



Minnesota Pollution Control Agency

March 11, 2003

Ms. Jennifer Cole
Election Division
Secretary of State's Office
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155



RE: Certified Copy of the Findings of Fact, Conclusions and Order in the Matter of the Petition to Create the Wannaska Sanitary District

Dear Ms. Cole:

Pursuant to Minn. Stat. § 115.20, subd. 9, enclosed you will find a certified copy of the Findings of Fact, Conclusions and Order, for creation of the Wannaska Sanitary District. This certified copy is being delivered to your office for filing.

If you have any questions, please contact me at (651) 296-8420.

Sincerely,

Debra Moynihan
Planner Principal
Regular Facilities Unit
Regional Environmental Management Division

DM:ej

Enclosure: Certified Copy of the Findings of Fact, Conclusions and Order in the Matter of the Petition to Create the Wannaska Sanitary District

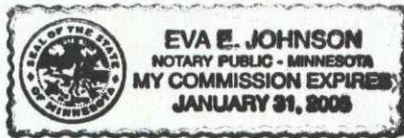
cc: Anne Granitz, County Auditor, Roseau County (w/enclosure)
Gloria Tesarek, Clerk, Mickinock Township (w/enclosure)
Dale Wensloff, Clerk, Grimstad Township (w/enclosure)
Steven A. Anderson, Attorney (w/enclosure)
Stephanie Morgan, Assistant Attorney General, Attorney General's Office (w/enclosure)

I, Debra Moynihan, Planner Principal with the Minnesota Pollution Control Agency, certify that the attached Findings of Fact, Conclusions, and Order in the matter of the creation of the Wannaska Sanitary District is a true and correct copy of the Findings of Fact, Conclusions, and Order located in the Minnesota Pollution Control Agency files.

Debra Moynihan
Signature of Debra Moynihan

Subscribed & Sworn to me on this
11th day of March, 2003.

Eva E. Johnson
Notary Public



MINNESOTA POLLUTION CONTROL AGENCY

Commissioner's Order

Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Wannaska Sanitary District

The Township of Grimstad and the Township of Mickinock petitioned the Minnesota Pollution Control Agency (MPCA) under Minn. Stat. § 115.20 requesting the formation of the Wannaska Sanitary District. The Chairpersons of the Grimstad Township Board of Supervisors and the Mickinock Township Board of Supervisors were authorized to sign the petition pursuant to resolutions passed by their respective bodies of government.

The MPCA published the Notice of Intent to Approve the Wannaska Sanitary District in the *State Register* on Monday, September 30, 2002. The MPCA also mailed a copy of the notice to all property owners in the affected area.

The MPCA, after having considered the petition, having published notice of the intent to approve creation of the sanitary district in the *State Register*, having notified the affected property owners of the intent to create the district, having reviewed the comment letters received during the comment period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed sanitary district is located within portions of Grimstad and Mickinock Townships, located in Roseau County, Minnesota, and includes the community of Wannaska.
2. The legal description of the sanitary district is as follows:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$, SE $\frac{1}{4}$) of Section 24, the East Half of the Northeast Quarter (E $\frac{1}{2}$, NE $\frac{1}{4}$) (that part lying east of the South Branch – Roseau River) of Section 25, Township 160 North, Range 40 West; and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$, SW $\frac{1}{4}$) of Section 19, the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$, NW $\frac{1}{4}$) of Section 30, Township 160 North, Range 39 West, Roseau County, Minnesota.

3. On April 15, 2002, a public meeting was held at the Wannaska School, located in Wannaska, Minnesota to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in the Roseau Times-Region, a qualified newspaper published in the area. The Notice was published on March 30, 2002, and April 6, 2002. Notice of the public meeting was posted for two weeks prior to the meeting at the Grimstad Township Hall, the Mickinock Township Hall, and Lee's Store, Wannaska, Minnesota. Notice of the meeting was also mailed to each of the property owners in the area of the proposed district on April 8, 2002.

