

1 Municipal Board

2

3 Adopted Rules Relating to Municipal Board Procedures

4

5 Rules as Adopted

6 6000.0100 DEFINITIONS.

7 Subpart 1. Scope. For the purposes of parts 6000.0100 to  
8 6000.3500 the terms defined in this part have the meanings given  
9 them.

10 Subp. 2. Parties. "Parties" includes petitioners  
11 specifically named in the pleadings. The term also includes  
12 other persons who file at the hearing an appearance form  
13 provided by the board and enter an appearance at the hearing.  
14 To be considered parties, persons who fill out the appearance  
15 form must establish that they are residents or taxpayers in the  
16 incorporation, annexation, consolidation, or detachment area; or  
17 that by the outcome of the proceedings they will be bound and  
18 affected either favorably or adversely by an interest particular  
19 to these persons as distinguished from an interest common to the  
20 public or other taxpayers in general.

21 Subp. 3. Petition. "Petition" includes: petition,  
22 resolution, ordinance, or notice of intent.

23 Subp. 4. Property owner. "Property owner" is as defined  
24 in Minnesota Statutes, section 414.011, subdivision 5.

25 6000.0110 COMMENCEMENT OF PETITION.

26 A "petition," as the term is used in parts 6000.0100 to  
27 6000.3500, may be initiated in accordance with Minnesota  
28 Statutes, chapter 414 by the required number of persons or by  
29 the municipality, town, or by the board as provided in that  
30 chapter. Where the petition is filed by residents or property  
31 owners, the number of petitioners required by statute to  
32 commence a proceeding must be stated in the petition. The  
33 petition must also state on its face the number of petitioners  
34 who have signed the petition. Where the petition is commenced  
35 by a municipality or town, the petition must include the

1 appropriate action by the governing body, including the citation  
2 to the resolution, ordinance, or notice of intent.

3 The municipality, town, or the persons commencing a  
4 petition shall be designated as the "petitioner" or  
5 "petitioners."

6 6000.0200 FORM OF PETITION.

7 Subpart 1. Title. The petition must be titled as follows:

8 In the matter of the Petition of (Certain Persons , or  
9 the City or Town of \_\_\_\_\_) for (incorporation,  
10 consolidation, annexation, or detachment pursuant to  
11 Minnesota Statutes, section .....).

12 Subp. 2. Body. The title must be followed by a brief  
13 description of the subject matter to which the petition  
14 relates. No petition shall be dismissed, impaired, or  
15 prejudiced because incorrectly entitled, or the parties  
16 incorrectly designated. Opportunity shall be given in these  
17 cases to correct the error by amendment, giving due  
18 consideration to any person who may have been misled by the  
19 error.

20 Sample petition forms will be provided by the board upon  
21 request.

22 6000.0400 REPRESENTATION.

23 A party may appear in person or may be represented by  
24 an attorney. Where a petition is by property owners, one of the  
25 petitioners may represent the group. A government official may  
26 appear on behalf of a party that is a county, municipality, or  
27 town or government agency.

28 When any party has appeared by an attorney, or a person  
29 representing a group service upon such attorney or chosen  
30 representative shall be deemed service upon the party and all  
31 members of the group.

32 6000.0500 PLEADINGS.

33 The pleadings before the board shall be the petition.  
34 Objections filed pursuant to Minnesota Statutes, chapter 414,  
35 are jurisdictional documents and not responsive pleadings. No

1 responsive pleading is necessary.

2 6000.0600 PETITION AS EVIDENCE.

3 The petition shall be prima facie evidence of the facts  
4 contained in the petition if not controverted by opposing  
5 parties at the hearing. The board may independently verify the  
6 accuracy of the facts.

7 6000.0700 AMENDMENTS.

8 A petition may be amended at the discretion of the board at  
9 any time before the board has rendered a final decision on the  
10 petition. Notice is required to all parties entitled to  
11 original notice. Amendments may be proposed and granted at  
12 public hearings. Where the petition is by property owners, the  
13 petition cannot be amended to include an area different than the  
14 one described in the petition signed by the property owners  
15 unless the amendment or a waiver is signed by all the property  
16 owners who signed the original petition.

17 6000.0800 FILING OF PETITION.

18 Any petition pursuant to Minnesota Statutes, chapter 414  
19 must be filed with the board together with the following:

20 A. Filing fee (see part 6000.3400). No petition will  
21 be accepted or acted upon unless the filing fee is received.

22 B. A certification showing that the petition was  
23 served upon the proper parties when the statute indicates such  
24 necessity and the date filed or a waiver authorized by Minnesota  
25 Statutes, section 414.033.

26 C. A map showing the property proposed for  
27 consideration and its relationship to any surrounding  
28 municipality. All distance references should be given by  
29 length. Beginning points should be land survey monuments and  
30 the description must close the boundaries. References to roads  
31 or railroads should be to survey lines such as centerline or  
32 known right-of-way line. The intent to include or exclude  
33 highway, railroad, and street right-of-ways surrounding platted  
34 blocks or lots should be clearly stated.

