

**Credit River Township Board Meeting  
Tuesday, September 4, 2012, 6pm**

**Meeting Minutes**

**The September 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. Chairman Lawrence added a closed session segment, to confer with the Township Attorney regarding a lawsuit served to the Township: Mark Zweber v. Credit River Township. Chairman Lawrence placed it in between items #7 (Engineer's Report) and item #8 (Treasurer's Report.)"

Supervisor Tom Kraft added "Scott County Township Association" after Clerk's Report.

Township Clerk Lisa Quinn asked that Item #5, "Clerk 6 Month Written Review" and #6, Application for Exempt Permit, be added to Clerk's Report.

Items were added as requested.

**Vice Chair Nilsen made a motion to approve the amended agenda. Supervisor Schommer seconded the motion. Motion carried 5-0.**

- 1) Consent Agenda**

- 1.1) July 2012 Treasurer's Report**

- 1.2) August 2012 Developer's Escrow Statement**

- 1.3) July 9, 2012 Board Meeting Minutes**

- 1.4) August 6, 2012 Board Meeting Minutes**

- 1.5) August 9, 2012 Special Meeting Minutes**

**Supervisor Kraft made a motion to approve the Consent Agenda. Vice Chair Bruce Nilsen seconded the motion. Motion carried 5-0.**

**1) Open Forum**

Al Aspengren, Credit River Township Resident, asked about a donation made from Citizens for Change last December, and if the money was ever used for park improvements as asked. Supervisors advised that the money was used towards portable restroom enclosures at Creekwood and St. Francis Parks in Credit River Township. Mr. Aspengren asked for a plaque to be placed. Supervisors will check into getting a small plaque placed in recognition of this donation.

**2) Old Business**

**2.1) Territory Update.** Township Attorney Bob Ruppe offered an update to the Territory CSTS II & III project. In the month or so since the last meeting, SA Group had rescinded the previous offer made to cover the overages on CSTS II and III. However, just this day, SA Group has reinstated the offer for Credit River Township's consideration. Attorney Ruppe also reports that he has received a letter from Territory Homeowner's Association (HOA) Attorney Shawn McElhatton asking that the Letter of Credit Funds be used for the Territory Water System.

Mr. Jaden Bragg, Territory Resident, updated the Board on the meetings the informal resident's group had with the HOA, the HOA Attorney, and SA Group Attorney, Peter Berrie. He stated that talks had broken down within the group, and said that he was present to ask the Board to use or hold the LOC Funds for the Territory Well Issue, which in his opinion is a more immediate need than the septic improvements. He also suggested that if the Board felt more comfortable to hold the LOC funds until bills need to be paid on water system improvements, they could do so.

Vice Chair Nilsen asked Mr. Bragg about the well estimate. Mr. Bragg said the group felt it was high and was in the process of an engineering study to provide more information.

Supervisor Novak referenced the original Territory water permits. He notes that the wells were originally rated for 450 gallons/minute. He asked if Mr. Bragg or any resident present knew if the neighborhood was currently near that level. Mr. Bragg could not address that.

Supervisor Novak asked for clarification on which well was “A” and which was “B.” It was stated by Mr. Bragg and Mr. Rich Ernst (Territory Resident) that the North side was “A” and the South side was “B,” and the reason “B” was having more problems than “A” was because the N side was not as built out as the S side.

Ms. Kate Weston, Territory Resident, offered a recap of her position, which was to use the LOC funds to complete the well project.

Attorney Shawn McElhatton from Leonard Street Dienard, representing the Territory HOA, asked that the LOC funds be used to serve the current homeowners before future development. He confirmed Mr. Bragg’s statement that an engineering firm has been contracted to review the previous study to confirm the results. He stated that there was little doubt that the entire remaining LOC funds plus what the Territory Homeowners had in reserve would be needed to complete the water system improvements.

Attorney Ruppe asked for the name of the engineering firm doing the study. Attorney McElhatton did not have the name of the firm with him.

Attorney Peter Berrie from Faegre Baker Daniels, representing SA Group, the owner of 25 lots in Territory, spoke next. He summarized SA Group’s position as SA Group offering to pay for the overages on CSTS II and III if the improvements are done now. Supervisor Kraft asked Attorney Berrie what SA Group’s portion of the costs would be for the proposed CSTS II and III project. He answered \$70,000.00. Township Engineer Shane Nelson estimated that was in actuality approximately \$91,000.00 with additional costs not in Attorney Berrie’s estimate for engineering studies.

