

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Laurence Wagner	Ex-Officio Member
W. A. Nibbe	Ex-Officio Member

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IN THE MATTER OF THE PETITION )	
AND THE RESOLUTION FOR THE )	
CONSOLIDATION OF THE TOWNSHIP )	
OF BURNSIDE AND THE CITY OF )	
RED WING, GOODHUE COUNTY, MINNESOTA, )	<u>FINDINGS OF FACT,</u>
TO FORM A SINGLE MUNICIPALITY )	<u>CONCLUSIONS OF LAW,</u>
MUNICIPAL COMMISSION DOCKET C5-mt )	<u>AND ORDER</u>
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The instant proceeding is one of three proceedings involving the Town of Burnside and the City of Red Wing which were consolidated by the Commission for hearing. Commission Docket Numbers for these proceedings together with a description of the proceeding is as follows: C5-mt Red Wing - Burnside consolidation; I-38 Burnside Incorporation; A-1850 Red Wing annexation of Burnside. The matters came on for hearing before the Municipal Commission on July 10, 1970, August 11, 1970, August 12, 1970, August 13, 1970, and September 2, 1970. The City of Red Wing appeared by its attorney, Charles Richardson. The Township of Burnside appeared by its attorneys, Samuel H. Hertogs and Fred Burstein. The Burnside Community Development Association and the petitioners for consolidation appeared by their attorney, Richard Johnson. Northern States Power Company appeared by their attorney David McGannon and later by their attorney, Raymond A. Haik. Opportunity was also afforded interested persons not represented by attorney to make statements pertaining to the matters before the Commission. The Commission having considered the evidence and the arguments of counsel and being fully advised, now makes the following Findings of Fact, Conclusions of Law and Order:

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FINDINGS OF FACT

1. The resolution of the City Council of Red Wing and the petition by certain property owners resident in Burnside for consolidation of the Township of Burnside and the City of Red Wing into a single new municipality were filed on April 30, 1970, and June 8, 1970, pursuant to and in compliance with Minnesota Statutes, Chapter 414, and said petition and resolution were in all respects proper in form, contents, execution and filing. The area proposed for consolidation is the entire Town of Burnside and the entire City of Red Wing. (MMC C5-mt)

2. The resolution of the Board of Supervisors of Burnside Township for the annexation of the entire unincorporated Township of Burnside with the City of Red Wing was filed on June 9, 1970, pursuant to and in compliance with Minnesota Statutes, Chapter 414, and was in all respects proper in form, contents, execution, and filing. (MMC A-1850)

3. The resolution of the Board of Supervisors of Burnside Township for the incorporation of the Township of Burnside as a village was filed on July 6, 1970, pursuant to and in compliance with Minnesota Statutes, Chapter 414, and was in all respects proper in form, contents, execution, and filing. The area proposed for incorporation is the entire Town of Burnside. (MMC I-38)

4. Due, timely, and adequate legal notices of the hearing ordered by the Minnesota Municipal Commission were properly published, served, and filed.

5. The instant proceeding came on for hearing on July 10, 1970, at which time it was consolidated for hearing with Minnesota Municipal Commission proceeding A-1850, and on August 11, 1970, at which time it was further consolidated with Minnesota Municipal Commission proceeding I-38. Further consolidated hearings were held on August 12, 13, and September 2, 1970. The hearings were properly held by a lawful quorum of the Commission. The hearings were closed and the matter taken under advisement.

6. A Petition of the Northern States Power Company for Further Hearings was filed pursuant to Minnesota Municipal Commission Rules of Procedure 14 (a) with the Commission on December 11, 1970. The petition came on for hearing on December 23, 1970. The petition was duly denied by the Commission.

7. A Petition of the Town of Burnside for Further Hearings and a Supplementary Petition of the Town of Burnside for Further Hearings were filed pursuant to Minnesota Municipal Commission Rules of Procedure 14 (a) with the Commission on March 11, 1971. The petitions were duly denied by the Commission.

8. The City of Red Wing is located in Goodhue County, Minnesota. It operates under a Home Rule Charter. It abuts and is contiguous to the Township of Burnside for approximately 1 mile along the City's northern boundary and for 2 miles along the City's western boundary.

9. The Township of Burnside is also located in Goodhue County, Minnesota. It is bounded on the north by the Mississippi River, on the west by the Townships of Welch and Vass, on the south by the Township of Featherstone, and on the east by the City of Red Wing. It has

no incorporated municipality within its boundaries and it abuts no incorporated municipality except the City of Red Wing.

10. All of Burnside Township either is urban or suburban in character or is about to become urban or suburban in character. The urbanization of Burnside Township will probably be accelerated by the upgrading of Highway 61 to freeway standards.

11. The population of the City of Red Wing was 9962 in 1940, 10,645 in 1950, 10,528 in 1960, and 10,191 in 1970. The population of the Township of Burnside was 652 in 1940, 891 in 1950, 1564 in 1960, and 2348 in 1970.

12. Both the City of Red Wing and the Town of Burnside contain land used and usable for residential, industrial, commercial, and institutional purposes.

13. Northern States Power Company is in process of constructing an atomic plant for generating electrical power in Burnside approximately  $4\frac{1}{2}$  miles from the City limits of Red Wing.

14. There is a shortage of space within the City limits of Red Wing for development. Burnside has grown largely in the area adjacent to Red Wing and has considerable land available for development.

