

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

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IN THE MATTER OF THE RESOLUTION )  
FOR ANNEXATION OF CERTAIN LAND )  
TO THE CITY OF EVELETH )  
-----

SUPPLEMENTAL ORDER

On November 7, 1977, the Municipal Board issued an order annexing the remaining portion of the Township of Missabe Mountain to the City of Eveleth. The Order stated that the population of the City of Eveleth would be adjusted in a Supplemental Order.

IT IS HEREBY ORDERED: That the population of the City of Eveleth is increased by 100 persons to 5,176 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Missabe Mountain has decreased by 100 persons to zero.

Dated this 22nd day of December, 1977.

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

  
William A. Neiman  
Executive Secretary

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
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IN THE MATTER OF THE RESOLUTION )	<u>FINDINGS OF FACT,</u>
FOR ANNEXATION OF CERTAIN LAND )	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF EVELETH )	<u>AND ORDER</u>

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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 March 31, 1977, at Eveleth, 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 Edwin Hoff and Alvin Hall, ex-officio members of the Board. The City of Eveleth appeared by and through Bruce Rasmussen, and the Township of Missabe Mt. appeared by and through town board members. 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 14, 1976, a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

In Missabe Mountain Township, Township 58 North, Range 17 West all of Section 30 and all of Section 29 except that portion of the North  $\frac{1}{2}$ , lying east of Highway 53, all of Section 32, not presently within the City of Eveleth, and the western three-fourths of Section 33.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Eveleth.
- b. The total area of the City of Eveleth is approximately 6 square miles. The total area of the territory subject to annexation is approximately  $2\frac{1}{4}$  square miles.
- c. The perimeter of the area to be annexed borders the municipality for 3 miles.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: undeveloped portions are generally forested land.

4. Population Data

- a. The City of Eveleth has experienced some decline in population in recent decades; but, more recently, there is evidence of population growth. The 1974 estimate is 4,826 persons.
- b. The area subject to annexation has had a relatively stable population of about 25, but this number will grow as the area becomes developed.

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? The City of Eveleth and the Arrowhead Regional Development Commission project that a major part of the territory proposed for annexation will become urban or suburban.

b. What land use controls are presently being employed.

1) In the City of Eveleth:

- a. Zoning - Yes
- b. Subdivision regulations - Yes
- c. Housing and building codes - Yes
- d. Other - Comprehensive plans

2) In the area to be annexed:

- a. Zoning - No
- b. Subdivision regulations - No
- c. Housing and building codes - No

c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Eveleth with necessary growth space? Yes, particularly because of heavy mining uses in and near the City of Eveleth the city requires additional space to accomodate projected future growth.

d. Development of the following types is occurring:

1) In the City of Eveleth:

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation: presently there is residential, industrial and commercial development in the area. Further development is anticipated within a reasonable time.

e. What will be the effect, if any, of the annexation on adjacent communities? None

6. Governmental Services

a. Presently, the Township of Missabe Mt. provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - No
- 4) Police Protection - No
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

b. Presently, the City of Eveleth provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes
- 8) Other - Library, hospital, garbage collection

c. Presently the City of Eveleth provides the area subject to annexation with the following services: none.

d. Plans to extend municipal services to the area subject to annexation include the following: the city will be able to provide all services except sewer and water immediately upon annexation. Utility services will be expanded within a reasonable time after the annexation, consistent with the needs of the area.

e. There are existing or potential pollution problems which are: industrial and commercial establishments with private sewer systems could create an environmental pollution problem. The following additional services will help resolve this situation: city sewer.

#### 7. Fiscal Data

- a. In the City of Eveleth, the assessed valuation trend as of 1976 is rising (approximately 5.5 million), the mill rate trend as of 1976 is decreasing (41.55 mills) and the bonded indebtedness as of 1974 is \$461,000.
- b. In the area subject to annexation, the assessed valuation trend as of 1975 is rising, the mill rate trend as of 1975 is stable (2.21 mills) and the bonded indebtedness as of 1976 is 0.

- c. The mill rate trends in the following units of government are:
    - 1) School Districts: Stable - 1976, 49.76 mills.
    - 2) Township: Stable - 1975, 2.21 mills.
  - d. Will the annexation have any effect upon area school districts? No, the school district is the same for the City of Eveleth and the area.
8. Is annexation to the City of Eveleth the best alternative.
- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.
  - b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Eveleth? No.
  - c. Could Missabe Mt. Township provide the services required? No. The township has already been substantially reduced by previous annexations.
  - d. Can Missabe Mt. Township continue to function without the area subject to annexation? The township will no longer exist.
9. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation.
10. What area is primarily and substantially interested in or affected by the Board order?
- a. The area proposed for annexation, which is the remaining portion of Missabe Mt., would be transferred from one governmental jurisdiction to another. The residents would be subjected to a new set of ordinances and a new taxing authority. The area proposed for annexation is clearly primarily interested in and affected by the annexation.

b. The City of Eveleth:

- 1) Delivery of services: The City of Eveleth has extensive municipal services, some of which may immediately be extended to the area proposed for annexation. The City will receive compensation for services delivered and for services that will be provided to the other areas as developed.
- 2) Geographic considerations: The truncated portion of Missabe Mt. Township which remains does not have the requisite viability to be a free-standing community and provides a rational growth area for the City of Eveleth.
- 3) Community of Interest: The annexation of the area proposed will bring within Eveleth territory and people receiving Eveleth's services and having a community of interest, business district, churches, public schools, and a vocational technical school.
- 4) Economic impact: The City of Eveleth requires additional space to accommodate future growth, and the area proposed for annexation provides this space. It includes area that is presently developed and area that is being developed for commercial and industrial purposes along Highway 53. The remainder is suitable for residential development and such development is predicted by the Arrowhead Regional Development Commission.

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 character.
3. Municipal government is required to protect the public health, safety and welfare in the area subject to annexation.
4. The best interest of the City of Eveleth and the area subject to annexation will be furthered by annexation.
5. There is a reasonable relationship between the increase in

revenue for the City of Eveleth and the value of benefits conferred upon the area subject to annexation.

6. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

7. 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 to be described herein.

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

9. The area primarily and substantially interested in or affected by the proposed annexation is the remaining Township of Missabe Mt. and the City of Eveleth.

#### O R D E R

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

In Missabe Mountain Township, Township 58 North, Range 17 West all of Section 30 and all of Section 29 except that portion of the North  $\frac{1}{2}$ , lying east of Highway 53, all of Section 32, not presently within the City of Eveleth, and the western three-fourths of Section 33.

IT IS FURTHER ORDERED THAT: 1. On December 13, 1977, which is 36 days after the entry date on this order, a public election is to be conducted as provided by law in the remaining portion of the Township of Missabe Mountain and the City of Eveleth, 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. Further, any person eligible to vote at a township or municipal election is eligible to vote at such election.



2. The hours of the election shall be between 7:00 a.m. and 8:00 p.m.

3. The polling places and election judges shall be as follows:

Election Judges:

Elmer A. Milbridge (Eveleth City Clerk) who shall serve as Chief Election Judge and shall appoint one assistant judge at each polling place in the City of Eveleth and submit their names in writing to the Municipal Board before the election.

Nick Palkovich (Missabe Mountain Township Supervisor) shall serve as an Election Judge and appoint one assistant judge at the polling place in the Township of Missabe Mt. and submit the name in writing to the Municipal Board before the election.

POLLING LOCATIONS:

CITY OF EVELETH

1st Precinct	-	City Hall Pierce Street P.O. Box 401
2nd Precinct	-	Hippodrome Douglas Avenue & Jackson St.
3rd Precinct	-	Fire Hall Adams Avenue & Jackson Street
4th Precinct	-	Senior High School Gymnasium Jones Street
5th Precinct	-	East Range Day Activity Center "A" Avenue & Cleveland Street
6th Precinct	-	Conrad Tweten residence 1510 West First Street

MISSABE MT. TOWNSHIP

1st Precinct	-	Nick Palkovich residence Hwy. 37, Box 4, Eveleth
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4. The judges shall conduct the election so far as practicable in accordance with the laws regulating special elections.

5. Only voters residing within the area which is substantially interested in or affected by the Board's Order dated November 7, 1977. shall be entitled to vote. This area is: The City of Eveleth and the Township of Missabe Mountain.

6. 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 described herein and submit proof thereof to the Executive Secretary of the Municipal Board.

7. 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 thereof to the Executive Secretary of the Municipal Board.

8. The Chief Election Judge shall prepare the ballot, which shall bear the words "For Annexation to the City of Eveleth" and "Against Annexation to the City of Eveleth" with a square before each of the phrases in one of which the voter shall make a cross to express his or her choice.

9. The ballots and election supplies shall be provided by the City of Eveleth.

10. The Election Judges shall prepare and submit to the Executive Secretary of the Minnesota Municipal Board a verified election certificate declaring the time and place of election and the results of their canvass of the ballots.

IT IS FURTHER ORDERED: That the annexation herein be effective upon filing of this Order as provided by Minnesota Statutes 414.031, Subd. 6, provided that a majority of the votes cast were "For Annexation".

IT IS FURTHER ORDERED: That the population of the City of Eveleth will be adjusted in a Supplemental Order.

IT IS FURTHER ORDERED: That all money, claims and properties, including real estate owned, held, or possessed by the Town of Missabe Mountain, entitlements from the federal, state and other governments, and any proceeds or taxes levied by the Town of Missabe Mountain, collected or uncollected, shall become and be the property of the City of Eveleth with full power and authority to use and dispose of the same for public purposes as the council may deem best, subject to the rights of creditors.

IT IS FURTHER ORDERED: That the effective date of this order is November 7, 1977.

Dated this 7th day of November, 1977.

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

  
William A. Neiman  
Executive Secretary