

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Edwin Hoff	Ex-Officio Member
Ronald R. Dicklich	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION OF )	<u>FINDINGS OF FACT,</u>
THE TOWN OF STUNTZ AND THE CITY OF HIBBING )	<u>CONCLUSIONS OF LAW,</u>
FOR ANNEXATION OF THE TOWN OF STUNTZ TO THE )	<u>AND ORDER</u>
CITY OF HIBBING )	

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 11, 1979, at Hibbing, Minnesota. The hearing was conducted by Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Members Robert W. Johnson and Thomas J. Simmons and County Commissioners Edwin Hoff and Ronald R. Dicklich, ex-officio members of the Board. The City of Hibbing appeared by and through Larry C. Minton, the Township of Stuntz appeared by and through Bruce A. Rasmussen. Testimony was heard, and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On January 8, 1979 from the annexing municipality and on March 9, 1979 from the township containing the area proposed for annexation, the Minnesota Municipal Board received the "Resolution of the Town Board of the Town of Stuntz and the City Council of Hibbing Stating Their Desire for Annexing by Joint Resolution the Entire Township of Stuntz and the City of Hibbing into a Single New City of Hibbing", (attached hereto as "Exhibit A", and made a part hereof as though totally set forth herein) requesting the Board to order annexation of the area hereinafter described. These resolutions contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The entire Township of Stuntz, St. Louis County, Minnesota.

II. Due, timely and adequate legal notice of the hearing was published, served and filed.

III. Geographic Features

A. The area subject to annexation is unincorporated and abuts the City of Hibbing.

- B. The total area of the City of Hibbing is 8,132 acres or 12.7 square miles. The total area of the territory subject to annexation is 174 square miles.
- C. The Town of Stuntz substantially surrounds the City of Hibbing.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is:  
undulating to steep slopes, with areas of level land or depressional topography; the soils among others in the area are red clay loam, organic soils, and sandy with wetlands, and numerous streams and lakes; taconite mines and open pit iron mines.

#### IV. Population Data

##### A. The City of Hibbing:

- 1. In 1976, there were 16,126 residents.
- 2. The present estimated population is 16,320.
- 3. By 1985, the projected population is 16,880.

##### B. The Township of Stuntz:

- 1. In 1975, there were 5,229 residents.
- 2. The present estimated population is 5,575.
- 3. In 1985, the projected population is 5,860.

#### V. Development Issues

##### A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

###### 1. Area in Use

###### a. In the City of Hibbing:

- 1) Residential: 1,056 acres
  - 2) Institutional: 180 acres
  - 3) Commercial: 350 acres
  - 4) Industrial: 4,500 acres
  - 5) Agricultural: none
  - 6) Approximately 1689 acres in vacant land & public service uses.
- b. In the Township of Stuntz there is Residential, Institutional, Commercial, Industrial and Agricultural, with the exact proportion of each not readily ascertainable.

###### 2. Area Being Developed

###### a. In the City of Hibbing:

- 1) Residential: 20 acres
- 2) Institutional: 2 acres
- 3) Commercial: 5 acres
- 4) Industrial: 10 acres
- 5) Agricultural: none

- b. In the Township of Stuntz there is Residential, Institutional, Commercial, Industrial and Agricultural, with the exact proportion of each not readily ascertainable.

###### 3. Area Remaining for Various Uses

###### a. In the City of Hibbing:

- 1) Residential: 160 acres
- 2) Commercial: 40 acres
- 3) Industrial: 120 acres
- 4) Agricultural: none

- b. In the Township of Stuntz there is Residential, Institutional, Commercial, Industrial and Agricultural, with the exact proportion of each not readily ascertainable.

B. Transportation

- 1. The present transportation network is:

- a) In the City of Hibbing: Federal, State and County Roads, and City Streets.
- b) In the area subject to annexation: Federal, State, County State Aid Roads and Township Roads.

- 2. There are no potential transportation issues to be dealt with.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

- 1. In the City of Hibbing:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes
- i. Other: miscellaneous specialized land use control ordinances.

- 2. In the Township of Stuntz:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: no
- g. Building Inspector: no
- h. Planning Commission: yes

- 3. In the County of St. Louis:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: no
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: no
- g. Building Inspector: yes
- h. Planning Commission: No

- 4. There is general consistency between the proposed development and the planning and land use controls for the area.

VI. Governmental Services

A. The Town of Stuntz provides the area subject to annexation with the following services:

- 1. Water: yes
- 2. Sewer: yes
- 3. Fire protection and rating: yes
- 4. Police protection: yes
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 7. Recreational: yes
- 8. Administrative services: yes
- 9. Other: Assessor: yes

B. The City of Hibbing provides its residents with the following services:

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes; 5.
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes
9. Other: Sanitation (garbage); planning; assessor; electricity; animal control; library; ambulance; cemetery services.

C. The City of Hibbing provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: no
4. Police protection: no
5. Street improvements: no
6. Street maintenance: no
7. Recreational: yes
8. Administrative services: no
9. Other: Partial electricity; library; ambulance; cemetery.

D. An existing or potential environmental problem and the need for additional services to resolve this problem is further evaluation of Section 7, Township 57 north, Range 20 West which is currently classified as a non attainment area in the State Air Quality Implementation Plan.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: sewer and water; police protection as follows: That the City of Hibbing police department shall provide full time police protection for the entire new City with the addition of four full-time police officers. One of the four new officers, at said officer's option, shall be the present police officer in the Town of Stuntz. Said officer shall not have his pay diminished as a result of said agreement. Time served as police officer in the Town of Stuntz will be credited as time "in grade", subject to union agreements and civil service rules. The officer shall be deployed in the rural tax district, his hours being subject to the discretion of the Hibbing Chief of Police; fire protection as follows: that the organization of the fire department shall be integrated between the volunteers and the full-time fire department under Fire Chief Orlando Abata, or his successor. There shall be a Battalion Chief and Assistant Battalion Chief of the volunteers serving under the fire chief. The Battalion Chief and the Assistant Battalion Chief shall be selected by the Hibbing Fire Civil Service Commission from three names submitted by the volunteers. The selection of Battalion Chief and the assistant Battalion Chief shall be subject to the veto of the fire chief. That the full-time staff fire department shall service the entire present City limits of the City of Hibbing, and extend down to the south to the alignment of 48th Street between O'Rourke Road and Trunk Highway #73 and will also provide service to the east to the present Township limits; street maintenance and ambulance service.

F. The following services will be available to the annexed urban taxing district area within 6 years: sewer and water, and police protection.

## VII. Tax Base

A. In the City of Hibbing, the tax base includes the following:

1. Residential property in 1978 was valued at \$20,229,598.00 generating \$830,829.57 in taxes or 64.5% of the total.

2. Commercial property in 1978 was valued at \$9,426,699, generating \$387,154.53 in taxes or 30.1% of the total.
3. Industrial property in 1978 was valued at \$1,107,018, generating \$45,465.23 in taxes or 3.5% of the total.

B. In the Township of Stuntz, the tax base includes the following:

<u>CATEGORY</u>	<u>ASSESSED VALUE</u>	<u>TOTAL GROSS TAX</u>	<u>TOWNSHIP GROSS TAX</u>
Ag Home to 120 acres	64,921	8,618.91	1,912.57
Ag Home over 160 acres	161	21.37	4.74
Ag Home over limit up to 120 acres	84,330	11,195.65	2,484.36
Ag Home over limit over 160 acres	15,642	2,076.63	460.81
Ag Non-homestead	774,108	102,770.58	22,805.22
Seasonal/Recreational/Residential	54,799	7,275.12	1,614.38
Blind/Para	4,252	564.50	125.26
N-ag Home to limit	3,474,341	461,253.51	102,354.09
N-ag Home over limit	1,375,772	182,647.49	40,530.24
N-ag None Home Residential 1-2-3 units	587,572	78,006.06	17,309.87
Title II Nat'l. Housing Land	21,554	2,861.51	634.98
Title II Nat'l. Housing Structure	352,834	46,842.24	10,394.49
Seasonal/Recreational/Commercial	8,952	1,188.47	263.73
Commercial	997,653	132,448.41	29,390.86
Industrial	1,064,429	141,313.59	31,358.08
Public Utility Land/Bldg.	58,573	7,776.15	1,725.56
Public Utility Machinery	451,641	59,959.86	13,305.34
Other	<u>385,008</u>	<u>51,113.66</u>	<u>11,342.34</u>
TOTALS	\$9,776,542	\$1,297,933.71	\$288,016.92

#### VIII. Tax Data

A. In the City of Hibbing:

1. Mill rate in 1979 is 41.07.
2. Bonded indebtedness in 1978 was \$1,220,000.

B. In the Township of Stuntz:

1. Mill rate in 1979 is 29.46.
2. Bonded indebtedness as of December, 1978 is \$700,000.

C. Mill rate in 1978:

1. County in 1978 was 51.29.
2. School district in 1978 was 54.20.
3. Township in 1978 was 25.06.

IX. It is unknown at this time if the city will bear increased costs as a result of this annexation.

X. The annexation to the City of Hibbing is the best alternative.

A. Impact on School District # ISD 701 and on adjacent community (Chisholm):

There is no adverse impact of any kind anticipated for ISD# 701 or for the adjacent community of Chisholm. No changes in school district boundaries or forced school district consolidation will be necessary as a result of the Hibbing/Stuntz consolidation. With respect to impact on the neighboring community of Chisholm, no services will be curtailed, no adverse economic impact is foreseen, and the current joint powers agreement between Hibbing and Chisholm for municipal airport operation will remain in effect.

