

Credit River Township Meeting Minutes January 5, 2004

Call to Order

Chairman John Kane called the meeting to order at 7:00 pm

Members Present:

John Kane, Dan Casey, Leroy Schommer

Others Present:

Clerk Jerry Maas, Treasurer Holly Batton, Township Engineer Greg Halling, Township Attorney John Roach

Minutes of the previous meeting:

Minutes of the December 1, 2003 were read.

Regarding the issue of Mr. Kretzmann, Mr. Kane noted that he checked the property and determined that the work required was quite minimal consisting of moving a small amount of gravel and applying some grass. Mr. Kane suggested to Mr. Kretzmann that we would supply the grass and provide a load of gravel for future access. He turned down the load of gravel and Mr. Kane suggested we re-visit the issue in the spring.

Mr. Halling noted that the minutes reflected that Aaron Halling was at the 12/1 meeting, which was incorrect in that Greg Halling was at the meeting. Leroy Schommer made a motion to accept the minutes with corrections. Dan Casey offered a second, all in favor, motion carried 3 - 0.

Treasurers Report:

The Treasurer's report was read.

Dan Casey moved to accept the Treasurer's report as read, Leroy Schommer offered a second, all in favor, and motion carried 3-0.

Agenda Items

Sheriff's Report

Scott County Deputy Grosclugs presented the report..

Ambulance Report – Chris Caulkins – Alliana Ambulance Service

Chris Caulkins appeared to present the 2nd and 3rd quarter response reports for Credit River. He noted that the majority of the calls are being made with 5 – 8 minutes. The most common reason (25%) for calls is traffic related.

He summarized some of the initiatives Alliana is working on in areas of improving success in heart attack cases as well as preparing for terrorism issues..

Open Forum

Pat Strachen, a resident of the Legends, asked if something could be done to make the curve in front of the clubhouse a bit safer in that there have been several accidents resulting from vehicles rolling over and wrecking the fence.

Mr. Kane noted that it is a county highway, however we would forward her comment on to the highway department.

At Clerk Maas's request, Dan Casey made a motion to recess the meeting in order to go to the Public Hearing scheduled. Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Public Hearing – Discuss Road Improvements France Blvd / France Court

Greg Halling presented some cost information for this project.

Following some preliminary discussion, John Kane suggested we determine whether Mr. Gallagher is interested in proceeding with that portion of the road affected by his property.

It was Mr. Gallaghers opinion that he would gain no benefit by doing this project.

Mr. Kane asked Mr. Gallagher if the Township could get an easement of 3 feet to trim the trees to make the signs visible. Mr. Gallagher declined, feeling he ought to be reimbursed. Mr. Kane noted that the Township has never adopted a policy of paying for easements.

The board continued discussion on the remainder of the project. After taking considerable public input on the issues, Mr. Kane called for a motion to close the Public Hearing. Leroy Schommer made a motion to close the hearing, Dan Casey seconded, all in favor, motion carried 3 – 0

Mr. Kane called for the desires of the board. Leroy Schommer made a motion to repave the section that is already paved, Dan Casey offered a second, all in favor, motion carried 3 - 0. The Board ordered Mr. Halling to proceed with developing the specs and obtaining the necessary bids.

Residents Group Report

Pat Strachan presented a report that the open house meetings are now scheduled for January 29th and February 3rd. at 6:30 at the Legends Golf Club.

Agenda Item # 1 – Approve Resolutions

a.) Clerk Maas presented the following resolution

Township Board Resolution # 2004-01

Whereas Credit River Township is mandated by the Minnesota Pollution Control Agency under the Federal Clean Waters Act of 1987 to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) and

Whereas one of the requirements of this mandate is that Credit River Township participate in a planned public education program and

Whereas the Scott County Natural Resources Department has coordinated an effort by all of the cities and Townships affected by this mandate in an effort to avoid duplication of effort and therefore minimize expense and

Whereas a plan has been developed that will comply with the regulations and

Whereas Credit River Townships share of the expense of this project is \$750.00,

Therefore be it resolved that the Credit River Town Board hereby orders the clerk and treasurer to prepare a check in the amount of \$750.00 to Scott County to reimburse the county for this expenditure

Witness my hand this 5th day of January 2004.