Supervisor Schommer stated that the original water permits reflect that the water system applications were for “private water systems” and that Credit River Township had nothing to do with the Territory Water System.

Supervisor Kraft states that he doesn’t feel that it makes any sense to bypass a \$91,000 offer of overage coverage from SA Group, if they are allowed to contract for the completion of the CSTS II AND III system at this time.

Supervisor Novak asked Treasurer LeVoir where the money would come from if the costs of CSTS II and III were ONLY assigned to the additional

benefitting properties (SA Group's 25 unsold properties), where would the money come from in the short term, before they were sold?

Township Treasurer Sarah LeVoir answered that the money would either have to be financed or the Township would have to pay the costs up front. Attorney Ruppe said it depended on how it would be structured.

Mr. Rich Ernst, Territory Resident, said that the Board is responsible for infrastructure issues because the Township Board signed four different Territory Developer's Agreements. He questioned the wisdom of putting a CSTS system in the ground that would not be running for 2 plus years and asked who would be responsible for fixing it if it deteriorated before it is needed for use.

Mr. Al Aspengren, Credit River Township Resident, asked if the Board had given any thought to abandoning the CSTS II and III project and going ahead in favor of individual wells and septic's. Attorney Ruppe said that that had been given consideration, and discussed at a previous meeting. The MPCA Permit would have to be modified, and the lots would have to be re-platted. Township Engineer Nelson reminded the Town Board that lots can only be re-platted by the property owner, not the Township.

Attorney Ruppe reminded the residents that the Territory water system being included in the Developer's Agreement was an error on the part of Greg Halling.

Mr. Jaden Bragg stated that the Territory Residents do appreciate the overage that SA Group is willing to cover, but whether the well were included in the Developers agreement as a mistake or not is an irrelevant issue, as it is in the contract and legally stands.

Vice Chair Nilsen asked Attorney Ruppe that in light of the Developer of Territory going into default, to who do the responsibilities for the terms of the Developer's Agreements ultimately assign to? Attorney Ruppe said that the Developer of Territory, Laurent, still holds those responsibilities, not SA Group.

Ms. Kate Westad, stated that the Developers Agreements "run with the land." Therefore, it is in her opinion that SA Group is responsible for the Developer's Agreements.

Attorney Berrie states that if Laurent's interests in Territory were foreclosed upon, the Developer's agreements will be null & void. Attorney Ruppe confirmed this position.

Vice Chair Nilsen asked Attorney Berrie if there had ever been an actual foreclosure on Laurent. Attorney Berrie said that there had not been.

**Supervisor Kraft made a motion that any remaining LOC funds be utilized for completion of CSTS II and III, after the deduction of Township costs and expenses and subject to Township Attorney review. Supervisor Schommer seconded the motion. Motion carried on a vote of 4-1. Chair Lawrence dissented.**

Attorney Ruppe and Attorney Berrie will get together in the near future and craft the agreement. It will be provided to the Chair and Clerk for their signatures.

**2.2) Fern and Birch Reconstruct Informational Meeting.**

Informational Meeting will be held at 7 PM on Monday, October 1. Mailing and posting on website for the 23 benefitting properties will be done as soon as possible.

**2.3) Territory / Dakota Avenue Extension.**

Attorney Ruppe explained that a portion of Dakota Avenue has been accepted and maintained by the Township as a Township Road. A portion of it has not. The portion of the Road that has not been accepted was improved by a resident wishing to have access to his property. Therefore, it is considered a cartway and the Resident who constructed the Road without permit or approval must enter into an indemnity agreement with the Township regarding that portion of the Road.

The resident must put up a sign that notifies residents on the Road that the portion that the Township has not accepted is "Not Maintained by the Township." Furthermore, the resident cannot barricade the Road off, as it is technically a public road. However, the barricade can be placed 1 foot onto his private property.

After brief discussion, the proposed Owens Property Indemnity Agreement was approved.

**Supervisor Schommer made a motion to approve the Owens property indemnity agreement contingent on making the Township an additional insured and attorney review. Supervisor Novak seconded the motion. Motion passed 5-0.**

### **3. Township Parks.**

#### **3.1) Withhold from Public Sale.**

Chairman Lawrence asked the Board Members to consider the tax forfeited land for possible "public use," i.e., a Township Park.

Resolution 2012-21, Resolution Requesting Scott County to Withhold from Public Sale Certain Property in Credit River Township, was introduced in reference to Lot Block.

