

**Credit River Township Board Meeting
Monday, February 4, 2013, 6pm**

Meeting Minutes

The February 4, 2013 Credit River Township Meeting was called to order with the Pledge of Allegiance 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.

Vice Chair Nilsen made a motion to recess the February 4, 2013 Credit River Township Board Meeting and open the County 44 Frontage Road Revocation Hearing. Supervisor Schommer seconded. Motion carried 5-0.

Chair Lawrence briefly reviewed the proposed Scott County Highway Department Revocation Agreement with Credit River Township. A warranty and the standard maintenance payout is part of the proposed agreement. The agreement has been reviewed by Township Attorney Bob Ruppe and he has recommended approval.

Chair Lawrence asked if there were any affected residents present who wanted to comment. No one identified themselves. Chairman Lawrence mentioned that Scott County is in the process of negotiating agreements with certain affected residents. However, Scott County Highway Officials have stated that they will not agree to any resident's request to add any additional topsoil when resodding, for cost reasons.

Vice Chair Nilsen asked if it would be up to the individual homeowners whether or not they would enter into any agreement with the County. Chair Lawrence answered in the affirmative. Vice Chair Nilsen stated that if the homeowners wanted to pursue any claims against the County, they would have to do that individually or as a group.

Supervisor Kraft made a motion to close the Revocation Hearing on County 44. Vice Chair Nilsen seconded. Motion passed 5-0.

Vice Chair Nilsen made a motion to reconvene the February 4, 2013 Township Board Meeting. Supervisor Kraft seconded the motion. Motion passed 5-0.

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

Chairman Lawrence asked to add "Board of Audit" as #3 under New Business.

Township Attorney Bob Ruppe asked to delete Item # 1 under Old Business, "Territory Third Addition," because the requestor asked to move the item to the March 4, 2013 Credit River Township Board Meeting instead.

Supervisor Kraft asked to add Gravel Road Maintenance as #3 to Road Report.

Vice Chair Nilsen asked that "195th and Judicial" be combined along with Item #2 under Road Report.

Supervisor Schommer asked to have "Trees" added as #3 to Road 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.

2) Consent Agenda

- 1) December 2012 Treasurers Report
- 2) January 2013 Developer's Escrow Statement
- 3) January 7, 2013 Board Meeting Minutes

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

3) Open Forum

Credit River Township Resident Rob Burch presented some information about a neighborhood nuisance that he reports has been going on for some time regarding excessive shooting and explosive sounds (detonations) in the area of France Avenue.

Resident Burch presented some information regarding his concerns in writing that were reviewed by the Board Members. This document will be retained and available for review in the Town Hall files for the legally prescribed period of time. Mr. Burch referenced a 1951 Credit River Township Nuisance Ordinance and suggested that it be updated. Mr. Burch is concerned that the particular issue he is referencing may be a dangerous situation, not just recreational shooting.

Another Resident in the area provided an address to the Township as to which home it seems to be coming from. Supervisor Schommer and Supervisor Kraft offered to go and visit the homeowner at that address and see if there was something they could do directly.

Vice Chair Nilsen asked if a County Ordinance would cover this issue. Chair Lawrence mentioned a noise ordinance but stated that he felt that the resident was asking for slightly “more limits, within reason.”

Supervisor Kraft recommended looking at the 1951 Ordinance and updating it. Attorney Ruppe was directed to look at the old Ordinance and incorporate some broad restrictions from this complaint, and provide a draft recommendation to the Board for a new Nuisance Ordinance.

Resident Larry Aszmann from Cressview approached the podium to comment on the Cressview Tax Forfeited Property but Chair Lawrence asked him to please wait until the issue comes up as it is on the Agenda as #2 on Old Business.

4) Old Business

1) 169th Street Driveway. Supervisor Kraft reviewed a letter and supplemental materials received by the Township from a resident on 169th Street regarding damage done to the Township Road in front of his residence while it was under construction. Township Resident Mr. Nick Monserud appeared before the Board to appeal the invoice he was presented with to fix the road.

