Laurent Development suggested that they be given some parameters to work with as far as temp conditions are allowed.

**Review and Pay Bills**

The Town Board moved item this to the end of the meeting.

**Minutes of Previous Meeting**

Chairman Schommer asked Clerk Maas to summarize the minutes of the September 2nd meeting and upon completion asked if there were any corrections?

After a discussion of the minutes related to the re-convening of the Annual Meeting, and at the suggestion of Town Attorney Ruppe, the Board requested that the portion of the

meeting related to the reconvening of the Annual Meeting be separated from the minutes of the regular meeting and added to the March meeting minutes to be approved at the next annual meeting.

It was also noted that there was a spelling error with regard to Mr. Borglund's name on page 2.

Supervisor Nilsen made a motion to approve the minutes with the corrections. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

## **Resident Open Forum**

Chairman Leroy Schommer called for anyone who would like to bring something to the attention of the Board that is not on the agenda to come forward at this time. He further requested that anyone wishing to comment step to the podium to state his or her thoughts.

There were no resident issues this evening

## **Mark Zweber – Request Preliminary Plat Approval Liberty Creek Estates**

Mark Zweber presented his proposal for a redesign on the existing Liberty Creek project. He noted that with these proposed changes, the County is requiring him to go back through the process of securing plat approval.

Mr. Zweber is proposing a total of nine lots at this time in the SE corner of the property with access through the Territory project via Bitter Bush Pass. He noted that at the present time, development loans are impossible to secure and he is unable to fund a road from Highway 27 on the west as was requested in the last plat.

He also discussed the barricade between the Territory project and Liberty Creek that had been required in the last plat and it is his opinion as well as that of the County Attorney's office that this requirement is unenforceable.

Mr. Zweber felt that this proposal is a win-win for all parties. While he pointed out that while Engineer Nelson had indicated that the long cul-de-sac was a problem, he pointed out that cul-de-sac designs are allowed in the Township as mentioned in the Land Use Ordinance passed in 2001.

Chairman Schommer expressed his concern relative to the existence of three cul-de-sacs off a single street. A further complicating issue is the fact that there are no future extensions provided.

Supervisor Aspengren asked about how this project would be different from the Territory, from both a marketing and development standpoint? Mr. Zweber noted that there would be signs identifying the project and that the literature would differentiate Liberty Creek from the Territory. It is proposed that there will be an entrance monument that would identify Liberty Creek Estates.

Supervisor Nilsen noted that the existing approved plat does not refer to a barricade, but rather a temporary cul-de-sac.

Engineer Nelson noted that in his staff report, he indicated that existing county and township ordinances require interconnectivity of township roads and there are some prohibitions on permanent cul-de-sacs unless there are no other alternatives. He pointed out that the Town Board has final discretion.

Supervisor Aspengren asked about concerns from the residents of Bitterbush Pass.

Resident Dawn Myers thought this cul-de-sac design is preferable to a through road going through the neighborhood, however, she does have reservations about the fact that this project might be confused with the Territory and that residents might feel entitled to

use the amenities provided by the Territory such as the pool, riding and walking trails, etc.

Supervisor Lawrence asked if it was Mr. Zweber's plan to market these lots in such a fashion that they might be comparable to those in the Territory? Mr. Zweber indicated that this was his plan at this time.

Developer Gary Laurent stated that he is still opposed to this new proposal. While he is not against allowing Mr. Zweber to develop his land, but feel this is contrary to the rules of development due to the length of the cul-de-sac on a permanent basis. He also feels there are alternative plans that could be proposed.

Supervisor Aspengren asked if some of the alternatives would result in poorer quality of lots? Mr. Laurent felt that this was not the case and that perhaps more creativity might need to be exercised in designing a suitable plat.

Supervisor Nilsen noted that there is an approved Preliminary Plat and an approved Developer's Agreement in place. Attorney Ruppe noted that this proposal, if approved, would require an amendment to the developer's agreement and in fact may require so many changes that it would be considered a complete redo.

Supervisor Nilsen inquired as to how two unique plats could exist on the same piece of property. Attorney Ruppe noted that the developer has the ability to re-plat the property if he so desired.

Supervisor Nilsen maintains that the earlier version was worked out over a period of several years and finally agreed to and that it would appear next to impossible to secure all of the necessary approvals again.

Mr. Zweber reminded the Board that he was originally mandated to develop his property by accessing through the Territory and that the barricade barring access was a last minute requirement put in place by the county.

