

# **Credit River Township Meeting Minutes January 4, 2010**

## **Call to Order:**

Chairman Leroy Schommer called the meeting to order at 6:00 pm.

## **Members Present:**

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

## **Others Present:**

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

## **Consent Agenda (6:00:30 pm)**

- 1) Approve Minutes from December 7, 2009**
- 2) Approve Treasurer's Report**
- 3) Approve Building Permit Report**

Treasurer Batton requested that the Treasurer Report be removed from the agenda because she has not received all of the information from the County with regard to the final tax distribution.

Supervisor Nilsen made a motion to approve the consent agenda. Supervisor Aspengren offered a second, all in favor, motion carried 5 – 0.

## **Old Business**

### **1) Update on Consultant Meeting with City of Savage (6:01:00 pm)**

Supervisor Nilsen noted that he, Supervisor Lawrence and Clerk Maas met with staff at the City of Savage on December 11<sup>th</sup>.

The meeting served as an introductory session for Dean Johnson, our new consultant working on the form of government,

The City of Savage asked that Credit River work with the Scott County to upgrade Highway 27 south of highway 44 to Highway 21.

Supervisor Lawrence noted that he received an email from Mr. Johnson this afternoon. He has a large amount of information from Engineer Nelson, that he plans to review in the next few weeks and hopes to have a summary report and some recommendations for the March 1st<sup>d</sup> meeting.

Supervisor Aspengren noted that it appears that Savage has no issues with whatever decision we choose.

Supervisor Nilsen commented that if annexation were the choice, he is of the opinion that a 20 to 30 year plan would be most desirable.

Supervisor Lawrence noted that there was some discussion at the possibility of putting a water treatment plant in Credit River and he also felt that Savage was agreeable to working with us in any way possible.

Supervisor Nilsen also noted that the current Savage Council is favorable towards as respects the discussions that have taken place so far.

The Board discussed setting up either a workshop or scheduling an item at a regular meeting sometime in March.

**2) Update on “Adopt a Highway Program” – Murphy Lake Road (6:07:10 pm)**

Supervisor Lawrence reported that at the last meeting, the Board asked him to contact Scott County Highway and see if they would consider retaining oversight of the “Adopt a Highway” program on Murphy Lake Road. He reported that he has received a note from Greg Illka that indicates that Scott County will maintain the status quo for the foreseeable future and manage this program for us.

**3) Update on Meeting with City of Prior Lake on Fire Contract (6:08:40 pm)**

Supervisor Lawrence noted that at the last meeting the Board indicated that they would be open to postponing this scheduled meeting until the new Fire Chief was appointed. Credit River resident Doug Hartman has since been appointed as the new Chief. They have arranged a meeting on Thursday, January 28<sup>th</sup> at 4:00 pm with City Officials, representatives from Spring Lake and Chief Hartman.

Supervisor Lawrence asked if any Board members have any issues that should be brought up at this meeting, he would like to gather these as soon as possible in order to forward them in advance of the meeting to Prior Lake.

Chairman Schommer noted that he has been in communication with Chief Hartman who expressed appreciation for the support the Township gave him.

Treasurer Batton indicated that according to Prior Lake officials, 2010 budget numbers would be available soon. She also noted that she recalled some prior discussions on the Capital Improvement plan and what types of equipment purchases are contemplated.

Supervisor Aspengren asked about what type of equipment is planned for the future?

Chairman Schommer mentioned that he has seen a list that included some pumper equipment.

Chairman Schommer suggested inviting Chief Hartman to the February meeting.

Supervisor Kraft asked if a 3<sup>rd</sup> station is planned in the Credit River area. This would help the insurance rates for many of the residents in the south part of the Township.

Supervisor Lawrence indicated that a location in the planned annexed area of Spring Lake is being considered at this time.

Supervisor Nilsen suggested that we check with Lakeville on their plans for the McStop station.

**4) Ordinance for Illicit Discharge (6:15:20 pm)**

Supervisor Aspengren noted that he had passed out a copy of a model ordinance at the last meeting. This is required to enforce the NPDES program. We were under the impression that Scott County had an ordinance, however it appears that they do not. Furthermore, they are unsure of their plans at this time. We could choose to adopt an ordinance ourselves if we choose. He suggests that we table this item until the February meeting to see what the County is planning.

**5) Status of Written Procedures (6:16:30 pm)**

Treasurer Batton reported that she is waiting for Board direction. She has completed procedures for 3 out of the 4 procedures that the auditors have requested. She has

finished Utility Billing, Payroll and the Receipts procedures. The 4<sup>th</sup> would be for disbursements.

She feels that if we fail to complete these, an item will appear in the Management Letter indicating that we are not in compliance with audit requests. She feels that this is a good idea to have procedures written down.

