

**Credit River Township Board Meeting**

**Monday, July 7, 2014, 6pm**

**Meeting Minutes**

**The July 7, 2014 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 Tom Kraft; Supervisor Leroy Schommer; Supervisor Chris Kostik; Supervisor Al Novak

**Others Present:**

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

**1) Approve or Amend Agenda:**

Clerk Quinn asked that item # 3 “LeBaron CUP/ Natchez Avenue” be changed to “LeBaron IUP/ Natchez Avenue”

Supervisor Schommer asked that “Drainage” be added as Item #1 under Road Report.

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

Items were added or changed as requested.

**2) Consent Agenda**

**1) May 2014 Treasurer’s Report**

**2) June 2014 Developer’s Escrow Statement**

**3) June 2, 2014 Board Meeting Minutes**

**3) June 2, 2014 Hampshire Court Assessment Hearing Minutes**

**4) June 2, 2014 Cedar Lane, Cedar Court, Elm Court, Frontier Lane, Crimson Court, Stonebridge Court and Portions of Lynn Drive Assessment Hearing Minutes**

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

**3) Open Forum**

Resident J. Sulzbach, 204<sup>th</sup> Street E., appeared before the Board to report that on or about June 16<sup>th</sup>, 2014, the dustcoating truck stopped in front of his house and the brine ran out on his driveway in error for an extended amount of time. Unfortunately the running brine killed off a garden and, it appears, an oak and pine tree. Resident asks the Board if the Township would pay for the replacement of the garden and the cost to take the Oak tree down.

Vice Chair Kraft inspected the damage and confirmed that the garden, shrubbery, pine tree, and oak tree appear to be dying. However, some of those items appear to be located in the right of way, which would not be covered by the Township or Township Insurance.

Attorney Ruppe recommends that the Resident contact Envirotech, the subcontractor in question, and work with them directly or with their insurance for replacement.

D. Olson, 204<sup>th</sup> Street E. Resident, appeared in support of the resident and confirmed the chain of events.

Chairman Lawrence asked that the resident please follow up with Envirotech directly and appear before the Board with an update at the September 2014 Meeting. Chairman Lawrence asked Clerk Quinn to add "Sulzbach Brine Update" to the September Agenda.

Resident Brad Hoffman, Monterey Avenue, appeared before the Board to discuss his ditch. Because the area was seeded after the black dirt had washed away, Mr. Hoffman feels that it has ended up being very sparsely grown in. Resident is asking for black dirt to be brought in and the ditch re-seeded.

Vice Chair Kraft recommended that the resident wait, as the area in question appears delayed, rather than stunted.

The Resident disagrees with the timing. Resident states that he wasn't treated the same as the other Monterey residents, although he accepted a steeper ditch as it was better for drainage.

Chairman Lawrence asked Engineer Nelson to estimate the cost of the work that the resident prefers. Supervisor Schommer recommends waiting for fall for best results. Resident Hoffman agreed with that course of action.

Chairman Lawrence asked the Clerk to put the Item "Hoffman Culvert Review" on the September Township Agenda.

The Scott County Deputy appeared before the Board with the June 2014 Sheriff Report. He reported 98 Calls for service in Credit River Township for June 2014. Sheriff Deputy reports several burglaries in the area, where the persons breaking in has taken the whole safe with them. Deputy recommends getting a large safe which is difficult to move, or using a Bank safe deposit box. Deputy also mentioned that burglars frequently use garage service doors for access.

There being no other business presented by the assembled residents for Open Forum, it was closed.

#### **4) LeBaron IUP / Natchez Avenue**

Resident J. LeBaron appeared before the Board to ask for the Township Recommendation on an Interim Use Permit. The LeBaron's plan to use their 60x80 pole building to train 6-10 dogs at a time for companion & therapy dogs for Veterans that need help with PTSD (Post Traumatic Stress Disorder) and Traumatic Brain Injury.

**Vice Chair Kraft made a motion to recommend approval of the LeBaron Dog Kennel/ Dog Training Facility, with the condition that the permit be reviewed every year. Supervisor Kostik seconded the motion. Motion passed 5-0.**

## **5) Old Business**

### **1) Creekwood Drainage**

Engineer Nelson reports that it would not be a good option to increase the size of the pipe at the drainage site.

Vice Chair Kraft will contact the resident, who was not at the meeting, and let him know that he can come into the Town Hall during staff hours to discuss the findings with himself and the Town Engineer.

