

A-842
A-844
A-847
A-886

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ANNEXATION OF CERTAIN LAND
LOCATED IN NORTHDALE TOWNSHIP TO THE VILLAGE OF
NORTH ST. PAUL

and

IN THE MATTER OF THE PETITION FOR THE INCORPORATION
OF THE VILLAGE OF NORTHDALE

Robert W. Johnson	Chairman
Edward L. Henry	Vice-Chairman
Thomas R. Byrne	Member
Idor A. Pederson	Ex-Officio Member
A. B. Schaefer	Ex-Officio Member

The above entitled matters came on for hearing before the Municipal Commission following receipt of petitions from land-owners for annexation of certain lands lying in Northdale Township to the Village of North St. Paul. The several petitions were given Commission File Docket Numbers A-842, A-844, A-847, A-886 and hearings before the Commission were held in the North St. Paul Village Hall beginning on September 21, 1965. Prior to the hearings, the Commission received and granted the petition to intervene presented by the Town of Northdale. Thereafter, the Commission received the petition for the incorporation of the Village of Northdale. The Commission adjourned the hearings on the petitions for annexations in Docket Numbers A-842, A-844, A-847, and A-886 to allow for notice of hearing on the petition for incorporation which hearing was held November 23, 1965 at Castle Green Country Club. An additional hearing before the Commission on the combined petitions for annexation and incorporation was set for April 19, 1966 in the North St. Paul Village Hall and continued to May 2, 1966.

Thereafter, the petitioners seeking annexation of certain lands to the Village of North St. Paul filed an amended and consolidated petition seeking the annexation of the West $\frac{1}{2}$ of Sections 6 and 7, Northdale Township 29, Range 21, to the Village of North St. Paul. A hearing on the amended petition for annexation and the petition for incorporation was held on May 26, 1966, in the North St. Paul Village Hall.

There was a quorum of the Municipal Commission present at all hearings. All members of the Commission have read and examined the record. The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence, the files and records and arguments of counsel, makes and enters the following:

FINDINGS OF FACT

1. Adequate legal notice of the several hearings and adjourned hearings was given and petitioners were represented at all said hearings.

2. The Northdale Township land proposed for annexation to the Village of North St. Paul is described as the West one half of Sections 6 and 7, Township 29, Range 21, Washington County; said land abuts upon the Village limits at the east line and is not presently a part of any incorporated city, village or borough.

3. The land petitioned to be incorporated as the Village of Northdale is described as Sections 6, 7, and 18 and that part of Section 19 lying north of the Chicago, St. Paul, Minneapolis and Omaha Railway, all in Township 29, North of Range 21 West.

4. The population of the Village of North St. Paul, based on an April 1, 1965^a census was 10,531 with the 1962 population of Northdale Township being 1,354 and estimated to be 1500 in 1966. The estimated population in the area to be annexed is 1000.

5. The area of Northdale Township is approximately 2,011 acres and the ^barea of the Village of North St. Paul is approximately 1,954 acres. The area proposed to be annexed contains approximately 640 acres. The assessed value of North St. Paul is \$4,710,988.00; of Northdale Townshipⁱ is \$518,209.00; of the area to be annexed is \$253,935.

6. The Village of North St. Paul presently provides or has

available all the governmental services usually found in an urban area, including a library, a Village Hall, fire station and police station, a full-time park and recreation program, and a full-time municipal office staff including engineering, voting, zoning and other municipal services. The Village provides a municipal court and 24-hour police protection with eight police officers and two police cars. The Village provides a full-time street maintenance crew, and equipment for maintenance. The Village provides municipal water and sewer service to its citizens.

7. The Town of Northdale provides no municipal sewer or water utility services, has ⁹ no full-time police, fire, recreation, animal control or other municipal office assistance, and cannot presently cope with the problems of providing municipal services in the same manner as the Village.

8. Present fire insurance rates in the Town of Northdale are based on a Class 9 insurance rate, while the Village of North St. Paul rates are lower to its residents by reason of the Village Class 6 insurance rates.

9. There has been little construction activity in Northdale Township by reason of the lack of municipal services and future land development is dependent upon obtaining the municipal services of an urban area which are presently supplied to the residents of the Village of North St. Paul. There is not adequate space available for future expansion of the Village and the space for expansion of Northdale can be utilized only when municipal services are provided.

