

**Credit River Township Board Meeting
Monday, August 5, 2013, 6pm**

Meeting Minutes

The August 5, 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 Chair Tom Kraft; Supervisor Chris Kostik; Supervisor Leroy Schommer; Supervisor Al Novak.

Others Present:

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

Chairman Brent Lawrence opened the meeting with the Pledge of Allegiance.

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

Treasurer LeVoir asked that "Invoice Coding" be added to Treasurer's Report as Item #5.

Township Engineer Nelson asked to add "MS4 Update" as Item #4 under "Engineer's Report."

Clerk Quinn asked that "Deputy Clerk Sub" be added as Item #5 under Clerk's Report.

Items were added as requested.

Supervisor Schommer made a motion to approve the amended agenda. Supervisor Kostik seconded the motion. Motion carried 5-0.

- 2) **Consent Agenda**

- 1) **June 2013 Treasurer's Report**
- 2) **July 2013 Developer's Escrow Statement**
- 3) **July 1, 2013 Board Meeting Minutes**

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

3) Open Forum

Dario DePax, a Three Rivers Park's Park Service Officer, spoke on dumping issues on Blaylock Circle. Cameras and "No Dumping" signs have been added on or near the property. 6 or 7 offenders have been cited for illegal dumping in this area. Three Rivers Park District is currently speaking with the Scott County Prosecutors office to begin charging clean-up costs to offenders.

Unfortunately, other nuisance offenses are taking place in this area, too, and the officer is asking the Board if they could consider "No Parking" signs to keep people from loitering in the area.

Supervisor Kostik recommended speaking to the resident first to see if the resident would like the signs placed there.

Vice Chair Kraft made a motion that would authorize Three Rivers Park District to place "No Parking" signs on Blaylock Circle, and if an Ordinance is required, that one be drafted. Supervisor Kostik seconded the motion. Motion passed 5-0.

4) Old Business

1) Assessment Deferment. Lynn Drive property owners are requesting an Assessment deferment from a 2012 Road Assessment.

Treasurer LeVoir researched the Township's ability to defer certified assessments. She reports that certified 2013 amounts cannot be deferred at this point in time, but if the Board would like to defer assessments going forward, they would have to develop a policy either by Resolution or Ordinance and provide that to the County.

Township Attorney Ruppe explained the general provisions of such a policy. Resident spoke briefly about his current circumstances and the need for such a deferment. Resident stated that he is planning on selling his home, in any case.

After Board discussion, decision was made not to move forward for a Township deferment policy. Supervisor Novak will notify the resident.

2) Noise Ordinance. Supervisor Novak & Vice Chair Kraft had the resident do some shooting and detonate an explosion with them standing across the

street. They did not feel that it was loud enough to be the explosions that the complainants are referencing.

Supervisor Novak also spoke to Sheriff Kevin Studnika to obtain his opinion about developing a Credit River Township Noise Ordinance. Sheriff Studnika recommended against that, due to the County already having an ordinance covering nuisances. Sheriff Studnika recommended that the residents who are experiencing nuisance noises to call a sheriff deputy who will cite any offenders, if warranted.

3) Transportation Director Note Update. The Prior Lake- Savage School Transportation Director was notified that the speed limit has been reduced on 170th, and in addition that residents had concerns on perceived excessive speeds of busses on 170th. Credit River Township was assured by the Transportation Director that they appreciated the information and would pass it along to the drivers.

4) Memorandum of Understanding. Credit River Township is awaiting a response at this time from the City of Savage regarding a snowplowing agreement on Murphy Lake Road. Chairman Lawrence will update the Board when more information is received.

5) Park Update.

Chairman Lawrence reports that a homeowner on Overland Drive has been maintaining the infield in Scottview Park. The bases need to be replaced- they are worn out. The Board approves the purchase.

Chairman Lawrence and Supervisor Schommer cleaned up the woods recently in Casey Park. The garbage taken out of there filled a 20 yd. dumpster.

Vice Chair Kraft mentioned that the Gallagher family may be interested in donating some land for a Township Park in the future.

A tree fell on a resident's fence adjacent to Casey Park, and the resident wants to know who is responsible to the damage to his fence. Attorney Ruppe recommended that the affected resident file a claim with the Township Insurance Trust via the Clerk during business hours.

