

# MINNESOTA STATUTES 1979 SUPPLEMENT

## INCORPORATION, DETACHMENT, ANNEXATION 414.035

### 410.05 Charter commission.

[For text of subd 1, see M.S.1978]

Subd. 2. **Commission members; terms, vacancies.** Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two year terms and seven for four year terms. No person may be appointed to more than two successive terms as a commission member. Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30 day period the chief judge indicates in writing to the governing body his intention to appoint new members, in which case he shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the clerk of the district court. An appointee who neglects to file with the clerk within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and his place shall be filled as though he had resigned. The charter commission, within 30 days after the initial appointment of the commission, shall make rules, including quorum requirements, with reference to its operations and procedures. The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The commission shall forward a copy of the report to the clerk of the city. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of his office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby.

[For text of subds 3 and 4, see M.S.1978]

[ 1979 c 330 s 3 ]

## CHAPTER 414. INCORPORATION, DETACHMENT, ANNEXATION

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Sec.  
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### 414.033 Annexation by ordinance.

Subdivision 1. Unincorporated property abutting a municipality may be annexed to the municipality by ordinance as provided for in this section.

[For text of subds 2 to 8, see M.S.1978]

[ 1979 c 50 s 52 ]

### 414.035 Differential taxation.

Whenever a board order, under sections 414.031, 414.0325 or 414.033, annexes part or all of a township to a municipality, the board may provide that the mill levy of the annexing municipality on the area annexed shall be increased in substantially equal proportions over not less than two nor more than six years to equality with the mill levy on the property already within the municipality. The appropriate period, if any, shall be based on the time reasonably required to effectively provide full municipal services to the annexed area.

[ 1979 c 50 s 53 ]

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## 414.041 INCORPORATION, DETACHMENT, ANNEXATION

### 414.041 Consolidation of two or more municipalities.

Subdivision 1. **Initiating the proceeding.** Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities. The proceeding shall be initiated in one of the following ways:

(a) Submitting to the executive director a resolution of the city council of each affected municipality;

(b) Submitting to the executive director a petition signed by five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(c) By the board on its own motion.

The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09. The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Subd. 2. **Appointment of consolidation commission.** Upon receipt of a petition or a resolution requesting consolidation or upon the board's own motion, the board shall appoint a consolidation commission from a list of ten candidates submitted by each affected city council. The commission shall be composed of not fewer than five members from each affected municipality. From a separate list of three persons submitted by each affected city council, the board shall appoint a commission chairperson who is not a resident of an affected municipality but who resides in an affected county.

No person is disqualified from serving on a consolidation commission by reason of holding other elected or appointed office. Consolidation commission members shall hold office until a consolidation report has been issued by the commission. The board shall fill vacancies in the commission by appointment. The consolidation commission shall make rules with reference to its operation and procedures including quorum requirements with reference to its operations and procedures.

Subd. 3. **Commission's hearing and report.** The consolidation commission shall conduct hearings regarding the proposed consolidation. The hearings shall include, but are not limited to, the following subjects:

(a) The contents of any city charter for the proposed consolidated city or the form of government of the proposed consolidated city;

(b) Analysis of whether a ward system shall be included in the form of government of the proposed consolidated city; and

(c) Each factor considered by the board under subdivision 5, clauses (a) to (i).

Based on these factors and upon other matters which come before the consolidation commission, the commission shall issue a report to the municipal board with findings and recommendations within two years from the date of the board's initial appointment of the commission.

Subd. 4. **Board's hearing and notice.** Upon receipt of the commission's report, the executive director shall designate a time and a place for a hearing in accordance with section 414.09.

Subd. 5. **Board's order.** In arriving at its decision, the board shall consider the following factors:

(a) Present population, past population growth and projected population of the included municipalities;

(b) Quantity of land within the included municipalities; and natural terrain including general topography, major watersheds, soil conditions, and such natural features as rivers, lakes and major bluffs;

(c) Degree of contiguity of the boundaries between the included municipalities;

(d) Analysis of whether present planning and physical development in the included municipalities indicates that the consolidation of these municipalities will benefit

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planning and land use patterns in the area; the present transportation network and potential transportation issues, including proposed highway development;

(e) Analysis of whether consolidation of the included municipalities is consistent with comprehensive plans for the area;

(f) Analysis of whether governmental services now available in the included municipalities can be more effectively or more economically provided by consolidation;

(g) Analysis of whether there are existing or potential environmental problems and whether municipal consolidation will help improve such conditions;

(h) Analysis of tax and governmental aid issues involved in the consolidation of the included municipalities; and

(i) Analysis of the effect of consolidation on area school districts.

(j) Analysis of the applicability of the state building code.