10. The Town of Northdale had prepared engineering studies of the cost and manner of providing municipal sewer and water services to the Township.

11. The Village of North St. Paul is able to provide municipal sewer and water services, as well as other municipal services to the area which petitioners seek to annex. Municipal services are presently needed in the area to be annexed

and particularly sewer services which are urgently needed. These services can be feasibly and practicably provided by the village of North St. Paul reasonably soon whereas particularly in the case of sewer services there is question that the township can meet immediate needs.

12. Although the area to be annexed is presently urban and suburban in character, present sewer and water services in said area and in the Town of Northdale are confined to on-the-lot wells for water supply and on-the-lot septic tank sanitary facilities. There is presently a failure of these individual systems in the developed area and sewage effluent is being discharged and flowing over the ground surface in various locations.

13. While the Town of Northdale has recognized the present need for providing municipal services, the reports of the Township engineers recognize that the portion of the Township abutting on the eastern boundary of the Village of North St. Paul is best served through the Village, which plan is consistent with the overall plan for handling St. Paul metropolitan area sewage as shown by Appendix B, page B-2, Figure No. 4 of the Metropolitan St. Paul Sewage report dated May, 1964.

14. The area to be annexed from the Town of Northdale has close social, economic, and physical ties to the Village of North St. Paul even though said area is in Washington County and the Village is in Ramsey County.

15. Although the need for providing municipal services is recognized by Township officials, the feasibility and practicability of Northdale providing such services is hampered by financial resources of the Township.

16. The annexation of the area sought to be annexed to North St. Paul will not impair the ability of the remaining area of the Town of Northdale to join with adjacent communities and townships in the establishment of a common governmental unit.

CONCLUSIONS

1. The annexation of the West one-half of Sections 6 and 7, Township 29, Range 21, Washington County, to the Village of North St. Paul is required to protect the public health, safety, and welfare of the residents of the area, and will not prevent the orderly development of the remaining portion of Northdale Township.

2. The fact that the area to be annexed is in Washington County and the Village is in Ramsey County will not affect the feasibility or practicability of the annexation.

3. Any increase in real property taxes which may result by reason of the annexation is more than offset by the benefits in municipal services which will be received.

4. The primary motive of the petition for annexation is not for the purpose of providing increased revenues for North St. Paul.

5. There is a present and immediate need for all types of municipal governmental services in the area to be annexed which is most feasibly and practicably provided by annexation to North St. Paul. These services include but are not limited to water, sewer, zoning, street, planning, police and fire protection.

6. It is in the best interest of the residents of the Township that the petition for incorporation of the Village of Northdale be denied. A

7. It is in the public interest and in the interest of the residents to grant the petition for annexation of the land which now is or is about to become urban in character.

O R D E R

IT IS HEREBY ORDERED:

1. The petition for incorporation of the Village of Northdale is denied.

2. The petition for annexation of the West one-half of Sections 6 and 7, Township 29, Range 21, to the Village of North St. Paul is granted.

3. An election shall be held pursuant to Minnesota Statutes 414.03 upon the proposition of whether the area described in paragraph 2 of this Order should be annexed to the Village of North St. Paul. Such election shall be held on August 30, 1966, at the following described polling place which shall be open from 7:00 A.M. to 8:00 P.M.

Place: Northdale Fire Department Building
2860 Demontreville Road

Judges: Mrs. Marvin Masterman, 2734 Century Avenue
Mrs. William Barrett, 2450 Century Avenue
Mr. C. W. Springborn, 2808 Allis Avenue

Alternate

Judges Mrs. Anna Ehnstrom, 2575 Wisconsin Avenue
Mrs. Beverly Jahn, 2885 Richard Avenue

IT IS FURTHER ORDERED: That such election be conducted insofar as practicable in accordance with the election of town officers. Only qualified voters residing in the territory herein described shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases, in one of which the voters shall make a cross to express his opinion. The ballots and necessary supplies shall be provided by the Village of North St. Paul.

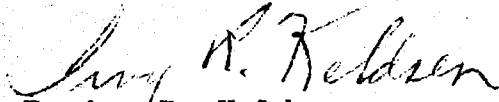
IT IS FURTHER ORDERED: That the Village of North St. Paul shall cause a copy of this Order to be posted not less than 20 days before August 30, 1966, in three public places in the area proposed for annexation and to be published in a medium of official and legal publication of general circulation in

the area proposed for annexation two successive weeks before August 30, 1966.

