

# Credit River Township Meeting Minutes September 7, 2004

## Call to Order

Chairman Dan Casey called the meeting to order at 7:09

## Members Present:

Dan Casey, Leroy Schommer, Bruce Nilsen

## Others Present:

Clerk Jerry Maas, Treasurer Holly Batton, Township Engineer Greg Halling, Township Attorney Bob Ruppe.

## Minutes of the previous meeting:

Minutes of the August 2nd meeting were read. Bruce Nilsen made a motion to accept the minutes as read, Dan Casey offered a second. Motion carried 3 – 0.

## Treasurers Report:

The Treasurer's report was read. Leroy Schommer moved to accept the Treasurer's report as read, Bruce Nilsen offered a second, all in favor, motion carried 3-0.

## Agenda Items

### Sheriff's Report

No report this month

### Resident's Group Report

Pat Strachan reported that the group is still working on the resident survey and progress is slow but sure.

### Open Forum

- 1) Leroy Schommer reports that the speed limit signs were stolen once again on 170<sup>th</sup> Street.

Jerry Maas indicated that MnDot has contacted us and that they are planning a speed study as requested

Greg Halling pointed out that it had been established that 170<sup>th</sup> Street qualified to be designated as 30 mph and wonders why further speed studies need to be done.

Bob Ruppe will investigate this whole subject and report back to the township.

- 2) Leroy Schommer noted that two residents requested 30 mph signs on Killarney Ave. The Board will order a sign.

### Agenda Item # 1 – John Mesenbrink – Eagle Creek Development – Discuss Lot Plan for South Passage II

John Mesenbrink presented a lot plan for the South Passage II development. He noted that he would have been entitled to two lots under the old zoning. However, when South Passage I was approved, the re-alignment of France Boulevard and the necessary contribution of land caused a loss of needed land to meet current zoning. He noted that the county was asking for Township view on the subject.

The Board suggested that a Development Review Meeting (DRT) be set up with staff.

Bruce Nilsen made a motion to approve the South Passage II Developers Agreement contingent on review and approval by the Township Attorney. Leroy Schommer offered a second. All in favor, motion carried 3 – 0.

## **Agenda Item # 2 – Dave Hetchler – On-Site Services of Minnesota – Report on the Community Sewer Installations**

Mr. Hetchler appeared to present a report on current status of the installations. Tank installations on four home-sites are now approved.

An issue came up with a large boulder retaining wall being installed very close to the tank on a residence. Bob Ruppe noted that the revised ordinance will need to address this issue.

Al Maas, a township resident and homebuilder, suggested that we check with the tank manufacturers as to recommended distances and load limits. The Board asked Mr. Hetchler to follow-up and report back to the Township.

Mr. Hetcher also gave an example of gaskets that leak and allow water intrusion from rain and sprinkler systems. He has ordered a new style of gaskets that will be retrofitted.

Mr. Hetchler also presented a “Welcome Letter” designed to go to Homeowners describing the sewer system. Mr. Ruppe asked that a copy be sent to his office for review and suggestions prior to implementation.

Mr. Hetchler also pointed out that MPCA is asking for UV protection on the liners. The board asked that this be pursued.

He further noted that the Monterey Heights system needs to be winterized pending its scheduled start date. The manufacturer recommends compressed air and a washer solution be used.

Resident Greg Brown asked if the residents are receiving copies of the ordinance.

The answer was that they are not. Mr. Hetchler pointed out that they are proposing a package of materials be provided the homeowners and Jerry Maas asked that two copies of the entire package be provided the township, one for us and one for the attorney.

Leroy Schommer made a motion that this meeting be recessed in favor of re-convening the Annual Meeting for the purpose of setting the Levy Rates for 2005. Bruce Nilsen offered a second, motion carried 3 – 0. The meeting was recessed at 8:34

## **Reconvene Annual Meeting**

The Annual Meeting was reconvened at 8:40 pm. Clerk Jerry Maas called for nominations for a moderator.

Bob Masters nominated Pat Strachan, Greg Brown seconded. All in favor by voice vote Pat Strachan assumed the duties of moderator.

Clerk Jerry Maas and Treasurer Holly Batton presented a summary of the Levy amounts for the last 4 years. They also submitted recommendations for the Fire and Road/Bridge Funds that are determined first buy contract and second by minimum amounts necessary to receive a portion of the gas tax.

