

Credit River Township Meeting Minutes December 6, 2004

Call to Order:

Chairman Dan Casey called the meeting to order at 7:05 pm

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:

Chairman Casey noted a change in the November Meeting minutes as presented regarding the intention of the Township to borrow money to reimburse itself for the France Blvd. paving project.

Chairman Casey then called for a motion to accept the minutes from the October 4th and revised November 1st meetings.

Leroy Schommer made this motion. Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Treasurers Report:

The Treasurer's report was submitted. Bruce Nilsen made a motion to accept as presented. Leroy Schommer offered a second. All in favor, motion carried 3 – 0.

Agenda Items

Sheriff's Report

Captain Kevin Studnicka appeared to present the report for the month of November. He noted that there was only one hunting complaint this year which he indicated was unusual. In addition, there were 7 car accidents and once again 20 percent of the total calls were related to security alarms, most of which were false.

Captain Studnicka noted that a plan is in process to access cost of these false alarms to either the homeowner or the security company.

Resident's Group Report

Jim Kohout representing the Citizens Advisory Group (CAG) inquired as to the status of the Resident Survey presented to the Board at the previous meeting. It was suggested that new consulting company retained by the Township get involved with a review.

It was also noted that the County is planning a county-wide survey in February and that it might be possible to coordinate the Township questions with those of the county.

Mr. Kohout also noted that the December meeting of the CAG is set for the 14th instead of the 21st.

Open Forum

- 1) A number of residents from Huntington Way were present and asked about rumored improvements to their road. Chairman Casey noted that seal coating and/or patching might be in order

Agenda Item # 1 – Approve Resolution 2004-15 for expenditure of \$17,600 to replace street signs at 88 intersections.

Scott County is planning on a major replacement project for all county road signs in 2005 with a view toward improving the visibility and safety features of the signs. They have asked if Credit River would like to participate in a joint venture to replace Township road signs at the same time. With this in mind, Clerk Jerry Maas presented the following resolution for the Boards consideration:

**Township Board Resolution
2004-15
December 6, 2004**

Whereas Scott County has proposed to replace street signs on both County and Township roads throughout rural Scott County as described in the County's proposal for CP 2004-Streetsigns and,

Whereas the Credit River Township would receive a cost benefit by participating in a joint replacement program with Scott County and

Whereas Scott County has prepared an agreement between said county and Credit River Township to carry out the replacement of all township street signs,

Therefore be it resolved this 6th day of December, 2004, that the Credit River Town Board hereby agrees to enter into this agreement with Scott County to replace street signs at 88 intersections within the Township.

Dan Casey, Chairman
Credit River Township

Attest:

Jerald R. Maas
Clerk
Credit River Township

Bruce Nilsen made a motion to adopt this resolution. Leroy Schommer offered a second. All in favor, motion carried 3 – 0.

Agenda Item # 2 – Approve application from Heritage Links Golf Club for On-Sale Liquor License

Clerk Jerry Maas presented the following resolution 2004 – 10

**Township Board Resolution
2004-10**

Whereas, the Town Board of Supervisors of Credit River Township in the County of Scott, Minnesota have considered the matter of an application

to Scott County by Heritage Links Golf Club, for an On-Sale Intoxicating Liquor License;

NOW THEREFORE BE IT RESOLVED by the Credit River Town Board of Supervisors that pursuant to MSA 340.11, the Board supports the granting of an On-Sale Intoxicating Liquor License by Scott County to Heritage Links Golf Club.

BE IT FURTHER RESOLVED, that copy of this resolution is transmitted to the applicant and the Scott County Customer Service office.
Witness my hand this 6th day of December, 2004.

Jerald R. Maas
Clerk

Dan Casey
Township Chair

Leroy Schommer made a motion to adopt the Resolution 2004-10. Bruce Nilesn offered a second. All in favor, motion carried 3 – 0.

Agenda Item # 3 - Troy Friedges - Request Recommendation for Preliminary and Final Plat Approval for Friedges Western Sunset Addition – Convert 10 acre parcel on Vernon Ave into 2 lots.

Following Mr. Friedges presentation, the Board agreed to recommend the approval of both the Preliminary and Final Plats for this project with the following conditions:

- 1) Mr. Friedges pay the \$500 lot fee plus the \$2200 turn lane fee
- 2) Mr. Friedges provide a certificate of no loss regarding wetland impact and,
- 3) Mr. Friedges immediately submit a \$500 payment to the Township escrow account and
- 4) That the permanent easement establishing the shared driveway be recorded with a copy to the township.

Agenda Item # 4 - Steven Palmer - Request Recommendation for Preliminary and Final Plat Approval for Cole's Landing – Convert 10 acre parcel on Huntington Way into 2 lots.

Steven Palmer, resident of Huntington Way presented his plan to subdivide his 10 acre parcel into 2 lots.

Don Knoff, resident of 27011 Huntington Way, presented a petition from the neighbors opposing the proposed plat. He noted that the recorded neighborhood covenants established in 1986 prohibit sub-dividing parcels. Furthermore, it is the general consensus of the neighbors that this plan conflicts with the current neighborhood character. He also noted that the road is in poor condition, partly caused by the construction of a new driveway on the Palmers Property earlier this year and he is asking that the Palmers provide a new road.

Several other residents voiced their opposition to this project based on the fact that they feel the "rural feel" will be lost and that further damage to the road will result.

After some discussion, the Town Board took no action pending review of the neighborhood covenants.

Agenda Item # 5 – Michael Hallblade – Request Recommendation for Preliminary Plat Approval – for Stonegate – 11 lots off 195th Street and Judicial Road

Property owners Michael Hallblade and Ward Larson along with John Wingate, engineer for the James R. Hill Co. appeared to describe their project.

Greg Halling noted that he previously made several suggestions related to some of the drainage piping that have already been incorporated. He further noted that drainage problems exist to the north of the project that will need to be addressed. He also noted that a Certificate of No Loss would be required as respects wetlands.

Al Aspengren, resident of Towering Oaks Trail, noted that drainage will have an impact of the wetland behind his home as wants to be sure it's properly addressed. He also noted that there formerly was a "dumpsite" in the vicinity and wondered if that had been checked out.

Mr. Hallblade noted that at one time it was a storage site for junk cars. It has been properly cleaned up and EPA has approved the cleanup.

Mr. Halling suggested a workshop with the developer and the Town Board might be in order to work out the drainage issue.

The Board agreed to give a favorable recommendation to approve the preliminary plat for this project subject to the following condition:

- 1) That the developer address the stormwater issues

Agenda Item # 6 – Discuss Resolution 2004-14 on Certificate of Debt for France Blvd / France Court Road Improvement Project

Clerk Jerry Maas presented Resolution 2004-14 as follows:

**Township Board Resolution
2004-14
Credit River Township, Scott County, Minnesota
December 6, 2004**

Pursuant to due call and notice thereof, a special meeting of the Town Board of the Town of Credit River, Minnesota, was duly held in the Town Hall in said Town on Monday, December 6, 2004, commencing at 7:00 o'clock P.M.

The following members were present:

Chairman Dan Casey, Leroy Schommer, Bruce Nilesn

and the following were absent:

None

Member Leroy Schommer then introduced the following resolution, and moved its adoption:

RESOLUTION NO. 2004-14

A RESOLUTION AWARDDING THE SALE OF \$100,000
GENERAL OBLIGATION CERTIFICATES OF INDEBTEDNESS,
SERIES 2004; FIXING ITS FORM AND SPECIFICATIONS;
DIRECTING ITS EXECUTION AND DELIVERY;
AND PROVIDING FOR ITS PAYMENT

BE IT RESOLVED By the Town Board of the Town of Credit River, Scott County, Minnesota (the "Town") as follows:

Section 1. Sale of Note.

