

RESOLUTION NO. 1985-11-216

DEC 3 1985

IN THE MATTER OF THE PETITION OF
THE CITY OF ST. CLOUD FOR ANNEXATION OF
CERTAIN UNINCORPORATED PROPERTY

WHEREAS, there are lands abutting the corporate limits of the City of St. Cloud which are urban or suburban in character and qualify for annexation to the City; and

WHEREAS, the City Council of the City of St. Cloud heretofore directed the City Attorney to recommend to the Council a proper course of action to annex said lands to the City; and

WHEREAS, the City Attorney has proposed a course of action to the Council.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CLOUD,
MINNESOTA:

1. That the following described tracts of land located in St. Cloud Township, Minnesota, are deemed to be urban or suburban in character and qualify for immediate annexation:

All that part of Township 124N, Range 28W, Stearns County, Minnesota, described as follows, to-wit:

All that part of said Township that lies northerly and westerly of the thread of the Sauk River LESS AND EXCEPT that portion thereof that lies within the present corporate limits of the City of St. Cloud.

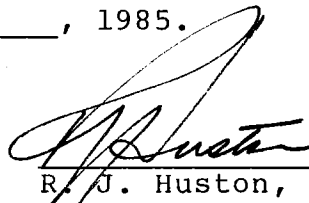
Together with that part of said Township that lies southerly of the present corporate limits of the City of St. Cloud, easterly of the centerline of Minnesota State Trunk Highway No. 15, and westerly of the centerline of Stearns County Road No. 75 (formerly known as Minnesota State Trunk Highway No. 152), LESS AND EXCEPT the Southwest Quarter (SW 1/4) of Section 27, the Southeast and Southwest Quarters (SE 1/4) and (SW 1/4) of Section 28, all of Section 33, the Northwest, Southwest and Southeast Quarters (NW 1/4), (SW 1/4) and (SE 1/4) of Section 34, and that part of Section 32 and the Southeast Quarter

(SE 1/4) of Section 29 that lie easterly of the centerline of Minnesota State Trunk Highway No. 15.

And together with that part of said Township described as follows, to-wit: That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 21 that lies northerly and westerly of the centerline of Minnesota State Trunk Highway No. 15.

2. That the annexation is in the best interests of the property proposed for annexation.
3. That annexation is necessary in order to protect the public health, safety and welfare of those living on the property proposed for annexation.
4. That annexation would allow the City of St. Cloud to efficiently provide public services and facilities to the property proposed for annexation.
5. That annexation would prevent wasteful, inefficient land use planning and suburban sprawl.
6. The names of all parties entitled to notice pursuant to Minnesota Statutes 414.09 are as follows:
 - a. St. Cloud Township
 - b. City of Waite Park
 - c. St. Joseph Township
 - d. LeSauk Township
 - e. St. Augusta Township
 - f. Stearns County
 - g. St. Cloud Township Planning Commission
 - h. St. Cloud Area Planning Organization
 - i. Stearns County Planning Commission

Adopted this 25 day of Nov, 1985.



R. J. Huston, Mayor

Attest: 

R. M. Grasslin, City Clerk

RECD. BY DEC 3 1985
DEC 1985

IN THE MATTER OF THE PETITION OF
THE CITY OF ST. CLOUD FOR ANNEXATION OF
CERTAIN UNINCORPORATED PROPERTY

The City of St. Cloud, Minnesota, the annexing municipality, hereby requests the Minnesota Municipal Board to annex certain properties herein described to the City of St. Cloud and hereby alleges and petitions the Board as follows:

I.

That petitioner is the City of St. Cloud, a duly incorporated municipality under the laws of the State of Minnesota.

II.

The description of the area proposed for annexation, all situated in Stearns County, Minnesota, is as follows:

All that part of Township 124N, Range 28W, Stearns County, Minnesota, described as follows, to-wit:

All that part of said Township that lies northerly and westerly of the thread of the Sauk River LESS AND EXCEPT that portion thereof that lies within the present corporate limits of the City of St. Cloud.

