

# **Credit River Township Meeting Minutes February 2, 2009**

## **Call to Order**

Chairman Leroy Schommer called the meeting to order at 6:00 pm.

## **Members Present:**

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

## **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson

## **Old Business (6:02:00 pm)**

### **1) Email Policy**

Supervisor Nilsen presented a copy of a proposed policy on emails.

He acknowledged the concerns expressed by Clerk Maas that should he forward emails he receives from residents on her personal account to Township Supervisors that these will fall into the Public Domain; he noted that it would take years for anyone to assimilate the list that Clerk Maas has developed. Show he submitted that it would be a futile effort to be concerned.

He noted that this proposed policy states that email will be forwarded in their entirety to the responsible supervisors. Email communications of Township business via personal email addresses where the subject is township business and only emails that are directly related to township business are subject to the Data Practice Act. NOT personal email addresses. He noted that it would be his understanding that the email messages that have been used in the past as well as any currently used that discussed Township business would also would also fall under the Data Practices Act and be available for the public to inspect.

He is recommending that we adopt this policy and henceforth use only the Township email address when conducting Town business. He would further recommend that Clerk Maas notify all those residents that he regularly communicates with that emails that are of a township business nature become subject to the Data Practice Act.

As supplementary information Supervisor Nilsen provided several copies of state statutes and rules that he suggested apply in this case.

Supervisor Aspengren asked if this policy applies to emails received in the past.

Supervisor Nilsen indicated that he is of the opinion that it does apply to past emails, but his intention in proposing this is to govern email in the future. He noted that it in all probability a policy should have been in place to make it easier to justify obtaining previous emails.

Supervisor Lawrence asked how long emails should be saved?

Supervisor Aspengren asked if it is being recommended that residents use the Township email address for all communication?

Supervisor Nilsen felt that this would be the best policy. He noted that if Township business was discussed, this would be the determining factor in deciding if it were to be considered Township Property.

Clerk Maas inquired as to how this determination could be reasonably made in that the proposed policy he submitted notes he feels he has a right to establish a relationship with constituents who elected him and that this relationship falls into the category of being considered private, even though in all probability Township business could conceivably have been discussed.

Treasurer Batton noted that records retention policy places emphasis on keeping records of discussions and recommended that certain emails be printed and filed.

Supervisor Nilsen noted that in his opinion most companies do not regard email as the primary means of communication,

Clerk Maas suggested that if one were interested in this topic, researching the Internet under the topic "Email Privacy" returns a number of interesting discussions.

Supervisor Lawrence noted that he felt that we ought to incorporate the information regarding the accumulation of the email lists that is being assembled by a third party and if this were added, he felt he would be ready to approve this proposal at that time.

It was noted that Clerk Maas submitted a proposed policy for consideration and the Board asked that Supervisor Lawrence and Supervisor Nilsen work on making final modifications to the policy and bring it to the next meeting.

## **2) Discuss Status of Fire Contract (6:23:30 pm)**

Treasurer Batton reported that she had met with Spring Lake Clerk Kathy Nielsen to review calculations of Fire Contracts. It was noted that there are several ways to arrive at participation for Fire Protection. Ms. Nielsen collected information from Scott County and was looking for the method that would be most favorable to the two Townships. It was her observation that it would be best not to change the present method for calculating our share.

Ms. Nielsen also recommended that we try not to emphasize our plans for changing the method of calculation, but rather place a priority on establishing a rural Fire Commission with representatives from each Township, the Mayor, and administrators, and Fire Chief for the purposes of overseeing the budget and operation of the Fire Department and to meet on a regular basis.

Ms. Nielsen suggested that should the City of Prior Lake not be open to giving the Townships this much participation, that as an alternative, she suggested that we ask that rural Fire Commission be established and provide for an advisory group that would offer input on such things as the budget.

As a third alternative, Ms. Nielsen would suggest that language be added to the contract that would provide that the parties would agree to meet at least once a year to arrive at the cost amounts and to review the Fire Departments performance.

Supervisor Aspengren asked for a copy of the various calculations. It was noted that calculating the cost based on call activity was very close to the number of households in each community

Supervisor Lawrence noted that a meeting is scheduled for Tuesday afternoon at 4:30 pm at the Prior lake City Hall to continue discussions. He noted that the new amount we are being asked to pay is \$189,354.00, which is \$6500 less than was originally proposed. The intent of this meeting is to review how we would like to restructure the contract starting in 2010.

Supervisor Aspengren again asked that Treasurer Batton forward the calculations to us as soon as possible. Treasurer Batton said that Clerk Nielsen was on vacation but she would forward what she had.

### **3) Update on Change Proposal to Road Specification (6:30:15 pm)**

Supervisor Aspengren noted that he had been asked to contact the Minnesota Association of Townships (MAT) to review this subject with them. They failed to return his call, so he is unable to provide any information in that regard.

