

**Credit River Township
Meeting Minutes
April 6, 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, Township Attorney Bob Ruppe

Old Business

1) Rock Hauling Proposals (6:01:00 pm)

Engineer Nelson noted that we received quotes from two suppliers for purchased rock. One was from Castle Rock Materials for \$7.15 per ton and the other was from Kramer for \$7.00 per ton.

At the same time we sought proposals for rock hauling and received 5 quotes. It appears that Art Johnson Trucking hauling rock from the Kramer pit would result in the lowest combined cost of \$9.75 per ton. This is significantly less than last year's costs.

Engineer Nelson distributed a tabulation summarizing the proposals. He recommended that we accept the Kramer Mining and Materials quote for purchase rock and the quote from Art Johnson Trucking for hauling contingent on them entering into a contract for services.

Supervisor Lawrence made a motion to accept the quote from Kramer Mining and Materials at \$7.00 per ton and the quote for rock hauling from Art Johnson Trucking at \$2.75 per ton subject to receiving a signed contract for services. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

Chairman Schommer noted that the hauling musty be completed by June 15th.

2) Mowing Proposals (6:04:20 pm)

Schommer noted that the Board opened these quotes on Thursday and had some questions. He noted that they found individuals present at the opening had submitted two additional quotes. He further noted that one of these individuals withdrew his bid and the other was quite high.

A. Ditch Mowing (6:04:45 pm)

We received 5 quotes. Dale Kuchinka at \$31 per mile was the lowest. Engineer Nelson recommends accepting this proposal contingent on them entering into a contract for service.

Chairman Schommer noted that the quote from Novak Lawn Care was based on \$30 per mile. We interpreted this as being one side of the road with a resulting quote of \$60 per mile.

Supervisor Kraft asked that in the future, we provide last year's vendors and costs as a reference in the summaries provided to the Board.

Supervisor Kraft made a motion to accept the proposal from Dale Kuchinka at \$31 per mile contingent on receiving a contract for services. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

B. CSTS Mound Mowing (6:07:26 pm)

Engineer Nelson noted that Streif Lawn Care presented the lowest quote. They were our contractor last year. Engineer Nelson contacted them and explained that the area to be mowed this year was specified to be quite a bit larger and Streif opted to withdraw their proposal from consideration.

The next lowest bidder is from Novaks Lawn and Snow Service at \$2500 and \$2100 for each additional mowing time.

Engineer Nelson recommends that we accept this proposal contingent on them entering into a service agreement and that they would agree to sit down and review the work to be done.

Supervisor Aspengren made a motion to accept the proposal from Novak's Law and Snow Service for CSTS Mound Mowing.

Chairman Schommer requested that Supervisor Aspengren and Engineer Nelson review all of the mounds with the contractor to insure that none are missed.

Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

C. Park and Town Hall Mowing (6:10:50 pm)

We received 14 proposals to mow the 4 town parks and the grounds at the Town Hall.

The apparent low bidder was Outdoor Solutions at \$60 per time. When Engineer Nelson called to review this proposal, it was determined that they misunderstood the requirement and consequently they withdrew their proposal.

The next low bidder was C and R Lawn and Garden. It was Engineer Nelson's understanding that the Township had an issue with this contractor last year with regard to insurance coverage and that they would be considered non responsive.

The next lowest bidder is Dennis Karow at \$270/per time.

Supervisor Lawrence noted that for the record and not to be interpreted as an endorsement, he received a call from C and R Lawn and Garden and they offered to deduct the insurance cost from last year from the first bill this year.

Chairman Schommer was of the opinion that C and R should have paid this at yearend.

Supervisor Nilsen made motion to accept the Dennis Karow proposal contingent on him entering into a service contract. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

D. Road Grading (6:13:10 pm)

Chairman Schommer noted that we have received a signed agreement from Art Johnson Trucking to perform the road grading service this year.

3) Agreement for the Territory Project (6:14:20 pm)

Attorney Ruppe passed out a copy of the agreement as proposed by the SA group for using the Letter of Credit Money for completing the open items for the Territory. He noted that the terms of the Developer's Agreement (DA) would be modified by this

agreement. The SA Group has obtained 28 lots in the Laurent Development and they are working with Laurent who is an agreement with this proposal. He emphasized that this would represent a reduction in our current rights. For example, under the DA, we can reduce the LOC at our discretion whereas under this agreement, we are obligated to release funds. There are other limitations in this agreement as follows:

- 1) We are being asked to pay interest on the money held in escrow
- 2) We are prevented from using funds to cure defects in the CSTS system
- 3) Prohibited from using funds to cure defects on Adjacent properties
- 4) Must give notice to SA Group prior to using funds
- 5) Must give SA Group 10 days notice to cure defects

The basic issue is that the SA Group wants certainty that if work is done, the contractor will be paid by releasing the funds to pay subcontractors. Attorney Ruppe sees issue if the township disagrees with quality of work.

Attorney Ruppe also takes issue with the provision for automatic approval in cases where no inspections are performed within 5 days after the Engineer is noticed. Also paragraph 6c with regard to "reasonable" rather than "sole". Attorney Ruppe feels that this is too vague.

