

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner
Michelle Bogenrief	Ex-Officio Member
Paul McAlpine	Ex-Officio Member

IN THE MATTER OF THE PETITION OF THE)
CITY OF MONTICELLO FOR THE ANNEXATION)
OF CERTAIN LAND TO THE CITY OF MONTICELLO)
PURSUANT TO MINNESOTA STATUTES 414)

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 March 18, 1987, at Monticello, Minnesota, and was continued from time to time. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, Kenneth F. Sette, Commissioner, and County Commissioners Paul McAlpine and Michelle Bogenrief, Ex-Officio Members of the Board. The City of Monticello appeared by and through Gary Pringle, City Attorney, and the Town of Monticello appeared by through William Radzwill, Township Attorney. 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. A joint resolution as to orderly annexation was adopted by the City of

Monticello and the Town of Monticello in 1974, and amended from time to time. It was duly accepted by the Minnesota Municipal Board.

2. A resolution was filed pursuant to M.S. 414.0325 by one of the signatories to the joint resolution, the City of Monticello, on November 21, 1986 requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation, which is as follows:

Beginning at the intersection of the North-South Quarter Line of Section 32, Township 122, Range 25 and the thread of the Mississippi River *(Point A); thence south on said North-South Quarter Line and the North South Quarter Line of Sections 5 and 8 in Township 121, Range 25 to the North Sixteenth Line of said Section 8 *(Point B); thence east along said sixteenth line and the North Sixteenth Line of Section 9, said Township and Range to the East Line of said Section 9 *(Point C); thence south along said East Line and the East Line of Sections 16 and 21, said Township and Range to the East Quarter Corner of said Section 21 *(Point D); thence east along the East-West Quarter Line of Sections 22, 23, and 24 in Township 121, Range 25 and Sections 19 and 20 in Township 121, Range 24 to the East Sixteenth Line of said Section 20 *(Point E); thence north along said East Sixteenth Line of Sections 17 and 8, said Township and Range to the thread of the Mississippi River *(Point F); thence westerly and northwesterly along said thread of the Mississippi River to the point of beginning *(Point A). Except therefrom the area within the present Corporate Limits of the City of Monticello.

(* Point letters are shown for reference only on the city's petition and map on file in the Minnesota Municipal Board office.)

The above-described property is all of the land designated as in need of orderly annexation by the Joint Resolution For Orderly Annexation between the Town of Monticello and the City of Monticello.

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

4. The area proposed for annexation is unincorporated, the total orderly annexation agreement area, and approximately 5,780 acres in size. The area abuts the City of Monticello by approximately 46% of its perimeter. The City

of Monticello is approximately 3,007 acres in size.

5. In 1970 the City of Monticello had a population of 1,636, its population in 1980 was 2,830, its 1985 population was 3,620, and it is projected to have a population in five years of 4,000.

Projections made for population growth over a five-year period do not take into account any increase of population for the city due to annexation of land within that timeframe.

6. The Town of Monticello had a population in 1970 of 2,240, a 1980 population of 3,588, a 1985 population of 3,978, and it is projected to have a population in 1990 of 4,335.

Projections made for population growth over a five-year period do not take into account decrease of population for the town due to annexation of land within that timeframe.

7. The area proposed for annexation had a population of approximately 1,444 in 1980. Its current population is 1,724. It is projected that by the year 1990 it will have a population of approximately 2,058.

8. In the area proposed for annexation there are existing surface drainage ditches, as well as pipe networks for surface water runoff.

In the area proposed for annexation there is the following: approximately 1,006 acres of soils defined as prime agricultural land by the Soil Conservation Service, hereinafter referred to as "SCS;" approximately 4,278 acres of soil defined as marginal agricultural land by the SCS; approximately 496 acres of soils defined as untillable by the SCS; approximately 737 acres of land which, due to its soil moisture, have severe limitations for development and the majority of this land is located in the eastern portion of the area proposed for annexation.

The area proposed for annexation has some marsh and lowlands.

Approximately 35% of the land containing prime agricultural soils is either part of the development for non-agricultural purposes scattered throughout the area proposed for annexation or land that the property owners have requested that the city annex so that the land can be developed.

The area proposed for annexation abuts the Mississippi River.

