

**Credit River Township Board Meeting  
Monday, May 7, 2012, 6pm**

**Meeting Minutes**

**The May 7, 2012 Credit River Township Meeting was called to order at 6PM by Chairman Brent Lawrence.**

**Members Present:**

Chairman Brent Lawrence; Vice Chairman Bruce Nilsen; Supervisor Leroy Schommer; Supervisor Tom Kraft, Supervisor Al Novak.

**Others Present:**

Township Clerk Lisa Quinn, Township Treasurer Sarah LeVoir, Township Engineer Shane Nelson, Township Attorney Bob Ruppe.

Scott County Assessor Solomon Akanki.

**At 6 PM, Vice Chair Bruce Nilsen made a motion to recess the May 7, 2012 Credit River Township Board meeting. Supervisor Schommer seconded the motion. Motion passed 5-0.**

**Reconvene 2012 Board of Appeal and Equalization.**

**At 6 PM, Vice Chair Bruce Nilsen made a motion to reconvene the 2012 Board of Equalization. Supervisor Schommer seconded. Motion carried 4-0. (Supervisor Novak did not vote, as he was absent at the first 2012 Board of Equalization meeting.)**

The 2012 Board of Equalization reconvened, and the subject properties discussed at the 2012 Board of Equalization meeting of April 26, 2012 were reviewed and recommendations were made by the Scott County Assessor's office.

After Board discussion and motions, it was decided to accept the recommendations presented by the Scott County Assessor's Office. Specifics on those subject properties and the motions made during the reconvened 2012 Board of Equalization are noted in the separate 2012 Board of Equalization meeting notes.

**At 6:17 PM, Vice Chairman Bruce Nilsen made a motion to adjourn the 2012 Board of Equalization Meeting. The motion was seconded by Supervisor Tom Kraft. The motion passed 5-0.**

**At 6:17 PM, Vice Chairman Bruce Nilsen made a motion to reconvene the May 2012 Credit River Township Board Meeting. A second was offered by Supervisor Leroy Schommer. The motion passed 4-0.**

- 1) **Approve or Amend Agenda:** Chairman Lawrence asked if any Board member would like to add or remove anything from the agenda. Township Engineer Shane Nelson asked to add the item "Territory" under "Old Business" as item #4. Supervisor Leroy Schommer asked that the item "Discuss Wetland and Tiling" be added as #3 under "New Business." Items were added as requested.

- 2) Consent Agenda**
  - 1) March 2012 Treasurer's Report**
  - 2) April 2012 Developer's Escrow Statement**
  - 3) April 2, 2012 Board Meeting Minutes**

The May Consent Agenda was reviewed. The Supervisors did not recall receiving the April 2, 2012 Board Meeting Minutes for review, so that item was moved to the June Board Meeting Consent agenda.

**Supervisor Leroy Schommer made a motion to accept the Consent Agenda, except item #3, the April 2, 2012 Board Meeting Minutes. The motion was seconded by Vice Chairman Bruce Nilsen. The motion was carried 5-0.**

### **3) Open Forum**

Residents Dave & Carrie Helgeson, 9401 Birch Lane, asked that the Board consider a conditional temporary overweight permit for Birch Lane, Fern Drive, and Lucerne Trail during the construction of their new home. They explained that most of their construction vehicles would be under 7 ton, and that it would increase their costs tremendously to have the construction vehicles bring half loads. They presented as evidence a listing of the vehicles that were scheduled to deliver the materials and the estimated tonnage.

Although the road is in poor shape, the Board decided to consider a conditional overweight permit based upon an agreement to be made and signed by the Township and the resident to abide by some guidelines set forth by the Township, and to be written by the Town attorney in conjunction with the Town Engineer. This permit and its conditions will be monitored by Supervisors Kraft and Schommer and be valid for a period of 6 months, or until such time that would it become necessary that the conditional use permit would have to be revoked.

