

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Joseph Fogarty	Ex-Officio Member
Wesley Scheel	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION )  
BETWEEN THE CITY OF STILLWATER AND THE )  
TOWN OF STILLWATER FOR THE ORDERLY )  
ANNEXATION OF CERTAIN LAND TO THE CITY )  
OF STILLWATER )

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 April 8, 1981 at Stillwater, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Robert W. Johnson, Vice Chairman of the Municipal Board, and County Commissioners Joseph Fogarty and Wesley Scheel, ex-officio members of the board. The City of Stillwater appeared by and through David Magnuson, the Town of Stillwater appeared by and through William Jepsen and Immuno Nuclear Corporation and Spirit-of-St. Croix, the property owners appeared by and through Donald Raleigh. 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

I. The joint resolution for orderly annexation was adopted by the City of Stillwater and the Town of Stillwater and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Stillwater, on December 4, 1980 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

The Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-two (32), Township Thirty (30), Range Twenty (20), except the East Ten (10) acres thereof and except the Southerly 645 feet thereof subject to the right-of-way of Minnesota Highway 212 as the same now exists. Together with an easement for roadway purposes for ingress to and egress from said tract to said Highway 212 described as follows:

(1) Over the Easterly 60 feet of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Thirty-two (32) extending from the North right-of-way line of said Highway North 800 feet.

(2) Over the Easterly 30 feet of the Southerly 645 feet of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) except the East ten (10) acres of the said Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of said Section Thirty-two (32) being an easement over the Easterly 30 feet of the tract of land previously conveyed by the grantors to John H. Hooley et al. Said easements to be used in common with grantors, the said Hooleys and their assigns. Grantees agree to join in and consent to a dedication of said easements as public roads in the future in the event other owners of said easements or the fee owners of the property desire to so dedicate said roadways; Washington County, Minnesota.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 15 acres in size, and abuts the City of Stillwater by 100% of its border. The City of Stillwater is approximately 4,092 acres in size.

V. The natural terrain of the area proposed for annexation is flat having less than 10 feet of relief. The area is located within the Lilly Lake watershed, which is a tributary to the St. Croix River. As a result, the drainage patterns of the area are to the north and east into the City of Stillwater and towards the St. Croix River.

VI. The population of the City of Stillwater in the year 1980 was 12,255 persons. The present estimated population of the City of Stillwater, according to the April 1, 1980 estimates provided by the Metropolitan Council is 12,150 persons. In 1990, the projected population of the City of Stillwater is 13,900 persons.

VII. The area proposed for annexation is uninhabited.

VIII. The population of the Town of Stillwater in 1980 was 1,594 people.

IX. The City of Stillwater has approximately 16 acres in apartment and nursing homes use, 14 acres in duplex use, 3.9 acres in three to four unit residential use, 1,668.6 acres in single family residential family use, 34 acres in commercial use, 53.4 acres in industrial use, 1.3 acres in the utilities, 30 acres in railroad use, 161.9 acres in school use, 14.2 acres in county use, 1.2 acres in federal use, 21.7 acres in state use, 220 acres in city use, 159.6 acres in semi-public use, 765.2 acres in public streets, 584 acres in waterbodies, and 369 acres in vacant land.

X. In the City of Stillwater there is currently some residential construction, but most of it is remodeling since there is very little land available for residential construction except for the recently annexed Johnson parcel. There is some commercial/industrial land being developed in the so called orderly annexation area which surrounds the area proposed for annexation.

XI. In the City of Stillwater there is approximately 460 acres remaining for residential use, 156 acres remaining for institutional use, 100 acres remaining for commercial use, and 108 acres remaining for industrial use.

XII. In the area subject to annexation 15 acres is zoned light industrial with Immuno Nuclear Corporation's main office and plant being constructed on approximately three acres.

XIII. In the area subject to annexation there is approximately 12 acres remaining undeveloped which is zoned for light industrial use under the present joint power zoning ordinance.

