

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
Russell Kangas	Ex-Officio Member
Ralph Lorentz	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR	)	<u>FINDINGS OF FACT</u>
THE ANNEXATION OF CERTAIN LAND TO	)	<u>CONCLUSIONS OF LAW</u>
THE CITY OF STAPLES PURSUANT TO	)	<u>AND ORDER</u>
MINNESOTA STATUTES 414	)	<u>AND MEMORANDUM OPINION</u>

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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 October 4, 1989 at Staples, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were John W. Carey, Chair, Shirley J. Mihelich, Commissioner, and County Commissioners Russell Kangas and Ralph Lorentz, Ex-Officio Members of the Board. The City of Staples appeared by and through Hans Borstad, Attorney at Law, the Town of Thomastown appeared by and through Harry J. Taves, 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 April 24, 1989, a copy of a petition for annexation by the

sole property owner was filed with the Minnesota Municipal Board. The petition contained all the information required by statute, including a description of the territory subject to annexation, which is as follows:

The Northwest Quarter (NW1/4) of Section 35, Township 134 North, Range 33 West, except the following described tract: Commencing at the southeast corner of said Northwest Quarter (NW1/4); thence West along the south line of said Northwest Quarter (NW1/4) a distance of 558 feet to the point of beginning; thence North and parallel with the east line of said Northwest Quarter (NW1/4) a distance of 365 feet; thence West and parallel with the south line of said Northwest Quarter (NW1/4) a distance of 762 feet, more or less, to the west line of the Southeast Quarter of the Northwest Quarter (SE1/4 of NW1/4); thence South and parallel with the east line of said Northwest Quarter (NW1/4) a distance of 365 feet to the south line of said Northwest Quarter (NW1/4); thence East along the south line of said Northwest Quarter (NW1/4) a distance of 762 feet, more or less, to the point of beginning, subject to airport easement on record and other easements, restrictions, or reservations of record.

An objection to the proposed annexation was received by the Minnesota Municipal Board from the Town of Thomastown, hereinafter referred to as Thomastown, on June 12, 1989. The Municipal Board, upon receipt of this objection, conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subdivision 5.

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

3. The area subject to annexation, hereinafter referred to as the subject area, is unincorporated, approximately 153 acres in size, and abuts the City of Staples, hereinafter referred to as Staples, by approximately 50% of its perimeter. Staples is approximately 2,000 acres in size.

4. Thomastown is approximately 26,880 acres in size.

5. Staples has a present population of approximately 2,887. It is anticipated that the population will increase over the next five years.

6. Thomastown has a present population of approximately 798. It is anticipated that the population will increase over the next five years.

7. The subject area has no present population. If the subject area is annexed and developed, it is projected that in five years it will have a population of approximately 20.

8. The northern portion of the subject area has a low area of approximately 3 or 4 acres. The soils in the subject area are generally sandy loam.

9. The general soil in the subject area is not considered able to adequately filter the effluent in septic tank absorption fields. The poor filtering capacity may result in the pollution of shallow ground water supplies.

The use of central sanitary sewer and water by development in the subject area will prevent pollution potential.

10. Staples has approximately 75% of its land in residential use, approximately 10% of its land in institutional use, approximately 10% of its land in commercial use, and approximately 5% of its land in industrial use.

11. Thomastown has approximately 5% of its land in residential use and 95% of its land in agricultural use.

12. The subject area is presently 100% agricultural in use.

If the subject area is annexed, the majority of the land is planned for and will be used for industrial development. The property was

purchased by the present land owners approximately 12 years ago in anticipation of its use as a future industrial development site.

13. Staples has a zoning ordinance, an official map, state fire code, and a sanitation ordinance. Staples is in the process of developing a comprehensive plan.

14. Wadena County has a zoning ordinance, subdivision regulations, official map, shoreland ordinance, floodplain ordinance, Wild and Scenic Rivers ordinance, and a sanitation ordinance.

15. Thomastown has no independent land use planning document, the town uses the county planning and zoning.

16. The current zoning of the subject area is A-1, an agricultural transition district.

It is anticipated that if the property is annexed, it will be zoned industrial.

17. Staples provides its residents with water, sanitary sewer, waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services and recreational opportunities.

There are 8" sewer lines and 10" water lines adjacent to the subject area. The subject area is adjacent to a heavy duty road. The subject area is approximately 2,400 feet west of the existing natural gas service line.

18. Thomastown provides the subject area with fire protection through a contract with Staples, street improvements and maintenance and administrative services.

Thomastown provides the same services to the remainder of the township as it does to the subject area.

19. Staples is willing to provide the subject area, if it is annexed, with water, sanitary sewer, fire protection, police protection, street improvements and maintenance, administrative services and recreational opportunities.

20. Staples has state, county and local streets.

21. Thomastown has state, county and township roads.

22. The proposed auxiliary runway for Staples airport, which is located immediately to the east of the subject area, has been eliminated and its restrictions on the subject area have been removed.

23. The subject area is immediately north of the existing industrial park. There is presently development within the industrial park and some of the remaining land within the industrial park is low and would require fill to be useable.

24. Much of the recent housing development has occurred in the towns surrounding Staples.

25. Staples does not anticipate any problems extending sewer and water to the subject area.

Staples presently does not intend to allow extension of new sewer and water service outside the city.

26. The subject area is not planned for development with an incineration plant.

27. Staples has assessed value of approximately \$6,000,000.

28. Thomastown has an assessed value of \$15,398,100.

29. The subject area has an assessed value of approximately \$34,700.

30. The county mill rate for Thomastown is 55.0215.

31. Staples has a total bonded indebtedness of approximately \$2,156,500. Thomastown has no present bonded indebtedness.

32. If the subject area is annexed, the town would lose not more than \$100.00 and more likely \$52.00 in tax revenue.

33. The annexation of the subject area would not affect the area school district or adjacent communities.

34. Thomastown does not have the ability to provide public sewer and water to the subject area.

35. Staples is the only municipality adjacent to the subject area.

CONCLUSIONS OF LAW

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

2. The area subject to annexation is now or is about to become urban or suburban in character.

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

4. The best interests of the area proposed for annexation will be furthered by annexation.

5. Thomastown can carry on the functions of government without undue hardship.

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

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein, be and the same hereby is annexed to the City of Staples, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is January 16, 1990.

Dated this 16th day of January, 1990.

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 petition for annexation, the board focused upon the appropriate statutory criteria. The Boards action is not by unanimous vote, as Commissioner Kangas and Commissioner Lorentz voted in the negative. It is unfortunate that the parties were unable to deal with this matter prior to it coming before the Minnesota Municipal Board, as in recent years there has been a history of cooperation between the two communities.

The testimony from the witnesses for both the city and the property owner reaffirmed that there would be no incinerator developed on this property.

Staples is to be commended for its efforts in securing and expanding its commercial and industrial base. This base has resulted in residential development not only in the city but also the surrounding townships. The continued development of commercial and industrial uses will continue to benefit the community as a whole. TAM 1-16-90