John T. Kane, Chair
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

Dan Casey made a motion to accept Resolution 2004-01 as read, Leroy Schommer offered a second, all in favor, and motion carried 3-0

b) Clerk Jerry Maas presented the following Resolution 2004-02

Township Board Resolution # 2004-02

Whereas Credit River Township is mandated by the Minnesota Pollution Control Agency (MPCA) under the Federal Clean Waters Act of 1987 to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) and

Whereas one of the requirements of this mandate is that Credit River Township prepare an annual report summarizing activities for the year 2003 and

Whereas Spring Lake Township has an equal mandate to submit the same report and

Whereas both Townships have limited experience and resources in preparing and submitting this report and in fact this will be the first report submitted and

Whereas the engineering firm of Bonestroo, Rosene, Anderlik & Associates have the necessary experience to assist with this requirement and have quoted a fee of approximately \$1500.00 to assist both Townships in preparing and submitting this report,

Therefore be it resolved that the Credit River Town Board hereby authorizes the clerk to work with the firm of Bonestroo, Rosene, Anderlik and Associates in completing the annual NPDES report to the MPCA for a fee not to exceed \$750.00

Witness my hand this 5th day of January 2004.

John T. Kane, Chair
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

Dan Casey made a motion to accept this resolution, Leroy Schommer offered a second, all in favor, motion carried

c) Clerk Jerry Maas presented the following Resolution 2004-03

**Township Board Resolution
2004-03**

Whereas Credit River Township owns and will operate a community sewer system in the Monterey Heights and South Passage developments and

Whereas Scott County requires an annual permit fee in order to operate this system

Therefore be it resolved that the Credit River Town Board directs the clerk and treasurer to send this permit fee to Scott County.

Witness my hand this 5th day of January 2004.

John T. Kane, Chair
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

Leroy Schommer made a motion to accept this resolution, Dan Casey offered a second, all in favor, motion carried

**Agenda Item # 2 – Discuss Resignation of John Kane as Supervisor –
Consider appointment of Interim Supervisor to Complete Term thru
March 9, 2004**

Chairman John Kane presented Clerk Maas with the following letter

January 5, 2004

Credit River Town Board
7450 Credit River Blvd.
Prior Lake, MN 55372

Gentlemen,

With a great deal of regret I wish to inform you that I have chosen not to file for re-election in the upcoming March elections.

Circumstances in my personal life are such that my wife and I have the opportunity to begin to enjoy our retirement years and we are choosing to begin to take advantage of that opportunity at this time while we both enjoy good health.

To say that I have enjoyed working with the many fine people in the elected positions as well as for the citizens of Credit River Township this past 23 years would be a great understatement and this decision has certainly been a most difficult one to make.

Through the hard efforts of these many elected officials, the Township has enjoyed a great deal of success and prosperity and I would like to think that in some small way my efforts had an impact on those successes. However, there comes a time to move on and I'm certain with the talents of the current elected officials as well as those I see coming forward, that the Township will be in good hands.

Recent years have seen a tremendous increase in the amount of work and decisions having to be made on a weekly basis. This has drastically increased the burden and time commitment on the part of each of the supervisors and required that all three of the supervisors be all of the time.

The circumstances of my personal life over the next 60 days somewhat complicate this situation in that my wife and I have the chance to begin our travels immediately. As a result, I will be out of town for the next 60 days. With that in mind, it would be my desire to see the Town Board operate at full strength during that period and if the remaining members would see fit to appoint an interim supervisor to complete my term, I would be willing to tender my resignation effective midnight on January 8th. If however, the Board would opt not to appoint this replacement it would be my intention to serve out my term and fulfill my responsibilities via the telephone as I believe it would be better than leaving the burden of the decision making upon only two active supervisors.

I await your decision, and once again thanks to the many residents of Credit River Township for their tremendous support this past two decades.

Sincerely,

John T. Kane
Chairman
Credit River Township

Several residents voiced concerns relative to Mr. Kane's letter. While there were several candidates who might qualify to serve the board in an interim capacity, many took objection that Bruce Nilsson was suggested as a possibility and that he had already filed for the position. It was thought that this might in fact give Mr. Nilsson an unfair advantage in the election.

In that John Kane will be out of town during most of the next two months, the Board accepted his resignation as Chairman. Dan Casey, Vice Chair will assume these duties until the next reorganization meeting.

After a lengthy discussion, Dan Casey made a motion to continue this item until Thursday January 8 at 7:00 to look into the appropriateness of the appointment of an interim supervisor, Leroy Schommer offered a second, all in favor, motion carried 2 – 0. (Kane abstaining).

Other Business

1. Inspection of Sewer Systems

Greg Halling pointed out that Dave Hetchler from On Site Services is spending \$350 per home in inspection time to get the system going. The developers are of the opinion that these fees are related to the individual home site and that the fees ought to be charged to them. Mr. Halling is suggesting that they be included in the building permit fee. The Board did not agree and the billing will remain the same.