9. The Town of Monticello is approximately 30,100 acres in size.

10. The City of Monticello has approximately 977 acres in residential use, approximately 141 acres in commercial use, approximately 577 acres in industrial use, approximately 270 acres in public use, approximately 231 acres in park use, and approximately 811 acres in vacant land. Not all of the vacant land is developable.

11. The Town of Monticello has land in residential, agricultural, commercial, industrial, public, and vacant use.

12. The area proposed for annexation has the following uses: approximately 4,413 acres in agricultural use, approximately 810 acres in residential use, approximately 86 acres in commercial use, approximately 15 acres in industrial use, approximately 347 acres in public, quasi-public use, which includes cemeteries and the golf course and the town hall, and 112 acres of vacant land.

The residential development is scattered throughout the area proposed for annexation. Only 38.2 acres of the existing residential development abuts the City of Monticello.

13. The property owners of approximately 1,178.69 acres of the area proposed for annexation have requested their land be annexed. Of those parcels requesting annexation, only property owned by Kjellberg located in the south/southwest central portion of the area proposed for annexation; and property owned by Boyle and located in the central portion of the area

proposed for annexation are scheduled to receive sewer and water within the next five years according to the City of Monticello's present municipal extension plans. The property owned by Sandberg and located in the northeastern portion of the area proposed for annexation is adjacent to city property that will be receiving sewer and water within the next five years pursuant to the City of Monticello's present municipal extension plans.

In the area proposed for annexation, the scattered developed residential subdivisions are not scheduled to receive both city sewer and water within the next five years pursuant to the City of Monticello's present municipal service extension plan.

14. The City of Monticello provides its residents with water, sanitary sewer, waste water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection under a contract with Wright County for approximately 6,095 man hours per year, street improvements and maintenance, administrative services, and recreational opportunities.

15. The City of Monticello presently provides the area subject to annexation with recreational opportunities. The city, along with the Town of Monticello, is a member of the Joint Fire Board that provides fire protection to the area proposed for annexation.

16. The Town of Monticello provides its residents in the orderly annexation area with street improvements and maintenance, and administrative services. Town residents bring their garbage and dispose of it at the Yanich land fill site in the Town of Monticello. The Town of Monticello does provide, on an "as need" basis, storm sewer drainage to the orderly annexation area.

17. The Town of Monticello does not have a central sanitary sewer collection and disposal system. The Town of Monticello does not presently

have a central water distribution system.

18. The Town of Monticello does not have any present plans to develop either a central sanitary sewer system or central water distribution system.

19. The City of Monticello has a zoning ordinance and subdivision regulations, a Comprehensive Plan, and an orderly annexation plan. There is a wild and scenic rivers designation in effect through the city.

20. Wright County has a zoning ordinance.

21. The Town of Monticello has no separate zoning ordinance, but acts under Wright County's zoning ordinance.

22. The orderly annexation area has an Orderly Annexation Land Use Plan, it has adopted the County Zoning Ordinance by reference, and has an Orderly Annexation Board that reviews development requests.

23. The City of Monticello presently has 38.47 total miles comprised of 27.50 miles of local roads/streets, 8.47 miles of county highways, 1.48 miles of state highways, and 1.02 miles of interstate highways.

24. The Town of Monticello has a total of 110.72 miles comprised of 56.50 miles of local roads/streets, 38.56 miles of county highways, 4.75 miles of state highways, and 10.91 miles of interstate highways.

25. In the area proposed for annexation, there are approximately 16.7 miles of local roads and streets, approximately 12.06 miles of county highway, approximately 1.80 miles of state highway, and approximately 6.48 miles of interstate highway.

26. The orderly annexation area does not presently have any reported pollution problems due to on-site septic systems. One system had functioned improperly because of improper construction and was reconstructed; that system is located in the residential development in the southwestern corner of the orderly annexation area.

Presently there are no noted pollution problems in the area proposed for annexation. To avoid potential pollution problems, municipal sanitary sewer and water is to be extended to the new middle school located on the Boyle property.

27. The assessed valuation of the City of Monticello is \$106,722,013.

28. The assessed valuation of the Town of Monticello is \$14,108,270.

29. The 1986, payable 1987, assessed value of the area proposed for annexation is approximately \$4,149,198.

The current levy for taxes for the township on the area proposed for annexation is approximately \$34,199.

