

**Credit River Township Board Meeting
Thursday, December 3, 2012, 6pm**

Meeting Minutes

The December 3, 2012 Credit River Township Closed Meeting was called to order at 5PM by Chairman Brent Lawrence.

Supervisor Schommer made a motion to open the closed session to discuss the lawsuit Mark Zweber vs. Credit River Township and Scott County. Vice Chair Nilsen seconded. Motion passed 5-0.

At 5:30 PM, after closed discussion, Supervisor Novak made a motion to close the closed session. Supervisor Schommer seconded the motion. Motion passed 5-0.

The December 3, 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.

Supervisor Schommer made a motion to recess the December 3, 2012 Credit River Township Board Meeting. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

Supervisor Novak made a motion to open the December 3, 2012 Monterey Heights- South Passage (MHSP) CSTS Rate Hearing. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

Treasurer LeVoir gave a PowerPoint presentation detailing the budget of the MHSP CSTS Operating System, including the reasons as to why it is necessary for the rate to increase to \$104.00 per month at this time. She explained that when the rate was reduced to \$64.00, it began to operate at a net loss. At this time, operating cash is estimated to be less than \$200 by the end of 2012.

A MHSP Resident, Mr. Baldwin, asked why such a drastic increase was being proposed from the previous reduced rate of \$64.00. Former Township Supervisor and Credit

River Resident Al Aspengren answered that at the time that the Board reduced the rate, it was felt that the reserves in the budget at that time should be used to reduce the rate.

Treasurer LeVoir stated that starting in 2009, money was transferred out of operating cash in order to pay for capital expenses. Due to this decision, along with the rate decrease to \$64.00, it depleted the operating cash reserves (Funds used for unexpected expenses.)

A South Passage Resident, Terry Marlett, stated that he was involved in estimating the former reduction and that according to the numbers used at that time to reduce the rate, he felt that the amount of the proposed increase is still unexplained. He also asked if the contract with the company who handles the MHSP CSTS, Natural Systems Utilities (NSU), has been recently bid out.

Supervisor Schommer answered that the contract was renewed in 2010, and is not due for renewal at this time. Vice Chair Nilsen answered that there were very few companies that even provide the service. Supervisor Schommer explained that those who did answer a previous call for bids had drawbacks that kept them from being selected over NSU.

Resident and Former Clerk Jerry Maas offered that in comparison to an individual septic's cost, operating costs are similar over the life of an individual system and a community system.

South Passage Resident Scott Sell asked what the goal is for the CSTS Budget Reserve amount. Treasurer LeVoir said that three months of expenses is a justified amount for operating cash, and a 25 year plan is used as a guideline for system replacement or capital expenses. Mr. Sell then passed along praise for NSU's service record in the neighborhood. Chair Lawrence and Vice Chair Nilsen concurred.

At 6:40 Vice Chair Nilsen made a motion to close the Monterey Heights South Passage Rate Hearing. Supervisor Schommer seconded the motion. Motion passed 5-0.

Supervisor Schommer made a motion to adopt Resolution 2012-30, Resolution to Adopt a Rate for the Monterey Heights South Passage Subordinate Service District. Supervisor Kraft seconded the motion. Motion passed 5-0.

Vice Chair Nilsen made a motion to re-open the December 3, 2012 Credit River Township Board Meeting. Supervisor Schommer seconded the motion. Motion passed 5-0.

Approve or Amend Agenda: Chairman Lawrence asked if any Board member would like to add or remove anything from the agenda.

Supervisor Schommer asked to add "Discuss Fern & Birch CUP" as #5 under New Business, and "Signage at South Passage CSTS" as #6 under New Business.

Supervisor Kraft asked to add "Safe" as # 7 under "New Business."

Township Clerk Quinn asked that "Township Office Hours" be added as #5 under Clerk's Report. She also called to the Board Member's attention to the notice she provided as to the recent change to the November 8, 2012 Board Meeting Minutes.

