



MINNESOTA  
**OAH**  
OFFICE OF  
ADMINISTRATIVE  
HEARINGS

OFFICE OF ADMINISTRATIVE HEARINGS  
Memorandum

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**TO:** Andrew Tschida, MnDOT (via E-mail)  
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**FROM:** Star Holman, State Program Administrator Sr.  
Municipal Boundary Adjustment Unit

**DATE:** October 17, 2012

**RE:** DC-5 Kingston (Dissolution of the City)



On October 17, 2012, the Office of Administrative Hearings (OAH) ordered that the City of Kingston conduct a referendum on the question of dissolution on March 12, 2013.

Minnesota Statutes 412.091 does not authorize the OAH to decide whether such a dissolution is appropriate, but rather requires it to determine if an election for dissolution should occur. If the resident voters approve the dissolution, the OAH determines to which unit of local government should, or could, absorb the land and assets of the city.

This office will notify you of the referendum results.

SJH

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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 Kingston  
Pursuant to Minnesota Statute 412.091  
and Minnesota Statute 414

**FINDINGS OF FACT  
CONCLUSIONS  
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 September 21, 2012, at the Kingston Community Center, Dassel, Minnesota. The record closed on October 3, 2012, the end of the public comment period. The hearing was conducted by Administrative Law Judge James E. LaFave (the ALJ).

The following witnesses provided testimony; Bob Harms, Kingston City Clerk, Lori Wells, Mike Housman, Wendy Steinborn former City Council Member of Kingston and Dale Steinborn former City Council Member of Kingston.

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

**STATEMENT OF THE ISSUE**

Should the City of Kingston conduct a referendum on the issue of the dissolution of the City of Kingston in a Special Election?

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

Based on the evidence in the hearing record, the ALJ makes the following:

**FINDINGS OF FACT**

1. On July 30, 2012, a petition for dissolution ("The Petition")<sup>1</sup> was received by the Municipal Boundary Adjustment Unit requesting the Chief Administrative Law

<sup>1</sup> The Petition was received on July 30, 2012. Additional petition information was received on August 3, 2012. The information provided on July 30, 2012, and the information received on August 3, 2012, will collectively be referred to as "The Petition."



Judge to order a referendum on the question of dissolution of the City of Kingston (the City). The Chief Administrative Law Judge appointed Administrative Law Judge James E. LaFave to hear this matter.

2. The City had a population of 161 in 2011. There are 61 households in the City. There were 65 voters in 2010, the last City election.<sup>2</sup>

3. The petition for dissolution contained the signatures of 32 qualified voters, this number being 49% percent of the voters voting in the 2010 election.

4. The area proposed to be dissolved is the City of Kingston, Minnesota, located in Sections 15, 16, and 22, Township 120N, Range 29W.

5. On September 3, 2012, and September 10, 2012, timely notice of the hearing was published, served, and filed.<sup>3</sup>

6. The City is entirely located in and surrounded by Kingston Township, County of Meeker, Minnesota. Kingston Township is an organized township.<sup>4</sup>

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

8. 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.<sup>5</sup>

9. The City does not have a fire department. It contracts with the City of Dassel for fire protection. The City does, however, own one fire hydrant and a pump house.<sup>6</sup>

10. The City does not have a police department. It receives police protection from the Meeker County Sheriff's Department.<sup>7</sup>

11. The City contracts with Meeker County to provide building inspections.<sup>8</sup>

12. The City currently has approximately one mile of city streets, however, road maintenance is contracted through Meeker County.<sup>9</sup>

13. The City has certificates of deposit totaling approximately \$90,000.00, which are held, among other things, in case the road or town bridge need repair.<sup>10</sup>

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<sup>2</sup> Aff. of Publication and Testimony of Bob Harms, Kingston City Clerk.

<sup>3</sup> Aff. of Publication.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* And Test. of B. Harms.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> The Petition.

<sup>9</sup> *Id.* and Test. B. Harms.



- lot.<sup>11</sup>
14. The City owns the deed to a war memorial, which is the size of a small city
  15. The City also owns a ball field and a playground.<sup>12</sup>
  16. The City does not have a current liquor license.<sup>13</sup>
  17. The City does not own any significant personal property, office supplies or other equipment.<sup>14</sup>
  18. The City currently has no businesses.<sup>15</sup>
  19. The City considers March 12, 2013, as a favorable day for the referendum on the question of the dissolution of the City.
  20. The Meeker County Auditor-Treasurer administers the elections of the City.

Based on these Findings of Fact, the ALJ 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 received July 30, 2012, contains a sufficient number of signatures of qualified voters.
3. The City of Kingston should conduct a referendum on the question of dissolution of the City. The referendum shall be conducted by a special election on March 12, 2013.

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

### ORDER

Based upon these Conclusions,

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<sup>10</sup> Test. B. Harms.

<sup>11</sup> Testimony of Wendy Steinborn.

<sup>12</sup> *Id.*

<sup>13</sup> Test. B. Harms

<sup>14</sup> *Id.*

<sup>15</sup> Testimony of Dale Steinborn.

1. IT IS HEREBY ORDERED: That the City of Kingston conduct a referendum on the question of dissolution of the City on March 12, 2013, in conjunction with the Township Election Day.

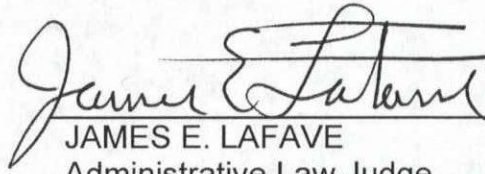
2. IT IS FURTHER ORDERED: That the referendum be conducted, as far as practical, as other special elections of the City.

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 Meeker 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 Kingston, Minnesota, shall cease to exist six months after the date of the election.

Dated: October 17, 2012

  
JAMES E. LAFAVE  
Administrative Law Judge

Digitally Recorded:  
No transcript prepared