

**Credit River Township Board Meeting
Monday, June 4, 2012, 6pm**

Meeting Minutes

The June 4, 2012 Credit River Township Meeting was called to order at 6PM by Chairman Brent Lawrence.

Members Present:

Chairman Brent Lawrence; Vice Chairman Bruce Nilsen; Supervisor Leroy Schommer; Supervisor Tom Kraft, Supervisor Al Novak.

Others Present:

Township Clerk Lisa Quinn, Township Treasurer Sarah LeVoir, Township Engineer Shane Nelson, Township Attorney Bob Ruppe.

1) Approve or Amend Agenda: Chairman Lawrence asked if any Board member would like to add or remove anything from the agenda. Supervisor Leroy Schommer asked that the item "Discuss Casey Acres Wetland" be added under "Old Business." Supervisor Novak asked to add "July Meeting Date" under New Business. Items were added as requested.

2) Consent Agenda

- 1) April 2012 Treasurer's Report**
- 2) May 2012 Developer's Escrow Statement**
- 3) April 2, 2012 Board Meeting Minutes**
- 4) 2012 Board of Equalization Meeting**
- 5) May 7, 2012 Board Meeting Minutes**

Supervisor Tom Kraft asked to remove item #5, May 7, 2012 Board Meeting Minutes from the consent agenda. The item was removed.

Supervisor Tom Kraft made a motion to approve items #1-4 on the Consent Agenda. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

Supervisor Tom Kraft made a correction to the May 7, 2012 Meeting minutes to reflect a change to the recorded Ehler's Bonding vote. The vote was 3-2 with Supervisor Kraft and Vice Chair Nilsen dissenting, and was incorrectly noted on the minutes submitted as a 5-0 vote. The correction was made to reflect the actual vote of 3-2.

Supervisor Tom Kraft made a motion to accept the May 7, 2012 Meeting Minutes with the corrected vote recorded. Supervisor Leroy Schommer seconded the motion. The motion passed 5-0.

3) Open Forum

There were no items added here.

4) Old Business

1) Master Plan for Murphy Hanrehan. Mark Themig, Parks Program Manager turned the presentation over to Jonathan Vlaming, Associate Superintendent Responsible for Planning and Development. Mr. Vlaming gave a Powerpoint presentation on the Murphy Hanrehan Master Plan.

The presentation centered on updates to Murphy Hanrehan. Three Rivers Park District will be using capital improvement funds to do natural resource work in the park, including Oak forest management and prairie restoration.

Some acquisition work is in progress as well, including a parcel in the corner of the park which abuts the east side of Credit River (located near 175th and Murphy Lake Road). Mr. Vlaming also noted that Credit River Township has good park coverage with 4 parks within approximately 20 minutes' drive time, including: Murphy Hanrehan, Cleary Lake, Spring Lake Regional Park, Cedar Lake Park, and Blakely Bluffs.

Supervisor Schommer commented that it was nice to be given information on the parks in the Township, as the Township Board usually is not informed of any updates until construction equipment shows up.

Credit River Township resident Holly Jorgensen asked a question regarding invasive species in the park such as Oak Wilt, Buckthorn and Garden Mustard. Mr. Blamey stated that they had an active invasive program operating in the park district, and although the forestry manager is focused on Murphy Hanrehan in this respect, he did not have the specifics.

2) Ehler's Bonding/ Pre-Sale Report/Discuss Award Date. Bruce Kimmel from Ehler's and Associates, who is working on the Bond issue with the Township, appeared before the Board and residents. The purpose of the bond issue is to provide financing for The Hills of Credit River and 195th Street Road projects.

The discussion centered upon the sizing of the bond issue and the date of the issue. Mr. Kimmel recommends a later date than July 2, 2012, the date of the currently scheduled July CRT Board meeting. He stated that it is likely that June 2, 2012 will be an unfavorable day in the bond markets due to the 4th of the July holiday.

Additionally, Supervisor Tom Kraft recommended discussion on a smaller bond amount due to the amount of money currently in the Credit River Township Capital Improvement Fund. He asked for the Township cost differential based upon an \$840,000 Bond amount versus the \$1.185 Million dollar amount being proposed.

Mr. Kimmel stated with all the various fees tallied, the difference was approximately \$5300 more to bond for the higher amount. He pointed out that this is a lesser amount proportionally than the increase in bond amount. He also stated that larger bond issue generates more interest in the bond market.

After discussion of different options on structuring the bond amount for the road reconstruction and overlay costs before the Board, a motion was made.

