

# **Credit River Township Meeting Minutes December 7, 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, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

## **Consent Agenda (6:00:28 pm)**

- 1) **Approve Minutes from November 2, 2009**
- 2) **Approve Treasurer's Report**
- 3) **Approve 2010 Revenue Budget**
- 4) **Approve Building Permit Report**
- 5) **Approve Audit Engagement Letter**
- 6) **Approve Final Building permit Refund Policy**

Supervisor Kraft asked that item # 2 be removed for additional discussion for discussion during the Treasurer's report section of the meeting.

Supervisor Kraft made a motion to approve the Consent Agenda with the exception of # 2. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

## **Old Business**

### **1) Status of Franchise Agreement with Jaguar Communications (6:02:20 pm)**

Supervisor Lawrence noted that Jaguar Communications is in the process of installing fiber optic communications into the Township and applied for a Franchise. We have published notices regarding a Public Hearing that will be held in reference to this matter on January 4, 2009. In the meantime, we have invited Mr. Ric Hanson of Jaguar Communications to address the Board this evening to review their plans.

Attorney Ruppe emphasized that this presentation this evening is for information only and that a Public Hearing will be held on January 4<sup>th</sup> to formally discuss this proposal.

Mr. Hanson stated that Jaguar Communications based in Owatonna has been in the business of providing fiber optic services for the last 3 years. He observed that their technology differs from the completion in that they provide full fiber services directly to the homes and businesses.

He indicated that it is the vision of Jaguar that rural areas need as good or better high-speed communications than in the urban areas, noting that many professional people live in these areas and have need for services for work at home.

He stated that Jaguar offers all three basic services, TV, Internet and Telephone. He noted that it is not the intent of Jaguar to service the entire township since some areas already has high-speed services.

Mr. Hanson acknowledged that there have been some issues in Credit River regarding the installation of the cable in the road right of way.

Supervisor Lawrence asked if any residents from South Passage were present this evening. There were none. Supervisor Lawrence commended Mr. Hanson for their efforts in communicating with the Homeowner's Associations and felt that by spring the installation would be restored properly.

Supervisor Aspengren asked about how competitive they are?

Mr. Hanson reviewed the basic rate schedules with the Board noting that his company will enter into long term guaranteed rate arrangements.

Attorney Ruppe reported that we have asked Bob Vose, an attorney who specializes in this type of franchise agreements to prepare the necessary paperwork assuming that we receive the required applications by December 17<sup>th</sup>.

Supervisor Nilsen asked for a map showing the planned service area and Mr. Hanson offered a copy of a map as well as copies of the channel lineups offered by Jaguar. Their long-term plans call for servicing Carver County east to the Mississippi River and south to the Iowa border.

Supervisor Kraft mentioned that he had the opportunity to drive through the installation area and he felt that Jaguar did an acceptable installation, that the installers had a desire to do a good job and that they cleaned up the area quite well.

Supervisor suggested that perhaps Jaguar might want to consider sending out a notice in advance of the work being done that would provide an indication of the work to be done.

## **2) Don Loehr – Discuss Plat Fees (6:20:55 pm)**

Don Loehr, resident and developer of Loehr Ridge, appeared to ask that the Board consider waiving the Lot Fee and Turn Lane contribution for the Loehr Ridge project.

Mr. Loehr noted that this project was done for estate planning purposes only and that it was not his intention to create a new lot.

Supervisor Aspengren asked if there were any plans for outlot A? Mr. Loehr stated that he was under the impression that nothing could be done with this lot unless another plan were brought forth.

Supervisor Nilsen indicated that in his opinion a problem would arise when the house were sold and asked if an option might be to waive the fees at this time and collect them at the time the house is sold.

Attorney Ruppe noted that if the fees were to be waived, the waiver would stand forever. He also noted that at the time the Outlot were developed and platted, it would be subject to fees at that time.

Supervisor Aspengren asked if we would be in a position to put restrictions on the development of Outlot A? Attorney Ruppe stated that, since the Township lacks planning and zoning authority, we would not be able to do this.

