



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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November 9, 2009

VIA E-MAIL

Joseph M. Boyle
Boyle Law Office
235 - 4th Avenue
International Falls, MN 56649-2314

Rod Otterness, City Administrator
International Falls City Hall
600 - 4th Street
International Falls, MN 56649-2442

Re: A-7705 International Falls/Rainy Lake Unorganized Territory
City Petition for Annexation Dated September 24, 2009; 590 acres

Dear Mr. Boyle and Mr. Otterness:

The Office of Administrative Hearings acknowledges receipt of the above-referenced city petition for annexation. Please refer to the Municipal Boundary Adjustments docket number in any future correspondence relating to this proceeding.

As per your request, I've identified the following areas of the petition from the City of International Falls that require clarification and amendment. First, the City's petition initiates a new boundary adjustment proceeding, separate and distinct from that which was previously filed by the City of Ranier and the Koochiching County. Not only is it separate in time but it is filed under a different statutory section of Chapter 414. Accordingly, it has been assigned it's own docket number. That is the case number that must be included and referred to on the City's petition and all subsequent filings.

Yes, it is true that the City's petition (A-7705) and the joint agreement from the City of Ranier and Koochiching County (OA-1449-1) are both hearing files and as such will involve much of the same area proposed for annexation, information and witnesses. But the decision to consolidate these files *for purposes of hearing*, has not been made yet. Even if these two dockets are consolidated they will run parallel with each other maintaining their separate dockets because the different statutory procedures involved present different questions for decision.

Second, consistent with the foregoing, the heading of the City's petition should be changed to reflect what the City has decided to do – namely, pursue the annexation of some of the Rainy Lake unorganized territory to the City of International Falls. A heading along the lines of “*Petition of the City of International Falls for Annexation of Rainy Lake Unorganized Territory*” would be more appropriate. No reference to the file of Ranier is necessary.

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Third, in paragraphs 1 and 4(A) of the City's petition, please clarify to whom the municipal services described are being provided, *e.g.*, is it to the City residents (paragraph 1?) or to the area proposed for annexation (paragraph 4(A)?).

After these amendments are made please send an "Amended" petition to all who received a copy of the original filing, including this office.

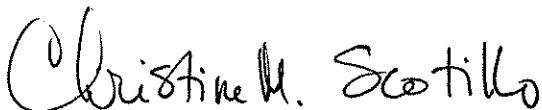
Since a hearing is a very costly and lengthy procedure, we recommend that the city discuss the proposed annexation with its neighbors to determine if an agreement at the local level is possible.

Legislative changes to Chapter 414 since 1997 provide for an alternative dispute resolution process. Please check Minnesota Statutes 414.12 for specifics and **note there is a 30 day time period from the time of filing in which to exercise the option referenced in Minnesota Statutes 572A.**

A hearing will be scheduled within 30 - 60 days on this matter in accordance with Minnesota Statutes 414. You will receive further information and instructions from this office prior to the date set for the hearing.

If you have any questions, please contact this office.

Sincerely,



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:sjh

c: The Honorable Shawn Mason, Mayor of International Falls (via E-mail)
Matthew Hanka, Ranier City Attorney (via E-mail)