Supervisor Kraft commented that while he recognizes the improved design, his concerns relate to connectivity of the roads. He is also concerned about the residents of this project using the amenities provided by the Territory for the exclusive use of their residents.

Supervisor Nilsen suggested that perhaps we might consider a gravel road accessing the project from the West from Texas Ave. might be allowed as a temporary solution.

Supervisor Aspengren made a motion to approve this project as presented conditioned on Mr. Zweber's assurances that an entrance monument be prepared and also that construction traffic must use a temporary access through the property to the south. Supervisor Lawrence offered a second.

Chairman Schommer called for a vote. The motion failed by a vote of 2-3 (Lawrence and Aspengren in favor. Schommer, Nilsen and Kraft against)

Supervisor Nilsen made a motion to deny a favorable recommendation to approve this plat and that the original Plat and Developer's Agreement remain in place. Chairman Schommer offered a second.

Chairman Schommer called for a vote. The motion passed by a vote of 3 – 2. (Schommer, Nilsen, and Kraft in favor, Aspengren and Lawrence opposed)

## **Discuss Status of Cress View Estates**

Michael Sobota, Scott County Community Development Director, appeared to present information gathered at a 6/23 meeting where it was agreed that On-Site Marketing, the developer of Cress View Estates was to provide a proposal by 7/21 regarding an amendment to the Developer's Agreement That proposal was received and future meetings on 8/21 and 9/10 were held to review this proposal.

County staff 's position at this time is that market conditions have changed and it is no longer practical to require a road through the Casey property as originally planned. At this time, County Staff is recommending construction of a road within the project boundaries and that the Township, as a party to the Developer's Agreement participate in preparing an amendment to this original agreement.

Mr. Sobota noted that County Staff is aware that there might be concern that a precedent might be set in following this course, however the County staff is of the opinion that there are some unique characteristics of this proposal that would provide for the ultimate connection to this road when the market allows.

Mr. Sobota is suggesting that there are areas of the developer's proposal that are objectionable and that they would like the Township's assistance in preparing a counter-proposal. Should that not prove successful, he noted that there are provisions in the existing Developers Agreement to place the developer in default.

Supervisor Kraft asked if one of the options is to place the developer in default. Mr. Sobota indicated that this was an option, although not the best at this time.

Mr. Sobota indicated that the proposal from the developer has not been accepted. They wish the Township to participate in a counter proposal

Mr. Ruppe noted that the Township has 4 options:

- 1) Partner with the County to amend the agreement
- 2) Decline to participate and take no action
- 3) Put the developer in default independent of the county
- 4) Accept the developer's proposal

Engineer Nelson noted that he had an opportunity to review the proposal and wanted to point out that the process quoted were based on 2004 prices and that these would need to be adjusted to reflect current prices.

Supervisor Nilsen asked if the County has made up their mind at this time as to their course of action?

Mr. Sobota stated that county staff would like a county road within the Cress View plat. From a public resource standpoint, this makes good sense.

With regard to condemnation of private property, Mr. Sobota pointed out that the policies of our current County Board prohibit this practice.

When asked about some of the details of the proposed amendment, Mr. Sobota responded by noting that tonight's meeting is not a proper forum from which to conduct a re-negotiation of an agreement, but rather the purpose is to determine who those parties to the negotiation would be and he is hoping that will be the outcome from tonight's meeting.

Supervisor Nilsen indicated that he has a problem with the concept of changing a developer's agreement. He feels this will set a precedent. Mr. Sobota noted that he agrees with this concept, but this agreement is unique in that it deals with an "off-site " property issue that has been a contentious topic for quite some time now.

Resident Dan Casey, a trustee of the Casey Family Trust, noted that this project basically brought about an alignment for future County Road 68. He noted that it was his understanding that it started as a township road and that the Casey family was involved in planning the road alignment from the start. They continued to be involved all along the process. However, now the Casey Trust is being excluded from the negotiations and the financial impact to the family is quite substantial.

Mr. Casey indicated that he has been unable to find any instance where the county has ever amended a developer's agreement. He noted that this proposed amendment as it exists would provide a large savings for the developer.

Mr. Casey noted that the County's position at this time is that the alignment for future County Road 68 must stay as planned. That being the case, he indicated that the Casey Family Trust's position is that the agreement must also stay as originally agreed to.

Mr. Casey suggests that the Board ought to seek the advice of outside counsel.