They removed the requirement that SA Group would manage the CSTS systems.

Attorney Ruppe noted that under the current terms of the Developers Agreement, the Township has the option of finishing the work themselves. They have no obligation to do the work; they have the right, not the responsibility.

Supervisor Aspengren asked about the rationale regarding the interest requirement?

Rob Wachholz, representing the SA Group, noted that \$500,000 was a large sum of money and since it belongs to developer, they felt collecting interest would be appropriate.

Supervisor Lawrence agreed that while this money belongs to the developer, but in this case we don't have a developer, it's a builder.

Attorney Ruppe called attention to the fact that in all Developer's Agreements we specify NO INTEREST would be accrued.

Chairman Schommer also noted that we have no extra money in this project. Tradition Development, engaged by the SA Group, is simply trying to turn the project around and complete it to everyone's satisfaction. Mr. Wachholz commented everyone connected with the project has issues.

Mr. Wachholz pointed out that while the punch list is long, it is manageable. The biggest issue is the CSTS repairs. Since the SA Group is not a party to the DA, and the developer, Laurent Development is unable to perform, it seemed appropriate that the SA Group step in and attempt to assist in preparing an agreement to complete the project. He noted that it was his feeling that we have sufficient funds with the \$500,000, since it appears that only \$191,191 will be required to complete the punch list and that the rest of the money should be available to complete other items.

Mr. Wachholz suggested that the funds be divided into three separate accounts:

- 1) A fund to complete the punch list
- 2) Warranty and Maintenance Account
- 3) Developer's Escrow Account

He mentioned that the interest is not critical and while it seemed appropriate they won't make an issue of it.

Mr. Wachholz noted that they had intended to operate the CSTS with the thought that the Township preferred this. That not being the case, they are comfortable not insisting on this requirement.

If more money were required, it would be totally up to the Township whether to grant this from the remaining funds. He specified that the request not to use the money outside the property, the intent was to insure that this money would not be used outside of the four additions. As to the requirement not to use it for CSTS repairs, it was his belief that all outstanding work is defined in the punch list, and the intent is not to go beyond in looking for more areas.

Supervisor Lawrence asked is we do not enter into this agreement and did the work ourselves, would the balance of the dollars after the work was completed go to Laurent? Attorney Ruppe indicated that at this time the money belongs to Gary Laurent until such a time that a court or Gary Laurent directs otherwise.

Attorney Ruppe also noted that under terms of this agreement, the SA Group has the right to assign their interests in this project to a third party.

Supervisor Kraft asked if Attorney Ruppe agrees with this concept as presented. Attorney Ruppe indicated that while some minor details need to be ironed out, he recommends approval. He would suggest that the idea of an "automatic approval" should be removed. He is asking if the Board is OK with the concept.

Supervisor Kraft suggests that Engineer Nelson and Attorney Ruppe meet to work out some of the details.

Supervisor Lawrence asked Attorney Ruppe what benefits he sees for the township if we choose to enter into this agreement.

Attorney Ruppe stated that the Township gains what it lost with the lapse of the LOC on 1st addition, and also we gain the contractors expertise to complete the work.

If, on the other hand, we were uncomfortable, he asked if Engineer Nelson would feel comfortable managing this project? He noted that Engineer Nelson works for the Township and we would have control. He noted that it was his impression that the work left to be completed in the first addition was minimal and that securing funds to cover these would not be that important.

Engineer Nelson indicated that he would feel comfortable managing this project directly. He expressed a concern over the language about not withdrawing escrow funds noting that several items outside the punch list needed to be finished, for example the as-built documents and the wetland mitigation issue.

Chairman Schommer asked about delay in correcting the weeping mound and when will be behind schedule as far as this year goes.

Engineer Nelson indicated that the window of opportunity for constructing this mound this year is closing relatively fast.

Mr. Wachholz noted that should Engineer Nelson take responsibility, there would be extra costs associated for Hakanson's expenses.

Supervisor Aspengren would like the agreement to specify how the bills would be paid based on our meeting schedule.

Supervisor Kraft suggests that Engineer Nelson and Attorney Ruppe iron out the details and be prepared to discuss at a meeting on April 20th.

Attorney Ruppe suggested that each supervisor send his ideas to Engineer Nelson and himself and that they would incorporate these into the agreement. The Board gave Attorney Ruppe permission to meet with Engineer Nelson to work on this.

Supervisor Nilsen made a motion to direct Engineer Nelson to meet with Gary Johnson of Anderson Engineering to prepare a scope of a project as to what would be required to complete the as-builts by the next meeting. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

Supervisor Aspengren mentioned that he had met with Ryan Brandt of EcoCheck with regard to the monitoring costs on the CSTS systems and that after sending out requests for bids to 3 companies, we are of the opinion that we will be seeing an 18% reduction in these costs soon.

4) Fire Contract (7:20:45 pm)

Supervisor Lawrence noted that representatives of Spring Lake Township are here this evening to participate in our discussions.

Supervisor Lawrence mentioned that a meeting was held with staff from the City of Prior Lake with the result being a draft agreement for Fire and Rescue Services. He noted that the agreement was basically what had been agreed upon, but there were some items that were new. As a result, Supervisor Lawrence called Jerilyn Erickson from the City of Prior Lake in order to get clarification on these items.

