

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Joseph P. Fogarty	Ex-Officio Member
Wesley R. Scheel	Ex-Officio Member

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 IN THE MATTER OF THE NOTICE OF )  
 INTENT FOR ANNEXATION OF CERTAIN )  
 LANDS TO THE CITY OF STILLWATER )  
 PURSUANT TO MINNESOTA STATUTES 414 )  
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ORDER FOR ALLOWANCE OF  
ANNEXATION BY ORDINANCE

WHEREAS, on October 22, 1981 copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Stillwater and an objection on the Notice of Intent was filed on November 18, 1981; and

WHEREAS, a hearing on A-3868 Stillwater before the Minnesota Municipal Board was held on Jan. 6, 1982 and continued from time to time in the City of Stillwater; and

WHEREAS, the Minnesota Municipal Board expanded the area under consideration and issued an interim order annexing the originally requested area; and

WHEREAS, the City of Stillwater wishes to annex the expanded area by ordinance and the Town of Stillwater does not oppose the procedure; and

WHEREAS, the Minnesota Municipal Board must issue an order pursuant to M.S. 414.033, Subd. 6 to allow the City of Stillwater to proceed with its annexation by ordinance;

IT IS HEREBY ORDERED; that the City of Stillwater may proceed to annex the following described property by ordinance pursuant to the procedures of M.S. 414.033:

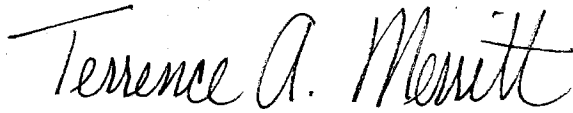
That part of the East Half of the Northwest Quarter and that part of the Northeast Quarter of the Southwest Quarter, Section Twenty-nine, Township Thirty North, Range Twenty West, Washington County, Minnesota, described as follows:

That part of the right-of-way of Boutwell Road lying Westerly of the centerline of Boutwell Road and lying Northerly of the right-of-way line of C.S.A.H. 12 and lying Easterly of the Easterly line of the tract described in Book 323 of Deeds, page 922, recorded in the office of the County Recorder, Washington County, Minnesota.

IT IS FURTHER ORDERED; that this order is effective on October 12, 1982.

Dated this 12th day of October, 1982.

MINNESOTA MUNICIPAL BOARD  
 165 Metro Square Building  
 Saint Paul, Minnesota 55101



Terrence A. Merritt  
 Executive Director

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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IN THE MATTER OF THE NOTICE OF )		
INTENT FOR THE ANNEXATION OF )		<u>FINDINGS OF FACT,</u>
CERTAIN LAND TO THE CITY OF )		<u>CONCLUSIONS OF LAW,</u>
STILLWATER PURSUANT TO MINNESOTA )		<u>AND ORDER</u>
STATUTES 414 )		

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 as amended, on January 6th, 1982, and continued from time to time at Stillwater, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Robert W. Johnson and Kenneth F. Sette, members of the Municipal Board, and County Commissioners Joseph Fogarty and Wesley Scheel, ex-officio members of the board. The City of Stillwater appeared by and through David Magnuson, the Town of Stillwater appeared by and through William Jepsen, and property owners Lecuyer and Reichow appeared by and through Donald Raleigh. 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

I. On October 22nd, 1981, a copy of a notice of intent to annex was filed with the Minnesota Municipal Board by the City of Stillwater. The notice of intent contained all the information required including a statement that the area proposed for annexation is 60% or more bordered by the city and 40 acres or less and a description of the territory subject to the annexation which is as follows:

That part of the East Half of the Northwest Quarter (E½ of NW¼) and that part of the Northeast Quarter of the Southwest Quarter (NE¼ of SW¼) of Section Twenty-nine (29), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota lying southerly of the southerly right-of-way line of the abandoned Minneapolis-St. Paul and Suburban Railway Company and lying northerly of the northerly right-of-way line of C.S.A.H. 12, and lying easterly of the center line of Boutwell Road and lying easterly of the easterly line of the tract described in Book 323 of Deeds, page 922, recorded in the Office of the County Recorder, Washington County, Minnesota containing 29.40 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Stillwater Township on November 18th, 1981. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, subd. 3 and 4 as required by M.S. 414.033, subd. 3.