### **2) Heitl Way Drainage**

Engineer Nelson reports that Bohnsack Excavating has provided a verbal quote for \$19,500.00 for the work that would be needed to address Resident Bowen's drainage issue. (The quote includes extending rip rap about 100 ft. upstream, seeding, matting, and black dirt).

Vice Chair Kraft recommended no responsibility on the Township's part, as the former resident of the home changed the landscaping of the front yard, thus creating the drainage problems in the first place.

Resident Bowen asked if the overall drainage has changed in the year's past. Specifically, he feels there is so much more standing water than

there used to be. Engineer Nelson attributes that to more rainfall, which will cause more standing water. Engineer Nelson also notes that the area is delineated as a wetland in the original plat.

Resident J. Craig, Heitl Way resident, appeared before the Board to discuss his issues. He has a drainage problem along the stream along the back of the property. Resident Craig would like permission to do some excavation, tree removal, and “shoring up” of the bank to prevent further erosion. Resident would like to know what permits would be required for this type of work in the Drainage & Utility Easement.

Engineer Nelson stated that he could find out what kinds of Environmental Permitting would be required. Attorney Ruppe recommends the Township have a thorough understanding of what the resident plans on doing, and create a permit agreement. The Board told the Resident that an escrow for engineering and legal work would be required. The Engineer will contact the Resident with further information.

### **3) Sign Approval**

Engineer Nelson submitted two quotes from sign contractors. One was a well-known, known to be reputable company, and the other was an unknown, but valid company. There was a significant difference between the two quotes.

Vice Chair Kraft states that specs were provided for the signs and both contractors did agree to, and submit a quote using those specs.

**Vice Chair Kraft made a motion to accept the quote from ID sign Solutions for \$14, 489.00. Supervisor Novak seconded the motion. Motion passed 5-0.**

#### **4) 19555 Oak Grove Avenue**

The property owner at this address installed monuments that appear to be within the Township Drainage and Utility easement. Attorney Ruppe spoke to the Contractor and asked him to cease construction of the monuments as they were prohibited by the existing agreement. Contractor stated that he would contact the Town Board to discuss the work but he has not.

Engineer Nelson stated that because the continual work that is being done in the easement is eventually going to make it difficult for the Township to do work on the pond, he recommends either forcing the removal of the monuments, or an agreement with the Homeowner, whereby the Homeowner would take over the maintenance of the storm water pond. Attorney Ruppe can draft an amended amendment to the Encroachment agreement already in place.

Vice Chair Kraft also referenced damages that have been done to the Town Road by the Contractor while doing this work. Attorney Ruppe recommended taking pictures, keeping records, and sending a letter to the resident in order to capture the costs of the eventual Road repair.

Township Treasurer reminds the Board the resident does not have an escrow for the current issue and the work being done. The Board recommends that the Treasurer continue to capture costs until such time that those expenses can be collected from the resident.

Chairman Lawrence recommends getting an estimate of road repair for damage done in the road due to the construction. The Item will be placed on the August agenda for review.

## **5) Dakota Avenue Utility Permit**

Engineer Nelson reports a pending utility permit for this property. The property is in New Market Township but the work has been done on a Credit River Township Road Right of Way (albeit one that has not been “accepted” by the Town yet.)

The larger issue appears to be that the property owner previously built an access to the Road (Dakota Ave.) and when asked about it, assured the Town that the property would not be developed above a rudimentary level. However, as improvements are made to the property, the Town Board is concerned that Credit River Township will incur costs in the future on a property that is located in New Market Township.

Supervisor Kostik stated that the work that the utility did needs further repair.

Based upon Attorney advice, Chairman Lawrence directed Engineer Nelson to review the pending utility permit, and note that the Town has not accepted the road.

Supervisor Kostik also noted that when the Building permit was issued by Scott County Planning & Zoning, it was given a Dakota Avenue address on the portion of Dakota Ave. that is a Credit River Township Road.

Chairman Lawrence suggested discussing the issue with a New Market Township Board, so into the future, Credit River Township will be aware of any possible issues arising from the development of this property.

## **6) New Business**

### **1) Administrative Subdivision**

The County has changed the procedure for Administrative Subdivision Approval. Engineer Nelson recommends that the Township review the approvals in Credit River Township, and collect an escrow to cover expenses related to these reviews. Engineer Nelson estimates Township expenses to range from \$300 to \$500 for each of these reviews.