6) Larson Lot Split. Resident will be moving his driveway as a result of a land swap. One property owner has a remaining balance on a road assessment. Scott County is asking for Township direction on the remaining balance of this assessment. Township Engineer Nelson recommends that the residents decide before swaps or sales which property will be responsible for any

assessment balances. In this case, the property owner was directed to submit to the Township a written directive for the remaining assessment. Additionally, the resident is directed to remove one driveway as the addition of another driveway would put the properties over the Township allowance of one driveway per parcel.

5) New Business

- 1) Snowplowing Contract.** The Art Johnson snowplowing contract is due to be renewed this year. The Board and Township Attorney discussed the need for proof of an umbrella policy for such a contractor in the amount of an additional \$1,000,000.00 of Liability Insurance. The supervisor negotiating the terms of the contract will ask the contractor to provide such proof.
- 2) District 4 Meeting, August 15.** There will be a District 4 Minnesota Association of Townships Meeting on Thursday, August 15. As several Supervisors expressed interest in attending, the Clerk will post on the Town Bulletin Board the notice that “Two Supervisors or More May Attend” such meeting.
- 3) Use of Township Roads / Construction Staging Area.** A contractor left a large amount of construction materials on Monterey, blocking the road and causing damage. Vice Chair Kraft & Supervisor Schommer spoke to the homeowner and the contractor, and asked them to move the materials.

Attorney Ruppe states that State Statute 160.2715 gives the local road authority the ability to require the residents to remove the obstruction. If the obstruction is not moved with haste, MN Statute 160.27 Sub 6 gives the local road officials the authority to remove those obstructions from roadways, and to charge the costs to do so back to the offending property owner.

Going forward, any building permits that Credit River Township “recommends approval” for will be stamped with a reminder that Credit River Township prohibits the staging or stockpiling of materials on Township Roads. Additionally, when this problem is noticed in the future, a Supervisor will be called to decide how the situation will be handled including calling a sheriff deputy to cite if necessary.

Also in regards to this issue, a recommendation was made by Vice Chair Kraft to either update the business cards for the supervisors and staff, or create laminated ID cards for the Supervisors. Supervisor Kostik will work with the Clerk to see this project through.

- 4) Repeal of Ordinance #1.** Supervisor Novak recommends repealing Ordinance #1 adopted in 1958. He interprets that Ordinance as too broad, outdated and possibly invalid. Supervisor Novak suggests that if a nuisance ordinance is required in the future, that a more updated ordinance be adopted.

Attorney Ruppe recommended that an Ordinance be adopted addressing “junk properties.”

After discussion, the Board made a motion.

Supervisor Schommer made a motion to repeal Ordinance #1. Vice Chair Kraft seconded the motion. Motion passed 5-0.

5) School Referendum Election Scheduling / Pay.

The Town Board recommends a supervisor or staff member be here during the school referendum election. Chair Kraft recommends using some or all of the trained people from the Supervisory or regular staff to be offered as election judges to the Clerk of Lakeville (who will be administrating the election) so that some subsidization of the pay rate can be done by the election. The Clerk of Credit River will notify the Clerk of Lakeville as to the Board’s directive; however as the administrator of the election, the final scheduling decision rests with her.

Chairman Lawrence made a motion to authorize the offset of Supervisor or Staff pay to the current Township rate of \$25/ hr. Supervisor Schommer seconded the motion. Motion passed 5-0.

Fern & Birch Informational Meeting

At this time, with a number of Fern & Birch interested parties/ residents joining the meeting, a decision was made to commence with the Fern & Birch Informational Meeting.

Township Engineer Shane Nelson offered a brief overview of Credit River Township's plan to reconstruct Fern Drive and Birch Lane. Residents were mailed notice of this informational meeting along with a "frequently asked questions" information sheet.

Fern & Birch Resident Feedback:

- 1) L. Livingston, Fern Drive resident.** Resident asked about the waiver that the Township wanted the Fern Drive / Birch Lane residents to sign. Attorney Ruppe explained the waiver process to the resident. Resident asked about a gravel road option. Supervisor Kraft explained that it would not be as easy as grinding the current surface and letting it go to gravel. Ditch and tree work need to be done as well.

Resident wanted to know why, if she already pays taxes, that she would have to pay a portion of her road repair. Engineer Nelson explained that Townships do not levy enough to cover the entire costs of complete road repairs.

Resident asked about the planned 7 ton limit, and wondered what types of vehicles that would be applicable to, as there is a construction business operating on her road. Resident reports that the construction vehicles exceed the posted limit and cause damage to the Road. Supervisor Schommer explained that the Township has contacted the County Compliance Officer on several occasions in regards to this resident, and will contact him again to acquire a listing of his previous actions against the resident.

