

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
George Doyle	Ex-Officio Member
Alvin Grams	Ex-Officio Member

IN THE MATTER OF THE PETITION OF THE)
 CITY OF WASECA FOR THE ANNEXATION OF)
 CERTAIN LAND TO THE CITY OF WASECA)
 PURSUANT TO MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER
AND MEMORANDUM OF OPINION

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 4, 1989, at Waseca, Minnesota, and was continued from time to time. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, Kenneth F. Sette, Commissioner, and County Commissioners Alvin Grams and George Doyle, Ex-Officio Members of the Board. The City of Waseca appeared by and through John McLoone IV, City Attorney, the Town of Woodville appeared by and through Tim Marx, Attorney at Law, and Kiesler Campgrounds appeared by and through John M. Riedy, Attorney at Law. 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 October 7, 1988, a resolution of the annexing municipality was

received by the Municipal Board requesting the board to order annexation. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

S1/2 of Section 4, Twp 107-N, Range 22-W

S1/2 of Section 5, Twp 107-N, Range 22-W

S1/2 of Section 6, Twp 107-N, Range 22-W

Section 7, Twp 107-N, Range 22-W

Section 8, Twp 107-N, Range 22-W

E1/2 of Section 9, Twp 107-N, Range 22-W

W 332.67 ft of NW1/4 of NW1/4, Section 10, Twp 107-N, Range 22-W

The Knoll, Waseca County, Minnesota

Section 16, Twp 107-N, Range 22-W

SE1/4 of Section 17, Twp 107-N, Range 22-W

Commencing at the Northwest corner of Government Lot 4 in Section 18, Township 107 North of Range 22 West, running thence South 22 1/2 rods, thence East 36 3/4 rods to Loon Lake, thence in a Northwesterly direction along the shore line of said Loon Lake to a point directly 11 rods East of the point of beginning, thence West 11 rods to the point of beginning, in Waseca County, Minnesota, except for the following described property: beginning at a point 242.28 ft South and 33.9 ft South 76° 30' East of the NW corner Section 18; thence South 76° 30' East 153 ft, thence North 77.13 ft, thence South 76° 30' East 124.35 ft to edge of Loon Lake, thence Southeasterly along the shore of Loon Lake to the North line of U.S. Hwy 14 right of way, thence North 76° 30' West 606.37 ft, thence North 100 ft to point of beginning. Containing 1.37 ac.

E1/2 of the NE1/4 of Section 19, Twp 107-N, Range 22-W

N1/2 of Section 20, Twp 107-N, Range 22-W

N1/2 of Section 21, Twp 107-N, Range 22-W

W 28 ac. of NE1/4 of SW1/4 of Section 21, Twp 107-N, Range 22-W (Woodville Estates #1 and #2)

EXCEPT: Beginning on the east and west center line of Section 7, Township 107, Range 22, at the intersection of the east line of the

Right of Way of the Mpls. and St. Louis Railway Company, thence east along said center line 897 feet, to the west line of First Street thence north 830 feet on a line parallel with the west line of First Street of the City of Waseca, Minn., thence west to the east line of the Right of Way of said Railway Company on a line parallel to the east and west center line of said Section 7, thence southeasterly along said Right of Way to the place of beginning, containing 20 acres more or less, except the following described property: Commencing at a point on the east line of the Right of Way of the Minneapolis and St. Louis Railway Company 365 feet north of the east and west center line of Section 7, in Township 107, Range 22; thence east on a line parallel with said east and west center line to the west line of First Street, now 2nd Street N.W. of the City of Waseca, Minn., if extended, thence north on a line with the west line of said First Street, if extended, 465 feet; thence west to the east line of the Right of Way of said Railway Company on a line parallel to the east and west center line of said Section 7, thence southeast along said Right of Way to place of beginning, containing 12 acres more or less, together with the reversioner's interests and rights including the right to re-enter upon breach of condition and the right to construct, install, maintain and repair a 6" tile drain, as described and set forth in that certain Warranty Deed dated the 27th day of June, 1952, and recorded in Book 48 of Deeds, at page 157, office of Register of Deeds, Waseca County, Minnesota.