B. The essential municipal services will be provided to the consolidated Hibbing/Stuntz area by the new municipal government formed as a result of the annexation. The combined resources of the former city and town are programmed for the delivery of such services, which include police, fire, utilities, planning, engineering, road maintenance, public works, cemetery services, local assessor, recreation and administrative.

C. The proposed Hibbing/Stuntz annexation is the most effective and cost beneficial method for the delivery of governmental services.

D. With the proposed Hibbing/Stuntz annexation, the Town of Stuntz would no longer function as a separate political entity.

E. Present assessed valuation of the Town of Stuntz: \$9,776,542.00.

The value of the Town of Stuntz is included in the new City of Hibbing after annexation.

F. That the Town of Stuntz and the City of Hibbing can more efficiently service the urban areas of Hibbing and Stuntz and the rural areas of Stuntz through the annexation of the entire Town of Stuntz to the City of Hibbing. That the rural portion of the Town of Stuntz would be unable to remain a viable and efficient unit of government without the urban portion of Stuntz Township.

XI. That an urban and rural taxing district should be set up as follows:

That the urban service district shall include all of the following described property: All the territory within the former City of Hibbing and the following described property: The W $\frac{1}{2}$  of Section 4, Township 57, Range 20; The S $\frac{1}{2}$  of Section 5, Township 57, Range 20; The N $\frac{1}{2}$  of Section 8, Township 57, Range 20; The NW $\frac{1}{4}$  of Section 9, Township 57, Range 20; The W $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 17, Township 57, Range 20W; The West  $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 17, Township 57, Range 20; The W $\frac{1}{2}$  of NE $\frac{1}{4}$ , Section 20, Township 57, Range 20; The West  $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 20, Township 57, Range 20; The NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , the N $\frac{1}{2}$  of NW $\frac{1}{4}$ , the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , the NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , all in Section 29, Township 57, Range 20; That area North of the 48th Street alignment in Section 30, Township 57, Range 20; That area North of the 48th Street alignment in Section 25, Township 57, Range 21; The NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the E $\frac{1}{2}$  of NE $\frac{1}{4}$ , Section 26, Township 57, Range 21; All of Section 24, Township 57, Range 21; The E $\frac{1}{2}$  of SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 23, Township 57, Range 21.

That the rural service district shall include all of the remaining territory within the new City.

XII. That the "unfunded liabilities" of the Hibbing Firemen's Relief Association and the Hibbing Policemen's Relief Association, as that term is used in the last Auditors Reports on said associations, which reports are part of the record of this proceeding, are "deficits" within the meaning of this Order.

XIII. That the proposed ward system for the election of City Councilpersons for the new City of Hibbing, to insure proper representation of the Town of Stuntz and the City of Hibbing is as follows:

Ward A

Beginning at the southwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 31, Twp 56N, Range 21W; thence in a northerly direction along the western limits of the Town of Stuntz to the northwest corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 6, Twp 58N, Range 21W; thence in an easterly direction along the northern limits of the Town of Stuntz to the northeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 1, Twp 58N, Range 21W; thence in a southerly direction along the eastern limits of the Town of Stuntz to the southeast corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 25, Twp 58N, Range 20W; thence in a westerly direction along the southern line of Sec. 25 to the southwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 25, Twp 58N, Range 21W; thence in a southerly direction along the former western corporate limits of the City of Hibbing to the southwest corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 13, Twp 57N, Range 21W; thence in an easterly direction along the northern line of the southern half of the NW $\frac{1}{4}$  and the northern line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 13, Twp 57, Range 21W; thence in a northerly direction along the western line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 13, Twp 57, Range 21W to the centerline of the Burlington Northern Railroad right-of-way; thence in a northeasterly direction along the centerline of the railroad right-of-way to the centerline of 1st Ave.; thence in a southerly direction along the centerline of 1st Ave. to the centerline of 29th St.; thence extend the centerline of West 29th St. 180 deg. in a westerly direction until it intersects the former corporate limits of the City of Hibbing; thence in a generally southerly direction follow along the former corporate limits of the City of Hibbing; thence at the intersection of the former corporate limits of the City of Hibbing and the centerline of 1st Avenue Road extend in a southerly direction along the centerline of 1st Avenue Road to the centerline of Lindquist Road; thence in a westerly direction along the centerline of Lindquist Road to the centerline of Koivula Road; thence in a southerly direction along the centerline of Koivula Road to the centerline of the Town Line Road; thence in a westerly direction along the centerline of the Town Line Road to the centerline of the Anderson Road; thence in a southerly direction along the centerline of the Anderson Road to the centerline of the Burlington Northern Railroad right-of-way; thence in a generally easterly direction to the centerline of the Old D.M. & I.R. Railroad right-of-way; thence in a southerly direction along the centerline of the Old D.M. & I.R. Railroad right-of-way to the centerline of the South Town Line Road; thence in a westerly direction along the centerline of the South Town Line Road to the southwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 31, Twp 56N, Range 21W to the point of beginning.

Ward B

Beginning at the centerline of the D.M. & I.R. Railroad right-of-way and South Town Line Road; thence in a northerly direction along the centerline of the D.M. & I.R. Railroad right-of-way to the centerline of the Burlington Northern Railroad right-of-way; thence in a generally westerly direction along the centerline of the Burlington Northern Railroad right-of-way to the centerline of Anderson Road; thence in a northerly direction along the centerline of the Anderson Road to the centerline of the Town Line Road; thence in an easterly direction along the centerline of the Town Line Road to the centerline of the Koivula Road; thence in a northerly direction along centerline of the Koivula Road to the centerline of Lindquist Road; thence in an easterly direction along the centerline of Lindquist Road to the centerline of 1st Avenue Road; thence in a northerly direction along the centerline of the 1st Avenue Road to the intersection of the former corporate limits of the City of Hibbing and the centerline of the 1st Avenue Road; thence in a generally northeasterly direction along the former corporate limits of the City of Hibbing to the centerline of U.S. #169; thence in a westerly direction extend the centerline of U.S. #169 180 deg. through the Iron Junction Road to the centerline of U.S. #169; thence in a northerly direction along the centerline of U.S. #169 to the centerline of East 25th St.; thence in an easterly direction along the centerline of East 25th St. to the centerline of Toppala Road; thence in a southerly direction along the centerline of Toppala Road to the center-

line of MN #37; thence in an easterly direction along the centerline of MN #37 to the northeast corner of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 25, Twp 57N, Range 20W; thence in a southerly direction along the line extending from the northeast corner of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 25, Twp 57N, Range 20W, to the centerline of the South Town Line Road; thence in a westerly direction along the centerline of South Town Line Road to the centerline of the D.M. & I.R. Railroad right-of-way to the point of beginning.

