

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Thomas L. Olson	Ex-Officio Member
E. F. Robb, Jr.	Ex-Officio Member

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IN THE MATTER OF THE PETITION TO	)	
CONSOLIDATE THE VILLAGE OF DEEPHAVEN	)	FINDINGS OF FACT
WITH THE VILLAGE OF GREENWOOD TO	)	CONCLUSIONS OF LAW
FORM A SINGLE MUNICIPALITY	)	ORDER

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Resolutions of the Villages of Deephaven and Greenwood, Hennepin County, Minnesota requesting consolidation into a single new municipality were duly filed with the secretary of the Minnesota Municipal Commission on the 26th day of September, 1969. The Commission set the matter for hearing on the 24th day of November, 1969, at the Deephaven Village Hall in the Village of Deephaven, Minnesota. The Commission caused notice of the time and place of said hearing to be given pursuant to law.

The hearing was convened at the time and place fixed in said notice. Commissioners Johnson and Ford and Ex-Officio Members, Robb and Olson were present.

The Villages of Deephaven and Greenwood appeared by and through James N. Grathwol, Esq., Grathwol, Ploetz and Oberhauser, 444 Second Street, Excelsior, Minnesota. There were no other appearances. All persons desiring to be heard were heard.

Evidence was then and there offered and received in support and in opposition to the proposed consolidation, and on such other matters as were properly before the Commission.

After due and careful consideration of all the evidence so received, together with all records, files and proceedings had and taken herein, and being duly advised in the premises, the Minnesota Municipal Commission now makes and files the following as and for its Findings of Fact, Conclusions of Law, and Order.

### FINDINGS OF FACT

1. That on September 26, 1969, the Minnesota Municipal Commission received duly enacted resolutions of the Village of Deephaven and the Village of Greenwood. That subsequent to that date certain amendments to said resolution were received. That said resolutions, as amended, fulfilled the statutory requirements for initiation of a proceeding to consolidate two municipalities.

2. That upon receipt of the above described resolutions the Secretary of the Minnesota Municipal Commission designated a time and a place for a public hearing on the proposition therein stated. That the Secretary caused proper notice of said hearing to be published and mailed. That a hearing was held until all parties and interested persons were heard before a quorum of the Minnesota Municipal Commission.

3. That the Village of Deephaven and the Village of Greenwood abut, and that the degree of contiguity is sufficient to allow for the provision of efficient and economical municipal services by the consolidated village herein requested.

4. That the population and projected population of the two villages are as follows:

	<u>Deephaven</u>	<u>Greenwood</u>
1960	3286	510
1969	3593	598
1985	6350	1375

5. That the area of the Village of Deephaven is 1472 acres. That the area of the Village of Greenwood is 215 acres.

6. The bonded indebtedness of the villages is:

	<u>Deephaven</u>	<u>Greenwood</u>
Storm Sewer Improvement	\$32,000.00 *	
S.S.S.D. Sewer	14,428,000.00 **	
Sewer	40,000.00	\$81,000.00

\* Special Assessment

\*\* To be assumed by the Metropolitan Sewer Board in 1970

7. The assessed valuation of the two villages is:

Deephaven	\$3,587,700
Greenwood	684,272

real and personal property as of January 2, 1969.

8. Both villages are presently primarily residential in character with only limited commercially zoned areas located within their boundaries. Greenwood was incorporated in 1955, Deephaven was incorporated July 7, 1900. Both villages have private water systems (individual wells), and private sanitary sewer systems, with the exception of a few homes in Greenwood which are connected to the Excelsior Sewer System under and pursuant to a contract between the Village of Greenwood and the Village of Excelsior. The Municipal Sanitary Sewer System, which has been planned and designed for the Petitioners herein, is coordinated and interlocking. Fire protection is furnished by the Volunteer Fire Department of Excelsior, Garbage and rubbish service in the Village of Deephaven is provided residents by the village which lets bids to an independent contractor for hauling and disposal. Residents of Greenwood contract privately for garbage and rubbish removal. Police service in Deephaven is provided by a three man department. Greenwood has contract with the Village of Shorewood for police protection.

