

G7-mt Mountain Iron-Nichols

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert J. Ford
Harold J. Dahl
Edwin H. Hoff
Fred Barrett

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION OF)
THE VILLAGE OF MOUNTAIN IRON AND)
THE TOWN OF NICHOLS FOR THE)
CONSOLIDATION OF THE VILLAGE OF)
MOUNTAIN IRON AND THE TOWN OF)
NICHOLS)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The instant proceeding is one involving the Village of Mt. Iron and the Town of Nichols, arising from a petition of the two for consolidation into a single village. The Commission Docket No. for this proceeding is MMC G7-mt. The matter came on for hearing before the Municipal Commission on February 5, 1971, March 31, 1971, August 12, 1971 and December 15, 1971. The Village of Mt. Iron and the Town of Nichols appeared by their attorneys, Leonard Kne and Jack Fena. The City of Virginia appeared by its attorney, Milton Logan. Opportunity was also offered interested persons not represented by attorney to make statements pertaining to the matters before the Commission. The Commission having considered the evidence and the arguments of counsel and having been fully advised in the premises, now makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The resolution of the Village Council of Mt. Iron and the resolution of the Town Board Supervisors of the Town of Nichols for the consolidation of the Village of Mt. Iron and the Town of Nichols

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into a single new municipality, a Village, were filed on the 14th day of October, 1970, along with a joint petition of the Village of Mt. Iron and the Town of Nichols, pursuant to and in compliance with Chapter 414, Minnesota Statutes Annotated, and said petition and resolutions were in all respects proper in form, contents, execution and filing. The area proposed for consolidation is the entire Village of Mt. Iron and the entire area of the Town of Nichols.

2. Due, timely, and adequate legal notices of the hearing ordered by the Minnesota Municipal Commission were properly published, served acknowledged, and filed, along with proper affidavits.

3. The instant proceeding came on for hearing before the Minnesota Municipal Commission on the 5th day of February, 1971, at Mt. Iron, Minnesota; and further hearings were held on August 12, 1971 at Mt. Iron, Minnesota; and December 15, 1971 at Virginia, Minnesota.

The St. Louis County Board appointed two of its County Commissioners to sit with the Minnesota Municipal Commission on the hearings in said matter, they being Fred Barrett, 7th District St. Louis County Commissioner, and Edwin H. Hoff, 6th District St. Louis County Commissioner.

4. On or about February 26, 1971, the City of Virginia petitioned for further hearing in the above entitled matter and filed a petition with the Minnesota Municipal Commission on said date for said purpose. On March 31, 1971, the matter came up before the full Commission at St. Paul, Minnesota, and upon due deliberation on said petition and all of the records and files herein, and having been duly and fully advised in the premises, the Commission on April 6, 1971 made and entered its order that the petition of the City of Virginia for further hearings be in all respects denied.

The Commission in its memorandum made, noted that at the hearing held

on February 5, 1971, the testimony of Mr. Arlin B. Carlson, President of the City Council of the City of Virginia, would not be accepted into evidence because it was not the official position of the City of Virginia. At the March 31, 1971 hearing in St. Paul counsel for the Village and Town withdrew their objections to this testimony and same was received into evidence and considered by the Commission, along with written rebuttal to the testimony of said Arlin B. Carlson submitted by the Village and the Town.

5. Upon a review of all the files, records, memorandums and testimony in the file, on July 8, 1971, the Minnesota Municipal Commission on its own volition reopened the above entitled matter by its own order pursuant to resolution adopted. The purpose of the reopened hearing was for the taking of further evidence upon the question of whether annexation to Virginia would best serve the interest of all or any part of the area proposed for consolidation, and further, the resolution of the Minnesota Municipal Commission requested the office of Local and Urban Affairs of the State Planning Agency and the St. Louis County Office of Planning and Zoning to undertake studies of this question and to present their findings and recommendations to the Commission at a public hearing which was set, held and noticed for August 12, 1971, in the Village Hall at Mt. Iron, St. Louis County, Minnesota, commencing at 10:00 a. m.