#### Ward C

Beginning at the SW corner of the NW $\frac{1}{2}$  of NW $\frac{1}{2}$ , Sec 13, Twp 57N, R 21 W and proceeding north along the former corporate limit line of the City of Hibbing to its north limit; thence proceeding in an easterly direction along the former city corporate limit line to the NE corner of Sec. 31, Twp 57N, Range 20W; thence proceeding east along the north boundary of Sec. 32, Twp 57N, Range 20W to a point of intersection with the former east corporate limit; thence continuing in an easterly direction along the north boundary of the former Town of Stuntz to its easterly limit which is the NE corner of NE $\frac{1}{2}$  of NE $\frac{1}{2}$ , Section 36, Twp 58N, Range 20W; thence proceeding south along the east boundary of the former Town of Stuntz to the point of intersection with the centerline of MN #37; thence proceeding in a westerly direction along the centerline of MN #37 to the point of intersection with Toppala Road; thence proceeding north along Toppala Road to the intersection with the centerline of 25th St. (Dupont Road); thence continuing north along the former east corporate limits of the City of Hibbing to the point of intersection with the NE corner of NE $\frac{1}{2}$  of NW $\frac{1}{2}$  of Sec. 17, Twp 57N, Range 20W; thence proceeding due west along the north boundary of the N $\frac{1}{2}$  of NW $\frac{1}{2}$  of Sec. 17, Twp 57W, Range 20W; thence continuing in a westerly direction along a line which is the easterly extension of the centerline of Howard St. from its intersection with the centerline of 12th Ave. E. to a point which is the NE corner of NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 18, Twp 57N, Range 20W and which terminates at the centerlines of Howard St. 12th Ave. E. south-southeast along the centerline of Brooklyn Drive to a point of intersection with the centerline of 23rd St.; thence proceeding due west along the centerline of 23rd St. to a point which is the intersection with the centerline of 7th Ave. E; thence proceeding north along the centerline of 7th Ave. E. to a point of intersection with the north R.O.W. line of the Burlington Northern Railway; thence proceeding in a southwesterly direction along the south R.O.W. line of the Burlington Northern Railway to the intersection with the east boundary of the NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 13, Twp 57N, Range 20W; thence proceeding south along the east boundary of the NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 13, Twp 57N, Range 20W to the  $\frac{1}{2}$  corner; thence proceeding due west along the north boundary of the SW $\frac{1}{2}$  of NE $\frac{1}{2}$  and the north boundary of the S $\frac{1}{2}$  of NW $\frac{1}{2}$ , all of Sec. 13, Twp 57N, Range 21W to the point of beginning.

#### Ward D

Beginning at the centerline of 1st Ave. and 31st St.; thence in a northerly direction along the centerline of 1st Ave. to the centerline of the north right-of-way of the Burlington Northern Railroad; thence in a northeasterly direction along the centerline of the railroad right-of-way to the centerline of 7th Ave. E.; thence in a southerly direction along the centerline of 7th Ave. E. to centerline of East 23rd St.; thence in an easterly direction along centerline of East 23rd St. to the centerline of Brooklyn Drive; thence in a north-northwesterly direction along the centerline of Brooklyn Drive and 12th Ave. E. to the centerline of Howard St.; thence proceed due east from the extension of the centerline of Howard St. to the point of intersection of the former eastern corporate limits of the City of Hibbing; thence in a southerly direction to the centerline of East 25th St.; thence in a westerly direction along the centerline of 25th St. to the centerline of 8th Ave. E.; thence in a southerly direction along the centerline of 8th Ave. E. to the



centerline of East 33rd St.; thence west-northwesterly along the centerline of East 33rd St. to the centerline of East 32nd St.; thence in a westerly direction along the centerline of East 32nd St. to the centerline of Outer Drive of Greenhaven Addition; thence in a northerly direction along the centerline of Outer Drive of Greenhaven Addition to the centerline of East 31st St.; thence in a westerly direction along the centerline of East 31st St. to the centerline of 1st Ave. to the point of beginning.

#### Ward E

Beginning at the centerline of U.S. #169 - MN #73 at the westerly point of intersection with the former corporate limits of the City of Hibbing; thence proceeding in a northerly direction along the former west corporate limits of the City to the centerline of 34th Street; thence proceeding due west along the former corporate limit line of the City to its west limit; thence due north to the centerline of Ansley Road (31st St.), thence due west along the centerline of Ansley Road to the former west corporate limit; thence due north to a point intersecting with the westerly extension of the centerline of 29th St.; thence due east along the westerly extension of the centerline of 29th St. and of 29th St. to the point of intersection with the centerline of First Ave.; thence due south to the point of intersection with 31st St.; thence east along the centerline of Outer Drive; thence south along the centerline of Outer Drive to the point of intersection with 32nd St.; thence east to the point of intersection with the centerline of 33rd St.; thence in a southeast direction along the centerline of 33rd St. to the point of intersection with 8th Ave. E.; thence in a northerly direction along 8th Ave. E. to the point of intersection with 25th St.; thence in an easterly direction along the centerline of 25th St. to the point of intersection with the west R.O.W. line of U.S. #169 and MN #73 to the point of intersection with the centerline of the junction of U.S. #169 - MN #73 and MN #37; thence proceeding west along the centerline of U.S. #169-MN #73 to the point of beginning.

- XIV. That all positions of Councilpersons and Municipal officials shall be included in the election set forth by the Board.

#### CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. The area subject to annexation is now or is about to become urban or suburban in character or unable to continue as a viable and efficient unit of government without its urban and suburban areas.
- III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
- IV. The best interest of the area subject to annexation will be furthered by annexation.
- V. There is a reasonable relationship between the increase in revenue for the City of Hibbing and the value of benefits conferred upon the area subject to annexation.

VI. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

VII. Because of possible increased costs, the City of Hibbing may qualify for a special levy.

VIII. An urban and rural taxing district should be established in the new City of Hibbing.

IX. Six years will be required to effectively provide full municipal services to the annexed area that is within the urban taxing district.

X. This annexation proceeding has been initiated by Joint Resolution of the Town of Stuntz and the City of Hibbing and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

XI. The agreement of the City of Hibbing and the Town of Stuntz as set forth in their Resolution (Findings of Fact I) being in conformity of law, should be given effect.

XII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

#### ORDER

I. IT IS HEREBY ORDERED: That the entire Town of Stuntz, County of St. Louis, State of Minnesota, be and the same is hereby annexed to the City of Hibbing, Minnesota, the same as if it had been originally made a part thereof.

II. IT IS FURTHER ORDERED: that on September 18/97 a public election for Municipal officers, for the new City of Hibbing shall be conducted as provided by law, in the Town of Stuntz and in the present City of Hibbing, as ordered herein.

III. IT IS FURTHER ORDERED: That the new City of Hibbing shall have (5) five new wards, A, B, C, D, and E, for the election of the councilpersons. The description of each ward is set forth as follows:

#### Ward A

Beginning at the southwest corner of the SW $\frac{1}{2}$  of the SW $\frac{1}{2}$  of Section 31, Twp 56N, Range 21W; thence in a northerly direction along the western limits of the Town of Stuntz to the northwest corner of the NW $\frac{1}{2}$  of the NW $\frac{1}{2}$  of Sec. 6, Twp 58N, Range 21W; thence in an easterly direction along the northern limits of the Town of Stuntz to the northeast corner of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 1, Twp 58N, Range 21W; thence in a southerly direction along the eastern limits of the Town of Stuntz to the southeast corner of the SE $\frac{1}{2}$  of the SE $\frac{1}{2}$  of Sec. 25, Twp 58N, Range 20W; thence in a westerly direction along the southern line of Sec. 25 to the southwest corner of the SW $\frac{1}{2}$  of the SW $\frac{1}{2}$  of Sec. 25, Twp 58N, Range 21W; thence in a southerly direction along the former western corporate limits of the City of Hibbing to the southwest corner of the NW $\frac{1}{2}$  of the NW $\frac{1}{2}$  of Sec. 13, Twp 57N, Range 21W; thence in an easterly direction along the northern line of the southern half of the NW $\frac{1}{2}$  and the northern line of the SW $\frac{1}{2}$  of the

NE $\frac{1}{2}$  of Sec. 13. Twp 57, Range 21W; thence in a northerly direction along the western line of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 13, Twp 57, Range 21W to the centerline of the Burlington Northern Railroad right-of-way; thence in a northeasterly direction along the centerline of the railroad right-of-way to the centerline of 1st Ave.; thence in a southerly direction along the centerline of 1st Ave. to the centerline of 29th St.; thence extend the centerline of West 29th St. 180 deg. in a westerly direction until it intersects the former corporate limits of the City of Hibbing; thence in a generally southerly direction follow along the former corporate limits of the City of Hibbing; thence at the intersection of the former corporate limits of the City of Hibbing and the centerline of 1st Avenue Road extend in a southerly direction along the centerline of 1st Avenue Road to the centerline of Lindquist Road; thence in a westerly direction along the centerline of Lindquist Road to the centerline of Koivula Road; thence in a southerly direction along the centerline of Koivula Road to the centerline of the Town Line Road; thence in a westerly direction along the centerline of the Town Line Road to the centerline of the Anderson Road; thence in a southerly direction along the centerline of the Anderson Road to the centerline of the Burlington Northern Railroad right-of-way; thence in a generally easterly direction to the centerline of the Old D.M. & I.R. Railroad right-of-way; thence in a southerly direction along the centerline of the Old D.M. & I.R. Railroad right-of-way to the centerline of the South Town Line Road; thence in a westerly direction along the centerline of the South Town Line Road to the southwest corner of the SW $\frac{1}{2}$  of the SW $\frac{1}{2}$  of Sec. 31, Twp 56N, Range 21W to the point of beginning.