Supervisor Aspengren did report that he has met with Engineer Nelson in an effort to find out the source of his road specifications. And he asked Mr. Nelson to review this.

Engineer Nelson noted that it was his impression that we are discussing the questionnaire that we now send to contractors after we have awarded the bids. We are reviewing the possibilities of sending this out with the request for bids to be in a better position to evaluate the contractor before awarding the contract.

Engineer Nelson noted that there are examples of several methods used to rate contractors. One is termed Bidder Qualifications and another is known as the Best Value method and there are examples of cities that use one or the other. He noted that this topic is separate from the Engineering Manual.

Supervisor Aspengren noted that what we are proposing is a questionnaire that would accompany the Request for Bid.

Engineer Nelson noted that current practice is put out a Request for Bid, determine who is the lowest bidder and then try to determine if they are a responsible bidder. This system has some potential flaws.

Another option is Bidder Qualifications and this technique tries to set ahead of time criteria that we want to set as requirements

The third option is Best Value Contracting, however, this is not available to Townships until 2010. This method is based on a questionnaire that is evaluated by a panel. However, this can lead to additional risk if not done properly.

Engineer Nelson noted that the Bidder Qualifications is the best route. Here a series of questions are developed and based on the responses, the Township can determine who is the most qualified contractor for their project.

Supervisor Nilsen asked if this method is determined by project size. Engineer Nelson noted that there was not as far as he knew.

Supervisor Aspengren is of the opinion that we should begin using the Bidder Qualifications technique, because this give us the opportunity of making decisions up front than after the fact. He further noted that as the bids come up for discussion this spring, we ought to keep this in mind.

### **Minutes of Previous Meeting – January 20, 2009 (6:39:10 pm)**

Chairman Schommer called upon Clerk Maas to review the minutes of the January 5th meeting and called for additions/corrections.

Clerk Maas noted that he had previously received some corrections from the Board and that these are already incorporated in the notes in red and blue fonts.

Supervisor Lawrence asked that a change be considered on page 9 regarding the discussion of Candidate profiles. He wanted it noted that the Board decided not to include Candidate Profiles in the Township Newsletter

Supervisor Nilsen noted that on page 7, he wanted Scott County added to the Joint Training facility. Also, on page 6 add the word “consider” providing a years notice.

Supervisor Kraft wanted the sentence “He noted that he was glad that we will have a monthly budget shortly that will allow us to monitor and control expenses much more closely” removed from the minutes. Monthly budget was not discussed. .

Resident Jay Saterbak asked if he could review the notes from the CAG report from the previous report. He reviewed these and those specific items are to be added to the minutes specifically:

- a) Requests for volunteers needed to catalog the historical data
- b) Introducing successful candidates after the election

Supervisor Nilsen made a motion to approve the minutes as read, Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

### **Citizens Group Report (6:50:20 pm)**

Resident Cathy Haugh presented a draft newsletter for the Board to consider. She noted that she wished that MN Statute 365.10 be placed on the website.

Supervisor Nilsen noted that we need a way of promoting the annual meeting and that this should be placed on the Meeting page.

Ms. Haugh asked where the Annual Meeting would be held.

Clerk Jerry Maas noted that he has checked with the Legends to formally reserve the meeting room for March 10<sup>th</sup> and found that it had already been booked. This has not been a problem in years past, but Clerk Maas accepts full responsibility for this oversight.

As an alternative, he has contacted the City of Prior Lake and made tentative arrangements to use the meeting room at the Fire Station as the sight for this years meeting.

Treasurer Batton inquired as to the seating capacity. It was noted that while the exact number was not known at this time, the City had used this for their City Council meetings and that SCALE held it’s monthly meeting there for quite some time and it worked quite well.

It was suggested that some signs be made for posting at the Legends reminding folks of the change and that perhaps a sign might be posted outside of the Ton Hall on election day.

Ms. Haugh noted that the target for mailing this newsletter in the latter part of February.

Supervisor Lawrence volunteered to procure those names (140) who had signed up for email distribution and that these could be removed from the mail list to save postage.

Supervisor Lawrence asked about the approved budget. Treasurer Batton noted that none has been established as yet although there is a \$3000 line item under communication expenses that could be used for this purpose. Ms. Hough responded that an annual budget of approximately \$4000 would be required.

Ms. Haugh asked that the changes be submitted by the 15th, which would allow time to get the letter in the mail by the end of the month. Changes will be coordinated through Supervisor Nilsen and Supervisor Kraft.

### **Sheriff’s Report (7:04:50 pm)**

A Deputy presented the report for January from the Scott County Sheriff's Office. He noted that there were 72 calls for the month, less than average for this time of the year. As usual, alarm calls are still the number one cause for sheriff calls.

### **Steve Horsman – Proposal to provide Building Inspection and Permit Services (7:06:25 pm)**

Steve Horsmann noted that he had previously submitted an advance copy of his proposal that he would like to review this evening.