Items were added or noted 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) October 2012 Treasurers Report

1.2) November 2012 Developer's Escrow Statement

1.3) November 8, 2012 Board Meeting Minutes

1.4) February 21, 2012 MHSP Rate Hearing Meeting Minutes

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

2) Open Forum

Resident Beverly Parrish asked about trees being cut down on CR 21 and she feels like it may affect Markley Lake. Supervisor Schommer stated that he has asked for more information on this project and has not received it.

Resident Parrish also related that for the MHSP resident's reference that it recently cost her \$400 to have her individual septic pumped.

Warren Johnson, a subcontractor for the Krieger project, appeared before the Board. Attorney Ruppe updated the Board that Mr. Krieger had recently signed the encroachment agreement that was provided to him, and that Mr. Krieger through his attorney is also requesting that his security escrow of \$15,000.00 be used in place of the Property Escrow. Attorney Ruppe advised that this would be acceptable due to the fact that Mr. Krieger was nearing the end of his project.

Supervisor Kraft made a motion to enter into the encroachment agreement with Timothy S. Krieger contingent upon receiving and approval of Exhibit A (“As Built”) and Township Attorney and Engineer review. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

The Encroachment Agreement will be signed and Notarized by the Chairman and Clerk and be recorded at the County after Exhibit A is received from Mr. Krieger or his attorney.

Treasurer LeVoir asked if the Township Board would like to approve the request of Mr. Krieger to use his Security Deposit in place of his Property Escrow. Attorney Ruppe stated that since it is Mr. Krieger’s money, his letter authorizing such use was acceptable.

4) Old Business

1) Minneapolis Gun Club CUP.

Resident and Minneapolis Gun Club Chairman Jim Walkowiak appeared before the Board to ask to amend the conditional use permit for the Minneapolis Gun Club to include shooting on Mondays from 2 PM until dusk March through June 15, for high school trap shooting teams. Vice Chair Nilsen and Supervisor Schommer commented that the Minneapolis Gun Club has not been the subject of any complaints to the Township, and that the Gun Club under the helm of Jim Walkowiak has been impeccably run.

Resident Al Aspengren asked how many additional rounds the surrounding residents could expect, and will other gun clubs in the area be participating in this program.

Mr. Walkowiak stated that they expect 4-500 rounds per Monday evening, and other Gun Clubs in other areas do have league shooting available.

Supervisor Kraft made a recommendation to the Scott County Board to approve the Conditional Use Permit for the Minneapolis Gun Club. Supervisor Schommer seconded the motion. Motion carried 5-0.

The recommendation form will be filled out and when it is ready Mr. Walkowiak will be contacted.

2) Cleary Lake Master Plan Update. Ms. Patty Freeman from Scott County Parks appeared before the Board to give an update to the Cleary Lake Master Plan. Some highlights of her presentation included major use areas of the parks, the golf course at Cleary, youth programs

that were re-introduced in 2010, and new and previously existing facilities.

Proposed enhancements include upgraded play structures, plans to construct an education and outdoor recreation building, trail enhancements, golf course enhancements, disc golf development, water quality, habitat and native plant community conservation, and to construct a satellite parking facility.

Vice Chair Nilsen asked if people on rollerblades could have a dog on leash with them. The answer was yes.

Clerk Quinn asked Ms. Freeman to respond to a resident inquiry. The inquiry had to do with proposing a duck/goose/bird hunt at a pond in Murphy Hanrehan across from Brackett's Crossing. Ms. Freeman will refer the resident to the Wildlife Management Division.

Resident Aspengren asked about the fishing and water quality in Cleary Park. Resident Gene Nei asked about dog training opportunities.

Resident Gil Dumas asked about ATV trails in the parks. Ms. Freeman said that the possibility exists that the Parks Commission would partner with clubs to develop trails.