Supervisor Nilsen made a motion to waive the Lot and Turn Lane fees based on unusual circumstances, however the Board reserves the right to collect any development fees as may be appropriate when Outlot A is developed.

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

### 3) CSTS Update / CSTS Ordinance (6:36:05 pm)

Supervisor Aspengren noted that he and Supervisor Lawrence had a meeting with representatives from the Monterey Heights/South Passage, Stonebridge and Territory developments. As a result of these meetings it is being proposed that the sewer rates be adjusted as follows: The Territory should be reduced by \$18, Monterey Heights/South Passage should be reduced by \$10 and Stonebridge should remain the same.

At this meeting, Supervisor Aspengren pointed out that there was a thorough review of the process whereby rates are determined.

As a follow up, the residents of the Territory and Monterey Heights/South Passage are asking for a rate hearing to establish new rates. In addition, the residents of the Territory would like to schedule a special workshop to review the operating reserve as well an opportunity to discuss the possibility of "capping" certain line items charges.

They are also asking that we improve the oversight of the SSD operations and that we consider a centralized filing system for all documents related to the SSD.

Supervisor Aspengren noted that the Township filing system calls for these documents to be filed in the Engineering office, the Treasurer's office, or the main files according to the specific purpose of each type of document.

Treasurer Batton stated that it appeared that there was no dispute regarding the Capital Reserve, but rather the Operating Reserve is the one in dispute.

Chairman Schommer noted that one reason the reserve has built to the level it has is that the un-built lots have also been contributing to the fund without incurring the corresponding charges.

Attorney Ruppe noted that the requirements for holding a Public Hearing are determined by the Ordinance we developed. Since we are proposing reductions in the rates, the full process of holding a Public Hearing including the publishing and formal posting notice might not have to be followed.

Supervisor Lawrence stated that it appears that no one seems to know what the Operating Reserve ought to be.

Treasurer Batton expressed the view that these should be readily identifiable with Ryan Brandt's assistance.

Chairman Schommer suggested a workshop and Rate Hearing on same night.

Supervisor Nilsen also re-emphasized that it appears that this surplus is coming from the builders that are contributing to the fund and that the residents themselves are not necessarily overpaying for this reserve.

Treasurer Batton stated that it is her impression that the residents would like to see the budget report reviewed more often, perhaps a couple of times per year or at least annually.

Supervisor Lawrence suggests that numbers be prepared to review at January 4<sup>th</sup> meeting and that a rate hearing be set at that time.

Attorney Ruppe suggested that perhaps the notice of hearing be placed in the billing for January and that the hearing be held after that.

Supervisor Aspengren noted that he and Supervisor Nilsen reviewed the plans for fencing of the mound systems at the Territory. The Township feels that on the primary sites, fencing ought to be constructed along the houses while Rob Wachholz is of the opinion that this would impact the grasslands and the ascetics of the development.

Supervisor Aspengren stated that he has been in contact with the MPCA for their views. He stated that in his opinion, the MPCA will not require fencing on alternate sites. He also indicated that it was his opinion that the so-called "rogue trees" need not be cut down.

Supervisor Kraft Tom suggests that we try to get this decided by the January 4<sup>th</sup> meeting. Supervisor Aspengren felt that another meeting will be required with Mr. Wachholz between now and then and that a decision on January 4<sup>th</sup> probably would not be possible.

Supervisor Nilsen stated that it is his feeling that we will have to follow the requirements of the MPCA and that they are not going to bend too much.

Supervisor Lawrence noted that the current ordinance does not require phone lines. He asked if we ought to add this requirement? He stated that he received an email from Mr. Wachholz today encouraging us not to mandate an individual phone line. It is Mr. Wachholz's view that the billing for operators response for individual property alarms ought to be borne for these responses rather than the CSTS as a whole.

Supervisor Aspengren noted that some residents are eliminating use of a landline and using alternate wireless phone services.

Supervisor Aspengren suggests that we table this discussion until January 4<sup>th</sup> at which time we will be in a better position to understand the technology.

