

Credit River Township Meeting Minutes June 1, 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, Supervisor Al Aspengren

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Assistant Township Engineer Ken Beck, Township Attorney Bob Ruppe

Old Business

1) Hampshire Ave. Access (6:01:00 pm)

Supervisor Lawrence read a portion of the Meeting Minutes from 12/1/08 at which time the Board decided that this issue would be tabled until the June 1, 2009 meeting in hopes that the parties would be able to reach an accord.

Ralph Tully, an attorney, appeared before the Board as a representative of Brad Gonyea and Jennifer Kilkelly, property owners at 16069 Hampshire Ave. who are seeking permission to access their property from Hampshire Ave. using an easement across property owned by Mr. Dixon Gimpel of 16065 Hampshire Ave.

Mr. Tully noted that he has met with Mr. Gimpel's attorney and that in his opinion, the Gonyeas have offered several concessions in hopes that this matter might be resolved. However, he noted that they have now reached an impasse and are unable to reach a satisfactory agreement at this time.

Mr. Tully emphasized that in his opinion, safety is of prime importance and that the Dakota Ave. access presents very difficult terrain to traverse as compared to the access off Hampshire Ave. and that safety in terms of access for emergency vehicles via Dakota Ave. would be of concern.

Mr. Tully also pointed out that he has been told that the reason the access was switched to the Hampshire location was to improve safety and therefore he maintains that the Hampshire Ave. access is the appropriate access.

Mr. Gimpel inquired as to the expected outcome of the meeting this evening, hoping that it would not be necessary to reargue the entire issue again. It is his desire that the Board abide by the past ruling in this matter.

Supervisor Aspengren asked why the parties took so long to even begin seeking a solution?

Mr. Gimpel indicated that he received nothing in writing until 5/28/09. He acknowledged that there have been verbal discussions with offers extended but nothing in writing.

Mr. Aspengren indicated that it was his hope that by giving the parties this amount of time, a satisfactory solution could be reached and he felt that they did not take full advantage of this opportunity. He further asked if both parties were in agreement that they were in fact at an impasse at this time? Both parties responded affirmatively.

Supervisor Nilsen asked if it a valid easement exists. Mr. Gonyea noted that it been duly recorded at Scott County.

Supervisor Lawrence asked whose responsibility it is to determine the validity of the easement noting that when Mr. Gimpel purchased the property it should have been evident that an easement existed.

Mr. Gimpel feels that while it may or may not be valid, it is his opinion that the easement does not specifically allow for an access to be used as a driveway.

Attorney Ruppe indicated that he has reviewed the record and is of the opinion that it is a valid easement, recorded against the property with the proper terms and conditions being set forth.

Supervisor Lawrence noted that at the last meeting it was stated that in the event no agreement is reached as respects this matter by June 1st or should the Gonyea's be unable to legally establish the right to use the Hampshire Ave, access for a driveway, that at that time the Board would require that the address on Hampshire Ave. would be removed and permanently assigned to the original Dakota Ave. address.

Attorney Ruppe stated that he feels that the issue before the Board is with regard to the access from the township road and that the status of the easement is of no concern to the Township. He noted that an option available is to order the change of address to the Dakota Ave location subject to a court decision to the contrary should the safety issue arise.

Treasurer Batton asked if the Township would bear any responsibility for construction of obstacles on the property beyond the access itself. Attorney Ruppe stated that there is no liability on part of township for structures on the private property.

Supervisor Nilsen noted that if we change the access to the Dakota location, and the court should rule against this, we then have to change it back to the Hampshire location.

Supervisor Lawrence expressed the view that our Attorney has stated that a valid easement exists and the real question relates to what purpose the applicant is allowed to use the easement.

Supervisor Aspengren made a motion to remove the Hampshire access within 90 days and return the address to Dakota Ave. pending any future litigation

Attorney Ruppe noted that since the Dakota Ave access is the original access and that the court would have no basis for action.

Attorney Ruppe repeated his earlier statement that the issue is a matter of public policy regarding the access and not the easement questions

Supervisor Aspengren suggested that perhaps the matter ought to be delayed further until a court can arrive at a decision..

Attorney Ruppe indicated that the only way the matter would be brought before the court would be should the Board grant the Hampshire Ave access which would then require use of the easement. In that case should Mr. Gimpel feel aggrieved he would have the right to have the matter brought before the court at which time the validity of the easement would be determined.

Supervisor Aspengren decided to withdraw his motion.

Chairman Schommer made a motion to return the address to the Dakota Ave. address and to remove the Hampshire Ave. address within 60 days. Supervisor Aspengren offered a second.

Supervisor Nilsen asked if at some later time, would the property owners have the right to come back and seek an access to allow for a potential roadway to be constructed in the case of development of this parcel?

Attorney Ruppe indicated that in his opinion, they would not have this right because the easement was not drafted in such a manner to allow it's use for any purpose other than a driveway.