Supervisor Aspengren felt that Treasurer Batton has done a good job in writing the procedures. His concern is that the one on payroll is so detailed, anyone could write a payroll check.

Treasurer Batton explained that the blank check stock is actually kept in the safe and so that should not be an issue. She noted that the detail is done to facilitate her potential successor should that occur.

Supervisor Lawrence noted that the duties of an elected official should be documented, and as far as detail is concerned, to some extent, the more detail the better in all probability.

Supervisor Nilsen agreed that this is a good idea.

Treasurer Batton also noted that having procedures serves the purpose of informing, as well as an indication that the Board approves how she is doing in performing her duties.

Supervisor Kraft suggests that the Board review these completed procedures prior to the next meeting.

Chairman Schommer made a motion to direct Treasurer Batton to proceed with the fourth procedure. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

Supervisor Nilsen asked if Clerk Maas might have some idea of procedures that might apply to his position.

Clerk Maas indicated that he would take a look at this.

Treasurer suggested that a procedure in how to prepare an agenda might be in order. Also, how to post public notices. Maybe we need one for mailbox inspections,

Supervisor Kraft suggested one for building permits. .

#### **6) CSTS Operating Procedures – Date for Rate Hearing (6:22:45 pm)**

Supervisor Aspengren noted that at the last meeting a discussion took place regarding reducing rates in the CSTS districts. He noted that this would require a rate hearing and that he had hoped to schedule this in February. However in talking to some of the residents, it appears that March might be more appropriate and he is suggesting that we have a meeting soon to discuss this.

He invited Rob Wachholz, representing the SA group, to discuss this. Mr. Wachholz suggested that there are three things to consider.

- 1) Operating surplus that's been accumulated and determine how some of that surplus might be returned to the residents
- 2) Expenditures on service calls that are not related to the common system. He noted that charging this to the individual homeowner might tend to make them more accountable
- 3) Capital Replacement Reserve and what makes up this amount.

Mr. Wachholz also asked if we could have the rate hearing in conjunction with a regular meeting to avoid duplicate meeting expenses.

The Board felt that this made sense.

Supervisor Nilsen asked if a workshop might be a good idea in advance of this meeting?

Supervisor Lawrence felt that a workshop should be held if there are changes in procedures or operation of the CSTS systems considering that some items are now being identified as homeowner issues that might affect operating procedures and billing.

Chairman Schommer suggested that perhaps a workshop with Dean Johnson on the form of government topic and this CSTS meeting might be held on the same night.

Resident Lucian Strong stated that he would send a recommendation for a date that will work for the residents.

Treasurer Batton also suggested that the question of who would be allowed to perform emergency services on the homeowner owned equipment and that this topic ought to be addressed at that workshop.

## **7) CSTS Issues (6:31:30 pm)**

Supervisor Aspengren noted that there were some open issues relative to the completion of CSTS systems 2 and 3.

### **a) Telephone Lines**

The first question is related to the requirement for telephone lines. Ryan Brandt of EcoCheck has been looking into this and has found that 80% of all of the systems are "hard-wired", the rest are relying on the audible alarms.

There was some discussion of requiring an ordinance to require telephones. We are re-considering this and investigating what type of problems we might expect in the absence of hard-wired telephones.

We are also looking at other types of technology that might be used as an alternative.

### **b) Capping**

Mr. Brandt has prepared some information relative to "capping" some equipment. He will provide a copy to the residents.

### **c) Winterizing**

With regard to the winterizing requirements, we opted not to use Traditions for this operation in favor of using our Township Engineer and Witt Construction. There is some concern on the part of Tradition as to where they stand with the Township as far as the implications with regard to future work.

Chairman Schommer mentioned that it is his understanding that we had an agreement with Traditions and that the terms of the agreement have been fulfilled.

### **d) Fencing**

Supervisor Aspengren noted that there were still some open items on that agreement, most notably the fencing that has not been completed. He mentioned that the Township required more fencing that Tradition had originally planned. The MPCA seems concur with our requirement for more fencing if possible. They would not require trees in the auxiliary areas to be cut down.

Supervisor Aspengren invited Mr. Wachholz to provide any further thoughts.

Mr. Wachholz stated that Tradition is serving as an intermediary between the Township and SA group, the owner of a number of lots in the territory.

The important issue at hand is the work that remains to be done and that it is the position of SA Group that the agreement between Tradition and the Township to complete the remaining work is a subset of the Developers Agreement, it doesn't go away and that we are both bound to it's terms for better or worse. It requires you to deal with SA group as you might the developer in terms of making requests and the SA Group performing what the Township would like done with allocation of funds from the escrow until the escrow is done.