Mr. Horsmann noted that in 2007 a the total fees collected by Scott County for building permits issued in Credit River amounted to \$298,748.51. His proposal for comparable services that he would provide would result in a savings of \$132, 986.00 for the Township.

In 2008, he is suggesting that the potential savings would be \$137,273.48 under this proposal to contract with Mr. Horsmann.

Mr. Horsmann noted that fees for septic and environmental reviews would still be collected by the County and that they would continue to provide these services.

Supervisor Nilsen asked if the fees were based on the value of the project. Mr. Horsmann indicated that this was the case and referred to a note by the Minnesota Department of Labor and Industry who provide valuations for all types of construction.

Supervisor Aspengren asked whether Mr. Horsmann was licensed and bonded to perform these services and Mr. Horsmann indicated that he was in fact a State Certified Building Official and also a Certified Building Inspector and is licensed to administer a program of this type. He also has zoning credentials.

Mr. Horsmann noted that he would develop a recommended Fee Schedule. He felt that these would reflect reduced fees than are currently being charged and this would result in a savings for Township residents.

Supervisor Aspengren asked if he has made arrangements with other Townships in the County. Mr., Horsmann indicated that he was of the opinion that there would be enough work in Credit River.

Supervisor Kraft asked about how much additional work might be generated for our current staff and what about the legal aspect of enforcement actions.

Mr. Horsmann, noted that he has in previous assignments been involved in the enforcement actions. He also noted that the staff would be able to charge additional time required to the various projects themselves.

Clerk Maas asked if the Engineering review currently being performed by the Township Engineer could be done by Mr. Horsmann's organization. He also inquired as to Mr. Horsmann's ability to perform NPDES inspections having to do with erosion and sediment control.

Supervisor Lawrence asked when Mr. Horsmann would need an answer on this proposal and how long we would need to make the changeover?

Mr. Horsmann indicated that as far as he knows, there is no contract in existence, so that would not be a cause for delay.

Clerk Maas reminded everyone that an ordinance would have to be enacted and adopted in order to give Mr. Horsmann the authority to do this work. Mr. Horsmann noted that a Fee Schedule would also be required.

Mr. Horsmann indicated that he would hope that we could provide an answer by March 1<sup>st</sup>. he in the process of setting up his business requirements

Supervisor Nilsen noted that it appears that we will show a profit for this service and was of the opinion that this would not be proper. Mr. Horsmann, noted that it was his understanding that this money could be spent in the Township as long as it is used in the building permit process.

Supervisor Nilsen felt that the soonest we could begin this would be April 1<sup>st</sup>.

Supervisor Kraft asked whether this work would need to be let out for bid?

The Board asked that we continue this discussion at the next meeting.

## **Resident Open Forum ( 7:57:00 pm)**

Chairman Schommer asked if anyone had any comments for this portion of the meeting?

There were none tonight

## **Clerk's Report**

### **1) Set Site for Annual meeting (7:57:38 pm)**

Clerk Jerry Maas noted that we had previously discussed the site for the Annual Meeting and the fact that we have to move it to another location. He asked if the Board would like to do it by motion. Supervisor Nilsen raised a question as to whether or not the Board had the authority to set the location in that the residents typically set this at the previous annual meeting.

Resident Jay Saterbak noted that when the residents voted last year, when they voted for this site, they checked to make sure that it was available and he understands that there is a problem now that we didn't reserve the site and now we don't have it. So obviously it needs to be held somewhere else. He has heard some discussion about using the Fire Station in Prior Lake. He noted that he doesn't feel there will be a cost savings since there will be an expense involved in notifying everyone that there will be a new location. He is suggesting that signs be made up to inform residents of the new location.

He also noted that there should be some research required to determine if the Board has the authority to set the meeting location at this time.

Clerk Maas noted that there is some publishing deadlines that will make it difficult to get notices out if we wait until the next meeting to officially select a date.

Supervisor Nilsen repeated his observation that he recently became aware that the residents set the meeting time and location at the previous meeting.

Clerk Maas reminded everyone that the circumstances have changed and we no longer have the option of holding the meeting at the site selected.

Supervisor Schommer asked whose responsibility it was to reserve the room and Clerk Maas repeated the fact that he accepts full responsibility for this situation.

Supervisor Kraft indicated that he felt that notification of this change needed to be in the newsletter.

Mr. Saterbak commented that if we had planned on making this decision this evening, perhaps it should have been placed on the agenda and so we may need to put the decision off until the next meeting so people have a chance to come in and talk about it, but obviously there is nothing to talk about, we need to select a place for the meeting, but there is a problem since it hasn't been done exactly in accord with the statute so I'm suggesting that maybe we can do is advertise that the new place that is being picked for by putting it on the agenda and anybody that needs to if

you're going to have a meeting between now and then the next question is there a time limit that you need to fall into as far as publishing a notice.

