

Royalton Township Regular Board Meeting Minutes  
6052 Royalton Road, Braham, MN 55006  
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26 July 2022  
Approved

7:30 p.m., 26 July 2022, Chair Wayne Olson called the Royalton Township regular board meeting to order with Supervisor Jeff Schlaeger, Supervisor Marshall Pearson, Treasurer Wendy Tchida, and Clerk Duane Swanson present. Zoning Administrator John Kemen, Septic Administrator Amy Thompson, Road Superintendent Dan Saumer, and Deputy Clerk Andrea Anderson also attended, along with members of the planning commission and members of the public. The pledge of allegiance was recited.

Supervisor Schlaeger moved, Supervisor Pearson seconded, to approve the agenda as presented with the addition of three items: Bluebell Road, elections, and septic compliance. The motion carried unanimously.

Chair Olson moved, Supervisor Pearson seconded, to approve the minutes of the regular board meeting of 28 June 2022 as presented. The motion carried unanimously.

Treasurer Tchida gave her report, noting that as of 30 June 2022, the township has a balance of \$589,694.07 in the treasury. The report noted that \$50,214.42 of the balance is COVID-19 aid that is restricted to certain uses, leaving a spendable balance of \$539,475.65. Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve the report. The motion carried unanimously.

Treasurer Tchida and Clerk Swanson introduced Resolution 2022-8 establishing procedures for handling fees incurred from financial institutions, stressing that this resolution codifies procedures already in practice; the Minnesota Association of Townships recommends that these procedures be approved in resolution form. Chair Olson moved, Supervisor Pearson seconded, to approve the resolution. The motion passed unanimously. Said resolution shall be part of these minutes.

Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve payment of checks #10452-10481 in the amount of \$13,294.62. The motion carried unanimously with Chair Olson, Supervisor Pearson, and Supervisor Schlaeger voting "aye".

Public Forum was offered. Paul Wilkens was present to address the issue of the building official. He began by recommending that the township stick with the current official and work through any problems that may arise. He noted that his recent construction project, begun under the previous building official, did experience changes during the process which increased the costs of the construction as the current official "moved the bar". Bob Marx was present to echo the fact that changes keep occurring during the process. Chair Olson thanked the speakers for their remarks.

Planning Commission recommendations:

The board considered the commission's recommendation for the permit diagram, noting that a time frame document was necessary for internal purposes and should be of a nature to be changed easily should circumstances dictate. Chair Olson moved, Supervisor Pearson seconded, to post the permit diagram on the website immediately and to continue to work on a timeline document. The motion carried unanimously. [The permit diagram was posted to the website during the meeting by Deputy Clerk Anderson.]

The nonpermanent structure issues will continue to be researched.

WO\_\_\_\_ MP\_\_\_\_ JS\_\_\_\_ WT\_\_\_\_ DS\_\_\_\_

Old Business:

Regarding septic issues: 3546 State Highway 70 is currently in litigation, with an arraignment hearing having been held and a formal hearing scheduled for 12 October at 10:00 a.m. A new system has been started for 4500 Buffalo Road. Clerk Swanson reported that no response had been received from the second letter regarding 8311 Brunswick Road and that the second letter for 10343 Wildflower Road had been returned as undeliverable. Supervisor Schlaeger moved, Chair Olson seconded, to send a second letter to the occupant at 10343 Wildflower Road, as the previous owner has presumably moved out. The motion carried unanimously. Chair Olson moved, Supervisor Schlaeger seconded, to forward the issue of 8311 Brunswick Road to legal counsel for action. The motion carried unanimously.

Clerk Swanson reported that a list of seven properties that were sold during the second quarter of 2022 had been sent to the township for septic compliance verification. Of that list, one property did not have a septic system, one is in the process of installing a new system, two have positive compliance inspections on file, and three require point of sale first letters. Chair Olson moved, Supervisor Pearson seconded, to approve first letters to 10490 Apple Road, 54922 Elmcrest Avenue, and 5180 Royal Woods Road with deadlines prior to the next board meeting. The motion carried unanimously.