Supervisor Nilsen indicated that it is his understanding that EcoCheck is working on software to call each customer on a monthly basis to insure that the phone connection is operating properly.

Attorney Ruppe suggested that he work with Ryan Brandt at EcoCheck to amend the Ordinances such that they would not be dependent on the technology.

The Board suggested that Supervisor Lawrence contact Ryan Brandt review ordinances before an amendment is done and asked Attorney Ruppe to take no action until notified.

#### **4) Discuss Preliminary DAP Report (7:10:05 pm)**

Supervisor Aspengren noted that he had previously discussed this with the Board and that the group will be holding their final meeting tomorrow. He is asking for input to take to this meeting. He called attention to that part of the report where the County is suggesting that they along with the Township would promote CSTS Wastewater Treatment and Community Water Systems.

The Board noted that this has been left up to the Developer's in the past and that the Township generally has followed their wishes.

Attorney Ruppe mentioned that we are under obligation to establish an SSD if so requested by the petitioner.

Supervisor Aspengren also noted that the report indicated that the County was in favor of requiring Community Water in all developments of 30 homes or more in the future.

The Board stated that they would not support this concept.

Supervisor Nilsen indicated that he is of the opinion that riding arenas ought to be allowed, perhaps with the requirement that a bond be set up to insure compliance. He also felt that buildings between 4800 and 5000 square feet ought to be allowed on 10 acre parcels and that the designs ought to insure compatibility with adjoining residential buildings.

Chairman Schommer suggested that the sidewall heights for outbuildings be reviewed.

## Attorney Report

### 1) Status of Gonyea Access to Hampshire Ave. (7:19:10 pm)

Attorney Ruppe noted that the Board had previously decided to instruct the County to change the official address along with the marker to Dakota Ave. In addition, a second issue has arisen regarding the ongoing use by the Gonyeas of the driveway access to Hampshire Ave. contrary to the Township Driveway Ordinance.

Attorney Ruppe noted that the attorney for the Gonyea's has responded and pointed out that use of this access has to be considered as "grandfathered" in that it predates the ordinance suggesting that it is illegal. They have supplied documentation that we have requested to this effect. Furthermore, they are prepared to bring witnesses forward who will testify as to the existence of the driveway prior to the date of the ordinance.

Attorney Ruppe also noted that he received an email from Mr. Dixon Gimpel stating just the opposite. Therefore Mr. Ruppe must conclude that this is a dispute between property owners and should this be taken to court, it may be that the judge will not rule in the Township's interest as respects enforcement of the ordinance.

Attorney Ruppe also noted that in the event we choose not to enforce the ordinance, this action does not limit Mr. Gimpel's rights in the matter and he is at liberty to take the matter to court.

Supervisor Kraft asked if we could properly remove the access off of Hampshire Ave. Attorney Ruppe suggests that we not pursue this action, because if it were later established that there was a legal right to use it, the Township could be held liable. It would be necessary to get a court order prior to taking this action and the Township would incur the expense of the court action.

Supervisor Lawrence asked if we do nothing, it would be left to the property owners.

Therefore since Township cost is an issue, Attorney Ruppe recommends that the Township has three options: first change the address back to Hampshire Ave., secondly enforce the ordinance through a court action or third do nothing and let the property owners resolve the issue.

Bryce Huemoller, representing the Gonyea's noted that there is an issue of public safety with the address being left at Dakota Ave. He noted that if a finding is made that the use is grandfathered, then the address should be returned to Hampshire as a matter of public safety.

Chairman Schommer noted that it appears that we are not making any findings at this time. In fact, he noted that this was not a public hearing this evening and that we are not open to public comment at this time.

Supervisor Aspengren made a motion to poll the Board members to get the general thoughts on this matter.

Attorney Ruppe asked if the intent of the motion is that the official address be returned to Hampshire Ave., that the County be so notified and that the Town Attorney be directed not to enforce the ordinance?

Supervisor Aspengren indicated that his intent at this time is to find out how his fellow board members feel on this matter after having heard the information this evening.

