



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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October 5, 2012

Hugh T. Nierengarten (hnierengarten@comcast.net)
Nierengarten & Hippert, Ltd.
11 North Minnesota Street
P. O. Box 214
New Ulm, MN 56073

Gerald Fank, Township Clerk
Cosmos Town Board
51633 – 120th Street
Cosmos, MN 56228

Steven Besser
Dolan & Besser
409 North Sibley Avenue
Litchfield, MN 55355
stevebesser@dolanbesser.com

D-500 Cosmos/Cosmos Township (Randy & Judy Schiro Petition; 64.14 acres)

Gentlemen:

Pursuant to Minn. Stat. § 414.06, Subd. 2, the Chief Administrative Law Judge, through his designee has ordered the parties to participate in a mediation session. The parties have the option of:

- (1) Either jointly agreeing on a mediator of their choosing to conduct the mediation process; or
- (2) Entering into a mediation agreement with the Office of Administrative Hearings, pursuant to Minn. Stat. Sec. 414.12, authorizing the Chief Administrative Law Judge to appoint an administrative law judge to conduct the mediation process.

The parties must notify the Municipal Boundary Adjustment Unit (MBAU) no later than Monday, November 19, 2012, as to which option they choose. If the parties are unable to agree on either of these two options, the Chief Administrative Law Judge will assign a mediator. The assignment of a mediator will occur by December 4, 2012.

I have been advised that counsel for the city and petitioners plan to discuss the contested issues on their own in an attempt to resolve this matter prior to mediation or hearing. I wish you well in the effort. If settlement is achieved, please notify the MBAU promptly.

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

Sincerely,



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

TJO:sjh

c: Randy and Judy Schiro, Petitioners (randyschiro@hotmail.com)
Kathy Blackwell, City Clerk (cosmoscity@mchsi.com)