Roger Teich was present to update the board on the progress of his two septic systems. He noted that only the landscaping covering needed to be done and promised that it would be done within the next two weeks.

Septic Administrator Thompson and Zoning Administrator Kemen updated the board on 11183 Country Drive. A septic compliance inspection had been done resulting in a positive report but noting that cracks in the tank were present; the extent of the cracks was not known. The inspection used previous borings all by the same inspector in apparent violation of Minnesota Rules. Both administrators recommended that the report not be accepted until those issues were clarified. Supervisor Pearson moved, Chair Olson seconded, to authorize a letter be sent to the inspection company and to the homeowner explaining the concerns and requesting additional information before the report could be filed. The motion carried unanimously.

Septic Administrator Thompson reported that 4201 State Highway 70 had been sold and that a positive compliance inspection had been filed with the township. Because of the change of ownership and the apparent vacation of the premises by the previous owner and occupant, this issue will be removed from the agenda.

Zoning Administrator Kemen will get a site permit for PID 290274000 before the next meeting or the owner's compliance with his conditional use permit will be reconsidered.

Zoning issues at 1702 and 1605 Royal Heights Lane are awaiting further data.

By consensus, the board agreed to remove from the agenda the discussion of sound system upgrades for the town hall. The current system seems to be working adequately.

The road report and possibility of brushing on Clover Lane was deferred until the next meeting.

There was no new data on the establishment of a fire district.

The chloriding of Maple Shores Drive has been completed.

Supervisor Pearson updated the board on the town hall concrete work. The irrigation system needs to be re-installed. Final grading and touch-up work needs to be done. Road Superintendent Saumer will plant grass seed. Supervisor Pearson will verify whether or not the sidewalk was sealed. [Subsequent verification was received that the contractor had sealed the sidewalk concrete.]

WO\_\_\_\_ MP\_\_\_\_ JS\_\_\_\_ WT\_\_\_\_ DS\_\_\_\_

Kris Pearson and Matt Heggernes of ECE were present to respond to questions about the affidavit ECE has requested the board to sign regarding ECE's broadband grant request. They noted that the only financial responsibility that the township would incur would be the \$1,000 authorized by the board resolution of 26 April 2022. Chair Olson moved, Supervisor Schlaeger seconded, to approve the affidavit of support as presented and to sign the affidavit with the specific inclusion of the \$1,000 limit of responsibility. The motion carried unanimously. Said affidavit shall be part of these minutes. Deputy Clerk Anderson updated the draft affidavit, it was signed, and hand-delivered to Kris Pearson at the meeting.

New Business:

Supervisor Pearson gave an extensive verbal report on his investigation into the issues surrounding complaints about the township's building official. He noted that he had numerous discussions with contractors and landowners about issues previously raised. After those discussions, he and Duane Swanson met with Andy Schreder and Dean Becker of Rum River Construction Consultants at which meeting Supervisor Pearson shared (anonymously) the specifics of what he had been told covering about a dozen issues. Mr. Schreder subsequently delivered a report specifically discussing each issue, noting that some specific issues could not be addressed because he did not know the specific properties that were involved because of promised anonymity of discussions. Supervisor Pearson noted the following: Royalton Township does not accept automatic or electronic payments because of the expense and complexity of equipment needed to do so; the building official has no authority over what the township can or will accept. Most building plans need to be delivered in electronic form rather than hard copy; an exception may be an extremely complex construction project requiring very large forms. Permits lapse after 180 days of inactivity unless a continuance is requested. Supervisor Pearson showed copies of the detailed correspondence record produced by the building official noting that many of the situations described differ substantially from what the township has been told happened. Regarding costs of permits, Supervisor Pearson's investigation showed that costs were in line with other jurisdictions and commented that the costs are basically set by state formulae. Unlike what has been previously stated by some, there are no specific timelines for inspections – some jurisdictions state an eight-day window; Rum River has a three-to-five-day window. Extremely high wall structures subject to wind shear require special structural engineering drawings. Steel studs are not required in commercial buildings and Rum River Construction does not require them. Supervisor Pearson noted that he encourages individuals to continue to speak directly to him with specific issues that they encounter, and he will relate them to the building official.