**A motion was made by Supervisor Tom Kraft to allow a Conditional 7 Ton Permit for Birch, Fern, and Lucerne Road, with the conditions to be set and to be monitored by Supervisors Schommer and Kraft. A second was offered by Vice Chair Nilsen. Motion passed 5-0.**

There were no other items here.

### **4) Old Business**

- 1) County Road 8 Corridor Update.** Vice Chair Bruce Nilsen attended the last Scott County Road 8 Corridor Meeting. He gave an update to the Board and Township on the current stage of the planning process. The committee plans on driving the road so that they can more thoroughly discuss potential reconstruction issues.

- 2) Liberty Creek update.** Chairman Brent Lawrence updated the Board and Township on the ongoing Liberty Creek issues. The Liberty Creek escrow balance remains below the minimum required by Credit River Township. It is a Township Board decision not to do any more work or have any Township employees do work on Liberty Creek until the developer Mark Zweber comes forward with a final plan.

**At 7 PM, Vice Chair Bruce Nilsen made a motion to recess the May 2012 Credit River Township Board Meeting. Supervisor Al Novak seconded the motion. Motion passed 5-0.**

**At 7 PM, Vice Chair Bruce Nilsen made a motion to open the 195<sup>th</sup> Street East Road Assessment hearing. Supervisor Al Novak offered a second. Motion passed 5-0.**

CRT Attorney Bob Ruppe informed the audience that this meeting was the second of two statutorily required meetings on the 195<sup>th</sup> Street E Road assessment hearing. He stated that this meeting was an opportunity for the residents to educate the Town Board on whether or not they should adopt the assessment. He further explained that if any residents wanted to contest the assessment, they would have to submit their intent to contest in writing prior to the end of the hearing.

CRT Engineer Shane Nelson briefed the audience on the status of the project. He explained the difference in the assessments was based upon the primary access to each individual property. He stated that the bids came in favorably, almost \$20,000 less than the estimated costs. This opens up the possibility that the assessments could be lowered.

Supervisor Schommer stated that he had confidence in McNamara Contracting, the firm that submitted the low bid, as they have a reputation for doing good work.

Chairman Lawrence opened up the floor for public comment. A resident, Glen Klotz, asked if the shouldering would be done with gravel and if the road would be raised 2". Engineer Nelson answered in the affirmative to both questions. Mr. Klotz also commented that in his opinion McNamara Contracting gave a favorable bid.

CRT Clerk Lisa Quinn reports that no written objections to the 195<sup>th</sup> Street Road Assessment objections were received by the Township.

**At 7:11 PM, Vice Chair Bruce Nilsen made a motion to close the 195<sup>th</sup> Street Assessment hearing. Supervisor Schommer seconded the motion. Motion passed 5-0.**

**At 7:12 PM Vice Chair Bruce Nilsen made a motion to reconvene the May 2012 Monthly Board Meeting. Supervisor Tom Kraft seconded the motion. Motion passed 5-0.**

**Old Business (continued):**

- 3) Creekwood Park Playground Equipment.** Chairman Lawrence reports that he is still checking into costs associated with updating / repairing playground equipment at Creekwood Park.

Supervisor Schommer reports that the portable restroom enclosure at Creekwood is complete, and the Country Court portable restroom enclosure will be done soon. Chair Lawrence will let the P.L.A.Y. officials know that the portable restrooms can be placed in the enclosures soon, and then they will be open for public use.

- 4) Territory.** CRT Engineer Shane Nelson, along with Mr. Peter Ralph, Director of Maintenance Services for Gittleman Management Corporation, the firm that conducts community association management for the Territory neighborhood, presented a quote from Construction Services, Inc. (CSI) to complete the CSTS protection plan for the neighborhood.

Mr. Ralph would like to proceed as soon as possible with the work necessary to complete the CSTS Protection Plan in order that Territory would be able to take advantage of the spring planting season and to also prevent further damage to the CSTS area. US Bank will be funding the costs of this work, and it will not be coming out of the letters of credit for the neighborhood. Thus, this is a contract that Territory will be entering into with the contractors, not the Township. Township Attorney Bob Ruppe recommends Township approval of the contract.

