BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Leo R. Borkowski	Ex-Officio Member
Charles Williams	Ex-Officio Member

IN THE MATTER OF THE PETITION TO ANNEX CERTAIN LAND TO THE CITY OF WINONA	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This proceeding under Minnesota Statutes 1969, Section 414.031, as amended, for the annexation to the City of Winona of certain real estate located in the Township of Winona, Winona County, State of Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Winona County Courthouse in the City of Winona, County of Winona, State of Minnesota, on October 14, 1971.

Robert W. Johnson, Chairman of the Municipal Commission presided at the hearing. Also in attendance were Commission Members Robert J. Ford and Harold J. Dahl and Ex-Officio Members Leo R. Borkowski and Charles Williams, Winona County Commissioners. The City of Winona was represented by George Robertson, Jr., City Attorney. The Township of Winona was represented by William R. Soth of Dorsey, Marquart, Windhorst, West and Halladay, Attorneys at Law, Minneapolis, Minnesota. There was no appearance for or on behalf of the Township of Hillsdale. The petitioners were represented by Craig H. Anderson of Lasley, Anderson & Roehrdanz, Attorneys at Law, Minneapolis, Minnesota.

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. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation contains approximately 290 acres. The area is located along the west limits of the present City of Winona, Minnesota.

3. The area above described is farmland and woodland and is about to become urban or suburban in character.

4. There is presently no population in the area proposed to be annexed. There are approximately 27,000 persons in the City of Winona, Minnesota.

5. The area proposed to be annexed is in the same school district as the school district of the City of Winona and, therefore, the school levy in said area will not be affected by said annexation.

6. The Township of Winona in which the area proposed to be annexed is situated, operates no sanitary sewer or water facilities and provides no separate police protection and no fire protection other than that provided for by contract with the City of Winona. The City of Winona has available the foregoing services and maintains street maintenance crews and equipment.

7. The City of Winona has constructed water mains and sanitary sewers adjacent to the area proposed to be annexed, which with proposed extensions and connections are adequate to serve the area.

8. The expected increase in property taxes if the area is annexed to the City of Winona will be proportionate to the benefits which will inure to the area by reason of such annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the City of Winona.

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

4. There is no need for the continuance of any township government within the area proposed to be annexed.

5. Municipal government by the City of Winona in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The City of Winona is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

7. The proposed annexation to the City of Winona will not materially affect the capability of the Township of Winona to continue normal operation.

8. The annexation of the area to the City of Winona would be in the best interests of the area and the City of Winona.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Winona, the real estate located in Winona County, Minnesota, and described in the Order herein.

O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Winona, State of Minnesota, described as follows be and the same is hereby annexed to the City of Winona, Minnesota, the same as if it had been originally made a part thereof:

> The North Half (N½) of Section Thirty (30), Township One Hundred and Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, and
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> That part of the Northwest quarter (NW¼) of Section Twenty-nine (29), Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:
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> Beginning on the Section line 18 chains and 10 links South of the Northwest corner of said Section Twenty-nine (29), thence South on said Section line 2.80 chains to old road; thence South 68° East 17 links to center of road; thence North 42° East 2.85 chains along center of road; thence North 73° West 2.14 chains to the place of beginning.
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> Excepting from the above described parcels, however, the following:
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> (a) Commencing at a point 24.45 chains west of the east quarter post of said Section 30, thence North 47° East 10.25 chains, thence North 34° East 14.40 chains, thence South 82° 45' East 8.42 chains to a point 18.50 chains north of the east quarter post, thence South to the southeast corner of said half section, thence West to place of commencement.
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> (b) All that part thereof which lies within the following described parcel: Beginning at a point 1225 feet South of

the Section corners of Sections Nineteen (19), Twenty (20), Twenty-nine (29) and Thirty (30) in the Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota; thence West 202 feet; thence South 140 feet; thence South 80° East 203 feet; thence East 33 feet to the center of the public highway, thence North 30° East 160 feet; thence North 72° West 113 feet to the place of beginning.

Dated this 18th day of November, 1971.

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

The instant annexation proceeding, a companion proceeding for the incorporation of the Town of Winona, and several other annexations being contemplated by the City of Winona precipitated discussions between the Town and City. The discussions resulted in an agreement which is set forth in the minutes of the recessed meeting of the City Council held on September 29, 1971, a copy of which is attached.

In accordance with this agreement the Town did not oppose and the Commission has granted the instant annexation. We do so, however, with the following comments.

The annexation leaves a parcel of land totally surrounded by the City. This situation can be readily remedied by the City pursuant to the procedure set forth in M. S. 414.033, Subd. 4, and we recommend that the City take the appropriate action.

Residential development of the annexed area will create a particularly sensitive problem of access-egress from Trunk Highway 14. Good planning is required to avoid a severe traffic hazard. We urge the City, Town and land developer to work closely together so that this potential problem will be mitigated.