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

III. On June 28th, 1982, the Minnesota Municipal Board moved to expand the area under consideration to the following described property:

That part of the East Half of the Northwest Quarter (E $\frac{1}{2}$  of NW $\frac{1}{4}$ ) and that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-nine (29), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota lying southerly of the southerly right-of-way line of the abandoned Minneapolis-St. Paul and Suburban Railway Company and lying northerly of the northerly right-of-way line of C.S.A.H. 12, and lying easterly of the westerly right-of-way of Boutwell Road and lying easterly of the easterly line of the tract described in Book 323 of Deeds, page 922, recorded in the office of the County Recorder, Washington County, Minnesota, containing 29.40 acres, more or less.

The remainder of this order deals only with the property described in Findings of Fact I, and does not dispose of the entire expanded area. The area dealt with in the remainder of these Findings of Fact, Conclusions of Law, and Order shall be described as "Area Subject to Annexation".

IV. The area subject to annexation is unincorporated, approximately 29.4 acres in size and abuts the City of Stillwater by 72% of its border. The City of Stillwater is approximately 4,109.41 acres in size.

V. The general topography of the area subject to annexation is hilly, with approximately 77 feet of relief. The area contains several small ponds. The drainage patterns of the area are to the north and east, into the City of Stillwater and towards the St. Croix River. There are no rivers, lakes or major bluffs within the area subject to annexation. There are no natural features of peculiar or extraordinary significance.

Approximately one acre of land is marsh, being a backwater of McKusick Lake and is protected by the Minnesota Department of Natural Resources.

There are no commercial forests, mineral resources, historic sites, or archeological sites.

The property proposed for annexation contains pockets of prime agricultural land that amounts to approximately 15% of the area proposed for annexation, however, due to the irregular location of the pockets and the adjacent steep slopes, the area is impractical to farm.

VI. The population of the City of Stillwater in the year 1980 was 12,290 people. The present estimated population of the City of Stillwater according to the April 1st, 1980, Metropolitan Council estimate is 12,150 people. The Metropolitan Council forecasts that by the 1990's the City of Stillwater will have a population of 13,900 people.

VII. In the area subject to annexation there are six permanent residents.

VIII. The population of the Town of Stillwater in the 1980 census was 1,599 persons.

IX. The City of Stillwater has approximately 16 acres in apartment and nursing home use, 14 acres in duplex use, 3.9 acres in three/four unit use, and 1,408.21 acres in single family use, 139 acres in commercial use, 161.4 acres in industrial use, 1.3 acres in utility use, 30 acres in railroad use, 161.9 acres in school related use, 14.2 acres in county land use, 1.2 acres in federal land use, 21.7 acres in state land use, 275.39 acres in city related use (with 143.7 acres of that in park use), 327.75 acres in semi-public use, 822.05 acres in public street use, 584 acres are waterbodies, and 127.41 acres in institutional type use.

X. Of the residential acreages listed, all of it is included that is already developed and that is zoned residential but not developed. All but 64 of those acres are either developed or in the process of having the full range of municipal services extended to it.

Of the total of commercial/industrial acreage listed, 208 acres is within the orderly annexation area and is being developed as a mixed area of commercial and industrial uses.

XI. In the area subject to annexation the land is intended for residential use. Presently, two residential structures are located upon the land.

XII. The Town of Stillwater which contains approximately 18 square miles of land is primarily used as residential with most of its land zoned for residential or agricultural uses.

XIII. The City of Stillwater currently has in effect zoning and subdivision regulations, a City Zoning Map, Comprehensive Sewer Plan, Comprehensive Water Main Base Map, a Graphic of the City Policy on Expansion, City Neighborhood Structure Plan Map, a Graphic showing Potential Future Boundaries of the City, General City Plan and Neighborhood Map, and a Comprehensive City Plan. The City of Stillwater has adopted the Uniform Building Code.

The City of Stillwater employs a Building Official, and has a full-time Public Safety Director whose position has the supervisory capability over both the Police Department and the Fire Department. The city also employs a full-time Coordinator/Financial Director. The city supplements its staff by employing a

Consulting Engineer, Consulting Planner and by using the services, from time to time, of the Washington County Planning Department. The City also has a Parks and Recreation Department.

The City of Stillwater has a Comprehensive City Code.

XIV. A city street is presently being developed on the east portion of the area proposed for annexation. The street will service land within the city north of the area proposed for annexation, as well as having the capacity of serving development within the area subject to annexation.

XV. The Town of Stillwater provides fire protection to its residents through a contract with the City of Stillwater. Police protection for the township is provided by the Washington County Sheriff's Office.

