

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Henry Berg	Ex-Officio Member
Leonard Christofferson	Ex-Officio Member

IN THE MATTER OF THE PETITION)
 TO ANNEX CERTAIN LAND TO THE)
 VILLAGE OF MONTICELLO)

FINDINGS OF FACT,
 CONCLUSIONS OF LAW
 AND ORDER

This proceeding was commenced by a petition of property owners within a specified area of Monticello Township (herein "town") for annexation of that area into the Village of Monticello (herein "village"). Within the time allowed by the Statutes, the supervisors of the town requested discussions to designate an area in need of orderly annexation. No agreement was reached and hearings were conducted by the Municipal Commission.

Sitting as ex-officio members of the Minnesota Municipal Commission were Wright County Commissioners Henry Berg and Leonard Christofferson.

Gary L. Pringle, and Paul Melchert, appeared in behalf of the Village of Monticello. James Metcalf appeared in behalf of the Township of Monticello. Raymond J. Haik appeared in behalf of Northern States Power Company.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, the arguments of counsel and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of a majority of the property owners in the following described area located in the Town of Monticello requesting annexation to

the Village of Monticello was received by the Minnesota Municipal Commission on October 30, 1969.

Beginning at a point on the Mississippi that marks the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road No. 39 to the Eastern boundary of Section Nine (9), Township 121 North, Range 25 West; thence South along said Section line to the East-West centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence Northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted.

2. A resolution of the Village Council of the Village of Monticello approving the proposed annexation was received by the Minnesota Municipal Commission on October 30, 1969.

3. A copy of the resolution of the Town Board of the Town of Monticello requesting discussions with the Village of Monticello to designate an area as in need of orderly annexation was received by the Minnesota Municipal Commission on December 12, 1969.

4. No proceeding for orderly annexation was initiated by the Village and Town, and the matter came on for hearing before the Minnesota Municipal Commission on January 7, March 24, March 25, April 19, April 20, and May 14, 1971.

5. Due, timely and adequate notice of the hearing before the Minnesota Municipal Commission was published, served and filed.

6. The population of the Village of Monticello in 1890 was 503, in 1968 it was 1,477, and in 1970 it was 1,636. The populations in the

Township of Monticello for these three dates were 890, 1,088 and 2,240. The population projections indicate that the Monticello Township population in 1990 will be 11,000. The projections for the Village of Monticello indicate that there will be 2,107 within the present corporate limits of the Village by 1990. The limited growth in the Village of Monticello is a result of the lack of room for growth.

7. The present area of land included within the present corporate Village boundaries of the Village of Monticello is 830 acres. There are approximately 46 square miles in the Township of Monticello.

8. Monticello School District No. 882 serves the Monticello Township and the Village of Monticello.

9. The following described property contains urban development and factors are present which will generate further urban development.

Beginning at a point on the Mississippi that marks the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road No. 39 to the Eastern boundary of Section Nine (9); Township 121 North, Range 25 West; thence South along said Section line to the East-West centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-Four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence Northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted.

10. Monticello School District No. 882 owns and operates and elementary school adjacent to the present village limits and within the area described in Finding No. 9. The village provides water and sewer

service to this school.

11. The route of Interstate Highway 92 (I-94) passes through the town in an easterly-westerly direction. The route is approximately 1,700 feet south of the railroad tracks which are located on the southerly edge of the village. An interchange with Minnesota Trunk Highway 25 will serve the village. The site of this interchange is within the area described in Finding No. 9. Other I-94 interchanges will be at Hasty and Clearwater west of the Village of Monticello and at Albertville and St. Michael east of the Village of Monticello.

12. The area described in Finding No. 9 includes the Kjellberg Mobile Home Park. This park includes 400 acres of land presently occupied by 200 mobile homes with 200 more anticipated.

13. The area described in Finding No. 9 includes the River Terrace Mobile Home Park. This park includes 20 acres and is presently occupied by 69 mobile homes and 102 campsites. The owner has purchased 40 additional acres for further development. This park is northwest of the present village along the Mississippi River.

14. The area described in Finding No. 9 includes the Stan Hall addition which is about one and one-half miles west of the present village limits and contains 33 homes with approximately 10 lots remaining. No municipal water or sewer services are provided in this addition. Two homes have had trouble with their on site sewage disposal systems.

15. The area described in Finding No. 9 includes a county park which is located immediately north of the Stan Hall addition. Over 200 automobiles enter this park on an average weekend.

16. There are at least fifteen plats of record and six proposed plats in the town. All but four of these are in or near the area described in Finding No. 9.

17. The area described in Finding No. 9 includes Northern States Power Company's Monticello nuclear power production plant which has a very high assessed valuation which will attract urban development.

