

Credit River Township

Meeting Minutes

July 21, 2008

Public Hearing – 210th Street Reconstruction

Chairman Leroy Schommer called the Public Hearing to order at 6:00 pm

Members Present –

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Al Aspengren, Supervisor Tom Kraft

Others Present –

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson,

Discussion

Engineer Shane Nelson gave a Power Point presentation outlining the project.

He noted that the residents had previously attended a Town meeting and inquired about the possibility of addressing the 210th street. The Township ordered a Feasibility Study, which was accepted and consequently ordered preliminary plans and specs be developed and set a date for a Public Hearing.

Engineer Nelson then reviewed the proposed improvements. He noted that the plan calls for a rural design with a 26 ft. top and 1 ft gravel shoulders. The bituminous surface will end at Clemwood Drive. There will be a gravel cul-de-sac at the east end constructed by Jason Allen as a part of his application to split his lot.

The estimated cost is \$305,120 that will benefit 14 properties plus the future subdivision to the east. It is expected that the homeowners will eventually be required to contribute to this project. The one-hundred percent assessment cost would be \$21,800 per unit.

The planned schedule would call for advertisement for bids to take place on July 26th, with bid opening set for August 18th and work beginning on August 25th and a project completion date of October 15th.

David Levasser, 7321 210th Street, noted that Harvest Hills is not being assessed, and that he and one other parcel are being assessed. It is his contention that they already have been assessed when the lots were purchased. He is also objecting that he will be assessed a per parcel amount while several lots along 210th have the capability to sub-divide and will still only pay one assessment.

Supervisor Bruce Nilsen noted that these lots will be charged lot fees at the time they choose to sub-divide.

Dave Adomat, 7355 210th Street, noted that he was of the impression that the Harvest Ridge would not be assessed. He noted that the developer had paid a substantial amount to improve the road and that this was ultimately charged to the property owners.

John Phillips, 7125 210th Street indicated that he would have liked to have been contacted personally about this proposal when it was first discussed. He further mentioned that he is not sure how many residents are really in favor of this project.

Supervisor Aspengren expressed reservations about the precedent of financing this project out of future expected revenue.

It was also noted that there were 10 residents of 210th street present at this hearing and only 3 want the road paved at this time.

John Anderson, resident of 210th Street, noted that they were at the Town Hall four years ago and were told at that time that the road would be paved. So far it hasn't happened and that is why the current topic was raised by the residents.

Steve Meyer, resident of 210th, noted that for a \$6500 assessment, it would probably be acceptable to the residents to pave the road, but that a \$21,000 assessment would probably not be acceptable. He asked where the Board was headed in terms of arriving at a figure.

Chairman Schommer indicated that the Board would probably have a firm number after the bids are back.

Also discussed was the amount of money spent so far on this project and that to take the next step would only cost about \$1000. Attorney Ruppe stated that once a bid is accepted, the township is committed to go forward. A show of hands was asked for to see how many residents from 210th were present, how many were opposed and how many were in favor.

Karen Seppman, resident of 210th Street, would support the proposal if the Township would finance the project.

There being no further comments, Supervisor Nilsen made a motion to close the Public Hearing. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

Public Hearing – Nevada Ave. Reconstruction

Chairman Leroy Schommer called the Public Hearing to order at 7:02 pm

Members Present

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Al Aspengren, Supervisor Tom Kraft

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

Discussion:

Engineer Shane Nelson gave a presentation detailing the work that has been done so far on the proposed re-construction of Nevada Ave. He once again noted that this road was narrow and sub standard at this time.

He noted that plans call for extending the road to the north and therefore it is recommended that it be improved to Township standards at this time.

The proposal suggests cutting the top of the hill to meet 30 mph design. There will be a cul-de-sac at the north end.

As proposed, seven properties will benefit presently and with the proposed Allen lot split there will be two more for a total of nine properties.

The estimated cost for the project is \$201,430.00 or \$28,775 per parcel.

It is proposed that the Township will finance the extra width.

Gayle Robin, resident of Nevada Ave., asked about differences between between proposal A and Proposal B. She also indicated that she would like to see a 30 mph speed limit.

Marv Kubischta, resident of Nevada Ave., read a prepared statement and is opposed to this project.

Noting that there were no further comments, Supervisor Kraft made a motion to close the Public Hearing. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

Regular Meeting

Call to Order

Chairman Leroy Schommer called the meeting to order with the Pledge of Allegiance at 7:25 pm.

Members Present:

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Al Aspengren, and Supervisor Tom Kraft.

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson, Township Attorney Bob Ruppe.

