

SF-00006-02

DEPARTMENT MUNICIPAL BOARD

STATE OF MINNESOTA

Office Memorandum

TO : ✓ Secretary of State - Attention: Donna Scott DATE: November 17, 1982
Department of Revenue - Attention: Wallace O. Dahl
State Demographer - Attention: Eileen Barr

FROM : Patricia D. Lundy PHONE: 296-2428
Assistant Director

SUBJECT: A-3188 Staples *pdl*

The Municipal Board order dated August 17, 1979 annexing certain land to the City of Staples was vacated and overturned by the District Court. It was then appealed to Supreme Court. The Supreme Court on August 27, 1982 upheld the District Court order. The annexation is, therefore, not effective.

Attached is an amended population report.

Please call our office if you have any questions.

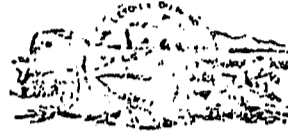
PDL:sg

Enclosure

32320

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL BOARD

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

August 21, 1979

Mr. Mark Winkler
Deputy Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number A-3188 Staples

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 City of Staples

is increased by 90 to 5,415

The population of Town of Thomastown

is decreased by 90 to 772

A new municipality named _____

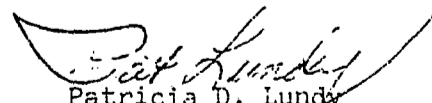
has been created with a population of _____

The _____

has been dissolved.

Official date of the Order August 17, 1979

C.C. Commissioner
Department of Revenue
c/o Wallace O. Dahl, Director
Tax Research Division
205 Centennial Building


Patricia D. Lundy
Assistant Executive Director

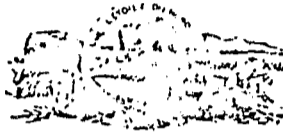
Hazel Reinhardt
State Demographer
101 Capitol Square Building

Amended this 16th day of November, 1982.

Patricia D. Lundy
Assistant Director

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
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August 21, 1979

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Deputy Secretary of State
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RE: Municipal Board Docket Number A-3188 Staples

Dear Mr. Winkler:

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is increased by 90 to 3,415

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A new municipality named _____

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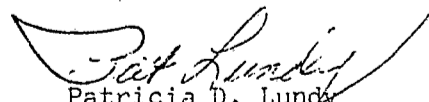
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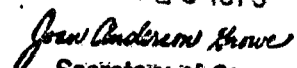
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Assistant Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 23 1979


Secretary of State

52320

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Gordon Berg	Ex-Officio Member
Edward Raddohl	Ex-Officio Member

IN THE MATTER OF THE NOTICE OF INTENT)
FOR ANNEXATION OF CERTAIN LAND TO THE)
CITY OF STAPLES)

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 September 21, 1977, at Staples, Minnesota and continued from time to time. The hearing was conducted by William A. Neiman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Member Thomas J. Simmons and County Commissioners Gordon Berg and Edward Raddohl, ex-officio members of the Board. The City of Staples appeared by and through Hans Borstad, the Township of Thomastown appeared by and through Timothy J. Baland. 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. On July 15, 1977, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Staples. The Notice of Intent contained all the information required including a statement that the area proposed for annexation is 60 percent or more bordered by the city and a description of the territory subject to annexation which is as follows: All that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 134 North, Range 33 West that is not already within the corporate limits of the City of Staples.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Thomastown Township on July 11, 1977. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subds. 3 & 4 as required by M.S. 414.033, Subd. 3.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Staples.
- B. The total area of the City of Staples is 1,130 acres. The total area of the territory subject to annexation is 74 acres.
- C. The perimeter of the area to be annexed is 89% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: level to sloping topography, Crow Wing River Watershed, loamy sand surface, dark yellow-brown subsoil subject to dryness.

IV. Population Data

- A. The City of Staples
 - 1. In 1970, there were 2,761 residents.
 - 2. The present estimated population is 3,325.
 - 3. By 1980, the projected population is same growth pattern.
- B. The area subject to annexation:
 - 1. The present estimated population is 90.
 - 2. By 1980, the projected population is not ascertainable.
- C. The Township of Thomastown:
 - 1. In 1970, there were 650 residents.
 - 2. The present estimated population is 862.
 - 3. By 1980, the projected population is unknown.

V. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
 - 1. Area in Use
 - a. In the City of Staples:
 - 1) Residential: est. 658 acres
 - 2) Institutional: est. 12 acres
 - 3) Commercial: est. 110 acres
 - 4) Industrial: est. 180 acres
 - 5) Agricultural: not ascertainable
 - 6) Vacant land: est. 25 acres
 - 7) Airport: est. 145 acres

b. In the area subject to annexation:

- 1) Residential: est. 44 acres
- 2) Institutional: None
- 3) Commercial: est. 10 acres
- 4) Industrial: None
- 5) Agricultural: None
- 6) Vacant land: 20 acres

c. In the Township of Thomastown:

- 1) Residential: est. 450 acres
- 2) Institutional: est. 200 acres
- 3) Commercial: not ascertainable
- 4) Industrial: not ascertainable
- 5) Agricultural: est. 24,310 acres
- 6) Vacant land: not ascertainable

2. Area Being Developed

a. In the City of Staples:

- 1) Residential: 20 acres
- 2) Institutional: None
- 3) Commercial: 10 acres
- 4) Industrial: 80 acres
- 5) Agricultural: None

b. In the area subject to annexation: not ascertainable

c. In the Township of Thomastown: not ascertainable

3. Area Remaining for Various Uses

a. In the City of Staples: unknown

b. In the area subject to annexation: not ascertainable

c. In the Township of Thomastown: not ascertainable

B. Transportation:

1. The present transportation network is: motorized vehicles principally use U.S. Highway No. 10 and 210 and C.S.A.H. No. 43 and 30.

a) In the City of Staples:

- b) In the area subject to annexation: C.S.A.H. No. 30 is the principal route

2. Potential transportation issues include: U.S. Highway 10 and 210 bypass

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Staples:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: no
- h. Planning Commission: yes

2. In the Township of Thomastown:
 - a. Zoning: none
 - b. Subdivision Regulations: none
 - c. Comprehensive Plan: none
 - d. Official Map: none
 - e. Capital Improvements Program: none
 - f. Fire Code: none
 - g. Building Inspector: none
 - h. Planning Commission: none
 - i. Other: none

3. In the County of Wadena:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Official Map: yes
 - e. Capital Improvements Program: no
 - f. Fire Code: State Law
 - g. Building Inspector: no
 - h. Planning Commission: yes

VI. Governmental Services

- A. The Town of Thomastown provides the area subject to annexation with the following services:
 1. Water: none
 2. Sewer: none
 3. Fire protection: none (contract with City of Staples)
 4. Police protection: none
 5. Street improvements: minimal
 6. Street maintenance: minimal - 2 blocks only
 7. Recreational: none
 8. Administrative services: minimal
 9. Other: none

- B. The City of Staples provides its residents with the following services:
 1. Water: yes
 2. Sewer: yes
 3. Fire protection and rating: yes -(7/8)
 4. Police protection: yes
 5. Street improvements: yes
 6. Street maintenance: yes
 7. Recreational: yes
 8. Administrative services: yes
 9. Other: Library

- C. The City of Staples provides the area subject to annexation with the following services:
 1. Water: presently, water is available to portions of the area
 2. Sewer: presently, sewer is available to portions of the area
 3. Fire protection and rating: yes - by contract
 4. Police protection: standby service
 5. Street improvements: no
 6. Street maintenance: City and County provide all except 2 blocks
 7. Recreational: Tennis courts, parks, bike path, etc. which these people use
 8. Administrative services: no
 9. Other: use of City library and community center

- D. Existing or potential environmental problems and the need for additional services to resolve these problems are as follows: Residents of area subject to annexation have individual shallow wells and individual septic systems. It is believed that this has caused and will cause environmental problems in the future particularly with respect to contamination of water. Long term remedy is to use the City water and sewer system.

- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: Use of existing sewer and water lines in the area proposed for annexation, together with full police and fire protection, library, community center parks and other recreational services, full administration services, street improvements as needed, as well as petitioned improvements, and full street maintenance.

VII. Tax Base

- A. In the City of Staples, the tax base includes the following:

1. Residential property in 1978 was valued at \$2,671,214, generating \$367,530 in taxes or 61.7% of the total.
2. Commercial property in 1978 was valued at \$964,305, generating \$132,643 in taxes or 22.4% of the total.
3. Industrial property in 1978 was valued at \$517,214, generating \$89,443 in taxes or 15.8% of the total.
4. Agricultural property in 1978 was valued at \$480, generating \$69 in taxes or 0% of the total.
5. Vacant land in 1978 was valued at \$47,141, generating \$6,528 in taxes or .10% of the total.
6. Non-taxable property
 - a. Institutional use in 1978 as developed, \$2,306,139.

