

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
William Koniarski	Ex-Officio Member
Harold Huss	Ex-Officio Member

IN THE MATTER OF THE PETITION OF	)	FINDINGS OF FACT,
THE CITY OF SHAKOPEE, MINNESOTA	)	CONCLUSIONS OF LAW
TO ANNEX CERTAIN ADJOINING,	)	AND ORDER
UNINCORPORATED TERRITORY TO THE	)	
SAID CITY.	)	

The petition and resolution of the City of Shakopee to annex certain unincorporated territory was received by the Commission on October 10, 1967. The matter came on for hearing on December 7, 1967 at the City Hall, City of Shakopee after publication and posting of the proper notice pursuant to Minnesota Statutes Chapter 414.

APPEARANCES WERE MADE BY:

Julius A. Collier II, 211 West First Avenue, Shakopee, Minnesota Attorney for the City of Shakopee, the petitioner.

W. B. Odell, Klein Building, Chaska, Minnesota Attorney for Louisville Township.

Daniel John O'Connell, 1034 Minnesota Building, St. Paul, Minnesota Attorney for Eagle Creek Township.

Vance Grannis, Jr., Schult Building, South St. Paul, Minnesota Attorney for Eagle Creek Township.

No formal appearance is made by Jackson Township. However, considerable interested residents of all areas concerned were present.

Evidence was taken and testimony was heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence and the premises was viewed by the Commission. The Commission having carefully considered all of the evidence, being fully advised in the premises, upon all files,

records, and proceedings herein, hereby makes the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. The Petition of the City of Shakopee, Minnesota, a City of the fourth class, for annexation of unincorporated land in the Townships of Louisville, Jackson and Eagle Creek to the City of Shakopee was filed pursuant to and in compliance with Minnesota Statutes, Chapter 414; and that said Petition was in all respects proper in form, contents and execution and was accompanied by the required Resolution duly made by the Common Council of the City of Shakopee.

2. Notice of the hearing on the Petition was duly given as required by statute. The Commission convened by lawful quorum at the scheduled hearing and at all adjourned hearings. All parties of record were present at and participated in the hearing.

3. The correct legal description of the unincorporated territory proposed to be annexed to the City of Shakopee is:

All of the Township of Louisville, and

All of the Township of Jackson, and

All of the Township of Eagle Creek except Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36.

The above described areas contains 30,720 acres more or less, all being in the County of Scott and State of Minnesota.

4. The described land is not presently a part of another municipality and it is contiguous to and adjoins the present limits of the City of Shakopee.

5. The population of the area described in paragraph 3 and sought to be annexed is 2017 persons, with 960 being of voting age. The population of the City of Shakopee according to an interim United States census of 1965 is approximately 6985 persons. There is a

community of interest between the areas and the residents thereof. The residents of the described area work, shop, attend churches and schools and belong to societies and clubs and recreate in the City of Shakopee.

6. The area of the territory described in the Petition and paragraph 3 hereof is 30,720 acres, with 9600 acres thereof in Louisville Township, 5,440 acres thereof in Jackson Township and 15,680 acres thereof in Eagle Creek Township.

7. The City of Shakopee has had a steady and continual growth in population, industry, commerce, education and construction. Existing industries and businesses have expanded. Several new industries have been located in and commenced operation in the City of Shakopee. A new Senior High School was recently built and is now in operation and plans are being formulated to expand the facilities; a new elementary school has been built and is now in operation. A new municipal swimming pool and recreation area has just been completed. State highways #169 and #101 intersect within the City of Shakopee. The City of Shakopee is bounded on the North by the Minnesota River, which is now open to commercial use to a point just below the City of Shakopee and Shakopee is served by the Chicago and Northwestern Railway and the Milwaukee Railroad with interchanging facilities at Shakopee. The area described in the Petition and sought to be annexed will accommodate the growth and expansion which can be reasonably anticipated to, in, and by the City of Shakopee.

