

Credit River Township Meeting Minutes August 3, 2009

Chairman Schommer opened the meeting at 5:00 pm

Supervisor Nilsen made a motion to close the meeting under the Attorney Client Privilege exception to the Open Meeting Law to discuss settlement positions for the upcoming Huntington Way mediation. Supervisor Aspengren offered a second. The motion passed 5 – 0.

The meeting was closed.

Chair Schommer re-convened the meeting into open session at 5:50 pm and the Board took a recess.

Call to Order

Chairman Leroy Schommer called the regular 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, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

Old Business

1) Park Status (6:00:30 pm)

Supervisor Lawrence noting that he had been asked at the previous meeting to secure additional bids on the work required under the play systems at Casey and Creekwood parks and also improvements to the ball diamond at Scottview Estates.

He presented estimates from DB Services and Bohnsack & Hennen Excavating.

Supervisor Lawrence felt we should do the work required on the play systems this year and hold on ball diamond improvements until next year.

Chairman Schommer suggested that we do the play systems now and wait on ball diamond work until next month.

Supervisor Nilsen made a motion to accept the quote from DB Services to perform the required work at Casey, Creekwood and Scottview parks for \$13,200. Supervisor Aspengren offered a second, motion passed 5 – 0.

Chairman Schommer reminded the Board that Randy Geister from the City of Prior Lake had asked that the Board consider allowing the park in Country Court to be used to meet the growing interest in LaCrosse for the cities PLAY program. It was previously determined that parking would be a problem. Chairman Schommer is now suggesting that we consider adding on the north side of the park along White Drive. The other Board members expressed little interest in this proposal.

Supervisor Kraft asked about creating a park plan and that we look to recover some of the funds that the County is holding for the Township for parks.

Attorney Ruppe noted that the County is not obligated to release these funds, although having a plan might be viewed favorably and he suggests that we discuss this with them.

2) Review Proposed Sewage Pumping Contract (6:19:40 pm)

Supervisor Aspengren noted that he had made some modifications to our previous contract and asked Clerk Maas to distribute copies to the entire Board prior to the meeting.

Attorney Ruppe reviewed the changes and indicated he was in agreement,

Supervisor Nilsen made a motion to approve the Pumping Contract with the noted changes and forward to Mike's Septic contingent on Attorney review. Supervisor Lawrence offered a second, motion passed 5 – 0.

3) Plan to Distribute Additional Information on Incorporation (6:23:20 pm)

Supervisor Aspengren noting that at the July 6th meeting we had discussed ways to provide more information to the residents regarding the pending decision on incorporation.

Supervisor Kraft suggested a workshop be convened to discuss this.

Supervisor Lawrence presented some information summarizing what we have done so far and included three possible options on what we might do going forward. This includes 1) another mailing to the residents or advertisement in the local newspapers including another questionnaire; 2) hold smaller neighborhood meetings; or 3) make a presentation at the upcoming continuation of the Annual meeting on September 8th.

Supervisor Aspengren commented that he would be looking for more resident input before he would feel comfortable making a decision on this matter.

Supervisor Kraft noted that his concern would be making a decision before we had all of the information.

Supervisor Lawrence noted that it is his feeling that the presentations made so far have coupled the incorporation issue with the provision of water and sewer services and that this is not necessarily the case.

Attorney Ruppe reminded the Board that they would need solid answers to all of the various questions that the residents have

Chairman Schommer suggested that we hold a workshop on August 10th at 6:00 pm.

Attorney Ruppe also mentioned that the legislature will in all probability propose legislation limiting the ability of townships to seek incorporation and that if we decide to pursue incorporation time may be of the essence.

Approve Minutes of Previous Meeting – July 6, 2009 (6:42:35 pm)

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

Clerk Maas noted that he had previously sent out copies of the draft minutes asking for corrections and changes and that he has incorporated those received from Treasurer Batton and Engineer Nelson. These had been redistributed to the Board with those changes shown in red.

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

Citizens Group Report (6:45:05 pm)

Resident Kathy Haugh presented a draft copy of the proposed newsletter.

