

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Lea De Souza Speeter     Chair  
Paul B. Double            Vice Chair  
Robert J. Ferderer       Vice Chair

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IN THE MATTER OF THE PETITION FOR THE )     FINDINGS OF FACT  
DETACHMENT OF CERTAIN LAND FROM THE )     CONCLUSIONS OF LAW  
CITY OF SANDSTONE PURSUANT TO MINNESOTA )     AND ORDER  
STATUTES 414 )     AND MEMORANDUM OPINION  
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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 May 26, 1995, and was continued to August 24, 1995, at Sandstone, Minnesota. The hearing was conducted by Lea De Souza Speeter, Vice Chair, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert J. Ferderer, Chair, and Paul B. Double, Vice Chair of the Minnesota Municipal Board. The petitioners appeared by and through Daniel W. Blake, Attorney at Law, the City of Sandstone appeared by and through Doug Schultz, City Administrator, and the Town of Sandstone made no formal 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 April 10, 1995, a copy of a petition for detachment by all of the property owners was filed with the Minnesota Municipal Board. The

petition contained all of the information required by statute, including a description of the territory subject to detachment, hereinafter referred to as "subject area," which is as follows:

Beginning at the Northwest corner of Section Three (3), Township Forty-two (42), Range Twenty (20); thence East along the North line of said Section, a distance of 800 feet; thence South on a line parallel with the West line of said Section, a distance of 1,320 feet; thence West on a line parallel with the North line of said Section, a distance of 148 feet to the West bank of Wolf Creek; thence meandering in a southerly direction along the West bank of Wolf Creek; a distance of 1,320 feet, more or less, to the South line of the North half ( $N\frac{1}{2}$ ) of said Section; thence West on a line parallel with the North line of said Section to a point 800 feet East of the West line of said Section; thence South on a line parallel with the West line of said Section, a distance of 660 feet; thence East on a line parallel with the North line of said Section, a distance of 520 feet; thence South on a line parallel with the West line of said Section, a distance of 660 feet to the West bank of the Kettle River; thence meandering in a Southerly direction along the West bank of the Kettle River, a distance of 1,320 feet more or less, to the South line of said Section; thence West along the South line of said Section, a distance of 1,320 feet to the Southwest corner of said section; thence North along the West line of said Section, a distance of 5,280 feet to the point of beginning; consisting 119.27 acres, more or less.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.
3. The subject area is situated in the City of Sandstone, hereinafter referred to as "City," and abuts the municipal boundary by approximately 50% of its perimeter.
4. The subject area is approximately 119.27 acres in size.
5. In the subject area there are approximately 6 homes, 1 mobile home, 3 garages and 9 sheds.
6. The subject area has a population of 9.
7. The City is approximately 3565 acres in size for its total land area.

8. The City has a population of approximately 2,088.

9. The subject area is approximately a mile long strip that runs north and south on the north edge of the City. The property is approximately a quarter mile east to west, bordered on the west by State Highway 23 and on the east by Wolf Creek and the Kettle River. The northern boundary abuts the Town of Finlayson.

10. The terrain is wooded with sandstone bluffs on the easterly border.

11. The soils in the subject area are sandy with sandstone rock out-croppings. Soils are Ahmeek (21), Ronneby (166) and Duluth (504) all of which perc slowly.

12. The area is presently zoned open agricultural holding district.

13. The City has state, county and city roads. The subject area abuts State Highway 23 on its western border.

14. The City has a zoning ordinance, subdivision regulations and a shoreland management ordinance, as well as a wild and scenic river ordinance. The City has recently updated its comprehensive plan.

15. The County of Pine, hereinafter referred to as "County," has shoreland wild and scenic management rules but no zoning or subdivision ordinances.

16. The City has the authority to extend its zoning and subdivision ordinances throughtout a two mile radius from the City limits which would include the subject area.

17. The City does not provide water and sewer services to the subject area. There are no immediate plans to provide these services in the future.

18. Individual wells and septic systems serve the subject area.

19. The City presently provides the subject area with fire protection, police protection, lights, street improvements and maintenance for the area as well as to the city roads immediately adjacent to the area.

20. The Town presently provides its residents with fire protection through a contract.

21. The City would lose approximately \$1400 a year in tax capacity, if the subject area were detached. There was no evidence produced as to the relation of this amount to the whole City budget. The tax rate for the City is approximately 1.72 and 1.25 for the Town.

#### CONCLUSIONS OF LAW

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

2. The subject area is rural in character with minimal development.

3. There are no plans for reasonably anticipated future development.

4. The detachment of the subject area would not unreasonably affect the symmetry of the City.

5. An order should be issued by the Minnesota Municipal Board

approving the petition for detachment of the area described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein is hereby detached and made a part of the Town of Sandstone, the same as if it had been originally made part thereof.


2. IT IS FURTHER ORDERED: That the population of the City of Sandstone is hereby decreased by 9.

3. IT IS FURTHER ORDERED: That the population of the Town of Sandstone is hereby increased by 9.

4. IT IS FURTHER ORDERED: That the effective date of this order is April 23, 1996.

Dated this 23rd day of April, 1996.

MINNESOTA MUNICIPAL BOARD  
Suite 475 McColl Building  
366 Jackson Street  
St. Paul, MN 55101-1925

  
Christine M. Scotillo  
Executive Director

M E M O R A N D U M

At the deliberation meeting set on October 13, 1995, the Municipal Board directed the parties to meet three times during a sixty day period pursuant to Minn. Stat. Sec. 414.01 Subd.16 to try to resolve this matter.

Specifically the Board directed the parties to discuss the following issues: 1) the status of adoption of the City's comprehensive plan; 2) the possibility of adopting an urban/rural taxing district for the subject area; and 3) the status of state involvement and request for sewer and water services to the Banning Park area which is adjacent to the subject area.

The City's comprehensive plan was formally adopted on September 5, 1995 identifying the subject area for a land use of large lot/rural.

The parties were unable to reach agreement on adoption of urban/rural taxing district.

A feasibility study estimated the cost of extending sanitary sewer to the Banning Park area as \$2.5 million. Because the cost was much higher than expected, the City took no further action.

Granting the property owners' petition for detachment of their property from the City of Sandstone the Minnesota Municipal Board notes that the status of the detached property in its current land use may jeopardize future expansion of those uses.

Cms  
4/23/96