Chairman Schommer called for a vote, and the motion passed 3 - 2 (Nilsen and Lawrence opposed)

Supervisor Lawrence reminded the Board that we would need to notify Scott County of this address change. It was suggested that we do this within the next 60 days.

2) Building Permit / Inspection Process (6:33:40 pm)

Supervisor Lawrence noted that Al Frechette, Scott County, visited the Town Hall last week to review the facility layout with a view to installing a county-owned computer work station to be used by the building inspector in order to approve certain building permits eliminating the requirement for the applicant to go to the County for final approval.. They were pleased with the layout and are working on a proposal.

Supervisor Kraft asked if a final agreement has been approved. The answer is no.

3) Fire Contract Status (6:36:50 pm)

Supervisor Lawrence presented a copy of a proposal he had received from the City of Prior Lake last Friday. He noted that the City is losing state aid money and that we should not expect any financial concessions. He did mention that the City is committing to meeting with the Townships on regular basis (a minimum of two times per year) to discuss the operations. He also noted that they are not of a mind to change the method of calculating the allocation of costs at this time.

Supervisor Lawrence stated that we would need some time to review this proposal more thoroughly and that he will arrange a meeting with the Prior Lake City Administrator to discuss it more in detail.

Supervisor Kraft noted that we are not in compliance with the requirement to have a new contract every 10 years according to state statute and that this contract is being forced upon us. He pointed out that following the call activity and the household counts is closer to the actual number of fire calls incurred and that going by tax capacity results in Credit River bearing a larger portion of the cost. He felt that the Township needed to keep in mind the possibility of setting up our own fire department.

Supervisor Lawrence suggested that we have discussed the possibility of a "blended rate" and that this might represent a compromise.

Treasurer Batton asked about the consequences of not being in compliance with the State statute. Attorney Ruppe indicated that there are no compliance issues.

Supervisor Nilsen asked about tax capacity differences and how this would affect the calculation.

4) NPDES Escrows (6:52:50 pm)

Supervisor Aspengren reported that the Scott Soil and Water Conservation District has agreed not to consider a project complete and finally inspected until the final grade has been approved by the Scott County building inspector. The NPDES escrow will not be released prematurely by implementing this step to the process.

5) CSTS Mound Mowing Status (6:53:40 pm)

Supervisor Aspengren reported that we have a signed contract with Minnesota Sodding Co. out of Welch, MN.

It was noted that a number of the “tops” had been broken and also a number of these had not been located and identified with the proper stakes.

Minnesota Sodding Co. has proposed to install locator stakes for \$2 each.

Supervisor Nilsen recommends that we hire someone who is knowledgeable as to the proper location and installation of the stakes so as not to damage the system. Chairman Schommer agrees and suggested that we use either Witt Construction or EcoCheck. Supervisor Lawrence concurs.

Chairman Schommer asked that someone check with Witt to determine the type of stake proposed.

6) Emergency Repairs – CSTS Systems (7:06:25 pm)

Supervisor Aspengren reported that we had an emergency in the Territory that cost approximately \$5000 to repair. Scum on the probes that in turn caused alarms was the reason for this situation.

Ryan Brandt, EcoCheck, indicated that the solution was a part of their scheduled maintenance program and asked permission to get this work done ahead of schedule.

Supervisor Aspengren reported that Mr. Brandt had planned on getting the rest of this maintenance done this summer and would now like to accelerate the schedule. Supervisor Aspengren presented an estimate of scheduled repairs to be performed by EcoCheck and is asking for authorization to have this work completed for an amount not to exceed the high end estimated costs established by EcoCheck.

Supervisor Aspengren also presented a draft proposal that in the future in the event of required emergency repairs being required, any two supervisors can authorize emergency repairs up to \$5000.

Supervisor Lawrence added a thought the Chairman or Vice Chairman be included as one of the two authorized supervisors. Supervisor Nilsen concurred.

Supervisor Aspengren amended his proposal to include a statement that two supervisors, one of which is the Chairman or Vice Chairman can authorize emergency repairs up to \$5,000.

Supervisor Nilsen made a motion to accept this proposal, Supervisor Lawrence offered a second, motion passed 5 – 0.

Attorney Ruppe suggested that this be a part of the policy book.

Supervisor Aspengren made a motion to approve an expenditure of \$24,550 for scheduled maintenance for CSTS systems for Stonebridge (\$ 5,800), Territory \$11,600) and South Passage/Monterey Heights (\$ 7,150) with the provision that appropriate CSTS charges be allocated. Supervisor Lawrence offered a second, motion passed 4 – 1 (Nilsen opposed)

Attorney Ruppe reminded the Board about the agreement with SA group and its possible impact on this project. .

7) Territory Project Status (7:17:30 pm)

Rob Wachholz, representing the SA Group, presented a list of activities underway. He reported that they have contracted for 28% of the original contract amount.

