

Credit River Township Meeting Minutes April 20, 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 Tom Kraft

Others Present:

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

Old Business

1) Social Host Ordinance (6:00:00 pm)

At the request of the Board, Scott County Sheriff Kevin Studnicka, Scott County Attorney Pat Ciliberto, and Lakeville Police Officer Kevin O'Neill appeared to answer questions regarding the Social Host Ordinance.

Sheriff Studnicka noted that this ordinance proposal had been presented recently at the Scott County Township Officers meeting and that the Townships had planned to discuss the ordinance at their individual Township meetings. He understood that Credit River had reviewed the ordinance at the last meeting and that some clarification was requested.

Sheriff Studnicka noted that the City of Lakeville has had this ordinance in place for a year and that Officer O'Neill was available to provide some information regarding their experiences so far. He noted that prior to adopting the Ordinance, Lakeville sought input from the residents for 30 days via their website and had nothing but positive response to this proposal.

Supervisor Nilsen mentioned that he had the opportunity to discuss this topic with Sheriff Studnicka two weeks ago and he was hoping that we would have a good strong ordinance that couldn't be challenged in court.

Sheriff Studnicka stated that to the best of his knowledge, of the 21 cities and 1 county, that have adopted the ordinance so far, there has been no report of any significant court challenges so far.

Officer O'Neill confirmed that has been the experience in Lakeville. He noted that sometimes the charges are altered in exchange for agreeing to a lesser charges, but.

Supervisor Nilsen asked if there has been any migration of the problem to surrounding communities as Lakeville has gotten tougher in terms of enforcing this law. O'Neill answered that this mat very well be the situation, but because it's out of their area, they are unable to confirm.

Sheriff Studnicka stated that the goal is to have a universal ordinance that can be applied County wide He further called attention to an article in the Star-Tribune this morning that reported on just such a case in Monticello where a fatality resulted.

Treasurer Batton asked Officer O'Neill if there have been complaints about too much discretion being allowed on the part of the officers in the enforcement process?

Sheriff Studnicka noted that in order for an officer to enter a residence, two things have to happen; 1) the officer has to have been invited in or 2) he must have a warrant.

Officer O'Neill emphasized that our constitutional rules is still in place. There have been no complaints about how law is being applied.

Supervisor Nilsen about threshold of enforcement. He gave as an example, a situation where a group of 20 kids are gathered in a residence with a single case of beer, would this be enough to warrant a citation.

Officer O'Neill noted that in Lakeville, this Ordinance is complaint driven, that the officers are not actively seeking out violations. When they arrive in response to a complaint, they deal with situation as it exists. They do have a "zero tolerance" policy and will test every underage person present. If there is evidence of alcohol, a citation will be issued.

Supervisor Kraft also expressed the view that residents were concerned about when deputies had right to enter a home or property or targeting kids in a car.

Sheriff Studnicka indicated that only if probable cause existed and in most such cases as this, the Social Host ordinance wouldn't apply.

Sheriff Studnicka stated that his intentions are to personally review every case during the first year as we gain experience with this law and then it would be forwarded to County Attorney Ciliberto who in all probability will give the case a similar review before charges are filed.

Treasurer Batton asked Officer O'Neill if the Ordinance has been helpful in Lakeville?

Officer O'Neill responded that there was no question and that it was simply another tool that was now available. It has led to an increased awareness on the part of the residents and that in turn has led to prevention. He also noted that there are several programs being taught in the schools that supplement the overall effort.

Supervisor Aspengren arrived at 6:15 pm

Officer O'Neill noted that since they have had the ordinance, they have charged out 10 cases, none of which has involved parents so far. It has usually been a relative or friend who has been the party supplying the alcohol.

Supervisor Aspengren asked about results of the 10 cases.

Officer O'Neill stated that some are still pending, in some cases the Social Host charge has been dropped in lieu of a plea to another charge. There have been two convictions so far.

Attorney Ruppe suggested that in view of the information provided tonight by the law enforcement officials that the Township makes a recommendation to either support or not support this proposed ordinance.

Chairman Schommer made a motion to send a recommendation to the County Board that Credit River supports this Ordinance, Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

In response to a question from Supervisor Kraft, Sheriff Studnicka mentioned that most of the townships have been supportive where they have had a chance to explain the intent of this ordinance, There have been a couple where they are struggling with the concept. They have a couple of more meetings scheduled.

Chairman Schommer noted that it was his opinion that some of the Townships got a poor first impression from the information they received at the Township Association meeting in March.