9. The two Petitioners are presently cooperating together and with others as follows:

- a. In a joint Village Assessor,
- b. In supporting a cooperative Hennepin County Library Building,
- c. In similar Zoning Ordinances and uniform Harbor Ordinances for control and use of Minnetonka waters,
- d. In a uniform Traffic Ordinance,
- e. In other uniform Ordinances, such as Subdivisions of Lands.

10. The two villages have a history of cooperation with each other and surrounding communities.

11. The Village of Deephaven voted dry in a local option election November 4, 1958; the Village of Greenwood has never held a local option election but has issued an On-Sale liquor license to the Old Log Theater.

12. The terrain of the two villages is similar consisting of rolling hills in the Minnehaha Creek and Purgatory Creek Watersheds, with generally light soils. Both Villages have Lake Minnetonka shoreline.

13. The proposed consolidation will not have an undue adverse effect on adjacent communities or Independent School District 276, Minnetonka.

14. The proposed consolidation will effect a saving in governmental costs.

#### CONCLUSIONS OF LAW

1. That a proceeding before the Minnesota Municipal Commission for the consolidation of the Village of Deephaven with the Village of Greenwood was properly initiated, and pursuant to such initiation a hearing was properly held.

2. That all of the requirements of Minnesota Statutes 1967, Chapter 414 as amended by Laws of Minnesota 1969, Chapter 1146, having been met, the Municipal Commission had jurisdiction over the proposed consolidation. That the specific law under which governs the conduct of the proceeding herein is Laws of Minnesota 1969, Chapter 1146, Section 13.

3. That consolidation of the Villages of Deephaven and Greenwood will be in their best interest. That said consolidation will not have an undue adverse effect on other adjacent municipalities.

4. That the Minnesota Municipal Commission should establish

in accordance with the Findings of Fact herein the population of the new Village of Deephaven for all purposes. That the most populous of the two consolidating villages is the Village of Deephaven.

5. The order of the Minnesota Municipal Commission should provide for approval and adoption of the order herein by resolution of the councils of the Villages of Deephaven and Greenwood, and pursuant to such approval and adoption, for an election on the question in each village; and for the election of new officers.

6. That the property within the former boundaries of the Village of Deephaven will continue to be taxed to retire the bonded indebtedness of said village; that the property within the former boundaries of the Village of Greenwood will continue to be taxed to retire the bonded indebtedness of said village.

7. The new Village of Deephaven herein created shall be a village and the plan of government shall be Optional Plan A, provided that an alternate plan may be adopted pursuant to Minnesota Statutes, 412.551 at any time.

8. The ordinances of each village shall continue in effect within the former boundaries of the villages until repealed by the governing body of the new village.

9. The number of license privileges existing pursuant to State law in the two included villages before the consolidation shall not be diminished as a result of the consolidation.

10. Let an Order for such consolidation be entered and filed accordingly.

O R D E R

IT IS HEREBY ORDERED: That the Village of Deephaven and the Village of Greenwood shall be consolidated to form a single new village.

IT IS FURTHER ORDERED: That the name of the new village herein created shall be Deephaven.

IT IS FURTHER ORDERED: That the plan of government of the new Village of Deephaven herein created shall be Optional Plan A, provided that an alternate plan may be adopted at any time pursuant to Minnesota Statutes, 412.551.

IT IS FURTHER ORDERED: That the ordinances of each consolidating village shall continue in effect within the former boundaries of said village, until repealed by the governing body of the new Village of Deephaven.

IT IS FURTHER ORDERED: That the population for all purposes of the new Village of Deephaven herein created shall be 4191 persons until the 1970 federal census.

IT IS FURTHER ORDERED: That the property within the former boundaries of the Village of Deephaven be taxed to retire the bonded indebtedness of said village; that the property within the former boundaries of the Village of Greenwood be taxed to retire the bonded indebtedness of said village.

IT IS FURTHER ORDERED: That the Secretary cause copies of this order to be transmitted to the Village Councils of the Villages of Deephaven and Greenwood for their approval and adoption; that upon receipt of such approval and adoption the Secretary shall issue a supplemental order setting an election in each village on the question of approval of the order herein; that if a majority of

the qualified voters of each village vote approval of the order herein the secretary shall issue a further supplemented order for the election of new village officers.