One of the charges was that the City has now extended the term of the agreement from 3-years to 5 years. The Townships were also hoping to establish a Fire Counsel that would provide for input from the Townships, particularly at budget time to review these ahead of time. We had also hoped to get agreement as to the method for establishing property values.

Prior Lake is taking a position that the City has made a long-term investment in equipment. The operating budget is dependant on the revenue contributed from the Townships and they feel they need sufficient time to respond should the Townships decide to start their own department.

With respect to the Fire Council, Prior Lake does not feel that it would be advisable to incorporate language into the agreement in that it would imply a position of authority over decisions and in fact is not a formal Joint Powers Agreement. They did however indicate that we have their commitment to work closely with us when it comes time to make major decisions as to budget items.

Kathy Nielsen, Clerk from Spring Lake Township, noted that their attorney made a couple of housekeeping modifications to the agreement.

Supervisor Aspengren asked why the City is objecting to our requests.

Supervisor Lawrence pointed to the fact that the City is emphasizing that this is not a Joint Powers Agreements and that they do not want to imply that the Townships would have legal authority to make decisions. Supervisor Lawrence did note that the Townships feel strongly that we need to have some ongoing dialogue and some planning capability. For example, we are concerned about insurance costs and perhaps adding another tanker would improve the insurance rates for our community.

Supervisor Kraft noted that New Market Township is paying over 55% of the costs of the City of New Market Fire Department and have no voice in the operation of that department. He is asking whether we should begin to look at starting an independent Fire Department.

Supervisor Berens from Spring Lake Township concurred that we should look at this possibility.

Clerk Nielsen suggests that the 3-year proposed term fit nicely with our plans to perhaps start our own department.

Supervisor Nilsen asked about the workers comp requirements and directed a question to Attorney Ruppe as to why we would carry this policy. Attorney Ruppe indicated that this has to do with liability issues and it would appear that they are asking that the Township indemnify the City should any lawsuits arise. It was noted that this language exists in our current contract.

Supervisor Nilsen expressed concern about staffing our own department.

Attorney Ruppe noted that it has been his experience in working with other townships that while the financial cost is significant, the staffing problem is greater. He also suggested that we approach the Sioux Community and see if they would be interested in bidding on providing service to the Townships,

Supervisor Lawrence noted that perhaps we could learn something from them regarding starting a new Fire Department.

Supervisor Kraft asked what would happen if we fail to arrive at a satisfactory agreement with Prior Lake.

Attorney Ruppe noted that because the Cities have the power, the legislature has dictated that they be reviewed regularly. Clerk Nielsen also noted that since our existing contract is over ten years old and from the Townships perspective, it must be renewed every ten years according to state statute.

Supervisor Aspengren suggested that we enter into a four year contract or a five year contract with an opt out clause. It was noted that we are already six months into this new time period and perhaps the five-year requirement is satisfactory.

Supervisor Nilsen asked if Prior Lake did not want to give us a voice on the Council because they don't have a Fire Chief at this time.

Supervisor Lawrence noted that this was a possibility

Clerk Nielsen felt that we ought to be able to craft language that defines the limited scope of the Townships involvement in operating the Fire Services.

Clerk Nielsen noted that in her opinion the most appropriate way to determine the distribution of charges is by household count. She noted that the existing call distribution mirrors the number of households almost exactly. If we were to do the calculation in this fashion, the percentage allocation would be 14.4% as opposed to 21.6% currently being charged which would work out to about \$30,000 annual savings.

Clerk Maas noted that we should anticipate that the city would argue that the philosophy of fire protection is based on value protected and that the existing calculations are based on valuations. Because of this method, the Townships end up paying a larger amount.

Chairman Schommer suggested that Supervisor Lawrence and Clerk Nielsen get together to add language and continue negotiations with Prior Lake.

It was noted that we would like to have some language regarding a Fire Council and also some consideration be given to making the calculation based on households. It was also determined that Supervisor Aspengren and Chairman Schommer would join Supervisor Berens in arranging a meeting with another Township who has organized their own Fire Department.

Sheriff's Report (7:54:45 pm)

Deputy Dvorek presented the report for March.

He noted that on the occasion of his last visit, mention was made that there is an effort at the County to gather the information on a monthly basis and compile a yearly report. He is waiting for a new update on the status of this effort.

For March, there were 14 alarm calls, 5 vehicle complaints, 5 vandalisms calls, and 4 animal complaints, usually barking dogs.

There is another complaint category termed "suspicious calls" that he feels will increase during the summer months. These basically are the result of people in the area attempting to enter cars and steal items. He cautions that residents be alerted to lock their cars.

He also commented on a recent increase in calls to Murphy Lake Park where the Park Police have found it necessary to make more vehicle stops where there are drug transactions taking place. The Sheriff's Department is also stepping up patrol in that area as a result.

Savage Joint Powers Agreement (8:04:30 pm)

Attorney Ruppe passed out copies of the latest version of this agreement.

Supervisor Nilsen reviewed the history of this JPA and noted that he and Supervisor Lawrence had the opportunity to attend a recent Savage City Council meeting where this agreement was adopted. He noted that the issue of the gravel tax had been raised.

