

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Meinrad Torborg	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF WAITE PARK 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 October 6, 1986 at Waite Park, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, John W. Carey, Commissioner, and County Commissioner Meinrad Torborg and then County Commissioner, Henry Dickhaus, Ex-Officio Members of the Board. The City of Waite Park appeared by and through Gordon Hansmeier and the Town of St. Cloud appeared by and through Frank Kundrat. The petitioners appeared by and through spokesperson Dale Gruber. 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 June 16, 1986, a petition by a majority of the property owners was

received by the Minnesota Municipal Board, and a supplement to the petition was received on July 18, 1986. The petition contained all of the information required by statute including a description of the property subject to annexation which is as follows:

SECT-21 TWP-124 RANG-28 .49A N120' of S360' of W180' of SW4 NW4 and The Cloud Park Development and SECT-21 TWP-124 RANG-28 .49A N120' of S240' of W180' of SW4 NW4.

The petition received on June 16, 1986 was accompanied by a resolution of support from the City of Waite Park.

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

3. The annexation area is unincorporated, approximately 39 acres in size and abuts the City of Waite Park by approximately 50% of its border. It is generally flat terrain with a soil of fine granular sand 10 to 40 feet over bedrock.

4. The area proposed for annexation is developed for single-family residences and some of the residential lots are presently vacant.

5. The City of Waite Park had a population of 2,824 in 1970, 3,496 in 1980, and its current population is 4,500.

6. The Town of St. Cloud had a population of 6,807 in 1970, 5,282 in 1980, and its current population is 6,000.

7. The area proposed for annexation has a present population of approximately 120.

8. The City of Waite Park has approximately 1,045 acres. It has land in residential use, institutional use, commercial use, industrial use, and vacant land.

9. The Town of St. Cloud has approximately 11,500 acres. It has land in residential use, institutional use, commercial use, industrial use, agricultural use, and vacant land.

10. The remaining undeveloped land in the area proposed for annexation is planned for residential development.

11. The City of Waite Park has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, a fire code, and a comprehensive plan.

12. The Town of St. Cloud has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, a fire code, sanitation ordinance, and a comprehensive plan.

13. The County of Stearns has a shoreland ordinance, floodplain ordinance, and a wild and scenic rivers ordinance.

14. The current zoning of the area proposed for annexation is residential, R-2.

15. If annexed, it is anticipated that the city will zone the annexation area residential.

16. The City of Waite Park provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

17. The City of Waite Park is willing to provide the area proposed for annexation with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

18. The Town of St. Cloud provides the area proposed for annexation with fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

Services provided to the area proposed for annexation are the same services provided by the township to the remaining land within the township.

19. The City of Waite Park has approximately 19.7 miles of highways, streets, and roads. The Town of St. Cloud has 50 miles of highways, streets, and roads excluding federal, state, and county highways. The area proposed for annexation has approximately .8 of a mile of road.

20. Each residence in the annexation area has its own private well and septic system. Also, most if not all of the residents have one or more sump pumps in their home to pump water out of their basements.

21. Presently, there is inadequate surface water and storm drainage in the area proposed for annexation. There is standing water in the area proposed for annexation during the spring, summer, and fall. Some of the residents' sump pumps work extensively during the spring, summer, and fall.

22. The City of Waite Park is willing to provide the annexation area with storm sewer service as a part of a larger storm sewer project that it is undertaking within the present corporate limits of the City of Waite Park.

23. The Town of St. Cloud has expended funds studying and preparing proposals that would attempt to address the surface water problem. It is projected that the proposals would take somewhere between five to ten years to implement if requested by the residents.

24. The City of Waite Park's storm sewer project is anticipated to be completed in approximately two years.

25. The mill levy for the County of Stearns in 1986 was 29.291. In 1986, the mill levy was 23.356 for the City of Waite Park, 8.619 for the Town of St. Cloud, and 55.411 for the school district. The Special Taxing District had a 1986 mill levy of 2.098 for the City of Waite Park.

26. The assessed valuation of the City of Waite Park in 1986 was \$22,926,284.

27. The assessed valuation of the Town of St. Cloud in 1986 was \$28,250,989.

28. The assessed valuation of the area proposed for annexation in 1986 was \$485,463.

29. In 1986, the City of Waite Park had a bonded indebtedness of \$3,045,000.

30. In 1986, the Town of St. Cloud had no bonded indebtedness.

31. The City of Waite Park and the Town of St. Cloud have a fire insurance rating of 6.

32. St. Cloud Township can continue to function without the annexation area.

33. The City of Waite Park is the only municipality adjacent to the annexation area.

34. The annexation area will have no impact on the school district, which serves the annexation area and the City of Waite Park.

35. All necessary governmental services can best be provided to the annexation area by its annexation to the City of Waite Park.

36. A majority of the owners of land within the annexation area petitioned the Minnesota Municipal Board for annexation of the area under

consideration.

CONCLUSIONS OF LAW

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

2. The annexation area 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 annexation area.

4. The best interests of the annexation area will be furthered by annexation.

5. The remainder of the Town of St. Cloud 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 Waite Park and the value of benefits conferred upon the annexation area.

7. The City of Waite Park is the only city adjacent to the annexation area, therefore the annexation of all or a part of the property to a municipality other than Waite Park would not better serve the annexation area.

8. This Minnesota Municipal Board Order is not subject to an annexation election.

9. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact 1, herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of

Fact 1 herein, be and the same hereby is annexed to the City of Waite Park, Minnesota the same as if it had been originally a part thereof.

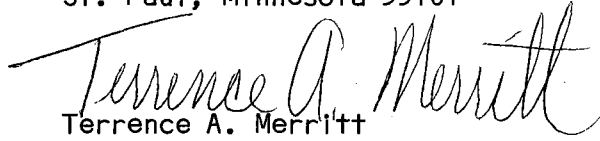
2. IT IS FURTHER ORDERED: That the population of the City of Waite Park is increased by 120 persons.

3. IT IS FURTHER ORDERED: That the population of the Town of St. Cloud is decreased by 120 persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is February 19, 1987.

Dated this 19th day of February, 1987.

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

The board notes that although no testimony specifically addressed the issue of the maintenance of the road east of the area proposed for annexation, which will now be part city and part township road, it is anticipated that the parties will work together to deal with this matter sensibly. Since the issue arose during the board's final deliberation on the matter, it makes no findings on the issue, but urges the parties to work together so that the maintenance of the road can be handled as economically as possible for the benefit of the citizens of both communities.

The board also urges the City of Waite Park to stick to its projected time line of approximately two years to provide storm sewer service to the annexation area. The annexation was initiated by property owners seeking expeditious relief from surface water runoff. The city's plan is anticipated to be completed years before the township's proposal would have been. This expediency lay at the base of the annexation request. The board anticipates that the city will proceed with the diligence it professed to at the hearing. *TAM 2-19-87*