

## MUNICIPAL BOARD MINUTES

### H E A R I N G

DATE: July 8, 1997  
PLACE: Prior Lake Senior High School Auditorium  
Prior Lake, Minnesota  
PRESENT: Paul B. Double, Chair  
Robert J. Ferderer, Vice Chair  
Lea De Souza Speeter, Vice Chair  
Ralph Malz, Ex-Officio Member  
Art Bannerman, Ex-Officio Member

Court Reporter: Mary Ann Hintz

I-63 Spring Lake

The continued hearing was reconvened in the Prior Lake Senior High School Auditorium by Municipal Board Vice Chair, Lea De Souza Speeter.

The petitioners appeared by and through Douglas Kempf, Attorney at Law; the Town of Spring Lake appeared by and through Andrew MacArthur, Attorney at Law; Deerfield Development LLC and Mesenbrink Construction and Engineering, Inc. appeared by and through Bryce Huemoeller, Attorney at Law; Spring Lake Township property owners opposed to incorporation appeared pro se; the Metropolitan Council appeared by and through Jeanne K. Matross, Attorney at Law; the Prior Lake-Spring Lake Watershed District appeared by and through Board Member Orlin Schafer; and the City of Prior Lake appeared by and through Suesan Pace and Matte Brokl, Attorneys at Law.

Counsel for the petitioners made two motions; an evidentiary motion and a request for recusal of Mr. Ferderer. After hearing from all the other parties of record on the two motions and Board discussion, Mr. Double moved to deny the evidentiary

motion. The motion passed unanimously. Mr. Malz moved to deny the recusal motion. The motion passed unanimously.

Council for the petitioners then recalled John Adams. Mr. Adams testified the petitioners were not withdrawing their petition but would no longer participate in the hearing. The petitioners left the hearing with their attorney at approximately 2:30 p.m.

After a short recess, the Board heard public comment from Jim Weininger, Dean Coch, Miles Moll, Debbie Stadskev, John Ambroz, John Anderson, Orlin Schafer, Clancy Kaiser, Ivan Nohner, Barb Kane Johnson, Gary Shrank, Debbie Meiyers, and Joe West.

Déerfield Development, LLC; and Mesenbrink Construction and Engineering, Inc. by and through their attorney moved for immediate approval of A-2148(OA)-5 Prior Lake. Mr. Double moved that the Board accept that motion and decrease the area for incorporation by the number of acres described in A-2148(OA)-5 Prior Lake. The motion passed unanimously with only the three permanent Board Members voting. Mr. Bannerman left the hearing at approximately 3:00 p.m.

Council for Prior Lake called Donald Rye and moved for dismissal of the entire orderly annexation area A-2148(OA) from the incorporation petition. That motion was taken under advisement.

Council for Spring Lake Township called Duane Borka.

The Prior Lake-Spring Lake Watershed District called Orlin Schafer.


Citizens opposed to the incorporation called Glenn Kelley, Terry Ambroz, and Maureen Reeder. These citizens requested the Board initiate annexation proceedings for the area described in Exhibit 5-1. Mr. Double moved that the motion be approved. The motion passed unanimously with only the three permanent Board Members voting.

Ms. Speeter left the hearing at approximately 5:20 p.m.

Council for the Metropolitan Council called Carl Schenk. The Metropolitan Council, through its attorney, moved that the Board deny the incorporation of Spring Lake Township. Mr. Malz moved that the Board accept that motion. The motion passed unanimously.

The record was closed and the hearing adjourned at approximately 6:05 p.m.