Attorney Ruppe noted that the gravel tax is actually a county tax. The county collects and may disburse to the townships. They have not distributed in the past and there should be no loss under terms of this agreement.

Supervisor Aspengren noted that the agreement does not specifically define the townships participation in the planning and zoning responsibilities and he was concerned about this.

Attorney Ruppe mentioned that we could ask.

Resident Jay Saterbak commented at this time, but preferred that his comments not be entered into the record.

Attorney Ruppe reminded the Board that we are recommending body only. As such we have the right to comment under this agreement, but ultimately the City of Savage will become the planning and zoning authority and will have the ultimate say. They have also agreed to keep the existing terms and conditions of the current permit in place.

Resident Jay Saterbak commented at this time, but preferred that his comments not be entered into the record.

Supervisor Kraft made a motion to enter into this Joint Powers Agreement subject to final attorney review. Supervisor Nilsen offered a second, all in favor, motion passed 4 – 1, (Aspengren opposed)

The Board gave Attorney Ruppe permission to contact Scott County with reference to this agreement.

Open House- Fiscal Impact Study (8:21:00 pm)

Supervisor Lawrence noted that this was discussed at the Annual meeting and that we committed to setting a date in May to hold an Open House to review the results of the Fiscal Impact Study with the residents.

There are several locations that would work. We would also need to set a date, determine how much participation we desire from the consultants, Ehlers & Associates and how much we want in the way of support materials.

Supervisor Aspengren asked if there was any additional information on the proposed legislation currently being considered by the Senate and House that would effectively ban any further incorporation applications after June 1st of this year.

Attorney Ruppe indicated that the latest information he had was this bill was still making it's way through the legislature and he recommended that we place calls to our legislators to express our concerns about this legislation.

It was decided that we would not let this potential legislation affect the plans for this open house. It was suggested that we ask the consultants to participate in the initial planning for this open house at a cost of \$1900, that they participate in the open house itself at an additional cost of \$1900, that we have the consultant prepare the visual boards at a cost of \$1200, that we pay for a mailing at a projected cost of \$1000, staff time at \$1000, plus engineering and attorney time.

Chairman Schommer suggested that Clerk Maas and Supervisor Lawrence prepare a plan to present to the Board at the next meeting.

Supervisor Nilsen made a motion that we schedule the Open House on Wednesday, May 13th from 6 – 9 at the Legends Club contingent on being able to coordinate everyone's schedule with a maximum expenditure of \$8500. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

Supervisor Kraft suggested that the CAG prepare a postcard invitation.

Supervisor Lawrence suggested that Supervisor Kraft coordinate the mailing.

Engineer's Report

1) Review and Adopt Right of Way Ordinance (9:14:13 pm)

The Board has considered this Ordinance at prior meetings and Attorney Ruppe is presenting a final copy based on the League of Cities model that also incorporates the requested changes from the last meeting.

Supervisor Nilsen asked about the fee schedule. Attorney Ruppe noted that we have previously adopted this and that we will also need to publish.

Engineer Nelson recommends that we adopt this ordinance.

Chairman Schommer made motion to adopt Ordinance No, 2009-01 and authorize publication in summary format, Supervisor Lawrence offered a second, all in favor, motion passed 5 - 0

2) Discuss Stonebridge Missing Service on a Lot (9:16:50 pm)

Engineer Nelson passed out some information regarding a lot in Stonebridge for which sewer service was not provided. He is suggesting that the Board consider two options and choose one.

He noted that during the platting process, three lots were planned and then the plan changed to call for two lots and that plan was never completed. Consequently, the third lot never had sewer service provided.

Supervisor Nilsen asked if we have any LOC money available to fund the work required? Treasurer Batton indicated that we do.

It was noted that the sewer operator, EcoCheck prefers option one.

After considerable discussions reviewing the design alternatives, Supervisor Nilsen made a motion to proceed with option one at a cost of \$5,000 to \$8,000 and that our engineering firm of Hakanson Anderson be assigned responsibility to get this project completed. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

Engineer Nelson noted that there would be some impact on the sprinkler system across the street. Mr. Geckler, the builder of the home in question above actually resides in the home across the street and he indicated that he would provide for any repairs necessary to restore the sprinkler system and landscaping.

3) Huntington Way (9:35:30 pm)

Engineer Nelson reported that he and Chairman Schommer on a meeting with Joe White regarding completion of the Huntington Way project. Mr. White is looking to reach an agreement as to what constitutes the liquidated damages for which he is responsible. He is suggesting 10 working days.

Mr. White also would like to be reimbursed for approximately 500 tons of gravel he provided but was not included at the time of the Pay Estimate.

Supervisor Nilsen suggests that a Board meeting be held at the site to review and suggests April 14th at 10:00 am.

The Board will also go immediately after to Canter Lane to review the service requirements of the lot discussed above.

Minutes of Previous Meeting (9:43:00 pm)

Chairman Schommer called on Clerk Maas to summarize the minutes of the March 2, 2009 meeting.

Clerk Maas noted that he received a couple of changes from Treasurer Batton and that he has incorporated these and that he corrected a few typos.