Public Hearing – Vacate Drainage/Utility Easements – Stoneridge

Chairman Leroy Schommer called the Public Hearing to order at 7:05 pm

Members Present:

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Al Aspengren, Supervisor Tom Kraft

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

Discussion

Chairman Schommer called for comments from the audience. There being none, he called for a motion to close the Public Hearing.

Supervisor Tom Kraft moved to close the Public Hearing. Supervisor Brent Lawrence offered a second, all in favor, motion carried 5 – 0.

Minutes of Previous Meeting

Chairman Schommer called upon Clerk Maas to summarize the minutes of the July 7th meeting and upon completion asked if there were any changes?

Being none, Supervisor Kraft made a motion to approve the minutes as read. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0

Resident's Report

No Report this evening.

Open Forum

Chairman Leroy Schommer called for anyone who would like to bring something to the attention of the Board that is not on the agenda to come forward at this time. He further

requested that anyone wishing to comment step to the podium to state his or her thoughts.

- 1) Treasurer Batton noted that we have been getting requests to extend driveway permits beyond our permitted 12 month time period because in some cases it takes longer than a year to build the home.

The Board approved extending the permits in 6 month increments.

Attorney Ruppe suggests that we change the form that he designed.

- 2) Edward Latte, resident of the Stonebridge development, asked about the passing lanes on County Road 8 entering the development noting that in his opinion they are a safety issue.

Supervisor Schommer noted that since this is a County road, the problem needs to be brought to the attention of Scott County and asked Clerk Maas to address a letter to the Public Works Department.

The upcoming Stonebridge Homeowners Association meeting was also mentioned. Supervisors Kraft and Schommer and Treasurer Batton are planning to attend.

- 3) Bill Jennings, resident of Huntington Way, expressed a concern that in his opinion Huntington Way was not properly maintained for 20 years and the residents are now faced with a need to invest a considerable amount of money in reconstruction. He inquired about what assurances the Board could provide that maintenance would be done in the future. He also noted that earlier in the evening, discussion took place regarding the idea that perhaps the Township ought to consider increasing the road and bridge levy to include placing the cost for these road projects on all of the taxpayers and thought that this should certainly be considered at this time.

Furthermore, as to the argument that his property value would be increased due to the re-construction of Huntington Way, he wanted to point out that in fact, his property value has decreased since the road was originally built and that re-building it at this time will only restore it back to it's original value.

Treasurer Batton noted that other cities still retain assessment programs. The City of Belle Plaine requires a 30% assessment and the city of Lakeville assesses 40% of its costs.

Agenda Items

1) Cress View Estates Project

Supervisor Bruce Nilsen suggested that this topic be tabled to allow time to review the design documents submitted by On Site Marketing.

Attorney Ruppe noted that he has the plans available in electronic format and will email copies to those supervisors who have yet to receive a copy.

Supervisor Aspengren, suggested that the Board consider retaining outside legal counsel to assist in arriving at a decision on this issue.

Attorney Ruppe suggested that the Board consider meeting, first with him in order to review options and then make a decision on this proposal. It was suggested that this meeting be a closed meeting in view of pending litigation. It was suggested the cost for this meeting would be borne by the Township and might take an hour and one half.

Supervisors Kraft and Nilsen agreed that this would be a good idea.

The Board instructed Clerk Jerry Maas to post a notice that a closed meeting would be held at 6:30 pm on July 29th at the Town Hall.

Attorney Justin Weinberg, representing On-Site Marketing, questioned the need for a closed meeting based on pending litigation. He maintains that the Casey Family can't sue under terms of the agreement and that On-Site has not given any indication that they would initiate and legal action. It was further noted that On Site Marketing has an indemnity obligation to pay for any legal actions initiated against the Township.

Attorney Weinberg also noted that he had received a phone call from Supervisor Aspengren asking to discuss this subject and that as legal counsel for On Site, he would be unable to discuss this with any members of the Board.

In view of these comments, the Board decided it would not hold a closed meeting, but would opt for a telephone conference call between Attorney Ruppe and Supervisors Nilsen and Aspengren who would report back to the Board at a later date.

The Board asked to note that the Attorney for the Casey Family Trust was not present at this meeting.

2) Littering Ordinance

Attorney Bob Ruppe presented a proposed ordinance to address the problem the Township is experiencing regarding dumping trash in the parks.

It was noted that under provisions of the ordinance, no signage would be required and that the Township could adopt a schedule outlining the fines to be assessed. The question was asked as to who would receive the monies collected? Attorney Ruppe will investigate and return with a prepared resolution setting the rates.

The Board asked Attorney Ruppe to remove the "private property" clause and to bring back a modified version for the next meeting.