The main concern for the SA Group is insuring that CSTS systems 2 and 3 are completed in that they are designed to serve the lots that SA owns.

As far as the fencing plan is concerned, Mr. Wachholz indicated that he felt that progress had been made in terms of defining a scope and in fact he had forwarded a new preliminary cost estimate to Supervisor Aspengren this afternoon. He sees that funds might be a combined effort between the escrow account, the HOA, and SA funds. He emphasized the need for a plan that everyone can agree upon.

Supervisor Kraft noted that we had recently discussed the split rail fence and it's cost. Engineer Nelson noted that this is has been estimated to cost between 6 and 9 dollars a foot

Mr. Wachholz stated that the cost he has arrived at is \$91,000 including an allowance of \$35,000 for over seeding. The fencing itself amounts to approximately \$20,000.

Supervisor Nilsen suggests that we wait until we hear from the MPCA.

Supervisor Aspengren agrees and suggests that at that time we set up a meeting with all parties and make a decision at that time.

Treasurer Batton asked when we would be in a position to accept the 2010 budgets for the CSTS? No decision

e) Ordinances

Supervisor Aspengren has commented on the SSD ordinances. He noted that all three are similar in nature. He reviewed these from Mr. Brandt's email.

**Attorney Report (6:50:25 pm)**

Due to a family emergency, Mr. Ruppe is unable to attend this evening.

Clerk Maas mentioned that the item regarding the contract with EcoCheck was placed on the agenda because he had not received a final copy for execution. Supervisor Aspengren mentioned that he had a copy of the contract and that we would address it next meeting

**Sheriff's Report (6:51:05 pm)**

None this evening

## Engineers Report

### 1) Consider Request from Joe White, Tri-County Aggregates, for Partial Release of Liquidated Damages on Huntington Way Project (6:52:40 pm)

Engineer Nelson noted Joe White is formally asking that the Board consider a partial release of liquidated damages. He presented the Board with a preliminary analysis. He was unable to review this with Attorney Ruppe today.

Engineer Nelson pointed out that we had originally arrived at 38 days with the intention of negotiating this at a later date. In April, we agreed to reduce this penalty to 15 days subject to certain conditions, one of which was timely completion of the project.

Engineer Nelson wished to point out that our agreement specified that we would consider this release upon 100% contract completion, but Mr. White is asking for an early disbursement in order to pay his sub-contractor. Engineer Nelson did state that the Township is not under obligation to release these funds at this time, but may wish to consider it.

Chairman Schommer noting that the request was to pay Crane Creek Asphalt, a sub-contractor and asked about the appropriateness of this? Engineer Nelson suggested that we obtain a written statement requesting this.

Chairman Schommer suggested that we consider releasing a portion and pay Crane Creek Asphalt. Supervisor Lawrence agreed.

Supervisor Kraft made a motion to release \$13,800 with the condition that the check be made out to both Tri-County Aggregate and Crane Creek Asphalt. Supervisor Aspengren offered a second, motion passed 5 – 0.

## Public Hearing–Integra Telecom–Consider Franchise Application (7:03:10 pm)

Clerk Jerry Maas noted that the Public Notice for this hearing inadvertently stated the date as January 4, **2009** rather than January 4, **2010**. Consequently, upon the advice of our attorneys we are re-noticing the Hearing for February 1, 2010 at 7:30 pm

## Resident Open Forum

Chairman Schommer called for any persons wishing to discuss a topic not on the agenda.

### 1) Safety Concern on Highway 8 (7:05:20 pm)

Resident Gary Schlegal asked that the Board consider safety issues on County Road 8 and Lucerne Trail where his wife, Margaret Schlegal lost her life on December 8, 2009.

Mr. Schlegal presented a list of recommendations that he is asking the Board to consider with the County in order to make the road more forgiving and mitigate driver errors in order that this situation might be avoided in the future.

Supervisor Aspengren noted that Mr. Schlegal had stopped by the Town Hall in late December when he, Treasurer Batton and Engineer Nelson happened to be there and they reviewed this situation at that time. He also reported that he has been in contact with Commissioner Tom Wolf who is looking into the matter at the County.

### 2) Lakeville Truck in Creekwood (7:24:30 pm)

Resident Duane Sebens noted that he saw what appeared to be a City of Lakeville truck at the entrance to the Creekwood Addition and wondered what business they had there?

It was determined that this was a truck from Safety Signs, Lakeville installing some stop signs.

### 3) Newsletter (7:26:00 pm)

Resident Kathy Haugh asked about the status of the township newsletter.

Chairman Schommer and Supervisor Lawrence both indicated that it was their understanding that we would be preparing one this spring.