Supervisor Nilsen made a motion to rescind the previous instructions to Attorney Ruppe to enforce the ordinance and let the matter sit at this time. Supervisor Kraft offered a second, motion passed 4 – 1 (Aspengren opposed)

Clerk Maas noted that he did not receive a copy of the most recent email from Mr. Gimpel for the Town records and would appreciate a copy being supplied.

## **2) Status of Kody Place (7:37:00 pm)**

Attorney Ruppe noted that the Township had sent a letter to Scott County in regard to this matter and that the County has since responded that they are taking the matter under advisement and are in the process of getting an opinion from the State Attorney General for an advisory opinion. He recommends that we table the matter a wait for the Attorney General to respond and then work with Scott County to resolve the matter. We retain all rights in the meantime.

Engineer Nelson noted that we have received the signed plat mylars that has been signed by the County Recorder.

Supervisor Nilsen will contact Scott Swanson to see if it can be resolved before legal action is pursued.

It was determined that the total charges for this project amount to approximately \$7340 at this time.

## **3) EcoCheck (7:43:08 pm)**

Attorney Ruppe indicated that at the last meeting the Board had voted to approve the contract with EcoCheck for wastewater operations and maintenance. However, an issue has arisen that is substantive that he wanted to review with the Board this evening.

Ryan Brandt, owner of EcoCheck, is asking that as a part of the contract, the legal limit of Liability for EcoCheck be limited to the amount of the insurance. He would agree to purchase whatever amount the Township required. Mr. Brandt also stated that the additional insurance costs to raise his insurance to \$2,000,000 would be \$1130, which he would like also to pass a portion on to the Township since it was not included in the original proposal.

Supervisor Kraft asked if the Township would be responsible for any excess claims over the \$2,000,000 amount? Attorney Ruppe indicated that the answer is yes, the Township would be assuming this extra liability.

Chairman Schommer asked if the Township insurance would assume the additional liability. Attorney Ruppe indicated that the answer was probably not.

Supervisor Lawrence asked if we would be providing special treatment should we decide to accept this requirement? Attorney Ruppe noted that this is a special situation since EcoCheck possesses special and unique services that the Township needs at this time.

Chairman Schommer made a motion contingent on attorney review to approve the contract with EcoCheck with the provision that EcoChecks Liability be limited to the amount of insurance (\$2,000,000) and furthermore to allow EcoCheck to increase their quote by \$275 to cover the added insurance cost. Supervisor Kraft offered a second, motion passed 4 - 1 (Lawrence opposed)

## **Sheriff's Report (7:49:30 pm)**

None this evening

Chairman Schommer noted that he observed a boat obstruction in the Country Court Addition that has since been taken care of.

## **Resident Open Forum**

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

### **1) EcoCheck Contract (7:49:58 pm)**

Resident Cory Lindsoe asked about the question of insurance for EcoCheck and why we would be concerned about the additional insurance cost?

The Board explained the situation to Mr. Lindsoe's satisfaction

## **Engineer's Report**

### **1) Territory Update (7:52:40 pm)**

Engineer Nelson noted that replacement mound is now complete. EcoCheck reported that they plan to begin operating this tomorrow (12/8/09).

Engineer Nelson reported that we have now received the requested "as-builts" from Anderson Engineering.

Engineer Nelson noted that he has received a note from Rob Wachholz requesting that the pumps from CSTS 2 and 3 be removed from the ground and stored to protect them since they are inactive at this time. He is asking if the Board will approve this action?

Supervisor Lawrence asked why Mr. Wachholz would propose to assume this responsibility? In his opinion, he has nothing to do with this aspect of the project.

Supervisor Nilsen agreed and feels that our work with Tradition is basically completed.

Clerk Maas requested that Engineer Nelson forward a copy of this email for the Town records.

Supervisor Aspengren asked whether the warranty would be voided if contractor Witt did not do the winterization work?

The Board directed Engineer Nelson to discuss this with Witt Construction and EcoCheck and to direct Mr. Wachholz that he is not to get involved with the winterization of any part of the CSTS system.

