

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
William Koniarski	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE PETITION AND)
RESOLUTION FOR THE CONSOLIDATION)
OF THE VILLAGE OF PRIOR LAKE AND)
THE TOWN OF EAGLE CREEK)

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above entitled matter, designated by the Commission as Docket C9-mt was initiated by a petition of more than 100 property owner residents of the Town of Eagle Creek and a resolution of the Village of Prior Lake. Said petition and resolution were received by the Commission on September 17, 1971. On September 27, 1971, the Commission received a communication advising of additional signers of the petition

The Scott County Board of Commissioners appointed Commissioners William Koniarski and Marvin Oldenburg as ex-officio members of the Minnesota Municipal Commission for the purposes of this proceeding.

The matter came on for hearing on October 28, 1971 and December 20, 1971 at the Prior Lake Village Hall. Appearances were entered by Mark Sullivan, Attorney for the Village of Prior Lake; Julius Collier, Attorney for the City of Shakopee and certain residents of the Town of Eagle Creek, Daniel John O'Connell, Attorney for the Town of Eagle Creek, and Russel H. Larson, Attorney for Walter Jobst and members of the Eagle Creek Association. Walter Jobst also appeared on his own behalf.

Evidence was taken and testimony heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. It was made to appear that a petition for the annexation of certain territory within the Town of Eagle Creek to the City of Shakopee

would be filed with the Commission in the near future, and that the Village of Prior Lake had, by resolution, approved of such annexation.

On January 5, 1972, the Commission received a petition for the annexation of certain property within the Town of Eagle Creek to the City of Shakopee, and a resolution of the City of Shakopee approving of the proposed annexation.

The Commission, having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all files, records, and proceedings herein, hereby makes and enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The petition of certain freeholders of Eagle Creek and the resolution of the Village of Prior Lake for the consolidation of the south half of Eagle Creek Township with the Village of Prior Lake to form a new Village of Prior Lake were filed pursuant to and in compliance with the Minnesota Statutes, Chapter 414, and said petition and resolution were, in all respects, proper in form, contents, execution and filing.

2. Notice of Hearing on the petition and resolution was duly given as required by statute. The Commission duly convened, by lawful quorum at the scheduled hearing and at all adjourned or continued hearings. All parties of record were present at and participated in the hearings and they and all parties desiring to be heard were so heard.

3. The area proposed by the petition and the resolution to be consolidated as the new Village of Prior Lake is the entire area of the existing Village of Prior Lake and the entire area of the Town of Eagle Creek, more particularly described as follows.

All that part of Township 115 N, Range 22 W lying south of the following described line:

Beginning at the point of intersection of the Westerly line of T115N, R22W and the East to West $1/4$ line of Section 19, T115N, R22W, thence running easterly through Sections 19, 20, and 21 to the east line of Section 21, thence northerly on said east line $1/4$ mile to the north line of Indian Reservation, thence in an easterly direction on said north line of said Reservation $1/2$ mile to the north and south quarter line, thence south $1/4$ mile to the east and west $1/4$ line, thence east $1/2$ mile to the east line of Section 22, thence north $1/4$ mile, more or less to the south line of N $1/2$ of the N $1/2$ of Sec. 23, T115N, R22W, thence east on said south line $1/2$ mile to the north and south $1/4$ line of Sec. 23, T115N, R22W, thence north $1/4$ mile to the north line of Sec. 23, T115N, R22W, thence easterly $1/2$ mile to the east line of said Sec. 23, T115N, R22W, thence south on said east line $1/2$ mile, more or less, to the south line of the north $1/2$, Sec. 23, thence continuing easterly on the east and west $1/4$ line of Sec. 24, to the east line of said section and there terminating.

4. The following described territory lying within the Town of Eagle Creek and the entire territory of the existing Village of Prior Lake are herein ordered to be the territory of a newly consolidated Village of Prior Lake.

That part of Eagle Creek Township lying Easterly and Southerly of the following described line: Beginning at the Southwest corner of the east $1/2$ of Section 32, Township 115 N, Range 22 W; thence north on the west line of the east $1/2$ to the north line of Section 32; thence east to the northeast corner of said Section 32; thence north on the east line of Sections 29 and 20 to the east and west $1/4$ line of Section 21; thence east on said $1/4$ line to the east line of Section 21; Thence northerly on said east line $1/4$ mile to the north line of Indian Reservation, thence in an easterly direction on said reservation $1/2$ mile to the north and south $1/4$ line; thence south $1/4$ mile to the east and west $1/4$ line; thence east $1/2$ mile to the east line of Section 22; thence north $1/4$ mile, more or less, to the south line of N $1/2$ of the N $1/2$ of Section 23, T115N, R22W; thence east on said south line $1/2$ mile to the north and south $1/4$ line of Section 23; thence north $1/4$ mile to the north line of Section 23; thence east on said north line $1/2$ mile to

the east line of said Section 23; thence south on said east line 1/2 mile more or less to the south line of the north 1/2 of Section 23; thence continuing Easterly on the east and west 1/4 line of Section 24, T115N, R22W to the east line of said Section and there terminating.

