

**Credit River Township Board Meeting  
Tuesday, October 1, 2012, 6pm**

**Meeting Minutes**

**The October 1, 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

- 1) Approve or Amend Agenda:** Chairman Lawrence asked if any Board member would like to add or remove anything from the agenda.

Supervisor Schommer asked to add "Ditch Mowing Contract," as Item #7 under New Business.

Vice Chair Nilsen asked that "Stop Signs," be added as Item #2 under Road Report.

Township Treasurer LeVoir asked that "Invoices" be added as Item # 8 under "Treasurer's Report."

Township Clerk Quinn asked that "November Board Meeting Date," and "Use of Offices for General Election," be added as Item #2.3 and 2.4 under Clerk's Report.

Items were added as requested.

**Vice Chair Nilsen made a motion to approve the amended agenda. Supervisor Schommer seconded the motion. Motion carried 5-0.**

## 1) Consent Agenda

1.1) August 2012 Treasurer's Report

1.2) September 2012 Developer's Escrow Statement

1.3) September 4, 2012 Board Meeting Minutes

**Supervisor Schommer made a motion to approve the Consent Agenda.**

**Supervisor Novak seconded the motion. Motion carried 5-0.**

## 1) Open Forum

Attorney Peter Berrie representing SA Group offered an update to the Territory CSTS Project. Due to a "bad assumption" on the part of some initial estimates (not on the part of the Township), it has come to the attention of SA Group that the project will cost approximately \$20,000 more than initially presented.

Gittleman has agreed to cover this overage.

However, SA Group is requesting that no additional funds be used for warranty work done more than 2 years ago.

Additionally, SA Group is asking for a cap of \$30,000 on Engineer fees from the escrow, and any remaining engineer costs above that be SSD assessed.

Vice Chair Nilsen recommended to Attorney Berrie to include a performance bond in their contract with their contractor in an attempt to contain Engineer fees.

**Vice Chair Nilsen made a motion that any warranty work unrelated to Territory CSTS II and III not come out of the remaining LOC funds, and that any administrative staff time be capped at \$30,000.00 and any additional costs above and beyond that be SSD Assessed, if necessary. This agreement will be subject to Township Attorney Review with input from the Township Engineer. Supervisor Kraft seconded the motion. Motion passed 4-1. Supervisor Schommer was the dissenting vote.**

Attorney Ruppe discussed Outlot A in Territory. Attorney Ruppe announced that Chair Lawrence, Attorney Ruppe, Engineer Nelson, a potential buyer, and Attorney Peter Berrie will be participating in a conference call. Supervisors Kraft and Schommer stated a concern that the LOC money was for CSTS II

and III, not selling lots, so to please be cautious in spending any money out of the LOC. Attorney Ruppe reminds the Board that all the overages will be covered by SA Group in any case.

#### 4) Old Business

- 1) **Township Parks.** The Casey Park corners have been indicated. The Board decided that steel posts will be pounded into the ground so that the corners become more obvious. Chair Lawrence stated that the residents in that area would like to clean the wooded areas in the park. Board and interested residents will move the larger items out once all the leaves are off the trees.

Additionally, Chair Lawrence asked what action the Board would like to take on the tax forfeited land on hold at the County that is located in Cressview.

**Supervisor Schommer made a motion to execute any necessary documents to acquire the tax forfeited parcel in Cressview for park purposes, with any acquisition costs coming out of the park fund. Supervisor Novak seconded the motion. Motion passed 4-1. Vice Chair Nilsen was the dissenting vote.**

- 1) **Sheriff's Report.** 79 calls for service, with the majority being false house alarms.
- 2) **County 44 Service Road Turnback.** An update on the outstanding miscellaneous issues will be requested for the November meeting.
- 3) **Lower 167<sup>th</sup> Street E.** Vice Chair Nilsen reports that resident has not responded to several inquiries regarding to the tree work on Lower 167<sup>th</sup> Street East. Resident has not followed up to meet with any Board members, so the Board will plan to proceed with work.