#### Ward B

Beginning at the centerline of the D.M. & I.R. Railroad right-of-way and South Town Line Road; thence in a northerly direction along the centerline of the D.M. & I.R. Railroad right-of-way to the centerline of the Burlington Northern Railroad right-of-way; thence in a generally westerly direction along the centerline of the Burlington Northern Railroad right-of-way to the centerline of Anderson Road; thence in a northerly direction along the centerline of the Anderson Road to the centerline of the Town Line Road; thence in an easterly direction along the centerline of the Town Line Road to the centerline of the Koivula Road; thence in a northerly direction along centerline of the Koivula Road to the centerline of Lindquist Road; thence in an easterly direction along the centerline of Lindquist Road to the centerline of 1st Avenue Road; thence in a northerly direction along the centerline of the 1st Avenue Road to the intersection of the former corporate limits of the City of Hibbing and the centerline of the 1st Avenue Road; thence in a generally northeasterly direction along the former corporate limits of the City of Hibbing to the centerline of U.S. #169; thence in a westerly direction extend the centerline of U.S. #169 180 deg. through the Iron Junction Road to the centerline of U.S. #169; thence in a northerly direction along the centerline of U.S. #169 to the centerline of East 25th St.; thence in an easterly direction along the centerline of East 25th St. to the centerline of Toppala Road; thence in a southerly direction along the centerline of Toppala Road to the centerline of MN #37; thence in an easterly direction along the centerline of MN #37 to the northeast corner of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 25, Twp 57N, Range 20W; thence in a southerly direction along the line extending from the northeast corner of the NE $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Sec. 25, Twp 57N, Range 20W, to the centerline of the South Town Line Road; thence in a westerly direction along the centerline of South Town Line Road to the centerline of the D.M. & I.R. Railroad right-of-way to the point of beginning.

Ward C

Beginning at the SW corner of the NW $\frac{1}{2}$  of NW $\frac{1}{2}$ , Sec 13, Twp 57N, R 21 W and proceeding north along the former corporate limit line of the City of Hibbing to its north limit; thence proceeding in an easterly direction along the former city corporate limit line to the NE corner of Sec. 31, Twp 57N, Range 20W; thence proceeding east along the north boundary of Sec. 32, Twp 57N, Range 20W to a point of intersection with the former east corporate limit; thence continuing in an easterly direction along the north boundary of the former Town of Stuntz to its easterly limit which is the NE corner of NE $\frac{1}{2}$  of NE $\frac{1}{2}$ , Section 36, Twp 58N, Range 20W; thence proceeding south along the east boundary of the former Town of Stuntz to the point of intersection with the centerline of MN #37; thence proceeding in a westerly direction along the centerline of MN #37 to the point of intersection with Toppala Road; thence proceeding north along Toppala Road to the intersection with the centerline of 25th St. (Dupont Road); thence continuing north along the former east corporate limits of the City of Hibbing to the point of intersection with the NE corner of NE $\frac{1}{2}$  of NW $\frac{1}{2}$  of Sec. 17, Twp 57N, Range 20W; thence proceeding due west along the north boundary of the N $\frac{1}{2}$  of NW $\frac{1}{2}$  of Sec. 17, Twp 57W, Range 20W; thence continuing in a westerly direction along a line which is the easterly extension of the centerline of Howard St. from its intersection with the centerline of 12th Ave. E. to a point which is the NE corner of NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 18, Twp 57N, Range 20W and which terminates at the centerlines of Howard St. 12th Ave. E. south-southeast along the centerline of Brooklyn Drive to a point of intersection with the centerline of 23rd St.; thence proceeding due west along the centerline of 23rd St. to a point which is the intersection with the centerline of 7th Ave. E; thence proceeding north along the centerline of 7th Ave. E. to a point of intersection with the north R.O.W. line of the Burlington Northern Railway; thence proceeding in a southwesterly direction along the south R.O.W. line of the Burlington Northern Railway to the intersection with the east boundary of the NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 13, Twp 57N, Range 20W; thence proceeding south along the east boundary of the NW $\frac{1}{2}$  of NE $\frac{1}{2}$  of Sec. 13, Twp 57N, Range 20W to the  $\frac{1}{2}$  corner; thence proceeding due west along the north boundary of the SW $\frac{1}{2}$  of NE $\frac{1}{2}$  and the north boundary of the S $\frac{1}{2}$  of NW $\frac{1}{2}$ , all of Sec. 13, Twp 57N, Range 21W to the point of beginning.

Ward D

Beginning at the centerline of 1st Ave. and 31st St.; thence in a northerly direction along the centerline of 1st Ave. to the centerline of the north right-of-way of the Burlington Northern Railroad; thence in a northeasterly direction along the centerline of the railroad right-of-way to the centerline of 7th Ave. E.; thence in a southerly direction along the centerline of 7th Ave. E. to centerline of East 23rd St.; thence in an easterly direction along centerline of East 23rd St. to the centerline of Brooklyn Drive; thence in a north-northwesterly direction along the centerline of Brooklyn Drive and 12th Ave. E. to the centerline of Howard St.; thence proceed due east from the extension of the centerline of Howard St. to the point of intersection of the former eastern corporate limits of the City of Hibbing; thence in a southerly direction to the centerline of East 25th St.; thence in a westerly direction along the centerline of 25th St. to the centerline of 8th Ave. E.; thence in a southerly direction along the centerline of 8th Ave. E. to the centerline of East 33rd St.; thence west-northwesterly along the centerline of East 33rd St. to the centerline of East 32nd St.; thence in a westerly direction along the centerline of East 32nd St. to the centerline of Outer Drive of Greenhaven Addition; thence in a northerly direction along the centerline of Outer Drive of Greenhaven Addition to the centerline of East 31st St.; thence in a westerly direction along the centerline of East 31st St. to the centerline of 1st Ave. to the point of beginning.

Ward E

Beginning at the centerline of U.S. #169 - MN #73 at the westerly point of intersection with the former corporate limits of the City of Hibbing; thence proceeding in a northerly direction along the former west corporate limits of the City to the centerline of 34th Street; thence proceeding due west along the former corporate limit line of the City to its west limit; thence due north to the centerline of Ansley Road (31st St.), thence due west along the centerline of Ansley Road to the former west corporate limit; thence due north to a point intersecting with the westerly extension of the centerline of 29th St.; thence due east along the westerly extension of the centerline of 29th St. and of 29th St. to the point of intersection with the centerline of First Ave.; thence due south to the point of intersection with 31st St.; thence east along the centerline of Outer Drive; thence south along the centerline of Outer Drive to the point of intersection with 32nd St.; thence east to the point of intersection with the centerline of 33rd St.; thence in a southeast direction along the centerline of 33rd St. to the point of intersection with 8th Ave. E.; thence in a northerly direction along 8th Ave. E. to the point of intersection with 25th St.; thence in an easterly direction along the centerline of 25th St. to the point of intersection with the west R.O.W. line of U.S. #169 and MN #73 to the point of intersection with the centerline of the junction of U.S. #169 - MN #73 and MN #37; thence proceeding west along the centerline of U.S. #169-MN #73 to the point of beginning.

IV. IT IS FURTHER ORDERED: That the plan of government for the new City of Hibbing shall be the form of government that existed in the former City of Hibbing with the inclusion of the ward system described in Article III of this Order.

V. IT IS FURTHER ORDERED: That Harry Gherardi is appointed as acting clerk for election purposes; that the following are appointed as election judges at the respective polling places:

Ward A

<u>Precinct 4</u> Mesaba Motors	Lucille Vlatkovich Margaret Bretto Muriel Sabbatini Lucille Zoerner Edith Mousseau	<u>Precinct 20</u> Maple Hill	Jean Rivall
<u>Precinct 5</u> Elderly Housing 2315 1st Ave.	Isabelle Andreen Anne Kokko Viola Douville Kathryn Guye Aune Taanila	<u>Precinct 21</u> Kelly Lake Fire Hall	Mary Chanak
		<u>Precinct 23</u> Iron Range Propage	Dolores Warmuth

Ward B

<u>Precinct 14</u> Jefferson School	Arlene Bachel Delores Lambert Sandy Krasaway Viola G. Hamre Mary Gutzwiller	<u>Precinct 19</u> Clusiau's	Marie LaTendresse
<u>Precinct 16</u> Thrifty Scott Motel 1520 E. Hwy. 37	Olympia Minerich Joyce Dague Josephine Erickson Carol Kangas Dorothy Ozanich	<u>Precinct 20A</u> Townline Fire Hall (Woodland)	Noreen Lind

Ward C

Precinct 3  
Park Terrace Manor  
Cecila Sabatini  
Delcie Wolf  
Angeline Calligure  
Theresa Pascuzzi  
Margaret Pifher

Precinct 13  
Gargano Electric  
1219 E. 13th Ave.