Supervisor Aspengren suggested a summary of Fiscal Impact study be included.

Supervisor Lawrence suggested that at end of the planned workshop on August 10th that we will have a better idea of what we might wish to include in the newsletter.

Treasurer Batton asked about merging the accumulated email list with the postal mailing list.

Supervisor Lawrence indicated that this is very difficult because we don't have the identities associated with the email addresses. He noted that it would take considerable time to accomplish this.

Supervisor Aspengren submitted a list of frequently asked questions that he wished to be considered.

Supervisor Kraft asked that some notation be included in the newsletter regarding our meeting schedule and the fact that we're not always holding the second meeting each month.

Treasurer Batton noted that Greg Brown was going to write a note trying to solicit involvement in the Citizens Group because only two people attended the last meeting.

Ms. Haugh asked if the Board wants to continue the practice of having two supervisors assume the responsibility for the newsletter. Perhaps the Board might want to consider having Supervisor Lawrence take responsibility for this in the future.

Sheriff's Report (6:57:05 pm)

Deputy Brian Cade presented the report for July.

Treasurer Batton asked about recent vehicle break-ins.

Deputy Cade indicated that they are working this problem and mentioned that residents need to be vigilant and keep their doors locked.

Deputy Cade encouraged the formation of the Neighborhood Watch Groups.

Resident Open Forum (7:05:05 pm)

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

1) County Update

Commissioner Tom Wolf noted that recently the commissioners had the opportunity to take some township tours. While Credit River Township was not included in these tours, he expects to possibly include Credit River in another series of tours in the fall.

Commissioner Wolf reported that the County has recently appointed Gary Shelton to the position of County Administrator. He would have preferred that a formal search process been undertaken.

Commissioner Wolf indicated that he is planning on setting up some meetings with the Town Chairmen and also the Clerks on a regular basis.

Commissioner Wolf noted that they are working on the tax levy and working for a zero increase which will in all probability result is a loss of road funds.

2) Resident Call

Supervisor Nilsen asked that the record reflect his efforts to contact resident Bryan Reichel on the recent road issue we had with him as had been requested at the July 6th meeting. Supervisor Nilsen noted that he spoke with Mrs. Reichel and has not received any return calls.

3) Solicitors

Treasurer Batton stated that as a resident and as a member of the Scottview Home Owners Association she would like to see the active solicitors licenses added to the Town

website. She noted that there have been some instances of recent solicitors calling and not knowing about the requirement or indicating that they are in compliance.

It was noted that currently we have no active permits.

Mark Zweber – Re-Consider Estates of Liberty Creek Project (7:14:00 pm)

Mark Zweber, Developer, appeared before the Board to request that they reconsider his proposal to develop the Estates of Liberty Creek project. He passed out plans showing what has been approved so far.

Mr. Zweber is asking for approval of nine lots at this time which is what had been requested last year and denied.

Chairman Schommer asked if the plan is to keep the “double cul-de sac design?

Mr. Zweber indicated that this was his plan and he further feels that this will take advantage of the topography of the land. He is of the opinion that doing otherwise will create lots that will not be marketable.

Mr. Zweber also stated that as a result of his discussions with several financial institutions, that it is not possible in the current economic environment to finance a road accessing the property from County Road 27. As a result, he is seeking approval of the plan before the Board at this time to construct nine lots accessible thru the adjacent Territory project.

Chairman Schommer noted that the length of the cul-de-sacs is a problem due to safety issues and county guidelines.

Mr. Zweber stated that he has had his attorney investigate this issue and found that there is no requirement in the code to limit the length of cul-de-sacs.

Supervisor Aspengren asked about the long-term plan for the northern portion.

Mr. Zweber indicated that due to the housing market at this time, he plans to keep that portion in an outlot status.

Supervisor Lawrence asked about plans for construction traffic?

Mr. Zweber indicated that he has an agreement with Myles Mares to access the project for construction through his property.