Engineer Nelson indicated that the wetland mitigation issues are still outstanding as far as the Territory project is concerned. The mitigation site was proposed to be a part of one of the future phases of this project. He cautioned the Board that we would want to reserve a sufficient amount of escrow to cover the potential purchase of the required credits. Engineer Nelson estimates this could be as high as \$75,000.

Supervisor Lawrence suggested that we ought to analyze the total requirements of unfinished work in relation to the funds that we have left.

### **2) Proposal for Sign Inventory (8:22:45 pm)**

Engineer Nelson presented a proposal to complete an inventory of the Township signs noting that there will be a future federal requirement as to the standards required for all signs. He is offering to do this work at this time at a reduced rate in order that he might gain some experience to apply to other communities where he will be required to perform this work also.

Supervisor Aspengren asked if it would be advantageous if a supervisor accompanied Engineer Nelson to become aware of issues related to signs. Engineer Nelson noted that personnel from his office would be doing the work.

Supervisor Nilsen made a motion to accept this proposal and to approve an expenditure not to exceed \$3000 to complete this task. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

### **3) Information for Dean Johnson (8:46:00 pm)**

Engineer Nelson noted that he received a call from Dean Johnson looking for information. He indicated that he would send Dean a copy of our Draft Comp Plan, an AUAR, the water Study done in conjunction with Savage. He is asking if the Board will authorize him to spend some time on this project.

Clerk Maas suggested the Township Transpiration Plan should also be provided. Engineer Nelson agreed.

Engineer Nelson estimated that it would take less than 10 hours to complete this work.

Chairman Schommer made a motion to authorize Engineer Nelson to forward the information to Mr. Johnson and to spend up to 10 hours in supporting this activity. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

**4) Discuss Status of Facilitator for Form of Government Discussion (8:50:06 pm)**

(The Board chose to discuss this new item of business at this time)

Supervisor Lawrence indicated that we have a meeting scheduled for this coming Friday morning with Barry Stock and his staff at the City of Savage to acquaint Mr. Johnson with the City of Savage's position.

**5) CSTS Contract**

Supervisor Nilsen asked to return to the discussion of the CSTS issue from earlier in the evening. He asked if the residents were comfortable with the awarding of the contract to EcoCheck. Supervisor Lawrence stated that he thinks they are comfortable with the contract. He emphasized that Ryan Brandt did an outstanding job in making the presentation.

**SCALE Report (8:53:25 pm)**

Supervisor Aspengren read the summary of the SCALE meeting held on November 7<sup>th</sup>.

Clerk Maas noted that as Chair of the SCALE Communications Sub-committee, he and several others, Supervisor Lawrence being one, to provide advance information regarding SCALE meetings to all elected officials and many staff people in the County in addition to summaries of all of the meetings in the week immediately following the monthly SCALE meeting.

**Clerk's Report (8:58:00 pm)**

Clerk Maas noted that he had no new information to report on this evening.

**Treasurer's Report**

**1) Approve Treasurers Report (8:58:12 pm)**

Supervisor Kraft explained that the reason he asked that item # 2 be removed from the Consent Agenda is that he wished to point out that they discovered some discrepancies between the CTAS system and the new Banyon software package.

Treasurer Batton stated that the auditors entered all of the starting balance numbers for the Banyon system and it didn't match the CTAS. It wasn't considered a concern at the time because the auditors view Banyon and the live system and CTAS as the parallel.

Supervisor Kraft noted that Treasurer Batton has a meeting with the Auditors in the morning and he is confident that it will be worked out at that time.

Supervisor Kraft made a motion to accept the Treasurer's Report. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

**2) Escrow Report (3:03:10 pm)**

Treasurer Batton presented the report for November. She noted that all accounts are in a positive position at this time.

She also noted that she is expecting the LOC for Thoroughbred Acres to come in by the end of this week. She also expects the Cress View Estates LOC to be in shortly. The

LOC for Scott View Acres was completed and the attorney has reviewed and approved it quite some time ago.