According to the estimate Mr. Monserud provided for Township Board review, the portion of the Road repairs he would be willing to take responsibility for total \$514.35.

After brief discussion and review of the fees and situation, the Board decided that they would accept the resident’s estimate of the repairs that were his responsibility.

Since the damage was done by a sub-contractor working for the contractor, the contractor, Mr. Ted Kowalski of J. B. Woodfitter, who was present at the Board Meeting, stated that he would authorize the charges to come out of the Driveway escrow.

Additionally, Mr. Monserud also wanted to discuss the possibility of the forfeiture of his driveway escrow, plus any late fees he would be assessed on the invoice for the damage done to the road. Because flared ends were not placed on the ends of the driveway, Mr. Monserud had been notified that his driveway did not meet Township Standards. Mr. Kowalski again spoke, stating that the flared ends were an oversight on his part and he would take care of that this early spring.

After discussion, a motion was made.

Supervisor Kraft made a motion that the charges to the resident be reduced to \$514.35, that those funds are to come out of the Driveway Escrow fund; and that the remainder of the funds stay in the account until the flared ends are installed on the driveway and the Township Driveway Inspection is complete. Supervisor Schommer seconded the motion. Motion passed 4-1, with Vice Chair Nilsen dissenting.

- 2) **Tax Forfeited Land.** A resident of Cressview, Mr. Larry Aszmann, had previously sent an email to the township referencing restrictive covenants that would prohibit a public park being placed in their neighborhood. In response to that e-mail, Township Attorney Ruppe reviewed the legal research for current statutes or case law regarding tax forfeited properties to see if restrictive covenants barred governmental bodies from taking tax forfeited land in those neighborhoods for public use. Because there is very little information available, he recommended asking for an opinion from the Attorney General on the issue. This request would be free of charge and not legally binding in the Courts, however, these opinions are rarely disregarded.

A group of Cressview neighborhood residents appeared at the Board Meeting to discuss this issue. Mr. Aszmann, who identified himself as speaking for most of the homeowners of Cressview, stated 90% of the homeowners in Cressview are strongly opposed to having a park in their neighborhood.

Several residents then approached the podium to speak out against locating a public park on the tax forfeited property in Cressview. Their comments centered upon not wanting or needing a public park in their neighborhood. Reasons cited for this position was that the park would bring people in from outside their neighborhood and they didn't want that; that the park may bring criminal activity to their neighborhood; that a neighborhood of "multi-million dollar" homes was not the right place for a public park; and that because they had acreage lots, their children have their own play areas in their own yards. Several persons who identified themselves as residents of Cressview stated that they would consider suing the Township if their houses went down in value because a public park was located there.

Chair Lawrence explained that Prior Lake Activities for Youth (P. L. A .Y.) has approached the Town Board asking that green space for soccer and Lacrosse fields be made available for practices and games, that there is a strong need in the area for such places, and that many Credit River Township youth are involved in such programs, and thus, would benefit. Chair Lawrence further

explained that in any case it was early in the process and the Board did not even know if the State of Minnesota would approve the request to use the land for public purpose.

Supervisor Kraft stated that it was possible that the value of the lots could go up if a park was placed there.

Vice Chair Nilsen stated that he wanted to go on the record that he was opposed to the plan to place a Township Park in Cressview. He wanted to clarify that it wasn't that he didn't think that green space play areas are needed, but rather that this piece of property wasn't the right place for it.

Chair Lawrence stated that he would like to remind Vice Chair Nilsen that it was a Board decision to proceed to with the tax forfeiture process for park purposes.

A Cressview Resident, Mike Viola, stated that there are 9 open lots in the neighborhood that in their disclosures would have to be added that there may be a public park located in the neighborhood. He asked that the issue not be left open ended past this meeting for that reason.

Vice Chair Nilsen again stated that he was against the idea. Supervisor Schommer recommended that Attorney Ruppe still get the opinion of the Attorney General, if not for this project, for future Township Park development.

Supervisor Kraft reassured the assembled residents that the Board had no intention to hide anything from the residents.

