

# Credit River Township Meeting Minutes August 4, 2008

## Call to Order

Chairman Leroy Schommer called the meeting to order with the Pledge of Allegiance at 6:00 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.

## Other Business

### 1) Littering Ordinance

The Board asked Attorney Ruppe to make some changes after the discussion of this topic at the July 21<sup>st</sup> meeting. Attorney Ruppe made those changes and sent copies to each of the supervisors for their review. He is asking that the Board not adopt this ordinance at this time pending a review by the County. It is Attorney Ruppe's desire that the County will assume responsibility to enforce this ordinance once enacted.

Treasurer Batton asked about the fee schedule noting that the fines appeared to be not large enough to deter littering.

Supervisor Aspengren observed that it was his understanding that these had been established by statute.

The Board asked that Supervisor Lawrence review the fee structure with Attorney Ruppe and report back to the Board.

### 2) Update on the Photo Contest.

Supervisor Lawrence noted that Mr. and Mrs. Paul Burck have agreed to assist in this effort. They are planning on introducing a promotion of the website on August 16<sup>th</sup> through a series of press releases. They also noted that Jerry Maas has agreed to send out information via his email list. Bill Jennings will also send to his list.

It will be necessary to screen the photos. Mrs. Burck, noted that someone from the Board should accept this assignment to insure that the photo properly depicts the township.

The plan is to display the winning photo on the website for a year.

### 3) Discussion of Ordinance 2004-01 and 2006-02

Attorney Ruppe noted before tonight's meeting that both of these ordinances had been properly adopted and published as required by law, but that we don't have a signed copy in our files. In that Chairman Schommer was Vice Chairman at the time, he is suggesting that the Board simply authorize Chairman Schommer to sign these at this time.

Supervisor Aspengren moved that Chairman Leroy Schommer be authorized by the Board to sign the original copy of Ordinance 2004-01 adopted by the Town Board on

December 6, 2004 and Ordinance 2006-02 adopted by the Town Board on April 3, 2006 both when Dan Casey was Chairman and Leroy Schommer was Vice-Chairman and both duly published as required by law. Supervisor Lawrence offered a second.

Supervisor Nilsen wished to discuss a couple of issues. First of all are we certain that Attorney Ruppe has reviewed them thoroughly and secondly is Chairman Schommer comfortable signing them at this time.

Chairman Schommer asked why they weren't signed originally. Clerk Maas indicated that the Township did not have a signed copy of the ordinances and this needed to be rectified.

Supervisor Nilsen again asked if it is proper to handle this. Chairman Schommer noted that he had discussed this with Attorney Ruppe and he indicated that he felt this would be proper.

The board passed this motion previously made by a vote of 5 – 0.

#### **4) Discussion of Territory Project**

Clerk Maas noted that he scheduled this item at the request of Attorney Ruppe who had understood that Laurent Development was desirous of appearing before the Board to discuss an item. Further discussions with Laurent indicate that while they would like to come before the Board, it is premature at this time and therefore this item is cancelled for this evening.

#### **5) Data Practices Act / Fiscal Impact Study**

Treasurer Batton Passed out a sample procedure from the IPAQ website describing how requests under this legislation should be handled.

Treasurer Batton also passed out a proposal from the Ehlers Company to perform a Fiscal Impact Study for the Township comparing the fiscal impacts of incorporation versus annexation or doing nothing. She noted that we she had not had the opportunity to review it because it was received late this afternoon, but suggested we add it to the agenda for the next meeting.

#### **6) Transfer of Funds**

Treasurer Batton presented a request to transfer \$20,000 from the savings account to the checking account. Supervisor Bruce Nilsen made a motion to authorize this transfer. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

#### **7) Announcement of Website**

Supervisor Nilsen noted that he had reviewed the notice that the Township would like Clerk Jerry Maas to send out to those folks on his email list.

### **Review and Pay Bills**

The Board approved the following Claims

7/30/2008	4497	Minnesota Revenue	Sate Payroll-1st 2 Quarters	\$	643.00
8/4/2008	4498	Victor Lundeen Co	Laser Checks	\$	277.51
8/4/2008	4499	Braun Intertec	Soils Testing	\$	423.50
8/4/2008	4500	Eide Bailly	2007 Audit Services	\$	2,900.00
8/4/2008	4501	MVEC	Town Hall Electricity	\$	71.34
8/4/2008	4502	MVEC	MH/SP CSTS	\$	50.74
8/4/2008	4503	MVEC	MH/SP CSTS	\$	124.99
8/4/2008	4504	MVEC	territory CSTS	\$	32.45
8/4/2008	4505	MVEC	Territory CSTS	\$	57.90