Mrs. Haugh noted that she had mentioned in the past that she didn't think it appeared good to the residents to have a newsletter going out from the Township and another letter being sent out by another official that was kind of a campaign letter. She is asking if all seven of the elected officials couldn't get together and produce a single newsletter.

Chairman Schommer noted that Clerk Maas has chosen to send out a letter of his own when he so chooses and that the Board intends to continue sending one out periodically and that they would hope that Mrs. Haugh would continue to assist in this effort.

Treasurer Batton wants to be sure that the record reflected that she had sent Clerk Maas and email in November suggesting that she and Clerk Maas work together on a newsletter and that Clerk Maas had indicated at the time that he would consider it.

Supervisor Lawrence noted that Clerk Maas is not a member of the Board and as an elected official; he has every right to send his news and views out to residents.

Mrs. Haugh asked if any of the Board reviewed Clerk Maas's newsletter. The Board indicated that they had not.

Mrs. Haugh noted that at the open house that the Township held several months ago, she was present and that she heard a lot of comments from residents expressing confusion about receiving two separate newsletters.

Treasurer Batton asked that one Board member be assigned the responsibility to develop the Township newsletter.

Supervisor Nilsen stated that he agrees with Supervisor Lawrence that Clerk Maas has every right to send his newsletter. If some feel there are inaccuracies, then they need to figure out how to address these. He indicated that he would like to see at the very least that a spring summer and fall newsletter be sent out.

Mrs. Haugh wished to clarify her comments such that she was not objecting to the fact that Clerk Maas was sending out his newsletter but her main concern is that confusion exists by sending out two newsletters.

Supervisor Lawrence asked Mrs. Haugh if she was still interested in helping with the publishing of the newsletter. She indicated that she would and repeated her desire that this be a combined effort.

Clerk Maas stated that he has begun to resend his email at the request of several residents who missed getting this information. He noted that he received quite a large number of notes of appreciation from the recent mailing. He defended his position that there are things that can be said on the taxpayer's dollar and things that can't be said.

Treasurer Batton asked what couldn't be said on the taxpayer's dollar.

Clerk Maas noted that at election time, the Township is unable to put any information out regarding the candidates or their position on matters. He noted that when he sends out his newsletters, he gets comments from people who don't agree with his position and these are indicative of items that can't be placed in a publicly funded newsletter.

Supervisor Nilsen repeated his desire that we publish a newsletter and that he has some ideas on information he would like to see published.

Clerk Maas noted that he finds many of the newsletters he receives from various entities lack content that interests him. On the other hand, he finds newsletters from our elected representatives are of great interest and he reads these immediately. He noted that he felt there is room for both types of newsletters.

Mrs. Haugh felt that there are mixed messages sent out, for example the reference to the amount of money being spent of the Town newsletter.

Supervisor Lawrence asked what amount was budgeted for by the Township for the newsletters. Treasurer Batton indicated that in 2009 we budgeted \$3000.

Mrs. Haugh repeated her concern that it doesn't look good for two newsletters to be going out and even if Clerk Maas should continue, he should also accept responsibility to write one for the Township as a part of his assigned duties. She feels that in a perfect world, there would be one newsletter that would reflect the views of the entire Board.

Supervisor Nilsen wondered how many people are actually reading the Township newsletter? He mentioned he asked some friends and found that they don't read it and for what we are spending, he is wondering if we are getting our money's worth?

Mrs. Haugh repeated her concern that everyone she has talked to thinks that the newsletter coming from Clerk Maas is coming from the Township, not one of the elected officials. That feeling is unanimous.

Clerk Maas noted that one of the objectives of SCALE is to eliminate duplication of expenditures and they are looking at providing space in the Scott County Scene for the individual entities, Credit River included.

Treasurer Batton suggested that Supervisor Nilsen take responsibility for the next newsletter.

Clerk Maas emphasized that these take time to produce. He feels strongly that his letter is well received and wishes to continue to produce it. He has limited time available to do a second newsletter for the Township.

Supervisor Lawrence noted that if the desire were to have a newsletter ready in time for the Annual Meeting, it would need to be ready for printing around the 18th of February.

Mrs. Haugh asked that by 1/22 a preliminary version be available and that by Feb 8, final copy be ready for her to set up.

Supervisor Aspengren suggested that some information about the census be included.

#### **4) County Roads 27 and 44 Meeting (8:10:05 pm)**

Resident Jay Saterbak noted that he had received a notice of an open House scheduled on January 12<sup>th</sup> to discuss plans for reconstructing County Road 44. He indicated that he will be out of town but hoped that someone from the Board will be able to attend.

Mr. Saterbak noted that he had some concerns, most notably access. He noted that it is important for that emergency services typically flow from the East, however traffic flow in both directions during the construction period is an absolute necessity and wanted to be sure that this point is emphasized to the County at that meeting.