1.01. The Town has entered into or intends to enter into contracts for the 2004 France Boulevard Road Project (the "Project") at an estimated cost in excess of \$100,000 ("Cost"). The Town is authorized by Minnesota Statutes, Section 366.095 (Act) to issue and sell its General Obligation Certificates of Indebtedness (the "Certificate") to finance a portion of the Cost. The market value of all taxable property in the Town is \$557,000,000. New Market Bank, New Market, Minnesota, (the "Purchaser") has offered to purchase the Certificate of the Town to finance the Project Costs.

1.02. The Town will forthwith issue and sell the Certificate to Purchaser in the total principal amount of \$100,000, originally dated as of the date of delivery (estimated to be January 15, 2005 bearing interest at the rate of 3.50% per annum to maturity, and maturing on the dates and years and installment amounts as follows:

<u>Year</u>	<u>Amount</u>
June 1, 2005	\$
December 1, 2005	
June 1, 2006	
December 1, 2006	
June 1, 2007	
December 1, 2007	
June 1, 2008	
December 1, 2008	
June 1, 2009	
December 1, 2009	

1.03. Redemption. The Certificate is subject to optional redemption at the election of the Town, in whole but not in part, on any payment date, for an amount equal to the installment payment then due, plus the After Payment Termination Value stated in Attachment A hereto.

Section 2. Form: Registration and Payment.

2.01. Registered Form. The Certificate will be issued as one or more typewritten certificates, numbered R-1 upward as requested by the Purchaser, only in fully registered form. The interest thereon and the principal amount thereof, is payable by check or draft issued by the Registrar.

2.02. Dates; Interest Payment Dates. The Certificate will be dated as of date of delivery. The interest on the Certificate is included in the installment payments set out in Section 1.02.

2.03. Registration. The Town appoints the Town Treasurer as certificate registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the Town and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at the Registrar's principal office a certificate register in which the Registrar provides for the registration of ownership of the Certificate and the registration of transfers and exchanges of certificates entitled to be registered, transferred or exchanged.

(b) Transfer of Certificates. Upon surrender for transfer of the Certificate duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new notes of a like aggregate principal amount and maturity, as

requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Persons Deemed Owners. The Town and the Registrar may treat the person in whose name a Certificate is registered in the bond register as the absolute owner of the Certificate, whether the Certificate is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Certificate and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Certificate to the extent of the sum or sums so paid.

(d) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of certificates sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

2.04. Execution, Authentication and Delivery. The Certificate will be prepared under the direction of the Town Clerk and executed on behalf of the Town by the signatures of the Chair and the Town Clerk. If an officer whose signature or a facsimile of whose signature appears on the Certificate ceases to be such officer before the delivery of the Certificate, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. When the Certificate has been so prepared, executed and authenticated, the Town Clerk will deliver the same to the Purchaser upon payment of the purchase price, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Certificate.

3.01. The Certificate will be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF SCOTT
TOWN OF CREDIT RIVER

GENERAL OBLIGATION CERTIFICATES OF INDEBTEDNESS,
SERIES 2004

The Town of Credit River, Minnesota, a duly organized and existing municipal corporation in Scott County, Minnesota (the "Town"), acknowledges itself to be indebted and for value received hereby promises to pay to New Market Bank, New Market, Minnesota or its registered assigns the principal sum of \$100,000, bearing interest at the rate of 3.50% per annum to maturity in the years and installment amounts as follows:

<u>Year</u>	<u>Amount</u>
June 1, 2005	\$
December 1, 2005	
June 1, 2006	
December 1, 2006	
June 1, 2007	
December 1, 2007	
June 1, 2008	
December 1, 2008	
June 1, 2009	
December 1, 2009	

with interest thereon from the date hereof at the annual rate specified above, payable June 1 and December 1 in each year, commencing June 1, 2005. The payments hereof are payable in lawful money of the United States of America by the Town Clerk as Certificate Registrar and paying agent. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the Town have been and are hereby irrevocably pledged.

The Certificate is subject to optional redemption at the election of the City, in whole but not in part, on any payment date, for an amount equal to the installment payment then due, plus the After Payment Termination Value stated in Attachment A hereto.

This Certificate is issued pursuant to a resolution adopted by the Town Board on December 6, 2004 (the "Resolution"), for the purpose of providing money to defray expenses incurred or to be incurred in the Town, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, section 366.095, and the principal hereof and interest hereon are payable primarily from ad valorem taxes, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the Town are irrevocably pledged for payment of this Certificate and the Town Board has obligated itself to levy additional ad valorem taxes on all taxable property in the Town in the event of any deficiency, which taxes may be levied without limitation as to rate or amount.

As provided in the Resolution and subject to certain limitations set forth therein, this Certificate is transferable upon the books of the Town at the principal office of the Certificate Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Certificate Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for notes of other authorized denominations. Upon such transfer or exchange the Town will cause a new certificates or Certificate to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The Town and the Certificate Registrar may deem and treat the person in whose name this Certificate is registered as the absolute owner hereof, whether this Certificate is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Town nor the Certificate Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Certificate in order to make it a valid and binding general obligation of the Town in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Certificate does not cause the indebtedness of the Town to exceed any constitutional or statutory limitation of indebtedness.

The Town Board has designated this Certificate as a "qualified tax exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") relating to disallowance of interest expense for financial institutions and within the \$10 million limit allowed by the Code for the calendar year of issue.

IN WITNESS WHEREOF, the Town of Credit River, Scott County, Minnesota, by its Town Board, has caused this Certificate to be executed on its behalf by the manual signatures of the Chair and Town Clerk and has caused this Certificate to be dated as of the date set forth below.

Dated: _____, 2004

MINNESOTA TOWN OF CREDIT RIVER,

Town Clerk

Chair

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Certificate has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of the Town Treasurer</u>
_____	New Market Bank Federal ID # _____	_____

Section 4. Payment; Security; Pledges and Covenants.

4.01. The Certificate is payable from the General Obligation Certificates of Indebtedness, Series 2004 Debt Service Fund (the "Debt Service Fund") hereby created, and the proceeds of the ad valorem taxes hereinafter levied are pledged to the Debt Service Fund. If a payment of principal or interest on the Certificate becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the Town Treasurer must pay such principal or interest from the general fund of the Town, and the general fund may be reimbursed for those advances out of the proceeds of the taxes levied by this resolution, when collected.

4.02. For the purpose of paying the principal of and interest on the Certificate, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the Town, which will be spread upon the tax rolls and collected with and as part of other

general taxes of the Town. The tax will be credited to the Debt Service Fund above provided and will be in the years and amounts as follows (year stated being year of levy for collection the following year):

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
2004	2005	\$
2005	2006	
2006	2007	
2007	2008	
2008	2009	

In order to pay the installment maturity due on June 1, 2005, there is irrevocably appropriated to the Debt Service Fund the sum of \$_____ which the Town may reimburse itself for from the proceeds of the taxes levied by this section.

4.03. It is determined that the estimated collection of the foregoing taxes will produce at least five percent in excess of the amount needed to meet when due, the principal and interest payments on the Certificate. The tax levy herein provided is irrevocable until the Certificate is paid, provided that at the time the Town makes its annual tax levies, the Town Clerk may certify to the County Auditor of Scott County the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the County Auditor will thereupon reduce the levy collectible during such year by the amount so certified.

4.04. The Town Clerk is authorized and directed to file a certified copy of this resolution with the County Auditor and to obtain the certificate required by Minnesota Statutes, Section 475.63.

Section 5. Authentication of Transcript.

5.01. The officers of the Town are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Certificate, certified copies of proceedings and records of the Town relating to the Certificate and to the financial condition and affairs of the Town, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Certificate, and such instruments, including any heretofore furnished, will be deemed representations of the Town as to the facts stated therein.