Mr. Ryan Boe, attorney from Larkin Hoffman representing the Casey Family Trust, presented a letter to the Board outlining that the cost of construction for Casey Blvd. is now being shifted to the Casey family. He noted that the Casey family remains open to discussion with all parties. They are opposed to an amendment in which they have no say.

Resident Carolyn Schulte noted that several years ago a developer next to her failed to fulfill the terms of a then existing Developers Agreement to construct a road to the edge of her property and the Town Board by virtue of failing to insure that this was done in effect amended that agreement at that time.

Supervisor Nilsen moved to table this topic to allow some time to study the latest information.

Supervisor Lawrence asked Mr. Sobota if it is the County's intent to amend the Developer's Agreement regardless of any action that the Township may pursue?

Mr. Sobota noted that the County cannot amend the Developer's Agreement without the participation of the Township since they are a party to the agreement. It would be his desire to partner with the Township, however, if we should decide not to participate, the County has the option to enter into a separate agreement for this County Road.

In response to a question from Supervisor Kraft as to what would happen to the existing Developer's Agreement should the Township choose not to act, Attorney Ruppe noted that the Developer's Agreement stays in place.

Supervisor Kraft raised the question as to if it would be advisable for the Town Board to consider retaining outside counsel. Attorney Ruppe asked what the purpose of this would be and emphasized the importance of defining very clearly what the Board would expect from outside counsel.

With regard to the question as to whether the road was originally intended to be a township or a County Road, Justin Weinberg, attorney for On Site Marketing, noted that Section 12ad of the Developer's Agreement states that this would be a County Road. Furthermore, Section 15 b3 states that it is to be dedicated to the County. So in his opinion, the agreement specifies that it was always contemplated to be a County Road.

By way of clarification, Attorney Ruppe noted that it is his opinion that the confusion arose when it was determined that it did not wish to undertake the condemnation process and therefore it was determined that the road be re-designated a County Road so that the County would be the condemning authority when it was determined that condemnation may in fact have to be pursued as an option.

As to the motion to table further discussion, Chairman Schommer offered a second, all in favor, motion carried 5 – 0.

The Board discussed alternatives regarding the finding of another attorney. The possibility of checking with MAT was suggested as was the possibility of hiring the attorney that Supervisor Nilsen had already had preliminary discussions or of finding yet another attorney to review the case.

Supervisor Lawrence made a motion to authorize an expenditure not to exceed \$2500 to seek the advice of outside counsel with Supervisors Nilsen and Aspengren being asked to serve as the points of contact. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

### **Discuss Status of Agreement with the City of Savage**

Supervisor Lawrence passed out a draft of a Memorandum of Understanding (MOU) that was prepared by the City of Savage and is also being presented to their City Council this evening. The purpose of this document is to memorialize the several points that have been previously discussed and as such constitutes an agreement to work together on resolving the various issues facing the two communities.

Supervisor Lawrence noted that this is a beginning of the effort to address the concerns brought forward by the Pearson Gravel Mining operation in the north part of the Township.

Attorney Ruppe pointed out that it is a simple agreement to work together on these common goals and as such presents no binding topics for either community.

Supervisor Lawrence requested that he be authorized to contact the City of Savage and report that our Board is comfortable with the agreement and that if the City of Savage is of a similar mind, that we proceed with the formal signing of the document.

Supervisor Kraft made a motion to accept this contract contingent on Attorney review. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

### **Discuss Fiscal Impact Study**

Supervisor Nilsen indicated that he, Supervisor Kraft and Treasurer Batton met with a representative of Springstad and Associates. It is his opinion that the proposal presented by Ehlers and Associates indicated a better understanding of our needs.

Supervisor Kraft also felt that the Ehlers proposal is much easier to understand and as a result both Supervisors Nilsen and Kraft recommend that we work with Ehlers.

Supervisor Kraft made a motion to accept the proposal from Ehlers & Associates and enter into an agreement to perform a Fiscal Impact Study for the Township. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

### **Discuss Road Assessment Program**

Supervisor Aspengren noted that many residents struggled with projected costs and indecision during the recent presentations on the road improvement projects. He is proposing that the Township adopt a policy that to be more forthright in informing the residents up front as to what costs the Township will assume when these projects are first proposed.

Supervisor Aspengren further suggests that we leave open the possibility of extenuating circumstances on a case by case basis. Consequently he would like to propose that the Township contribute 30% to all future road improvement projects. He also feels it would be helpful for residents to know future plans.