XIV. The Town of Stillwater contains approximately 18 square miles of land and is primarily residential with most of the land being zoned for residential or agricultural uses.

XV. The City of Stillwater currently has in effect, zoning and subdivision regulations and submitted as evidence at the hearing, the following documents: City Zoning Map, City Comprehensive Sewer Plan, City Water Main Base Map, a Graphic of the City Policy on Expansion, City Neighborhood Structure Plan Map, a Graphic Showing Potential Future Boundaries of the City, City Zoning Ordinance, General City Plan and Neighborhood Map and City Comprehensive Plan.

The City of Stillwater employs a Building Official, has adopted the Uniform Building Code, and has a full time Public Safety Director which his position has the supervisory capability over both the Police Department and the Fire Department. The City of Stillwater has a full time Fire Department that is complemented by volunteer help and a Police Department that has full time and reserve capabilities. The City also employs a full time Coordinator/Financial Director. The City supplements its staff by employing a Consulting Engineer, a Consulting Planner and by using the services, from time-to-time, of the Washington County Planning Department. The City also has a Parks and Recreation Department.

In addition to the said zoning and subdivision regulations, the City of Stillwater has a comprehensive City Code.

With its system of land use controls, and other regulations, and with its Fire Department, Police Department, Building Official, Planning Commission, Parks Department, Coordinator/Finance Director and its Consulting Engineer and Planners, the City of Stillwater provides full and adequate municipal services to its residents and is fully capable of providing the area subject to annexation with the same services - including municipal sewer and water.

XVI. In the area subject to annexation, evidence was presented that the area is administered by the Joint Powers Committee. The Joint Powers Committee initiated in 1975 and subsequently ratified by an act of the Legislature

provides for zoning and land use controls within the entire Joint Powers Area, which constitutes the southern one-half of the area designated for orderly annexation. Currently adopted by the Joint Powers Committee has been the Washington County Model Subdivision Code together with the Washington County Model Zoning Ordinances and other ordinances contained in the Washington County Development Code. There was evidence presented that the Washington County Planning and Zoning Department currently administers subdivision and zoning matters within the area proposed for annexation and that if the annexation were allowed to the City of Stillwater, the same ordinances, subdivision controls and General Development Guide would apply to the area since it is part of the Joint Powers Area and administered by the Joint Powers Committee whether it is in the City of Stillwater or the Township of Stillwater. Evidence was presented that the Joint Powers Committee is currently in the process of preparing a Comprehensive Plan for the area and that there is no inconsistency between any proposed development for the area and the planning and land use controls that are now in effect. The planning and land use controls would remain the same at least until the year 1985 when the Joint Powers Agreement and Orderly Annexation Agreement expire according to its terms.

XVII. The Town of Stillwater provides few governmental services to the area subject to annexation. The Town provides fire protection through contract with the City of Stillwater. It provides some police protection through a contract with the City of Stillwater for \$1.00 per year.

XVIII. The City of Stillwater is the owner of laterals and interceptors providing complete sanitary sewer service and storm sewer service to the City of Stillwater. The laterals and interceptors owned by the City empty into a Metropolitan Waste Control Commission Sewer Plant located in the City of Stillwater. The sewer plant was constructed by the City of Stillwater in 1959 and has subsequently been expanded and its capacity increased and acquired by the

Metropolitan Waste Control Commission. This system has more than adequate capacity to serve the area subject to annexation.

XIX. The City of Stillwater also has a Class 5 Fire Rating. It has a Fire Department that is comprised of full time and part time help, with two men on duty 24 hours a day. The reserve capacity of the Fire Department is complemented by approximately 30 volunteers. The Fire Department has 4 pumpers, a ladder truck, a rescue truck, a tanker truck and pickup trucks for the handling of small grass fires.

XX. The Police Department of the City of Stillwater is comprised of 14 full time policemen along with 12 part time officers. The Police Department has five marked squad cars and two unmarked cars and is connected to the Washington County Emergency Communications System which is a central clearing house for radio messages operated by the Washington County Sheriff's Office.