**Supervisor Al Novak made a motion to authorize Gittleman to proceed with the work as recommended by the Town Engineer Shane Nelson on the protection of the CSTS areas in Territory, contingent on review and approval by CRT Supervisors Bruce Nilsen and Tom Kraft, and review of the contract by the Town Attorney. Supervisor Leroy Schommer seconded the motion. Motion passed 5-0.**

In regards to the Bohnsack & Hennen portion of the contract, Engineer Nelson was directed to contact Bohnsack & Hennen and advise them that the contract would be between them and US Bank, versus Bohnsack & Hennen and the Township. Engineer Nelson will advise the Township if there are any issues in this transfer of authority.

**5) New Business**

- 1) Charitable Gambling permit for the Dakota Ringnecks /Pheasants Forever Foundation.** Event to be held at the Minneapolis Gun Club on June 13, 2012.

**Vice Chair Bruce Nilsen made a motion to acknowledge the Charitable gambling permit for the Dakota Ringnecks, to be held on June 13, 2012 at The Minneapolis Gun Club. Supervisor Novak seconded the motion. Motion passed 5-0.**

- 2) **Ehler's Bonding.** In anticipation of the Board making decisions on the funding options for the Lynn, Monterey and 207<sup>th</sup> Street and the 195<sup>th</sup> Street East Road Projects, Township Treasurer S. LeVoir introduced Mr. Todd Hagen, a representative from Ehler's. Two decisions are to be made by the Board members: What amounts to bond, and when to bond.

Mr. Hagen outlined three bonding options at the meeting. He briefly explained the options at the meeting and stated that the interest rates are favorable for bonding at this time.

Several options were discussed by the Board Members. S. LeVoir was asked for her analysis. The AA- credit rating of the Township was reaffirmed.

A resident, Jerry Maas, commented that in his opinion, long term project costs should be spread out into the future to more closely match the use of the project.

The decision on what option to use based on when the Township would like to obtain the funds. The Township engineer suggests self-financing until the decision is made.

It was decided to have Ehler's prepare a pre-sale report to present at the June Board Meeting.

**Supervisor Al Novak made a motion to have Ehler's prepare a presale report for the total cost of the resident and township portions of the Hills of Credit River (Lynn, Monterey, and 207th) Reconstruction project and the Township portion of the 195<sup>th</sup> Street Overlay Project. Supervisor Schommer seconded the motion. Motion passed 3-2. Supervisors Kraft and Nilsen were in dissent on the motion.**

- 3) **Discuss Wetland Tiling.** Supervisor Schommer reports that there is some agricultural tiling that has been done in the Township at the Casey Farms property. Permit was issued through Agricultural, and because it was considered Agricultural it was not reviewed through Soil & Water. It was discovered that the land is considered a wetland on the DNR map, so Mr. Casey may not be able to proceed with the use of the tiling.

The Board would like Supervisor Schommer to continue to monitor the situation and outcome.

- 6) Road Report.** Supervisor Kraft reports that dust coating has been done on the Township Roads. Trees have been trimmed on Judicial. Chairman Lawrence reports trees down on some Township Roads, including 165<sup>th</sup> Street, Murphy, and Sunset. Supervisor Schommer reports that he has checked Township culverts and in general they are clear.

Supervisor Novak brought up the possibility of a Fern & Birch reconstruction. Fern and Birch is in poor condition and it has been the subject of planned future repairs for some time. At current bond rates, it may be a favorable time to finance this project.

**Supervisor Al Novak made a motion to have the Township Engineer Shane Nelson prepare a feasibility report for a Fern & Birch reconstruction project. Vice Chair Bruce Nilsen seconded the motion. Motion passed 5-0.**

Town Engineer Shane Nelson then presented the unit prices for patching from Prior Lake Blacktop.

