

**Lynn Drive, Monterey Avenue and 207th Street
Road Assessment Hearing
February 21, 2012**

Call to Order:

Chairman Brent Lawrence opened the assessment public hearing at 7:00 pm.

Members Present:

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

Others Present:

Township Clerk Cathy Haugh, Township Treasurer Sarah LeVoir, Township Engineer Shane Nelson, Township Attorney Bob Ruppe, Township Clerk in Training Lisa Quinn

Chair Lawrence opened the meeting by explaining the process to date, including noting that at this point any objections to the assessment must be submitted in writing prior to the close of the meeting.

Township Engineer Nelson then provided an overview of the Road planning process to date. The road will be constructed to a 7 ton standard and the assessment percentage has been set to a 40/60 split between the benefitting residents and the Township. The resident portion has been estimated to be approximately \$12,800.00 per benefitting household.

Township Attorney Ruppe explained the 429 process, thereby clarifying the purpose of the meeting. He reiterated that this was the final opportunity to submit a written objection to the assessment amount, and stated that this must be done prior to the closing of the meeting.

Chair Lawrence asked Clerk Haugh how many objections had been received. Clerk Haugh replied that four total objections had been received; however, one of the four households had also signed the waiver. Attorney Ruppe stated that in his view, the household that appealed and then also signed the waiver had overridden their right to appeal in the future by signing the waiver; therefore, to date only three valid appeals had been received.

Attorney Ruppe stated that if the proposed assessment was adopted at the conclusion of the meeting, the objecting residents then had 30 days in which to appeal the assessment, by filing in District Court.

Supervisor Novak asked Attorney Ruppe if the cost of the project was lower than expected at the end of the project, could the assessment be lowered. Attorney Ruppe answered in the affirmative, and said in that case, that the resolution would be amended.

Chair Lawrence then opened up the meeting for public comment. He again reminded those in attendance that any objections must be filed in writing prior to the close of the meeting.

Resident Comment:

1) Steve Aunan-Lynn Drive Resident thanked Board for adopting the 7 ton standard. He asked if payments would be allowed.

Attorney Ruppe answered that bonds would be issued for the Road Improvement project, and that it more than likely would be over a 10 year period, with interest at 2% over the Bond Issuance Interest rate. It would be a line item on property taxes.

2) Fran Veit- Lynn Drive Resident asks if Road Improvement bonds will be available for purchase by residents.

Attorney Ruppe recommended that resident check with the bonding company once they were identified.

3) Brad Moslanka – Monterey Avenue Resident asks if the proposed schedule from July of 2010 will be updated. Resident asked where the Township was in the plans and specs, and how the contractor would be selected.

Township Engineer Nelson answered that the proposed schedule would be updated after tonight's meeting and that the plans and specs were being prepared but they were not approved by the Board yet. The work would be given per Municipal Contracting Law to the lowest "responsible" bidder.

4) Brian Lally- Lynn Drive Resident asked if payment would be accepted up front and what the procedure for that would be, and also, if the Resident selected the payment plan, how would that be structured?

Attorney Ruppe replied that after the assessment amount is set, the residents would have until November 15 to pay up front if they so desired. If the amount goes down, then a non-required notice will be mailed to the residents so they will have at least the 30 days to pay the reduced assessment amount if that is the case. He stated that partial payments are not accepted, meaning you either have to pay it all or select the certification (tax payment plan). However, remaining

balances can be paid off before November 15 of any year without having to pay the next year's interest.

Treasure LeVoir reminds residents that if they would like to prepay the entire amount, these payments in full must be made before November 15, and they are paid to Credit River Township. This includes any future prepayments of balances due (and again, in years following, they must be made prior to November 15 to avoid the next year's interest charges). Once the amount is certified to your taxes, tax payments are due to Scott County.

5) Unidentified Resident asked about the construction process.

Engineer Nelson explained that there will be full time MDOT Construction Supervisor on site, and that he as Township Engineer and Two Township Supervisors would also be monitoring the work as their duties permit.

Engineer Nelson reminded Residents that access would not be "perfect" at all times, but contractors are required to maintain access at all times.

Chair Lawrence asked three consecutive times if any resident would like to submit a written objection to the assessment.

There being no one who indicated that they had a written objection to submit, Supervisor Schommer made a motion to close the assessment public hearing, Supervisor Kraft offered a second. Motion passed 5 – 0.

Assessment hearing was then closed.

Attorney Ruppe introduced Resolution 2012-7, "Resolution Declaring the Intent of Credit River Township to Reimburse Certain Expenditures from the Proceeds Improvement Bonds to be Issued by the Township.

Supervisor Kraft made a motion to adopt Resolution 2012-7, Declaring the Official Intent of Credit River Township to Reimburse Certain Expenditures From the Proceeds of Improvement Bonds to be Issued by the Township, Supervisor Novak offered a second, motion passed 5 – 0.

Attorney Ruppe made a recommendation to not send the certification until the end of the process, due to the possibility of the assessment amount being reduced.

Attorney Ruppe reiterated that any Resident who has not submitted a written objection, is not allowed to do so now, and also, that any resident who has submitted an objection, must file a lawsuit within 30 days of today's date.

Supervisor Kraft then made a motion to adopt Resolution 2012-8 Resolution Adopting Lynn Drive, Monterey Avenue and 207th Street Assessment, Supervisor Schommer offered a second, motion passed 5 – 0.

There being no further business before the Town Board, Supervisor Schommer made a motion to adjourn the meeting at 7:59pm, Vice Chairman Nilsen offered a second, motion passed 5 – 0.

Recorded By: (s/) Lisa Quinn
Township Clerk
Credit River Township

Approved By: (s/) Brent Lawrence
Chairman Board of Supervisors
Credit River Township