The Minnesota Department of Energy Planning & Development

epd

January 13, 1983

Darrell Stacy, Administrator
City of Austin
500 - Fourth Avenue N.E.
Austin, MN 55912

Erwin L. Gill, Clerk
Township of Austin
2209 - 10th Avenue S.W.
Austin, MN 55912

SUBJECT: Municipal Board Docket No. 3889
Date of Order: January 4, 1983
Austin City and Austin Township

Dear Mr. Stacy and Mr. Gill:

In accordance with M.S. 414.01, Subdivision 14, as amended in Laws of 1980, the State Demographer estimates population as follows:

Austin City		
Present population	22,613	(Source: 1981 State Demography Unit Estimate)
Annexed/detached area population	+20	
Adjusted population	22,633	
Austin Township		
Present population	2,448	(Source: 1981 State Demography Unit Estimate)
Annexed/detached area population	-20	
Adjusted population	2,428	

If no comments or corrections are received within ten days, the adjusted populations will be effective as of the date of the Municipal Board Order.

Sincerely,

R. Thomas Gillespy

R. Thomas Gillespy
State Demographer

RTG:dlg

cc: Wallace O. Dahl, Department of Revenue
Terrence A. Merritt, Municipal Board
Gordon Fay, Department of Transportation
Emil Anderson, Department of Commerce
Lyle McNair, Department of Transportation
Donna Scott, Secretary of State's Office

STATE OF MINNESOTA
DEPARTMENT OF STATE
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O.D.

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Phone: 296-2428

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

December 23, 1982

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

RE: Municipal Board Docket Number A-3889 Austin

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 Austin

is increased by 20

The population of Town of Austin

is decreased by 20

A new municipality named _____

has been created with a population of _____

The _____

has been dissolved.

Official date of the Order January 4, 1983

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

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

Patricia D. Lundy
Assistant Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 4 1983
Joan Anderson Growe
Secretary of State
#34289

A-3889 Austin

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Robert Finbraaten	Ex-Officio Member
Art Vogel	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR THE ANNEXATION OF CERTAIN LAND TO THE CITY OF AUSTIN PURSUANT TO MINNESOTA STATUTES 414

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 June 9, 1982 and was continued from time to time at Austin, Minnesota. The hearings were conducted by Robert J. Ferderer, Chairman, and Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Ken F. Sette, Member of the Municipal Board and County Commissioners Art Vogel and Robert Finbraaten, Ex-Officio Members of the Board. The City of Austin appeared by and through Kermit Hoversten and the Town of Austin appeared by and through David Jackson, Supervisor. 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 January 21, 1982, a copy of a Notice of Intent to Annex was filed with the Minnesota Municipal Board by the City of Austin. The Notice of Intent contained all the information required by statute including the statement that the area proposed for annexation is 60% or more bordered by the city and 40 acres or less in size and the description of the territory subject to annexation which is as follows:

> Lot 20, 21, and 22 - Crestwood Hills 2nd Addition and Out Lot A - Crestwood Hills 2nd Addition and Out Lots 23, 24, 25, 26, 27, 30, 38 of Crestwood Hills 3rd Addition; and all adjoining street right-of-ways.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Austin Township on March 18, 1982. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subdivision 3 and 4 as required by M.S. 414.033, Subdivision 3.

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

III. The area subject to annexation is unincorporated, approximately 13.30 acres

in size and abuts the City of Austin by approximately 70% of its border. The City of Austin is approximately 5,583 acres in size.

IV. The area proposed for annexation is composed of approximately 10 residential lots, 6 of which are occupied, and the adjacent streets and street right-of-ways.

V. In 1970 the City of Austin had a population of 26,210, its 1980 population was 23,020 and it is projected that by the year 1985 it will have a population of 23,368.

VI. The Town of Austin in 1970 had a population of 2,777, its 1980 population was 2,386 and it is projected that by the year 1985 it will have a population of 2,422.

VII. In the area proposed for annexation it is estimated the population is 20.

VIII. The City of Austin had land in residential use, institutional use, commercial use, industrial use, agricultural use and vacant land.

IX. In the Town of Austin land is primarily agricultural or residential use, with some commercial and industrial use, also.

X. In the area proposed for annexation the land is used for residential purposes, with some presently vacant land.

XI. The City of Austin has a zoning ordinance, subdivision regulation, flood plain ordinance and a planning commission.

XII. Mower County zoning applies to the area proposed for annexation.

XIII. The area proposed for annexation is presently zoned rural.

XIV. If annexed, it is anticipated the area proposed for annexation would be zoned single-family residential, which is consistent with the zoning and land use presently in the area around the area proposed for annexation.

XV. The City of Austin presently provides its residents with water, sanitary sewer, storm sewer, solid waste collection, fire protection, police protection, street and road improvement and maintenance, administrative services, recreational opportunities and a library.

XVI. The Town of Austin provides its residents with street and road improvement and maintenance, administrative services, and fire protection through a contract with the City of Austin.