Supervisor Lawrence also expressed a concern as to the difficulty of marketing the property without direct access to the adjoining County roads.

Mr. Zweber stated that while this is a concern, he feels that he will be working with agents primarily and that this will solve this problem

Supervisor Kraft indicated that he continues to have concerns regarding the safety issue of connectivity of the roads, the length of the cul-de-sacs and working off the adjacent Territory project.

Mr. Zweber re-stated his position that there is nothing in the code as regards connectivity. And while it exists in the Comprehensive Plan, he feels that they meet the criteria because anyone living in the Estates of Liberty Creek can connect through the Territory.

Chairman Schommer noted that he has a concern of being able to facilitate large emergency vehicles in not only entering the project, but also being able to leave without the need to attempt to turn around on a narrow road.

Supervisor Lawrence asked if it would be possible to construct the proposed Aurora road such that it would ultimately connect to Sundance and solve the connectivity issue?

Mr. Zweber commented that there would be some construction issues because of the grade that would be required.

Supervisor Lawrence stated that if this could be accomplished, it would certainly address some of the concerns he has heard this evening.

Supervisor Nilsen noted that he recalls a plan that would allow Aurora to be constructed without having the grade problem.

Chairman Schommer asked about the proposed barricade that would be installed until 80% of the project was completed.

Mr. Zweber indicated that County Staff stated that this barricade would no longer be required.

Supervisor Nilsen noted that while the barricade might be removed, it was his recollection that a temporary cul-de-sac was to be required.

Mr. Zweber noted that if he hired professional planners had been hired to do the design work on this project and now it appears that the Board is re-designing the project this evening. It is his contention that this same process has taken place in the past and caused this situation to occur.

Supervisor Kraft mentioned that it was his feeling that we are trying to help him solve the problems that have been discussed and that the Board was not going to pass this without having these problems addressed

Supervisor Aspengren noted that he has observed exceptions to the rules of connectivity and cul-de-sacs within the Township and wonders if we can make an exception this case also?

Chairman Schommer stated that since he has served on the Board, attempts have been made to reduce the number of cul-de-sacs in the township in the interests of safety.

Supervisor Nilsen commented that the Development Review Team approach has been established to come up with a satisfactory plan that would meet the criteria of both the County and the Township. He re-stated that he is certain that a plan had been prepared.

The Board and Mr. Zweber asked that Supervisor Nilsen attempt to find a copy of this plan.

Treasurer Batton asked that in view of the lack of sales in the rest of the township, why Mr. Zweber feels he will be able to sell lots.

Mr. Zweber indicated that he is confident that he can accomplish this.

Supervisor Aspengren repeated his question as to what would be wrong in granting an exception?

Supervisor Kraft restated his position that in his opinion it's safety issue.
Supervisor Aspengren asked about those roads that don't comply at this time?

Supervisor Nilsen stated that these were done in the past. He noted that the efforts of the Township and County Planning Department in recent years is to plan for the future as evidenced by the Future Town Roads map that was prepared several years ago.

The Board denied Mr. Zweber's request this evening

Engineer's Report (7:55:00 pm)

1) Update on Territory Mound Replacement

Engineer Nelson indicated that they received a verbal approval from Scott County Environmental Health and the required permit was submitted to the MPCA on July 30th in advance of the required deadline of July 31st.

Supervisor Aspengren asked if the cost for the permit was reduced. Engineer Nelson indicated he wasn't aware that this happened.

2) Update on Thoroughbred Acres

Engineer Nelson noted that he had been involved in discussions with Dan Ringstad, New Market Bank, as to getting this project completed. He has informed Mr. Ringstad that we would like the road completed this year and Mr. Ringstad is agreeable and is in the process of securing quotes from paving companies..

Engineer Nelson noted that the curb has been damaged quite heavily from snowplowing operations. Engineer Nelson has marked the most severely damaged curbs for replacement.

Supervisor Nilsen inquired about the catch basin problem. Engineer Nelson stated that they are aware of this. Chairman Schommer suggested that that entire project be re-inspected, especially the catch basins.

