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AT SAINT PAUL**Classification of Cities**

Cities in Minnesota are classified by population for legislative purposes. This information brief explains the classifications and provides a breakdown of the number of cities and people within each class based on the 2000 census data.

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Statutory Basis for Classification of Cities by Population

Cities are classified by population under Minnesota Statutes, section 410.01. This section provides: "Cities are hereby divided, for legislative purposes, into classes as follows:

- First class: Those having more than 100,000 inhabitants provided that once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by 25 percent from the census figures which last qualified the city for inclusion in the class;
- Second class: Those having more than 20,000 and not more than 100,000 inhabitants;
- Third class: Those having more than 10,000 and not more than 20,000 inhabitants; and
- Fourth class: Those having not more than 10,000 inhabitants.

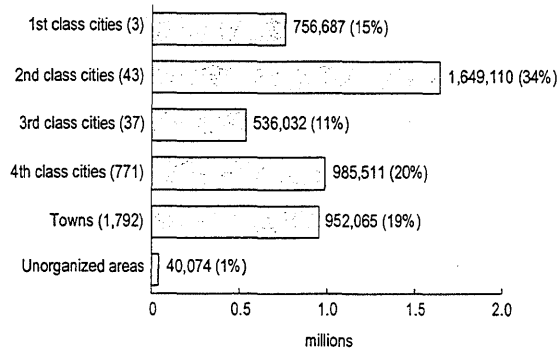
Changes in classification resulting from any future national census shall take effect upon the filing of certified copies of the census in the office of the secretary of state as provided in section 600.18. Meanwhile the council or other governing body shall take measures for the election of proper officials and for dividing the city into wards, if necessary, and otherwise prepare for the coming change."

Cities in Each Classification

According to the 2000 census there are still three first-class cities (Minneapolis, St. Paul, and Duluth), 43 second-class cities, 37 third-class cities, and 771 fourth-class cities, for a total of 854 cities.

Duluth remains a first-class city because of the language in the statute, added in 1978, that provides that "once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by 25 percent from the census figures which last qualified the city for inclusion in the class." Duluth was last over 100,000 in the 1970s; the 1970 census for Duluth was 100,578. At 85,806, Rochester is the most populous second-class city, with Bloomington close behind at 85,172.

The state's total population of 4,919,479 (2000) is distributed among these classifications:



- 3 cities of the first class account for 756,687 or 15 percent of the state's population.
- 43 cities of the second class account for 1,649,110 or 34 percent of the state's population.
- 37 cities of the third class account for 536,032 or 11 percent of the state's population.
- 771 cities of the fourth class account for 985,511 or 20 percent of the state's population.

There are 522 cities with populations of less than 1,000, and 727 cities with populations of less than 5,000.

Towns: 1,792 towns account for 952,065 or 19 percent of the state's population. There are 211 townships with a population over 1,000.

Unorganized Areas: There are also 40,074 persons living in unorganized areas of the state (1 percent).

Note: Based on the 2000 census data posted on the state demographer's website
<http://www.mnplan.state.mn.us/demography/Cen2000redistricting/index.html>

The population ranges for classes of cities in the statute have been the same since 1959, when the constitutional provision for city classification by population was repealed and enacted as a statute instead. Prior to that, between 1896 and 1959, first-class cities were those with a population of 50,000 or more.

Some powers given to first-class cities, may be available to home rule charter cities whatever their classification.

Changes from 1990 to 2000

Seventeen cities changed classification from the 1990 census to the 2000 census. For these cities, there may be laws that no longer apply to them and other laws that now do apply to them.

Fourth-class cities in 1990 that are now third-class cities

<i>City</i>	<i>County</i>	<i>2000 Population</i>	<i>1990 Population</i>
Buffalo	Wright	10,097	6,856
Sauk Rapids	Benton	10,213	7,823
East Bethel	Anoka	10,941	8,050
Worthington	Nobles	11,283	9,977
Mendota Heights	Dakota	11,434	9,388
Farmington	Dakota	12,365	5,940
Ham Lake	Anoka	12,710	8,924
Rosemount	Dakota	14,619	8,622
Lino Lakes	Anoka	16,791	8,807

Fourth-class cities in 1990 that are now second-class cities

<i>City</i>	<i>County</i>	<i>2000 Population</i>	<i>1990 Population</i>
Savage	Scott	21,115	9,906