Dated this 15 day of May 1970

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



Bruce Rasmussen  
Secretary

M E M O R A N D U M

The proceeding herein was commenced under Laws of Minnesota 1969, Chap. 1146, Sec. 13 (to be codified as M.S.414.041) which provides for the consolidation of two or more municipalities. The Commission is gratified by the awareness of local officials which led to this proceeding. We compliment them for their forthright response to the challenges being imposed on local government in our metropolitan setting.

The policy to be followed by the commission is found in section 1 of the recently amended Municipal Commission Law.

"The legislature finds that: (1) sound urban development is essential to the continued economic growth of this state; (2) municipal government is necessary to provide the governmental services essential to sound urban development and for the protection of health, safety, and welfare in areas being used intensively for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development; (3) The public interest requires that municipalities be formed when there exists or will likely exist the necessary resources to provide for their economical and efficient operation; (4) annexation to or consolidation with existing municipalities or unincorporated areas unable to supply municipal services should be facilitated; and, (5) the consolidation of municipalities should be encouraged. It is the purpose of this chapter to empower the Minnesota Municipal Commission to promote and regulate development of municipalities so that the public interest in efficient local government will be properly recognized and served."

Regulation of the development of municipalities is a particularly difficult problem. There are 301 units of local government in the metropolitan area, 135 of which are municipalities. They vary in population from less than 100 to more than 450 thousand, and in area from about 50 acres to 38 thousand acres. These figures indicate some of the disparities which make it difficult for needed municipal services to be provided with reasonable uniformity. Further, cooperation among such a disparate group is difficult to obtain. These are two of the factors which led the legislature to conclude that the consolidation of municipalities

should be encouraged.

Another consideration of the legislature was that a municipality must be of sufficient size to efficiently provide municipal services and effectively relate to other units of government as well as being responsible, responsive and politically acceptable to the community it serves. With size comes economies of scale, professional staffing and the political leverage needed to effectively put forth the local view to the higher units of government which are making decisions vital to local residents. A small municipality may be just a hollow shell incapable of providing needed services, and by its very incapacity contributing to the movement of functions to higher levels of government. On the other hand, local government is designed to provide local services which may be endangered by a size too large for these functions.

We believe the consolidation of the Villages of Deephaven and Greenwood will not diminish the capacity of government to respond to local needs and will increase opportunities for regional and metropolitan cooperation.

BY THE PERMANENT MEMBERS OF THE MUNICIPAL COMMISSION

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Thomas L. Olson	Ex-Officio Member
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IN THE MATTER OF THE PETITION TO	}	SUPPLEMENTAL ORDER FOR ELECTION
CONSOLIDATE THE VILLAGE OF DEEPHAVEN		
WITH THE VILLAGE OF GREENWOOD TO		
FORM A SINGLE MUNICIPALITY		

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Resolutions of the Villages of Greenwood and Deephaven approving the Order of the Minnesota Municipal Commission of May 15, 1970 were received on the 26th and 27th day of May, 1970 respectively. Pursuant to the receipt of said resolutions and in accordance with the provisions of said Order, the Minnesota Municipal Commission issues its:

S U P P L E M E N T A L O R D E R

I. A special election shall be held on the question of the consolidation of the Villages of Greenwood and Deephaven.

II. The date of the special election shall be August 4, 1970.

III. The Village Councils shall conduct the special election in accordance with law.

IV. The ballot shall contain the words:

Shall the consolidation of the Villages  
of Greenwood and Deephaven be approved?

\_\_\_\_ Yes                      \_\_\_\_ No.

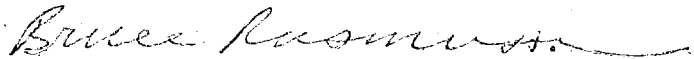
V. The election judges shall verify and transmit certificates to the Secretary of the Municipal Commission declaring the time and place of the election, that they have canvassed the ballots cast, and the number of "yes" and "no" votes cast.

VI. If a majority of the votes are in favor of the consolidation,

the Secretary shall issue a further Supplemental Order for the election of new Village Officers.

Dated this 15th day of June, 1970

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

A handwritten signature in cursive script, reading "Bruce Rasmussen", with a long horizontal flourish extending to the right.

Bruce Rasmussen  
Secretary