Due, timely, and adequate legal notice of the reopened hearing of August 12, 1971, of the Minnesota Municipal Commission were properly published, served, acknowledged and filed.

At the hearing held on August 12, 1971, the Commission received what was entitled "Staff Report on the Proposed Consolidation of the Village of Mt. Iron and Town of Nichols" made and prepared by the office of Local and Urban Affairs, Minnesota State Planning Agency and due study and consideration was given to said State Planning Agency staff report.

6. A stipulation by and between the parties, namely, Village of Mt. Iron, Town of Nichols, and the City of Virginia, was entered into in open court or open hearing, in the presence of each governing body of each of said three above-named municipalities, and accepted by each of said three municipalities and their governing bodies, it having been agreed and stipulated by and between the parties, as follows: That the City of Virginia would petition the Minnesota Municipal Commission for annexation of five separate parcels located within the Town of Nichols, and more particularly described by parcel, to-wit, as follows:

Parcel #1

Beginning at a point of intersection of the South Right of Way Line of Highway No. 135 and the West Corporate City Limits of the City of Virginia in the NE 1/4 of NE 1/4 of Section 12, Township 58 North, Range 18 West, proceed due West to the East Right of Way Line of the D. W. & P. Ry., main line; thence proceed Southerly along said Right of Way Line to a point 50 feet North of the Westbound centerline of Highway No. 169; thence proceed Easterly along this line 50 feet North of the West Bound Center Line of Highway 169 to the present West corporate limits of the City of Virginia; thence proceed Northerly along the present West corporate limits of the City of Virginia to the point of beginning, constituting a parcel of land of 79.38 acres more or less.

Parcel #2

Beginning at a point of intersection of the north boundary of the NE 1/4 of SE 1/4 of Section 13, Township 58 North, Range 18 West and the East Right of Way Line of the D. W. & P. Ry., main line; thence proceed due east to the west corporate limits of the City of Virginia, thence proceed southerly along said corporate limits to a point of intersection of the east Right of Way Line of the D. W. & P. Ry., main line; thence proceed northerly along the East right of way line to the point of beginning, constituting a parcel of land of 19.20 acres more or less.

Parcel #3

All that part of the SE 1/4 of SE 1/4 of Section 13, Township 58 North, Range 18 West, lying West of the east right of way line of the D. W. & P. Ry., constituting a parcel of land of 34.59 acres more or less.

Parcel #4

All that part of the SW 1/4 of SE 1/4 of Section 13, Township 58 North, Range 18 West, lying East of the East right of way line of County Road No. 19 constituting a parcel of land of 36.30 acres more or less.

Parcel #5

All that part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, Township 58 North, Range 18 West, lying West of the East right of way line of the D.W. & P. Ry., constituting a parcel of land of 40.76 acres more or less.

That the Town of Nichols or Village of Mountain Iron would not object to the said annexation of said above described property to the said City of Virginia.

That if the Minnesota Municipal Commission did order the consolidation of the Village of Mt. Iron and the Town of Nichols, the consolidated municipality would no longer include the above described five parcels which would be part of the City of Virginia.

7. The City of Virginia on the 10th day of September, 1971, filed a resolution with the Minnesota Municipal Commission requesting annexation to the City of Virginia of a portion of the Town of Nichols, five parcels, more particularly described in paragraph 6 hereinabove, which said descriptions are hereby adopted by reference as though set out in full and made a part of the findings in this paragraph. Said resolution was pursuant to and in compliance with Chapter 414, Minnesota Statutes Annotated, and said resolution was in all respects proper in form, contents, execution and filing. The area proposed for annexation is as described in paragraph six hereinabove and herein adopted by reference.

Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was properly published, served and filed.