XVI. The City of Stillwater currently provides its residents with the following listed services, all of which it is willing to provide to the area subject to annexation:

(1) There is a complete municipal water department that is operated independently as a branch of the municipal government of the City of Stillwater.

(2) The City of Stillwater is the owner of laterals and interceptors providing complete sanitary sewer service and storm sewer service to the City of Stillwater. The laterals and interceptors, owned by the City, empty into a Metropolitan Waste Control Commission Sewer Plant located in the City of Stillwater. The sewer plant was constructed by the City of Stillwater in 1959 and has subsequently been expanded and its capacity increased and acquired by the Metropolitan Waste Control Commission. This system has allocated adequate capacity to serve the area subject to annexation.

(3) The City of Stillwater has a Fire Department that is comprised of full-time and part-time help, with two men on duty 24 hours a day. The reserve capacity of the Fire Department is complemented by approximately 30 volunteers. The Fire Department has four pumpers, a ladder truck, a rescue truck, a tanker truck, and pickup trucks for the handling of small grass fires. (Its fire rating is a Class Five.)

(4) The Police Department of the City of Stillwater is comprised of 16 full-time policemen along with 12 part-time officers. The Police Department has five marked squad cars and two unmarked cars and is connected to the Washington County Emergency Communications System which is a central clearing house for radio messages operated by the Washington County Sheriff's Office.

(5) There is a regular Street Improvement Plan for the City of Stillwater wherein streets are sealcoated on a regular basis and needed improvements are made

according to a Street Maintenance and Improvement Plan.

(6) Recreational facilities of the City of Stillwater include varied parks, including Lowell Park adjacent to the St. Croix River in downtown Stillwater, and Pioneer Park located on the North Hill of Stillwater; a large ice arena which provides indoor ice facilities to various hockey teams and figure skating groups throughout the Washington County area. These facilities are managed by a Parks and Recreation Department.

(7) The City of Stillwater has a public library which recently has undergone a large renovation.

(8) Additional administrative services are provided in the City Hall of the City of Stillwater which houses a number of offices, including that of a full-time City Coordinator/Finance Director and the City Clerk.

XVII. The City of Stillwater amended its Comprehensive Plan to allow for the provision of sewer service to the area proposed for annexation. With the plan amendment, the Metropolitan Council found no problem of capacity with the annexation of the area subject to annexation.

XVIII. Minnesota State Highways No. 95, 96 and 36 converge at Stillwater and provide easy access to the Metropolitan area. The City of Stillwater is served by the Metropolitan Transit buses. There is a local bus and local taxi company with radio equipped vehicles. The City currently has 3.87 miles of highways, 5.40 miles of county roads, and 50.45 miles of streets.

XIX. The area subject to annexation access is presently available onto County Road 12 on the south, with a new street being laid out and improved on the east portion of the area subject to annexation. The portion of the area subject to annexation abuts Butwell Road on its westerly boundary.

XX. In the City of Stillwater the tax base includes the following present valuation (assessed value used):

(1) Residential property assessed in 1981 payable in 1982 was established at \$41,154,231.

(2) Commercial property assessed in 1981 payable in 1982 was established at \$9,313,866.

(3) Industrial property assessed in 1981 payable in 1982 was established at \$757,782.

(4) Agricultural property assessed in 1981 payable in 1982 was established at \$170,747.

(5) Personal property assessed in 1981 payable in 1982 was established at \$1,509,696.

XXI. In the Township of Stillwater the tax base includes the following Present Valuation (assessed values used):

(1) Residential property assessed in 1981 payable in 1982 was established at \$8,288,606.

(2) Commercial property assessed in 1981 payable in 1982 was established at \$182,754.

(3) There was no industrial property located in the Township, and therefore, it was assessed at zero.

(4) Agricultural property assessed in 1981 payable in 1982 was established at \$1,125,010.

(5) Personal property assessed in 1981 payable in 1982 was established at \$19,522.

XXII. In the area subject to annexation the tax base includes residential property assessed in 1981 payable in 1982 established at \$71,444.