2. Due, timely and adequate legal notice of the hearing was published, served, and filed.
3. The area proposed for annexation is unincorporated, approximately 2,630 acres in size, and abuts the city of Waseca by approximately 50 percent of the annexation area's border.
4. The City of Waseca had a population of approximately 6,879 in 1970, approximately 8,219 in 1980, and has a current population of approximately 8,593. It is projected that in five years the City of Waseca will have a population of approximately 8,860.
5. The Town of Woodville had a population of approximately 996 in 1970, approximately 1,176 in 1980, and has a current population of approximately 1,343.
6. The area proposed for annexation had an approximate population in 1970 of between 351 and 590 people, in 1980 it had an approximate population

between 555 and 700, and its current population is estimated to be between 648 by the City of Waseca and 764 by the Town of Woodville.

7. There are approximately 214 residences located in the area proposed for annexation. Based on the city's estimated population, the average population of a household in the area proposed for annexation is 3.02+ and based on the town's estimated population the average population of a household in the area proposed for annexation is 3.57. The average population per household would be approximately 3.3.

8. The area proposed for annexation includes Clear Lake, Rice Lake, Loon Lake, and the city's storm water diversion marsh, Gaiter Lake. Approximately 600 - 700 acres of the area proposed for annexation is within the Crane Creek Watershed. The area proposed for annexation has soils of the Lester, Le Sueur, Cordova, and Webster Association types. The area proposed for annexation has gentle undulation to rolling soils on short slopes with low knolls as well as low hills. Additionally, there are some natural and man made pot holes which are used for duck habitat.

9. The City of Waseca is approximately 4,352 acres in size.

10. The City of Waseca has approximately 3,400 acres in residential use, approximately 332 acres in institutional use, approximately 222 acres in commercial use, approximately 194 acres in industrial use, approximately 154 acres in agricultural use, and approximately 50 acres of vacant land. Of the approximately 204 acres of land in agricultural use or vacant land, approximately 104 acres are wetlands and not available for development.

11. The Town of Woodville has approximately 1,300 acres in residential use, approximately 900 acres in institutional use, approximately 250 acres in commercial use, approximately 10 acres in industrial use, approximately 17,022

acres in agricultural use, and approximately 678 acres of vacant land.

12. The area proposed for annexation has approximately 471 acres in residential use, approximately 214 acres in institutional use, approximately 215 acres in commercial use, approximately 9 acres in industrial use, approximately 1,543 in agricultural use, and approximately 178 acres in vacant land.

13. In the area proposed for annexation, approximately 208 acres of land for residential use is located within the subdivisions of the Knoll, the Highlands and Woodville Estates. The Highland Subdivision is approximately 2/3rd's of a mile by road from the City of Waseca, and the Woodville Estate Subdivision is approximately .92 of a mile by road from the City of Waseca. The Knoll Subdivision is approximately 1.25 miles by road from the present city limits.

14. The City of Waseca provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, including an on-staff limnologist, recreational opportunities, library service, an airport, electrical service, hospital, ambulance, and senior transit.

The City of Waseca presently provides the area subject to annexation with fire protection through a contract with the Town of Woodville. Participants in recreational opportunities within the City of Waseca pay the same cost whether they are residents of the Town of Woodville or the City of Waseca.

Approximately 15% of those involved in recreational programs are from outside of the city, but within the school district that serves both the City of Waseca and the area proposed for annexation.

15. The Town of Woodville provides its residents with fire protection through a contract with the City of Waseca, street maintenance, and the administrative services of the township officers.

16. The Town of Woodville does not have a central sanitary sewer collection and disposal system. The Town of Woodville does not currently have a central water distribution system.

17. The Town of Woodville does not have any present plans to develop either a central sanitary sewer system or a central water distribution system.

18. The City of Waseca has a comprehensive plan, zoning ordinance, subdivision regulation, official map, capital improvements program and budget, shoreline ordinance, fire code, and sanitation ordinance.

The City of Waseca land use controls allows keeping farm animals within the city limits in certain zones.

The City of Waseca does not presently have a campground ordinance.

The City of Waseca has a lake management program.

19. The City of Waseca police provides backup service to the County Sheriff's Department for calls within the township.

20. Northern States Power Company and the Waseca City Power provide service in and around the City of Waseca. Northern States Power Company provides service to approximately 29 commercial or industrial businesses within the City of Waseca.

21. The Town of Woodville does not have separate land use control documents or ordinances from the County of Waseca.

22. The City of Waseca has approximately 42 miles of highways, streets, and roads.

23. The Town of Woodville has approximately 43.416 miles of township

roads. The area proposed for annexation has approximately 8.77 miles of township roads.

