

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Artie Schaefer, Jr.	Ex-Officio Member
Donald G. Scheel	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
 BETWEEN THE CITY OF STILLWATER AND THE)
 OF TOWN OF STILLWATER FOR THE ORDERLY)
 ANNEXATION OF CERTAIN LAND TO THE CITY)
 OF STILLWATER 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 April 17, 1985, at Stillwater, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert J. Ferderer, Chairman, Kenneth F. Sette, Vice Chairman, Richard A. Sand, Commissioner, and County Commissioners Artie Schaefer, Jr. and Donald G. Scheel, Ex-Officio Members of the Board. The City of Stillwater appeared by and through David Magnuson and the Town of Stillwater appeared by and through William Jepsen. 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. A 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.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Stillwater, on March 14, 1985 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the proposed area for annexation which is as follows:

All that part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty (20) West, described as follows:

Beginning at a point on the South Line of said Section Thirty-three (33), said point being 427 feet west of the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of said Section Thirty-three (33); thence north on a line parallel with the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of said Section Thirty-three (33) a distance of 656.7 feet, more or less, to the north line of the South Half of the South Half of the Southwest Quarter (S 1/2 of S 1/2 of SW 1/4) of said Section Thirty-three (33); thence west on the North line of the South Half of the South Half of the Southwest Quarter (S 1/2 of S 1/2 of SW 1/4) of said Section Thirty-three (33) a distance of 365.8 feet, more or less, to the center line of the County Road known as the Hospital Road; thence in a southwesterly direction along the center line of said County Road to the south line of said Section Thirty-three (33); thence east on the south line of said Section Thirty-three (33) to the place of beginning. Excepting therefrom the east 128.00 feet thereof. Subject to public roadway easements over and across said tract on the west line (County Road) and south line (State Highway No. 212) thereof as now laid out.

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

4. The area subject to annexation is unincorporated, approximately 4.062 acres in size, and abuts the City of Stillwater by approximately 46% of its perimeter. The City of Stillwater is approximately 4,155.16 acres in size.

5. The general topography of the area subject to annexation is flat. The drainage patterns of the area are to the north and west into the City of

Stillwater and towards the St. Croix River. There are no rivers, lakes, or major bluffs within the area subject to annexation. There are no natural features of peculiar or extraordinary significance. The drainage is into Oasis Pond and from there to Brick Pond and then Lily Lake, which drainage area is protected by the Minnesota Department of Natural Resources. The area proposed for annexation contains no prime agricultural land.

6. The population of the City of Stillwater in the year 1980 was 12,290 people. The present estimated population of the City of Stillwater according to the April 1, 1984 estimates provided by the Metropolitan Council is 12,770 persons. In 1990 the projected population of the City of Stillwater is 13,900 persons according to Metropolitan Council forecasts.

7. The area subject to annexation is vacant land and has no population.

8. The population of the Town of Stillwater in the 1980 census was 1,599 persons. The present estimated population of the Town of Stillwater according to the April 1, 1984 estimates provided by the Metropolitan Council is 1,700 persons.

9. The City of Stillwater has approximately 16 acres in apartment and nursing home use, 19.81 acres in duplex use, 11.7 acres in three to four residential unit use, 1,440.35 acres in single family use, approximately 139 acres in commercial use, approximately 161.4 acres in industrial use, 1.3 acres in utility use, 30 acres in railroad use, 161.9 acres in school related use, approximately 14.2 acres in county related use, approximately 1.2 acres in federal land use, approximately 21.7 acres in state land use, approximately 275.39 acres in city related use, approximately 327.75 acres in semi-public land use, approximately 822.05 acres in use for public streets, approximately 584 acres categorized as water body land use, and approximately 127.41 acres

categorized as institutional type land use.

10. In the residential total, all acreage is included that is already developed and that is zoned residential but not developed. All but 25 acres is either developed, or in the process of having the full range of municipal services extended to it.

11. Of the total of commercial and industrial acreage shown, 208 acres is within the orderly annexation area and is being developed as a mixed area of commercial and industrial uses. A full range of municipal services, including streets, sewer and water, have been extended to the total area except for 75 acres which has no services since the owner has not requested those services.

12. In the area subject to annexation, the land is presently zoned industrial by the Joint Powers Board. The land is presently vacant.

The Joint Powers Board has granted a construction permit to the property owner for a mini-storage unit contingent upon the property's annexation to the City of Stillwater.

13. The Town of Stillwater, which contains approximately 18 square miles of land, is primarily used as residential property with most of its land being zoned for residential or agricultural use.

14. The City of Stillwater currently has in effect zoning and subdivision regulations, a zoning map, a 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, general city plan and neighborhood map, city comprehensive plan, uniform fire code, shoreland ordinance, and floodplain ordinance. The City of Stillwater has adopted the uniform building code.

