

**LYNDEN TOWNSHIP
STEARNS COUNTY
SPECIAL JOINT MEETING**

**City of Clearwater's request for Orderly Annexation Agreement Preliminary Discussions
SEPTEMBER 12, 2023**

Those present at the Lynden Township Hall are Supervisors Tom Plaggerman, Dennis Niemi, Scott O'Konek, Clerk Jenny Schmidt, Township Attorney Michael Couri, Clearwater Mayor Lawrence and Clearwater Administrator Annita Smythe. Plaggerman called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

Agenda: Discuss the City of Clearwater's request for a preliminary discussion for an Orderly Annexation Agreement (OAA) and gauge the interest in developing an OAA.

Plaggerman gave introductions and laid out how the meeting will generally progress. The City will explain what brought them here tonight, the two Boards will discuss any proposals, then it will be opened up for public comment and questions. Plaggerman explained this is the very first meeting to hear any proposals and simply gauge interest. There will be no specifics about anyone's property. Plaggerman explained that an OOA is an agreement, a contract, between two entities of how annexation would progress if an agreement is reached. It is a road map.

Mayor Lawrence indicates a letter was sent to Lynden Twp in May requesting a preliminary joint meeting as a few different people/businesses have approached the City about annexation to get hooked up to services and they were declined because they were not adjacent to the City and there is no OAA. These were not current industrial park property owners, rather vacant land inquires. Lynden Twp has the City of Clearwater on one side which offers water, sewer and other services, and the City of St Cloud on the other side. Knowing St. Cloud only has a few places it can expand, we thought we would see what your interest was in joining us.

City Administrator Smythe indicates the City recently entered in to an OOA with Clearwater Twp. That agreement is a 15 year agreement and dictates how and when annexation occurs. It includes a 5 year taxation reimbursement provision along with other terms. Typically, nothing is annexed unless someone approaches the City. We have annexed about 8 parcels, under the petition of the property owners, none of which have been residential. An OOA may be helpful to property owners for gauging their future. Utilities bills are on a tier structure, based on usage. An average resident is \$150/month for water, sewer, storm water, recycling, mosquito control and other. Advantages of an OOA include favorable reimbursement to the township, ie: lost taxes, all terms are agreed upon by both entities, could regulate when water, sewer, etc would be put in, protecting businesses who already have a private system with a possible 20-25 year lag time unless there is a failure. Hook up fee is approx. \$5000 for both residential and commercial.

Twp Attorney Michael Couri explains generally the contest and trial process. An Administrative Law Judge (ALJ) would handle the case and previous rulings have expressed a preference for planning. The ALJ considers 13 factors and information from the public hearing, but the statute does not state **how** the ALJ uses that public hearing information. What the residents want is not one of the factors. Planning is

essential so you want to exchange views, stay on good terms, continue what you are doing right here tonight. OAAs typically cover a very large area because we just don't know how growth will proceed.

Plaggerman questions the May 22, 2023 meeting of the City wherein a shortfall of city water was portrayed. If we were to annex, is there a plan for future funding and expanding capacity? And who picks up that cost? Mayor Lawrence indicates the water shortfall was simply a projection. One mile of sewer and water costs approximately two million so any annexation would need to be planned, purposeful and for the good of the City. Who picks up the costs would need to be determined. Plaggerman reviews the tax differences. Municipalities portion appears to be four times higher, but you would gain services.

Questions and concerns from the public included but not limited to whether the City could provide water and sewer across the river. If an agreement is reached we need to follow that and not take parcels against someone's wishes (reference Mathison). St. Cloud has taken property for their industrial park in Lynden Twp. Are they truly interested in more, how aggressive is their intent, and how do we react if they do approach the township. The general consensus tonight is if there needs to be an OAA, we would rather be with Clearwater than St. Cloud. A resident noted there are expenses not addressed yet such as contracting with Stearns Co Sheriff since we are in Stearns and the City is in Wright, new election polling places and lift stations to get under the river. Couri indicates St. Cloud has done nothing hostile that we know of and we were not in their long term plan 10-12 years ago. He again encourages keeping talks open, and suggests if anything comes from St. Cloud, then we contact the City of Clearwater and meetings can begin when we mutually determine that the time is appropriate for entering into an agreement. If residents are interested in getting involved in the legislative sessions and discussions, please contact Minnesota Associations of Townships (MAT) lobbyists.

Plaggerman asks the question: Is anyone interested in having the Township work with the City of Clearwater for the purpose of developing an Orderly Annexation Agreement at this time? No hands were raised.

Plaggerman asks the question: How many people do not want the Township to work towards annexing lands to the City of Clearwater at this time? A clear majority of residents raised hands.

Plaggerman made a motion to adjourn the meeting, seconded by O'Konek, all in favor, motion passed. Meeting adjourned at 6:51 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Thomas Plaggerman, Chair