Comments by resident Jay Saterbak indicated that he is disappointed with the ordinance as it is written. He feels that it is too vague. He noted that while he is comfortable with the interpretation that the current Sheriff and County Attorney place on the ordinance and how they in turn will enforce it, he is wondering as to what assurances we would have that future elected officials will interpret the ordinance in a similar fashion? Why isn't it possible to better define the method of enforcement?

Sheriff Studnicka stated that this ordinance is based on many that have already been adopted and seem to be working well. .

Resident Saterbak again indicated that it was his feeling that the ordinance is written so loosely that there is too much room for discretion as to how it will be enforced.

County Attorney Ciliberto asked for suggestions as to how it might be tightened up? He explained that the way it is currently written, the sheriff has to prove that anyone hosting a party where alcohol is being served did so with full knowledge. And so his question is why would people fear this ordinance? He fails to see an arbitrary enforcement issues.

Sheriff Studnicka noted that he would have no suggestions as to how this might be reworded to make it clearer.

Resident Saterbak asked if any of the existing ordinances been tested at higher levels. Attorney Ciliberto noted that to be best of his recollection, there have been 3 challenges and all have been upheld.

Chairman Schommer suggested that we allow this ordinance as written to work for this next year and see how it works out.

He thanked the law enforcement officials for coming this evening.

2) Discuss Territory Agreement (6:34:40 pm)

Attorney Bob Ruppe passed out copies of the latest proposed agreement and noted that at the last meeting the Board wanted to add some final language for completing the remaining work and warranty agreement. He asked for questions?

Chairman Schommer asked how far does this proposal depart from the requirements of the original Developer's Agreement (DA) the Township has with Laurent Development?

Attorney Ruppe stated that one of the differences is that under terms of the DA, the Township has the sole discretion to reduce the amount of the surety, whereas under this new agreement the amount of the surety must be reduced as the work is completed and confirmed by the Township Engineer.

Attorney Ruppe also noted that the funds must be kept in an interest bearing account, which is not required under the current Developer's Agreements.

Attorney Ruppe further noted that if the Board chooses to enter into this agreement, the advantages are that the SA Group has offered to insure that the work is completed under their direction. The other advantage is that they agree to use the funds on all phases of the project including the First Addition.

The disadvantages of entering into this agreement are that the Township will be giving up some of the rights they have under the terms of the DA.

Should the Township choose not to enter into this agreement, and while there is no obligation to finish the project, the township has the right to finish it and can in fact complete the project under the direction of the Town Engineer.

Supervisor Kraft noted that at 2.25%, we would stand to lose about \$10,000 on the \$430,000 escrow funds under this agreement as opposed to doing the project ourselves and collecting the interest while the work is being completed.

Supervisor Kraft asked about any language that might be inserted that would allow for cancellation should we not be satisfied with the work being done. Attorney Ruppe noted that this would be possible.

Rob Wachholz, representing the SA Group, noted that there is already language that would allow cancellation should the August completion date not be met.

Attorney Ruppe noted that he was under the impression that the Board was asking for additional language that would allow for even earlier termination.

Engineer Nelson noted that on CSTS 2 and 3 need not be completed until 11/30/10 under terms of the contract.

Supervisor Nilsen asked Mr. Wachholz if they would be willing to let the Township handle CSTS issues, since we would be taking over the operation of the CSTS system?

Mr. Wachholz indicated they would be concerned if they did not get completed since it would jeopardize the lots owned by the SA Group. He indicated he would like to keep this responsibility in the agreement. He did suggest that the weeping mound might be removed from the agreement if necessary.

Chairman Schommer noted that it would be impossible to get the weeping mound completed by 8/31/09

Supervisor Aspengren noted that the MPCA permit for mound #12 (weeping mound) requires completion by 12/31/09. It further requires that plans and specs be submitted to the MPCA by 7/31/09.

Mr. Wachholz stated that they have not done any work on this project including mound # 12 pending the acceptance of this agreement.

Engineer Nelson pointed out that after the plans and specs are complete, they would have to be reviewed by the Township and then the County. This will require some time to complete.

Supervisor Kraft asked about the bridgework being done?

Mr. Wachholz indicated that the SA Group is taking care of this independent of this agreement.

Chairman Schommer stated that he has a problem with the requirement that there be three escrow accounts established. Why wouldn't one account be sufficient?

Mr. Wachholz noted that the remaining work would be contracted for and thought it best that these funds be separated into one account. It would aid in the tracking of the completion of the punch list items. The second would be used to keep the current escrow account current and the third would be to cover outstanding warranty items for the project under the direction of the Township.