15. The City of Stillwater currently provides its residents with the

following services: there is a complete municipal water department that is operated independently as a branch of the municipal government of the City of Stillwater. 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 it was acquired by the Metropolitan Waste Control Commission. This system has adequate capacity to serve the area subject to annexation. The City of Stillwater 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. The Police Department of the City of Stillwater is comprised of 16 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. 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 improvements plan. 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. A public library is provided by the City of Stillwater and recently it has undergone a large renovation to provide library facilities to the people of the city. The city has a full-time Public Safety Director, which position has supervisory capability over both the police and the fire departments. The city employs a full-time Coordinator/Financial Director. The City Clerk's Office provides administrative support and the city supplements its staff by employing a consulting planner and by using the services from time to time of the Washington County Planning Department.

16. The City of Stillwater is served by the Metropolitan Transit buses. There is a local bus and local taxi company with radio equipped vehicles.

The city is bounded on the southern boundary for the most part by Minnesota State Trunk Highway No. 212/36 and is also served by State Highway No. 95 and State Highway No. 96. The City of Stillwater currently has 3.87 miles of trunk highways, 4.51 miles of county state aid highways, 11.28 miles of municipal state aid streets, .47 mile of county roads, and 50.93 miles of local streets. These mileages include only improved streets.

17. The area subject to annexation has no existing or potential transportation problems. The annexation area has access to the frontage road of Trunk Highway No. 36 on its southern boundary. There is also a northwest access primarily for fire service onto Greely Street, which is located within the City of Stillwater.

18. The Town of Stillwater provides fire protection to the area subject to annexation through a contract with the City of Stillwater. Police

protection is provided by the City of Stillwater, as it has been since 1975.

19. There are no existing or potential environmental problems in the area subject to annexation.

20. The 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 subject to annexation, providing any needed street improvements or street maintenance and furnishing the area with water services. Sewer services will be provided to the area by the City of Oak Park Heights and an agreement has been executed by Stillwater, Oak Park Heights and the owner that provided for sewer installation and service. The servicing of the area for sewer by the City of Oak Park Heights is done at a far cheaper cost than to extend sewer service from laterals within the City of Stillwater, given the location of the Oak Park Heights lateral adjacent to the area proposed for annexation.

21. In the City of Stillwater the tax base includes the following present valuation (assessed valuation used):

Residential property assessed in 1984 payable in 1985 was established at \$55,406,550.

Commercial property assessed in 1984 payable in 1985 was established at \$14,435,788.

Industrial property assessed in 1984 payable in 1985 was established at \$820,917.

Agricultural property assessed in 1984 payable in 1985 was established at \$194,570.

Non-taxable property, including institutional use, was last assessed in 1980 and has an assessed market value of \$58,213,513.

Personal property assessed in 1984 payable in 1985 was established at \$1,960,256.

22. In the Town of Stillwater the tax base includes the following present valuation (assessed valuation):

Residential property assessed in 1984 payable in 1985 was established at \$11,733,365.

Personal property assessed in 1984 payable in 1985 was established at \$75,078.

Commercial property assessed in 1984 payable in 1985 was established at \$218,778.

Agricultural property assessed in 1984 payable in 1985 was established at \$1,500,792

Non-taxable property, including institutional use, was last assessed in 1974 at \$677,928.

23. The present total assessed valuation of the area subject to annexation, including real and personal property, assessed in 1984 payable 1985 was established at \$66,300.

24. The present total assessed value of the City of Stillwater, including real and personal property, assessed in 1984 payable 1985 is \$72,818,081.

25. The total assessed valuation of the Town of Stillwater, including real and personal property, assessed in 1984 payable 1985 is \$13,528,013.

26. The mill rates for the City of Stillwater, payable 1985, are as follows: urban - 27.832, rural - 9.651 "D" Annex - 23.761, "H" Annex - 20.334

27. The mill rate for the Town of Stillwater, payable 1985, is 10.049.

28. The mill rate for School District 834, payable 1985, is 48.000.

29. The mill rate for Washington County, payable 1985, is 25.389 for the

city and 27.201 for the town.

30. The City of Stillwater, as of December 31, 1984, had an outstanding bonded indebtedness of \$12,028,000.

31. The Town of Stillwater, as of December 31, 1984, had an outstanding bonded indebtedness of \$340,000.

32. 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.

33. The area subject to annexation is in the general area planned for expansion of the City of Stillwater under existing regional and local plans.

34. The City of Stillwater is ready and willing to accept the responsibility of extending municipal services to the area subject to annexation. The City of Stillwater has entered into an agreement with Oak Park Heights for the supplying of sanitary sewer service to the area proposed for annexation by the City of Oak Park Heights.

35. The annexation to the City of Stillwater of the area subject to annexation will have no significant adverse affect on the town or any of its residents.

36. The land within the area subject to annexation is suitable for development.

37. The City of Stillwater and the City of Oak Park Heights both abut the area proposed for annexation. The City of Oak Park Heights abuts the annexation area by only 22% of its perimeter, while the City of Stillwater abuts the annexation area by 46% of its perimeter, and the property lies within the orderly annexation area designated by agreement between the Town of Stillwater and the City of Stillwater.

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

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

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

4. The annexation would be in the best interests to the area proposed for annexation.

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

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

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

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 2, herein, be and the same is hereby annexed to the City of Stillwater, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the mill levy of the City of Stillwater and the property herein ordered annexed 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is May 7, 1985.

Dated this 7th day of May, 1985.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director