**At 7 PM, Supervisor Schommer made a motion to recess the October 1, 2012 Credit River Township Board meeting, and convene the Fern Drive and Birch Lane Informational Meeting. Supervisor Kraft seconded the motion. Motion passed 5-0.**

Engineer Nelson offered a brief overview of the condition of the Roads and the reason for the Meeting. Fern Drive and Birch Lane are considered to be the Township roads that are in the poorest shape, rating a 22/100 in the last Township Road Study. Fern & Birch are currently in the Credit River Township Capital Improvement Plan and scheduled for reconstruction in 2014. If the Town would move ahead with this construction project, the cost per benefiting property is estimated to be approximately \$13,740.00 per unit, based upon a rough initial estimate.

After opening the meeting up for public comment, the following comments were received:

- 1) **Joe McGowan.** Birch Lane resident would like to see the project done as he feels that “it needs to be done,” and says he and his wife “do not have a problem with the amount.”
- 2) **Doug DeCarolis:** Birch Lane Resident prefers that the Road go back to gravel versus a full reconstruction. He does not feel the Road needs a full reconstruct and that the amount is too great under the present real estate valuation circumstances. Resident requested the approximate interest rate, and was told that by law it would be 2% over the Bond Interest Rate. As he would like to see a partial repair, versus a full, he wondered if the Residents could see the Township- Resident ratio adjusted, based upon these factors. The Board answered that they have discussed these issues in the past, and they have adopted the 40-60% split in the interest of fairness with other projects.
- 3) **Dave Buckmeier:** Birch Road resident would prefer that the tree canopy not be cut back too far during the project. Resident suggests a “lighter duty” road reconstruction.
- 4) **Mike Mikesell.** Resident is for the project, and suggested that the Residents who did not come to the meeting tonight may support the project. Resident would like to be sure that assessments will be done by unit, not by Road Frontage. Resident recommends a turn and bypass at the entrance to Lucerne from CR 8.
- 5) **Vicki Assell.** Resident reports that there is a construction business operating on Birch Lane. She feels that this is a violation of the use of Residential property and further damages the Road. She states that the name of the business is All Pro Construction and operates out of 9383 Birch Lane.

Supervisor Schommer will follow up with the Code Enforcement Officer from Scott County.

- 6) **Mike Assell.** Birch Lane Resident states that he is against the Road being reconstructed.

Supervisor Kraft reiterates that going forward, minimal maintenance will be done to the road.

- 7) **Scott Benjamin.** Resident is in favor of re-doing road, however, he feels that the reason the roads need to be reconstructed is primarily due to minimal maintenance being done throughout the years. He has accessibility concerns during the construction process since the Road is a dead end. Resident states that Fern Drive is in extremely bad shape and wondered what repairs can be done to stretch out the time frame until it would need to be reconstructed.

Resident was told that minimal repairs will be done going forward. Engineer Nelson said that access is always written into the contract; however, it is never "great" access.

- 8) **Randy Olsen.** Resident advocates for putting the project off for some time, versus doing it now.

Chair Lawrence explained to the resident that currently, both road construction rates and interest rates are extremely low, so it may be an opportune time to reconstruct the road.

- 9) **Laurie Anderson.** Resident states that her and her husband are in favor of a reconstruction, and would like the Road to remain tar.

After answering some general Resident questions, the Board explained the Waiver process, and stated that the next step is a Board decision on whether or not to proceed. The Feasibility report for Lynn & Monterey will be posted so that the residents can evaluate the Township Road standards that will be similar to theirs.

**At 8:15 Vice Chair Nilsen made a motion to reconvene the October 1, 2012 Board Meeting. Supervisor Novak seconded the motion. Motion passed 5-0.**

## **5) New Business**

- 1) **Clerk's 6 Month Review.** Clerk Quinn received a complimentary 6 month review. Board recommended a raise in her hourly rate from \$24 to \$26.

