

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert J. Ford
Harold J. Dahl
E. F. Robb, Jr.
Jack M. Provo

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE CONSOLIDATION OF THE VILLAGE)
OF MINNETRISTA AND THE VILLAGE OF)
MOUND, HENNEPIN COUNTY, MINNESOTA)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter was initiated by petition of certain resident voters of the Village of Minnetrista and came on for hearing on September 15, 1970. Continued sessions of the hearing were held on various other dates. Appearances were entered by G. Marc Whitehead, Attorney for the Village of Minnetrista, Raymond C. Floetz, Attorney for petitioners, and Paul Melchert, Attorney for the Village of St. Bonifacious. Evidence was received and exhibits entered, and all persons were heard who desired to be heard. The Minnesota Municipal Commission, upon all records, files, evidence, arguments of counsel and being fully advised in the premises, hereby makes and enters its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On June 1, 1970, the Minnesota Municipal Commission received a petition of more than 10% of the resident voters of the Village of Minnetrista, according to the number of votes cast at the last village election, requesting consolidation of the Village of Minnetrista and the Village of Mound. Said petition was proper in form, content, execution and filing.

2. The Minnesota Municipal Commission duly convened a public hearing on the requested consolidation on September 15, 1970 at the Shirley Hills Elementary School, Mound, Minnesota. Continued sessions of the hearing were held on April 22, 1971, July 28, 1971, September 2, 1971 and November 4, 1971. The secretary of the Minnesota Municipal Commission, pursuant to resolution of the Minnesota Municipal Commission, conducted the September 15, 1970 and April 22, 1971 sessions of the hearing, and duly reported the evidence received to the Minnesota Municipal Commission. At the remaining sessions of the hearing a lawful quorum of the Minnesota Municipal Commission were in attendance. Due and timely notice of the hearing was served, published and filed.

3. The parties of record at the proposed hearing were the petitioners for consolidation, the Village of Minnetrista and the Village of St. Bonifacious. The Village of Mound did not appear.

4. The major portion of the boundary of the Village of Mound is common with the boundary of the Village of Minnetrista. Both villages abut Lake Minnetonka.

5. The Village of Minnetrista surrounds the Village of St. Bonifacious, and abuts the Villages of Independence, Orono and Shorewood.

6. The Village of Mound abuts the Villages of Minnetrista and Spring Park.

7. The Villages of Shorewood and Minnetrista contain areas which are accessible by road only through the Village of Mound.

8. The territory of the Village of Mound is mainly being used for fairly high density residential purposes and for commercial purposes. The territory of the Village of Minnetrista is being used mainly for low density

residential and agricultural purposes.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceeding.
2. Consolidation of the Villages of Mound and Minnetrista would have an adverse effect on adjacent and included municipalities.
3. Consolidation of the entire Village of Minnetrista and the entire Village of Mound will not be in their best interests, and would have an adverse effect on a complex inter-governmental situation which demands a broader solution.
4. The Minnesota Municipal Commission should issue its order denying the consolidation herein proposed.

ORDER

IT IS HEREBY ORDERED: That the proposed consolidation of the Village of Minnetrista and the Village of Mound is DENIED.

Dated this 4th of August, 1972

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

Howard L. Kaibel, Jr.

Howard L. Kaibel, Jr.
Executive Secretary

#24220
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 10 1972
Arden J. Erskell
Secretary of State

MEMORANDUM

The record clearly demonstrates the need for boundary adjustments in the region westerly of Lake Minnetonka. The five municipalities located in this region are Mound, Spring Park, St. Bonifacious, Minnetrista and Shorewood.

Testimony showed extensive interdependence among these five municipalities as demonstrated by a sharing of physical features, municipal services and regional facilities. All five municipalities are within the same watershed district and must respond to the water resource concerns and programs of that district. All five belong to the Lake Minnetonka Conservation District and must cooperate with that district in its surface water regulation activity.

The Metropolitan Sewer Board interceptors planned for the region unite the five municipalities for planning and land use policy purposes. The local sewer systems built by Mound, Spring Park, Minnetrista, St. Bonifacious and the Shady Island-Enchanted Island portions of Shorewood will be connected to those interceptors. Sanitary sewer design and operation is no longer an independent activity of each municipality, and the need for Spring Park, Minnetrista, and Shorewood systems to connect into the Mound system has been admitted by all participants.

The need for an area-wide decision on highway facilities has been clearly documented, and the inability of the several local governments to reach an amicable agreement on the matter is also in evidence. Until an agreement can be reached, long-range transportation planning for major highway facilities cannot proceed for that area.

The record shows that Minnetrista receives fire protection by contract from Mound, St. Bonifacious, and Maple Plain. Minnetrista contracts for police protection from Mound. Minnetrista is part of a joint library board

administered by Mound. Minnetrista is part of a joint assessment board administered by Mound. We agree that such arrangements are needed or desirable in certain circumstances. But a large number of such arrangements is a source of confusion to citizens and a burden for the village council to negotiate on a recurring basis. Such agreements place the fates of Minnetrista residents in the hands of governmental officials who are not elected by them, and who only indirectly concern themselves with Minnetrista's welfare. Surely if the major purpose of village government is to articulate and protect the welfare of its residents through its own direct action, some change in boundaries is necessary when the village transfers that responsibility to adjacent local governments.

Much of the testimony in opposition to the requested consolidation centered on the assertion that Minnetrista people differ from Mound people. We believe that such an assertion is irrelevant to our determination since it presupposes that people with different interests cannot live harmoniously within the same municipality. We know of no municipality that does not contain people with different interests. Municipal government is one vehicle for the resolution of just such differences. To the extent that municipal boundaries isolate such differences, they must be resolved by a higher unit of government.

In spite of all of the above, we have decided to deny the requested consolidation of Mound and Minnetrista. We do not have at our disposal legislation which fairly meets the problem. Approval of the consolidation would serve only to compound a problem which demands a broader solution. It would leave the Village of St. Bonifacius totally surrounded by one municipality. It would leave the island portion of the Village of Shorewood isolated from the main part of the village. It ignores situations to the

south, southwest and north which should be considered in any boundary adjustment decision.

We urge local residents to take the lead in designing a local government capable of meeting their future needs. A vehicle should be created to systematically analyze alternative proposals. Our agency stands ready to help implement any reasonable proposal issuing from such a group.

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