The board shall consider and may accept, amend, return to the commission for amendment or further study, or reject the commission's findings and recommendations based upon the board's written determination of what is in the best interests of the affected municipalities.

The board shall order the consolidation if it finds that consolidation will be for the best interests of the municipalities. In all cases, the board shall set forth the factors which are the basis for the decision.

If the board orders consolidation, it shall provide for election of new municipal officers in accordance with section 414.09. If the most populous of the included municipalities is a statutory city, the new municipality shall be a statutory city and the plan of government shall be Optional Plan A, provided that an alternate plan may be adopted pursuant to section 412.551, at any time. If the most populous of the included municipalities is a home rule charter city or organized under a statute other than chapter 412, the new municipality shall be governed by its home rule charter or the statutory form under which it is governed except that any ward system for the election of councilmen shall be inoperable. If the commission's findings and recommendations include a proposed home rule charter for the new municipality, the board may in its order combine the issue of the adoption of the charter and the vote on approval of the order for consolidation into one question on the ballot, and shall submit it in a special or general election as provided in section 410.10. The ordinances of all of the included municipalities shall continue in effect within their former boundaries until repealed by the governing body of the new municipality.

Notwithstanding any other provision of law to the contrary, the board may in its order establish a ward system in the new municipality, in which event it shall establish not less than three nor more than seven wards, each of which shall elect one councilman. When more than two years have elapsed after consolidation, the governing body may, by a four-fifths vote, abolish the ward system.

The new municipality shall assume the name of the most populous municipality unless previous to the election another name is chosen by joint resolution of a majority of the included municipalities or by the consolidation commission.

The number of license privileges existing in the included municipalities prior to consolidation and pursuant to state law shall not be diminished as a result of the consolidation.

If the consolidation is denied or defeated in a referendum, no proceeding for the consolidation of the same municipalities may be initiated within two years from the date of the board's order unless authorized by the board.

**Subd. 6. Final approval of the consolidation.** (a) If the consolidation was initiated by a petition of the resident voters of a municipality, the board's order for consolidation shall be final upon approval by resolution of the city councils in each of the affected municipalities unless ten percent or more of the resident voters of an affected municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation. The petition must be submitted within 90 days of the final date of the board's order or the date of final approval of the board's order by the city councils, whichever is later. Upon receipt and verification of the petition, the

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board shall order the municipalities to conduct separate referenda at a general or special election in each municipality on the same day, and the referenda shall be held within six months of the receipt of the petition. Costs of the respective referenda shall be borne by the respective municipality. A majority of those voting in each city must approve the proposed consolidation. The results of the referenda shall be certified to the executive director of the municipal board by the chief election judge within ten days after the referenda. The executive director shall upon receipt of the certificate notify all parties of the election results.

(b) If the consolidation was initiated by a city council resolution of each affected municipality, the board's order for consolidation shall be final unless ten percent or more of the resident voters of an affected municipality petition for a referendum as provided in clause (a).

(c) If the consolidation was initiated by the board's own motion, no consolidation order of the board involving existing municipalities shall become effective unless adopted by the council of each affected municipality by a majority vote and unless the consolidation order of the board is approved by the qualified voters of the affected municipalities at a general or special election set according to law. The form of the ballot shall be fixed by the board; and, if a majority of the votes cast on the question in each municipality are in favor of its adoption, the order of the board shall become effective as provided herein.

(d) Notwithstanding a disapproval of the board's order for consolidation by a city council of an affected municipality required to approve the board's order in clause (a) or (c), the board's order for consolidation shall nevertheless be deemed approved by that city council if ten percent or more of the resident voters of that municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation as provided in clause (a), and a majority of those voting in that municipality approve the board's order for consolidation.

**Subd. 7. Differential taxation.** Where one municipality is receiving substantially fewer municipal services, the board may provide that the mill levy of such a municipality shall be increased in substantially equal proportions over a period of not more than five years to equality with the mill levy in the remainder of the new municipality, such period to be determined by the board on the basis of the period reasonably required effectively to provide substantially equal municipal services.

**Subd. 8. Effective date.** The consolidation shall be effective upon the election and qualification of new municipal officers, or at such later date as set by the board in its order.

[ 1979 c 287 s 1 ]

## CHAPTER 420. FIREFIGHTER'S CIVIL SERVICE COMMISSIONS

Sec.  
420.06 Powers and duties.

### 420.06 Powers and duties.

The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the fire department of such city and these powers shall extend to and include the chief and assistant chief of such, and all inspectors, fire wardens, electricians, engineers, auto mechanics, clerks, and other persons engaged in the fire prevention and protection service in the city. The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.

The commission shall immediately after its appointment and organization grade and classify all of these employees of the fire department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses in the order of the date of appli-