**Supervisor Kraft made a motion to increase her salary from \$24.00 from \$26.00 effective October 1, 2012. Vice Chair Nilsen seconded the motion. Motion passed 5-0.**

- 2) **2013 Meeting Schedule.** A draft 2013 Meeting Schedule was presented by Chair Lawrence. A suggestion was made to add the 2013 SCTA meetings and the Board of Canvass to the schedule, and Attorney Ruppe will check on the necessity of a Board of Audit.

**Vice Chair Nilsen made a Motion to approve the Proposed Meeting Schedule. Supervisor Novak seconded the motion. Motion passed 5-0.**

- 3) **Attorney Report.**

Attorney Ruppe updated the Board on the Liberty Creek Lawsuit. There will be no comment on this matter at this time.

- 4) **MS4 Ordinance.** Credit River Township has a permit to discharge storm water, and part of that agreement was to have an Illicit Discharge Ordinance in place to meet the requirements of the Permit. Having this in place will meet the requirements for the NPDES MS4 Permit. This will be added to the November agenda.

- 5) **Discuss Interior of Town Hall.**

Estimates for Blinds for the Town Hall will be requested and presented at a future Board Meeting for discussion and approval.

- 6) **Town Hall Snow Removal.**

The Town Hall snow removal contract has to be renewed. DB Services has been the previous Town Hall Snow removal contractor. The Board states that DB Services does an excellent job and since his total costs do not exceed \$25,000.00, outside quotes are not required. Dan has offered to hold costs steady at last year's rates. Board recommends offering to renew the contract.

**Supervisor Novak made a motion to enter into a 2 year contract with DB services, on the same terms as the previous contract. Vice Chair Nilsen seconded the motion. Motion passed 5-0.**

- 7) **Ditch Mowing.**

**Supervisor Novak made a motion to extend the Ditch Mowing contract for one year. Supervisor Schommer seconded the motion. Motion passed 5-0.**

## **6) Road Report.**

**1) Township Mileage Report.** Mileage in Township needs to be certified for Scott County. Chair Lawrence and the Board report no changes to 2011 mileage. Chair Lawrence will sign report indicating no changes in 2010-2011.

**2) Stop Signs.** Resident called regarding stop signs at Wagon Wheel Trail where Cantor comes in, and also on 219<sup>th</sup>. Vice Chair Nilsen recommends removing the Wagon Wheel Trail & Cantor Lane one, but replacing the 219<sup>th</sup> ones.

Additionally, the Stop sign at Dundee and Cantor is missing.

**Supervisor Schommer made a motion to replace signs as necessary in accordance with Township Engineer written recommendation. Supervisor Novak seconded. Motion passed 5-0.**

As part of the road discussion, Supervisor Kraft announced that shouldering will be done in the near future. Please contact him if you have any shouldering issues.

## **7) Engineer's Report**

**1) Lynn & Monterey.** Engineer Nelson reports that reseeding needs to be done in part of project. Culvert Markers will be added. A few culverts need rip rap. Also to be done is more dirt to be added to berm, and a tree limb needs to be removed.

**1.1) Pay Estimates.** Township Engineer Nelson presented a pay estimate in the total of \$55,766.75.

**Supervisor Schommer made a motion to approve a payment of \$55,766.75. Supervisor Novak seconded the motion. Motion passed 5-0.**

**1.2) Final Budget.** Project is estimated to come in roughly \$74,000.00 under budget.

**Vice Chair Nilsen made a motion to either adopt a Resolution amending Resolution 2012-8, “Resolution Adopting Lynn Drive, Monterey Avenue and 207<sup>th</sup> Street Assessment,” or to modify the original resolution to reduce the assessment from \$12,800 to \$12,000.00, depending on the wishes of Scott County, and to reduce the stated interest rate of 6% to 3.6%. Supervisor Kraft seconded the motion. Motion carried 4-0. Supervisor Novak abstained.**

Treasurer LeVoir updated the Board on a possible scenario regarding timing of the pre-payments versus the Bond amount. The Board and the Treasurer do not think it will be an issue, and decided to go ahead and reduce the assessment amount.

