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STATE OF MINNESOTA  
MUNICIPAL BOARD

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

November 22, 1982

Secretary of State  
c/o Donna Scott  
State Office Building  
Saint Paul, Minnesota

RE: Municipal Board Docket Number D-166 Hewitt

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

The population of Town of Stowe Prairie

is increased by No Change

The population of City of Hewitt

is decreased by No Change

A new municipality named \_\_\_\_\_

has been created with a population of \_\_\_\_\_

The \_\_\_\_\_

has been dissolved.

Official date of the Order November 22, 1982

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

*Patricia D. Lundy*  
Patricia D. Lundy  
Assistant Executive Director

R. Thomas Gillaspy, Ph.D.  
State Demographer  
101 Capitol Square Building

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 24 1982

*John Anderson*  
Secretary of State

#34264

D-166 Hewitt

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer            Chairman  
Robert W. Johnson        Vice Chairman  
Kenneth F. Sette           Member

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 15 1983  
*Joan Anderson Howe*  
Secretary of State

34264

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IN THE MATTER OF THE PETITION FOR        )  
THE DETACHMENT OF CERTAIN LAND FROM    )  
THE CITY OF HEWITT PURSUANT TO         )  
MINNESOTA STATUTES 414.06.             )

SUPPLEMENTARY  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

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After the Minnesota Municipal Board made and filed its decision in the above matter on November 22, 1982, the petitioners petitioned the Board for Vacation of Order, Amendment of Findings of Fact, Conclusions of Law, and Order, and Reconsideration of said decision and proposed amended Findings of Fact, Conclusions of Law, and Order granting the detachment. The City of Hewitt objected to said Petition to Vacate the Board's order and the proposed amended Findings of Fact, Conclusions of Law, and Order. The Minnesota Municipal Board, after reviewing said petition, the objection thereto, and all of the records and files on this proceeding, hereby confirms its original decision and makes and files the following additional Findings of Fact, Conclusions of Law, and Order.

ADDITIONAL FINDINGS OF FACT

XXVII. The Town of Stowe Prairie is concerned that this detachment could result in undue financial hardship to the City of Hewitt. Presently the City of Hewitt and Stowe Prairie Township jointly maintain certain roads and two bridges along their common border.

XXVIII. There is presently a bridge shared by the Town of Stowe Prairie and the City of Hewitt which needs rebuilding.

XXIX. Fire insurance costs decreased on the buildings in the detachment area after the city water system was installed.

XXX. The majority of development in Hewitt since 1971, outside of the gridded

portion on the city map, has been in the portion of the city between the proposed detachment area and the gridded portion of the city.

XXXI. Work on the road adjacent to the detachment area was not assessed back to the property owners.

XXXII. The property owners may draw water for use on the area proposed for detachment from the city well which has been installed in Hewitt.

CONCLUSIONS OF LAW

V. The remainder of the City of Hewitt cannot continue to carry on the functions of government without undue hardship.

VI. The property owners' Petition for Vacation of the previous decision should be denied and the previous order of the denial of the detachment herein be confirmed in all respects.

ORDER

IT IS HEREBY ORDERED: That the property owners' Petition for Vacation of the previous decision, is hereby denied, and the previous order of the denial of the detachment herein is confirmed in all respects.

Dated this 14th day of July, 1983.

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director

MEMORANDUM

The board in reviewing the Petition for Vacation of Order, Amendment of Findings of Fact, Conclusions of Law, and Order in Reconsideration finds, after a thorough review of its decision and the facts upon which it was based, that the detachment would create an undue hardship upon the City of Hewitt. Further, the board notes that it has not received any compelling new evidence to show that a detachment would be appropriate.

As it indicated in its previous memorandum accompanying its initial order on this matter, the board hopes that the parties have been able to work together in developing the rural service taxing district concept.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 24 1982  
*Frank Anderson*  
Secretary of State

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer            Chairman  
Robert W. Johnson           Vice Chairman  
Kenneth F. Sette             Member

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IN THE MATTER OF THE PETITION FOR THE )  
DETACHMENT OF CERTAIN LAND FROM THE )  
CITY OF HEWITT PURSUANT TO MINNESOTA )  
STATUTES 414.06                            )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 as amended, on April 28, 1982 at Hewitt, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance was Kenneth F. Sette, Member of the Minnesota Municipal Board. The petitioners were represented by B. Joseph Majors II and the City of Hewitt was represented by Mark Hansen. 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 February 1, 1982 a petition for detachment from the City of Hewitt was filed by all of the property owners with the Minnesota Municipal Board. The petition contained all of the information required by statute including the description of the property proposed for detachment, which is as follows:

The Southeast Quarter (SE $\frac{1}{4}$ ) of Section 21, Township 133, Range 35 and,

All that part of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 22, Township 133, Range 35, more particularly described as follows, to-wit: Beginning at the Southwest corner of Section 22, thence North on the West line of said Southwest Quarter (SW $\frac{1}{4}$ ) a distance of 2,635' to the Northwest corner of said Southwest Quarter (SW $\frac{1}{4}$ ), thence South 88 degrees 15 minutes East along the North line of said Southwest Quarter (SW $\frac{1}{4}$ ) 1,761.60 feet to the westerly right-of-way line of U.S. Highway #71, thence South 12 degrees, 37 minutes East and along said right-of-way line 1,383.65 feet, thence South 18 degrees, 01 minutes West 1,335.82 feet to the South line of said Southwest Quarter (SW $\frac{1}{4}$ ), thence North 88 degrees, 38 minutes West along said South line 1,650.48 feet to the point of beginning.

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

III. The area proposed for detachment is situated within the City of Hewitt and abuts the municipal boundary.

IV. The area proposed for detachment is approximately 274.2 acres j

V. The City of Hewitt is approximately 1,440 acres in size.

VI. The area proposed for detachment is west of U.S. Highway 71 and north of a shared city/township road.

VII. The parcel contains the original farm site which includes a house (not used), an old shed, a storage garage, and a new mobile home.

VIII. The City of Hewitt provides its residents with fire protection, grading and plowing of roads, police protection and administrative services.

IX. The City of Hewitt does not have a central sewer system within the City.

X. The City of Hewitt presently provides Stowe Prairie Township with fire protection through a contractual agreement between the Township and the City.

XI. The City maintains the road south of the area proposed for detachment. The City has expended money for both grading and bridge repair on that road.

XII. Population of the area proposed for detachment is 6.

XIII. The present estimated population of the City of Hewitt is 312. The City's population in 1980 was 299.

The City of Hewitt had a 47% increase in population over the past 10 years.

XIV. Approximately 50% of the City's population is comprised of people under the age of 16 or over the age of 65.

XV. The assessed value of the City of Hewitt is \$355,032.

The personal property was assessed at \$58,398.

XVI. The assessed valuation of the Town of Stowe Prairie is \$2,220,440.

The personal property is assessed at \$79,145.

XVII. The assessed valuation of the area proposed for detachment is \$15,667.

XVIII. The taxes generated by the area proposed for detachment payable to the City of Hewitt are approximately \$1,284.70 for 1982.

XIX. The City of Hewitt has an outstanding bonded indebtedness for a water system. The total amount of the bond issue was \$156,000. There is presently a balance due of \$146,200. The bond has a twenty-year term.

XX. The water system was constructed because tests showed that 83% of the wells within the City were contaminated.

XXI. The City received grants from H.U.D. and FHA because of this health hazard and the City's inability to repay more than the outstanding loan.

XXII. Approximately 22% of the bonded indebtedness is covered through direct assessment with the remaining 78% of the bonded indebtedness covered by ad valorem taxes.

XXIII. The City's budget increased from approximately \$20,000 to approximately \$44,000 after the installation of the water project and the need for repayment of the bonds.

XXIV. The installation of the new water system resulted in a decrease of the City's fire rating from a Class 9 to a Class 8.

XXV. The bond holder for the water project questioned the City's ability to repay the bonds were the area proposed for detachment to be detached.

XXVI. A portion of the area proposed for detachment has been sought by a developer for construction of new home sites. The property owner presently does not wish to sell the property, and anticipates using some of the requested land for a new home for her and her husband should they leave their present residence.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The detachment affects the symmetry of the City of Hewitt.

III. The detachment would impact upon the City of Hewitt's viability as a City.

IV. An order should be issued by the Minnesota Municipal Board denying the petition for detachment of the area described herein.


ORDER

I. IT IS HEREBY ORDERED: That the petition for the detachment of the area described herein in Findings of Fact I be, and the same hereby is denied.

II. IT IS FURTHER ORDERED: That the effective date of this order is November 22, 1982.

Dated this 22nd day of November, 1982.

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



Terrence A. Merritt  
Executive Director

MEMORANDUM

During the course of the testimony, the City indicated a willingness to develop a rural service taxing district to include the area presently under consideration. The property owners indicated that they have sought such a taxing district prior to the beginning of the detachment proceedings without success. The Board urges the parties to work together to address the issue of a rural service taxing district for the area under consideration before the Board as well as other appropriate areas within the City of Hewitt.

The Municipal Board is willing to share with the City and property owners, should they desire it, copies of rural service taxing districts, which it has, that other cities have developed to address problems similar to those presently being experienced in the City of Hewitt.