XXI. There is a regular street improvement plan for the City of Stillwater wherein streets are sealcoated on a regular basis and needed improvements are made according to a street maintenance and improvement plan.

XXII. Recreational facilities of the City of Stillwater include many and varied parks including Lowell Park adjacent to the St. Croix River in Downtown Stillwater and Pioneer Park located on the North Hill of Stillwater; a large ice arena which provides indoor ice facilities to various hockey teams and figure skating groups throughout the Washington County area. These facilities are managed by a Parks and Recreation Department.

XXIII. A public library is provided by the City of Stillwater which recently has undergone a large renovation to provide library facilities to the people of the City.

XXIV. Additional administrative services are provided in the City Hall of the City of Stillwater which houses a number of offices, including the services of a full time City Coordinator/Finance Director and the City Clerk's Office.

XXV. The present transportation network in the City of Stillwater is adequate to serve all municipal needs. The City is bounded on the southern boundary for the most part by the Minnesota State Trunk Highway No. 212/36 and is also served by Minnesota Highway No. 95 and State Highway No. 96. The City of Stillwater is intersected by many county highways and has an adequate number of collector streets that intersect these highways to provide municipal residents with adequate transportation.

XXVI. In the area subject to annexation the industrial street system is designed and constructed in accordance and specifications of the City of Stillwater, specifically property that borders on Northwestern Avenue on the west and industrial on the east.

XXVII. There are no existing or potential environmental problems relative to the area proposed for annexation.

XXVIII. Plans and programs of the annexing municipality to provide needed governmental service for the area proposed for annexation include plans to continue to provide both police and fire protection to the area proposed for annexation including providing any needed street improvements or street maintenance and furnishing the area with sewer and water services.

XXIX. In the City of Stillwater the tax base includes the following (assessed values used): Residential property assessed in 1980 payable in 1981, was assessed at \$36,814,845. Commercial property assessed in 1980 payable in 1981, was assessed at \$6,459,049. Industrial property assessed in 1980 payable in 1981, was assessed at \$794,863. Agricultural property assessed in 1980 payable in 1981, was assessed at \$158,631. Non-taxable property, including institutional use, was last assessed in 1974 and has an assessed value of \$25,031,810. Public Utility assessed in 1980 payable in 1981, was assessed at \$35,795. Personal property assessed in 1980 payable in 1981, was assessed at \$1,377,294.

XXX. In the Town of Stillwater the tax base includes the following (assessed values used): Residential property assessed in 1980, payable in 1981, was assessed at \$7,265,980. Personal property assessed in 1980 payable in 1981, was assessed at \$17,006. Commercial property assessed in 1980 payable in 1981, was assessed at \$98,489. There was no industrial property located in the Township and, therefore, it was assessed at zero. Agricultural property assessed in 1980 payable in 1981, was assessed at \$1,084,231. Non-taxable property, including institutional use, was last assessed in 1974 at \$677,928.00.

XXXI. In the area subject to annexation, the tax base includes the following: light industrial assessed in 1980 payable in 1981, market value \$85,374.00; assessed value \$23,905; generating taxes in the amount of \$8,449.78.

XXXII. The total assessed value of the City of Stillwater, including real and personal property assessed in 1980 payable in 1981 is \$48,239,907.00

XXXIII. The total assed value of the Town of Stillwater, including real and personal property, assessed in 1980 payable in 1981 is \$8,760,932.00.

XXXIV. The total assessed valuation of the area subject to annexation, including real and personal property, assessed in 1980 payable in 1981 is \$23,905.00.

