

# Credit River Township Board Meeting

Monday, October 7, 2019 6pm

## Meeting Minutes-Final

**Members Present:** Chairman Kostik, Vice Chairman Novak, Supervisor Lawrence, Supervisor Schommer, Supervisor Howe

**Others Present:** Engineer Nelson, Attorney Ruppe, Treasurer Hill, Clerk Donovan

Chairman Kostik called the October 7th, 2019 Board Meeting to Order at 6:00 pm - Pledge of Allegiance

### 1. Approve or Amend Agenda

Clerk Donovan added "Lakeville School District Election Staffing" to Clerk Report as Item 1.

**Motion to approve Agenda as amended: Vice Chairman Novak**

**Second: Supervisor Howe**

**Motion Passed: 5-0**

### 2. Consent Agenda

- 1) September 4, 2019 Board Meeting Minutes
- 2) September 4, 2019 Jaguar Franchise Public Hearing Minutes
- 3) TR Reports

**Motion to approve the Consent Agenda: Supervisor Lawrence**

**Second: Supervisor Schommer**

**Motion Passed: 5-0**

### 3. Open Forum

- Sheriff's Deputy presented the crime report from Scott County Sheriff Dept.
- Dennis Lundberg, 8896 Maureen Cr.: Questioned who currently has the Snow Plowing Contract this year. Commented that he would like to see the snow plowed out of the circle. Board stated Gallagher's has the snow plowing contract.
- Dave Coleman, 20611 Nevada Ave.: Paving is stopping short on the Cul de Sac. What can be done with the assessment since the road has not been completed in the Cul de Sac. Board advised the assessment cannot be changed legally at this point. Work will be continued.
- Marcia Fredricks- Asked about status on Krenz Lake pumping. This is an agenda item and will be discussed.

#### 4. Old Business

##### 1) Jaguar Franchise

Chairman Kostik reviewed that a Public Hearing was held on October 7, 2019 regarding the Jaguar Communications Franchise Agreement Request and no comments were heard.

**Motion to accept the franchise agreement with Jaguar Communications for a Cable Franchise in Credit River: Supervisor Lawrence**

**Second: Supervisor Howe**

**Motion Passed: 5-0**

##### 2) Turn Lane Improvements

Engineer Nelson reviewed the Credit River Turn Lane intersection improvement map. (Scott County AUAR Map was reviewed)

CR 27 improvements will be addressed to CR 21 by Scott County.

Turn lanes onto Broadview Dr. funded by development turn lane fees for Grey Fox & Lake Estates, and 210<sup>th</sup> St with Tara Farms & Territory.

Bridle Path will be closed as a direct access to CR27.

CR 8 just reconstructed by Scott County; other areas are dependent on developments in the future.

The Fund Lane Balance and projection was reviewed by Engineer Nelson. The Board asked if this analysis of the fund balance is adequate going forward or if the turn lane fee should be reviewed. The turn lane fees have not been reviewed since approximately 2002. At this time Engineer Nelson stated that this was informational. A broader approach at improvements is recommended in future developments.

##### 3) Lake Estates – Developer’s Agreement & Final Plat

Engineer Nelson gave an overview of the Lake Estates Final Plat status. Comments have been addressed and the corrections have been made. Developer’s Agreement has one item remaining with a revision to the current language regarding the turn lane fees at \$2,200 per lot. Board recommendation is to have the Attorney make the change to the language which is consistent with other Developer’s Agreements with the township. Attorney Ruppe will make the change.

**Motion to approve the Lake Estates Developer’s Agreement contingent on the Conditions as stated in the Engineers and Township Planners Comments Memo: Vice Chairman Novak**

**Second: Supervisor: Supervisor Schommer**

**Motion Passed: 5-0**

##### 4) Krenz Lake

Engineer Nelson stated that the biggest hurdle with pumping the water from Krenz Lake was getting Three Rivers Park District to accept the water. Krenz Lake is on the Three Rivers Park Board District agenda on October 10. Draft of the Agreement is in process.

