

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of the Petition to Detach
Certain Land from the city of Maplewood,
Minnesota and the Concurrent Annexation
to the city of North St. Paul, Minnesota,
D-515/A-7862

**ORDER ON REQUEST FOR
AMENDMENTS**

The above-entitled matter came on for an evidentiary hearing before Administrative Law Judge Raymond R. Krause on June 30 and July 1, 2014 at the Maplewood City Hall, Maplewood, Minnesota. The record closed upon the filing of post hearing briefs on July 29, 2014. The Administrative Law Judge issued Findings of Fact, Conclusions of Law, and Order on August 21, 2014, denying the petition for concurrent detachment and annexation.

On August 29, 2014, Diane Longrie, Attorney for the Petitioners, filed a request for amendments to the Findings of Fact, Conclusions of Law, and Order pursuant to Minn. R. 6000.3100.

On September 3, 2014, H. Alan Kantrud, Attorney for the city of Maplewood, filed a response to the Petitioners' request for amendments.

Based upon all of the files, records, and proceedings herein, and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED:

1. That the request by the Petitioners for amendments to the Findings of Fact, Conclusions of Law, and Order is **DENIED**.

Dated: September 11, 2014

s/Raymond R. Krause

RAYMOND R. KRAUSE
Administrative Law Judge

MEMORANDUM

Minn. R. 6000.3100 provides that a request for amendment “shall specifically set forth the reasons for the amendment, any claimed errors, and any proposed amendments to the findings of fact, conclusions of law, and order.” The Petitioners have proposed amendments to the finding by the Administrative Law Judge (ALJ), that the petition is not in the best interests of the Petitioners or the city of Maplewood. Petitioners also request that the allocation of cost between the parties be amended.

Petitioners suggest that because they allege in their Petition and in their testimony that detachment is in their best interest, that allegation should be given the same deference that was given to the city of North St. Paul’s vote supporting the petition. The ALJ disagrees. The Petitioners sole reason for detachment was based on claims relating to public safety. This basis was established by the unequivocal testimony of the Petitioners. The record is clear that their public safety has not been compromised by their being in the city of Maplewood and would not be enhanced in any meaningful way by annexation to the city of North St. Paul.

Detachment and concurrent annexation must be based on interests of some substance not merely the wish or whim of the parties. Here, the alleged basis for detachment was not substantiated by any facts that support the allegation. Therefore, there is no substantive basis to make a finding that detachment is in the best interests of the Petitioners.

Petitioners also argue that the ALJ should find that turning over the portion of the sanitary sewer line that services the subject properties to the city of North St. Paul would create efficiencies that make detachment to be in the best interests of the city of Maplewood. The record and testimony at hearing does not support Petitioners’ allegation. Furthermore, the city of Maplewood strongly argues that the sewer issue does not change its position that detachment is not in its best interests.

With respect to the cost issue, the Chief Administrative Law Judge allocated the cost equally between the parties. No cost was allocated to the city of North St. Paul because it did not actively participate in the hearing. The only relevant activity by the city of North St. Paul was to pass its resolution indicating its willingness to accept the subject properties should they be detached. This alone was not sufficient involvement to warrant the 20 percent cost allocation suggested by the parties.

R. R. K.