Treasurer Batton asked how the interest would be applied under this arrangement? Does this mean that interest would be given on the various accounts?

Attorney Ruppe noted that these funds had to be segregated into a separate FDIC insured account with interest accumulated being for the benefit of the SA Group.

Supervisor Kraft wondered if precedence was being set as regards the interest?

Attorney Ruppe replied that in his opinion there was no precedence being established. Most other projects are relatively small and the costs of calculating and managing interest would be cumbersome in a disproportionate fashion.

Treasurer Batton asked who would be in charge of administering this agreement?

Attorney Ruppe stated that it would be his opinion that Engineer Nelson would handle the day-to-day construction activities. Managing the escrow would continue as it has and the warranty concerns would be up to the Board.

Supervisor Lawrence asked Treasurer Batton how much time she would incur because of this agreement? Treasurer Batton stated that she was unsure. She also wondered about charging administrative fees for the time she does spend on this project?

Attorney Ruppe cautioned that we not do anything different than what we currently do with other projects or else we must specify this in the agreement.

Supervisor Kraft suggested that language be inserted so there would be no question on administrative fees that would have to be charged.

Supervisor Aspengren noted that there seem to be many small items on the punch list. He also noted that it appears that the residents are supportive of this arrangement. However, he does not agree with the concept of placing the funds in an interest bearing account. He also felt it important that we structure the agreement to specify payment on the first Monday of the month.

Mr. Wacholtz indicated that if the interest question is an issue, he suggests that this could be taken out of the agreement.

Supervisor Nilsen asked Supervisor Aspengren where the interest ought to be accumulated?

Supervisor Aspengren thought it ought to go to the general fund.

Supervisor Nilsen asked if the requirement to disburse funds under 5d3 could be changed from five days to seven business days.

Supervisor Nilsen pointed out that SA Group has a vested interest and felt comfortable with them leading the project.

Supervisor Kraft requested that the Board state it's feeling about the interest issue. Supervisor Aspengren stated that he was not in favor of SA Group collecting the interest. Supervisor Nilsen proposed a 50/50 split.

Supervisor Lawrence indicated he felt simplicity was the best. He felt that it would be easiest for the Township to manage this project.

Supervisor Aspengren felt that this would lead to increased costs due to the involvement of the Township Engineer.

Chairman Schommer asked if Mr. Wachholz would lead the project or would Jacob Fick from Tradition Development have this responsibility?

Mr. Wachholz indicated that he would be the person in charge and that Mr. Fick would be involved as a resource.

Supervisor Kraft made a motion to accept the contract from the SA group with the understanding that language would be added as respects the administrative charges, that the requirement to place the funds in an interest bearing account be removed, that the Township address be changed, that seven business days be allowed for fund disbursement and that the clerk's signature line be added to the signature page and that the entire agreement be contingent on final Attorney review. Supervisor Aspengren offered a second, motion passed 4 – 1 (Lawrence opposed)

3) Review Open House Plans (7:26:00 pm)

Supervisor Brent Lawrence stated that he and Clerk Maas met to prepare a preliminary plan and establish a time lime line for the open house now scheduled for Wednesday, May 13, 2009 from 6 – 9 pm.

Supervisor Lawrence presented a copy of the proposed announcement to be mailed to the residents. He noted that the plan calls for Metro Sales to mail this on April 29th. It was decided to order 50 additional pieces to hand out to interested people not on the mailing list.

Supervisor Lawrence suggested that a preliminary meeting be held with Ehlers and Associates and the Board on May 5th at 12:30 pm to review the presentation. He also suggested that he would prepare a news release and would propose that he be identified as the contact person. The Board agreed.

The Board also decided that in view of the cost, we would not plan on providing refreshments.

4) Discuss Street Sweeping Plans (7:42:40 pm)

Supervisor Kraft and Supervisor Nilsen reported that Quality Sweeping has already begun the task of sweeping some of the streets in the Township. Their rate is \$90 per hour. In addition, they noted that they have prepared a plan for additional sweeping.

Chairman Schommer asked Attorney Ruppe to send a letter to the resident on Towering Oaks Curve with regard to the road damage caused by a bobcat while scraping excess rock from the road.

Chairman Schommer made a motion to authorize expenditure not to exceed \$4000 to complete the street sweeping. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

Engineer's Report

1) Review Costs for Canter Lane Sewer Project (7:53:00 pm)

Engineer Shane Nelson reported that he obtained 3 proposals for this project. His estimate was between \$5,000 and \$8,000. The lowest proposal was from Klingberg Excavating at \$4.899 and he recommends that we accept this.