DNR permit has been filled out. DNR is asking for a petition of residents who requested Krenz Lake to be lowered. A petition is available for the residents to sign. DNR is also asking for a notification letter to be sent out to residents. A draft of the letter was presented. Chairman Kostik will be the contact person listed on the letter.

Pump rental estimate is \$5,400 for four weeks from United Rental.

Engineer Nelson advised approximately two feet of water will be removed.

Supervisor Lawrence will attend the Three Rivers Board Meeting on Oct 10 at 5:00pm. and will communicate if the pumping is approved.

Engineer Nelson will request a quote from Krueger Excavating for the pipe, manning the pump, fuel, etc.

Chairman Kostik recommended approval of the agreement and expense as this project will help the residents in the neighborhood and prevent road damage.

**Motion to approve the Krenz Lake Agreement and approve the pumping expense contingent on Attorney review on the temporary drainage agreement: Supervisor Lawrence**

**Second: Supervisor Howe**

**Motion Passed: 5-0**

**5) Tara Farm Development Agreement (FYI)**

Attorney Ruppe advised the final Tara Farm Developer's Agreement is in the drop box. This was previously approved by the board and will be emailed.

**5. New Business**

**1) Legends Liquor License Renewal**

Chairman Kostik advised the Legends Liquor License is up for renewal. A representative was at the meeting.

**Motion to approve Resolution 2019-11 recommending approval of the Legends Golf Club Liquor License renewal: Supervisor Howe**

**Second: Supervisor Schommer**

**Motion Passed: 5-0**

**2) Mark's Bobcat Snowplowing Contract 2019-20**

Mark's Bobcat Snowplowing Contract was received and reviewed for snowplowing of the town hall parking lot and sidewalks.

**Motion to approve the 2019-20 Mark's Bobcat Snowplowing Contract: Supervisor Lawrence**

**Second: Vice Chairman Novak**

**Motion Passed: 5-0**

**3) Ditch mowing ordinance**

Supervisor Lawrence advised Scott County was having issues with noxious weeds in the Harvest Hills ditches. Scott County was going to cite Credit River. Supervisor Lawrence was asking the board and Attorney Ruppe to review Ordinance 2008-01 to state that the township is not responsible for mowing the noxious weeds in the ditch ROW. Attorney Ruppe will review.

**4) X**

**5) Valley Oaks Stable IUP**

Chairman Kostik explained to the board that the buyer of Valley Oaks Stable is interested in renewing the Interim Use Permit (IUP) to continue the property as a stable. A recommendation of approval from Credit River has been requested by Scott County. Staff comment memos were available for the boards review.

Attorney Ruppe commented this is an Interim Use Permit and not a Conditional Use Permit (CUP) and as the new IUP is written there are no conditions. The IUP permit should have conditions with a timeline or event that would trigger renewal. This is considered IUP vs. CUP, due to zoning. Township Planner Nash provided comments with options for an expiration of the IUP along with waste management conditions for the boards review.

John Behnke, Remax Advantage Agent Representative for the buyer of Valley Oaks Stable, attended the board meeting. He is asking to have the IUP for Valley Stables to be put into a longer-term category for renewal for the buyer. This will help with financing and planning longer term. Their original request with Scott County was for a CUP and understood that a CUP was not available due to zoning.

Current owner, Penny Ekert, 18000 Natchez Ave.: Commented there have been no issues for over 40 years. She is concerned if improvements are planned by the buyer, it is more difficult if they are planning for the IUP to be reviewed every few years.

Laura Lundberg, 8896 Maureen Cr: She is a neighbor and has had no problems with Valley Oaks Stable. She would like to see a longer expiration.

Evonna H. Boards horses at Valley Oaks Stable for 18 years: She commented that she has enjoyed the area and hopes the board will recommend approval as there are no other stables to board horses with access Murphy-Hanrehan Park.