Treasurer Batton read from a copy of the recent issue of the MAT newspaper that specified that there is a ten-day requirement for notice prior to the actual date of the meeting.

Supervisor Lawrence noted that if a decision was made on the 17<sup>th</sup>, that notice could be published on February 28<sup>th</sup>, which exactly meets the 10-day requirement.

Mr. Saterbak noted that the other side of this is that we really need to make this decision so as to be able to notify people of this site change.

Clerk Maas noted that it would also be good if a decision could be arrived at in time to meet the publication date of the Township newsletter.

Mr Saterbak pointed out that he recognized that we're in a real quandary and wanted to insure that we've thought about all of the issues.

Chairman Schommer suggested that we have two Board Members discuss this with the Town Attorney and make a decision,

Mr. Saterbak stated that his guess is that since the Board is not really authorized to make the decision, we're just picking a substitute; the residents aren't picking it anyway, so he didn't really see why the Board couldn't make the decision.

Supervisor Nilsen noted that residents are present; we know we have a problem.

Mr. Saterbak agreed, but noted that this was not a published discussion item for this evening so that anyone who might have wanted to come and discuss it is not here.

Chairman Schommer noted that we had published an item entitled "Election Update".

Mr. Kraft mentioned that between the time that it was first determined that we had a problem until we could confirm it, we missed the deadline for publication in the newspaper and hence were unable to place on the agenda.

Supervisor Nilsen made a motion that contingent on Attorney review that we advertise in the legal notices that they meeting have been moved and post accordingly and provide signage and place a notice in the newsletter.

Supervisor Kraft suggested that we place a note accompanying each of the next two agendas reminding residents of the site change.

Mr. Saterbak suggested that a notice be given to each of the voters on Election Day.

Resident Cathy Haugh noted that the Fire Hall in Prior Lake seems quite small, that some people who feel they are in the country probably not want to drive into Prior Lake. She suggested that we have it at the Town Hall.

Supervisor Nilsen felt that it would interfere with the final ballot counting that will be taking place here at the Town Hall.

Supervisor Kraft asked if there were any other alternatives and if not we need to make a decision.

Resident Greg Brown reminded everyone that the newspapers typically cover the election and that we certainly could gain their cooperation in making this change known.

Supervisor Aspengren asked if we ought to place a phone call to Bob Ruppe this evening to get an opinion.

Chairman Schommer made a motion to move the meeting to the Prior Lake Fire Station since that has been reserved. Supervisor Lawrence offered a second, all in favor, motion carried 5 - 0

**2) Appoint Election Judges (8:10:00 pm)**

Clerk Maas presented the Board with a recommended list of election judges and requested approval noting that they had all on the list been through formal election training.

Supervisor Nilsen asked if having two of the suggested judges work the entire shift was advisable.

Supervisor Lawrence also asked if it was a good idea for the Clerk to act as Head Judge and also meet the requirement of opening the Annual Meeting at another location.

Clerk Maas noted that the Head Judge was required to work the entire election and that he could consider appointing another person to act as Head Judge.

Supervisor Aspengren asked who would be working the Saturday Absentee balloting.

Clerk Maas indicated that he was planning on asking two of the Judges to this accept this responsibility.

Clerk Maas suggested that if the Board felt that if we needed more judges, he would certainly be open to this and also asked the for thoughts on the number of ballots that should be printed. He noted that he has to take into consideration last year's turnout. He is contemplating ordering 1000 at this time.

Chairman Schommer asked if perhaps the Clerk could serve as Head Judge until 7:00 pm and then go the Annual Meeting. Supervisor Nilsen suggested that he felt the Town Clerk should open the Annual Meeting. .

Supervisor Nilsen repeated his concern that having one judge work the entire day should be reviewed. He also asked if alternates have been designated in cases of sickness.

The Board thought there would be approximately 400 voters.

Supervisor Kraft suggested that we approve the list as presented and consider adding additional judges at the next meeting if it appears that would be necessary.

Clerk Maas did note that there is an emergency provision in the law that allows appointment by the Head Judge at late as Election Day itself and that he has a list of trained judges to fall back on.

Supervisor Lawrence made a motion to approve the list as presented. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

**3) Approve Participation in Re-Cycling Days (8:15:57 pm)**

Clerk Jerry Maas presented a letter from the County Environmental Department asking about our interest in participating in this year's event now scheduled for April.

He noted that in the past we have combined our efforts with the City of Prior Lake and assigned our portion of the grant money provide for this event to them.

Chairman Schommer made a motion to approve the request to assign our grant money to the City of Prior Lake for the purpose of participating in the Re-Cycling Days Event. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

**4) Letter from Mark Zweber (8:17:46 pm)**

Clerk Maas presented a copy of a letter received from Mark Zweber, developer of the Liberty Creek and Estates of Liberty Creek projects.

He is requesting that the Board review it's escrow policy and requirements and consider refunding some of the money currently held as surety for these projects that are now essentially inactive. He is claiming that the township is contradicting one of its own ordinances.