XVII. The City of Austin presently provides the area proposed for annexation with natural gas and electrical service, fire protection through a contract with the township and police protection as assistance to the sheriff.

XVIII. The City of Austin has sewer and water lines adjacent to the area proposed for annexation, with one area requiring construction of approximately 150-175 feet of sewer line to service several lots. The lines in place have the capacity to service

the entire area proposed for annexation. The City of Austin is willing and able to provide all the services to the area proposed for annexation which it presently provides its residents.

XIX. The northeastern third of the area proposed for annexation has a soil that is silt loam, silty clay, clay loam and heavy loam, with a slope of between 12-18%. The central, northern portion of the west central section of the area proposed for annexation is composed of the same type of soil with a slope of between 6-12%. The southeastern portions of the area proposed for annexation has the same type of soil with a slope of 2-6%. The southwestern portion of the area proposed for annexation has soil that is silt loam, loam and heavy loam.

XX. A water sample from a yard of a private resident showed that there is fecal coliform in the surface water. Samples west of the area proposed for annexation also indicated some presence of fecal coliform.

The soil conditions of the area proposed for annexation are not conducive to effective on-site septic system use. Slopes of greater than 12% constitute a severe limitation to an on-site sewage system construction. Slopes of greater than 6% require special construction practices for on-site septic systems.

XXI. A portion of 23rd Street, Southwest is located in the area proposed for annexation, as is an eastern cul-de-sac off of 8th Avenue, South. The roads in the area proposed for annexation are located within both the City and the Township.

XXII. The City of Austin is serviced by federal, state, county and city roads.

XXIII. In 1982, the City of Austin has an assessed valuation of $85,247,723. Its mill levy is 30.440. The City of Austin has a total bonded indebtedness of $7,795,000.

XXIV. In 1982, the Town of Austin has an assessed valuation of $13,178,155. Its mill levy is 2.277. It has a special taxing district with a mill levy of .751. The Township does not have any current bonded indebtedness.

XXV. The mill levy for the County of Mower in 1982 is 23.311. The school district mill levy for the area proposed for annexation and the City of Austin is 41.278.

XXVI. The City of Austin has a fire insurance rating of 5. The Town of Austin has a fire insurance rating of 10.

XXVII. Austin Township can continue to function without the area subject to annexation.

XXVIII. The City of Austin is the only municipality adjacent to the area subject to annexation.

XXIX. All necessary governmental services can best be provided to the area subject to annexation by its annexation to the City of Austin.

XXX. There is no evidence that the annexation of the area subject to annexation to the City of Austin will have any adverse effect on the school district in the area.

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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

IV. The best interests of the area subject to annexation will be furthered by annexation.

V. The remainder of the Town of Austin can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in values to the City of Austin and the value of benefits conferred upon the area subject to annexation.

VII. 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 in Findings of Fact I and the same is hereby annexed to the City of Austin, Minnesota the same as if it had been originally a part thereof.

II. IT IS FURTHER ORDERED: That the population of the City of Austin is increased by 20.

III. IT IS FURTHER ORDERED: That the population of the Town of Austin is decreased by 20.

IV. IT IS FURTHER ORDERED: That the effective date of this order is January 4, 1983.

Dated this 23rd day of December, 1982.

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

Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the annexation in A-3889, the Board notes that the area adjacent to the area proposed for annexation as well as the annexation area itself has been a patchwork of City and Township areas. This haphazard approach to annexation, has resulted in the need for cleaning up of boundaries through this and similar proceedings. The Board is aware that in the past the City has focused its annexation efforts on responding to requests from property owners who wish to be annexed. This posture has resulted in an extremely irregular boundary and the incumbent inefficiencies for service delivery as well as jurisdictional questions. The Board finds this type of boundary adjustment posture to be economically inefficient at a time when local units of government are struggling to fiscally make ends meet. The Board urges the parties to work together and realize that the annexation of only interested properties results in governmental headaches for all parties which must be addressed at a later time. Both the Township and the City must realize that at times good government requires more than the annexation of merely a single lot whose owner desires it. Such a realization, though politically difficult, must lead the parties perspective if duplication of effort is to be avoided. The Board realizes that such an annexation posture requires that both sides address difficult issues realizing that self interest has no part in the negotiations. The Board notes that orderly annexation was attempted, but failed. The Board urges the parties to reopen the orderly annexation discussions realizing that certain concessions must be made. The parties must approach discussions with an open mind and if members of either side have a preset notion on the matter, they should remove themselves from the discussion. Also, a truly workable agreement is one where the parties keep the line of communication open.

The Board notes with dismay that many of the people present at the proceeding and some of the participants of the proceeding themselves felt that the September 22, 1982 hearing was directed at an orderly annexation agreement being discussed between the City of Austin and the Town of Austin. This information received by those people in the audience resulted in unnecessary trauma and concern given the limited scope of the proceeding before the Board. It is hoped that while the parties work together to improve their lines of communication, they do not neglect the necessary communication with their residents on a forthright and honest basis.

12-23-82 TM