#### **5) Website (8:14:35 pm)**

Resident Saterbak also requested that all Public Notices that are posted to the Town Board, also be posted to the Township website.

### **Engineer's Report (Continued)**

#### **2) Consider Amendments to Fee Ordinance (8:23:10 pm)**

Engineer Nelson noted that there have been some requests for wetland reviews and there has been no funding set aside for paying for these. There have been some recent changes to the Wetland Conservation Act that requires the LGU to be capable of providing technical assistance in these areas.

Engineer Nelson is asking if the Township wishes to amend the Fee Ordinance and to what extent does the Board wish to have the Engineer involved in these reviews.

The Board asked Engineer Nelson to prepare a recommended Fee Structure for Hakanson Anderson to administer the Wetland Conservation Act for the Township and a procedure to process these.

The Board also decided to split the costs of the three current encroachment agreements equally. The Board asked Engineer Nelson and Treasurer Batton to prepare a proposed fee structure for future encroachment agreement requests.

**3) Update on Sign Inventory Project (8:44:40 pm)**

Engineer Nelson has prepared a draft report on the Township signs. He is asking that the Board give him some direction as to proceeding forward. He noted that there are different options to implementing this program. The report currently states that the township will assess all the retro-reflectivity of all of the signs using the visual nighttime inspection method. He will proceed with preparation of the final report.

Treasurer Batton asked where this expense should be reflected in the budget and the Board instructed her to classify it under general R & B engineering expense.

Supervisor Kraft will work with Engineer Nelson on this project.

**4) Territory Draw Request (9:01:00 pm)**

Engineer Nelson presented a request from SA Group for a pay request for work completed to date in the Territory. He noted that the request is for payment for 6 items. He has questions on two of the items.

Supervisor Kraft made a motion to pay \$26,927.85 for four of the six items submitted.

Chairman Schommer offered a second, all in favor, motion passed 5 – 0.

Mr. Wachholz disagrees. He noted that he has vendors that are due payment for the other two items that he feels were within the scope of the original agreement.

There was a discussion about some billings that had to do with the water system and Supervisor Nilsen noted that the Township is not responsible for the water system.

There was also a discussion that the cost associated with developing the plan for the alternate fencing should not be born by the Township, a total of \$4275. Mr. Wachholz indicated that it was his impression that the Township had requested this revised plan and therefore would be expected to pay for it. He felt that it was within the scope of the overall work effort.

Supervisor Lawrence expressed some concern that the Escrow account will not have enough funds to pay for all of the items that seem to be coming forward. He suggested a moratorium on all spending without Board approval after payment of this draw.

As far as a plan is concerned, Mr. Wachholz stated that he was well aware of an extensive landscaping plan that had been approved by all. His point is that it was his recommendation that we didn't want to follow this plan because of the expense and the impracticality of it. He noted that questions arose if the County and the MPCA would concur with a reduced plan that would be far less expensive to both install and maintain.

Engineer Nelson concurred that there may or may not be sufficient funds to complete all of the items that have been identified as incomplete.

In response to a question from Supervisor Lawrence, Engineer Nelson estimated that once CSTS 2 and 3 are completed, there would be approximately \$165,000 left for the remaining items.

Supervisor Lawrence stated that there appears to be little funding to over warranty expenses.

Mr. Wachholz stated that it was his impression that after CSTS 2 and 3 are completed, the warranty expense would go to the Operating Reserve, but he wasn't certain and he would check the agreement and confirm.

There was a discussion that nay shortages would have to come from the Capital Reserve Fund and perhaps this might have to be increased.

Chairman Schommer questioned the appropriateness of spending \$35,000 for grass seed.

Mr. Wachholz noted that this entire amount need not come from the escrow and that the HOA and SA Group may be in a position to contribute.

Supervisor Aspengren mentioned that there will in all probability be one more meeting to finalize this landscaping plan and that there will be associated costs.

Clerk Maas asked if the estimated fencing cost of \$200,000 was noted as an uncompleted item at the time the request was presented to the Board to reduce the Letters of Credit for the project.

Engineer Nelson stated that there appears to have been some confusion over the approved landscaping plans.

Supervisor Lawrence made a motion that the full Board approves any expenditure from the Territory Letters of Credit going forward.

Supervisor Aspengren noted that there was some confusion regarding the plan for the fencing and who would pay for it. We also did not suggest that the plan not be done.

Supervisor Lawrence amended his motion to include permission of the Chair would also be allowed to approve expenditures.

Supervisor Kraft offered a second to Supervisor Lawrence's motion. All in favor, motion passed 5 – 0.