5.02. It is determined that no official statement or prospectus has been prepared or circulated by the Town in connection with the sale of the Certificate and that the Purchaser has made its own investigation concerning the Town as set forth in an investment letter of even date, receipt of which is hereby acknowledged.

Section 6. Tax Covenant.

6.01. The Town covenants and agrees with the holders from time to time of the Certificate that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Certificate to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Certificate.

6.02. (a) The Town will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Certificate under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Certificate, and the rebate of excess investment earnings to the United

States if the Certificate (together with other obligations reasonably expected to be issued in calendar year 2004) exceed the small-issuer exception amount of \$5,000,000.

(b) For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements, the Town finds, determines and declares that the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town (and all subordinate entities of the Town) during the calendar year in which the Certificate is issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(C) of the Code.

6.03. The Town further covenants not to use the proceeds of the Certificate or to cause or permit them or any of them to be used, in such a manner as to cause the Certificate to be a "private activity bond" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. In order to qualify the Certificate as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the Town makes the following factual statements and representations:

(a) the Certificate is not a "private activity bond" as defined in Section 141 of the Code;

(b) the Town designates the Certificate as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the Town (and all subordinate entities of the Town) during calendar year 2004 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the Town during calendar year 2004 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. The Town will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

ATTACHMENT A

AFTER PAYMENT TERMINATION VALUE

<u>Payment Due Date</u>	<u>After Payment Termination Value</u>
June 1, 2005	\$
December 1, 2005	
June 1, 2006	
December 1, 2006	
June 1, 2007	
December 1, 2007	
June 1, 2008	
December 1, 2008	
June 1, 2009	
December 1, 2009	

The motion made by Leroy Schommer for the adoption of the foregoing resolution was duly seconded by Board Member Bruce Nilsen and upon vote being taken thereon, the following voted in favor thereof:

Dan Casey
Leroy Schommer
Bruce Nilsen

and the following voted against the same:

None

whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
)
COUNTY OF SCOTT) SS.
)
TOWN OF CREDIT RIVER)

I, the undersigned, being the duly qualified and acting Town Clerk of the Town of Credit River, Scott County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a special meeting of the Town Board of the Town held on December 6, 2004 with the original minutes on file in my office and the extract is a full, true, and correct copy of the minutes insofar as they relate to the issuance and sale of \$100,000 General Obligation Certificates of Indebtedness, Series 2004 of the Town.

WITNESS My hand officially as such Town Clerk and the corporate seal of the Town this 6th day of December, 2004.

Town Clerk
Town of Credit River, Minnesota

(SEAL)

STATE OF MINNESOTA

COUNTY OF SCOTT

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CEF
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I, the undersigned County Auditor of Scott County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the Town of Credit River, Minnesota, on December 6, 2004, levying taxes for the payment of \$100,000 General Obligation Certificates of Indebtedness, Series 2004 of said municipality dated as of delivery to the purchaser, has been filed in my office and the Certificate has been entered on the register of obligations in my office and that such tax has been levied as required by law.

WITNESS My hand and official seal this ___ day of _____, 2005.

County Auditor
Scott County, Minnesota

(SEAL)

By _____
Deputy

Agenda Item # 7 – Discuss Questionnaire as Proposed by Citizen Advisory Group at previous meeting

At the previous meeting, the Citizen’s Advisory Group (CAG) submitted a proposed questionnaire intended to be mailed to each Township resident with a view to gathering information on preferences for input to the 2025 Comp Plan as well as offering some ideas on the desired future direction of Credit River Township.

The board is agreeable to mailing this questionnaire with the condition that the newly contracted consulting group (NAC) provide a review and that the CAG give consideration to a pending survey being conducted by Scott County on similar issues.

Agenda Item # 8 – Continue the Public Hearing on the Ordinance Amendment for Monterey Heights / South Passage SSD.

Dan Casey re-opened the public hearing that had been recessed at the previous meeting

Bridget Chard presented Draft # 3 or the ordinance proposal with the revisions discussed at the previous meeting.

**CREDIT RIVER TOWNSHIP
SCOTT COUNTY, MINNESOTA
ORDINANCE NO. 2004 - 01**

**ORDINANCE GOVERNING THE “MONTEREY HEIGHTS AND SOUTH
PASSAGE” ENVIRONMENTAL SUBORDINATE SERVICE DISTRICTS
WASTE WATER COLLECTION SYSTEMS**

THE TOWN BOARD FOR THE TOWN OF CREDIT RIVER, SCOTT COUNTY,
MINNESOTA, HEREBY ORDAINS:

SECTION ONE

AUTHORITY

The Credit River Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapter 365A, Chapter 115.50, and Chapter 444 enacts the following Rules and Regulations to govern the Monterey Heights and South Passage Environmental Subordinate Service Districts for the health, safety and welfare of the users and members of Credit River Township.

SECTION TWO

INTRODUCTION

The Monterey Heights Environmental Subordinate Service District was created on December 3rd, 2001, and the South Passage Environmental Subordinate Service District was created on July 4th, 2002, hereinafter called DISTRICTS, under Minnesota Statutes, Chapters 365A, 115.50, and 444.

The Monterey Heights Environmental Subordinate Service District (DISTRICT) will operate for the residents in that part described herein below and graphically depicted on the attached Exhibit A:

The West ½ of the NW ¼ of Section 34, Township 114, Range 21, Scott County, Minnesota and the North 90.08 feet of that part of the NW ¼ of the SW ¼ of Section 34, Township 114, Range 21, Scott County, Minnesota, lying West of the East 66 feet thereof and lying East of the West 681.85 feet thereof. EXCEPT: the East 66 feet of that part of the SW ¼ of the NW ¼ of Section 34, Township 114, Range 21, Scott County, Minnesota, lying southerly of the center line of Scott County Highway Number 8, as laid out and traveled. AND EXCEPT: That part of the SW ¼ of the NW ¼ of Section 34, Township 114, Range 21, Scott County Minnesota, described as follows: Commencing at the intersection of the west line of the east 66 feet of the SW ¼ of the NW ¼ and the centerline of County State Aid Highway Number 8; thence South 00 degrees 12 minutes 12 seconds West, assumed bearing, along said West line of the East 66 feet, a distance of 34.30 feet to the actual point of beginning; thence South 00 degrees 12 minutes 12 seconds West, continuing along said West line, a distance of 81.54 feet; thence North 53 degrees 08 minutes 21 seconds West, a distance of 98.04 feet to a line drawn 33.00 feet southeasterly of and parallel with the centerline of County State Aid Highway Number 8; thence northeasterly, along said parallel line, a distance of 81.95 feet to the point of beginning.

The South Passage Environmental Subordinate Service District (DISTRICT) will operate for the residents in that part of area described herein below and graphically depicted on the attached Exhibit B:

That part of the East ½ of the NW ¼ of Section 34, Township 114, Range 21, Scott County, Minnesota, lying northerly of County Road No. 8, consisting of 49.8 acres.

The DISTRICTS are under the control and management of the Credit River Township Board of Supervisors (BOARD).

SECTION THREE

DEFINITIONS

The following words and phrases when used in the definitions in this Section and when otherwise used in this document shall have the meanings ascribed to them in this Section, unless the context otherwise clearly indicates. The following words shall have these meanings; “may” or “should” mean permissive and “shall” or “will” are required.

- 3.1.1.1.1. **ADDITIVES** – Product(s) added to the wastewater or to the system with the intent to improve the performance of an individual’s sewage treatment system.
- 3.2. **BASE CONNECTION CHARGE** – The Base Connection Charge represents the capitalization costs for a USER

who connects in the **COMMON PORTION** of the **DISTRICT CSTS SYSTEMS**.