Treasurer Batton also noted that we have a policy in place that allows charging one-quarter hour per month to the escrow accounts for billing. This administrative fee was added to the developers December escrow statement.

**3) Transfer Funds (3:05:35 pm)**

Supervisor Kraft made a motion to transfer \$85,000 from the savings account to the checking account. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

**4) CD for Renewal**

Treasurer Batton noted that we have a CD # 95851529660 scheduled for renewal on December 17<sup>th</sup>. Anchor Bank is quoting a rate of 1,5 %. Merchants Bank is quoting 2%. Supervisor Kraft and Aspengren directed Treasurer Batton to inquire if Anchor would match this rate and they indicated they would not. She is asking for the Board to transfer this amount to a Money Market account and then transfer to a CD at Merchants Bank. She also noted that this motion is considered approval to process the claim and check to accomplish this transfer.

Treasurer Batton mentioned that the rating for Merchants Bank is stronger than that of Anchor who is currently ranked below their peer groups. She also noted that Anchor has dropped the rate in the interest on the Money Market account.

Chairman Schommer made a motion to approve this transfer, Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

**5) Approve Written Procedures (x:xx:xx pm)**

Supervisor Aspengren indicated that he and Supervisor Kraft have reviewed these procedures and while Treasurer Batton has done a thorough job in developing these procedures, he is of the opinion that perhaps they are “too thorough” and might be considered too restrictive and need to be simplified. He has asked himself what is “required” versus what is “desired”. He indicated that these procedures are going to be time consuming for Treasurer Batton to write and he plans to discuss this with the auditors in the morning. He is not in favor of creating big government.

Treasurer Batton noted that she had previously done these procedures in 2006 and 2007 and expects that they will be required again. She noted that Dave Lang, senior accountant in the City of Lakeville is doing the same thing and it's a very painful task.

Chairman Schommer asked that Supervisor Aspengren report back at the next meeting

The Board asked that Treasurer Batton notify Ted Kowalski get the LOC for Cress View Estates in by the 15<sup>th</sup>.

**Road Report (9:16:00 pm)**

Supervisor Kraft noted that the County has done some shouldering work on Legends Club Drive has been done but not to our satisfaction. We also had a complaint that there is some brush accumulating on Oak Grove and Woodbridge. He indicated he plans to take care of this shortly.

Chairman Schommer noted that some trees need to be trimmed and perhaps this could be coordinated with the brush pickup.

Chairman Schommer noted that some sanding has been done on a few spots and that the equipment is ready for the winter plowing season.

## **New Business**

### **1) Discuss Barking Dogs Compliant (9:19:00 pm)**

Supervisor Lawrence noted that we have had a couple of complaints about dogs barking continuously. They would like to have our Ordinance changed to not allow excessive barking during the day also.

Resident John Anderson of Clemwood Drive stated that he has had an ongoing issue for quite some time now and while his neighbor has installed an electric fence to confine the dogs, but the barking is a real problem. They now have three dogs. They bark in response to any vehicle that drives the road during the day.

Clerk Maas stated that earlier in the evening, Attorney Ruppe pointed out that our current Ordinance 2007-01 does in fact cover the issue of barking dogs during the day. Closer reading of the ordinance defines any barking dog (regardless of time of day) is considered a nuisance and the owner can be cited to be in violation.

Clerk Maas will clarify this with the Sheriff and insure that the deputies are also updated.

Earlier in the evening, Attorney Ruppe noted that we have Ordinance 2007-01 that defines a barking dog as a public nuisance that should cover this issue. He recommends that any resident call the sheriff if there is an issue.

Supervisor Kraft suggested that we review the language in the Ordinance that refers to the Four Paws Company. He also suggested that we review the old ordinances that are shown on the Website.

Clerk Maas suggested that the Board might want to consider repealing some of the old Ordinances that are clearly out of date and probably un-enforceable anyway. Perhaps we would want to re-write some that would have application today.

Supervisor Kraft made a motion to repeal Ordinance # 8. Chairman Schommer offered a second, motion passed 5 – 0.

### **2) Status of Facilitator for Form of Government Discussion (9:34:25 pm)**

Discussed earlier in the evening

### **3) Discuss Adopt a Highway Program – Murphy Lake Road (9:34:45 pm)**

Supervisor Lawrence noted that we have 2 portions of Murphy Lake Road that are currently served by residents cleaning up debris under the adopt a highway program. In that we have recently agreed to take over this road and designate it as a Township Road, we will inherit the responsibility for this program.

There are two options if we choose to continue this program:

- 1) we could pick up the waste and take it to the County dumpster. The County would agree to change out the signs and drop off the safety vests and a supply of bag. Or

- 2) the County could pick up the waste and we pay them.

Clerk Maas asked if there might be some liability associated with this program? If we assume the responsibility, we would no doubt have to cover this.

The Board asked Supervisor Lawrence to Brent to inquire about the possibility of the County continuing to administer this program.

### **4) Discuss December Meeting with City of Prior Lake on Fire Contract (9:40:40 pm)**

Supervisor Lawrence stated that he contacted Jerilyn Erickson at the City of Prior Lake and inquired about the scheduled meeting to discuss issues related to the operation of

the Fire Services according to the new agreement we recently negotiated. She indicated that they would like to postpone this meeting until they have had a chance to hire a full time chief.

Chairman Schommer mentioned that he would like to see us follow the contract and meet in December.

Supervisor Nilsen, who had recently participated in the interview process for a new chief felt that it would be more practical to wait until a new chief is in place, which should happen shortly after the first of the year at the latest.

The Board directed Supervisor Lawrence to inform Ms. Erickson that we would be open to waiting until the new chief is hired. We would hope that a meeting would be scheduled within a month of hiring.

**5) Discuss Request from Ag Extension Educator for Use of Town Hall (9:49:15 pm)**

Clerk Maas noted that we have received a request from the Ag Extension Coordinator in Carver County to use the Town Hall for a series of educational classes over a period of 8 to 9 weeks this coming spring.

The Board suggested that we direct her to Spring Lake Township where the facilities might be more appropriate.

**6) Discuss Illicit Discharge Ordinance (9:51:20 pm)**

Supervisor Aspengren handed out a model Discharge Ordinance that is required under the NPDES program. We thought we had an agreement with Scott County to cover this, but the County has informed us that they are unable to find evidence that such an ordinance is in place.

Supervisor Lawrence asked for a clarification on exactly what is covered under the term "Illicit Discharge"

Supervisor Aspengren noted that an example would be either spilling or purposely dumping oil in the road ditches or ponds. He elaborated on an existing situation that is in the Township at the present time that he is in the process of investigating.

**7) Outside Boiler Complaint (9:55:00 pm)**

Supervisor Kraft reported that he is working with the County on a complaint we received with regard to the operation of an outside boiler.

He has found that there are no County requirements. He has discovered that the City of Lakeville is in the process of developing an Ordinance that will have setback restrictions and that perhaps we may wish to flow suit.

**8) Contracts**

Treasurer Batton noted that with the completion of the recent 2-year contract with Mike's Septic, she was wondering about who would take the responsibility to follow up as to when this expires.

She had previously discussed this with Clerk Maas and he agreed to develop a list of contracts. Before turning these over to Clerk Maas, she wanted to make sure that the Board was aware of this and if they would be OK having Clerk Maas compile this list since it was a Board responsibility. The Board indicated they would be OK with this.

There was a discussion about the need to have Liability insurance and W9 Tax statements in place for our sub-contractors. Clerk Maas noted that he is currently in the process of requesting updated Certificates of Liability form a few of our vendors.

Supervisor Nilsen made a motion that we not pay any of our vendors unless Insurance Certificates and W9 forms are on file with the Township. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

### 9) Attorney Bill

There was some discussion about some of the charges on the current Attorney Bill. The Board asked that these be deducted from the payment until they could be clarified with Attorney Ruppe. Supervisor Kraft expressed some concern about the fact that it cost the Township \$300 in legal fees to review a \$1000 contract.