8. The petition for annexation is not motivated by or for the purpose of increasing revenue for the City of Shakopee, though an increase in real estate taxes can be expected and a decrease can be anticipated in the Townships of Eagle Creek and Louisville should these areas in fact be annexed. The 1968 assessed valuation of the present City of Shakopee is \$3,386,308. The 1968 assessed valuation of the area sought to be annexed is approximately \$1,667,353. The

methods of assessment in all areas have been and are the same and there will be no change in assessed valuations of particular parcels of land should the area be annexed. The City mill rate of 22 mills would be 4 mills lower than Louisville, 8 mills lower than Eagle Creek and 22 mills higher than Jackson. The one consequent increase in real estate taxes to the property owners in Jackson is commensurate with and proportionate to the benefits of the additional municipal services to be obtained in the future from the City of Shakopee should the area be annexed thereto.

Both the annexing area and the area sought to be annexed are within the same school district, being School District #720, with the exception of a small portion in the southwest corner of Louisville lying within the Jordan district and a small portion in the northeast corner of Eagle Creek lying within the Burnsville school district. There would be no change in service from the school district or in taxes assessed for school purposes, should the area be annexed to the City of Shakopee.

9. The area concerned and described in the petition and in paragraph 3 hereto, now contains many residential buildings. More than 50% of the area concerned is presently occupied by farms and farm buildings. Some of the concerned area is presently being used for commercial purposes especially immediately east and west of the present boundaries of the City of Shakopee. In the past two decades the trend in residential development has been south, southwest and southeast of the City of Shakopee and the same development is apparent within the limits of the City of Shakopee. The space remaining available within the present City limits is limited to such an extent as to hamper additional residential and industrial and commercial expansion therein.

10. A portion of the area sought to be annexed is now suburban

or urban in character and it can be reasonably anticipated that it will steadily become more so. The property within the concerned area is generally available for expansion and development into residential and commercial zones along the lines indicated in the aforementioned paragraph. The concerned area can reasonably be expected to participate in the urban and suburban growth of the metropolitan area of the City of Shakopee. The orderly growth and development of the City of Shakopee and the area concerned would be enhanced by the annexation of the area to the City of Shakopee.

11. The township form of government now existing in Jackson and Eagle Creek Townships is inadequate to cope with the problems of urban and suburban growth, expansion and development and certain parts of Louisville Township are in need of municipal government. The Townships of Jackson and Louisville have minimal zoning ordinances; the Township of Eagle Creek has a comprehensive zoning ordinance. Jackson and Eagle Creek each have an ordinance regulating platting and laying out of township roads but none of the townships have a major street plan or land subdivision regulation. All plats in each of the townships are controlled by land subdivision ordinance of Scott County. For the most part the area is zoned residential or residential-agricultural.

None of the said townships have a public water system, a public sewer system or a public drainage system, except that the Owens-Illinois Company has a secondary treatment plant which empties into a creek and ultimately into the Minnesota River. The streets and roads for the most part are gravel in the portions of the area which have developed residentially. Sewage disposal is by privately owned and maintained septic tanks; water supply is by private wells which do not meet the accepted health standards. Storm and service water drainage is inadequate. All drainage in and from the area finds its

way ultimately into the Minnesota River. It is to be anticipated that these conditions will become worse in the future. Municipal government is required for the protection of public health within and near the area sought to be annexed.

12. The area sought to be annexed is presently served by the Shakopee Volunteer Fire Department from the City of Shakopee. For police protection and law enforcement the concerned area relies on such service as the Sheriff of Scott County can provide. Public safety and general welfare would be enhanced by the annexation of the area to the City of Shakopee.

13. There is a need for municipal government in a portion of the area sought to be annexed in order that the public health, safety and general welfare be improved and provided through services in the fields of sewer, water, drainage, streets, fire protection, police protection, plat control, land development, zoning, planning and construction. The City of Shakopee can feasibly and practically provide for and best serve the need for such governmental services presently, and as will become necessary in the future.