Engineers Report

1) Whitewood Ave. / Birch Road

Engineer Shane Nelson reviewed the design plans and specs that his firm had prepared.

He noted that several mature trees will have to be removed because of the required depth of the ditches and the need to install drain tile.

The plans specify that a ditch will not be installed on the west side of Birch Road near the cul-de-sac with the road being designed in such a fashion to allow drainage to flow to the East across the road.

It was noted that it will be necessary to obtain an easement from for the Grosklog property. Engineer Nelson will contact them and make arrangements.

Beverly Parrish, resident of Whitewood Ave., asked if some of the ditches might be raised to facilitate mowing? Engineer Nelson will review.

Engineer Nelson also noted that he is proposing to have the project completed by October 15th.

Supervisor Nilsen made a motion to adopt a resolution to approve the plans and specs and to proceed with the advertisement for bids. Supervisor Kraft offered a second, motion carried 5 – 0.

Reference: Resolution 2008-18 and Resolution 2008-22

2) Huntington Way

Engineer Nelson reviewed the design, noting that the plans call for milling the existing bituminous surface and reusing the material.

Supervisor Kraft made a motion to approve the plans and specs and to proceed with the advertisement for bids. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

Reference Resolution 2008-19 and Resolution 2008-23

3) 210th Street

Engineer Nelson noted that the design for this project consists of adding additional gravel to the base, applying a bituminous surface and adding one-foot shoulders.

He noted that if the Allen property is not platted in time, an easement will be necessary. It was discussed that Mr. Allen will be responsible to construct the gravel cul-de-sac and therefore it should be removed from the plans

Supervisor Nilsen made a motion to approve the plans and specs and to proceed with the advertisement for bids. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

Reference Resolution 2008-16 and Resolution 2008-20

4) Nevada Ave.

Engineer Nelson presented the plans and specs noting that the hill has been cut down to accommodate a 30 mph design. Discussion took place that perhaps the hill needed to be reduced even further to accommodate increased traffic in the future. Supervisor Kraft noting that the road is going to be wider, suggested that the hill be reduced. All agreed.

Supervisor Lawrence noted that there had been some opposition in the Public Hearing held earlier and that we might want to consider postponing Nevada Ave.

Supervisor Kraft made a motion to approve the plans and specs with the changes noted and to proceed with the advertisement for bids. Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

Supervisor Nilsen made motion to adopt a resolution ordering the improvements to Whitewood Ave. and Birch Road, Huntington Way, 210th Street East and Nevada Ave. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

Reference Resolution 2008-17 and Resolution 2008-21

5) Update on Stonebridge

Engineer Nelson stated that he had sent a letter on June 23rd giving the developer 30 days to provide as-builts for this project. To date, we have not had a response.

The question arose as to whether the County still had a current Letter of Credit in force for this project. Clerk Jerry Maas will check with the County.

Milan Mader, resident of Stonebridge, noted that the developer has not completed several parts of the project such as the fountain at the entrance, the protective fencing near the bridge and furthermore the walking bridge is not stable.

It was pointed out that we would need to place the project in default in order to use the funds we are holding from the Letter of Credit.

6) Status of Territory Weeping Mound

Engineer Nelson noted that Laurent Development has supplied a schedule for replacement of this mound.

7) Snow Plowing Proposals

Engineer Nelson noted that we published the request for proposals and have mailed out several copies to known snow plowing vendors.

Treasurer’s Report

1) Financial Report for June

Treasurer Batton presented the report for the month of June.

Supervisor Nilsen made a motion to accept the report as presented. Supervisor Schommer offered a second, all in favor, motion carried 5 - 0

Supervisor Nilsen made a motion to transfer \$90,000 from savings to checking. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

Specifically with reference to the Liberty Creek/Liberty Estates project, Supervisor Nilsen made a motion to adopt a policy that Town Board views both as a single project, but for the convenience of the developer, the Township will keep separate escrow accounts. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

2) Data Practices Act Compliance

Treasurer Batton passed out an article written by Kent Sulem at the Minnesota Association of Townships in August 2001. There are several steps the township must take to be compliant with the Data Practices Act. The first two are to appoint a “Responsible Authority” and a “Compliance Official.” The same individual may have both roles. The third item listed was to adopt Public Access Procedures. Treasurer Batton will research what other municipalities have done for procedures and report back to the board at a later date.

The board discussed that all requests for data will go through the Town Clerk and that any request outside of asking for minutes, ordinances, will need to be reviewed by the township attorney.

It was noted that the Township should appoint a single officer to be designated as Data Practices Responsible Authority and the Compliance Officer.