**2) 195<sup>th</sup> Street E.**

**2.1) Pay Estimate #1.** Engineer Nelson reports the pay estimate is \$116,406.40.

**Supervisor Schommer made a motion to approve the pay estimate. Supervisor Novak seconded the motion. Motion passed 5-0.**

**2.2) Set the assessment.** Engineer Nelson reports that \$120,800.00 is the estimated final project cost. The Board decided that the 22 direct property assessments can be lowered to \$2,440.00 and the 11 indirect assessments can be lowered to \$610.00. The interest rate will be 3.6%.

**Supervisor Novak made a motion adopting the recommended 195<sup>th</sup> Street E. Assessment with an interest rate of 3.6%. Chairman Lawrence seconded the motion. Motion passed 5-0.**

Treasurer LeVoir will mail a letter to the Residents which will let them know what the assessment will be and what the prepayment /certification procedure is.

### 3) Territory.

**3.1) Drain Tile to be installed.** Three Territory Addresses are requesting drain tile to be installed. Lennar Homes is proposing to do the work. A minimal escrow of \$500.00 will be required for Engineer inspection time.

**A motion was made by Supervisor Schommer to allow Lennar Homes to install surface drain tile at the following three addresses (7251, 7235, and 7171 Territory Pass), and to require a \$500 escrow to cover staff expenses and inspection fees. Supervisor Novak seconded the motion. Motion carried 4-1 with Vice Chair Nilsen dissenting.**

**3.2) Adverse Possession.** There is a protection fence not located on a property line in Territory, spanning four properties. After discussion, the Board decided that the Fence will be moved to correct location.

### 8) Treasurer's Report

#### 1) Transfer Funds.

Treasurer LeVoir reports that new Township Savings Account Interest Rates have been adjusted by Anchor Bank from .6% to .58% then to .55%.

Treasurer LeVoir made a request to transfer funds from savings to checking to pay claims in the amount of \$340,000.00.

**Supervisor Novak made a motion to transfer funds in the amount of \$340,000.00 from savings to checking. Vice Chair Nilsen seconded the motion. Motion passed 5-0.**

**2) Levy Resolution.** Treasurer LeVoir presented Resolution 2012-23, Resolution to Set the Final Levy. The total Levy will be \$1.15 Million.

**A roll call on this Resolution was called, and the votes were recorded as such: Chairman Brent Lawrence: Aye, Vice Chair Bruce Nilsen: Aye, Supervisor Tom Kraft: Aye, Supervisor Al Novak: Aye; and Supervisor Leroy Schommer: Aye. Motion passed unanimously.**

### **3) 2013 Budgeted Revenues/ Expenditures.**

Supervisor Novak made a motion to approve line item revenue and expenditure budgets for the General Fund, Road and Bridge, Park Fund, Murphy Lake Road Fund, 2009 Bond Fund, 2012 Bond Fund, and the Capital Improvements Fund for 2013. Vice Chair Nilsen seconded the motion. Motion passed 5-0.

### **4) Proposed CSTS Certifications/ Resolutions.**

Supervisor Novak made a motion to adopt Resolution 2012-24, Resolution Certifying Delinquent Community Sewer Treatment Service Fees and Related Interest- Territory. Supervisor Schommer seconded the motion. Motion passed 5-0.

Chair Lawrence made a motion to adopt Resolution 2012-25, Resolution Certifying Delinquent Community Sewer Treatment Service Fees and Related Interest- Stonebridge, including making Exhibit A mirror the fees due. Supervisor Novak seconded the motion. Motion passed 5-0.

### **5) Proposed Service Charge Certification/Resolution**

Treasurer LeVoir reports that the resident who resides at 19555 Oak Grove Avenue has paid an amount which was detailed in a letter mailed September 11. His escrow remains below its required level. No Board action will be taken at this time.

**6) CSTS Budgeting.** Treasurer LeVoir requests that the process start in October and finish by December. Chair Lawrence suggests a meeting with a Board Member, Shane Symmek from Ecocheck, and Treasurer LeVoir.

### **7) Escrow Update**

**7.1) Brekke Escrow.** Treasurer requests direction regarding this Culvert issue escrow. Board requests that a final inspection be done and after fees are deducted, escrow can be released.