- 3) County 44 Turnback.** Scott County Highway Official Tony Winiacki was scheduled to be at the meeting but did not attend. Chair Lawrence read a statement from Scott County Highway Official Len Laxen stating that to his knowledge, the issues that residents had previously brought forward have been addressed.

County 44 area Resident Gene Nei commented that he, as an affected resident, is concerned that all of the sod and plantings along his half acre are dead, even though he watered them himself. Resident Enei was told by Dan Swanson (of the Scott County Highway Department) that the soil was lacking in nutrients and that the issues with plantings would be taken care of in the spring. Resident would like that in writing. Affected Resident Gil Dumas commented that his plantings are all dead, too, and that he noticed that the soil is not very deep. He also would like the promise to have it taken care of in the spring in writing.

Chair Lawrence asked the Board what action they would like to take considering that residents still have concerns. Attorney Ruppe recommends that the draft of the agreement be modified and put in good order. Chair Lawrence said that it would not be prudent to go forward with any agreement until the residents are satisfied that their concerns have been addressed.

Supervisor Schommer made a motion to extend the Winter Maintenance Road Agreement on the County 44 Service Road for one year, contingent on Township Attorney Review. Supervisor Novak seconded the motion. Motion passed 5-0.

- 4) **Building Permit Update.** Clerk Quinn updated the Board on the current Scott County Building Permit Program, "Life of a Parcel." Chair Lawrence, Supervisor Kraft and Clerk Quinn will attend a meeting with Scott County Building Permit Officials at the Town Hall on Tuesday, December 18, 2012, at 10 AM.

5) New Business

- 1) **Bulk E-mail List.** Supervisor Novak will work with the clerk and webmaster to bring the bulk email list back in house.

- 2) **MAT Annual Meeting.** Supervisor Kraft attended Board of Appeals Training, and it was beneficial. Supervisor Schommer went to "Snowplowing." Clerk Quinn went to "Electronics Records Retention."

Supervisor Schommer commended Engineer Nelson and Attorney Ruppe for hosting the Hospitality rooms at the Conference.

- 3) **Scott County Water Plan.** Chair Lawrence went to a Scott County Water Plan Meeting. Credit River can either have the County do the Township Water Plan or do it themselves. There is no charge for Scott County to do it for Credit River. The Credit River Board will continue to have Scott County do the water plan for Credit River.

- 4) **Great River Energy Transmission Line.** Officials will be invited to come to a future meeting and discuss their plan and answer questions in regards to their project.

- 5) **CUP Fern & Birch.** Resident on Birch Lane was cited for operating a business without a license. Scott County Compliance Officer Dan Ekholm continues to work with the Resident to gain compliance.

- 6) **Signage for MHSP CSTS Mounds.** A couple of Monterey Heights /South Passage residents have called the Township recently to ask for more signage for snowmobilers along County Road 8. Three more signs will be ordered and installed along CR 8 for this purpose.

The expense will be coded to MHSP CSTS System.

7) Town Hall Safe. Supervisor Schommer bought a new safe for the Town Hall. The previous safe was difficult to get into. The old safe will be removed from the Town Hall for free. It cannot be scrapped due to its construction.

6) Road Report.

1) Sealcoating / Crack Filling. Supervisor Kraft asked if Credit River Township would like to be included in Scott County contracts for sealcoating and crack filling. Supervisor Schommer advises that Credit River Township uses a better product than the County. After review of the numbers and materials used, Engineer Nelson made a recommendation to be cautious in evaluating the costs based upon numbers only.

Supervisor Kraft would like to recommend to continue doing our own roads under our current process, but to seek bids earlier in the Spring to obtain the best pricing possible.

2) 18765 Edgewood Lane Driveway Escrow Extension. Based upon the evaluation of a Builder's request, Supervisor Schommer recommends extending the driveway escrow for an additional year.

7) Engineer's Report

1) Township Maps. Engineer Nelson provided samples and costs for Township Maps at different sizes. After discussion, the Board decided that 10 maps would be printed and distributed at resident request, and Supervisor Novak will place it on the website at a higher resolution, so residents may view or print it from there.