24. As of the fall of 1987, in the area proposed for annexation, there have been approximately eight septic system failures reported in the Pichitino-Diechen Subdivision, approximately one septic system failure in Rolling Greens Subdivision, approximately eight septic system failures in Elks Park Subdivision and Lakeview Resort, approximately three septic system failures in Lakeshore Acres Subdivision, and approximately five septic system failures in Fairway Acres Subdivision. It is unknown what type of septic system or on-site waste water treatment is used by the Lakeshore Town Houses. The Highlands experienced sixteen septic system failures. These failures resulted from improper construction of septic systems and were subsequently corrected. Since the proper reconstruction of the on-site septic system there have been no failures in Highlands or Woodville Estates.

Approximately 40% of the on-site disposal systems within the annexation area were built prior to 1973 when permits for such construction were first required.

25. The City of Waseca has adopted several urban rural taxing districts.

26. The City of Waseca had a 1988 assessed value of approximately \$37,492,263.

In 1988, the county tax rate for the city was 40.226, the city tax rate was 32.315, the school district tax rate was 48.640, and the special taxing district was .185.

27. The Town of Woodville had a 1988 assessed value of approximately \$7,778,505.

In 1988, the county tax rate for the Town of Woodville was 42.149,

the town tax rate was 7.654, the school district tax rate was 48.640, and the special taxing district was .185.

28. In 1988, the City of Waseca had a total bonded indebtedness of approximately \$1,865,000.

29. The Town of Woodville had no bonded indebtedness in 1988.

30. In 1988, the area proposed for annexation had an assessed value of approximately \$3,683,725.

31. A portion of the area proposed for annexation is designated under the Green Acres law.

32. The proposed annexation would not have any direct impact on the school district, since the same school district services both the City of Waseca and the area proposed for annexation.

33. The City of Waseca has a fire insurance rating of 5.

34. The Town of Woodville has a fire insurance rating of 9.

35. On April 21, 1989, the Minnesota Municipal Board moved to reduce the area under consideration before it to the following described property, hereinafter referred to as the "reduced area for annexation", which is the subject of the remaining Findings of Fact, Conclusions of Law, and Order.

S 1/2 of Section 4, Township 107 North, Range 22 West, not including Rice Lake.

S 1/2 of SE 1/4 of Section 5, Township 107 North, Range 22 West and the North 919.24 feet of the east 580 feet, more or less, of S 1/2 of SW 1/4 of Section 5, Township 107 North, Range 22 West.

That part of NE 1/4 of Section 7, lying west of the easterly right-of-way of Chicago and Northwestern Railway. E 1/2 of NW 1/4 of Section 7 and west right-of-way of C.S.A.H. 5. The W 1/2 of SW 1/4 of Section 7 lying south of north 330 feet, all in Section 7, Township 107 North, Range 22 West.

That part of Section 8, Township 107 North, Range 22 West, lying east of the described line; Beginning at the north 1/4 corner of Section 8, Township 107 North, Range 22 West, thence east on the north line

of Section 8 for 664.95 feet, thence south $00^{\circ} 33' 31''$ east for a distance of 336.3 feet, thence south $59^{\circ} 01' 37''$ east a distance of 136.31 feet, thence south $06^{\circ} 30' 43''$ east a distance of 139.0 feet, thence north $88^{\circ} 40' 17''$ east 100 feet to shoreline of Clear Lake, thence northeasterly on shoreline of Clear Lake to the north line of Section 8, thence west approximately 925.0 feet more or less and there terminating.

The North $1/4$ of Section 9, Township 107 North, Range 22 West lying east of Clear Lake and north of the centerline of C.S.A.H. 4. E $1/2$ of Section 9, Township 107 North, Range 22 West lying west of the described line; Beginning at the S $1/4$ corner of Section 9 and thence east on south section line a distance of 963.15 feet, thence north $9^{\circ} 29'$ east approximately 4,100 feet more or less to centerline of C.S.A.H. 4 at a point approximately 850 feet more or less west of the east line of Section 9 and there terminating.

36. The reduced area for annexation is unincorporated, approximately 621.39 acres in size, and abuts the City of Waseca for approximately 47.2 percent of its perimeter. There are approximately 80 residences in the reduced area for annexation.

37. The reduced area for annexation has a population of approximately 264. A majority of the population resides in subdivisions adjacent to or very near Clear Lake.