PAGE 467 & 468 BOOK "Q" COUNCIL MINUTES

RECESSED MEETING

September 29, 1971

STATE OF MINNESOTA)
) ss
County of Winona)

I, John S. Carter, City Clerk in and for the City of Winona, county and state aforesaid, do hereby certify that I have the care and custody of the minutes of the meetings of the City Council of said City; that the attached is a true, correct and compared transcript of the minutes as the same pertains to a meeting with the Winona Township Board relative to incorporation and annexation, and is the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said City of Winona, Minnesota, this 13th day of October, 1971.

/s/ John S. Carter
City Clerk

At this time, members of the Winona Township Board were present, consisting of Mr. Paul Double, Cy Hedlund, Fred Bauer and Rollis Larson, and Mayor Indall announced that they were present for the purpose of a discussion relative to pending annexation proceedings by the City and pending incorporation proceedings by the Township; and thereupon Councilman Trainor presented a report of a committee appointed by the Mayor of the City of Winona and the Chairman of the Town Board of the Township of Winona which report carried the recommendation of the committee relative to pending problems and future problems of annexations. NOTE; 7:25 P.M., Councilman Hoveland was now present: And after much discussion of the recommendations outlined in the report, many changes were made. The main points were agreed upon;(1) The City of Winona will stop annexation proceeding for certain lands from the Township now before the Municipal Commission; (2) Winona Township will with-draw their petition for incorporation now before the Municipal Commission and (3) Winona Township will permit the annexation of the Knopp Farm with authorization to review the plans for the development of same. And after much discussion the report was amended as follows:

A. The City of Winona has no interest in the foreseeable future in annexing to the City of Winona areas of Winona Township which have already been developed into residential areas.

B. It is to the mutual interests of both the residents of the City of Winona and the residents of the Township of Winona that undeveloped areas of Winona Township, if annexed to the City of Winona, shall be zoned in a manner compatible with the land use of adjacent areas in Winona Township. To the end that these principles may be carried out, the Committee recommends the following:

1. That the City of Winona will immediately cease its consideration of that certain annexation ordinance introduced by the Council on August 2, 1971.

2. The Township of Winona dismiss its pending petition before the Municipal Commission to incorporate as a municipality.

3. The City of Winona shall not in the future commence any action before the Minnesota Municipal Commission to annex any Winona Township real estate to the City of Winona without first conducting a discussion with the authorities of the Township of Winona relative to land use and zoning in the area sought to be annexed. Such discussion to be completed and recommendations made to the respective governing bodies within 20 days after notification of the meeting.

4. Petitions before the Municipal Commission by land owners of the Township of Winona to have their real estate annexed to the City of Winona shall be considered on an individual basis by both the City and the Township as outlined in Section Three.

5. When petitions are filed before the Municipal Commission by residents of the City of Winona to have their real estate detached from the City and attached to the Township, such petition shall be

considered on an individual bais by the City and by the Township, as outlined in Section Three.

6. A permanent committee shall be established consisting of three members from the City of Winona, appointed by the Mayor, one shall be a member of the City Council and one shall be a member of the Planning Commission, and three members from Winona Township appointed by the Chairman of the Township Board, one shall be a member of the Township Board and one shall be a member of the Township Planning Commission, to consider annexation and detachment matters when individuals seek to have land annexed to the City from the Township or detached from the City and annexed to the Township; to the end that if possible the land use and zoning of the property sought to be annexed or detached may be agreed upon by the land owner, the City and the Township. This committee shall meet with the individual land owners to consider and review the development of the land that is to be detached or annexed and the compatibility of such land for its intended use. When annexation by ordinance is sought, the committee shall meet prior to the adoption by the City of Winona of an annexing ordinance. When annexation is sought by petition to the Municipal Commission, the committee shall meet prior to the adoption by the City of Winona of a resolution approving the proposed annexation.

7. The permanent committee to be established will meet with the developers of Knopps Valley to consider the land use and zoning to the end that Knopps Valley will be developed in a manner compatible with adjacent areas of Winona Township. And after discussion between the two bodies that they were in agreement with the proposed agreement, Clmn. Trainor moved that the Committee Report be adopted as amended, the motion was 2nd by Clmn. Nelson and carried all voting aye.

Clmn. Nelson moved that authorization be given the City Attorney to follow through with the dismissal of the pending incorporation and annexation proceedings with the Judge of District Court and the Municipal Commission, contingent on acceptance by Winona Township, the motion was 2nd by Clmn. Hoveland and carried all voting aye.

May Indall then made a statement as follows: I want to thank the Committee for working out the report. Many hours went into this and to me it is one example of what good communications and conversation can develop. This type of a committee working out mutual problems of government concern is a first, and I am positive it will foster continued good relations between the governmental bodies. I would suggest the development of this type of committee with other governmental units.