Vice Chair Nilsen made a motion to recommend approval of Resolution 2012-16, Resolution Providing for the Sale of General Obligation Bonds Series 2012A, with the removal of the Township portion of the 195th Street Overlay Project from the proposed amount, making the bond amount approximately 1.1 million. The motion also recommends the Special Meeting for the Bond Award to be July 12, 2012. Supervisor Kraft seconded the motion. The motion passed 3-2. Opposed were Supervisor Schommer and Supervisor Novak.

Chairman Lawrence recommends that the financial committee, consisting of Supervisor Novak and Supervisor Kraft, work with Treasurer LeVoir on a financial forecast to include bonding considerations with the goal of keeping the Township Levy consistent over the next 5 years.

- 3) **Liberty Creek Update.** Vice Chair Nilsen gave an update on Liberty Creek. In attendance to offer information on this issue was Mr. Gary Shelton, Scott County Administrator, Ms. Leslie Vermillion, Assistant Scott County Administrator, and Mr. Mark Zweber, Liberty Creek developer.

Mr. Shelton offered a clarification on Scott County's position regarding the Liberty Creek Development project. It is Scott County's position that interconnectivity is important between existing and proposed Township Roads and existing and planned County Road structure. However, due to the lack of supporting County ordinances, Scott County was ordered by the Court of Appeals to either approve Mr. Zweber's previous plan or work out a way that the County could build the interconnectivity that was desired by Planning into Mr. Zweber's plan. Scott County has identified the 429 Process as a potential way to accomplish this. However, as this involves a Credit River Township Road, Scott County is unable to do it directly, and Credit River Township will have to initiate and manage the 429 process. Because there is a financial risk to the Township in initiating and managing the process, Mr. Shelton stated that Scott County would be willing to not only fund all of the street construction costs but also reimburse the Township for certain out of pocket costs. According to Mr. Shelton, an example of what Scott County would also be willing to reimburse the Town for would be Township Attorney and Engineer time to review plans, contracts and documents, however,

not Township Board or Township staff time. Scott County is also willing to invest funds in purchasing the lot required to provide the interconnectivity.

In conclusion, Mr. Shelton states that Mr. Zweber remains the developer, and that Scott County's main consideration is in building the underlying infrastructure correctly, with interconnectivity, and that there is value in that for the Township as well.

Vice Chair Nilson asked for a clarification from Mr. Zweber, as the developer, on covering Township Board costs. Chairman Lawrence stated that Credit River Township has a policy dated 4-7-09 specifying that all reasonable costs incurred by the Township in regards to a development are to be borne by the developer. Township Attorney Ruppe and Vice Chair Nilsen reminded the interested parties in attendance that at time of final plat, there are several fees required from the developer, including, but not limited to, a Letter of Credit, Turn and Bypass fee, and Township lot fees. Engineer Nelson said that there will also be a grading plan required.

Supervisor Novak wanted it noted that from a taxpayer standpoint, the \$700,000+ assessment cost will likely take a very long time to be recouped by the County, taking into account the estimated 8 years of unsold inventory already available. To this, Ms. Leslie Vermillion commented that given anticipated future costs of fixing any potential issues that may arise with CR 8 becoming a Scott County main arterial without this interconnectivity, the \$700,000 now is a good investment from a public safety standpoint.

Chairman Lawrence and Supervisor Schommer asked Mr. Zweber for a definitive statement in regards to the direction of the development. Mr. Zweber stated that he has no intention to put out any more money in fees, as he has already done so. He also stated that he will make his decision on whether or not to move forward with the development based upon the results of the feasibility study of the 429 process currently being done by the County. Mr. Zweber stated that at this time he is not willing to bring his escrows up to the level required by the Township and the Liberty Creek Developer's Agreement, however, he is willing to do so "if everything works out properly." Mr. Zweber also stated that he intends to sue the Township if the Township does not move ahead with approval as presented by the County.

Chair Lawrence notes that given all of the information presented in the meeting, Credit River Township can go ahead with the 429 Process, but once development starts, Mr. Zweber will be required to meet the terms of the Developer's Agreement. Mr. Shelton went on the record to say that Scott County will approve the 429 only if the Developer complies with all of the terms of the Developer's agreement.

In closing, Mr. Shelton asked the Township to give them the go-ahead to have some meetings with Engineer Nelson, so that the 429 process can move forward.