2. Discuss proposed resolution 2004-04 regarding the adoption of Option A

Clerk Mass presented the following Resolution 2004-04

**Township Board Resolution
2004-04**

Whereas, a number of citizens submitted a petition on March 10, 2003 requesting that Credit River Township place on the ballot for the March 9, 2004 election, a question as to whether the Township ought to adopt Option A which specifies a 5 person Town Board, and

Whereas certain information has recently come forward that would seem to indicate that this petition might be incomplete as to form and content and

Whereas the Town Board recognizes the need for orderliness in the circulation of petitions and agrees with the need that they be properly formatted and filed correctly and

Whereas the Town Board also recognize the importance of fulfilling the wishes of the residents in matters such as this and

Whereas the Town Board does not concur as to the need for this change citing increased expenses and increased administrative entanglements and

Whereas Credit River Township previously operated under Option A until March 8, 1988 at which time the voters chose to return to the three person form of government and

Whereas the Town Board is still of the opinion that it would be unfair to deny this request based on a recently discovered technicality and

Whereas, the Town Board, has the authority under the urban powers granted it to order such a question to be placed on the ballot.

Therefore be it resolved that the Credit River Town Board hereby orders the clerk to add the question as to adopting Option A to the ballot for the March 9,2004 election and to certify same to the County Auditor by January 20,2004.

Witness my hand this 5th day of January 2004

John T. Kane, Chair
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

John Kane made a motion to adopt this resolution, Leroy Schommer offered a second, all in favor, motion carried 3 - 0.

3. **Discuss request from County for formal recommendation on Pool Fence/Cover Amendment Change.**

Clerk Maas presented the following Resolution 2004 - 05

**Township Board Resolution
2004-05**

Whereas Scott County has requested a formal recommendation from Credit River Township regarding a proposed amendment to an ordinance requiring the provision of a fence around all swimming pools on private property in the county and

Whereas the township has done extensive research regarding the proposal to allow an automatic pool cover as an alternate to this fence regulation and

Whereas this research overwhelmingly shows that national organizations such as the American Red Cross, the National Consumer Product Safety Commission, the Home Safety Council, etc. all include as the first component of insuring pool safety the requirement to provide a fence surrounding a swimming pool and

Whereas a number of national organizations such as the Home Safety Council the American Academy of Pediatrics specifically state that a pool cover ought never to replace a fence around a pool and

Whereas a number of national organizations such as the National Consumer Products Safety Commission and the pool manufacturers (installers) own trade organization, the National Spa and Pool Institute each recommend that a "layered approach" to pool safety be taken with fences as the first level of protection, pool covers as the second level of protection and pool alarms providing a third level of protection and

Whereas the Scott County Planning and Zoning Staff in studying the question have arrived at the same conclusion and in fact point out in their report that if adopted, Scott County "would be one of the first zoning regulating bodies known to staff that would eliminate the perimeter fencing requirement intended to apply to all sizes of swimming pools".

Therefore be it resolved that the Credit River Town Board recommends not making any changes in the current amendment.

Witness my hand this 5th day of January 2004.

John T. Kane, Chair
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

Dan Casey made a motion to adopt this resolution, Leroy Schommer offered a second, all in favor, motion carried 3 - 0,

4. Review Highway 75 Turn back issue discussed at the Highway Department meeting on 1/5/04.

Chairman Kane presented some information from a meeting regarding this road. There are several issues relating to the road that the county proposes to turn back to the Township. The most serious one being the fact that in its present condition, it would be the worst road we would have in our road inventory and potentially cause the township considerable expense to maintain. There are several bad spots on the road that need to be fixed immediately, there are questions that have arisen due to the County Road 21 reconstruction, there are issues related to the involvement of 3 Rivers Park District and the road.

5. Discuss status of variance request from Bob and Linda Haugen regarding request to allow a building on a 2-acre site in Section 3.

The board discussed the fact that this variance request is coming before the Planning Commission next week and it appears that little has changed that would resolve the problems with this request.

6. Discuss recommendation request from Cecil Anderson and William Feldman for Final Plat approval on Grey Fox Estates 4th Addition.

John Kane made a motion to give a recommendation of approval for this project, Dan Casey offered a second, all in favor, motion carried 3 – 0.

7. Discuss “Notice of Termination” for Fairway Woods

Clerk Maas presented a copy of the notice of termination we have received on the Fairway Woods project. This is the formal notice that the developer regards his project as “stabilized” from an erosion control standpoint and there are no longer any requirement to inspect the development by Scott Soil and Water under the NPDES program.

Discussion also took place regarding the need to set up a better system to track Letters of Credit from the various developments.

8. Status of Koestering Issue.

The board directed attorney John Roach to set up a meeting with Koestering Homes on the 195th Street drainage issue and Clerk Maas to set up meeting with Minnegasco on the same topic.

