



STATE OF MINNESOTA
MUNICIPAL BOARD

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

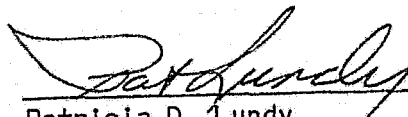
December 19, 1986

Secretary of State
c/o Donna Scott
State Office Building
St. Paul, Minnesota 55155

Re: Municipal Board Docket Number: A-4297 Albertville

The subject order of the Minnesota Municipal Board makes no changes in the population of the City of Albertville.

Official date of the Order is December 19, 1986.

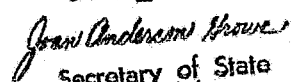

Patricia D. Lundy
Assistant Director

PDL:sg

cc: Wallace O. Dahl, Director
L.G.A. & A. Division
Department of Revenue
2nd Floor Centennial Building

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

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 23 1986


Secretary of State

A-4297 Albertville

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 23 1986
Joan Anderson Howe
Secretary of State

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Member
LeRoy Engstrom	Ex-Officio Member
Paul McAlpine	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF ALBERTVILLE 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 April 11, 1986 and was continued from time to time at Albertville, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, Shirley J. Mihelich, Vice Chair, and County Commissioners Paul McAlpine and LeRoy Engstrom, Ex-Officio Members of the Board. The City of Albertville appeared by and through Gary Meyer, City Attorney, Otsego Township appeared by and through William Radzwil, Township Attorney, and the petitioners appeared by and through Thomas Hayes, Attorney at Law. 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 February 27, 1986, a copy of the petition for annexation by all of

the property owners was received by the Minnesota Municipal Board, and an amended petition was received on March 10, 1986 requesting the board to order annexation. The petition contained all of the information required by statute, including a description of the territory subject to annexation which is as follows:

Government Lots 1 and 2, Section 36, Township 121, Range 24, lying in the Town of Otsego, County of Wright, State of Minnesota.

A resolution supporting the annexation was received from the annexing municipality on February 27, 1986.

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

3. The area subject to annexation is unincorporated, approximately 61.11 acres in size and abuts the City of Albertville by approximately 35% of its total boundary. The City of Albertville is approximately 2,100 acres in size.

4. The area proposed for annexation is rolling land with some wooded area generally sloping toward Mud Lake with the soil generally being a yellow clay.

Mud Lake, a portion of which is located within the City of Albertville, is classified as a natural environment lake by the Department of Natural Resources. Mud Lake is approximately 150 acres in size.

5. The City of Albertville had a population of 564 in 1980, and an estimated 1984 population of approximately 687, according to the Minnesota State Demographer's Office.

6. The Town of Otsego had a population of 4,769 in 1980, and an estimated 1984 population of approximately 6,254, according to the Minnesota State Demographer's Office.

7. The area proposed for annexation has a present population of five.

8. Wright County had an average population per residence of approximately 2.9 persons in 1984.

The City of Albertville had an average population per household of 3.3 persons in 1984.

9. The City of Albertville presently has approximately 950 acres zoned agricultural, approximately 520 acres zoned single-family and multi-family residential, and approximately 625 acres for commercial, industrial, park land, government-owned land, and wetlands.

10. The Town of Otsego has land zoned for industrial, commercial, public/semi-public, agricultural, residential, and open space.

11. The area proposed for annexation is presently used for two residential dwellings, farm buildings, cropland and pasture.

12. The annexation area is presently zoned agricultural.

13. The City of Albertville has a shoreland management ordinance, adopted June 2, 1986, and a zoning ordinance, which was enacted in 1975 and which is presently being updated. The city's subdivision regulations are presently one paragraph located within the zoning ordinance. The city does not have a comprehensive plan. The city does not have a manufactured housing ordinance.

The City of Albertville anticipates that it will develop a subdivision ordinance and a manufactured housing ordinance. The City of Albertville plans to develop a comprehensive plan after completion of its zoning ordinance update.

14. The Town of Otsego has a comprehensive and land-use plan and a planning commission.

15. Wright County has a planning and zoning ordinance and a planning and zoning commission.

16. The City of Albertville presently provides its residents with water, sanitary sewer, fire protection, police protection through a contract with the Wright County Sheriff's Department, street improvements and maintenance, and administrative services.

17. The Town of Otsego provides its residents with fire protection through a contract with the City of Albertville, street improvements and maintenance, and administrative services.

18. The annexation area is presently served by two on-site septic systems and two private wells. Each residence has its own septic system and well.