Together with that part of said Township that lies southerly of the present corporate limits of the City of St. Cloud, easterly of the centerline of Minnesota State Trunk Highway No. 15, and westerly of the centerline of Stearns County Road No. 75 (formerly known as Minnesota State Trunk Highway No. 152), LESS AND EXCEPT the Southwest Quarter (SW 1/4) of Section 27, the Southeast and Southwest Quarters (SE 1/4) and (SW 1/4) of Section 28, all of Section 33, the Northwest, Southwest and Southeast Quarters (NW 1/4), (SW 1/4) and (SE 1/4) of Section 34, and that part of Section 32 and the Southeast Quarter (SE 1/4) of Section 29 that lie easterly of the centerline of Minnesota State Trunk Highway No. 15.

And together with that part of said Township described as follows, to-wit: That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 21 that lies northerly and westerly of the centerline of Minnesota State Trunk Highway No. 15.

III.

The property proposed to be annexed abuts the city limits of the petitioner, is not a part of any other municipality, and is all situated within St. Cloud Township, Stearns County.

IV.

The parties entitled to notice under Minnesota Statutes 414.09 are as follows:

1. St. Cloud Township.
2. City of Waite Park
3. St. Joseph Township
4. LeSauk Township
5. St. Augusta Township
6. Stearns County
7. St. Cloud Township Planning Commission
8. St. Cloud Area Planning Organization
9. Stearns County Planning Commission

V.

The reasons for requesting annexation are as follows:

1. That the property proposed for annexation is deemed to be urban or suburban in character and qualifies for immediate annexation.
2. That the annexation is in the best interests of the property proposed for annexation.
3. That annexation is necessary in order to protect the public health, safety and welfare of those living on the property proposed for annexation.

4. That annexation would allow the City of St. Cloud to efficiently provide public services and facilities to the property proposed for annexation.
5. That annexation would prevent wasteful, inefficient land use planning and suburban sprawl on the municipal periphery.

VI.

That attached hereto as Exhibit A is a corporate boundary map of the City of St. Cloud, that attached hereto as Exhibit B are plat maps, that attached hereto as Exhibit C is a corporate boundary map showing the area to be annexed, and that attached hereto as Exhibit D is a certified copy of the Resolution of the City of St. Cloud supporting such annexation.

WHEREFORE, petitioner prays that following notice and hearing as required by law, the Board issue its order on annexation in accordance with this petition and set a date for the annexation election.

DATED: This 25 day of Nov., 1985.

CITY OF ST. CLOUD

BY: 

Mayor

Attest: 

City Clerk

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Whereas, the City Of St. Cloud (hereinafter "city") and the Town Of St. Cloud (hereinafter "Town") have been and are presently, in controversy, over the desire of the city to annex certain portions of the Town.

Whereas, the Town had held informational meetings for the residents and property owners of said portions of the Town, which the city wishes to annex.

Whereas, signatures of fifteen hundred residents on petitions against annexation were presented.

Whereas, the Town provided a five page informational bulletin depicting the attitude and procedures to be followed by the Town representatives. Whereas such position was purported to be true and consistent right up to the time of the signing of an agreement between the board and the city.

Whereas, at approximately five fifteen, on the twenty second day of April, nineteen eighty six, after several days of secret negotiations the Town board signed an agreement which is highly suspect of malfeasance of office, displaying a conflict of duty and actions, resulting in personal benefit. Whereas the conspiracy between the city and the Town board was done in such a way, and in such a time frame, as to obscure the true issues and desires of the citizens thereby denying the affected citizens a fair and just hearing before this board.

Whereas, we the citizens of the Town, have attorneys investigating the removal of the members of the board from office we petition the board to consider the presented agreement as an agreement between three citizens and the city. These signatures should, under the circumstances represent no one but their owners.

