

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
Matt Huju	Ex-Officio Member
Robert Williams	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR THE)	<u>FINDINGS OF FACT</u>
INCORPORATION OF THE TOWN OF BASS BROOK)	<u>CONCLUSIONS OF LAW</u>
PURSUANT TO MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on February 11, 1991 in the Bass Brook Town Hall, Cohasset, 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, Kenneth F. Sette, Vice Chair, and County Commissioners Robert Williams and Matt Huju, Ex-Officio Members of the Board. The Town of Bass Brook appeared by and through Kent Nyberg, Attorney at Law. There were no other appearances of record. 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 December 13, 1990 a copy of a resolution for

incorporation by the Bass Brook Town Board was filed with the Minnesota Municipal Board. The resolution contained all of the information required by statute, including a description which is as follows:

The property proposed for incorporation is all of the Town of Bass Brook, Itasca County, Minnesota.

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

3. The area seeking incorporation, hereinafter referred to as "Bass Brook," is unincorporated, and approximately 23,040 acres in size including platted and unplatted lands. Bass Brook abuts the Towns of Grand Rapids, Arbo, and Harris, and does not abut any municipalities.

Bass Brook includes the former City of Cohasset, hereinafter referred to as "Cohasset," which dissolved in approximately 1975, and became a part of Bass Brook.

4. Bass Brook has varied soils with some rock outcroppings and clay adjacent to some of the lakes. The water table is generally high throughout Bass Brook.

5. Bass Brook is adjacent to the Mississippi River, a brook named Bass Brook and numerous lakes. Approximately 40% of Bass Brook is covered by water.

6. The general topography of Bass Brook is characterized as rolling with elevation variations.

7. Bass Brook had a 1980 population of approximately 1,859

and a current population of approximately 1,970. It is projected that in five years it will have a population of approximately 2,500, based on building permits for new development.

8. Bass Brook has approximately 17.3% of its land in residential use, approximately 5.3% in institutional use, approximately 1.5% in commercial use, approximately 18% in industrial use, approximately 28.4% in farm residential use, which includes newly developed residential areas, and Bass Brook has one operating farm, and approximately 27.06% in open lands, which receive no guaranteed public services.

From 1975 to 1987, there were approximately 6 plats developed in Bass Brook. Since 1987, there have been approximately 8 residential developments in Bass Brook.

9. Bass Brook presently provides its residents with water, sanitary sewer and wastewater treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational services, and cemetery.

10. Presently a 200,000 gallon water tower services Bass Brook. It is anticipated that additional elevated storage towers will be constructed. An additional water crossing of the Mississippi River was completed in the past year, so as to avoid a disruption of service if the previous single service line is damaged.

11. Bass Brook contracts with the City of Grand Rapids for

the treatment of its waste water. As Bass Brook expands the area serviced by sanitary sewer, it will need to increase the capacity allocated to it by The City of Grand Rapids for the treatment of its sewage.

Bass Brook has not assessed for the extension of sewer or water. If Bass Brook incorporates, the assessment procedures would be easier.

12. Bass Brook had a fire insurance rating of 8 in the early 1980's prior to the installation of water. The rating was based on equipment and quality of the department. The present fire rating is 6.

13. The County of Itasca, hereinafter referred to as "the County," and Bass Brook work together on various roads, with the county plowing some of Bass Brook's roads and Bass Brook in turn plowing some of the county roads.

14. Bass Brook works well with The City of Grand Rapids. Bass Brook is part of the Grand Rapids Library System. The City of Grand Rapids pays 50% of the cost and Bass Brook pays 90% of the remaining 50%. The Grand Rapids Library System is now part of a regional system.

15. Bass Brook has developed a Comprehensive Water System plan and a Comprehensive Sewer System plan. The water system is based on areas of service with approximately \$200,000.00 per year being invested in the water fund. The sewer system is based on a time line projection of servicing areas as development or need

occurs. The present Bass Brook plant identifies areas receiving service up to and beyond the year 2011.

16. Bass Brook presently employs seven full-time personnel and two part-time personnel with additional employees hired as needed during the summer months.

17. Bass Brook has an official map, a capital improvements program and budget, and a sanitation ordinance.

18. The County has a zoning ordinance adopted in November, 1969, subdivision regulations, shoreland ordinance, floodplain ordinance, and a sanitation ordinance.

19. Bass Brook presently reviews zoning applications, variances and other planning issues, and makes recommendations to the County.

Bass Brook plans to use the County for interim zoning and contract for the provision of zoning services.

20. Bass Brook is served by the Grand Rapids School District.

21. Bass Brook has several business establishments located primarily in the old Cohasset area and surrounding area. The Minnesota Power and Light Clay Boswell Power Plant is located in Bass Brook less than one mile west of the old Cohasset area.

22. Bass Brook's population, assessed valuation, and residential and commercial construction is anticipated to continue to grow. As former mining land adjacent to lakes and rivers is released, development is increasing.

23. Bass Brook has approximately 31.9 miles of highways, streets, and roads. There are no transportation changes planned in Bass Brook.

24. Bass Brook is an urban town.

25. Bass Brook has a 1991 assessed valuation of approximately \$13,406,846.00, an actual current levy of approximately \$470,000.00, and a total bonded indebtedness of approximately \$14,343.45.