14. Annexation of a portion of the land described in Paragraph 3 is in the best interests of both the City of Shakopee and said described land.

#### CONCLUSIONS OF LAW

1. The Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

2. The area described in paragraph 3 of the Findings of Fact herein is contiguous to and adjoins the present City limits of the Petitioner, the City of Shakopee, and is now or is about to become urban or suburban in character.

3. A part of the area described in paragraph 3 of the Findings of Fact herein is so conditioned and so located as to be properly subjected to the municipal government of the City of Shakopee, namely:

Township of Eagle Creek, T115R22 sections  
1 through 24 and 28 through 32 and all of

the Township of Eagle Creek, T116R22,  
lying south of the Minnesota River in  
sections 33 through 36; and

All of the Township of Jackson, T115R23;  
and

Township of Louisville, T115R23, sections  
9, 16 and 17 lying southerly and easterly  
of the Minnesota River, and that part of  
section 25 lying east of the center line  
of County Road 79.

4. The annexation of the territory described in paragraph 3 above by and to the City of Shakopee would be to the best interests of the City of Shakopee and of said territory.

5. That municipal government of the territory described in paragraph 3 above is required to protect the public health, safety and welfare in reference to plat control and land development and construction, which can be reasonably expected to occur within a reasonable time hereafter in said territory.

6. There is an existing and reasonably anticipated need of governmental services such as, but not limited to, water system, sewage disposal, drainage, streets, police protection, law enforcement and fire protection.

7. The township form of government is not adequate to cope with the problems of urban or suburban growth in the territory described in paragraph 3 above.

8. The City of Shakopee can feasibly and practically provide for and best service the need for governmental services presently and as they become necessary in the territory described in paragraph 3 above.

9. An election should be ordered on the proposition of annexation pursuant to Minnesota Statutes, Section 414.03, subdivision 5.

ORDER APPROVING ANNEXATION

Upon the foregoing Findings of Fact and Conclusions of Law, and upon all testimony taken and exhibits recorded, and upon all of the findings and records, the commission, being fully advised in the premises, pursuant to Minnesota Statutes, Chapter 414:

IT IS ORDERED: That the area of annexation is decreased so as to include only that property which is now, or is about to become suburban in character, namely

Township of Eagle Creek, T115R22 sections 1 through 24 and 28 through 32 and all of the Township of Eagle Creek, T116R22, lying south of the Minnesota River in sections 33 through 36; and

All of the Township of Jackson, T115R23; and

Township of Louisville, T115R23, sections 9, 16 and 17 lying southerly and easterly of the Minnesota River, and that part of section 25 lying east of the center line of County Road 79.

IT IS FURTHER ORDERED: That the annexation of the area as decreased by the Commission's Order is approved.

IT IS FURTHER ORDERED: That an election be held in the area approved by this order to be annexed pursuant to Minnesota Statutes, Section 414.03, Subdivision 5, on the question of whether or not such unincorporated territory should be annexed and become a part of the City of Shakopee, Scott County, Minnesota.

IT IS FURTHER ORDERED: That such election shall be held on the 25th day of February, 1969 at the following polling places within the area approved to be annexed, to wit:

Eagle Creek Township - Eagle Creek Town Hall

Jackson Township - Jackson Town Hall

Louisville Township - Residence of James Theis, Clerk

and that said polls shall be open at said polling places from 7:00 a.m. until 8:00 p.m. on such date.

IT IS FURTHER ORDERED: That the election to be held in the approved area shall be conducted so far as practicable in accordance



with the laws regulating the election of township officers, and that the following electors, residing in the area hereby approved to be annexed, shall act as judges of election as follows:

Louisville Township - Ervin Theis, Al Theis, Elmer Lenzmeier

Jackson Township - Frank Hennen, Math Schmitt, Bert Traxler

Eagle Creek Township - Elmer Marschall, Clayton Kjier, Cleve Mickley

Only the voters residing in the territories described in the legal description shall be entitled to vote. The ballot will bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the voter shall make a cross to express his choice. The ballots and election supplies shall be provided by the Petitioner.

