

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Paul B. Double	Vice Chair
Robert J. Ferderer	Vice Chair

IN THE MATTER OF THE CONSOLIDATION)	
PROCEEDINGS FOR THE CITIES OF)	<u>ORDER TO RESCIND INITIATION OF</u>
ALBERTVILLE AND OTSEGO PURSUANT)	<u>CONSOLIDATION PROCEEDINGS</u>
TO MINNESOTA STATUTES 414)	

WHEREAS, the City of Albertville and the City of Otsego share common boundaries;
and

WHEREAS, the Municipal Board has had before it a number of contested proceedings
to change the boundaries between the City of Otsego and the City of Albertville; and

WHEREAS, the Municipal Board invoked Minnesota Statutes Section 414.01, subd. 16,
requiring the City of Albertville and the City of Otsego, together with a representative of Wright
County, in May 1995, to meet three times over a period of sixty days to discuss issues of
mutual concern and issues that arose either at the hearing or during the Board's deliberations,
to work on the foundation for a more efficient and comprehensive manner of serving the
community as a whole including potential consolidation; and

WHEREAS, at that time the parties were unable to resolve their differences
satisfactorily; and

WHEREAS, following a hearing on the record, regarding Municipal Board Docket No's.

D-311 Otsego/A-5384 Albertville and D-312 Otsego/A-5402 Albertville, the Municipal Board on its own motion, directed the Cities of Albertville and Otsego into consolidation discussion procedures; and

WHEREAS, in March and June of 1996, the Cities of Albertville and Otsego filed conflicting petitions pursuant to Minnesota Statutes Section 414.031 for annexation of substantially the same lands in the Town of Frankfort; and

WHEREAS, in the context of subsequent contested case annexations the Municipal Board again invoked the provisions of Minnesota Statutes Section 414.01, subd. 16 requiring the City of Otsego and the City of Albertville, together with the City of St. Michael and the Town of Frankfort to meet to resolve contested boundary issues; and

WHEREAS, said efforts have now resulted in a Joint Resolution, not only between the City of Otsego and the City of Albertville, but also the broader community, including the City of St. Michael and the Town of Frankfort; and

WHEREAS, as part of that Joint Resolution, the City of Albertville and the City of Otsego have now agreed to settle their respective boundary disputes; and

WHEREAS, as part of said Joint Resolution, the four communities have requested that the Board's Motion to Initiate Consolidation Study be reconsidered to promote stability of community boundaries in order to facilitate the management of growth and development of the region;

THEREFORE, the Minnesota Municipal Board, pursuant to Minnesota Statutes Section 414.041, hereby rescinds consolidation proceedings for the Cities of Otsego and Albertville and the appointed Consolidation Commission is hereby dissolved.

IT IS HEREBY ORDERED: That the parties have agreed that these orders shall include a provision requiring them to fulfill the terms of the Joint Resolution. To the extent that the Board has the authority to so order, it shall be so ordered with the understanding that the constitutional rights of any person or entity shall not be affected.

IT IS FURTHER ORDERED: That the effective date of this order is July 29, 1996.

Dated this 29th day of July, 1996.

MINNESOTA MUNICIPAL BOARD
475 McColl Building
St. Paul, Minnesota 55101

Christine M. Scotillo
Christine M. Scotillo
Executive Director

A-5644 Albertville/Frankfort Township
 A-5681 Otsego/Frankfort Township
 D-311 Otsego/A-5384 Albertville
 D-312 Otsego/A-5402 Albertville
 D-313 Otsego/A-5410 Albertville
 D-329 Otsego/A-5612 Albertville
 D-330 Otsego/A-5613 Albertville
 D-336 Otsego/A-5673 Albertville
 OA-424 & OA-424-1 St. Michael/Frankfort Township
 C-27mm Albertville/Otsego

BEFORE THE MUNICIPAL BOARD
 OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Paul B. Double	Vice Chair
Robert J. Ferderer	Vice Chair

IN THE MATTER OF THE JOINT RESOLUTION)
 AND AGREEMENT FOR ORDERLY ANNEXATION)
 AND CONCURRENT DETACHMENT AND)
 ANNEXATION BY AND BETWEEN THE TOWN)
 OF FRANKFORT, THE CITY OF ST. MICHAEL,)
 THE CITY OF ALBERTVILLE, AND THE CITY OF)
 OTSEGO.)

MEMORANDUM
AND ORDERS

The first of the docketed files referenced above was filed with the Minnesota Municipal Board in 1994. Since then, ten proceedings by property owners, the Cities of Albertville, Otsego and St. Michael, and the Town of Frankfort are pending before the Board. The majority of these files are contested matters.

As this regional dispute evolved, the Municipal Board has continued hearings, consolidated proceedings, and required meetings in an effort to allow the parties opportunity to resolve their border disputes locally. At the same time, however, the Municipal Board procedures provided a

necessary structure and timeline for these discussions.

On July 11, 1996, the Municipal Board received a Joint Resolution from the four communities of Albertville, Otsego, St. Michael and Frankfort. On July 25, 1996, the Municipal Board received an amendment to the Joint Resolution to more particularly describe the property identified in the Joint Resolution.

The Joint Resolution sets out a number of terms and conditions between and among the communities involved resolving contested boundary issues and is designed to dispose of the petitions currently pending before the Municipal Board.

It is apparent that the parties have labored hard to achieve this measure of consensus regarding their mutual border disputes. Such an agreement will certainly advance the public interest in stabilizing these communities to facilitate the planning and management of growth in this area.

The Municipal Board hereby accepts the Joint Resolution and amendment thereto and issues the attached orders to implement this settlement. The parties have agreed that these orders shall include a provision requiring them to fulfill the terms of the Joint Resolution. To the extent that the Board has the authority to so order, it shall be so ordered with the understanding that the constitutional rights of any person or entity shall not be affected.

Contested Annexations

A-5644 Albertville and
A-5681 Otsego

Dismisses Albertville's and Otsego's petitions
for annexation of certain lands in Frankfort
Township.

Concurrent Detachment and Annexations

D-337 Otsego/A-5692 Albertville Approves the Joint Resolution by both cities for concurrent detachment and annexation and disposes of the following files which were initiated by all of the property owners for substantially the same property:

- D-311 Otsego/A-5384 Albertville
- D-312 Otsego/A-5402 Albertville
- D-313 Otsego/A-5410 Albertville
- D-329 Otsego/A-5612 Albertville
- D-330 Otsego/A-5613 Albertville
- D-336 Otsego/A-5673 Albertville

Orderly Annexations

OA-424 & OA-424-1 St. Michael/
Frankfort Township Approves the orderly annexation as amended.

OA-432 & OA 432-1 Otsego/
Frankfort Township Approves the orderly annexation.

OA-433 & OA-433-1 Albertville/
Frankfort Township Approves the orderly annexation.

Consolidation

C-27mm Albertville/Otsego Rescinds the Board's Motion to Initiate.

In accepting the Joint Resolution, the Municipal Board congratulates the parties on their work and reminds them that continued success and cooperation among the parties will depend upon the faithful adherence to the provisions of the Joint Resolution to which they have agreed.

The Board commends the participants and the respective governing bodies for their hard work on this agreement.

The citizens of your area will benefit from your cooperation and foresight and the citizens of other communities will benefit from your example. Congratulations!

7/29/96
CMS