- 3.3 **BOARD** - The Credit River Township Board of Supervisors.
- 3.4. **COMMON PORTION** -The common wastewater collection system; that portion which begins at the shut-off valve at each property for the connection of each **USER** thereafter includes all equipment, pumps, sewer lines and appurtenances, treatment and disposal system portions of the **DISTRICT CSTS SYSTEMS** which are located in a public easement, or which is located on land owned by Credit River Township. This excludes all system components between the dwelling and shut-off valve.
- 3.5. **CONNECTION CHARGE(S)** – Reasonable charges for those properties that connect to the **DISTRICT CSTS SYSTEMS**. Example of said charges would be the administration and permit fees as well as construction oversight and inspections for connection to the **DISTRICT CSTS SYSTEMS**.
- 3.6. **CONTRACTOR(S)** - Independent person(s), entity (entities), party (parties) contracted, by the **BOARD**, to administer, manage, operate, inspect, pump, repair, and enforce or maintain the **DISTRICT CSTS SYSTEMS**.
- 3.7. **CSTS** – Means Community Sewage Treatment System(s).
- 3.8. **DESIGNATED REGISTERED PROFESSIONAL** – Means an individual who is included on the Minnesota Pollution Control Agency’s **ISTS** professional register with specialty area endorsements that correspond to the license, which has been designated by the individual’s employer as its representative for work to be done on an individual sewage treatment system, and who is subject to the obligations of a license.
- 3.9. **DISTRICTS** -The Monterey Heights and South Passage Environmental Subordinate Service **DISTRICTS** created under M.S. § 365A, 115.50 & 444.
- 3.10. **“DISTRICT” CSTS** – The **“COMMON PORTION”** of the **DISTRICT CSTS SYSTEMS** (Community Wastewater Treatment Systems) which includes all equipment, pumps, sewer lines, treatment and disposal system portions, and any and all appurtenances of the **SEWER SYSTEM(S)** which are located in a public easement or which are located on land owned by Credit River

Township, as well as the “PRIVATE SYSTEM” portion of the DISTRICT CSTS SYSTEMS to the extent that it is managed and maintained by the DISTRICT.

- 3.11. **DWELLING** – Means any building or place used or intended to be used by human occupants as a single-family residence and consists of one or more rooms which are arranged, designed or used for human habitation. The term “residence” shall have the same meaning as defined herein.
- 3.12. **EFFLUENT BIO-FILTER** – Filtering system, which is placed before a pump, or in a line, and filters particles from the effluent either within or through a wastewater line, pump station, and/or septic tank. Another term for this is “effluent screen” which means a device that filters solid materials from sewage tanks before discharge to a treatment system.
- 3.13. **HOLDING TANK** – Means a tank for storage of sewage until it can be transported to a point of treatment and disposal.
- 3.14. **INSPECTOR** – Party contractually employed by the BOARD which holds the necessary current licensures as a DESIGNATED REGISTERED PROFESSIONAL by the MPCA and is licensed to do Inspections under an Inspector or Designer I license.
- 3.15. **ISTS** – Individual Sewage Treatment System. Means an individual sewage treatment system, or part thereof, serving a dwelling, and using sewage tanks followed by both soil treatment and disposal or using advanced treatment devices that discharge below final grade.
- 3.16. **MPCA 7080 STANDARDS** - The minimum standards promulgated by the following Agencies: Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, the Scott County Sewage and Wastewater Treatment Ordinance, Scott County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.
- 3.17. **PRIVATE PORTION OF SYSTEM** - That portion of the wastewater collection system that resides within the individual parcel and lot boundaries of the USERS in the DISTRICT CSTS SYSTEMS which begins with the septic and pump tanks and which ends at a point called the shut-off valve leaving their property.

This PRIVATE PORTION connects to that part called the “COMMON PORTION” portion of the DISTRICT CSTS

SYSTEMS and contributes effluent to the DISTRICT CSTS SYSTEMS.

- 3.18. SEPTAGE – Means solids and liquids removed during periodic maintenance of the USER’S individual wastewater system, or solids and liquids that are removed from toilet waste treatment devices and/or septic tanks.**
- 3.19. SEPTIC TANK – Means any watertight, single or double compartmented and covered receptacle (sometimes inclusive of a pump tank) designed and constructed to receive the discharge of raw sewage from a building sewer, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the effluent to discharge to a treatment system.**
- 3.20. SEWER - Means a system that carries wastewater.**
- 3.21. ORDINANCE - Means the rules and regulations imposed and enforced by Credit River Township (BOARD).**
- 3.22. USER - Means a resident, inhabitant, owner of land or dwelling that is causing or permitting the discharge of wastewater to the DISTRICT CSTS SYSTEMS.**

SECTION FOUR

GENERAL PROVISIONS AND CONDITIONS

- 4.1.1. The DISTRICTS are created as organizational, financing and management tools to operate and administrate both Community Sewage Treatment Collection Systems on behalf and for the landowners (USERS) encompassed by this DISTRICTS pursuant to Minnesota Statutes Chapter 365A, Chapter 115.50, and Minnesota Statute Chapter 444, authorizing the powers herein.**

No additional petitions for acceptance into the Monterey Heights and South Passage Environmental Subordinate Service DISTRICTS will be allowed with the exception of Outlot E, and Parcel Code Number _____, both located in the Plat of Monterey Heights.

- 4.2. The BOARD is responsible for the management of the DISTRICTS, construction oversight, operations and maintenance, repairs, system upgrades, renovations, inspections, and administration of the wastewater collection systems (DISTRICT CSTS SYSTEMS) within the DISTRICTS pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7080, the Scott County**

Sewage and Wastewater Treatment Ordinance, the Scott County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.

- 4.3. The DISTRICT CSTS SYSTEMS, as defined in Section 3, are any and all appurtenances, inclusive of treatment and disposal and secondary sites and all easements necessary, presently existing or hereinafter acquired, as are found necessary for completion of such SEWER SYSTEM(S) in operating condition adequate to collect and transmit all wastewater effluent into the system, and for the proper treatment and disposal of such wastewater.**
- 4.4. PERMANENT ACCESS MAINTENANCE EASEMENT. The BOARD, its agents or CONTRACTOR(S) have the right, through a permanent access maintenance easement, to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, repairs, and replacement required on the DISTRICT CSTS SYSTEMS, or any part thereof. This right of entry is in relationship to performing these tasks in the PRIVATE SYSTEM PORTION area when reasonable and necessary to ensure the proper functioning and maintenance care of the SEWER SYSTEM(S). Such examples of maintenance would include the annual cleaning, repairs and/or emergency replacement of the tank filter and pump, control panel inspections and monitoring, checking the septic tank for sludge and scum, and needed septic tank septage maintenance and removal.**
- 4.5. USERS will be billed individually for any repairs and/or replacement of portions of their PRIVATE SYSTEM(S) when found to be failing through maintenance operations. Such parts shall include, but are not limited to the following: the sewer line, pump tank, pump, bio-filter, control panel which includes the event counter, run time meter and electronic components, and all necessary parts required to maintain said system in operating compliance.**
- 4.6. Ownership, of all common pumps, lines, mains, extensions and appurtenances, treatment and disposal sites thereto of the DISTRICT CSTS SYSTEMS shall remain with the BOARD. Those parts referred to as the PRIVATE SYSTEM PORTION of the DISTRICT CSTS SYSTEMS are located on private property, belong to, and are under the ownership of the individual USER, but will be under the operations and management of the**

BOARD.