Supervisor Schommer made a motion to end the acquisition process of the Cressview tax forfeited parcel, but to have Attorney Ruppe contact the Attorney General for clarification on possible future acquisitions. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

Chair Lawrence asked Township Attorney Bob Ruppe to contact the appropriate person at Scott County to discontinue the process of the acquisition and Treasurer LeVoor was asked to cancel the state fee payment, but to send the Scott County fee payment in order to cover their expenses thus far.

5) New Business

- 1) Township Recommendation- Zoning Ordinance Amendment.** Chair Lawrence explained a proposed Scott County Zoning Ordinance Amendment regarding a request from a Louisville Township Resident who wants to amend the Zoning Ordinance in order to legally operate a paving business from a 4

acre parcel. This Zoning Ordinance Amendment affects all the townships that have Urban Expansion Zoning, including Credit River.

After discussion, it was felt by the Board members that the intended use does not conform to a residential neighborhood.

Chair Lawrence made a motion to recommend disapproval of this proposed Zoning Ordinance Amendment. Supervisor Kraft seconded the motion. Motion passed 5-0.

2) Quotes for Township Park & Town Hall Mowing. Credit River Township would like to get quotes for Township Park and Town Hall Mowing, Trimming and Spraying for a two year period. Chair Lawrence and Clerk Quinn will review past documents and get the Requests for Quotes out in the mail this week.

3) Board of Audit. Board of Audit has always been done as a stand-alone meeting. Board of Audit will be Wednesday, February 13, 2013 at 7 PM.

6) Road Report

1) Discuss Fern & Birch. Engineer Nelson reminded the Board that it was time to have a public hearing on the Fern & Birch project that is slated for 2014. After discussion, Board Members asked Engineer Nelson to put together a possible timeline on the project to be presented at the next meeting.

2) Whitewood and Birch and 195th and Judicial Street Sign. Street Signs in the NW corners of these intersections were broken off this winter, and replacement signs are currently “sandbagged” as it was the only way to repair them now. Vice Chair Nilsen recommends that they be moved to the SW corners in the spring and placed on a joint Stop/ Street sign post, as it is less likely that someone will hit them there. Since he won't be on the Board then, he wanted to make his recommendation known at this time.

3) Gravel Road Maintenance. Supervisor Kraft had Engineer Nelson do some research on Gravel Road Maintenance. Planning will start in March and a report will be presented for Board Review at that time. Supervisor Schommer reminds the Board it is time for contract renewal for Hauling.

4) Trees. Supervisor Schommer stated that overgrown trees in driveways can hinder emergency response. Supervisor Schommer recommends an article for the Scott County Scene be placed to remind residents that they should cut back the trees at least a 20' width in their driveways. This is especially important with long driveways. Chair Lawrence says that Prior Lake Fire Chief Doug Hartman will be at the Annual Meeting, plans on speaking on this issue and also possibly putting an article in the Scott County Scene.

7) Engineer's Report

1) CSTS Locates for Territory. Recently, the Town Board accepted the improvements on all the systems except CSTS II and III. With the acceptance of the agreement, the Town Board is responsible for the locates. Engineer Nelson recommends at some point transferring that responsibility from the HOA to the Township. Territory Homeowner's Association is currently Using Water in Motion, and the Township has a contract with Private Underground. So it can be done at one time and most efficiently, Chair Lawrence recommended letting Gittleman know that Credit River would be taking this over after CSTS II and III is accepted. All fees and charges related to this will pass through to the responsible residents.

2) Order Feasibility Report for 2013 Overlay Projects. If the Board would like to proceed with the planned 2013 Overlay projects, Engineer Nelson recommends the Board to order a feasibility report.

Supervisor Schommer made a motion to order a feasibility report for the scheduled 2013 Overlay Projects. Supervisor Novak seconded the motion. Motion carried 5-0.

3) Order Plans and Specs for 2013 Seal Coat Projects. Engineer Nelson recommended plans and specs be ordered for the scheduled 2013 Seal Coat Projects.

Supervisor Novak made a motion to order plans and specs for the 2013 Seal Coat Projects. Supervisor Schommer seconded the motion. Motion passed 5-0.

