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MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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August 25, 2008

Office of Administrative Hearings  
Chief Administrative Law Judge  
Honorable Raymond R. Krause  
600 North Robert Street  
St. Paul, MN 55101

REC'D BY  
M.M.B.

AUG 27 2008

RE: Austin/Lansing Township Mediation  
Division of Mediation Fees  
OAH No. 43-0330-19632-BA

Dear Judge Krause:

I'm enclosing for your review a copy of the Order for Mediation, my letter to Mr. Gilchrist (Attorney for Lansing Township) and Mr. Hoversten (Attorney for the City of Austin) dated August 13, 2008 and a copy of Mr. Gilchrist's letter to me dated August 15, 2008. To date I have not had a response from Mr. Hoversten.

At the mediation I had discussed with Daniel Franklin, the designated spokesperson for the Petitioners, the prospect of the Petitioners sharing in the costs of mediation. At that time, I was informed the Petitioners would not voluntarily share in the cost of the mediation.

Because the Petitioner's had refused to voluntarily contribute to the costs of the mediation, I sent the August 13 letter to Mr. Gilchrist and Mr. Hoversten suggesting the City and Township split the fees equally. Mr. Gilchrist's letter to me dated August 15, 2008 is the townships response.

I believe Mr. Gilchrist's position is legally and factually well taken and it is therefore my recommendation that the mediation costs be split equally between the Petitioners, the Township and the City. In making this recommendation I have taken into account the fact that it is the Petitioner's as private property owners who initiated the process. At the mediation they were considered and participated as a party separate from either the Township or the City. On that basis, Minn. Stat. § 414.12 Subd. 4 (1) is in my opinion applicable.

Should you need it, the contact information for the respective parties is as follows: Troy Gilchrist, Attorney for Lansing Township, 470 U.S. Bank Plaza, 200 South Sixth Street,

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MAB

AUG 27 2008

Minneapolis, MN 55402, Phone: 612-337-9214, Email: [tgilchrist@kennedy-graven.com](mailto:tgilchrist@kennedy-graven.com). David Hoversten, Attorney for City of Austin, 807 Oakland Avenue West, Austin, MN 55912, Phone: 507-437-9950, Email: [hoversten@hoverstenlaw.com](mailto:hoversten@hoverstenlaw.com). Daniel Franklin, Spokesperson for the Petitioners, 24558-546<sup>th</sup> Avenue, Austin, MN 55912, Phone: 507-433-5931, Email: [dlfrank@smig.net](mailto:dlfrank@smig.net).

If there is anything further that you require, please contact me at your convenience.

Thank you

Sincerely yours,



Scott J. Newman

SJN:ah

Enc.