19. The City of Albertville's waste water treatment facility has been discharging its effluent into Mud Lake for many years. The waste water treatment plant is presently discharging treated effluent into Mud Lake which has a bio-chemical oxygen demand at a level of approximately 75 parts per million, suspended solids at approximately 75 parts per million, and solid phosphates at approximately 5. The existing plant is not removing any phosphates through treatment. The new plant will discharge treated effluent into Mud Lake which would have a bio-chemical oxygen demand level of 25 parts per million, suspended solids at 30 per million, and phosphates at 1 part per million.

In years past, some of the cattle that occupied the area proposed for annexation drank the water and became ill. Children skating on Mud Lake during the winter have come home with extremely foul-smelling clothes.

20. The City of Albertville anticipated having a new waster water

treatment plant on-line by the summer of 1986. It will be located south of the area proposed for annexation and discharge its treated water into Mud Lake.

The plant will have a capacity to serve a population of 1,525.

21. The area proposed for annexation is planned for development as a manufactured housing development with 250 to 275 lots.

22. If all of the manufactured housing pads were developed as proposed, using the Wright County average population per dwelling of 2.9, the city's population could increase by between 725 to 797 people.

23. It is projected that the proposed development, if fully completed, would pay approximately \$25,700 in taxes.

24. The area proposed for annexation presently pays approximately \$390 in taxes.

25. The city projects that it would cost approximately \$250,000 to extend municipal sanitary sewer and water to the area proposed for annexation.

The bonding for such an extension would result in an overall general obligation debt of approximately \$4,739,000 for a per capita debt of \$6,898.10 for the present population of Albertville.

26. The City of Albertville is the guarantor of the outstanding general obligation bonds for the joint water treatment facility which services the Cities of Albertville, Hanover, and St. Michael, and the Town of Frankfort.

27. 70th Street abuts the annexation area on its northern boundary. Maciver abuts the annexation area on its eastern boundary.

Presently the Town of Otsego maintains both of those roads. If annexed, the city and town would share maintenance responsibilities for these roads, there would still be approximately half a mile on 70th Street west of

the annexation area, which would be serviced solely by the township.

28. In 1986, the assessed valuation of the City of Albertville is \$3,417,425. In 1986, the city's mill rate is 35.362. As of 1986, the City of Albertville had a total bonded indebtedness of \$4,489,000.

29. In 1986, the assessed valuation of the Town of Otsego is \$14,872,655. The town's mill rate is 17.147. The Town of Otsego had a total bonded indebtedness of \$525,000.

30. The city's fire insurance rating is 6.

31. The estimated market value of the area proposed for annexation is \$78,800.

32. For 1986, the county's mill rate is 20.308. Elk River School District #728's mill levy is 68.035. Monticello School District #882's mill levy is 38.824. St. Michael School District #885's mill levy is 57.577.

33. The area proposed for annexation is presently served by Elk River School District #728 which also includes a small part of the City of Albertville. Monticello School District #882 includes a small part of the City of Albertville. St. Michael School District #885 includes most of the City of Albertville.

34. The City of Albertville is the only municipality adjacent to the area proposed for annexation.

35. Otsego Township can continue to function without the area proposed for annexation.

CONCLUSIONS OF LAW

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

2. The area subject to annexation is not now urban or suburban in nature.
3. Municipal government is not presently required to protect the public health, safety, and welfare in the area proposed for annexation at the present time.
4. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation of the area described herein.

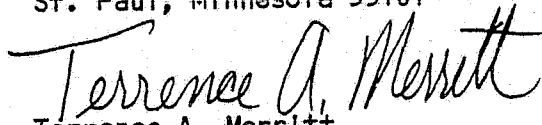
ORDER

1. IT IS HEREBY ORDERED: That the request for the annexation of the property described in Findings of Fact 1 herein, be and the same is hereby denied.

2. IT IS FURTHER ORDERED: That the effective date of this order is December 19, 1986.

Dated this 19th day of December, 1986.

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


Terrence A. Merritt
Executive Director

A-4297 Albertville

MEMORANDUM

The Minnesota Municipal Board, while denying the proposed annexation, notes that the City of Albertville is aggressively moving to improve itself, from both a planning prospective and a development prospective. The board is impressed that the city was willing to hire a full-time administrator to accomplish this task.

The board hopes that as the city moves to update its planning and zoning ordinances, it will work with the Town of Otsego, so that the greater community can be better served.

The newly enacted ordinances will need some shake down time to ensure that they are functioning properly. The ambitious program of growth for the city will require that these ordinances are functioning and accomplishing their desired goals. Given the city's desire to improve, the board hopes that it will continue a thoughtful and thorough analysis of its planning tools.

The board would suggest that the city analyze the present water quality of Mud Lake. *JAM 12-19-86*

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DEPARTMENT OF STATE
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Secretary of State

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O.D.