5. A petition for the annexation of the following described territory situated in the Town of Eagle Creek to the City of Shakopee, and a resolution of said city approving of said proposed annexation, were filed with the Commission on January 5, 1972.

All of Sections 29, 30 and 31, the south one-half of Sections 19 and 20, and the west one-half of Section 32, T115N, R22W.

6. The territory described in Finding #5 is presently provided fire protection by the City of Shakopee.

7. Scott County State Aid Highway 17 is a major thoroughfare which interconnects the territory described in Finding #5 with the City of Shakopee.

8. On October 26, 1971, the commission received a resolution of the Village of Prior Lake, dated October 11, 1971, which resolved among other things that "the Village of Prior Lake will request the Minnesota Municipal Commission to exclude said property from the consolidation proceedings." The term "said property" refers to the territory described in Finding #5.

9. The natural drainage of the territory described in Finding #5 is toward the City of Shakopee.

10. The territory described in Finding #5 is adjacent to the City of Shakopee.

11. All of the territory described in Finding #5 is situated within the Shakopee School District.

12. The residents of the territory described in Finding #5 and the residents of the City of Shakopee share a strong community of interest.

13. The area of the Town of Eagle Creek Township described in Finding #4 is approximately 6.5 square miles. The area of Prior Lake Village is approximately 1-1/2 square miles.

14. Most of the Village of Prior Lake is platted and developed. There is extensive platted residential development within the Town of Eagle Creek surrounding Prior Lake consisting of high valuation homes. The bulk of the population of the remaining portion of Eagle Creek Township is centered in the area surrounding Prior Lake.

15. Prior Lake and Eagle Creek contain land used and suitable for residential, industrial, commercial, institutional and recreational purposes.

16. The Metropolitan Sewer Board has jurisdiction over the entire area herein under consideration under Minnesota Statute Chapter 449, Metropolitan Sewer Act. A comprehensive plan must be prepared for the area in question and approved by the Metropolitan Sewer Board and Metropolitan Council before construction of sewer facilities can be begun. Preparation of such a plan has been made by the Village of Prior Lake for the Village of Prior Lake as well as the portion of the Town of Eagle Creek described in Finding #4.

17. The assessed valuation of Eagle Creek Township is approximately \$1,000,000.00. The assessed valuation of the Village of Prior Lake is \$645,000.00.

18. The mill rates for the Village of Prior Lake for the year 1970 was 80.4 and for the Township of Eagle Creek it was 15.95, and that the

estimated mill rate for the projected new Village of Prior Lake after consolidation is 41.7. The bonded indebtedness of the Village of Prior lake is \$968,000.00.

19. That the Village of Prior Lake and that area of the Town of Eagle Creek described in Finding #4 have exhibited steady and continual growth in population. That the Village of Prior Lake has also exhibited growth in industry, commerce, education and construction. Existing businesses and industry have expanded. The Village of Prior Lake has an attractive and large new shopping center located in said Village which has expanded rapidly in the past several years. The Village of Prior Lake has within its boundaries a parochial grade school and public primary, junior high and senior high schools, all of which are relatively new. The Village of Prior Lake has an indoor swimming pool located in the new senior high school as well as other recreational facilities, baseball parks, football fields, hockey rinks and other recreational areas.

20. The Village of Prior Lake is bounded on its north side, by Eagle Creek Township; on the east by the Village of Savage; on the south by Credit River Township; and on the west by Spring Lake Township. The Village of Prior Lake is presently served by railroad.

21. Testimony indicates that County Road #42, which lies parallel to the northerly line, but within the area of Eagle Creek proposed to be consolidated, is scheduled for upgrading as a major four-land division highway.

22. State Trunk Highway #13 is scheduled to be re-routed to pass west of the present Village of Prior Lake and intersect with County Road #42 at a point to the northwest of the present existing village, and it is

anticipated that this area and the area along County Road #42 will be a secondary focus of activity in the newly consolidated village and may in the future replace the existing village marketing area as the primary focus.

23. The proposed sanitary sewer interceptor will pass through the newly consolidated Village of Prior Lake in an area near County Road #21, running north and south to the Village of Prior Lake.