Dan Karrick: new potential owner. Plans improvements to the stable. He is requesting the board extend a longer expiration for the IUP to be reviewed. His request would be for the board to consider renewal at 20 years or more.

Board and Attorney Ruppe explained the time limit is only for a check point not an end point. Board comments were concerning any possible changes and reviews are just as a

precaution. IUP's and CUP's are generally renewed as long as the owners have maintained compliance with conditions.

**Motion to recommend approval of the Valley Oaks Stable IUP with the conditions noted in the staff report and a time limit of ten years from the date of approval or upon an approval to subdivide the property or upon the sale of any portion of the property: Supervisor Schommer**

**Second: Vice Chairman Novak**

**Motion Passed: 5-0**

#### **6) City of Burnsville Comprehensive Plan Amendment**

City of Burnsville notified board of their 2040 Comp Plan and is asking for any comments.

**Motion to move to find that no comments are necessary for the City of Burnsville Comprehensive Plan amendment, to waive further review, and direct the Town Planner to provide the City of Burnsville with notice of the waiver of review.**

**Supervisor Howe**

**Second: Supervisor Schommer**

**Motion Passed: 5-0**

#### **6. Road Report**

##### **1) 210<sup>th</sup> St E & Nevada**

Supervisor Schommer recommended 210<sup>th</sup> St to be posted as a 5-ton road.

**Motion to post 210<sup>th</sup> St E and Nevada as a 5-ton restricted weight limit road:**

**Supervisor Howe**

**Second: Supervisor Lawrence**

**Motion Passed: 5-0**

#### **7. Engineer's Report**

##### **1) 210<sup>th</sup> and Nevada**

Engineer Nelson advised pay estimate # 2 received for work completed through September 30, 2019 on the 210<sup>th</sup> and Nevada CIP in the amount of \$349,416.20 from Northland Grading and Excavating. Payment is recommended.

- Marvin Kubischta, 20866 Nevada Ave. What work will be done next year? Engineer Nelson explained the remaining areas to be completed this year and what will be done next year.
- Lauradeen Protretzke: 20805 Nevada Ave. Concerned with the silt fence and if it will be removed because she is concerned with protecting the trees. Engineer Nelson advised the finishing of the ditch and the area has not been completed yet.
- Kathy Coleman on 20611 Nevada Ave – Her understanding is the cul de sac was turned over to the developer for finishing, is this correct? Engineer Nelson

explained the developer was not going to make timeline. Revisions were made to the Developers Agreement. Intent is, yes, when the agreement is signed.

Treasurer Hill asked if the pay estimate includes the turn lane costs. Engineer Nelson confirmed the pay estimate does include the turn lane costs and will be separated out.

**Motion to approve the payment of Pay Estimate #2 to Northland Grading and Excavating in the amount of \$349,416.20. Supervisor Howe**

**Second: Vice Chairman Novak**

**Motion Passed: 5-0**

Engineer Nelson advised the total project cost of 210<sup>th</sup> St E and Nevada Avenue with the remaining estimates are still estimated at the \$900,000 and as a result, the original assessment will remain as was approved at the assessment hearing. The interest rate will be at 4.67%.

**Motion to approve Resolution 2019-12 Adopting Assessment for the 210<sup>th</sup> St E and Nevada Ave Capital Improvement Project: Supervisor Lawrence**

**Second: Supervisor Howe**

**Motion Passed: 5-0**

## **2) Consider Ordering Feasibility Report for 2020 Road Improvements**

Engineer Nelson reviewed the Capital Improvement Projects for 2020, which included Monterey Heights, South Passage and Grey Fox Estates. Broadview Dr and Bernard Ave in Grey Fox will be delayed until road construction is completed in Lake Estates.