Vice Chair Bruce Nilsen made a motion for Credit River Township to look favorably upon the 429 process with Liberty Creek and Scott County. This conditional approval is based upon the Developer following through with the terms of the Liberty Creek Developers Agreement. In addition, Scott County agrees that they will pay all costs associated with the construction of the proposed road within the Plat of Liberty Creek and reimburse Credit River Township for all costs in processing the 429 process. Scott County shall prepare the engineering documents required under the 429 process. Credit River Township also gives its approval that the Township Engineer is permitted to interface with the County, and his fees are to be reimbursed by Scott County. Finally, the County shall prepare a contract outlining the County's proposal which is approved contingent on Attorney review. Chairman Lawrence offered a second to this motion. Motion passed 4-1. Supervisor Novak was opposed.

Since Mr. Zweber made a direct threat to sue the Township, Attorney Ruppe recommended a closed meeting to discuss the threatened litigation based upon Attorney-Client privilege.

- 4) **Discuss Casey Acres Wetland.** Supervisor Schommer has met with the resident and in both locations and reviewed the paperwork, including the initial approval via the USDA. Supervisor Schommer recommends to the Credit River Township Board as the LGU (Local Governing Unit), that the tiling remain in place as of this time. A written approval stating as such will be signed and placed in the Township files.
- 5) **New Business**
 - 1) **Fire Department Update.** Vice Chair Nilsen attended the Prior Lake Fire Department Meeting and updated the Board and residents on recent developments in the Prior Lake Fire Department. Fire Chief Doug Hartman is studying a "box response" concept, in that in the future, the fire department dispatched to the call will be the closest one in proximity to the call, versus the district that the call is initiated from.
Chair Lawrence reports that he and Vice Chair Nilsen will be having the half yearly review with the Prior Lake Fire Department. This will be done in conjunction with Spring Lake Township on June 27th.
 - 2) **Treasurer 1 Year Review.** Treasurer LeVoir had her 1 year review with her Supervisors, Supervisor Tom Kraft and Supervisor Al Novak. Supervisors Kraft and Novak reviewed her work favorably and would like to recommend a

salary increase. Their recommendation would be a \$2 per hour increase in her salary, from \$26 to \$28 per hour, effective on her anniversary date.

Supervisor Novak made a motion to increase Sarah LeVoir's salary \$2 an hour to \$28 per hour effective retroactively to May 7, 2012, her 1 year anniversary date. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

Supervisor Novak and Supervisor Kraft will do her next review in March 2013.

- 3) July meeting date.** Due to the 4th of July holiday, Supervisor Novak recommends a change to the July meeting date. Chair Lawrence made a suggestion that Monday, July 9 be the alternate July meeting date, as July 12, 2012 will be the Bond Sale Authorization Meeting.

Chairman Lawrence made a motion to move the July Board meeting from Monday, July 2 to Monday, July 9, at 6 PM at the Credit River Town Hall. Vice Chair Nilsen seconded. Motion passed 5-0.

- 6) Road Report.** Chairman Lawrence reports that there has been an excess of dumping on Township Roads recently. Supervisor Schommer notes that two lots in Casey's addition received weed notices. Supervisor Novak reports that the Hills of Credit River Road Project Manager has received favorable reviews from the residents. Vice Chair Nilsen will be arranging for a "Deaf Child" sign to be placed shortly on Clemwood at a resident's request.

Chairman Lawrence made a motion to approve the installation of the deaf child sign on Clemwood, and Vice Chair Nilsen will have discretion as to its placement. Supervisor Kraft seconded the motion. Motion passed 5-0.

Engineer Nelson reports that the gravel sub-grade on Lynn, Monterey, 207th is thicker than what was indicated in the borings. This will result in higher charges for hauling it out, but less will have to be hauled in at the end. Engineer Nelson also asked the Board about a homeowner's pine trees on Lynn Drive. They are not currently interfering with the road, but at some point they will grow into the road. The homeowner will be asked to attend the Monday, July 9, 2012 Board Meeting in order that they and the Board can discuss the moving of the trees.

7) Engineer's Report

- 1) Territory Update.** Engineer Nelson reports that there are three items that still need to be completed. This includes the completion of CSTS 2 & 3, the completion of the protection fencing, and the paving of the driveway for CSTS

2 & 3. Gittleman Management, who is managing the project for SA Group / Territory, would like to get the Township's authorization to bid the work out and get it done privately under contract. They estimate a "substantially complete" date of September 1, 2012 and a "finally complete" date of November 1, 2012. The Township concern is that if the work is not completed as planned, the charges to complete the work could possibly exceed the Letter of Credit amount that is currently on the books for SA Group.