30. The mill rate of Wright County is 21.332.

31. The mill rate for the City of Monticello is 15.715.

32. The mill rate for the Town of Monticello is 8.507.

33. The City of Monticello has a total bonded indebtedness of \$8,864,156.

34. The Town of Monticello receives approximately \$27,000 per year in reimbursement from the City of Monticello for use within the orderly annexation agreement area.

The payments are made pursuant to the joint resolution for orderly annexation between the City of Monticello and the Town of Monticello.

35. If the area proposed for annexation were annexed, there would be no impact on School District #882, as all of the City of Monticello and the orderly annexation area are served by that school district.

36. On February 9, 1988, the Minnesota Municipal Board moved to reduce the area under consideration before it to the following described property, which is the subject of the remaining Findings of Fact, Conclusions of Law, and Order hereinafter and referred to as the "reduced area for annexation":

That part of the Southwest Quarter of Section 14 and the Southeast Quarter of Section 15, Township 122, Range 25 lying east of the

westerly right-of-way of Minnesota Trunk Highway 25 as now located, hereinafter referred to as the "Kjellberg property."

That part of the Southwest Quarter of Section 13, Township 122, Range 25 less the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (southwest 10 acres - 660 feet x 660 feet) and that part of the West One-Half of Southeast Quarter of Section 13, Township 122, Range 25 less the southeast 1 square acre (208.7 feet x 208.7 feet), hereinafter referred to as the "Boyle property."

South 1622.97 feet of the West 914.52 feet of the Northeast Quarter, Section 18, Township 121, Range 24 West, hereinafter referred to as the "Sandberg property."

All that part of Trunk Highway 94 right-of-way lying in Sections 12 and 13 lying west of the east line of the West One-Half, Northeast Quarter, Section 13, Township 122 North, Range 25 West, hereinafter referred to as the "Interstate 94 property."

37. The reduced area for annexation is unincorporated, within the orderly annexation agreement area, approximately 435.53 acres in size, and abuts the City of Monticello for approximately 44% of its perimeter.

38. The reduced area for annexation has a population of approximately 311. The population resides within the Kjellberg trailer court, which is located on the southwestern portion of the reduced area for annexation located within Section 14, and all of the property located within Section 15.

39. There are no public waters in the reduced area for annexation.

The northern-most portion, approximately 3 acres, is located within the designation of Wild and Scenic Rivers.

The reduced area for annexation has approximately 180.28 acres of prime agricultural land as defined by the SCS, the majority of which is located in the Boyle and Sandberg parcels; approximately 244.935 acres of marginal ag land, as defined by the SCS; and approximately 5.315 acres of unfillable soils, as defined by the SCS.

There is approximately 12 acres in Boyle, Kjellberg, and Sandberg property that has severe development limitations due to moisture.

Approximately five acres in the reduced area for annexation contains right-of-way for Interstate 94.

40. The reduced area for annexation has land presently in residential use, as a trailer court, land in the northeastern corner of the Boyle property is used for institutional use, as the Monticello School District Middle School, and there is land used as right-of-way for Interstate 94. The I-94 right-of-way was inadvertently omitted from a previous annexation pursuant to the Orderly Annexation.

41. The property owners in the Kjellberg, Boyle, and Sandberg properties have requested annexation of their land to the City of Monticello so as to receive municipal services necessary for development of their property. The Sandberg property is proposed for some form of residential development, a portion of the Boyle property is the site of the new middle school, and the remainder of the Kjellberg property is proposed for residential and commercial development.

42. The anticipated uses for the Kjellberg and Sandberg properties are consistent with the adjacent land-use plan for the City of Monticello. The light commercial and residential development, as well as the existing middle school, institutional use for the Boyle property is not totally consistent with the City of Monticello's designation of industrial use immediately north of this property. The city has begun analyzing the present zoning immediately north of the Boyle property, in anticipation of rezoning the area for uses that are more compatible with the institutional use of the property.

43. The City of Monticello is willing to provide the reduced area for annexation with all of the services it presently provides to the citizens of the City of Monticello.

The City of Monticello plans to extend sewer and water to the Middle

School this construction season. Sewer and water will be available to the Boyle property. The Sandberg property is located near land within the City of Monticello that will receive the extension of major sewer and water trunk lines in the next 0 to 5 years. Pursuant to its long-range plans, the City of Monticello intends to extend sewer and water to the Kjellberg property within 0 to 5 years of the annexation request.