Supervisor Kraft asked that we note the time that he joined the meeting.

Supervisor Nilsen noted a change on page 2, he asked that the phrase “told by the County Attorney” be inserted in the portion dealing with Mr. Zweber’s presentation. On page 8, he would also like the phrase “road assessment policy” be added. On page 10, under budgets, he wanted clarification on his comment regarding “other meetings that supervisors may attend”. On page 11, he would like “Cress View and On Site Marketing” be added to the phrase “Casey Issue”

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

Resident Open Forum (9:51:10 pm)

1) Two Meetings per Month

Resident Jay Saterbak commented that he is of the opinion that the Board needs to meet twice a month.

Supervisor Kraft listed several reasons why he concurs, among them as follows:

- 1) This meeting is running very late tonight
- 2) Are we really saving money, Attorney is here for 6-7 hours, rather than 3-4 if he were here for only one meeting
- 3) More productive with a shorter meeting
- 4) We’ve published a schedule with 2 meetings shown
- 5) More resident input if they don’t have to stay until 11:00 pm
- 6) Many issues come up and need to be addressed

- 7) Bills are coming late with one payment schedule per month
- 8) Items are delayed

Supervisor Nilsen agrees noting that the City of Savage has two meetings per month and there was no discussion of cutting back on meetings to save money. He asked Commissioner Wolf if the County is considering reducing meetings to save money.

Commissioner Wolf suggests that workshops can provide a means to get things accomplished.

Treasurer Batton expressed the view that we need to pay bills twice per month and that we need to certify items according to a schedule. She also noted that we are going back to not getting things done. We've published in the newspaper and website a schedule of two meetings a month.

Supervisor Nilsen made a motion to make it a policy to two meetings per month, Supervisor Kraft offered a second. The motion failed by a vote of 2 - 3 (Schommer, Aspengren and Lawrence opposed)

Treasurer Batton noted that there have been numerous observations of open meeting law violations this last month and this is very serious and she is of the opinion that this is caused by only having one meeting per month.

2) **Street Sweeping**

Supervisor Aspengren suggested that we give Supervisors Kraft and Nilsen authority to work with the sweeping contractors and that we authorize an amount of money to be used for this purpose.

It was decided that Supervisor Kraft and Nilsen would prepare a proposal that we will review next meeting.

Citizen Advisory Group Report (10:03:00 pm)

Resident Cathy Haugh noted that we had covered most of the topics that were related to items of concern for the CAG. She wanted to insure that the Legends has been booked for the Annual Meeting for next year.

Resident Jay Saterbak commented at this time, but preferred that his comments not be entered into the record.

They suggest we keep this material and try to sort through it from time to time.

Resident Haugh would like to have some of the pictures put on the website under the topic of a Historical Page. The Board is OK with this. Supervisor Lawrence asked that some descriptive captions be written for these and that he will work with Mrs. Haugh to get this done.

Clerk's Report (10:08:50 pm)

Clerk Maas noted that the Draft Annual Meeting minutes are complete and suggested that they be placed on the website even though they have not been approved as yet. The Board approved this.

Supervisor Kraft mentioned the bill from the Attorney for attending the Annual Meeting. There appeared to be some confusion about this and he asked for clarification from Attorney Ruppe.

Attorney Ruppe noted that it was his understanding when he was hired that he was to reserve the first Monday of each month as well as the Annual Meeting. Supervisor Kraft inquired as to whether we want to consider changing this policy.

Attorney Ruppe also noted before he left that the language developed by the Spring Lake Township attorney mentioned earlier tonight regarding the Fire Contract Ruppe could also be found in Section 6 and 7 of the Savage Joint Powers Agreement.

Treasurer's Report

1) Financial Report (10:12:20 pm)

Treasurer Batton presented a copy of the February financial report. She also called attention to a report that can be generated by the Banyon program on a monthly basis for check reconciliation.

Supervisor Aspengren inquired about some long outstanding checks that have not been cleared as yet.

Treasurer Batton reviewed these and indicated that she would like to re-issue these on an individual basis.

Supervisor Aspengren asked about stop payment charges? Treasurer Batton indicated that this would be a board decision how to handle this. All the individuals to whom these checks were issued claim to not have received them.

Supervisor Lawrence asked Treasurer Batton how much money we had on deposit at Anchor Bank and in lieu of this how can we be charged stop payment fees?

Treasurer Batton indicated that she would ask if the stop payment charges could be waived because of the size of our accounts at Anchor Bank.

Supervisor Kraft asked about the Kody Place contract and when it was approved. Treasurer Batton asked what the effective date is because the terms of the contract stipulate billing occur according to this date. The Board indicated that it was effective March 19th.

Chairman Schommer noted that he had spoken to each of the Board members about this and because of time constraints; we needed to get it done. Attorney Ruppe was consulted and was OK with it.

Supervisor Aspengren made a motion to approve the financial report, Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

2) Transfer Funds (10:23:50 pm)

At the request of Treasurer Batton, Supervisor Kraft made a motion to transfer \$35,000 from the savings account to the checking account. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

Treasurer Batton noted that since the last report, we have cashed the Letters of Credit from the Territory and that the account balances have increased significantly. She has verified the collateral increased in accordance with the auditor's suggestions and state statute.

