

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Dissolution
of the City of Boy River
(MBA DC-6 Boy River)

**ORDER TO CONDUCT ELECTION
ON DISSOLUTION OF THE
CITY OF BOY RIVER**

This matter came before Chief Administrative Law Judge Tammy L. Pust for hearing on February 23, 2018, at the Cass County Health, Human and Veterans Services Building, 400 Michigan Avenue, Walker, Minnesota 56484. The Chief Administrative Law Judge was connected via interactive video (ITV) from the Office of Administrative Hearings in St. Paul, Minnesota 55101.

Elizabeth C. Brodeen-Kuo, Kennedy & Graven, Chartered, appears on behalf of Geraldine Overson, David Cleveland, and Cindy Dickson (Petitioners). Cindy Dickson, Mayor, appears on behalf of the City of Boy River (City). Pat Ritter, Township Clerk, appears on behalf of the Boy River Town Board (Township).

Pursuant to the authority of Minn. Stat. § 412.091 (2016) and based upon the filings and proceedings herein, the Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Findings

1. On January 8, 2018, Petitioners filed a Petition for City Dissolution (Petition) of the City.¹
2. The Petition contained the signatures of three (3) qualified voters. Seven people voted in the last City election, making the number of Petitioners sufficient under the requirements of Minn. Stat. § 412.091.²
3. The City is located in Cass County, Minnesota, at Sections 29 and 32, Township 143, Range 27. The City consists of approximately 235.45 acres.³

¹ Petition (Jan. 8, 2018).

² *Id.*

³ *Id.*

4. Notice of the hearing was given in compliance with Minn. Stat. § 414.09, subd. 1(c) (2016).⁴

5. Notice of the hearing was published in the Pine Cone Press-Citizen on February 13 and 20, 2018, pursuant to Minn. Stat. § 414.09, subd. 1(d) (2016).⁵

6. The City is completely surrounded by Boy River Township, Cass County, Minnesota. Boy River Township is an organized township.

7. The Cass County Auditor-Treasurer administers the elections of the City, which are conducted by mailed ballot.⁶ There are currently 22 registered voters in the City.⁷

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

CONCLUSIONS OF LAW

1. The Chief Administrative Law Judge has jurisdiction in this matter pursuant to Minn. Stat. §§ 412.091, 414.09, and 414.12 (2016).

2. The Petition for Dissolution was properly filed pursuant to Minn. Stat. § 412.091.

3. Proper notice of the hearing was given pursuant to Minn. Stat. § 414.09, subs. 1(c) and (d).

4. Minn. Stat. § 412.091, requires a special election with respect to the proposed dissolution, and provides in relevant part:

Six months after the date of such election, the city shall cease to exist. Within such six months, the council shall audit all claims against the city, settle with the treasurer, and other city officers, and apply the assets of the city to the payment of its debts. If any debts remain unpaid, other than bonds, the city clerk shall file a schedule of such debts with the county treasurer and the council shall levy a tax sufficient for their payment, the proceeds of which, when collected, shall be paid by the county treasurer to the creditors in proportion to their several claims until all are discharged. The principal and interest on outstanding bonds shall be paid when due by the county treasurer from a tax annually spread by the county auditor against property formerly included within

⁴ Certificate of Service (Jan. 23, 2018).

⁵ Affidavit (Aff.) of Publication, Pine Cone Press-Citizen (Feb. 22, 2018).

⁶ Aff. of Sharon K. Anderson, Cass County Auditor-Treasurer and Election Administrator (Feb. 14, 2018).

⁷ *Id.*

the city until the bonds are fully paid. All city property and all rights of the city shall, upon dissolution, inure in the town or towns designated as the legal successor to the city.

5. By statute, the Office of Administrative Hearings is required to allocate the costs of the hearing in this matter to the City.⁸

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

ORDER

1. The City of Boy River will conduct a special election on May 8, 2018 on the question of whether the City should be dissolved.

2. The Cass County Election Administrator will serve as the election official for the special election.

3. The Cass County Election Administrator will cause to be printed and mailed an election ballot which shall bear words that plainly set forth the issue to be determined by the voters, such as "Shall the City of Boy River be dissolved?"

4. Following the election, the Cass County Election Administrator shall file a certificate stating the results of the vote on the special election with the Office of Administrative Hearings, the Secretary of State, and the Cass County Auditor.

5. If a majority of those voting on the question favor dissolution, the City of Boy River, Cass County, Minnesota, shall cease to exist six (6) months after the date of the special election and will become part of Boy River Township by operation of law.

6. Pursuant to Minn. Stat. 414.12, subd. 3, the Office of Administrative Hearings' costs in this matter to date shall be 100% the responsibility of the City. An itemized invoice will follow under separate cover.

Dated: February 26, 2018



TAMMY L. PUST
Chief Administrative Law Judge

Reported: Digitally recorded

⁸ Minn. Stat. § 414.12, subd. 3.

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 412.091, 414.07, .09, .12 (2016). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Cass County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2017). However, no request for amendment shall extend the time of appeal from this Order.