The work on CSTS 2 and 3 is yet to be contracted which represents the majority of the work as yet to be contracted.

Mr. Wachholz is also seeking authorization to expand the scope of the project to include as-builts and wetland mitigation concerns that were initially brought up by Engineer Nelson outlined in section 6A of the agreement.

Mr. Wachholz noted that including these items would increase the contract to a total of \$216,917.

Mr. Wachholz also reported that the only other major item is wetland mitigation versus the buy credits. He stated that they re working on a strategy to arrive at the costs and to complete that.

Mr. Wachholz also discussed the weeping mound. He noted that design is underway and he hopes to have plans drawn up no later than June 30 for Board review and then hopefully available to present to the MPCA by July 31. Consequently, when approvals are received from the MPCA, work can commence

Chairman Schommer asked how long it would take for the county to review. Mr. Wachholz felt this could be done in July at the same time the MPCA is reviewing the plans.

There was a brief discussion of some vandalism issues in the Territory and it was suggested that a Neighborhood Watch program might be established.

Assistant Engineer Beck asked about landscaping status as we've missed an MPCA deadline.

Mr. Wachholz indicated that he has a landscape architect looking at some of the issues.

Chairman Schommer asked Supervisor Aspengren to check on brush control.

The Board approved expanding the scope of the agreement to include completing the as-builts as Mr. Wachholz proposed.

Stonebridge Project – Open Items (7:44:00 pm)

Attorney Matt Resch appeared on behalf of Stonebridge HOA. He noted that three items mentioned in the Developer's Agreement were left uncompleted in the development and Mr. Resch feels that the responsibility to get these completed falls to the Township, the County and the Home Owners Association (HOA). He is here this evening in an attempt to secure a partnership for getting this work done.

The three items are:

- 1) Monitoring well for the water system
- 2) Water Treatment System itself
- 3) Walkway bridges

Mr. Resch is suggesting that the LOC funds currently held by the Township be used to complete this work.

Chairman Schommer noted that these items are part of the County Amenity Package and therefore the financial responsibility would rest with Scott County.

Attorney Ruppe asked if these items were part of the approved plans presented when the plat was submitted and approved. If not, then the HOA is responsible in that they would be considered a part of ongoing maintenance and improvements.

Mr. Resch noted that one of the components of the approved plans included the plat map. Since the state requires that a development of this size with its own water system

provide a monitoring well and therefore this item would have to be a requirement of the approved plans.

Attorney Ruppe noted that it is his opinion that the requirement for the monitoring well was caused by the addition of more residents and therefore a part of the HOA responsibility as an ongoing expense.

Mr. Resch noted that they have estimated the costs to be approximately \$12,000 for the water treatment portion, the monitoring well at \$10,125, and the repairs to the bridge at approximately \$30,000.

Mr. Resch noted that the bridges as they exist today are quite unsafe and it is the HOA's position that they currently constitute a safety issue.

Supervisor Nilsen noted that the bridges were also a part of the County amenity package and asked is there was any LOC money left at the County.

Attorney Ruppe stated that it was his understanding that there are no funds on hold at the County.

Supervisor Nilsen noted that the Township's issue at this time is to insure that those items the Township authorized to be completed are actually finished and that there is sufficient warranty money left over to insure the project is completed properly. He mentioned that once the project was finalized to the Township's satisfaction, he would have no problem releasing funds for these other purposes as long as we notified the developer that we were using the money for these purposes.

Treasurer Batton indicated that the warranty period expires on May 10, 2010.

Supervisor Aspengren suggests that we table for this evening and that the HOA get competitive bids for the work.

Mr. Resch suggested that his office do a bankruptcy check to determine the status of the developer at this time.

Supervisor Nilsen made a motion to have Attorney Ruppe draft a letter to the developer seeking approval to use the LOC funds for use on the monitoring well and the water treatment system. Chairman Schommer offered a second, motion passed 4 – 1 (Aspengren opposed)

The Board requested that this item be scheduled as an agenda item for July.

Sheriff's Report

None this evening

Resident Open Forum (8:15:50 pm)

Chairman Schommer called for any persons wishing to discuss a topic not on the agenda.

Resident Lucian Strong indicated that he has performed a review of the attorney bills incurred by the Township and noted that this expense ranges between \$80,000 and \$100,000 per year. He is suggesting that in view of the travel time Mr. Ruppe must undertake to get to Credit River, that the Township look at the possibility of contracting with a local attorney to handle some of the general issues and perhaps use Mr. Ruppe exclusively for legal work associated with incorporation and the larger issues in hopes of achieving an overall reduction in cost.

The Board asked that this also be added to next months meeting agenda.

Supervisor Kraft noted that Spring Lake Township is paying less for legal advice.

Supervisor Aspengren suggested that Attorney Ruppe might want to review his firm's policy on charging for meetings including travel time.