3) Escrow Status (10:25:45 pm)

Treasurer Batton reviewed the escrow account balances, noting that the accounts for Cress View, Stonebridge, and Territory are negative. Cress View just became negative with bills being paid at this board meeting. Scottview Acres now owned by Voyageur Bank has deposited the requested balance of \$2500. She is suggesting that she will send out statements to Cress View, Liberty Creek, Territory, Stonebridge and Scottview Acres.

Chairman Schommer suggested we ask Cress View to send in \$2500.

4) Status of the Budget (10:29:30 pm)

Treasurer Batton reported that she is close to converting to the Banyon as the active accounting software and will continue to use CTAS in parallel. CTAS has been the active system while we used up the blank check stock. She provided a copy on the CTAS annual budget as it exists at this time. She highlighted those areas where variances existed.

5) Certify Unpaid CSTS Charges (10:34:00 pm)

This topic was tabled this evening until the next meeting because of the uncertainty of a second meeting in April. Proper noticing of property owners requires notifying them of a specific date when certification will occur per Township Attorney Bob Ruppe.

New Business

1) Re-Organization Items (10:39:00 pm)

a) Clerk / Treasurer Duties

The CAG had spent time compiling a list of duties for each position. The Board reviewed this at the last workshop and assigned Supervisor Kraft the task of organizing this list.

Chairman Schommer suggested that we might want to hold off on approving until all of the corrections are incorporated. Supervisor Kraft noted that the intent was to be sure that all tasks are assigned and nothing is missed. Clerk Maas noted that in his opinion, it is a working document that will be updated regularly.

b) Chairman

Supervisor Nilsen nominated Supervisor Schommer to serve as Chair for 2009. Supervisor Aspengren offered a second, motion passed 4 – 0 (Schommer abstained)

c) Vice Chairman

Supervisor Lawrence nominated Supervisor Nilsen. Supervisor Schommer offered a second, motion passed 4 – 0 (Nilsen abstained)

d) Weed Inspector

Supervisor Schommer suggested that Supervisor Aspengren serve as Chief Weed Inspector. All others share this responsibility.

e) Summer Road Maintenance

Supervisor Nilsen and Supervisor Kraft are assigned the primary responsibility with all others having secondary responsibilities.

f) Winter Road Maintenance

Chairman Schommer and Supervisor Lawrence are assigned the primary duties and all others have secondary responsibilities.

g) Debris

Responsibility for picking up road debris is assigned to all supervisors.

h) Parks / Mowing including the Town Hall

Supervisor Lawrence will continue to oversee the parks maintenance and mowing tasks including Town Hall mowing.

i) Town Hall Oversight and Alarm System

Supervisor Kraft and Supervisor Nilsen will share this responsibility.

j) Environmental / Culverts

Supervisor Aspengren will continue with this responsibility.

k) Technology

Supervisor Lawrence will continue to oversee technology including computer equipment and oversight of the website.

l) DRT Meetings

All supervisors will assume this responsibility based on availability.

m) CSTS Mound Mowing

Supervisor Aspengren will oversee this task.

n) Driveway Inspections

Chairman Schommer will continue to inspect driveway and culvert installations.

n) Supervisor Pay

Supervisor Aspengren suggested that we apply a 2% reduction in pay across the Board.

Supervisor Aspengren made a motion to reduce supervisor pay to \$565 per month. This motion failed for lack of a second.

Supervisor Nilsen made a motion to keep at the Supervisor Pay at \$575, Supervisor Kraft offered a second, all in favor, motion passed 5- 0

o) Clerks / Treasurer Pay

Supervisor Nilsen suggested that pay for the Clerk and Treasurer be altered to include a base hourly rate plus a meeting amount similar to the supervisors. He also noted that the supervisors discussed at the workshop that each of the positions ought to be paid the same hourly rate.

Supervisor Nilsen noted that if we moved the Treasurers Report to the first item on the meeting, she would then be allowed to present her report and then leave the meeting. The pay could be adjusted accordingly.

Supervisor Kraft was of the opinion that we need the Treasurer present for the entire meeting

Supervisor Kraft noted that the discussion at the workshop concerned paying both the Clerk and Treasurer at the same hourly rate of \$24 per hour, however he was also of the opinion that this would represent an increase for Treasurer Batton and he is of the opinion that in today's economy, any increases ought not to be granted.

Supervisor Aspengren expressed the view that going to a salaried format would eliminate a considerable of the problems we

Clerk Maas noted that while he would support the decision of the Board, but wanted to note that he has check with most of the other Townships in the County and found that all elected positions are salaried from County Commissioners, City Council members, Sheriff, County Attorney, Town Board Members, and Clerks and Treasurers. Treasurer Batton pointed out that the Spring Lake Township clerk and treasurer are compensated on an hourly rate, not salaried.

Clerk Maas stated that those positions are appointed in Spring Lake and not elected.

Supervisor Kraft noted that he would hate to be compared to other Townships in that we pay considerably high wages.

Supervisor Lawrence noted that it was his feeling that both positions have been elected by the residents of the Township, that we've made a good start in terms of outlining the specific duties and the time required to accomplish these duties. He noted a there is a trust factor that must be assumed. He feels that they two positions ought to be paid the same, which would simplify the budgeting process.