1 6000.0900 CONTINUANCES.

2 Continuanances will be granted or denied by the board in its  
3 discretion for cause shown, or upon the board's own initiative.

4 6000.1000 STIPULATIONS.

5 Parties may stipulate to any facts involved in the  
6 proceedings. Parties who do not enter into the stipulation and  
7 who do not present controverting evidence concerning facts  
8 contained in the stipulation are bound by the facts stipulated.

9 6000.1150 PREHEARING CONFERENCE.

10 The board may, in its discretion, hold an informal  
11 prehearing conference conducted by a designated representative  
12 of the board. The purpose of the prehearing conference is to  
13 simplify the issues, to stipulate facts for testimony or  
14 exhibits, to consider the proposed witnesses, to consider such  
15 other matters as may be necessary or advisable, and, if  
16 possible, to reach a settlement without the necessity for a  
17 hearing. Agreements on issues may be put in the form of  
18 stipulations and entered on the record. Any final settlement  
19 may be set forth in a settlement agreement and made a part of  
20 the record.

21 6000.1200 PUBLIC HEARINGS.

22 The petitioner shall notify the board at least seven days  
23 prior to the hearing of any personal knowledge of controversy  
24 regarding the hearing. Public hearings shall be held by the  
25 board in accordance with Minnesota Statutes, section 414.09.

26 The board may hear the facts or evidence of any person or  
27 organization. Any person may note an appearance for the  
28 record. No person becomes, or is considered to be, a party to  
29 the proceeding solely by reason of presenting facts or evidence  
30 or entering an appearance at the hearing.

31 The petitioner must pay for the publication of notices of  
32 hearings required by Minnesota Statutes, section 414.09.

33 6000.1310 EXAMINATION OF WITNESSES.

34 Witnesses shall testify before the board. The party

1 calling the witness shall examine the witness first. Every  
2 witness is subject to direct examination by nonadverse parties  
3 and cross-examination by adverse parties. The board may  
4 question a witness. All parties shall have the opportunity to  
5 submit rebuttal evidence. Cross-examination of a witness by a  
6 party not an attorney shall be submitted to the presiding  
7 officer, and the presiding officer shall ask the question of the  
8 witness if it is considered admissible.

9 6000.1400 EXHIBITS.

10 Unless the presiding officer of the hearing shall direct  
11 otherwise, persons offering exhibits to the board shall submit a  
12 single copy. Where possible, parties should offer an exhibit in  
13 8-1/2 by 11-inch size.

14 6000.1510 ORDER OF PROCEDURE.

15 Unless the presiding officer of the hearing directs  
16 otherwise, the order of procedure at a hearing shall be as  
17 follows:

- 18 A. the petitioner shall begin the presentation of  
19 evidence;  
20 B. adverse parties shall present testimony; and  
21 C. nonadverse parties shall present testimony.

22 6000.1600 FAILURE TO APPEAR.

23 If the initiating party fails to appear at a proceeding,  
24 the hearing may be dismissed with or without prejudice at the  
25 discretion of the board. The board may allow the record to  
26 remain open for receipt of stipulated facts which the board may  
27 use in reaching its decision.

28 6000.1700 ADMISSION OF EVIDENCE.

29 The board may admit and give probative effect to evidence  
30 which possesses probative value commonly accepted by reasonable,  
31 prudent persons in the conduct of their affairs. It shall give  
32 effect to rules of privilege recognized by law. It may exclude  
33 incompetent, irrelevant, immaterial, and repetitious evidence.  
34 Public records are admissible without foundation except proof

1 that they are public records in establishing the facts required  
2 in Minnesota Statutes, chapter 414.

3 6000.1900 EVIDENCE IN A PROCEEDING.

4 Subpart 1. Notice of certain facts. All evidence shall be  
5 made a part of the record in the proceeding, and no other  
6 factual information or evidence shall be considered in the  
7 proceeding, except the board may take notice of appropriate  
8 facts, public documents, or records of a general, scientific, or  
9 technical nature by appropriate notice to all parties. The time  
10 within which the parties may object to the accuracy of the facts  
11 sought to be proved from the documents or records shall be  
12 limited by the board.

13 Subp. 2. Record of proceedings. The board shall record  
14 all proceedings. Testimony before the board shall be taken by  
15 electrical recording device or by official court reporters. A  
16 transcript shall be furnished upon request at the expense of the  
17 requester.

18 6000.2210 SUBPOENAS.

19 Subpart 1. Generally. A request for a subpoena, whether  
20 for an individual or for the production of books, papers, or  
21 documents, shall be in writing to the executive director of the  
22 board. The party requesting the subpoena shall prepare the  
23 subpoena for the board's signature. A request for the  
24 production of documentary evidence must be verified and must  
25 specify as nearly as possible the books, papers, or documents  
26 desired.