The Board asked Engineer Nelson send letter to neighbor to the west informing him of these utilities that are being installed and alert them to the easements that exist as they relate to any fence contemplated.

Supervisor Nilsen made a motion to accept the proposal from Klingberg Excavating with the provision that the funds be taken from the Stonebridge LOC. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

2) Huntington Way Project (8:00:55 pm)

Engineer Nelson presented letter from Joe White, contractor for this project, regarding the liquidated damages for delay of the construction activity that has taken place so far. Mr. White indicated that he will agree to 15 days contingent upon the

adjustment being made this spring after the sloping work and culvert extensions are completed.

Supervisor Kraft suggested that we wait until all work is done before releasing any funds. Engineer Nelson concurred.

Engineer Nelson mentioned that our options are 1) we accept his counter offer and ask that he do the remaining work and that afterward submit a partial pay estimate for the additional work that was done or 2) if he wants to continue to dispute, we will also have the option to terminate the contract and complete the work using another contractor.

Supervisor Aspengren asked about the amount of partial payment

Engineer Nelson did not have the exact number of the Partial Payment, but the adjustment for the number of days in liquidated damages would be \$13,800.

Engineer Nelson suggested that the next step might be to direct Attorney Ruppe to write a letter to Mr. White. Attorney Ruppe indicated that he would like to look at contract to review termination requirements.

Supervisor Nilsen asked about warranty implications if we got another contractor to finish project.

Engineer Nelson stated that the performance bond is the warranty in that it has to remain in effect for a period of one year following the date of substantial completion.

Supervisor Nilsen stated that it was his feelings that the Board has met on this issue, decided what was to be done and so informed the contractor and therefore we need to stick to our position.

The issue was left to Attorney Ruppe to recommend action at the next meeting

3) Spare Control Panel (8:11:00 pm)

It was noted that Ryan Brandt, from EcoCheck would like an additional spare control panel in stock for emergency repair requirements in that it takes 10 to 14 days to get a replacement when needed.

Supervisor Aspengren made a motion to authorize expenditure not to exceed \$800 to purchase a spare control panel from the general fund. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

It was decided that the Township would hold these spares in an account under the general fund and transfer the unit to the project when needed.

Supervisor Aspengren was asked to check with Ryan Brandt regarding the payment for the pump in Monterey Heights/South Passage project.

Treasurer Batton asked that we secure an inventory accounting of the current spare parts inventory.

Minutes of Previous Meeting (8:25:16 pm)

Chairman Schommer called on Clerk Maas to summarize the minutes of the April 6, 2009 meeting.

Clerk Maas offered a bit of background information noting that last meeting we had a 6 and ½ hour meeting. He transcribed the meeting notes and sent a draft copy out on Sunday, the 12th for Board and staff review. On the morning of the 13th, he received the following email from resident Jay Saterbak:

Clerk, Credit River Township

Clerk:

I challenge you to produce an audio tape that confirms the below excerpts from your "draft minutes of the April 6th Town Meeting" as my statements. Since you are not very good at factually interpreting my comments; I would prefer that you not "note" any of my statements, comments, or notations on my behalf. Please let the record show my comments and statements in quoted form or don't put them in at all.

"Resident Jay Saterbak noted he has negotiated with Pearson Gravel in the past. He noted that in his opinion, this agreement provides the Credit River Town Board some input as to how the mining operation will be done."

"Mr. Saterbak further noted that the existing permit coincides with resident desires and would like to see that it continue to be followed."

Make corrections as I find the noting of your opinions of what I said to be offensive and unfactual.

And this one is additionally incomplete:

"Resident Jay Saterbak reported that the CAG had met twice this past month. They have put together a format for the re-organization items. They also looked at the issue regarding sending items to the Historical Society and now feel that because they have indicated that they they will discard items that they don't have a need for."

Again; If you are going to state that I "said" something; quote the statement in it's entirety since you cannot seem to factually edit or condense

"Resident Jay Saterbak expressed his opposition and indicated that in his opinion it is not written very well. He understands what the intent is, but he is afraid that an over aggressive deputy might choose that he/she has the right to enter your home without a warrant. He is afraid that while the enforcement people say they are not going to strictly enforce it, where is the guarantee of fairness in enforcement? He would recommend that the Township not support this until it is rewritten"

I expect to see corrections made prior to acceptance of these minutes to reflect a true record of my participation rather than your opinions.

Please read this request into the proceedings of the next Board meeting.