8/4/2008	4506	CenterPoint Energy	Town Hall Gas	\$	10.12
8/4/2008	4507	Couri/Macarthur & Ruppe	July Legal Services	\$	1,500.00
8/4/2008	4508	Enviro-Care Services	July Town Hall Cleaning	\$	61.77
8/4/2008	4509	Mike's Septic Service	CSTS Cost	\$	400.00
8/4/2008	4510	Art Johnson Trucking	July Road Maintenance	\$	1,443.00
8/4/2008	4511	Country Joe Homes	NPDES Refund	\$	1,500.00
8/4/2008	4512	Franz Homes	NPDES Refund	\$	695.00
8/4/2008	4513	Stonebridge Homes	NPDES Refund	\$	490.00
8/4/2008	4514	Catherine Sternberg	NPDES Refund	\$	790.00
8/4/2008	4515	Geckler & Associates	NPDES Refund	\$	1,600.00
8/4/2008	4516	Walter Nielson	NPDES Refund	\$	820.00
8/4/2008	4517	Country Joe Homes	Access Refund	\$	600.00
8/4/2008	4518	Brent Lawrence	Expense Reimbursement	\$	25.56
8/4/2008	4519	Holly Batton	Expense Reimbursement	\$	261.18
8/4/2008	4520	C & R Lawn & Garden	July Lawn Care	\$	1,005.00
8/4/2008	4521	Tom Kraft	Expense Reimbursement	\$	100.62
8/4/2008	4522	Bruce Nilson	Expense Reimbursement	\$	24.44
8/4/2008	4523	Al Aspengren	Expense Reimbursement	\$	62.01
8/4/2008	4524	Jerry Maas	Expense Reimbursement	\$	60.51
8/4/2008	4525	Al Aspengren	Services as Supervisor	\$	978.91
8/4/2008	4526	Holly Batton	Services as Treasurer	\$	2,357.68
8/4/2008	4527	Tom Kraft	Services as Supervisor	\$	1,085.11
8/4/2008	4528	Brent Lawrence	Services as Supervisor	\$	891.18
8/4/2008	4529	Jerry Maas	Services as Clerk	\$	3,229.02
8/4/2008	4530	Bruce Nilson	Services as Supervisor	\$	937.35
8/4/2008	4531	Leroy Schommer	Services as Supervisor	\$	1,025.09
8/4/2008	4532	Streif Lawn Management	Mound Mowing	\$	1,620.00

## Engineer's Report

Engineer Shane Nelson noted that as a result of the concerns of residents of the Stonebridge project relative to the water issues expressed at the last meeting, he has contacted the Department of Natural Resources and confirmed that a permit for the wells does exist on the condition that monitoring wells and data loggers be installed and maintained.

Chairman Schommer noted that the community well systems in Stonebridge are the responsibility of the Homeowners Association, the County and the Developer.

Supervisor Kraft noted that the Stonebridge Homeowners were planning a clean up of the neighborhood. One of the areas they addressed was the poorly installed railing over the bridge. Supervisor Nilson expressed a concern that they could be getting into areas where liability may become an issue.

Supervisor Kraft further noted that there doesn't seem to be any plans or specs describing how the railings were to be installed. The only drawings that exist are conceptual drawings.

The developer is still managing the Homeowners Association. Supervisor Nilson noted that it was his understanding that the Articles of the Association need to be recorded at the County at the time it is formally turned over to the residents.

Treasurer Batton noted that it is her understanding that as of July 1<sup>st</sup>, all operational expenses of the CSTS are to be borne by the residents. However, all warranty expense would still be charged to the developer's escrow. She encouraged the consultants to be aware of this when they bill the Township.

Supervisor Kraft asked Engineer Nelson about the drainage problem that existed in one of the backyards in Stonebridge. Engineer Nelson thought that it had not yet been taken care of.

Treasurer Batton noted that we had written a NPDES refund check to the builder of the home on that property causing the problem and suggested that we hold sending that check pending resolution of this problem.

The Board took a short recess before proceeding.

Chairman Schommer re-convened the meeting at 7:00 pm.

## **Minutes of Previous Meeting**

Chairman Schommer called upon Clerk Maas to summarize the minutes of the July 21st meeting and upon completion asked if there were any corrections?

Supervisor Nilsen asked that we include the name of the supervisor who talked to Attorney Weinberg on page 5. Chairman Schommer also wanted it noted that the discussion on the Cress project was formally tabled and that discussion continued. He would like the board to respect when an item is tabled, no further discussion should take place.