Supervisor Schommer made a motion to appoint the Town Clerk to the position of Date Practices Compliance Officer. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

3) Record’s Retention Policy

While the Minnesota Historical Society provides a outline of suggested filing procedures and records retention policies, the Board decided that Credit River Township would use this as a guideline rather than a requirement.

Other Business

1) Stoneridge Easement

Supervisor Nilsen made a motion to order the vacation of the drainage and utility easements discussed earlier in the Public Hearing. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

Attorney Ruppe will prepare the required documents.

2) Discuss Audio Recording of Town Meetings

Supervisor Lawrence noted that he had been asked by a resident to discuss the need to audio record Township Meetings.

Attorney Ruppe noted that if the recorded proceedings are to be viewed as the “official record”, they would have to be stored for the required period of time as prescribed by law. If on the other hand, they are to be viewed “as an aid” in preparing the minutes, this would not be necessary.

The Board decided that we would try recording for a 3 month period and that these recorded medium would be designated “an aid” and not official.

3) Urban Township Filing Status

Supervisor Nilsen made a motion adopting a resolution establishing Urban Town Powers. Supervisor Kraft offered a second, all in favor, motion carried 5 – 0.

4) Discuss Fire Contract Renewal

It was noted that our current Fire contract with the City of Prior Lake is approaching 10 years old and as such it will need to be re-negotiated by statute.

In that Spring Lake Township has a similar contract, it is being proposed that we meet with officials of that township to review common needs prior to meeting with Prior Lake. Supervisors Kraft and Aspengren and Treasurer Batton will meet with Spring Lake township. Clerk Jerry Maas will contact Spring Lake to arrange a time.

5) Check/Balance System on Receipts

Supervisor Aspengren suggested that we establish a better system of insuring improved “checks and balances” as to processing monies received in that all revenue goes directly to the treasurer who also prepares the deposit and reconciles the bank statement.

After some discussion, the Board felt that the current procedures are working and need not be changed.

6) Ruppe Flat Fee

Supervisor Nilsen noted that he had previously discussed with Attorney Bob Ruppe the possibility that he would consider charging the Township a “flat fee” for attending Town Meetings. Attorney Ruppe indicated that this would not be possible for his business model.

Supervisor Aspengren asked if there were any suggestions as to how we might reduce legal expenses since they represented a substantial amount.

Treasurer Batton noted that travel time might be looked into. The township pays the same hourly rate whether the attorney is researching, attending a meeting, or driving.

The Board decided that we would make greater effort to consolidate those topics on the agenda where attorney input is required with a view to excusing the attorney from the meeting in a more timely fashion.

7) Discussion with Savage regarding Contract for Services

Supervisor Nilsen reported that the Savage City Council is OK with the idea of working with us on a "Contract for Planning and Zoning Services" and will be preparing a memo of understanding (MOU)

Supervisor Nilsen, noting that this will involve working with Pearson Mining in the future, suggested that the Board get up to date on mining issues.

8) **Re-Organization Items**

Time did not permit discussion of these topics.

Review and Pay Bills

The Town Board approved and paid the following claims:

7/21/2008	4482	Hakanson Anderson Assoc	Engineering June	\$	52,763.88
7/21/2008	4483	Integra Telecom	Stonebridge CSTS	\$	119.29
7/21/2008	4484	Braun Intertec	Judicial/Whitewood/Huntington	\$	5,590.75
7/21/2008	4485	Kraemer Mining & Materials	Materials	\$	320.39
7/21/2008	4486	Safety Signs	Sign Purchase	\$	285.00
7/21/2008	4487	Viking Acoustical Corp	Table Tops	\$	344.95
7/21/2008	4488	Integra Telecom	Territory CSTs	\$	120.08
7/21/2008	4489	Prior Lake Blacktop	Franciscan Retreat Patching	\$	32,202.00
7/21/2008	4490	Scott Soil & Water Cons	June NPDES Inspections	\$	1,926.00
7/21/2008	4491	Minnesota Association of Townships	Summer Short-course	\$	40.00
7/21/2008	4492	Geckler & Associates	NPDES Refund	\$	1,600.00
7/21/2008	4493	Integra Telecom	Phone Service	\$	351.49
7/21/2008	4494	Xcel Energy	St Francis St Light	\$	12.27
7/21/2008	4495	Bonestroo & Associates	NPDES Consulting Fees	\$	190.00
7/21/2008	4496	Jacques Whitford EcoCheck	June CSTS O and M	\$	10,181.62

Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Supervisor Brent Lawrence offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:40 pm.

Submitted By: (s/) Jerald R. Maas
Township Clerk
Credit River Township

Approved By: (s/) Leroy Schommer
Chairman Board of Supervisors
Credit River Township