Third-class cities in 1990 that are now second-class cities

<i>City</i>	<i>County</i>	<i>2000 Population</i>	<i>1990 Population</i>
Chanhassen	Multicounty	20,321	11,732
Shakopee	Scott	20,568	11,739
Faribault	Rice	20,818	17,085
Champlin	Hennepin	22,193	16,849
Owatonna	Steele	22,434	19,386
Andover	Anoka	26,588	15,216
Oakdale	Washington	26,653	18,377

Five cities that existed in 1990 do not now:

- Branch city: Consolidated with North Branch
- Franklin city: Consolidated with Virginia
- Island View city: Dissolved
- North Redwood city: Consolidated with Redwood Falls
- Young America city: Consolidated with Norwood, now called Norwood-Young America

In addition, four cities have incorporated since the 1990 census (all cities of the fourth class):

- Grant
- St. Augusta
- Oak Grove
- Otsego

Reasons for Classifications

Classification of cities by population was originally a way to avoid running afoul of the state constitutional prohibition against special legislation by enacting a general law that applied to specific cities. From 1892 to 1958, the state constitution prohibited special legislation, including special legislation for local governments. Laws relating to local governments had to be general laws. However, as the courts explained, a law was not special just because it applied to a specific class of cities. Looking at challenged laws on a case-by-case basis, the courts said that a law that may look special could be general and vice versa. The courts also said that there can be a class of one.

In order to determine if a classification is justified and constitutional, the court has applied a three-part rational-basis test. A classification is proper if:

- the classification applies to and embraces all who are similarly situated with respect to conditions or wants justifying appropriate legislation;
- the distinctions are not manifestly arbitrary or fanciful but are genuine and substantial so as to provide a natural and reasonable basis justifying the distinction; and
- there is an evident connection between the distinctive needs peculiar to the class and the remedy or regulations therefor which the law purports to provide. *In re Tveten*, 402 N.W.2d 551, 558-559 (Minn. 1987) (citations omitted)

Even though use of classification schemes helped, soon after adoption of the 1892 prohibition against local law, it was evident that it was too harsh a restriction for local governments that desired specific authority that could not be met through enactment of general law. The state constitution was amended again in 1896 to classify cities by population. The classification

scheme was also enacted in statute in 1905. As the state supreme court described it, the constitutional classification by population gave the legislature the power to enact legislation relating to cities of a class, alleviating the harshness of the local law prohibition. The legislature was always free to use additional classification however, to further limit the application of a law as long as the additional classification was germane and reasonable. *Leighton v. City of Minneapolis*, 222 Minn. 516, 519 to 521, 25 N.W.2d 263 (1946) (accepting as general law legislation that related to a city of the first class with a population over 450,000, effectively limiting the application of the law to Minneapolis).

In 1958, the Minnesota Constitution was amended to allow special legislation relating to local government (and the constitutional classification of cities by population was repealed, leaving the statutory classification). Under the state constitution, however, "a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct." Minn. Const. art. XII, § 2.

Today, classifications are primarily for legislative convenience. Classification may also be used on occasion to enact a general law that does not need local approval in order to impose a requirement or duty on a local government.

Examples of How Classification by Population is Used

To bring cities under a law as they reach the threshold population. This would appear to be the most basic application of the classification scheme. Statutes written to apply to cities of a particular class are authorized or required to do something that is related to their ability or needs as they reach a certain population.

To limit the application of a law. There are many laws (coded and uncoded) that were enacted referring to, for example, a city of the first class *with a population over a certain number*. As discussed above, this is the type of law that could be viewed as general but relates to just one or a very few cities. In this case, the intent is probably not to bring in other cities as they reached the threshold population.

To describe the area in which something must or may be done. Unlike classifications that relate to a city's powers or duties, this could affect a nongovernmental entity. For example, section 65A.28 requires insurers writing homeowner's policies for property in the metropolitan area or in a city of the first class to compile and file an annual report to the commissioner about the number of policies written, canceled, nonrenewed, and the number of applications declined. (The law goes on to allow the commissioner to make similar requirements for other parts of the state.) This has no direct bearing on the powers and duties of the city but, rather, affects a private entity in a city of a particular classification.

Descriptive or administrative uses. Classifications are also used descriptively or administratively to provide information on different types of cities. An example of this is the State Auditor's annual reports.

A Law Applicable to One Class May Later Be Made Applicable to All

A final caveat: there are some laws written to apply only to cities of one class but then there will be another law allowing the same, or substantially the same, thing for cities of another class. For example, under Minnesota Statutes, section 374.01, in a county with a city of the first class, the county and city can together build and use a courthouse/city hall. Section 374.25, allows any other city and county to do the same thing.