**Supervisor Leroy Schommer made a motion to accept the unit pricing from Prior Lake Blacktop for patching. Vice Chair Bruce Nilsen seconded the motion. Motion passed 5-0.**

**7) Engineer's Report.**

- 1) Large Scale TMDL's.** Engineer Shane Nelson updated the Board on a Minnesota Pollution Control (MPC) initiative, Large Scale TMDL's. The MPC has indicated that they have a long term goal to reduce total suspended solids from stormwater discharge by 25%, and the South Metro Mississippi River portion of this project lists Credit River as one of their target communities. Supervisor Novak reports that the issue has the potential to become a large financial burden to local governments in the project's current form. As this project has the potential to impact the Township greatly, Engineer Nelson asked the Board to allocate some funds to study the issue.

**Supervisor Schommer made a motion to allocate \$500 to \$1000 to study the issue. Supervisor Novak seconded the motion. Motion passed 5-0.**

- 2) 195<sup>th</sup> Street East.** The resolution adopting the 195<sup>th</sup> Street East Road Assessment was discussed. The assessment roll does not have to be submitted to the County until mid-November, and therefore the Board can consider adopting the assessment at a later meeting. It will be put back on the agenda in September for adoption.

A resolution accepting the bid for the 195<sup>th</sup> Street Overlay and awarding contract was introduced.

**Supervisor Kraft made a motion adopting Resolution 2012-14, Resolution Accepting Bid and Awarding Contract for the 195<sup>th</sup> Street Project to McNamara Contracting. Vice Chair Bruce Nilsen seconded the motion. Motion passed 5-0.**

Engineer Shane Nelson briefed the Board on the bid for the Bituminous Testing needed for the 195<sup>th</sup> Street East Overlay. Northern Technologies, Inc. provided a competitive bid for the work. Estimate was for \$1950.00.

**Supervisor Leroy Schommer made a motion to authorize Northern Technology to conduct the bituminous testing for the 195<sup>th</sup> Street East Road Project. Supervisor Novak seconded the motion. Motion passed 5-0.**

### **3) Lynn, Monterey, 207<sup>th</sup> Street Project.**

The Board adopted a resolution to award the contract to Northwest Asphalt as they were the lowest responsible bidder on this project.

**Supervisor Tom Kraft made a motion adopting Resolution 2012-15, Resolution Accepting Bid and Awarding Contract for Lynn Drive, Monterey Avenue, and 207<sup>th</sup> Street Project to Northwest Asphalt. Supervisor Al Novak seconded the motion. Motion carried 5-0.**

Engineer Shane Nelson recommended that the bid received from Northern Technologies, Inc. (NTI) for geotechnical testing be accepted. Estimate was for up to \$6500.00.

**Supervisor Al Novak made a motion to accept the bid from NTI for geotechnical testing services for the Lynn Drive, Monterey Avenue, and 207<sup>th</sup> Street Project. Motion was seconded by Vice Chair Bruce Nilsen. Motion passed 5-0.**

### **8) Treasurer's Report**

#### **1) Transfer Funds.**

**Supervisor Tom Kraft made a motion to transfer \$70,000 from savings to checking to pay claims. Supervisor Leroy Schommer seconded the motion. Motion passed 5-0.**

**2) S& P Rating.**

On April 11, 2012, Standard's & Poor's has reaffirmed Credit River Township's AA-Bond rating. If anyone would like a copy of the report, it can be requested from the treasurer at [treasurer@creditrivier-mn.gov](mailto:treasurer@creditrivier-mn.gov).

**3) Budget 2013.**

CRT treasurer S. LeVoir will put together a schedule for 2013 Budget meetings with the Board Members and the Clerk. This item will be on the June 2012 Board Meeting Agenda.

**4) Treasurer 1 year review.**

Treasurer S. LeVoir has been with Credit River Township one year. Her one year review will be conducted with her direct supervisors within the next couple of weeks.

**5) Permits/Escrow.**

There are some properties in the Township that have escrow issues to be discussed.