Renee Gargano  
Gloria Mehle  
Filomena Galli  
Sophie Lastovich  
Anne Sovil

Precinct 11  
Lincoln School

Lydia Ghilardi  
May Anderson  
Evelyn Keppel  
Lena Rodgers  
Rosann Bizal

Precinct 15  
Kitzville Body Shop

Lucille Erickson  
Mary Lucente  
Grace Carrozza  
Alice Baratto

Precinct 12  
Court House

Lorraine DeMillo  
Tony Selvo  
Lorraine Martella  
Evelyn McDowell  
George Hill

Precinct 18  
Wilpen

June Bye

Ward D

Precinct 7  
Haven Court Housing  
3112 - 6th Ave. E.

Theresa Montcalm  
Elizabeth Jackovich  
Edna LaVigne  
Maude Gunderson  
Margaret LePage

Precinct 8-A  
Memorial Building  
East Wing

Patricia Margulas  
Ella Wold  
Grace Kotula  
Mary Sikich  
Jennie Galli

Precinct No. 8  
Memorial Building  
West Wing

Jennie Novak  
Florence Papin  
Blance Broad  
Phyliss Povich  
Mary Checco

Precinct 9  
Our Savior's  
Lutheran Church

Margaret Nelson  
Patricia Colone  
Norma Grady  
Glenna Gentile  
Rachel LaTendresse

Precinct 10  
City Hall

Adelaide Antonelli  
Irene Monroe  
Mary Anthony  
Katherine Hilton  
Linda Ladelma

Ward E

Precinct No. 1  
Cobb-Cook School

Lempi Halberg  
Gwen Lennartson  
Emily Pietala  
Vienna Johnson  
Anne Gibson

Precinct 2-A  
Greenhaven School

Carol Peloquin  
Sophie Marolt  
Marie Cobetto  
Frances Erickson  
Josephine McHale

Precinct 2  
St. Michael's Hall

Signe Werman  
Julia A. Salvini  
Tuni Johnson  
Amelia Novak  
Barbara Grillo

Precinct 8-B  
Town of Stuntz  
Garage

Jo Ann Muller  
Mary Gray  
Carol Drazenovich  
Valerie Carlson  
Rita Geisler

That the acting clerk and election judges shall conduct the election as provided by law; that the terms of councilpersons shall be for 3 years (through 1982); that the term of the Mayor shall be for 1 year (through 1980); that the term of the clerk-Treasurer shall be for 3 years (through 1982).

VI. IT IS FURTHER ORDERED: That the ordinances of the former Town of Stuntz and the former City of Hibbing shall remain in effect within the boundaries of said former Town and City, unless repealed by the City Council of the new City of Hibbing, and said ordinances shall be enforced by the consolidated City of Hibbing police department.

VII. IT IS FURTHER ORDERED: That an urban and rural tax district be set up as follows: That the urban service district shall include all of the following described property: All the territory within the former City of Hibbing and the following described property:

The  $\frac{W}{2}$  of Section 4, Township 57, Range 20; The  $\frac{S}{2}$  of Section 5, Township 57, Range 20; The  $\frac{N}{2}$  of Section 8, Township 57, Range 20; The  $\frac{NW}{4}$  of Section 9, Township 57, Range 20; The  $\frac{W}{2}$  of  $\frac{NE}{4}$  of Section 17, Township 57, Range 20; The West  $\frac{1}{2}$  of  $\frac{SE}{4}$ , Section 17, Township 57, Range 20; The  $\frac{W}{2}$  of  $\frac{NE}{4}$ , Section 20, Township 57, Range 20; The West  $\frac{1}{2}$  of  $\frac{SE}{4}$ , Section 20, Township 57, Range 20; The  $\frac{NW}{4}$  of  $\frac{NE}{4}$ , the  $\frac{N}{2}$  of  $\frac{NW}{4}$ , the  $\frac{SW}{4}$  of  $\frac{NW}{4}$ , the  $\frac{NW}{4}$  of  $\frac{SW}{4}$ , all in Section 29, Township 57, Range 20; That area North of the 48th Street alignment in Section 30, Township 57, Range 20; That area North of the 48th Street alignment in Section 25, Township 57, Range 21; The  $\frac{NE}{4}$  of  $\frac{SE}{4}$  and the  $\frac{E}{2}$  of  $\frac{NE}{4}$ , Section 26, Township 57 Range 21; All of Section 24, Township 57, Range 21; The  $\frac{E}{2}$  of  $\frac{SE}{4}$  and the  $\frac{SE}{4}$  of  $\frac{NE}{4}$ , Section 23, Township 57, Range 21.

That the rural service district shall include all of the remaining territory within the new City.

VIII. IT IS FURTHER ORDERED: That the rural district levy shall be one half of the levy of the urban district.

IX. IT IS FURTHER ORDERED: That the benefit ratio of the rural district to the urban district may be changed by majority vote of all of the members of the City Council of the new City, provided that two-thirds vote of all of the members of the City Council of the new City shall be required for a period of five (5) years from the date said new City comes into existence.

X. IT IS FURTHER ORDERED: That, consistent with the provisions of Section 272.67 of Minnesota Statutes, the rural service district is declared to be comprised of both unplatted lands and platted parcels which are rural in character and not developed for urban commercial, industrial or residential purposes; that no part of the unplatted lands or platted parcels shall be transferred from the rural service district to the urban service district except by majority vote of the City Council of the new City of Hibbing, provided that a two-thirds vote approving such transfer shall be required for a period of five (5) years from the date said new City comes into existence, unless municipal sewer and water services are provided by said new City to the part of the unplatted lands to be transferred, in which case a majority vote of the City Council of said new City shall be sufficient; That the benefit ratio as defined by said Section 272.67 shall be: the rural district levy shall be one half the levy of the urban district.

XI. IT IS FURTHER ORDERED: That the assets and obligations of the Township of Stuntz and the City of Hibbing being subject to the provisions of Minnesota Statutes 414.067, are apportioned as follows: the assets of Stuntz and Hibbing shall become the property of the new City of Hibbing; the newly annexed area to the City of Hibbing and the former City of Hibbing shall be liable for their own deficits in any general or special fund or any bonded indebtedness accrued prior to the effective date of the annexation.

XII. IT IS FURTHER ORDERED: That the population of the City of Hibbing *is established as* 21,895 persons for all purposes until the next Federal Census.

XIII. IT IS FURTHER ORDERED: That the population of the Town of Stuntz has decreased by 5,575 persons to 0 persons for all purposes until the next Federal Census.

XIV. IT IS FURTHER ORDERED: That the Minnesota Municipal Board hereby retains jurisdiction for the purpose of allowing a special levy pursuant to Minnesota Statutes 414.01, Subd. 15.

XV. IT IS FURTHER ORDERED: That the mill levy of the City of Hibbing on the property within the urban taxing district herein ordered shall be increased in substantially equal proportions over a period of 5 years commencing one year after December 31, 1979, to equality with the mill levy of the property already within the City.

XVI. IT IS FURTHER ORDERED: That the agreement of the City of Hibbing and the Town of Stuntz as set forth in their Resolution (Findings of Fact I) is given effect.

XVII. That the newly elected officials to the City of Hibbing shall take office on December 31, 1979.

XVIII. That the annexation of the entire Town of Stuntz to the City of Hibbing shall be effective, operational and completed on December 31, 1979.

XIX. IT IS FURTHER ORDERED: That the effective date of this order is *July 25, 1979*.

Dated this *25<sup>th</sup>* day of *July*, 1979.

MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
St. Paul, Minnesota 55101

*Terrence A. Merritt*  
Terrence A. Merritt  
Executive Director



# MEMORANDUM

Over the last one-and-one-half years there have been over 30 meetings and hearings between the City, Township, Minnesota Municipal Board, and over 10 other government agencies. As the result of these meetings, the City of Hibbing and the Township of Stuntz adopted identical resolutions requesting the Minnesota Municipal Board to merge these two governing units. The Municipal Board responded to that request by approving the merger, thus creating the largest geographical city in the history of the Municipal Board. The untiring and dedicated efforts of the town officials and the city council members in thoughtfully working out this annexation should be commended.