- B. In the Township of Thomastown, the tax base includes the following:

1. Residential property in 1978 was valued at \$558,863, generating \$21,181 in taxes or 35.8% of the total.
2. Commercial property in 1978 was valued at \$16,082, generating \$610 in taxes or 1.0% of the total.
3. Public utility in 1978 was valued at \$118,483, generating \$4,490 in taxes or 7.6% of the total.
4. Agricultural land in 1978 was valued at \$849,251, generating \$32,186 in taxes or 54.4% of the total.
5. Vacant land in 1978 was valued at \$18,279, generating \$693 in taxes or 1.2% of the total.

- C. In the area subject to annexation, the tax base includes the following:

1. Residential property in 1978 was valued at \$68,908, generating \$7,717 in taxes or 95.2% of the total.
2. Commercial property in 1978 was valued at \$1,677, generating \$188 in taxes or 2.4% of the total.

3. Industrial property in 1978 was valued at \$0, generating \$0 in taxes or 0% of the total.
4. Agricultural property in 1978 was valued at \$0, generating \$0 in taxes or 0% of the total.
5. Vacant land in 1978 was valued at \$1,767, generating \$198 in taxes or 2.4% of the total.
6. Non-taxable property
 - a. Institutional use in 1978 included 0 acres worth, as developed \$0.
 - b. Other non-taxable uses (such as roadways, parks) in 1978 included 0 acres.

VIII. Tax Data

A. In the City of Staples:

1. Mill rate in 1978 was 36.97.
2. Bonded indebtedness in 1978 was \$919,500.

B. In the Township of Thomastown:

1. Mill rate in 1978 was 3.87.
2. Bonded indebtedness in 1978 was 0.

C. In the area subject to annexation:

1. Mill rate in 1978 was 3.87.
2. Bonded indebtedness in 1978 was 0.

D. Mill rate in Thomastown:

1. County in 1978 was 39.06.
2. School district in 1978 was 68.89.
3. Township in 1978 was 3.87.
4. Region 5 RDC in 1978 was .17.

IX. The City will bear increased costs as a result of this annexation. These include: Police and fire protection, street maintenance, water and sewer plant operation.

X. Is annexation to the City of Staples the best alternative? yes

A. There is no effect by the proposed annexation on area school districts and on adjacent communities.

B. The town government is inadequate to deliver municipal services to the area proposed for annexation.

C. Present assessed valuation of the Town of Thomastown: \$1,560,958

Present assessed valuation of proposed annexation area: \$72,352

D. New valuation of the Town of Thomastown if entire area is annexed: \$1,458,606.

E. Thomastown Township can continue to function without the area subject to annexation.

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 character.
- III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
- IV. The best interest of the area subject to annexation will be furthered by annexation.
- V. The remainder of the Township of Thomastown can carry on the functions of government without undue hardship.
- VI. There is a reasonable relationship between the increase in revenue for the City of Staples and the value of benefits conferred upon the area subject to annexation.
- VII. 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.
- VIII. This annexation proceeding was initiated by a notice of intent by the City of Staples and the area proposed for annexation is 60% surrounded by the city; therefore the Minnesota Municipal Board order is not subject to an annexation election.
- IX. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

- I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Wadena, State of Minnesota, be and the same is hereby annexed to the City of Staples, Minnesota, the same as if it had been originally made a part thereof: All that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 134 North, Range 33 West that is not already within the corporate limits of the City of Staples.
- II. IT IS FURTHER ORDERED: That the population of the City of Staples has increased by 90 persons to 3,415 persons for all purposes until the next Federal Census.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 23 1979
John Andrew Howe
Secretary of State

23 23 20

III. IT IS FURTHER ORDERED: That the population of the Town of Thomastown has decreased by 90 persons to 772 persons for all purposes until the next Federal Census.

IV. IT IS FURTHER ORDERED: That the Minnesota Municipal Board hereby retains jurisdiction for the purpose of allowing a special levy pursuant to Minnesota Statutes 414.01, Subd. 15.

V. IT IS FURTHER ORDERED: That the effective date of this order is August 17, 1979.

Dated this 17th day of August, 1979

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

432320
O.D.