IT IS FURTHER ORDERED: That all proper expenses incurred in the election shall be borne by the Village of North St. Paul.

Dated this 21st day of July, 1966

MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota 55103


Irving R. Keldsen
S e c r e t a r y

M A J O R I T Y

MEMORANDUM OPINION

The present proceeding was initiated by residents of the Township of Northdale residing in the urban portion of the township immediately east of the Village of North St. Paul. On June 29, 1965, the total annexation vote did not pass, although it was extremely close, and thereafter the residents of the urban portion of the township petitioned for annexation of their area to the Village of North St. Paul because of the immediate need for municipal services.

In considering the presentation, the Commission sought to arrive at a permanent solution to the problems of the entire township and of the portion of the township which is urban in character and has a great need for all municipal services.

In considering the presentation, the Commission sought to arrive at a permanent solution to the problems of the entire township and of the portion of the township which is urban in character and has a great need for all municipal services. The incorporation of the township was not a permanent solution, particularly since the township as an entirety did not have the need for municipal services and was not able to economically provide these services. In viewing the township and the urban portion having an immediate need for municipal services, it was apparent that the extension of street lighting, police, animal control, fire protection, street maintenance, waste disposal, and utilities for sewer and water were a normal, and natural and logical growth of the Community of the Village of North St. Paul, and the extension of such municipal services into the urban portion of Northdale Township is feasible as well as readily available. The existence of the county line will not stop or affect this logical development. In addition to obtaining these services, the residents of the urbanized portion of the township would also secure library facilities, municipal office facilities, a park and recreation program, and the advantages of joining an existing, organized community

equipped and able to provide every municipal service. The opponents to annexation seem to assume that only sewer and water services are important in an urban area.

The opponents of the annexation of the lands immediately adjacent to the Village of North St. Paul seem to place great reliance on the fact that the lands sought to be annexed lie within the County of Washington, and asserted but did not produce evidence of credible nature that such annexation would create inter-governmental problems. The existence of political boundary lines has proven in the past to be no deterrent to the growth of communities, which growth is dependent not so much upon the political boundary lines, but more upon the municipal services that are available, the topographic and physical characteristics of the land, the location of interstate and state trunk highway systems, the location of watercourses and other natural boundary lines. In the present proceeding, the community of interest of the area to be annexed has been thoroughly demonstrated, which community of interest is entirely with the Community of North St. Paul.

In arriving at which is the best permanent solution for the area and to provide the immediate services that are needed in the urbanized portion of the township that will be annexed to North St. Paul, the Commission was concerned that the annexation would not disrupt the subsequent orderly development of the remaining portion of the township as the need for municipal services develops. The present annexation will contribute to the orderly development of the entire area, and yet will allow adequate time for the remaining rural portion of the township to consider alternate approaches for the development of their area. The present annexation is consistent with the recommendations of the Minneapolis-St. Paul Sanitary District Report of 1964, which recognized that the area to be annexed could logically be served by North St. Paul. This factor was recognized by the original engineer for the township,

and by Mr. Bonestroo, who was retained to report on proposed sewer and water services.

The opponents to the annexation place great stress upon the fact that the township was studying the means by which sewer and water services could be provided to the entire township, but it was apparent from the evidence that the temporary and permanent solution to the problem can be and is best handled by annexation to the Village of North St. Paul. This annexation will also provide the urbanized portion of the township with the opportunity of obtaining all other municipal services that are immediately needed. Such a permanent solution also will provide time for the remaining rural portion of the township to review their needs and the feasibility of development. At the time that this demand for development occurs, the residents of the rural portion of the township could join the Community of North St. Paul or they could, as is indicated by the present approach, look to the east and south and join with the Communities of Oakdale, East Oakdale, and Woodbury in the formation of a larger community which could then undertake to guide the orderly and economical growth of the area. This decision by the remaining residents of Northdale Township would be made after the impact of the freeways and interchanges in the area has indicated the pattern of growth that will take place upon the completion of the interstate highway systems.