2) B. Cable, Fern Drive Resident. Resident wants to know why residences with larger or more vehicles are not assessed a greater amount for their road usage. Engineer Nelson informed the resident that State Statute requires assessing in a fair and equitable manner either by a “per unit” or “road frontage” method. Credit River Township has decided to assess “per unit” as it has been determined that each unit benefits equally, so each similar property is assessed equally. Resident asks for speed bumps to control speed. Chairman Lawrence explained speed bumps cause snowplowing problems.

3) T. Cable, Fern Drive. Resident asks about the resident who lives at the end of Birch Lane and what recourse the Township has to order the resident who appears to be running a construction business to cease and desist that activity. Supervisor Schommer reiterates that he will contact the Scott County Compliance Officer Dan Ekholm in regards to this issue.

Resident asked how much easement the Township will be taking as a result of this project. Engineer Nelson answered that detailed plans & specs have not been created for this project yet because they are very costly. The Township Attorney stated that at this time the Township does not plan on increasing the easement for this project.

Resident asked what would happen if the project didn't pass. The Board answered that minimal maintenance would be conducted. Resident stated that they already have received minimal maintenance. Vice Chair Kraft referenced the Capital Improvement Plan that is in place and they could not address previous maintenance or lack thereof. Vice Chair Kraft said that it is the goal of this Board to maintain the Township Roads.

Resident asked if curbing would be put in. Township Engineer stated that in some places curb will be necessary for drainage (and more economical than ditching.)

Resident asked if street lights would be put in. Supervisor Schommer answered in the negative.

Chairman Lawrence stated the next step is the Public Improvement Hearing.

Vice Chair Kraft made a motion to set the Public Improvement Hearing for September 16, 2013. Supervisor Schommer seconded the motion. Motion passed 5-0.

6) Road Report.

- Lynn Drive Overlay. The Township, via Engineer Nelson, did not authorize contractor work for drain tile on the project due to too high of a price. Another contractor will be contacted for a quote.

- Lynn Court. Engineer Nelson will contact Pearson Brothers to remove the sealcoat chips as they are contractually obligated to do so.

- Prior Lake Blacktop thinks that they will be starting the 2013 Overlays within the next couple weeks.

4) Goliath Hydrovac removed crushed rock out of the ditches from the flooding.

7) Engineer's Report.

1) Locating Proposals. Engineer Nelson presented a proposal received from USIC regarding the locating services for the Township. Chairman Lawrence recommends a subcommittee be formed to discuss the two quotes that have been received and make a determination on which one would be more advantageous to the Township.

Supervisor Kostik made a motion to form a subcommittee to review the contracts subject to attorney review. Supervisor Schommer seconded the motion. Motion passed 5-0.

2) Pay Estimate to Pearson Brothers. Based upon the work completed to date, a pay estimate in the amount of \$126,063.63 has been received from Pearson Brothers. Engineer Nelson suggests that Pearson Brothers be paid

on this request, minus a 3% retainage to insure incomplete items are completed. The total payment would thus be \$122,281.72.

Chairman Lawrence made a motion to approve the pay estimate from Pearson Brothers. Supervisor Novak seconded the motion. Motion passed 5-0.

3) **Drainage Concerns.** Supervisor Schommer reports a Heitl Way Drainage concern into Casey Park.

A Resident is concerned about the height of the water in the holding pond in Franciscan Retreat. Supervisor Schommer contacted a contractor to possibly pump the pond down.

Supervisor Schommer stated that in his opinion, the Pheasant Ridge drainage issue is a County problem.

In addition, Supervisor Schommer reports the Casey Park related Septic build up will be a little more expensive than previously planned.

Vice Chair Kraft made a motion to authorize up to \$4000 to ditch Casey Park, to be deducted from the Park Fund. Supervisor Kostik seconded the motion. Motion passed 5-0.

4) **MS4 Permit.** Engineer Nelson reports that the new MS4 permit took effect on August 1, 2013. Credit River Township has 90 days to revise it, if desired.

Engineer Nelson reports that the County is responsible for approximately 80% of the requirements and Townships are responsible for 20%.

8) Treasurer's Report

1) **Transfer Funds.** Treasurer LeVoir made a request to transfer funds in the amount of \$210,000 from savings to checking to pay claims.