Supervisor Aspengren suggested that we pay the \$4275 for developing the plan.

Supervisor Nilsen suggested we wait until we hear from the MPCA until we approve payment. If they deviate, we will have funds to approve. He suggested that we get an idea of there thinking before we spend money on another meeting. Supervisor Aspengren will call the MPCA and request a written response.

Engineer Nelson noted that the wetland mitigation issue still needs to be resolved on the Territory project. We are the official LGU with respects to the wetlands and sooner or later will need to meet with BWSR, the DNR and the Army Corps of Engineers to resolve the wetland mitigation responsibilities associated with the project.

Engineer Nelson noted that the statute requires that the mitigation should be completed at the time of the impact. He estimated that the potential high cost might run as high as \$75,000. He further noted that it's the Township's responsibility as the LGU to ensure that the Wetland Conservation Act is followed.

## **SCALE Report (10:00:15 pm)**

Clerk Maas mentioned that one of the long-range objectives of the SCALE organization is to develop an economic environment whereby 50% of the residents of Scott County could also be employed in Scott County by 2030.

With that objective in mind, the SCALE Economic Development Sub-Committee sponsored a workshop for many of the elected officials outlining long term requirements such as preserving Roadway corridors to facilitate the transportation system at the same time in order that this goal might be achieved.

Supervisor Kraft asked if the Board would be willing to discuss some road issues before Engineer Nelson leaves the meeting. He discussed the recent letter we received from the County on Seal Coating and Crack sealing.

Supervisor Lawrence asked Supervisor Kraft what his recommendation would be.

Supervisor Kraft felt that the Crack Sealing operation is most important. There was a high cost last year.

We also should be planning any re-construction projects, if any, we plan to do this year.

Chairman Schommer mentioned that process should have been started in December for publication in February.

Supervisor Kraft thought we ought to identify certain roads that it would be wasteful to invest repair funds in prior to complete rebuild.

Supervisor Kraft is suggesting that a plan be developed and he is volunteering to work with Engineer Nelson on this and hopefully have a plan ready by next month.

Supervisor Aspengren asked if we plan to do any roads this year. The Board's feeling is probably not.

Engineer Nelson commented that sometimes a 2-inch overlay is a good idea before a road gets too bad to extend the life until funds are available to rebuild.

Engineer Nelson was dismissed from the meeting at this time.

## **Road Report (10:18:50 pm)**

Chairman Schommer stated that he is planning on scheduling a salt/sand operation tomorrow. Supervisor Nilsen suggested that perhaps waiting a couple of days would be a good idea since 2 inches of snow is forecast.

## **Clerk's Report (10:19:17 pm)**

Clerk Maas reminded the Board of the meeting tomorrow at the Highway Department to review preliminary plans for the County Road 91/68 Round-a-bout and also the meeting on January 12<sup>th</sup> regarding the re-construction of County Road 44.

## **Treasurer's Report**

### **1) Separate Checks for Salary and Expenses (10:20:35 pm)**

Supervisor Lawrence noting that last month we combined our salaries and expenses into a single check, but he would prefer that they remained separate. Treasurer Batton agreed and this change will be made.

### **2) Resolution for Signature Authority – New Bank CD Account (10:21:20 pm)**

Treasurer Batton reported that she swore in Dave Lang as new deputy Treasurer.

As a result we need new signature cards at the banks.

Supervisor Kraft made a motion to add Dave Lang to the bank signatures at Anchor Bank and Merchants Bank and to remove our previous Deputy Treasurer, Dave Cuthill. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

**3) Transfer Funds (10:24:10 pm)**

Treasurer Batton requested a transfer of \$205,000 from the savings account to the checking account. Noting that a large Bond payment is not due until the 20<sup>th</sup>, Supervisor Kraft made a motion to transfer \$120,000 now and \$85,000 on 20<sup>th</sup>, Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

**4) Approve Request from Don Loehr to Release Escrow Funds (10:26:28 pm)**

Treasurer Batton noted that we need to approve releasing Mr. Loehr's escrow balance of \$1703.43.

Supervisor Nilsen made a motion to approve this release, Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

**5) Consider Recommendation for Allocation of territory CSTS Expenses Between Developer and Subordinate Service District (10:27:25 pm)**

Treasurer Batton stated that this agenda item was the result of a meeting last August between herself, Supervisors Aspengren and Lawrence and Ryan Brandt. Given tonight's earlier discussion, she is of the opinion that this is irrelevant and perhaps ought not to be considered any longer.

Supervisor Nilsen asked that an agenda item be scheduled in the future to discuss situations when developments fail, that we strongly consider managing the project as a Township rather than subcontracting the work out.