- a) 7576 Casey Parkway. The NPDES Escrow refund has been requested. Scott Soil & Water states that the vegetation density coverage is not met; however there is no resource concern, and very little exposed soil. He left it up to the CRT Board to determine whether or not to return the escrow balance at this time. The CRT Board OK's the return of the escrow under these circumstances, as long as the required paperwork is received from Scott Soil & Water.
- b) 19256 Stonegate Drive. Original permit dates back to 2006. No construction occurred during 2011. A determination is to be made on whether the permit is expired, and what the dispensation of the escrow should be. A policy is currently in place specifying the dispensation of culvert/access escrow funds; however it does not specifically include NPDES escrows. Treasurer LeVoir will prepare a resolution to be presented at the next board meeting to address the dispensation of NPDES escrow funds after no construction activity for one year.
- c) 16005 Creekwood Road. Original permit was in December of 2009. No construction activity occurred in 2011. Original applicant has passed away. Board recommends that the escrow funds be returned to the estate of the deceased. A letter will be sent to the property address asking for information on the executor of the estate so that the funds can be returned to the proper person.

Scott County has a policy in place that states that all permits with over 1 year of no construction activity are considered expired.

**6) Developer's Escrow update.**

- a) 19555 Oak Grove Road. This property has a negative balance of \$1500. A payment of \$2500 (the \$1500 deficiency and a \$1000 escrow which is required) has been repeatedly requested; however the homeowner has not complied. If the required funds are not received, the balance will be assessed against the homeowner's taxes.
- b) Liberty Creek. Payment has not been received for any of the fees or costs related to the meetings that the Township has had with the Liberty Creek developer.

**Supervisor Leroy Schommer made a motion to take the full amount of the charges for the meeting of April 17 with Mark Zweber at Scott County out of the Estates of Liberty Creek escrow account. Supervisor Novak seconded the motion. Motion passed 5-0.**

It is the policy of Credit River Township not to schedule agenda items when the developer's escrow account is in negative or deficit balance.

**9) Clerk's Report**

- 1) Charitable gambling application from the Cystic Fibrosis Foundation.**  
Event to be held July 16, 2012 at the Legend's Golf Club.

**Supervisor Leroy Schommer made a motion to acknowledge the Cystic Fibrosis Charitable Gambling application, to be held July 16, 2012 at the Legend's Golf Club. Vice Chair Bruce Nilsen seconded the motion. Motion passed 5-0.**

- 2) Couri & Ruppe Township Legal Seminar.** Township attorney Bob Ruppe is conducting a series of training events on General Township Legal Issues. Several Township Supervisors and staff have expressed interest in attending. The required posting on the possible number of Supervisors attending at the same time has been done on the Town Hall Posting Board.