**Supervisor Kostik made a motion to recommend approval of the administrative subdivision changes, with the condition that the Township review each and every application, and collect an escrow for the cost of the reviews. Supervisor Schommer seconded the motion. Motion passed 5-0.**

### **2) Establish Fall Road Meetings**

The Board discussed the following upcoming CIP Road Projects:

- 1) Flag Trail (reconstruct) and (overlay).
- 2) Kane Ave & Century Court
- 3) Casey Parkway & Kilarney.

The Board discussed tentative dates and times for informational meetings on these projects. Attorney Ruppe suggested using the “drive by” estimator to look at the properties and the possible benefits to each. Attorney Ruppe also recommended the waiver process to be used due to the variation of lot sizes and some other factors of the Flag Trail Improvement.

The Board authorized Attorney Ruppe to contact the estimator and the Board will continue to discuss the project at the August Board meeting.

## **7) Road Report.**

Supervisor Schommer reports the following issues under Road Report:

- 1) There is a pile of weeds that has been cut on 178<sup>th</sup> & Texas.
- 2) There were seven drainage issue properties in the Township that needed inspection last week. He also referenced 2 properties that are up for sale in the Wagon Wheel neighborhood, and recommends looking into creating drainage easements on those properties. He states that there are some drainage issues in the area of the two properties.
- 3) That the ditch at 18212 Natchez needs to be cleaned out. There is standing water in the ditch. At Supervisor Schommer's direction, Engineer Nelson has taken some pictures of it.
- 4) Drainage issues in between two properties on Southfork were inspected.
- 5) He recommends looking at the north side of Harvest Hill Pond, to evaluate the possibility of putting in a drainage pipe similar to one that was recently installed in the Gray Fox Neighborhood.
- 6) The St Francis Retreat Pond is also a good candidate for assistive drainage.
- 7) A resident of South Passage contacted Supervisor Schommer in reference to the Pond there. They would like the pond cleaned out and the cattails and trees removed.
- 8) Supervisor Schommer & Vice Chair Kraft inspected the Scottsview Ditch. It has silt in it and should be cleaned out.
- 9) At Overland & Greenview Court, the ditch needs to be cleaned out.

The Board authorized Leroy to take care of the drainage issues.

Additionally, Vice Chair Kraft received a complaint about a Grey Fox resident blowing grass clippings in the road. Engineer Nelson said that it could possibly be defined as an illicit discharge under the Scott County Illicit Discharge Ordinance.

Engineer Nelson reports that the Fern & Birch reconstruct will start with tree removal this week.

Supervisor Kostik asked if the Township should purchase and maintain a chainsaw. Supervisor Schommer commented that it is difficult to maintain a Township chainsaw, so it was the Board consensus that the idea was not feasible at this time.

Chairman Lawrence updated the Board about work being done next week on CSAH 44. Work will be progressing heading east into Prior Lake with grading. The homes on the North side in Savage will be hooked up into Prior Lake water & sewer. Chairman Lawrence was assured that there will be access into Country Court / St. Francis at all times.

## **8) Engineer's Report.**

### **1) Crack Filling Quotes**

Engineer Nelson recommends accepting the quote that Gopher State Sealcoat submitted for the Township Crack filling in the amount of \$29,954.00.

**Supervisor Schommer made a motion to accept the estimate from Gopher State Sealcoat in the amount of \$29,954.00. Supervisor Kostik seconded the motion. Motion passed 5-0.**

## **2) Seal Coat Bids**

Engineer Nelson recommended approving the estimate for the 2014 Sealcoat received from the lowest responsible bidder, Pearson Brothers, in the amount of \$93,335.00.

**Supervisor Novak made a motion to accept the 2014 Sealcoat Quote from Pearson Brothers in the amount of \$93.335.00. Supervisor Kostik seconded the motion. Motion passed 5-0.**

Supervisor Schommer asked that rock removal within a certain amount of time be written into the contract. Engineer Nelson confirmed that it was already addressed in the contract, but recommended that it be referenced in the cover letter.

## **3) Capital Improvement Plans.**

Engineer Nelson has a draft Capital Improvement Program. It will be reviewed with the Summer Roads Supervisors, and then presented to the full Board for review. The information will be relayed to the Township Treasurer ASAP for use in the Budget.