Engineer's Report

1) Loehr Project (8:21:20 pm)

Gary Johnson, Anderson Engineering, noted that Mr. Loehr is requesting a positive recommendation for Preliminary Plat and a required Variance to plat 27.3 acres that is proposed to be subdivided into a 12.7 acre lot, and a 2,9 acre lot for Mr. Loehr's home plus an outlot for the remaining 11.7 acres.

Mr. Johnson noted that the variance is required due to the lot frontage does not meet the minimum requirement. Mr. Loehr will continue to access the residence thru the adjacent commercial property. He emphasized that the main goal of this proposal is to split the house from the adjoining commercial property.

It is proposed that there will be a private driveway easement recorded for the home access. Supervisor Nilsen suggested that this easement be identified as a temporary easement and that language be written to note that when the remaining parcels subdivide such that a public roadway would be required, that the easement would be vacated at that time.

Supervisor Nilsen made a motion recommending approval.

Chairman Schommer offered a second, motion passed 5 – 0.

2) Status of Huntington Way Road Project (8:29:00 pm)

Assistant Engineer Beck reviewed the work being done on the project He noted that they have installed the drains and that they are working on sloping, seeding and mulching.

There are but a few smaller items left in addition to the application of the wear-course and the corresponding shouldering that still needs to be completed. This is planned for early August.

There was a discussion regarding a deposition Engineer Nelson has been asked to attend with regard to litigation on this project and because he has been told he is not getting paid, he is not planning on attending.

Attorney Ruppe noted that in the case of a subpoena, under Minnesota statutes, the party serving the subpoena needs to arrange to make payment to the called witnesses. However, a person so subpoenaed, must respond by making an appearance.

Attorney Ruppe suggested that Engineer Nelson write a letter to Jay Squires, the Town Attorney in this matter and explain the situation.

Supervisor Lawrence asked Attorney Ruppe if the Township will be charged for the time spent by him in advising Engineer Nelson? Attorney Ruppe indicated that the Township would not be charged.

Supervisor Lawrence also asked if it wouldn't be more appropriate for Engineer Nelson to discuss the matter with the attorney for Hakanson Anderson. He noted that in his opinion, it would seem that this should be a responsibility of their firm.

3) Status of Whitewood Ave., Birch Road (8:37:30 pm)

Assistant Engineer Beck noted that Engineer Nelson has been trying to meet with the contractor to go over open issues.

Resident Bev Parrish asked when they are going to water. The project was seeded on the May 8th and not watered until May 22nd.

Resident Michelle Licke noted that residents are voluntarily watering. It was also pointed out that the seed is washing out in some areas.

Supervisor Aspengren asked Mrs. Licke to review the information she has obtained from the DNR relative to Markley Lake and the corresponding lake levels. She noted that the lake levels are at an all-time low and the reason has yet to be determined.

Supervisor Aspengren asked Mrs. Licke to forward any information gathered to his attention.

3) Final Acceptance – Stoneridge Development (8:48:40 pm)

Assistant Engineer Beck reported that Engineer Nelson has been in touch with the developer and asked that a few remaining housekeeping items be taken care of.

Supervisor Kraft noted that the road should be swept.

Supervisor Nilsen asked if it would be possible to convince the developer to sweep the road? Chairman Schommer stated that we could certainly ask.

Supervisor Nilsen made a motion to accept the Stoneridge project contingent on the road being swept and that all bills are reviewed and paid. Supervisor Aspengren offered a second, motion passed 5 – 0.

Attorney Report (8:52:40 pm)

Attorney Ruppe presented the Board with the following documents and suggested that if the Board so desires, they might be discussed in detail at the next meeting.

- 1) Fee Ordinance for Data Practice Costs
- 2) Deck Fee amendment to the Fee Ordinance
- 3) Data Practices Policy

The Board requested that Clerk Maas place these topics on the agenda for next month.

Attorney Ruppe noted that Treasurer Batton had previously asked that the Board consider making an accommodation for the assessments for the recent road projects based on the fact that the interest rates were substantially less than first proposed.

Treasurer Batton noted that the Board has approved reducing the rates, but the time frame needs to be determined as well as the process for accomplishing this.

Attorney Ruppe noted that this should be completed by September 15th in order to comply with the County Auditors requirement to get the taxes completed for the following year.

Attorney Ruppe also pointed out that in relation to the earlier discussion with regard to authorizing scheduled maintenance on the CSTS systems and whether this would conflict with the agreement with the SA Group, he sees no issue, particularly in view of the fact that CSTS 2 and CSTS 3 have not been formally accepted by the Township as yet.

Engineer's Report (Continued)

5) Seal Coating Notice (9:02:30 pm)

Assistant Engineer Beck asked if we want to coordinate this with the County.

Chairman Schommer mentioned that we tried to coordinate this last year, but we had little success.

Supervisor Kraft noted that he talked to Tom Gallagher, Scott County employee, and asked that we be informed as to when this task would be performed so we would be able to observe the process.