4) Discuss Capital Improvement Plan (CIP) Update.

Capital Improvement Plans (C.I.P.'s) are usually done looking ahead 5 years. The current Credit River Township CIP is valid until 2015, so it is time to update it for 2016 and 2017.

Vice Chair Nilsen made a motion to update the CIP to 2017. Supervisor Schommer seconded the motion. Motion carried 5-0.

8) Treasurer Report

- 1) Transfer Funds.** Treasurer LeVoir requests a transfer of \$40,000.00 from savings to checking to pay claims.

Supervisor Schommer made a motion to transfer \$40,000.00 from savings to checking. Supervisor Novak seconded. Motion carried 5-0.

- 2) Audit Update.** Treasurer LeVoir reports that the Annual Credit River Township Audit has been completed. A draft has been provided to the Township from the auditors. As soon as a few items have been clarified with the Treasurer, the report will be forwarded to the Board Members for review. The auditors will be presenting at the next Board Meeting on March 4, 2013.

- 3) Bank Collateral Update.** Treasurer LeVoir reports that Credit River Township's bank collateral was moved from Fifth Third Bank to Wells Fargo Bank.

- 4) Escrow Update.** Treasurer LeVoir reports that the total expenses due to be charged against the Territory Escrow account for the period of October 9, 2012 to the present is approximately \$33,500.00. There is about \$5,300.00 remaining until the admin cap is reached. Treasurer LeVoir asked the Board Members what they would like to do going forward since the admin cap is getting close.

After discussion, the Board agreed that some minor charges may have to be absorbed by the Township. The Board asked Treasurer LeVoir to monitor charges and bring any questions she has before the Board.

In addition, Treasurer LeVoir informed the Board of a need to have the CSTS 1 and 7 Valuation done for accounting purposes. The Board asked Treasurer LeVoir to contact Ryan Brandt at Natural Systems Utilities (formerly Ecocheck) to see if he had or could get those numbers. If the numbers cannot be obtained from Ecocheck, then the Board authorizes Treasurer

LeVoir to have Engineer Nelson obtain them at a cost of between 4 to 6 hours of charged Engineer time.

Treasurer LeVoir then asked about the Owens/ Dakota Avenue Escrows. There is a driveway escrow and a general escrow for legal and engineering fees. Treasurer LeVoir asked if the project was complete and if the Board would be comfortable releasing the balance of the escrows to the Resident.

Vice Chair Nilsen made a motion to return the balance of the Owens / Dakota Avenue Driveway Escrow to the Depositor. Supervisor Schommer seconded the motion. Motion passed 5-0.

Vice Chair Nilsen made a motion that the balance of the Owens General Escrow be returned. Supervisor Schommer seconded the motion. Motion passed 5-0.

9) Clerk's Report

- 1) Electronic Submission, Review, and Filing of Utility Permits.** Minnesota Valley Electric Cooperative recently inquired if there could be an update to the procedure of their Utilities Permit Submission Process. They asked if it could go completely or partially electronic. Currently they mail in a form and paperwork, and after paper review of their materials, the approval form is signed off, copied, and mailed back. Depending on when they are received, this process can take up to 10 days or more. Some efficiencies have been put into place (as the forms after approval are now scanned in and emailed back). After a short discussion, The Board asked the Treasurer to inquire of Prior Lake what their process is for receiving payments on Utilities Permits.
- 2) Printing of Attachments for Meetings.** Engineer and Clerk are requesting clarification on what attachments should be printed for Board Review. The Board Members will be reviewing an alternate method to receiving a Board packet at next month's meeting.
- 3) Election 2012 Recap.** Clerk Quinn went to a General Election 2012 Recap Meeting at the County, and during that meeting it was reported by County Auditor Cindy Geis that there were a myriad of problems reported by all Scott County precincts regarding the M100 machines. It has been determined that the M100's have reached the end of their useful life, and the County is actively planning replacement of the machines. This means that each municipality should be aware that the purchase of new equipment is imminent. The full price of these machines could be in excess of \$20,000.00

apiece. State and federal grants, if available, could bring the cost down. More information will be forthcoming when it becomes available.