- 4.7. It is hereby declared that no USER or other parties, other than authorized personnel are allowed to use or to drive on property used by the BOARD for treatment and disposal of wastewater from the DISTRICT CSTS SYSTEMS unless it is for the stated repair and/or maintenance of the wastewater treatment system or for the purposes of required inspections by County and public officials or viewing as authorized by the BOARD.**
- 4.8. The BOARD and/or their duly authorized representatives, along with the invitation of the Scott County Environmental Health Department, the Service Management Contractor(s), and any USERS, will annually inspect the physical portion of the DISTRICT CSTS SYSTEMS, review maintenance and operation logs, and receive a yearly status report; the report will become public record for all to examine.**
- 4.9. No person shall engage in an act intentionally or carelessly which results in breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, appurtenances or equipment that is part of the DISTRICT CSTS SYSTEMS. Closure of the shut-off valve at a USERS site may be initiated to protect the integrity and safety as well as public health of the USERS in the DISTRICT CSTS SYSTEMS.**
- 4.10. All present and future USERS within the DISTRICT CSTS SYSTEMS will be subject to the applicable rules and regulations inclusive of the DISTRICT'S ORDINANCE, as amended, the MPCA Chapter 7080 rules, as amended, and Scott County's regulations for individual sewage treatment systems, as amended from time to time.**

SECTION FIVE

RATES, CHARGES AND CONNECTION TO THE DISTRICTS CSTS SYSTEMS

- 5.1. The BOARD may set such rates, fees and charges, as it deems appropriate. No such resolution setting such fees shall be adopted before a public hearing has been held thereon.**
 - 5.1.1. Notice of adoption of said rates, fees and charges by resolution, after a public hearing, shall be kept on file and open to inspection in the office of the Credit River Township Clerk and shall be uniformly enforced.**

- 5.2. All funds collected from such rates, fees and charges will remain with the DISTRICT'S funds, as dedicated fund accounts, and will be used to reduce costs allocated to the usage, repair, renovation, system upgrades, and replacement of the DISTRICT CSTS SYSTEMS.**
- 5.3. The BOARD may, under Minnesota Statutes 366.012 and 429.101, certify each year to the Scott County Auditor, any unpaid service charges, costs, and fees, which shall then be collected together with property taxes levied against the property. The BOARD must serve written notice to the USER(S) of its intention to certify the charge to the Scott County Auditor. Any unpaid charges will be subject to the same penalties, interest, and other conditions provided for in the collection of regular property taxes.**
- 5.4. INDIVIDUAL SEWAGE TREATMENT SYSTEMS ARE REQUIRED TO CONNECT TO THE DISTRICT CSTS SYSTEMS. All landowners within the DISTRICTS will be required to connect to the DISTRICT CSTS SYSTEMS upon completion of the COMMON PORTION.**

Those landowners that are exempted due to an empty parcel will be required to connect into the DISTRICT CSTS SYSTEMS when said exemption is no longer valid.

- 5.5. PROCEDURES FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS INSIDE THE DISTRICT THAT CONNECT. The property owner will comply with the following steps:**

5.5.1. STEP ONE. Written Application

When a USER wishes to build a home, expand, add a bedroom or additional water appliances to present home such as but not limited to the following: garbage disposal, iron filter, heat pumps, whirlpool tubs, etc, said USER will complete a building permit application, as required by the Scott County Environmental Health Department, the Scott County Shoreland Ordinance, and a determination as to the effect of said permit on the DISTRICT'S CSTS will be completed before approval of said permit. Landowner will notify the Credit River Township Subordinate Service District Administrator requesting service hook-up to the COMMON PORTION of the DISTRICT CSTS

SYSTEMS.

5.5.2. STEP TWO. Design Flow Considerations prior to approval of Permit.

Before approval, the BOARD and a licensed Engineer, with a current Designated Registered Professional license by the MPCA, will review and contact the Scott County Environmental Health Department for consideration of design flow and hook-up to the collection system. If system design is sufficient and there is adequate capacity within the DISTRICT CSTS SYSTEMS, approval to go forward will be given. Design work will be done pursuant to MN. Chapter 7080 code, Scott County Sanitary Code and the requirements of this ORDINANCE, as amended from time to time, and in conformance with the general design considerations of the CSTS as determined by the BOARD.

5.5.3. STEP THREE. Submittal Of All Necessary Permits.

Upon approval and the necessary permits acquired from the Scott County Environmental Health Department, the property owner will submit the following to the BOARD to be placed on file with Scott County and Credit River Township BOARD:

5.5.3.1 A copy of any and all required permits with application and completed design. This is inclusive of all building, accessory, well, and wastewater permits prior and for hook-up, etc.

5.5.4. STEP FOUR. PERMANENT ACCESS MAINTENANCE EASEMENT.

Prior to final approval and at time of submittal in Step Three above, a PERMANENT ACCESS MAINTENANCE EASEMENT, from the landowner of record, is to be submitted on a form and a legal description acceptable to the Township Attorney and which conveys said easement to the BOARD. Said easement will allow for

the following, but not be limited to; construction access, management & perpetual maintenance of any and all portions of the PRIVATE SYSTEM PORTION of the DISTRICT CSTS SYSTEMS which are deemed necessary to adequately serve the proposed USER with the DISTRICT'S CSTS SYSTEMS.

5.5.5. STEP FIVE. USER Connection to DISTRICT CSTS SYSTEMS.

Once approved by the BOARD, the Engineer, and the Scott County Environmental Health Department, the proposed USER will connect to the system under the following conditions:

- On-going supervision, by a licensed INSPECTOR, will be done to insure that the hook-up to the DISTRICT'S SEWER SYSTEMS are secure, and will not jeopardize any portion of the present system. Certificate of Compliance by Scott County to be issued and a copy provided to the Credit River Town Board of Supervisors upon completion of the hook-up and prior to a Certificate of Occupancy. A copy of the as-built drawings as well as any and all necessary pictures to identify the treatment components and location will be submitted to all the necessary parties (County, Town BOARD) by the licensed Engineer with current DESIGNATED REGISTERED PROFESSIONAL licensure, showing the final location and construction details for the hook-up to the DISTRICT CSTS SYSTEMS.

5.6. CONNECTION COSTS.

- 5.6.1. All costs of connection shall be borne by the USER(S) connecting to the DISTRICT CSTS SYSTEMS. New USER(S) will be required to pay for all construction costs encountered for and on their PRIVATE SYSTEM PORTION, [i.e. septic tank, control panel, building sewer lines, lift pump, lift stations, easement condemnations, etc., when and where necessary] as well as any additional costs that might be required in**

order to connect into the DISTRICT'S CSTS SYSTEMS.

5.6.2. The USER will enter into a contract with the BOARD to reimburse the BOARD for all costs incurred in connecting said USER to the DISTRICTS CSTS SYSTEMS including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection to the DISTRICTS CSTS SYSTEMS. Said costs will be reimbursed to the BOARD within thirty days (30 days) of billing, unless alternate arrangements are made in writing and approved by the BOARD.

5.6.3. Additional CONNECTION CHARGES.

5.6.3.1. BASE CONNECTION CHARGE for a new Home which is in the Subordinate Service District area, but not included within the designated Plats of Monterey Heights and South Passage.

When a new home is to be added to the DISTRICT SYSTEMS, a BASE CONNECTION CHARGE shall be charged to the USER. This BASE CONNECTION CHARGE shall represent the capitalization costs of the DISTRICT CSTS SYSTEM(S) for the COMMON PORTION. Interest on the BASE CONNECTION CHARGE will be calculated at 6.25% per annum from the date the DISTRICT CSTS SYSTEMS(S) began operating to the date of connection by the requesting landowners(s). Said costs will be reimbursed within thirty days (30 days) of billing by the BOARD, unless other arrangements are made in writing and approved by the BOARD. This charge will be set, from time to time, by resolution of the BOARD.