Clerk Maas stated that he re-listened to the recording of the meeting and was very surprised that Mr. Saterbak had made these comments, found no basis for the accusations Mr. Saterbak brought forward and in fact was quite offended at the manner in which Mr. Saterbak chose to confront the issue. As a result Clerk Maas sent the following response to Mr. Saterbak"

Clerk Maas stated that he would be very happy to accept Mr. Saterbak's written comments that he would like included in the record and has so informed him. He as yet has not received these corrections.

In addition, he has not received comments from all of the Board members as of this time and is recommending that we withhold approval of the minutes until the next meeting in order to get all of these changes into the record.

Resident Jay Saterbak noted that earlier this week he received a draft copy of the minutes and wasn't happy with the interpretation of his comments at the last meeting. He received what he felt to be a rude response and was not happy about this.

What he wished to have on the record is

- 1) he is a property owner adjacent to the Pearson property
- 2) he is only a part of the negotiating team, not the negotiator
- 3) that Mr. Pearson is a good operator
- 4) that there are 400 residents adjacent to the property who are or could be considered legal objectors
- 5) they want some assurance from the Board that they will retain some control
- 6) that if Savage annexes, they don't represent the citizens of Credit River and he would hope that the purpose of the JPA will be to insure that the Town retains some control
- 7) that the existing permit is close to the desires of the residents

Attorney Ruppe offered an observation that the minutes cannot be a verbatim transcription of what was said and he would like to suggest that Mr. Saterbak submit a written version of what he would like to be in the minutes.

There was a long discussion regarding what ought and ought not be included in the minutes with many people offering their views.

Contracting to take minutes

Supervisor Kraft noted that they had a person listen to a recent recording and transcribe the minutes. He is asking would we be better off having someone take this responsibility in the future. He noted that it takes Clerk Maas quite a bit of time to transcribe the minutes and perhaps we could save money and get them distributed faster.

Supervisor Lawrence asked if the statutes state that this is a responsibility of the Town Clerk?

Treasurer Batton stated that according to MAT, anyone can take the minutes, but it's up to the Board to approve the minutes.

Attorney Ruppe quoted the statute that states it is the Clerk's duties. The Board would be at liberty to ask anyone else to transcribe a summation if they so desire, but the official minutes are the responsibility of the Clerk.

As to the time requirement, Clerk Maas noted that at the time he took this assignment, there was no stated requirement that he types a certain number of words per minute. He further noted that in his opinion it would be next to impossible for an outside person to summarize the proceedings with no knowledge of the background of each issue.

Clerk Maas mentioned that he has had many favorable comments regarding the thoroughness of the minutes. If enough of the residents of this township would like to see less information, he would be glad to supply less.

The Board had several questions as to how this might work in practice and asked Supervisor Kraft to get additional information and report back at the next meeting

Resident Open Forum (9:15:20 pm)

Ted Kowalski, representing JB Woodfitters, asked if it would be possible to extend his temporary permit to exceed the 5-ton load limits on Judicial Road while he completes a home located just off of Judicial Road.

Chairman Schommer noted that we have an agreement with Lakeville to insure that this road is not used on a regular basis by construction traffic. He is concerned that the roads are at a critical stage at this time of the year.

Supervisor Aspengren asked Mr. Kowalski how many trips would be required?

Mr. Kowalski wasn't sure, but noted that there is quite a bit of materials that have to be brought in. Mr. Kowalski noted that he asked for the permit well in advance of the actual start time for construction and now needs the extension to complete the home.

Supervisor Aspengren noted that we have a situation where a home needs to be completed and sees no alternative.

Chairman Schommer asked that he have some time to discuss the matter with Lakeville. The Board indicated they would be in agreement with whatever decision Chairman Schommer made on this after discussing it with Lakeville.

Citizen Advisory Group Report (9:26:15 pm)

Greg Brown speaking on behalf of the Citizen's Advisory Group (CAG) noted that in the last few weeks, they have discussed disposition of the historical records located here in the Town Hall, they have worked extensively on the job duty lists for the Clerk and Treasurer, they have contributed to the design of the open house invitation and discussed the proposed Social Host Ordinance.

The CAG has also discussed the need for a "Perpetual Calendar" that might be posted in the Town Hall to keep track of the various activities taking place.

Mr. Brown also commented that the communication between the group and the Board appears to be working quite well and hoped it would continue.

Discuss Right to Farm Ordinance (9:28:40 pm)

Attorney Ruppe passed out a draft Ordinance similar to one currently being used in Helena Township.