15. The shortage of space in Red Wing and the expansion of Red Wing into Burnside is reflected in the trend of assessed valuation in Red Wing

and Burnside. Red Wing's assessed valuation has remained relatively constant over the last 10 years. In 1960 Red Wing had an assessed valuation of \$6,617,106.00. In 1969, Red Wing had an assessed valuation of \$6,552,379.00. Burnside's assessed valuation has grown rapidly in the last 10 years. In 1960 Burnside had an assessed valuation of \$561,279.00. In 1969 Burnside had an assessed valuation of \$2,373,846.00.

16. The mill rates for the City of Red Wing and the Town of Burnside were as follows:

<u>Year</u>	<u>Red Wing</u>	<u>Burnside</u>
1967	112.28	31.32
1968	132.74	41.05
1969	174.66	39.86

17. Red Wing has a presently existing bonded indebtedness for its sewage disposal system and its new library. The amount of indebtedness outstanding on the bonded indebtedness on principal and interest for its sewage disposal system was \$1,600,317.50 at the time of the hearings. The amount of indebtedness outstanding on the library bonds of 1968 on principal and interest was \$284,090.00 at the time of the hearing. At the time of the hearings Red Wing also had pending a bond issue to finance sewage treatment facilities for the S.B. Foot Tanning Company. The S. B. Foot Tanning Company has agreed to pay the City the amount necessary to amortize the bond issue over a period of 15 years less the sum of \$25,000.00 per year for 15 years which is the amount of the bond issue the City agreed to pay. The City of Red Wing has also passed a resolution levying a tax in aid of construction of an armory for each of the years 1970 through 1986 in the amount of one mill or \$6500.00 whichever is less.

18. Burnside Township has issued bonds for sewer laterals. The amount of the bond issue was \$760,000.00.

19. The Township form of government is not now adequate to deal with the problems of the area of Burnside.

20. Burnside Township has no full-time employees. It has no Town Hall. Although it uses the school in Burnside for its meetings, it has no definite room set aside for it and no public place to keep the Township records.

21. Red Wing has been providing fire service for Burnside for many years. The police services now existing in Red Wing are adequate to police the area of Burnside. Red Wing's Sewage Disposal Plant was designed to handle and is capable of handling Burnside's sewage. The supervisory personnel of the Red Wing Department of Public Works and Water Department would be adequate to assume those responsibilities in Burnside. Burnside is now using Red Wing's sanitary land fill and Red Wing's dog pound. Red Wing provides ambulance service for Burnside. Red Wing has a new library that can be used by Burnside residents.

22. Burnside is now constructing some sewer laterals but is waiting a decision of the Pollution Control Agency on whether it should construct a separate sewage disposal plant or connect with Red Wing and the Pollution Control Agency is waiting with its decision until these proceedings are decided. Burnside urgently needs a sewage disposal system.

23. Red Wing is capable of providing all of the municipal services that the entire area of Burnside needs.

24. Red Wing and Burnside are in the same school district.

25. Red Wing and Burnside are in fact one community, integrated economically and socially in many ways. Burnside has developed as a suburban part of the Red Wing area and not as an independent community.

26. It will be in the best interest of the entire area of Red Wing and Burnside that Red Wing and Burnside be consolidated into a single new municipality.

27. Annexation to an adjoining municipality would not be in the best interest of all or any part of the area proposed for consolidation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of these proceedings.
2. The area proposed for consolidation is the entire Town of Burnside and the entire City of Red Wing.
3. The area proposed for consolidation is now or is about to become urban or suburban in character.
4. Annexation to an adjoining municipality would not be in the best interest of all or any part of the area proposed for consolidation.
5. It is in the best interest of the combined area of Burnside and Red Wing that they be consolidated into a single new municipality to be known as Red Wing, and order of consolidation should be entered herein.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

APR 15 1971

*Arlen J. Erdahl*  
Secretary of State



ORDER

Pursuant to the above Findings of Fact and Conclusions of Law, and upon all of the files and records herein, IT IS HEREBY ORDERED:

1. Red Wing and Burnside are hereby consolidated into a single new municipality to be known as Red Wing.

2. The new municipality shall be governed by the Home Rule Charter of the City of Red Wing.

3. The effective date of this consolidation will be upon the election and qualification of new municipal officers.

4. An election of new municipal officers shall be held on June 1, 1971; said election to be held in accordance with Minnesota Statutes, Section 414.09. Councilmen shall be elected at large.

5. Robert Tubbesing is hereby appointed acting clerk for election purposes and instructed to submit to the Commission proposed polling places and a list containing an adequate number of election judges who shall be appointed by supplemental order of the Commission.

6. All money, claims of property, including real estate, held, or possessed by the Town of Burnside or the City of Red Wing, and any proceeds or taxes levied by said Town or Village, collected or uncollected, shall become and be the property of the new City of Red Wing herein created, with full power and authority to use and dispose of the same for public purposes.

Dated this 9<sup>th</sup> day of April, 1971  
MINNESOTA MUNICIPAL COMMISSION  
304 Capitol Square Building  
St. Paul, Minnesota

*Bruce Rasmussen*  
Bruce Rasmussen  
Executive Secretary

# 22381  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

APR 15 1971

*Arden J. Edvall*  
Secretary of State

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