Respectfully submitted,

  
Christine M. Scotillo  
Executive Director

SEC. 9 T. 114 R. 22

SPRING LAKE

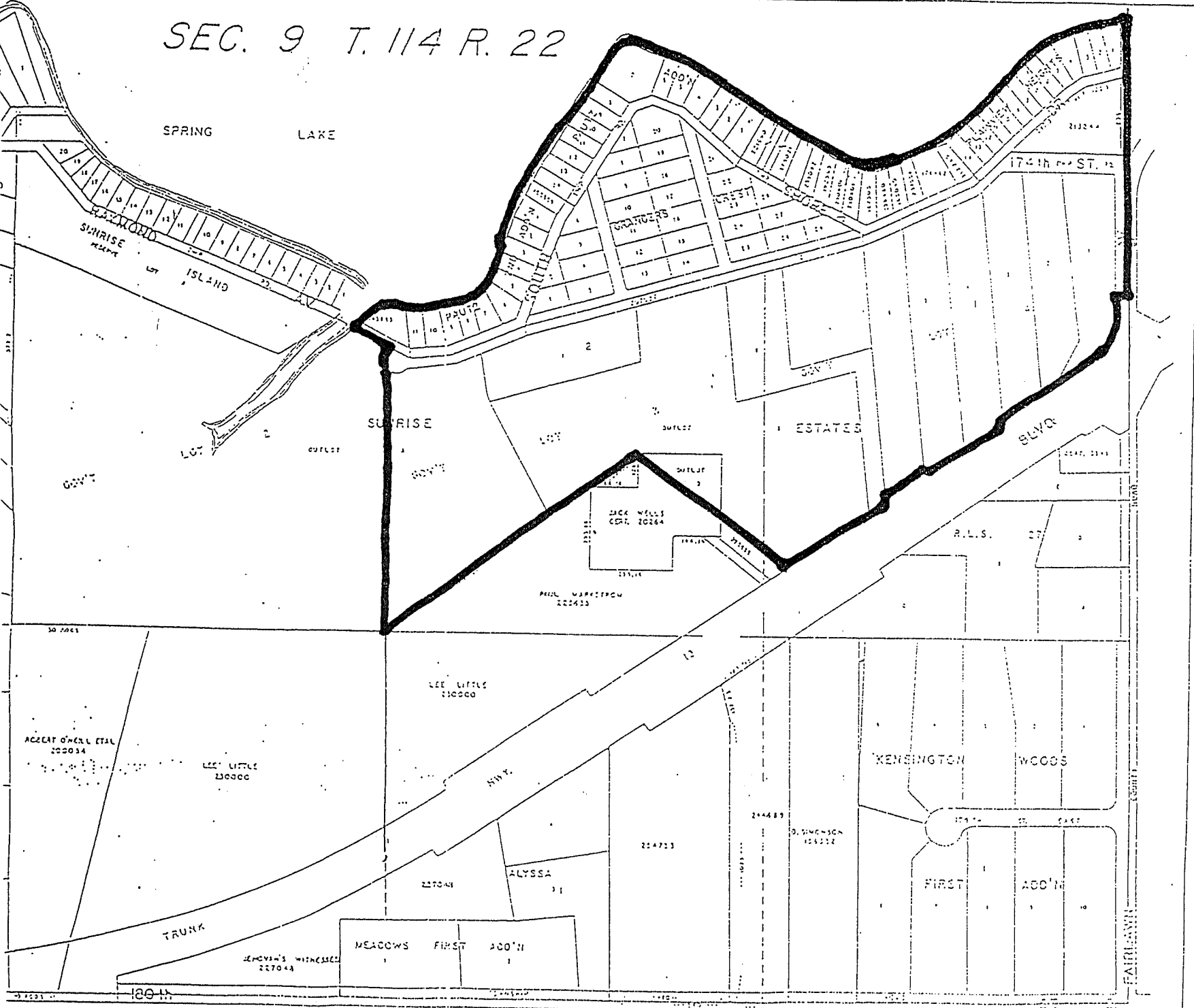


EXHIBIT B TO PETITION  
FOR ANNEXATION

REC'D. BY  
M.A.B. JUN 25 1997

EXHIBIT B -- PAGE 2

TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION AREA

All that part of Government Lots 3 and 4, Section 9, Township 114 N., Range 22 W., Scott County, Minnesota, lying northwesterly of the northerly right-of-way line of State Trunk Highway 13, excepting therefrom the following described parcel:

Beginning at the most westerly corner of Tract F, Registered Land Survey No. 27, thence northeasterly 429.25 feet along the northwesterly line of said Tract F to its intersection with the south line of the plat of Sunrise Estates, thence northwesterly 672.25 feet along the southerly line of said Sunrise Estates, thence southwest along the southerly line of said Sunrise Estates to the southwest corner of said Government Lot 3, thence easterly along the south line of said Government Lot 3 to the point of beginning.

Together with:

The plats of Granger's Crest, Pautz Addition, Pautz 2nd Add., Plainview Heights and that part of the plat of Sunrise Estates lying easterly of the following described line: Beginning at the southwest corner of Government Lot 3, said point also being on the south line of said Sunrise Estates, thence northerly along the west line of said Government Lot 3 to its intersection with the north line of the plat of Sunrise Estates and there terminating.

Together with:

That part of Government Lot 2, Section 9, Township 114 N., Range 22 W. Scott County, Minnesota, lying northerly of the north line of the plat of Sunrise Estates, easterly of the creek and southerly of Spring Lake.

This area contains approximately 80.3 acres.