He noted that he has added requirements for developers to notify prospective residents of this ordinance. He also has added a provision that when permits are applied for, they must be notified of the existence of this ordinance.

Supervisor Aspengren asked if this was prompted by a concern of residents

Chairman Schommer indicated that the topic had been discussed recently at a meeting at Scott County and a couple of Credit River residents mentioned that in view of the fact that several of our neighboring townships already have this ordinance, we ought to consider it also.

Attorney Ruppe noted that current state law requires that a government entity cannot institute any ordinance that will eliminate any use that was previously considered to be lawful.

Supervisor Nilsen commented that there are a number of farms in the Township that have been in operation for a long time and that even though they operate during certain times of the year at late hours, the residents moving in need to understand that they were here first.

Attorney Ruppe noted that while rights to farm are already in the law, the purpose of this ordinance is to allow for a document to show that it is a local policy. He did note that sections 6 and 7 are not in state law and provides for notification.

Supervisor Lawrence asked if there would be any issues in trying to keep track of the notification requirement.

Supervisor Nilsen made a motion to adopt Ordinance 2009-02 provided we delete section 7 dealing with the notification process at building permit time. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

Clerk's Report

1) Policy – Township Documents to be kept at Town Hall (9:45:07 pm)

Supervisor Kraft submitted a preliminary policy that would require that all documents be kept at the Town Hall noting that lately some documents have not been available.

Clerk Maas noted that he has been on vacation for the last 3 weeks and has several documents in process that he has been working on. He stated that he would be happy to leave these at the hall if it was becoming a problem. He assured the Board that documents that are completed are here at the hall.

Supervisor Aspengren expressed an opinion that we should not need a policy on this, because from time to time it might be necessary for several of us to take files home to work on or review. Perhaps a system to sign files out might be more appropriate.

Attorney Ruppe cautioned that we insure some flexibility be kept in mind to account for the need to process documents that are currently being used.

The Board decided to table this discussion until the next meeting.

2) Report on Meeting with Met Council re: 494 / 169 Interchange (9:53:30 pm)

Clerk Jerry Maas reported on a meeting he had attended at the Met Council on funding requirements for the 494 / 169 Interchange in Bloomington. At the last SCALE meeting, County Commissioner Ulrich, who sits on this committee, asks for a show of support from Scott County elected officials at this meeting to help emphasize the need for the Transportation Advisory Board (TAB) to allocate newly available funds from the Federal Government for the reconstruction of the 494 / 169 interchange for the benefit of Scott County residents.

Clerk Maas noted that several of the mayors from Scott County took the opportunity to speak for this project. Unfortunately, this effort was not successful as the TAB decided not to recommend approval for these funds.

3) SCALE Meeting (9:58:50 pm)

Chairman Schommer asked Clerk Maas to summarize our discussion at the last SCALE meeting with Representative Mike Beard on the topic of the legislation currently in the House regarding efforts to stop any further incorporation efforts by any townships in the state.

Clerk Maas noted that Rep Beard was surprised at the language that had been added to the bill that he sponsored and that it bore no resemblance to the bill that was originally proposed and for which his support was sought. He was quite confident that this bill would not make it through the House this year, as would be the case with two other bills that were attempting to stop incorporation. He did note that there was one additional bill that was also trying to, limit incorporation and that he was unsure of the status of this bill.

Attorney Ruppe and Engineer Nelson left the meeting at this time

4) Building Permit Report (10:01:50 pm)

Clerk Maas mentioned that Supervisor Kraft had suggested that perhaps a monthly report might be generated by the Clerk to be presented at the Township meeting. Clerk Maas stated that he agrees and will try to develop something for the next meeting.

Supervisor Kraft commented that he was not as much interested in the number of permits being issued but rather a report that would show what and where activity is taking place in the Township to enable the supervisors to be aware as they traveled the Township.

Supervisor Nilsen noted that he has recently observed a number of properties where second accesses have been constructed to accessory buildings contrary to Township policy.

Clerk Maas stated that when applicants come to the town hall seeking permits for accessory buildings they are cautioned against adding secondary accesses to the Township roads. In fact, Engineer Nelson reviews and signs off on all permits and expressly looks for these situations. If residents choose to add these after the fact, we'll have to deal with these in a different fashion.

Chairman Schommer suggested that when these violations are observed, that they be so noted and brought before the Board to authorize letters be sent calling attention to the policy and requesting they be removed.

5) Resident Complaint Report (10:10:00 pm)

Clerk Maas noted that Supervisor Kraft asked to have this placed on the agenda and reminded the Board that we once had a book of these started quite some time ago. He mentioned that he does not get many complaints directly at this time and the responsibility to add items to this book would mostly fall on the supervisors.