IT IS FURTHER ORDERED: That the Petitioner cause a copy of this order approving its petition for annexation and a notice of election to be posted not less than twenty (20) days before the 25th day of February, 1969 in nine public places, three in each township, all in the area proposed for annexation and cause a notice of election to be published in the Shakopee Valley News, Shakopee, Minnesota, a medium of official and legal publication of general circulation in the area proposed for annexation, two weeks before the 25th day of February, 1969.

The effective date of this Order is

December 24, 1968

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota 55101

*Bruce Rasmussen*

Bruce Rasmussen  
Secretary

*file*

*11/15/50*

BEFORE THE MUNICIPAL COMMISSION OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION AND  
RESOLUTION FOR THE CONSOLIDATION OF  
THE TOWNSHIP OF GLENDALE WITH THE  
VILLAGE OF SAVAGE, SCOTT COUNTY,  
MINNESOTA.

*I-24m*

IN THE MATTER OF THE PETITION OF THE  
CITY OF SHAKOPEE, SCOTT COUNTY,  
MINNESOTA TO ANNEX CERTAIN ADJOINING,  
UNINCORPORATED TERRITORY.

*A-1250*

IN THE MATTER OF THE PETITION OF THE  
VILLAGE OF PRIOR LAKE, SCOTT COUNTY,  
MINNESOTA TO ANNEX CERTAIN ADJOINING,  
UNINCORPORATED TERRITORY.

*A-1259*

IN THE MATTER OF THE PETITION AND  
RESOLUTION FOR THE CONSOLIDATION OF  
THE TOWNSHIP OF EAGLE CREEK WITH THE  
VILLAGE OF PRIOR LAKE, SCOTT COUNTY,  
MINNESOTA.

*I-29m*

MEMORANDUM

This memorandum accompanies Municipal Commission rulings on four municipality boundary change petitions involving eight units of local government in the northern Scott County region. The Commission requested the Metropolitan Council staff to prepare professional expert testimony to provide a regional point of view. The Council staff offered two alternate proposals. In addition, one of the parties presented by testimony of its expert witness a proposal for creation of a new municipality different from the others under consideration. Thus the Commission was presented with seven different plans involving eight units of government in one general geographic area.

The Commission has deliberated on all of these alternatives in arriving at what we believe to be the optimum local governmental structure possible at this time. We are implementing this structure by approving the Savage-Glendale consolidation, the Shakopee annexation, and the Prior Lake Village annexation and with the exercise of our discretion in changing the boundaries.

All of this activity on the part of the local governments is

the result of an awareness on the part of local officials and residents that northern Scott County is becoming urbanized and that developments in the near future will increase the rate of urbanization. Highlighting these developments are improved highways to the central cities area and sewerage of the region which may be provided by various alternatives.

In applying the law to the specific fact situation the Commission is bound to give effect to the legislative intent. One facet of this intent, especially significant in the instant proceedings, is that the effect of Commission approval of a certain boundary change on other adjacent units of government should be considered. This intent runs throughout the act.

The Commission has decided that three municipalities based on the existing municipalities of Savage, Shakopee and Prior Lake would best serve the area. A description of these municipalities and their salient features follows.

#### Savage-Glendale I-24M

The Commission had properly before it a proceeding to consolidate the Village of Savage and the Township of Glendale. The record shows that Glendale is in the process of becoming urbanized. Residential development is spotted throughout the township with industrial and commercial development in the northern part. The proposed connection of Hennepin County Highway 18 with Trunk Highway 13 via a new Minnesota River bridge will give impetus to this development. Savage is nearly fully developed and needs room to accommodate expansion. The township and village are tied together by thoroughfares in both the north-south and east-west directions. Savage serves as the

commercial and cultural center of much of the Glendale area. The new municipality will have a diversified land use mix which will provide an adequate tax base from which to expand the urban services of Savage as required.

