

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
Robert Loscheider	Ex-Officio Member
Tom Lorenz	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on August 21, 1989 at Coleraine, Minnesota. The hearing was conducted by John W. Carey, Chair, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chair, Shirley J. Mihelich, Commissioner, and County Commissioner Tom Lorenz, Ex-Officio Member of the Board. The City of Coleraine appeared by and through Kent E. Nyberg, Attorney at Law. William Karppi, a property owner in the area proposed for annexation, served as spokesperson for some of the property owners in the subject area. The Town of Iron Range and the City of Bovey made no appearance. 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 June 6, 1989, a petition 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:

That part of the Plat of the Town of Hollywood, lying within Government Lot Two (2), Section Thirty-two (32), Township Fifty-six (56) North, Range Twenty-four (24) West and Lot One (1), Block One (1), Blue Bill Bay Addition,, also lying in Lot 2, Section 32, Township 56 North, Range 24 West according to the Preliminary Plat, as submitted to the Itasca County Zoning Office.

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

3. The area proposed for annexation, hereinafter referred to as the subject area, is unincorporated, approximately six acres in size, and abuts the City of Coleraine, hereinafter referred to as Coleraine, on the City's southeasterly border. The perimeter of the subject area is approximately 20% bordered by Coleraine. The City of Bovey is north of the subject area and Trout Lake is south of the subject area. The total area of Coleraine is approximately 3500 acres. The Town of Iron Range, hereinafter referred to as Iron Range, is approximately 19,660 acres. The City of Taconite lies within Iron Range and the subject area residents vote in Taconite.

4. The soils in the subject area are generally clay and gravel. Elevation increases from Lot Five of the subject area up to Lot One. There is some swamp area in one of the two larger lots bordering Trout Lake. The

subject area contains some sharp slopes and slopes that drain down to Trout Lake.

5. Coleraine had a population of approximately 1,086 in 1970, and a population of approximately 1,116 in 1980. There was no testimony on its current or anticipated population.

6. Iron Range had a population of approximately 285 in 1970, and approximately 294 in 1980. The City of Taconite lies within Iron Range and had a 1980 population of approximately 331. There was no testimony on Iron Range's current or anticipated population.

7. The subject area has a current population of approximately 13. There was no testimony presented to show the 1970 or the 1980 population for the subject area. The projected population for the subject area in five years is approximately 13 to 16.

8. The subject area consists of six lots including Lot 1, Block 1, preliminary plat of Blue Bill Bay Addition and is generally used for residential purposes. There are approximately five or more structures on the subject area.

9. Coleraine has land in use for residential, institutional, commercial and industrial purposes as well as vacant land.

Iron Range has land in use for residential, institutional, commercial, industrial and agricultural purposes as well as vacant lands.

10. Coleraine has approximately 7.5 miles of highways, streets and roads. No specific testimony was given on Iron Range's transportation network. On the Westerly border of the subject area there is a portion of Hollywood Drive which services some of the subject area and connects with

County Highway 10 lying North of the Hollywood Plat. The remaining subject area contains private driveways.

11. Coleraine has zoning and subdivision regulations as well as an official map, which were adopted in 1973. The County of Itasca adopted its comprehensive plan in November, 1969. The County of Itasca has zoning and subdivision regulations, an official map, a shoreland ordinance, a Wild and Scenic Rivers Ordinance and a sanitation ordinance for on-site sewage treatment. There was no evidence that Iron Range has adopted any of its own land use controls which are separate from Itasca County. Itasca County provides land use controls for Iron Range in the subject area.

12. The current zoning of the subject area is residential and is consistent with adjacent zoning in Coleraine.

13. Coleraine provides the following services to its residents: water, sanitary sewer and waste water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

14. Coleraine provides the subject area with fire protection, police protection and some street maintenance.

15. Iron Range provides the subject area with fire protection through an agreement with Coleraine and Taconite, as well as recreational opportunities.

16. The subject area receives its water from private wells and has its own on site septic systems. Three of the wells are relatively new and some of the remaining wells are at or near replacement stage. There are

some older or below standard individual septic systems in the subject area. Four of the six lots are rather small. Two of the larger lots in the subject area border Trout Lake. Some of the drainfields, at least one of which has been identified as in need of additional correction, flow down the hillside to the lake. Some of the property owners in the subject area have limited the extent of repairs to their on-site septic systems in anticipation of municipal sewer and water extension.

17. Trout Lake, which is adjacent to the subject area, is experiencing some pollution problems. Swimming in the lake has been reduced and the public beach closed. Beaver dams on the only lake outlet contribute to high water problems.

18. Coleraine is willing to provide the subject area with services. The provision of sewer and water to the subject area is a part of a sewer and water project that includes land already in Coleraine and bordering Trout Lake. The sewer and water project is located in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 32, Township 56 North, Range 24 West within the boundary of the Plat of Hollywood Addition, a copy of which is recorded in the Itasca County Clerk's and Recorder's Office. Present city sewer extends to Highway 169 and CSAH 10, approximately 200 feet west of the northwest corner of the project area. There is a dedicated easement to access and serve the subject area. Present plans are for water to be extended as requested by the owner and sewer to be extended within one year from availability. Coleraine plans to pay for 75% of the cost for sewer and water and the owner would pay for 25%. The city would also pay \$39,000 for a required lift station. Coleraine has money set aside

for the project and no bonding will be required. Coleraine has adopted an ordinance that permits deferred assessments for senior citizens.