Supervisor Nilsen indicated he would support this proposal if it were viewed as a guideline. He feels that setting a concrete policy could become a hindrance rather than be helpful.

Resident Duane Sebens cautioned against setting the percentage contribution too high, suggesting as an alternative that a 25% figure be considered.

Attorney Ruppe also encouraged that a strict policy not be set noting that there were potential legal consequences.

Resident Peter King asked about the current Huntington Way project and wondered if that project would qualify for extenuating circumstances. Chairman Schommer indicated he wasn't sure that there were any.

Supervisor Nilsen suggested that there might be some circumstances on Huntington Way that could be discussed. He noted that some township residents might point out that the residents on Huntington had opposed a lot split on the road recently and had they not done that, the possible assessment might have been significantly less. The question might be raised that the residents created their own monster by not allowing lot splits?

It was noted that the appraisal had not been done as yet. Attorney Ruppe noted that it probably needs to be done closer to the time of the assessment hearing so as to better reflect the actual market at that time.

Resident Bill Jennings stated that he hopes that the Board would establish a system and then stick with it. He stated that he'd even support a position whereby the township would replace the road every 20 years and assess 100% of the cost if necessary.

He felt that the uncertainty is a cause of confusion.

Supervisor Aspengren noted that the purpose of his proposal is to remove this uncertainty.

Mr. Jennings noted that he has heard quite a bit of discussion recently that the township is considering changing the method of distributing the costs of rebuilding roads. Mr. Jennings suggested that what he would ask after all is said and done that the Board adopt a policy that they could stand behind for the next 50 to 60 years.

Supervisor Nilsen restated his position that it would be his desire that in the event the Township does change the method of allocating the costs in the near future that they would also be able to develop some sort of a method to reimburse those properties that had recently been assessed according to the current Section 429 process if this would be legally possible.

He further noted that the discussion at the last meeting on September 2<sup>nd</sup> indicated that the taxes for everyone would be increased by an significant amount if we were to adopt a system of expecting the entire township to pay for road reconstruction. He noted that according to figures developed by our Engineer, the Road and Bridge portion of the taxes would essentially triple for just those projects needing to be done from 2009 through 2013.

Mr. Jennings indicated that it was his feeling that a number of residents might be in favor of assuming this increase versus being assessed a large amount when their own road falls apart.

Supervisor Aspengren re-emphasized his position that an established percentage for all of the projects is necessary to insure the perception of fairness for all residents.

Clerk Maas noted that it is his observation that whether the percentage of township contribution is 20%, 25% or 30% is of small consequence. More important is that fact that when these projects are first presented, the fear is that the Township might not contribute anything because the projects are presented with a 100% resident cost implied.

Supervisor Nilsen made a motion to set a guideline of 25% township contribution for future road assessment projects and that each project should be evaluated on a case by case basis. Supervisor Aspengren suggested an amendment that this guideline is not retroactive which was agreed to by Supervisor Nilsen. Supervisor Aspengren than offered a second, all in favor, notion carried 5 – 0.

## **County Road 75 Agreement with Scott County**

Chairman Schommer noted that the Board had recently met with the County Highway Department to discuss future plans for maintaining current County Road 75. Chairman Schommer noted that it was his understanding that we had a verbal agreement with the County that was supposed to be in effect through 2010, however the County would like to turn the road over to the Township at this time because of budget problems.

Chairman Schommer noted that we have been operating under a management agreement since 12/31/05 that was to extend to 12/31/08 for maintenance and basic repair of County Road 75 for an amount of \$42,000. The County was prepared to increase this to \$47,000 through the year 2010. The Township had done some more extensive repair during this time and when the Township sought reimbursement, it was denied by the County because it wasn't approved.

The arrangement was to pay the Township an additional amount each year for 3 years.

They are now proposing 2 options; 1) that the road be turned over at the end of this year under a Memorandum of Understanding that would include agreement that the County would perform some minor repairs and provide some sort of a cash payment, or 2) the County will resume taking responsibility for maintenance for a period of three years at a reduced level and then turn it over to the Township.

Supervisor Nilsen suggest that we ask for one years contract amount as a buyout.

Chairman Schommer noted that we have another meeting scheduled with the county and additional information on this topic will be available after that meeting.

## **Treasurer's Report**

### **1) Review August 2007 Financial Report**

Treasurer Batton presented the August Financial Report for the Township.

