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County's dispute with Corinna Township could go to Minnesota Court of Appeals

By Ed DuBois

The Wright County Board is seeking a ruling from the Minnesota Court of Appeals regarding an ongoing dispute with Corinna Township. The county and the township disagree on whether or not the township can issue building permits in shoreline areas.

Last week, the Board met in a closed session to discuss a decision by the Minnesota Department of Labor and Industry (DOLI), which agrees with Corinna Township. Last Tuesday, June 16, the Board passed a resolution authorizing outside legal counsel to proceed with any appropriate appeals. Board Chair Pat Sawatzke told the Journal-Press the matter could go to the Court of Appeals. He mentioned the case could set some legal precedents.

One county commissioner opposed the resolution, which passed 4-1 last Tuesday. Commissioner Rose Thelen, whose district includes Corinna Township, read a statement calling for more negotiating with the township and less legal action. She read the statement prior to voting against the resolution. Thelen said she felt she needed to speak against continuing an adversarial legal battle. DOLI has ruled that Corinna Township has the legal authority and the ability to issue its own building permits in shoreline areas, Thelen stated. She added that in other counties, joint powers agreements, not legal action, help settle disagreements in this area. She called for not squandering talent and good will, and she said she prefers resolving differences through negotiations because the continued legal battle is wasting time, money and energy.

Commissioner Jack Russek, a member of the Wright County Planning Commission, pointed out that Thelen was not on the County Board when the county was negotiating with the township and trying to reach an agreement. He said the county worked diligently for an agreement, but it was turned down. Board Chair Pat Sawatzke suggested a dialogue with Corinna Township can take place as the county seeks an appeal. He invited Thelen to contact the township officials and find out if an agreement is possible.

A day prior to the county board meeting last Tuesday, Corinna Township generated a news release regarding the dispute with the county and an administrative law judge ruling that supports DOLI's decision. The news release follows:

Administrative Law Judge Kathleen Sheehy issued an order supporting the Department of Labor and Industry's (DOLI) order requiring Wright County to cease issuance of all building permits within Corinna Township. The order reaffirms that the Township is the sole building official within its boundaries. Corinna Township was a party to this action in support of DOLI. The order was sent to DOLI Commissioner Steve Sviggum for review, with a final decision anticipated any day. After holding a closed session, the Wright County Board of Commissioners is scheduled to vote at their June 16, 2009 regular meeting on a resolution authorizing "any appropriate appeals in conformance with the County's interests and positions on the issues." An appeal in this matter would be to the Court

of Appeals.

Corinna Township has long held to its view that State Statutes give it a right to issue building permits and that Wright County may not “double-permit” the residents of Corinna Township. The Township’s position has been supported by the Department of Labor and Industry, the Minnesota Attorney General’s Office, and now an administrative law judge in St. Paul.

Corinna Township has been issuing building permits since Aug. 11, 2008. Corinna Township residents and officials have been the target of reprisals from Wright County throughout this process and since the Judge’s ruling.

County Zoning Administrator Tom Salkowski has recently imposed a 48 hour notification requirement for Township requests to simply view county records. The Township needs to review these documents as a regular part of its zoning administration duties. The waiting period has not been required of the Township prior to the Recommended Order from Judge Sheehy and is not part of official county policy on such data requests by other persons.

The County’s attorney, Scott Anderson, recently notified the Township that Wright County may charge Corinna Township to compensate the County for the time involved in reading e-mails and pulling public data from its records for viewing at the county offices. This requirement is contrary to state law, which does not allow for such charges unless paper or electronic copies are requested.

Wright County continues to require a building permit (double-permitting) from Corinna residents, despite the Township having appointed its own building official. By contrast, the County does not require building permits in Stockholm and Middleville Townships, which have also appointed their own building official.

The emails Salkowski and Anderson documenting these reprisals are available, on request, from Corinna Township.

More information, including documents from this litigation and ongoing correspondence with Wright County, can be viewed online at [www. corinnaplanning.info](http://www.corinnaplanning.info).

The Journal-Press called Salkowski to ask about the notification requirement described in the news release. He denied he imposed a requirement. He explained that when the township’s consultant requested a list of properties to research, he wanted it in about an hour. Salkowski said he told the consultant he would appreciate a couple of day’s notice, as a courtesy, to accommodate such a request. In other business: