

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of the Petition for the
Dissolution of the City of Ronneby
Pursuant to Minnesota Statutes
412.091 and Minnesota Statutes 414

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

The above-entitled matter came on for hearing before the Office of Administrative Hearings pursuant to Minn. Stat. § 412.091 and Minn. Stat. ch. 414, as amended. A hearing was held on August 8, 2008, at the Foley City Hall, Foley, Minnesota. The record closed at the end of the hearing. The hearing was conducted by Chief Judge Raymond R. Krause (the ALJ).

The petitioners and the City of Ronneby appeared by and through Ronneby City Attorney James A. Mogen, Rinke-Noonan Law Firm. The following witnesses provided testimony; Annette Brenny, Ronneby City Clerk, and Duane J. Walter, former Mayor of Ronneby.

After due consideration of all the evidence, together with all records, files, and proceedings, the ALJ hereby makes the following Findings of Fact, Conclusions of Law and Order.

STATEMENT OF THE ISSUES

Should the City of Ronneby conduct a referendum on the issue of dissolution of the City of Ronneby on November 4, 2008, in conjunction with the general election?

The ALJ finds that the City of Ronneby should conduct such a referendum.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On July 8, 2008, a petition for dissolution was received by the Municipal Boundary Adjustments Unit requesting the Chief Judge to order a referendum on the question of dissolution of the City of Ronneby (the City).

2. In 2006, the last City election, 23 voters did vote in the election.¹

3. The petition for dissolution contained the signatures of 14 qualified voters, this number being 60.9 percent of the voters voting in the 2006 election.²

4. The petition contained a description of the territory subject to dissolution, which is as follows:

The area proposed to be dissolved is the City of Ronneby, Minnesota, which is contained entirely within Sections 19 and 20 Township 37 North, Range 28 West, County of Benton, Minnesota.

5. On July 29, 2008, and August 5, 2008, timely notice of the hearing was published, served, and filed.³

6. The City is entirely located in and surrounded by Maywood Township, County of Benton, Minnesota. Maywood Township is an organized township and the functions of local government in the township are performed by the Maywood Township Board of Supervisors and the Benton County Board of Commissioners.⁴

7. If the voters approve the dissolution of the City, all of the land in the existing city will become part of Maywood Township.⁵

8. The City owns one parcel of real property at 14301 – 78th Street NE, Ronneby, Minnesota. The property includes the city hall building and a recreation area without any equipment.⁶

9. The City is approximately 120-160 acres in size.⁷

10. The City had a census population of 43 in 2007. There are 16 households in the City.⁸ There were 23 voters in 2006.⁹

11. The City does not have a municipal well nor does it provide sanitary sewer service. The City does not own a sewage treatment plant. All citizens of the City have their own well and septic systems. The City does not issue septic permits, however, these and all other related functions are provided by Benton County.¹⁰

¹ Affidavit of James A. Mogen (Ex.1).

² A request was made at the hearing to amend the petition to add two additional names. The additional signatures were not submitted prior to the close of the record.

³ Aff. of Publication, (Ex. 3).

⁴ Aff. of Mogen.

⁵ *Id.*

⁶ *Id.*

⁷ Petition p. 1, (Ex. 4).

⁸ Minnesota State Demographer submission (Ex. 2).

⁹ Aff. of Mogen.

¹⁰ *Id.*

12. The City does not have a fire department. It contracts with the City of Foley for fire protection as does Maywood Township.¹¹

13. The City does not have a police department. It receives police protection from the Benton County Sheriff's Department. The City is not charged for these services.¹²

14. The City currently has less than a mile of city streets. The City contracts with private individuals for snowplowing. These contracts do not constitute a continuing obligation of the City. The City Council volunteer for street maintenance.¹³

15. The City currently administers its own zoning regulations.¹⁴

16. The City provides no organized park activities and the recreation area adjacent to the City Hall building is not maintained individually as a park.¹⁵

17. The City has one current liquor license issued and relies on the Benton County Sheriff's Office for enforcement.¹⁶

18. The City does not own any significant personal property, office supplies or other equipment.¹⁷

19. The City has total cash deposits of \$ 20,074.05, as of August 7, 2008.¹⁸

20. The City has no outstanding bonds or other obligations, except attorney fees and regular vendor charges as of August 7, 2008.¹⁹

21. No individuals filed for election to any City offices for the 2008 election.²⁰

22. The City has outstanding levied special assessments against property within the City of approximately \$4250 and approximately \$250 in outstanding past due tax levy due the City.²¹

23. The City conducts elections by mail.²² The parties consider November 4, 2008, as a favorable day for the referendum on the issue of the dissolution of the City.²³

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Aff. of Mogen and Test. of J. Mogen.

²² Aff. of Mogen.

²³ City Resolution No. 60, Aff. of Mogen.

24. The Benton County Auditor-Treasurer administers the elections of the City.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Office of Administrative Hearings and the Municipal Boundary Adjustment Unit have jurisdiction over this matter pursuant to Minn. Stat. § 412.091 and Chapter 414.

2. Minn. Stat. § 412.091 requires one-third of the qualified voters sign a petition before a dissolution proceeding may commence. The petition dated July 8, 2008, contains a sufficient number of signatures of qualified voters.

3. The City of Ronneby should conduct a referendum on the issue of dissolution of the City. The referendum shall be conducted in conjunction with the general election on November 4, 2008.

Based upon these Conclusions, the Administrative Law Judge makes the following:

ORDER

Based upon these Conclusions, IT IS HEREBY ORDERED:

1. That the City of Ronneby conduct a referendum on the question of dissolution of the City on November 4, 2008, by mail ballot in conjunction with the general election ballot.

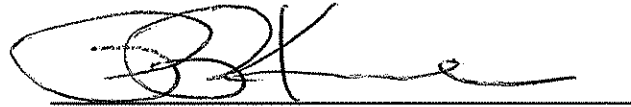
2. IT IS FURTHER ORDERED: That the referendum be conducted, as far as practical, as other special elections of the City.

3. IT IS FURTHER ORDERED: That the City cause to be printed, the ballot for the referendum which shall bear the printed words, "For Dissolution" and "Against Dissolution," with a square before each phrase in which the voter may express a preference by a cross, or using other methods of expressing preference provided by law.

4. IT IS FURTHER ORDERED; That, following the election, the City clerk shall file with the Municipal Boundary Adjustment Unit, the Secretary of State, and the Benton County Auditor a certificate stating the results of the vote on the referendum.

5. IT IS FURTHER ORDERED; That, if a majority of those voting on the question, favor dissolution, the City of Ronneby, Minnesota, shall cease to exist six months after the date of the election.

Dated: August 13, 2008

A handwritten signature in black ink, appearing to read 'R. Krause', written over a horizontal line.

RAYMOND R. KRAUSE
Chief Administrative Law Judge

Digitally Recorded:
No transcript prepared