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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

December 22, 1977

Mr. Mark Winkler
Deputy Secretary of State
State Office Building
Saint Paul, Minnesota

Re: Municipal Board Docket Number A-3077 Eveleth/Faya1

Dear Mr. Winkler:

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of Eveleth
is increased by 250 to 5,076

The population of Faya1 Township
is decreased by 250 to 2,682

A new municipality named _____
has been created with a population of _____

The _____
has been dissolved.

Official date of the Order November 7, 1977. Effective November 7, 1977.

C.C. Mr. Wallace O. Dahl
Director
Tax Research Division
205 Centennial Bldg.


Patricia D. Lundy
Assistant Executive Secretary

Hazel Reinhardt
State Demographer
101 Capitol Square Bldg.

Mr. Arthur C. Roemer
Department of Revenue
201 Centennial Bldg.



STATE OF MINNESOTA
MUNICIPAL BOARD
Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

M E M O R A N D U M

TO: Parties of Record

DATE: February 10, 1978

FROM: William A. Neiman
Executive Secretary *WAN*

SUBJECT: Municipal Board Docket # A-3077 Eveleth

This is to inform you that pursuant to the Municipal Board Order in the above-entitled matter, an annexation election was duly held on December 13, 1977, in accordance with Minnesota Statutes 414.031, Subd. 5.

The election results were as follows, and the annexation was, therefore, effective as of November 7, 1977.

	<u>For Annexation</u>	<u>Against Annexation</u>
*City of Eveleth	1,451	182
*Township of Fayal	52	1,100
TOTAL VOTE	<u>1,503</u>	<u>1,282</u>

This is also to inform you that the following paragraph on page 11 of the Municipal Board Order dated November 7, 1977, in the above-described matter is hereby deleted:

~~"IF IS-FURTHER-ORDERED: -That the assets-and-obligations of-the-Township of-Fayal-and-the-City of-Eveleth-being-subject to-the-provisions of-Minnesota-Statutes 414.067,-will be apportioned in-a-supplementary-order."~~

WAN:1j

31165
O.N.

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE RESOLUTION
FOR ANNEXATION OF CERTAIN LAND
TO THE CITY OF EVELETH

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 March 31, 1977, at Eveleth, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Edwin Hoff and Alvin Hall, ex-officio members of the Board. The City of Eveleth appeared by and through Bruce Rasmussen, and the Township of Faya1 appeared by and through Harold Fredricks. 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. On December 14, 1976, 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:

In Faya1 Township, St. Louis County, All of Section 5
and the North ½ of Section 8, Township 57 North,
Range 17 West.

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

3. Based on the evidence presented at the hearing the Board has made a preliminary determination that the area proposed for annexation should be decreased in order to include only that property which is now or is about to become urban or suburban in character.

Said decreased area is described as follows:

All of Government Lots One (1), Two (2), Three (3) and Four (4) in Section Five (5), Township Fifty-seven (57) North, Range Seventeen (17) West of the Fourth Principal Meridian according to the United States Government Survey thereof, situated in the County of St. Louis and State of Minnesota.

4. Geographic Features of Decreased Area

- a. The decreased area subject to annexation is unincorporated and abuts the City of Eveleth.
- b. The total area of the City of Eveleth is approximately six square miles. The total area of the decreased territory subject to annexation is approximately one-half square mile.
- c. The perimeter of the decreased to be annexed is approximately 50 percent bordered by the municipality.
- d. The natural terrain of the decreased area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: developed land used for urban purposes with small portions of relatively undeveloped land near Highway 53.

5. Population Data

- a. The City of Eveleth has decreased since 1940, but there has been reversal of this pattern and population growth is expected to continue.
- b. The decreased area subject to annexation has a relatively stable population of approximately 250, but some growth is anticipated as undeveloped portions of the area are developed.

6. Development Issues

- a. What, if any, are the plans for the development of the decreased property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency. The area is generally developed with residential and some commercial, but there is concern for proper planning near the Highway 53 Interchange. Further, city planning has for some time included the developed portion as a de facto part of the city.
- b. What land use controls are presently being employed.
 - 1) In the City of Eveleth:
 - a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - Yes
 - d. Other - Comprehensive plans
 - 2) In the decreased area to be annexed:
 - a. Zoning - No
 - b. Subdivision regulations - No
 - c. Housing and building codes - No
 - d. Other - No
- 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, certain undeveloped land is available for commercial or residential development.
- d. Development of the following types is occurring:
 - 1) In the City of Eveleth:
 - a. Residential - Yes
 - b. Industrial - Yes
 - c. Commercial - Yes
 - d. Institutional - Yes

2) In the decreased area subject to annexation: Much of the area is developed, but there is some room for residential expansion, and commercial development is likely to occur near the Highway 53 Interchange.

e. What will be the effect, if any, of the annexation on adjacent communities? None.