5.6.3.2. SEWER AVAILABILITY CHARGE.

An additional sewer availability charge of \$1500 will be placed on those USER(S) who come into the

DISTRICT CSTS SYSTEMS. This charge may be changed from time to time by BOARD resolution. Example of said charges would be the administration and permit fees as well as construction oversight for connection to the DISTRICT CSTS SYSTEMS.

SECTION SIX

DAMAGE TO DISTRICTS SYSTEM PROHIBITED

- 6.1.** It shall be unlawful for any USER to discharge upon, in or under the ground or to any natural outlet within the service DISTRICTS areas any wastewater other than to the DISTRICT CSTS SYSTEMS.
- 6.2.** It shall be unlawful for any USER to discharge or cause to be discharged any unpolluted waters such as storm-water, groundwater, roof runoff, subsurface drainage, drain tile lines, swimming pools, into the DISTRICT'S SEWER SYSTEMS by means of a sump pump, or otherwise.
- 6.3.** All USERS must comply with the provisions of 7080.0065, subp. 3., Chapter 7080, Minnesota Pollution Control Agency's rules, which are incorporated herein and stated as such; "Products containing hazardous waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning, including solvents, pesticides, flammables, photo finishing chemicals, dry cleaning chemicals, and hair salon chemicals must not be discharged to the system".
- 6.4.** It shall be unlawful for any USER to discharge liquids or solids into the wastewater of the DISTRICTS CSTS SYSTEMS that has concentrations or quantities that will harm the collection and treatment portions of the DISTRICTS CSTS SYSTEMS, endanger lives, or constitute a public health risk or nuisance, or to create any hazard in the receiving waters of the system. Examples of such materials that are harmful include, but are not limited to the following:
 - 6.4.1.** Any gasoline, antifreeze, fuel oil, latex paint, oil and/or chemical solvents, other hazardous oils, or other flammable or explosive liquids, solids or

gas. Any waters containing toxic or poisonous solids or liquids, which alone or by interaction with other wastes could release noxious gases, form suspended solids, which interfere with the DISTRICT'S CSTS SYSTEMS, or create a condition deleterious to structures, appurtenances, and treatment processes.

- 6.4.2. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow or proper operation of the wastewater collection system such as, but are not limited to, ashes, asphalt, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, and other similar items, tar, plastics, disposable diapers, wood, ground or un-ground garbage, whole blood, paper dishes, napkins, cups, milk containers, sanitary napkins and tampons and other similar items as well as the containers for such items.
- 6.5. Within the DISTRICT, USERS will be required shut off their main water supply when their home is not occupied for a period exceeding four (4) consecutive days. Upon written request from a USER, the Credit River Township Clerk may grant an exception for a necessity [i.e. when a water supply cannot be shut off].
- 6.6. USERS will be required to install, repair and maintain water conserving plumbing fixtures and appliances to reduce daily water use. Therefore, the following appliances and fixtures shall be installed to promote and sustain water conservation practices to protect the integrity and long-term effectiveness of the DISTRICT'S CSTS: front loading clothes washing machines using 25 gallons or less per load; toilets with 1.6 gallons or less water usage per flush; automatic dishwashers that use less than 5.5 gallons of water per load; shower heads with flow rates less than 2.5 gallons per minute; and faucets with flow rates of 2.2 gallons or less per minute.
- 6.7. All required installation of said USER plumbing appliances and fixtures must be inspected and verified by a licensed professional plumber. Should the licensed professional plumber determine by his inspection that a home does not have the requisite low flow appliances and fixtures, Scott County shall not issue a Certificate of Occupancy until such time as the home does comply.
- 6.8. Should water consumption exceed flow design for the DISTRICTS CSTS SYSTEM(S), BOARD will initiate any and all water conservation practices including but not

limited to the following: prohibiting further water appliances, reduction of water usage, installation of water meters and monitoring of flows with rate changes to reduce water usage until such time as a new design can be completed to address added flows.

- 6.9. Volumes (flows) of wastewater discharged into the system will be considered to be a violation for an individual home when these monitored flows are exceeded:
- a. Any weekly flow which exceeds 4,200 gallons which is a 600 gallon per day average
 - b. Any monthly flow which exceeds 13,500 gallons which is a 450 gallon per day average
 - c. Any quarterly flow which exceeds 30,000 gallons which is a 335 gallon per day average

The homeowner will be contacted by the BOARD when any such volumes are exceeded. The homeowner will be responsible for immediate action to reduce their flows when contacted. If the homeowner fails to promptly address the excess flows, then the BOARD will take any and/ all necessary actions needed to protect the integrity and safety of the DISTRICT SEWER SYSTEM(S).

- 6.10. At the adoption of this Ordinance, a garbage disposal will be allowed in a new home with the proper design considerations approved by the required permitting authorities that will insure and protect the integrity of the DISTRICT CSTS SYSTEMS.

Those homes, built prior to date of the adoption of this Ordinance, can add a garbage disposal, at their sole expense, provided that a permit application is completed with an appropriate design to protect the DISTRICT CSTS SYSTEM and it is installed and approved by the required permitting authorities.

- 6.11. All USERS must further comply with the provisions of Minnesota Rules, Chapter 7080.0175, subp.5, which are referenced and incorporated herein. Individual wastewater treatment system additives that contain hazardous substances must not be used in their septic tanks.

SECTION SEVEN

VIOLATION(S) ARE A MISDEMEANOR

- 7.1. Any person who willfully or negligently violates any provisions of the Minnesota Pollution Control Agency,

Chapter 7080 Rules, the Scott County Sewage and Wastewater Treatment Ordinance, and/or the provisions of the ORDINANCE contained herein will be subject to notification of violation(s).

7.2. ENFORCEMENT.

This ORDINANCE shall be administered and enforced by the BOARD, or its authorized representative(s). The duly authorized representative(s) may institute appropriate action for any violation(s) of this ORDINANCE at the direction of the BOARD and through the Township Attorney as deemed necessary. Any USER or person who violates a Section, Subdivision, paragraph, or provision of this ORDINANCE when he or she performs an act or becomes a public nuisance which is hereby prohibited, or declared unlawful or fails to do an act required, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be subject to a misdemeanor fine not to exceed \$1000 and/or imprisonment not to exceed 90 days plus the costs of prosecution. Each day of non-compliance with any of the terms of this ORDINANCE shall be considered a separate violation and a separate criminal act.

7.3. ENFORCEMENT OF ORDINANCE PROCEDURES.

7.3.1. EMERGENCY AND/OR HAZARDOUS WASTE VIOLATIONS.

In the case where a USER knowingly violates the DISTRICT CSTS SYSTEMS by discharging waste deleterious or harmful to said DISTRICT CSTS SYSTEMS and causes emergency conditions to exist, the BOARD and its duly authorized representatives shall exercise their authorities to close the shut-off valve at the end of the COMMON PORTION and deny further use to offending USER of the DISTRICT CSTS SYSTEMS until said violation(s) has been resolved, fines paid and repair of the DISTRICT CSTS SYSTEMS have been completed.

7.3.2. WRITTEN NOTICE.

Upon a violation of this ORDINANCE or an emergency closure of shut-off valve to a USER, said USER will receive a written Notice notifying them of the facts. The notice shall be served in person or by certified or registered mail.

If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or re-certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail. A written notice shall specify the steps to be taken to correct the violation(s), and the time, not to exceed thirty days (30 days), within which the violation(s) must be corrected. If the violation(s) is not corrected within the time specified within the notice, then the BOARD may abate the violation(s) itself after conducting a hearing.

7.3.3. HEARING.

A hearing notice shall be served in the same manner as described above and shall be given at least ten days (10 days) prior to the date of the hearing before the BOARD. In order to expedite matters the BOARD may in its discretion, include notice of the aforementioned hearing in the original notice of violation(s).