The great preponderance of the evidence shows, however, that two sections of Glendale, which adjoin Prior Lake, namely Sections 30 and 31, are developing as suburban to Prior Lake Village and should be part of an expanded lake municipality. The interconnected lakes, Prior Lake and Spring Lake, should serve as the focus of the expanded lake community. Placing these lakes and the surrounding land within one municipality will allow unified control over land development and lake use, development of a rational road system around the lakes, and will increase the likelihood of effective pollution abatement and control. This expanded lake community is created by our approval of the Prior Lake annexation described in this memorandum.

Shakopee A-1250

The City of Shakopee properly presented the Commission with a petition for the annexation of Jackson, Eagle Creek and Louisville Townships. Subsequent motions to amend the petition to reduce the area proposed for annexation were received. The annexation is approved subject to a reduction in area, at the commission's instance, which closely approximates that petitioned for.

Louisville Township is basically rural in character and urbanization is not presently anticipated for most of it. It

is not included in this annexation with the following exceptions. The area in section 25 east of County Highway 79 has been included so that O'Dowd Lake will be within one jurisdiction instead of two as is the case now. This will provide for orderly development of the land around the lake, which development has already begun, and uniform control over the use of the lake. Thole Lake and Schneider Lake are completely within Louisville Township, and, should development begin, the township should be able to exercise sufficient regulation to control this development, until possible future annexation is effected. In addition, sections 9, 16 and 17 in the northwest corner of Louisville Township are included within the annexed area. They are in close proximity to Shakopee, and urbanization has already commenced. Inclusion of this area will allow for uniform development control along Highway 41.

The proposed annexation also includes all of Jackson Township and all of Eagle Creek Township with the exception of Sections 25 through 27 located in the southern part of the township.

The area proposed for annexation is now becoming urbanized as the result of expansion southward and eastward from Shakopee. Proposed Trunk Highway 169 and its new Minnesota River bridge will give impetus to this urbanization and create a corridor of development.

The southern boundary of the proposed annexation approximates the school district boundary and watershed.

Shakopee is nearly fully developed and needs room for expansion. It is the cultural and commercial center of much

of the area proposed for annexation. It is providing extensive municipal services to its residents and is willing and able to provide these services to the area proposed for annexation including the Valley Industrial Park. Availability of these services should attract industry to the northern part of the area. Expanded Shakopee will have diversified land use with major commercial and industrial development to the north, and residential development throughout the remainder of the area.

#### Prior Lake A-1259

The Village of Prior Lake properly presented the Commission with a petition to annex certain parts of Eagle Creek, Glendale, Credit River and Spring Lake Townships. Subsequently motions to eliminate all of the area in Credit River Township and Section 32 in Glendale Township were received. The Commission approves of this annexation subject to a reduction in area by elimination of all land in Credit River and Section 32 of Glendale.

The record indicates the importance of placing the interconnected lakes of Prior Lake and Spring Lake within one local governmental jurisdiction rather than four as is now the case. This would allow unified control over land development around the lakes, allow development of a rational road system around the lakes, increase the likelihood of effective pollution control and abatement, and provide for uniform use of the lake. The lake level is partly regulated by water from a well in the Glendale Township area, and this should be under the control of the new municipality.

The new municipality would contain some commercial development in old Prior Lake Village but would consist primarily of

lake oriented residential development. The nature of a significant part of the urban development is high cost single family dwellings and would appear to provide the tax base necessary to expand Prior Lake's urban services as needed in the surrounding area.

Future consideration should be given to the possibility of consolidation of the expanded Prior Lake Village with one of the river municipalities. This would provide the river municipality with an attractive lake recreational area and Prior Lake Village with an industrial-commercial tax base.

#### Prior Lake-Eagle Creek I-29M

The decisions made have rendered the proposed consolidation of the Village of Prior Lake and the Township of Eagle Creek moot. Accordingly, the consolidation has been denied.

By these rulings the Commission has given the residents three viable units of government capable of solving the existing problems of the area.