**Supervisor Kraft made a motion to approve Resolution 2012-21, Resolution Requesting Scott County to Withhold from Public Sale Certain Property in Credit River Township. Vice Chair Nilsen seconded the motion. Motion passed 5-0.**

Clerk Quinn and Chair Lawrence will sign and submit the Resolution to Bev Wagner at Scott County Taxation no later than September 17, 2012.

**3.2) Bench in Scottview Park.** Chair Lawrence reports that bench needs repair and estimated costs will be \$370.00 plus shipping.

**A motion was made by Supervisor Schommer to approve the expenditure for the repair of the bench. Supervisor Kraft seconded the motion. Motion passed 5-0.**

#### **3.3) Casey Addition Park.**

A resident complains that the Casey Addition Park woods are getting full of garbage. A clean up should be done, and resident wants to organize a volunteer cleanup day.

Supervisor Schommer recommends that the park boundaries be surveyed before any clean-up be done. Chair Lawrence recommends the Supervisors to do the cleanup themselves in October when most of the leaves and brush have died off.

If any Residents wish to volunteer to clean up the park, Attorney Ruppe recommends an indemnification. If that method of clean-up is selected, he will email one to Clerk Quinn to be provided to volunteers.

**Supervisor Schommer made a motion to have Township Engineer Nelson survey Casey Addition Park. The motion was seconded by Supervisor Novak. Motion carried 5-0.**

**3.4) South Passage Driveway Extension.** A South Passage Resident's driveway and boulder wall has infringed on the HOA Park. Supervisor Schommer will discuss the issue with the Resident. After that, if the Resident would like to further discuss the issue, he will be invited to do so at a Board Meeting.

**4) 210<sup>th</sup> Street Paved.** An email was received today from a 210<sup>th</sup> Street Resident who stated that she was not ready with the signatures, and they would let the Township Board know when they wanted to be added to the agenda for that issue.

Issue will be tabled until concerned Residents contact Township.

## **5) New Business**

**1) Cable Franchise Renewal.** Mediacom's cable franchise agreement with Credit River Township is scheduled to expire in June of 2015, and is interested in starting negotiations on renewal of that contract. Attorney Bob Vose was involved last time, as he specializes in these kinds of contracts.

Attorney Ruppe will send the contract over to Attorney Vose for review. To the extent that it can be arranged, the Supervisors would like both the Integra and Mediacom contracts to expire at the same time.

**2) Meeting Cut Off Time.** After discussion of different options, Supervisor decided that in the future, 10 PM will become a benchmark. At 10 PM, Clerks Report and Treasurers Report will be conducted and other remaining items will be moved to the Second Meeting Date of the month.

**3) Discuss Ordinance Regarding Percentages for Road Construction.** Issue will be considered when an applicable project comes forward.

**4) Discuss Revisions to Environmental Subordinate District Ordinances.** A Resident asked if a land line was required if property has a CSTS System.

Homeowner is not required to have one by Township Ordinance; however, it is strongly encouraged because that is currently the only way for the Homeowner to

monitor the system. Homeowner remains responsible for any problems with the System, and with no landline, there is no notification.

**5) Building Permit Fees.** Due to several resident inquiries regarding the Building permit fees, Chair Lawrence and Clerk Quinn will make arrangements to meet with Scott County Officials in an attempt to better streamline and understand Scott County Building Permit Fees and Procedures.

**2:12**

**6) District 4 Meeting Recap.** Meeting was at the

**7) Scott County Township Association Meeting.** Fall Meeting date will be determined soon. Supervisor Kraft asked the Credit River Township Board to make suggestions to make the meetings more educational. Vice Chair Nilsen suggested revisiting the issue of allowing appointed board members to vote. Attorney Ruppe offered to put together a presentation reflecting the Credit River Township will, if desired.

Chair Lawrence would like to suggest that no campaign speeches be allowed at this year's Fall meeting.

## **6) Road Report**

Supervisor Schommer reports that minimal maintenance will be done going forward on Fern & Birch.

The Cochrane pine trees have been looked at by the Supervisors. A small number of the trees have to be moved, but the Cochrane's don't have a place to put them. The Township may be interested in moving them to the Town Hall lot if the Cochrane's don't have another plan. Supervisor Novak will email the Cochrane to ask them what they would like to do.

## **7) Engineer's Report**

### **1) Lynn & Monterey.**

**1.1) Seeding and Ditches.**

**1.2) Pay Estimates.**

**1.3) Northern Technologies Institute.** Fees total approximately \$10,800.00 based upon an estimate of. The costs are higher than normal due to additional services requested by the Township.