**7.2) Liberty Creek Escrow.** Scott County has paid two invoices in the past month. There is an additional amount that will be invoiced to Scott County this week.

**7.3) Krieger Escrow.** There is an additional amount that has been invoiced. His escrow is at \$-122.50.

- 7.4) Owens Escrow.** Escrow is currently at a balance of \$-106.00. Board recommends requesting \$250.00 to take care of the negative balance, with any additional amount held in reserve until all further invoices in regards to this project are received and deducted.
- 7.5) NTI Invoice.** An additional invoice has been received from NTI for \$2,262.75 for testing.

**Supervisor Novak made a motion to approve NTI invoice. Supervisor Schommer seconded the motion. Motion passed 4-1. Vice Chair Nilsen dissented.**

- 7.6) Territory Invoice:** Invoices totaling \$636.00 for work done in Territory have been received from Hakanson-Anderson. Board directed charges be deducted from the Territory LOC.

**Supervisor Kraft made a motion to accept Hakanson-Anderson's Invoices related to CSTS fencing related work, and charged to Territory LOC. Supervisor Novak seconded the motion. Motion passed 5-0.**

## **9) Clerk's Report**

**1) Accessibility of Documents for Website.** The Clerk requests that any documents submitted by the Board or staff please be submitted in 12 pt. type or larger to help meet accessibility requirements for Government websites.

**2) General Election (November 6, 2012.)** Reminder that the General Election polling place is the Credit River Town Hall. The General Election is November 6, 2012.

**2.1) Head Judge and Assistant Head Judge.** Al Aspengren will be the Head Judge and Lloyd Erbaugh will be Assistant Head Judge for this election. They have previously been approved by Resolution and attended training for these duties.

**2.2) Supervisors needed to Assist in General Election Duties.**

Supervisor Tom Kraft will assist the clerk picking up supplies at the County at Credit River's assigned time and another Supervisor will help the Head Judge, Assistant Head Judge, and Clerk set up the room for the election.

**2.3) November Board Meeting Date.** The November Board Meeting has been moved to Thursday, November 8, 2012 at 6 PM due to the General Election being held on November 6, 2012.

**2.4) Use of Township Offices for the General Election.** Engineer Nelson will be asked to move his personal items so that the Engineer's office can be used as a break room during the General Election. The Treasurer's office will remain locked and used for storage only. Township Staff and Supervisors will have access to the Treasurer's office for storage needs during this time. No Township Business will take place at the Town Hall on Election Day.

**Supervisor Schommer made a motion that the Engineer's Township Office will be used for an Election Judge Break room and the Treasurer's office will remain locked and used for storage only. Supervisor Novak seconded the motion. Motion passed 5-0.**

## 10) Pay Claims.

Checks:	Paid to:	Amount:	Comments:
Paid Chk# 000157E	ANCHOR BANK	71.98	ACH/Check Scanner/NSF/Wire Transfer Fees
Paid Chk# 000158E	ANCHOR BANK DEBIT CARD	198.55	Clerk Cell Phone/Postage/Office Supplies
Paid Chk# 000159E	EFTPS	1,290.41	FICA/Medicare/Fed WH
Paid Chk# 000160E	PERA	616.15	PERA
Paid Chk# 000161E	MINNESOTA REVENUE MW5	104.84	State WH
Paid Chk# 006853	AL NOVAK	740.65	September Srv Pd in October
Paid Chk# 006854	BRENT LAWRENCE	806.69	September Srv Pd in October
Paid Chk# 006855	BRUCE NILSEN	693.47	September Srv Pd in October
Paid Chk# 006856	LEROY SCHOMMER	806.69	September Srv Pd in October
Paid Chk# 006857	LISA QUINN	XXXXX	September Srv Pd in October
Paid Chk# 006858	SARAH LEVOIR	XXXXX	September Srv Pd in October
Paid Chk# 006859	TOM KRAFT	662.82	September Srv Pd in October
Paid Chk# 006860	ADVANCED WALL STRUCTURES, INC	850.00	Access Escrow Refund - 21705 Boulder Creek
Paid Chk# 006861	AL ASPENGREN	51.33	Election Judge Wages
Paid Chk# 006862	ALLIED BLACKTOP COMPANY	121,774.1	2012 Township Roads Sealcoat 6
Paid Chk# 006863	ART JOHNSON TRUCKING INC	1,056.25	September 2012 Road Mtc
Paid Chk# 006864	BRENT LAWRENCE	42.18	September 2012 Expense Reimbursement
Paid Chk# 006865	CENTERPOINT ENERGY	12.82	Town Hall Gas
Paid Chk# 006866	CERTIFIED RECYCLING	30.00	Disposal of Chair
Paid Chk# 006867	CHORES AND MORE BY HEIDI INC	96.19	Town Hall Cleaning 9/4/12