Clerk Maas mentioned along these same lines, several years ago, there was an effort to attempt to tabulate all of the conditional use permits that were active in the Township. That project seems to have stalled. The good news is that we don't seem to get a lot of complaints about people violating conditional use permits.

Supervisor Nilsen asked about the program where we were to be the first responders on certain complaints.

Clerk Maas stated that this was part of the CUP program that seems to have fallen apart. He noted that he has not received more than two complaints from the County in the last two years. The enforcement officer seems to be working directly with the Board or independently.

The Board suggested that we re-establish the Resident Complaint Book.

6) Update on Filing Status (10:18:05 pm)

Clerk Maas stated that he is in the process of reorganizing the Township files to make them more user friendly. He noted that the nature of the documents is so diverse that it is very difficult to determine where is the most logical place to file certain documents in order that they may be retrieved. In some cases he has found it necessary to make copies and file some documents in two places.

Treasurer Batton asked for a File Index. Clerk Maas mentioned that he has one available and it is located on the top of the file cabinets

Treasurer's Report

1) Financial Report for March (10:24:20 pm)

Treasurer Batton read the financial report for the month of March. She noted that she made the \$0.01 adjustment discussed last month and everything now balances.

Chairman Schommer made a motion to approve the report, Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

2) Banyon Software (10:28:30 pm)

Treasurer Batton presented a summary report from the Banyon program for the Board to review.

Supervisor Nilsen asked Treasurer Batton how she was adjusting to the Banyon program. She indicated that she is quite pleased with the flexibility of the software and that it allows for many reports.

3) Certify Unpaid Charges (10:32:35 pm)

Treasurer Batton presented a list of amounts that are delinquent and that she is asking be certified to the property taxes.

Supervisor Nilsen made a motion to adopt Resolution 2009-06 to certify these delinquent amounts plus associated fees and interest to the property taxes.

Chairman Schommer offered a second, 5 – 0.

New Business

1) Board Representatives – Scott County Township Association (10:36:20 pm)

Supervisor Kraft stated that at the last meeting of the Scott County Township Association on March 21st, they asked two townships (Credit River and New Market) to vote on a representative for the Board. He noted that he didn't realize what was going on and felt that others in the group might have been in a similar position. As it turned out, a new supervisor from New Market Township was elected to the position.

Supervisor Nilsen also indicated he wasn't sure of what they were voting on either. He hadn't realized that the previous Director from New Market was not re-elected.

Supervisor Kraft expressed a concern that as the largest Township in the County, we ought to have some representation on this Board and wondered how we might proceed in the future. He emphasized that we need to insure we get a representative on the Board next year.

2) Letter to SCALE and Scott County Township Association (10:45:00 pm)

Chairman Schommer noted that Clerk Maas had previously stated that when he has attended the SCALE meetings in the past, he was not representing Credit River Township.

Clerk Maas reviewed the history of his involvement in SCALE. He noted that at one time, Cy Wolf of Sand Creek Township was the lone representative of the Scott County Township Association to the SCALE organization. Both Mr. Wolf and Dave Unmacht, Scott County Administrator, suggested that Clerk Jerry Maas join Mr. Wolf and a second member of the Township Association. As a representative of this Association, Clerk Maas felt that it would be improper to charge Credit River Township for the time he spent in this position and consequently never charged the Township.

In fact, when Clerk Maas indicated "no charge" on his timesheet turned in to the Township, it provoked a question from Supervisor Nilsen as to why it was shown at no charge. Clerk Maas stated at that time "he did not represent Credit River Township" and consequently did not feel it appropriate to collect a meeting charge.

Clerk Maas reviewed the leadership protocol used by the organization to elect a Chairman. He noted that when the time came for a representative from the Townships assume the role of Chairman, he was asked to fill the position.

Clerk Maas pointed out that one of the first acts he performed as Chairman was to suggest that each township represented at the meetings and the group agreed, consequently, each township was invited to send a representative to the monthly meetings. There was no official appointment or official letter required by SCALE designating who was to be the authorized Township representative.

Clerk Maas emphasized that when he stated that he did not represent the Township at these meetings, he was not suggesting nor should it be inferred that should he come across information that was applicable to the Township, he would withhold this from the Township.

Supervisor Nilsen restated his disappointment that he found it odd that Clerk Maas would say that "he did not represent the Township" and subsequently not keep the supervisors informed as to what was taking place at the SCALE meetings.