38. The reduced area for annexation includes Clear Lake, land adjacent to Rice Lake, and the remaining land adjacent to Loon Lake not already within the City of Waseca. Additionally, there are natural and man-made potholes which are used for duck habitat located northwest of Clear Lake.

The reduced area for annexation has approximately 140 acres in use as a golf course, which is considered a commercial use; approximately 110 acres in residential use; and approximately 96 acres in use as a storm water retention area over which the city has a perpetual easement. The remainder of the area is farmland, vacant land, or generally swamp land.

39. Those lands not completely developed within the reduced area for annexation located east of Highway 13 and north of Highway 14 are generally

designated on the U.S. Geological Survey as wetlands. Development of these lands requires municipal sewer.

Several of the golf course holes were placed on filled wetlands.

40. In the reduced area for annexation, the residential subdivisions have the following median lots sizes: Elks Park, 0.15 acre; Fairway Acres, 0.63 acre; Lakeshore Acres, 0.47 acre; Lakeview Resort, 0.24 acre; Morningside Addition, 0.49 acre; Pichitino-Diechen Subdivision, 1.02 acres; and Rolling Greens, 1.07 acres.

41. The County of Waseca has designated one acre as a minimum lot size for residential development.

42. The reduced area for annexation is located within the area determined by the County of Waseca for growth of the City of Waseca.

The reduced area for annexation does not include all of the area within the County of Waseca's urban expansion area for the City of Waseca.

43. Presently, development is planned for land north of the present city limits and east of Highway 13.

44. The present and anticipated use of land within the reduced area for annexation is consistent with adjacent uses within the City of Waseca.

45. The County of Waseca does not enforce the uniform building code in the unincorporated areas of the county.

46. It is estimated that approximately 600 pounds of phosphorus per year is added to Clear Lake from on-site septic systems adjacent to the lake.

47. The increase of phosphorus in the wetland areas reduces its ability to serve as recharge areas for the surface water treatment process as it returns to the aquifer.

48. The Town of Woodville does not presently have an on-site septic

system monitoring program.

49. The County of Waseca does not presently have an on-site septic system monitoring program.

50. The City of Waseca plans to extend municipal services to the reduced area for annexation by the early 1990's.

51. Sanitary sewer service to the areas around Clear Lake would probably come from the existing sanitary sewer line which currently deadends in Maplewood Park, which is located adjacent to the southeast corner of Clear Lake. The City of Waseca has several options to choose from for extending sanitary sewer west of Highway 13.

The park sewer service line is sufficiently sized to accommodate the extension of the sewer northward to service portions of the reduced area for annexation.

52. The City of Waseca incurred no new debt for the construction of the new waste water treatment plant. The plant was constructed approximately two years ago and has sufficient capacity to service the reduced area for annexation.

53. The City of Waseca would not need to increase its police force to accommodate either the annexation of the originally proposed area or the reduced area for annexation any more than it would need to increase it to presently service the entire city.

Electrical service to the majority of the reduced area for annexation east of Highway 13 is presently provided by the City of Waseca.

54. There are approximately five miles of roads included within the reduced area for annexation. Some of these roads are county highways.

55. The City of Waseca is willing and able to extend all municipal

services that it presently provides to residents of the city to the reduced area for annexation if the reduced area for annexation is annexed.

56. In 1988, the approximate assessed value of the reduced area for annexation was \$950,682.91.

57. The remainder of the Town of Woodville can continue to carry on the functions of government without the reduced area for annexation.

58. The City of Waseca is the only municipality adjacent to the reduced area for annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The reduced area for annexation is now or is about to become urban or suburban in nature, in need of or will be in need of municipal services, and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the reduced area for annexation.

4. The annexation would be in the best interests of the reduced area for annexation.

5. Three years will be required to effectively provide municipal services to the annexed area.

There is a reasonable relationship between the increase in values for the City of Waseca and the value of the benefits conferred upon the reduced area for annexation.

6. This Minnesota Municipal Board order is subject to an annexation election, and the area that is primarily and substantially interested in or

affected by the board order is the Town of Woodville and the City of Waseca.

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

ORDER

1. IT IS HEREBY ORDERED: That the following described property is hereby annexed to the City of Waseca, Minnesota, the same as if it had been originally a part thereof:

S 1/2 of Section 4, Township 107 North, Range 22 West, not including Rice Lake.