**Motion to approve Resolution 2019-13 ordering the Feasibility Study for Monterey Heights and South passage: Supervisor Lawrence**

**Second: Supervisor Schommer**

**Motion Passed: 5-0**

**Motion to approve Resolution 2019-14 ordering the Feasibility Study for Grey Fox Estates: Supervisor Howe**

**Second: Vice Chairman Novak**

**Motion Passed: 5-0**

## **3) Creekwood Project**

Engineer Nelson advised concrete driveways cracked after the Creekwood project. Concrete subcontractors have been delayed in getting work done. Engineer Nelson advised the work will be done on Oct 10-11, depending on weather. Feels the contractor should be allowed to complete the project and if not completed by the November Board Meeting the contractor would be considered in default.

- Lana Bloomhoffer, 16180 Creekwood Cr: Paint stripping is done and appreciated that this was done. She has one of the concrete driveways which has cracked and is concerned with how late the concrete will be completed and if the same problem happens. Engineer Nelson advised the completion of the area near the driveway be

done. Mat with grass seed with erosion mat will be used and will be completed after the driveway. Concern is that they will need to pay additional for the driveway. The board assured the resident that the work will be completed and there will be no additional charges for the resident. There will be an additional one-year warranty after the completion.

Contractor will notify residents of schedule changes.

## 8. Treasurer Report

### 1) Levy Resolution

Treasurer Hill requested the approval of the 2019 Levy Resolution. The Levy was approved at the Continuation of the Annual Meeting in September.

**Motion to approve Resolution 2019-15 to set the final 2019 levy for collection in 2020:**  
**Supervisor Lawrence**  
**Second: Supervisor Schommer**  
**Motion Passed: 5-0**

### 2) Resolution to Certify to CSTS and Service Fees

Treasurer Hill presented delinquent CSTS and Service Fees to be certified to taxes.

**Motion to approve Resolution 2019-16 to certify delinquent CSTS fees for Territory:**  
**Supervisor Schommer**  
**Second: Vice Chairman Novak**  
**Motion Passed: 5-0**

**Motion to approve resolution 2019-17 to certify delinquent service fees: Supervisor Lawrence**  
**Second: Supervisor Howe**  
**Motion Passed: 5-0**

### 3) Transfer of Funds

Treasurer Hill requested the Transfer of \$500,000 from savings to checking for the payment of claims.

**Motion to approve the transfer of \$500,000 from savings to checking: Supervisor Lawrence**  
**Second: Supervisor Schommer**  
**Motion Passed: 5-0**

## 9. Clerk's Report

### 1) Lakeville School District Election Staffing

Clerk Donovan requested Supervisors to open and close during the November 5, 2019 Lakeville School District Election.