44. The reduced area for annexation has approximately one mile of interstate, approximately one-mile of state roads, and approximately one mile of local roads.

45. The mile of I-94 right-of-way presently forms a narrow finger of township land extending into the City of Monticello. The city police do not have jurisdiction over this narrow peninsula of roadway that is nearly surrounded by the City of Monticello.

46. The various parcels within the reduced area for annexation are near existing major roadways. The Kjellberg property is also adjacent to a proposed roadway that is to be constructed within the next five years.

47. The remainder of the Town of Monticello can continue to carry on the functions of government without the reduced area for annexation.

48. The City of Monticello is the only municipality adjacent to the reduced area for annexation.

CONCLUSIONS OF LAW

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

2. The reduced area for annexation is now or is about to become urban or suburban in nature, in need of or will be in need of municipal services, and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the reduced area for annexation.

4. The annexation would be in the best interests of the reduced area for annexation.

5. The annexation is consistent with the terms of the joint resolution for orderly annexation.

6. Three years will be required to effectively provide full municipal services to the annexed area or to comply with terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

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

O R D E R

1. IT IS HEREBY ORDERED: That the following described property is hereby annexed to the City of Monticello, Minnesota, the same as if it had been originally a part thereof.

Kjellberg Property:

That part of the Southwest Quarter of Section 14 and the Southeast Quarter of Section 15, Township 122, Range 25 lying east of the westerly right-of-way of Minnesota Trunk Highway 25 as now located.

Boyle Property:

That part of the Southwest Quarter of Section 13, Township 122, Range 25 less the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (southwest 10 acres - 660 feet x 660 feet) and that part of the West One-Half of Southeast Quarter of Section 13, Township 122, Range 25 less the southeast 1 square acre (208.7 feet x 208.7 feet).

Sandberg Property:

South 1622.97 feet of the West 914.52 feet of the Northeast Quarter, Section 18, Township 121, Range 24 West.

Interstate 94:

All that part of Trunk Highway 94 right-of-way lying in Sections 12 and 13 lying west of the east line of the West One-Half, Northeast Quarter, Section 13, Township 122 North, Range 25 West.

2. IT IS FURTHER ORDERED: That the petition for annexation of the

described land in Findings of Fact 2, and not described in Article 1 of this order herein, is hereby denied.

3. IT IS FURTHER ORDERED: That the mill levy of the City of Monticello on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the city.

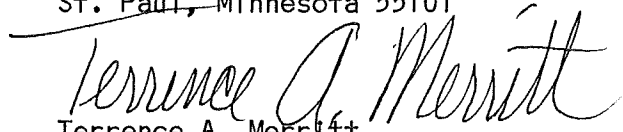
4. IT IS FURTHER ORDERED: That the population of the City of Monticello is hereby increased by 311 persons.

5. IT IS FURTHER ORDERED: That the population of the Town of Monticello is hereby decreased by 311 persons.

6. IT IS FURTHER ORDERED: That the effective date of this order is May 17, 1988.

Dated this 17th day of May, 1988.

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 reduced area for annexation, the board notes that the city had requested the annexation of all of the area designated as in need of orderly annexation. If the total annexation had been approved, the City of Monticello's size would have increased by nearly 200%. Such an increase was not warranted based on the evidence presented.

There was significant frustration expressed concerning the Orderly Annexation Board. The board hopes that with this proceeding at an end, the parties will be able to sit down and re-examine the future of the Orderly Annexation Board, and the orderly annexation area to determine if development is being properly focused. The city and town is urged to approach the orderly annexation issue with the same spirit of cooperation that testimony stated exists in other areas between the two governmental entities.

Although there was no testimony about on-site septic system pollution at this time, the board is concerned about the potential for future problems. The city and town should work together to insure that if pollution problems develop, they will be addressed. Bold-faced statements that there are no problems without regular on-site testing do not protect the aquifer and the adjacent surface waters, including the Mississippi River, from being polluted.

The present zone adjacent to middle school is industrial. The planner for the township and the planner for the city stated that an industrial zone is not an appropriate zone adjacent to a school. The board anticipates that the city will change its land-use plan to a more appropriate zone for land adjacent to a school.

TAM 5-17-88