The Township Treasurer asked that the 2015 Sealcoat be discussed at length due to the variation in estimates she has received during the budgeting process.

Engineer Nelson recommends holding off on the Territory sealcoat. He thinks that waiting until the lots are substantially developed would be best

due to factors such as dump truck traffic. He recommends oil coat if it gets to be too long, though, just to rejuvenate the surface.

There were a few roads that were approaching the 7 year mark, including Natchez and the cul de sacs. He recommends doing the sealcoat on those roads but holding off on Territory & Thoroughbred Acres.

Supervisor Schommer recommended a budgeted amount of \$120,000.00. The general consensus of the Board was agreement with this figure.

#### **4) Lynn & Monterey**

At the direction of the Board, Engineer Nelson reviewed the Northwest Asphalt work on Lynn & Monterey. There are 2 driveways in question at this point. The Board discussion centered upon the consensus that the perceived deficiencies were not great enough to tear out the aprons and start over. However, all parties agree that a seal coat or crack fill at some time in the future would be an acceptable remedy.

Engineer Nelson recommends accepting NW Asphalt's remedy offer of a \$500 / per driveway credit for future seal coating or crack filling of the affected areas.

**Supervisor Schommer made a motion to accept the \$500 payment from NW Asphalt for future maintenance needs on the two affected driveways. Vice Chair Kraft seconded the motion. Motion passed 5-0.**

#### **5) SWPP Annual Public Meeting**

Engineer Nelson notes no public comment on the Storm Water Prevention Program. Chairman Lawrence asked the Credit River residents in attendance if there were any comments that they would like to make. There were no questions asked or comments made.

## 9) Treasurer Report

- 1) Transfer Funds.** Treasurer LeVoir asked that a transfer of \$180,000.00 be approved from the Township Savings Account to the Township Checking Account to pay claims.

**Vice Chair Kraft made a motion to transfer \$180,000.00 from the Township Savings Account to the Township Checking Account to pay claims. Supervisor Novak seconded the motion. Motion passed 5-0.**

### 2) Budget 2015.

Treasurer LeVoir put together a draft budget and asked the Board to review the figures page by page and ask questions at this time. No significant issues were raised.

Treasurer LeVoir reports that with cost increases and overruns (primarily snowplowing & drainage) the levy will have to be increased more greatly than previously planned; however Supervisor Novak points out that even with the planned increase, the levy is close to what it was 5 years ago. The levy dipped in the poor economy and has slowly climbed back up to previous levels.

### 3) Escrow Update.

Treasurer LeVoir reports that L & R Drain Tile work in Territory has been concluded, and has a \$0 balance. No additional work is planned, so it can be considered closed out.

Treasurer LeVoir reports that previously the Board approved an escrow funds balance return. It was approved and returned to the original payee, Anderson Engineering. However, Anderson Engineering returned the check to the Township and asked that the Township void it and return the escrow fund balance to Clear Channel Radio. Treasurer LeVoir asked for the Board's direction on this request.

**Supervisor Kostik made a motion to refund the escrow balance to Clear Channel Radio. Supervisor Schommer seconded the motion. Motion passed 5-0.**

**4) ACH Credit Updates.**

At the Board's direction, Treasurer LeVoir is in the process of putting together a list of vendors who would like to be paid electronically. She has a form for the vendors to complete if they prefer this option.

**5) CSTS Repair/ Invoices**

Treasurer LeVoir reports that in May there was a sewer line break in Territory at Painted Sky Court. There were repair costs including some for property damage to the affected homeowner.

Chairman Lawrence recommends payment of the current claim, but clarification is in order that items in the Township right of way are not covered by the Township, or the CSTS.

Supervisor Novak recommends asking the affected HOA's (the ones that have Township CST Systems) to put a letter out to their residents explaining the Township Right of Ways and Drainage Easements and that nothing is to be installed in them, and that nothing damaged or removed when the Township does work in the easements will be covered for any loss or damage into the future.

The Board directed Treasurer LeVoir to pay the invoices related to the current claim.

## 10) Clerk's Report

### 1) Election Update.

Clerk Quinn offered an election update including presenting to the Board an additional list of election judges that have been selected for Credit River Township election duty. Additionally, she also presented a Resolution to approve supervisors for possible election judge duty and to approve Supervisors who have expressed interest in becoming trained as election judges to receive pay for that training.