4. On April 17, 2002, the Grimstad Township Board of Supervisors adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chairperson, and authorizing the submission of the petition to the MPCA for establishment of the Wannaska Sanitary District. The resolution was published in the Roseau Times-Region on April 20, 2002, and became effective forty (40) days after the date of publication.
5. On April 16, 2002, the Mickinock Township Board of Supervisors adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chairperson, and authorizing the submission of the petition to the MPCA for establishment of the Wannaska Sanitary District. The resolution was published in Roseau Times-Region on April 20, 2002, and became effective forty (40) days after the date of publication.
6. On July 18, 2002, a petition and record of the public hearing was filed with the MPCA requesting approval for the formation of the Wannaska Sanitary District. The Chairperson of the Grimstad Township Board of Supervisors and the Chairperson of the Mickinock Township Board of Supervisors signed the petition for creation of the district as authorized by the resolutions. The petition requesting approval for formation of the sanitary district has met all the requirements of Minn. Stat. § 115.20, subd. 1(a).
7. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
8. On September 30, 2002, the MPCA published the Notice of Intent to Approve Creation of the Wannaska Sanitary District in the *State Register* at 27 SR 467 and mailed the notice to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended on October 30, 2002.
9. By October 30, 2002, the end of the public notice period, the MPCA had received no letters requesting a public hearing on the matter. Minn. Stat. § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if 25 or more written requests are received by the end of the public notice period.
10. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. The area within the boundaries of the proposed district is currently served by individual on-site wastewater treatment systems. Roseau County with the assistance of project consultants conducted inspections of the existing on-site treatment systems in September 2000. The result of the inspections indicated that less than 10 % of the existing on-site treatment systems meet current standards under Minn. R. ch. 7080 for regulating individual sewage treatment systems. Existing conditions in the area of the proposed district are not favorable for upgrading or replacing nonconforming on-site treatment systems. Nonconforming on-site systems in close proximity to individual drinking water wells can present a potential health risk to residents in the area by contaminating the ground water. Nonconforming systems located adjacent to the South Branch of the Roseau River is discharging inadequately treated wastewater to the river.

11. Creation of the district will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.
12. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety, and welfare. The district will be administered by a five member governing board who are voters within the sanitary district and who will be elected by the members of the related governing bodies in joint session. When formed, the Wannaska Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.
13. Pursuant to Minn. Stat. § 115.23, the Township of Mickinock is designated as the central related governing body for the purpose of joint meetings between the Township of Grimstad and the Township of Mickinock.

CONCLUSIONS

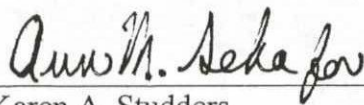
1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to Minn. Stats. §§ 115.18 to 115.37 (2002).
2. The petitioners have substantially complied with all the procedural requirements of Minn. Stat. § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.
3. The conditions described in Minn. Stat. § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

