

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1976**

Troy K Scheffler,
Appellant,

vs.

Lake Edward Township,
Respondent,

County of Crow Wing,
Respondent.

**Filed July 22, 2024
Affirmed
Worke, Judge**

Crow Wing County District Court
File No. 18-CV-23-1400

Troy Scheffler, Merrifield, Minnesota (pro se appellant)

Robert A. Alsop, Kennedy & Graven, Chartered, Minneapolis, Minnesota (for respondent
Lake Edward Township)

Donald F. Ryan, Crow Wing County Attorney, Stephanie Shook, Assistant County
Attorney, Brainerd, Minnesota (for respondent County of Crow Wing)

Considered and decided by Schmidt, Presiding Judge; Worke, Judge; and Harris,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the district court's dismissal of his complaint under Minn. R. Civ. P. 12.02(e) for failure to state a claim upon which relief can be granted. We affirm.

FACTS

Appellant Troy K Scheffler petitioned respondent Lake Edward Township (the township) for a cartway pursuant to Minn. Stat. § 164.08 (2020). On July 29, 2021, the township board adopted a resolution requiring Scheffler to post security in the amount of \$15,000 to cover the estimated costs the township would incur in connection with proceeding on the cartway petition. Scheffler refused to post the security and petitioned the district court for a writ of mandamus to compel the township to proceed with the development of the cartway. The district court denied the petition. Scheffler appealed and this court affirmed the district court's decision.¹

Scheffler never posted the security. The township adopted a resolution deeming the cartway petition withdrawn. The township emailed Scheffler an invoice for \$1,312.51 for costs associated with processing the cartway petition. In April 2022, the township adopted and emailed Scheffler a copy of the resolution. The charges were then levied as an assessment against real property owned by Scheffler.²

¹ See *Scheffler v. Lake Edward Twp.*, No. A20-1472 (Minn. App. June 21, 2021).

² See Minn. Stat. § 366.012 (2020) (providing procedure for town to collect unpaid service charges from recipient of services provided by town).

Scheffler appealed to the district court challenging the township's action. In his complaint, Scheffler requested relief for the following claims: (1) the assessment failed to meet the statutory requirements pursuant to Chapter 429; (2) attorney fees associated with the cartway petition are unreasonable and are not allowed under Chapter 429; and (3) the township failed to give proper notice of the assessment. The township moved the district court to dismiss for failure to state a claim upon which relief can be granted pursuant to rule 12.02(e).

The district court determined that the applicable statute is section 366.012; accordingly, it did not have jurisdiction over the claim.³ The district court granted the township's motion and dismissed Scheffler's complaint with prejudice for failing to state a claim upon which relief can be granted. This appeal followed.

DECISION

Scheffler argues that the district court erred when it determined that it did not have jurisdiction and dismissed his complaint for failing to state a claim upon which relief can be granted. The district court noted two grounds for its dismissal of the claims. First, that Minn. Stat. § 366.012, not Chapter 429, governs. Second, that when a petitioner challenges an action under section 366.012, the appropriate remedy is a writ of certiorari.

Appellate courts review de novo “whether a complaint sets forth a legally sufficient claim for relief.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014). When

³ See *Great W. Indus. Park, LLC v. Randolph Twp.*, 853 N.W.2d 155, 156 (Minn. App. 2014) (reviewing, by writ of certiorari, whether section 366.012 authorized township to certify expenses for collection from property taxes).

reviewing a district court’s decision to dismiss a complaint for failure to state a claim, the reviewing court considers “only the facts alleged in the complaint, accepting those facts as true and [the appellate court] must construe all reasonable inferences in favor of the nonmoving party.” *Park Nicollet Clinic v. Hamann*, 808 N.W.2d 828, 831 (Minn. 2011) (quotation omitted).

Whether the district court had “[j]urisdiction here depends on statutory interpretation and whether there is a quasi-judicial decision, each of which we review de novo.” *Reetz v. City of Saint Paul*, 956 N.W.2d 238, 243 (Minn. 2021).

“Absent a right of review provided by statute or appellate rule, certiorari is the exclusive method to review a municipality’s quasi-judicial decision.” *Randolph*, 853 N.W.2d at 156. We may reverse or modify a municipality’s decision when “the municipality made an error of law.” *Id.* A quasi-judicial decision is one that requires: “(1) investigation into a disputed claim and weighing of evidentiary facts; (2) application of those facts to a prescribed standard; and (3) a binding decision regarding the disputed claim.” *Reetz*, 956 N.W.2d at 243 (quotation omitted).

In *Randolph*, this court reviewed a township’s certification to collect unpaid expenses pursuant to section 366.012 in a certiorari appeal, and that is the exclusive method to review such a quasi-judicial decision. 853 N.W.2d at 156-57. Therefore, Scheffler’s complaint was properly dismissed for failing to state a claim upon which relief can be granted.

Affirmed.