**6) NSF Checks (10:31:55 pm)**

Treasurer Batton stated that the Bank charges us a \$5.30 service charge for all NSF checks. In the past, she has charged a \$30 fee and an additional \$30. She has been told that this is not legal, that the maximum charge is \$30 per incident. Her question to the Board was do they wish to require a cashier check or certified check for repeat offenders?

And what if it happens twice? What do we do then?

Supervisor Nilsen asked if we talking about two from the same transaction or two from the same person?

Treasurer Batton asked if we're suggesting 365 days or less?

Supervisor Lawrence asked how many checks bounced this year. Treasurer Batton indicated that there have been a total of six,

Chairman Schommer suggested that we only allow this one time. Supervisor Aspengren said we should allow 2 times.

Treasurer Batton noted that perhaps it's not that big of an issue, she just thought she'd bring it to the Board's attention.

Supervisor Nilsen says anything in excess of \$100 in a single calendar year would require a cashier's check.

Supervisor Lawrence suggested that we find out what the cities are doing.

Supervisor Kraft suggested a policy.

The Board agreed that any company or individual that wrote two checks within a 365 day period that resulted in an NSF situation, would be required to submit future payment in the form of a cashier or certified check.

Treasurer Batton will update the current policy to reflect this decision.

**6) Letter of Credit for Cress View Estates (10:37:20 pm)**

Treasurer Batton stated that she has received the LOC from On-Site Marketing, scanned it and sent it to the Attorney for review since she has been told that all LOC's need to be reviewed by the Town Attorney. She has not heard from him and emailed him on the 21<sup>st</sup> or 22<sup>nd</sup> of December. He responded and indicated that the last paragraph needed to be removed. She was informed by Voyager Bank that this is the exact same LOC that was approved last year. She informed the Bank that she could not make a decision and would bring it to the attention of the Board. She emphasized that she does not have the authority to make this call. She is recommending that since this is a relatively small amount, we should probably accept it as is.

Supervisor Kraft stated that he was concerned that Attorney Ruppe is reviewing these documents and billing us. Treasurer Batton pointed out that she does not want the liability of accepting an LOC without Attorney review and also wants to save the expenses of the attorney. She suggests that in the future we require they be submitted prior to the December meeting and that we review them at that meeting.

Treasurer Batton asked why Mr. Ruppe failed to catch these items on the previous Cress View LOC's.

**7) Attorney Billing (10:42:40 pm)**

Treasurer Batton is asking at what pay rate Attorney Ruppe ought to be charging for review of the SSD ordinances. (\$170/hour or \$155/hour).

Supervisor Kraft noted that Attorney Ruppe had billed us \$310.00 trying to rework a contract with the county. He felt this was excessive since the contract he was reviewing was only for \$1000.00.

Chairman Schommer suggested that he should be charging \$155/hour.

**8) Dedicated Fund for Stormwater Emergencies (10:44:25 pm)**

Treasurer Batton noted that she and Supervisor Aspengren had talked earlier about this designated fund for the Stormwater Emergencies. It will have a budgeting impact. We will be investigating when this will go into effect.

Supervisor Aspengren stated that this is a part of the DAP project and he needs to do some work on this

**9) Kody Place (10:44:18 pm)**

Treasurer Batton stated that she has been contacted by the County Taxation Department and they have decided that they will assign it to the 2010 property taxes.

She has talked to Supervisor Aspengren and Supervisor Kraft and it was determined that we cannot proceed forward until we provide the proper legal notice per the terms of the contract.

Supervisor Aspengren stated that Attorney Ruppe would prepare the notice tomorrow.

Supervisor Nilsen made a motion to direct the Town Attorney to prepare Resolution 2010-01 to enforce the Developers Agreement for Kody Place. Supervisor Kraft offered a second, motion passed 4 – 0 (Schommer abstaining)

**10) Met Council Loan (10:56:20 pm)**

Treasurer Batton noted that this is due on January 20<sup>th</sup> and she does not have the time to write the report. She is suggesting that we send in the same report as last year since nothing has changed.

**11) W-4's (10:57:11 pm)**

Treasurer Batton noted that she has sent out the w-2's for 2009 and inquired if everyone had received them? If anyone would like to change his or her deductions for 2010, she would like to know now.

**12) Financial Reports (10:57:35 pm)**

Treasurer Batton noted that she was unable to get the reports done for the first meeting because of the year-end holiday and the County's software issues. She is suggesting that future reports be compiled and submitted the month following. She will meet with Supervisors Aspengren and Kraft mid-month.

**13) Policies on Website (10:58:35 pm)**

Treasurer Batton noted that Clerk Maas had forwarded copies of the Township Policies and suggested that they be placed on the website. She is also in favor of this and would like to see this completed.