They also presented a list of potential areas that would require some level of funding in 2005.

## **Fire Fund**

Bob Masters made a motion to approve the Fire Protection Fund at \$ 108,254.00. Carolyn Schulte offered a second, Motion carried by voice vote

## **Road and Bridge Fund**

Carolyn Schulte made a motion to approve the Road and Bridge Fund at \$ 211635.00. Bob Masters offered a second. Motion carried by voice vote

### **General Fund:**

A discussion took place on several topics related to growth in the township and the resulting needs for funding.

Holly Batton presented some information regarding some exploratory funds that could be used to look at building a new town hall.

Pat Strachan presented a case for improved police protection.

Bob Masters moved to accept the proposal to allocate \$5000 to investigate a new Town Hall. Dr Mohammed El Deeb seconded. Motion passed by voice vote.

Al Maas moved to accept the proposal to allocate \$ for possible increased staff. Dr Mohammed El-Deed seconded. Motion passed by voice vote.

Bob Masters moved to accept all but public safety, Dan Casey seconded. Motion carried by voice vote.

Les Kanoke moved to accept the proposal to allocate \$45,000 for increased Public Safety. The motion was seconded by \_\_\_\_\_. The motion failed by a show of hands, seven (7) in favor, nine (9) opposed.

Pat Strachan called for a motion to set the Levy for the General Fund at \$ 167,000.00. Bruce Nilsen made that motion, Bob Masters seconded. The motion passed by a voice vote.

Bob Masters offered a motion to close the annual meeting, John Fredericks offered a second.

Discussion, Ruth McLeod voiced an objection to transferring money from the Park Fund. She also noted that some of the parks are in a state of disarray and she wanted it noted.

Moderator Strachan called for a vote on the motion to close the meeting. All in favor by voice vote.

The Annual Meeting was closed at 9:44 pm.

## **Reconvene the regular meeting**

Bruce Nilsen made a motion to re-convene the regular meeting. Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

The regular meeting was re-convened at 9:48 pm

## **Agenda Item # 3 – Discussion of Longview Lane paving project with On-Site Marketing**

Ted Kowalski of On Site Marketing appeared to discuss the premature paving of Longview Lane. Mr. Kowalski explained that the road was paved in accord with the original plan and that they failed to recall that the Township needed to be notified prior to actual work being done.

Greg Halling calculated from the gravel tickets that there is an approximate 53-ton shortfall out of 974 tons required. Halling Engineering took 3 core samples, one of which is deficient

It was noted that no rock has been added since the development began. Also it is estimated that approximately 1 inch has been removed due to snow maintenance operations. Mr. Halling expressed his opinion that there are no soft spots.

Mr. Halling calculated that there is approximately a \$4500 dollar shortfall caused by gravel and blacktop deficiencies.

Mr. Kowalski suggested that a 1-inch lift be required of the contractor, the board felt this would be acceptable. It was also suggested that some shouldering be done.

#### **Agenda Item # 4 – Dr. Mohammed El-Deeb – Request variance from road setback – Conditional Use Permit for Public Riding Arena**

Dr. Mohammed El Deeb presented some information as to the history of Cross Creel Farm. He noted that he had been operating a public stable with a Conditional Use Permit (CUP). The operation consisted of two buildings, an indoor arena and a stable. The stable was located 50 feet from the lot line. Within the past two years there was a large fire and the stable was lost.

When he looked at replacing the stable, he found that the setback requirements had changed. He is now proposing to replace both of the buildings with a single structure.

Leroy Schommer asked about public bathrooms. Dr El Deeb noted that they are provided and in fact are going to be equipped for handicapped access.

Dan Casey asked about how many people would be in the facility at one time. Dr. El Deeb suggested no more than ten persons at a time. It is his intention to board about 10 horses. In addition he will board the six or seven that he personally owns. Dr. El Deeb assured the board that under no circumstances would there be more than 20 horses on the property.

Sue Feigel, resident of 17110 Judicial Road, noted that it has been her observation over 15 years that a considerable number over 20 horses has been seen on the site even while the current conditional use permit allowed only 20 horses. Dr. El Deeb responded that he was unaware of the requirement and has since taken steps to comply.

The Board expressed concern over the manure management issues on the site. Dr. El Deeb stated that a contract is in place to address this issue.

There were also concerns over the ability to provide suitable pasturage for 20 horses without completely eliminating all grasslands on the property.

