

Royalton Township Working Planning Commission Meeting Minutes
6052 Royalton Road, Braham, MN 55006
Email: royalton@royaltontownship.com -- Website: www.royaltontownship.com
9 April 2024
Approved

6:30 p.m., 9 April 2024, Chair Leslie Orvis convened the Royalton Township working planning commission meeting with Members John Graham, Priscilla Schneider, Duane Swanson, and Gary Valvoda present. Zoning Administrator John Kemen, Septic Administrator Amy Thompson, and members of the public also attended.

Chair Orvis called for discussion about the administrative citations ordinance draft, dated 26 March 2024. Discussion occurred about where it might fit into the existing ordinance (likely a separate article but associated with the violations and penalties article). Questions from the public in attendance led the discussion into the issues of blighted properties, how this ordinance would affect them, and how does a blighted property affect neighbors' properties and valuation. Patrice DeGray, Denise and Bryan Weis, and John McKenzie questioned if this proposed ordinance would intrude too far into the personal property rights of residents and how, if at all, it might affect the possibilities of hemp and cannabis growing projects in the township. How, if at all, would it affect township costs, e.g. fire costs? Chair Orvis responded that this proposed ordinance is intended to be an effective method of enforcing the ordinances already in place without the need for expensive legal and judicial proceedings. Properly written, it is legal for townships to adopt such an ordinance. He also noted that hemp is considered an agricultural product under Minnesota law, that cannabis growing is legal within certain limitations and that the township cannot prohibit their growth. However, security, lighting, and septic issues associated with their growth are issues that can be regulated and blight resulting to neighboring parcels (smells, etc.) could conceivably fall within ordinance regulation. He then thanked participants for their concerns and redirected the discussion back to the language of the proposed ordinance.

Chair Orvis read the wording of the draft, asking for comments as he proceeded. He questioned whether the clerk should have authority to issue notices for zoning offenses. Zoning Administrator Kemen noted that the clerk needed to have a central role in writing, signing, and filing notices. Member Schneider noted that this ordinance would significantly increase the responsibilities of office staff. By consensus, the draft wording on who had authority to issue citations remained.

Chair Orvis and others then reviewed the current process after an issue had been identified: a) friendly letter noting the apparent violation; b) second letter with a formal warning; c) first, and potentially a second, from legal counsel; and d) formal filing of judicial proceeding. This process is lengthy and costly. Chair Orvis noted, and members concurred, that the administrative citation ordinance would streamline this process by eliminating costly legal proceedings and delays. Septic Administrator Thompson noted the city of Rock Creek's positive experiences with this process.

During discussion of the "Payment" section, the issue of "compounding" was questioned, but no different wording change was suggested. The commission decided that boats and campers should remain listed as they could be as negative as excess vehicles. By consensus, members decided to add "as delineated in the Royalton Code of Ordinances" to the line beginning "All else," in paragraph (B).

During discussion of the "Contesting Administrative Citations" section, it was recommended that a further citation to the Rules of Evidence be included. By consensus, it was decided to add "Minnesota Court Rule 103" as a clarifier.

During discussion of the “General Penalty” section, members questioned the differences between “at law” and “at equity.” [Apparently, the difference may refer to what type of damages or penalties may be awarded. It appears to be recommended that both terms be used on documents such as these. DPS].

There were no other suggested wording changes to the draft ordinance. The office will make the changes outlined above to the document. By consensus, the commission endorsed the concept that this document should be reviewed by legal counsel before a public hearing is scheduled.

At Chair Orvis’ request, Member Schneider made copies of Rock Creek’s sample citation, sample letters concerning the issuance thereof, and an administrative spreadsheet tracking the process and fines. Members were requested to study these documents for discussion at the next meeting.

Chair Orvis noted that the next meeting would consider the proposed campground ordinance.

At 8:30 p.m., Chair Orvis concluded the meeting.

Respectfully submitted,

Duane P. Swanson, Clerk/Member

Leslie Orvis, Chair/Member

John Graham, Member

Priscilla Schneider, Member

Gary Valvoda, Member