Supervisor Lawrence suggested we note these roads on the website to provide notice to the residents as to when their roads will be worked on. He asked Supervisor Kraft to forward that information to him.

6) Huntington Way (9:06:00 pm)

Resident Bill Jennings was concerned that comments from residents of Huntington Way weren't asked for earlier in the meeting when the subject was discussed. He noted that residents of Whitewood had the opportunity to speak about their project and residents of Huntington had not been afforded an equal chance.

Chairman Schommer noted that normal procedure is to entertain comments from residents during the discussion and that Mr. Jennings was welcome to come forward at that time.

Mr. Jennings stated that he has noted that ditch grading is being performed before the wear course is applied and it is his feeling that a mismatch between the road and the ditch will result, causing a safety issue, particularly in the winter.

Chairman Schommer indicated that the work is done in this way in order not to damage the final wear-course once installed. Mr. Jennings indicated that he understood this.

Mr. Jennings also mentioned that there is some "rippling effect" taking place on the road surface at the North end where it connects with County Road 68 and that the cul-de-sac on the south end seems abnormally soft, particularly on hot days.

Mr. Jennings also commented that the agenda for this evening listed the item regarding the minutes that are about to be approved as being for May 4, 2008 rather than 2009 and that this was also printed in the newspaper announcement for tonight's meeting. He is wondering if the Board is in a position to actually approve the minutes since the notice was not published correctly?

Minutes of Previous Meeting – May 4, 2009 (9:11:30 pm)

Chairman Schommer called on Clerk Maas to summarize the minutes of the May 4, 2009 meeting.

Clerk Maas noted that he had sent the minutes out earlier in the month and asked for corrections by May 25th. He previously incorporated these changes into the draft minutes and resent them to the entire Board for review.

The Board noted a couple of additional changes this evening which Clerk Maas noted.

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

Citizens Group Report (9:16:50 pm)

Greg Brown noted that the group in an attempt to encourage more membership set up a table at the recent open house. They also solicited for additional email addresses for township newsletter purposes.

Chairman Schommer asked that in the future, the CAG secure permission from the Board prior to making a unilateral decision to set up a table at a Township sponsored event. Greg Brown stated that the CAG meeting was the night before the open house so there wasn't much time spent on planning for this and therefore communicate those plans.

Supervisor Aspengren also expressed some concern about the collection of email addresses and how this would be interpreted. He noted that as far as he could determine, there was no disclaimer indicated on the signup sheet. Mr. Brown mentioned that it was his understanding that these would be processed in the same manner as those obtained from the website.

Mr. Brown indicated that the group was able to come up with captions for several historical photos in their possession.

The next newsletter is scheduled for mid summer. The Board asked that draft copies be available in late July for approval at the first August meeting and publication in mid August.

The next meeting for the CAG is scheduled for June 9th at town hall

Clerk's Report

1) Building Permit Report (9:23:40 pm)

Clerk Jerry Maas presented the Building Permit report for the month of May.

Treasurer's Report

1) Issues from the 2008 Audit Management Letter (9:24:25 pm)

Treasurer Batton stated there were certain items identified that needed to be addressed in the year-end Management Letter from the Township Auditor. Among these are:

a) Policy on Fund Balances

Treasurer Batton presented a Draft Policy on this subject for Board review and approval. The treasurer was directed to email it to the clerk for proper formatting.

b) Policies on Capital Assets / Assessments

Supervisors Kraft and Aspengren will develop a Policy on Capital Assets

Supervisors Aspengren and Lawrence will develop a policy on Assessments.

c) Policy – Lot Fee Fund

Supervisor Nilsen noted that this fund was established as a result of the AUAR Study conducted several years ago to be used to fund road projects necessitated by the growth of the population. While the Turn Lane Fund was more specific in defining which intersections were to be affected, the lot fee fund on the other hand does not specify how the funds are to be used. In order to insure consistent use of the funds, a policy for their expenditure must be developed according to Abdo, Eick, and Meyer.

There was a general discussion of how to plan for the expenditure of these funds. Clerk Maas noted that ultimately the fund could grow to \$2.5 million dollars and that we've collected but 5% of this amount so far. In view of the corresponding small amount of the eventual development being completed at this time, it may be a bit premature to define too closely how these funds will be spent.

Supervisors Schommer and Nilsen will develop a policy.

d) Review of Utility Bill Registers

Treasurer Batton presented a draft procedure. This procedure will be part of the monthly treasurer's report and Supervisor Schommer will review the registers.

e) Collateral Coverage

Treasurer Batton presented a draft procedure that she is asking for Board approval. This procedure will be part of the monthly treasurer's report and Supervisor Schommer will review the collateral report.

2) Interest for SSD Capital Reserve Funds (9:42:40 pm)

Treasurer Batton worked with the township auditor on how to best allocate interest earned on the capital reserve funds for the subordinate service districts. It was decided that it would be best to adopt a process similar to that for the Met Council load where the interest rate is determined at the same rate as the township's money market savings account. The Treasurer requested that the Board approve this rate for these capital reserve funds.