Whereas, we petition the board to extend a hearing to the citizens that would be affected by the annexation, at a time we can attend and thereby receive the information that you came to St. Cloud To get.

TO: Residents of St. Cloud Township

By now, most of you have probably heard about the petition by the City of St. Cloud to the Minnesota Municipal Board to annex large portions of the Town of St. Cloud. This memorandum addresses some of the more commonly asked questions by Town residents concerning the City's annexation attempt.

Q. What areas of the Town is the City seeking to annex?

A. The City is seeking to annex all of the Town areas north and northwest of the Sauk River, and most of the areas in the south part of the Town lying between County Road 75 and State Highway 15. (A map of this area is attached) This amounts to about 4600 acres, or about 40% of the Town's area, and most of its residential subdivisions. To put it in further perspective, the City is seeking to annex an area of the Town equal to about one-half of the size of the current City boundaries, a substantial land grab by the City.

Q. If the City succeeds in annexing my area of the Town, what effect will that have on my property taxes?

A. Your property taxes will go up substantially if the City annexes the area of the Town in which you reside. In 1986, for example, the total mill rate in the City of St. Cloud is 118.483, while the total mill rate in St. Cloud Township is 93.321 -- a difference of 25 mills between the City and Township. This translates to a property tax difference as follows:

For a \$60,000.00 house, the property taxes would be \$126 more for a City house than one in the Town. For an \$80,000 house, the price difference between the City and the Town is \$344 more in the City. For a \$100,000 home, the difference is \$490 more for the house in the City than in the Town. The tax percentage increase goes higher as the land value goes higher, since the homestead credit effect stops at \$67,000.

Q. But won't I get more services for my increased property taxes if the City annexes my area?

A. Not really. Currently, the Town provides its residents with a very good Fire Department, which has two fire station facilities, the same number as the City's. Also, the Town employs constables for police protection that adequately supplements the protection offered by the Stearns County Sheriff's Department, as well as full-time road maintenance crews, a park system, a fully licensed and qualified building inspector and assessor, and a very responsive, efficient group of Town officers, who put many hours into providing conscientious, cost-effective governmental services for Town residents. On the other hand, the City of St. Cloud has, at last count, 323 employees, which is one of the highest numbers of full-time staff members per capita of any city in the state. Yet, it is highly questionable whether the Town residents would receive any more responsiveness and service from the

current City personnel than the Town residents receive from the Town. One thing is certain, however: the residents will pay a lot more to the City for a level of services that they are currently receiving from the Town.

Q. Won't I receive sewer, water, and other services from the City through my increase of property taxes?

A. No. Any sewer, water, sidewalk, curb, gutter, or like services promised to Town residents by the City by virtue of annexation, will have to be paid by each individual property owner through additional special assessments. The City itself has calculated that these special assessments for sewer, water, and other services would be approximately \$31,500 per acre. The average Town lot is about one-third acre in size, so individual subdivision owners are looking at an additional special assessment of about \$10,000 per average-sized lot, in addition to the great increase in property taxes if the City were to annex. In addition, the City normally charges individual property owners a "hook-up" fee for hooking up to the City-controlled water and sewer system. This fee can run in the thousands of dollars, depending on the size of the lot and the use (i.e., residential, commercial, etc.).

Q. Isn't my \$10,000 to \$15,000 or more in assessments and hook-up fees worthwhile for sewer and water services?

A. No. The vast majority of Town residents have adequate wells and septic systems. According to the Town Engineer, a registered civil engineer, individual sewage treatment systems are just as effective as hooking up to a centralized area wastewater treatment system if the septic systems are properly built and adequately maintained. The Town has a stringent ordinance regulating the construction of septic systems, which has proved to be a very successful method of handling wastewater in the Town. Furthermore, the vast majority of Town residents have experienced no problems with the existing sources of well water to meet their needs.