Paid Chk# 006868	CHRISTOPHER D. KOSTIK	60.00 Continuation of Annual Meeting Moderator
Paid Chk# 006869	COLLINS TREE	2,939.06 Cut Trees - Various Township Roads
Paid Chk# 006870	DENNIS KAROW	985.43 Town Hall/Parks Mowing
Paid Chk# 006871	ECM PUBLISHERS INC	112.00 Legal Publishings
Paid Chk# 006872	GE CAPITAL	149.64 Copier Expense
Paid Chk# 006873	HAKANSON ANDERSON ASSOC INC	23,197.99 Engineering
Paid Chk# 006874	INTEGRA TELECOM	552.29 Phone
Paid Chk# 006875	JB WOODFITTER AND ASSOCIATES	2,484.00 Access/NPDES Escrow Refund - 18922 Edgewood
Paid Chk# 006876	JOSEPH G SIMONETTE	448.00 NPDES Escrow Refund - 7942 Credit River Blvd
Paid Chk# 006877	KAY PARK REC CORP	449.00 Bench - Scottsview Park
Paid Chk# 006878	LEROY SCHOMMER	8.86 September 2012 Expense Reimbursement
Paid Chk# 006879	LISA QUINN	86.56 September 2012 Expense Reimbursement
Paid Chk# 006880	MCNAMARA CONTRACTING INC	116,406.4 195th Street Overlay - Pay 0 Estimate #1
Paid Chk# 006881	MIKES SEPTIC	235.00 Town Hall Septic Pumping 7/6/12
Paid Chk# 006882	MINNESOTA DEPT OF HEALTH	150.00 Monitoring Well Permits
Paid Chk# 006883	MSC	6,700.48 CSTS Mowing
Paid Chk# 006884	MVEC	644.10 Electricity
Paid Chk# 006885	NATURAL SYSTEMS UTILITIES MN	13,138.62 CSTS Monitoring
Paid Chk# 006886	NORTHERN TECHNOLOGIES	2,262.75 Monterey, Lynn and 207th Street Testing Srvs
Paid Chk# 006887	NORTHWEST ASPHALT, INC	55,766.75 Monterey, Lynn and 207th St Pay Estimate #3
Paid Chk# 006888	SARAH LEVOIR	63.32 September 2012 Expense Reimbursement
Paid Chk# 006889	SCOTT SOIL & WATER CONSV DIST	1,300.00 Building Site Inspections August 2012
Paid Chk#	SOUTHWEST	75.54 Legal Publishings

006890	SUBURBAN PUBLISHING	
Paid Chk# 006891	TOM KRAFT	8.56 September 2012 Expense Reimbursement
Paid Chk# 006892	XCEL ENERGY	12.72 St. Francis Street Light

**Total 361,350.9**  
**2**

**11) Adjourn.** With no further business before the Town Board, a motion to adjourn the Board Meeting was made.

**Vice Chair Nilsen made a motion to adjourn the October 1, 2012 Credit River Township Board Meeting. Supervisor Novak seconded the motion. Motion passed 5-0.**

Meeting was adjourned at 10:30 PM.

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**Submitted by: Lisa Quinn  
Township Clerk  
Credit River Township**

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**Approved By: Brent Lawrence  
Chairman Board of Supervisors  
Credit River Township**