4) Township Election 2013 Update.

- 1) Clerk Quinn reports that the Head Judge for this election will be Lloyd Erbaugh. He was approved along with all the other Credit River Election Judges in a Resolution at the January 7, 2013 Board Meeting. Clerk Quinn asked the Board if they had ever discussed breaking out the head judge position to a higher pay rate. Some Townships do this as the position is one of greater responsibility and duty day length. The Board directed Clerk Quinn to find out what other municipalities are doing in regards to this issue and election judge pay rates in general, and discuss it at the March Board Meeting, and it will be covered if necessary at the reorganization meeting in April.
- 2) **Polling Hours-** Polling Hours can be reduced if the Residents desire. Chair Lawrence recommends that the Polling Hours stay as 7A to 8P for consistency.
- 3) **Resolution 2013-03.1: Resolution Authorizing Interested Officer- BL.** A resolution was introduced to approve Brent Lawrence as an election judge. Currently, Chairman Lawrence is scheduled as an alternate for the March Township Election. A roll call vote is required for this resolution.

Supervisor Kraft made a motion to approve Resolution 2013-03.1, Resolution Authorizing Interested Officer- BL. Supervisor Novak seconded. The roll call for Resolution 2013-03.1, Resolution Authorizing Interested Officer- BL, was as follows: Vice Chair Nilsen: Aye; Supervisor Schommer: Aye; Supervisor Novak: Aye; Supervisor Kraft: Aye. Motion passed with a vote of 4-0, with one abstaining; Chair Lawrence abstained.

4) Resolution 2013-03.1: Resolution Authorizing Interested Officer- TK.

Because there were very few trained people who volunteered for Election Judge Duty in March, Clerk Quinn recommended that since Supervisor Kraft may be needed to perform Election Judge Duties at the last minute, and he is willing to do so, that he also be approved ahead of time.

Chair Lawrence made a motion to adopt Resolution 2013-03.2 Resolution Authorizing Interested Officer-TK. Supervisor Novak seconded the motion. The roll call for Resolution 2013-03.2, Resolution Authorizing Interested Officer-TK, was as follows: Chair Lawrence: Aye; Vice Chair Nilsen: Aye; Supervisor Schommer: Aye; Supervisor Novak: Aye. Motion passed with a vote of 4-0, with Supervisor Kraft abstaining.

5) Clerk 1 Year Review. Chair Lawrence will give Clerk Quinn her 1 year review within 30 days of her anniversary date of March 14, 2013. If any of the Board Members have any comments, they should pass those along to Chair Lawrence ahead of time.

10)Review and Pay Bills

Checks	Paid to	Amount	Comments
Paid Chk# 000177E	ANCHOR BANK	38.28	ACH/Check Scanner Fees
Paid Chk# 000178E	ANCHOR BANK - DEBIT CARD	173.00	Clerk Cell Phone/Postage/Office Supplies
Paid Chk# 000179E	EFTPS	1,689.27	FICA/Medicare/Fed WH
Paid Chk# 000180E	PERA	795.39	PERA
Paid Chk# 000181E	MINNESOTA REVENUE MW5	134.04	State WH
Paid Chk# 007048	AL NOVAK	701.86	January 2013 Srv Pd in February 2013
Paid Chk# 007049	BRENT LAWRENCE	808.06	January 2013 Srv Pd in February 2013
Paid Chk# 007050	BRUCE NILSEN	623.36	January 2013 Srv Pd in February 2013
Paid Chk# 007051	LEROY SCHOMMER	623.36	January 2013 Srv Pd in February 2013
Paid Chk# 007052	LISA QUINN	XXXX	January 2013 Srv Pd in February 2013
Paid Chk# 007053	SARAH LEVOIR	XXXX	January 2013 Srv Pd in February 2013
Paid Chk# 007054	TOM KRAFT	653.60	January 2013 Srv Pd in February 2013
Paid Chk# 007055	COMMISSIONER OF REVENUE	VOIDED	Tax Forfeited Parcel State Fees
Paid Chk# 007056	SCOTT COUNTY TREASURER	272.65	Tax Forfeiture Parcel County Fees
Paid Chk# 007057	ABDO EICK & MEYERS LLP	15,000.00	YE 2012 Audit Progress Payments
Paid Chk# 007058	AL NOVAK	75.60	January 2013 Expense Reimbursement
Paid Chk# 007059	ART JOHNSON TRUCKING INC	6,573.11	Winter Road Mtc
Paid Chk# 007060	BOB ODENTHAL	100.00	Mail Box Reimbursement - Mailbox Hit two times
Paid Chk# 007061	BRENT LAWRENCE	36.16	January 2013 Expense Reimbursement
Paid Chk# 007062	CENTERPOINT ENERGY	137.84	Town Hall Gas