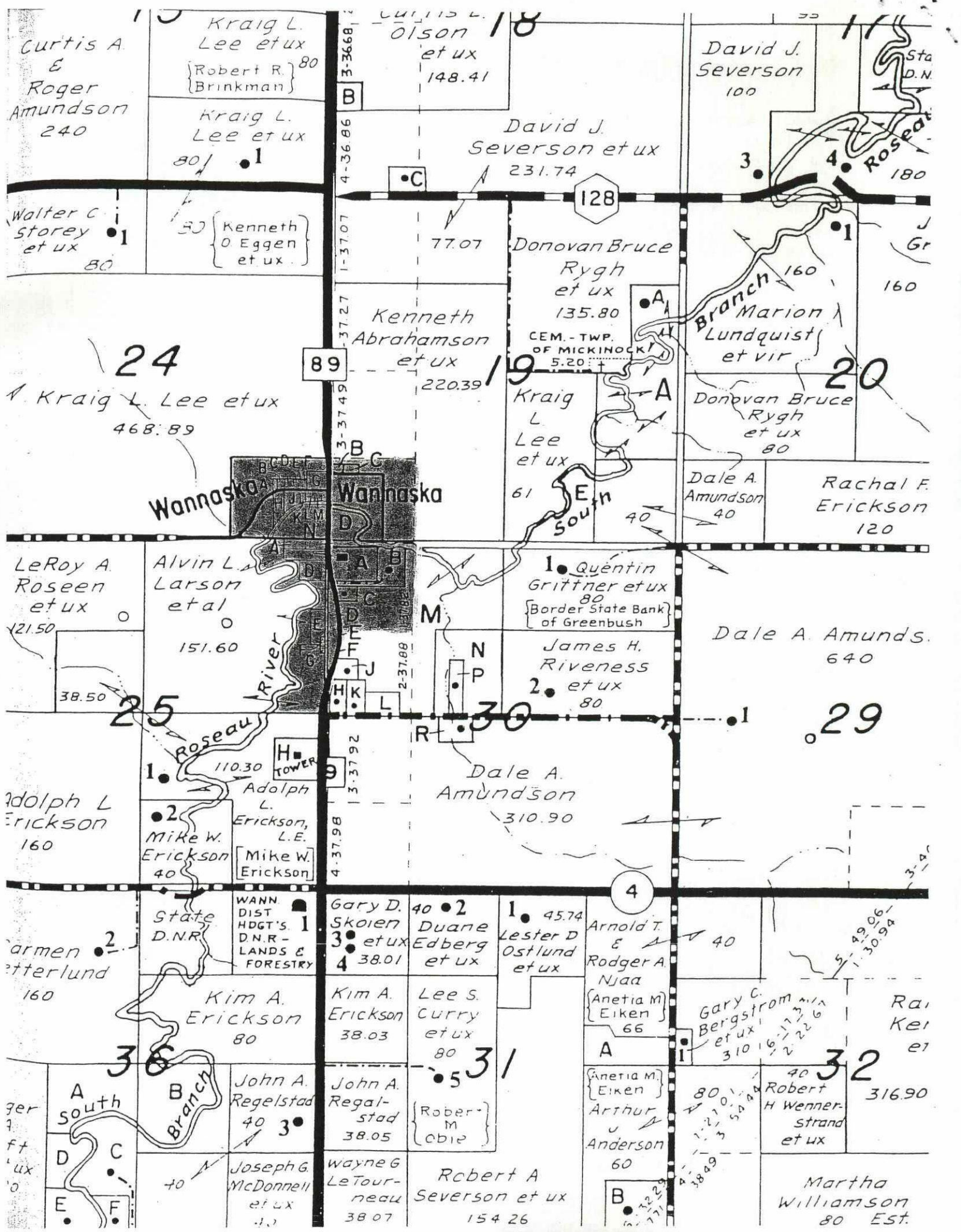
ORDER

It is ORDERED that the Wannaska Sanitary District is hereby created to include a portion of the Township of Grimstad and the Township of Mickinock as described in the legal description attached to the petition filed with the MPCA.

Dated: January 13, 2003



Karen A. Studders
Commissioner



Curtis A.
E
Roger
Amundson
240

Kraig L.
Lee et ux
{ Robert R. }⁸⁰
Brinkman
Kraig L.
Lee et ux
80/ 1

L. Olson
et ux
148.41

David J.
Severson
100

Walter C.
Storey
et ux
80

{ Kenneth
O. Eggen
et ux }

David J.
Severson et ux
231.74

3.
4.
ROSEAU
180

24
Kraig L. Lee et ux
468.89

Donovan Bruce
Rygh
et ux
135.80

1.
Gr
160

Kenneth
Abrahamson
et ux
220.39

Donovan Bruce
Rygh
et ux
135.80
CEM. - TWP.
OF MICKINOCK
5.20

Branch
Marion
Lundquist
et vir
20

Wannaska
Wannaska

Kraig
L.
Lee
et ux
61
South
40

Donovan Bruce
Rygh
et ux
80
Dale A.
Amundson
40
Rachal F.
Erickson
120

LeRoy A.
Roseen
et ux
121.50

Alvin L.
Larson
et al
151.60

1.
Quentin
Grittner et ux
80
{ Border State Bank
of Greenbush }

Dale A. Amunds.
640

38.50
25

1.
Roseau River
110.30
Adolph
L.
Erickson
2.
Mike W.
Erickson
40
Mike W.
Erickson

James H.
Riveness
et ux
80
2.
Dale A.
Amundson
310.90

29

Adolph L.
Erickson
160

1.
State
D.N.R.
WANN
DIST
HDGT'S
D.N.R.
LANDS &
FORESTRY

1.
45.74
Lester D.
Ostlund
et ux

4

Armen
Petterlund
160

Kim A.
Erickson
80

Gary D. Skoien
et ux
38.01
40
2
Duane
Edberg
et ux

Arnold T.
E.
Rodger A.
Njaa
{ Anetia M.
Eiken }
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A
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Branch
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F

Kim A.
Erickson
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Kim A.
Erickson
38.03
Lee S.
Curry
et ux
80

31

Gary C.
Bergstrom
et ux
310.16
31
32

John A.
Regelstad
40
3

John A.
Regal-
stad
38.05
{ Robert
M.
Obie }

Wayne G.
LeTour-
neau
38.07
Robert A.
Severson et ux
154.26

{ Anetia M.
Eiken }
Arthur
Anderson
60
B

40
Robert
H. Wenner-
strand
et ux
316.90

Joseph G.
McDonnell
et ux

Martha
Williamson
80 Est.