19. Iron Range does not have a central sanitary sewer collection and disposal system. Iron Range does not have a central water distribution system. There was no evidence that Iron Range has plans for a central sewer or water system.

20. Coleraine is the only city adjacent to the subject area that has indicated a willingness to extend municipal services to the subject area.

21. Provision of municipal water and sewer services to the subject area will help prevent additional pollution to Trout Lake and assist in alleviating existing or potential environmental problems.

22. The assessed valuation of Coleraine in 1989 is \$373,540.

23. The assessed valuation of Iron Range in 1989 is \$145,107.

24. For taxes payable in 1989, the tax rate for Coleraine is 80.988 and for Iron Range is 36.479. The tax rate for the county in 1989 is 106.359. The tax rate for the school district for 1989 is 33.300. The 1989 special taxing district rate is 3.665 in Coleraine and 3.700 in Iron Range.

25. The market value for the subject area is approximately \$108,000. The tax capacity for the subject area is approximately \$2,348.

26. The remainder of Iron Range can continue to function without the area proposed for annexation.

27. The proposed annexation will have no impact on the school district or on the adjacent community of Bovey.

28. All necessary governmental services can best be provided to the subject area by annexation to Coleraine.

29. A majority of property owners in subject area have not petitioned the Minnesota Municipal Board requesting annexation.

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

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

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

5. The remainder of Iron Range can carry out the functions of government without undue hardship.

6. The annexation will have no effect on the area school district.

7. There is a reasonable relationship between the increase in revenue for Coleraine and the value of benefits conferred upon the subject area.

8. The annexation of all or part of the subject area to an adjacent municipality other than Coleraine would not better serve the interests of the residents who reside in the subject area.

9. This annexation proceeding has not been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is subject to an annexation election.

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

ORDER

1. IT IS HEREBY ORDERED: That the property described herein situated in the County of Itasca, State of Minnesota, be and the same is hereby annexed to Coleraine, Minnesota, the same as if it had originally been made a part thereof:

That part of the Plat of the Town of Hollywood, lying within Government Lot Two (2), Section Thirty-two (32), Township Fifty-six (56) North, Range Twenty-four (24) West and Lot One (1), Block One (1), Blue Bill Bay Addition, also lying in Lot 2, Section 32, Township 56 North, Range 24 West according to the Preliminary Plat, as submitted to the Itasca County Zoning Office.

2. IT IS FURTHER ORDERED THAT: That on January 9, 1990, which is 33 days after the entry date of this order, a public election, to be conducted as provided by law, shall be held in the City of Coleraine. The City of Coleraine and the subject area, 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 shall vote on the question of annexation. Further, any person eligible to vote at a Coleraine City election or any eligible voter in the subject area, is eligible to vote at such election. The ballot for said

election shall conform substantially to the following:

For Annexation Against Annexation

3. IT IS FURTHER ORDERED: That Carol Toms is hereby appointed as 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.

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

a. The polling place shall be: Coleraine City Hall,
Coleraine, Minnesota

The election judges shall be: Carol Toms - Chief Judge
Gloria Harris
Margaret Domnick

5. 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 the area and submit proof thereof to the Municipal Board.

6. 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.

7. 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.

8. 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.

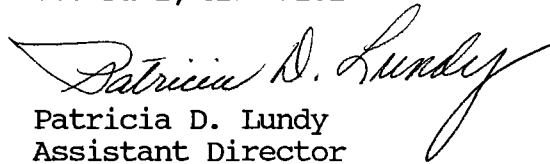
9. IT IS FURTHER ORDERED: That the population of the City of Coleraine is hereby increased by 13 persons.

10. IT IS FURTHER ORDERED: That the population of the Town of Iron Range is hereby decreased by 13 persons.

11. IT IS FURTHER ORDERED: That the effective date of this order is December 7, 1989.

Dated this 7th day of December, 1989.

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


Patricia D. Lundy
Assistant Director

M E M O R A N D U M

The attached Minnesota Municipal Board Order requires a referendum pursuant to M.S. 414.031, Subd. 5.

Iron Range and Bovey made no appearance at the hearing. The Municipal Board has, based on the evidence, determined that the area "primarily and substantially interested in or affected by the board order" is Coleraine and the subject area. Coleraine and the subject area have demonstrated interest in the annexation and will be most directly affected by the annexation.

The Board notes that the residents of Iron Range now vote in Taconite. The determination to have the election in Coleraine will put the election in an area that is directly affected by the outcome of the annexation and will insure the residents of the subject area the same anonymity of the ballot box as all of the voters in Coleraine. It will also save Iron Range and Taconite additional duties and obligations they would have to expend to hold a separate election for only the subject area.

The Board also notes that approval of this annexation will have positive results for Trout Lake, which will benefit the property owners, Coleraine, and the community as a whole.





STATE OF MINNESOTA
MUNICIPAL BOARD

165 Metro Square Building
121 East Seventh Place
St. Paul, Minnesota 55101-2142

M E M O R A N D U M

TO: Parties of Record and Interested Parties

FROM: Patricia D. Lundy
Assistant Director *[Signature]*

DATE: January 16, 1990

SUBJECT: Minnesota Municipal Board Docket No. A-4603 Coleraine

This is to inform you that pursuant to Municipal Board Order dated December 7, 1989 in the above-entitled matter an election was duly held on the 9th day of January, 1990, in accordance with Minnesota Statutes 414.031, Subdivision 5.

The election results have been certified as follows and the Coleraine annexation is, therefore, effective.

	<u>For Annexation</u>	<u>Against Annexation</u>
City & Subject Area:	92	26

PDL:sjh