

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Randy Johnson	Ex-Officio Member
Sam Sivanich	Ex-Officio Member

IN THE MATTER OF THE MOTION TO INITIATE)
CONSOLIDATION PROCEEDINGS FOR THE CITIES)
OF GREENWOOD AND DEEPHAVEN PURSUANT TO)
MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 14, 1984, at Deephaven, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman, Richard A. Sand, Commissioner, and County Commissioners Randy Johnson and Sam Sivanich, Ex-Officio Members of the Board. Brad Van Nest, Chairman of the Consolidation Commission, represented the Consolidation Commission and submitted their report. Testimony was heard and records and exhibits were received. All persons desiring to be heard were heard.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On May 6, 1983, the Municipal Board received a request from the Mayors of the Cities of Deephaven and Greenwood for the Municipal Board to

Initiate proceedings to consolidate the two cities on its own motion.

2. On June 8, 1983, the Municipal Board initiated consolidation proceedings for the Cities of Greenwood and Deephaven pursuant to M.S. 414.041.

3. On October 14, 1983, a Consolidation Commission of five members from each city and a Chair who is not a resident of the affected cities but of Hennepin County, were appointed by the Municipal Board, pursuant to M.S. 414.041, Subdivision 2.

4. On September 20, 1984, the Municipal Board received the report of the Consolidation Commission stating it had studied the proposed consolidation, conducted hearings, considered the statutory factors, and based thereon, recommended consolidation of the Cities of Deephaven and Greenwood.

5. Upon receipt of the Consolidation Commission Report, a hearing was scheduled for November 14, 1984. Due, timely and adequate legal notice of the hearing was published, served, and filed.

6. The City of Greenwood had a population of 587 in 1970, 653 in 1980, and its current population is 660. It is projected that in 10 years the City of Greenwood will have a population of 600, and by the year 2000 its population will be 600.

The City of Deephaven had a population of 3,853 in 1970, 3,716 in 1980, and its current population is 3,680. It is projected that in 10 years the City of Deephaven will have a population of 4,200, and by the year 2000 its population will be 4,300.

7. The Cities of Greenwood and Deephaven have similar terrain with rolling hills and generally light soil. Lake Minnetonka is adjacent to both cities. Both communities are in the Minnehaha Creek Watershed District. A portion of Deephaven is in the Riley-Purgatory Creek Watershed District.

8. The boundaries of the municipalities have a small degree of contiguity.

9. The City of Deephaven has approximately 1,520 acres in residential use, approximately 19 acres in commercial use, approximately 75 acres in parks, approximately 22 acres in institutional use, and approximately 17 acres of undeveloped land.

10. The City of Greenwood has approximately 160 acres in residential use, approximately 10 acres in commercial use, approximately 2.5 acres in parks, and approximately 22 acres of undeveloped land.

11. In 1983, the City of Deephaven issued 5 building permits for new buildings and 13 building permits for remodeling.

12. In 1983, the City of Greenwood issued 1 building permit for a new building and 8 building permits for remodeling.

13. The City of Greenwood has 5.1 miles of roads and the City of Deephaven has 27.7 miles of roads. Both cities are served by Trunk Highway 7, an intermediate arterial which is not planned for major improvements before 1990.

14. There are no existing or potential environmental problems.

15. The proposed consolidation is consistent with local and regional comprehensive plans.

16. The City of Deephaven has a zoning ordinance, subdivision regulations, a capital improvements program and budget, fire code, Minnesota Building Code, Minnesota Plumbing Code, a shoreland ordinance, an on-site sewage treatment ordinance, human services program, and a comprehensive plan approved on November 19, 1981.

17. The City of Greenwood has a zoning ordinance, subdivision regulations,

budget, fire code, Minnesota Building Code, Minnesota Plumbing Code, a shoreland ordinance, an on-site sewage treatment ordinance, and a comprehensive plan approved on January 7, 1982.

18. The City of Greenwood presently provides its residents with sanitary sewer, fire protection through the City of Excelsior, police protection through a contract with South Lake Minnetonka Public Safety, street improvements and maintenance through the City of Deephaven, administrative services through the City of Deephaven, recreational opportunities through the Minnetonka Community Schools program, health inspection and library services through Hennepin County.

19. The City of Deephaven provides its residents with sanitary sewer, solid waste collection and disposal through a contract with a private carrier, fire protection through the City of Excelsior, police protection, street improvements and maintenance, administrative services, recreational opportunities through the Minnetonka Community Schools program, health inspection and library services through Hennepin County.

