

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Edwin Hoff	Ex-Officio Member
Alvin Hall	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF EVELETH)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on March 13, 1974 at Eveleth, Minnesota. The hearing was conducted by Howard L. Kaibel pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Alvin Hall and Edwin Hoff, ex-officio members of the Board. The hearing was continued until April 16th and 17th. Other hearings and meetings have been held from time to time. Substantial testimony has been heard and records and exhibits have been 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 October 5, 1973, a resolution by the City of Eveleth was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

All of Section 29, 30 and 32, Township 57 North, Range 17 West, not presently within the corporate limits of the City of Eveleth

and

All of Section 5 and the North Quarter of Section 8, Township 57 North, Range 17.

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2. Subsequently, on February 25, 1974, the Board, at Eveleth's request, approved an amendment to the original petition. On May 23, 1974, the Board permitted the City of Virginia to intervene in this proceeding. Further, on February 25, 1975, the Board pursuant to the authority vested in it by Minnesota Statutes 414.031 expanded the area under consideration to all of Missabe Mt. and Fayal townships. On April 17, 1975, the Board ordered the consolidation of the City of Virginia, City of Eveleth and the City of Gilbert matters to be heard on May 29, 1975. On April 18, 1975, the Board issued an order allowing the City of Eveleth to annex by ordinance the Malton Electric Company property. On June 16, 1975, the Board issued an orderly annexation order for the City of Gilbert and portions of Missabe Mt. Township. On November 12, 1975, the board members further deliberated.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Eveleth.
- b. The total area of the City of Eveleth is 6 miles. The total area of the territory subject to annexation is 35 square miles in Fayal Township and approximately 30 square miles in Missabe Mountain.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 8% with Fayal and a small percentage with Missabe Mountain.
- d. The natural terrain of the area, including major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: includes mining uses, lakes, land suitable for development in Fayal and mining uses and land suitable for development in Missabe Mountain Township.

5. Population data

- a. The City of Eveleth
 - 1) Past population growth: 5,720 in 1960
 - 2) Present population: 4,720 in 1970

- 3) Projected population: 3,790 by 1980
- b. The area subject to annexation in Fayal
 - 1) Past population growth: 927 in 1960
 - 2) Present population: 2,025 in 1970
 - 3) Projected population: 4,000 in 1985
5. Development issues
- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council/state planning agency. Portions of the area in both townships proposed for annexation are part of Eveleth's comprehensive plan.
 - b. What land use controls are presently being employed.
 - 1) In the City of Eveleth
 - a) Zoning - yes
 - b) Subdivision regulations - unknown
 - c) Housing and building codes - yes
 - d) Other - Capital Improvement Program
 - 2) In the area to be annexed in Fayal
 - a) Zoning - St. Louis County
 - b) Subdivision regulations - unknown
 - c) Housing and building codes - unknown
 - d) Other
 - c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Eveleth with necessary growth space? Yes, for all types of development.
 - d. The present pattern of physical development:
 - 1) In the City of Eveleth:
 - a) Residential - yes
 - b) Industrial - yes
 - c) Commercial - yes
 - d) Institutional - yes

2) In the area subject to annexation: Fayal

- a) Residential - primarily residential
- b) Industrial - very limited
- c) Commercial - limited commercial
- d) Institutional - unknown

3) In the area subject to annexation: Missabe Mountain

- a) Residential - small population
- b) Industrial - limited
- c) Commercial - limited
- d) Institutional - unknown

e. What will be the effect, if any, of the annexation on adjacent communities? Minimal, since growth space has been and is being provided for neighboring communities.

6. Governmental Services

a. Presently, the Township of Fayal provides the area subject to annexation with the following services:

- | | |
|--|--|
| 1) Water - no | 5) Street Improvements - unknown |
| 2) Sewer - no | 6) Street Maintenance - yes, in cooperation with Eveleth |
| 3) Fire Protection - no, contracts with the city | 7) Recreational - yes |
| 4) Police Protection - 2 part-time constables | 8) Other |

b. Presently, the City of Eveleth provides its citizens with the following services:

- | | |
|----------------------------|--|
| 1) Water - yes | 5) Street Improvements - yes |
| 2) Sewer - yes | 6) Street Maintenance - yes |
| 3) Fire Protection - yes | 7) Recreational - yes |
| 4) Police Protection - yes | 8) Other - Electrical, Garbage Collection, and Gas |

c. Presently, the Township of Missabe Mt. provides the area subject to annexation with the following services:

- | | |
|---|----------------------------------|
| 1) Water - unknown | 5) Street Improvements - unknown |
| 2) Sewer - unknown | 6) Street Maintenance - yes |
| 3) Fire Protection - no, contracts with Gilbert and Eveleth | 7) Recreational - unknown |
| 4) Police Protection - constables | 8) Other - unknown |