Treasurer Batton stated that he in fact owes us \$165 against his current escrow and that he would not be entitled to an escrow refund.

Chairman Schommer commented that the \$20,000 escrow we are holding is specified in an agreement signed by Mr. Zweber and unless he cancels the project we are entitled to hold those funds. Supervisor Nilsen concurred.

Supervisor Kraft noted that the ordinance states the amount of the escrow at the discretion of the Town Board

Chairman Schommer suggested that we send Mr. Zweber a letter and invite him to the next meeting if he wants to discuss it further.

Chairman Schommer noted that it was his recollection that in the past we have had difficulty in keeping the escrow accounts current, so we established it at the level of \$20,000.

Supervisor Kraft noted that as he understood, Mr. Zweber's options are to first go to the County and void the project and then he can come to the Township to ask for refunds.

Supervisor Aspengren asked if there is a provision to place a project on hold. Supervisor Nilsen noted that this project is on hold, the developer placed it entirely in outlots and he has a 5-year window in which to proceed.

Supervisor Nilsen suggested that in order for Mr. Zweber to get his refund, he would have to dissolve the project.

The Board asked Clerk Maas to also notify Mr. Zweber to contact the Treasurer to discuss the balance due on the project.

#### **5) Contract with EcoCheck (8:25:14 pm)**

Supervisor Aspengren asked if we ought to consider sending this contract out for competitive bids?

Resident Lucien Strong stated that he was in agreement with Supervisor Aspengren that this should be put out for bids. He has emailed a list of several companies he would like have considered.

Supervisor Aspengren noted that he has contacted with Peoples. He noted that their offices are out of state. They concentrate mostly on municipal systems and it was his impression that they may not be too responsive in cases of emergency

There was some discussion as to whether we had time to put this out for bids in view of the proposal we had before us.

Chairman Schommer stated that he would talk to Ryan Brandt the next day to determine when this contract would need to be signed.

Supervisor Aspengren noted that the contract proposal had a 30 day limit on it, so it would be his understanding that if we were going to change, we would have this amount of time to get counter proposals in and reviewed and a decision made.

Supervisor Lawrence noted that his understanding that we were asked to make a decision in 30 days, at which time EcoCheck the terms would be subject to change and in fact EcoCheck might decide they would not want to renew.

Supervisor Nilsen noted that EcoCheck now has new ownership and it would be his interpretation that is why he is seeking to have this taken care of in 30 days.

Chairman Schommer asked Supervisor Aspengren to contact some of the other companies to see if they are interested in bidding and we would make a decision at the next meeting which will occur before the 30 day time limit.

Supervisor Kraft noted that we would probably want to take time to do a thorough check on any new contractors,

Resident Strong suggested that a change not be made until the deficient mounds in the Territory are corrected.

Supervisor Aspengren asked if there is considerable dissatisfaction with EcoCheck.

Treasurer Batton noted that we don't have other vendors to in order to make a comparison.

Chairman Schommer noted that as far as he was concerned, the only issue was the billing questions in the Territory, noting that the other projects seem to be following the financial projections quite well.

Supervisor Lawrence asked if we have been happy with the response time shown by EcoCheck and Supervisor Aspengren noted that he felt they had been very responsive.

Supervisor Kraft suggested that we consider a one-year contract with EcoCheck for the time being to allow for competitive bids.

Supervisor Nilsen asked if Attorney Ruppe has reviewed it. Supervisor Aspengren noted that there was a problem with the insurance, but he felt that it was resolved.

Supervisor Nilsen made a motion that we approve this contract contingent on Township Attorney review. Clerk Maas asked if that was for the three-year period. Supervisor Nilsen indicated it was.

Supervisor Kraft asked if we want AI to go through the process of contacting competitors and table this until the next meeting.

Resident Strong suggested that we try to do a one-year contract and try to get competitive bids.

Treasurer Batton noted that if someone else knew we were looking at a three-year contract, they would probably be more interested.

Supervisor Nilsen asked to amend his motion to negotiate a one-year contract subject to attorney review. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

The Board asked Clerk Maas to schedule an item on the July meeting agenda to discuss requesting bids in August.

## **Treasurer's Report**

### **1) Set Date for Board of Audit (8:40:41 pm)**

Treasurer Batton read an excerpt from the Minnesota Association of Townships newspaper outlining the requirements for the Annual Board of Audit noting the

requirements for this annual meeting. She is recommending that we schedule this for the March 2<sup>nd</sup> from 6:00 to 7:00 pm which would meet the requirements.

Supervisor Nilsen suggested that we set the time for 5:00 until 6:00 pm.

**2) Assessment Project / Bond Update ( 8:42:11 pm)**

Treasurer Batton noted that we were successful in obtaining a favorable interest rate on the recent bond sale. We have been asked if we would consider lowering the interest rates that were in turn charged to the people who were assessed for the road costs. She noted that we are too late to do this in 2009 since the assessments have already been assigned to the taxes.