**14) Copies to the Treasurer (10:59:10 pm)**

Treasurer Batton is asking that any information supplied to the Board prior to a meeting be sent to her also. She noted that the Data Practices Act requires that anything provided to the Board prior to a meeting needs to be provided to the public as a whole also.

Supervisor Lawrence stated his concurrence in that anything we can do to widen communication is a good thing.

**15) Budget (11:00:00 pm)**

Along those same lines, Clerk Maas asked that copies of the Budget information be provided to him as soon as it is available.

**New Business**

**1) Re-Organization Items (11:04:20 pm)**

Supervisor Schommer noted that we want to get some items addressed now before the next re-organization meeting.

Chairman Schommer stated that he feels the Clerk and Treasurer should be on salary.

The Board had a lengthy discussion weighing the pros and cons of reimbursing by salary or hourly.

The Board decided to discuss it at the next meeting.

**Review and Pay Bills (11:50:00 pm)**

1/4/2010	5360	Credit River Township	(CD at Merchants Bank)	\$	153,979.82
1/4/2010	5361	Al Aspengren	Services as Supervisor	\$	799.85
1/4/2010	5362	Brent Lawrence	Services as Supervisor	\$	734.18
1/4/2010	5363	Bruce Nilsen	Services as Supervisor	\$	789.59
1/4/2010	5364	Holly Batton	Services as Treasurer	\$	3,396.15
1/4/2010	5365	Jerald Maas	Services as Clerk	\$	2,082.12
1/4/2010	5366	Leroy Schommer	Services as Supervisor	\$	706.48
1/4/2010	5367	Tom Kraft	Services as Supervisor	\$	663.86

1/4/2010	5368	Al Aspengren	Expenses-December	\$	39.60
1/4/2010	5369	Johnson Trucking	Snow Plowing	\$	9,476.88
1/4/2010	5370	Brent Lawrence	Expenses-December	\$	42.76
1/4/2010	5371	Bruce Nilsen	Expenses-December	\$	27.50
1/4/2010	5372	CenterPoint Energy	Town Hall Gas	\$	105.24
1/4/2010	5373	EcoCheck	Wastewater Operations	\$	9,844.74
1/4/2010	5374	Ed Pulaski	Mailbox Reimbursement	\$	50.00
1/4/2010	5375	GE Capital	Copy Lease	\$	149.64
1/4/2010	5376	Integra	Phone Service	\$	565.48
1/4/2010	5377	Jay/Denise Klein	Mailbox Reimbursement	\$	50.00
1/4/2010	5378	Jerald Maas	Expenses-December	\$	85.62
1/4/2010	5379	Leroy Schommer	Expenses-December	\$	16.50
1/4/2010	5380	Mn Dept of Health	Water Quality Permit	\$	150.00
1/4/2010	5381	Minnesota Revenue	Withholding	\$	667.71
1/4/2010	5382	MVEC	Electricity	\$	619.93
1/4/2010	5383	Roger/Cheryl Donaldson	Refund NPDES	\$	900.00
1/4/2010	5384	SA Group Properties	Void	\$	-
1/4/2010	5385	Scott County Treasurer	Record Gilbert Encroachment	\$	46.00
1/4/2010	5386	Stonebridge Homes	Refunds	\$	3,600.00
1/4/2010	5387	Tom Kraft	Expenses-December	\$	23.10
1/4/2010	5388	Walter Meckel	Mailbox Reimbursement	\$	50.00
1/4/2010	5389	Wells Fargo Bank	Bond Payment	\$	84,512.50
1/4/2010	5390	Xcel Energy	St Francis St Light	\$	13.40
1/4/2010	5391	DB Services	Town Hall Lot	\$	850.00
1/4/2010	5392	Gallaghers	Snow Plowing	\$	16,607.00
1/4/2010	5393	Hakanson Anderson	Engineering	\$	6,398.80
1/4/2010	5394	Holly Batton	Expenses-December	\$	75.78
1/4/2010	5395	Loehr Family Partnership	Refund Escrow	\$	1,703.43
1/4/2010	5396	Metropolitan Council	Repay Loan	\$	40,000.00
1/4/2010	5397	Scott County Treasurer	TNT Billing	\$	472.43
1/4/2010	5398	SA Group Properties	SA Group Pay Draw	\$	26,927.85
1/4/2010	5399	Crane Creek Asphalt	For Tri-County Aggregate	\$	13,800.00
1/4/2010	EFTPS	941 Payroll Taxes		\$	1,780.71
1/4/2010	PERA	Employee Retirement		\$	501.62
1/4/2010	Anchor	Anchor Bank	Bank Service Charges	\$	10.64

## Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn the meeting. Supervisor Aspengren offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 12:15 pm.

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

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