In view of some of the open questions, the Board agreed to provide a recommendation to the Scott County Board of Adjustment on the setback request, but withheld their recommendation on the request to revise the CUP until the County Planning Commission meeting on the 13<sup>th</sup> of September.

#### **Agenda Item # 5 – Discuss Street Cleaning and Sweeping Policy**

Bruce Nilsen presented some revisions to the proposed policy. Attorney Ruppe will update. Clerk Maas will email copy of the policy to Mr. Ruppe.

Bruce Nilsen made motion to adopt policy contingent on attorneys revisions, Leroy Schommer seconded, all in favor, motion carried 3 – 0.

#### **Agenda Item # 6 – Discussion of Road Certification – West Side Drive / Pebble Brook Court**

There was a discussion concerning the language in the certification letter provided by the Township Engineer regarding the re-construction of West Side Drive and Pebble Brook Court. Engineer Halling noted that his insurance advisors had cautioned him about providing this absolute certification due to liability concerns. Attorney Ruppe noted that the statute required the language indicated. Engineer Halling agreed to sign the certification with the language requested.

## Other Business

**1)** Set Public Hearing – Assessments for France Blvd / France Court

Clerk Jerry Maas will assemble the required cost information. Tentatively we will look for setting a meeting on October 7<sup>th</sup> or 14<sup>th</sup>.

Leroy Schommer made motion to ask Greg Halling to prepare the assessment roles. Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

**2)** Discuss road ROW issues on France Blvd / France Court

Resident Don Kretzmann has expressed some concerns about the condition of the road right of way following construction and about the future maintenance of this road in view of the edge of the road being closer to some of his trees

Greg Halling agreed to investigate these concerns and report back to the board.

**3)** Discuss Tree Cutting request on Judicial Road

Resident Jack Armstrong points out that on 9/13/04 Judicial will absorb increased traffic because of the County Road 21 detour. He was concerned about overhanging trees in the road right of way that might be a safety issue.

In view of the contract we have with the City of Lakeville and the fact that Dakota County is requesting the detour, the board directed Clerk Maas to call the Dakota County project manager, John Sass, and see if they have any plans to trim these trees.

In the interim, Dan Casey indicated he would investigate some alternatives

**4)** Discuss 180<sup>th</sup> Street Easements

Attorney Bob Ruppe indicated that he found it necessary to revise the easement agreements with the Dahl/Feldman family and that he was working out the details with their attorney. Dan Casey made a motion to adopt these changes. Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

The Board expressed a concern as to the final design of the 180<sup>th</sup> street road and noted that it must meet the Township standards. They asked Clerk Jerry Maas to contact Dan Jobe at the Highway Department to arrange a review of this design.

**5)** Advertise for Bids for Snow Plowing Contract

The Board directed Clerk Maas to place a notice in the paper for this work. They asked that he include a statement as to the equipment required to satisfactorily complete this job.

**6)** Wastewater Workshop

Bridget Chard is asking that we schedule a meeting to review SSD and Community Sewer options. It was decided that an evening meeting would work with a 5:00 pm start time. Clerk Maas to arrange.

**7)** Sales Tax

A question was recently raised as to whether the Township has an obligation to pay sales tax. Treasurer Batton reported that her investigations have shown that we do pay sales tax. However, gravel used in the Township is excluded.

**8)** Town Hall Maintenance Needs

Leroy Schommer will get the new windows installed in the next 30 days. Dan Casey will get the floors cleaned in time for the primary elections on the 14<sup>th</sup> of September.

**9) Magazine solicitors**

Holly Batton brought up the fact that there have been several residents who have expressed a concern with the increased number of door-to-door sales people working in the Township. She asked if an ordinance controlling these might be in order.

A discussion took place whereby some concerns about the ability to enforce such an ordinance might be difficult. It was also noted that this might impact some local efforts at fund-raising such as school activities and the various scouting projects.

Attorney Ruppe indicated that he would look into the trespassing ordinance.

