



STATE OF MINNESOTA  
MUNICIPAL BOARD

Suite 165 Metro Square  
7th & Robert Streets  
St. Paul, Minnesota 55101

MEMORANDUM

TO: Parties of Record  
FROM: Pat Lundy *pdl*  
Assistant Director  
DATE: November 28, 1983  
RE: A-3897 Mahnomen/Pembina Township

This is to inform you that pursuant to Municipal Board Order dated August 23, 1983 in the above-entitled matter, an annexation election was duly held on the 8th day of November, 1983 in accordance with Minnesota Statutes 414.031, Subdivision 5.

The election results were as follows and the Mahnomen annexation is therefore not effective.

	<u>For Annexation</u>	<u>Against Annexation</u>
Pembina Township	5	186
City of Mahnomen	<u>210</u>	<u>91</u>
TOTALS	<u>215</u>	<u>277</u>

PDL:sg

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth E. Sette	Member
Richard Larson	Ex-Officio Member
Fred Rothschadl	Ex-Officio Member

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IN THE MATTER OF THE RESOLUTION FOR THE )  
ANNEXATION OF CERTAIN LAND TO THE CITY )  
OF MAHNOMEN PURSUANT TO MINNESOTA ) SUPPLEMENTAL ORDER FOR ELECTION  
STATUTES 414 )

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Pursuant to the Municipal Board Order dated August 23, 1983 annexing certain land to the City of Mahnomen and ordering an election on November 8, 1983, the Minnesota Municipal Board hereby issues its Supplemental Order for Election.

IT IS HEREBY ORDERED THAT:

1. The polling places and election judges shall be as follows:
  - a. The polling place in the Township of Pembina shall be the Pembina Town Hall.
  - b. The election judges in the Township of Pembina shall be:

Vincent Kettner	Vernon Otto
Ilton Thorpe	Marvin Coyle
  - c. The polling place in the City of Mahnomen shall be the Mahnomen Fire Hall.
  - d. The election judges in the City of Mahnomen shall be:

Dorothy Thielen	Rose Colligan	Betty Paul
Lawrence Hoss	Nancy K. Reller	Virginia Fish
Bonnie Liebl	Roy Johnston	DeAnne K. Ryan
Eddie Korbel	Eldora Varty	Helen B. Spaeth
Herdes Koons		

Dated this 12th day of September, 1983.

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

*Patricia D. Lundy*  
Patricia D. Lundy  
Assistant Director

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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IN THE MATTER OF THE RESOLUTION FOR )  
 THE ANNEXATION OF CERTAIN LAND TO )  
 THE CITY OF MAHNOMEN PURSUANT TO )  
 MINNESOTA STATUTES 414 )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

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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 April 14, 1982, at Mahnomen, Minnesota and was continued to June 16, 1982. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Fred Rothschadl and Richard Larson, Ex-Officio Members of the Board. The City of Mahnomen appeared by and through James Buening and the Town of Pembina appeared by and through A. J. Wambach, Jr. Testimony was heard and record 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 January 28, 1982 a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

The Southwest Quarter of the Southeast Quarter and that part of the Northwest Quarter of the Southeast Quarter in Section 2,

Township 144 North, Range 42 West of the Fifth Principal Meridian in Mahnomen County, Minnesota, described as follows:

Commencing at the Southwest Corner of said Northwest Quarter of the Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds East 1110.00 feet on an assumed bearing along the South line of said Northwest Quarter of the Southeast Quarter to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East 1329.5 feet, more or less, to the North line of said Northwest Quarter of the Southeast Quarter; thence Easterly along the North line of said Northwest Quarter of the Southeast Quarter to the Northeast Corner of said Northwest Quarter of the Southeast Quarter; thence Southerly along the East line of said Northwest Quarter of the Southeast Quarter to the Southeast corner of said Northwest Quarter of the Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds West along the South line of said Northwest Quarter of the Southeast Quarter to the point of beginning.

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

3. On June 23, 1983, 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:

The Southwest Quarter of the Southeast Quarter, Section 2, Township 144 North, Range 42 West, to the 5th Principal Meridian, in Mahnomen County, Minnesota.

4. The area subject to annexation is unincorporated, approximately 35 acres in size and abuts the City of Mahnomen by approximately 71% of its border. The City of Mahnomen is approximately 440 acres in size.

5. The area proposed for annexation is generally level, with U.S. Highway No. 59 and a portion of the northern side of Jefferson Avenue in the area.

6. In 1970 the City of Mahnomen had a population of 1,313 and its 1980 population is 1,283.

7. In 1970 the Town of Pembina had a population of 625 and its population in 1980 was 598.

8. In the area subject to annexation, the population in 1970 was 8, its population in 1980 was 9, and its current population is 9.

9. The City of Mahanomen has approximately 296 acres in residential use, approximately 25 acres in institutional use, approximately 12 acres in commercial use, and approximately 107 acres in agricultural use.

10. Pembina Township has approximately 297 acres in residential use, approximately 460 acres in institutional use, approximately 57 acres in commercial use, and approximately 22,010 acres in agricultural use.