- Supervisor Lawrence: Open 6am to noon

- Vice Chairman Novak: Noon to 4
- Supervisor Schommer: 4-close

10. Town Hall

11. Review and Pay Bills

Paid Chk# 010180E	VISA COMMUNITY CARD	10/6/2019	\$85.99	iContact - Sept
Paid Chk# 010181E	EFTPS	10/7/2019	\$2,365.83	FICA 6.2 - Employee Amt
Paid Chk# 010182E	PERA	10/7/2019	\$928.87	PERA - Employee Amt
Paid Chk# 010183E	MINNESOTA REVENUE MW5	10/7/2019	\$313.42	State WH
Paid Chk# 010357	Novak, Alan J	10/8/2019	\$641.06	Sept service paid in Oct
Paid Chk# 010358	ALLIED BLACKTOP COMPANY	10/7/2019	\$102,428.14	2019 Bituminous Work and Mater
Paid Chk# 010359	BOHNSACK EXCAVATING INC.	10/7/2019	\$2,018.07	Ditch repair
Paid Chk# 010360	CENTERPOINT ENERGY	10/7/2019	\$15.00	Acct#5179787-6; Town Hall Gas
Paid Chk# 010361	CHORES AND MORE BY HEIDI INC	10/7/2019	\$80.00	Town Hall Cleaning
Paid Chk# 010362	CINTAS	10/7/2019	\$92.98	Townhall rugs
Paid Chk# 010363	COLLABORATIVE PLANNING LLC	10/7/2019	\$1,107.25	Misc Escrow - Crescent Curve
Paid Chk# 010364	COLLINS TREE CARE, INC	10/7/2019	\$5,400.00	Ridgewood trail, Brookwood, Hu
Paid Chk# 010365	COURI & RUPPE, P.L.L.P.	10/7/2019	\$6,615.00	Legal fees
Paid Chk# 010366	ECM PUBLISHERS INC	10/7/2019	\$17.00	Annual Continuation Meeting
Paid Chk# 010367	GOPHER STATE ONE CALL	10/7/2019	\$40.50	Territory tickets
Paid Chk# 010368	HAKANSON ANDERSON ASSOC INC	10/7/2019	\$38,190.08	Building Permit Reviews
Paid Chk# 010369	NUVERA COMMUNICATIONS INC	10/7/2019	\$677.66	Telephone
Paid Chk# 010370	KRAEMER MINING& MATERIALS INC	10/7/2019	\$3,798.94	Purchase Rock 2019
Paid Chk# 010371	MARKS BOBCAT SERVICE, INC.	10/7/2019	\$2,405.00	Park grass
Paid Chk# 010372	MVEC	10/7/2019	\$863.37	Electricity
Paid Chk# 010373	NATURAL SYSTEMS UTILITIES MN	10/7/2019	\$11,309.18	NSU
Paid Chk# 010374	NORTHLAND GRADING & ESCAVATING	10/7/2019	\$349,416.20	210 th & Nevada Project
Paid Chk# 010375	PRIOR LAKE BLACKTOP, INC.	10/7/2019	\$5,922.00	Saw, Remove & Pave Broadview &
Paid Chk# 010376	SARAH LEVOIR	10/7/2019	\$390.00	Budget 2020 and new payroll mo
Paid Chk# 010377	SOUTHWEST NEWSPAPERS	10/7/2019	\$149.82	Special Meeting - Jaguar
Paid Chk# 010378	TRANS-ALARM INC.	10/7/2019	\$95.85	Town Hall Alarm Montitor Svc
Paid Chk# 010379	U.S. BANK EQUIPMENT FINANCE	10/7/2019	\$143.25	Acct#1388554; Lease Payment Co
Paid Chk# 010380	XCEL ENERGY	10/7/2019	\$12.38	Acct#51-6509820-6; St. Francis
Paid Chk# 500062E	Monthly Pay ACH	10/8/2019	\$8,521.85	Sept service paid in Oct
			\$544,044.69	

12. Adjourn

There being no further business before the Town Board, a motion to adjourn was heard.

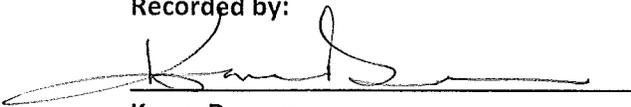
**Motion to adjourn the October 7, 2019 Credit River Township Meeting: Supervisor Howe**

**Second: Supervisor Lawrence**

**Motion Passed: 5-0**

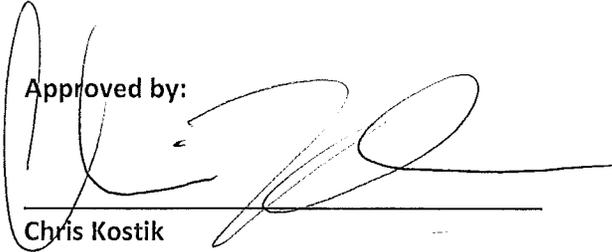
The October 7, 2019 Credit River Township Board Meeting was adjourned at 8:55 pm.

Recorded by:

A handwritten signature in black ink, appearing to read 'Karen', written over a horizontal line.

Karen Donovan  
Clerk - Credit River Township

Approved by:

A handwritten signature in black ink, appearing to read 'Chris Kostik', written over a horizontal line.

Chris Kostik  
Chairman  
Credit River Township