Chairman Schommer noted that the Clerk's duties are relatively consistent from month to month while the Treasurer's duties are varied depending on the audit, year end reports etc.

Treasurer Batton also expressed a concern that in the case where she would not be re-elected and her successor is of a different mindset and doesn't demonstrate responsibility and commitment. Supervisor Lawrence mentioned that as a Board we have the right to change the pay arrangements at that time.

Supervisor Nilsen noted that someone might choose to run for the position based on the salary rate of pay and in fact might not be qualified to perform the duties.

Supervisor Nilsen asked what hours are being expended for each position. Clerk Maas noted that he is currently spending 100 to 110 hours per month. Treasurer Batton said she spent about 160+ hours in December, about 195 hours in January, about 137 hours in February, approximately 137 hours in March.

Chairman Schommer suggested that we set the rates on an hourly basis for six months pending the determination of how much time the Treasurer will need once the Banyon software is mastered.

Supervisor Nilsen made a motion to set both rates of pay at \$24/hour plus an additional \$100 per town meeting and \$60 for any other meetings that the Clerk or Treasurer would attend. Chairman Schommer offered a second, motion passed 4 – 1 (Lawrence opposed)

p) Miscellaneous Pay Rates

The Board set the rates of pay for each of the following:

- Board meetings \$100 per meeting
- Other meetings \$60 per meeting
- Man in truck \$40 per hour
- All other labor \$25 per hour
- Election Judges \$12 per hour
- Mileage set at the approved IRS government rate
- Roll test \$60 for 2 hours plus \$30 for each additional hour

Supervisor Nilsen made a motion to approve these miscellaneous rates as presented. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

These rates will go into effect as of April 1st.

2) Discuss Hazard Mitigation Plan (11:15:10 pm)

Supervisor Nilsen noted that he had a conversation with Chris Weldon with regard to this program and they discussed some equipment needs the Township may have in case of an emergency.

It was noted that the Town Hall would serve as a command center in case of an emergency.

The County is asking that we supply a wish list of equipment desired and that we support this plan.

Supervisor Aspengren made a motion to approve the Hazard Mitigation Plan, Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

3) Discuss Social Host Ordinance (11:23:45 pm)

Chairman Schommer reviewed the background of why this Ordinance is being considered. He noted that it was brought up at a recent SCALE meeting as well as at the recent Scott County Township association meeting.

The Ordinance is currently in place in a couple of nearby cities, specifically Prior Lake. Other communities in Scott County are considering it at this time. The Sheriff would like to enact this Ordinance countywide.

Supervisor Nilsen is of the opinion that the Ordinance as written is vague and that it won't hold up in court. He also mentioned that he had a recent opportunity to discuss this Ordinance with Scott County Sheriff Studnicka.

Supervisor Nilsen mentioned that he felt the threshold of enforcement is too vague. He asked Sheriff Studnicka what would happen if the sheriff pulled up to a house where there were 15-20 kids sharing a single case of beer, i.e. one beer apiece. What would the Sheriff do?

He also got the sense that the Sheriff mentioned that they are going back to the same house repeatedly and he is wondering if this is being set up as a discretionary ordinance. He is not comfortable with the Sheriff's answers as to how they will enforce this.

Commissioner Wolf commented that the calls he is receiving are running approximately 90 percent against adopting the Ordinance. Many people are expressing the view that this is just more government.

Resident Jay Saterbak commented at this time, but preferred that his comments not be entered into the record.

Clerk Maas compared this proposed ordinance to our overnight parking ordinance. We are not actively seeking violations, but in cases of complaints, we have a tool that can be used to address violations. He is of the opinion that this tool provides the sheriff with a similar tool.

Supervisor Kraft was concerned about the consistency of enforcement among the deputies.

Supervisor Nilsen reminded everyone that this is a county ordinance and they are looking for our support and the question is whether the ordinance is clearly written.

Supervisor Nilsen would like to support this ordinance but would like to see more definition.

Chairman Schommer suggested that we support it with comments.

Supervisor Aspengren made a motion that the Township supports the Ordinance.

Supervisor Nilsen offered a second that supports would support this Ordinance with the understanding that efforts be put forth to rewrite it such that is less discretionary.

Commissioner Wolf asked if the Board would be comfortable if he votes no at the County Board meeting if there are no charges forthcoming. Supervisor Aspengren

indicated that he is not comfortable with Commissioner Wolf voting no. Supervisors Nilsen and Schommer would be comfortable.

Supervisor Kraft asked that we restate the motion on the floor.

Clerk Maas reviewed that Supervisor has made a motion to support the ordinance and that Supervisor Nilsen has offered a second with an amendment to tighten it up and better define the enforceability.

Chairman Schommer called for the Board's wishes. The motion passed 5 – 0 with the provision that we note the amendment.

The Board asked Clerk Maas to contact County Attorney Ciliberto and Treasurer Batton to contact Lakeville Police Officer Kevin O'Neill to inquire if they would be willing to come to our next meeting to provide some clarification on this Ordinance.