2) Territory Update. Due in part to a delay in receiving necessary parts, the Territory Project is slightly behind schedule. Engineer Nelson gave an update to the project. There is no Township action to be taken at this time.

8) Treasurer's Report

1) Transfer Funds.

Treasurer LeVoir made a motion to transfer \$90,000 from savings to checking to pay \$157,000 in claims.

Vice Chair Nilsen made a motion to transfer funds in the amount of \$90,000.00 from savings to checking. Supervisor Schommer seconded the motion. Motion passed 5-0.

2) Audit Update. Treasurer LeVoor has scheduled the Preliminary Audit and the Year End Audit for the Township. The Preliminary Audit has been scheduled for December 11. The Year End Audit has been scheduled for January 17 & 18.

3) MHSP (Monterey Heights South Passage) CSTS Capital Expense.

- Treasurer LeVoor reports that on the last MHSP Natural Systems Utilities (EcoCheck) invoice there was a capital expense for \$1,103.96 (\$927.96 for Effluent Pump and \$176.00 for labor). The Town Board has decided that Credit River Township policy is to capitalize any capital expenditures greater than \$1,000.00. The Treasurer confirmed with Brad Falteysek (from Abdo, Eick and Meyers, the Township Audit Firm) that the board can capitalize both parts and labor and he has confirmed. Additionally, as this is a capital expense, it will be paid for out of restricted cash.

Supervisor Kraft made a motion authorizing the expense to be capitalized and that the expense be deducted from the MHSP restricted cash.

Supervisor Novak seconded the motion. Motion passed 5-0.

3) Escrow update.

4.1) Krieger Escrow. Issue Discussed during Open Forum.

4.2) 7143 169th Street. During the New Home construction, the blacktop in front of the residence incurred damages in the amount of \$1,140.00 for repairs. In addition, there are previous expenses of \$213.79 for Engineer invoices. The total of these expenses incurred is approximately \$1400.00.

After discussion, the Board decided that the homeowner should be invoiced for the total amount. Treasurer LeVoor will invoice the homeowner. If the resident has any questions or comments they will be directed to a Supervisor.

9) Clerk's Report

1) Town Hall Blind Update. At the Credit River Township Board's direction, Town Hall blinds will be installed on Dec. 11, 2012 during Town Hall Hours.

2) Deputy Clerk.

A Deputy Clerk will be necessary to take the Minutes at the Annual Meeting on March 12, 2012, due to the Township Clerk being the Administrator of the March Township Elections. Former Clerk Jerry Maas will be asked to be the Deputy Clerk for this event.

Supervisor Novak made a motion to set Deputy Clerk wages at \$24.00 an hour for 2013. Supervisor Schommer seconded the motion. Motion passed 5-0.

4) Records Retention Program.

4.1) The Clerk described the Minnesota General Records Retention Schedule for Cities and Towns with the Town Board.

Supervisor Novak made a motion to adopt Resolution 2012-31, Resolution Adopting the Minnesota General Records Retention Schedule for Cities /Towns, looking back into records from March 2010 to present and going forward, and bringing them into compliance for those Credit River Township Records. Supervisor Kraft seconded. Motion passed 5-0.

4.2) MAT Recommended Electronic Records Retention Program.

Program was described to the Town Board. The Town Board does not want to participate in the plan at this time.

5) Retroactivity.

Supervisor Kraft made a motion to make Clerk Quinn's 6 month pay raise retroactive to her anniversary date of September 14, 2012. Chair Lawrence seconded the motion. Motion carried 4-1. Supervisor Schommer dissented.

10) Pay Claims.