Supervisor Tom Kraft made a motion to approve the minutes with corrections.

Supervisor Nilsen also asked that the reference to "Clerk Maas as the compliance officer" on page 7 be changed to "the Town Clerk". Supervisor Lawrence also suggested that the 4 paragraph on page 7 also be modified.

Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0

## **Sheriff's Report**

No Report this evening.

## **Resident 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) Resident Cathy Haugh, Murphy Lake Blvd., noted that we have been discussing sending out a notice of the new website for quite some time and wanted clarification. It was her understanding that this was to be a separate announcement and not a part of the newsletter itself.

Supervisor Nilsen stated that this was his understanding.

Mrs. Haugh also asked it would be stated that the Township wished to acquire the email address list. Supervisor Lawrence noted that in his opinion we are not prepared to collect email addresses as of this time.

Supervisor Lawrence further noted that all of the Board members are elected and it would be possible for each member to possibly use this list inappropriately. He would hate to see accusations being made at some point in the future.

Mrs. Haugh suggested that perhaps the Board could have the attorney draft something that would insure that the members would not misuse this list.

Greg Brown from the Citizen's Advisory Group envisions a link on the website whereby residents could ask to be included on this email list.

Supervisor Lawrence restated his concerns about any of the elected officials having direct access to the list for fear that some will allege inappropriate use of the names.

Resident Jay Saterbak asked if we could view this as an hour a month project that someone could be hired to manage. It was noted that perhaps the webmaster might be able to handle this. Supervisor Lawrence will check on this.

Supervisor Lawrence noted that he had received the draft announcement for the Clerk to send out regarding the new website from Supervisor Nilsen this morning and it was forwarded to Clerk Maas within the last few days. Plans call for it to be sent out this week.

Mrs. Haugh also asked that we add a discussion of the status of Incorporation to the next meeting agenda along with a continuation of some re-organization items.

- 2) Bill Jennings, resident of Huntington Way, noted that he had a couple of issues that he would like to discuss

- a) Use of the Town Hall for Meetings

Mr. Jennings mentioned that three months ago he asked about this subject and is wondering about the status of this request.

Chairman Schommer noted that he thought it had been referred to Attorney Ruppe for review.

The Board indicated that they will investigate and report back at the next meeting. There are still issues related to access and the security system.

Supervisor Nilsen noted that a method would have to be developed to address the security system issue for access by various groups.

- b) Reimbursement of the Town Attorney for Travel to Meetings

Mr. Jennings noted that this topic had been discussed at the last meeting and wondered about the current thinking on this. He feels that this is inappropriate. He also questioned the need to have the Attorney present at each meeting. He suggested that he been given a list of questions via email that he could prepare for the Board's consideration.

Supervisor Kraft noted that we have discussed this and will make an effort to review the agenda with Mr. Ruppe ahead of time with a view to not requiring his presence.

Clerk Maas noted that this is one of the reason's we're attempting to re-structure the format of the agenda.

Supervisor Aspengren agreed and wondered if we needed to retain an attorney who has to travel as far as Mr. Ruppe does. He also noted that he's quite certain that other Townships don't require that the legal counsel be present at each meeting.

Supervisor Nilsen noted that we have been aware of this issue for quite some time and in fact when we first went to two meetings per month it was intended that the consultants would not need to be present at the second meeting, however, we've found it difficult to get the Town's business taken care of without Mr. Ruppe's presence to answer questions and provide direction.

Mrs. Haugh asked if it would be possible to have a deadline for the email announcing the new website? It was decided that every effort would be made to get it out by August 8<sup>th</sup>.

### **3) Compensation of Township Officials**

Jay Saterbak, resident of White Drive, noted that he felt that the compensation of Town Officials needed to be discussed further. He was disappointed at the outcome. It was his feeling that the compensation of the Clerk and Treasurer should be equivalent.

Treasurer Batton noted that she felt the rates were set using Spring Lake as a guide. She noted that the Treasurer at Spring Lake is currently at \$23/hour because she has been on the job only a year. The previous Treasurer was being paid at the rate of \$27/hour.

Treasurer Batton noted that she felt that the Supervisor compensation and job responsibilities need to be clarified. She noted that she has an extensive list of items that need to be addressed.

- 4) Jason Allen, resident of 210<sup>th</sup> street asked if the minutes from the last meeting were a combination of the Public Hearings and the Regular meetings? He was told that they were.