Review and Pay Bills

The Town Board approved the following claims for payment:

12/4/2003	9181	John Kane	Refund Century Hills Escrow	\$	611.90
12/4/2003	9182	John Kane	Refund Century Pond Escrow	\$	74.45
12/4/2000	9183	Prior Lake Sanitation	Pick up Road Trash	\$	181.70
12/9/2003	9184	Prior Lake State Bank	December Tax Deposit	\$	777.28
12/9/2003	9185	Transfer from General	To Valley Oaks Road Fund	\$	4,195.96
12/9/2003	9186	Transfer from General	To Casey Addition Road savings	\$	5,967.66
12/9/2003	9187	Bryan Rock Products	Chips for Ice	\$	287.17
12/9/2003	9188	Art Johnson Trucking	Grading/Snow Plowing	\$	3,912.82
12/9/2003	9189	SW Suburban Publishing	Legal Advertising-Prior Lake	\$	58.70
12/9/2003	9190	ECM Publishing	Legal Advertising-Lakeville	\$	49.50
12/9/2003	9191	Minnesota Valley Electric	Town Hall Electric Service	\$	34.00
12/16/2003	9192	Bakken Homes	Culvert Refund	\$	600.00

12/16/2003	9293	Gerold Bros Constrction	Culvert Refund	\$	1,200.00
12/16/2003	9194	McDonald Construction	Culvert Refund	\$	2,400.00
12/16/2003	9195	Jason Haus	Culvert Refund	\$	600.00
12/16/2003	9196	Tom / Sue Doering	Culvert Refund	\$	600.00
12/16/2003	9197	Scott County Treasurer	Texas Ave Street Signs	\$	588.09
12/16/2003	9198	Scott County Treasurer	Truth in Taxation Expenses	\$	336.79
12/16/2003	9199	City of Savage	Hampshire Ave Maint 2000-2003	\$	2,800.00
12/16/2003	9200	Center Point Energy	Town Hall Gas Bill	\$	77.20
12/16/2003	9201	Hanish Homes	Culvert Refund	\$	1,200.00
12/18/2003	9202	Scott Soil & Water Cons District	October Soil / Erosion Inspections	\$	2,058.75
12/18/2003	9203	Safety Signs	Handi Cap Sign at Hall	\$	21.30
12/18/2003	9204	Halling Engineering	November Engineering Bill	\$	30,880.35
12/30/2003	9205	Metro Prairie Homes	Culvert Refunds	\$	1,200.00
12/30/2003	9206	M W Johnson Construction	Culvert Refund	\$	600.00

Continuation of Meeting on January 8, 2004

Members Present: John Kane, Dan Casey

Members Absent: Leroy Schommer

Chairman Dan Casey opened the meeting at 7:22

Resident Ruth McLeod took occasion to thank Mr. Kane for all of his work over the past 23 plus years.

John Kane presented Clerk Maas with the following letter, which was read

January 8, 2004

Credit River Town Board
7450 Credit River Blvd.
Prior Lake, MN 55372

Gentlemen,

After some additional thought, I have reconsidered leaving the Township Board.

In my previous letter, I mentioned that I had great reservations about resigning in the first place because I have served the people of Credit River Township for almost 24 years and it was my feeling that this was a commitment and that as an elected official I had an obligation to fulfill this responsibility. It is very unusual for an elected official to resign and not at all unusual for an elected official to in fact be absent for a period of time. As Dan Casey observed the other evening, we all miss a meeting or two at one time or another.

Thanks to the time spent by one of our residents, it has also been brought to my attention that the manner in which the offer was presented was inappropriate which adds further weight to my decision to remain as a supervisor.

It was not my intention to cause dissention. Therefore it appears that the proper thing for me to do personally is to continue to serve on the town board. It's not worth the thought of having to recall for the rest of my life that I failed to complete my **full 24 years** after all of the hard work I've invested over this period of time. Since my previous letter became

public, I have also received a number of calls from concerned residents and a suggestion from a previous board member that I complete my term. Therefore, please disregard this previous letter, as it is my desire to retain my seat.

With this in mind, I've made arrangements for the mail to be forwarded to me, which I will carefully review and I will in fact be in touch with the other board members on day-to-day issues. However I cannot and will not vote on matters requiring board action and approval.

I of course stand by my resignation as chairman and in fact it's a matter of procedure for the vice chairman to serve in this capacity in the chairman's absence.

Sincerely,

John T. Kane
Supervisor
Credit River Township

In view of the fact that Mr. Kane's resignation was prohibited under Minnesota Statute Chapter 351.01 subd. 3, and as a result Mr. Kane withdrew his offer to resign, the board accepted Mr. Kane's most recent letter and consequently he will serve out his term through March 9, 2004.

Adjourn

There being no further business before the Town Board, John Kane made a motion to adjourn. Dan Casey offered a second, all in favor, motion carried 3-0. The meeting adjourned at 8:10 pm

Submitted By: (s/) Jerald R. Maas

Township Clerk
Credit River Township

Approved By : (s/) John T. Kane

Chairman – Board of Supervisors
Credit River Township