20. The consolidation report showed that existing facilities can handle the needs of both communities, including police.

21. The assessed valuation of the City of Deephaven in 1984 is \$41,673,088.

22. The assessed valuation of the City of Greenwood in 1984 is \$8,260,183.

23. The City of Greenwood has a 1984 mill rate of 17.543.

24. The City of Deephaven has a 1984 mill rate of 16.625.

25. The County of Hennepin has a 1984 mill rate of 29.689.

26. In 1983, the amount levied for debt service (tax purposes) was \$77,660 for the City of Deephaven and \$4,920 for the City of Greenwood.

27. The school district which serves the area proposed for consolidation has a mill rate of 57.240. The mill rates for the Vo Tech (1.446), Special Taxing Districts (5.318), and Water Shed (.281) are the same for each city.

28. There would be no impact on the school district if the cities are consolidated.

29. The Consolidation Commission recommended the consolidated city be a statutory Optional Plan A and that no ward system be established.

30. The cities have a history of cooperation with each other and presently have the following functions common to both cities:

School District	Watershed District
City Administration	Fire Protection
Road Maintenance	Snow Plowing
Building Inspection	Sewer Maintenance
Diseased Tree Inspection	Assessing
City Engineer	Community Services
Lake Minnetonka Conservation District	
Lake Minnetonka Cable Communications Board	

The two cities also participate with Excelsior and Tonka Bay in a cooperative housing program to increase the supply of low- and moderate-income housing to the area.

31. The consolidation report showed a savings would result in governmental costs if the cities consolidated.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction over said proceeding.

2. Consolidation is in the best interests of the City of Greenwood and

the City of Deephaven.

3. The Minnesota Municipal Board should accept the report of the Consolidation Commission, issue an order approving the consolidation, request the city councils of the Cities of Deephaven and Greenwood to adopt said order, and establish a date for an election thereon.

O R D E R

1. IT IS HEREBY ORDERED: That the Minnesota Municipal Board hereby accepts the report of the Consolidation Commission.

2. IT IS FURTHER ORDERED: That the City of Greenwood and the City of Deephaven, situated in the County of Hennepin, Minnesota, be and the same hereby are consolidated to form a single city.

3. IT IS FURTHER ORDERED: That the name of the consolidated city shall be the City of Deephaven.

4. IT IS FURTHER ORDERED: That the plan of government of the new City of Deephaven shall be Optional Plan A. The City of Greenwood shall be established as a separate precinct in addition to the existing precincts in the City of Deephaven. The consolidated city shall be governed by four council persons and one mayor, all elected at large.

5. IT IS FURTHER ORDERED: That the ordinances of each city shall continue in effect within the former boundaries until repealed by the governing body of the new City of Deephaven.

6. IT IS FURTHER ORDERED: That the population of the new City of Deephaven is 4,340 persons.

7. IT IS FURTHER ORDERED: That the Director of the Minnesota Municipal Board shall cause copies of this Order to be transmitted to the city councils of the Cities of Greenwood and Deephaven for their approval and adoption; that

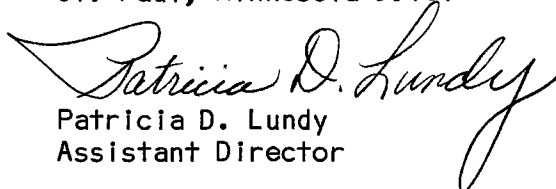
upon receipt of such approval and adoption, the Director shall issue a Supplemental Order setting an election in each city on the question of approval of the board's Order consolidating the two cities; that if a majority of the qualified voters of each city approve the consolidation order herein, the Executive Director shall cause a further Supplemental Order for the election of new city officers.

8. IT IS FURTHER ORDERED: That if the city councils of the City of Greenwood and the City of Deephaven fail to approve and adopt this order within 60 days from the date of this order, it shall be deemed disapproved by the city councils.

9. IT IS FURTHER ORDERED: That the effective date of this order is April 4, 1985.

Dated this 4th day of April, 1985.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Patricia D. Lundy
Assistant Director

M E M O R A N D U M

The Minnesota Municipal Board commends:

the city councils and mayors in taking the initiative to request this consolidation in the interest of economy, eliminating duplication of effort, and strengthening common community goals;

the appointed Consolidation Commission members from each city who freely gave of their time and talents to serve on the Consolidation Commission, attend numerous meetings and hearings, research data, and prepare the Consolidation Report to the Municipal Board;

Julie Weidner, clerk for both cities and other administrative staff who also attended meetings, hearings, and assumed the administrative work for the Consolidation Commission;

Brad Van Nest, Chairman of the Consolidation Commission, who did such an excellent job in chairing the commission, overseeing the report, and testifying before the board.