Chairman Schommer made a motion to use the Money Market Savings Account Rate retroactive to January 1, 2008 for the Monterey Heights/South Passage SSD Capital Reserve Fund and the same rate retroactive to July 1, 2008 for the Capital Reserve fund for the Territory and Stonebridge SSD's.

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

3) SSD Budgets (9:45:40 pm)

Treasurer Batton indicated that the Board has not officially adopted budgets for the three SSD's.

Treasurer Batton recommended that the Monterey Heights and South Passage budgets should remain the same as 2008 based on the historical information for this SSD. For the Territory and Stonebridge budgets, she felt it is too early to tell and she recommends that we follow the proposed budget provided by EcoCheck.

Supervisor Aspengren made a motion to approve the projected 2009 budget for all of the projects, an increase of 5.8% across the board. Supervisor Kraft offered a second, motion passed 5 – 0.

4) Treasurer Report Format (9:50:00 pm)

Treasurer Batton noted that she has used a standard report format in the past and would like to make sure the Board is being provided with the information they would like to see. She is asking for suggestions at the next meeting. The Board will review and respond.

It was also noted that we ought to begin to prepare for the 2010 budget soon.

5) AUAR Process (9:57:15 pm)

Treasurer Batton noted that we will need to set up a system to insure that the \$7 per acre fee is collected from those properties that are required to contribute to the fund.

Clerk Maas suggested that we expand our Policy Manual to include a section titled "Procedures" and that we look to include required procedure like this in that Manual.

6) Easements for SSD per Ordinance (10:01:30 pm)

Treasurer Batton expressed a concern that there is a statement in Section 4.5 of the SSD Ordinance dealing with access to private property for Maintenance. The developer agreement refers to an easement being filed and her question is has that easement been recorded so we have legal access. Attorney Ruppe thought it might be part of the homeowner association's covenants.

Chairman Schommer thought we had blanket easements for the entire project?

Attorney Ruppe will investigate.

7) Ruppe Bill (10:01:38 pm)

Treasurer Batton noted that we received a two-month billing from Attorney Ruppe and this again caused problems in allocating escrow funds. This has been an ongoing issue and has been mentioned to Attorney Ruppe before.

Chairman Schommer noted that there were a number of calls related to discussions with Marty Schmitz at Scott County relating to the Stonebridge development and these perhaps should have been charged to the county.

New Business

1) Lisa Zylkowski – Request Reduction in CSTS User Fees for Vacant Lot (10:04:11 pm)

Resident Lisa Zylkowski stated that she and her husband have purchased the lot adjacent to their property, have no intention of building on it and would like to ask that some consideration be given to reducing the sewer charges in view of savings that will be realized as a result of no structure being on the property.

They have received some information from EcoCheck and she is not sure of how this report was developed.

The Board suggested that Mrs. Zylkowski contact Ryan Brandt for a clarification as to exactly what charges might be considered to be discounted and that we would discuss it at the next meeting.

2) Parks Report (10:12:30 pm)

Supervisor Lawrence pointed out that the backstop in Creekwood is damaged and it will have to be repaired. He has an estimate from Fenceco for \$1400 to complete.

Supervisor Lawrence also noted that Creekwood residents have asked about a picnic table for the park. He estimates the cost not to exceed \$2000.

Supervisor Nilsen made a motion to spend an amount not to exceed \$2000 for a picnic table in Creekwood Park. Supervisor Kraft offered a second, motion passed 4 – 1 (Aspengren opposed).

3) Supervisor Duties – Website (10:21:10 pm)

Treasurer Batton presented a list of some of the primary duties assigned to each Board Member and suggested that this be placed on the website to aid residents in contacting the right person.

Chairman Schommer suggested that something be placed on the website related to emergency situations. Supervisor Lawrence asked each elected official if the information was listed correctly for them.

The Board approved putting this information on the website.

Treasurer Batton also reminded the Board that it was approved in November 2008 minutes that the agenda be emailed to those residents who have signed up to receive communication from the township.

Supervisor Nilsen also asked that a modification be made with respect to the “Contact Link”. He wanted it moved closer to the left side of the opening page.

4) Judicial Road (10:32:30 pm)

Supervisor Kraft stated that a resident of Lakeville on the Eastern side of Judicial Road is asking for a permit to exceed the weight restriction on Judicial Road in order to haul some rock.

He is suggesting that we adopt a policy of allowing a temporary permit for 7 days on any township road posted with a for 5 ton weight restriction.

Supervisor Nilsen stated that he would have no problem as long as the temperature remains under 80 degrees.

Supervisor Kraft indicated that he would take care of this.

5) Signs (10:35:40 pm)

Supervisor Kraft noted that he has identified five signs that need to be replaced.