S 1/2 of SE 1/4 of Section 5, Township 107 North, Range 22 West and the North 919.24 feet of the east 580 feet, more or less, of S 1/2 of SW 1/4 of Section 5, Township 107 North, Range 22 West.

That part of NE 1/4 of Section 7, lying west of the easterly right-of-way of Chicago and Northwestern Railway. E 1/2 of NW 1/4 of Section 7 and west right-of-way of C.S.A.H. 5. The W 1/2 of SW 1/4 of Section 7 lying south of north 330 feet, all in Section 7, Township 107 North, Range 22 West.

That part of Section 8, Township 107 North, Range 22 West, lying east of the described line; Beginning at the north 1/4 corner of Section 8, Township 107 North, Range 22 West, thence east on the north line of Section 8 for 664.95 feet, thence south $00^{\circ} 33' 31''$ east for a distance of 336.3 feet, thence south $59^{\circ} 01' 37''$ east a distance of 136.31 feet, thence south $06^{\circ} 30' 43''$ east a distance of 139.0 feet, thence north $88^{\circ} 40' 17''$ east 100 feet to shoreline of Clear Lake, thence northeasterly on shoreline of Clear Lake to the north line of Section 8, thence west approximately 925.0 feet more or less and there terminating.

The North 1/4 of Section 9, Township 107 North, Range 22 West lying east of Clear Lake and north of the centerline of C.S.A.H. 4. E 1/4 of Section 9, Township 107 North, Range 22 West lying west of the described line; Beginning at the S 1/4 corner of Section 9 and thence east on south section line a distance of 963.15 feet, thence north $9^{\circ} 29'$ east approximately 4,100 feet more or less to centerline of C.S.A.H. 4 at a point approximately 850 feet more or less west of the east line of Section 9 and there terminating.

2. IT IS FURTHER ORDERED: That the petition for annexation of the described land in Findings of Fact 2, and not described in Article 1 of this order, is hereby denied.

3. IT IS FURTHER ORDERED: That on October 3, 1989, which is 39 days after the entry date of this order, a public election, to be conducted as provided by law, shall be held in the entire City of Waseca and the entire Town of Woodville, which is the area that has been determined by the Minnesota Municipal Board to be primarily and substantially interested in or affected by the Minnesota Municipal Board Order. Further, any person eligible to vote at a Woodville Township or Waseca City election is eligible to vote at such an election. The ballot for said election shall conform substantially to the following:

For Annexation Against Annexation

4. IT IS FURTHER ORDERED: That Robert Jellum is hereby appointed as Chief Election Judge and Albert Ruhland is hereby appointed as Deputy Chief Election Judge. The local judges shall conduct the election so far as practicable in accordance with the laws regulating special elections. Further, the referendum shall be conducted as provided for in Minnesota Statutes 414.031, Subdivision 5. The polls shall be open from 7:00 a.m. to 8:00 p.m.

5. IT IS FURTHER ORDERED: That the polling places and election judges shall be as follows:

- a. The polling place for the Township of Woodville shall be the Fire Hall in the City of Waseca.
- b. The election judges in the Township of Woodville shall be: Bernard Frederick, Harlan Minges, Charles Gray, and Robert Niegebauer.
- c. The polling places for the City of Waseca shall be:

Ward 1:

Precinct A - Waseca Library; 408 North State Street

Precinct B - Waseca High School; 1717 2nd Street, NW (E ENT)

Ward 2:

Precinct A - Hartley School; 605 7th Street, NE (E ENT)

Precinct B - Waseca Middle School; 501 E. Elm Avenue, #108

Ward 3:

Precinct A - Treanor Campion Ctr; 111 4th Street, NW

Precinct B - Waseca City Hall; 508 South State Street

d. The election judges in the City of Waseca shall be:

Ward 1:

Precinct A - Clarence Salzie, Fran Gabiou, Margaret Cantwell,
Mildred Dempsey

Precinct B - Gloria Pommerenke, Esther Eustice, Gladys Twissleman
Maxine Taxdahl, Arleigh Schroeder, Mayrna Bosacker
Joe Kozan

Ward 2:

Precinct A - Janet Priebe, Jean Hanson, Neta Oelke, Kay Clasen
Florence Gutknecht, Sherry Jones, Adeline Cunningham

Precinct B - Marlene Rietfort, Lisa Falenschek, Jean Lundholm
Mary Conway, Avis Wobschall, Muriel Bryant

Ward 3:

Precinct A - Bev Emick, Verna Fog, Henry Spies, Joe Cunningham
Michelle Kahnke, Walltrout Jobe, Adalyne Tollefson

Precinct B - Frank Papke, Maris Larson, Arla Henry, Phyllis
Poehler, Madge Clayton, Helen Anderson

6. IT IS FURTHER ORDERED: That the Chief Election Judge shall cause a copy of this Order, and a Notice of Election to be posted not less than 20 days before the election in three public places in Woodville Township and in three public places in the City of Waseca and submit proof thereof to the Municipal Board.

