

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 16 1980
John Anderson Howe
Secretary of State

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons Chairman
Robert W. Johnson Vice Chairman
Robert J. Ferderer Member
Edwin Kobler Ex-Officio Member
James Papenfuss Ex-Officio Member

* 33032
O.D

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF WINONA PURSUANT)
TO MINNESOTA STATUTES 414)

ORDER DENYING DEMAND
FOR REHEARING AND
MOTION TO
VACATE ORDER

In accordance with notice mailed to the parties of record, a meeting before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, and Rules of Practice was held, on September 11, 1980, at St. Paul, Minnesota to consider the Demand for Rehearing and Motion to Vacate Order. The meeting was conducted by Thomas J. Simmons, Chairman. Also in attendance were Municipal Board Members Robert W. Johnson and Robert J. Ferderer and County Commissioners Edwin Kobler and James Papenfuss, ex-officio members of the board.

After due and careful consideration of the Demand for Rehearing and Motion to Vacate Order, together with all records, files and proceedings, the Minnesota Municipal Board unanimously makes and files the following Findings and Order denying Demand for Rehearing and Motion to Vacate Order.

FINDINGS

I. That the Municipal Board issued a final interim order on July 31, 1980, approving the annexation of the property originally petitioned for annexation in Minnesota Municipal Board File A-3489.

II. That on August 15, 1980 the Municipal Board received a Demand for Rehearing and Motion to Vacate Order.

III. That the evidence proposed to be adduced at the rehearing would be merely cumulative of the evidence previously brought before the Municipal Board.

IV. That Municipal Board Rule of Practice 19 requires that proposed amendments to alleged errors of the Municipal Board's findings of fact, decision and order must be set forth in the petition; no proposed amendments were contained in the Demand for Rehearing and Motion to Vacate Order.

V. That the Municipal Board issued its Order on July 31, 1980 and Minnesota Statute 414.01, Subdivision 12, is operative thereon as a matter of law.

VI. That the Municipal Board unanimously reaffirmed its interim Order for A-3489

issued on July 31, 1980.

ORDER

I. IT IS HEREBY ORDERED: that the Demand for Rehearing and Motion to Vacate Order is hereby denied.

II. IT IS FURTHER ORDERED: that Municipal Board Interim Order for A-3489 issued on July 31, 1980 is reaffirmed.

III. IT IS FURTHER ORDERED: that the effective date of this order is September 11, 1980.

Dated this 11th day of September, 1980.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director

M E M O R A N D U M

The Municipal Board, though denying the Township's Demand for Rehearing and Motion to Vacate Order, wishes to reaffirm its support of the discussions between the Town of Winona and the City of Winona as they relate to the annexation of the Town of Winona by the City of Winona.

These discussions were precipitated by a continuance of the Municipal Board's meeting of October 2, 1980 on A-3489 for six months to allow the Town and City an opportunity to attempt to develop an Orderly Annexation agreement.

These discussions were shifted by the Town from a discussion of Orderly Annexation to a discussion of the total annexation of the Town of Winona to the City of Winona. After extensive discussion between the staff of the City and the Town Board, the Town Board submitted to the City and the Municipal Board a proposed agreement to accomplish the annexation of the majority of Winona Township to the City of Winona, with a portion proposed to be transferred to Wilson Township and a portion to be annexed to the City of Goodview. The City of Winona has reviewed the proposal. The City manager set up a meeting for August 11, 1980 between the Winona Town Board and the Winona City Council. This meeting was rescheduled for early October, 1980 because of the unavailability of several members of the City Council.

These discussions should continue to enable the Town of Winona and the City of Winona to address and resolve this important issue.