In that she is unsure of what the Board is looking for in terms of information on a monthly basis, she took the opportunity to inquire of the Board as to exactly what they would like to see in terms of a monthly report.

Clerk Maas noted that it has been his impression that what has been presented in the past is the equivalent of a conventional "balance sheet" showing what assets and liabilities the Township has, but what he would suggest is really needed is the equivalent of an "income" statement along with a supporting budget that would track operations and facilitate corrective action during the course of the year.

Clerk Maas noted that this is even more important when one considers that the revenue and expenses are very erratic on a month-to-month basis and without a formal monthly budget it is virtually impossible to access where the Township is in relation to a plan.

Supervisor Lawrence noted that if we were to do this, each category would have to be projected on a monthly basis. Treasurer Batton noted that is very difficult citing as an example, the road projects that were done this year and not really planned in advance.

Treasurer Batton noted that the current software used by the Township does not provide for this capability.

Supervisor Kraft suggested that it would be useful if Treasurer Batton looked into some software possibilities that would allow for a budget to be prepared and

analyzed on a regular basis. Supervisor Nilsen also felt that Treasurer Batton look into a budget system and present the costs associated with this..

Treasurer Batton also noted that the Township should prepare to certify the unpaid fees identified to date to the property taxes and that she would provide Attorney Ruppe with a list of these properties in the next week.

Supervisor Nilsen made a motion to accept the Treasurers report. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

## **2) Escrow Accounts**

Treasurer Batton noted that Territory paid \$10,000 on their escrow account and they are now in a positive position. The Cress View Estates project is in a negative position as is the Pearson Gravel account.

Treasurer Batton inquired if the Board wished to continue to review the escrow balances monthly. The Board indicated that they would.

There were some questions regarding the recent attorney billing. It was noted that it covered a period of two months and Treasurer Batton noted that she had asked Mr. Ruppe to bill in a more timely fashion in the future.

It was also noted that the attorney bill was scheduled to be paid this evening and a question was posed as to the necessity of processing this immediately, especially since there were questions on certain items on the statement.

Supervisor Lawrence noted that Cash Management is a very important.

Treasurer Batton noted that she processed this for the sake of the posting the amounts to the developers statements and rebilling in a timely fashion.

It was suggested that the check to Ruppe be held for two weeks while the questions were being answered.

Clerk Maas also suggested that in the future we pay large bills more in line with the conventional 30-day period normally viewed as acceptable in normal business and credit transactions.

The Board asked Supervisor Nilsen to talk to Attorney Ruppe about timely billing.

There was some concern as to why the County refused to discuss the agreement that the Township had prepared for the maintenance of County Road 75 and there were questions as to why that happened.

Resident Kathy Haugh noted that she thought it had been discussed over a year ago and Attorney Ruppe was to work on an agreement with the County at that time. It appears that this wasn't done until June 30 of this year. She wondered if the agreement had been negotiated a year ago, would a more favorable outcome resulted?

## **3) Lots in Stonebridge**

Treasurer Batton noted that it is her understanding that all lots in the development are sold and no longer owned by the developer. The Board asked Supervisor Nilsen to review this situation with Attorney Ruppe.

## **4) Assessment Hearings for Whitewood Ave. / Birch Road and Huntington Way**

Treasurer Batton noted that we can get Bond proceeds for these projects before the assessment hearings are finalized, but the question is do we want to proceed in this fashion? The downside risk is that we will be working with engineer's estimates as opposed to actual project costs.

She is looking for direction from the Board and feels that we should attempt to determine when the Assessment Hearing should be held.

Supervisor Nilsen noted that we should know the final costs shortly and that this should not be a reason for delay.

Treasurer Batton raised the question as to whether a 30-day waiting period is required following an assessment hearing before the certification process could be done. She was asked to verify if this is in fact a requirement. She will also contact County Auditor, Cindy Geis, and see if we can get a delay.

**5) Fire Services**

Treasurer Batton noted that the City of Lakeville had expressed interest in discussing Fire Protection Services with the Township and she asked if the Board would like her set up a meeting for this purpose? It was also suggested that we approach the City of Savage with a similar request.

The Board approved this request.

**6) Transfer of Funds**

Supervisor Nilsen made a motion to retroactively approve the transfer of \$100,000 from the checking account to the savings account. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

Supervisor Nilsen further indicated that in his opinion the Board as a whole as a whole should approve all fund transfers rather than a single supervisor assuming this responsibility.