## 10) Review and Pay Bills.

Paid Chk# 000132E	ANCHOR BANK	38.64	ACH/Check Scanner Fees
Paid Chk# 000133E	ANCHOR BANK - DEBIT CARD	388.06	Clerk Cell Phone/Office Supplies/CR Domain
Paid Chk# 000134E	EFTPS	1,094.13	FICA/Medicare/Fed WH
Paid Chk# 000135E	PERA	471.88	PERA
Paid Chk# 000136E	MINNESOTA REVENUE MW5	77.14	State WH
Paid Chk# 006621	AL NOVAK	787.28	April Srv Pd in May
Paid Chk# 006622	BRENT LAWRENCE	863.30	April Srv Pd in May
Paid Chk# 006623	BRUCE NILSEN	806.69	April Srv Pd in May
Paid Chk# 006624	LEROY SCHOMMER	759.52	April Srv Pd in May
Paid Chk# 006625	LISA QUINN	1,108.47	April Srv Pd in May
Paid Chk# 006626	SARAH LEVOIR	1,277.01	April Srv Pd in May
Paid Chk# 006627	TOM KRAFT	644.13	April Srv Pd in May
Paid Chk# 006628	AL NOVAK	12.21	April 2012 Expense Reimbursement
Paid Chk# 006629	ART JOHNSON TRUCKING INC	10,353.63	April 2012 Road Mtc
Paid Chk# 006630	BOHNSACK & HENNEN EX CAVATIN	1,256.04	Repair/Pipe County Road 75
Paid Chk# 006631	BRENT LAWRENCE	61.61	April 2012 Expense Reimbursement
Paid Chk# 006632	BRUCE NILSEN	26.64	April 2012 Expense Reimbursement
Paid Chk# 006633	CENTERPOINT ENERGY	43.39	Town Hall Gas
Paid Chk# 006634	CERTIFIED RECYCLING	90.00	Disposal - Various Items
Paid Chk# 006635	CITY OF LAKEVILLE	381.63	Judicial Rd Mtc Costs February/March
Paid Chk# 006636	COURI & RUPPE, P.L.L.P.	1,366.25	Legal Fees
Paid Chk# 006637	DB SERVICES	200.00	Gravel in ditch - mtc from winter
Paid Chk# 006638	DELL MARKETING L.P.	1,392.64	Clerk Computer - Mouse
Paid Chk# 006639	DENNIS KAROW	1,813.24	Mowing and spray for weeds
Paid Chk# 006640	ECM PUBLISHERS INC	343.00	Legal Publishings
Paid Chk# 006641	GE CAPITAL	149.64	Copier Expense
Paid Chk# 006642	GOPHER STATE ONE CALL	24.65	March/April Utility Locates
Paid Chk# 006643	HAKANSON ANDERSON ASSOC INC	18,286.25	Engineering Fees
Paid Chk# 006644	INTEGRA TELECOM	543.95	Phone
Paid Chk# 006645	KRAB/KRISTIN GOTTAS	850.00	Access Escrow Refund - 210th St
Paid Chk# 006646	KRAEMER MINING& MATERIALS INC	15,986.67	Gravel for Roads
Paid Chk# 006647	LEROY SCHOMMER	370.33	April 2012 Expense Reimbursement
Paid Chk# 006648	LISA QUINN	279.70	April 2012 Expense Reimbursement
Paid Chk# 006649	METRO SALES , INC.	110.93	Copier Quarterly Mtc Contract
Paid Chk# 006650	MIKES SEPTIC	235.00	Town Hall Septic Pumping
Paid Chk# 006651	MINNESOTA ASSOCIATION OF TWNSH	50.00	2012 MAT Short Course - Clerk
Paid Chk# 006652	MITCH COOPET	69.13	Refunding ACH CSTS fees/moved
Paid Chk# 006653	MVEC	607.84	Electricity
Paid Chk# 006654	NATURAL SYSTEMS UTILITIES MN	16,356.63	CSTS Monitoring
Paid Chk# 006655	PRIVATE UNDERGROUND	70.50	April 2012 Utility Locates
Paid Chk# 006656	ROVE PEST CONTROL	80.16	Quarterly Pest Control - Town hall
Paid Chk# 006657	SARAH LEVOIR	50.00	April 2012 Cell Phone Reimburs
Paid Chk# 006658	SCOTT COUNTY TREASURER	11,841.99	Mileage Sign/Salt
Paid Chk# 006659	SCOTT SOIL & WATER CONSV DIST	574.75	Building Permit Inspections/Joint Water Edu

Paid Chk# 006660 SGC HORIZON LLC  
Paid Chk# 006661 SOUTHWEST SUBURBAN  
PUBLISHING  
Paid Chk# 006662 SUN NEWSPAPERS  
Paid Chk# 006663 XCEL ENERGY

719.25 Bid Ads  
830.32 Legal Publishings  
126.00 Recycling Day Publishing  
13.18 St. Francis Street Light

**Total: \$93, 883.40.**

**11) Adjourn.**

**There being no other business before the Town Board, Vice Chair Nilsen made the motion to adjourn at 10:17 PM. Supervisor Schommer seconded the motion. Motion passed 5-0.**

**Submitted By: \_\_\_\_\_ Approved By: \_\_\_\_\_**

**Lisa Quinn**

**Brent Lawrence**

**Clerk**

**Chairman**

**Credit River Township**

**Credit River Township**