The Minnesota Municipal Board, in approving the annexation of the Town of Stuntz to the City of Hibbing immediately, without a referendum, focused upon the construction of the statute. Generally, M.S.A. 414.031 requires a referendum whenever land is annexed to a city without a petition of a majority of the property owners of the land involved. However, the most noticeable exception to that rule is the situation where the jurisdiction of the MMB is invoked by the receipt of a resolution of the municipal council together with a resolution of the township board stating their desire to have the entire township annexed to the municipality. M.S.A. 414.031, Subd. 5 lists such a situation together with a petition of a majority of the property owners as the only instances when, "... no referendum is required". The MMB is thus placed in a position of requiring sufficient evidence to warrant the holding of an election, in light of the statutory mandate. The MMB found no such compelling evidence. Thus, in compliance with the Statute, the Minnesota Municipal Board ordered the annexation without a referendum.

Though not a part of its Order, the Municipal Board wishes to note that it supports the retainment of the ownership of any public utilities by their present owners. Further, this Order should not be construed to support the takeover of the Stuntz Co-op Light & Power Assoc., or any other public utility in either Hibbing or Stuntz.

The election date for the election of new municipal officers is so scheduled as to comply with the statutorily mandated time after the issuance of the Order. The Municipal Board believes that the failure to promptly issue its Order after a decision has been reached would be a mere subterfuge attempting to avoid the explicit intent of the law.

MAR 09 1979

BEFORE THE MINNESOTA MUNICIPAL BOARD

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STUNTZ AND THE CITY COUNCIL OF THE CITY OF HIBBING STATING THEIR DESIRE FOR ANNEXING BY JOINT RESOLUTION THE ENTIRE TOWNSHIP OF STUNZ AND THE CITY OF HIBBING INTO A SINGLE NEW CITY OF HIBBING.

WHEREAS, it appears to the Town Board of Stuntz and to the City Council of Hibbing that annexation by joint resolution of said Town and City into a single new City of Hibbing encompassing the entire territory of said Town and City is in the best interest of said territory and the residents thereof, and

WHEREAS, the Town Board of Stuntz and the City Council of Hibbing desire to accomplish such annexation by joint resolution in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between said Town and City by mutual agreement,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Stuntz and the City Council of Hibbing:

1. That the Town of Stuntz and the City of Hibbing desire to combine said Town and City into a new City of Hibbing encompassing the entire territory of said Town and City.
2. That such annexation by joint resolution is in the best interests of the territory of the Town of Stuntz and the City of Hibbing and residents thereof.
3. That the Town of Stuntz and the City of Hibbing initiate a proceeding pursuant to Section 414.031, Subdivision 1(d), of Minnesota Statutes, before the Minnesota Municipal Board for the annexation by joint resolution of said Town and City into a new City of Hibbing encompassing the entire territory of said Town and City.
4. That the Minnesota Municipal Board proceed forthwith to conduct its hearing and issue its order pursuant to Chapter 414 of the Minnesota Statutes.
5. That any order of the Minnesota Municipal Board ordering the consolidation herein requested shall order:
  - a. That the form of government of the new City of Hibbing shall be the form of government now existing in the City of Hibbing, except that a ward system comprised

of five (5) wards shall be established for the new City of Hibbing, the boundaries of said wards are described in Appendix A. The Mayor and Clerk-Treasurer shall be elected at large from the entire new City of Hibbing.

b. That the ordinances of the former Town of Stuntz and the former City of Hibbing shall remain in effect within the boundaries of said former Town and City, unless repealed by the City Council of the new City of Hibbing, and said ordinances shall be enforced by the consolidated City of Hibbing police department.

c. (01) That the new City of Hibbing be divided into an urban service district and a rural service district constituting separate taxing districts for the purpose of all City property taxes, except those levied for the payment of bonds and judgments and interest thereon, pursuant to Section 272.67 of the Minnesota Statutes;

(02) That the urban service district shall include all of the territory within the former City and all that area to the South to the alignment of 48th Street between Highway #73 and O'Rourke Road, and to the East one (1) forty Easterly of the Toppala Road, and that property described in Appendix B, and to the West one (1) forty Westerly of Highway #73; That portion of Stuntz Township included within the urban service taxing district shall receive a five (5) year mill levy step-up with the present levy as a base, in accordance with Minnesota Statutes 414.035 (1978). The first increment of the step-up shall be one year after the effective date of the order.

(03) That the rural service district shall include all of the remaining territory within the new City;

(04) That, consistent with the provisions of

Section 272.67 of Minnesota Statutes, the rural service district is declared to be comprised of both unplatted lands and platted parcels which are rural in character and not developed for urban commercial, industrial or residential purposes; that no part of the unplatted lands or platted parcels shall be transferred from the rural service district to the urban service district except by majority vote of the City Council of the new City of Hibbing, provided that a two-thirds vote approving such transfer shall be required for a period of five (5) years from the date said new City comes into existence, unless municipal sewer and water services are provided by said new City to the part of the unplatted lands to be transferred, in which case a majority vote of the City Council of said new City shall be sufficient;

(05) That the benefit ratio as defined by said Section 272.67 shall be: the rural district levy shall be one-half the levy of the urban district.

(06) That the benefit ratio may be changed by majority vote of all of the members of the City Council of the new City, provided that two-thirds vote of all of the members of the City Council of the new City shall be required for a period of five (5) years from the date said new City comes into existence.

(07) The phrase "municipal sewer and water service are provided" as used in subsection 5 (c)(4) shall mean that public sewer and water service facilities are in place immediately adjacent to the property so that the owner may have any improvements which may be located on the property connected to said public sewer and water service facilities.

d. That all money, claims and properties of the former Town and City, including real estate owned, held or possessed by said Town

and City, and any proceeds or taxes levied by said Town and City, collected or uncollected, shall become and be the property of the new City of Hibbing with full power and authority to use and dispose of the same for public purposes as the City Council of said new City may deem best, subject to the rights of creditors.

e. That the bonded debt of the City of Hibbing shall be borne by the property presently within the boundaries of said City; this shall not include those properties within Stuntz Township which will become a part of the urban taxing district.

That the bonded debt of the Township of Stuntz shall be borne by the property presently within the boundaries of the Township.

f. Any deficits in the general fund or any special fund of the City of Hibbing as of the date upon which the new City comes into existence shall be borne by the property within the boundaries of the said former City.

g. (01) That the organization of the fire department shall be integrated between the volunteers and the full time fire department under Fire Chief Orlando Abate, or his successor. There shall be a co-ordinator and an assistant co-ordinator of the volunteers serving under the fire chief. The co-ordinator and the assistant co-ordinator shall be selected by the Hibbing Fire Civil Service Commission from three names submitted by the volunteers. The selection of co-ordinator and the assistant co-ordinator shall be subject to the veto of the fire chief.

(02) That the full-time staff fire department shall service the entire present City limits of the City of Hibbing, and extend down to the south to the alignment of 48th Street between O'Rourke Road and Trunk Highway #73 and will also provide service to the east to the present Township limits. Said service, including ambulance runs and fire calls, to the east of the present City limits of the City of Hibbing to the Easterly boundary of the Town of Stuntz, shall be recorded and the cost thereof shall be attributed to the rural

taxing district and shall be taken into account in the establishing of the levy for the following year.

(03) The remaining territory of the Town of Stuntz shall be serviced by the volunteer fire department, and the Town of Stuntz shall purchase the fire truck which it presently has on order.

(04) That the cost of the full-time fire department shall be taken into consideration when establishing the levy for the urban taxing district; the cost of the volunteer fire department and the ambulance and fire runs on the easterly portion already described above shall be taken into consideration in establishing the rural taxing district levy.

h. That the City of Hibbing police department shall provide full time police protection for the entire new City with the addition of four full-time police officers. One of the four new officers, at said officer's option, shall be the present police officer in the Town of Stuntz. Said officer shall not have his pay diminished as a result of said agreement. Time served as police officer in the Town of Stuntz will be credited as time "in grade", subject to union agreements and civil service rules. The officer shall be deployed in the rural tax district, his hours being subject to the discretion of the Hibbing Chief of Police.

i. That the new City of Hibbing shall employ all of the employees of the Town of Stuntz if they desire to continue their employment. There shall be an overall consolidated list of employees, and the present employees of the Town of Stuntz shall be integrated into that list based upon their seniority; their seniority shall be based upon original date of employment with the Town of Stuntz.

j. That the present Town of Stuntz land use plan and zoning ordinance shall remain in effect in all of the present Town of Stuntz, including the portion which will become a portion of the urban taxing district, and shall be administered and enforced by the new City of Hibbing.

6. That it is the intention of the Town Board of Stuntz and of the City Council of Hibbing that, to the extent legally permissible, practicable and efficient, all appointed boards, committees and commissions shall have equal distribution of members residing in the territory of the former City of Hibbing and the former Town of Stuntz.