Supervisor Kraft asked about whether all of the basins need to be re-grouted.

Engineer Nelson indicated that re-grouting might not be the best fix for the problem and that a concrete collar would be more acceptable. He felt quotes would be a good idea.

Supervisor Kraft mentioned that he has observed the catch basins to be an issue in several developments and suggests that we add some inspection procedures to watch for this in future construction projects.

Engineer Nelson invited any of the supervisors to visit the site and verify that he has marked the defective curbs in such a fashion to meet the Board's approval.

3) Update on Scotts View Acres

Engineer Nelson reported that he has been in communication with Carl Hennen at the Voyageur Bank who has arranged for Prior Lake Blacktop to apply the final lift to the road in the next couple of weeks.

Engineer Nelson stated that the plans for the project specified a one-foot aggregate shoulder to be installed. He noted that there are a couple of homes in the project now that have landscaped to the road edge and wants to verify if the Board would like to follow the plans for the aggregate shoulder.

Supervisor Nilsen stated that there is a significant crack on the road that will need to be addressed before the final lift is applied.

Chairman Schommer suggested that the Board decided that two members would meet with Engineer Nelson at the site on Wednesday at 9:00 am to review the crack and the question on shouldering.

4) Update on Whitewood Ave.

Engineer Nelson reported that Prior Lake Blacktop is planning on installing the wear-course for Whitewood Ave. next week and he is planning on sending out a project notice this week.

5) Update on Huntington Way

Engineer Nelson reported that the core sample from the section of the road that had been torn has been tested and the results indicate that the pavement has density. He is of the opinion, however that we have grounds to have the section replaced based on project specifications that require that the completed surface be free of torn sections.

There was a discussion as to who would do the work in view of the change in ownership of the asphalt supplier. Engineer Nelson indicated that the work would still be done through Tri-County Aggregate on a sub-contract basis.

Attorney Ruppe noted that we have a contract that in all probability the contract requires that responsibility passes to successors and assigns and in fact there shouldn't be an issue.

Attorney Report

1) Discuss Resolution Reducing Interest Rates on Previous Assessments

Attorney Ruppe noted last meeting on July 6th, there was a discussion relating to a resolution for reducing the interest rates on the assessments and that Treasurer Batton had been asked to check with the County as to the acceptability of the proposed resolution submitted

Treasurer Batton reported that Deb Heyda at Scott County is in agreement with the resolution as presented and asks that we submit an updated assessment list.

The Board decided to wait until a future meeting to adopt this resolution.

2) Hampshire Ave Access to Gonyea Property

Attorney Ruppe noted that at a previous meeting the Board had asked Supervisor Lawrence to imitate action to change the address of the property to the Dakota Ave, address.

Attorney Ruppe had instructed Supervisor Lawrence to delay action on this pending a potential lawsuit.

Attorney Ruppe stated that in his recent discussions with the attorney for the Gonyeas, he has been unable to get information as to the basis for this lawsuit and has also found that they do not intend to bring a suit at this time.

Attorney Ruppe feels that they have no basis for withholding action on this process and that we should contact the County to get this address changed as originally decided.

The Board asked Supervisor Lawrence to contact the County immediately and instruct them to change the address to Dakota Ave.

3) Stonebridge Project

Attorney Ruppe stated that he has attempted to contact the developer on this project to secure permission to use the Letter of Credit Funds for the water and sewer projects yet to be completed.

The Board asked that Attorney Ruppe contact Dwight Gunnarson on this question.

The Board asked Clerk Maas to add an agenda item for the September meeting to review this with the Stonebridge Homeowners.

4) Lot Fees

Treasurer Batton stated that it was her recollection that at a previous meeting, Attorney Ruppe stated that several townships he represents collect lot fees. She asked him for specific township names so we could contact them for information on how they utilize those fees. Attorney Ruppe suggested contacting some of the other Scott County townships because he thought some of them collected these fees. He also said he'd try to remember others outside of Scott County and let Treasurer Batton know appropriate contact information.