7.3.4. BOARD TO CORRECT

If after conducting a hearing on the matter, the BOARD determines that the correction of the violation(s) is necessary to protect the public health, safety and welfare of the DISTRICTS USERS, then the BOARD may correct the violation(s), or cause the same to occur, in any manner and using any method that it finds appropriate.

7.4. COSTS TO CORRECT VIOLATION(S).

The cost of and correction of the violation(s) shall be borne by the offending USER(s). If the BOARD undertakes with the correction of said violation(s), it shall bill the landowner and/or USER, for all cost and disbursements associated, including repairs and disposal fees, service fees and attorneys' fees. If the USER does not pay such bill, then the BOARD shall certify such unpaid amounts to Scott County to be assessed against the property and to be collected with property taxes, pursuant to 366.021 and/or 429.101.

7.5. BOARD RIGHT TO SEEK ALL AVENUES OF RELIEF.

The BOARD reserves the right to prosecute in criminal

court and/or civil court for any remedies, including injunctive relief and reimbursement of all costs and disbursements, including Attorney's fees expended by the Township in enforcing of this ORDINANCE. Each right or remedy accruing to the Township under this ORDINANCE or at law is separate and distinct and may, in the Township's discretion, be exercised independently or simultaneously with any other right or remedy.

SECTION EIGHT

AMENDMENTS OR CHANGES

The BOARD may from time to time amend this ordinance.

SECTION NINE

VALIDITY AND SEVERABILITY

The invalidity of any Section, clause, sentence or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE, which can be given effect without such invalid part or parts.

SECTION TEN

REPEALER

The Monterey Heights Ordinance 2002-01 and the South Passage Ordinance 2002-01 governing these two Environmental Subordinate Service District Wastewater Collection Systems and which were both adopted on October 9th, 2002 are hereby repealed and replaced with the ORDINANCE 2004-01, ORDINANCE GOVERNING THE "MONTEREY HEIGHTS AND SOUTH PASSAGE" ENVIRONMENTAL SUBORDINATE SERVICE DISTRICTS WASTE WATER COLLECTION SYSTEMS.

SECTION ELEVEN

EFFECTIVE DATE

This ORDINANCE, its rules and regulations for the Monterey Heights and South Passage Environmental Subordinate Service Districts shall take effect and be in full force immediately following its adoption and publication by the Credit River Town Board of Supervisors.

Bruce Nilsen made a motion to adopt this amendment to the ordinance with the changes discussed subject to attorney review and to authorize a summary to be published. Leroy Schommer offered a second. All in favor, motion carried 3 – 0.

Agenda Item # 9 – Greg Halling – Township Engineer – Discuss current engineering projects status and plans for the future.

Greg Halling briefly presented a summary of the current status of the engineering projects he has been working on.

Jeff Elliott from the engineering firm of Hakanson and Anderson discussed some ideas for picking up the engineering responsibility from Halling Engineering on January 1st.

The Board will discuss a formal appointment of Hakanson and Anderson at the January meeting.

Mr. Halling noted that the current ordinance specifying that the Township engineer must prepare all final plans and specs must be amended.

Agenda Item # 10 – Other Business

- 1) Discuss Building Permit Fee as regards new tank Inspection fees.

This item was tabled until the next meeting.

- 2) Discuss Township Policy on Septic Tank Placement in CSTS Installations

Clerk Jerry Maas introduced the topic by noting that due to the need to get easements for normal operation and maintenance of the CSTS systems, it is necessary to pre-establish where the tanks will be located on each property.

Greg Halling noted that in most configurations, the front of the houses are elevated and that a lift pump is required and as a result additional tank capacity is required which will increase the costs.

Jacob Fick, engineer with Laurent development indicated they were opposed to installing the tanks in the front not only because they are unsightly, but because the additional lift pump required adds a source for failure and the potential for sewage backup into the homes.

He noted that insurance coverage is maxed at 10,000 in basement and we don't want to run the risk of backflows.

Al Maas suggested that tanks be located within the side-yard setbacks and define an easement based on these standard locations.

Bruce Nilsen made a motion to require that tanks be within the sideyard setbacks. Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

(Bob Ruppe to email me the language)

- 3) Speed Limit Signs in Response to MnDot Speed Study – 170th Street

This issue was tabled pending final MnDot letter

- 4) Discuss reduction in letters of Credit – Stonebridge, Grey Fox 5th Addition, Harvest Hills, Monterey Heights

It was decided that all future requests for reductions in LOC amounts would be approved via board resolution.

- 5) Discuss Spare Parts inventory for CSTS Projects

Leroy Schommer made a motion to request EcoCheck to submit a requisition for spare parts needed to run the system. Bruce Nilsen seconded, all in favor, motion carried 3 – 0.

Bruce Nilsen made a motion to authorize EcoCheck to begin the process of winterizing the Monterey Heights CSTS system. Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

6) Set Time for Inspection of County Road 75 / Township Road Standards

Bob Ruppe suggested that the Township develop a paved road standard. Bruce Nilsen made a motion to direct Jeff Elliott to develop a paved road standard and Bob Ruppe to draft an ordinance on same. Leroy Schommer seconded. All in favor, motion carried 3 – 0

**TOWN OF CREDIT RIVER, MINNESOTA
ORDINANCE NO. 2004-2**

**ORDINANCE PROVIDING CONDITIONS UPON WHICH
DEDICATED TOWNSHIP ROADS MAY BE ACCEPTED**

The Town Board for the Town of Credit River, Scott County, Minnesota, hereby ordains:

Section 1. Acceptance of Roads by the Township. No roads dedicated after the effective date of this ordinance shall be accepted by the Township for purposes of the Township's obligation to maintain, improve, or otherwise provide any services on, over or to said unaccepted roads unless all of the requirements of this ordinance shall have first been met.

Section 2. Effect of Non-acceptance of Dedicated Roads. A road, which is dedicated but not accepted by the Township, shall be deemed a private road for purposes of road construction, maintenance and liability. The Township shall have no responsibility to construct or maintain unaccepted roads, and shall not be liable for any damage or loss which may occur on unaccepted roads.

Section 3. Requirements for Acceptance of Dedicated Roads. The Township may accept a road dedicated after the effective date of this ordinance as a Township road provided the dedicator of said road follows the procedures of this Section.

- A. Prior to construction of said road, the dedicator of the proposed road must submit designs and specifications for the proposed road to the Town Board for review and approval by the Town Board. Said designs and specifications shall be consistent with design standards adopted by the Town Board pursuant to this ordinance. Prior to review of the plans and specifications by the Town Board, the dedicator must execute an agreement to pay all costs reasonably incurred by the Township in reviewing the plans and specifications, and inspecting and testing the road construction, including consulting engineering and testing costs.
- B. Construction of the road must not commence without first receiving approval of the plans and specifications by the Town Board. The road must be built according to the plans and specifications approved by the Town Board.
- C. During construction of the road, the Town Board may have the Township Engineer or other road supervisor ("Engineer") present during any or all construction activities to ensure that the road is constructed according to the plans and specifications approved by the Town Board. If the Town Board elects to have the Engineer present during construction, no road construction activities shall take place without first coordinating the construction with the Engineer such that the Engineer may be present during all construction activities.
- D. If deemed necessary by the Township, the dedicator shall provide the Township with a letter of credit from a bank acceptable to the Township or a cash deposit sufficient to pay the estimated costs to be incurred by the Township related to the design and inspection of the road. Said letter of credit or cash deposit shall be released upon payment of all Township expenses related to the design and inspection of the road.

Section 4. Adoption of Design Standards. The Town Board may adopt or modify road design standards from time to time by resolution pursuant to the authority of this ordinance.