**Review and Pay Bills**

The Town Board approved the following claims for payment:

8/3/2004	2133	Anchor Bank	Tax Deposit	\$	881.32
8/3/2004	2134	Scott Soil & Water	E and S Inspections	\$	2,349.00
8/19/2004	2135	Halling Engineering		\$	24,548.00
8/19/2004	2136	Election Systems & Software	1 Voting Stand	\$	108.08
8/19/2004	2137	CenterPoint Energy	Town Hall Gas Bill	\$	9.59
8/19/2004	2138	Safety Signs	Horse Crossing Signs	\$	570.00
8/19/2004	2139	Scott County Treasurer	Special Assessment Input	\$	15.00
8/19/2004	2140	ECM Publishers	Lakeville Advertising	\$	330.00
8/19/2004	2141	SW Suburban Publishing	Orior Lake Advertising	\$	527.95
8/19/2004	2142	Bridget Chard	Consulting Fees	\$	653.25
8/19/2004	2143	McWilliams & Associates	Refund Bldg Permit	\$	3,375.00
9/7/2004	2144	Void		\$	-
9/7/2004	2145	Mihm Custom Homes	Access Refund/Office Equipment	\$	300.00
9/7/2004	2146	John Mahoney	Access Refund/Office Equipment	\$	1,200.00
9/7/2004	2147	John Pierce	Access Refund/Office Equipment	\$	600.00
9/7/2004	2148	Michael Meyer	Access Refund/Office Equipment	\$	300.00
9/7/2004	2149	M W Johnson Construction	Access Refund/Office Equipment	\$	300.00
9/7/2004	2150	J B Woodfitter	Access Refund/Office Equipment	\$	1,800.00
9/7/2004	2151	McDonald Construction	Access Refund/Office Equipment	\$	1,800.00
9/7/2004	2152	Halling Engineering	Engineering Work	\$	5,889.50
9/7/2004	2153	Jerry Maas	August Expenses	\$	195.78
9/7/2004	2154	Scott Soil & Water	Erosion & Sediment Inspections	\$	2,127.25
9/7/2004	2155	Holly Batton	Expense Reimbursements	\$	78.85
9/7/2004	2156	R J Rykken Consulting Inc	Soil Borings	\$	3,012.00
9/7/2004	2157	New Market Bank	Interest on Loan 113601	\$	798.81
9/7/2004	2158	Election Systems & Software	14 Voting Stands (Used)	\$	1,509.76
9/7/2004	2159	Edw Kraemer & Sons	Lime stone	\$	2,143.36
9/7/2004	2160	Xcel Energy	Electricity - St Francis Street Light	\$	11.33
9/7/2004	2161	Scott County Treasurer	Salt/Sand - 2004 First Half	\$	1,028.55
9/7/2004	2162	MVEC	Joint Lift Stat- S Passage/Mont Hgts	\$	23.24
9/7/2004	2163	On Site Services of Minnesota	S Passage/Monterey Hgts Sewer Main t	\$	5,389.99
9/7/2004	2164	ECM Publishing	Lakeville Legal Advertising	\$	276.38
9/7/2004	2165	Art Johnson Trucking	Blade/Grade Roads	\$	638.00
9/7/2004	2166	Dennis Karow	Park Lawn Care	\$	1,091.63

9/7/2004	2167	Wensmann Homes	Access Refund/Office Equipment	\$	300.00
9/7/2004	2168	MVEC	Electricity - Town Hall	\$	31.00
9/7/2004	2169	SW Suburban Publishing	Legal Advertising-Prior Lake	\$	315.04
9/7/2004	2170	Anchor Bank	August Withholding Taxes	\$	896.62
9/7/2004	2171	Bruce Nilsen	Services as Supervisor	\$	655.68
9/7/2004	2172	Leroy Schommer	Services as Supervisor	\$	868.09
9/7/2004	2173	Holly Batton	Services as Treasurer	\$	978.91
9/7/2004	2174	Dan Casey	Services as Supervisor	\$	397.10
9/7/2004	2175	Jerald Maas	Services as Clerk	\$	2,539.62
9/7/2004	2176	Bruce Nilsen	Expenses	\$	20.00
9/7/2004	2177	Gallagher's Inc	Black Dirt	\$	20.24
9/7/2004	2178	Grassland Central	Grass Seed	\$	71.25
9/7/2004	2179	Integra Telecom	Phone Services	\$	282.92

## Adjourn

There being no further business before the Town Board, Bruce Nilsen made a motion to adjourn. Leroy Schommer offered a second, all in favor, motion carried 3-0. The meeting adjourned at 12:38 pm.

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Submitted By: (s/) Jerald R. Maas

Township Clerk  
Credit River Township

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Approved By : (s/) Dan Casey

Chairman – Board of Supervisors  
Credit River Township