XXIII. Tax Data:

(1) Mill Rate Trends:

		<u>Payable</u> <u>1976</u>	<u>Payable</u> <u>1977</u>	<u>Payable</u> <u>1978</u>	<u>Payable</u> <u>1979</u>	<u>Payable</u> <u>1980</u>	<u>Payable</u> <u>1981</u>	<u>Payable</u> <u>1982</u>
City of	Urban:	23.24	24.80	32.45	31.44	27.92	25.160	24.169
Stillwater	Rural:	4.74	7.51	11.50	10.71	9.25	9.019	8.589
	"B" Annex:		11.23	17.32	21.42	23.57	22.100	-0-
	"C" Annex:			12.31	16.42		14.776	17.464
	"D" Annex:							10.760
	"F" Annex:							7.408
		<u>Payable</u> <u>1976</u>	<u>Payable</u> <u>1977</u>	<u>Payable</u> <u>1978</u>	<u>Payable</u> <u>1979</u>	<u>Payable</u> <u>1980</u>	<u>Payable</u> <u>1981</u>	<u>Payable</u> <u>1982</u>
Stillwater	Township	7.26	7.58	7.28	6.40	6.18	7.452	7.408
School	District 834	59.40	59.93	58.09	54.24	51.31	42.226	49.839
Washington City:		24.85	23.82	23.08	23.92	25.05	24.725	22.769
County Township:		26.08	25.15	24.50	25.32	26.72	26.330	24.293

(2) Bonded Indebtedness:

(a) City of Stillwater - \$12,637,000 outstanding on the year ended December 31, 1981.

(b) Township of Stillwater - \$66,000 outstanding on the year ended December 31, 1979.

XXIV. Annexation of the area subject to annexation to the City of Stillwater is in the best interest of the land subject to annexation.

XXV. The area subject to annexation is in the general area planned for expansion of the City of Stillwater, under existing regional and local plans.

XXVI. The City of Stillwater is ready and willing to accept the responsibility of extending municipal services to the area subject to annexation.

XXVII. The annexation of the area subject to annexation to the City of Stillwater will have no significant adverse affect on the town or any of its residents.

XXVIII. The Town of Stillwater is unable to deliver a full range of municipal services to the area subject to annexation.

XXIX. The City of Stillwater is the only municipality adjacent to the area subject to annexation and therefore there are no adjacent municipalities to be affected by the annexation of the area subject to annexation.

XXX. All necessary governmental services can best be provided to the area subject to annexation by its annexation to the City of Stillwater.

XXXI. There is no evidence that the annexation of the area subject to annexation to the City of Stillwater will have any adverse affect on the Independent School District No. 834, which is the only school district within the area.

#### 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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. Municipal government is required to protect the public health, safety and welfare in the area subject to annexation.

IV. The best interests of the area subject to annexation will be furthered by annexation.

V. The remainder of the Town of Stillwater can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in values for the City of Stillwater and the value of benefits conferred upon the area subject to annexation.

VII. The 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.



VIII. Two years will be required to effectively provide full municipal services to the annexed area.

IX. This Minnesota Municipal Board order is not subject to an annexation election.

X. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact I, herein, and retaining jurisdiction on the remaining property described in Findings of Fact III, herein.

ORDER

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact I and the same is hereby annexed to the City of Stillwater, Minnesota the same as if it had been originally a part thereof and the Minnesota Municipal Board retains its jurisdiction on the remaining area described in Findings of Fact III.

II. IT IS FURTHER ORDERED: That the population of the City of Stillwater is increased by six.

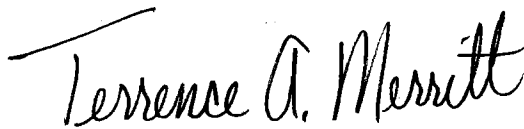
III. IT IS FURTHER ORDERED: That the population of the Town of Stillwater is decreased by six.

IV. IT IS FURTHER ORDERED: That the mill levy of the City of Stillwater and the property herein ordered annexed shall be increased in substantially equal proportions over a period of two years to equality with the mill levy of the property already within the City.

V. IT IS FURTHER ORDERED: That the effective date of this order is September 15, 1982.

Dated this 13th day of September, 1982.

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



Terrence A. Merritt  
Executive Director

M E M O R A N D U M

In approving the annexation of the originally petitioned for land, the Minnesota Municipal Board notes that the City of Stillwater had to amend its Comprehensive Plan to avoid objection by the Metropolitan Council. In approving the Plan Amendment the Metropolitan Council made the following recommendation:

That the City of Stillwater be advised that with the 1990 development projected in this Plan Amendment, Stillwater will reach its allocated 1990 sewer capacity and any further development or annexation could represent an impact on the metropolitan disposal system.

The Municipal Board strongly urges the City of Stillwater to review and heed that recommendation.