Treasurer Batton indicated that our bond counsel and our township attorney concurred that we would be able to lower interest rates without the necessity for holding Public Hearings.

Supervisor Aspengren asked about how we would propose to reconcile the two schedules.

Supervisor Aspengren indicated that he would be in favor of reducing the rates. Supervisor Nilsen also indicated that he would be in favor of reducing the rate in years 2 through 10 to two percent over the bond rate which would be 4.65%.

Supervisor Nilsen made a motion to proceed contingent on obtaining County approval. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

**3) Attorney Bill ( 8:47:00 pm)**

Treasurer Batton presented a copy of the Attorney Bill that indicates that an amount totaling \$41.25 had been charged to the Cress View escrow account. Developer Ted Kowalski had asked the Treasurer if this was his charge.

Supervisor Lawrence noted that this relates to charges relative to discussions with the City of Savage on the Joint Powers Agreement and should be corrected accordingly.

Supervisor Kraft asked about a charge for \$31.50 that had been discussed previously and inquired if that had been addressed as yet. Treasurer Batton recalled that Attorney Ruppe had told her that he had spoke with Tom Gallagher regarding a property question and the concern of Treasurer Batton was who authorized Mr. Ruppe to talk to Mr. Gallagher or who suggested that Mr. Gallagher speak with Attorney Ruppe. If Mr. Gallagher is calling as to development questions, he ought to pay the \$31.25.

Supervisor Nilsen asked if anyone knew anything about this. No one responded.

Supervisor Kraft noted that the charge related to development of the Astleford property and suggested that Attorney Ruppe should be told to absorb the charge.

Supervisor Nilsen indicated that if we hold this charge for future development, no one would remember the basis for the charge.

**4) Territory Status (8:52:25 pm)**

Treasurer Batton noted that she understands that the issues she is concerned about will be addressed in a meeting with the project representatives on Wednesday afternoon. Her concerns specifically were the negative escrow balance, the soon to expire letters of credit and who should be her point of contact regarding the developer escrow.

**5) Transfer money from savings to checking (8:52:40 pm)**

Treasurer Batton presented a request to transfer \$87,000 from the Town Savings Account to the Town Checking Account

Supervisor Kraft made a motion to approve this request. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

## **New Business**

### **1) Tech Update (8:53:45 pm)**

Supervisor Brent Lawrence reviewed several items among which were

#### a) Changed website

In response to suggestions by the CAG, the website page showing meeting agendas and minutes has been changed to make it more user friendly.

#### b) Treasurer Computer Update

We have installed additional RAM memory in this computer and it is running significantly faster

#### c) Email List

The Webmaster reports that she has accumulated 140 email addresses that will be used to send out the Township newsletter at a reduced expense.

#### d) Website capacity

To answer previous concerns, Supervisor Lawrence reports that he has checked and there are no capacity issues as far as loading significant amounts of information on the website.

### **2) Road Repair Plans for Summer Construction Season (8:54:50 pm)**

Clerk Maas noted that this item had been placed on the agenda as a result of a request from last meeting that we begin sooner rather than later to make plans for the summer construction season.

Chairman Schommer noted that we should sit down and develop a or crack sealing and seal coating in conjunction with the Highway Department meeting in Shakopee scheduled for February 20<sup>th</sup>. He suggested that he would sit down with Engineer Nelson following the Territory meeting and begin to look at plans.

### **3) Park / Mound Mowing Plans for Summer Season (8:57:10 pm)**

Supervisor Schommer recognized T.J, Deutsch who was present this evening and commended him for the good work he did this past year on ditch mowing.

Chairman Schommer noted that we would begin publishing Requests for Proposals in March.

Supervisor Lawrence asked about the problem of garbage in the parks and wondered if we could ask the mowing contractors if they could empty trash receptacles in the that we would locate in the parks?

Clerk Maas asked if it would be possible for the Town garbage haulers would be receptive to performing this service. A problem with this is that they would have to be rolled out to the curb on pickup day.

Treasurer Batton noted that she is of the opinion that the residents who bring items to the parks should be responsible for removing them.

Supervisor Nilsen noted that in certain summers where mowing is suspended during dry spells, we would be faced with garbage cans not be emptied.

Supervisor Lawrence asked we were planning to send out the same mowing requirements as last year?

Supervisor Aspengren noted that he recalls that we learned some things from the process last year and that we ought to try to refine the requests this year to avoid the same problems/

Supervisor Kraft noted that perhaps earlier or multiple mowing might prove to be advantageous to reduce seeding issues on the CSTS Mounds.

Supervisor Lawrence suggested that we supply a "bid form" in order to insure consistency along with a request for proof of insurance.