18. The Village of Monticello presently operates a sewage disposal plant with a capacity that should service 5,000 people. Much of this high capacity is caused by the Mid-America Creamery Plant. The Village is building storm sewers that will allow much of the water from the Mid-America Creamery Plant to go directly into the river rather than into the plant. This will provide for extensive additional available use from the sewage plant. The plant itself is quite susceptible to increase in capacity. The initial purchase, in fact the initial layout, shows expansion areas for each additional component of the plant. It would be much more economical to increase the size of this sewage plant to handle twice the present capacity than to build another plant that would take care of a problem that might arise in this area in the future. This sewage disposal plant is in a good location to service most of the Monticello Township for sewage disposal.

19. The Village of Monticello has constructed a second deep well to add to the Village water system. The original well is a 1,100 gallon per minute capacity well which is sufficient for a Village of this size and even much greater size. The original well should handle up to 3,500 people. The new well has a capacity of 1,200 gallons a minute. This gives the Village a capacity of 2,300 gallons per minute.

20. The Village has retained the Village engineer to prepare for carrier lines that will be put under Highway I-94 at strategic locations to handle the needs in the Township. These carrier pipes are for water and sewer.

21. A professional planner, Mr. Charles Tooker, started working for the Village of Monticello in 1966 and has progressed into the 701 planning stages. The Village Council has already asked Mr. Tooker to do some planning for the Township area. Mr. Tooker has, in fact, done at least preliminary work in terms of providing the Village Council with information that would concern itself with lands outside the corporate limits.

22. The Village Council has recently appointed commissioners to a housing and redevelopment authority and are proceeding with the rest of the work that will initiate a housing and redevelopment authority.

23. The local Monticello Chamber of Commerce is undertaking a program of redevelopment within the downtown area of Monticello, at least the preliminary planning stages, and has authorized funds to initiate this plan.

24. The Village Council has plans for establishing urban-rural service districts within the area proposed for annexation.

25. The county zoning law in effect in the Monticello Township prevents the Village from having zoning control over the two-mile radius around the Village that it might have if there were no county zoning law.

26. With regard to control within the Village, the Monticello Village Council has undertaken all the governmental controls that it is allowed. As far as subdivision regulations within the Village go, there is nothing to subdivide. The Village is filled up.

27. The natural terrain of the area described in Finding No. 9, including general topography, major watersheds, soil conditions and such natural features as rivers, lakes, and major bluffs, lends itself readily toward a joining of the Village of Monticello with said area.

28. The Village of Monticello has a police department that serves

both the Village and the Township. In 1969 the Village received 126 calls from people in the Monticello Township. These calls included traffic complaints, vandalism, theft, burglary, and armed robbery. On one occasion the Monticello police department received a call involving a murder. The people in the Monticello Township should properly call the Sheriff's Department for assistance but they call the Village of Monticello in emergency situations.

29. The Village of Monticello is presently in the process of making itself capable of providing water and sewer for more people than there are or ever will be in the present Village of Monticello.

30. The Village of Monticello provides sewer, water, fire and police protection as well as parks and recreation, and refuse pickup.

31. The Village of Monticello provides fire protection for the Township of Monticello for a fee.

32. The parks in the Village of Monticello are available for use by anyone. These parks are used by the residents of the Township as well as the Village.

33. The Senior Citizens Center in the Village of Monticello is used by residents of Monticello Township as well as the Village. The Village of Monticello provides the physical facility for the center as well as the funding.

34. The township government of the Township of Monticello provides only road maintenance.

35. The Village of Monticello has a maintenance crew and maintenance equipment. The Village has a large truck, a pickup truck, a truck equipped with a snowplow, various hand tools and equipment typical to a maintenance department.

36. The Village has an employee charged with the responsibility of the operation of the water and sewer department, and an employee charged with the responsibility of street maintenance and parks and recreation, as well as various physical buildings that house the equipment in the maintenance department.

37. The mobile home parks in the Monticello Township have soil absorption sewer systems. These are temporary methods of disposal suitable only until such time as arrangements can be made to connect to a community sewage system.

38. The Village of Monticello would be best suited to provide water and sewer service in the area described in Finding No. 9.

39. In 1967 the assessed valuation of the Village of Monticello was \$658,761 dollars and in the Township the assessed valuation was \$625,169.00. In 1968 the assessed valuation of the Village was \$620,700.00 and in the Township it was \$569,276.00. In 1969 the assessed valuation in the Village was \$672,013.00 and in the Township it was \$1,686,068.00. In 1970 the assessed valuation in the Village was \$718,526.00 and in the Township it was \$3,220,566.00.

40. The tax levy in the Village of Monticello in 1967 was \$68,511.00, and in the Township it was \$17,504.00. In 1968 the tax levy in the Village was \$59,649 and in the Township it was \$16,736.00. In 1969 the tax levy in the Village was \$76,945.00 and in the Township it was \$27,145.00. In 1970 the tax levy in the Village was \$96,641.00 and in the Township it was \$77,937.00. That shows an increase of tax levies in the Township from \$17,504.00 in 1967 to \$77,937.00 in 1970.