11. In the area proposed for annexation, there are approximately 21 acres in commercial use with the remainder of the land in residential use or public purpose use.

12. The City of Mahanomen has a zoning ordinance, comprehensive plan, capital improvements program, fire code, Minnesota building code, Minnesota plumbing code, flood plain ordinance and sanitation ordinance.

13. At the county level there is only lake shore zoning.

14. The present use of the area is consistent with the zoning for the area under the City of Mahanomen zoning plan.

15. The City of Mahanomen presently provides its residents with water, sanitary sewer, fire protection, police protection, street improvements and maintenance, administrative services, and street lights.

16. The City of Mahanomen presently provides the area proposed for annexation with street improvements and maintenance on that portion of Jefferson Avenue located in the annexation area, water and sanitary sewer to two of the businesses in the area, lights along Jefferson Avenue, police patrol to the area, police assistance through mutual aid to the County Sheriff, and fire protection paid for by the township under a contract arrangement.

17. If the area proposed for annexation were annexed, the city would be willing to extend water and sewer service to the remainder of the area proposed for annexation, should it be requested.

18. The City of Mahanomen has erected a new watertower and is planning for

the expansion of its waste water treatment lagoons, so as to increase its capacity to serve the area proposed for annexation.

19. The Town of Pembina provides its residents with fire protection through a contract with the City of Mahanomen, road maintenance and improvements, and administrative services.

20. The mill levy for the County of Mahanomen is 39. The 1982 mill levy for the City of Mahanomen is 27.32. The 1982 mill levy for the Town of Pembina is 7.72. The 1982 mill levy for the school district is 40.36. The 1982 mill levy for the special taxing district is 1.51.

21. The City of Mahanomen has a fire insurance rating of 7.

22. The City of Mahanomen has a bonded indebtedness, as of 12-31-81, of \$479,750.

23. As of 12-31-81, the Town of Pembina had no bonded indebtedness.

24. In 1982 the assessed valuation of the City of Mahanomen was \$3,331,238.

25. In 1982 the assessed valuation of the Town of Pembina was approximately \$3,238,341.

26. In 1982 the assessed valuation of the area proposed for annexation was approximately \$163,474.

27. Pembina Township can continue to function without the area subject to annexation.

28. The City of Mahanomen is the only municipality adjacent to the area subject to annexation.

29. The proposed annexation will have no impact on the school district, which serves the area proposed for annexation.

30. All necessary governmental services can best be provided to the area subject to annexation by annexation to the City of Mahanomen.

31. The majority of the property owners in the area subject to annexation

have not petitioned the Minnesota Municipal Board requesting annexation.

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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.
3. Municipal government is required to protect the public health, safety and welfare in the area subject to annexation.
4. The best interests of the area subject to annexation will be furthered by annexation.
5. The remainder of the Town of Pembina can carry out the functions of government without undue hardship.
6. There is a reasonable relationship between the increase in values for the City of Mahnomen and the value of benefits conferred upon the area subject to annexation.
7. The City of Mahnomen is the only city adjacent to the area proposed for annexation, therefore the 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.
8. Pursuant to M.S. 414.035, the mill levy step-up for the area proposed for annexation is 6 years.
9. This Minnesota Municipal Board order is subject to an annexation election.
10. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact 3, herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 3, herein, situated in the County of Mahnomen, State of Minnesota, be and the same is

hereby annexed to the City of Mahanomen, Minnesota, the same as if it had been originally made a part thereof.

2. IT IS FURTHER ORDERED: On November 8, 1983, which is 77 days after the entry date of this order, a public election, to be conducted as provided by law, shall be held in the entire City of Mahanomen and the entire Town of Pembina, 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. The ballot for said election shall conform substantially to the following:

For Annexation

Against Annexation

3. IT IS FURTHER ORDERED: That Dean M. Johnson is hereby appointed as Chief Election Judge and Vincent Kettner is hereby appointed as Deputy Chief Election Judge. Further, a Supplemental Order of the Board shall be issued appointing election judges and naming polling places. The local judges shall conduct the election so far as practicable in accordance with the laws regulating special elections. Further, the referendum shall be conducted as provided for in Minnesota Statutes 414.031, Subdivision 5. The polls shall be open from 7:00 a.m. to 8:00 p.m.

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

5. IT IS FURTHER ORDERED: That the population of the City of Mahanomen has been increased by 9 persons.

6. IT IS FURTHER ORDERED: That the population of the Town of Pembina has been decreased by 9 persons.

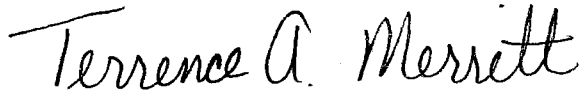


7. IT IS FURTHER ORDERED: That the annexation herein be effective January 1, 1984 provided that a majority of the votes are cast "for annexation." The Municipal Board shall upon receipt of the certificate of election results, notify all parties of record of the election results.

8. IT IS FURTHER ORDERED: That the effective date of this order is August 23, 1983.

Dated this 23rd day of August, 1983.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt". The signature is written in dark ink and is positioned above the printed name and title.

Terrence A. Merritt  
Executive Director