**4) Review New County Process for Unpaid Services (9:07:54 pm)**

Treasurer Batton noted that we have historically submitted requests to assign delinquent service fees several times per year. The County will be changing their operating procedures such that they will only process an assessment per property once per year.

She noted that it is our desire to get these charged to the taxes as soon as possible in order to collect if the house is purchased.

She recalls that our attorney had drafted some paperwork that would allow us to report to the Land Records Department that a Community Septic Treatment System existed there and that anyone requesting a property search, would be notified to contact the Township to see if there were delinquent fees.

In that Commissioner Wolf was present at the meeting this evening, they asked if he would work with the County to seek resolution.

**5) Annual Report (9:12:10 pm)**

Engineer Nelson noted that he has received a call from Pete Beckius at Scott Soil and Water and been asked to provide an annual report.

**6) Economic Stimulus (9:12:25 pm)**

Engineer Nelson further noted that he had been following developments with regard to current economic stimulus package and if there would be looking for opportunities to take advantage of it.

He noted that a large portion of the current package would go to the state road projects. A small amount would trickle down to local government, but to qualify, it would be necessary to have projects already in the Transportation Improvement Plan. He was of the opinion that we didn't have an opportunity to benefit at this time, although our newly designated Murphy Lake Road might qualify for some form of assistance.

**7) Commissioner Tom Wolf (9:21:50 pm)**

Chairman Schommer recognized Commissioner Wolf and asked if he would take a few minutes to update the Township on County activities.

Commissioner Wolf noted that our County Administrator has recently resigned to enter the private sector. It looks like the State is going to make significant cuts in aid to the County. The County is going to take an approach of getting away from reliance on State aid.

Commissioner Wolf noted that they are discussing reducing wages by 2% across the board in an effort to avoid layoffs.

Supervisor Aspengren inquired as to the attitude of the unions. Commissioner Wolf noted that some like it, some don't. Those in the unions with high seniority recognize that they'd be the last ones to lose their jobs. He emphasized that it is a tough economy.

He called attention to the existing salt shortage and that additional shipments are costing more than expected. They plan to take it out of the planned road projects and will have to do fewer projects as a result. He noted that we had planned on 36 snow events this year and have actually experienced 40 events so far.

Commissioner Wolf noted that of 40 homes built in the county last year, 33 were built in Credit River and that represented 88 percent of all of the additional value in the townships.

Commissioner Wolf offered an advance copy of a map showing planned road projects in the County for this year.

#### **8) Budget (9:29:00 pm)**

Supervisor Kraft noted that Clerk Maas has indicated a concern that we don't have a monthly budget in place as yet. He noted that it wasn't necessary to fine tune this budget to the degree that it will takes months to get it in operation.

Supervisor Kraft thought that we already had a budget in place for this year. Treasurer Batton noted that she thought that Clerk Maas was talking about the budget for 2010.

Clerk Maas indicated that he was talking about the "operating budget" for this year, the month-by-month report showing monthly activity. Supervisor Kraft suggested that we could divide the monthly expenditures by 12 and begin to evaluate.

Clerk Maas noted that this would work for a number of the expenses but for example we pay a large amount on the Fire Contract twice per year and that we get our revenue two times per year.

Treasurer Batton wanted to remind the Board that we are a service entity, we can budget and try to plan some stuff, but we're not manufacturing something. We have residents that come to the Board with issues that need to be resolved, if an annexation issue should arise, etc. There are a certain number of things that we can plan and forecast and there are things that we cannot. For example, one of our largest items is our legal charges and a lot of that is for things that we can't foresee are going to happen. Yes we can budget for town hall expenses and things like that, but for things that you're just taking a stab in the dark at basically.

When it comes to things like compensation for elected officials, yes, you can guess that you're going to earn x, but when something arises that requires more time or attention, then it will be x times more.

Clerk Maas challenged this concept, noting that all business face unexpected expenses and that why variances exist. He noted that there are always surprises, but in the absence of a month-to-month working budget, you can be guaranteed a large surprise in December when the numbers are totaled.

Supervisor Kraft noted that it has been his experience that when we develop monthly "cost buckets", we are able to put the expenses in these cost buckets monthly and at the end of the year, we're in a better position to estimate next year.

Supervisor Nilsen asked why we couldn't just line item everything and divide by 12 to arrive at a monthly amount? Clerk Maas noted that expenses vary considerably and that this variability can be predicted and forecasted. He used the Fire contract as an example. At \$195,000 per year, it would appear that each month we could expect to incur a charge of \$16,000. In reality, we pay \$92,500 in February and we would be off by \$60,000 at the end of February because we would have only budgeted \$32,000 and we absolutely knew better.

Supervisor Nilsen asked about snow plowing. If we were to budget for January, February and March, what are we going to do with the extra amount, carry it all the way forward to November and December?

Supervisor Kraft repeated that if we start by estimating monthly expenditures, at the end of the year we would have a good idea of where we are.