With respect to the area to be annexed to North St. Paul, the village officials can be working with Washington County officials and all others to effectuate an orderly transition of the former government and they are urged to contact officials of other urban municipalities that have within their boundaries lands lying in two or more counties.

The residents of the remaining rural portion of the township and adjacent communities to the east and south are urged to undertake overall comprehensive development studies at this time, since the need for municipal services is not yet as

critical as in the area to be annexed to North St. Paul. Such planning would provide for an orderly and economical growth and will provide background information as to the political form of government to be followed, whether it be annexation of the remaining township area to North St. Paul or by joining with the adjacent communities to the east and south. It is apparent that the area will grow, and cooperative studies made when the municipal needs are not yet critical will provide for a growth that will be healthy and economically sound. The evidence is clear that the public interest is best served by denying the petition for incorporation and granting the petition for annexation.

Robert W. Johnson, Chairman
Edward L. Henry, Vice-Chairman
Thomas R. Byrne, Member

M I N O R I T Y
M E M O R A N D U M O P I N I O N

We, the undersigned, Arthur B. Schaefer and Idor Pederson, County Commissioners, Washington County, Minnesota and ex-officio members of the Minnesota Municipal Commission, dissent from the findings of the majority of the Municipal Commission for the following reasons:

1. Sound principles of planning indicate that the piecemeal annexation of a portion of Northdale is not any solution to the problem. It is our opinion that the majority members of the Commission who have voted for the granting an election to the residents of the 640 acres have forgotten the purpose for which the Commission was created and that was to stop annexation proceedings of this kind and it certainly is not for the best interests of either community and does not reflect sound planning. By the proposal to submit to the residents of the 640 acres, it is only solving the problems for this area. By the detachment of this territory, further reduction in assessed valuation is being accomplished. It is our opinion that if Northdale was left to work out its problems for a period of time, this would certainly be done as is indicated by the marked progress that they have made in developing a plan for sewer of their own. The municipalitis who are members of the W.O.N.E. District (Woodbury, Oakdale, Northdale, East Oakdale) have a permanent solution for all of the people of the area, not one for the benefit of only a few people in the community.

2. It appears that the sewer plan presented by the Bonestroo, Rosene, Anderlik & Associates, Inc. firm, consulting engineers for the Town of Northdale, is very superior in every respect, said plan will serve all of the area of the Town of Northdale on a more economical basis. The so-called Bonestroo report also follows the recommendations of

the Minneapolis St. Paul Sanitary District report of 1964. The evidence submitted at the various hearings before the Commission is that the Town of Northdale is proceeding with diligence and is prepared to install the sewer according to the recommendations of the Minneapolis St. Paul Sanitary District report. The Banister engineering report was based on the assumption that the only possible way to sewer the Town of Northdale was through North St. Paul. The evidence is uncontroverted that Northdale requested sewer capacity in July, 1965, and North St. Paul has not replied to this date. We can draw no other conclusions except that they do not have sewer capacity as there is nothing to indicate in the record that they do have. There has been an attempt to show that this 640 acres can only be sewered through North St. Paul. It is our recollection that the town engineer, Mr. Bonestroo, testified that all of the area could be sewered under the Bonestroo plan but that 50 acres would require a lift station to be constructed.

3. That by detaching 640 acres from the Town of Northdale and attaching it to the Village of North St. Paul, various intergovernmental problems are being created which are not for the best interests of the Village of North St. Paul or the Town of Northdale. The Municipal Court of the Village of North St. Paul will have jurisdiction over all of Washington County, See Minn. Stat. Annotated, Sec. 488.06. The Village of North St. Paul would have to establish a separate voting precinct for the area in Washington County, as the affected area would be voting for Washington County officials and North St. Paul voters would be voting for Ramsey County officials.

4. The plan to furnish water to the Town of Northdale, as submitted by the Bonestroo report, indicates that his plan is much more economical and a better plan for all of the residents of the township.

5. Earlier this year the Municipal Commission ordered an election for the annexation for the Town of Northdale to the Village of North St. Paul. The voters rejected this proposal. It appears that what is being accomplished now is being done indirectly and contrary to the wishes of the majority of the voters of the town. This violates the Statutes of the State of Minnesota and it certainly was not the intention of the legislature that this type of piecemeal annexation should be permitted.

Arthur B. Schaefer, Ex-Officio Member
Idor Pederson, Ex-Officio Member