27 Subp. 2. Fees for witnesses. Witnesses who are subpoenaed  
28 are entitled to the same fees that are paid in district courts  
29 of Minnesota. The fees are to be paid by the party requesting  
30 the subpoena.

31 Subp. 3. Service. Service of subpoenas shall be the same  
32 as service of subpoenas for the district courts of Minnesota.

33 6000.2500 REQUESTS FOR WRITTEN OR ORAL ARGUMENTS.

34 Requests for written or oral arguments must be made at the  
35 hearing or the parties waive their rights to submit written or

1 oral arguments. If a request is made, the presiding officer  
2 shall allow all parties to submit written or oral arguments, or  
3 both. The presiding officer shall also prescribe the time for  
4 service and filing of written arguments or making of oral  
5 arguments.

6 6000.2600 FILING AND SERVICE OF WRITTEN ARGUMENTS.

7 All written arguments presented to the board must be filed  
8 with the executive director accompanied by certification showing  
9 service upon all parties.

10 6000.3000 REQUEST FOR ADDITIONAL HEARING.

11 A party may submit a written request for an additional  
12 hearing at any time prior to the board's final decision. The  
13 request shall clearly set forth the reasons for the additional  
14 hearing; and include a brief summary of additional evidence  
15 proposed to be submitted. No additional hearing will be granted  
16 where it appears that the evidence to be submitted will be  
17 incompetent, irrelevant, immaterial, cumulative, or  
18 repetitious. The request shall be served upon all parties to  
19 the proceeding. A party shall have seven days from the date of  
20 service of the request to make a written response. No reply to  
21 the response will be permitted. The board may grant or deny the  
22 request without hearing or, in its discretion, hold a hearing on  
23 the request.

24 6000.3100 REQUEST FOR AMENDMENT.

25 Within seven days from the date of the mailing of the  
26 board's order, any party may submit a written request for an  
27 amendment of the findings of fact, conclusions of law, and order.  
28 The request shall specifically set forth the reasons for the  
29 amendment, any claimed errors, and any proposed amendments to  
30 the findings of fact, conclusions of law, and order. The  
31 request shall be served upon all parties to the proceeding. A  
32 party has seven days from the date of the service of the request  
33 to respond. No reply will be permitted. The board may grant or  
34 deny the request without a hearing or, in its discretion, hold a  
35 hearing on it. No request shall extend the time of appeal from

1 the findings of fact, conclusions of law, and order. If a  
2 request is for amendment to only change the date in the findings  
3 of fact, conclusions of law, and order, the relief may be sought  
4 informally by telegram or otherwise upon notice to all parties.

5 6000.3400 SCHEDULE OF FILING FEES.

6 Subpart 1. Incorporation of municipality. A petition for  
7 incorporation of a municipality must be accompanied by a filing  
8 fee of \$600 when filed with the board.

9 Subp. 2. Annexation proceedings for municipality and an  
10 entire town. A petition for annexation of a municipality and an  
11 entire town must be accompanied by a filing fee of \$200.

12 Subp. 3. Annexation of property by board order. A filing  
13 fee of \$4 per acre must accompany a petition to annex  
14 unincorporated property by board order. The minimum fee is \$100  
15 and the maximum fee is \$600.

16 Subp. 4. Orderly annexations. A filing fee of \$1 per acre  
17 must accompany the joint resolution. The minimum fee is \$25 and  
18 the maximum fee is \$200. Requests for annexation of any part of  
19 the designated area shall be accompanied by a filing fee of \$1  
20 per acre with a minimum fee of \$25 and a maximum fee of \$200.

21 Subp. 5. Annexation by ordinance. A filing fee of \$4 per  
22 acre must accompany the initial petition submitted to the  
23 board. The minimum fee is \$100 and the maximum fee is \$600.

24 Subp. 6. Consolidation of two or more municipalities. A  
25 fee of \$200 must accompany a petition for consolidation of two  
26 or more municipalities.

27 Subp. 7. Detachment of property from municipality. A  
28 filing fee of \$4 per acre must accompany a petition to detach  
29 property from a municipality. The minimum fee is \$100 and the  
30 maximum fee is \$600.

31 Subp. 8. Concurrent detachment and annexation of  
32 incorporated land. A filing fee of \$4 per acre must accompany  
33 the concurrent resolutions with a minimum fee of \$100 and a  
34 maximum fee of \$600.

35 Subp. 9. Waiver of fees. Where the strict application of  
36 the filing fee requirements would unfairly impose a burden an



1 unreasonable hardship on the petitioner, the board, in its  
2 discretion, may waive the filing fee.

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4 REPEALER. Minnesota Rules, parts 6000.0300, 6000.1100,  
5 6000.1300, 6000.1500, 6000.1800, 6000.2000, 6000.2100,  
6 6000.2200, 6000.2300, 6000.2400, 6000.2700, 6000.2800,  
7 6000.2900, 6000.3200, 6000.3300, and 6000.3500, are repealed.