Clerk's Report

1) Building Permit Report (8:30:00 pm)

Clerk Maas presented the report for July. It shows that we issued 4 building permits, 3 of them for new homes.

Supervisor Nilsen asked about permits for "sportcourts"?

Clerk Maas reported that he could not recall any being submitted recently. Since there were no structures involved, permits might not be required. As to requiring a permit, since we are not the land-use authority, we might not have the authority to insist on a permit.

Treasurer's Report

1) Treasurers Report For June (8:32:00 pm)

Treasurer Batton presented the report for June.

Supervisor Nilsen made a motion to accept the Treasurer's Report for June as has been presented and previously reviewed by Supervisors Kraft and Aspengren. Chairman Schommer offered a second, all in favor, motion passed 5 – 0.

2) Developer Escrow Report (8:34:30 pm)

Treasurer Batton presented the escrow review that has been previously sent out a week ago. She reported that everything is in order.

3) Treasurer Report Format

Treasurer Batton commented that while we discussed this subject at the last meeting, there was no conclusion reached. Once again, she repeated her request for input on this in an effort to be very clear on exactly what the Board would like to see.

Supervisor Kraft stated that it was his understanding that Treasurer Batton should present what she feels is important

4) 2010 Budget Timeline

Treasurer Batton reported that she and Supervisors Kraft and Aspengren have met and that she had provided copies of some preliminary information for the Board's review prior to this meeting.

Treasurer Batton noted that we will need something to present to the residents on September 8th and that she is now asking the Board to review and approve these figures.

Supervisor Kraft presented the road repair summary from a budget perspective.

Engineer Nelson reminded the Board that in 2012 the Federal program for replacing the road signs will be coming up and that possibly the Board would want to consider getting started on in ahead of time.

Treasurer Batton asked that the 2010 Budget be approved prior to the Annual Meeting on September 8th.

Supervisor Nilsen suggested that this be placed on the September 8th meeting or consider setting up a second meeting in August. The Board decided to make this determination at the workshop on August 10th.

5) Status of Capital Asset, Special Assessment and Lot Fee Policies

Treasurer Batton stated that she is working with Supervisor Aspengren and Supervisor Lawrence on the Special assessment Policy. In addition, Supervisor Aspengren is working on the Capital Asset policy.

Treasurer Batton stated that her goal is to have these completed by year-end so as not to have an audit deficiency declared.

6) Use of Capital Reserves

Treasurer Batton pointed out that we do not have Capital Reserve Accounts except for Monterey Heights, South Passage and Stonebridge CSTS projects.

According to the Auditor, the board could adopt a policy that would allow for any funds in excess of 50% of our annual forecasted budgeted expenditures for the following year for the general and road funds be rolled over into a designated Capital Reserve fund.

7) Bank Relationship

Treasurer Batton noted that she and Supervisor Aspengren met with representatives of Merchants Bank two weeks ago. She noted that the Township would only consider changing banks if the rates were favorable. Treasurer Batton is expecting a proposal to be forthcoming.

8) Town Hall Coverage

Treasurer Batton stated that she would like to take Thursday, August 12th off and since Clerk Maas is unable to substitute that day due to prior commitments, she would like to suggest that the Board consider asking Mary Lubinski, our webmaster, is also the Deputy Clerk for Spring Lake Township and she Town Hall sits for them as needed and would probably be a great resource for the Township to utilize.

The Board opted to close the hall on that morning and instructed Treasurer Batton to put a sign on the door so stating.

9) Transfer Funds

Chairman Schommer made a motion to transfer \$45,000 from the savings account to the checking account. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

New Business

1) Adding Paved Aprons (9:13 00 pm)

Supervisor Nilsen noted that gravel along some of the roads is washing out and is proposing that we consider adding a paved apron in certain troublesome spots.

The Board decided against this idea.