Supervisor Novak made a motion to approve the transfer of funds from savings to checking in the amount of \$210,000.00. Supervisor Schommer seconded the motion. Motion passed 5-0.

2) Budget 2014.

Treasurer LeVoir went over the proposed 2014 Levy based upon the proposed budgeted 2014 expenses as discussed during previous Board Meetings.

If only three outstanding bonds are desired, then certain assumptions would have to be made in shifting some projects around.

She also reports that the preliminary fire contract amount is projected to be \$195, 918.00, versus the previously forecast \$208,127.00. Therefore, Treasurer LeVoir recommends lowering the levy to 1.2 million flat.

After discussion, the Board directed the Township Treasurer to create a Proposed Budget/ Levy for 2014 and PowerPoint presentation for the residents at the Continuation of the Annual Meeting.

3) Escrow Update.

- **19555 Oak Grove Avenue.** Engineer and Attorney fees have been deducted from the escrow balance, and they have both reported that they do not currently have any invoicing outstanding on this property. The escrow balance stands at \$13,985.11. Township Treasurer LeVoir asks for Board Approval to release the escrow to the requestor and the person who originally placed the escrow.

Supervisor Schommer made a motion to authorize a refund of the balance of the escrow account to the resident at 19555 Oak Grove Avenue. Chairman Lawrence seconded the motion. Motion passed 5-0.

- 4) **Scott County JPA.** Scott County has requested an increase to the assessing fee. A representative from Scott County will address the Board at a future meeting.
- 5) **Invoice Coding.** Treasurer LeVoir requested clarification of the coding for several ditch work invoices.

9) **Clerk's Report**

- 1) **Contractors Insurance Liability Limits.** This issue was discussed during New Business: Snowplowing Contract.

- 2) **Board Communication.** Clerk Quinn asked the Board for a clarification to the communication procedure going forward on resident requests. The Board agreed to keep the clerk in the loop and acknowledge receiving messages.

- 3) **Town Hall Items.**

Cindy Geis, Scott County Official, has provided the Township with an updated M-100 Township Counter cost estimate update in the amount of \$7050 (not including programming.) This was the amount of the Hennepin County RFP. Scott County is waiting to see what Dakota County's RFP response will be. Scott County will not go out for an RFP but instead will purchase through Hennepin or Dakota County depending on pricing.

- 4) **Destruction of Outdated Documents.**

After discussion, the Board recommends that the Clerk destroy any outdated records via the Minnesota Association of Township Records retention policy. This can be done without notice each time to the Board.

5) Deputy Clerk Sub.

The Clerk requests that the Board authorize the Deputy Clerk to work September 3rd, 2013 in her place at both the staff hours earlier in the day and that evening at the September Board Meeting. Vice Chair Kraft acknowledged the request and after brief discussion the Board was in agreement.

10) Pay Claims.

Checks:	Paid to:	Amount:	Comments:
Paid Chk# 000207E	ANCHOR BANK	40.00	ACH/Check Scanner Fees
Paid Chk# 000208E	ANCHOR BANK - DEBIT CARD	374.79	Clerk Cell Phone/Office Supplies/Postage/Carbonite
Paid Chk# 000209E	EFTPS	1,268.44	FICA/Medicare/Fed WH
Paid Chk# 000210E	PERA	548.01	PERA
Paid Chk# 000211E	MINNESOTA REVENUE MW5	82.59	State WH
Paid Chk# 007304	AL NOVAK	701.86	July 2013 Srv Pd in August 2013
Paid Chk# 007305	BRENT LAWRENCE	808.06	July 2013 Srv Pd in August 2013
Paid Chk# 007306	CHRIS KOSTIK	722.89	July 2013 Srv Pd in August 2013
Paid Chk# 007307	LEROY SCHOMMER	1,098.97	July 2013 Srv Pd in August 2013
Paid Chk# 007308	LISA QUINN	XXXX	July 2013 Srv Pd in August 2013
Paid Chk# 007309	MARY RIEDER	XXXX	July 2013 Srv Pd in August 2013
Paid Chk# 007310	SARAH LEVOIR	XXXX	July 2013 Srv Pd in August 2013
Paid Chk# 007311	TOM KRAFT	583.11	July 2013 Srv Pd in August 2013
Paid Chk# 007312	ART JOHNSON TRUCKING INC	5,851.21	July 2013 Road Mtc
Paid Chk# 007313	BANKERS BANK	158.91	CSTS Refund - Overpayment
Paid Chk# 007314	BANYON DATA SYSTEMS	795.00	Banyon Utility Billing Annual Fee
Paid Chk# 007315	BOHNSACK & HENNEN EX CAVATIN	4,620.74	Ditch Work
Paid Chk#	BRENT LAWRENCE	11.30	July 2013 Expense