24. The anticipated commercial, residential and industrial development requires professional staff and administrative experience to provide the necessary municipal services and control. Such staff and experience are presently being provided by the Village of Prior Lake and can be expanded to meet the requirements of the new Village of Prior Lake as created herein.

25. There will be no change in the service provided by the school districts as the result of this consolidation, and the consolidation area follows generally, but not specifically, the school district boundary lines.

26. The Village of Prior Lake abuts the southern boundary line of Eagle Creek for the entire length of the northerly boundary line of said village.

27. The Lake of Prior Lake is bordered by both Eagle Creek, the Village of Savage, and the Township of Spring Lake. The land and surrounding land area should be kept within the minimum number of governmental jurisdictions to allow for unified land use and lake control.

28. The commercial and industrial developments that are projected to occur along County Road #42 will contribute to the ability and expansion of the Village of Prior Lake and provide the essential municipal services.

29. The residents of that portion of Eagle Creek described in Finding #4 have a strong community interest with the residents of the Village of Prior Lake.

30. The municipal services provided by the Village of Prior Lake could be economically expanded to meet the needs of the new community created herein. Consolidation will not adversely affect the adjacent villages and towns to provide their residents with adequate governmental services.

31. The new municipality created herein shall be named the Village of Prior Lake.

32. No part of the area of Eagle Creek herein ordered consolidated with the Village of Prior Lake would be better served by annexation to either the Village of Savage or the City of Shakopee.

33. Comprehensive development policies are required to control land surrounding the present Village of Prior Lake to assure the orderly and economical expansion of the municipality on its perimeter, consistent with existing residential, commercial and industrial patterns.

34. The new Village of Prior Lake will have the ability to properly provide municipal services such as water and sewer in a more economical, feasible manner than would the Town of Eagle Creek.

35. The Village of Prior Lake is presently providing fire service, through contract with the Town of Eagle Creek, for virtually the whole area being consolidated herein, and will readily be able to expand the police department to provide police service to this area.

36. The new Village of Prior Lake will have the fiscal administrative and political capacity to effectively represent its residents before higher units of government, such as the Metropolitan Council.

37. The 1972 population of the territory herein consolidated with the Village of Prior Lake is estimated to be 1,566. The 1972 population of the New Village of Prior Lake after this consolidation is estimated by the Metropolitan Council to be 2,840.

38. The 1972 population of the area described in Finding #5 is estimated to be 124.

CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction over the within consolidation proceeding.

2. The territory described in Finding #5 would better be served by annexation to the City of Shakopee, and the area proposed for consolidation should be decreased accordingly.

3. Consolidation of the remainder of the territory proposed for consolidation, more particularly described in Finding #4, and the Village of Prior Lake would be in the best interest of the said territory and village and the Commission should issue its order consolidating said area and said village.

4. The area subject to Conclusion #3 is now or is about to become urban or suburban in character.

5. The municipal form of government is better able to cope with the urban development which is occurring and will continue to occur in the area subject to Conclusion #3.

6. The consolidated municipality shall be known as the Village of Prior Lake and shall be governed by Village Plan "A" as set forth in Minnesota Statutes.

O R D E R

IT IS HEREBY ORDERED: That the area proposed for consolidation be decreased by removal of the following described property:

All of Sections 29, 30 and 31, the South one-half of Sections 19 and 20, and the west one-half of Section 32, T115N, R22W.

IT IS FURTHER ORDERED: That the following described property be consolidated with the property of the Village of Prior Lake to form a new Village of Prior Lake.

That part of Eagle Creek Township lying Easterly and Southerly of the following described line: Beginning at the Southwest corner of the east 1/2 of Section 32, T115N, R22W; thence north on the west line of the east 1/2 to the north line of Section 32; thence east to the northeast corner of said Section 32; thence north on the east line of Sections 29 and 20 to the east and west 1/4

line of Section 21; thence east on said $1/4$ line to the east line of Section 21; thence Northerly on said east line $1/4$ mile to the north line of Indian Reservation, thence in an easterly direction on said reservation $1/2$ mile to the north and south $1/4$ line; thence south $1/4$ mile to the east and west $1/4$ line; thence east $1/2$ mile to the east line of Section 22; thence north $1/4$ mile, more or less, to the south line of north $1/2$ of the north $1/2$ of Section 23, T115N, R22W; thence east on said south line $1/2$ mile to the north and south $1/4$ line of Section 23; thence north $1/4$ mile to the north line of Section 23; thence east on said north line $1/2$ mile to the east line of said Section 23; thence south on said east line $1/2$ mile more or less to the south line of the north $1/2$ of Section 23; thence continuing easterly on the east and west $1/4$ line of Section 24, T115N, R22W to the east line of said Section and there terminating.