7. Governmental Services

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

- | | |
|---|-----------------------------|
| 1) Water - No | 5) Street Improvements - No |
| 2) Sewer - No | 6) Street Maintenance - Yes |
| 3) Fire Protection - by contract with the City. | 7) Recreational - Yes |
| 4) Police Protection - No | |

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 - Library, hospital, garbage collection. |

c. Presently, the City of Eveleth provides portions of the decreased area subject to annexation with the following services:

- | | |
|--|-----------------------------|
| 1) Water - Yes | 5) Street Improvements - No |
| 2) Sewer - Yes | 6) Street Maintenance - No |
| 3) Fire Protection - Yes, by contract with the city. | 7) Recreational - No |
| 4) Police Protection - No. | |

d. Plans to extend municipal services to the decreased area subject to annexation include the following:

All services will be available to the developed portions upon annexation.

- e. There are existing or potential pollution problems which are: the area near the highway will likely develop with intensive commercial use. The following additional services will help resolve this situation: city sewer.

8. Fiscal Data

- a. In the City of Eveleth, the assessed valuation trend as of 1976 is rising (approximately \$5.5 million), the mill rate trend as of 1976 is decreasing (41.55 mills) and the bonded indebtedness as of 1974 is \$461,000.
- b. In the decreased area subject to annexation, the assessed valuation trend as of 1976 is increasing (\$4,632,699), the mill rate trend as of 1976 is decreasing (9.32) and the bonded indebtedness as of 1976 is 0.
- c. The mill rate trends in the following units of government are:
 - 1) Independent School District - Stable
 - 2) Township - Decreasing
- d. Will the annexation have any effect upon area school districts? No.

9. Is annexation to the City of Eveleth the best alternative.

- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, the area is presently separated from the City of Eveleth only by a street, and the streets within the decreased area are extensions of Eveleth's streets.
- b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Eveleth? No.
- c. Could Fayal Township provide the services required? No, the major services are already provided by the City of Eveleth.

- d. Can Fayal Township continue to function without the area subject to annexation? Yes, the area comprises little more than 1 percent of Fayal Township's area and produces a comparable percentage of the total revenues available to the township.

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

11. What area is primarily and substantially interested in or affected by the Board order?

a. Economic Impact

- 1) The City of Eveleth: Eveleth presently delivers substantial services to this area, and, because of a quirk in the law, the residents of the annexation area do not pay for the sewer service but would do so upon annexation. Therefore, the City of Eveleth would receive reasonable sewer fees and an increase in property tax revenues. Eveleth citizenry will further benefit from the annexation in that the increase in Eveleth's population will qualify it for municipal state aid street funds and increases in per capita aids and taconite tax apportionment, the latter likely to be a very substantial allocation within the next several years.
- 2) The decreased area subject to annexation: Persons who reside in this area will have a substantial economic interest in the outcome of this proceeding. This area, upon annexation, will receive additional services and will pay higher taxes.
- 3) Fayal Township: The township as a whole has a substantial economic concern with this area in that Fayal will lose a substantial percentage of its population (approximately 8%) diminishing per capita aids and taconite tax apportionment, the latter likely to be a very substantial allocation within the next several years.

b. Delivery of Services

- 1) The City of Eveleth: As noted, the City will receive compensation for services it is already delivering, and

it will be able to provide services for other areas as they develop.

- 2) The decreased area: This area is already receiving some services, but it will receive the full range of municipal services upon annexation.

c. Social Consequences

- 1) The City of Eveleth: The developed portion of the decreased area is an integral part of the City of Eveleth.
- 2) The decreased area: Residents of this area, as noted, are, for most practical purposes, citizens of the City of Eveleth.

d. Geographic Considerations

- 1) The City of Eveleth: The annexation will provide a more logical boundary for this portion of the city.
- 2) The Decreased Area: Geographically the area is an integral part of the City of Eveleth.
- 3) Fayal Township: The proposed annexation boundary provides a logical terminus for the City of Eveleth as it relates to Fayal Township. Fayal Township implicitly recognized this when it recently removed its Town Hall from the decreased area to a more central location within the Township. Such a boundary would provide some security to the Township regarding future territorial integrity.