7. IT IS FURTHER ORDERED: That the Chief Election Judge shall cause a Notice of Election to be published for two successive weeks before the election in the newspaper qualified as a medium of official and legal publication of general circulation in the area described herein and submit proof to the Municipal Board.

8. IT IS FURTHER ORDERED: That immediately upon completion of the counting of the ballots, the judges of the election shall make a signed and

verified certificate declaring the time and place of holding the election, that they have canvassed the ballots cast, the number cast both for and against the proposition, and they shall then file the certificate with the Executive Director of the Municipal Board.

9. IT IS FURTHER ORDERED: That the tax rate of the City of Waseca on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the tax rate of the property already within the city.

10. IT IS FURTHER ORDERED: That the annexation herein be effective the day after the election, provided that a majority of the votes are cast "for annexation." The Municipal Board shall, upon receipt of the certificate of election results, notify all parties of record of the election results.

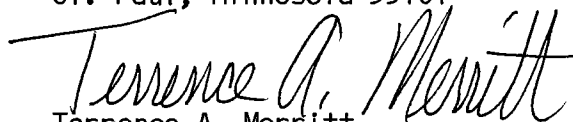
11. IT IS FURTHER ORDERED: That the population of the City of Waseca is hereby increased by 264 persons.

12. IT IS FURTHER ORDERED: That the population of the Town of Woodville is hereby decreased by 264 persons.

13. IT IS FURTHER ORDERED: That the effective date of this order is August 25, 1989.

Dated this 25th day of August, 1989.

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 reduced area, the Municipal Board notes the effort put forth by all at the hearing. The presentations speak well of the involvement and the participation of the governments and their citizens in issues affecting them. The Board is confident that the parties can build on this effort for the betterment of the entire area.

The Board anticipates that based on the testimony at the hearing, the costs of the Golf Course Road will be reapportioned as appropriate among the city, town, and county.

Those areas within the annexed area that presently qualify for green acres, such as the area used for a surface water retention area by the city, will retain that status within the city until the use changes. Additionally, the board is confident that the tax considerations raised by the golf course at the hearing will be addressed between the city and the golf course representatives.

It is anticipated that the delivery of sanitary sewer and water will be completed in the time frame that was anticipated by the testimony given by the city's witnesses at the hearing. The Board realizes that the delivery of these services takes time to implement, but given the need shown, the Board is confident that the services will be extended as expeditiously as possible.

The Board heard significant amounts of testimony about the need for an on-site septic system monitoring ordinance. The township now has the opportunity to take charge of the development within its borders and see that

the environment is not polluted by any of the on-site septic systems. The need to protect the environment was well documented and the Board is confident that the town board will work to see that the environment is protected.

Although not within the area considered by the Board and having received no testimony about the property, the Board notes that there are four or more houses on the end of Loon Lake that are presently located within St. Mary Township. Additionally, mention was made of a trailer court. There was no testimony as to their impact on the quality of the lake or the groundwater. It is incumbent upon both the Town of St. Mary and the City of Waseca to see that these homes are not polluting the lake and adjacent areas. If pollution problems exist, the residences may be the appropriate subject of an orderly annexation agreement.

There was general agreement that the Waseca community is a growing community and an enjoyable place to live. The Board is confident that the members of that community will continue to work together so that growth occurs in the most cost effective manner possible without detriment to the adjacent areas or the environment.

The entire area that was the subject of the annexation proceeding was not annexed to the city. There was testimony from both parties about that area's development and development potential. The Board strongly urges the parties to develop an Orderly Annexation Agreement to address the remainder of the originally petitioned area and other appropriate areas. Thus, as urbanization occurs and municipal services are needed, the parties can address these issues in the most economic and efficient manner possible. *JM 8-25-89*