7) MAT Letter (10:39:50 pm)

Supervisor Kraft asked about the Board's desire in terms of addressing the letter received from the Minnesota Association of Townships with regard to future contacts from Credit River officials seeking information.

Treasurer Batton noted that she uses MAT as a resource on a regular basis for information such as sales tax issues, personnel questions, etc.

Supervisor Kraft wanted to know what precipitated this letter and how or if we should respond.

Supervisor Lawrence stated that it sounded to him like they wanted to get a letter stating in writing exactly what the Township was asking.

Treasurer Batton indicated that she has been told that MAT will no longer respond to email questions.

Supervisor Kraft noted that this letter came after the email he had sent to all supervisors regarding the minutes not being completed in a timely manner and the fact that he referenced Dan Greensweig of MAT in his email.

Treasurer Batton asked Clerk Maas if he emailed MAT on the Kraft email matter.

Clerk Maas stated that he had inquired about the open meeting law as it applies to emails. MAT chose not to respond to his inquiry, asking that he inquire of the Town Attorney. He indicated that this was the only time he had communicated with MAT recently.

Supervisor Aspengren indicated that he has had very little success in communicating with MAT. They seem not to respond to his questions.

Supervisor Nilsen asked Clerk Maas specifically what he had asked of MAT.

Clerk Maas indicated that he was interested in the procedure required to file a claim for an open meeting law violation. In fact, he has since found a lengthy procedure for handling these.

Treasurer Batton asked if the fact that Clerk Maas had failed to post a meeting notice in a timely fashion for the recent Open House Planning meeting would pose a problem for the Board as far as violating the open meeting law.

Clerk Maas indicated that in fact it could. As for the late posting to which Treasurer Batton referred, while acknowledging that it was late, Clerk Maas was unable to recall exactly when he did get it posted. He also noted that this Board has made great progress in being careful to comply with the open meeting law requirements and he was hoping that this would continue.

It was noted that Attorney Ruppe has repeatedly cautioned the Board about the dangers of emailing the other Board members as a group.

Clerk Maas indicated that it was his feeling that we remain conscious of the requirements of the open meeting law and try very hard to comply with the spirit of this requirement which is the important aspect.

Clerk Maas indicated that he felt that Supervisor Kraft was soliciting Board support by this email for his request that the minutes be completed within seven days. Clerk Maas feels

this is an unreasonable request, noting that other Townships do not get the meeting minutes to their Board members until three days before the next meeting.

Supervisor Nilsen noted that if we are trying to become a city and our mindset ought to be different than that of other townships.

8) Attorney Bill

Supervisor Aspengren noted that we have a policy of not having our Township Attorney talk to residents and yet there are two incidents on the recent attorney bill where he had discussions with a town resident.

Treasurer Batton noted that Attorney Ruppe doesn't respond to emails, that he charges us for stuff that he shouldn't charge us for and he appears to be politically involved with certain members of the Town Board and serving as the personal attorney for this member and not serving in the best interests of the Township.

Supervisor Nilsen asked to whom she is referring and Treasurer Batton indicated everything on the bill is per Jerry, referring to Clerk Maas.

Supervisor Lawrence noted the earlier discussion with regard to the advice offered to Engineer Nelson was an example of inappropriate use of our Attorneys time. He mentioned that if we feel Attorney Ruppe is performing as we wish, that we need to address this situation by sitting down and having a discussion with him.

Treasurer Batton stated that we need to clarify our expectations for our consultants and the board agreed.

Supervisor Kraft indicated that he has an issue with Attorney Ruppe's discussion with County staff on certain items.

Supervisor Nilsen noted that the County looks to Credit River for leadership and he inquired as to how much of this expense is simply the cost of doing business in the Township.

Supervisor Kraft noted that some residents are of the opinion that we are spending too much on items such as contracts with our vendors that may be unnecessary.

Supervisor Nilsen noted that because we are in the 7 county metro area and an urban township, we are required to do things differently.

Treasurer Batton noted that with the recent effort at obtaining quotes, we seem to be spending more on the process of advertising and getting quotes than we are on the job itself.

Supervisor Nilsen noted that the five-man board is causing a period of adjustment in terms of communications.

Chairman Schommer asked if the Board felt a second meeting in June would be required?

Supervisor Lawrence recommended that as soon as he completes the analysis of the resident responses that all of the members of the Board review this and be prepared to discuss this at the 1st meeting in July.

Supervisor Kraft asked again about the Ruppe bill and how it should be handled?

Treasurer Batton suggested that no Attorney charges be honored unless they are Board authorized. She indicated that she has not prepared the check as yet and could write it for whatever amount the Board indicates.

It was decided to deduct charges incurred as a result of discussions with a resident with respect to Cress View Estates and the charges related to discussions with regard to Stonebridge with county staff.

It was decided not to have a second meeting in June.

