

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Alvin S. Hall	Ex-Officio Member
Edwin H. Hoff	Ex-Officio Member

IN THE MATTER OF THE)
INCORPORATION OF)
FAYAL TOWNSHIP)

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on February 1, 1977, at Fayal Township, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Alvin S. Hall and Edwin H. Hoff, ex-officio members of the Board. The Township of Fayal appeared by and through Harold Fredericks and Ben Constantine, the City of Eveleth appeared by and through Bruce A. Rasmussen, and Missabe Mountain Township appeared by and through Nick Palkovich. 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. That on October 12, 1976, a resolution by Fayal Town Board, meeting the various statutory requirements, was filed with the Minnesota Municipal Board requesting the board to incorporate the entire Township of Fayal.

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

3. Geographic Features

- a. The area proposed for incorporation is unincorporated, but abuts the cities of Eveleth and Gilbert.
- b. The total area of the territory proposed for incorporation is 35 square miles.
- c. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: includes former mining areas, lakes, land suitable for development.

4. Population Data

The area proposed for incorporation:

- 1) Past population growth - 927 in 1960.
- 2) Present population - 2,025 in 1970.
- 3) Projected population - 4,000 by 1985.

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for incorporation, including development projected by the state planning agency? A plan prepared for the Arrowhead Regional Development Corporation projects continued residential development.
- b. What land use controls are presently being employed in the area proposed for incorporation?
 - 1) Zoning - Yes, by St. Louis County, although there is some dissatisfaction throughout the township with its implementation.
 - 2) Subdivision regulations - Unknown
 - 3) Housing and building codes - No
 - 4) Other - Shoreland Regulations by the Department of Natural Resources.
- c. Development of the following types is occurring in the area proposed for incorporation:

1) Residential - Yes, the substantial portion of the developed property is residential, much of it lakeshore.

2) Industrial - Very limited.

3) Commercial - Limited.

4) Institutional - Very limited (no schools).

d. What will be the effect, if any, of the incorporation on adjacent communities? Incorporation would further fragment this portion of the Range.

6. Governmental Services

a. Presently, the Township of Fayal provides the area proposed for incorporation with the following services:

1) Water - No

5) Street Improvements - Yes

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - No, contracts with Eveleth.

7) Recreational - Yes

4) Police Protection - Yes, a squad car and nearly full-time protection.

b. There are existing or potential pollution problems which are: pollution of various lakes by private sewer systems. The following additional services will help correct this situation: community sewer, but there are no present plans for the construction of such a system.

7. Fiscal Data

a. In the area subject to incorporation, the assessed valuation trend as of 1977 is substantially increasing, the mill rate as of 1977 is 2.93 and the bonded indebtedness as of 1977 is 0.

b. Will the incorporation have any effect upon area school districts? No, the school district will remain the same, the schools being located in Eveleth.

8. Is incorporation the best alternative?

a. Could governmental services be better provided for by consolidation or annexation of the area to an adjacent

municipality? Yes, the cities of Eveleth and Gilbert could better service different portions of the area proposed for incorporation.

b. Could Fayal Township provide the services required?

No, there was no evidence that this could be accomplished, particularly with regard to utilities.

CONCLUSIONS OF LAW

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

2. Parts of the area proposed for incorporation are now or are about to become urban or suburban in character, but the area as a whole does not have the requisite population or diversity of development to be a viable, free-standing city.

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

4. Annexation of parts of the area to an adjacent municipality would better serve the interests of the residents who reside in the area subject to incorporation.

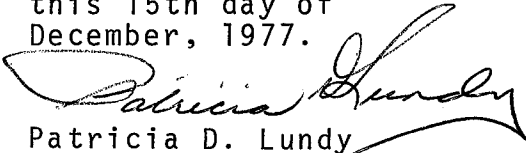
5. An order should be issued by the Minnesota Municipal Board denying the proposed incorporation.

O R D E R

IT IS HEREBY ORDERED: That the resolution requesting the incorporation of the property described herein situated in the County of St. Louis, State of Minnesota, be and the same is hereby denied. ~~to the City of Eveleth.~~

IT IS FURTHER ORDERED: That the effective date of this order is December 2, 1977.

Amended Order Dated
this 15th day of
December, 1977.


Patricia D. Lundy
Assistant Executive Secretary

Dated this 2nd day of December, 1977.

MINNESOTA MUNICIPAL BOARD
Suite 165 Metro Square
St. Paul, Minnesota 55101


William A. Neiman
Executive Secretary