41. There are no municipalities immediately adjacent to any part of the Monticello Township. The annexation of any part or all of the Township will have no adverse effect on the surrounding Townships. There are no municipalities better able to provide services for this area than

Monticello Village.

42. There is very little area in the Village of Monticello for growth. In order for the Village of Monticello to expand it must acquire land from the Monticello Township.

43. Presently, the governmental services provided to the area described in Finding No. 9 by the Monticello Township government include only road maintenance. The Village of Monticello is planning and already preparing for providing services beyond the present Village limits. The Village Council has already asked the Village engineer to plan for sewer and water lines to put in under I-94 before the highway is completed. The Village planner has been retained to study the Township area so that the Monticello Village can prepare for control of land use and other related problems.

44. The northern boundary of the Village of Monticello is the Mississippi. The west, south, and east boundaries of the Village of Monticello separate the Village from the Township of Monticello. The Monticello Township surrounds the Village on all sides but the north side. The area described in Finding No. 9 completely surrounds the Village of Monticello except on the north side.

45. The area described in Finding No. 9 encompasses sufficient land to accommodate the anticipated population and to provide a very low density suburban buffer in the Village between the more urban core and the rural Township. It would provide for orderly natural growth by encompassing nearly all significant urban growth generators. This would allow the Village to plan for, control, and serve all future developments. The rural Township which is outside the area proposed for orderly annexation would probably not be provided with public utilities and therefore the prospects

of urban encroachment into the Township would be minimized. It would remove from the Township its existing urban problems, thus leaving it a total rural community. These problems would be placed in the Village where they can be dealt with more effectively. The Township would be left in a configuration which can be easily provided with necessary local and county services. It would create boundaries that encompass sufficient land in the Northern States Power Company area to allow prohibition of urban growth where urban services cannot be economically provided. It would allow and encourage growth in those areas south and east of the Village where it ought to occur. It would allow the Village to control the type of commercial development which will occur in the highway interchange area so that such development will complement and not compete with downtown Monticello.

46. It would not and could not better serve the interests of the residents of the area described in Finding No. 9 for all or a part of this area to be annexed to an adjacent municipality other than the Village of Monticello.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceeding.
2. The following described area will require municipal government in the foreseeable future to provide necessary urban services and protect the public health, safety and welfare in reference to plat control, land development and construction.

Beginning at a point on the Mississippi that marks the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road No. 39 to the Eastern boundary of Section Nine (9), Township 121 North, Range 25 West; thence South along said Section

line to the East-West centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence Northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted.

3. Annexation of the area described in Conclusion 2 will be in the best interest of the Village of Monticello and said property.

4. Annexation of all or a part of the area described in Conclusion 2 should be granted upon a showing that such area is now or is about to become urban or suburban in character, and that the Village of Monticello is capable of providing necessary urban services within a reasonable time.

5. The Village of Monticello is capable of providing urban services as they are required in the area described in Conclusion 2.

6. The town form of government is not adequate to cope with urban problems.

7. The remainder of the Town of Monticello will be able to continue the functions of town government without undue hardship.

8. The Minnesota Municipal Commission should issue an Order designating the area described in Conclusion 2 as in need of orderly annexation.

O R D E R

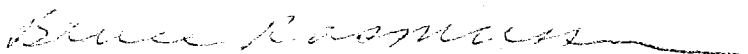
IT IS HEREBY ORDERED: That the following described property is designated as in need of orderly annexation to the Village of Monticello:

Beginning at a point on the Mississippi that marks the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road

No. 39 to the Eastern boundary of Section Nine (9), Township 121 North, Range 25 West; thence South along said Section line to the East-west centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence Northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted.

Dated this 8th day of March, 1972

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101


Bruce Rasmussen
Executive Secretary

M E M O R A N D U M

Today's order does not annex any land to the Village of Monticello. Rather it sets aside certain territory within the Town of Monticello for future annexation to the Village of Monticello. This means that village officials can safely presume that as urban growth occurs the village will be allowed to expand by the process of orderly annexation, provided that the village shows the willingness and capability of providing needed urban services to any area proposed for annexation. Decisions as to sizing of underground utilities, capacity of the sewage treatment plant, and other new village facilities should be made with this in mind.

We wish to emphasize that annexations within the designated area will not automatically occur. Such annexations will require public hearings before our agency initiated by either the village or town. The evidence must show that the land proposed for annexation is or is about to become urban or suburban in nature, and also that the village is willing and able to provide necessary urban services within a reasonable time. The Commission must adhere to these requirements.

Since we are not ordering any land annexed at this time, today's order will not affect any individual's property taxes. Should annexations be granted in the future, taxes in the annexed area will be gradually increased from the town rate to the village rate over a 3 to 5 year period, which period approximates the time required by the annexed area to receive the full benefit of village services.

Today's order should be interpreted as a beginning, rather than an end; a beginning of good faith cooperation which will lead to a government capable of meeting the needs of people as urbanization occurs.