Supervisor Aspengren noted that the consequences of this policy could result in the loss of interest. Supervisor Nilsen noted that he felt it important enough to follow this policy and that should take precedence over the interest involved. Supervisors Lawrence and Schommer concurred.

**7) Renew Certificate of Deposit**

Supervisor Nilsen made a motion to renew CD # 10716 at the prevailing rate of 3.25%. Supervisor Aspengren offered a second, all in favor motion passed 5 – 0.

**8) Outside Counsel**

Attorney Ruppe cautioned Supervisors Nilsen and Aspengren to remind the attorney they select with regard to the Cress View issue, that they would be working for the Township and the Data Practices Act would apply to all documents produce These therefore would be considered public information. In other words, the classic attorney /client privilege wouldn't apply.

**Clerk's Report**

**1) Primary Election Results**

Clerk Jerry Maas noted that that we 316 residents had voted in the primary and that the process went well.

**2) Recycling**

Clerk Maas noted that he had received a letter from Scott County inquiring as to our interest in participating in the Fall recycling program and sharing the supporting grant money available with the City of Prior Lake.

Chairman Schommer made a motion to authorize our participation. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

## New Business

### 1) Supervisors Touring the Township

Chairman Schommer presented a map of the Township and suggested that each supervisor select a portion to review all roads, trees and signs in that section and report back to the Board as a whole. The intention of this request is to become familiar with the Township roads.

He would further request that after that was finished, each supervisor rotate and take another section and do the same thing with a goal of reviewing the entire township.

### 2) Casey Parkway – East

Chairman Schommer noted that there is about 200 feet of broken up roadway at this time and something needs to be done soon to stop further damage.

The Board asked Chairman Schommer to develop an estimate and report back to the Board at the next meeting.

### 3) Whitewood Reconstruction Meeting

Supervisor Kraft noted that he planned to attend the next meeting on the 17<sup>th</sup>. Chairman Schommer noted that each of the Supervisors should make it a point to attend at least one of these meetings.

### 4) Citizens Advisory Group (CAG)

It was noted that the Citizens Advisory Group (CAG) should be reminded that they need to schedule their meetings with the Town Board and make arrangements to properly secure the building on a regular basis.

### 5) Attorney Bill

Treasurer Batton inquired if any supervisor had authorized Attorney Ruppe to work on a revision to the EcoCheck contract. No indicated that they had and the Board asked Supervisor Nilsen to discuss this with Attorney Ruppe.

## Review and Pay Bills

The Town Board moved item this to the end of the meeting.

9/11/2008	EFTS	Anchor Bank	September 941 Taxes	\$	2,017.79
9/15/2008	4586	Jerald Mortenson	Election Judge	\$	84.00
9/15/2008	4587	Daralene Lein	Election Judge	\$	204.00
9/15/2008	4588	John Schulte	Election Judge	\$	114.00
9/15/2008	4589	Richard Segars	Election Judge	\$	120.00
9/15/2008	4590	Paul Newman	Election Judge	\$	132.00
9/15/2008	4591	One Call Concepts	General Locate Services	\$	18.85
9/15/2008	4592	Private Underground	Utility Locate Services	\$	78.00
9/15/2008	4593	Gopher State Seal Coat	Street Crack Filling	\$	4,415.00
9/15/2008	4594	Web Cetera Design	Website Maintenance / Design	\$	325.00
9/15/2008	4595	MVEC	Electricity - Hall and CSTS	\$	393.98
9/15/2008	4596	Art Johnson Trucking	August Gravel Road Maint	\$	2,184.00
9/15/2008	4597	Mesenbrink Construction	Refund Lot Fee-Stoneridge 2	\$	5,000.00
9/15/2008	4598	Integra Telecom	Phone Service	\$	509.75
9/15/2008	4599	Burdick Builders	Access Refund	\$	900.00
9/15/2008	4600	Terry Marlette	Access Refund	\$	900.00

9/15/2008	4601	ECM Publishers	Legal Adv - Lakeville	\$	471.35
9/15/2008	4602	Terri Cikanek	Escrow Refund	\$	500.00
9/15/2008	4603	C & R Lawn & Garden	August Park Lawn Care	\$	752.50

## Adjourn

There being no further business before the Town Board, Supervisor Lawrence made a motion to adjourn, Supervisor Nilsen offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:29 pm.

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

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