Clerk Maas repeated that when information came up that was related directly to Credit River Township, he has always been conscious of the need to bring it to the Board's attention, an example of which is the recent discussions on the proposed Social Host Ordinance.

Supervisor Kraft commented that he felt that this issue should be cleared up because of comments that have been made because it appears that Clerk Maas is out there operating by himself.

Supervisor Nilsen asked about future representation for the Township.

Clerk Maas pointed out that the newly adopted list of various duties assigned responsibilities for SCALE attendance at the general meetings to Supervisor Aspengren and Supervisor Kraft.

3) Reserving Parks (11:03:50 pm)

Supervisor Lawrence stated that he had received a letter from a resident of Scottsview Estates regarding reserving the local park for events.

Chairman Schommer noted that it was his feeling that the Homeowners Association could manage this park as well as anyone.

Supervisor Lawrence asked how we might handle this operationally and how might we enforce the program?

Resident Saterbak suggested that a small board be constructed that could be posted at the park site and this could be used to reserve the corresponding park.

The Board asked resident Saterbak if he could construct a board.

3) Transfer Development Rights (11:13:00 pm)

Supervisor Kraft inquired about attendance at a meeting for which we had received notice.

4) MAT Course (11:13:35 pm)

Supervisor Kraft asked how many were planning on attending the upcoming Urban workshop in Otsego on Thursday. It was noted that all elected officials were planning on attending.

5) NPDES Escrows (11:15:20 pm)

Treasurer Batton mentioned the ongoing issue related to the problem of failing to complete Final Grade before escrow monies are released.

The Board asked Supervisor Aspengren to contact SCWD to discuss this issue and come up with a proposal at the next meeting.

6) Street Light in Cedarwood (11:19:00 pm)

Chairman Schommer noted that we have received an inquiry from a resident regarding the fact that a street light in the development is out.

7) Cut Trees on Flag Trail and 175th (11:22:24 pm)

Chairman Schommer asked that we send a report into Scott County when the trees on 175th Street are cut down as required by the county. He also noted that there are trees on Flag Trail that have to be cut down to facilitate a proper sight line.

8) Snowmobile in Credit River

Supervisor Lawrence noted that there is a snowmobile in the Credit River by the bridge on 175th Street. He mentioned that while he can arrange to have it pulled out, he wondered how we might dispose of it. Supervisor Kraft suggested that it be brought to his house and he will include it with his scrap metal pile.

9) Deputy Pay (11:32:00 pm)

Treasurer Batton mentioned that we did not assign an amount for Deputy Clerk and Treasurer pay at the re-organization meeting. The Board decided to pay at the same rate as the Clerk and Treasurer at \$24.00 per hour.

10) Town Hall Duties (11:29:00 pm)

Treasurer Batton noted that she had sent out an email to ask that certain Town Hall duties such as voice mail checking, mail pickup, bathroom cleaning, calling for septic tank pumping, and trash dumping be addressed.

Clerk Maas indicated that he agreed with Treasurer Batton's suggested assignment of these responsibilities.

Treasurer Batton also mentioned responsibility to be at the Town Hall when both the Clerk and Treasurer are unable to perform.

Review and Pay Bills

4/15/2009	Correct	Remove \$0.01 from Stoneridge Escrow		\$	0.01
4/20/2009	4989	Void		\$	-
4/20/2009	4990	Integra Telecomm	Phone Service	\$	508.36
4/20/2009	4991	Abdo Eick Meyers	Banyon Training	\$	300.00
4/20/2009	4992	Rove Pest Control	Qtrly Town Hall Bug Spray	\$	79.88
4/20/2009	4993	Minnesota Assn of Townships	Urban Short Course	\$	315.00
4/20/2009	4994	Mike's Septic Service	Septic Pumping	\$	625.00
4/20/2009	4995	Xcel Energy	St Francis Street Lite	\$	13.05
4/20/2009	4996	Minnesota Revenue	QWQ Annual Permit Fees	\$	1,515.00
4/20/2009	4997	Jacque Whitford EcoCheck	March 2009 CSTS O & M	\$	5,979.41
4/20/2009	4998	DB Services	Sweep/Fix Suel Lane Manhole	\$	474.79
4/20/2009	4999	Quality Sweeping Services	Street Sweeping	\$	1,575.00
4/20/2009	5000	CenterPoint Energy	Town Hall Gas	\$	81.37

Adjourn

There being no further business before the Town Board, Supervisor Aspengren made a motion to adjourn, Supervisor Nilsen offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:36 pm.

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

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