Chairman Schommer noted that Abdo Eick and Meyer offered to send someone in who would assist the Treasurer to accurately get the new Banyon software started.

Treasurer Batton mentioned that she has received some coding assistance and has something that she can work on tomorrow as far as data entry in the new software.

Supervisor Kraft suggested that we get someone in to help, it would speed this process up.

Treasurer Batton noted that we have only been budgeting for two years and that the auditor was very impressed with what we have accomplished. Clerk Maas suggested that we "knock their socks" off with a monthly budget at this time.

Chairman Schommer made a motion to spend \$400 for four hours of training and we can check where we are. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

**9) Next meeting (9:48:45 pm)**

There was discussion as to whether to schedule a meeting for the 17<sup>th</sup> of the month. It was decided that we would have this meeting.

**10) SCALE Meeting**

Supervisor Nilsen noted that Clerk Maas did not charge a meeting per diem for his participation in the SCALE activities and inquired as to why.

Clerk Maas responded by saying that he had been asked by the Scott County Township Association to attend SCALE representing all of the Townships in Scott County along with Mr. Cy Wolf of Sand Creek Township. Clerk Maas noted that in fact one of his first acts as Chair of that organization was to recommend that all of the Townships be invited and in fact Supervisor Nilsen attended a meeting very soon after that was implemented as a representative of Credit River at that time.

Clerk Maas noted that SCALE would like to have as many officials participate as would like and that any who would like to attend are welcome.

**Review and Pay Bills**

1/27/2009	4860	Minnesota Revenue	2008 State Payroll Tax	\$	431.63
2/2/2009	4861	Art Johnson Trucking	Jan 2009 Winter Maintenance	\$	8,109.93
2/2/2009	4862	Private Underground	Jan 2009 Utility Locate	\$	14.00
2/2/2009	4863	Fahrenkamp & Cameron	YE Payroll Processing	\$	225.00
2/2/2009	4864	Mike's Septic Service	Septic Pumping - 7620 Crosswind	\$	312.50
2/2/2009	4865	Couri Macarthur & Ruppe	Jan 2009 Legal	\$	6,023.75

2/2/2009	4866	Scott County Treasurer	2008 Salt Bill	\$	15,594.00
2/2/2009	4867	Safety Signs	Stop Sign – Creekwood	\$	125.00
2/2/2009	4868	Ehler's & Associates	Fiscal Impact Study	\$	4,856.25
2/2/2009	4869	City Of Prior Lake	First Half - Fire Contract	\$	94,677.00
2/2/2009	4870	Gallaghers	Jan 2009 Snow Plow	\$	10,248.50
2/2/2009	4871	CenterPoint Energy	Town Hall Gas	\$	196.03
2/2/2009	4872	Rove Pest Control	Quarterly Bug Spray	\$	80.06
2/2/2009	4873	Springsted Inc	2009 Annual Arbitrage Rebate	\$	250.00
2/2/2009	4874	Standard & Poor's Financial Ser	Credit Rating Analytical Services	\$	3,800.00
2/2/2009	4875	Tony Anthonisen	Install added memory-Treasurer Computer	\$	192.04
2/2/2009	4876	Xcel Energy	St Francis Street Light	\$	12.93
2/2/2009	4877	Mike's Septic Service	Septic Pumping-9046 Canter Lane	\$	500.00
2/2/2009	4878	DB Services	Town Hall Plowing	\$	525.00
2/2/2009	4879	Al Aspengren	Expense Reimbursement	\$	35.20
2/2/2009	4880	Tom Kraft	Expense Reimbursement	\$	26.40
2/2/2009	4881	Brent Lawrence	Expense Reimbursement	\$	20.90
2/2/2009	4882	Bruce Nilsen	Expense Reimbursement	\$	24.20
2/2/2009	4883	Leroy Schommer	Expense Reimbursement	\$	26.40
2/2/2009	4884	Jerry Maas	Expense Reimbursement	\$	48.65
2/2/2009	4885	Holly Batton	Expense Reimbursement	\$	218.68
2/2/2009	4886	Leroy Schommer	Expense Reimbursement	\$	178.00
2/2/2009	4887	Al Aspengren	Services as Supervisor	\$	893.40
2/2/2009	4888	Holly Batton	Services as Treasurer	\$	3,387.23
2/2/2009	4889	Tom Kraft	Services as Supervisor	\$	937.35
2/2/2009	4890	Brent Lawrence	Services as Supervisor	\$	955.82
2/2/2009	4891	Jerald Maas	Services as Clerk	\$	2,264.32
2/2/2009	4892	Bruce Nilsen	Services as Supervisor	\$	992.76
2/2/2009	4893	Leroy Schommer	Services as Supervisor	\$	895.00
2/2/2009		PERA	Contribution to Retirement Account	\$	95.50
2/2/2009	EFTPS	Anchor Bank	Tax Depoist	\$	2,455.37

## Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn, Supervisor Aspengren offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 10:31 pm.

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

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