**Supervisor Schommer made a motion to pay the full invoice for NTI.  
Supervisor Novak seconded the motion. Motion passed 5-0.**

**1.4) Barricades on Lynn.** Due to recent police calls concerning possible parties on Lynn, Chairman Lawrence asked if barricades could be placed in the area to block it off.

**2) 195<sup>th</sup> Street**

**3) Seal Coat Project.**

**4) NPDES Draft.**

**At this time, the Credit River Township Board closed the September 4, 2012 Board Meeting to go into a closed session based upon Attorney-Client Privilege. No minutes will be taken of this portion of the meeting.**

#### **8) Treasurer's Report**

**1) Transfer Funds.**

Treasurer LeVoir made a request to transfer funds from savings to checking to pay claims in the amount of \$75,000.00.

**Supervisor Novak made a motion to transfer funds in the amount of \$75,000.00 from savings to checking. Supervisor Schommer seconded the motion. Motion passed 5-0.**

**1) Reimburse / Transfer Funds Resolution.** Treasurer LeVoir introduced Resolution 2012-22, Resolution Approving Transfer of Funds for Reimbursement of Monterey, Lynn and 207<sup>th</sup> Street Expenses.

**Supervisor Kraft made a Resolution 2012-22, Resolution Approving Transfer of Funds for Reimbursement of Monterey, Lynn and 207<sup>th</sup> Street Expenses. Supervisor Novak seconded the motion. Motion passed 5-0.**

**2) Budget 2013.**

**3) Certification to Property Taxes Update.**

**4) Escrow Update.**

#### **9) Clerk's Report**

**1) Reconvene of Annual Meeting.** The Reconvene of the 2012 Annual Meeting will be held on September 10, 2012 at 7 PM. Moderator Chris

Kostik is planning on attending. By State Statute, Clerk convenes and reconvenes Annual Meeting if available.

**2) Primary Election (August 14, 2012.)**

**3) Ruppe Legal Seminar – September Session.** The Ruppe Legal Seminar September Session is scheduled for Thursday, September 6, 2012, 9 AM in Albertville. If any supervisors would like to attend I can let Kathy Budish, Attorney Ruppe's assistant, know.

**4) Township Gratuity Procedure.**

**5) Clerk 6 Month Written Review.** Clerk is due for a 6 month review, which will be done in a written form.

**6) Application for Exempt Permit.** The Savage Fire Department Relief Association has applied for an Application for Exempt permit for an event to be held 10/8/12 at the Legends Club in Credit River Township.

**Credit River township Board**

**Supervisor Schommer**

**Supervisor Novak**

## 10) Pay Claims.

Paid Chk# 000147E	ANCHOR BANK	38.40	ACH/Check Scanner Fees
Paid Chk# 000152E	ANCHOR BANK	38.28	ACH/Check Scanner Fees
Paid Chk# 000153E	ANCHOR BANK - DEBIT CARD	303.01	Clerk Cell Phone/Carbonite Renewal/Election Supplies
Paid Chk# 000154E	EFTPS	1,409.70	FICA/Medicare/Fed WH
Paid Chk# 000155E	PERA	654.98	PERA
Paid Chk# 000156E	MINNESOTA REVENUE MW5	122.18	State WH
Paid Chk# 006807	AL NOVAK	750.08	August Srv Pd in September
Paid Chk# 006808	BRENT LAWRENCE	942.55	August Srv Pd in September
Paid Chk# 006809	BRUCE NILSEN	750.08	August Srv Pd in September
Paid Chk# 006810	LEROY SCHOMMER	849.15	August Srv Pd in September
Paid Chk# 006811	LISA QUINN	XXXX	August Srv Pd in September
Paid Chk# 006812	SARAH LEVOIR	XXXX	August Srv Pd in September
Paid Chk# 006813	TOM KRAFT	756.22	August Srv Pd in September
Paid Chk# 006814	ANNE FELIX	48.00	On Call Election Judge Wages
Paid Chk# 006815	DOUG BENIDT	99.33	Election Judge Wages/Mileage
Paid Chk# 006816	JERALD R MAAS	90.00	Election Judge Wages/Mileage
Paid Chk# 006817	JEROME MICHELS	92.78	Election Judge Wages/Mileage
Paid Chk# 006818	JOHN SCHULTE	60.00	Election Judge Wages/Mileage
Paid Chk# 006819	KATHRYN VIOLA	147.54	Election Judge Wages/Mileage
Paid Chk# 006820	LAURA WEBSTER	84.00	Election Judge Wages/Mileage
Paid Chk# 006821	MARY HAMRE	94.72	Election Judge Wages/Mileage
Paid Chk#	PARI SCHILZ	207.33	Election Judge Wages/Mileage