Paid Chk# 007063	CERTIFIED RECYCLING	160.00 Disposals - Various Items
Paid Chk# 007064	CHASE JURGENSON	50.00 Mail Box Reimbursement
Paid Chk# 007065	CHORES AND MORE BY HEIDI INC	200.00 Town Hall Cleaning 12/18/2012 & 1/29/2013
Paid Chk# 007066	COLLINS TREE	2,450.00 January 2013 Tree Trimming
Paid Chk# 007067	COURI & RUPPE, P.L.L.P.	4,440.00 Legal Fees
Paid Chk# 007068	ECM PUBLISHERS INC	63.00 Agenda 01/07/13 Board Meeting
Paid Chk# 007069	GALLAGHERS	4,587.50 January 2013 Winter Road Mtc
Paid Chk# 007070	GE CAPITAL	149.64 Copier Expense
Paid Chk# 007071	GOPHER STATE ONE CALL	100.00 Utility Locate Annual Fee
Paid Chk# 007072	HAKANSON ANDERSON ASSOC INC	4,098.99 Engineering
Paid Chk# 007073	INTEGRA TELECOM	552.57 Phone
Paid Chk# 007074	JOHN CRAIG	50.00 Mail Box Reimbursement
Paid Chk# 007075	KRAEMER MINING& MATERIALS INC	503.28 January 2013 Winter Road Mtc
Paid Chk# 007076	LISA QUINN	34.32 January 2013 Expense Reimbursement
Paid Chk# 007077	METRO SALES , INC.	107.15 Copier Qtrly Mtc Contract
Paid Chk# 007078	MIKES SEPTIC	520.00 Town Hall and CSTS Pumping
Paid Chk# 007079	MVEC	712.27 Electricity
Paid Chk# 007080	NATURAL SYSTEMS UTILITIES MN	6,678.54 CSTS Monitoring
Paid Chk# 007081	ROVE PEST CONTROL	75.00 Quarterly Pest Control Service
Paid Chk# 007082	SARAH LEVOIR	50.00 January 2013 Cell Phone Expense Reimbursement
Paid Chk# 007083	SCOTT COUNTY ASSOCIATION TWPS	2,521.59 Township Dues
Paid Chk# 007084	SCOTT COUNTY TREASURER	6,873.23 2nd Half Salt 2012

Paid Chk# 007085	SCOTT SOIL & WATER CONSV DIST	507.00 Building Site Inspections
Paid Chk# 007086	ST PAUL STAMP WORKS	38.40 Treasurer Notary Stamp
Paid Chk# 007087	TOM KRAFT	95.31 January 2013 Expense Reimbursement
Paid Chk# 007088	XCEL ENERGY	13.25 St. Francis Street Light
Paid Chk# 007089	CITY OF LAKEVILLE	729.50 December 2012 Judicial Winter Road Mtc
Paid Chk# 007090	DB SERVICES	200.00 January 2013 Winter Town Hall Mtc
	Total	69,410.74

- 5) **Adjourn.** There being no further business before the Town Board, a motion to adjourn was made.

Vice Chair Nilsen made a motion to adjourn the February 4, 2013 Credit River Township Board Meeting. Supervisor Schommer seconded the motion. Motion passed 5-0.

Meeting was adjourned at 9:45 PM.

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

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