

An Equal Opportunity Employer

Phone: 296-2428



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-167 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

#34265

D-167 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
Jean Anderson Howe
 Secretary of State

 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

✓ 34265

 After the Minnesota Municipal Board made and filed its decision in the above matter on November 22, 1982, the petitioner 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

XXIII. 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.

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

XXV. The property owner 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 owner's 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.

O R D E R

IT IS HEREBY ORDERED: That the property owner's 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.

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 24 1982

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

John Anderson
Secretary of State

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

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:

All that part of the West Half of the Southeast Quarter
(W $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 16, Township 133, Range 35 laying
Northeast of U.S. Highway #71, as presently located.

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 50 acres in size.

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

VI. The area proposed for detachment is north of U.S. Highway 71, west of the flood hazard boundary area within the City and adjacent to the City's western boundary. The parcel is presently vacant with the storage buildings and sheds previously on them having been removed.

VII. Population of the area proposed for detachment is 0.

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

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

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

X. The City of Hewitt provides fire protection, grading and plowing of City roads, police protection and water service.

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

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

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

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

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

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

XV. The present assessed valuation of the area proposed for detachment is \$4,764. The area proposed for detachment generates approximately \$390.65 in tax revenue to the City of Hewitt presently.

XVI. The City of Hewitt has an outstanding bonded indebtedness for a newly constructed water system. The total amount of the bond issue for the water system was \$156,000. Presently there is a balance due of \$146,200. The bond issue is twenty years in life.

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

XVIII. The City of Hewitt received grants from H.U.D. and FHA because of this health hazard and the City's inability to repay more than the \$156,000 loan.

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

XX. 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.

XXI. 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.

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

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 owner indicated that he has 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 owner, should they desire it, copies of rural service taxing districts that other cities have developed to address problems similar to those presently being experienced in the City of Hewitt.