Checks:	Paid to:	Amount:	Comments:
Paid Chk# 000167E	ANCHOR BANK	45.28	ACH/Check Scanner/NSF Fee
Paid Chk# 000168E	ANCHOR BANK DEBIT	573.57	Clerk Cell Phone/Postage/Office&Election Supplies
Paid Chk# 000169E	EFTPS	1,594.16	FICA/Medicare/Fed WH
Paid Chk# 000170E	PERA	753.18	PERA
Paid Chk# 000171E	MINNESOTA REVENUE MW5	180.09	State WH
Paid Chk# 006935	AL NOVAK	636.86	November 2012 Srv Pd in December 2012
Paid Chk# 006936	BRENT LAWRENCE	721.78	November 2012 Srv Pd in December 2012
Paid Chk# 006937	BRUCE NILSEN	636.86	November 2012 Srv Pd in December 2012
Paid Chk# 006938	LEROY SCHOMMER	1,023.70	November 2012 Srv Pd in December 2012
Paid Chk# 006939	LISA QUINN	XXXXX	November 2012 Srv Pd in December 2012
Paid Chk# 006940	SARAH LEVOIR	XXXXX	November 2012 Srv Pd in December 2012
Paid Chk# 006941	TOM KRAFT	763.69	November 2012 Srv Pd in December 2012
Paid Chk# 006942	AL ASPENGREN	349.86	Election Judge Wages/Mileage
Paid Chk# 006943	BARBARA J STARKEY	112.11	Election Judge Wages/Mileage
Paid Chk# 006944	DOUG ARNESON	48.00	On Call Election Judge Wages
Paid Chk# 006945	DOUG BENIDT	110.54	Election Judge Wages/Mileage
Paid Chk# 006946	JAMES SULZBACH	191.75	Election Judge Wages/Mileage
Paid Chk# 006947	JAN PENNEY	90.00	Election Judge Wages/Mileage
Paid Chk# 006948	JANE M. RUGG	147.59	Election Judge Wages/Mileage
Paid Chk#	JERALD R MAAS	178.65	Election Judge Wages/Mileage

006949		
Paid Chk#	JEROME MICHELS	116.88 Election Judge Wages/Mileage
006950		
Paid Chk#	JOAN BALDWIN	207.62 Election Judge Wages/Mileage
006951		
Paid Chk#	KATHRYN VIOLA	120.00 Election Judge Wages/Mileage
006952		
Paid Chk#	KENNETH W RODNING	176.66 Election Judge Wages/Mileage
006953		
Paid Chk#	KRIS Z. THOMPSON	196.42 Election Judge Wages/Mileage
006954		
Paid Chk#	LAURA WEBSTER	126.00 Election Judge Wages/Mileage
006955		
Paid Chk#	LLOYD ERBAUGH	374.51 Election Judge Wages/Mileage
006956		
Paid Chk#	MARY HAMRE	97.44 Election Judge Wages/Mileage
006957		
Paid Chk#	MERRY LEE LLOYD	91.67 Election Judge Wages/Mileage
006958		
Paid Chk#	PARI SCHILZ	260.00 Election Judge Wages/Mileage
006959		
Paid Chk#	RICHARD SEGERS	182.64 Election Judge Wages/Mileage
006960		
Paid Chk#	RITA VOLLMER	92.22 Election Judge Wages/Mileage
006961		
Paid Chk#	ROBERT DAHL	142.65 Election Judge Wages/Mileage
006962		
Paid Chk#	ART JOHNSON	1,000.00 Monthly Retainer for snow removal
006963	TRUCKING INC	
Paid Chk#	BANYON DATA	780.60 Banyon Fund Accounting Support
006964	SYSTEMS	
Paid Chk#	BOHNSACK & HENNEN	5,766.69 Lower 167th Street Ditch Work
006965	EX CAVATIN	
Paid Chk#	BRENT LAWRENCE	28.47 November 2012 Expense
006966		Reimbursement
Paid Chk#	BRUCE NILSEN	12.05 November 2012 Expense
006967		Reimbursement
Paid Chk#	BURDICK BUILDERS	1,000.00 NPDES Escrow Refund
006968		
Paid Chk#	CENTERPOINT ENERGY	53.41 Town Hall Gas
006969		
Paid Chk#	CERTIFIED RECYCLING	50.00 Disposal of Sectional Couch
006970		
Paid Chk#	CHORES AND MORE BY	96.19 Full Clean on 11/27/12
006971	HEIDI INC	