Section 5. Acceptance of Dedicated Roads. Upon compliance with the requirements of this ordinance by the dedicator, the Township may accept the dedication of the road if it finds acceptance of such road to be in the public interest.

Passed by the Town Board of the Town of Credit River this 6th day of December 2004.

This ordinance shall be effective upon passage and publication in the official Township newspaper.

Chairman

Township Clerk

**CREDIT RIVER TOWNSHIP
SCOTT COUNTY**

**RESOLUTION ADOPTING MINIMUM DESIGN STANDARDS AND SPECIFICATIONS
FOR TOWNSHIP ROADS**

WHEREAS, the Town of Credit River has adopted Ordinance No. 2004-2 providing conditions upon which dedicated township roads may be accepted;

WHEREAS, the Town of Credit River wishes to adopt minimum design standards and specifications for roadways proposed to be dedicated to and accepted by the Town of Credit River;

NOW, THEREFORE, the Credit River Township Board hereby resolves to adopt the attached design standards and specifications for roadways proposed to be dedicated to and accepted by the Town of Credit River.

Dated: December 6, 2004

Town Board Chair

Township Clerk

7) Discuss Longview Lane Road Issue

The board directed Attorney Bob Ruppe to contact On Site Marketing and to discuss settlement.

8) Discuss Broadview Ave Road Issue

Greg Halling to supply plans and specs to Bob Ruppe along with Mr. Halling's analysis of deficiencies. Mr. Ruppe will then write a letter to William Feldman, developer.

9) Discuss Variance Request – Robert Haugen

It was noted that Mr. Haugen needs to provide evidence of a recorded access easement that meets township requirements.

10) Lot Fees for Grey Fox 5

The lot fees for Grey Fox, 5th addition will be \$500 per lot plus \$2200 per lot for the Turn Lane Fund.

11) Osegard / Shilling Escrow

Bruce Nilsen made a motion to authorize refund of \$500 each to Dennis Osegard and Todd Schilling from the escrow account pending receipt of the requested slope easement at which time the balance will be refunded. Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

12) Record SSD's

Leroy Schommer made a motion to authorize Bridget Chard and Bob Ruppe to record the SSD documents. Bruce Nilsen seconded, all in favor, motion carried 3 – 0.

13) Territory Phase II Developers Agreement

Bob Ruppe noted that he was in the process of negotiating with representatives of Laurent Development on a new Developer's Agreement for the Territory Phase II.

Bruce Nilsen made a motion to authorize Chairman Dan Casey and Clerk Jerry Maas to sign the agreement with the changes specified by Bob Ruppe. Leroy Schommer offered a second. All in favor, motion carried 3 – 0.

Review and Pay Bills

The Town Board approved the following claims for payment:

12/6/2004	2266	Halling Engineering	Engineering Services	\$	18,429.64
12/6/2004	2267	MVEC	Joint Lift Station	\$	27.16
12/6/2004	2268	Integra Telecom	Telephone Service	\$	246.59
12/6/2004	2269	MVEC	Town Hall Electricity	\$	33.00
12/6/2004	2270	ECM Publishing	Legal Advertising	\$	185.97
12/6/2004	2271	SW Suburban Publishing	Legal Advertising	\$	206.46
12/6/2004	2272	Center Point Energy	Town Hall Heat	\$	41.13
12/6/2004	2273	NE Technical Services	Well Monitoring SSD's	\$	1,057.18
12/6/2004	2274	Void		\$	-
12/6/2004	2275	Jerry Maas	Expenses-November	\$	328.45
12/6/2004	2276	Jeneann Beyl	Election Judge Pay	\$	120.00
12/6/2004	2277	Kimberly Duke	Election Judge Pay	\$	60.00
12/6/2004	2278	Shannon Forseide	Election Judge Pay	\$	90.00
12/6/2004	2279	Bob McMillan	Election Judge Pay	\$	195.00
12/6/2004	2280	Jan Penney	Election Judge Pay	\$	190.00
12/6/2004	2281	Julie Keller	Election Judge Pay	\$	108.00
12/6/2004	2282	Genevieve Dahl	Election Judge Pay	\$	90.00
12/6/2004	2283	Robert Dahl	Election Judge Pay	\$	96.00
12/6/2004	2284	Robbie Masters	Election Judge Pay	\$	48.00
12/6/2004	2285	Bonnie Kane	Election Judge Pay	\$	96.00
12/6/2004	2286	Val Zweber	Election Judge Pay	\$	90.00
12/6/2004	2287	Jerry Michels	Election Judge Pay	\$	99.00
12/6/2004	2288	Rita Vollmer	Election Judge Pay	\$	102.00
12/6/2004	2289	Dick Schmitz	Election Judge Pay	\$	120.00
12/6/2004	2290	Beverly Schmitz	Election Judge Pay	\$	114.00
12/6/2004	2291	Leona Hackbarth	Election Judge Pay	\$	97.20
12/6/2004	2292	Bryan Reichel	Election Judge Pay	\$	162.00
12/6/2004	2293	Daralene Lein	Election Judge Pay	\$	168.00

12/6/2004	2294	Jerry Mortenson	Election Judge Pay	\$	96.00
12/6/2004	2295	Al Aspengren	Election Judge Pay	\$	186.00
12/6/2004	2296	Mn Assn of Townshps	Annual Conf Refistration	\$	105.00
12/6/2004	2297	Halling Engineering	Engineering Work	\$	31,362.58
12/6/2004	2298	Mn Assn of Townships	Extra Twp Calendars	\$	21.32
12/6/2004	2299	EcoCheck	Sewer O and M	\$	1,672.50
12/6/2004	2300	X-Cel Energy	St Francis Street Lite	\$	11.16
12/6/2004	2301	Bridget Chard	Consulting Services	\$	1,559.00
12/6/2004	2302	Bryan Reichel	Election Day Expenses	\$	78.75
12/6/2004	2303	Holly Batton	Postage/Office Supplies	\$	60.85
12/6/2004	2394	Anchor Bank	November Withholding Taxes	\$	959.32
12/6/2004	2305	Dan Casey	Expenses	\$	53.24
12/6/2004	2306	McWilliams & Associates	Driveway Access Refunds	\$	1,800.00
12/6/2004	2307	Leroy Schommer	Services as Supervisor	\$	480.22
12/6/2004	2308	Holly Batton	Services as Treasurer	\$	1,062.03
12/6/2004	2309	Dan Casey	Services as Supervisor	\$	507.92
12/6/2004	2310	Jerald Maas	Services as Clerk	\$	2,718.94
12/6/2004	2311	Bruce Nilsen	Service as Supervisor	\$	618.74
12/6/2004	2312	Brian Klausen	NPDES Refund	\$	1,592.75
12/6/2004	2313	Hanish Homes	NPDES Refund	\$	1,545.50
12/6/2004	2314	McWilliams & Associates	NPDES Refund	\$	1,662.50
12/6/2004	2315	Koestering Schumacher	NPDES Refund	\$	1,898.75
12/6/2004	2316	Charles Cudd LLC	NPDES Refund	\$	1,871.75
12/6/2004	2317	McDonald Construction	NPDES Refund	\$	1,880.75
12/6/2004	2318	McWilliams & Associates	NPDES Refund	\$	1,750.25
12/6/2004	2319	Scott Lauderdale	NPDES Refund	\$	1,471.25
12/6/2004	2320	Todd Shilling	Driveway Escroiw Refund	\$	500.00
12/6/2004	2321	Dennis Osegard	Driveway Escroiw Refund	\$	500.00

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 12:55 pm.

Submitted By: (s/) Jerald R. Maas

Township Clerk
Credit River Township

Approved By : (s/) Dan Casey

Chairman – Board of Supervisors
Credit River Township