8) Transfer Funds (11:31:30 pm)

Treasurer Batton requested permission to transfer \$45,000 from the Town Savings Account to the Town Checking Account.

Supervisor Kraft made a motion to approve this request, Supervisor Nilsen offered a second, motion passed 5 – 0.

Review and Pay Bills (11:32:00 pm)

5/14/2009	ESC	Anchor Bank	Bank Charges	\$	10.32
6/1/2009	5029	Al Aspengren	May Expenses	\$	64.90
6/1/2009	5030	Art Johnson Trucking	Gravel Road Maint – May	\$	1,220.00
6/1/2009	5031	Banyon Data Systems	Billing Support	\$	780.01
6/1/2009	5032	Brent Lawrence	May Expenses	\$	12.65
6/1/2009	5033	Bruce Nilsen	May Expenses	\$	60.50
6/1/2009	5034	CenterPoint Energy	Town Hall Gas	\$	29.60
6/1/2009	5035	DB Services	Whitewood Repair	\$	2,830.00
6/1/2009	5036	Dennis Karow	Parks and Town Hall Lawn Care-May	\$	1,505.18
6/1/2009	5037	Dick's Lakeville Sanitation	Refuse Disposal	\$	17.44
6/1/2009	5038	Dustcoating Inc	Dust Coating Services	\$	13,929.84
6/1/2009	5039	ECM Publishing	Legal Advertising-Lakeville	\$	294.00
6/1/2009	5040	Ehlers & Associates	Open House Planning Consulting	\$	190.00
6/1/2009	5041	GE Capital	Copy Lease	\$	149.11
6/1/2009	5042	Geckler & Associates	Access Refund	\$	850.00
6/1/2009	5043	Gopher State One Call	Utility Locates	\$	11.60
6/1/2009	5044	Hakanson Anderson Assoc	April Engineering	\$	11,740.98
6/1/2009	5045	Holly Batton	May Expense Reimbursement	\$	94.40
6/1/2009	5046	Integra Telecom	Phone Services	\$	507.05
6/1/2009	5047	Jerald Maas	May Expenses	\$	71.63
6/1/2009	5048	Jerry Mortenson	Election Judge-Replace Lost Check	\$	108.00
6/1/2009	5049	Kevin Casey LLC	Brush Mowing	\$	722.50
6/1/2009	5050	Koestering Homes	NPDES Refund	\$	1,560.00
6/1/2009	5051	Legends	Room Rental - Open House	\$	53.25
6/1/2009	5052	Lennar Corporation	NPDES Refund	\$	1,932.73
6/1/2009	5053	Leroy Schommer	May Expenses	\$	94.00
6/1/2009	5054	Lonnie Markwell	Access Refund - Replace Lost Check	\$	600.00
6/1/2009	5055	Metro Sales	Printing Expense-Open House Notices	\$	967.92
6/1/2009	5056	Mike Gerken	Mailbox Replacement-Repl Lost Check	\$	50.00
6/1/2009	5057	Mike's Septic	Pumping Services	\$	3,062.50
6/1/2009	5058	MVEC	Electricity	\$	493.44
6/1/2009	5059	N-Rite Construction	NPDES Refund	\$	1,880.00
6/1/2009	5060	Paul Schneider	NPDES Refund	\$	1,690.00
6/1/2009	5061	Safety Signs	Marker Signs	\$	138.78
6/1/2009	5062	Scott Soil & Water District	April / May NPDES Inspections	\$	2,266.00
6/1/2009	5063	SW Suburban Publishing	Legal Advertising-Prior Lake	\$	416.41
6/1/2009	5064	Tim Krueger	NPDES Escrow	\$	1,590.00
6/1/2009	5065	Tom Kraft	May Expenses	\$	54.45
6/1/2009	5066	Trans Alarm	Change Contact Info	\$	29.29
6/1/2009	5067	Webcertera LLC	Web Updates	\$	187.50
6/1/2009	5068	Xcel Energy	St Francis Street Light	\$	12.74

6/1/2009	5069	Al Aspengren	Services as Supervisor	\$	848.63
6/1/2009	5070	Brent Lawrence	Services as Supervisor	\$	847.31
6/1/2009	5071	Bruce Nilsen	Services as Supervisor	\$	1,145.14
6/1/2009	5072	Holly Batton	Services as Treasurer	\$	2,220.85
6/1/2009	5073	Jerald Maas	Services as Clerk	\$	2,215.15
6/1/2009	5074	Leroy Schommer	Services as Supervisor	\$	1,149.76
6/1/2009	5075	Tom Kraft	Services as Supervisor	\$	1,397.32
6/1/2009	5076	Couri Macarthur & Ruppe	Legal April & May	\$	10,242.50
6/1/2009	PERA	PERA	Retirement	\$	386.70
6/1/2009	EFTPS	Anchor Bank	Tax Withholding	\$	2,123.92

Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn, Supervisor Lawrence offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:49 pm.

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

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