After discussion, Supervisor Kraft and Vice Chair Nilsen recommend the work be completed by SA Group by their private contract, and subject to Credit River Township Attorney review.

Supervisor Kraft made a motion to authorize SA Group to complete CSTS 2 & 3, place protective fencing, and complete the driveway access to the control panel consistent with an agreement that will be entered into by SA Group, contingent on Credit River Township Attorney review. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

- 2) **Township Mapping.** To meet the need for the frequent requests for Credit River Township address information, Township Engineer Nelson recommends a Township map with addresses included be constructed and made available for reference and possible distribution.

Supervisor Leroy Schommer made a motion to authorize up to \$500 to construct a map of the Township. Supervisor Tom Kraft seconded the motion. Motion passed 5-0.

8) **Treasurer's Report**

- 1) **Transfer Funds.** Treasurer LeVoir requests \$160,000 be transferred from savings to checking to pay claims.

Vice Chair Nilsen made a motion to transfer \$160,000 from savings to checking to pay claims. Supervisor Novak seconds the motion. The motion carried 5-0.

- 2) **Budget 2013.** Treasurer LeVoir passed out a sign-up sheet for Supervisors and the Clerk to meet with her to discuss individual line item budget items for 2013.

Treasurer LeVoir laid out her proposed budget timeline.

- 3) **NPDES Escrows.** As directed by the Board at the May 7, 2012 Board Meeting, Treasurer LeVoir introduced a Resolution outlining procedures for the forfeiture of NPDES Escrows after one year of no construction activity, or

when the funds remain unclaimed after notification of pending forfeiture under the terms of this Resolution.

Attorney Ruppe recommends that the NPDES Escrow paperwork be modified to reflect this policy.

Vice Chair Nilsen made a motion to adopt Resolution 2012-17, Resolution on Forfeiture of NPDES Escrows. Supervisor Schommer seconded the motion. Motion carried 5-0.

The motion will also be placed into the policy book as an official Credit River Township policy.

Additionally, Treasurer LeVoir gave escrow summary updates on the following accounts:

- 19555 Oak Grove. An attorney representing the resident from this address requested invoices supporting the negative balance of his client's account. In mid-May, invoices were copied, scanned in and emailed to the Attorney as requested; however, no action has been taken on the escrow which remains in a negative \$1375.92 balance.
- Liberty Creek & Estates of Liberty Creek. Liberty Creek Escrow stands at \$856.75, and the Estates of Liberty Creek Escrow is \$178.77. Chairman Lawrence advised Treasurer LeVoir to allow the accounts to remain separate at this time.

Other Treasurer items:

The portable restroom enclosures constructed by the Township cost \$1,187.48, less than the budgeted amount of \$1500.00.

Treasurer LeVoir will not be in the office on Tuesday, June 26, 2012.

Treasurer LeVoir will be attending the MAT Short Course during the week of June 18-June 21.

9) Clerk's Report

- 1) Ag Permits.** There have been a few Residents who have questioned the need for the NPDES Escrow for building projects when their land is under Ag.

Supervisor Kraft recommends that persons applying for Ag buildings not be charged the \$1000 NPDES Escrow, only to have it immediately refunded. The verification of this will be determined upon Engineer review.

However, the Credit River Fee Ordinance would have to be amended to reflect this procedure, and that will be done by Engineer Nelson and Clerk Quinn during the month of July and placed upon the July Agenda for ratification.

- 2) **3 Month Review.** The Clerk 3 month review is due in June. Chair Lawrence and Vice Chair Nilsen will conduct this verbal review prior to the July Board Meeting.
- 3) **Summer Short Course.** Clerk Quinn will attend the Summer Short Course during the week of June 18-21.
- 4) **Election Ad.** Website and Newspaper ads may be required to recruit enough election judges.

Supervisor Novak made a motion to authorize funds for newspaper ads to recruit election judges for the Primary and General elections 2012. Supervisor Schommer seconded the motion. Motion passed 5-0.

At this point, the meeting was closed by Attorney Ruppe to discuss the threatened lawsuit against Credit River Township by the developer of Liberty Creek. All recordings ceased and persons in the audience were asked to leave. No minutes of these proceedings were taken.

10) Pay Claims.