After hearing Supervisor Pearson's report, Chair Olson summarized his recommendations that the township continue to remain using paper checks and not to accept credit cards, that no change be made in building officials at this time, noting that the board by contract can remove the building official with ten days' notice, and that the board should continue to study the issues. By consensus, the board concurred.

Supervisor Pearson reviewed the issues surrounding the requirements for permits on manufactured homes in the Grasston Mobile Home Park. He related his discussions with the owner of the park, who, on the advice of her counsel, claims that she is not responsible for the permitting process, although she informs her renters that they have that responsibility. Zoning Administrator Kemen reported that the landowner informs the renters that they have the responsibility to acquire any permits and resulting inspections. The board noted that if the township building official ceases to handle these permit issues, the township will be accepting legal responsibility for the strict enforcement of any codes. Zoning Administrator Kemen commented that this was a serious responsibility for the township. After discussion, the board, by consensus, agreed on the following path: 1) Zoning Administrator Kemen will discuss with the landowner the need to include in written contracts with the renter that the renter will be responsible for all permits and doing any required inspections. 2) The town's building official will be responsible for issuing permits and doing inspections. 3) Township officials may, should the occasion arise, consult with legal counsel to verify whether or not the landowner has ultimate responsibility should a renter not follow through on the permitting process.

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The board considered the request of Rydberg & Sons for a surcharge of \$2.00 per cubic yard of gravel to its awarded quote of \$11.19 per cubic yard. After discussion noting the precedent this action would set, the questionable legality in terms making this awardee no longer the low quote, and the time-consuming process of reopening the call for quotes, Chair Olson moved, Supervisor Pearson seconded, to deny the request. The motion carried unanimously.

By consensus, the board authorized Road Superintendent Saumer to secure quotes for a snowblower for the township.

Clerk Swanson updated the board on the upcoming elections. The public accuracy test of the new voting equipment will be held at 10:00 a.m., Saturday, 6 August 2022. The state primary election will be held in the town hall from 7:00 a.m. to 8:00 p.m., Tuesday, 9 August 2022. Plans include using the new sidewalk as the main exit for voters.

The board discussed the situation regarding an excessive number of cars at PID 295103000 on Bluebell Road as well as the apparent moving of gravel from the roadway to a private driveway. Chair Olson moved, Supervisor Schlaeger seconded, to authorize a letter to the landowner noting these violations of the zoning ordinance. The motion carried unanimously.

Several audience members then urged the board to take action on numerous properties in the Royal River developments, including alleged septic violations and other nuisance issues. Septic Administrator Thompson noted that responsibility for the septic issues in that area lies mainly with the county but encouraged individuals with concerns to contact her. The board will investigate further.

Chair Olson directed the planning commission to study the feasibility of returning responsibility for septic inspections to Pine County. Such a decision would require an ordinance change.

Correspondence:

The board noted the Minnesota Association of Townships District 7 meeting for 7:00 p.m., 11 August 2022 at Chisago Lake Township.

FYI:

The board noted that the agreement with the County Assessor to provide services in 2023 has been signed and returned to the county and that the agreement with the city of Pine City for fire services for 2023 had been signed and returned to the city.

The next regular town board meeting will be 7:30 p.m., Tuesday, 30 August 2022.

At 8:53 p.m., Supervisor Pearson moved, Supervisor Schlaeger seconded, to adjourn. The motion carried unanimously.

Respectfully submitted,

Duane P. Swanson, Clerk

Wayne Olson, Chair/Supervisor

Jeff Schlaeger, Vice Chair/Supervisor

Marshall Pearson, Supervisor

Wendy Tchida, Treasurer