006822			
Paid Chk#			
006823	RITA VOLLMER	92.11	Election Judge Wages/Mileage
Paid Chk#			
006824	SCOTT NATHE	25.00	JPEG for election badges wages
Paid Chk#			
006825	SUSAN SHROYER	101.55	Election Judge Wages/Mileage
Paid Chk#			August 2012 Expense
006826	AL NOVAK	8.88	Reimbursement
Paid Chk#			
006827	ART JOHNSON TRUCKING INC	1,056.25	August 2012 Road Mtc August 2012 Expense
Paid Chk#			
006828	BRENT LAWRENCE	116.23	Reimburse
Paid Chk#			
006829	CENTERPOINT ENERGY	12.82	Town Hall Gas
Paid Chk#			
006830	CERTIFIED RECYCLING	35.00	Disposal
Paid Chk#			
006831	COURI & RUPPE, P.L.L.P.	7,136.00	Legal Fees
Paid Chk#			Parks/Town Hall Mowing & Town
006832	DENNIS KAROW	1,278.99	Hall Weed Spray
Paid Chk#			
006833	ECM PUBLISHERS INC	77.00	Board Meeting Agenda 8/6/12
Paid Chk#			
006834	ENVIROTECH SERVICES INC	4,050.00	August 2012 Road Mtc
Paid Chk#			
006835	GE CAPITAL HAKANSON	149.64	Copier Expense
Paid Chk#			
006836	ANDERSON ASSOC INC	23,467.08	Engineering Phone- MHSP/Territory/Stonebridge/Town Hall
Paid Chk#			
006837	INTEGRA TELECOM	552.29	
Paid Chk#			
006838	KANES CORNER CENTURY FARM	500.00	Refund Park Fund Permit Fee Refund ACH Payments for June
Paid Chk#			
006839	KARI HARTWELL	150.00	16-August 31
Paid Chk#			
006840	KENNEDY & GRAVEN, CHARTERED	5,000.00	Bond Issuance GO 2012 Legal Fees
Paid Chk#			August 2012 Expense
006841	LEROY SCHOMMER	27.52	Reimbursement
Paid Chk#			August 2012 Expense
006842	LISA QUINN	247.15	Reimbursement
Paid Chk#			
006843	MALLERY POOL CONSTRUCTION	909.00	NPDES Escrow Refund - 21032 France Blvd
Paid Chk#			
	MVEC	632.51	Electricity-

006844			MHSP/Territory/Stonebridge/Town Hall
Paid Chk#	NORTHERN		Monterey, Lynn and 207th St
006845	TECHNOLOGIES	4,627.50	Testing
Paid Chk#	PRIOR LAKE		
006846	BLACKTOP, INC.	35,283.00	Patching
Paid Chk#	PRIVATE		
006847	UNDERGROUND	139.00	August 2012 Utility Locates
Paid Chk#			August 2012 Cell Phone
006848	SARAH LEVOIR	50.00	Reimbursement
Paid Chk#	SCOTT SOIL &		2nd Qtr Joint Water Ed./Building
006849	WATER CONSV DIST	1,592.50	Site Inspections
Paid Chk#	STICKS AND STONES		NDPES Escrow Refund - 7382
006850	CARPENTRY	500.00	Territory
Paid Chk#			August 2012 Expense
006851	TOM KRAFT	53.10	Reimbursement
Paid Chk#			
006852	XCEL ENERGY	12.77	St. Francis St Light
	<b>Total</b>	<b>98,721.97</b>	

**11) Adjourn.** There being no further business before the Town Board, a motion was made to adjourn the September 4, 2012 Credit River Town Board Meeting.

**A motion was made by Vice Chair Nilsen to adjourn the September 4, 2012 Credit River Town Board Meeting. Supervisor Novak seconded the motion. Motion passed 5-0.**

Meeting was adjourned at 12:23 PM.

**Submitted By:** \_\_\_\_\_

**Lisa Quinn, Clerk of Credit River Township**

**Approved by:**\_\_\_\_\_

**Brent Lawrence, Chairman of the Board, Credit River Township**