7. That this proceeding is being initiated pursuant to Section 414.031 (d) of the Minnesota Statutes and that the clerks are authorized and directed to submit a copy of this Resolution to the executive director of the Minnesota Municipal Board and that the parties hereto request the Municipal Board to dismiss the pending annexation petition, Docket A-3254 and incorporation petition Docket I-53.

8. Any decision regarding a referendum shall be within the discretion of the Municipal Board.

9. Any decision regarding the effective date of an annexation order shall be within the discretion of the Municipal Board.

10. All of the foregoing resolution passed by the City Council of the City of Hibbing is subject to, and conditioned upon, an acceptable agreement being reached between the Minnesota Municipal Board, the City Council of the City of Hibbing, the Board of Supervisors of the Town of Stuntz, and St. Louis County as to the maintenance of roads within the new and consolidated City.

TOWN OF STUNTZ

Carl E. Anderson

CITY OF HIBBING

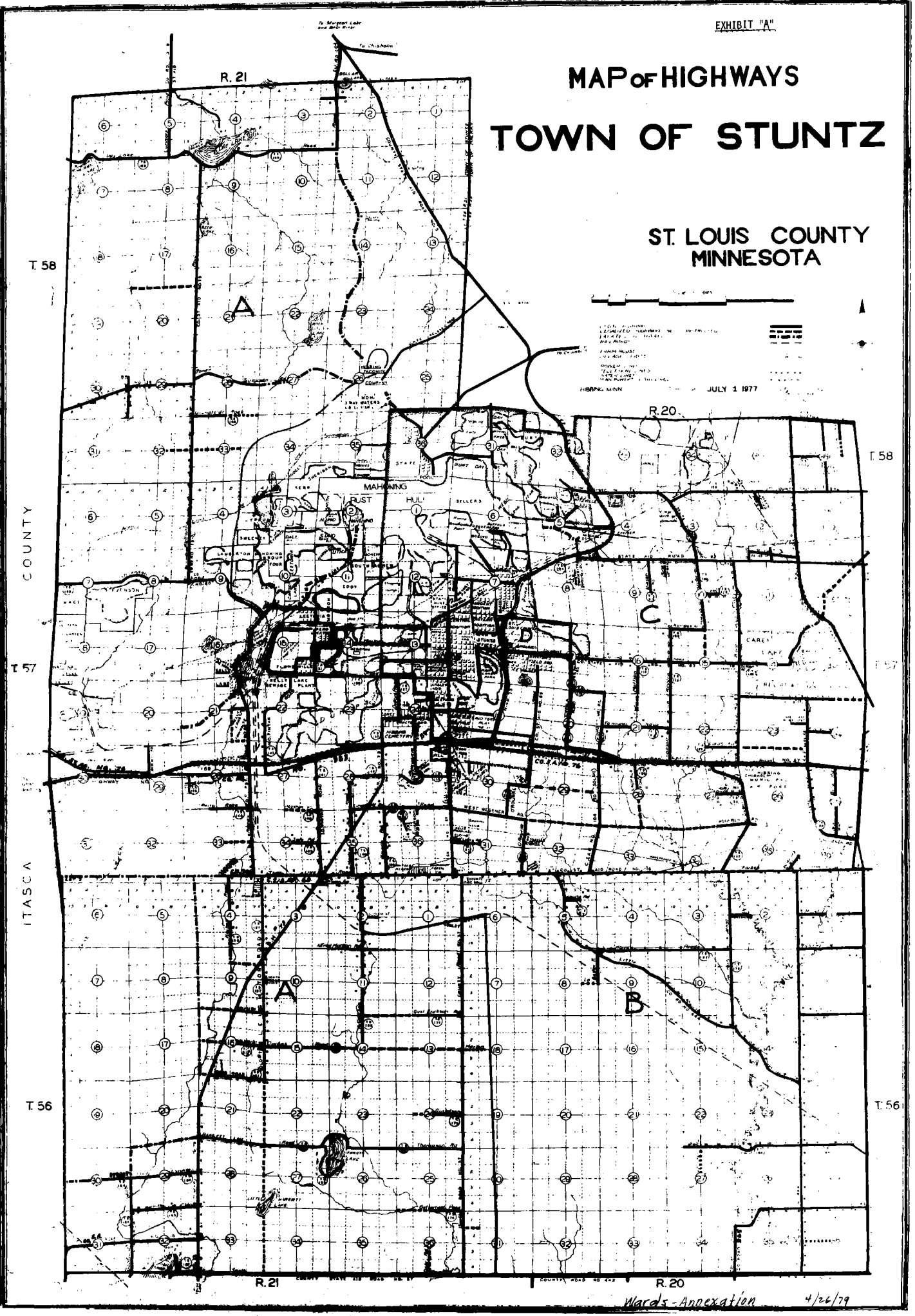
Marco M. Retica - Mayor  
Patrick L. Hamity

EXHIBIT "A"

# MAP of HIGHWAYS TOWN OF STUNTZ

ST. LOUIS COUNTY  
MINNESOTA

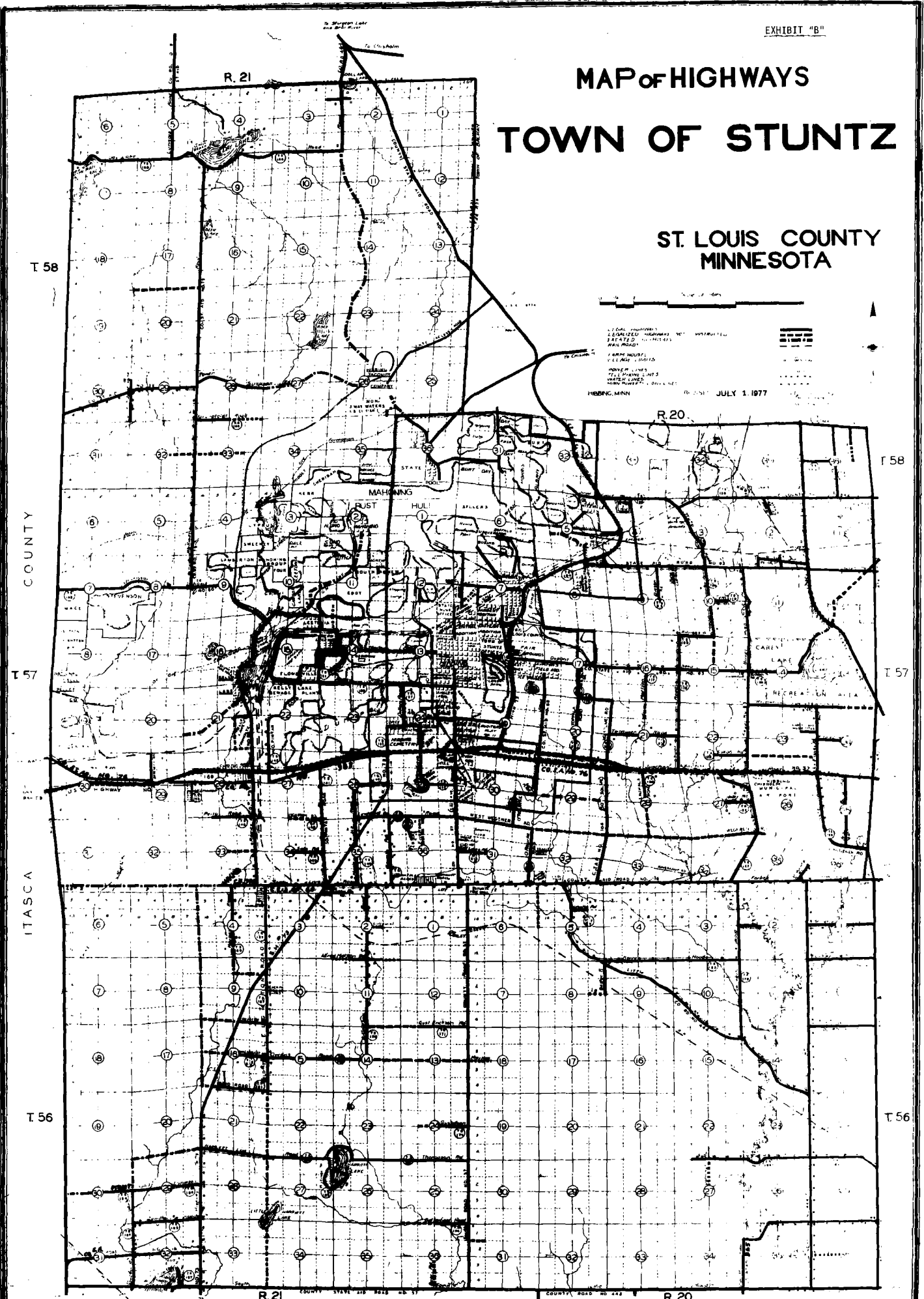
LEGEND  
UNPAVED HIGHWAYS  
PAVED HIGHWAYS  
RAILROADS  
WATER  
TOWNSHIP  
COUNTY  
STATE  
NATIONAL  
JULY 1 1977  
HIBBING, MINN.