Without this kind of volunteer support, the consolidation efforts would not have been possible.

Both cities have long cooperated in many areas and this request, which stemmed from both cities, was studied over approximately a six-month period by representation from both cities. The Consolidation Commission was unanimous in their support and recommendation of the consolidation of the City of Deephaven and the City of Greenwood. The consolidation of these cities should increase planned, coordinated, and economic delivery of services to the community.

April 4, 1985
Joe

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
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Randy Johnson	Ex-Officio Member
Sam Sivanich	Ex-Officio Member

IN THE MATTER OF THE MOTION TO)
INITIATE CONSOLIDATION PROCEEDINGS)
FOR THE CITIES OF GREENWOOD AND)
DEEPHAVEN PURSUANT TO MINNESOTA)
STATUTES 414)

SUPPLEMENTAL ORDER FOR ELECTION
ON CONSOLIDATION

Resolutions of the Cities of Greenwood and Deephaven approving the Minnesota Municipal Board order dated April 4, 1985 were received on May 15, 1985 and April 21, 1985 respectively. Pursuant to receipt of said resolutions and in accordance with the provisions of said order, the Minnesota Municipal Board issues its:

SUPPLEMENTAL ORDER

1. IT IS HEREBY ORDERED: That a special election shall be held on the question of the consolidation of the City of Deephaven and the City of Greenwood.

2. IT IS FURTHER ORDERED: That the date of the election shall be September 10, 1985.

3. IT IS FURTHER ORDERED: That Juliene Weidner is hereby appointed as Chief Election Judge. The election shall be conducted in each city pursuant to laws governing special or general elections insofar as applicable.

4. IT IS FURTHER ORDERED: That the ballots shall contain the words:

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

☒ Yes ☐ No

5. IT IS FURTHER ORDERED: That the results of the referendum in each
city shall be certified to the Executive Director of the Municipal Board by
the Chief Election Judge within ten days after the referenda.

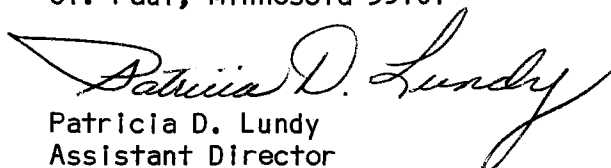
6. IT IS FURTHER ORDERED: That the Executive Director shall upon
receipt of the certificate, notify all parties of the election results.

7. IT IS FURTHER ORDERED: That if a majority of the votes cast in each
affected city are in favor of the consolidation, the Executive Director shall
issue a further supplemental order for the election of new municipal officers.

8. IT IS FURTHER ORDERED: That the effective date of this Supplemental
Order is July 1, 1985.

Dated this 1st day of July, 1985

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Patricia D. Lundy
Assistant Director

M E M O R A N D U M

Although M.S. 414.041 does not articulate some of the specifics for the referenda, the board assumes that pursuant to this Order the cities will conduct the referenda consistent with the laws governing special or general elections insofar as applicable.

Some of the specifics for the referenda the board anticipates the cities will carry out in their usual manner insofar as applicable include:

1. The usual polling place or places;
2. The usual election judges;
3. The usual hours that the polling places shall be open;
4. The preparation of the Notice of Election;
5. The posting and publication of the Notice of Election; and
6. The proper supervision of the election judges.

7-1-85
full



STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

M E M O R A N D U M

TO: Parties of Record and Interested Parties
FROM: Patricia D. Lundy, Assistant Director *PDL*
DATE: September 19, 1985
SUBJECT: C-20-mm Deephaven/Greenwood

This is to inform you that pursuant to Municipal Board Order dated April 4, 1985 and Supplemental Order for Election on Consolidation dated July 1, 1985, in the above-described matter, an election was duly held on the 10th day of September, 1985, in accordance with Minnesota Statutes 414.041.

The election results have been certified as follows and the above-described Greenwood/Deephaven consolidation is therefore not effective.

	<u>For Consolidation</u>	<u>Against Consolidation</u>
City of Deephaven (Precinct I)	160	87
(Precinct II)	<u>155</u>	<u>58</u>
	<u>315</u>	<u>145</u>
City of Greenwood	<u>68</u>	<u>240</u>

PDL:sg