Resolution 2014-16.3, a Resolution approving Vice Chairman Kraft to serve as an Election Judge, was introduced.

**Chairman Lawrence made a motion to approve Resolution 2014-16.3, Resolution Approving Vice Chair Tom Kraft as an Election Judge, 2014 Election Process. Supervisor Kostik seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, aye; Vice Chair Kraft, abstain; Supervisor Schommer, aye; Supervisor Novak; aye; and Supervisor Kostik, aye. Motion passed 4-0 with Vice Chair Kraft abstaining.**

Resolution 2014-16.3, a Resolution approving additional Election Judges, 2014 Election Process, was introduced.

**Supervisor Kostik made a motion to approve Resolution 2014-16.4, Resolution Approving Election Judges, 2014 Election Process. Vice Chair Kraft seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, aye; Vice Chair Kraft, aye; Supervisor Schommer, aye; Supervisor Novak; aye; and Supervisor Kostik, aye. Motion passed 5-0 with all in favor.**

Resolution 2014-17.1, a Resolution approving Chairman Lawrence to be employed and paid as an Election Judge, was introduced.

**Supervisor Kostik made a motion to approve Resolution 2014-17.1, Resolution Authorizing Contract with Interested Officer- Brent Lawrence. Supervisor Novak seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, abstain; Vice Chair Kraft, aye; Supervisor Schommer, aye; Supervisor Novak; aye; and Supervisor Kostik, aye. Motion passed 4-0 with all in favor, Chairman Lawrence abstained.**

Resolution 2014-17.2, a Resolution approving Vice Chairman Kraft to be employed and paid as an Election Judge, was introduced.

**Supervisor Kostik made a motion to approve Resolution 2014-17.2, Resolution Authorizing Contract with Interested Officer- Vice Chair Kraft. Supervisor Novak seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, aye; Vice Chair Kraft, abstain; Supervisor Schommer, aye; Supervisor Novak; aye; and Supervisor Kostik, aye. Motion passed 4-0 with all in favor, Vice Chair Kraft abstained.**

Resolution 2014-17.3, a Resolution approving Supervisor Novak to be employed and paid as Election Judges, was introduced.

**Supervisor Schommer made a motion to approve Resolution 2014-17.3, Resolution Authorizing Contract with Interested Officer, Supervisor Novak. Supervisor Kostik seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, aye; Vice Chair Kraft, aye; Supervisor Schommer, aye; Supervisor Novak; abstain; and Supervisor Kostik, abstain. Motion passed 4-0 with all in favor, Supervisor Novak abstained.**

Resolution 2014-17.4, a Resolution approving Supervisor Kostik to be employed and paid as an Election Judge, was introduced.

**Supervisor Novak made a motion to approve Resolution 2014-17.4, Resolution Authorizing Contract with Interested Officer- Supervisor Kostik. Supervisor Schommer seconded the motion. Roll was called on this Resolution, and the votes were as follows: Chairman Lawrence, aye; Vice Chair Kraft, aye; Supervisor Schommer, aye; Supervisor Novak; aye; and Supervisor Kostik, abstain. Motion passed 4-0 with all in favor, Supervisor Kostik abstained.**

## **2) Changes to the Data Practice Act**

The Minnesota Association of Townships recommends all Townships put into place and follow a Data Practice Act Policy. Clerk Quinn and Chair Lawrence will work together to get this in place before the end of the year.

## **3) DU Flyaways Charitable Gambling Application**

Ducks Unlimited is doing a fundraiser at the Legends Club on July 27, and they would like the Township acknowledgement.

**Supervisor Kostik made a motion to acknowledge the Ducks Unlimited Charitable Gambling Event to be held on July 27, 2014 at the Legends Club. Supervisor Schommer seconded the motion. All in favor, Motion carried 5-0.**

Vice Chair Kraft discussed the Kaufman Diesel spill. He has been working on this issue with the Township Engineer. Engineer Nelson recommended a minimum 15' culvert be constructed to drain the run off from the spill.

**12) Adjourn.**

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

**Supervisor Novak made a motion to adjourn the July 7, 2014 Credit River Township Board Meeting. Supervisor Schommer seconded the motion. Motion carried 5-0.**

Meeting adjourned at 10:20 PM.

---

Recorded by:

Lisa Quinn, Township Clerk

---

Approved by:

Brent Lawrence,

Chairman, Credit River Township