IT IS FURTHER ORDERED: That pending determination of the Commission in proceeding A-2130, that the portion of the Town of Eagle Creek deleted from the area proposed for consolidation shall remain as the Town of Eagle Creek.

IT IS FURTHER ORDERED: That the ad valorem taxes due and payable in 1972 on the property situated within the territory described in Finding #4, except those taxes levied for the retirement of any bonded debt of the Town of Eagle Creek as it existed immediately prior to this order, shall be disposed of in the following manner. The county auditor shall determine the ratio of the assessed valuation of the property situated within the territory of the Town of Eagle Creek described in Finding #4 and the assessed valuation of the property situated within the territory described in Finding #3, and apply this ratio to the above described taxes. The resultant amount shall be forwarded to and be the property of the new Village of Prior Lake. The remainder of said taxes shall be forwarded to and be the property of the Town of Eagle Creek.

IT IS FURTHER ORDERED: That the property situated within the Town of Eagle Creek as it existed immediately prior to this order shall continue to be primarily liable for the retirement of any bonded debt of said town as it existed immediately prior to this order.

IT IS FURTHER ORDERED: That payment of the bonded debt of the Town of Eagle Creek as it existed immediately prior to this order shall be administered by the new Village of Prior Lake. That the county auditor shall forward all taxes collected for the retirement of said debt to said village, and that said village shall be responsible for forwarding such monies to the appropriate parties.

~~IT IS FURTHER ORDERED: That all other property and obligations of the Town of Eagle Creek shall remain the property and obligations of said town.~~

IT IS FURTHER ORDERED: That the \$48,411.81 remaining in the General Road and Bridge, Fire and Park Funds on June 19, 1972 shall be divided on the basis of the ratio of assessed valuation, which ratio shall be 90% to 10%. That the Town of Eagle Creek shall consequently be responsible for forwarding \$43,570.63 of these funds plus any interest accumulated thereon since June 19, 1972 to the Village of Prior Lake.

IT IS FURTHER ORDERED: That any 1972 per capita state government aids or rebates which have been received or are received on or after June 19, 1972, together with any interest accumulated thereon shall be divided on the basis of population ratio as determined in this order which ratio is 124 to 1,566. That if any of said aids were intended by the Department of Taxation to be based on population which has been consolidated with the City of Shakopee in Minnesota Municipal Commission proceeding #C2-mt, such aids and interest shall be divided between the three governments on the basis of the ratio of population as contained in both orders, which ratio is 124 to 1,566 to 904.

IT IS FURTHER ORDERED: That all special road funds, including particularly the Maple Park-Valley Industrial Park Road Fund, shall be transferred to and become the responsibility of the new Village of Prior Lake. The Village shall be responsible for the administration of these funds and the retirement of any bonds involved.

IT IS FURTHER ORDERED: That the settlement and adjustment of the assets and obligations as provided in this amended order shall be accomplished within fifteen days from the date hereof.

IT IS FURTHER ORDERED: That the plan of government for the new Village of Prior Lake shall be Village Plan "A".

IT IS FURTHER ORDERED: That the first election in the enlarged Village of Prior Lake shall be held between the hours of 10:00 a.m. and 8:00 p.m. on the 13th day of June, 1972 and that said election shall be conducted in conformity with the laws for conducting a village election so far as possible, and that the following polling place is hereby designated:

The Village Hall in the Village of Prior Lake.

That the acting clerk for said election shall be Al Hergot and that the following persons are appointed election judges for the first election of officers as follows:

Mrs. Nellie Lannon
Mrs. Willmar Mueller
Mrs. Clara Muelken
Mrs. Marlys Bludorn

~~IT IS FURTHER ORDERED: That the Secretary of the Commission shall establish a procedure for receiving evidence as to the population of the new Village of Prior Lake and that a supplemental order establishing population for all purposes be issued.~~

IT IS FURTHER ORDERED: That until the next state-wide or federal census is taken, the population of the Village of Prior Lake shall be 2,840 for all purposes.

IT IS FURTHER ORDERED: That the consolidation herein ordered shall be effective upon the election and qualifications of the new village officers.

IT IS FURTHER ORDERED: That the Secretary of the Commission shall cause the mailing and filing of this Amended Order to the proper parties as required by law.

Amended Order
Dated this 26 day of October, 1972

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

Howard L. Kaibel, Jr.

Howard L. Kaibel, Jr.
Executive Secretary