Paid Chk# 006972	COURI & RUPPE, P.L.L.P.	4,371.25 Legal Fees
Paid Chk# 006973	DAKOTA COUNTY	20.00 Treasurer Dakota County Notary
Paid Chk# 006974	DOUGLAS BRANDT ELECTRIC	130.00 Lamp installed in light pole
Paid Chk# 006975	EAGLE CREEK TITLE, LLC	2,588.00 NPDES/Access Escrow Refund
Paid Chk# 006976	ECM PUBLISHERS INC	77.00 Agenda 11/8/12 Board Meeting
Paid Chk# 006977	FRANZ HOMES	1,650.00 Access Escrow Refunds
Paid Chk# 006978	GALLAGHERS	1,000.00 Monthly Retainer for snow removal
Paid Chk# 006979	GE CAPITAL	149.64 Copier Expense
Paid Chk# 006980	GOPHER STATE ONE CALL	18.85 October 2012 Utility Locates
Paid Chk# 006981	HAKANSON ANDERSON ASSOC INC	16,349.94 Engineering
Paid Chk# 006982	INTEGRA TELECOM	553.38 Phone
Paid Chk# 006983	JB WOODFITTER AND ASSOCIATES	2,700.00 Access Escrow Refunds
Paid Chk# 006984	KANES CORNER CENTURY FARM	1,935.00 NPDES Escrow Refund
Paid Chk# 006985	LEAH/MARK JENSEN	1,353.00 Access and Misc Escrow Refunds
Paid Chk# 006986	LEROY SCHOMMER	823.80 November 2012 Expense Reimbursement
Paid Chk# 006987	LISA QUINN	151.82 November 2012 Expense Reimbursement
Paid Chk# 006988	MATIT	710.00 Worker's Compensation Premium
Paid Chk# 006989	MIKES SEPTIC	535.00 Town Hall Pumping/STEP Drainage
Paid Chk# 006990	MINNESOTA ASSOCIATION OF TWNSH	210.00 MAT Annual Conference Fees
Paid Chk# 006991	MVEC	611.71 Electricity
Paid Chk# 006992	NATURAL SYSTEMS UTILITIES MN	13,942.21 CSTS Monitoring
Paid Chk# 006993	OFFICE OF SECRETARY OF STATE	120.00 Treasurer Notary MN State Application

Paid Chk# 006994	PARENT CUSTOM HOMES, LLC	900.00 Access Escrow Refund
Paid Chk# 006995	PRIOR LAKE BLACKTOP, INC.	81,934.00 Patching - Various Township Streets
Paid Chk# 006996	RANDY/MARY BIGLER	357.00 NPDES Escrow Refund
Paid Chk# 006997	SARAH LEVOIR	50.00 Cell Phone Expense Reimbursement
Paid Chk# 006998	SCOTT SOIL & WATER CONSV DIST	1,027.00 Building Site Inspections October 2012
Paid Chk# 006999	TOM KRAFT	178.15 November 2012 Expense Reimbursement
Paid Chk# 007000	XCEL ENERGY	12.67 St. Francis Street Light
	Total	\$157,380. 40

11) Adjourn. With no further business before the Town Board, a motion to adjourn the Board Meeting was made.

Vice Chair Nilsen made a motion to adjourn the December 3, 2012 Credit River Township Board Meeting. Supervisor Novak seconded the motion. Motion passed 5-0.

Meeting was adjourned at 10:30 PM.

**Submitted by: Lisa Quinn
Township Clerk
Credit River Township**

**Approved By: Brent Lawrence
Chairman Board of Supervisors
Credit River Township**