4) Clean Up Days (11:52:00 pm)

Chairman Schommer announced that the Spring Cleanup days is scheduled for April 18th.

It was suggested that this be added to the website.

5) Board of Adjustment (11:52:20 pm)

Chairman Schommer also announced that Thursday, April 30th is the date for the Board of Adjustment to review tax assessments for those wishing to discuss.

Review and Pay Bills (11:53:00 pm)

3/9/2009	4938	Mark Zweber	Liberty Creek Escrow Refund	\$	19,000.00
3/16/2009		Anchor Bank	ACH Fees	\$	10.32
4/8/2009	4939	Jacques Whitford EcoCheck	February CSTS O & M	\$	7,300.15
4/6/2009	4940	Ehler's & Associates	Fiscal Impact Study	\$	760.00
4/6/2009	4941	Scott Soil & Water Conservation	Feb NPDES Inspections	\$	680.00
4/6/2009	4942	MVEC	Electrical Service	\$	960.54
4/6/2009	4943	GE Capital	Lese Payment	\$	149.11
4/6/2009	4944	Webcetera Designs	Website Work	\$	87.50
4/6/2009	4945	Business Forms & Accounting	Laser Checks	\$	134.03
4/6/2009	4946	Gallagher's	Winter Road Maint March 2008	\$	310.00
4/6/2009	4947	Xcel Energy	St Francis Street Light	\$	13.09
4/6/2009	4948	CenterPoint Energy	Town Hall Gas	\$	127.66
4/6/2009	4949	Scott County Treasurer	Recording Fee	\$	46.00
4/6/2009	4950	Mike's Septic Service	Septic Pumping	\$	1,110.00
4/6/2009	4951	Integra Telecom	Phone Service	\$	506.02
4/6/2009	4952	Abdo Eick & Meyers	2008 Audit	\$	1,400.00
4/6/2009	4953	Couri Macarthur & Ruppe	March Legal Services	\$	3,608.75
4/6/2009	4954	One Call Concepts	General Locate Services	\$	2.90
4/6/2009	4955	Art Johnson Trucking	March 2009 Winter Road Maint	\$	1,910.00
4/6/2009	4956	Minnesota Benefit Association	Town Officers Life Insurance	\$	1,125.00
4/6/2009	4957	ECM Publishers Inc	Legal Advertising-Lakeville	\$	813.09
4/6/2009	4958	Southwest Suburban Publishing	Legal Advertising-Prior Lake	\$	698.36
4/6/2009	4959	Goliath HydroVac	Clear Culverts	\$	1,987.50
4/6/2009	4960	Hakanson Anderson Associates	Feb 2009 Engineering	\$	7,169.57
4/6/2009	4961	J B Woodfitter & Associates	NPDES Refund	\$	3,390.00
4/6/2009	4962	Paul E. Newman	Election Wages	\$	166.00
4/6/2009	4963	Duane Sebens	Election Wages	\$	180.00

4/6/2009	4964	Daralene Lein	Election Wages	\$	180.00
4/6/2009	4965	John Schulte	Election Wages	\$	96.00
4/6/2009	4966	Genevieve Dahl	Election Wages	\$	120.00
4/6/2009	4967	Lennar Corporation	Access Refund	\$	900.00
4/6/2009	4968	Geckler & Associates	Access Refund	\$	2,054.60
4/6/2009	4969	Minnesota Revenue	MN Tax Withholding	\$	718.90
4/6/2009	4970	Scott Soil & Water Cons District	Replace Check 4720	\$	322.00
4/6/2009	4971	Al Aspengren	Expense Reimbursement	\$	75.90
4/6/2009	4972	Holly Batton	Expense Reimbursement	\$	285.18
4/6/2009	4973	Tom Kraft	Expense Reimbursement	\$	258.66
4/6/2009	4974	Brent Lawrence	Expense Reimbursement	\$	33.55
4/6/2009	4975	Leroy Schommer	Expense Reimbursement	\$	46.75
4/6/2009	4976	Bruce Nilsen	Expense Reimbursement	\$	541.96
4/6/2009	4977	Chris Kostik	Services as Moderator	\$	60.00
4/6/2009	4978	Jerry Maas	Expense Reimbursement	\$	75.36
4/6/2009	4979	Gallagher's	Winter Road Maint-March 2009	\$	1,190.00
4/6/2009	4980	Leroy Schommer	Expense Reimbursement	\$	100.00
4/6/2009	4981	Al Aspengren	Services as Supervisor	\$	940.18
4/6/2009	4982	Holly Batton	Services as Treasurer	\$	2,478.87
4/6/2009	4983	Tom Kraft	Services as Supervisor	\$	830.46
4/6/2009	4984	Brent Lawrence	Services as Supervisor	\$	817.30
4/6/2009	4985	Jerald Maas	Services as Clerk	\$	1,787.37
4/6/2009	4986	Bruce Nilsen	Services as Supervisor	\$	872.71
4/6/2009	4987	Leroy Schommer	Services as Supervisor	\$	1,249.03
4/6/2009	4988	GE Capital	Monthly lease	\$	169.11
4/6/2009		Anchor Bank	April Withholding Taxes	\$	1,795.81

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 12.27 pm.

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

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