Wards - Annexation 4/26/79



ST. LOUIS COUNTY  
MINNESOTA



Green Area - Urban Services - Annexation  
Blue Area - Rural " "

BEFORE THE MINICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs  
Robert W. Johnson  
Thomas J. Simmons  
Edwin Hoff  
Ronald R. Dicklich

Chairman  
Vice Chairman  
Member  
Ex-Officio Member  
Ex-Officio Member

-----  
IN THE MATTER OF THE JOINT RESOLUTION OF  
THE TOWN OF STUNTZ AND THE CITY OF HIBBING  
FOR ANNEXATION OF THE TOWN OF STUNTZ TO  
THE CITY OF HIBBING.

- AGREEMENT -

-----  
This Agreement, entered into this 18th day of July, 1979,  
by and between the CITY OF HIBBING, a Municipal Corporation, the TOWNSHIP OF STUNTZ,  
a Municipal Corporation, the COUNTY OF ST. LOUIS, a Municipal Corporation, and the  
Minnesota Municipal Board, duly authorized Board of the State of Minnesota.

WITNESSETH:

WHEREAS, the City of Hibbing and Township of Stuntz have previously both  
passed an identical joint resolution whereby the City of Hibbing and Town of Stuntz  
agree to the total annexation of the Town of Stuntz by the City of Hibbing.

WHEREAS, paragraph 10 of that joint resolution states that the entire joint  
resolution passed was subject to, and conditioned upon, an acceptable agreement being  
reached between the Minnesota Municipal Board, the City Council of the City of  
Hibbing, the Board of Supervisors of the Town of Stuntz, and St. Louis County as to  
the maintenance of roads within the new consolidated city;

NOW, THEREFORE, BE IT RESOLVED by and between the parties hereto that as  
a condition of that joint resolution passed by the City of Hibbing and the Town of  
Stuntz, and so as to effectuate the total annexation of the Town of Stuntz by the City  
of Hibbing, all of the parties hereto desiring said total annexation of the Town of  
Stuntz by the City of Hibbing hereby mutually covenant and agree as follows:

1. That the County of St. Louis hereby agrees that after the total  
annexation of the Town of Stuntz by the City of Hibbing, and after the  
issuance of an Order by the Minnesota Municipal Board it will maintain all

of the roads within the new City of Hibbing as set forth and more particularly described in Exhibit "A" attached hereto, and made a part hereof by reference as if set forth in full.

2. That the City of Hibbing hereby agrees that all roads within the new City of Hibbing not set forth on Exhibit "A" attached hereto will be maintained by the new City of Hibbing.

3. That the Town of Stuntz and the Minnesota Municipal Board agree to the division of maintenance of these roads and said agreement on their part is for the furthering of the annexation petition presently before the Minnesota Municipal Board and their agreement hereto fulfills any conditions of the joint resolution as set forth above.

4. It is hereby agreed by and between all of the parties hereto that the word "maintenance" as set forth in this agreement, and the joint resolution of the City of Hibbing and the Town of Stuntz, shall include, but not be limited to, the plowing of snow in the winter, grading of gravel roads as the case may be, and the patching or relaying of bituminous material, as the case may be.

COUNTY OF ST. LOUIS, MINNESOTA

DD By: *Edward A. Hoff*  
645 Its \_\_\_\_\_  
AND And: \_\_\_\_\_  
                    Its \_\_\_\_\_

CITY OF HIBBING, MINNESOTA

By: *Mario M. Retica*  
                    Its Mayor  
And: *Patrick L. Hamity*  
                    Its Clerk-Treasurer

MINNESOTA MUNICIPAL BOARD

By: *Paul J. Isaacs*  
                    Its Chairman  
And: *Terrence A. Merritt*  
                    Its Executive Director

TOWN OF STUNTZ, MINNESOTA

By: \_\_\_\_\_  
                    Its \_\_\_\_\_  
And: *Kathy Husmann*  
                    Its Clerk

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS ) ss.

On this 18 day of July, 1979, before me personally appeared MARIO M. RETICA, Mayor, and PATRICK L. GARRITY, Clerk-Treasurer, of the CITY OF HIBBING, one of the Corporations named in the foregoing instrument, and acknowledged the they executed the foregoing instrument as their free act and deed on behalf of the Corporation.

Larry C. Minton  
Notary Public



LARRY C. MINTON  
Notary Public ST. LOUIS Co., Minn.  
Commission Expires Mar. 16, 1986

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1979, before me personally appeared \_\_\_\_\_, the \_\_\_\_\_, and \_\_\_\_\_, the \_\_\_\_\_, of the TOWN OF STUNTZ, one of the Corporations named in the foregoing instrument, and acknowledged that they executed the foregoing instrument as their free act and deed on behalf of the Corporation.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1979, before me personally appeared \_\_\_\_\_, the \_\_\_\_\_, and \_\_\_\_\_, the \_\_\_\_\_, of the COUNTY OF ST. LOUIS, one of the Corporations named in the foregoing instrument, and acknowledged that they executed the foregoing instrument as their free act and deed on behalf of the Corporation.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1979, before me personally appeared \_\_\_\_\_, the \_\_\_\_\_, and \_\_\_\_\_, the \_\_\_\_\_, of the MINNESOTA MUNICIPAL BOARD, and acknowledged that they executed the foregoing instrument as their free act and deed on behalf of the Board.

\_\_\_\_\_  
Notary Public

This is to certify that the preceding resolution was duly adopted at a special meeting of the Town of Stuntz Board of Supervisors on Wednesday, July 18, 1979. Larry Marsh moved the adoption of the resolution, Joe Terzich seconded the motion and upon roll call vote the following was recorded.

For adoption: Supervisor Larry Marsh  
Supervisor Joe Terzich

Against adoption: None  
and said resolution was declared duly adopted.

Adopted and dated this 18th day of July, 1979.

STATE OF MINNESOTA  
County of St. Louis  
Town of Stuntz

I hereby certify that I have compared the within instrument with the original now on file in my office, and that it is a true and correct copy of the same, and the whole thereof, and that the above is a true copy of the filing thereof.

Dated July 18 1979

Kathy Husmann  
Town Clerk

Kathy Husmann  
Clerk, Town of Stuntz

# EXHIBIT "A"

## COUNTY-STATE AID HIGHWAYS:

Road No.	Sections	Township	Range	Length
C-SAH-5	2,11,12	58	21	3.2
C-SAH-5	36	58	20	1.0
C-SAH-5	25,36	57	20	1.5
C-SAH-5	2,12,13	57	20	3.1
C-SAH-5	1,12,13,24,25,36	56	20	6.1
C-SAH-16	32,21	56	21	2.0
C-SAH-16	3,2,1	56	21	2.0
C-SAH-16	6,5,4,3,2,1	56	20	6.0
C-SAH-39	29,30	58	21	2.0
C-SAH-57	36, <sup>25</sup>	<sup>57</sup>	<sup>21</sup>	<sup>2.0</sup>
C-SAH-57	33,34,35,36	56	21	6.0
C-SAH-60	9,10,15	57	21	1.4
C-SAH-60	34,33,28	<sup>57</sup>	21	<del>2.6</del> <sup>2.5</sup>
C-SAH-63	15,14,13	57	21	3.3
C-SAH-79	29,20,17,8,5	58	21	4.9
C-SAH-79	29,32	58	21	1.4
C-SAH-79	8,5	<sup>57</sup>	<sup>21</sup>	<sup>1.5</sup>
C-SAH-92	12	<sup>57</sup>	<sup>21</sup>	<sup>1.0</sup>

total 48.5

## COUNTY ROADS:

Co. Rd. 442	32, 33, 34, 35, 36	56	20	6.0
Co. Rd. 444	5,9,10,15,14,35,26,23	56	20	8.4
Co. Rd. 451	12,1	57	20	0.4
Co. Rd. 452	24	57	20	0.5
Co. Rd. 454	12	57	20	0.5
Co. Rd. 464	3	58	21	1.0
Co. Rd. 638	2	57	20	0.5

Exhibit "A", Page 2

COUNTY ROADS:

Road No.	Sections	Township	Range	Length
Co. Rd. 642	35,36	57	20	1.5
Co. Rd. 700	5 (Kotula Rd.)	57	20	0.4
Co. Rd. 704	4 (Old 16)	56	21	0.5
Co. Rd. 763	7, 8	57	20	0.4

Total 20.1