8. The hearing for annexation of said five parcels to the City of Virginia from the Town of Nichols came on for hearing on December 15, 1971, at the Courthouse in the City of Virginia before the Commission with Bruce Rasmussen, Executive Secretary presiding and St. Louis County Commissioners Fred Barrett and Edwin Hoff in attendance. All parties were present at

said hearing, and no objection was made to the taking of said testimony and holding of said hearing by the Executive Secretary of the Commission and the two County Commissioners.

9. The City of Virginia moved that the parcels 1-5 hereinabove described and incorporated herein by reference as though set out in full, be annexed to the City of Virginia, all pursuant to the stipulation hereinabove referred to by and between the Village of Mt. Iron, the Town of Nichols, and the City of Virginia. No objection was made thereto by the Town of Nichols or by the Village of Mt. Iron.

10. That on the 13th day of April, 1972, the Minnesota Municipal Commission ordered the annexation of a certain portion of the Town of Nichols hereinabove described as parcels 1-5, more particularly described in paragraph six above, said description being adopted in this paragraph by reference and incorporated herein as though set out in full.

11. The Village of Mt. Iron is located in St. Louis County, Minnesota, and operating under the same statutes of the State of Minnesota, governing Villages of said State. It is located completely within the boundary lines of the Town of Nichols and is in all its boundaries contiguous to and abutting upon the Town of Nichols. The said Village of Mt. Iron is governed by a Mayor and a Mayor-Clerk and three Trustees.

12. The Village of Mountain Iron is located in St. Louis County, Minnesota. It operates as a village under the General Laws of the State of Minnesota. It is located entirely within the limits of the Town of Nichols.

13. The Town of Nichols is also located in St. Louis County, Minnesota, and operates under the General Laws of the State of Minnesota. It is bounded on the west by Great Scott Township, on the south by Clinton

Township, Village of Leonidas and the City of Eveleth, on the east by the Village of Leonidas, the City of Virginia, Missabe Mountain Township and Wouri Township, and on the north by unorganized territory.

14. All of Nichols Township is either urban or industrial in character. Approximately 40% of the lands in Mountain Iron are urban and rural and are available for development for residential and commercial enterprises. The development of the rural and urban areas in both Mountain Iron and the Township of Nichols will probably be accelerated by the construction of a four-lane express-way which has just recently been opened to traffic.

15. The population of the Village of Mountain Iron was 1,377 in 1950, 1,808 in 1960 and 1,698 in 1970. The population of the Township of Nichols was 1,205 in 1950, 1,815 in 1960 and 1,596 in 1970.

comb. — 3,294

16. Both the Village of Mountain Iron and the Township of Nichols contain land used and usable for residential, industrial, commercial and institutional purposes. It is anticipated that the population and commercial growth will increase in this area because of the construction of an addition to the Minntac Operations of the United States Steel Corporation in the Township and Village. The Corporation is presently in the process of more than doubling its 4.9 million tons of pellets per year production. It is anticipated that the addition will be completed and operational in 1973, opening up jobs for approximately 1,000 employees. Many of these employees will reside in Mountain Iron and Nichols Township.

17. The growth of the Village of Mountain Iron and Township of Nichols is evidenced by the growth in their assessed values over the past 8 years. The assessed value of the Village of Mountain Iron in 1964 was \$624,533. It dropped to a low in 1966 of \$367,588 and has continued to steadily increase since that point, and in 1971, it showed an assessed value of

\$885,377. The Township of Nichols had an assessed value of \$432,028 in 1964. It dropped to a low of \$398,591 in 1965 and has continually increased since that time and shows an assessed value of \$794,448 in 1971. The decline in the assessed value for both municipalities was caused by the decline in natural ores. The increase, since their low point, is the result of taconite operations and the urban and commercial developments within the two communities. It is expected that the assessed values of both communities will continue to increase as the communities become further developed residentially and commercially.