2) Discuss CSTS Operation and Maintenance Options (x:xx:xx pm)

Chairman Schommer stated that this item was originally scheduled for the July 6th meeting, but he had asked Clerk Maas not to schedule it, since it was his opinion that we didn't have enough information to pursue it at that time. It was his understanding that the residents were interested in getting some quotes for this service and since we don't have that information yet, he suggested that we consider it next month

Treasurer Batton noted that a meeting with residents is scheduled for August 17th at which time, this subject is due to be discussed.

Chairman Schommer asked if Supervisor Aspengren had an opportunity to review the charges from EcoCheck.

Supervisor Aspengren indicated that he had and he also contacted Peoples. They were not real interested in providing this service for Credit River.

Chairman Schommer noted that it was his understanding that we were going to collect 6 months of operating costs and we would be reviewing this at that time.

The Board Asked Clerk Maas to add it to the October agenda.

3) Shouldering

Supervisor Kraft presented some information on pricing for shouldering. He feels this is critical and that we need to address this as soon as possible. He presented some prices

that he obtained from our files and has determined that Gallaghers has quoted us lower prices in the past.

Supervisor Lawrence made a motion to authorize the expenditure of up to \$10,000 for shouldering work. Supervisor Kraft was asked to get quotes on a time and material basis.

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

4) Culverts

Chairman Schommer requested that Supervisor Aspengren get a list of culverts that need to be cleaned.

Review and Pay Bills (xx:xx:xx pm)

8/3/2009	5138	Al Aspengren	Services as Supervisor	\$	743.72
8/3/2009	5139	Brent Lawrence	Services as Supervisor	\$	743.42
8/3/2009	5140	Bruce Nilsen	Services as Supervisor	\$	724.95
8/3/2009	5141	Holly Batton	Services as Treasurer	\$	2,599.42
8/3/2009	5142	Jerry Maas	Services as Clerk	\$	2,297.18
8/3/2009	5143	Leroy Schommer	Services as Supervisor	\$	817.30
8/3/2009	5144	Tom Kraft	Services as Supervisor	\$	811.88
8/3/2009	5145	Art Johnson Trucking	July Gravel Road Blade	\$	1,760.00
8/3/2009	5146	Bohnsack & Hennen Excavating	Road Repair	\$	4,226.49
8/3/2009	5147	Brent Lawrence	July Expenses	\$	11.00
8/3/2009	5148	CenterPoint Energy	Town Hall Gas	\$	10.46
8/3/2009	5149	Dale Kuchinka	Ditch Mowing	\$	1,340.00
8/3/2009	5150	Dennis Karow	Lawn Mowing	\$	1,037.61
8/3/2009	5151	Fenco	Creekwood Backstop	\$	1,450.00
8/3/2009	5152	Franz Homes	NPDES Refund	\$	1,690.00
8/3/2009	5153	Geckler & Associates	Access Refund	\$	900.00
8/3/2009	5154	Hakanson and Anderson	June Engineering	\$	10,456.90
8/3/2009	5155	Holly Batton	July Expenses	\$	120.91
8/3/2009	5158	Jerald Maas	July Expenses	\$	25.40
8/3/2009	5157	Kaya Latzke	NPDES Refund	\$	1,960.00
8/3/2009	5158	Landmark Development	NPDES Refund	\$	1,620.00
8/3/2009	5159	Mike's Septic	Septic Pumping	\$	1,110.00
8/3/2009	5160	MVEC	Electrical Service	\$	502.79
8/3/2009	5161	Prior Lake Blacktop	Road Repair	\$	11,098.65
8/3/2009	5162	Quality Sweeping Services	Town Hall Parking Lot	\$	250.00
8/3/2009	5163	Rove Pest Control	Pest Control	\$	80.16
8/3/2009	5164	Scott Soil & Water	June Inspections	\$	968.00
8/3/2009	5165	Stantec EcoCheck	June CSTS O & M	\$	8,659.80
8/3/2009	5166	Tom Kraft	July Expenses	\$	70.40
8/3/2009	5167	Joseph Merrill	NPDES Refund	\$	960.00

Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn the meeting. Chairman Schommer offered a second, all in favor, motion carried 5 - 0. The meeting dismissed at 9:57 pm.

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

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