XXXV. Mill Rate Trends:

	<u>Payable 1976</u>	<u>Payable 1977</u>	<u>Payable 1978</u>	<u>Payable 1979</u>	<u>Payable 1980</u>	<u>Payable 1981</u>
City of Urban:	23.24	24.80	32.45	31.44	27.92	25.160
Stillwater Rural:	4.74	7.51	11.50	10.71	9.25	9.019
"B" Annex:		11.23	17.32	21.42	23.57	22.100
"C" Annex:			12.31	16.42		14.776
	<u>Payable 1976</u>	<u>Payable 1977</u>	<u>Payable 1978</u>	<u>Payable 1979</u>	<u>Payable 1980</u>	<u>Payable 1981</u>
Stillwater Township	7.26	7.58	7.28	6.40	6.18	7.452
School District 834	59.40	59.93	58.09	54.24	51.31	42.226
Washington City:	24.85	23.82	23.08	23.92	25.05	24.725
County Township:	26.08	25.15	24.50	25.32	26.72	26.330

XXXVI. Bonded Indebtedness: City of Stillwater - \$6,415,000 outstanding on the year ended December 31, 1980. The Township of Stillwater - \$73,000 outstanding on the year ended December 31, 1979.

XXXVII. The annexation of the Area Subject to Annexation to the City of Stillwater, is in the best interests of the land included within the Area Subject to annexation, the City of Stillwater and the public, generally, because:

The area subject to annexation is in the general area planned for expansion of the City of Stillwater, under existing regional and local plans, all of which is made evident by the Metropolitan Council's System Statement, the Comprehensive Sewer Plan of the City of Stillwater approved by the Metropolitan Waste Control Commission and the Metropolitan Council, the Comprehensive Plans of both the City of Stillwater and the Town of Stillwater.

The City of Stillwater is ready, willing and financially able to extend Municipal Services to the area subject to annexation in order to permit it to be developed.

There is no evidence that the annexation of the area subject to annexation to the City of Stillwater will have any significant adverse effect on the Town or any of its residents.

The land within the area subject to annexation is suitable for development, because of its proximity to the City of Stillwater - particularly, because it is immediately in the path of any orderly and sequential expansion of the City of Stillwater, and surrounded by the City.

The land is within an area that has been designated for orderly annexation.

This annexation does not conflict with any terms of the orderly annexation agreement.

The Town of Stillwater is unable to deliver a full range of municipal services to the area subject to annexation.

There is no adjacent municipality, other than the City of Stillwater, which would be able to serve the interests of the residents of the area subject to annexation.

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

The present assessed valuation of the Town of Stillwater is \$8,760,932. The present assessed valuation of the area subject to annexation is \$23,905.

The new assessed valuation of the Town of Stillwater, exclusive of other changes, after the area subject to annexation is annexed to the City of Stillwater, would be \$8,737,027.

There is no evidence that the remainder of the Township of Stillwater would suffer any undue hardship as a result of the annexation of the area subject to annexation to the City of Stillwater.

The Town of Stillwater can continue to function without the area subject to annexation.

There is no evidence that the annexation of the area subject to annexation to the City of Stillwater will have any adverse effect on communities adjacent to the area or on Independent School District No. 834, which is the only school district within the area.

#### CONCLUSIONS OF LAW

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

II. 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.

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

IV. The annexation would be in the best interests of the area proposed for annexation.

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



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

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

O R D E R

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

The Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-two (32), Township Thirty (30), Range Twenty (20), except the East Ten (10) acres thereof and except the Southerly 645 feet thereof subject to the right-of-way of Minnesota Highway 212 as the same now exists. Together with an easement for roadway purposes for ingress to and egress from said tract to said Highway 212 described as follows:

(1) Over the Easterly 60 feet of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Thirty-two (32) extending from the North right-of-way line of said Highway North 800 feet.

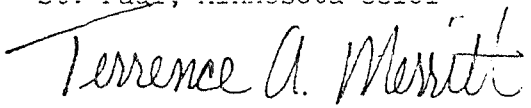
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II. IF IS FURTHER ORDERED: That the mill levy of the City of Stillwater on the property herein ordered shall be increased in substantially equal proportions over a period of five years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is June 12, 1981.

Dated this 12th day of June, 1981

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

  
Terrence A. Merritt  
Executive Director