It was also noted that we need to have those one-on-one discussions with our consultants that have been discussed in the past to review expectations.

### Review and Pay Bills (10:20:00 pm)

12/7/2009	5321	Art Johnson Trucking	Gravel Road Maintenance	\$	2,160.00
12/7/2009	5322	Banyon Data Systems	Fund Accounting Support	\$	780.60
12/7/2009	5323	CenterPoint Energy	Town Hall Gas	\$	50.62
12/7/2009	5324	Dale Kuchinka	Ditch Mowing	\$	1,240.00
12/7/2009	5325	Doug/Janet Arneson	Access Refund	\$	900.00
12/7/2009	5326	ECM Publishing	Legal Advertising-Lakeville	\$	520.94
12/7/2009	5327	Gallaghers	November Contract Retainer	\$	1,000.00
12/7/2009	5328	GE Capital	Copier Lease	\$	149.64
12/7/2009	5329	Gopher State One Call	Utility Locates	\$	60.90
12/7/2009	5330	Hakanson Anderson	October Engineering	\$	9,688.00
12/7/2009	5331	Integra Telecom	Phone Service	\$	605.00
12/7/2009	5332	J B Woodfitter & Associates	Access Refund	\$	900.00
12/7/2009	5333	Legends	NPDES Refund	\$	1,990.00
12/7/2009	5334	Lennar Corp	NPDES Refund	\$	1,770.00
12/7/2009	5335	Minnesota Assn of Townships	Convention	\$	550.00
12/7/2009	5336	MAT Insurance	Workers Comp	\$	886.00
12/7/2009	5337	Mike's Septic	Septic Pumping	\$	6,345.00
12/7/2009	5338	Minnesota Valley Electric	Electricity	\$	540.63
12/7/2009	5339	Private Underground	Utility Locates	\$	281.00
12/7/2009	5340	Safety Signs	Signs - "No Motor Vehicles"	\$	43.02
12/7/2009	5341	Scott County Treasurer	Seal Coating Final	\$	49,892.57
12/7/2009	5342	Scott Soil & Water	November Inspections	\$	1,774.00
12/7/2009	5343	SW Suburban Publishing	Legal Advertising-Prior Lake	\$	196.59
12/7/2009	5344	Valley Pool	NPDES Refund	\$	820.00
12/7/2009	5345	Webcetera	Website Charges	\$	187.50
12/7/2009	5346	William / Corrina Gilbert	NPDES Refund	\$	1,970.00
12/7/2009	5347	Xcel Energy	St Francis Street Light	\$	13.22
12/7/2009	5348	Al Aspengren	Services as Supervisor	\$	1,492.47
12/7/2009	5349	Brent Lawrence	Services as Supervisor	\$	787.74
12/7/2009	5350	Bruce Nilsen	Services as Supervisor	\$	826.99
12/7/2009	5351	Holly Batton	Services as Treasurer	\$	2,430.61
12/7/2009	5352	Jerald Maas	Services as Clerk	\$	2,301.49
12/7/2009	5353	Leroy Schommer	Services as Supervisor	\$	1,005.29
12/7/2009	5354	Tom Kraft	Services as Supervisor	\$	827.04
12/7/2009	5355	Void		\$	-
12/7/2009	5356	EcoCheck	October O & M CSTS	\$	8,339.63
12/7/2009	5357	Quiring Excavation	Sewer Repair Stonebridge	\$	1,891.33

12/7/2009	5358	EcoCheck	Phone Lines	\$	1,897.50
12/7/2009	5359	Couri Macarthur & Ruppe	Legal Fees	\$	3,551.25
12/7/2009		Anchor Bank	ACH Fees-CSS	\$	10.56
12/7/2009		Anchor Bank	Re-Deposit Fee	\$	5.30
12/7/2009	EFPTS		941 Payroll Taxes	\$	1,811.79
12/7/2009	PERA		December Payroll	\$	473.70

## Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn the meeting. Supervisor Lawrence offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:15 pm.

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

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