18. Further indication of the progress of the two communities as one is indicated by the decrease in their mill rates. In 1966, the mill rate for the Village of Mountain Iron was 793.33 and the mill rate for the Township of Nichols was 594.38. The mill rates for 1971 were 397.72 and 350.87 for the Village and Township, respectively. Again, the decrease in the mill rate is directly related to the increased activities in the taconite operation and commercial and residential development in the two communities. It is anticipated that with the opening of the addition to the Minntac Operations, the mill rates for both communities will decrease to approximately 250 mills.

19. The Village of Mountain Iron has a presently existing bonded indebtedness for improvements to its Water and Light Department. The amount of the indebtedness outstanding was \$203,000 at the time of the hearing. The bonded indebtedness is payable out of revenues generated by the Water and Light Department.

20. The Township of Nichols has a presently existing bonded indebtedness for its Sanitary Sewer Collection System. The amount of indebtedness outstanding on the bonded indebtedness at the time of hearing

was \$255,000. The bonds are payable from assessments against property owners benefiting from the sewer project and are not the general obligation of the Township. Assessments are payable over a period of years, in amounts sufficient each year to pay the annual installments of principal and interest.

21. The Township form of government does not now adequately deal with the problems of the area of Nichols Township.

22. The Township, has, in addition to the Sanitary Sewer Collection System indicated above, a network of roads which it maintains. Because of inadequate staff and revenue, the problem of maintaining the roads increases each year.

23. The Village of Mountain Iron has a full time staff of employees in its Highway Department. It has equipment necessary and adequate to provide proper maintenance for the streets and thoroughfares within the Village and within the Township. The Village has a Volunteer Fire Department with a complement of 20 men. A part of the residential development of Nichols Township is now served by the Mountain Iron Fire Department. A part is also served by the Virginia City Fire Department. The Village of Mountain Iron maintains a Public Library that is presently used by Township residents. The Sanitary Sewage Disposal Plan operated by the Village has excess capacity which would be sufficient to handle the sewage of the Township. The Township also operates a lagoon-type disposal system. The Supervisory Personnel of the Village Department of Highways and Water Department would be adequate to assume responsibility for the supervision of all areas involved.

24. The Village of Mountain Iron is capable of providing all of the municipal services that the entire area of Nichols Township needs.

25. The Village of Mountain Iron and Nichols Township are in the same school district and together constitute School District No. 703.

26. Mountain Iron and Nichols Township are in fact one community integrated economically and socially in many ways. The future development of both communities will further integrate them.

27. It will be in the best interest of the entire area of Mountain Iron and Nichols Township that the Village of Mountain Iron and the Township of Nichols be consolidated into a single new municipality.

28. Annexation to an adjoining municipality would not be in the best interest of all or any part of the area proposed for consolidation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of these proceedings.

2. The area proposed for consolidation is the entire Village of Mountain Iron and all of the Township of Nichols except those certain five parcels described herein, which have been ordered annexed to the City of Virginia.

Parcel #1

Beginning at a point of intersection of the South Right of Way Line of Highway No. 135 and the West Corporate City Limits of the City of Virginia in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 58 North, Range 18 West, proceed due West to the East Right of Way Line of the D.W. & P. Ry., main line; thence proceed Southerly along said Right of Way Line to a point 50 feet North of the Westbound centerline of Highway No. 169; thence proceed Easterly along this line 50 feet North of the West Bound Center Line of Highway 169 to the present West corporate limits of the City of Virginia; thence proceed Northerly along the present West corporate limits of the City of Virginia to the point of beginning, constituting a parcel of land of 79.38 acres more or less.

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NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 58 North, Range 18 West and the East Right of Way Line of the D.W. & P. Ry., main line; thence proceed due east to the west corporate limits of the City of Virginia, thence proceed southerly along said corporate limits to a point of intersection of the east Right of Way Line of the D.W. & P. Ry., main line; thence proceed northerly along the east right of way line to the point of beginning, constituting a parcel of land of 19.20 acres more or less.