e. Community of Interest

- 1) The City of Eveleth and the decreased area: The present boundary between these areas is little more than a legal fiction. The residents of the decreased area are located a substantial distance from the other Fayal Township population centers and are literally across the street from Eveleth. The decreased area and the City are in almost every sense one community.
- 2) Fayal Township: This annexation clearly distinguishes between the City of Eveleth and Fayal Township and, therefore, enhances Fayal Township's identity.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The decreased 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 decreased area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Fayal can carry on the functions of government without undue hardship.
6. 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.
7. 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 decreased area subject to annexation.
8. This annexation proceeding has not been initiated by a petition of a majority of property owners and, therefore, the Minnesota Municipal Board order is subject to an annexation election to be described herein.
9. The area substantially interested in or affected by the Board order is the City of Eveleth and the Township of Fayal.
10. 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 Government Lots One (1), Two (2), Three (3) and Four (4) in Section Five (5), Township Fifty-seven (57) North, Range Seventeen (17) West of the Fourth Principal Meridian according to the United States Government Survey thereof, situated in the County of St. Louis and State of Minnesota.

IT IS FURTHER ORDERED THAT:

1. On December 13, 1977, which is 36 days after the entry date on this order, a public election is to be conducted as provided by law in the entire Township of Foyal and the entire City of Eveleth, which is the area that has been 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.

2. The hours of the election shall be between 7:00 a.m. and 8:00 p.m.

3. The polling places and election judges shall be as follows:

Election Judges:

Elmer A. Milbridge (Eveleth City Clerk) who shall serve as Chief Election Judge and shall appoint one assistant judge at each polling place in the City of Eveleth and submit their names in writing to the Municipal Board before the election.

Sam Davey (Foyal Township Clerk) shall serve as an Election Judge and appoint one assistant judge at the polling place in the Township of Foyal and submit the name in writing to the Municipal Board before the election.

POLLING LOCATIONS:

City of Eveleth

1st Precinct

- City Hall
Pierce St. P.O. Box 401

2nd Precinct

- Hippodrome
Douglas Ave. & Jackson St.

3rd Precinct	-	Fire Hall Adams Ave. & Jackson Street
4th Precinct	-	Senior High School Gymnasium Jones Street
5th Precinct	-	East Range Day Activity Center "A" Avenue & Cleveland Street
6th Precinct	-	Conrad Tweten residence 1510 West First Street

FAYAL TOWNSHIP

1st Precinct	-	Fayal Township Hall Fayal Township
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4. The judges shall conduct the election so far as practicable in accordance with the laws regulating special elections.

5. Only voters residing within the area which is substantially interested in or affected by the Board's Order dated November 7, 1977, shall be entitled to vote. This area is: City of Eveleth and the Township of Fayal.

6. The Chief Election Judge shall cause a copy of this order and a Notice of Election to be posted not less than 20 days before the election in three public places in the ^{referendum} area described herein and submit proof thereof to the Executive Secretary of the Municipal Board.

7. The Chief Election Judge shall cause a Notice of Election to be published for two successive weeks before the election in the newspaper qualified as a medium of official and legal publication of general circulation in the ^{referendum} area described herein and submit proof thereof to the Executive Secretary of the Municipal Board.

8. The Chief Election Judge shall prepare the ballot, which shall bear the words "For Annexation to the City of Eveleth" and "Against Annexation to the City of Eveleth" with a square before each of the phrases in one of which the voter shall make a cross to express his or her choice.

9. The ballots and election supplies shall be provided by the City of Eveleth.

10. The Election Judges shall prepare and submit to the Executive

Secretary of the Minnesota Municipal Board a verified election certificate declaring the time and place of election and the results of their canvass of the ballots.

IT IS FURTHER ORDERED: That the annexation herein be effective upon filing of this Order as provided by Minnesota Statutes 414.031, Subd. 6, provided that a majority of the votes cast were "For Annexation".

IT IS FURTHER ORDERED: That the assets and obligations of the Township of Fayal and the City of Eveleth being subject to the provisions of Minnesota Statutes 414.067, will be apportioned in a supplementary order.

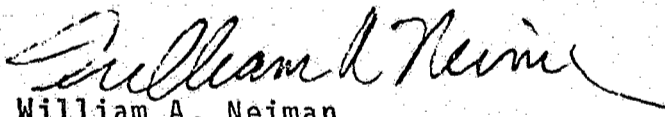
IT IS FURTHER ORDERED: That the population of the City of Eveleth has increased by 250 persons to 5,076 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Fayal has decreased by 250 persons to 2,682 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is November 7, 1977.

Dated this 7th day of November, 1977.

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



William A. Neiman
Executive Secretary

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 28 1977

James Andrew Howe
Secretary of State

#31145