He asked if the vote of the residents on 210<sup>th</sup> who were in favor of the project as well as against got recorded in the minutes. It was noted that 3 of 10 residents present expressed a favorable view of moving forward with the 210<sup>th</sup> Street project.

Supervisor Kraft asked that the topic of 210<sup>th</sup> Street be added to the next agenda in that there appears to be some confusion on this project.

Treasurer Batton noted that she had been in communication with Kennedy and Graven and that there appears to be some issue on the interpretation of which properties are truly benefiting and if all of the benefiting properties are being assessed as required by Minnesota Statute 429.

Chairman Schommer noted that we need to refer this to our attorney for review.

- 5) Supervisor Nilsen asked about the status of the Stonebridge as-built drawings.

Engineer Nelson noted that we had sent the developer a letter asking that they supply us with as-built drawings for the project by July 23<sup>rd</sup>. They failed to respond. Consequently, Hakanson and Anderson will develop these.

Clerk Maas noted that at the previous meeting it was stated that this project would have to be placed in default in order to draw on the Letter of Credit funds.

Supervisor Nilsen noted that it was his opinion that the as-builts should be charged to the escrow account and that default should not be an issue.

## **Agenda Items**

### **1) Update on Sediment and Erosion Control Program**

Doug Schoenecker, representing Scott Soil and Water Conservation District appeared to offer a presentation of the Sediment and Erosion Control Inspection work performed by his organization as required by the NPDES pollution control efforts.

He stated that a large part of their efforts deal with education of builders and Township Officials on water management. It is a goal of the program is to keep he

Township clean and to keep the waterways and drainage systems working properly to control runoff during normal rainfall events, but also to avoid catastrophes during major storm events.

His group reviews construction plans and performs inspection of job sites to insure compliance.

## **Treasurer's Report**

### **1) Discuss New Copier**

Treasurer Batton noted that we have been using a copier on a demonstration basis supplied by Metro Sales. She noted that Metro has a good reputation as a copier vendor.

She presented a cost analysis for the Board's consideration.

The Board asked her to secure some competitive prices from other vendors.

### **2) New Market Bank Loan**

Treasurer Batton noted that in 2003 we obtained a bank loan in the amount of \$200,000 for the purpose of improving West Side and Pebble Brook roads. The original plan called for making annual payments on this loan in the amount of \$25,000 over the first 5 years and then renewing the loan for three additional years.

It has now been established that this type of loan cannot be legally renewed and therefore we have a choice of obtaining new financing or paying this loan off in full.

Treasurer Batton has reviewed the interest rates and is recommending that we pay off the approximate \$80,000 balance due September 10th, 2008.

Supervisor Aspengren made a motion that we pay off the loan, Supervisor Nilsen offered a second, all in favor, motion carried 5 – 0.

## **Clerk's Report**

### **1) Election**

Clerk Jerry Maas reported that he is continuing to recruit election Judges for the November elections. There will also be a primary the second Tuesday in September.

In view of the fact that there will be a large amount of setup time required for the November 4<sup>th</sup> election, it was decided to switch the Town Meeting from Monday, November 3<sup>rd</sup> to Thursday November 6<sup>th</sup>.

### **2) County Letter of Credit – Stonebridge**

Clerk Maas noted that he had been asked to check with the County to see if in fact an active Letter of Credit existed for the Stonebridge project. In checking with Marty Schmitz in the Community development Department, we have been told that there is not a current LOC for Stonebridge at the County.

## **Other Business**

### **1) General Road Financing Program**

Supervisor Lawrence pointed out that he had asked that this topic be placed on the agenda at the request of several residents recently relative to the numerous road projects now being considered by the Township.

There was a lengthy discussion of the various pros and cons of continuing the 429 assessment approach versus transferring responsibility for Road maintenance, repair

and re-construction in total to the Road and Bridge fund in order that all taxpayers might share in paying for these projects.

The general consensus was that we are lacking enough information as to what road projects would be coming up for consideration for repair in the next few years to the repair as well as the financial alternatives that might be used to fund these.

The Board asked Engineer Shane Nelson to prepare a proposal and include this analysis as a part of his current efforts to develop a five-year road Capital Improvement Plan. This topic will continue to be discussed at future meetings as more information becomes available. It was decided that Mr. Nelson would prepare a proposal for this project, outlining the scope and cost. The proposal would be submitted to Chairman Schommer and Supervisor Kraft for approval with the plan being to have the draft document available for the August 18<sup>th</sup> meeting.

**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 9:43 pm.

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

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