Paid Chk#			
000139E	EFTPS	1,240.15	FICA/Medicare/Fed WH
Paid Chk#			
000140E	PERA	562.78	PERA
Paid Chk#			
000141E	MINNESOTA REVENUE MW5	93.52	State WH
Paid Chk# 006664	AL NOVAK	693.47	May Srv Pd in June
Paid Chk# 006665	BRENT LAWRENCE	806.69	May Srv Pd in June
Paid Chk# 006666	BRUCE NILSEN	750.08	May Srv Pd in June
Paid Chk# 006667	LEROY SCHOMMER	1,047.29	May Srv Pd in June
Paid Chk# 006668	LISA QUINN	XXXXX	May Srv Pd in June
Paid Chk# 006669	SARAH LEVOIR	XXXXX	May Srv Pd in June
Paid Chk# 006670	TOM KRAFT	748.74	May Srv Pd in June
Paid Chk# 006671	AL NOVAK	47.50	May 2012 Expense Reimbursement
Paid Chk# 006672	ART JOHNSON TRUCKING INC	1,686.06	May 2012 Road Mtc
Paid Chk# 006673	BANYON DATA SYSTEMS	780.60	Banyon Utility Billing Softwar
Paid Chk# 006674	BRENT LAWRENCE	36.98	May 2012 Expense Reimbursement
Paid Chk# 006675	BURDICK BUILDERS	370.00	NPDES Escrow Refund - 21625 Bo
Paid Chk# 006676	CENTERPOINT ENERGY	34.27	Town Hall Gas
Paid Chk# 006677	CHORES AND MORE BY HEIDI INC	106.88	Town Hall Cleaning 4/24/2012
Paid Chk# 006678	CITY OF PRIOR LAKE	105,840.50	2012 Fire Contract Second Half
Paid Chk# 006679	DB SERVICES	700.00	Park Enclosures
Paid Chk# 006680	DENNIS KAROW	1,145.43	Town Hall/Parks Mowing
Paid Chk# 006681	ECM PUBLISHERS INC	63.00	Agenda 5/7/12 Board Meeting
Paid Chk# 006682	ENVIROTECH SERVICES INC	12,942.00	May 2012 Rd Mtc
Paid Chk# 006683	GE CAPITAL	149.64	Copier Expense
Paid Chk# 006684	HAKANSON ANDERSON ASSOC INC	6,795.25	Engineering Fees
Paid Chk# 006685	INTEGRA TELECOM	546.95	Phone
Paid Chk# 006686	JEFF/LORI BARUM	435.00	NPDES Escrow Refund - 7576 Cas
Paid Chk# 006687	KEVIN T. BREEGGEMANN	883.00	NPDES Escrow Refund - 9401 Bir
Paid Chk# 006688	KRAEMER & SONS INC	1,519.00	NPDES Escrow Refund - 8055 Cre
Paid Chk# 006689	KRAEMER MINING& MATERIALS INC	350.28	May 2012 Rd Mtc - Gravel
Paid Chk# 006690	LISA QUINN	19.61	May 2012 Expense Reimbursement
Paid Chk# 006691	MATIT	3,639.00	MATIT General CLC for 7/1/12 t
	MINNESOTA ASSOCIATION OF		
Paid Chk# 006692	TWNSH	50.00	MAT Short Course - LeVoir
Paid Chk# 006693	MVEC	670.78	Electricity
Paid Chk# 006694	PRIVATE UNDERGROUND	177.00	May 2012 Utility Locates
Paid Chk# 006695	SARAH LEVOIR	50.00	May 2012 Cell Phone Reimburse
Paid Chk# 006696	SCOTT COUNTY TREASURER	37,700.00	2012 JPA Assessing Fee
Paid Chk# 006697	SCOTT SOIL & WATER CONSV DIST	538.00	Building Site Inspections Apri
Paid Chk# 006698	SUN NEWSPAPERS	126.00	Recycling Day Ad
Paid Chk# 006699	TOM KRAFT	1,000.00	NPDES Escrow Refund - 21233 Ve
Paid Chk# 006700	WOODDALE BUILDER INC	409.00	NPDES Escrow Refund - 19200 Na
Paid Chk# 006701	XCEL ENERGY	12.72	St. Francis Street Light

Total 187,841.65

10) Adjourn Meeting.

There being no further business before the Town Board, Vice Chair Nilsen made the motion to adjourn at 10:17 PM. Supervisor Schommer seconded the motion. The motion passed 5-0.

Submitted By: _____ Approved By: _____

Lisa Quinn

Brent Lawrence

Clerk

Chairman

Credit River Township

Credit River Township