007316			Reimbursement
Paid Chk#	CENTERPOINT	12.00	Town Hall Gas
007317	ENERGY		
Paid Chk#	CITY OF LAKEVILLE	180.79	Signs
007318			
Paid Chk#	COLLINS TREE	2,550.00	Parks Tree
007319			Trimming/Removal
Paid Chk#	CREDIT RIVER	212.00	Post for Casey Park
007320	METALWORKS		
Paid Chk#	DENNIS KAROW	1,072.00	Town Hall/Parks July 2013
007321			Mowing
Paid Chk#	ECM PUBLISHERS INC	77.00	Legal Publishings
007322			
Paid Chk#	GE CAPITAL	140.01	Copier Expense
007323			
Paid Chk#	GOLIATH HYDRO-VAC	1,450.00	Culvert Mtc
007324	INC		
Paid Chk#	GOPHER STATE ONE	31.90	Utility Locates
007325	CALL		
Paid Chk#	HAKANSON	9,282.86	Engineering
007326	ANDERSON ASSOC		
	INC		
Paid Chk#	INTEGRA TELECOM	558.63	Phone
007327			
Paid Chk#	JB WOODFITTER AND	385.65	Driveway/Access Escrow
007328	ASSOCIATES		Refund
Paid Chk#	KRAEMER MINING&	1,851.08	Summer 2013 Road Mtc
007329	MATERIALS INC		
Paid Chk#	LISA QUINN	18.05	July 2013 Expense
007330			Reimbursement
Paid Chk#	LLOYDS	317.25	Casey Park - Clean Up
007331	CONSTRUCTION SRVS		
	INC		
Paid Chk#	MCWILLIAMS &	900.00	Driveway/Access Escrow
007332	ASSOCIATES, INC		Refund
Paid Chk#	MEADOWCROFT	900.00	Driveway/Access Escrow
007333	HOMES LLC		Refund
Paid Chk#	METRO SALES , INC.	121.09	Quarterly Copier Mtc Fee
007334			
Paid Chk#	MVEC	622.78	Electricity
007335			
Paid Chk#	NATURAL SYSTEMS	9,146.91	CSTS Monitoring
007336	UTILITIES MN		
Paid Chk#	PEARSON BROS INC	122,281.7	Seal Coat Project 2013
007337		2	

Paid Chk# 007338	PRIOR LAKE BLACKTOP, INC.	13,095.00	Patching - 165th Street East
Paid Chk# 007339	PRIVATE UNDERGROUND	262.00	Utility Locates
Paid Chk# 007340	ROBIN OR JENNIFER FOX	2,680.00	NPDES/Access Escrow Refund
Paid Chk# 007341	ROVE PEST CONTROL	75.00	Quarterly Service
Paid Chk# 007342	SARAH LEVOIR	50.00	July 2013 Cell Phone Expense Reimbursement
Paid Chk# 007343	SCHMID LOCK & SAFE	125.00	Filing Cabinet Lock Smith Service
Paid Chk# 007344	SCOTT COUNTY TREASURER	34,516.76	Scott County JPA - 2013 Contract/Signs
Paid Chk# 007345	SCOTT SOIL & WATER CONSV DIST	3,405.00	Building Site Inspections June/July
Paid Chk# 007346	SOUTHWEST NEWSPAPERS	566.56	Legal Publishings
Paid Chk# 007347	TIMOTHY KRIEGER	13,985.11	Escrow Refund - 19555 Oak Grove
Paid Chk# 007348	TRANS-ALARM	89.85	Qtrly Town Hall Monitoring Srv
Paid Chk# 007349	WEBCETERA DESIGNS LLC	350.00	Website Srv Charges
Paid Chk# 007350	XCEL ENERGY	13.31	St. Francis Light

Total **241,462.6**
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11) Adjourn.

There being no further business before the Town Board, a motion to adjourn was heard.

Supervisor Al Novak made a motion to adjourn the August 5, 2013 Credit River Township Board Meeting. Supervisor Chris Kostik seconded the motion. Motion passed 5-0.

Meeting 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**