Q. But isn't living in the Town and using City services kind of unfair?

A. It is no more unfair than for City residents to use Town roads and facilities for shopping and other needs available in the Town. Actually, the City of St. Cloud benefits greatly from the individuals residing outside of the City in the Town and elsewhere, who patronize businesses, restaurants, and other City facilities, and help support the payment of the substantial property taxes the City receives from these facilities. Also, Town residents pay their fair share of fees to the City for the use of the City parks and other recreational facilities.

Q. What can I do about this annexation question? Will anyone listen to my views?

A. The Minnesota Municipal Board is a state agency that is in charge of hearing the City's and Town's arguments for and against the City's annexation petition.

The Board will be holding hearings in the St. Cloud area on April 23, 24, and 25 on this question. The location of the hearing will be the National Guard Armory on 8th Street North (east of 25th Avenue North). An evening session will be planned during that time.

There will be a 5 member panel hearing the matter for the Municipal Board: 3 Board members and 2 County Commissioners. The public is welcome and invited to attend the Municipal Board hearings and to present their views on the matter.

Q. What if the Municipal Board votes to allow annexation of all or part of an area of the Town? Is that the end of the matter?

A. No. The Town residents affected by the proposed annexation will be allowed to vote for or against the annexation at a special election, to be held if the Municipal Board finds that annexation should take place. In other words, the people have the last word on the matter. Even if the Municipal Board feels that an annexation of all or some of the Town should take place, if the people vote against it, the matter is over and no annexation will take place. There would be a waiting period of at least two (2) years before another annexation petition could be filed again.

Q. If annexation takes place as proposed by the City, what will be the effect on the residents left in the Town?

A. Annexation will undoubtedly result in higher taxes to all Town residents left in the Town, since there will be less people available to support the necessary police, fire protection, road maintenance, and other services provided by the Town. This is why it is important for every Town resident to be involved with the annexation question. It impacts on all Town residents, whether or not they reside or work in the proposed area for annexation.

****REMEMBER****

APRIL 23, 24, and 25 MUNICIPAL BOARD HEARING, NATIONAL GUARD ARMORY, 8th STREET NORTH.

CONTACT PERSONS FOR QUESTIONS

DeWayne F. Mareck, Clerk
1422 Poppy Road
St. Cloud, MN 56301
251-3152

Marlyn Libbesmeier, Chairman
Town Board of Supervisors
Route 7
St. Cloud, MN 56301
251-1371

Harold J. Salzer, Treasurer
Rural Route 7
St. Cloud, MN 56301
251-9031

Eugene Case, Supervisor
1211 50th Avenue North
St. Cloud, MN 56301
252-6840

HALL, BYERS, HANSON, STEIL &
WEINBERGER, P.A.
Town Attorneys
Edward J. Laubach, Jr.
Frank J. Kundrat, Jr.
Dorrie Mund - Legal Assistant
921 First Street North
P.O. Box 966
St. Cloud, MN 56302
252-4414

Gaston Rheaume, Supervisor
Route #3
St. Cloud, MN 56301
252-4541

YOU MAY WISH TO CALL OR WRITE THE FOLLOWING INDIVIDUALS:

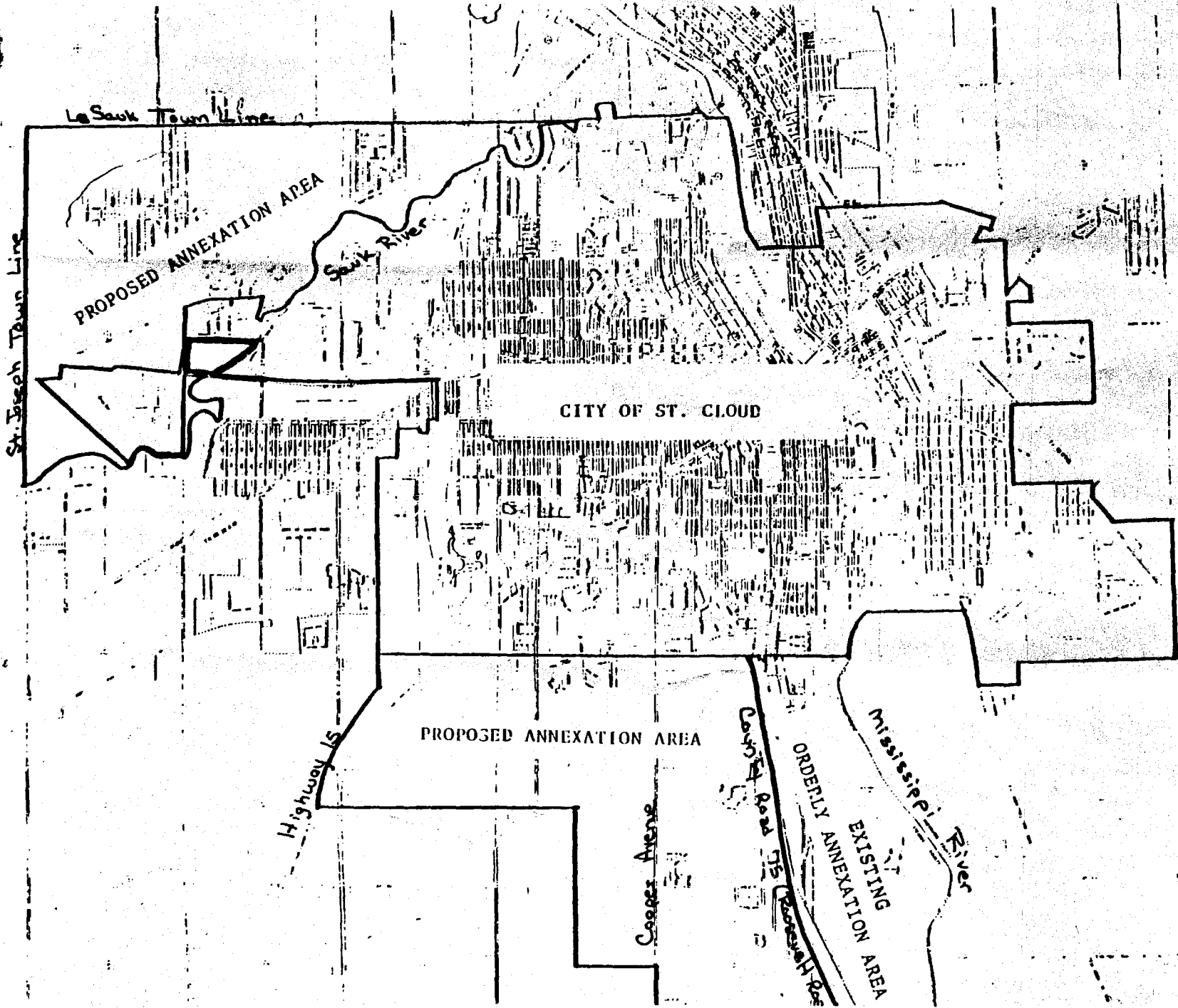
State of Minnesota Municipal Board -
Suite 165 Metro Square
7th and Robert Streets
St. Paul, MN 55101
612-296-2428

Kenneth F. Sette, Chair
Richard A. Sand, Vice Chair
Shirley Mihelich, Commissioner

COUNTY COMMISSIONERS SITTING ON MUNICIPAL BOARD
FOR ANNEXATION HEARING

Meinrad Torborg
Route #1
Cold Spring, MN 56320
612-685-3338

Henry J. Dickhaus
635 North 5th Avenue East
Melrose, MN 56352
612-256-3507



La Sauk Town Line

PROPOSED ANNEXATION AREA

Sauk River

CITY OF ST. CLOUD

PROPOSED ANNEXATION AREA

Highway 13

Cooper Avenue

Highway 55

EXISTING ANNEXATION AREA

Mississippi River