26. Bass Brook bonded for its sewer project.

27. The 1991 tax rates are as follows:

Itasca County: 47.795

Bass Brook: 3.430

School District: 42.416

Special Taxing District: Library - .447

28. There are presently no known sources of pollution.

29. The name of the proposed city is Bass Brook.

30. The proposed city plan of government suitable for the area to be incorporated is Optional Plan "A" with a city council of five members, consisting of four councilpersons and the mayor. The mayor's term would be two years long.

31. The population is distributed enough throughout Bass Brook that all seats will be at large.

32. There is now and will continue to be a need for ever increasing governmental service in Bass Brook. The city form of government will be better able to protect the health, safety and

welfare of the Bass Brook residents.

33. Bass Brook can be best served as one city in the matter of community planning, installation of thoroughfares, street systems, sewer and water systems, fire and police protection, recreational and other vital and necessary community services.

Division of Bass Brook into a smaller community and the attaching of portions of the town to other towns, would reduce the present community of interest.

34. The town form of government in Bass Brook is inadequate to cope with the problems of urban and suburban growth and development within the town and does not efficiently and economically provide the necessary services for the residents.

CONCLUSIONS OF LAW

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

2. Incorporation is in the best interests of the Town of Bass Brook.

3. Municipal government is presently required to protect the public health, safety, and welfare in Bass Brook.

4. The Town of Bass Brook has portions of it that are now urban or suburban or about to become so and there is no adjacent municipality capable of providing the necessary services to those portions of the town.

5. There will be no effect on the school district if Bass Brook is incorporated.

6. The best interests of the area will be furthered by incorporation.

7. The Minnesota Municipal Board should issue an order approving the incorporation, and ordering an election of new municipal officers.

O R D E R

1. IT IS HEREBY ORDERED: That the Town of Bass Brook, more particularly described in Findings of Fact 1 herein, be and the same hereby is incorporated into a city.

2. IT IS FURTHER ORDERED: That the city shall be named Bass Brook.

3. IT IS FURTHER ORDERED: That the plan of government for the new City of Bass Brook shall be Optional Plan "A". The city council shall have five members, consisting of four councilpersons and the mayor. The mayor's term shall be two years.

4. IT IS FURTHER ORDERED: That the City of Bass Brook shall elect all of its councilpersons and mayor at-large, and that there are no wards within the City of Bass Brook.

5. IT IS FURTHER ORDERED: That the ordinances of the Town of Bass Brook as well as the Land Use and Planning Controls as well as the shoreland and flood plain controls of the County of Itasca shall continue in effect within the former boundaries of the Town of Bass Brook until repealed or replaced by the governing body of the new City of Bass Brook.

6. IT IS FURTHER ORDERED: That the population of the new

City of Bass Brook is 1,970.

7. IT IS FURTHER ORDERED: That all license privileges be maintained as permitted by the Town including the number of liquor licenses already authorized by the State of Minnesota until repealed by the governing body of the new City of Bass Brook.

8. IT IS FURTHER ORDERED: That upon incorporation all money, claims or properties including real estate owned, held or possessed by the former town, and any proceeds or taxes levied by such town, collected and uncollected, shall become the property of the new City of Bass Brook with full power and authority to use and dispose of for such public purposes as the council deems best subject to claims of the creditors. This will include cash reserves/fund balances of the town and all public property and equipment held by the town.

9. IT IS FURTHER ORDERED: That the town's outstanding indebtedness, prior to incorporation, will be the financial obligation of property owners within that former tax district.

10. IT IS FURTHER ORDERED: That the first election of officers for the new City of Bass Brook shall be held on the 6th day of August, 1991. Any person eligible to vote at a township or municipal election within the area of the new municipality is eligible to vote at such election.

11. IT IS FURTHER ORDERED: That the hours of the election shall be from 7:00 a.m. to 8:00 p.m.

12. IT IS FURTHER ORDERED: That the polling place and

election judges for the election of officers shall be as follows:

Polling Place: Bass Brook Community Center, 305 Northwest First Avenue, Cohasset, Minnesota 55721

Election Judges and Alternate Election Judges: Diana Skelly, Chief Election Judge, Corinne Gibeau, Assistant Chief Election Judge, Dorothea Stram, Penny O'Brien, Linda Lake, and Kathleen Hanson, Alternate.

13. IT IS FURTHER ORDERED: That the Acting Clerk for election purposes shall be Diana Skelly.

14. IT IS FURTHER ORDERED: That the Acting Clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks and not less than two weeks before the election.

The two persons receiving the two highest number of votes for councilperson, will be elected to terms ending January, 1, 1996. The persons receiving the third and fourth highest number of votes for councilperson will be elected to terms ending January 1, 1994. The ballot shall be composed so that each voter shall be permitted to vote for four persons for councilpersons at-large and one person for mayor.

In all other respects, the election shall be conducted in conformity with the provisions of the Minnesota Statutes concerning the conduct of municipal elections insofar as applicable.

15. IT IS FURTHER ORDERED: That the incorporation shall be

effective on August 7, 1991.

16. IT IS FURTHER ORDERED: That the first meeting of the City of Bass Brook Council shall be called by the mayor in accordance with the procedures set forth in Minnesota Statutes as soon as practicable.

17. IT IS FURTHER ORDERED: That the Minnesota Municipal Board retains jurisdiction for the purpose of determining the population of the newly incorporated municipality, if the present population determination is found to be incorrect and for the purpose of conducting a supplementary hearing to be held by the board to determine whether a special levy should be authorized to meet increased costs due to the incorporation.

18. IT IS FURTHER ORDERED: That the effective date of this order is June 18, 1991.

Dated this 18th day of June, 1991.

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


Terrence A. Merritt
Executive Director