



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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June 14, 2012

Mitchell Brunfelt (Via E-Mail)
Colosimo, Patchin, Kearney & Brunfelt, Ltd.
Law Center Building
301 Chestnut Street
Virginia, MN 55792

Cathy Klegstad (Via E-Mail)
Babbitt City Clerk-Treasurer
Babbitt City Hall
71 South Drive
Babbitt, MN 55706-1232

Pam Berens (Via E-Mail)
3257 Highway 21
Babbitt, MN 55706

Re: D-492 Babbitt/Birch Lake Unorganized Territory (5,675 acres)
(Property Owner Petition for Detachment of Sec. 4, 5, 6, 7, 8, 9, 17, 18, 19; T.60N-R.13W)

Dear Mr. Brunfelt, Ms. Klegstad and Ms. Berens:

On June 12, 2012 the Chief Administrative Law Judge, through his designee, invoked the authority under Minnesota Statutes Section 414.01, subd. 16, requiring the petitioners and the city to meet to discuss the possible resolution of contested issues in this matter.

Subd. 16. Compelled meetings; report. *In any proceeding under this chapter, the chief administrative law judge or conductor of the proceeding may at any time in the process require representatives from any petitioning property owner or involved city, town, county, political subdivision, or other governmental entity to meet together to discuss resolution of issues raised by the petition or order that confers jurisdiction on the chief administrative law judge and other issues of mutual concern. The chief administrative law judge or conductor of the proceeding may determine which entities are required to participate in these discussions. The chief administrative law judge or conductor of the proceeding may require that the parties meet at least three times during a 60-day period. The parties shall designate a person to report to the chief administrative law judge or conductor of the proceeding on the results of the meetings immediately after the last meeting. The parties may be granted additional time at the discretion of the chief administrative law judge or conductor of the proceedings. Any proposed*

resolution or settlement of contested issues that results in a municipal boundary change, places conditions on any future municipal boundary change, or results in the withdrawal of an objection to a pending proceeding or the withdrawal of a pending proceeding must be filed with the chief administrative law judge and is subject to the applicable procedures and statutory criteria of this chapter.

The petitioners and the City of Babbitt are directed to meet at least three times to discuss resolution of issues raised by the petition and other issues of mutual concern. The parties shall designate a person to report the results of such meetings to the Municipal Boundary Adjustment Unit at the conclusion of the time period.

The City of Babbitt shall be responsible for scheduling the three meetings to be held within the City of Babbitt and at reasonable times and dates, so as to accommodate participation by the affected landowners. The three meetings shall be held within a 60-day period and all three must be held prior to August 27, 2012.

The parties are encouraged to engage in frank, meaningful discussions during the three meetings in an effort to resolve this matter in a manner acceptable to all parties. Representatives of the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings may be available to be present at the commencement of the first meeting to explain this process and answer questions.

In the event this matter is not resolved through discussions amongst the parties, a hearing shall be scheduled in accordance with Minn. Stat. § 414.06, Subd. 2, which states:

***Subd. 2. Hearing, if needed.** If both a resolution of the municipality and a petition by all the property owners are submitted, no hearing is necessary. In any other case, upon receipt of a petition or resolution, the chief administrative law judge shall designate a time and place for a hearing in accordance with section 414.09.*

If a hearing is held, the presiding administrative law judge shall take action in accordance with Minn. Stat. § 414.06, Subd. 3, which states, in part:

***Subd. 3. Order.** Upon completion of the hearing, the chief administrative law judge may order the detachment if it finds that the requisite number of property owners have signed the petition if initiated by the property owners, that the property is rural in character and not developed for urban residential, commercial or industrial purposes, that the property is within the boundaries of the municipality and abuts a boundary, that the detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development. The chief administrative law judge may deny the detachment on finding that the remainder of the municipality cannot continue to carry on the functions of government*

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without undue hardship. The chief administrative law judge may decrease the area of property to be detached and may include only a part of the proposed area to be detached.

If you have any questions, please contact me or Star Holman at 651-361-7909 or star.holman@state.mn.us.

Sincerely,



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

TJO:sjh