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3. The area proposed for consolidation is now, or is about to become, urban or suburban in character.

4. Annexation to an adjoining municipality would not be in the best interest of all or a part of the area proposed for consolidation.

5. It is in the best interest of the combined area of Mountain Iron and Nichols Township that they be consolidated into a single new municipality to be known as the "Village of Mountain Iron" and order of consolidation should be entered herein.

O R D E R

Pursuant to the above Findings of Fact and Conclusions of Law and upon all the files and records herein,

IT IS HEREBY ORDERED:

1. Mountain Iron and Nichols Township are hereby consolidated into a single new municipality to be known as "Mountain Iron."
2. The Plan of government for the new village shall be Optional Plan "A".
3. The effective date of this consolidation shall be upon the election and qualifications of new municipal officers.
4. That the first election in the new village shall be held between the hours of 7:00 A.M. and 10:00 P.M. on the 6th day of June, 1972, and that said election be conducted in conformity with the laws conducting village elections insofar as applicable.
5. Elna Perrala is hereby appointed Acting Clerk for election purposes and instructed to submit to the Commission proposed polling places and a list containing an adequate number of election judges who shall be appointed by supplemental order of the Commission.
6. All money, claims of property, including real estate held or possessed by the Township of Nichols or the Village of Mountain Iron and any proceeds or taxes levied by said Town or Village, collected or uncollected, shall become and be the property of the new Village of Mountain Iron herein created, with full power and authority to use and dispose of the same for public purposes.
7. The population of the new Village of Mountain Iron shall be 3294 for all purposes until the next federal census.

Dated this 17th day of April, 1972

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

23897

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 19 1972

Arden J. Erskell
Secretary of State

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
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 THE TOWN OF NICHOLS FOR THE)
 CONSOLIDATION OF THE VILLAGE OF)
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 NICHOLS)

SUPPLEMENTAL ORDER
FOR ELECTION

Pursuant to the Municipal Commission Order of April 17, 1972, consolidating the Village of Mountain Iron and Nichols Township into a single new municipality to be known as "Mountain Iron", whereby the effective date of this consolidation will be upon the election of new municipal officers, and election of new municipal officers shall be held on June 6, 1972, the Minnesota Municipal Commission issues its:

S U P P L E M E N T A L O R D E R

IT IS HEREBY ORDERED THAT:

1. The polling places for the first election of officers on June 6, 1972, shall be as follows:

Precinct #1 Present Village limits
Polling Place: Village Hall, Mountain Iron

Precinct #2 Present Township limits
Polling Place: Present Township Hall

2. The Election Judges shall be as follows:

Precinct #1:

Day Shift:

Mrs. Luella Albrecht
 Mrs. Vienna Perala
 Mrs. Mae Gunnarson
 Mrs. Walter Thurman
 Mrs. Janice Squillace

Night Shift:

Mrs. Margaret Skogman
 Mrs. Laila Skalko
 Mrs. Violet Vuckovich
 Mrs. Patricial Moore
 Mrs. Olga Cvar

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Precinct #2:

Day Shift:
Mrs. Helen King
Mrs. Vivian Keating
Mrs. Mary Carron
Mrs. Carl Sanderson
Mrs. Ruth Dahl

Night Shift:
Mrs. Solomon Jackson
Mrs. Gladys Berquist
Mrs. Arthur Anderson
Mrs. Russell Olson
Mrs. Stanley Novak

IT IS HEREBY ORDERED That the Commission Order of April 17, 1972, be amended to provide that the hours of the election shall be between 8:00 A.M. and 8:00 P.M.

Dated this 3rd day of May, 1972

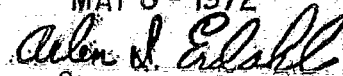
MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Executive Secretary

#23897
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 8 - 1972



Allen J. Elshel
Secretary of State

etc. #2