- d. Presently, the City of Eveleth provides parts of the area subject to annexation with the following services: Fayal
- | | |
|--------------------------------|---|
| 1) Water - yes | 5) Street Improvements - unknown |
| 2) Sewer - yes | 6) Street Maintenance - yes, in cooperation with Fayal Township |
| 3) Fire Protection - yes | 7) Recreational - yes |
| 4) Police Protection - unknown | 8) Other - Post Office, Schools, Gas, electric |
- e. Presently, the City of Eveleth provides to part of the area subject to annexation the following services: Missabe Mt.
- | | |
|--|----------------------------------|
| 1) Water - yes | 5) Street Improvements - unknown |
| 2) Sewer - yes | 6) Street Maintenance - unknown |
| 3) Fire Protection - on contract basis | 7) Recreational - unknown |
| 4) Police Protection - yes, on request | 8) Other - ambulance, on request |
- f. Plans to extend municipal services to part of the area subject to annexation include the following: Within the next year, Eveleth can extend the following services: police protection, garbage collection, electrical service. Other services such as water can be extended within a reasonable time.
- g. There are existing or potential pollution problems which are: lake pollution in Fayal Township because of an inadequate sewage system in part due to poor soil conditions. The following additional services will help resolve this situation: city sewer

7. Fiscal data

- a. In the City of Eveleth, the assessed valuation is \$4,699,541 (1973) the mill rate trend is stable. The present bonded indebtedness is \$75,000 (hospital bonds) in Fayal.
- b. In the area subject to annexation, the assessed valuation is \$3,450,338 (1973) in Fayal and \$641,518 (1974) in Missabe Mt.; the mill rate trend is stable in both townships (2.35 in 1974 in Missabe Mt.) and the present bonded indebtedness is -0- in Fayal.
- c. Will the annexation have any effect upon area school districts? No, the area in Fayal proposed for annexation is presently within

Eveleth School District 697. Missabe Mt. is unknown

- d. In Fayal, the township homeowners classification for fire insurance purposes would change from 10 to 6, bringing a decrease in fire insurance premiums of \$61.20 per year on an average \$20,000 residence.
 - e. The entire area would benefit from increased state aids by present formulae.
8. Is annexation to the City of Eveleth the best alternative? Yes
- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, the area lacks many necessary components for an urban structure.
 - b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Eveleth? No such alternatives were considered.
 - c. Could Fayal or Missabe Mt. Township provide the services required? No, neither government has demonstrated a capacity to do so.
 - d. Can Fayal or Missabe Mt. Townships continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other governmental unit? The portions of Fayal and Missabe Mountain Townships which will remain are being evaluated under pending proceedings before the Municipal Board. These will culminate in a disposition which will provide for these areas.

9. Alteration of boundaries

The area subject to annexation should be decreased because certain properties within might be served better by another unit of government; the new description of the property is as follows:

All of Fayal Township except for sections 1, 2, and 3 in Township 57 North, Range 17 West, except that part of said section 3 lying upon and forming the southern shoreline of Ely Lake. In Missabe Mt. Township, all of section 30 and all of section 29 except that portion in north 1/2 lying east of Highway 53, all of Section 32, not presently within the City of Eveleth.

The excluded area in both townships is being considered for annexation in another proceeding. Alternatives include annexation to the cities of Gilbert, Virginia and/or Eveleth. Other alternatives are possible.

10. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation.

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 character.
3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interest of the City of Eveleth and the area subject to annexation will be furthered by annexation.
5. There is a reasonable relationship between the increase in revenue for the City of Eveleth and the value of benefits conferred upon the area subject to annexation.
6. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.
7. This annexation proceeding has not been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is subject to an annexation election to be described herein.
8. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

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

All of Fayal Township except for sections 1, 2, and 3 in Township 56 North, Range 17 West, except that part of said section 3 lying upon and forming the southern shoreline of Ely Lake. In Missabe Mountain Township, all of section 30 and all of section 29 except that portion in the North 1/2, lying east of Highway 53, all of Section 32, not presently within the City of Eveleth.

IT IS FURTHER ORDERED: On a date to be set by the Board, which will be within 90 days after the entry date on this order, a public election, to be con-

ducted as provided by law, shall be held in that area which will be determined by the Minnesota Municipal Board to be primarily and substantially interested in or affected by the Minnesota Municipal Board order. Further, any person eligible to vote at a township or municipal election is eligible to vote at such election.

IT IS FURTHER ORDERED: That the effective date of this order is March 11, 1976.

Dated this 11th day of March , 1976

MINNESOTA MUNICIPAL BOARD
Suite 165 Metro Square Building
Saint Paul, Minnesota 55101

William A. Neiman

William A. Neiman
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 11 1976

James Anderson Howe
Secretary of State